



11 May 2022

Committee Chair: Councillor S Flanagan  
Committee Vice-Chair: Alderman F Agnew  
Committee Members: Aldermen – P Brett, T Campbell and J Smyth  
Councillors – J Archibald-Brown, H Cushinan, R Lynch,  
M Magill, N Ramsay, R Swann and B Webb

Dear Member

**MEETING OF THE PLANNING COMMITTEE**

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 16 May 2022 at 6.00pm.**

You are requested to attend.

Yours sincerely

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

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

**For any queries please contact Member Services:**

Tel: 028 9034 0048 / 028 9448 1301 [memberservices@antrimandnewtownabbey.gov.uk](mailto:memberservices@antrimandnewtownabbey.gov.uk)

## **AGENDA FOR PLANNING COMMITTEE – MAY**

**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: LA03/2020/0880/RM

Development of 57 no. dwellings (27 detached, 22 semi-detached and 8 detached bungalows) with garages and associated landscaping and site works. New vehicular access to join approved Ballyclare Relief Road and pedestrian/cycle access to Doagh Road.

#### 3.2 Planning Application No: LA03/2021/0548/F

Residential development comprising 56 no. dwellings, garages, open space and landscaping, car parking, site access, wastewater treatment works and all other associated site works at lands west of HydePark Lane, south west of 23 HydePark Road and c.195m south east of 12A Grange Lane Mallusk.

#### 3.3 Planning Application: LA03/2020/0516/F

Proposed 6no glamping pods and welcome/communal building with associated site works, 130m NW of 14 Ballydunmaul Road, Randalstown.

#### 3.4 Planning Application No: LA03/2020/0744/F

Demolition of existing house, erection of 5 no. 2-storey detached houses with associated hard and soft landscaping, and new vehicular entrance to Ballycraigy Road, 4 Ballycraigy Road, Glengormley, Newtownabbey, BT36 5ZZ.

#### 3.5 Planning Application No: LA03/2021/0739/F

Demolition of existing shed on the site. Proposed residential development comprising of 10 x 2 storey semi-detached dwellings and 2 x 2 storey town houses, associated infrastructure, carparking and landscaping at site 10m East of 10 and 19 Glenabbey Drive 10m East of 20 and 23 Glenabbey Avenue 10m East of 26 and 53 Glenabbey Crescent Newtownabbey BT37 0YT.

- 3.6 Planning Application: LA03/2021/0304/O  
Proposed demolition of existing dwellings at no. 89-93 Belfast Road and erection of 8 No dwellings with associated site works at Land to the South of 85 Belfast Road Bruslee Ballyclare including no. 89-93 Belfast Road but excluding existing hall.
- 3.7 Planning Application No: LA03/2020/0551/O  
Site for detached dwelling and garage lands at 40 metres southeast of 96 Jordanstown Road, Jordanstown, Newtownabbey, BT37 0NU.
- 3.8 Planning Application LA03/2022/0053/0  
Site for a dwelling and garage and associated ancillary works (infill opportunity as per CTY8 of PPS21) at 50m south of 10a Ballyhill Lane, Nutts Corner, Crumlin.
- 3.9 Planning Application LA03/2022/0054/O  
Site for a dwelling and garage and associated ancillary works (infill opportunity as per CTY8 of PPS21) at 50m north of 14 Ballyhill Lane, Nutts Corner, Crumlin, BT29 4YP.
- 3.10 Planning Application No: LA03/2019/1049/O  
Proposed new dwelling on a farm at site 75m west of 19 Loup Road, Moneyglass.
- 3.11 Planning Application No: LA03/2022/0050/O  
Site for dwelling and domestic garage at lands 50m South West of 56 Roguery Road, Toomebridge, BT41 3TJ.
- 3.12 Planning Application No: LA03/2022/0068/O  
Site for dwelling on a farm and detached garage at lands 60m east of 147 Portglenone Road, Ballytresna, Randalstown, BT41 3EN.
- 3.13 Planning Application No: LA03/2021/1055/F  
Proposed new driveway access alteration including infilling and raising of ground level of side garden to create lawn area (Retrospective) at 86 Lurgan Road, Crumlin, BT29 4QE.
- 3.14 Planning Application No: LA03/2022/0154/F  
Erection of single-storey replacement agricultural style shed to west of site and new replacement timber fencing to front of site (retrospective development) at 168 Doagh Road, Ballyclare, BT39 9ER.
- 3.15 Planning Application No: LA03/2021/0951/F  
Part change of use of council building to provide an extension to previously approved adjoining waste transfer station (T/2012/0225/F). Internal layout changes, changes to the elevation and other associated site works at Council Depot, 6b Orchard Way, Newpark Industrial Estate, Antrim, BT41 2RU.

## **PART TWO – Other Planning Matters**

- 3.16 Delegated Planning Decisions and Appeals April 2022
- 3.17 Mid and East Antrim Borough Council Local Development Plan Independent Examination Notification Correspondence.
- 3.18 Statement of Common Ground (SoCG) between Antrim and Newtownabbey Borough Council and Belfast City Council.
- 3.19 Independent Examination Update

## **4. Any Other Business**

### **PART TWO – Other Planning Matters – IN CONFIDENCE**

- 3.20 Proposed Changes to Draft Plan Strategy

### **PART ONE – Decisions of Enforcement Cases – IN CONFIDENCE**

- 3.21 Enforcement Case LA03/2022/0041/CA

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 16 MAY 2022**

**PART ONE**

**PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>3.1</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0880/RM</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Development of 57 no. dwellings (27 detached, 22 semi-detached and 8 detached bungalows) with garages and associated landscaping and site works. New vehicular access to join approved Ballyclare Relief Road and pedestrian/cycle access to Doagh Road.
<b>SITE/LOCATION</b>	Lands to the north of 150 Doagh Road and west of approved Ballyclare Relief Road, Ballyclare, BT39 0TN
<b>APPLICANT</b>	Mr and Mrs William Stevenson
<b>AGENT</b>	Donaldson Planning Ltd
<b>LAST SITE VISIT</b>	27/04/2022
<b>CASE OFFICER</b>	Kieran O'Connell Tel: 028 9034 0423 Email: <a href="mailto:kieran.oconnell@antrimandnewtownabbey.gov.uk">kieran.oconnell@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located on the western edge of Ballyclare along the Doagh Road. It extends to 3.28 hectares and comprises 2no. agricultural fields which lie to the north of No.150 Doagh Road. The land rises northwards from No.150 Doagh Road towards the centre of the first field then falls again northwards towards the second field. The site is bound to the north and west by agricultural land, while to the south it is bound by the Doagh Road including No.150 Doagh Road and to the east by the approved housing lands known as 'Ballyclare West' and the associated distributor road. Whilst the distributor road does not fall within the subject site, an access point has been previously approved to allow access into the subject site.</p> <p>All site and field boundaries, excluding the western boundary, are defined by a mix of post and wire fencing, hedging and occasional trees. The western boundary is undefined and open at present and forms part of a larger agricultural field. A watercourse dissects the application site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p><b>Planning Reference:</b> LA03/2019/0149/O  <b>Location:</b> Lands extending from north of Doagh Road (opposite No.0141 Doagh Road) to the Templepatrick Road Ballyclare Immediately West of the cemetery Huntingdale and Dennisons Industrial Estate.  <b>Proposal:</b> Application to vary Condition 3 (Revised Transport Statement), and Condition 10 (delivery of the entire relief road prior to commencement) and removal of Condition 8 (400-unit limit) of planning permission U/2006/0377/O  <b>Decision:</b> Permission Granted (22.05.2019)</p>	

**Planning reference:** LA03/2018/0601/O

**Location:** Lands extending from north of Doagh Road (opposite No.0141 Doagh Road) to the Templepatrick Road, Ballyclare, Immediately West of the, cemetery Huntingdale and Dennisons Industrial Estate.

**Proposal:** Application to vary condition 3 (Phasing Plan), condition 10 (occupation of dwellings), condition 19 (Travel Card), condition 21 (cycle infrastructure), condition 31 (Environmental Management Plan), condition 42 (landscaping details), condition 44 (Landscape Masterplan), and noncompliance with condition 4 (Phasing Plan), condition 9 (access arrangements), condition 11 (road drainage), condition 16 (TAS approval), condition 17 (geotechnical approval) and condition 18 (road safety audit) of planning permission U/2006/0377/O for major urban extension to include: residential neighbourhood, southern section of Ballyclare Relief Road, local centre, riverside park and other open spaces, children's play areas and associated works.

**Decision:** Permission Granted (22.05.2019)

**Planning Reference:** U/2006/0377/O

**Location:** Lands extending from north of Doagh Road (opposite No.0141 Doagh Road) to the Templepatrick Road, Ballyclare, Immediately West of the cemetery, Huntingdale and Dennisons Industrial Estate.

**Proposal:** Major urban extension to include: residential neighbourhood, southern section of Ballyclare Relief Rd, local centre, riverside park and other open spaces, children's play areas and associated works.

**Decision:** Permission Granted (06.01.2011)

**Planning reference:** LA03/2022/0128/F

**Location:** Lands 52m east and 57m north/east of 150 Doagh Road, Ballyclare

**Proposal:** Proposed construction of 8 no. semi-detached residential units, including relocating an approved access to the Ballyclare Relief Road 99m south from its approved position to serve the development, and associated relocation of approved right-turning lane. The access was previously approved under application references U/2006/0377/O and LA03/2018/1011/RM. Proposed associated service road and landscaping.

**Decision:** Current Application

## PLANNING POLICY AND GUIDANCE

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy

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

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located outside of the settlement limit for Ballyclare.

Draft Belfast Metropolitan Area Plan 2015 (Published 2014) (BMAP 2015): The application site is located within the settlement limit of Ballyclare and is located on zoned 'Committed Housing Sites - Development Ongoing/Not Started Policy Ref: BE03/10. No Key Site Requirements are proposed.

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.

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

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



## CONSULTATION

### **Council Environmental Health Section**

No objections relating to contaminated land however they have raised concerns relating to noise.

### **Northern Ireland Water**

Recommend refusal on network capacity grounds.

### **DfI Roads**

No objection subject to conditions.

### **DfI Rivers**

No objection subject to condition.

### **DfI Historic Environment Division HED (Historic Monuments)**

No objections.

### **NIEA Water Management Unit**

Water Management Unit has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment. (See remarks regarding Ballyclare Waste Water Treatment Works below).

### **NIEA Regulation Unit**

No objection subject to conditions.

### **NIEA Natural Environment Division**

No concerns subject to recommended conditions.

## REPRESENTATION

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

A summary of the key points of objection raised is provided below and discussed in detail within the report below:

- Concerns regarding comprehensive development and the red line boundary.
- Concerns with the proposed layout and topography.
- Concern with the impact on the objector's application LA03/2022/0128/F.
- A need for a contribution towards the delivery of the Ballyclare Relief Road.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Local Development Plan and Principle of Development
- Design, Layout and Impact on Character and Appearance of the Area
- Density
- Neighbour Amenities
- Access Movement and Parking
- Flood Risk
- Land Contamination
- Archaeology and Built Heritage
- Habitats Regulation Assessment

- Natural Heritage
- Ballyclare Waste Water Treatment Works
- Other Matters

### **Local Development Plan 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 then the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

However, the Newtownabbey Area Plan was never formally adopted and therefore following the Court of Appeal decision in May 2017 there is currently no adopted plan for Ballyclare. In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in determining all proposals in Ballyclare, including the current application.

Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for the town and should therefore be afforded greater weight than dNAP in the decision-making process.

Notwithstanding the location of the application site relative to that indicated in Draft BMAP, the application is a Reserved Matters application. The principle of development has been established by a previous DfI Planning approval ref: LA03/2019/0149/O. This was a Section 54 application to vary the original conditions of consent which were contained in outline planning permission ref: U/2006/0377/O. This outline consent, granted on 22 May 2019, is the effective outline permission with which this submission must comply.

Condition 2 of LA03/2019/0149/O requires the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site as the Reserved Matters to be obtained in writing from the planning authority before any development is commenced. Accordingly, the application for approval of Reserved Matters must be within the ambit of the outline planning permission and must be in accordance with any conditions attached to it. These are the only matters which can be considered in this application. To that end it is considered that sufficient information has been provided to deal with the matters reserved in the outline planning permission.

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

The Strategic Planning Policy Statement (SPPS) indicates that sustainable development should be permitted, having regard to material considerations, unless

the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS also promotes good design and seeks to make more efficient use of urban land without town cramming. Planning Policy Statement 7: Quality Residential Environments and PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas are retained policies under the SPPS and provide the appropriate policy context.

Policy QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider streetscape. Policy QD1 states that development which would result in unacceptable damage to the local character, environmental quality or residential amenity of established residential areas will not be permitted and requires compliance with a number of listed criteria.

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 surfaced areas. The proposal comprises 57 no. dwellings (27 detached, 22 semi-detached and 8 detached bungalows) with garages and associated landscaping and site works with a new vehicular access to join approved Ballyclare Relief Road and pedestrian/cycle access to Doagh Road.

The development provides a mix of two storey and bungalow detached and semi-detached dwellings with six (6) different house types and styles which seek to create variety and visual interest. The finishes of the proposed dwellings consist of a mix of red brick and render with pitched roofs and dark grey/black concrete roof tiles/slates.

Supplementary Planning Guidance 'Creating Places' specifically requires that dwellings present an attractive outlook onto existing and proposed roads. In this case the proposed dwellings have a frontage onto the Ballyclare Relief Road and are set behind a landscape buffer to the Ballyclare Relief Road (BRR) which acts as a defensible space to the BRR and creates an attractive outlook for the development. Within the application site corner dwellings display dual frontages to the internal estate road. It is therefore considered that the proposal satisfies the guidance outlined within 'Creating Places'.

Policy OS 2 of PPS 8 states that open space for public use is required for new residential developments of 25 or more dwellings. In this case the proposal is for 57 dwellings therefore the provision of public open space is required. Open space is provided in the form of a large rectangular green located centrally on the western side of the development. The overall layout ensures that there are no isolated areas of communal space which are not overlooked or would give rise to anti-social behaviour.

Existing landscaping is retained to all site boundaries and augmented where necessary. A 5 metre landscape buffer is also provided along the western boundary of the application site. Further landscaping is included throughout the streetscape and areas of open space comprising tree planting and native species hedgerows.

The boundary treatments within the site include a mix of walls, close boarded timber fencing and hedgerows. The boundary treatments for the individual plots are designed to be visually acceptable with close boarded timber fencing located to the rear of the properties. Tree and shrub planting is proposed within the front gardens and throughout the internal layout of the proposed development along with grass stripes which help to soften the visual impact of the development.

A third party objection has been received raising a number of issues with regard to the proposed layout:

- The proposed layout does not deliver comprehensive development as it fails to take into account the development land between the BRR and the application site as confirmed by the approved masterplan and approved Landscape Masterplan.
- The submitted layout shows a development road on the eastern boundary with dwellings (plots 34 & 50 – 52) facing towards the BRR. This does not allow for the objector's development which will deliver the landscaped linear park and houses fronting onto this (LA03/2022/0128/F).
- The objector indicates that if not properly addressed this would result in both prejudice to the objector and piecemeal development that will create a poor relationship between the proposed development and the BRR.
- The objector states that the land between the BRR and the Reserved Matters application site is owned by BDL and it is their intention to submit a full planning application (LA03/2022/0128/F) to the Council on these lands for residential development. This application also proposes to relocate the access point approved under application LA03/2018/1011/RM to the south to serve these dwellings and the lands that are subject to the current Reserved Matters application.
- A layout has been designed that can accommodate eight dwellings on these lands whilst also providing access to the lands to the rear.

The proposed layout is considered to be in general conformity with that approved by the outline planning permission. There are no concerns with piecemeal development in this instance as the scheme has comprehensively addressed its position relative to the BRR and the surrounding lands. With regard to the objector's application LA03/2022/0128/F, this application stands to be assessed on its own merits and its acceptability is not a matter for consideration under this application, it is however noted that this application seeks to amend the access location to that approved under the outline planning permission.

The objector has also raised concern with the ground levels surrounding the application site and how they fail to take account of the approved road level of the BRR and the topography of the intervening lands. Specific reference is made to the levels around plots 53 – 55 on the southern site boundary which have finished floor levels over 87m AOD, whilst the Doagh Road is below 83m AOD and the relationship between the development and the BRR. The BRR rises gradually from 81m AOD at the access point, to a maximum of approximately 83m AOD, before dropping slightly to 82.5m AOD where it meets the Doagh Rd. Conversely, plots 50 – 52 within the proposed layout have finished floor levels between 88 and 89m AOD, some 5 – 6 metres above the BRR despite only being a relatively short distance from the road.

The objector is of the view that the proposed development should be designed to avoid what they considered to be significant level changes by grading down

towards the eastern boundary, in line with how the BRR and wider development has been designed. The objector indicates that this would result in a significantly reduced level difference between the proposed houses and the BRR / Doagh Rd, and avoid a significant difference in levels having to be accommodated across a relatively modest parcel of land owned by our client.

The applicant has indicated that third parties have excavated material in excess of those levels approved under planning approval ref: LA03/2018/0177/F in the area adjacent to the BRR (outside of the application site). The applicant further states that the submitted sections (Drawing No's 57 & 58) illustrate how the proposed dwellings will be a considerable distance (30+m) from the BRR and will have the benefit of the landscape buffer adjacent to the BRR to offset any significant visual impact. Furthermore the applicant indicates that the proposal will not involve significant alteration to ground levels as encouraged by PPS7 and Creating Places.

Having regard to the concerns raised by the objector and the information provided by the applicant, it is considered that while there is a level difference between the BRR and the application site, the angle and orientation of the dwellings ensures that the proposed development adequately addresses its relationship to the BRR and is unlikely to result in a significant visual impact. Within the application site the variation in levels is not considered to be significant and is dealt with appropriated by gently grading and stepping gardens.

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

### **Density**

Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity of the second addendum to PPS7 deals with the issue of density within residential areas. It states that the proposed density should not be significantly higher than that found in the established residential area. The overall scale and density of the development is 17 dwellings per hectare (dph), which is considered to be a low-medium density area and is in keeping with the local character of the area. Given the layout and density of neighbouring residential development, it is considered that the density of the proposed development will not result in an adverse impact on the character of this area.

### **Public and Private Amenity Space**

Criterion (c) of Policy QD 1 of PPS7 requires adequate provision is made for private and landscaped areas as an integral part of that development. Supplementary planning guidance on amenity space is provided in 'Creating Places: Achieving Quality in Residential Developments'. It states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40sqm for any individual house. Creating Places further indicates that development of this nature requires an average of 70sqm.

Private amenity space is provided for residents in the form of rear gardens. Gardens range from 81sqm to 242sqm with an average for the development of 131sqm

without an optional garage and 52sqm to 217sqm, averaging 102sqm with an optional garage. Each of the proposed dwellings has in excess of 40sqm minimum requirement with a high percentage in excess of 70sqm. It is considered that adequate provision has been made for private rear garden space within the individual dwellings.

Policy OS2 of PPS 8 requires residential developments in excess of 25 units, or on sites of one hectare or more to provide public open space as an integral part of the development. Both Policy OS 2 of PPS 8 and Para 5.04 of Creating Places indicates that a normal expectation for new green-field development may be around 10% of the site area or greater. This development incorporates 3,840sqm of public open space that equates to 11.7% of the total site area. This public open space is located centrally on the western side of the application site.

The public open space is to be provided by the developer in the first instance while the long term management and maintenance responsibilities for the communal open space will be transferred to a management company in which the owners/occupiers of each dwelling become shareholders to ensure the long terms upkeep of the public open space.

It is considered that sufficient public open space has been provided for within this development while the long term management and maintenance arrangements for this site are also acceptable.

### **Neighbour Amenity**

Criterion (h) of Policy QD 1 of PPS7 requires that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. In this case there are no existing neighbours that are likely to have their amenity impacted by way of overlooking, loss of light or overshadowing.

Internally the proposed dwellings have in general minimum separation distance of 10 metres plus from the dwelling to the common boundary and a back-to-back separation distance between dwellings of approximately 20 metres plus.

The Council's Environmental Health Section (EHS) has requested a Noise Impact Assessment due to potential concerns with noise from the approved BRR and to identify suitable mitigation measures, however, this is considered to be outside the remit of this application to consider as noise concerns were not raised under the original outline planning permission. This Reserved Matters submission is in general conformity of that considered at outline planning stage and it is therefore not considered appropriate to ask for a noise assessment under this application.

In terms of the impact on residential amenity the nearest rear amenity area to the proposed BRR is set back 25m. A number of dwellings also face onto the BRR with amenity areas to the rear of existing dwellings. The dwellings themselves will provide a level of noise attenuation that should ensure there is no significant impact on residential amenity. In addition, it is likely that the modern construction of the dwellings and glazing attenuation will ensure that there is no significant impact on the amenity of the nearby residential properties.

Overall, it is considered that the proposed development will not have a significant impact on the residential amenity of existing or proposed residents.

### **Access, Movement and Parking**

Criteria (f) of Policy QD 1 in PPS 7 requires that adequate and appropriate provision is made for parking. Supplementary planning guidance document 'Creating Places' sets out the standards of parking spaces required. The applicant proposes two internal parking spaces per dwelling as part of the overall design concept. In addition, there are some on-street parking spaces indicated throughout the proposed site which are broadly considered acceptable for a development of this nature.

Policy AMP 2 of Planning Policy Statement 3 – Access, Movement and Parking (PPS 3) requires that any development should not prejudice the safety and convenience of road users. Access to the site is taken from a single access point on to the approved BRR. DfI Roads has been consulted on this application and has indicated no objections to the proposal. It is considered that adequate and appropriate provision is made for parking within the development.

### **Crime and Personal Safety**

Criterion (i) of Policy QD 1 of PPS 7 states that proposed residential development should be designed to deter crime and promote personal safety. It is considered that the proposed development has been designed to deter crime and personal safety with windows on gable elevations allowing for passive surveillance of the public open space.

### **Flood Risk**

PPS 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people, property and the environment to which this proposal must comply. In support of this application a Flood Risk Assessment from Carey Consulting (dated 24th November 2020 and Drainage Calculations (dated 13th December 2021) has been provided for consideration. These documents indicate that there is no significant flood risk associated with this development. DfI Rivers has reviewed the information provided and has no significant concerns with this proposal.

Policy FLD1 - Development in Fluvial and Coastal Flood Plains of PPS 15 – DfI Rivers has reviewed the Flood Risk and while not being responsible for the preparation of the Flood Risk Assessment and Drainage Calculations accepts its logic and has no reason to disagree with its conclusions.

Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure of PPS 15 – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site is bounded at the east and traversed at the northern part by an undesignated watercourse. Under paragraph 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times. DfI Rivers notes that the submitted drawings comply with this requirement. It is therefore considered that policy FLD 2 has been complied with.

With regard to Policy FLD3 - Development and Surface Water of PPS 15, DfI Rivers has reviewed the Drainage Assessment and while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions.

The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100-year event could be contained within the attenuation system (oversized pipes), when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NI Water prior to adoption to assess the acceptable flow rate. However, in order to ensure compliance with PPS 15, DfI Rivers requests that the potential flood risk from exceedance of the network, in the 1 in 100-year event, is managed, however, this is indicated to be through the use of oversize pipes to attenuate the storm water and the use of hydro brakes to control the rate of discharge. The attenuation system is considered to be acceptable and subject to a separate 161 Agreement from NIW.

Policy FLD4 (Artificial Modification of Watercourses) of PPS 15, indicates that artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. Any culverting which is granted planning permission will also be subject to approval from DfI Rivers under Schedule 6 of the Drainage (NI) Order 1973.

Drawing No. 04/A date stamped 14/06/2021 indicates that a culvert is proposed for the undesignated watercourse at this location. DfI Rivers advises that the applicant must demonstrate that consent to undertake any culvert works at the site has been approved by DfI Rivers. A copy of Schedule 6 Consent is contained within the Drainage Assessment dated 24th November 2020. It is therefore considered that there is no significant concern with the culverting of this undesignated watercourse as it is necessary for both access and engineering purposes. The site is not within the inundation zone of any controlled reservoir and therefore Policy FLD 5 is not relevant. Overall it is considered that there is no significant flood risk associated with this development.

### **Contamination**

The applicant has submitted a Preliminary Risk Assessment (PRA), prepared by MCL Consulting at Appendix 8 of the Supporting Statement, Document Number 01, stamped 'Planning Section Received 04 Dec 2020'. No unacceptable risks have been identified within the PRA and the report states no further risk assessment is required. Environmental Health were also consulted on this matter and are in agreement with this assessment.

Consultations with DAERA's Regulation Unit (DAERA RU) and the Council's Environmental Health Section (EHS) were carried out. DAERA RU and EHS has indicated that they have no objections to the proposed development. DAERA RU recommends imposition of conditions relating to new sources of contamination which have not previously been identified. These conditions are standard practice and considered appropriate should planning permission be granted.

### **Archaeology and Built Heritage**

Consultation with DfC Historic Environment Division (HED) was carried out on this application with regard to potential impact on historic monuments and subsurface



archaeology. HED (Historic Monuments) has reviewed the amended Archaeological Impact Assessment (dated stamped 13th Apr 2021) and concurs with its findings that, due to previous archaeological investigation of the site, no further archaeological mitigation is required. It is therefore considered that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

While HED (Historic Monuments) advises that the archaeological conditions attached to planning approval U/2009/0407/F with respect to this location can now be discharged, this is outside the scope of this Reserved Matters application to deal with this matter.

### **Natural Heritage**

The applicant in support of their application has provided a Preliminary Ecological Appraisal (PEA) completed by MCL Consulting Ltd, dated October 2020 and a Tree Survey and Report completed by Dr Philip Blackstock, and dated September 2020.

NIEA Natural Environment Division (NED) has reviewed the proposal against the policy provisions of the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 2: Natural Heritage, and considers that the impacts on natural heritage interests on the basis of the information provided, has no concerns subject to conditions.

The applicant's Tree Survey indicates that no tree felling is recommended, and that the Tree Constraints Plan shows the retained trees and the proposed areas of tree protection. The proposed planting (Drawing No. 52) as included in the Landscape Management Plan shows the retention of existing trees and existing hedgerow, excluding the required removal of the defunct hedgerow which dissects the site. NED has no objection to this aspect of the proposal.

NED considers the culverting of watercourses to be a negative impact upon priority habitat, given that any biodiversity value the watercourse currently has will be lost and it will no longer be a viable resource for protected/priority species for the length of the culvert. However, on this occasion, NED considers the culverting of the stretch of running water through the middle of the site necessary to facilitate the development. NED recommends that the applicant adheres to the proposed mitigation as outlined by the ecologist in the PEA, including the submission of a Surface Water Management Plan (SWMP) and the incorporation of a ledge within the culvert. It is therefore considered that this aspect of the proposal is acceptable.

From the PEA provided, NED advises that they are content that the ecologist has considered the potential significance of impacts on protected/priority species and habitats as a result of the proposal and has indicated no significant concerns with the proposal. Overall, it is considered that there is no significant impact on features of natural heritage interest.

### **Drainage and Waste Water Infrastructure**

NIEA Water Management Unit (WMU) notes that the application proposes to dispose of foul sewage to a Northern Ireland Water Limited (NIW) sewer. They further state that if NIW advises the Council that they are content that both the receiving Waste Water Treatment Works (WWTW) and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then WMU has no objection to this aspect of the proposal. Furthermore, NIEA WMU advise that should

NIW advise that there may be an issue then alternative sewage arrangements will be required and WMU should be re-consulted.

NIW has recommended refusal of this application pending discussions and outcomes through the various NIW impact processes. While the concerns of both consultees are noted, it is important to understand that planning permission has been granted in principle for this development and as such the only matters before the Council in this Reserved Matters application for consideration relate to 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. In light of this, the concerns expressed by the consultees are not determining in this instance, however it may be prudent to place an informative on any future decision notice advising the applicant to engage with NIW in advance of commencing development to ensure that suitable infrastructure is in place to serve this development.

### **Other Matters**

A number of objections have been received with regard to a number of matters:

#### Red Line Boundary

The objector notes that the proposed access road into the development does not immediately adjoin the spur of the BRR as approved under planning permission LA03/2018/1011/RM. They state that it is not possible to connect to the spur within the red line on the submitted site location plan as it would require development outside of the application site boundary. It is considered that a minor amendment for the purposes of access is within the remit of the Council to accept. The applicant has amended the red line of the application site to connect to the spur on the Ballyclare Relief Road to provide clarity on the matter and also points out that this is not a legislative requirement under the Planning (General Development Procedure) Order (NI) 2015. DfI Roads have been consulted on the amended plan and offer no objection in this regard following the submission of the amended site location plan.

#### Ballyclare Relief Road (BRR)

The objector has stated that as the applicant needs the BRR in order to access their development, they should have to make a financial contribution towards the cost of constructing the road and would request that the Council seeks to secure such a financial contribution from the applicant via a Section 76 legal agreement.

The applicant has responded to this request stating that a contribution to the BRR is not a matter for the Council at Reserved Matters stage. This matter is considered to be a civil matter between the parties involved and outwith the scope of this Reserved Matters application.

### **CONCLUSION**

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

- The principle of the development is acceptable and is supported by the planning history of the site.
- The design, layout, appearance and density of the proposed development is considered acceptable.
- Adequate provision has been made for private and public open space.
- There are no significant neighbour amenity concerns.
- There are no parking, road, or personal safety concerns with this proposal.

- There are no significant flood or contamination risks associated with this development.
- There are no archaeological, natural or built heritage concerns with the proposal.

<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
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<b>PROPOSED CONDITIONS</b>
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1. The development to which this approval relates must be begun by whichever is the later of the following dates: -
  - i. The expiration of a period of 5 years from the grant of outline planning permission; or
  - ii. The expiration of a period of 2 years from the date hereof.

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

2. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 53A, 54A & 55B bearing the date stamp 19 JUL 2021.

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

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

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

4. Once a contractor has been appointed, a full Construction Environmental Management Plan (CEMP) shall be submitted to the Council at least 8 weeks prior to the commencement of any construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

5. The existing vegetation as indicated on the Drawing No. 52 date stamped 04/12/2020 shall be retained at a minimum height of 2 metres for hedgerows and trees within the hedgerows retained at a minimum height of 6 metres, and shall be allowed to grow on or as agreed in writing with the Council.

Reason: To ensure the maintenance of screening to the site and to ensure the continuity of the biodiversity value afforded by existing trees.

6. The proposed landscaping indicated on Drawing No. 52 date stamped 04/12/2020 shall be carried out within the first planting season following the completion of the development hereby approved and shall be retained in thereafter at a minimum height of 2 metres for hedging and 6 metres for trees unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

7. The open space and amenity areas indicated on the stamped approved Drawing No. 52 date stamped 04/12/2020 shall be managed and maintained in accordance with the Landscape Management Plan, (DOC 01 Appendix 5 received on 04/12/2020) any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

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

8. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

9. A buffer of at least 10m must be maintained between the location of construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the watercourse present along the northeastern boundary.

Reason: To protect NI Priority Habitat and minimise potential pollution pathways.

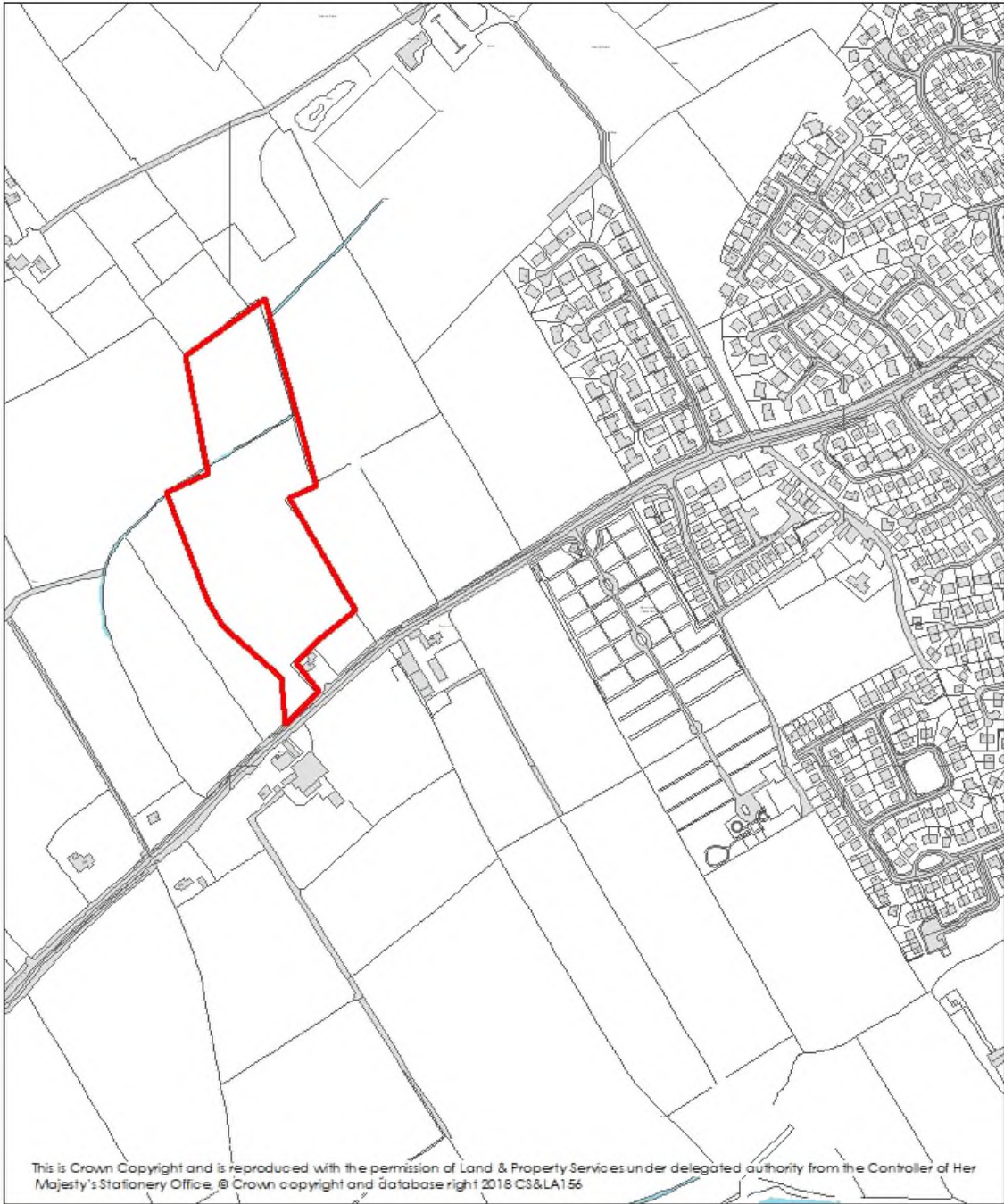
10. If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: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

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

Reason: Protection of human health and other environmental receptors to ensure the site is suitable for use

11. After completing any remediation works required, and prior to occupation of the development, a verification report shall be submitted in writing and agreed with the Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The verification report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all waste materials and risks and in achieving the remedial objectives.

Reason: Protection of human health and other environmental receptors to ensure the site is suitable for use



**Site Location Plan**

Application Reference: LA03/2020/0880/RM

Proposal: Development of 57 no. dwellings with garages and associated landscaping and site works. New vehicular access to join approved Ballyclare Relief Road and pedestrian/cycle access to Doagh Road

Location: Lands to the north of 150 Doagh Road and west of approved Ballyclare Relief Road, Ballyclare

0 35 70 140 210 280 Metres

Site boundary

<b>COMMITTEE ITEM</b>	<b>3.2</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0548/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Residential development comprising 56 no. dwellings, garages, open space and landscaping, car parking, site access, wastewater treatment works and all other associated site works.
<b>SITE/LOCATION</b>	Lands west of Hydepark Lane, south west of 23 Hydepark Road and c.195m south east of 12A Grange Lane Mallusk.
<b>APPLICANT</b>	Hydepark Road Developments Ltd
<b>AGENT</b>	TSA Planning
<b>LAST SITE VISIT</b>	08/10/2021
<b>CASE OFFICER</b>	Kieran O'Connell Tel: 028 9034 0423 Email: <a href="mailto:Kieran.oconnell@antrimandnewtownabbey.gov.uk">Kieran.oconnell@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is situated on lands to the west of Hyde Park Lane and east of No. 12 Grange Lane, Mallusk, Newtownabbey. The application site measures approximately 2.68Ha (c. 6.63 acres) and comprises vacant lands, formerly used as part of Wilson's Auctions, including an area of hard standing within the northern portion of the site. The application site is located on lands to the west of the Phase 1 Mill Bridge residential development, approved under planning references LA03/2016/1089/F; LA03/2020/0166/F; and LA03/2020/0167/F, comprising 46 no. dwellings which are currently under construction. Phase 1 of the Mill Bridge Development is characterised by a mix of detached and semi-detached dwellings and includes areas of public open space. The southern and western boundaries of the applications site are bounded by a watercourse.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>There is no planning history associated with the application site, however, there are a number of approvals adjacent to the application site:</p> <p><b>Planning Reference:</b> LA03/2020/0166/F  <b>Location:</b> Plots 42 - 45 of residential approval (ref LA03/2016/1089/F) on lands located between Hydepark Road and Hydepark Lane to the north of 39 Hydepark Road, Mallusk.  <b>Proposal:</b> Proposed development of 5no. residential dwellings, consisting of 4no. semi-detached and 1no. detached dwellings, garages, landscaping, and all associated site works (Change of house type and amendments at plot nos. 42 - 45 of planning approval LA03/2016/1089/F)  <b>Decision:</b> Permission Granted (10.11.2020)</p>	

**Planning Reference:** LA03/2019/0564/DC

**Location:** Lands located between Hydepark Road and Hydepark Lane, to the North and West of 39 Hydepark Road

**Proposal:** Discharge of Condition 2 (Construction Method Statement) of planning approval LA03/2016/1089/F for: Proposed development of 45no. residential units comprising 15no. detached and 30no. semi-detached dwellings, car parking, site access, construction of bridge, open space and landscaping and all other associated site works

**Decision:** Condition Discharged (09/09/2019)

**Planning Reference:** LA03/2019/0655/DC

**Location:** Lands located between Hydepark Road and Hydepark Lane, to the North and West of 39 Hydepark Road

**Proposal:** Proposed development of 45no. residential units (Discharge of condition 22 from LA03/2016/1089/F relating to the submission of alternative pedestrian footpath)

**Decision:** Condition Discharged (23/09/2019)

**Planning Reference:** LA03/2019/0775/DC

**Location:** Lands located between Hydepark Road and Hydepark Lane, to the North and West of 39 Hydepark Road

**Proposal:** Discharge of Conditions 18 & 19 (Final Condition Report & Verification Report) of planning approval LA03/2016/1089/F for: Proposed development of 45no. residential units comprising 15no. detached and 30no. semi-detached dwellings, car parking, site access, construction of bridge, open space and landscaping and all other associated site works

**Decision:** Condition Not Discharged (25/10/2019)

**Planning Reference:** LA03/2018/0249/DC

**Location:** Lands located between Hydepark Road and Hydepark Lane, to the North and West of 39 Hydepark Road

**Proposal:** 45 no. residential units (Discharge of condition 18 of planning approval LA03/2016/1089/F relating to the submission of a final condition report of Hydepark Dam to include a flood risk assessment)

**Decision:** Condition Not Discharged (30/07/2018).

**Planning Reference:** LA03/2016/1089/F

**Location:** Lands located between Hydepark Road and Hydepark Lane, to the North and West of 39 Hydepark Road

**Proposal:** Proposed development of 45no. residential units comprising 15no. detached and 30no. semi-detached dwellings, car parking, site access, construction of bridge, open space and landscaping and all other associated site works

**Decision:** Permission Granted (19/12/2017)

**Planning Reference:** U/2011/0356/O

**Location:** Lands southwest of Hydepark Road, to the east of No. 12 Grange Lane and west of No. 3 Hydepark Lane, Mallusk

**Proposal:** Outline application for housing development (approx. 300 units) and associated community facilities to include small retail unit, open space, internal road layout, landscaping and associate

**Decision:** Withdrawn (01.09.2014)



**Planning Reference:** U/2007/0040/F

**Location:** Lands adjoining and to the rear of 39 Hydepark Road, Mallusk

**Proposal:** Residential development comprising of 67 units with associated carparking and landscaping

**Decision:** Permission Refused (13.12.2013)

**Planning Reference:** U/2000/0501/O

**Location:** Hydepark Road, Mallusk, Newtownabbey

**Proposal:** Housing development consisting of 4 No. dwellings

**Decision:** Permission Granted (23.04.2001)

## **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 on unzoned land within the settlement limits of the Belfast Urban Area. The Plan offers no specific guidance on this proposal.

Draft Newtownabbey Area Plan 2005 (NAP): The Plan offers no specific guidance on this proposal as the site falls within BUAP.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The site is located within Metropolitan Newtownabbey and is located on unzoned lands. The Draft Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): This version of BMAP identifies the application site as housing land by the zoning reference MNY 04/32 'Housing at Hydepark Road South West of Hydepark Manor'. This Plan identifies a number of Key Site requirements.

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.

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

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

## **CONSULTATION**

### **Council Environmental Health Section**

No objection subject to conditions.

### **Northern Ireland Water**

No objection.

### **Department for Infrastructure Roads**

No objections subject to conditions.

### **Department for Infrastructure Rivers**

No objection subject to condition.

### **NIE Networks**

No objection.

### **Department for Communities Historic Environment Division (Historic Monuments)**

No objections.

**NIEA Regulation Unit**

No objection subject to conditions.

**NIEA Water Management Unit**

No objection subject to conditions.

**NIEA Natural Environment Division**

No objection subject to conditions.

**SES**

No objection subject to conditions.

**REPRESENTATION**

Nineteen (19) neighbouring properties were notified and one (1) letter of objection has been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Impact on residential amenity due to site delivery and construction commencement and finishing times.
- Amenity impacted by delivery lorries in the early hours of the morning (2:45) and heavy plant starting at 6am and site operating until 20:00.

**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
- Density
- Neighbour Amenity
- Parking and Road Safety
- Crime and Personal Safety
- Flood Risk
- Archaeology
- Natural Heritage
- Contamination
- Waste Water Treatment

**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 Belfast Urban Area Plan 2001 (BUAP) and the draft Belfast Metropolitan Area Plan (DBMAP) are the relevant plans for the application site. The application site is located on unzoned lands within the settlement limit of both the Belfast Urban Area and Metropolitan Newtownabbey as identified in BUAP and dBMAP and as such this proposal is to be assessed on its own merits. In addition, the application site

comprises part of a zoned housing site within Metropolitan Newtownabbey as identified in the 2014 version of dBMAP.

Within this policy context, it is considered the principle of a housing development on this site is acceptable and is supported by the planning history (LA03/2016/1089/F) associated with phase 1 of the development to the east of the application site, subject to the development creating a quality residential environment as well as meeting other requirements in accordance with regional policy and guidance which are addressed in detail below.

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

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

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

### **Design, Layout and Appearance**

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

Policy QD 1 of PPS7 promotes a high quality of design, layout and landscaping in all new housing developments to ensure more attractive and sustainable residential environments for present and future generations. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider townscape. Policy QD1 states that development which would result in unacceptable damage to the local character, environmental quality or residential amenity of established residential areas will not be permitted and requires compliance with a number of listed criteria.

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 surfaced areas. The proposal comprises 56 no. residential units consisting of 7 no. detached, 40 no. semi-detached and 9 no. townhouse dwellings providing a mix of detached, semi-detached and townhouses ranging from 3-5 bedrooms over two storeys and two and a half storeys in height. The proposed dwellings are to be finished in facing brick and smooth render with the

roofs finished with dark grey/black slates or tiles, chimneys are to be finished with facing brick and doors are to be treated hardwood/composite.

The development incorporates 2,825sqm of public open space that equates to 11% of the total site area. A large area of public open space is proposed to the centre of the development with an ancillary open space area located to the north of the site adjacent to site 23. Existing landscaping is retained to all site boundaries and augmented where necessary. A 5metre maintenance strip is also provided along the existing watercourse to the southern and western boundaries. Further landscaping is included throughout the streetscape and areas of open space comprising tree planting and native species hedgerows.

The development is accessed through phase 1 of the development, via the HydePark Road access point, including right hand turn lane, as approved under LA03/2016/1089/F. All dwellings benefit from in-curtilage car parking spaces, with the majority also having the option of a garage.

Due to capacity issues with the surrounding foul sewerage network, the proposal allows for a pumping station to serve the development within the northwestern portion of the site. Overall it is considered that the proposed design and layout in terms of its general arrangement, form, materials and detailing is acceptable and will respect its surrounding context and is appropriate to the character and topography of the site in terms of scale, massing appearance of buildings, landscaped and hard surfaced areas.

### **Density**

Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity of the second addendum to PPS7 deals with the issue of density within residential areas. It states that the proposed density should not be significantly higher than that found in the established residential area. The overall scale and density of the development is 21 dwellings per hectare (dph), which is considered to be a low-medium density area and in keeping with the local character of the area. Given the layout and density of neighbouring residential development, it is considered that the density of the proposed development will not result in an adverse impact on the character of this area.

### **Public and Private Amenity Space**

Criterion (c) of Policy QD1 of PPS 7 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided in 'Creating Places: Achieving Quality in Residential Developments'. It states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40sqm for any individual house. Creating Places further indicates that development of this nature requires an average of 70sqm.

Private amenity space is provided for residents in the form of rear garden spaces. Garden sizes range from 60sqm to 239sqm and average at 99.3sqm without an optional garage and from 50sqm to 214sqm, averaging 81.2sqm with an optional garage. Each of the proposed dwellings has well in excess of 40sqm minimum requirement with a high percentage in excess of 70sqm. It is considered that adequate provision has been made for private rear garden space within the individual dwellings.

Policy OS2 of PPS 8 requires residential developments in excess of 25 units, or on sites of one hectare or more to provide public open space as an integral part of the development. Both Policy OS 2 of PPS 8 and Para 5.04 of Creating Places indicates that a normal expectation for new green-field development may be around 10% of the site area or greater. This development incorporates 2,825sqm of public open space that equates to 11% of the total site area. A large area of public open space is proposed to the centre of the development with an ancillary open space area located to the north of the site adjacent to site 23.

The public open space is to be provided by the developer in the first instance while the management and maintenance responsibilities for the communal open space will to be transferred to a management company in which the owners/occupiers of each dwelling become shareholders to ensure the long term upkeep of the public open space.

It is considered that sufficient public open space has been provided for within this development while the long term management and maintenance arrangements for this site are also acceptable.

### **Neighbour Amenity**

The proposed scheme has been designed to ensure that there will be no detrimental impact on the amenity of adjacent properties. The layout of the proposed dwellings has been designed and arranged to ensure all properties will have in excess of the minimum rear garden depth of 10 metres. Where the proposed dwellings on sites 52-56 back on to the approved dwellings on phase 1, the separation distances are in the region of 24.5m from the main elevation and 21m from the sunroom elevations. It is considered that the separation distance proposed should ensure that the proposed development will not have an adverse impact on the adjacent properties by way of dominance, overshadowing, loss of light or overlooking.

With regard to potential noise impacts associated with this development an objector has raised concern with the impact on residential amenity due to site deliveries, the ongoing construction works including finishing times and the amenity of residents being impacted by delivery lorries in the early hours of the morning (02:45) and heavy plant starting at 6am and the site operating until 20:00. The Council's Environmental Health Section (EHS) has been consulted on this application and notes the representation made. EHS have considered the objector's comments within their consultation response and have concluded that there should be no significant impact on residential amenity as a result of this development. EHS further advise that occupiers of nearby residential dwellings can contact EHS for further information on statutory nuisance investigation procedures should they have concerns regarding noise.

Overall it is considered that while there may be some disturbance during the construction phase of this development, it is likely to be short term and not long lasting or to an unreasonable extent. It is therefore concluded that there should be no significant noise impacts associated with this development.

### **Parking and Road Safety**

Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total numbers of parking spaces to be provided for residents, visitors and other callers. The

layout of the proposal makes provision for in-curtilage parking for individual dwellings with some on-street communal visitor parking interspersed through the development along the internal estate road.

DfI Roads has been consulted in relation to the development and has no objections to the proposed access arrangements or the parking. It is considered that adequate and appropriate provision is made for parking within the development.

### **Crime and Personal Safety**

Criterion (i) of Policy QD 1 of PPS 7 states that proposed residential development should be designed to deter crime and promote personal safety. It is considered that the proposed development has been designed to deter crime and personal safety with windows on gable elevations allowing for passive surveillance of the public open space.

### **Flood Risk**

DfI Rivers advise there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. An undesignated watercourse is located adjacent to the northern, western and southern boundaries of the site.

*Policy FLD1 - Development in Fluvial and Coastal Flood Plains* - The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100-year fluvial or 1 in 200-year coastal floodplain. However, DfI Rivers PAMU acknowledge the submission of a Flood Risk Assessment by Elliot Design Solutions, stamp dated 28th May 2021 and while not being responsible for the preparation of this Flood Risk Assessment accepts its logic and has no reason to disagree with its conclusions. In light of DfI's response it is considered that there is no significant flood risk associated with this development.

*Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure* – An undesignated watercourse is located adjacent to the northern, western and southern boundaries of the site. Under 6.32 of Policy PPS 15 FLD 2, an adjacent working strip along a watercourse is required to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5m, but up to 10m where considered necessary, and be provided with clear access and egress at all times. DfI Rivers acknowledge the provision of appropriate working strips on the submitted Site Plan Drawing No 04. DfI Rivers has indicated that they have no reason to sustain an objection under Policy FLD 2. As such it is considered that the requirements of Policy FLD 2 are satisfied.

*Policy FLD3 - Development and Surface Water* - DfI Rivers PAMU have acknowledged the submission of a Drainage Assessment Addendum (Doc 06/1) by RPS, stamp dated 1st Sept 2021 and the submission of a revised Schedule 6 Consent to Discharge rate of 57.1 l/s which was granted by the DfI Rivers Area office on 5th August 2021.

DfI Rivers advise that while not being responsible for the preparation of this Drainage Assessment accepts its logic and has no reason to disagree with its conclusions.

The Drainage Assessment (DA) has demonstrated that the design and construction of a suitable drainage network is feasible. DfI Rivers requests that the developer demonstrates how the potential flood risk from out of sewer flooding is to be managed for a 1 in 100-year event. The DA indicates that the 1 in 100-year event

could be contained through the addition of an underground attenuation system consisting of oversized pipes and a hydro brake to control the rate of runoff. The site will discharge at the existing greenfield runoff rate, however, given the site is largely impermeable surfacing the existing run off rate will be higher than normal and should result in a reduction, in run off given the introduction of permeable garden areas and open spaces within the development.

DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Hyde Park Dam, however, they advise that they are in possession of information confirming that Hyde Park Dam has 'Condition Assurance' and consequently have no reason to object to the proposal, at this time, from a reservoir flood risk perspective nor is there any issues with proposed culverting on the site. Overall it is considered that there is no significant flood risk associated with this development.

### **Archaeology**

HED (Historic Monuments) has reviewed the Archaeological and Cultural Heritage Assessment dated 14th May 2021. HED (Historic Monuments) concurs with the conclusion that due to the extent of previous ground disturbance and the archaeological potential of the site, no further archaeological mitigation is required. HED (Historic Monuments) advises that it is content with this proposal. It is therefore considered that there is no significant impact upon subsurface archaeology and that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

### **Natural Heritage**

A Biodiversity Checklist/Preliminary Ecological Appraisal (PEA), Document 12 date stamped 11th June 2021 and outline Construction Environmental Management Plan (oCEMP), Document 15 date stamped 20 January 2022, have been submitted in support of the application, these documents conclude that there will be no significant impact on Priority Habitats or Designated Sites.

### Designated Sites

In accordance with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), the Council as the Competent Authority is required to ensure an assessment is carried out to determine if the proposal, either alone or in combination, is likely to have a significant effect on a European site and the qualifying features, in line with the site conservation objectives. The application site is hydrologically connected to Lough Neagh ASSI, SPA and Ramsar and Rea's Wood and Farr's Bay SAC.

NIEA Natural Environment Division (NED) and the Council's Shared Environmental Service (SES) have considered the potential impact on protected sites and are satisfied that there should be no significant impact subject to the pollution prevention measures specified in the oCEMP being implemented and adhered to. Therefore, having considered the nature, scale, timing, duration and location of the project, it is concluded that, provided the mitigation measures conditioned below form part of any planning approval, the proposal will not have an adverse effect on the site integrity of any European site.

Antrim and Newtownabbey Borough Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted



the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 29/04/2022. This report found that the project would not have an adverse effect on the integrity of any European site.

#### Other Natural Heritage Interests

NED has assessed the PEA submitted and notes that the majority of the site consists of bare ground of low ecological value, NED further indicates that the streams along the southern and western boundaries are Northern Ireland Priority Habitat and the implementation of a CEMP will be required to ensure the protection of these streams.

NED indicates that it is content with the mitigation measures detailed in the OCEMP, however, notes that no construction methodology or pollution prevention measures have been included in the oCEMP for the construction of the storm water outfall. NED requests that full details regarding the construction of the outfall including risks to the aquatic environment and mitigation measures to alleviate these are included in the final CEMP. The submission of a final CEMP has been included below by way of condition to ensure protection of natural heritage interests.

Overall it is considered that there will be no significant impact on natural heritage features including European protected sites, priority habitats and species.

#### **Contamination**

A Generic Quantitative Risk Assessment (GQRA) report (Doc 08) has been provided by RSK Ireland Ltd in support of this planning application. The report is informed by site investigations and environmental monitoring data. No unacceptable risks to environmental receptors have been identified for the development. NIEA Regulation Unit Land and Groundwater Team and the Council's Environmental Health Section (EHS) have no objections to the development subject to the conditions stated below.

The applicant has also submitted a Remedial Strategy, prepared by RSK, Document Number 09, date stamped 'Planning Section Received 28 May 2021'. The document details the remedial measures proposed to manage the potential risks identified at the site. This involves a physical barrier in the form of a capping layer in the private garden areas. EHS are satisfied that amenity can be suitably controlled with regards to contaminated land based on the information submitted and recommends contaminated land conditions below.

Overall, it is therefore considered that the development proposal will have no detrimental impact on natural heritage interests subject to conditions and the proposal complies with PPS 2.

#### **Waste Water Treatment**

Water Management Unit (WMU) has considered the impacts of the proposal on the surface water environment and advise the proposal has the potential to adversely affect the surface water environment due to potential concerns regarding sewage disposal and the provision of a final CEMP. The final CEMP is considered necessary and has been conditioned below to ensure that there is no significant impact on the aquatic environment.

With regard to sewage loading, the application proposes to dispose of foul sewage to a Northern Ireland Water Limited (NIW) sewer. WMU advise that If NIW are content that both the receiving Waste Water Treatment Works (WWTW) and the associated

sewer network for this development can take the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit has no objection to this aspect of the proposal.

NIW's consultation dated 21/06/2021 indicates that capacity is available within the network to accommodate this development and NIW subsequently confirmed that their response is still valid (13/12/2021) and has no objection on capacity grounds. In light of the correspondence with NIW it is considered that there are no significant concerns relating to sewage disposal in this instance.

### **ECONOMIC IMPACT**

The applicant has indicated that this scheme will create 30-40no. construction jobs, and represents an overall investment in the region of £12million.

### **CONCLUSION**

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

- The principle of housing on this site is considered to be acceptable;
- The design, layout and appearance of the proposed development is considered acceptable;
- There is no significant adverse impact on the residential amenity of existing or proposed properties in terms of residential amenity, loss of light, overshadowing, noise or other disturbance;
- There is no significant flood risk associated with this development;
- There are no significant archaeological or built heritage concerns with this proposal;
- There are no significant 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, shall be provided in accordance with Drawing No. 31/1 bearing the date stamp 20/01/2022, 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 Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 31/1 bearing the date stamp 20/01/2022.

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

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

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

5. The total noise level from plant associated with the proposed pumping station, shall not exceed a rating level of 31dB  $L_{Ar,1hr}$  when measured within the external amenity area of any nearby noise sensitive receptor and assessed in accordance with British Standard 4142:2014 +A1:2019.

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

6. The development hereby permitted shall not be occupied until the remediation measures as presented within the Remedial Strategy, Document Number 13, stamped 'Planning Section Received 11 Aug 2021' have been fully implemented and verified to the satisfaction of the Council.

There shall be no amendments or deviations from the remediation and verification recommendations without the prior written approval of the Council.

Reason: To control any risk to human health arising from land contamination.

7. Verification documentation shall be submitted in the form of a verification report, to the Council. The report shall describe all the remediation and monitoring works undertaken and shall demonstrate the effectiveness of the works in managing and remediating all risks posed by contamination.

Reason: To control any risk to human health arising from land contamination.

8. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: To control any risk to human health arising from land contamination and for the Protection of environmental receptors to ensure the site is suitable for use.

9. After completing the remediation works under Condition 8; and prior to occupation of the development, a verification report shall be submitted in writing and agreed with 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.

10. The open space and amenity areas indicated on the stamped approved Drawing No.27/1 bearing date stamp 20/01/2022 shall be managed and maintained in accordance with the management plan DOC 14 received on 20/05/2021.

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

11. All soft and hard landscaping incorporated in the stamped approved landscape plan, Drawing No. 27/1 bearing date stamp 20/01/2022, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice in the first available planting season following commencement of the development or before occupation of the first residential unit in the development, whichever is the later.

Reason: To ensure the provision of a high standard of landscape and adequate amenity space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.

12. No development shall take place until details of the brick to be used in the dwellings hereby permitted, have been submitted to and approved, in writing, by the Council. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to allow the Council to control the external appearance.

13. The existing vegetation and trees of the site as indicated on the approved plan 27/1 bearing date stamp 20/01/2022 shall be retained at a minimum height of 2 metres and trees within the hedgerow shall be retained at a minimum height of 4m, and shall be allowed to grow on or as agreed in writing with the Council.

Reason: To ensure the maintenance of screening to the site and in the interests of biodiversity and to prevent a detrimental impact on wildlife as a result of the proposed development.

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

Reason: To ensure the continuity of amenity afforded by existing trees and in the interests of biodiversity and to prevent a detrimental impact on wildlife as a result of the proposed development.

15. The proposed planting as indicated on Drawing No. 27/1 bearing date stamp 20/01/2022 shall be undertaken prior to the occupation of the first dwelling. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or

becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and in the interests of biodiversity and to prevent a detrimental impact on wildlife as a result of the proposed development.

16. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council.

The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Council. The CEMP shall include the following:

- a) Construction methodology and timings of works;
- b) Pollution Prevention Plan; including suitable buffers between the location of all
- c) construction works, storage of excavated spoil and construction materials, any
- d) refuelling, storage of oil/fuel, concrete mixing and washing areas and any
- e) watercourses or surface drains present on or adjacent to the site; details on the treatment of surface water generated during construction and operational phases of the development, such as sediment traps and hydrocarbon interceptors, prior to discharge to watercourses;
- f) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- g) Environmental Emergency Plan; including details of emergency spill procedures and regular inspections of machinery onsite;
- h) Water Quality Monitoring Plan;
- i) Details on the construction of the storm water outfall including risks to the aquatic environment and mitigation measures to alleviate these.
- j) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

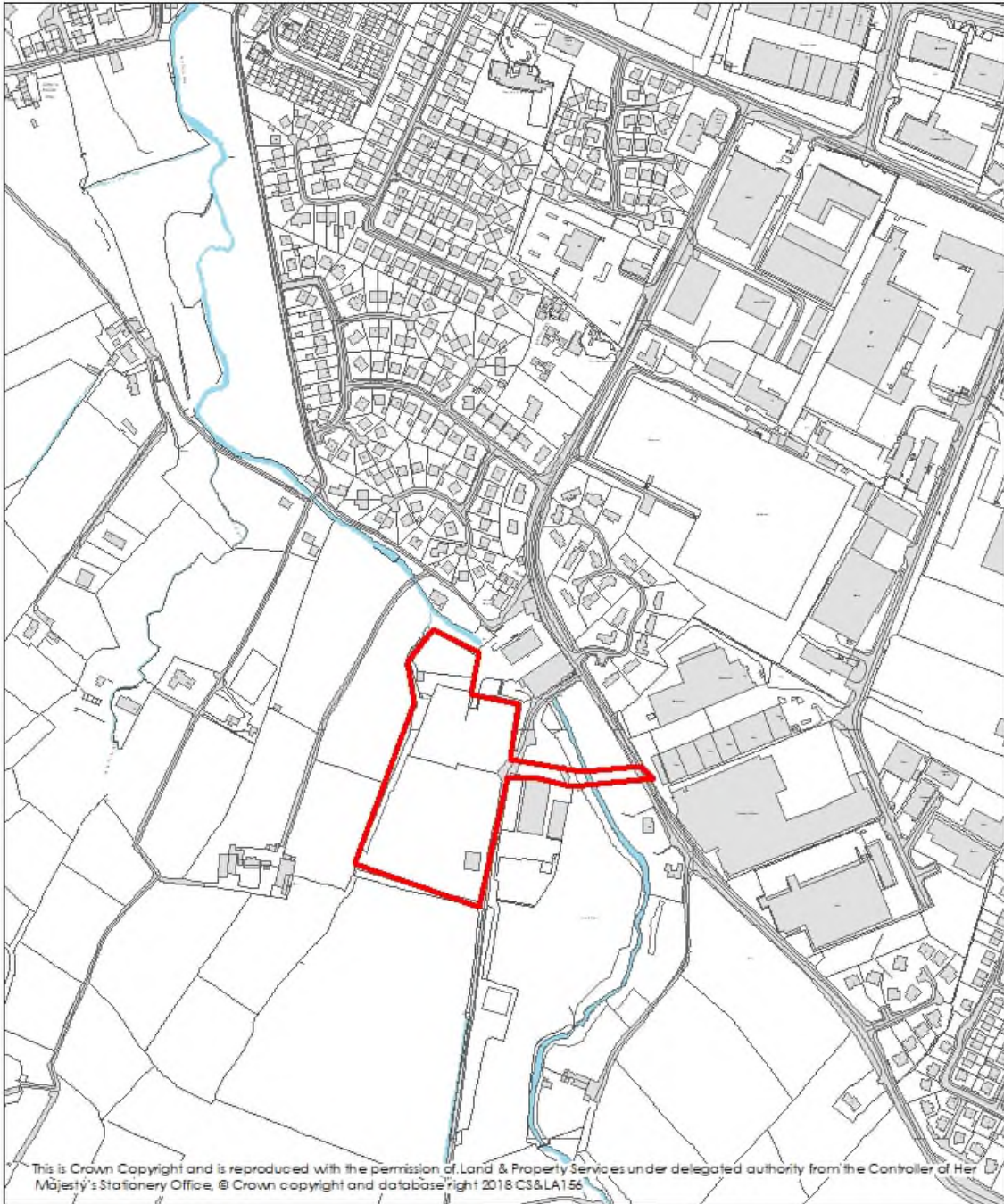
Reason: To protect Northern Ireland priority habitats and to prevent likely significant effects on Lough Neagh and Lough Beg Special Protection Area and Ramsar site, Rea's Wood and Farr's Bay SAC and Lough Neagh Area of Special Scientific Interest.

17. Prior to discharge to any watercourse(s), any surface water generated during the construction and operation phases of the development must first pass through appropriate treatment, such as sediment traps and hydrocarbon interceptors.

Reason: To protect Northern Ireland priority habitats and to prevent likely significant effects on Lough Neagh and Lough Beg Special Protection Area and Ramsar site, Rea's Wood and Farr's Bay SAC and Lough Neagh Area of Special Scientific Interest.

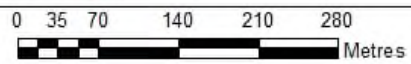
18. No development shall commence until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from the development.

Reason: To ensure adequate waste water treatment capacity is available and to ensure the protection of the aquatic environment and to protect Northern Ireland priority habitats, to prevent likely significant effects on Lough Neagh and Lough Beg Special Protection Area and Ramsar site, Rea's Wood and Farr's Bay SAC and Lough Neagh Area of Special Scientific Interest.




**Site Location Plan**

Application Reference: LA03/2021/0548/F



Proposal: Residential development comprising 55 no. dwellings, garages, open space and landscaping, car parking, site access, pumping station and all other associated site works

 Site boundary

Location: Lands west of Hyde Park Lane south west of 23 Hyde Park Road and c.195m south east of 12A Grange Lane Mallusk





<b>COMMITTEE ITEM</b>	<b>3.3</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0516/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Proposed 6no glamping pods and welcome/communal building with associated siteworks
<b>SITE/LOCATION</b>	130m NW of 14 Ballydunmaul Road, Randalstown
<b>APPLICANT</b>	James Alexander
<b>AGENT</b>	OJQ Architecture
<b>LAST SITE VISIT</b>	15 <sup>th</sup> December 2020
<b>CASE OFFICER</b>	Glenn Kelly Tel: 028 9034 0415 Email: Glenn.kelly@antrimandnewtownabbey.gov.uk

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located 130m northwest of 14 Ballydunmaul Road, Randalstown. The site is located within the rural area, outside of any settlement limit as defined by the Antrim Area Plan (AAP) 1984-2001.

The site is currently an agricultural field with a man-made lake in the centre. The eastern boundary of the site is currently undefined but lies within 5m of an existing tree-lined boundary and sits on higher land which aids the integration of the site when viewed from the east. The southeastern roadside boundary is defined by a mature 3m high hedge, while the southwestern boundary is undefined, lying just inside a mature tree and hedge line boundary approximately 4-6m in height.

The topography of the site falls gradually in an east to west direction. Access is taken from the Clonkeen Road along an existing laneway which presently serves a number of other dwellings, Nos. 48A, 48B and 48C Clonkeen Road.

The surrounding lands of the site are largely defined as agricultural, with the closest neighbouring dwelling being No.48C Clonkeen Road, approximately 90m northwest of the site.

#### **RELEVANT PLANNING HISTORY**

No relevant planning history

#### **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban Area Plan). Account



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

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

Antrim Area Plan 1984 – 2001: The application site is located within the countryside. 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 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people, property and the environment.

PPS 16: Tourism: sets out planning policy for tourism development and also for the safeguarding of tourism assets.

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.

**DfI Rivers** – No objection

**DfI Roads** – No objection.

**NI Water** – No objection.

## **REPRESENTATION**

Seventeen (17) neighbouring properties were notified, sixteen (16) letters of objection have been received. One (1) petition has also been received with thirty-eight (38) signatures. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Lack of demand for the proposal;

- Civil issues relating to laneway access;
- Design issues;
- Impact upon the character of area;
- Impact upon neighbouring amenity;
- Road safety impacts;
- Impact upon natural environment;
- Property values will be adversely affected.

### **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

- Principle of Development
- Design, Layout and Appearance
- Character and Appearance of the Area
- Open Space
- Neighbour Amenity
- Road Safety
- Impact Upon the Natural Environment
- Flood Risk
- Other Matters

#### **Principle of Development**

The application site is located outside any defined settlement limit and lies within the countryside as defined in the Antrim Area Plan 1984-2001 (AAP). The AAP provides an overarching strategy for the Borough, however, it does not provide specific operational policy in terms of the assessment of an application of this type. The AAP merely states that there is potential for future development of tourism in Antrim and at Paragraph 6.6 states that it aims to:

- Encourage the development of tourist facilities in the area while conserving and enhancing the quality of the natural landscape and protecting wildlife habitats.
- Facilitate an increase in accommodation available in the district provided it is compatible in terms of location, type and scale.

The SPPS also contains policies dealing with tourism, however, these do not conflict with any retained policies and consequently the relevant policy context in respect of tourism development is provided by Planning Policy Statement 16 – Tourism, and Planning Policy Statement 21- Sustainable Development in the Countryside.

Planning Policy Statement 21 Policy CTY 1 indicates that planning permission will be granted for non-residential development in the countryside for tourism development in accordance with the TOU policies of the Planning Strategy for Rural Northern Ireland (PSRNI), however, as PPS16 has been adopted in its final form, it supersedes the tourism policies in the PRSNI. PPS21 still contains general policies regarding the setting of settlements, the siting of development, the need to protect rural character and promotes the integration of development in the countryside. Many of these matters are similarly covered under TSM 6 of PPS 16.

PPS 16 'Tourism' sets out the planning policy for tourism development and for the safeguarding of tourism assets. It seeks to facilitate economic growth and social well-being through tourism in ways, which are sustainable and compatible with environmental welfare and the conservation of important environmental assets. Taken in the round therefore, planning policy as expressed in the AAP, SPPS and PPS 16, is supportive of tourism development, such as that proposed, provided it would

not unacceptably impact on the character of the area or amenities that ought to be protected in the public interest.

The most relevant policies in PPS 16 in reference to the application being assessed is Policy TSM 6 New and Extended Holiday Parks in the Countryside. Also relevant is Policy TSM 7 Criteria for Tourism Development. Policy TSM 6 recognises that holiday parks are important for the domestic tourism market in terms of the volume of rural tourism bed spaces they provide, and the economic benefits that flow from this scale of tourism activity.

Annex 1 of PPS 16 defines a holiday park as a caravan site licensed under the Caravans Act (NI) 1963, which in addition to static caravans may also contain holiday chalets or cabins, pitches for touring caravans, motor homes and tenting. Within the Caravans Act the term "caravan" is defined as, "any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted". The maximum size of such a structure is also laid out as being 20 metres in length, 16.8 metres in width and 3.05 metres in height measured internally from floor to ceiling. It is considered that the glamping pods proposed are of a type that would allow for transportation and fall within the designated size limits set out.

Therefore, this proposal for glamping pods would be considered as a Holiday Park as defined in PPS 16 and is subject to a number of specific criteria.

### **Design, layout and Appearance**

Policy TSM 7 criteria a-f deals with the design of the site and will be considered in the following paragraphs alongside Policy TSM 6.

Criterion (a) and (b) of Policy TSM 6 and criteria (b) and (c) of Policy TSM 7 relate to the integration and capacity to absorb development on the application site and encourages the effective integration of buildings into the landscape through the utilisation of existing natural or built features. The existing vegetation surrounding the application site is largely to be retained (some of which falls outside the site but within the blue line so therefore can be conditioned to be retained) with the exception of the access point. Any long range views of the site are well screened, even from the elevated position at the junction of Clonkeen Road with the Ballydunmaul Road to the east. In this case it is considered that due to the level of integration afforded to the application site, this site has the capacity to absorb the holiday park without significant adverse impact on the visual amenity and rural character of this area. The applicant has indicated on Drawing 02/1 (site layout) that additional landscaping will be carried out in order to further soften the approach upon entering the glamping pod site.

Part (d) of Policy TSM 6 promotes an informal layout of the site and the applicant utilises the surrounding landscape setting and proposes to retain the existing tree belts and clusters. The road layout has been made discrete to the wider site by exiting to the north onto an existing private shared laneway. The glamping pods are laid out in a particular fashion to group units 2-5 close together whilst allowing units 1 and 6 to site more remotely towards the southern end of the site while the communal building is located at the northern end close to the car park area. This collaboration of clusters and independent pods leads to an informal arrangement which is in

keeping with this part of the policy. Soft landscaping has been proposed throughout the site by way of tree planting and pathways that are made of "grasscrete". It is considered that part (d) of TSM 6 and criteria (a) and (b) of Policy TSM 7 has been met.

Part (e) of Policy TSM 6 states that the design of the proposal should be appropriate for the site and the locality. Within the applicant's supporting statement it reads that the glamping pods are constructed of a single unit, bolted to the ground and are capable of being removed by trailer. It is stated that the units are not in excess of the maximum size of a caravan as defined within the Caravan Act. Each glamping pod measures 6.9m in length, with a width of 4.3m and a height, measured internally, of 3.05m. These measurements fall within the parameters of the Caravan Act. The communal building is slightly larger, having a length of 8.5m and a width of 5m and an internal height of 3.05m. Again this falls within the acceptable levels to be considered under the Caravan Act.

All pods and the communal building are to have external walls finished in natural timber panels, with a zinc roof. There will be an overhang of the roof to allow a decking area. Overall, the design of the pods is in keeping with what would be expected of such buildings. Their use of natural timber materials to the external walls will help the buildings integrate into their rural surroundings. It is considered that part (e) of Policy TSM 6 and part (b) of Policy TSM 7 has been complied with, as well as design criteria set out within Policy CTY 13 of PPS 21.

A number of objections have been received, raising concerns over the design of the proposed development. These largely relate to the proposal not being in keeping with the surrounding rural area and being insufficiently screened. These areas of concern have been addressed above. It is considered that the policy allows for the development of such proposals and whilst it is considered that there will be an awareness of development, there will also be a high degree of existing and proposed vegetation to screen the site. Soft landscaping proposals and sympathetic use of natural materials mean that the proposals will be integrated into their surroundings. It is considered that little weight can be afforded to objections in relation to design in the final decision making process.

### **Character and Appearance of the Area**

Criterion (g) of Policy TSM 7 requires that the development proposal is compatible with its surroundings and uses and neither the use nor its built form will detract from the landscape quality and character of the surrounding area.

The site is immediately surrounded by agricultural lands, with sporadic detached dwellings evident to the north and west. It is considered given the high levels of vegetation around the site that the development would not unduly change the character of the site and the surrounding area and it is unlikely to have any detrimental impact upon neighbouring farming activities. The informal layout of pods on the site will prevent an excessive grouping of new buildings which further protects the rural character of the area. However, it is noted that a rather denser arrangement of buildings/dwellings exists approximately 150m west of the site. It is considered that criterion (g) of Policy TSM 7 has been met.

A number of objections have expressed concern with the siting of the development not being in keeping with the character of the surrounding area. There has been no evidence submitted that the development would be incompatible with existing

surrounding land uses other than private amenity issues which will be discussed at a later stage of the report.

### **Open Space**

Criterion (c) of Policy TSM 6 requires that adequate provision of open space be provided for communal open space including play and recreational areas and landscaped areas as an integral part of the development (approximately 15%). On this occasion, including the water feature in the centre of the site, open space accounts for in excess of 50% of the overall site and therefore this criterion of Policy TSM 6 has been met.

### **Neighbour Amenity**

Paragraph 3.8 of the SPPS sets out the guiding principle for planning authorities in determining planning applications. It states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Criterion (h) of TSM 7 also refers to the consideration of harm on the amenities of nearby residents. The Council's Environmental Health Section (EHS) has been consulted and has no objections on amenity grounds to this proposal.

The closest dwellings to the site are Nos.48A (300m northwest of siting of closest pod), 48B (240m northwest) and 48C (120m north) Clonkeen Road; 14 Ballydunmaul Road (110m west); and 46 and 48 Clonkeen Road (110m south). It is considered that given the vegetation around the site, the activities of visitors at the pods themselves will have little detrimental impact upon any surrounding neighbouring amenity.

### **Road Safety**

The majority of concerns put forward by objectors are related to the potential traffic and road safety impact from the development. The access is to be taken off Clonkeen Road, leading down a private shared laneway and then entering into the application site. Car parking is to be provided just north of the proposed communal building, well away from any neighbouring properties. DfI Roads was consulted on the proposal and has responded with no objections to the access proposals subject to standard conditions. Given the response from DfI Roads there is no evidence that this proposal will create a road safety hazard and therefore these points of objection cannot be sustained. The access arrangements comply with points (k), (L) and (M) of Policy TSM 7 of PPS 16.

### **Impact Upon the Natural Environment**

Several of the planning policies associated with the assessment of this development proposal refer to the development proposal not adversely affecting natural heritage features. These include Policy CTY 11 of PPS 21 (criterion (c)), Policy TSM 6 (criterion (f)) and Policy TSM 7 (criterion (i)) of PPS 16 and also Policy FLD 3 of PPS 15. Additionally, Policy NH 2 of PPS 2, which is entitled 'Species Protected by Law' is also relevant.

The site does not lie within the buffer area of a protected monument or other historic site. The man-made water feature in the centre of the site does not form a waterway connection to a protected European site. An objection was received however, which highlighted the presence of a protected species of newt within the confines of the site. Following consultation with Natural Environment Division (NED), an

Ecological Impact Assessment was received. NED considered this report and the potential habitats, including newts that may occupy the body of water within the site. Following this the applicant submitted a Construction Method Statement and Lighting Assessment to show how the development could be carried out without affecting the habitats present. NED was satisfied with this solution and has offered a final response with no objection to the proposal subject to conditions.

It is considered that the proposal is therefore in accordance with policy set out above. Objections in relation to the existence of newts have been sustained, however, the Construction Method Statement and Lighting Assessment indicate that the impacts can be satisfactorily mitigated, NED have been consulted and are satisfied that the mitigation measures provide sufficient safeguards to protect Newts on the site.

**Flooding and Drainage**

The site lies outside of any area identified as being within a known area of flood risk. DfI Rivers responded to consultation stating that a Drainage Assessment was not required and offered no objection to the proposal. Foul sewage will be disposed of via septic tank, with water sourced from the mains.

**Other Matters**

A number of objections were raised in relation to ownership of the shared laneway being used to access the site and the potential negative impact the development may have upon property prices within the area. Certificate C has been signed by the applicant upon the owners of the existing lane. Notwithstanding this, these issues are civil matters and can be dealt with outside of the planning system. Therefore, little weight can be afforded to these points of objection within the final decision making process.

**CONCLUSION**

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

- The principle of the development on balance is considered to be acceptable;
- The design, layout and appearance of the proposed development is considered acceptable;
- Impact upon protected habitats has been successfully mitigated;
- There is no significant impact on the residential amenity of adjacent properties;
- There are no flooding or drainage concerns with this proposal;
- There are no road safety concerns with the proposal;
- Objections have been taken into account but none provide overriding evidence to refuse 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 proposed landscaping indicated on Drawing No. 02/1, date stamped 13 October 2020 shall be carried out in the first planting season prior to the site becoming operational. If any tree, shrub or hedge, that tree, shrub or hedge is

removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

3. The existing natural screenings within lands owned by the applicant (as indicated by the red and blue lands) as shown on approved drawings 01/1 and 02/1 date stamped received 13 October 2020 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal. Existing hedging shall be retained at a minimum height of 2m and existing trees as shown retained at a minimum height of 4m. If any retained tree or vegetation is removed, uprooted or destroyed or dies it shall be replaced within the next planting season by another tree, trees or vegetation in the same location of a species and size as specified by the Council.

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

4. The glamping pods hereby permitted shall be used only for holiday accommodation and shall not be used for permanent residences.

Reason: The site is located within the countryside where it is the objective of policy to restrict development and this permission is solely granted because of its proposed tourism/holiday use.

5. The mitigation measures proposed within the Construction Method Statement, Document 03, date stamped 28<sup>th</sup> January 2022 shall be implemented in full during the construction phase of the development.

Reason: To protect the ecological integrity of the existing waterbody.

6. The preconstruction survey proposed within the Construction Method Statement, document 03, date stamped 28<sup>th</sup> January 2022 shall be submitted to and approved in writing by the Council prior to commencement of development. In the event where newts are present, a dedicated Newt Mitigation Plan shall be submitted and approved by the Council prior to obtaining a Wildlife Licence.

Reason: To protect any newts within the existing waterbody.

7. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.04 bearing the date stamp 13<sup>th</sup> October 2020, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

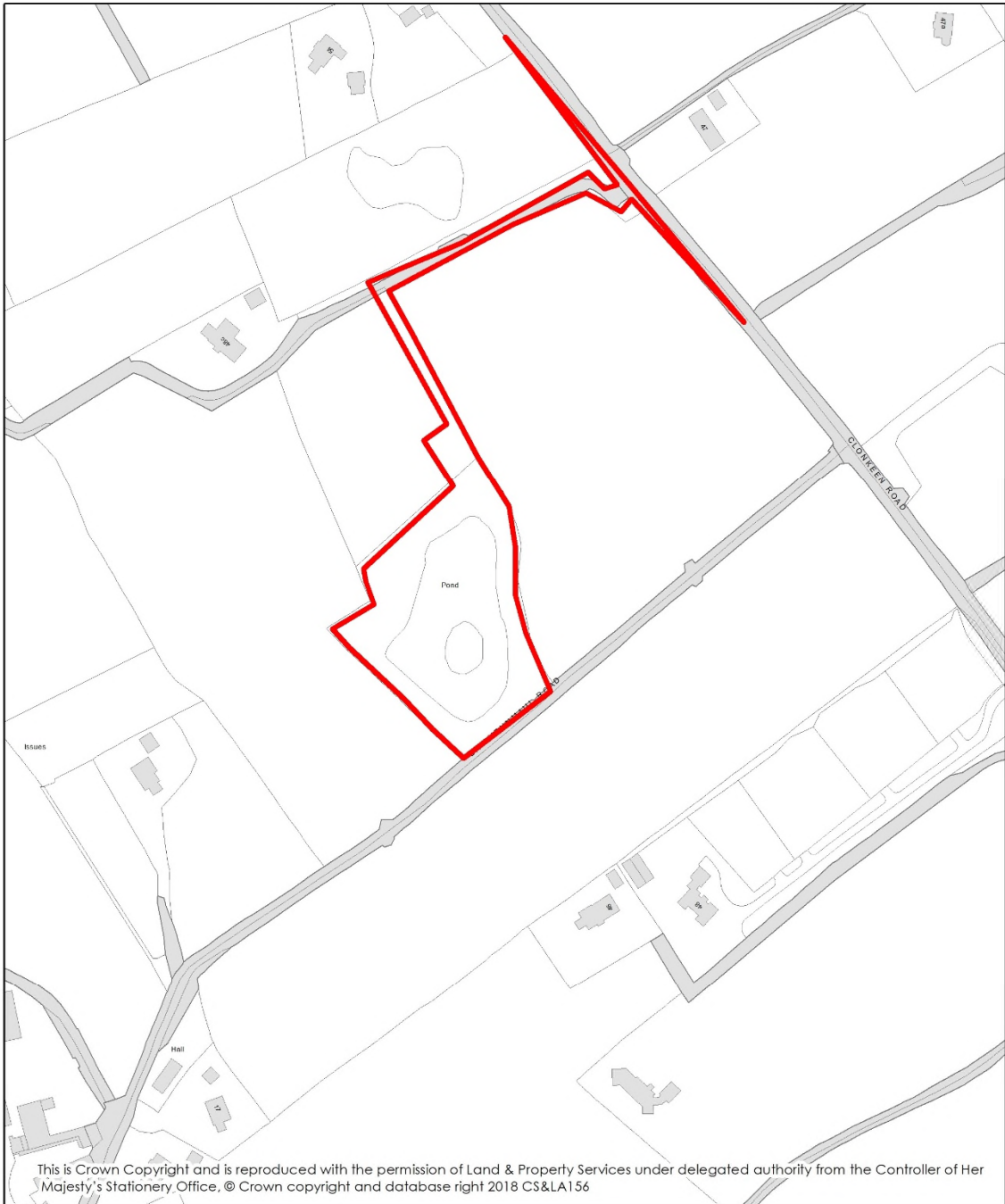
8. The gradient of the access road shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary.

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

9. No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02/1 bearing date stamp 13th October 2020 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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





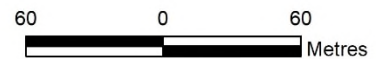
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### Site Location Plan

Application Reference: LA03/2020/0516/F

Proposed 6no glamping pods and welcome/communal building

130m NW of 14 Ballydunmaul Road  
Randalstown



<b>COMMITTEE ITEM</b>	<b>3.4</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0744/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED &amp; LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Demolition of existing house, erection of 5 no. 2-storey detached houses with associated hard and soft landscaping, and new vehicular entrance to Ballycraigy Road.
<b>SITE/LOCATION</b>	4 Ballycraigy Road, Glengormley, Newtownabbey, BT36 5ZZ
<b>APPLICANT</b>	Noel Reid
<b>AGENT</b>	Place Lab Architects
<b>LAST SITE VISIT</b>	19th October 2021
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 903 40416 Email: <a href="mailto:alicia.leathem@antrimandnewtownabbey.gov.uk">alicia.leathem@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located on unzoned lands within the development limits of Metropolitan Newtownabbey as designated in the Belfast Urban Area Plan (BUAP) and draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The site is located off the Ballycraigy Road and currently comprises a detached single storey dwelling known as No. 4 Ballycraigy Road and its associated garage and amenity area. The application site is set directly to the rear of No. 2 Ballycraigy Road and is accessed via the Ballycraigy Road. The topography of the site rises gently from the north of the site to the south. The boundaries are defined by mature vegetation with the exception of the northern boundary which is defined by a close boarded timber fence.</p> <p>The surrounding area is predominantly residential in character, defined by storey and a half properties to the west in Cedar Hill and a number of single storey and two storey properties to the east in Glencraig Heights.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: U/1999/0009 Location: 60 metres north No.4 Ballycraigy Road, Newtownabbey. Proposal: Site for dwelling Decision: Permission Granted</p> <p>Planning Reference: U/2000/0193/RO Location: 60 metres north No.4 Ballycraigy Road, Newtownabbey. Proposal: Site for dwelling Decision: Permission Granted</p>	

## PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which remains at 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 2001 (BUAP): The application site is located within the settlement limit of Newtownabbey.

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

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 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

**Council Environmental Health Section** – No objections

**Northern Ireland Water** – Objections raised.

**Department for Infrastructure Roads-** No response

**DfC Historic Environment Division –** No objections

### **REPRESENTATION**

Eighteen (18) neighbouring properties were notified with twenty-three (23) letters of objection received from eighteen (18) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

The key points of objection raised are summarised below:

- Precedent;
- The area is too close knit for further development;
- Access arrangement (road safety, noise general disturbance lack of footpath, lack of parking provision, air quality, loss of privacy with traffic through cul de sac, no traffic survey);
- Overlooking/loss of privacy;
- Overshadowing/loss of light;
- Impact on flora and fauna (loss of trees/impact on birds)
- Lack of clarity on plans for boundary treatment;
- Impact on the sewage network;
- Out of character in relation to two storey dwellings proposed adjacent to single storey/storey and a half;
- Urban sprawl;
- Overdevelopment;
- Loss of view;
- Site history;
- Density;
- Security and ownership of trees along the western boundary.

### **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

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

#### **Preliminary Matters**

The original scheme submitted to the Council included six (6) detached dwellings with the proposed access arrangement to be taken from both Ballycraig Road and Cedar Hill. An amended scheme submitted to the Council on 6<sup>th</sup> April 2022 shows a reduction from six (6) dwellings to five (5) dwellings, an amended site layout and access to be achieved solely from Ballycraig Road. This assessment is therefore based on the amended scheme.

#### **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 purportedly adopted Belfast Metropolitan Area Plan 2015 (BMAP 2015) was for a period of time deemed to be the statutory development plan for this area, however the purported adoption of the Plan by the then Department of the Environment in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) remains the statutory Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) is also a material consideration in this application.

Both of the relevant development plans identify the application site as being on unzoned lands within the settlement limit of Metropolitan Newtownabbey. The proposal seeks the demolition of the existing house (4 Ballycraigy Road) and the erection of 5 no. 2-storey detached houses with associated hard and soft landscaping, and a new vehicular entrance onto Ballycraigy Road.

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

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

- PPS 3: Parking and Movement;
- PPS 7: Quality Residential Environments; and
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas.

As the application site is deemed to fall within unzoned lands within the development limits of Metropolitan Newtownabbey and in close proximity to a predominantly residential area. Given that there is an existing dwelling on the site and the surrounding area is predominantly residential it is considered that the principle of residential development is acceptable subject to the proposal creating a quality residential environment in accordance with Policy QD1 of PPS 7 and the Creating Places design guide as well as meeting other relevant policies.

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

Planning Policy Statement 7: Quality Residential Environments and the Regional Development Strategy encourage the reuse of urban land however; this is caveated by stating that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas and that schemes should be sensitive in design terms to people living in the area and to local character. PPS7 reiterates the need for sensitivity and in Policy QD1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

Paragraph 6.137 of the SPPS refers to the need to deliver increased housing without town cramming and that, within established residential areas, it is imperative to

ensure that the proposed density of new housing development, together with its form, scale, massing, and layout will respect local character and environmental quality, as well as safeguarding the amenity of existing residents.

Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposed development will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to all of a number of criteria. 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 surfaced areas.

The proposed development takes the form of 5 detached dwellings in a linear row from the north of the site to the south fronting in an easterly direction, one dwelling acts as a bookend at the rear of the site fronting into the site in a northerly direction. Access to the site is achieved from the Ballycraigy Road and runs along the eastern boundary of the application site with a turning head located to the rear between plots four and five.

Each of the dwellings are two storeys, with two similar house types (house type A and house type A1). Both house types have a ridge height of 8.7 metres from ground level taking a simple rectangular form, a pitched roof with two chimneys along the ridge, one on either gable end. The main difference between the house types is the inclusion of a two storey rear return. Three of the five dwellings are house type A design with the remaining two dwellings reflective of house type A1. The external finishes for all units are shown as render finish, hardwood windows and doors with aluminium rainwater goods and slate roof tiles.

Policy LC 1 of the Addendum to PPS 7 requires that the proposed density of new residential development is not significantly higher than that found in the established residential area. Letters of objection raised concerns in relation to the density being out of character, that it would result in urban sprawl and overdevelopment of the site. The site is located between Glenraig Heights and Cedar Hill and it is accepted that the pattern of development differs between both of the aforementioned residential developments. The dwellings within Cedar Hill are detached properties located on medium plots whilst the properties within Glenraig Heights are also detached properties, however, they are generally on smaller plots with a denser urban grain. It is considered that the density of the proposal is reflective of the existing residential pattern and is not significantly higher than that found in the immediate area. The application site is a brownfield site within an urban area with development on either side, the proposal is not considered to constitute urban sprawl.

Policy QD 1 and LC1 also require that the proposal respects the character of the area and the surrounding context. As such one of the key issues in relation to the impact on the character and appearance of the area is the scale, height and massing of the proposed dwellings. Letters of objection raised concerns in relation to the design of two storey properties being out of keeping with the character of the area. As outlined above the proposed dwellings are two storey with a ridge height of 8.6 metres above finished level, however, a two storey dwelling has generally a ridge height of 8 metres from finished floor level. The topography of the land slopes gently

from the south to the north (roadside), as such the dwellings will have a stepped down appearance as indicated on the streetview elevation (Drawing No 03/1 date stamped 6<sup>th</sup> April 2022).

The properties to the west of the application site within Cedar Hill are one and a half storey dwellings with the dwellings to the east within Glencraig Heights being a mix of single and two storey, however, the dwellings along the common boundary of Glencraig Heights and the application site are all single storey. Additionally a single storey property is located adjacent to the northern boundary of the site fronting onto the Ballycraigy Road.

The application site is set back to the rear of an existing dwelling and currently the views of the existing single storey dwelling are limited. It is considered however, that given the surrounding context the proposed dwellings with a ridge height of 8.7 metres will appear out of keeping with the surrounding context. The roofs of the proposed dwellings will sit well above the rooftops of the surrounding properties and will appear disruptive and out of keeping with the surrounding streetscene. The proportions, massing, and appearance of the proposed development do not respect the surrounding development which is comprised of a mix of single storey and storey and a half properties.

Concerns were raised in relation to the lack of clarity on boundary treatment of the original scheme. The proposed boundary treatment as indicated on Drawing No 03/1 date stamped 6<sup>th</sup> April 2022 shows the retention of the vegetation along the western and southern boundaries, whilst the existing boundary fence along the northern boundary is to be retained. The proposal indicates the removal of boundary vegetation along the eastern boundary with the erection of close boarded timber fence to the southern section of the eastern boundary. However, no boundary treatment is indicated along the northern section of the eastern boundary. Notwithstanding the lack of clarity in relation to this section of the boundary treatment, if planning permission was forthcoming a condition may be imposed detailing the boundary treatment on this section of the site.

### **Private Amenity Space**

Criterion (c) of Policy QD 1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided within 'Creating Places: Achieving Quality in Residential Developments'. This states that the appropriate level of provision should be determined by having regard to the particular context of the development; provision should be calculated as an average space standard for the development as a whole, and should be around 70sqm per house, or greater.

The proposed development comprises four bed dwellings, which suggests it is aimed at a family market. Private garden areas are located to the rear of the property with smaller garden areas located to the front of the properties. The private garden provision to the rear of the dwellings is more than 70sqm per dwellings, the level of amenity space is considered acceptable.

Criterion (c) also requires the adequate provision of landscaped areas as an integral part of the development. The proposal is open plan with the retention of mature boundary treatment along the western boundary and proposed tree planting within the development. Small, landscaped areas to the front of the proposed dwellings,

which are considered sufficient in size and scale to assist in the integration of the development and to soften its visual impact.

### **Neighbour Amenity**

Criterion (h) of Policy QD1 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 well designed layout should seek to minimise overlooking between proposed and existing dwellings and provide adequate space for privacy. Creating Places advises that a sufficient separation distance and an appropriate boundary treatment should be provided to ensure privacy. Letters of objection raised concerns in relation to the impact on neighbouring properties due to overlooking/loss of privacy and overshadowing/loss of light.

The proposed dwellings are orientated to face east which results in the proposed dwellings fronting onto the rear of the existing properties in Glenraig Heights. Creating Places advises a separation distance of greater than 20 metres where development abuts the private garden area of an adjacent dwelling, with a minimum of 10 metres between the rear of new dwellings and the common boundary. In this case although the proposal does not have a rear-to-rear relationship, a separation distance ranging from 7 metres to 9 metres exists from the front elevation of the proposed dwellings and the common boundary with a separation distance ranging between 17 metres and 11.5 metres from the front elevation of the proposed dwellings and the rear wall of the existing properties.

The separation distances provided, fall significantly short of the recommended separation distances within 'Creating Places' and this is compounded by the fact that the proposed dwellings are two storey properties whilst the dwellings in Glenraig Heights are single storey properties. The relationship between the existing and proposed properties will lead to significant overlooking and loss of privacy to the existing properties in Glenraig Avenue. Furthermore, as indicated on Drawing No 03/1 date stamped 6<sup>th</sup> April 2022 a portion of this existing mature boundary will have to be removed to allow for the access arrangement and it is unclear how this section of the boundary is to be replaced.

No. 2 Ballycraig Road is a single storey property located to the north of the application site and it has a back-to-gable relationship with the proposed dwelling on Plot 1. The separation distance between the properties measures 8.5 metres. A closed boarded timber fence defines this boundary, however, it is noted that a first floor gable window serving a bedroom is located on the northern elevation which will lead to significant overlooking and loss of privacy for the occupants of No.4 Ballycraig Road.

The proposed dwelling on Plot 1 will have a back-to-back relationship with No.2 Cedar Hill which has a sufficient separation distance to prevent any significant impacts in terms of overlooking or loss of privacy. Additionally, the gable-to-gable relationship with No.5 Cedar Hill & Plot 5 and the existing mature boundary which is to be retained will also prevent any significant impacts through overlooking or loss of privacy. The proposed dwellings on Plots 3 & 4 will have a back-to-gable relationship with No. 2 Cedar Hill and a separation distance of between 9.5 metres and 10 metres from the rear wall of the proposed dwellings and the common boundary. It is



considered that given the back-to-gable relationship that the proposal will not result in any significant impacts on No. 4 Cedar Hill.

Policy QD 1 of PPS 7 also requires that consideration should be given to the impact on neighbouring properties in relation to overshadowing and loss of light. As indicated above the proposed dwellings have a ridge height of 8.7 metres located between single storey and storey and a half properties with limited separation distance. It is considered that taking into consideration the natural path of sunlight that the proposal will lead to overshadowing and loss of light to the amenity areas of those properties in Glenraig Heights and No.2 Ballycraigy Road. Additionally it is considered that proposed developments will result in a domineering and overbearing impact on these aforementioned properties.

The proposed access arrangement running directly to the eastern gable end of No. 2 Ballycraigy Road serving the five proposed properties would lead to an unacceptable level of noise and light disturbance from vehicles entering and leaving the development. Additionally, the proposed access runs along the eastern boundary in front of the proposed dwellings with windows serving habitable rooms. Given the minimal separation distance and no differentiation in ground level it is considered that the access arrangement would have an unacceptable impact on the proposed dwellings in terms of privacy, noise and general disturbance.

For the reasons outlined above, it is considered that the development does not meet with the criteria of Policy QD 1 in that it has not been satisfactorily demonstrated that there will be no unacceptable adverse effect on proposed and existing properties in terms of overlooking, loss of privacy, light and noise nuisance and on existing in addition on existing properties in relation to overshadowing, loss of light and dominance.

### **Access, Movement and Parking**

Policy AMP 2 of Planning Policy Statement 3 'Access, Movement and Parking' (PPS 3) requires that any development should not prejudice the safety and convenience of road users. Access to the site is achieved from Ballycraigy Road, however, when the application was initially submitted, the access was proposed to be via both Ballycraigy Road and Cedar Hill. A large number of objections were received from neighbouring properties in relation to the proposed access arrangements and the impact on road safety, impact on amenity from noise and general disturbance through the existing cul de sac, the lack of provision for footpaths and parking and the lack of a traffic survey being carried out. An amended scheme submitted to the Council removes the access from Cedar Hill and proposes access directly onto the Ballycraigy Road. Consultation was carried out with DfI Roads on the amended scheme and their response to the amended access arrangement directly from the Ballycraigy Road remains outstanding. However, given the significant concerns with this proposal it is not considered necessary to hold the processing of the application given that it is unacceptable on a range of other issues.

Policy AMP 7 of Planning Policy Statement 3 (PPS 3) and criterion (f) of Policy QD1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total number of parking spaces to be provided for residents, visitors, and other callers. For the proposed development of five four bed detached dwellings, a total of 15 parking spaces are required. Each dwelling is provided with two in-curtilage parking spaces, accounting for 10 of these

spaces. It is noted that given the narrow nature of the internal road (4 metres) there is insufficient space along the internal estate road to allow for occasional parking by visitors and other callers. For these reasons it is considered that the development cannot provide adequate and appropriate parking provision and therefore fails criterion f of QD 1 and Policy AMP 7 of PPS 3.

### **Other Matters**

#### Disposal of foul sewage

NI Water (NIW) has recommended refusal of the proposed development due to a high level assessment having been carried out by NI Water that indicates potential network capacity issues in the Whitehouse Waste Water Treatment Works, which the applicant wants to serve this proposal. The capacity issues establish a significant risk of detrimental effect to the environment, and detrimental impact on existing properties. For these reasons, NI Water is recommending any new connections to the public sewerage system are curtailed. Additionally letters of objection raised concerns about the impact on the sewage network. The applicant was advised of this issue and has indicated that they have submitted a Waste Water Impact Assessment to NIW, however, to date no solution has been forthcoming. As no solution has been forthcoming, it has not been demonstrated that a suitable and satisfactory means of dealing with the foul sewage from the proposed development can be achieved.

#### Historic Environment

The application site is located within the consultation zone for a historic monument, as such consultation was carried out with the Department for Communities, Historic Environment Division who raised no objections to the proposal.

#### Natural Heritage

Concerns were raised regarding the loss of vegetation and impact on natural heritage and wildlife. The application is a brownfield site which currently occupies an existing property. The mature vegetation along the western and southern boundaries is to be retained. It is noted that a section of vegetation along the eastern boundary and within the application site is to be removed, however, it is considered that no significant impacts on natural heritage will be impacted as a result of the proposal.

Other concerns raised included the ownership of the boundary trees and the responsibility for facing the trees, these issues lie outside the remit of the planning process and are a matter for individual parties. Concerns were also raised in relation to security through the Cedar Hill cul de sac via a pedestrian pathway, as the access arrangement has been amended there is no link through Cedar Hill to the proposed development. Other concerns raised by objectors relate to the site history and establishing a precedent, however, each application is assessed on its own merits taking into consideration all material planning considerations. Concerns in relation to a loss of view are not generally considered to be material planning considerations nor has any evidence been submitted to suggest that the impact would be disproportionate.

### **CONCLUSION**

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

- The principle of residential development is acceptable;
- The design, layout, and appearance of the dwellings is considered inappropriate to the character and appearance of the site and surrounding area;

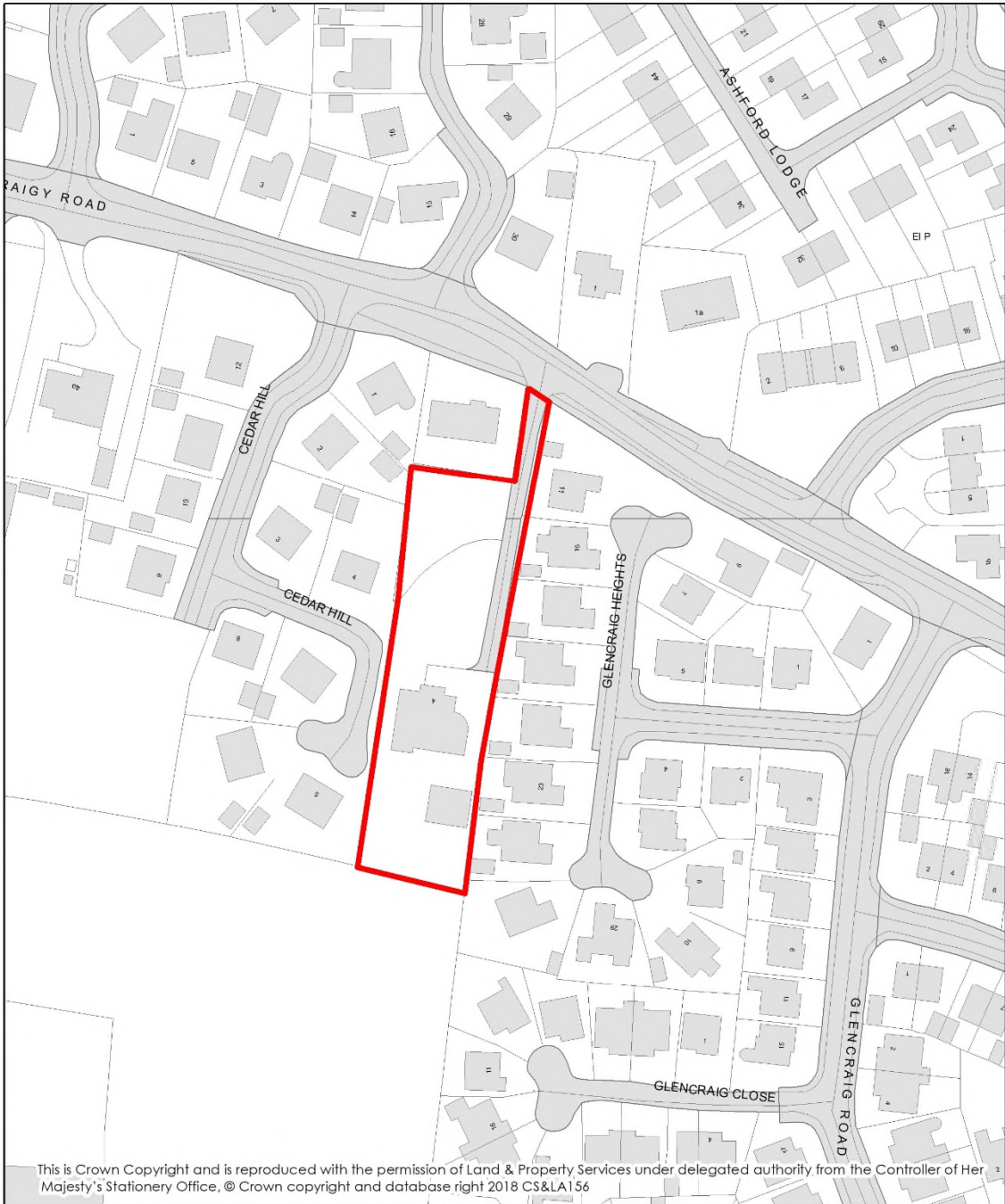
- Sufficient amenity space is provided;
- Amendments may be required to demonstrate a safe and appropriate access arrangement;
- A lack of parking provision has been provided;
- The proposal will have a detrimental impact on the amenity of future residents of through overlooking and overshadowing.

**RECOMMENDATION**

**REFUSE PLANNING PERMISSION**

**PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' in that the proposed development does not respect the surrounding context and is considered to be inappropriate to the character and appearance of the area; the layout will have an adverse impact on the amenity of existing and proposed residents in terms of overlooking and overshadowing, dominance and general disturbance.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy LC 1 of Addendum to Planning Policy Statement 7 'Safeguarding the Character of Established Residential Areas' in that the proposed development does not respect the surrounding context and is considered to be inappropriate to the character and appearance of the area.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would cause harm to an interest of acknowledged importance, namely sewage disposal, as it has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development.
4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AMP 7 of Planning Policy Statement 3 'Access, Movement and Parking' as an unacceptable provision of parking has been provided to serve the development.



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**Site Location Plan**

Application Reference: LA03/2020/0744/F

Demolition of existing house, erection of 5 no. 2-storey detached houses with associated hard and soft landscaping, and new vehicular entrance to Ballycraig Road.

4 Ballycraig Road, Glengormley, Newtownabbey, BT36 5ZZ




 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.5</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0739/F</b>
<b>DEA</b>	<b>MACEDON</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Demolition of existing shed on the site. Proposed residential development comprising of 10 x 2 storey semi-detached dwellings and 2 x 2 storey town houses, associated infrastructure, carparking and landscaping.
<b>SITE/LOCATION</b>	Site 10m East of 10 and 19 Glenabbey Drive 10m East of 20 and 23 Glenabbey Avenue 10m East of 26 and 53 Glenabbey Crescent Newtownabbey BT37 0YT
<b>APPLICANT</b>	T A Downey Limited
<b>AGENT</b>	McGurk Architects
<b>LAST SITE VISIT</b>	19th October 2021
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 903 40406 Email: <a href="mailto:sairead.debrun@antrimandnewtownabbey.gov.uk">sairead.debrun@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limits of the Belfast Urban Area as designated in the Belfast Urban Area Plan (BUAP) and within the development limits of Metropolitan Newtownabbey as defined in the draft Belfast Metropolitan Area Plan (published 2004).</p> <p>The site is located off the Glenville Road in Newtownabbey, on a strip of relatively flat land wedged between the existing Glenabbey developments to the west, and the Belfast to Larne and Belfast to Londonderry railway tracks to the east. The application site is bounded on all sides by mature fir trees and hedging, with additional palisade fencing along the northern boundary, and a 2-metre-high close boarded fence along the western boundary where the site abuts existing properties in Glenabbey Drive, Avenue, and Crescent. There is an existing two storey barrel roofed building in the northeastern corner of the application site, and a NI Water combined sewer overflow located in the southeastern corner.</p> <p>The surrounding area is predominantly residential in character, defined by two storey detached and semi-detached dwellings to the south, east, and west. Opposite and north of the application site is a large commercial/industrial yard, with the railway line running the entire length of the eastern boundary of the site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history.	

## **PLANNING POLICY AND GUIDANCE**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which remains at 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 2001 (BUAP): The application site is located within the settlement limit of Newtownabbey.

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

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 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**

**Council Environmental Health Section** – Objections raised.

**Northern Ireland Water** – Objections raised.

**Department for Infrastructure Roads**- Amendments required.

**DfI Rivers** – Amendments to Drainage Assessment required.

**Belfast City Airport** – No objection.

**Northern Ireland Transport Holding Company** – No objection.

## **REPRESENTATION**

Twelve (12) neighbouring properties were notified with two (2) letters of objection received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

The key points of objection raised are summarised below:

- The proposed development will affect the value of existing properties in the area;
- The area is too close knit for further development;
- The application site should be used for a children's park as there are no suitable facilities in the area;
- Diversion of a watercourse through the existing developments has caused subsidence to properties;
- The watercourse has been diverted towards the application site.

## **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

- Policy Context and Principle of Development
- Design, Layout and Appearance
- Private Amenity
- Parking Provision
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Other Matters

### **Policy Context and Principle of Development**

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

The purportedly adopted Belfast Metropolitan Area Plan 2015 (BMAP 2015) was for a period of time deemed to be the statutory development plan for this area, however the purported adoption of the Plan by the then Department of the Environment in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) remains the statutory 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.

Both of the relevant development plans identify the application site as being on unzoned land within the settlement limit of Metropolitan Newtownabbey and are silent on this type of development.

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

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

- PPS 3: Parking and Movement;
- PPS 7: Quality Residential Environments; and
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas.

As the application site is deemed to fall within the development limits of Metropolitan Newtownabbey and on unzoned white lands, it is considered that the principle of residential development is acceptable subject to the proposal creating a quality residential environment in accordance with Policy QD1 of PPS 7 and the Creating Places design guide as well as meeting other relevant policies.

### **Design, Layout and Appearance**

Both Planning Policy Statement 7: Quality Residential Environments and the Regional Development Strategy encourage the reuse of urban land however; this is caveated by stating that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas and that schemes should be sensitive in design terms to people living in the area and to local character. PPS7 reiterates the need for sensitivity and in Policy QD1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

Paragraph 6.137 of the SPPS refers to the need to deliver increased housing without town cramming and that, within established residential areas, it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing, and layout will respect local character and environmental quality, as well as safeguarding the amenity of existing residents.

Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposed development will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to all of a number of criteria.

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 surfaced areas.

The proposed development takes the form of ten semi-detached dwellings and two detached units. All dwellings are two storeys, with the semi-detached units having a ridge height of 9.2 metres to finished floor level, two front groundfloor bay windows,



and a flat roof single storey rear return. The two detached dwellings have a ridge height of 8 metres to finished floor level; they also have two front groundfloor bay windows, and a two storey rear return. External finishes for all units are shown as red brick cladding with smooth render surrounding the bay windows, anthracite grey windows, door frames and rainwater goods, with a blue/grey slate/tile roof covering.

It is proposed to access the new development through the existing Glenabbey developments; Plot 1 is accessed from an existing turning head in Glenabbey Drive, while Plots 2 to 8 inclusive will be accessed off Glenabbey Avenue and via a new internal estate road. Plots 10, 11, and 12 are accessed from Glenabbey Crescent.

The proportions, massing, and appearance of the proposed development are considered to respect the surrounding development in Glenabbey, which is comprised of two storey semi-detached and detached dwellings finished with a mix of red brick and white/cream coloured pebble dash.

The layout of the proposed development is largely mostly considered satisfactory, however there are some concerns which are addressed below. Existing building lines within the Glenabbey developments are largely maintained and respected, and the majority of dwellings occupy the traditional gable-to-gable and rear-to-rear arrangement as exhibited within the adjacent development. Incurtilage parking for the majority of the new development is provided to the side of the dwellings, and the overall level of hardstanding provided within the proposed development is considered acceptable.

There are concerns however, with the two proposed units on Plots 6 and 7. These plots occupy a central location within the application site and have a frontage to the new internal estate road, with Plot 6 taking up a corner site and is positioned gable end to this new road also. The proposed dwelling for this plot has not been appropriately designed for this corner site and the dwelling does not adequately address both frontages. In addition, the front boundary of Plots 6 and 7 is to be defined by a one-metre-high brickwork wall, with one-metre-high railings on top, while the entire length of the side boundary of Plot 6, which is just over 30 metres, is defined by 2-metre-high brickwork screen wall. Such a boundary treatment on a prominent corner site within the proposed development scheme is considered unacceptable in terms of its visual impact and the quality of the overall scheme. The layout of this section of the proposed development has failed to comply with Policy QD 1 as it does not create a quality and sustainable residential environment.

### **Private Amenity**

Criterion (c) of Policy QD 1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided within 'Creating Places: Achieving Quality in Residential Developments'. This states that the appropriate level of provision should be determined by having regard to the particular context of the development; provision should be calculated as an average space standard for the development as a whole, and should be around 70sqm per house, or greater.

The proposed development comprises a mix of three and four bed dwellings, which suggests it is aimed at a family market, and there are on offer a variety of garden sizes. While the majority of plots have a private amenity space of more than 70sqm the dwellings on Plots 4, 5, and 9 specifically have considerably less than the

recommended 70sqm, with just 60sqm, 46sqm and 50sqm respectively. It is considered that this provision of private amenity space is not reflective of the surrounding developments which meet with the recommended private amenity levels.

Criterion (c) also requires the adequate provision of landscaped areas as an integral part of the development. The proposal is open plan with small, landscaped areas to the front of a number of proposed dwellings, which are considered sufficient in size and scale to assist in the integration of the development and to soften its visual impact.

### **Parking Provision**

Criterion (f) of Policy QD1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total number of parking spaces to be provided for residents, visitors, and other callers. For the proposed development of ten three bed semi-detached dwellings, and two four bed detached units, a total of 31 parking spaces are required. Each dwelling is provided with two in-curtilage parking spaces, accounting for 24 of these spaces, with sufficient space along the internal estate road to allow for occasional parking by visitors and other callers. For these reasons therefore, the development can provide adequate and appropriate parking provision and meet with criterion (f).

### **Neighbour Amenity**

Criterion (h) of Policy QD1 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.

Noise disturbance may be an issue, however, this will be during the construction period only and on completion of the development, should cease to be a concern.

A well designed layout should seek to minimise overlooking between proposed and existing dwellings and provide adequate space for privacy. Creating Places advises that a sufficient separation distance and an appropriate boundary treatment should be provided to ensure privacy.

The application site is bounded along the western boundary by existing residential properties, and in this regard, it is considered that the proposed development will not create conflict with the adjacent land use. In addition, the new residential units are positioned a sufficient distance from the existing dwellings and there should be no unacceptable effect on these properties in terms of overlooking, loss of light, overshadowing, noise, or other disturbance.

However, as noted above, there are concerns with some elements of the layout of the proposed development, and it is considered that the future residents of dwellings on a number of plots within the new development could be affected by overlooking and loss of amenity.

Creating Places advises of a separation distance of greater than 20 metres where development abuts the private garden area of an adjacent dwelling, with a minimum of around 10 metres between the rear of new dwellings and the common boundary. In the case of the dwelling on Plots 8 and 9, which abut the private

garden area of Plot 10, there is a separation distance of only 8 metres between the rear elevation and the common boundary. This rear elevation has four, first floor bedroom windows, which together with the reduced separation distance, may give rise to issues of overlooking and impact on the level of privacy for the future occupants of the dwelling on Plot 10.

A reduced separation distance is also proposed to Plot 7, with a distance of approximately 5 metres between the rear elevation of the dwelling on this site and the private amenity space associated with the dwelling on Plot 5.

There are also concerns with the level of privacy afforded to the amenity space for the dwelling on Plot 6. The back garden area for this dwelling backs onto the side elevation of the dwelling on Plot 5, with this dwelling sitting forward of the building line for Plot 6, thereby giving rise to the potential for overlooking from the dwelling on site 5.

Based on this assessment, it is considered that the development does not meet with the criteria of Policy QD 1 in that it has not been satisfactorily demonstrated that there will be no unacceptable adverse effect on proposed properties in terms of overlooking, and loss of private amenity.

Criterion (i) of Policy QD1 of PPS 7 states that proposed residential development should be designed to deter crime and promote personal safety. It is considered that the proposed development meets this objective, by positioning the dwellings fronting onto the access road and having private amenity space to the rear.

The application site is located immediately west of the Belfast to Londonderry and Belfast to Larne railway lines (where 4 lines merge into 2), and the proposed residential development may be affected by noise and vibration associated with the use of the railway line. Part of the development site is adjacent to the Glenville Road and may be subject to high levels of road traffic noise. In addition, there are commercial / industrial premises to the north of the proposed development which may also have an impact on residential amenity. Consequently, the applicant was requested to undertake a Noise Impact Assessment to assess the daytime and night-time noise impact of the adjacent railway lines on the proposed development, and any noise arising from the commercial/industrial area to the north. Given the proximity to the railway line, an assessment of the potential for vibration impact was also requested.

The applicant submitted a Noise and Vibration Impact Assessment (DOC 04 date stamp received 4th October 2021), which following review by Environmental Health required a number of amendments. A second Assessment (DOC 06) was submitted in January 2022, and again was assessed by the Environmental Health Section. Neither of the Noise and Vibration Impact Assessment documents were found to adequately address the concerns raised by Environmental Health in terms of the potential adverse impact on future residents of the proposed development by reason of noise and vibration from the railway line, and noise from vehicular traffic along the Glenville Road and commercial activity adjacent to the site. Based on the information provided, it is considered that the amenity of the proposed residential development will be significantly affected by reason of noise and vibration and as a consequence the proposal is contrary to the provisions of the SPPS and Policy QD 1 of PPS 7.

### **Impact on the Character and Appearance of the Area**

The application site is located adjacent to and within an existing residential area, although there is a large commercial yard and buildings opposite the site on the Glenville Road. Nevertheless, extending the residential use into this application site will not have a detrimental impact on the character of the area. In addition, the existing dwellings in the Glenabbey developments are defined by detached and semi-detached two storey properties, with external finishes of red brick and pebble dash. It is considered that the overall design, form, and external materials of the proposed development will reflect the character and appearance of the locality, and the scheme will not result in a significant detrimental impact on the overall character and appearance of the area.

### **Other Matters**

#### *Access*

DfI Roads was consulted in relation to the application and is largely satisfied within the information provided. Amendments to the PSD drawings were requested, to show no hatching in the red service strips, long sections and cross sections.

#### *Contaminated land*

Railway lines have historically been a source of contamination. In addition, the previous use(s) of the existing shed on site is unknown. Given the potential risks of land contamination resulting from the adjacent land use, the applicant was requested to provide a Preliminary Risk Assessment (PRA), identifying potential land contamination issues for the application site.

The PRA (DOC No. 05, date stamped received 4th October 2021) classifies the application site as CS2, based on ground gas data collected. As a result, a number of protection measures are required to be included within the construction of the dwellings. Environmental Health is satisfied with the contents of the report and recommend that these protection measures are conditioned on any forthcoming planning permission.

#### *Devaluation of existing properties*

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

#### *Drainage*

An objector has raised concerns regarding a culverted river which now flows towards the application site. DfI Rivers has confirmed there is a culverted river running along the eastern boundary of the site, of which they have no record.

In addition, DfI Rivers has reviewed the Drainage Assessment (DOC 02 date stamp received 21st July 2021) and found it to be incomplete as it is not supported by relevant correspondence from the DfI Rivers Local Area Office consenting to

stormwater discharging to a watercourse, and NI Water in relation to a Pre-Application enquiry.

On the 20th October 2021, the applicant was requested to amend the Drainage Assessment accordingly, however, no updated assessment has been received to date.

*Disposal of foul sewage*

NI Water has recommended refusal of the proposed development due to a high level assessment having been carried out by NI Water that indicates potential network capacity issues in the Whitehouse Waste Water Treatment Works, which the applicant wants to serve this proposal. The capacity issues establish a significant risk of detrimental effect to the environment, and detrimental impact on existing properties. For these reasons, NI Water is recommending any new connections to the public sewerage system are curtailed. The applicant was advised of this issue and to date has failed to demonstrate an alternative and satisfactory means of dealing with the foul sewage from the proposed development, nor engaged with NIW through the engagement process regarding a solution.

*Alternative use of the site for a children's play park*

An objector stated that they felt a more appropriate use for this piece of land would be as a children's play park, however, the application site is located within the settlement limit for Metropolitan Newtownabbey, and as such the principle of a residential development on this site is acceptable, subject to the proposal creating a quality residential environment in accordance with Policy QD1 of PPS 7 and the Creating Places design guide as well as meeting other relevant policies.

**CONCLUSION**

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

- The principle of residential development is acceptable;
- The design, layout, and appearance of the dwellings on Plots 6 and 7 are considered inappropriate to the character and topography of the site and surrounding area;
- Sufficient amenity space is provided;
- Amendments are required to demonstrate a safe and appropriate access arrangement;
- The proposal will have a detrimental impact on the amenity of future residents of the proposed development in terms of noise and vibration.

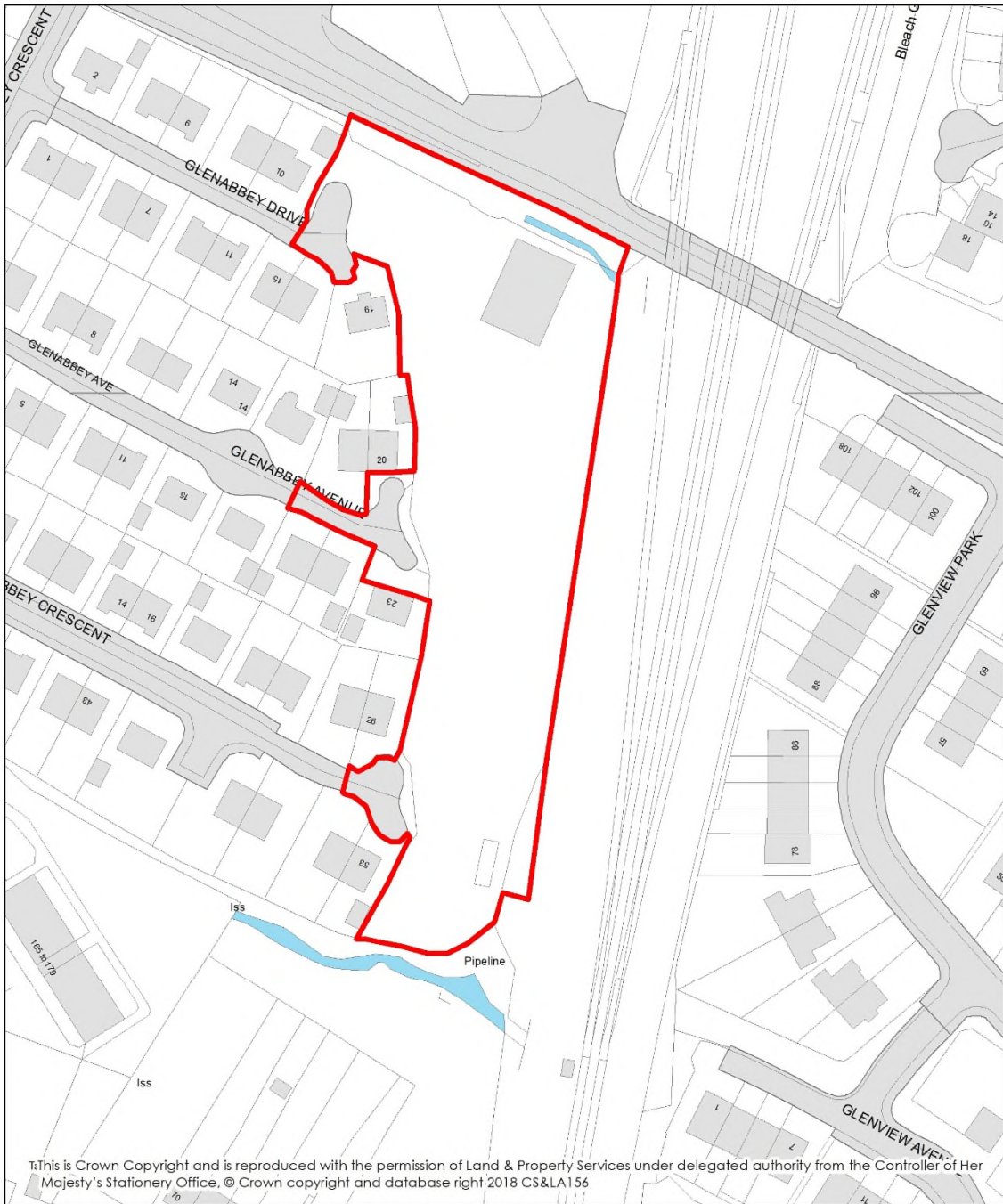
**RECOMMENDATION**

**REFUSE PLANNING PERMISSION**

**PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' in that the proposed development; i) does not respect the surrounding context and is considered to be inappropriate to the character and appearance of the development in terms of the use of excessive amounts of boundary walls along the estate road; the layout will have an adverse impact on the amenity of proposed residents in terms of overlooking and there is inadequate provision of private amenity areas.

2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would cause harm to an interest of acknowledged importance, namely sewage disposal, as it has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' in that it has not been demonstrated that there will be no unacceptable adverse effects on the proposed properties in terms of noise and vibration.



**Location Map**

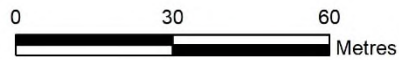
Application Reference: LA03/2021/0739/F

East of Glenabbey Drive, Glenabbey Avenue and  
Glenabbey Crescent, Newtownabbey

Proposed residential development comprising  
of 10 semi detached dwellings &

2 town houses, associated infrastructure, carparking and landscaping.

 Site Boundary



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.6</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0304/O</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed demolition of existing dwellings at no. 89-93 Belfast Road and erection of 8 No dwellings with associated site works
<b>SITE/LOCATION</b>	Land to the South of 85 Belfast Road Bruslee Ballyclare including no. 89-93 Belfast Road but excluding existing hall
<b>APPLICANT</b>	Ms R Lindsay
<b>AGENT</b>	NI Planning Permission
<b>LAST SITE VISIT</b>	11 <sup>th</sup> June 2021
<b>CASE OFFICER</b>	Glenn Kelly Tel: 028 903 40415 Email: <a href="mailto:Glenn.Kelly@antrimandnewtownabbey.gov.uk">Glenn.Kelly@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located on lands to the south of 85 Belfast Road, Bruslee, Ballyclare. These lands include Nos. 89, 91 and 93 Belfast Road which are to be demolished and replaced as part of the scheme. The site is located within the settlement limits of Bruslee as defined by draft BMAP (2004).</p> <p>Dwelling Nos. 89 and 93 occupy the southern end of the site, with a commercial building known as "village waterbeds" occupying a section of land towards the middle of the site which separates the application site into two separate parts, a northern and southern section. The lands immediately either side of this commercial premises fall within the site and are currently defined as vacant agricultural lands.</p> <p>The roadside eastern boundary is defined by a mixture of vegetation and open boundaries, with a 1m high suburban hedge to the front of No.89 and a taller 2m high hedge to the front of the agricultural lands. The southern and western boundaries are defined by mature hedging 2m in height, with sporadic trees in excess of 8m in height. The northern boundary is defined by a low fence and hedging shared with an adjacent dwelling No.85 Belfast Road.</p> <p>The southern portion of the site abuts the access roadway into Bruslee Recycling Centre. Agricultural land lies to the west of the site, with a mixture of single housing and agricultural lands on the opposite side of the road to the east. The topography of the site rises gently in an east to west direction.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history	



## PLANNING POLICY AND GUIDANCE

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

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

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

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the countryside area of this plan. Bruslee is not designated as a settlement within this plan

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Bruslee. There is no specific policy within the plan relevant to this application.

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

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

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

## CONSULTATION

**Council Environmental Health Section** – A Noise Impact Assessment and a Preliminary Risk Assessment is required

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads**- Refusal recommended

**Department for Infrastructure Rivers** – Drainage Assessment required

## REPRESENTATION

Six (6) neighbouring properties were notified and four (4) letters of objection have been received from four (4) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Increased traffic
- Out of keeping with area
- Noise

## 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 and Impact Upon Character of the Area
- Neighbour Amenity
- Flood Risk
- Road Safety
- Other Matters

### Policy Context and Principle of Development

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

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

In these circumstances the provisions of both the dNAP and dBMAP (2004) are considered to be material considerations in assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP (2004) provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process.

The dBMAP (2004) shows the site within the settlement limits of Bruslee, however, dNAP does not recognise Bruslee as a settlement within the plan. Significant weight will be afforded to the more up-to-date dBMAP (2004). There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The application proposes the erection of 8no. detached dwellings shown on an indicative block plan. To enable this development, dwellings at Nos.89-93 Belfast Road and their associated outbuildings are to be demolished.

Having considered the location of the site within the settlement limits of Bruslee into, it is considered that the principle of residential development for housing is acceptable on this site in accordance with Policy QD1 of Planning Policy Statement 7, and the Creating Places design guide, subject to design and amenity considerations.

### **Design and Appearance and Impact Upon Character of the Area**

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

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

Although the application seeks outline planning permission for 8no. dwellings, an indicative block plan was submitted for consideration labelled Drawing No.02A and date stamped 23<sup>rd</sup> November 2021. The site stretches approximately 145m along the Belfast Road. The conceptual layout shows 8no. detached dwellings with parking to be provided to the front of the dwellings.

Objections were received stating that the development would be out of keeping with the area. Part (a) of Policy QD 1 states that the proposed development shall respect 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. In addition to this Policy LC 1 of the Addendum to PPS 7 (Safeguarding the character of established residential areas) states that the proposal shall not have a density significantly higher than that found in the established residential area. This latter policy applies to small settlements which Bruslee would fall under.

It is apparent that the surrounding area of Bruslee is defined by large, individual plots. These include No.85 immediately north of the site and Nos. 88-92 on the opposite side of the Belfast Road from the site. For comparison, the average plot widths of these existing sites would be 25m, whereas the average frontage proposed is approximately 15metres, a significant reduction. In addition, the density of the proposed development is significantly greater than what exists at present. The application site proposes 8 No. dwellings on an area of 0.4 hectares while the development on the opposite side of the road is 5 dwellings on an area of 0.5 hectares. This represents a significant increase in the density of dwellings in the area and would be considered to be out-of-keeping with the existing character of the area and is further emphasised by the fact the development of 8 no. units is

replacing only 2no. dwellings and their associated outbuildings. This significant increase in density is not reflective of Bruslee and it is considered would result in numerical swamping of such a small settlement. The proposal fails to comply with part (a) of policy QD 1 of PPS 7 and part (a) of LC 1 of Addendum to PPS 7.

### **Neighbour Amenity**

Part (h) of QD 1 of PPS 7 states that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

One objector (No.85 Belfast Road) refers to their garden boundary adjoining the development and this would change their countryside outlook. They note that noise will likely increase if the proposal is approved and developed. The closest neighbouring property to the site is No.85 Belfast Road which lies immediately north of the site. There are also 3no. dwellings on the opposite side of the Belfast Road, namely Nos. 88, 90 and 92. There is a 25-30m distance between the site and No.88, 90 and 92. There are no dwellings immediately to the rear of the site.

The Council's Environmental Health Section (EHS) has been consulted on the proposal and whilst it has requested a Noise Impact Assessment (NIA), this is in relation to the impact of noise from the nearby recycling centre upon future residents of the development rather than out of concern for an unacceptable noise issue being created upon the existing neighbouring dwellings. Therefore, little weight can be afforded to the issue of noise upon No.85. Despite requests to provide a NIA, no such NIA has been received by the Council.

Whilst it is recognised that this application is for outline permission only, it is considered that it would be possible to design a housing development on the site that would not have a significant detrimental impact upon existing surrounding residential properties in terms of noise, overlooking or loss of light. However, no supporting information has been provided to show that the future residents of the application site would not be unduly affected by noise.

### **Flood Risk**

DfI Rivers Flood Maps (NI) indicates that the development does not lie within the 1 in 100-year fluvial or 1 in 200-year coastal floodplain. A Drainage Assessment (DA) was requested as the initial development proposed 14 dwellings, while the amended scheme has been reduced to 8 No. dwellings it is considered that a DA would still be applicable given that the development is just below the threshold (10 dwellings) for requiring a Drainage Assessment and the layout of the development is likely to give rise to an area of hard standing in excess of 1000sqm. A digital version of a DA was previously forwarded to the Planning Section on 1<sup>st</sup> October 2021, however, hard copies of this DA have never been submitted despite requests to do so on 12<sup>th</sup> October 2021 and 19<sup>th</sup> October 2021.

Without having received a DA, it is not possible to ascertain whether the proposal complies with Policy FLD 3 of PPS 15 and therefore the proposal must be refused.

### **Road Safety**

A number of objections received raised the issue of increased traffic within the Bruslee area if the development under consideration was to be approved.

As part of the consultation process, DfI Roads was consulted on the proposal and they have responded stating that the proposal is unacceptable. It is considered that the proposal is contrary to Policy AMP 2 of PPS 3 in that the development would prejudice the safety and convenience of road users as it adds to the proliferation of accesses onto the road.

DfI Roads also considered that the original proposal for 14 No. dwellings was contrary to Policy AMP 7 of PPS 3, as it would prejudice the safety and convenience of road users as adequate provision cannot be made clear of the highway for the turning of vehicles within the curtilage of the individual sites and therefore vehicles which would be attracted to the site would have to reverse out onto the public road. The amended scheme of 8 dwellings would appear to provide sufficient in-curtilage parking and manoeuvring space without having to reverse out onto the public road.

In the circumstances it is considered that a reason for refusal based on inadequate in-curtilage parking could not be sustained, however, the objection on a proliferation of accesses along this section of road would warrant refusal.

### **Other Matters**

As part of the consultation process with EHS, they noted some concerns in relation to the potential for contaminated land. The proposed development site is in close proximity to lands previously used as a quarry. The recycling centre is also adjacent to the site and historical mapping shows vent pipes, which may indicate part of the site being used as a petrol filling station at some point in the past.

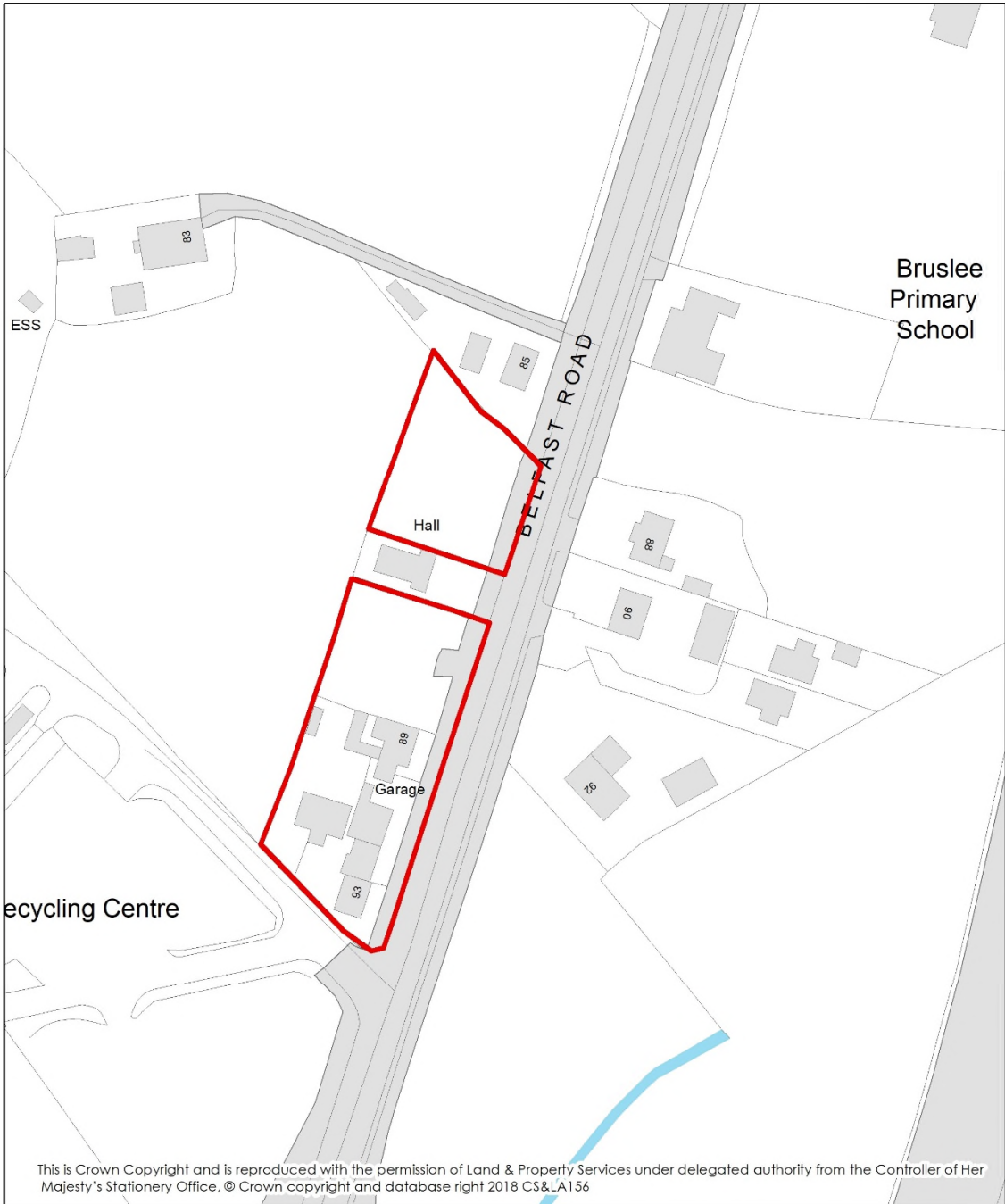
Given the potential risks of contamination, EHS requested a Preliminary Risk Assessment (PRA) to identify contamination issues for the site. The agent was informed of the need to consider this request in an email dated 9<sup>th</sup> July 2021 and emphasised the need to consider all consultee responses in an email dated 12<sup>th</sup> October 2021. No further information in this regards has been received to date. Therefore, the proposal fails to confirm that there will be no contamination risks on the site or surrounding lands.

### **CONCLUSION**

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

- The principle of the development is considered acceptable for housing on the site subject to design and other issues;
- It is considered the proposal is not in keeping with the character of the site and the surrounding area and will lead to overdevelopment of the site;
- There will be no significant impact upon the neighbouring amenity of the site, however, insufficient information has been provided to show that there will not be an unsatisfactory impact upon the amenity of future residents on the site by way of noise from the adjacent recycling centre;
- A Drainage Assessment has not been provided to demonstrate that there will be no flood risk on the site;
- DfI Roads recommend a refusal on road safety grounds;
- Insufficient information has been provided to show there will be no land contamination risk on the site.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
<b>PROPOSED REASONS OF REFUSAL</b>	
<ol style="list-style-type: none"> <li data-bbox="204 286 1428 499">1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments, and Policy LC1 of the second Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, in that the proposed development represents an overdevelopment of the site as: it does not respect the surrounding context in terms of the density of development.</li> <li data-bbox="204 539 1428 712">2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments, in that it has not been established that there will not be an adverse impact upon future residents of the site in terms of noise generated from Bruslee Recycling site.</li> <li data-bbox="204 752 1428 898">3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it adds to a proliferation of accesses onto this road.</li> <li data-bbox="204 938 1428 1084">4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, in that, it has not been established that the proposal would safeguard the future residential amenity of the site from the detrimental impact of existing land contamination.</li> </ol>	



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**Site Location Plan**

Application Reference: LA03/2021/0304/O

Erection of 14no. dwellings

Land to the South of 85 Belfast Road Bruslee Ballyclare

0 30 60 Metres

**Antrim and Newtownabbey**  
BOROUGH COUNCIL

<b>COMMITTEE ITEM</b>	<b>3.7</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0551/O</b>
<b>DEA</b>	<b>THREEMILEWATER</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED COUNCIL INTEREST</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for detached dwelling and garage
<b>SITE/LOCATION</b>	40 metres southeast of 96 Jordanstown Road, Jordanstown, Newtownabbey, BT37 0NU
<b>APPLICANT</b>	Mr & Mrs S Russell and Mr & Mrs J Russell
<b>AGENT</b>	N/A
<b>LAST SITE VISIT</b>	6th November 2020
<b>CASE OFFICER</b>	Johanne McKendry Tel: 028 903 Ext 40420 Email: <a href="mailto:johanne.mckendry@antrimandnewtownabbey.gov.uk">johanne.mckendry@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is a vacant area of land located opposite and 40 metres southeast of 96 Jordanstown Road, Jordanstown, situated within the Belfast Urban Area settlement limit and the Lenamore Area of Townscape Character as designated by zoning DGN 3K, as defined by the Belfast Urban Area Plan (BUAP). Within the draft Newtownabbey Area Plan 2005 (NAP), the application site is located within the settlement limit of Metropolitan Newtownabbey and within the Lenamore Area of Townscape Character under zoning ATC 2. Within the draft Belfast Metropolitan Area Plan (dBMAP) the site is located within the settlement limit of Metropolitan Newtownabbey and within the Lenamore Area of Townscape Character under zoning MNY 33.</p> <p>The site has a frontage length of 29 metres which extends along the existing internal access laneway and a site depth of 37 metres. The site is enclosed by tall mature planting along the northeastern, southeastern and southwestern site boundaries. The northwestern boundary is defined by a 1.8-metre-high wooden close boarded fence with a wooden gate located in the southwestern corner which provides access to the site. The Larne-bound platform of Jordanstown Railway Station Halt abuts the southeastern site boundary.</p> <p>A private lane abuts the northwestern site boundary, which serves three (3) existing dwellings, comprising a two-storey gatelodge at No. 98 Jordanstown Road and two (2) large three-storey semi-detached dwellings at Nos. 94 and 96 Jordanstown Road, all of which front onto the existing laneway. The extended gardens of Nos. 94 and 98 Jordanstown Road abut the southwestern and northwestern boundaries respectively.</p> <p>The site is set within a predominantly residential area characterised by a mixture of large detached and semi-detached properties with sizeable gardens to the front and rear.</p>	



## RELEVANT PLANNING HISTORY

Planning Reference: U/2003/0384/O

Location: Grounds of 96 Jordanstown Road, Newtownabbey

Proposal: Site for erection of detached dwelling house

Decision: Permission Refused (16.12.2003)

Planning Reference: U/2013/0125/O

Location: Land adjacent to 94 Jordanstown Road, Jordanstown, Newtownabbey

Proposal: Site for detached dwelling, and double garage.

Decision: Permission Granted (14.01.2014)

## 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 Belfast Urban Area settlement limit and within Lenamore Area of Townscape Character as designated by zoning DGN 3K.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Metropolitan Newtownabbey and within the Lenamore Area of Townscape Character (zoning ACT 2).

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey and the Lenamore Area of Townscape Character under designation MNY 33.

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

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

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

Addendum to PPS 6: Areas of Townscape Character: sets out planning policy and guidance relating to Areas of Townscape Character, for demolition of buildings, new development and the control of advertisements.

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

**Council Environmental Health Section** – No objection subject to conditions and an informative.

**Northern Ireland Water** – No objection subject to conditions.

**Department for Infrastructure Roads** - The existing access is substandard; visibility splays of 2.0 metres x 55 metres are required.

**Northern Ireland Transport Holding Company**- No objection subject to conditions including improvements to visibility at the site access.

**Department for Communities: Historic Environment Division - Historic Buildings** - No objection.

**Department for Communities: Historic Environment Division - Historic Monuments** - No objection.

## REPRESENTATION

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

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

- The visibility splays at the site access onto Jordanstown Road are sub-standard resulting in road safety concerns;
- The required visibility splays of 2 metres x 55 metres are not achievable due to an existing wall on land outside the applicant's control;
- A neighbouring property was not notified of the submission of a Design and Access Statement (DAS);
- The DAS states DfI Roads provided visibility splays of 2 metres x 80 metres at the site entrance which is incorrect;

- The MRA Partnership rebuttal letter (Document 02 date stamped 3rd December 2020) does not accurately represent how traffic and pedestrians use the surrounding road network; and
- Road traffic collisions have occurred in the vicinity of the site.

### **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

- Preliminary Matters
- Policy Context and Principle of Development
- Density
- Design and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Archaeology and Built Heritage
- Traffic, Transport and Road Safety
- Other Matters

#### **Preliminary Matters**

A previous outline planning approval was granted on an adjacent site located immediately to the southwest of the current planning application site, opposite No. 94 Jordanstown Road and to the rear of No. 14 Lynda Avenue, by the by the former Department of the Environment Planning Service (DOE Planning) under planning application reference U/2013/0125/O.

In its consultation response dated 1st January 2013 the former DOE Roads Service (DfI Roads) stated visibility splays of 2.0 metres x 67 metres would be required at the site access. It also stated that the footpath width directly adjacent to the proposed access on the left hand side emerging was limited to 1.8 metres and third party land may be required from the owner of No. 98 Jordanstown Road to facilitate the required visibility splays.

Following assessment of the proposal and the current circumstances of the case, including the existing access already serving three (3) dwellings, DOE Planning considered a reduction in the standard was not so significant to warrant a refusal and it was agreed to condition visibility splays of 2 metres x 30 metres as per the submitted plans. A pre-commencement condition was imposed on the planning approval stating that prior to the commencement of development on the site an access with visibility splays of 2.0 metres x 30 metres in both directions should be provided.

The Outline planning permission approved under U/2013/0125/O expired on 13 January 2017.

#### **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 purportedly adopted Belfast Metropolitan Area Plan 2015 (BMAP) was for a period of time deemed to be the statutory development plan for this area, however the purported adoption of the Plan by the then Department of the Environment in 2014 was

subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) remains the statutory Local Development Plan for the area. The provisions of the draft Newtownabbey Area Plan (NAP) and the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application.

The application site is located within the Belfast Urban Area settlement limit within BUAP and lies within the Lenamore Area of Townscape Character (ATC) as designated by zoning DGN 3K, originally designated in BUAP.

Development Guidance Note 3K Lenamore (DGN 3K) addresses the specific characteristics of the existing ATC within which the application site is located. DGN 3K recognises that 'the narrow unadopted roads with no footpaths bordered by mature trees and hedges together with the spacious layout gives this area its unique character' and that 'the retention of existing mature vegetation will help to ensure the setting of existing buildings is maintained'. It also acknowledged that the character of the area could be threatened by design changes, inappropriate infill developments, and loss of mature landscaping. It places significant emphasis on the protection of mature trees and hedges along the narrow roads, which contributes to its particular character.

Within the Draft Newtownabbey Area Plan 2005 (NAP) the application site is located within the settlement limit of Metropolitan Newtownabbey and within the Lenamore Area of Townscape Character (Zoning ATC 2). NAP states that the Lenamore area contains a mixture of dwellings ranging from large detached Victorian properties to small, terraced houses together with some modern properties and identifies that the character is derived from the inter-relationship that exists between the spacious layout of houses, the network of narrow roads and the generous distribution of mature trees and hedges. It seeks for this character to be retained.

Within draft Belfast Metropolitan Area Plan, published in 2004, (dBMAP) the application site is located within the development limit of Metropolitan Newtownabbey and within an Area of Townscape Character Lenamore (ATC) under Zoning MNY 33. Designation MNY 33 states that the key features of the area which will be taken into account when assessing development proposals include:

- The late Victorian and Edwardian dwellings, which include large, two storey detached villas, set within mature gardens;
- The inter-war 1920s/30s dwellings, post war 1950s/60s properties and 1980s/90s housing, which fit comfortably with a gently sloping topography;
- The informal and secluded layout of narrow roads, set within a dense mature landscape and bordered by tall boundary hedges
- St. Patrick's Church (1866) and building
- The late Victorian Old Rectory (No. 122 Circular Road) listed building
- The Edwardian Arts and Crafts 'Eden Lodge' (No. 129 Circular Road) listed building
- The detached dwellings on Circular Road from the late nineteenth and early twentieth century and from the inter-war 1920s/30s, and
- The 1950s row of closely fitted detached houses along the southern side of Circular Road.

Designation MNY 33 also states that all development proposals will be assessed against the following key design criteria:

- Density/Building Footprint: New dwellings shall be detached or semi-detached. Terraced, town house or apartment developments will not normally be permitted;
- The size, plot ratio and ratio of footprint to open space in new developments shall be compatible with those of the historic character and appearance in the immediate neighbourhood;
- Landscape Quality: Development shall not include the removal of trees and areas of soft landscaping between the building line and the boundary of the road or footway; and
- Townscape Quality/Detailing: New dormer windows shall be located on the rear roof elevation. In exceptional cases where a dormer is required on the front elevation, it shall be of pitched design and in scale with the existing building and its fenestration.

The relevant policy context is also provided by the Addendum to Planning Policy Statement 6 'Areas of Townscape Character' (APPS6), Planning Policy Statement 7 'Quality Residential Environment' (PPS 7), the Creating Places Design Guide and the Addendum to Planning Policy Statement 7 'Safeguarding the Character of Established Residential Areas' (APPS7), Planning Policy Statement 3 'Access Movement and Parking' (PPS 3) and the policies retained in the SPPS, which will be considered below.

The proposal seeks outline planning permission for a detached dwelling and garage. The character of the existing residential area primarily consists of detached and semi-detached properties with varying plot sizes. It is considered that due to the site's location within the development limit of Metropolitan Newtownabbey and given the size of the plot, a dwelling could be accommodated on the site subject to meeting the relevant criteria set out within the policies outlined above. The principle of development is therefore considered acceptable.

### **Density**

Policy LC 1 'Protecting Local Character, Environmental Quality and Residential Amenity' of the second addendum to PPS7 deals with the issue of density within residential areas. It sets out the requirements for acceptable development in established residential areas; it requires the proposed density to not be significantly higher than that of the surrounding area and the pattern of development to be in keeping with the overall character and environmental quality of the local area.

The surrounding area generally has large plots and a high ratio of garden area to built form, and the proposed development is considered in keeping with the general pattern of development in the locality. The proposal is compliant with Policy LC1 as it is considered to be an urban infill of a vacant site within a sizeable extended garden area, which is not to the detriment of the existing density or local pattern of development. Given the context of the layout of the immediate neighbouring residential development it is considered that the density and layout of the proposed development will not result in an adverse impact on residential amenity and the character and appearance of the Lenamore Area of Townscape Character or the surrounding area.

### **Design and Impact on Character and Appearance of the Area**

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

heritage. The Addendum to PPS 6 'Areas of Townscape Character' (APPS6) sets out planning policy and guidance relating to Areas of Townscape Character (ATC).

Policy ATC 2 'New Development in an Area of Townscape Character' of APPS 6 states that only development proposals in an ATC where the development maintains or enhances its overall character and respects the built form of the area, will be permitted; and any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development. This will be considered in more detail below alongside PPS 7 'Quality Residential Environments' (PPS 7), the 'Creating Places Design Guide' and the Addendum to PPS 7 'Safeguarding the Character of Established Residential Areas' (APPS 7).

Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The current policy direction is to make more efficient use of urban land but cautions that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas and that schemes should be sensitive in design terms to people living in the existing neighbourhood and to local character.

Paragraph 4.34 of the SPPS indicates that one of the keys to successful place-making is the relationship between different buildings and the relationship between buildings and streets and the compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area. Although imaginative and innovative forms of housing are encouraged, this is qualified in existing residential areas with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS 7 reiterates the need for sensitivity and in Policy QD1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

Paragraph 6.137 of 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. Although imaginative and innovative forms of housing are encouraged, this is qualified in existing residential areas with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy.

Policy LC 1 'Protecting Local Character, Environmental Quality and Residential Amenity' of APPS 7 is an amplification of Policy QD 1 and is intended to strengthen existing policy criteria to ensure that the quality of these areas is maintained, if not enhanced, and requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area. In addition, paragraph 7.08 of supplementary planning guidance document 'Creating Places' advises that it will not be acceptable to increase building density by simply 'cramming' development. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider streetscape.

As outlined above the application site is located within the Lenamore Area of Townscape Character (ATC). In this application for outline planning permission, a Design and Access Statement (DAS), Document 01 date stamped 18th August 2020 was submitted, which states the proposal is for a single dwelling and double garage. Although no concept plan or detailed drawings have been submitted, the DAS states that the proposed dwelling will front onto the private laneway and be of a scale and design which will respect the existing pattern of development. It also states that the existing mature planting along the site boundaries will be retained. The specific design and appearance of the proposed dwelling are matters which will be detailed within a Reserved Matters application and are not as significant at the outline stage.

Given the site location and a high degree of natural screening in existence to the northeastern, southeastern and southwestern site boundaries it is considered that a dwelling on the site would not be prominent and would only have limited public views.

The Creating Places Design Guide recommends that a dwelling with three or more bedrooms have an average of 70sqm of private amenity provision behind the building line. The application site is 0.1 hectares in area and should a dwelling and double garage be built on the site it is considered that sufficient private amenity space will remain to serve the proposed dwelling in compliance with policy guidance.

Overall, it is considered that the proposed development would not have a detrimental impact on the character and appearance of the area and a suitable design layout, sympathetic to the character of the surrounding context and appropriate to the character and topography of the site could be provided within the confinements of the application site.

### **Neighbour Amenity**

Policy QD1 of PPS7 requires the proposed design and layout to not create conflict with adjacent land uses and to not contribute to unacceptable adverse effects on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

The proposal seeks outline planning permission and therefore there are limited details with regards to the design of the proposed dwelling however, the DAS states the dwelling will front onto the private laneway and be of a scale and design which will respect the existing pattern of development, whilst retaining the existing mature planting along the site boundaries.

The application site is located on the southwestern side of a garden belonging to No. 98 Jordanstown Road. There is mature vegetation along the shared boundary, and it is considered that a dwelling could be designed to ensure no significant overlooking of this space from the ground floor with a condition stipulating the retention of this vegetation. Any first floor windows on the northeastern elevation of the proposed dwelling would cause overlooking towards the private amenity space and for this reason, it is considered necessary to attach a condition to ensure that any first floor windows on the northern or northeastern elevation of the proposed dwelling shall consist of opaque glass.

There is a minimum separation distance of 16 metres between the application site and the two dwellings opposite at No. 94 and No. 96 Jordanstown Road, which would result

in all dwellings fronting the internal private laneway and therefore there is no concern with overlooking at these properties.

No. 98 Jordanstown Road is located to the north of the application site and fronts Jordanstown Road with a two-storey projecting blank gable abutting the internal private laneway. No. 98 Jordanstown Road has a small narrow first floor window on the southeastern side of the rear elevation, approximately 0.5 metres wide and 1 metre in length and a second narrow floor to ceiling window on its rear first floor elevation. The floor to ceiling window is fully screened by a 6-metre-high boundary hedge along No. 96 Jordanstown Road's northeastern boundary and the smaller window is partially screened by a 4-metre-high hedge along the same boundary. As stated within the DAS the dwelling is proposed to front onto the shared lane and will therefore be at an oblique angle to the rear elevation of No. 98 Jordanstown Road. It is considered that there is sufficient space within the site and intermittent boundary landscaping to locate a dwelling with sufficient separation distance not to cause significant overlooking to the rear first floor windows of No. 98 Jordanstown Road.

It is also considered that there is sufficient space within the site to locate a dwelling so as not to cause significant overshadowing of the garden of No. 98 Jordanstown Road. Whilst some overshadowing may occur, this will be during the evening period only and due to the separation distances and existing vegetation along the northeastern site boundary it is considered overshadowing is not likely to be significantly worse than is currently the case.

The application site backs onto the platform of Jordanstown Railway Station Halt, therefore no neighbouring properties will be overlooked to the rear. However, due to the proximity of the railway line, the Council's Environmental Health Section (EH) advised that the proposed dwelling and its outdoor amenity space should be designed in such a way to protect future residents from adverse impacts of transportation noise and vibration, which are likely to arise from the adjacent road and railway, and artificial light intrusion into the dwelling from the adjacent railway station.

The applicant submitted a Noise and Vibration Impact Assessment, Document 03 date stamped 3rd December 2020 and an updated assessment including additional information, in the Noise and Vibration Impact Assessment, Document 04 date stamped 26th November 2021.

The updated assessment states that as this is an outline planning application, the final details as to location, design, construction, and foundation type of the dwelling are not yet established and therefore vibration mitigation measures required cannot be determined at this stage. Any proposed mitigation measures to reduce ground borne vibration will be determined within a Reserved Matters application. EH in its final consultation response dated 10th January 2021 had no objection to the proposal subject to conditions relating to vibration, noise, and artificial light being attached to any planning approval.

In conclusion, it is considered that a suitably sited and designed dwelling at the Reserved Matters stage of the application will not have an adverse effect on neighbouring properties by way of overlooking, loss of light, overshadowing, noise or other disturbance and therefore the proposal aligns with Policy QD1 'Quality in New Residential Development' of PPS 7.



### **Archaeology and Built Heritage**

The application site is located close to an archaeological site and monument (Reference ANT052:050). DfC Historic Environment Division: Historic Monuments (HED:HM) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to the SPPS and PPS 6 archaeological policy requirements.

DfC Historic Environment Division: Historic Buildings (HED) has considered the development proposal and its potential impact on the Church of St Patrick (Reference HB21 11 001), 113 Jordanstown Road, Jordanstown, a Grade A listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.

HED has stated that on the basis of the residential scale of the proposed dwelling, its urban setting and it being sufficiently removed from the listed building, it considers that the proposed development poses no greater demonstrable harm on the setting of the listed building. HED considers the proposal satisfies paragraph 6.12 'Development Proposals Impacting on Setting of Listed Buildings' of the SPPS and Policy BH 11 'Development Affecting the Setting of a Listed Building' of PPS 6 'Planning, Archaeology and the Built Heritage' and therefore the proposal is satisfactory to archaeological policy requirements.

### **Traffic, Transport and Road Safety**

Policy AMP 2 'Access to the Public Road' of PPS 3 accepts a direct access onto a public road where the access will not prejudice road safety or significantly inconvenience the flow of traffic.

Residents of two neighbouring properties raised a number of road safety concerns including: substandard visibility splays at site access onto Jordanstown Road; the NI Transport Holding Company consultation response states that improvements to the visibility splays are required at the site access due to the proximity of the railway crossing; the required visibility splays of 2 metres x 55 metres are not achievable due to an existing wall on land outside the applicant's control; incorrect information with respect to visibility splays provided within the Design and Access Statement (DAS); and road traffic collisions have occurred in the vicinity of the site.

The application seeks to utilise an existing unaltered access onto the Jordanstown Road. As stated above, a DAS accompanied the planning application. With regards to access, it states that the application site can be accessed from the existing laneway which serves three existing dwellings at No. 94, No. 96 and No. 98 Jordanstown Road. It states the access proposed from the laneway will be adequate in terms of visibility and width and that the current laneway is a Right of Way to which the owners of the application site maintain access. The DAS also states that in 2014, the former Roads Service (now DfI Roads) installed a new footpath and boundary wall along Jordanstown Road as part of a road widening and improvement scheme, providing a new opening to the laneway with visibility splays of 2.0 x 80 metres. The DAS goes on to state there is sufficient space within the site to provide for in-curtilage car parking spaces and turning areas to adhere to criteria in the Creating Places design guide, which is undisputed.

Following consultation, DfI Roads advised that the Jordanstown Road has a width of 6.3 metres and at the verge/footway width at the existing access is 1.8 metres wide. DfI

Roads advised that the existing access is substandard and an amended location plan showing the visibility splays triangulated to the near-side road edge in both directions for the required visibility splays of 2.0 x 55 metres is required. DfI Roads requested that notice be served on third party landowners in both directions by completing Certificate C on the P1 form for the land required to provide the visibility splays and advised that this will also be required for the inter-visibility of pedestrians 2 metres along the back of the footway from the exiting vehicle viewpoint. DfI Roads also requested Question 12 on the form should be amended to read 'alteration of an existing access to a public road'.

A letter of objection to the development proposal from the neighbouring property at No. 98 Jordanstown Road made reference to a consultation response from the former Roads Service relating to an outline planning application for a dwelling on the aforementioned adjacent site under planning application reference U/2013/0125/O requesting visibility splays of 2.0 x 67 metres and a pre-commencement condition on the said planning approval stating that visibility splays of 2.0 x 30 metres shall be provided in both directions. The objector stated that the sightlines are as they were in 2013 and do not conform to Development Control Advice Note 15 'Vehicular Access Standards' (DCAN 15). DfI Roads considered the objection and advised that the drive-by speed assessed in 2020 by DfI Roads is slower than in 2013 and therefore a reduced Y-value of 55 metres has been requested.

The standards accepted by the former Department of the Environment (DOE) conditioning visibility splays of 2.0 x 30 metres in both directions under planning approval reference U/2013/0125/O, for a dwelling and garage on the site adjacent to the current application, were below even the relaxation of the normal standard that would have been applicable having regard to DCAN 15 and the estimated road speed. At the time of that approval the opinion was based upon the view that the existing laneway serves three dwellings and although the X-distance of the access is restricted to 1.8 metres, it was determined to condition sightlines of 2.0 x 30 metres as per the submitted plans.

The objector at No. 98 Jordanstown Road in an additional letter disputes information within the DAS which states the former Roads Service provided visibility splays of 2.0 x 80 metres at the site entrance. The objector states this information is incorrect as the pavement at the site entrance is only 1.8 metres wide, the applicant does not own or control the land beyond the site access and with an existing wall at the site entrance the required sight splays will be impossible to achieve. The objector states that due to the proximity of the railway crossing, an unmanned full barrier crossing located next to Jordanstown railway halt, approximately 45 metres to the southeast of the site entrance, that the provision of the required visibility splays is paramount.

A second objector from a neighbouring property at No. 96 Jordanstown Road, who has been using the shared laneway since 2014, also highlighted concerns with regards to the substandard visibility splays at the site access stating they had had numerous 'near misses' with traffic and pedestrians and 'head-to-head' incidents with traffic trying to enter and leave the single traffic access lane. The objector also raised concerns with the accuracy of the location plan as a wall replaced the original access arrangement, which is located along the inside edge of the footpath alongside the Jordanstown Road.

Following a request for the aforementioned Dfl Roads amendments, additional information in the form of a rebuttal statement from MRA Partnership, Transport Planning Consultants, (MRA), Document 02, and a revised location plan with amended visibility splays, Drawing Number 01/1, both date stamped 3rd December 2020, were submitted with an aim to address the issues raised by Dfl Roads and the objectors. The MRA rebuttal report advised that the amended location plan included a new red line based on new mapping, showing the footway along Jordanstown Road provided by Dfl Roads, which was completed in 2013/2014. It stated that this is the arrangement proposed by Dfl Roads and deemed safe by them for use by residents, passing motorists and passing pedestrians.

The MRA report also states that the visibility splays are not drawn to the near side road edge but drawn to the edge of the running carriageway as required by DCAN 15. The following extract from DCAN 15 has also been referred to:

'Visibility is required over the shaded area shown in Figure 1. The x-distance is measured along the centreline of the minor road from the edge of the running carriageway of the priority road. The y-distance is measured along the near edge of the running carriageway of the priority road from the centreline of the minor road. Where the access is on the outside of a bend, an additional area will be necessary to provide splays which are tangential to the road edge as shown in Figure 2.'

The MRA report goes on to state that it was noted during a site visit that vehicles do not drive along the kerb edge but remain at least 300mm from it, avoiding driving into drain gullies. It refers the reader to a photograph in the report showing 'the road has been widened, cars do not drive in the 300mm widened width.' Another two photographs are presented within the report, one showing a view from the access lane to the right hand side exiting and a second showing a view from the access lane to the left hand exiting. Both photographs indicate that the X-distance of at least 2 metres is achieved at the site access if the measurement is taken from 'the running edge', which is approximately 300mm from the kerb abutting the Jordanstown Road. The report also states once the visibility splay has been constructed in accordance with DCAN 15, the visibility splays 'sought by Dfl Roads can be achieved and more'. It goes on to state this is a matter on which the Planning Appeals Committee (PAC) has determined several times as the guidance is very clear about how the splays should be measured. In addition, it states that Certificate C does not need to be completed and Question 12 on the P1 Form does not need amended because the required visibility splays can be provided without altering the access, as per the methodology stated above. In terms of visibility for pedestrians the MRA report states these are achieved on any access wider than 4 metres by default and Figure 3.3: Visibility at the back of footway crossing from the Design Manual for Roads and Bridges CD 123 is referred to, which requires visibility from 2 metres back of a 4 metre width of footway and as the access is 4.2 metres wide this is achieved. Guidance in DCAN 15 states that the minimum width of a two-way access should be 6 metres.

In February 2022, Dfl Roads advised that the location the X-value is taken from, referred to in DCAN 15, on the running carriageway is a defined location, which on urban roads is the road kerb. Dfl Roads continued that the running edge the applicant refers to is an undefined location and will vary when two large vehicles meet travelling in opposite directions, or when a car and a large vehicle meet in opposite directions, which will often be the case on the Jordanstown Road compared to that of normal two-way car traffic. In the interests of road safety Dfl Roads confirms it takes the X-value from a defined location that is not, or not likely to become part of the running carriageway,

namely the near-side road edge or in this case the road kerb. The existing access width at the entrance is 4.2 metres which is sufficient only for one car to gain access to the shared laneway or to exit onto Jordanstown Road at a time, however, there is sufficient passing width further along the laneway to the site for vehicles. DfI Roads also stated that it can accept a 4.2-metre-wide access at this location, but the required visibility splays should be provided.

The MRA report states the access standard for a 4th house are the same for three houses, and to seek improvements at this stage could be interpreted to suggest DfI Roads think it has constructed an unsafe access. Reference is also made within the MRA report to Translink's comments stating the access should be built to a standard which satisfies DfI Roads, which MRA states it does. It concluded within the report that the proposed access and visibility splays meet the requirements of DCAN 15 and are suited to enable a fourth property to be accessed using the lane with the required visibility splays for both vehicles and pedestrians in place.

In its consultation response dated 30th March 2022, DfI Roads stated it did not create the access at the site entrance but improved the access by providing a footway from the train station to link up with the footway just past Lynda Avenue. The purpose of the scheme was not to bring the access at No. 96 Jordanstown Road up to standard but to provide pedestrian access on that side of the road. The footway provided is deemed wide enough for a pram and wheelchair to pass each other as set out in Chapter 14 of the Creating Places Document. DfI Roads confirms that this particular scheme is an improvement to what was there before and not a standardisation of what previously existed and reiterates that the required visibility splays of 2 x 55 metres at the access are not in place and require improvements with the X-value to be taken from the road kerb.

With regards to PAC decisions referred to above, and specifically with respect to Planning Appeal reference 2005/A991 (DOE Planning Service reference W/2005/0263/O), a planning appeal lodged by Mr Tom Linehan against the refusal of outline planning permission for a site for a dwelling on lands at 1 Bennet Wood, Ballygrot, Helens Bay, which was allowed on 30th January 2007, DfI Roads has stated that in her consideration of the appeal, the Commissioner alludes to the fact that DCAN 15 is a guidance document and that there will be circumstances where consideration is required. The Commissioner describes Kathleen Avenue (Bennet Wood is accessed by a private driveway directly off Kathleen Avenue) as a leafy road with less than 3000 vehicles per day and also notes that no accidents in the near vicinity have been recorded. The Commissioner also notes that the existing access served extra properties for 20 years, that the application was proposing to intensify the access before a number of the accesses were closed up. DfI Roads continues that Jordanstown Road is not a leafy Road with less than 3000 vehicles per day but a main urban route with more than 3000 vehicles per day. Since 2005 DfI Roads has confirmed there have been 24 recorded accidents within 300 metres in either direction of the proposed access (and this figure does not include unrecorded accidents or near misses). DfI Roads refers to the Commissioner's comments with respect to 'creeping out 0.5 metres' in order to see the full 33 metres Y distance looking left but when conditioning the left hand splay, she conditions a splay of 30 metres. DfI Roads states that this is taking the X-value from the road-edge and the Commissioner is accepting a lesser splay due to the nature of the road and its conditions.

Albeit there are convex mirrors in situ at the site entrance, when exiting the site visibility is minimal in both directions, making it necessary to edge the vehicle forward incrementally onto the footway before gaining adequate visibility. DfI Roads states the current application proposes to intensify the existing access and the volume of traffic and accident history on the Jordanstown Road does not warrant a lesser visibility splay or creeping out to achieve the visibility.

Following a further request in February 2022 for a revised Certificate C of the P1 form, notice to be served on the third party landowners in both directions, an amended P1 form to read 'alteration of an existing access to a public road' and a revised location plan showing visibility splays of 2.0 x 55 metres with the X value of the visibility splay to be taken from the near side road edge/kerb line and not the near side running traffic line, the applicant failed to submit the requested amendments and revised location plan.

However, on 26th April 2022 the applicant submitted a rebuttal from its roads consultant, in response to DfI Roads latest consultation response dated 30th March 2022. It states that DfI Roads is responsible for the current layout at the site entrance, with the constructed footway being narrower than 2.0 metres which is the usual standard. The applicant reiterates, as a consequence, the minimum splays are achieved at this access by using the running edge as per DCAN 15. The rebuttal goes on to state that there is no special status for Jordanstown Road, which requires the splays to be measured to the kerb, and on all other routes the requirement is that splays are measured from and along the running edge, which is the same on all roads, quiet and busy, those with footways and those without, and what changes is the X and Y distance, not how they are measured.

The applicant's road engineer states that DfI Roads have sought to bolster its weak justification with respect to the required visibility splays of 2.0 x 55 metres with the X value of the visibility splay to be taken from the near side road edge/kerb line by stating there have been a large number of collisions over a long period of time on a long section of road, which the engineer states equates to 1.5 road traffic collisions per year. The roads engineer states that most of the incidents occurred prior to the road improvements along the Jordanstown Road taking place, and they are not aware of any collisions occurring at the site access.

The applicant's road engineer concludes by claiming that the required splays are achieved at this access when the X value of the visibility splay is measured at the near side running traffic line as required by DCAN 15 guidance, therefore satisfying Policy AMP2 of PPS3.

However, as stated above, DfI Roads is of the opinion that visibility splays of 2.0 x 55 metres in both directions, with the X value of the visibility splay to be taken from the near side road edge/kerb line and not the near side running traffic line are necessary in order to provide a safe access onto Jordanstown Road, and development without the provision of these splays would prejudice road safety, contrary to Policy AMP 2 of PPS 3.

Consequently, as the applicant has been unable to satisfactorily demonstrate that the access will not prejudice road safety or significantly inconvenience the flow of traffic, the proposal is contrary to Policy AMP 2 of PPS 3, and it is recommended that the application be refused.

## **Other Matters**

### **Northern Ireland Transport Holding Company**

Due to the site's proximity to the railway track, Northern Ireland Transport Holding Company was consulted and stated it had no objection in principle to the development proposal subject to a number of conditions to be imposed on any outline approval. However, it is considered that most of its recommended conditions would be more suited to be included as informatives should the development proposal be approved.

An objector referred to the NI Transport Holding Company (NITHC) consultation response stating that improvements to the visibility splays are required at the site access due to the proximity of the railway crossing. NITHC in its response stated that the current proposal is contrary to Policy AMP 2 of PPS 3 as the development proposal would intensify the use of an existing access onto a public road which would prejudice road safety and inconvenience the flow of traffic close to a busy level crossing. It stated the access should be improved to the standard acceptable to DfI Roads prior to the commencement of the development.

NITHC has raised concerns with regards to a number of mature trees within the application site located close to the railway boundary. However, to address these concerns a condition could be imposed for the submission of a tree survey and report to be provided at the Reserved Matters stage to identify existing trees within the proposed development which may pose a risk to the safe operation of the railway environment.

### **Drainage**

NI Water was consulted on the development proposal and in its initial consultation response dated 4th December 2020 stated there is an existing 375mm diameter public foul sewer and a 225mm diameter public storm sewer, which are adjacent and near to the boundary of the proposed site. Due to the sewer network being at capacity in the Whitehouse catchment, NI Water is recommending that no further connections should be made to this network; however, NI Water has stated in its last correspondence dated 1st April 2022 that alternative drainage/treatment solutions for the application site could be investigated and addressed through a negative planning condition to be attached to any approval of outline planning permission to be negotiated at the Reserved Matters stage.

### **Neighbour Notification**

A neighbouring property raised concern that it was not notified of the submission of a Design and Access Statement. A Design and Access Statement (DAS), Document 01, accompanied the planning application submitted on 18th August 2020. The complainant was neighbour notified of the proposal on 7th September 2020 and all plans and associated documents, including the DAS, were available to view on the planning portal from 3rd September 2020.

## **CONCLUSION**

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

- The principle of the development is considered acceptable;
- The proposal will not have a negative impact on the character or environmental quality of the area;

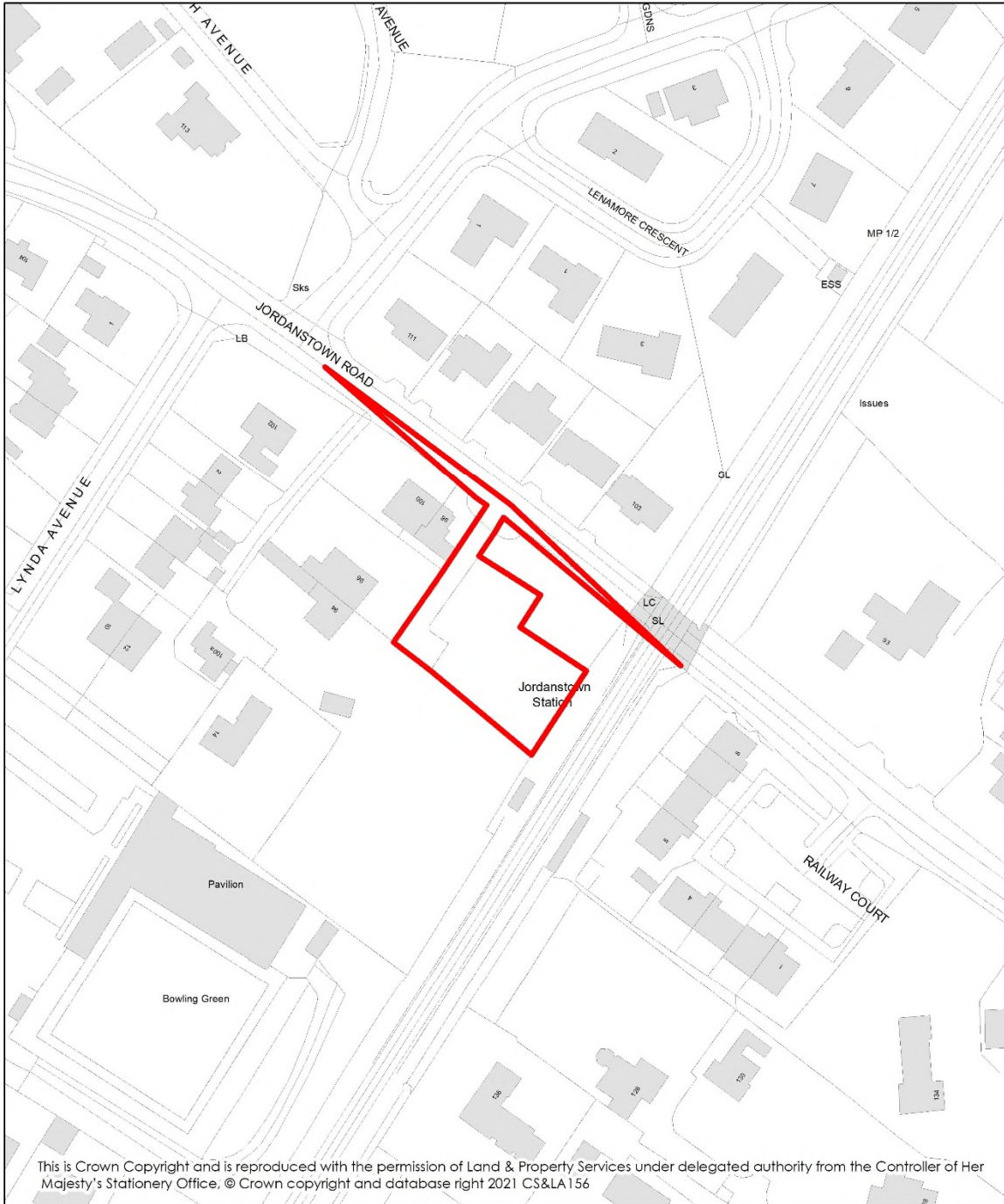
- The proposal is not detrimental to the existing density or pattern of development in the local area;
- The proposal will not unduly affect the privacy or amenity of neighbouring residents;
- The proposed dwelling will not detract from the adjacent Grade A listed building or have a detrimental impact on any archaeological interests; and
- The existing access is considered to be substandard and it has not been demonstrated that the access will not prejudice road safety or significantly inconvenience the flow of traffic on the Jordanstown Road.

<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
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<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
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<b>PROPOSED REASON OF REFUSAL</b>
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| <b>PROPOSED REASON OF REFUSAL</b>   |
| 1. The proposal is contrary to the SPPS and Policy AMP 2 of Planning Policy Statement 3 Access, Movement and Parking as it has not been demonstrated that the access will not prejudice road safety or significantly inconvenience the flow of traffic on the Jordanstown Road. |



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**Location Map**

Scale 1:1250 

Reference: LA03/2020/0551/0  
 Location: 40m SE of 96 Jordanstown Road, Newtownabbey  
 Proposal: Site for detached dwelling and garage

 Site Boundary





<b>COMMITTEE ITEM</b>	<b>3.8</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0053/O</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for a dwelling and garage and associated ancillary works (infill opportunity as per CTY8 of PPS21)
<b>SITE/LOCATION</b>	50m south of 10a Ballyhill Lane, Nutts Corner, Crumlin
<b>APPLICANT</b>	Mr JH Carson
<b>AGENT</b>	Planning Services
<b>LAST SITE VISIT</b>	22 <sup>nd</sup> February 2022
<b>CASE OFFICER</b>	Dani Sterling Tel: 028 903 40438 Email: <a href="mailto:dani.sterling@antrimandnewtownabbey.gov.uk">dani.sterling@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located between No. 10A and No. 14 Ballyhill Lane and is within the countryside as defined within the Antrim Area Plan (1984-2001). The site encompasses part of an agricultural field, extending approximately 50 metres along the road frontage with a maximum depth of 50 metres. The application site is one part of a double infill opportunity, with the adjacent site pending consideration under planning application Ref: LA03/2022/0054/O. The gap incorporating both sites has a 112 metre width frontage to the road.</p> <p>Access to the site is achieved from an agricultural access off Ballyhill Lane. The western roadside boundary is defined by a belt of mature trees and vegetation approximately 4-5 metres in height, the eastern and southern boundaries are undefined as the application site is cut out of a wider agricultural field. The northern boundary shared with No. 10A is defined by a row of dense trees and hedging that varies in height between 3-5 metres. The topography of the application site falls considerably in a northern direction which also follows the natural contours of the public road.</p> <p>The site is located within a rural area with the land use being predominantly agriculture. There are a number of detached single storey dwellings located along this section of Ballyhill Lane resulting in a strong ribbon of development at this location.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/1988/0490 Location: Ballyhill Lane Crumlin Proposal: Site Of Dwelling Decision: Appeal Dismissed</p>	

## PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

## CONSULTATION

**Council Environmental Health Section** – No objection

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads**- No objection subject to condition.

## REPRESENTATION

Four (4) neighbouring properties were notified and no letters of representation have been received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

- Neighbour Amenity
- Movement, Access and Parking
- Other Matters

### **Policy Context and Principle of Development**

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

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

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

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

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

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

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

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

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

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

For the purposes of the assessment of this proposal, the application is being assessed alongside the adjacent site under planning reference LA03/2022/0054/O collectively as part of a double infill opportunity.

The first element of Policy CTY 8 requires that a substantial and continuously built up frontage exists. In this case the application site comprises part of a larger field between No 10A Ballyhill Lane to the north and No. 14 Ballyhill Lane to the south. The application site is accessed off Ballyhill Lane from an existing agricultural gate towards the southwestern corner of the agricultural field.

In this case the application is sited within a linear ribbon of development located to the eastern side of Ballyhill Lane. It is considered that the buildings providing the substantial and continuously built up frontage include dwelling No's 10A, 14, 14A, 14B, 16 and 18 Ballyhill Lane and therefore the proposal is considered to meet the policy provision of criterion (a) of CTY 8. It is noted here that there are two additional dwellings No. 10C and No. 12 Ballyhill Lane located behind the above-mentioned roadside dwellings comprising the ribbon of development, however, these properties are not considered to constitute part of the substantial and continuously built up frontage given that they do not front the public road.

The second element of Policy of CTY8 requires the gap site to be a small gap site sufficient only to accommodate a maximum of two dwellings. Additionally, the third element of Policy CTY 8 states that the proposal should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.

In this case the frontage width; No. 10A measures approximately 40 metres, No. 14 measures approximately 34 metres, No. 14A measures approximately 28 metres, No. 14B measures approximately 28 metres, No. 16 measures approximately 36 metres and lastly the frontage width of No. 18 measures approximately 38 metres. In this case the overall average plot frontage width along this ribbon of development is approximately 34 metres. The agricultural field comprising the application site and the adjacent site LA03/2022/0054/O under consideration for a dwelling and garage

features a roadside frontage of approximately 112 metres. The application site features a roadside frontage plot of approximately 50 metres.

The justification and amplification text at paragraph 5.34 of policy CTY8 is clear that the gap is between dwellings or other buildings, and not the frontage of the application site. Therefore, in this case the gap between dwellings No. 10A and No. 14 Ballyhill Lane measures approximately 130 metres. However, it is noted that a driveway serving No. 12 Ballyhill Lane directly abuts the southern field boundary associated with the application site which limits the gap for a development opportunity. Therefore, taking into consideration the existing driveway, the gap between No. 10A and the driveway measures approximately 120 metres

Taking into consideration the average frontage plot size, a gap width of 120 metres would result in three plots widths that would be capable of respecting the existing established pattern of development. Therefore, the gap is considered to be a significant gap which could accommodate more than two dwellings and as such is not considered small. The visual gap between No. 10A and No. 14 provides an important visual break in the developed appearance of the existing ribbon of development characterising the eastern side of Ballyhill Lane. Consequently, it is considered that the proposal fails to meet element 'b' of this policy as the gap is not considered to be a small gap sufficient to accommodate a maximum of two (2) dwellings.

Additionally, the agent has provided the curtilage sizes of all of the dwellings comprising the substantially and continuously built up frontage within Drawing No. 02 date stamped 17<sup>th</sup> January 2021. It is acknowledged that the application site would feature a plot size of 0.22 Ha which is broadly similar to nearby dwellings No's 10C, 14 and 12 Ballyhill Lane. However, as stated above the plot frontage width of both the application site and the adjacent site under consideration would extend to approximately 50 metres each, which would be notably larger than the pattern of established development expressed along this section of the Ballyhill Lane. Given that the plot frontage width would be the part of the site most observed from public viewpoints, it is considered that the development of the application site would not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and is therefore contrary to criterion 'c' of CTY 8.

There does not appear to be any other evidence to suggest that the proposal falls to be considered under any other category of development that is noted as acceptable in principle in the countryside in accordance with Policy CTY1 of PPS 21. Furthermore, it is not considered that there are any other overriding reasons as to why this development is essential at this location and could not be located within a settlement.

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

All dwellings in the countryside must integrate with its 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.

As the application seeks outline permission, no details have been provided regarding the proposed design or layout of the dwelling, however, it is noted that all of the dwellings located along this section of ribbon development are characterised as detached single storey dwellings.

Policy CTY 13 requires that a new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. The application site is a roadside location that is accessed directly off Ballyhill Lane.

In this case the application site lacks established boundaries along the eastern and southern boundaries. The western roadside boundary of the site is defined by a substantial belt of mature trees and vegetation approximately 4-5 metres in height. However, in order to achieve the required visibility splays, the entirety of the existing western boundary would require removal which would open the site up to public views. It is noted that critical views of a dwelling within the application site would be limited when travelling from a northern direction toward the site given the presence of mature vegetation along the northern boundary shared with No. 10A, which would effectively screen views from this direction. However, on approach to the site from a southerly direction, the site would be widely visible due to the lack of established landscaping to the southern boundary of the site.

Therefore, given the removal of the roadside vegetation along the western boundary the application relies heavily on new planting in order to integrate the proposal into this rural setting. With the exception of the northern common boundary shared with No. 10A the application site lacks long established boundaries. The proposed development within the application site would be highly prominent and open to critical long views on approach to the site from a southerly direction along Ballyhill Lane.

Taking into account the limited natural vegetation providing a backdrop to the development, it is considered that this site cannot provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape as critical views of the dwelling would be achieved via a long stretch of public road. The proposed development therefore relies on new planting to successfully integrate a new dwelling at this location and is therefore contrary to Policy CTY 13.

Policy CTY 8 and Policy CTY 14 indicates that development which creates or adds to a ribbon of development will be unacceptable. The proposed development and the adjacent site under consideration (LA03/2022/0054/O) will result in the addition of two dwellings along this stretch of Ballyhill Lane, which would be visually linked with existing buildings and would represent a linear form of development creating a ribbon of development. The addition of two dwellings within this existing open gap would cumulatively lead to a suburban style of build-up within this rural area. In addition, as noted above, the development if granted approval would result in the development of two plots with frontage widths of approximately 50 metres along the roadside edge which is not in keeping with the development pattern in the direct vicinity of the application site. Therefore, due to the failure to comply with Policy CTY 8 which has been discussed above; and the subsequent creation of ribbon development, resulting in a suburban style build-up of development and not respecting the traditional pattern of settlement exhibited in the area, the proposal fails to comply with criterion (b), (c) and (d) of Policy CTY 14 of PPS21.

**Neighbour Amenity**

As the application seeks outline permission, limited details have been provided regarding the proposed design, however, it is considered that a dwelling could be appropriately designed within the site to ensure that the privacy and amenity of the existing properties are not negatively impacted upon.

**Movement, Access and Parking**

The agent has outlined within Drawing 02 date stamped 17<sup>th</sup> January 2022 that one access point off Ballyhill Lane will be used to serve both the application site and the adjacent site LA03/2022/0054/O. Consultation was carried out with DfI Roads and it is considered that the required visibility splays are achievable, subject to the appropriate plans being submitted at Reserved Matters stage. It is deemed that the proposed access will not prejudice road safety or cause a significant inconvenience to traffic.

**Other Matters**

It is noted that the northern section of the application site is designated as a Pluvial Surface Water Flood Zone as defined within DfI's Flood Maps. However, it was not considered necessary to consult DfI Rivers on this occasion given that only a small section to the northern part of the site is affected by this pluvial flood zone. If the application were to be recommended for approval it would be considered necessary to impose a siting condition that would site the dwelling outwith this area to prevent any potential flood risk to future occupants.

**CONCLUSION**

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

- The principle of the development cannot be established as the proposal is contrary to the policy requirements of CTY 8 of PPS 21.
- The application site is unable to provide a suitable degree of enclosure for the proposed development and is contrary to CTY 13 of PPS 21.
- The proposal would result in a suburban style build-up of development that would not respect the existing pattern of development and would be unduly prominent in the landscape contrary to CTY 8 and CTY 14.
- There are no road safety concerns with the proposal
- There are no flood concerns with the proposal.

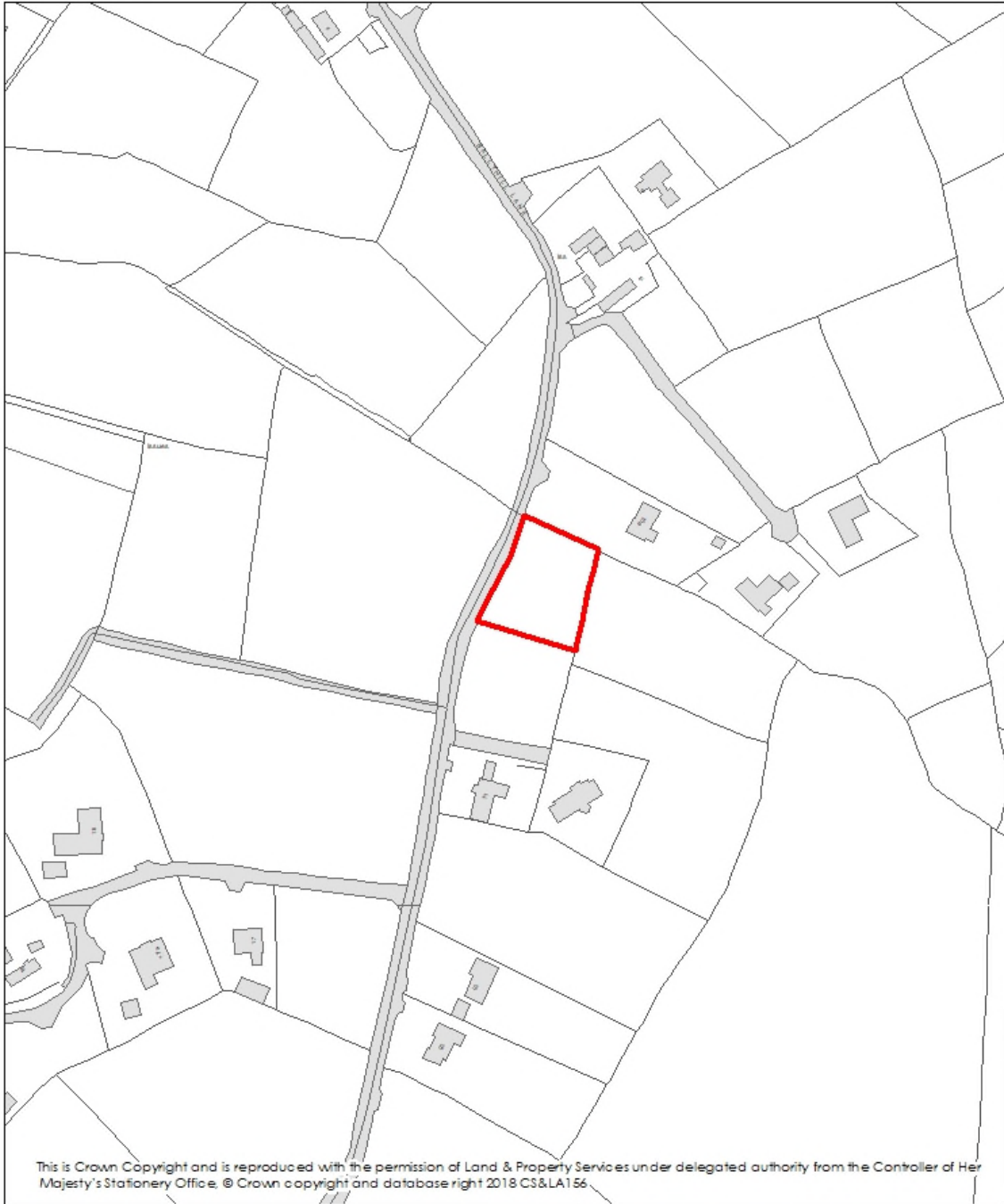
**RECOMMENDATION****REFUSE OUTLINE PLANNING PERMISSION****PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of PPS 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement and fails to meet with the provisions for an infill dwelling in accordance with Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not comprise a small gap within a substantial and continuously built up frontage.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural

boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, would result in a suburban style build-up of development; and the creation of ribbon development along Ballyhill Lane.





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### Site Location Plan

Application Reference: LA03/2022/0053/O

Site for a dwelling and garage and associated ancillary works (infill opportunity as per CTY8 of PPS21)

50m south of 10a Ballyhill Lane, Nutts Corner  
Crumlin, BT29 4YP



 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.9</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0054/O</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for a dwelling and garage and associated ancillary works (infill opportunity as per CTY8 of PPS21)
<b>SITE/LOCATION</b>	50m north of 14 Ballyhill Lane, Nutts Corner, Crumlin, BT29 4YP
<b>APPLICANT</b>	Mr JH Carson
<b>AGENT</b>	Planning Services
<b>LAST SITE VISIT</b>	22 <sup>nd</sup> February 2022
<b>CASE OFFICER</b>	Dani Sterling Tel: 028 903 40438 Email: <a href="mailto:dani.sterling@antrimandnewtownabbey.gov.uk">dani.sterling@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located between No. 10A and No. 14 Ballyhill Lane and within the countryside as defined within the Antrim Area Plan (1984-2001).</p> <p>The application site encompasses part of an agricultural field, extending approximately 50 metres along the road frontage with a maximum depth of 50 metres. The application site is one part of a double infill opportunity, with the adjacent site pending consideration under LA03/2022/0053/O. The gap incorporating both sites has a 112 metre width frontage to the road.</p> <p>Access to the site is achieved from an agricultural access off Ballyhill Lane. The western roadside boundary is defined by a belt of mature trees and vegetation approximately 4-5 metres in height, the northern and eastern boundaries are undefined as the application site is cut out of a wider agricultural field. The southern boundary that runs adjacent to No. 12's driveway is defined by a post and wire fence. The topography of the application site falls considerably in a northern direction which also follows the natural contours of the public road.</p> <p>The site is located within a rural area with the land use being predominantly agriculture. There are a number of detached single storey dwellings located along this section of Ballyhill Lane resulting in a strong ribbon of development at this location.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/1988/0491 Location: Ballyhill Lane Crumlin Proposal: Site of Dwelling Decision: Appeal Dismissed Planning Reference: T/2003/1252/O Location: 70m North East of 14 Ballyhill Lane, Nutts Corner, Crumlin.</p>	

Proposal: Site of Dwelling  
Decision: Permission Refused (06.12.2004)

### **PLANNING POLICY AND GUIDANCE**

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

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

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

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

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

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

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

### **CONSULTATION**

**Council Environmental Health Section** – No objection

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads**- No objection subject to conditions

### **REPRESENTATION**

Four (4) neighbouring properties were notified and no letters of representation have been received.

## **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

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

### **Policy Context and Principle of Development**

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

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission

will be granted for an individual dwelling house. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

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

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

For the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. A building has frontage to the road if the plot in which it stands abuts or shares a boundary with the road. For the purposes of the assessment of this proposal, the application is being assessed alongside the adjacent site under planning reference LA03/2022/0053/O collectively as part of a double infill opportunity.

The first element of Policy CTY 8 requires that a substantial and continuously built up frontage exists. In this case the application site comprises part of a larger field between No 10A Ballyhill Lane to the north and No. 14 Ballyhill Lane to the south. The application site is accessed off Ballyhill Lane from an existing agricultural gate towards the southwestern corner of the agricultural field.

In this case the application is sited within a linear ribbon of development located to the eastern side of Ballyhill Lane. It is considered that the buildings providing the substantial and continuously built up frontage include dwelling No's 10A, 14, 14A, 14B, 16 and 18 Ballyhill Lane and therefore the proposal is considered to meet the policy provision of criterion (a) of CTY 8. It is noted here that there are two additional dwellings No. 10C and No. 12 Ballyhill Lane located behind the above-mentioned roadside dwellings comprising the ribbon of development, however, these properties are not considered to constitute part of the substantial and continuously built up frontage given that they do not front the public road.

The second element of Policy of CTY8 requires the gap site to be a small gap site sufficient only to accommodate a maximum of two dwellings. Additionally, the third element of Policy CTY 8 states that the proposal should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.

In this case the frontage width; No. 10A measures approximately 40 metres, No. 14 measures approximately 34 metres, No. 14A measures approximately 28 metres, No. 14B measures approximately 28 metres, No. 16 measures approximately 36 metres and lastly the frontage width of No. 18 measures approximately 38 metres. In this case the overall average plot frontage width along this ribbon of development is approximately 34 metres. The agricultural field comprising the application site and

the adjacent site LA03/2022/0053/O under consideration for a dwelling and garage features a roadside frontage of approximately 112 metres. The application site features a roadside frontage plot of approximately 50 metres.

The justification and amplification text at paragraph 5.34 of policy CTY8 is clear that the gap is between dwellings or other buildings, and not the frontage of the application site. Therefore, in this case the gap between dwellings No. 10A and No. 14 Ballyhill Lane measures approximately 130 metres. However, it is noted that a driveway serving No. 12 Ballyhill Lane directly abuts the southern boundary of the application site which limits the gap for a development opportunity. Therefore, taking into consideration the existing driveway, the gap between No. 10A and the driveway measures approximately 120 metres

Taking into consideration the average frontage plot size, a gap width of 120 metres would result in three plots widths that would be capable of respecting the existing established pattern of development. The visual gap between No. 10A and No. 14 provides an important visual break in the developed appearance of the existing ribbon of development characterising the eastern side of Ballyhill Lane. Consequently, it is considered that the proposal fails to meet element 'b' of this policy as the gap is not considered to be a small gap sufficient to accommodate a maximum of two (2) dwellings.

Additionally, the agent has provided the curtilage sizes of all of the dwellings comprising the substantially and continuously built up frontages within Drawing No. 02 date stamped 17<sup>th</sup> January 2021. It is acknowledged that the application site would feature a plot size of 0.24 Ha which is broadly similar to nearby dwellings No's 10, 14 and 12 Ballyhill Lane. However, as stated above the plot frontage width of both the application site and adjacent site under consideration would extend to approximately 50 metres each, which would be notably larger than the pattern of established development expressed along this section of Ballyhill Lane. Given that the plot frontage width would be the part of the site most observed from the public viewpoints, it is considered that the development of the application site would not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and is therefore contrary to criterion 'c' of CTY 8.

There does not appear to be any other evidence to suggest that the proposal falls to be considered under any other category of development that is noted as acceptable in principle in the countryside in accordance with Policy CTY1 of PPS 21. Furthermore, it is not considered that there are any other overriding reasons as to why this development is essential at this location and could not be located within a settlement.

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

All dwellings in the countryside must integrate with its 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.

As the application seeks outline planning permission, no details have been provided regarding the proposed design or layout of the dwelling, however, it is noted that all

of the dwellings located along this section of ribbon development are characterised as detached single storey dwellings.

Policy CTY 13 requires that a new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. The application site is a roadside location that is accessed directly off Ballyhill Lane.

In this case the application site lacks established boundaries along the northern, eastern and southern boundaries. The western roadside boundary of the application site is defined by a substantial belt of mature trees and vegetation approximately 4-5 metres in height. However, in order to achieve the required visibility splays, the entirety of the existing western boundary would require removal which would open the site up to public views. It is noted that critical views of a dwelling within the application site would be achieved when travelling in both directions along Ballyhill Lane. Given the rise in topography across the site in a southerly direction, the proposed development would be visually prominent from the public road due to the lack of established landscaping to all site boundaries.

Therefore, given the removal of the roadside vegetation along the western boundary the application relies heavily on new planting in order to integrate the proposal into this rural setting. As a result, the proposed development within the application site would be highly prominent and open to critical long views on approach to the site from both a northern and southern direction along Ballyhill Lane.

Taking into account the limited natural vegetation providing a backdrop to the development, it is considered that this site cannot provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape as critical views of the dwelling would be achieved via a long stretch of public road. The proposed development therefore relies on new planting to successfully integrate a new dwelling at this location and is therefore contrary to Policy CTY 13.

Policy CTY 8 and Policy CTY 14 indicates that development which creates or adds to a ribbon of development will be unacceptable. The proposed development and the adjacent site under consideration (LA03/2022/0053/O) will result in the addition of two dwellings along this stretch of Ballyhill Lane, which would be visually linked with existing buildings and would represent a linear form of development creating a ribbon of development. The addition of two dwellings within this existing open gap would cumulatively lead to a suburban style of build-up within this rural area. In addition, as noted above, the development if granted approval would result in the development of two plots with frontage widths of approximately 50 metres along the roadside edge which is not in keeping with the development pattern in the direct vicinity of the application site.

Therefore, due to the failure to comply with Policy CTY 8 which has been discussed above; and the subsequent creation of ribbon development, resulting in a suburban style build-up of development and not respecting the traditional pattern of settlement exhibited in the area, the proposal fails to comply with criterion (b), (c) and (d) of Policy CTY 14 of PPS21.

**Neighbour Amenity**

As the application seeks outline permission, limited details have been provided regarding the proposed design, however, it is considered that a dwelling could be appropriately designed within the site to ensure that the privacy and amenity of the existing properties are not negatively impacted upon.

**Movement, Access and Parking**

The agent has outlined within Drawing 02 date stamped 17<sup>th</sup> January 2022 that one access point off Ballyhill Lane will be used to serve both the application site and the adjacent site LA03/2022/0053/O. Consultation was carried out with DfI Roads and it is considered that the required visibility splays are achievable, subject to the appropriate plans being submitted at Reserved Matters stage. It is deemed that the proposed access will not prejudice road safety or cause a significant inconvenience to traffic.

**CONCLUSION**

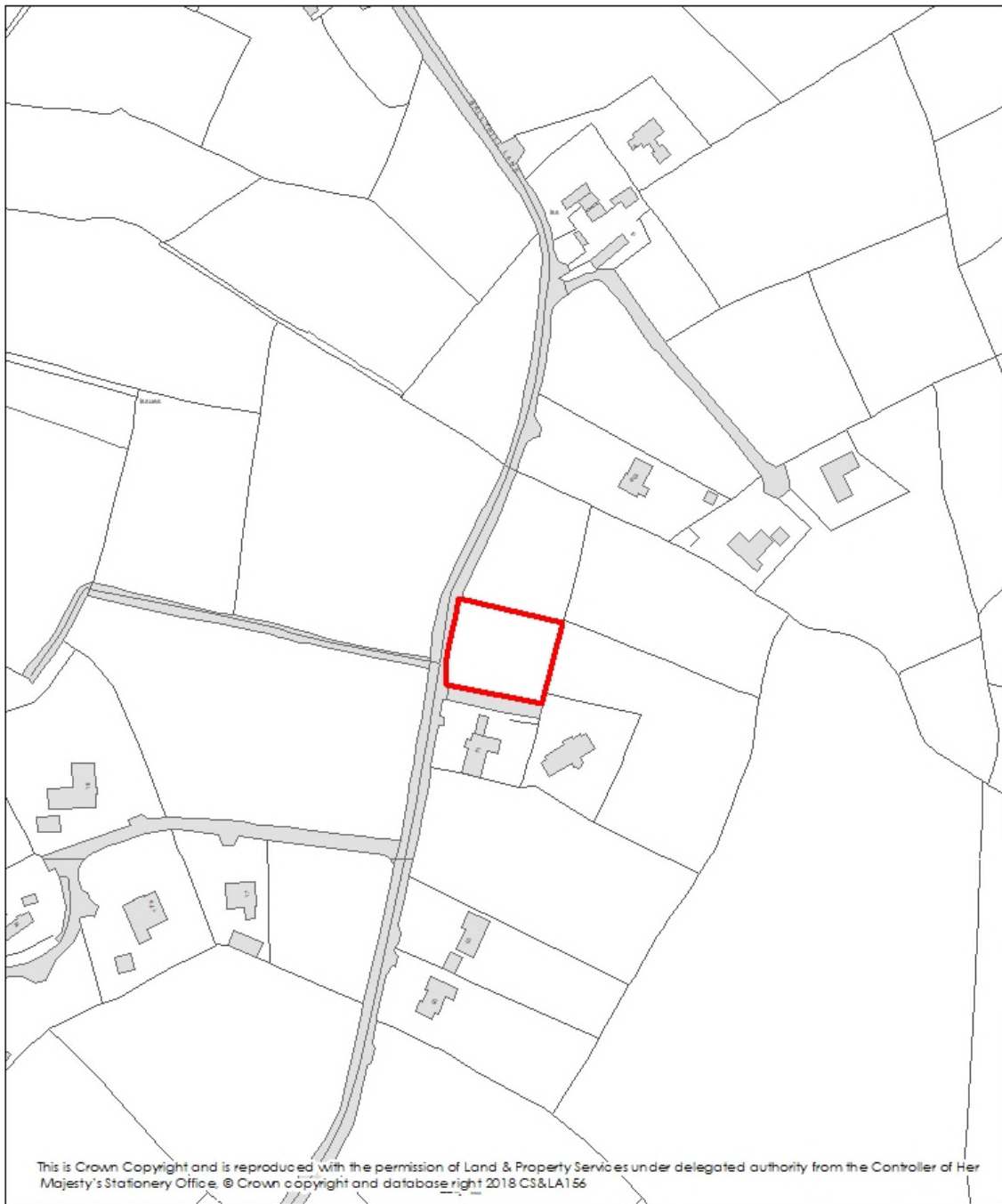
The following is a summary of the main reasons for the recommendation:

- The principle of the development cannot be established as the proposal is contrary to the policy requirements of CTY 8 of PPS 21.
- The application site is unable to provide a suitable degree of enclosure for the proposed development and is contrary to CTY 13 of PPS 21.
- The proposal will result in a suburban style build-up of development that would not respect the existing pattern of development and would be unduly prominent in the landscape contrary to CTY 8 and CTY 14.
- There are no road safety concerns with the proposal

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of PPS 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement and fails to meet with the provisions for an infill dwelling in accordance with Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not comprise a small gap within a substantial and continuously built up frontage.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, would result in a suburban style build-up of development; and the creation of ribbon development along Ballyhill Lane.





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### Site Location Plan

Application Reference: LA03/2022/0054/O

Site for a dwelling and garage and associated ancillary works (infill opportunity as per CTY8 of PPS21)

50m north of 14 Ballyhill Lane, Nutts Corner  
Crumlin, BT29 4YP



 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.10</b>
<b>APPLICATION NO</b>	<b>LA03/2019/1049/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM REPORT</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed new dwelling on a farm
<b>SITE/LOCATION</b>	Site 75m west of 19 Loup Road, Moneyglass
<b>APPLICANT</b>	Ms Mary Duffin
<b>AGENT</b>	Martin Kearney
<b>LAST SITE VISIT</b>	
<b>CASE OFFICER</b>	Barry Diamond Tel: 028 90340407 Email: <a href="mailto:barry.diamond@antrimandnewtownabbey.gov.uk">barry.diamond@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>This application was previously presented to the Planning Committee at its meeting of December 2020, where it was decided to defer the application to allow the agent/applicant an opportunity to submit additional information in an attempt to demonstrate active and established farming over the requisite six-year period.</p> <p>The Department for Agriculture Environment and Rural Affairs - Countryside Management Branch Inspectorate (DAERA) were previously consulted as part of the application. DAERA has responded confirming that the farm business ID identified on the PIC form has been in existence for more than 6 years, however, the business has not claimed Single Farm Payment (SFP) and that the site proposed for a farm dwelling in this application is located on land associated with another business.</p> <p>The applicant had previously submitted a letter from her accountant indicating that Cavanagh Kelly "act as accountant and tax advisors for the above named clients (Mary Duffin {applicant} and Clara Duffin) from 2006.</p> <p><i>The above clients have been declaring farming income and expenses including repairs such as hedge cutting and general maintenance on a Partnership Tax Return from 2006 to date."</i></p> <p>The applicant had submitted the following information to demonstrate that the applicant has maintained the land in good agricultural condition for the last six years;</p> <ol style="list-style-type: none"> <li>An accounting spreadsheet – Partnership Conacre for year ended 5 April 2019. This spreadsheet details outgoings from the partnership including hedge cutting and repairs, fence and digger work and water rates.</li> <li>Metred water statements dated 01 November 2017 – 30 April 2018, 01 May 2015- 31 October 2015 – these water statements have been issued to Miss Mary Duffin and the supply address is given as 19 Loup Road, Toomebridge.</li> <li>Three invoices addressed to M Duffin, Moneyglass; <ol style="list-style-type: none"> <li>Fence repairs and drainage to lower field – dated 10.10.2014</li> </ol> </li> </ol>	

- ii. Hedge cutting, drain clearing and trimming on all fields. Purchase and repair of broken windows on sheds. Repair fence front field. Removal of waste. – Not dated
- iii. Hedge cutting/tree felling and trimming on all fields. Removal of same – Not dated.

The three invoices are copies and not the original, dates have been added by another person to the two originally undated invoices. None of the invoices are specific to any location.

Since the December Planning Committee meeting the agent has submitted a number of additional invoices to supplement the original evidence referred to above. The invoices include:

- i) Hedge cutting from DM Tree Services in February 2021
- ii) Drainage works carried out by A.J.H Contracts in April 2020
- iii) Lorry Hire from Derrynoid Construction Ltd in February 2020
- iv) Hedge cutting from DM Tree Services in January 2020
- v) New fencing carried out by A.J.H Contracts in November 2019
- vi) Hedge cutting and drain clearance carried out by A.J.H Contracts in October 2018
- vii) Drainage works carried out by A.J.H Contracts in January 2018

It is accepted that additional information has been provided which establishes that farming activity has taken place over the last four years. There is undoubtedly a series of ongoing works to maintain the land in good agricultural and environmental condition, however, the evidence submitted does not demonstrate farming activity over the requisite 6-year period. As a consequence it is considered that the evidence submitted does not alter the previous recommendation or the reasons for refusal.

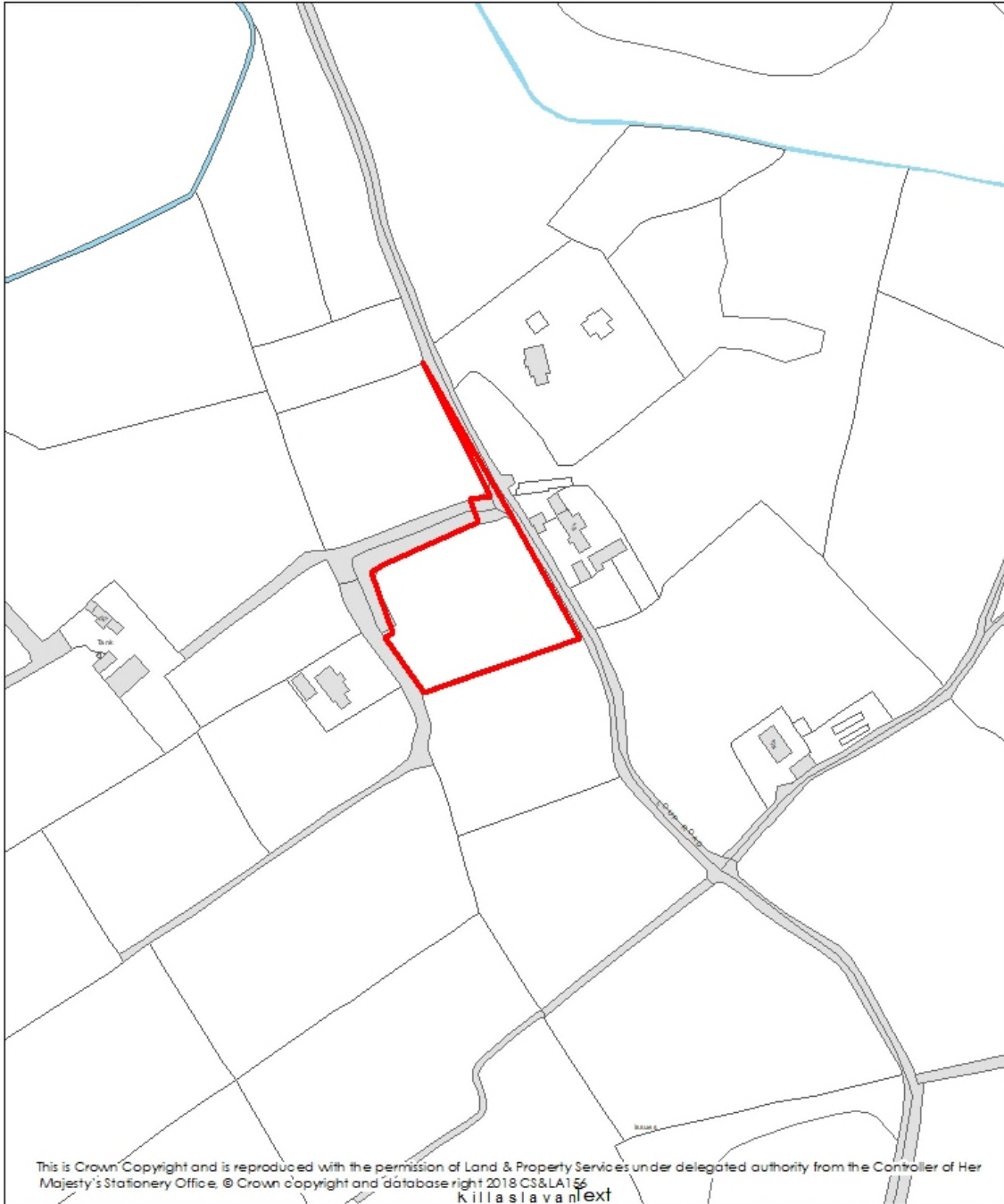
There is no additional information on the issue of visual linkage and therefore there is no amendment to the reason for refusal on that issue.

**RECOMMENDATION**

**REFUSE OUTLINE PLANNING PERMISSION**

**PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY1 and CTY10 of PPS 21: Sustainable Development in the Countryside, and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and established, nor would the proposed dwelling be visually linked with existing buildings on the farm.

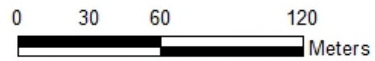


**Site Location Plan**

Reference: LA03/2019/1049/O

Proposed new dwelling on a farm

Site 75m South West of 19 Loop Road Moneyglass



<b>COMMITTEE ITEM</b>	<b>3.11</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0050/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for dwelling and domestic garage
<b>SITE/LOCATION</b>	50m South West of 56 Roguery Road, Toomebridge, BT41 3TJ
<b>APPLICANT</b>	Damian O'Donnell
<b>AGENT</b>	CMI Planners Ltd
<b>LAST SITE VISIT</b>	22 <sup>nd</sup> February 2022
<b>CASE OFFICER</b>	Dani Sterling Tel: 028 903 40438 Email: <a href="mailto:dani.sterling@antrimandnewtownabbey.gov.uk">dani.sterling@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 50 metres southwest of No. 56 Roguery Road, Toomebridge and within the countryside as defined within the Antrim Area Plan (1984-2001).</p> <p>The site is situated on a corner plot between Roguery Road (southeastern boundary) and a privately shared laneway expressed along the (southwestern boundary). The site comprises part of a wider agricultural field and the topography of the land rises in a northeastern direction.</p> <p>The access to the site is achieved from an agricultural access to the far northwestern corner of the agricultural field adjacent to No. 56A Roguery Road. The southeastern boundary which abuts the public road is defined by approximately 1.5-metre-high hedging, while the southwestern boundary abutting the shared laneway is defined by a belt of mature trees and vegetation approximately 4-5 metres in height. The northwestern boundary is undefined and the northeastern common boundary shared with No. 58 Roguery Road is defined by 1.5-metre-high hedging.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/1998/0026 Location: Adjacent To 56 Roguery Road Toomebridge Proposal: Site Of Dwelling Decision: Application Withdrawn</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<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</p>	

will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

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

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

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

## **CONSULTATION**

**Council Environmental Health Section** – No objection.

**Northern Ireland Water** – No objection.

**Department for Infrastructure Roads**- No objection subject to condition.

## **REPRESENTATION**

Four (4) neighbouring properties were notified and no letters of representation have been received.

## **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

- Policy Context and Principle of Development
- Design, Layout and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Movement, Access and Parking
- Other matters

### **Policy Context and Principle of Development**

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

Section 6 (4) of the Act then states that, where, in making any determination under

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 and another is new dwellings in existing clusters in accordance with Policy CTY 2a. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

In this case the agent has submitted no evidence to indicate which policy they feel that their proposal complies with despite requesting supporting information on both the 7<sup>th</sup> March 2022 and the 31<sup>st</sup> March 2022. It was therefore deemed appropriate to assess the application against the provisions of the above noted policies as these would be considered to be most applicable given the site and its surroundings.

Policy CTY 8 states that planning permission will be refused for a dwelling which creates or adds to a ribbon of development, of which an exception to this is for the development of a small gap site within an otherwise substantial and continuously built up frontage; sufficient only to accommodate up to a maximum of two houses; whilst also respecting the existing development pattern along the frontage in terms of size, scale, siting and plot size; and meeting all other planning and environmental requirements.

It is noted that the core of policy CTY 8 relies on the need for a gap between buildings to allow the principle of a dwelling within an already existing ribbon of development. In this case, the application site is a corner plot situated at the southwestern end of an existing ribbon of development that comprises 5 dwellings, Nos, 58, 56, 62, 64, and 66 Roguey Road which is considered to comprise a continuous and substantially built up frontage.

The justification and amplification text at paragraph 5.34 of policy CTY8 is clear that the gap is between dwellings or other buildings, and not the frontage of the

application site. There is a gap of approximately 350 metres between No. 56 Roguery Road and the next nearest dwelling at No 44 Roguery Road. As a result of this, the application site does not comprise a gap between existing built form that makes up this existing substantial and continuously built up frontage along Roguery Road and would therefore add to a ribbon of development contrary to the policy provisions of CTY 8, as essentially there is no 'gap site' to be infilled.

It is considered appropriate to also consider the application in respect of a dwelling within an existing cluster under CTY 2A of PPS21. Paragraph 6.73 of the SPPS and CTY2a of PPS 21 refers to 'new dwellings in existing clusters' and states that provision should be made for a dwelling at an existing cluster of development which lies outside of a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

The application site is situated within a section of the Roguery Road that is characterised by a heavily built up appearance given the existing ribbon of developments that are displayed across both sides of the public road at this location. It is accepted that the application site lies outside of a farm and there are at least four buildings, of which at least three are dwellings including No's 56, 58, 55, 51 and a large outbuilding associated with No. 51 situated at the roadside edge in the direct vicinity of the application site. As a result of the built up appearance evident at this section of Roguery Road it is also accepted that a cluster of development exists and it reads as a visual entity in the landscape. The third element of policy requires that the cluster be associated with a focal point which in this case is the petrol filling station to the northeast.

The application site is however, only bounded on one side by No. 56 to the northeast and not two sides as required by the policy. It is considered that the proposed development would extend the existing ribbon of development and would not consolidate or round off the existing cluster of development, rather, the proposal would visually intrude built form into the open countryside by extending and adding to the existing ribbon of development evident along this section of Roguery Road.

No other evidence, has been submitted by the agent to suggest that the proposal falls to be considered under any other category of development that is noted as acceptable in principle in the countryside in accordance with Policy CTY 1 of PPS 21. Furthermore, it is not considered that there are any other overriding reasons as to why this development is essential at this location and could not be located within a settlement.

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

All dwellings in the countryside must integrate with its 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.

As the application seeks outline permission, no details have been provided regarding the proposed design or layout of the dwelling, however, it is noted that all of the



dwellings located along this section of ribbon development are characterised as mostly detached and semi-detached single storey dwellings.

Policy CTY 13 requires that a new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. In this case the application site lacks established boundaries along the northeastern boundary only as it is a cut out of a wider agricultural field. The northwestern, southwestern and southeastern boundaries all have some degree of landscaping that includes a combination of both hedging and trees. Although it is noted that in order to provide the required visibility splays it is likely that the majority of the hedging to the northeastern roadside boundary will require removal. Given the roadside location of the application site, critical views of a dwelling and garage along this stretch of Roguery Road would be visible. However, views on approach to the site from a southwestern direction would be limited due to the existing mature vegetation defining the southwestern boundary of the site. Additionally, on approach to the site from a northeasterly direction, a dwelling within the application site would read against the backdrop of other dwellings comprising an existing ribbon of development expressed along this section of the Roguery Road.

Given that the majority of existing boundaries are defined by established landscaping it is considered that a dwelling within the application site, subject to a low ridge height restriction and a suitable planting scheme could be sensitively integrated into the application site in accordance with the policy criteria laid out in CTY 13.

Policy CTY 8 and Policy CTY 14 indicates that development which creates or adds to a ribbon of development will be unacceptable. The proposed development would result in the addition of a single dwelling along this stretch of Roguery Road, which would be visually linked with the existing buildings to the northeast comprising Nos, 58, 56, 62, 64, and 66 Roguery Road. This represents a linear form of development which adds to a ribbon of development and a suburban style build-up of development.

Therefore, due to the failure to comply with Policy CTY 8 and CTY 2A which has been discussed above; and the subsequent addition to the existing ribbon of development and the resulting suburban style build-up of development, the proposal fails to comply with Policies CTY 8 & 14 of PPS21.

### **Neighbour Amenity**

As the application seeks outline permission, limited details have been provided regarding the proposed design, however, it is considered that a dwelling could be appropriately designed within the site to ensure that the privacy and amenity of the existing properties are not negatively impacted upon.

### **Movement, Access and Parking**

As outlined in Drawing 02/1 date stamped 14<sup>th</sup> March 2022 the application site is to be served using a new vehicular access point directly off Roguery Road.

Consultation was carried out with DfI Roads and it is considered that the applicant is able to provide the visibility splays required by DfI Roads, subject to the appropriate plans being submitted at Reserved Matters stage. It is deemed that the proposed access will not prejudice road safety or cause a significant inconvenience to traffic.

**CONCLUSION**

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

- The principle of the development cannot be established as the proposal does not comply with the policy requirements of CTY 8 and CTY 2A of PPS 21;
- The application site is able to provide a suitable degree of enclosure for the proposed development, in compliance with CTY 13 of PPS 21;
- The proposal will result in a suburban style build-up of development that would not respect the existing pattern of development and that would add to ribbon development contrary to CTY 8 and CTY 14.
- There are no road safety concerns with the proposal

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

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 1, CTY 2a and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement and it fails to meet with the provisions for an infill dwelling in accordance with Policy CTY 8 or a dwelling in an existing cluster in accordance with Policy CTY 2a of PPS21.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, would extend an existing ribbon of development and result in a suburban style build-up of development.




**Site Location Plan**

Application Reference: LA03/2022/0050/O

Site for dwelling and domestic garage

50m South West of 56 Roguey Road  
Toomebridge, BT41 3TJ



 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.12</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0068/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for dwelling on a farm and detached garage
<b>SITE/LOCATION</b>	60m east of 147 Portglenone Road, Ballytresna, Randalstown, BT41 3EN
<b>APPLICANT</b>	R Rainey & Sons Ltd
<b>AGENT</b>	Concepts
<b>LAST SITE VISIT</b>	22 <sup>nd</sup> February 2022
<b>CASE OFFICER</b>	Dani Sterling Tel: 028 903 40438 Email: <a href="mailto:dani.sterling@antrimandnewtownabbey.gov.uk">dani.sterling@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 60 metres east of No. 147 Portglenone Road and within the countryside as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The site is an irregularly shaped plot of land comprising a portion of a much larger agricultural field. Access to the site is facilitated by an existing access point off the Portglenone Road and the topography of the site rises rapidly in a northeastern and northwestern direction from the public road.</p> <p>The western boundary is partially defined by a line of existing farm buildings and a post and wire fence; the northeastern boundary is defined by a post and wire fence; the southeastern boundary is undefined and the southwestern boundary is defined by 1-metre-high ranch style fencing.</p> <p>The applicant's farm buildings are linear in form running between Portglenone Road and Groggan Road. At the western end of this linear grouping of buildings is the existing farm dwelling and petrol filling station which is accessed from the Portglenone Road. This cluster of buildings is heavily screened by substantial mature trees located to the south and west of the site which screen views of the site from the Portglenone Road and Craigmole Road junction.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2016/0115/O  Location: 60m east of 147 Portglenone Road, Ballytresna, Randalstown, BT41 3EN  Proposal: Dwelling on a farm and detached garage  Decision: Permission Granted (06.07.2016)</p>	

## PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

## CONSULTATION

**Department for Infrastructure Roads** - No objection subject to condition.

**Council Environmental Health Section** – Refusal recommended pending the submission and agreement of a Preliminary Risk Assessment

**NI Water**- No objection

**Northern Ireland Environmental Agency** – No objection

**Department for Communities Historic Environment Division**- No objection

**DAERA Countryside Management Inspectorate Branch**- Advise that the farm business identified on the PIC Form has been in existence since 12.04.2007 and is Category 1. The business has not claimed payments through the Basic Payment Scheme or Agri Environmental Scheme in each of the last 6 years.

## REPRESENTATION

Four (4) neighbouring properties were notified and no letters of representation have been received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design 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 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. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

The policy head noted of Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the three listed criteria can be met. The first criterion, criterion (a) requires that the farm business is currently active and has been established for at least 6 years.

The Department for Agriculture Environment and Rural Affairs (DAERA) were consulted on the proposal with regards to the farm business ID submitted as part of the application. DAERA responded stating that the farm business ID identified on the PIC form had been in existence for more than 6 years (since 12<sup>th</sup> April 2007). DAERA

also advises that the applicant has not claimed payments through the Basic Payment scheme or Agri Environment scheme in any of the last 6 years.

The footnote 26 of the SPPS states that for its purposes 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1037/2013. At Article 4 (c) (i) agricultural activity means the 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.

It is relevant to note here that the application site was previously granted approval for a farm dwelling under planning reference LA03/2016/0115/O. This previous determination was assessed against CTY 10 and at this time the consultation response received from DAERA confirmed that the applicant's farm business ID was both established and active, as single farm payments had been received in each of the 6 years up to 2016. It is noted that in the time between receiving the permission for a dwelling under this previous approval and the current application under consideration, the applicant appears to have ceased any further additional single farm payments to DAERA.

As a result, the agent has submitted documentation in an attempt to demonstrate that the applicant has maintained the land in a good agricultural and environmental condition in each of the last 6 years, a requirement of an active farmer. The documentation provided comprises the following;

Two invoices provided by the business 'Jonathon Sloan Agricultural Contractor' for hedge cutting services carried out on several dates throughout 2016, 2017, 2018, 2019, 2020 and 2021 have been submitted. The invoices are dated 30<sup>th</sup> July 2019 and 22<sup>nd</sup> March 2022 and both are addressed to the applicant.

A third invoice has been provided by the business 'S.J. McIntyre' for field drainage carried out on the 19<sup>th</sup> February 2021. This invoice is also addressed to the applicant.

Only one of the three invoices provided indicates the applicants address. In this case doubt is cast over the authenticity of the two invoices provided that cover hedge cutting services over a period of approximately 4 years on one invoice and the other covering a period of 2 years on the second invoice. The level of farming evidence submitted is not sufficient as it does not go far enough to establish that the business has been actively farmed in each of the last 6 years.

No other information demonstrating six years active farming was supplied with the application therefore, given that the entirety of the information provided by the applicant has been assessed it is considered that it has not been demonstrated that the farm holding has been actively farmed by the applicant for at least 6 years in accordance with the requirements of criterion (a) of Policy CTY10 of PPS21.

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 and in this case this provision applies from 20<sup>th</sup> January 2012. The policy goes on to say that planning permission granted under this policy will only be forthcoming once every 10 years. For the purposes of this policy 'sold off' means

any development opportunity disposed of from the farm holding to any other person including a member of the family.

The applicant has not provided any detail within Q5 of the P1C form accompanying the proposal to confirm that any dwellings or development opportunities have been sold off from the farm holding since 25th November 2008. The farm business map submitted with the planning application as outlined under Drawing 02 date stamped 20<sup>th</sup> January 2022 is dated year 2012 which is considered to be significantly outdated for the purposes of this assessment. However, a planning history search of both the applicant's name, associated farm business ID and lands identified on the farm maps produces only one previous application, which as noted above is a dwelling and garage approved within the application site under LA03/2016/0115/O. This previous permission expired on the 5<sup>th</sup> July 2019 and is no longer extant. In this instance, although up to date farm maps have not been provided to enable an appropriate assessment of this policy provision it is considered that the Council has no evidence to suggest that any other dwellings or development opportunities have been sold off from the farm holding in the last ten years and it is therefore considered Policy CTY10 criterion (b) is met.

The third criterion, criterion (c) of Policy CTY10 of PPS21 requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing farm lane. In this case the proposed application site is located directly southeast of the established group of agricultural buildings. On approach to the site from a southeasterly direction along the Portglenone Road, it is considered that the proposed dwelling will visually link with the adjacent farm buildings and existing farm dwelling. When travelling from the northwest, views of the site are obscured by the existing farm dwelling No. 147 Portglenone Road and associated farm buildings. Overall, it is considered that the site location, together with the local topography ensures that the proposed development will visually link with the established farm group.

Overall, it is considered that as the proposal has not sufficiently demonstrated that the farm business has been active for each of the last 6 years, that the proposal fails criteria (a) of Policy CTY 10.

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

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

Policy CTY 13 requires that a new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. It is acknowledged that in this instance the topography of the site rises rapidly in a northeastern direction from the Portglenone Road and as a result the land is situated on higher ground than the public road. It is also noted that the site boundaries are either undefined or defined by low level fencing as it comprises part of a wider agricultural field. However, a large area directly to the southwest of the application site encompasses a dense area of mature trees and



vegetation which effectively screens the existing farm dwelling and agricultural buildings from public views.

Additionally, the application site is set back 68 metres from Portglenone Road and coupled with the substantial belt of mature vegetation that defines this roadside boundary, views of a dwelling within the application would be filtered and fleeting. Similarly, views of the proposed dwelling when travelling along the Craigmole Road towards the junction with Portglenone Road, which runs closed to the southeastern boundary of the site would be filtered due to the expanse of dense vegetation existing along this roadside edge. It is considered that the development of a dwelling within the application site would be sufficiently integrated into the landscape as it would be viewed against the backdrop of existing built form and be visually linked with the existing agricultural holding.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. It is considered that given the location of other dwellings and located in the immediate area, the distances between these properties, coupled with the screening provided by existing vegetation, will ensure that the proposal will not create or add to a ribbon of development. Furthermore, it is considered that the application site adjacent to the established group of agricultural buildings will not result in a detrimental change to, or further erode the rural character.

Overall, it is considered that a suitably designed dwelling on this site could be successfully integrated into the surrounding rural landscape and would not have a detrimental impact on the rural area in compliance with Policies CTY 13 and CTY 14 of PPS 21.

### **Neighbour Amenity**

As the application seeks outline permission, limited details have been provided regarding the proposed design, however, it is considered that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of the existing properties are not negatively impacted upon.

### **Movement, Access and Parking**

The proposed farm dwelling is to be accessed using an existing access off the Portglenone Road. Consultation was carried out with DfI Roads who raised no objections to the proposal. Therefore, it is deemed that the access point to serve the site will not prejudice road safety or cause a significant inconvenience to traffic.

### **Other Matters**

It is relevant to note that the Council's Environmental Health Section (EHS) has sought additional information pertaining to the need for a Preliminary Risk Assessment to assess the potential risk of land contamination due to the historical presence of a petrol filling station located within the applicants existing farm complex. In this case EHS have stated that the petrol filling station was a 'previous' use on the site, however, the agent confirmed in email correspondence received on the 21<sup>st</sup> March 2022 that the filling station still exists and is a small annex on the end of the existing dwelling.

In this instance given that the principle of a farm dwelling against policy CTY 10 could not be established, it was not deemed appropriate to seek this additional information as this would invariably result in nugatory work and expense to the applicant. However, as the Planning Section are unable to determine if the proposed development would have a detrimental impact on human health from contamination risks this would ultimately result in an additional refusal reason for the application.

**CONCLUSION**

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

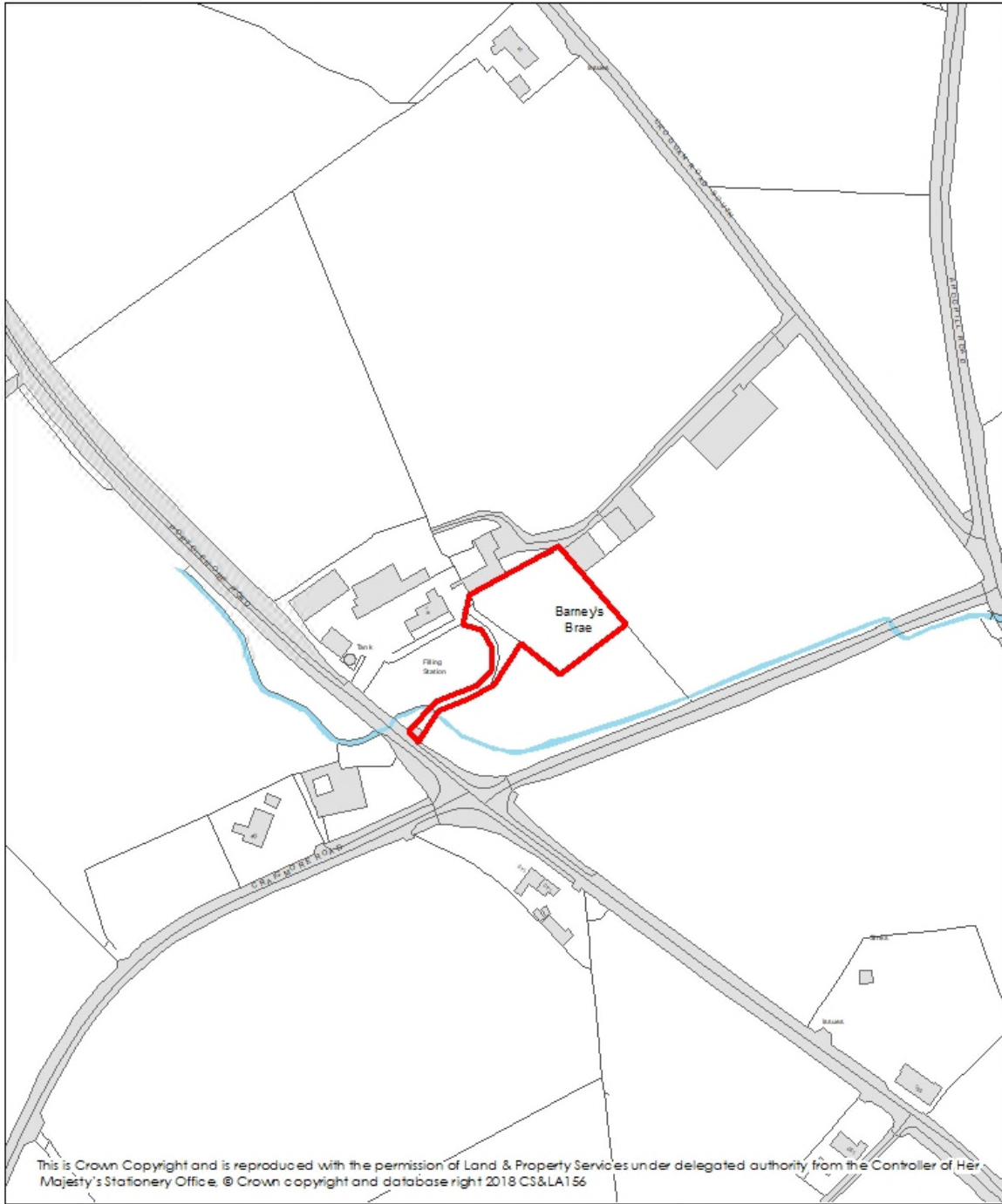
- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of Policy CTY 10 of PPS 21 in that the principle of an active and established farm has not been demonstrated.
- The application site is able to provide a suitable degree of integration as it is visually linked to cluster with existing farm buildings in accordance with Policy CTY 13.
- The proposal will not result in a detrimental change to the rural character in accordance with Policy CTY 14.
- An appropriately designed dwelling on site would not have a detrimental impact on neighbour amenity.
- There are no road safety concerns with the proposal.
- There are concerns that the proposal may have a detrimental impact on human health from contamination risk.

**RECOMMENDATION**

**REFUSE OUTLINE PLANNING PERMISSION**

**PROPOSED REASONS OF 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 in the Strategic Planning Policy Statement and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it has not been demonstrated that the farm business is both active and established over a 6-year period.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement in that insufficient information has been provided in order to determine that the proposed development will not have a detrimental impact on human health resultant from contamination risks associated with the sites historic land use.



**Site Location Plan**

Application Reference: LA03/2022/0068/O

Site for dwelling on a farm and detached garage

60m east of 147 Portglenone Road  
Ballytresna, Randalstown, BT41 3EN

0 60 120 Metres

Site boundary

<b>COMMITTEE ITEM</b>	<b>3.13</b>
<b>APPLICATION NO</b>	<b>LA03/2021/1055/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed new driveway access alteration including infilling and raising of ground level of side garden to create lawn area (Retrospective).
<b>SITE/LOCATION</b>	86 Lurgan Road, Crumlin, BT29 4QE.
<b>APPLICANT</b>	Mr Thomas Stewart
<b>AGENT</b>	Robert Bryson
<b>LAST SITE VISIT</b>	29.11.2021
<b>CASE OFFICER</b>	Jordan Jenkins Tel : 028 903 40411 Email: <a href="mailto:jordan.jenkins@antrimandnewtownabbey.gov.uk">jordan.jenkins@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 86 Lurgan Road, Crumlin as defined within the Antrim Area Plan 1984 – 2001 (AAP).</p> <p>The site comprises a two storey detached dwelling, with a pitched roof. Within the curtilage of the site is a single storey detached shed and a single storey detached out building with a large area of rubble to the south. The site is surrounded predominantly by agricultural fields with some residential dwellings within close proximity to the site.</p> <p>The northern boundary is defined by a 2-metre-high mature hedge, the western boundary is defined by a 1.5 and 2-metre-high hedge including an access laneway, and the boundaries from the southwest to east are defined by mature trees and hedging. The topography of the site is relatively flat.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/1980/0325 Location: 86 LURGAN ROAD, CRUMLIN. Proposal: EXTENSION TO BUNGALOW Decision: Permission Granted (08.08.1980)</p> <p>Planning Reference: T/1978/0336 Location: 86 LURGAN ROAD, CRUMLIN. Proposal: GARAGE Decision: Permission Granted (12.12.1978)</p> <p>Planning Reference: LA03/2021/0327/F Location: 86 Lurgan Road, Crumlin.</p>	

Proposal: Proposed new first floor extension to provide new bedrooms, en-suite and bathroom. Including raising wall plate height, new roof with dormer windows, new GF entrance porch, new 2 car domestic garage and fenestration alterations.  
Decision: Permission Granted (26.11.2021)

### **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 the settlement limits of Crumlin. 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 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people, property and the environment.

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

### **CONSULTATION**

**Department for Infrastructure Roads-** No objection subject to conditions

### **REPRESENTATION**

Two (2) neighbouring properties were notified of the application 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;
- Amended Access;
- Neighbouring amenity;
- Access Arrangements
- Flood Risk

### **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 application site is located outside of any settlement as defined within the Antrim Area Plan 1984 - 2001 (AAP). There are no specific operational policies relevant to the determination of the application in the 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 Planning Policy Statement 21: Sustainable Development in the Countryside. This is also supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

The application seeks permission to alter the existing access laneway and to raise the ground level to create a lawn area to the side of the dwelling. The application is retrospective as work has already commenced on site to the existing entrance and to enlarge the curtilage. Drawing No. 03 date stamped received 27 October 2021, indicates that the new proposed access will be relocated 8.5 metres to the south of the existing entrance and will not restrict or infringe the neighbouring access.

The principle of a new access in substitution for the existing entrance and the raising of levels is acceptable in principle subject to a number of specific criteria which is considered below.

### **Amended Access**

There are two elements to the application; the proposed new access onto the site and the creation of a new garden within the curtilage of the site.

PPS 21: Sustainable Development in the Countryside sets out the planning policies for development in the countryside. Policy CTY 13 paragraph 5.71 states that "new accesses are often a visible feature of new buildings in the countryside and on occasion can be more obtrusive than the building itself, particularly if they include concrete walls, gates and fencing. PPS 3, Access, Movement and Parking sets out whether such new accesses will affect the movement of vehicles along the priority road or impact on road safety.

The first element of the development to be considered is the relocation and creation of a new access which will be in substitution of the existing access onto the Lurgan Road. It is noted that the existing vegetation to the south of the existing laneway will be lost as a result of the relocation of the new laneway, however, the agent has stated on Drawing No. 03 date stamped received 27 October 2021 that the existing access will be permanently closed and a new hedgerow will be planted behind the visibility splays. This will help soften the impact of the development.

Views are limited on approach when travelling along the Lurgan Road both in a northerly and a southerly direction due to the topography of the surrounding lands, coupled with the vegetation along the northern and northwestern boundaries and mature trees along the southwestern and southern boundaries of the site. On Drawing No. 02 date stamped received 27 October 2022, the agent has stated that all the existing hedgerows/walls/fences will be removed and new hedgerows will be planted behind the new proposed visibility splays. The existing trees along the southwestern boundary will be retained which will adequately screen the proposed new laneway.

Overall, it is considered that the development will not detrimentally impact the character and appearance of the area and the development complies with the criteria set under CTY 13 of PPS 21.

The Department of Infrastructure (DfI) Roads were consulted on this matter as the application includes the closure of the existing entrance and the creation of a new access point onto the Lurgan Road. DfI Roads has responded with no objection to the proposal, subject to conditions. It is deemed that the proposed access will not prejudice road safety or cause a significant inconvenience to traffic.

The second element is the creation of a new garden within the curtilage of the application site. The existing land to the south of the dwelling within the site is currently filled with rubble. The agent has indicated on Drawing No. 03 that the ground level to the side of the dwelling is to be raised using 400mm hardcore and finished with topsoil and grassed over to form a new lawn. The ground works to this section of the curtilage of the dwelling is considered to integrate into the rural area and is therefore acceptable.

Overall, it is considered that the new access arrangements and proposed ground works within the curtilage of the property are acceptable and will not detract from the overall character and appearance of the surrounding area.

### **Neighbour Amenity**

Neighbouring properties No. 84 and 84A Lurgan Road to the southwest of the application site has a laneway running behind the site and comes out to the Lurgan Road 35 metres to the north of the application site. The neighbouring property is set back from the road and the proposal will not impact the neighbouring property, as the new access laneway is to be situated further away from this dwelling. Overall, it is considered that there will be no significant adverse impact on the amenity of the residential properties within the area as a result of the proposal.

### **Flood Risk**

Policy FLD 3 entitled Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states that a Drainage Assessment will be required for any development

proposal, except for minor development, where the proposed development is located within an area where there is evidence of a history of surface water flooding. It is also noted that the policy states that such development will only be permitted where it is demonstrated through the Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from development elsewhere.

In this case it was considered necessary to request a Flood Risk Analysis (FRA) due to the site being located within an area identified as a pluvial flood risk area. The development includes the raising of a large section of ground to be elevated and levelled off with 400mm hardcore and finished with topsoil and grass seed. The FRA would allow the identification of flooding, the resulting flood extents and the means by which flooding is to be controlled and mitigated. However, the FRA has not been provided by the agent despite several requests and therefore, it has not been possible to determine whether the application would have an adverse effect on increased flooding to the surrounding area. As a result, the Planning Section is unable to appropriately identify if the application is acceptable on surface water flooding grounds as adequate flood risk mitigation measures have not been provided.

Overall, it is considered that the application is contrary to Policy FLD 3 entitled Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains as there has been no evidence or supporting information submitted to enforce how this application will not present a flood risk to the surrounding areas.

**CONCLUSION**

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

- The principle of development is considered acceptable given the existing residential use of the site;
- The development will not have an adverse impact upon the visual amenity of the area;
- The development will not have an adverse impact on neighbour amenity; and
- The application fails to address the flood risk element contrary to FLD 3 of PPS 15.

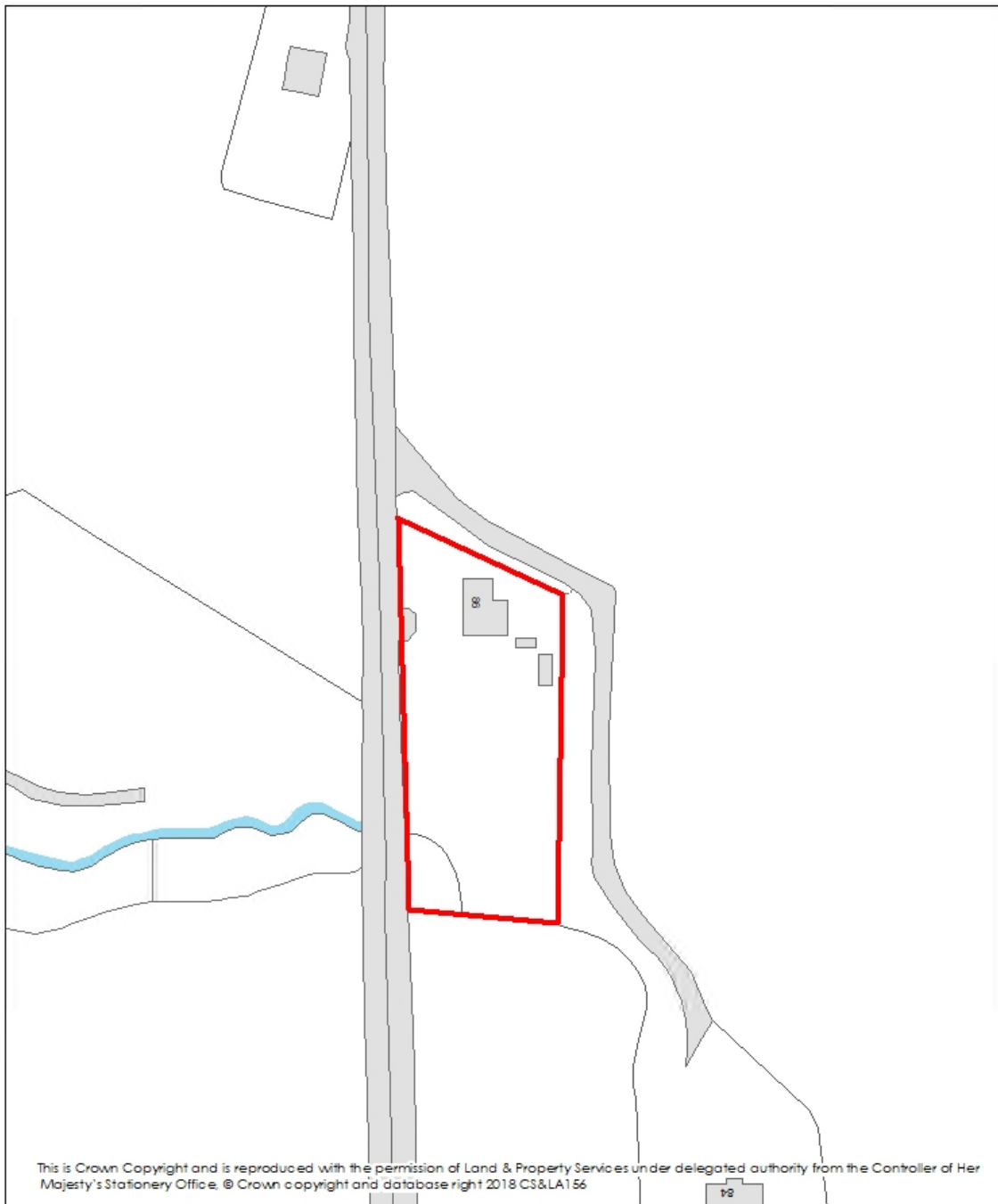
**RECOMMENDATION**

**REFUSE PLANNING PERMISSION**

**PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy FLD 3 of PPS 15 Planning and Flood Risk in that the development would, if permitted, increase the risk of flooding elsewhere through the removal of the flood storage area on the application site.






**Site Location Plan**

Application Reference: LA03/2021/1055/F

Proposed new driveway access alteration including infilling and raising of ground level of side garden to create lawn area (Retrospective)

No. 86 Lurgan Road, Crumlin



 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.14</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0154/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Erection of single-storey replacement agricultural style shed to west of site and new replacement timber fencing to front of site (retrospective development)
<b>SITE/LOCATION</b>	168 Doagh Road, Ballyclare, BT39 9ER
<b>APPLICANT</b>	Mrs Lynda Thompson
<b>AGENT</b>	Mr Robert Kerr
<b>LAST SITE VISIT</b>	24 <sup>TH</sup> March 2022
<b>CASE OFFICER</b>	Michael Tomlinson Tel : 028 903 40442 Email: <a href="mailto:michael.tomlinson@antrimandnewtownabbey.gov.uk">michael.tomlinson@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 168 Doagh Road, Ballyclare which is a countryside location beyond any development limits as defined in the draft Belfast Metropolitan Area Plan.</p> <p>The application site consists of a single storey semi-detached bungalow and a large corrugated iron shed of a consistent roof height to the ridgeline of the dwellinghouse. The existing dwellinghouse has a garden to the south (front) and off street parking. The topography of the application site is set on a higher level than the Doagh Road, with the land gradually falling from north to south. To the west of the dwellinghouse, there is an area of concrete hardstanding that narrows to a path along the northern boundary (rear) of the application site and to the rear of the dwellinghouse. The northern boundary is defined by a 1.2-metre-tall breezeblock wall with a 1.2-metre-tall post and wire fence along the top. The western boundary abuts the southern garden associated with No. 170 Doagh Road. A row of 5 to 10-metre-tall trees runs along this common boundary, supplemented with a 1.8 metre timber panel fence that steps down with the contours of the application site. The southern boundary has a 1.8 metre close boarded timber fence separated from the public road by a 1.5-metre-wide grass verge. The eastern boundary with the adjoining neighbour at No. 166 Doagh Road is defined by a 1.2 metre white dashed wall.</p> <p>The surrounding location is countryside, with an agricultural field abutting the application site to the north and to the south on the opposite side of the Doagh Road. The subject dwellinghouse is adjoined by a mirrored bungalow to the east and there are a number of dwellinghouses of different designs and appearances along this section of the Doagh Road. There are also several corrugated iron sheds along this section of the public road that are visible from critical views.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history	

## PLANNING POLICY AND GUIDANCE

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

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

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

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

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

PPS 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.

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

**Department for Infrastructure Roads –** No response

**Department for Communities Historic Environment Division –** No objection

## REPRESENTATION

Two (2) neighbouring properties were notified and one (1) letter of objection has been received from one (1) property. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- The construction (shed) looks to be the same size or taller than the adjacent dwellinghouse;
- The shed is not in keeping with the surrounding properties and is visible from great distances; and
- The previous shed was barely visible from the adjoining property or the road, there was nothing of this magnitude on this site.

### **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 this Area
- Amenity Space, Parking and Manoeuvring

#### **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.

Whilst there is currently no statutory development plan in place for the area where the development is proposed, the provisions of both the draft Newtownabbey Area Plan and the draft Belfast Metropolitan Area Plan are considered to be material considerations in the assessment of the current application. Both of these Plans identify the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

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

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

APPS7 also advises that the guidance set out in Annex A of the document will be taken into account when assessing proposals against the above criteria. The proposed development is for the retention of a single-storey agricultural style shed and timber fencing to the front of the site.

### **Scale, Massing, Design and Appearance**

The subject development has two elements, the first seeks the retention of the corrugated iron shed and secondly, the retention of the 1.8-metre-tall close boarded timber fence along the roadside boundary.

In the first instance, the subject shed has a ridge height and width comparable with the existing dwelling and is sited further south within the application site, pushing beyond the southern (front) wall plate of the dwelling. The subject shed takes the form of a rectangular block, with a tapered corner on the southwestern corner of the western elevation. There is no apparent consistent window design, with the size of the window voids varying and their height above floor level also displaying inconsistencies. Despite this being a single storey shed, there are windows on the southern (front), eastern and western (side) elevations at what can only be considered to be a first floor level, with no form or consistency with the size of the window voids. 1 no. shutter door is provided on the southern (front) elevation. A larger shutter door is provided on the eastern elevation alongside a shipping container style doorway. The shed is finished in a dark green colour while the southern roller shutter door is white uPVC, while the eastern roller shutter is metallic grey. It is noted that corrugated iron is a building material used in the construction of agricultural buildings such as that located adjacent to No. 149 Doagh Road, approximately 400 metres northeast of the application site and is recognised as a common external material for agricultural buildings in the countryside.

The application site is visible from critical view points along the Doagh Road, the subject shed is located almost entirely in the southern (front) garden of the application site and has a roof height consistent with the ridgeline of the dwelling. There is no significant landscaping or screening features along this southern boundary to encourage the integration of the subject shed to any significant level. Given the proximity of the subject shed to the public road and its close relationship with the dwelling, it will appear as disproportionate in scale to the dwelling and will not provide a substantial degree of integration. Whilst the building materials display an agricultural quality, this application seeks the retention of a domestic shed to provide an ancillary purpose to the dwelling and is not an agricultural building within a cluster of other agricultural buildings and therefore it is considered that the shed does not demonstrate a sufficient level of integration. Furthermore, it is noted in Drawing no. 03, date stamped 14<sup>th</sup> February 2022, that a row of new cherry blossom trees is to be planted alongside the southern elevation of the subject shed. It has been considered that the reliance on new landscaping to encourage the integration of the shed is not an appropriate solution and therefore the development is unacceptable.

The second element of the application seeks the retention of a 1.8-metre-tall close boarded timber fence along the southern boundary of the application site abutting the public road. This runs from the access to the site up to the southeastern corner of the site. It is noted on Drawing no. 05, date stamped 14<sup>th</sup> February 2022, that a new native species hedgerow is to be planted along the southern side (front) of the fence line. The fence line is visible from long distances along the critical views and whilst the proposed planting may mitigate the appearance of the fence in the long term, the

use of close boarded timber fencing is not considered to be an appropriate boundary treatment in the countryside. The reliance on new planting to encourage its integration is not an appropriate solution, particularly on a site that is significantly visible to the public. It is considered therefore that this fence does not integrate into this countryside location and is not appropriate for the application site nor the locality.

### **Neighbour Amenity**

No. 166 Doagh Road is the adjoining neighbour of the subject dwelling and is located immediately to the east of the application site. It is noted that the subject building is located 18 metres to the west of the common boundary of this neighbour. It is considered that due to the separation distance, western location and single storey nature of the subject shed that there is no significant impact on the amenity of this neighbour.

No. 170 Doagh Road abuts the application site to the west. It is noted that the subject shed comes within 2 metres of the common boundary, however, this is defined by a row of mature trees with panel fencing interrupting any ground floor views. Furthermore, whilst the shed is proximal to the common boundary, the dwelling associated with No. 170 Doagh Road is located approximately 30 metres to the northwest of the subject shed and therefore, there is no significant impact upon the amenity of this neighbour.

### **Impact on Trees and Environmental Quality of this Area**

Due to the application seeking retrospective planning permission, it has been considered that there has been no significant impact on the trees and environmental quality of the area.

### **Amenity Space, Parking and Manoeuvring**

It is considered that sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. Due to the proximity of the new boundary treatment along the southern boundary and abutting the public road, DfI Roads were consulted, however, to date they have not responded. It is considered that the fence may affect the sightlines, however, as the fence is deemed to be unacceptable on visual terms, there is no need to hold the application pending a response from DfI Roads.

### **Other Matters**

The points raised by the objector have been considered within this report, however, it is noted that whilst this is described as a replacement shed, the former building has been removed and the structure must be assessed in the context of the site as it presently appears, in this case the building and fence are considered to be obtrusive in the landscape.

The application site is within the zone of influence for 5no. archaeological sites and monuments and therefore Historic Environment Division was consulted as a statutory consultee in this instance. It has provided no objection to the subject development.

## **CONCLUSION**

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

- The principle of the development is acceptable;

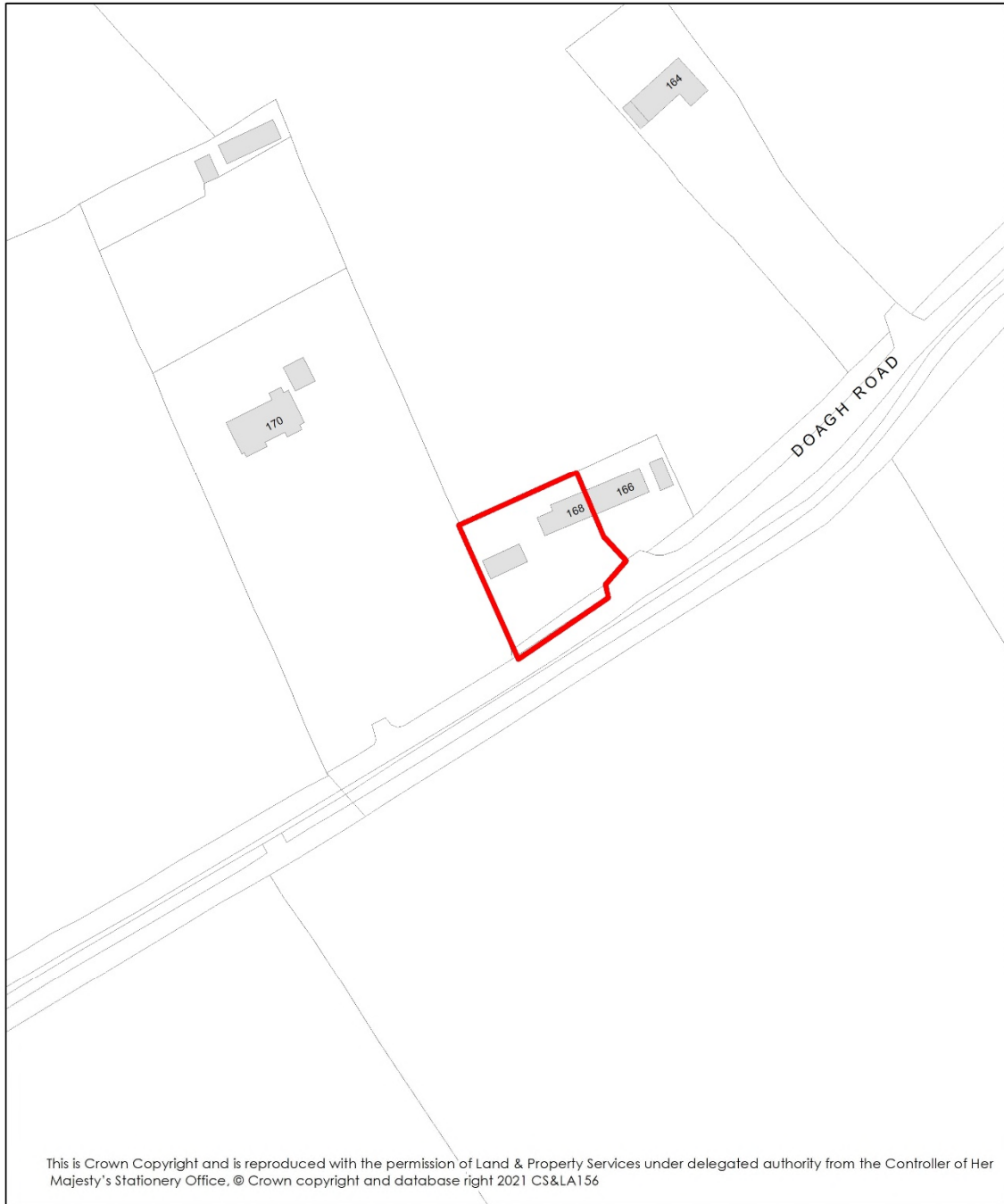
- The scale, massing, design and appearance of the subject development is not acceptable;
- There is no significant impact on the amenity of the neighbouring properties;
- It is considered there has been no significant impact on the trees and environmental quality of the area as a result of the subject development;
- There is sufficient amenity space for recreational and domestic purposes;
- One (1) objection was received, the details of which have been discussed in the report; and
- There have been no objections from any statutory consultees.

<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
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<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
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<b>PROPOSED REASON OF REFUSAL</b>
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- |  |
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| <p>1. The proposal is contrary to Policy EXT1 of the Addendum to Planning Policy Statement 7 in that the development would, if permitted, detract from the appearance of No. 168 Doagh Road and its design and appearance would have a detrimental impact on the appearance and character of the area.</p> |
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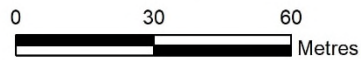


**Location Map**

Reference: LA03/2022/0154/F

Location: 168 Doagh Road, Ballyclare, BT39 9ER

Proposal: Erection of single-storey replacement agricultural style shed to west of site and new replacement timber fencing to front of site (retrospective development)



 Site Boundary





<b>COMMITTEE ITEM</b>	<b>3.15</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0951/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>COUNCIL INTEREST</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Part change of use of council building to provide an extension to previously approved adjoining waste transfer station (T/2012/0225/F). Internal layout changes, changes to the elevation and other associated site works.
<b>SITE/LOCATION</b>	Council Depot, 6b Orchard Way, Newpark Industrial Estate, Antrim, BT41 2RU
<b>APPLICANT</b>	Natural World Products Ltd
<b>AGENT</b>	MBA Planning Ltd
<b>LAST SITE VISIT</b>	16 <sup>th</sup> November 2021
<b>CASE OFFICER</b>	Michael Tomlinson Tel : 028 903 40442 Email: <a href="mailto:michael.tomlinson@antrimandnewtownabbey.gov.uk">michael.tomlinson@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 6b Orchard Way, Antrim which is within the development limit of Antrim Town.</p> <p>The application site is the middle unit in a row of three adjoining industrial units that have a frontage along the northwestern elevation of the building. The unit has 1 no. roller shutter door on its northwestern elevation and a pedestrian door adjacent to the roller door. A further pedestrian access has been provided along the southeastern elevation, however the unit does not have a frontage on this elevation. A concrete track runs into the site, with the area immediately to the north of the unit, connecting to the track in gravel. The area is mostly flat, with a tree lined hedgerow of 3 metres flanking the subject building to the northwest, southwest and southeastern boundaries.</p> <p>The building is finished using bare concrete blocks for the first 6 metres, then corrugated iron cladding continues for the remaining 6 metres finishing at roof height. The roof is flat and a metal guard rail surrounds the perimeter of the roof. The surrounding location is predominantly industrial premises with site traffic continuously moving to and from the existing neighbouring unit to the southwest.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/1995/0399 Location: Vanguard Logistics LTD, 6 Orchard Way, Newpark Industrial Estate, Antrim Proposal: Change of use of part of industrial building to waste paper baling plant and installation of external weighbridge Decision: Permission Granted (27.10.1995)</p>	

Planning Reference: T/2002/0853/F

Location: 6 Orchard Way, Antrim

Proposal: Operational Services Depot Facility (refuse collection, street cleansing, grounds maintenance and storage facility for associated plant, equipment and vehicles with ancillary office accommodation)

Decision: Permission Granted (05.12.2002)

Planning Reference: T/2004/0807

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim (Townland of Newpark Parish)

Proposal: Change of use of part of existing building to receive & compost kitchen & garden wastes using an "in-vessel" composting system. Use of land to store & stabilise compost before dispatch & for ancillary uses - vehicle washing, bio-filtration system & staff car-parking.

Decision: Permission Refused (27.01.2006)

Planning Reference: T/2010/0078/F

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim, BT41 2RU

Proposal: Part change of use of existing council building to a waste transfer station for kitchen and garden waste and other non-hazardous municipal solid waste.

Decision: Permission Granted (26.05.2011)

Planning Reference: T/2012/0225/F

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim, BT41 2RU

Proposal: Part change of use of council building for extension to previous approved waste transfer station (T/2010/0078/F), to allow internal layout changes.

Decision: Permission Granted (03.01.2013)

Planning Reference: LA03/2015/0397/NMC

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim, BT41 2RU

Proposal: The proposed minor amendment relates to the operations within the facility, more specifically the removal of the proposed Transfer Area/Pit, referred to on the stamped approved planning drawing no 04 - Operational Plan Layout, dated 27th November 2012.

Decision: Non-material Change Granted (26.08.2015)

Planning Reference: LA03/2015/0453/NMC

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim, Co. Antrim, BT41 2RU

Proposal: In order to satisfy Condition No 4 of planning approval T/2012/0225/F, NWP propose to install a Light Extraction Ventilation (LEV) System together with high level Roof Fans.

The 2No roof fans will be fitted to the outside of the existing roof surface, and will extend not further than 500mm above the existing roof surface. The roof fans will not be visible, as the existing parapet wall extends above the ridge height of the building.

Decision: Non-material Change Granted (06.10.2015)

#### **PLANNING POLICY AND GUIDANCE**

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located within the settlement limits of Antrim Town. The location is of an existing industrial use adjoining land zoned for industry.

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

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

## **CONSULTATION**

**Council Environmental Health Section** – No objection

**Northern Ireland Electricity** – No objection

**Department for Infrastructure Roads**- No objection

**Northern Ireland Environment Agency: Various Units** – No objection

**Shared Environmental Services** – No objection

## **REPRESENTATION**

Sixteen (16) neighbouring properties were notified and no letters of representation have been received.

## **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

- Policy Context and Principle of Development

- Design and Layout
- Impact on Neighbouring Residents and the Environmental Quality of this Area
- Road Safety, Parking and Manoeuvrability
- Pollution and Contamination
- Other Matters

### **Policy Context and Principle of Development**

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

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPS's). Amongst these are PPS 4: Planning and Economic Development and PPS 11: Planning and Waste Management. Taking into account the transitional arrangements of the SPPS, retained PPS 4 and PPS 11 provide the relevant policy context for the proposal.

Policy PED 1 of PPS 4 is one of the policy provisions relevant to this application. The relevant criterion in this instance is for Class B2 Light Industrial Use and Class B3 General Industrial Use. This criterion reads: "A development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location." It is noted that this application seeks an extension to a development in an adjacent premise which was subject to a previous approval ref: T/2012/0255/F. The existing adjacent premises accepts kitchen and garden waste as well as other non-hazardous municipal solid wastes. The waste is to be off-loaded, deposited, stored and re-loaded within the building, as is the case with the adjacent premises. The waste is to be bulk stored for not more than 48 hours prior to dispatch for further processing. Additionally, it should be noted that there is no change in the waste codes accepted on the overall site than that approved under T/2012/0255/F. Activities on the site are controlled and regulated by NIEA under a separate legislative framework.

It is considered that the proposal complies with Policy PED 1, criterion (c) of Policy WM 2 of PPS 11 and the guiding principle of the SPPS, and therefore the principle of the development is acceptable subject to the application meeting with the other relevant policy provisions of PPS 4 and PPS 11.

### **Design and Layout**

Policy PED 9 of PPS 4 provides the general criteria for economic development. It is noted that most of the requirements of Policy WM 1 of PPS 11 'Environmental Impact of a Waste Management Facility' are consistent with the requirements of Policy PED 9 of PPS 4 and will be reviewed together.

It is required by criterion (d) of Policy WM 2 of PPS 11, that proposals involving the sorting and processing of waste are carried out within a purpose built or appropriately modified existing building, and that the built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned. The physical changes proposed to the northwestern elevation of the existing building would entail the addition of a roller shutter door and the addition of 2no. high level roof fans for ventilation. The internal layout of the building will be altered to include 3no. waste storage bays in a configuration similar to the existing waste transfer station in the abutting unit. It is considered on the basis of the proposed modifications to the building both externally and internally, the building will be appropriate.

Criterion (j) relates to the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity. It is noted that whilst none of the named features are subject to change as part of this application, there is a substantial tree-lined boundary to the northwest, southwest and southeast of the application site. The site is suitably laid out and the associated infrastructure are all of a quality that complies with the requirements of criterion (j). With regard to the substantial boundary treatments of the application site, the application complies with the requirements of criterion (k).

### **Impact on Neighbouring Residents and the Environmental Quality of this Area**

The application site is surrounded by hedging at a minimum height of 3 metres and has a separation distance of 80 metres from the two closest points on the subject building and the nearest neighbouring residential dwelling. It is noted that the separation distance and site screenings are sufficient to dispel significant impacts as a result of overlooking, overshadowing or dominance.

The Council's Environmental Health Section upon initial consultation with the Odour Impact Assessment, identified that the dwelling at No. 21 Ballycraig Road had been mistakenly omitted from the report. However as indicated in the updated Odour Impact Assessment, Document No. 04, date stamped received 31<sup>st</sup> January 2022, this dwelling will only experience a low risk to odour exposure with a slight adverse effect experienced. The Council's Environmental Health Section have deemed this to be acceptable and have recommended that should planning permission be granted, if deemed necessary by the Council and upon receipt of odour complaints by any nearby resident, further mitigation measures must be implemented by the applicant to address the potential impact of any adverse impacts due to odour. The emissions and effluents are addressed further within a later section in this report.

There are no identifiable features of natural or built heritage within proximity to the application site which fulfils the requirements of criterion (c) of Policy PED 9 of PPS 4 and criteria 8 of WM 1 of PPS 11. Criterion (e) relates to noise nuisance. It is noted that there will be no increase in the amount of employees and others attending as indicated in the P1 form, with the agent clarifying that the increase as noted will be

due to the current figures for the existing use of the subject building being unknown and these figures are based on the existing numbers for the neighbouring waste transfer station spreading between the two buildings. It is noted that there will be an increase to 10no. goods vehicles to the application site. It is considered that given the industrial location of the application site, this increase will be absorbed within the overall level of goods vehicles in the wider site and the impact this will have will be negligible. Furthermore, with the vehicle wash area existing on site, good operational practice should ensure that dirt and dust will not impact on neighbouring residents as required by criterion 4 of Policy WM 1 of PPS 11.

### **Pollution and Contamination**

Criterion (f) requires the development to satisfactorily deal with emissions or effluent. Drawing No. 7, date stamped received 31<sup>st</sup> January 2022, indicates that there will be 2no. high level roof fans for ventilation and a leachate drain that runs off into a storage tank for removal and offsite treatment. Regarding the potential increase in odour and effluent generated by the change of use, the Council's Environmental Health Section and the Northern Ireland Environment Agency were both consulted as part of this application. An Odour Impact Assessment was commissioned by the agent on the applicant's behalf and found that the expanded waste transfer station would have a negligible effect or at worst a slight adverse effect. In this regard, the Council's Environmental Health Section provided comment and agreed with the findings contained within Document No. 04/1, date stamped received 31<sup>st</sup> January 2022. Should planning permission be granted in this instance, it is considered necessary to add the planning conditions to ensure the air quality of the area is not adversely effected.

With regards to the leachate effluent from the site NIEA were consulted and the Water Management Unit (WMU) provided comment to this regard. Should planning permission be granted, WMU is content with the impact the proposal may have on the surface water environment. It is therefore considered that the proposed change of use complies with criterion (f) of Policy PED 9.

### **Road Safety, Parking and Manoeuvrability**

Criteria (g) and (h) of PED 9 and criteria 4, 5 and 6 of Policy WM 1 of PPS 11, relate to the existing road network safely handling the extra vehicular traffic and that adequate access arrangements, parking and manoeuvring areas are provided. It is considered that the existing road network existing in and around the Orchard Way area and the connection onto the Greystone Road are currently handling a level of goods vehicles and associated traffic that would be expected of an industrial location. DfI Roads were consulted as the relevant statutory consultee on road infrastructure matters and they have indicated that they have no objection to the proposal. The site plan shown in Drawing No. 03, date stamped received 31<sup>st</sup> January 2022, demonstrates that the existing access drive is 12 metres wide and is capable of allowing 2-way access to and from the subject building. From the location of the 2 bays on the northwestern elevation to the northwestern boundary of the site is 30 metres, with the building itself being 39 metres in length and 39 metres from the shutter door to the bay openings. It is considered that manoeuvring within the application site should be achievable for goods vehicles and cars alike. The car parking provisions will remain unchanged, with 5no. spaces available on site. It is noted there will be no increase in the number of staff or visitors/ customers and therefore there will be no need to increase this provision on the basis of this information.

**Flood Risk**

The application seeks a change of use and whilst there is a section of hardstanding to be created along the northwestern portion of the site to connect the building to the existing tarmac access track, additional drainage will be provided, with an additional section of storm sewer pipe to be included within the new concreted yard as indicated in Drawing No. 03, date stamped received 31<sup>st</sup> January 2022. It is noted that there is an identified pluvial flood risk zone to the northwest of the building and within the application site, however, it is considered that this risk will not be exacerbated as a result of this change of use. It is considered therefore that the application meets with the requirements of criteria (d) of Policy PED 9 and criteria 10 of WM 1 of PPS 11. It is proposed that an informative is attached to draw the applicant's attention to the need to provide suitable drainage in areas of pluvial flood pondage.

**Other Matters**Crime and Personal Safety

Criterion (l) requires the proposal to be designed to deter crime and promote personal safety. The lockable gates that exist at the entrance to the site are pre-existing and are locked at the end of daily operations. The site has significant boundaries and there are no substantial risks identified to persons attending the site as a result of crime.

Planning History

The abutting unit currently functions as a waste transfer station, with the subject unit to provide additional capacity. In regards to this, there are a number of planning conditions subject to the granting of planning permissions under T/2010/0078/F and T/2012/0225/F, that, should be attached to the grant of any planning permission should permission be forthcoming. This is to ensure that the proposal is consistent with the function and types of waste handled at the neighbouring unit.

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

- The principle of the development is acceptable;
- The impact the proposal will have on neighbouring residents is acceptable;
- There will be no significant increase on the impact of the surrounding environment;
- The road safety of the site is acceptable;
- There is sufficient parking and manoeuvrability within the site;
- The flood risk on the site will not be increased as a result of the proposal; and
- There have been no objections from any consultees or interested third parties.

**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 materials accepted at the waste transfer facility shall be restricted to those European Waste Catalogue codes listed in Appendix A.

Reason: To ensure protection of the environment.

3. The extension to the waste transfer station, as shown on Drawing Number 03, stamped 'Planning Section Received 30 JAN 2022 shall be fitted with an air extraction system with a capacity of at least three air changes per hour (10m<sup>3</sup>/s).

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

4. Extracted air shall be discharged to atmosphere through high level roof fans at approximately 14m height. The terminal velocity at the emission point shall be up to 15m/s.

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

5. The operator shall respond to and investigate any complaints received by the Council. If necessary, an activated carbon filter (or filters) with a minimum carbon media volume capacity of at least 10m<sup>3</sup> shall be fitted retrospectively should there be substantiated complaints of unacceptable off-site odour impacts.

Reason: In order to protect amenity at nearby sensitive receptors

6. All roller shutter doors and pedestrian doors shall be kept in the closed position, except for ingress and egress, with only 1 vehicle access door to be open at any time.

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

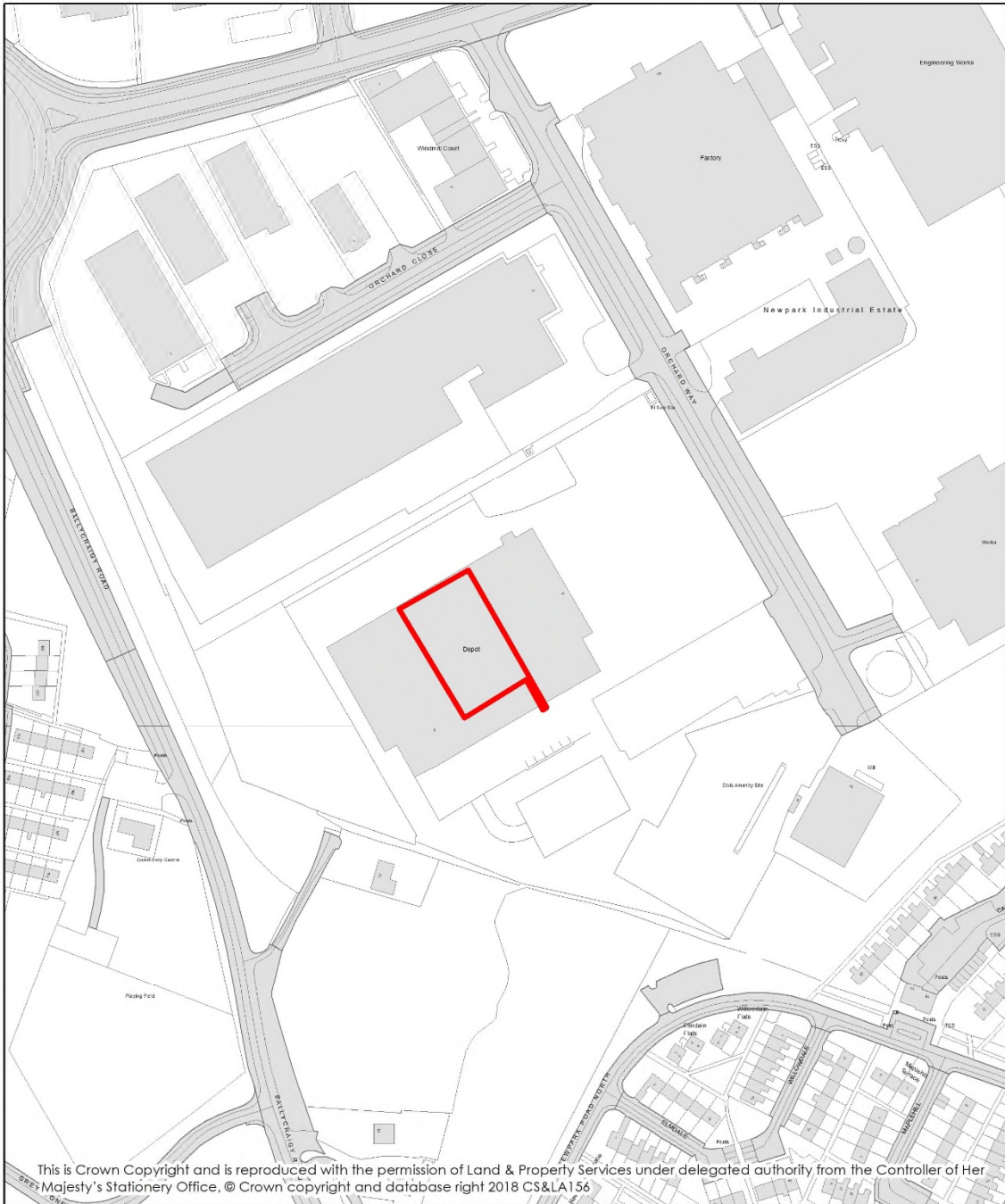
7. All off-loading, deposition, storage and re-loading of waste shall be carried out within the waste facility hereby approved, as marked on Drawing Number 03, stamped 'Planning Section Received 30-SEP-2022' and only when all doors are closed.

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

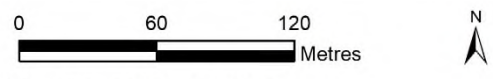
8. There shall be no shredding, crushing or screening operations associated with the facility hereby approved.

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





**Site Location Plan**



Reference: LA03/2021/0951/F  
 Location: Council Depot, 6b Orchard Way, Newpark Industrial Estate, Antrim, BT41 2RU  
 Proposal: Part change of use of council building to provide an extension to previously approved adjoining waste transfer station (T/2012/0225/F). Internal layout changes, changes to the elevation and other associated site works.



**PART TWO**  
**OTHER PLANNING MATTERS**

### **ITEM 3.16**

#### **P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS**

A list of planning decisions issued by Officers during April 2022 under delegated powers together with information relating to planning appeals is enclosed for Members information.

One appeal in relation to LA03/2020/0202/F (PAC Reference 2021/A0140) regarding a proposed rounding off to Glenoak Grange Meadows, Crumlin was withdrawn.

**RECOMMENDATION: that the report be noted**

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

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

**ITEM 3.17**

**P/FP/LDP/001/VOL2 MID AND EAST ANTRIM BOROUGH COUNCIL – CORRESPONDENCE**

Members are advised that correspondence has been received from Mid and East Antrim in relation to their Local Development Plan Independent Examination.

A copy of the correspondence is enclosed for Members' information.

**RECOMMENDATION: that the report be noted.**

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

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

**ITEM 3.18**

**P/FP/LDP/052 STATEMENT OF COMMON GROUND (SoCG) BETWEEN ANTRIM AND NEWTOWNABBEY BOROUGH COUNCIL AND BELFAST CITY COUNCIL**

A Statement of Common Ground (SoCG) between Antrim and Newtownabbey Borough Council and Belfast City Council on matters relating to each respective Local Development Plan (LDP) Draft Plan Strategy (DPS) has been agreed, and is enclosed for Members information.

**RECOMMENDATION: that the report be noted.**

Prepared & Agreed by: Sharon Mossman, Deputy Director of Planning

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

### **ITEM 3.19**

#### **P/FP/LDP/1 INDEPENDENT EXAMINATION UPDATE**

The Planning Appeals Commission has published the Hearing Programme for weeks 3 and 4 of the public hearing sessions of the Independent Examination of the Councils Draft Plan Strategy, to be conducted from Monday 20 June 2022 to Friday 1 July 2022 inclusive. Topics to be covered include Spatial Growth Strategy, Housing, Community Infrastructure, Monitoring and Status of Changes (enclosed). Anticipated questions for these sessions will be published in due course.

**RECOMMENDATION: that the report be noted.**

Prepared by: Simon Thompson, Principal Planning Officer (Interim)

Agreed by: Sharon Mossman, Deputy Director of Planning

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