



11 September 2019

Committee Chair: Alderman P Brett

Committee Vice-Chair: Councillor R Lynch

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

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 16 September 2019 at 6.00pm.**

You are requested to attend.

Yours sincerely

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

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

For any queries please contact Member Services:

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AGENDA FOR PLANNING COMMITTEE – SEPTEMBER 2019

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

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

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

PART ONE

- 3.1 Delegated planning decisions and appeals September 2019
- 3.2 DfC Consultation: Definition of Affordable Housing
- 3.3 LDP – Coastal Forum and Coastal Forum Working Groups
- 3.4 LDP – DfI Transport Plan Update
4. Any Other Business

PART TWO

Decisions on Planning Applications

- 3.5 Planning Application No: LA03/2018/1096/F
Treatment facility for the depollution of End of Life Vehicles (Variation of condition 2 of Planning Approval Ref: U/2008/0540/F to allow for acceptance of additional waste types at the facility) at 50 Trench Road, Mallusk, Newtownabbey
- 3.6 Planning Application No: LA03/2019/0384/F
Proposed construction of 5 no. houses and associated car parking on a site to the rear of 24 and 26 Carnmoney Road, Glengormley
- 3.7 Planning Application No: LA03/2018/0785/F
5 no. detached dwellings and associated access road on Plots 13-17 Moylinney Mill, Nursery Park, Muckamore, Antrim
- 3.8 Planning Application No: LA03/2019/0016/F
12 no. apartments in 2 no. three storey buildings, with associated parking and access road on lands at Moylinney Mill, Nursery Park, Muckamore, Antrim

3.9 Planning Application No: LA03/2018/1059/O

Site of Dwelling & Garage Road on land between 20A & 26 Kilmakee Road, Templepatrick

3.10 Planning Application No: LA03/2018/1138/F

Proposed rounding off to Glenoak Grange Meadows to include 1 detached dwelling and a pair of attached dwellings on lands to the east of Glenoak Grange Meadows, Crumlin

3.11 Planning Application No: LA03/2019/0447/O

Site for 1 dwelling house on land 60m SW of 2 Grovelea, Ballyhill lane, Nutts Corner, Crumlin

3.12 Planning Application No: LA03/2019/0552/F

Proposed ground floor granny flat at 19 Dairyland Road, Ballyclare

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 16 SEPTEMBER 2019**

PART ONE

GENERAL PLANNING MATTERS

ITEM 3.1

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

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

RECOMMENDATION: that the report be noted.

Prepared by: Kathryn Bradley, Executive Officer, Planning

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

ITEM 3.2

P/FP/LDP/1 DEFINITION OF AFFORDABLE HOUSING – DEPARTMENT FOR COMMUNITIES CONSULTATION PAPER

The Department for Communities (DfC) has recently published a consultation paper on the definition of 'Affordable Housing' (**enclosed**). DfC has reached a number of preliminary conclusions, which have informed the decision to propose an updated overarching definition for affordable housing in Northern Ireland.

The consultation period is due to close on 13th September 2019 and seeks views on a proposed revised definition of affordable housing for Northern Ireland. DfC has been advised by Officers that comments from the Council cannot be submitted until after the Council meeting at the end of the month.

The current definition of affordable housing is identified in the Strategic Planning Policy Statement for Northern Ireland (DoE 2015) as:

'Affordable Housing relates to social rented housing and intermediate housing....', where 'intermediate housing' is defined as, 'shared ownership housing provided through a Registered Housing Association'.

The updated definition proposed by DfC seeks to broaden the scope of affordable housing and add flexibility, primarily by expanding the definition of 'intermediate housing' to take into account the needs of a wider range of groups. The current definition only allows for the 'shared ownership housing' product, which traditionally targeted first time buyers only.

In its consultation DfC is proposing the following updated definition,
'Affordable housing is housing provided for sale or rent outside of the general market, for those whose needs are not met by the market. Affordable housing which is funded by Government must remain affordable or, alternatively, there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.'

The Department identifies a number of affordable housing models which could be utilised within a wider definition of affordable housing, comprising 'social rented', 'shared ownership', 'rent to buy or rent to own', 'shared equity', 'discounted market sales housing' and 'affordable rent products'. The Department has also identified 'Low Cost Housing without Subsidy' as a possible model, which is used in England and Scotland. It is defined as *'housing that priced at or below the average house price for the council area, as reported by LPS Northern House Price Index Report and which is provided without any Government funding and offered for outright sale.'*

The Department anticipates that the revised definition broadens the focus of affordable housing and will help to target groups beyond those currently catered for, such as 'active older people', 'people with disabilities' and 'lower income households' and those who do not have sufficient points to register for social rented housing.

The Department is also keen to hear the views of respondents on whether housing should be retained as affordable following Government investment, for example

where households have availed of 'discount market housing' (where a property is purchased at lower than market value) and the possible mechanisms to achieve this.

RECOMMENDATION: that Members respond on an individual or Party basis.

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

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

ITEM 3.3

REF NUMBER P/FP/LDP/85 – COASTAL FORUM & COASTAL FORUM WORKING GROUPS

Coastal Forum

Members are reminded that the Council was invited to attend a newly formed Coastal Forum chaired by the Department of Agriculture, Environment and Rural Affairs (DAERA) and the Department of Infrastructure (DfI).

The Forum provides an opportunity for stakeholder engagement on coastal management issues including coastal ownership and maintenance of sea walls, coastal change and erosion.

A copy of the minutes of the Coastal Forum meeting held on 2 May 2019 is **enclosed** for information.

A number of action points were agreed at the Coastal Forum. This included the setting up of a number of other working groups to which relevant Councils were invited to attend. Details are set out below.

Coastal Forum Working Group

A key action point from the Coastal Forum was the setting up of a Coastal Forum Working Group involving representatives from Central Government, Local Government and the National Trust to take forward actions from the Coastal Forum and to develop a draft work programme for consideration by the Coastal Forum to maintain momentum.

The first meeting of the Coastal Forum Working Group took place on 28 August 2019 hosted by DfI in Clarence Court, Belfast to discuss the establishment and work of the group. DAERA/DfI are in the process of preparing a draft Terms of Reference and Work Programme for consideration by the Coastal Forum Working Group and the Coastal Forum. A copy of the draft minutes of the Working Group meeting is **enclosed** for information.

Local Development Plan Coastal Focus Group

A key issue that arose at the Coastal Forum was the need for Councils to receive advice in relation to coastal management issues in the preparation of Local Development Plans. It was agreed that any policy direction would be a matter for Ministers but as an interim measure to assist Councils, the Coastal Forum recommended the development "Best Practice Guidance" for consideration by Councils and the establishment of an LDP Coastal Focus Group.

The first meeting of the LDP Coastal Focus Group took place on 14 August 2019, hosted by Newry, Mourne and Down District Council and attended by representatives from DAERA, DfI, and Geological Survey for Northern Ireland (GSNI), the National Trust and Local Development Planning Officers from other coastal Councils in Northern Ireland.

At this meeting DAERA/DfI tabled an early working draft document entitled 'Coastal Forum – draft Best Practice Guidance to Facilitate Coastal Decisions' and comments are sought by 27 September 2019. The document sets out guidance in relation to the determination of planning applications and the preparation of Local Development Plans. As the document is an early draft, it is intended that Officers reply with initial comments and points of clarification, particularly on the relationship of the guidance to the Strategic Planning Policy Statement and published draft Plan Strategies.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

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

ITEM 3.4

P/FP/LDP/97 LOCAL DEVELOPMENT PLAN: DEPARTMENT FOR INFRASTRUCTURE TRANSPORT PLAN UPDATE

Members are reminded that the Department for Infrastructure (DfI) is preparing a number of transport plans, including the Belfast Metropolitan Transport Plan which incorporates the Council area. The Council is represented on the Belfast Metropolitan Transport Plan Project Board which has met several times during 2019.

Unfortunately DfI has been unable to progress work on any Transport Plans for the Borough based on the initial proposal that a Transport Strategy be published alongside the LDP Plan Strategy and a Transport Plan be published alongside the LDP Local Policies Plan. The Department now intends to release a Transport Study evidence base at the LDP Plan Strategy Stage and continue to work towards having a Transport Strategy and Local Transport Plan available at the LDP Local Policies Plan stage. To this end the Department has forwarded a working draft Local Transport Study for Antrim, Ballyclare, Crumlin and Randalstown and a working draft Belfast Metropolitan Transport Study to Council Officers for initial comment and Officers are continuing to work with Officials from DfI as these studies emerge.

In recognition of the change of approach taken by DfI the Department's Permanent Secretary, Katrina Godfrey, has recently written to all Council's (**enclosed**) to clarify the position regarding Transport Plans as well as a number of other issues raised by Councils. In relation to the working draft studies now provided to the Council for comment, Officers have raised a number of points of clarification for DfI to consider before final versions are circulated to the relevant Councils for formal comment.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

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

PART TWO

PLANNING APPLICATIONS

COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2018/1096/F
DEA	AIRPORT
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Treatment facility for the depollution of End of Life Vehicles (Variation of condition 2 of Planning Approval Ref: U/2008/0540/F to allow for acceptance of additional waste types at the facility.)
SITE/LOCATION	50 Trench Road, Mallusk, Newtownabbey, BT36 4TY
APPLICANT	McKinstry Metal Recycling Ltd
AGENT	MCL Consulting Ltd
LAST SITE VISIT	20.12.2018
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext 40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limit of Metropolitan Newtownabbey and on land zoned as 'Existing Employment' within the draft Belfast Metropolitan Area Plan (published 2014).</p> <p>The site is sandwiched between Trench Road and the Mallusk Road. The existing facility on the site is McKinstry Metal Recycling Ltd which is an end of life vehicle treatment and recycling of scrap metals facility. The site is bounded by a 2.5 metre high palisade security fence along the northern, eastern and western site boundaries. The majority of the southern boundary is also defined by palisade security fencing and an existing steep wooded bank which also extends along much of the boundary.</p> <p>A number of buildings are located on the site including an office, processing and storage shed along the southern boundary, an ELV depollution shed in the southeastern corner and various other small out buildings used for machinery stores in the northeastern corner. An existing weighbridge is located adjacent to the site offices. The application site is largely concrete hardstanding with existing metal storage areas. The existing waste baler is located in the northwest corner of the site.</p> <p>The character of the area comprises a mix of uses with a number of industrial premises situated to the north of the application site. 'Scan Alarms' is located to the west with residential properties to the northwest. To the east of the application site lies Maxol Group NI. To the south of the site is residential housing and the existing Mallusk Primary School and Academy Sports Club.</p>	

RELEVANT PLANNING HISTORY

Planning Reference: U/2008/0540/F

Location: 50 Trench Road, Mallusk

Proposal: The development of an authorised treatment facility for the depollution of End of Life Vehicles & recycling of scrap metals.

Decision: Permission Granted (25.02.2010)

Planning Reference: LA03/2016/0794/NMC

Location: Ballyvesey Recycling Solutions LTD, 50 Trench Road, Newtownabbey

Proposal: Non-Material Change to Planning approval ref U/2008/0540/F for a previously approved treatment facility for the depollution of end of life vehicles and recycling of scrap metals to allow waste material under EWC Code 20 01 36 (discarded electrical and electronic equipment other than those mentioned in 20 01 21, 20 01 23 and 20 01 35) to be accepted in addition to those EWC codes listed under Appendix A of U/2008/0540/F

Decision: Non Material Change Refused (02.11.2016)

Planning Reference: LA03/2017/0072/F

Location: 50 Trench Road, Mallusk

Proposal: Retrospective application for the retention of a Copex Lidex Scrap Shear Machine (vehicle crusher) with Acoustic Attenuation, in replacement of that approved under U/2008/0540/F - Lefort Scrap Shear Machine.

Decision: Permission Granted (21.12.2017)

Planning Reference: LA03/2019/0007/CA

Location 50 Trench Road, Newtownabbey, BT36 4TY

Proposal: Alleged non compliance with planning permission

Decision: Ongoing

PLANNING POLICY AND GUIDANCE

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

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

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

Belfast Urban Area Plan (BUAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The site is not zoned for any particular use. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The site is zoned as 'Major area of existing employment/Industry'.

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey. The site is zoned as 'Existing Employment'.

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

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

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

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

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

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

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

Northern Ireland Waste Management Strategy: Delivering Resource Efficiency
Northern Ireland Waste Management Strategy: Delivering Resource Efficiency (WMS) sets the policy framework for the management of waste in Northern Ireland and contains actions and targets to meet EU Directive requirements. The Strategy moves the emphasis of waste management in Northern Ireland from resource management, with landfill diversion as the key driver, to resource efficiency i.e. using resources in the most effective way while minimising the impact of their use on the environment.

CONSULTATION

DfI Roads – No objection.

Council Environmental Health Section – No objection.

DAERA: Water Management Unit – No objection, subject to condition.

DAERA: Waste Management Regulation Unit – No objection.

DAERA: Marine and Fisheries Division – No objection.

DAERA: Inland Fisheries – No objection.

DAERA: Industrial Pollution Radiochemical Inspectorate – No objection.

DAERA: Natural Environment Division – No objection.

DfI Rivers – No objection.

Shared Environmental Services – No objection.

REPRESENTATION

Twenty Eight (28) neighbouring properties were notified and eighty four (84) letters of objection have been received from seventy two (72) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Oversupply of waste facilities in the area.
- Visual impact and impact on outlook for existing properties.
- Impact on the area in close proximity to Cottonmount Landfill Site and Scrapyard at Trench Road.
- Priority should be given to residents over businesses as Mallusk was traditionally a residential area.
- Insufficient level of screening.
- Health and safety concerns.
- Impact on habitats, flora and fauna.
- Additional chemicals are to be extracted from vehicles leading to pollution.
- Increased noise levels.
- Smells from food waste.
- Risk of leaks onto neighbouring properties affecting drainage and water supply.
- Increased flood risk and no Flood Risk Assessment submitted.
- Impact on local rivers from pollution.
- Increased traffic.
- Lorries dropping litter on the roads.
- Cumulative impact with other development in Mallusk.
- Increased levels of dust and pollution including waste pollution/ air quality implications including cumulative impacts with Reahill Pig Farm, ARC 21 incinerator etc.
- Light pollution.
- No public consultation carried out.
- Devaluation of house prices.
- Impact on structural integrity – vibrations affecting neighbouring foundations
- Increased risk of vermin.

- Proximity to residential dwellings. Applicants supporting information incorrect stating closest residential dwelling is 25m away and fails to mention play park and primary school.
- Breach of conditions previously stipulated (Planning Reference U/2008/0540/F and LA03/2017/0072/F) with regards to:
 1. scrap metal not being stored within the two hatched areas approved;
 2. stock piles of metals being stored above 5 metres in height;
 3. cars being stored above 3 cars high;
 4. acoustic barrier not erected and noise levels exceeded;
 5. Working outside operational hours (can be working between 6am and 11pm).
- Increased litter with potential for debris being blown into other properties or onto the road.
- Contrary to ANBC 'Love Here Living Here A Plan 2030'.
- Undermines Airport DEA Place Shaping Forum.
- HGVs breaking speed limits in the area. Speed ramps should be installed.
- Unacceptable environment for children playing in the park opposite.
- Will affect Playgroup at Mallusk Academy Club in terms of the business and health and safety of the children.

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 the Character and Appearance of the Area and Adjacent Land Uses.
- Impact upon the Environment.
- Impact on Neighbouring Amenity.
- Access, Traffic and Parking.
- Flood Risk.
- Other Matters.

Policy Context and Principle of Development

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

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

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

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

the determination of the application contained in these Plans. The land has been zoned as land for existing employment under zoning MNY 15: Mallusk Industrial Estate, Lands south of Antrim Road within dBMAP.

The existing End of Life Vehicle Treatment Facility and recycling of scrap metals facility operating at the site was granted planning approval under planning application U/2008/0540/F. A subsequent planning approval reference LA03/2017/0072/F authorised a different vehicle crusher than that which was previously approved. McKinstry Metal Recycling Ltd has recently taken ownership of the site and are the current site operators and licence holders. The site operates under a Waste Management Licence issued by DAERA and the site is currently authorised to process up to 60,000 Tonnes of waste per annum.

The proposal seeks to modify the list of existing waste codes which are allowed to be processed on the site.

Condition 2 of planning approval U/2008/0540/F states:

'The waste materials to be accepted at the facility hereby approved shall be restricted to those falling within the European Waste Catalogue Codes listed in Appendix A.

Reason: In the interest of amenity of residents living in the surrounding area.'

The waste codes accepted at this site were therefore restricted to the following:

02 01 10 waste metal
12 01 01 ferrous metal filings and turnings
12 01 03 non-ferrous metal filings and turnings
13 07 02* petrol
15 01 04 metallic packaging
13 07 03* other fuels (including mixtures)
16 01 06 end-of-life vehicles, containing neither liquids nor other hazardous components
16 01 17 ferrous metal
16 01 18 non-ferrous metal
16 01 03 end-of-life tyres
16 01 07* oil filters
16 01 13* brake fluids
16 06 01* lead batteries
16 07 08* wastes containing oil
16 08 01 spent catalysts containing gold, silver, rhenium, rhodium, palladium, iridium or platinum
(except 16 08 07)
17 04 01 copper, bronze, brass
17 04 02 aluminium
17 04 03 lead
17 04 04 zinc
17 04 05 iron and steel
17 04 06 tin
17 04 07 mixed metals
17 04 11 cables other than those mentioned in 17 04 10

19 10 01 iron and steel waste
 19 10 02 non-ferrous waste
 20 01 40 metals

The proposed additional EWC Codes requested under this application are all either End of Life (ELV) or scrap metal related, and are in keeping with the types of waste processed at this facility currently. The proposed additional EWC Codes are highlighted in grey in the table below with the existing codes also listed (not highlighted):

EWC Code	Description	Notes
02 01 Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing		
02 01 10	Waste Metal	
10 03 Wastes from aluminium thermal metallurgy		
10 03 05	Waste Alumina	
10 06 Wastes from Copper Thermal Metallurgy		
10 06 02	Dross and skimmings from primary and secondary production	
10 08 Wastes from Other Non-ferrous thermal metallurgy		
10 08 11	Dross and skimmings	
11 05 Wastes from galvanising processes		
11 05 01	Hard Zinc	
12 01 Wastes from shaping and physical and mechanical surface treatment of metals and plastics		
12 01 01	Ferrous metal filings and turnings	
12 01 03	Non-ferrous metal filings and turnings	
13 07 Wastes of liquid fuels		
13 07 02*	Petrol	
13 07 03*	Other fuels (including mixtures)	
15 01 Packaging (including separately collected municipal packaging waste)		
15 01 04	Metallic packaging	
16 01 End-of-Life Vehicles		
16 01 03	End-of-life tyres	
16 01 04*	End-of-life Vehicles	
16 01 06	End-of-Life Vehicles, containing neither liquids nor other hazardous components	
16 01 07*	Oil filters	
16 01 12	Brake Pads	
16 01 13*	Brake fluids	
16 01 15	Anti-freeze Fluids	
16 01 16	Tanks for Liquefied Gas	
16 01 17	Ferrous metal	
16 01 18	Non-ferrous metal	
16 01 22	Components not otherwise specified	Limited to non-RCF Catalytic converters

16 02 Waste from Electrical and Electronic Equipment		
16 02 14	Discarded Equipment	
16 02 16	Components removed from discarded equipment	
16 06 Batteries and accumulators		
16 06 01*	Lead Batteries	
16 06 04	Alkaline Batteries	
16 06 05	Other Batteries and Accumulators	
16 07 Wastes from transport tank, storage tank and barrel cleaning (except 05 and 13)		
16 07 08*	Wastes containing oil	
16 08 Spent catalysts		
16 08 01	Spent catalysts containing gold, silver, rhenium, rhodium, palladium, iridium or platinum (except 16 08 07)	
17 04 Metals (including their alloys)		
17 04 01	Copper, bronze, brass	
17 04 02	Aluminium	
17 04 03	Lead	
17 04 04	Zinc	
17 04 05	Iron and steel	
17 04 06	Tin	
17 04 07	Mixed metals	
17 04 11	Cables other than those mentioned in 17 04 10	
19 01 Wastes from Incineration and Pyrolysis of Wastes		
19 01 02	Ferrous materials removed from bottom ash	
19 10 Wastes from shredding of metal-containing wastes		
19 10 01	Iron and steel waste	
19 10 02	Non-ferrous waste	
19 12 Wastes from Mechanical Treatment of Wastes		
19 12 02	Ferrous Metal	
19 12 03	Non-ferrous Metals	
20 01 Separately Collected Fractions (Municipal)		
20 01 34	Batteries and accumulators	
20 01 36	Discarded electrical and electronic equipment	
20 01 40	Metals	

NOTE: PROPOSED ADDITIONAL WASTES TO BE ACCEPTED AT THE SITE ARE HIGHLIGHTED IN GREY (EXISTING APPROVED WASTES ARE NOT HIGHLIGHTED)

The proposed development does not deviate significantly from the previous permission approved on the site. Some objections raised concerns that there is an oversupply of waste facilities in this area and that priority should be given to residents over businesses as Mallusk was traditionally a residential area. The waste facility has however previously been granted planning permission and the current application seeks to vary the types of waste which can be processed at the site only. The current application cannot revisit the principle of development.

Design and Impact on the Character and Appearance of the Area and Adjacent Land Uses

Objections raised concern that the facility has insufficient levels of screening and that the outlook for existing residents is poor. The site operations are to remain as previously approved including the acceptance, depollution and physical treatment of ELVs, the acceptance and physical processing of scrap metal, the acceptance for bulking up and transfer of a range of solid and liquid hazardous wastes. The layout of the site and buildings will remain as previously approved. The additional scrap metals will be stored in the same ferrous and non-ferrous stockpiles as the other metal wastes as there is no need for them to be stored separately. They will be treated using the existing on-site infrastructure and existing environmental controls. The proposal does not involve any new plant/machinery or alterations to the physical fabric of the existing facility and therefore it is considered that there will be no increase in its visual impact from what was previously approved and existing. Previous conditions on planning permission U/2008/0540/F which restricted the location and height that metals could be stored can be repeated on the grant of any new planning permission should it be forthcoming.

Impact upon the Environment

The original grant of planning permission did not restrict the amount of waste entering the site but was instead restricted under the applicant's current PPC licence which limited the processing of waste to under 60,000 tonnes of waste per annum and to store no more than 2,215 tonnes of waste at the site at any time. The agent has confirmed that there will be no increase to the quantity of waste being accepted or to the volume of traffic on the site. The proposal also does not involve any new waste-related process, new equipment or any additional emissions or emission control. Site operations are currently regulated by NIEA Waste Management Regulation Unit under the applicant's current waste management licence. The proposal will require a variation to the waste management licence which will seek to regulate all potential resultant environmental impacts (e.g. noise, odour, dust). The Council's Environmental Health Section and NIEA Water Management Unit (WMU) and Waste Management Regulation Unit (WMRU) has offered no objections to the proposal, however, NIEA has advised that the applicant must submit a new Operational Working Plan (OWP) for the site to the WMRU within the NIEA for approval prior to any additional waste streams being accepted. The OWP must provide details on how the additional waste streams will be stored and handled, quantities of each additional waste stream and storage location of each within the site. This can be added as an informative to any future grant of planning permission.

Objections also highlighted that the new waste types would have the potential to create additional dust and impact air quality. NIEA and the Environmental Health Section were notified of these objections and raised no concerns to the application. The applicants Operational Working Plan (Document 02) confirms that all depolluting activities take place within a fully enclosed building so no significant environmental dust emissions to the atmosphere occur from the depollution process. Dust particles may potentially be generated within the open area of the site during very dry weather, as a result of vehicle and scrap metal movements. In the event of dust becoming airborne a water bowser will be deployed across the open areas to limit dust generation. Supervising staff undertake visual monitoring of aerial emissions and on detection of emissions likely to cause nuisance will alert the site manager so that immediate actions can be taken to remedy any aerial emission issue before it

becomes problematic. Any instances of dust and particulates becoming a visible problem are recorded in a site diary.

The Industrial Pollution and Radiochemical Inspectorate (IPRI) were consulted and the cumulative impacts have been considered. IPRI advised that the closest IPRI regulated installation is a road stone coating plant at Sealstown Road (380m Southwest). It is considered that potential impacts from loss of amenity due to dust, noise, odour etc. are not considered to be significant due to the distance, infrastructure including public roads and properties between the two facilities.

It is considered that the variation of waste materials will not have a significantly greater impact than that of the existing facility. It is considered that appropriate mitigation measures and controls have been stipulated through previous planning conditions to ensure no unacceptable environmental impacts arise from the operations. There is a current enforcement case open for this site with regards to compliance of conditions which is currently under investigation however, it is considered the additional waste codes will not impact on any ongoing enforcement case.

Concern has also been raised regarding the potential impact on habitats, flora and fauna and the impact the additional chemicals will have on features of natural heritage. Natural Environment Division of DAERA (NED) was consulted and made aware of the objections and they responded advising that they had acknowledged the letters of representation pertaining to matters relating to natural heritage and have taken their contents into consideration when assessing the application. NED conducted a desktop assessment of the site and confirmed that the operational end of the facility had no habitats on site that resembled priority habitat in Northern Ireland. The site is of negligible ecological value and is unlikely to contain or support any species of habitats protected by legislation or regional planning policy. NED is content that the protective provisions of the SPPS and PPS 2 are not engaged and it is considered that there will be no detrimental impact in this regard.

It was also highlighted through letters of objection regarding the potential impact on local rivers from pollution resulting from the development. The Ballymartin River is a tributary of the Six Mile Water and supports populations of salmonids, salmon, brown trout, eels and dollaghan, which hold a considerable nature conservation and biodiversity value and provide a valuable recreational resource in the form of angling opportunities. Fish populations are sensitive to reductions in water quality and salmonid habitat is particularly susceptible to decreases in water quality. It is considered that the proposal will not have a significantly greater impact than that of the extant use on the site. DAERA Marine and Fisheries Division were consulted and made aware of the objections received and had no objection to the proposal. NIEA Inland Fisheries stated that the proposal is unlikely to impact significantly on inland fisheries interests in the vicinity and an informative can be added to advise the applicant that it is an offence under Section 47 of the Fisheries Act (NI) 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks. NIEA Inland Fisheries also stated that they were satisfied subject to current pollution mitigation measures being of a capacity to cope with the additional material. A further telephone conversation with Inland Fisheries confirmed they were entirely content with all information provided and that no further information was required at

this stage however, an informative should be added to advise the applicant that separate discharge consent will be required.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site. Shared Environmental Services has been consulted and has raised no objection to the proposal.

Impact on Neighbouring Amenity

The site comprises an existing waste facility located within an established industrial estate. As stated previously the proposal includes the site accepting additional types of waste onto the site in addition to the waste types previously approved.

Given the nature of the additional waste types being accepted on the site there is not likely to be any significant odour generation. Objections also raised concerns with regards to smells from food waste however, there are no food wastes proposed to be accepted to the site.

Some noise may result from the loading/unloading of scrap metal and ELVs during waste processing activities, vehicle movements, reversing alarms and from plant and machinery. However, these processes currently take place on the site and the quantities of waste proposed is no greater than that previously approved. The additional waste types proposed to be accepted on the site are not likely to generate significant additional noise or disturbance.

There will be no change to the facilities operating times. The facility is proposed to operate between Monday to Friday: 08:00 – 18:00 hrs and Saturday 08:00 – 13:00 hrs, which is as per the current arrangements and conditioned under the previous grant of planning permission.

The visual impacts of permitting the additional waste types to be accepted on the site will be limited and the conditions of the previous permission which restricted the storage of materials will be repeated on any future decision notice should planning permission be forthcoming. A previous condition with regards to an acoustic barrier was stipulated however, a subsequent application for new machinery did not include this condition and therefore it would be unreasonable to add this to any future grant of planning permission.

Objectors raised concerns with the proximity of the site to existing residential dwellings and highlighted that the applicants supporting information is incorrect in stating that the closest residential dwelling is 25m away and that they fail to mention the existence of the play park and primary school. The location of the play park and primary school has been considered and the proximity to residential dwellings has also been considered. Existing dwelling Nos. 1 – 4 Tudor Park are located opposite the site at a distance of approximately twenty (20) metres from the application site boundary. The Environmental Health Section has been consulted and made aware of all objections received with regards to the potential impact on residential properties, the school and playground. A playgroup is also located opposite the site

at the Mallusk Academy Club. The Environmental Health Section has advised that they have no objection to the proposal and it is considered that the proposal for the additional waste codes to be processed at the existing facility will not have any additional significant detrimental impact on these surrounding land uses, facilities, or residential properties subject to the relevant licences being obtained from DAERA.

Access, Traffic and Parking

The proposal seeks to utilise an existing approved access onto Trench Road. An objector raised concerns that there will be increased traffic attracted to the site in an already heavily congested area. The supporting statement indicates that there will be no increase in the volume of traffic to the site. Concerns were also raised that Heavy Goods Vehicles are breaking the speed limits in the area and that speed ramps should be installed. It is considered that this issue is not a matter which can be controlled through this planning application and relates to a police matter.

DfI Roads has been consulted and notified of the objections received. DfI Roads has no objection to the proposal and it is considered that there will not be any detrimental impact upon the local road network or existing access as a result of the proposed increase in waste types permitted on the site.

Flood Risk

Objectors raised concerns regarding the potential for increased flood risk, however the application site is not located within the 1 in 100 year fluvial or 1 in 200 year coastal floodplain. The site is not affected by any watercourse known to DfI Rivers.

Due to the size of the overall site a Drainage Assessment was required to be carried out. DfI Rivers has reviewed the Drainage Assessment which was prepared by MCL Consulting, dated March 2019, and has advised that DfI Rivers, while not being responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. It is considered that the proposal complies with Policy FLD3 - Development and Surface Water and it is considered that there will be no increased risk of flooding resulting from the proposal.

A piped drainage system delivers surface water runoff from external areas of hardstanding to two separate interceptors, which discharge to the existing public storm drain system along Trench Road. NIEA Water Management Unit were consulted on the application and has no objection to the proposal subject to a condition that only de-polluted vehicles may be stored within the red line boundary of the application site.

Other Matters

Health and safety and risk of leaks

Concerns were raised through letters of objection that the facility had the potential to leak onto neighbouring properties affecting drainage and water supply. The applicants Operational Working Plan (Document 02) states that all liquids and fuels are stored in bunded tanks with 110% volume storage, to prevent accidental leaks from these sources. The site is inspected on a daily basis for signs of spillages, especially in areas used for oil storage, the undepolluted ELV storage area, around the depollution building and across open areas of the yard. This includes inspection for the presence of oil and sediment levels in the interceptors. Spillage kits are kept in designated areas on site to correctly control and remediate any spillages if identified

and operatives are trained to correctly use it to reduce pollution potential. NIEA Land and Groundwater Team and the Environmental Health Section of the Council has been consulted and made aware of these objection and have no concerns with the proposal in this regard.

In terms of the risk of accidents, having regard in particular to substances or technologies used in carrying out the operations, workers must adhere to the Health and Safety at Work (NI) Order 1978. The Environmental Health Section has been consulted and made aware of objections regarding health and safety and the risk of leaks and has no objection to the proposal.

Devaluation of house prices

Concerns have been raised that the proposal will undermine property values. It should be noted that the impact of the proposed development on the value of property is not generally considered to be a material planning consideration. In any case, no evidence has been adduced to support this concern and given the lack of evidence it would be difficult to attribute any significant weight to the issue.

Breach of conditions previously stipulated (Planning Reference U/2008/0540/F and LA03/2017/0072/F).

An enforcement case (Planning Reference LA03/2019/0007CA) has been opened and is ongoing with regards to these matters. Although an acoustic barrier was conditioned as part of the original approval (U/2008/0540/F) this condition was not added to the most recent permission for the new machinery and therefore it would be unreasonable to re-impose this condition as no new machinery from that which was previously approved is proposed as part of this current application.

Impact on structural integrity

No new machinery or processes are proposed to take place on the site. It is considered the acceptance of the proposed additional waste types to the facility will not result in a detrimental impact on the structural integrity of any buildings.

Risk of Vermin

It is considered that the proposed development would not have a significantly greater risk of attracting vermin to the site than the existing development given the nature of the materials to be accepted onto the site. The waste types do not include food waste. The Environmental Health Section has been consulted and notified of the objections in this regard and has no concerns regarding increased risk of vermin.

Light Pollution

It is considered that there will be no significant additional impact in terms of light pollution. Environmental Health has been consulted and notified of the objections in this regard and has no concerns with the proposal.

Public Consultation

It was highlighted through representations made to the application that no public consultation has been carried out on this development. The current application is a local application for the acceptance of additional waste types at an existing facility and although the Council would always encourage the applicant to carry out public consultation there is no statutory requirement for the applicant to do so in this instance.

Litter and site waste

Concerns were raised through objections that the proposal would increase the generation of litter/site waste and that debris could be blown into nearby properties or onto the public road. The Environmental Health Section and DfI Roads were consulted and notified of the objections received and they have raised no concerns with the proposal in this regard.

ANBC 'Love Here Living Here A Plan' and Airport DEA Place Shaping Forum

Some letters of objection received included criticism that the proposal is contrary to ANBC 'Love Here Living Here' and further undermines Airport DEA Place Shaping Forum. It is not clear from the letters of objection how this proposal goes against either of these documents. The application seeks permission to extend the waste codes accepted at the existing facility which is subject to licencing and separate consents. The proposal is not considered to have any significant impacts on residents or on the environment as discussed above. While these documents can be a material planning consideration, their status is such that they are non-statutory document which do not outweigh the Area Plan or published planning policy.

CONCLUSION

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

- The principle of the development is already established at the site;
- The proposal will not pose any serious environmental impact;
- The proposal will not result in an unacceptable impact on the amenity of properties in the immediate vicinity of the site;
- The proposal will not result in a greater visual impact than what is already existing; and
- The proposal will not result in a detrimental impact upon the local road network or existing access as a result of this proposed increase in waste codes.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. Planning permission is granted from the date of this decision notice.

Reason: To comply with the requirements of Section 61 (1) (b) of the Planning Act (Northern Ireland) 2011 given that the development approved via planning permission reference U/2008/0540/F has been implemented.

2. The waste materials to be accepted at the facility hereby approved shall be restricted to those falling within the European Waste Catalogue Codes listed in Appendix A attached below.

APPENDIX A

EWG Code	Description	Notes
02 01	Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing	
02 01 10	Waste Metal	
10 03	Wastes from aluminium thermal metallurgy	
10 03 05	Waste Alumina	
10 06	Wastes from Copper Thermal Metallurgy	

10 06 02	Dross and skimmings from primary and secondary production	
10 08 Wastes from Other Non-ferrous thermal metallurgy		
10 08 11	Dross and skimmings	
11 05 Wastes from galvanising processes		
11 05 01	Hard Zinc	
12 01 Wastes from shaping and physical and mechanical surface treatment of metals and plastics		
12 01 01	Ferrous metal filings and turnings	
12 01 03	Non-ferrous metal filings and turnings	
13 07 Wastes of liquid fuels		
13 07 02*	Petrol	
13 07 03*	Other fuels (including mixtures)	
15 01 Packaging (including separately collected municipal packaging waste)		
15 01 04	Metallic packaging	
16 01 End-of-Life Vehicles		
16 01 03	End-of-life tyres	
16 01 04*	End-of-life Vehicles	
16 01 06	End-of-Life Vehicles, containing neither liquids nor other hazardous components	
16 01 07*	Oil filters	
16 01 12	Brake Pads	
16 01 13*	Brake fluids	
16 01 15	Anti-freeze Fluids	
16 01 16	Tanks for Liquefied Gas	
16 01 17	Ferrous metal	
16 01 18	Non-ferrous metal	
16 01 22	Components not otherwise specified	Limited to non-RCF Catalytic converters
16 02 Waste from Electrical and Electronic Equipment		
16 02 14	Discarded Equipment	
16 02 16	Components removed from discarded equipment	
16 06 Batteries and accumulators		
16 06 01*	Lead Batteries	
16 06 04	Alkaline Batteries	
16 06 05	Other Batteries and Accumulators	
16 07 Wastes from transport tank, storage tank and barrel cleaning (except 05 and 13)		
16 07 08*	Wastes containing oil	
16 08 Spent catalysts		
16 08 01	Spent catalysts containing gold, silver, rhenium, rhodium, palladium, iridium or platinum (except 16 08 07)	
17 04 Metals (including their alloys)		
17 04 01	Copper, bronze, brass	
17 04 02	Aluminium	

	17 04 03 Lead 17 04 04 Zinc 17 04 05 Iron and steel 17 04 06 Tin 17 04 07 Mixed metals 17 04 11 Cables other than those mentioned in 17 04 10 19 01 Wastes from Incineration and Pyrolysis of Wastes 19 01 02 Ferrous materials removed from bottom ash 19 10 Wastes from shredding of metal-containing wastes 19 10 01 Iron and steel waste 19 10 02 Non-ferrous waste 19 12 Wastes from Mechanical Treatment of Wastes 19 12 02 Ferrous Metal 19 12 03 Non-ferrous Metals 20 01 Separately Collected Fractions (Municipal) 20 01 34 Batteries and accumulators 20 01 36 Discarded electrical and electronic equipment 20 01 40 Metals	
	Reason: In the interest of amenity of residents living in the surrounding area.	
3.	Ferrous and non ferrous metals shall only be stored within the two hatched areas labelled for unprocessed materials and processed materials as indicated on stamped approved drawing No 3 which was received on the 9th December 2009.	
	Reason: In the interests of visual amenity	
4.	Stock piles of externally stored ferrous and non-ferrous metals shall not exceed 5 metres in height.	
	Reason: In the interests of visual amenity.	
5.	There shall be no outside storage of any materials apart from on the waste reception area, the proposed quarantine area, the area for storage of end of life vehicles, the area for unprocessed materials and the area for processed materials as shown on approved drawing No. 3 which was received on the 9th December 2009.	
	Reason: In the interests of visual amenity	
6.	The storage of end of life vehicles shall be restricted to the area indicated for them on stamped approved drawing No. 3 which was received on the 9th December 2009 and they must not be stacked higher than 3 cars high.	
	Reason: In the interests of visual amenity	

7. Only the shearing machine hereby approved shall be brought into operation and sited in the position as shown on the stamped approved Drawing No. 03 which was received on the 9th December 2009.

Reason: In the interest of amenity of residents living in the surrounding area.

8. No operations shall take place outside the hours of 0800 - 1800 Monday to Friday, 0800 -1300 on Saturdays, and no operation shall take place at any time on Sundays or Public Holidays.

Reason: In the interests of amenity of surrounding properties and in the interests of environmental protection.

9. The existing building as shown in stamped approved drawing No. 05 date received the 4th November 2009 shall only be used for the processing of non ferrous metals, the baler as indicated on the ground floor layout shall only be operated within this building.

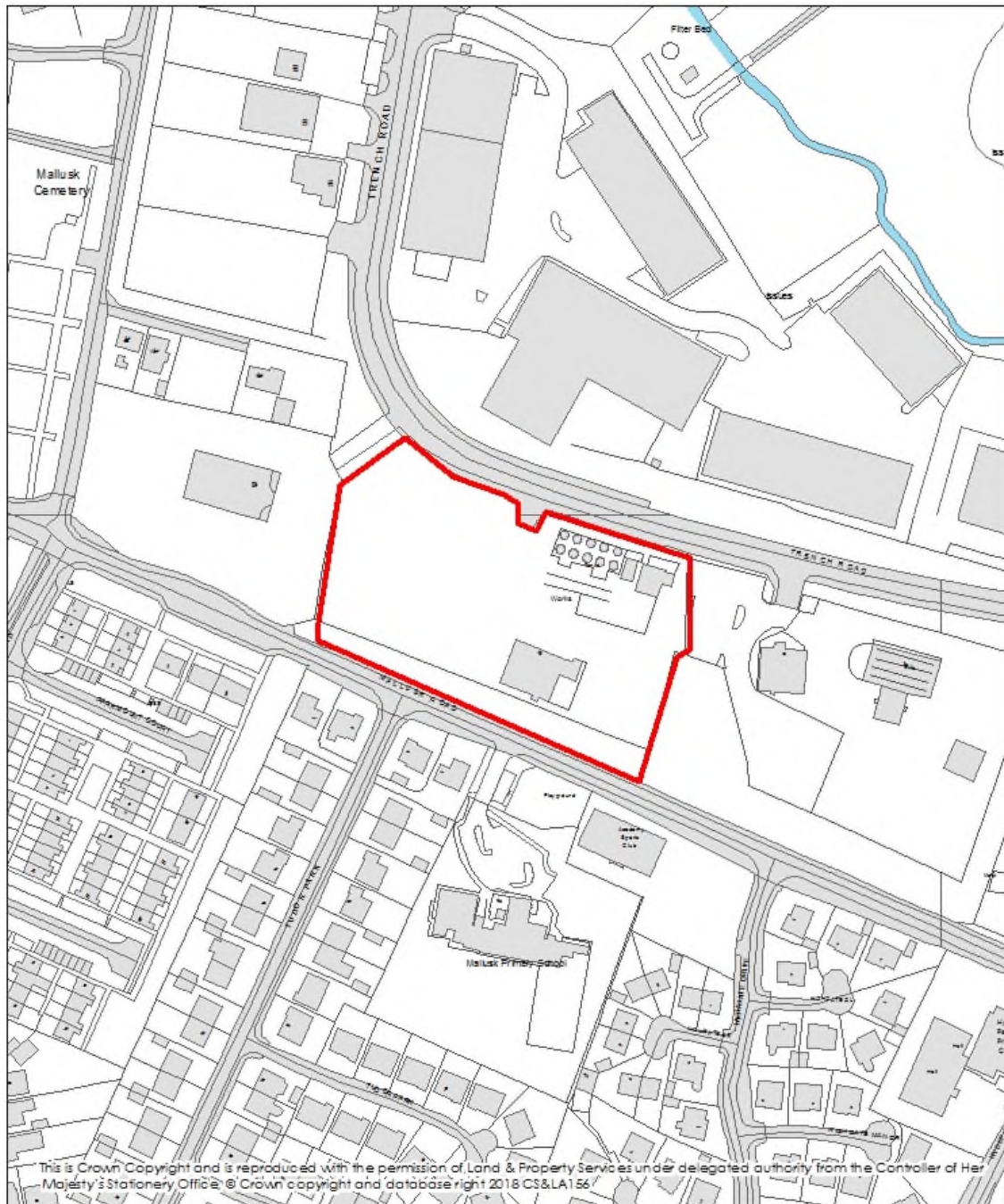
Reason: In the interests of residential amenity.

10. The proposed auto treatment facility as shown on stamped approved Drawing No. 04 which was received on the 29th January 2010 shall only be used for storage and depollution of End of Life Vehicles. Depollution of End of life vehicles shall only take place within this shed.

Reason: In the interests of environmental protection.

11. Only de-polluted vehicles may be stored within the redline boundary of the application.

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



Location Map

Application Reference: LA03/2018/1096/F

Treatment facility for the depollution of End of Life vehicles
(Variation of condition 2 of Planning Approval Ref: U/2008/0540/F
to allow for acceptance of additional waste types at the facility.)
50 Trench Road, Mallusk, Newtownabbey

 Site Boundary

0 20 40 80
Metres



For Information Only



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2019/0384/F
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed construction of 5 no. houses and associated car parking
SITE/LOCATION	Site to rear of 24 and 26 Carnmoney Road, Glengormley
APPLICANT	Peter Byrne
AGENT	Peter J Morgan
LAST SITE VISIT	24 th May 2019
CASE OFFICER	Sairead de Brún Tel: 028 903 40406 Email: sairead.debrun@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limits of Metropolitan Newtownabbey as designated in the draft Belfast Metropolitan Area Plan (BMAP 2004 and 2014). The site is generally flat and is accessed from the Carnmoney Road, between Nos 24 and 26. The site includes land to the rear of these two dwellings, together with lands to the rear of Nos. 28 and 30 Carnmoney Road. The eastern portion of the application site is currently being used as the private rear garden for No. 26, and is in a well maintained condition with low level shrubbery, flowers and grass. The western portion of the site is completely overgrown with thick hedging and trees, with this vegetation also defining the western boundary. The northern boundary is defined by well-established hedging and mature trees of over 5m in height, while along the southern boundary is a dense hedge of approximately 3m in height. A thick, 2m high hedge runs along the eastern boundary and marks the common boundary between the application site and Nos. 28 and 30 Carnmoney Road. Lands to the south and west of the application site fall within the zoning for Glengormley Local Centre and are a mix of commercial, retail and business uses. To the east and north of the application site, the predominant land use is residential.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft</p>	

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

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

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

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

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): 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 – Noise Impact and Odour Assessment required

Northern Ireland Water – No response

Department for Infrastructure Roads- Further amendments are required

REPRESENTATION

Nineteen (19) neighbouring properties were notified with eight (8) letters of objection having been received from seven (7) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Road safety issues;
- The turning head provided does not meet standards;
- Foul sewerage system at capacity and cannot accommodate the proposal;
- Possible TPO on trees that bound the application site at Lillian Bland Park;
- Overlooking and impact on privacy;
- Impact on wildlife;
- Increased light and noise pollution.

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
- Crime and Personal Safety
- Impact on Character and Appearance of the Area
- Access and Road Safety
- Disposal of Sewerage and Surface Water
- Other Issues

Policy Context and Principle of Development

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

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

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

As the application site falls within the development limits of Metropolitan Newtownabbey, 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.

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'.

Design, Layout and Appearance

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 QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposed 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 proposal takes the form of backland development, on a plot which has a depth of 64m, and proposes the construction of five (5) dwellings; one (1) detached and four (4) semi-detached, to the rear of four (4) detached units that front onto the Carnmoney Road. The dwellings are all two-storeys, with a ridge height of 7.8m above finished floor level, external finishes to include charcoal grey concrete roof tiles, dark red smooth facing brick walls and brown pvc windows. The existing drive at No. 26 Carnmoney Road will be widened to allow access to the proposed development. Six (6) incurtilage parking spaces are provided, with a further seven (7) communal spaces located within the proposed development. Existing vegetation along the site boundaries will remain, with small, open areas of new planting dotted around the development.

The surrounding context is predominantly high density housing, characterised by two storey semi-detached dwellings set back along linear access roads, with a front garden, and a back-to-back arrangement. Existing dwellings are finished in a mix of red/brown brick and some roughcast render. While the proportion, massing, use of materials, and the composition of detached and semi-detached units in this proposal reflect the wider context, this backland form of development and the resultant layout of buildings does not respect the local character of the area. The amount of hard standing required to provide the access road and car parking is located mostly to the front of the development, with the layout of this representing a poor

arrangement; car parking spaces appear to be cut out of the planted areas, with no formal boundary treatments. It is considered that hard standing dominates the overall scheme, with the proposed planted areas being too small in size and number to lessen the visual impact.

It is considered that the proposed development fails to meet criterion (a) as it does not respect the surrounding context, nor is it appropriate in terms of layout, landscaped and hard surfaced areas.

Private Amenity

Criterion (c) of Policy QD1 requires adequate provision for private open space as an integral part of the development while supplementary planning guidance on amenity space is provided within 'Creating Place: 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. For this proposed development, the average private amenity space has been calculated at 79sqm, which is above the recommended minimum level.

Criterion (c) also requires the adequate provision of landscaped areas as an integral part of the development. As noted above, although the proposal does show some planted areas scattered throughout, it is considered that these areas do not soften the visual impact of the development and are not sufficient in size and scale to assist in the integration of the development.

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. Three (3) units are provided with two (2) curtilage parking spaces each, with the remaining two (2) units and visitor parking taking the form of communal spaces. Adequate provision is made, in terms of the number of spaces required and provided, however, the location and design of the parking is not considered appropriate for the application site and the surrounding area.

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.

There are residential properties on two boundaries of the application site; Nos. 24 - 30 Carnmoney Road on the eastern boundary and No. 9 Glenbourne Avenue to the west.

A well designed layout should seek to minimise overlooking between these dwellings and provide adequate space for privacy. Creating Places advises that where the development abuts the private garden areas of existing properties, a separation distance of a minimum of 10m between the rear of new houses and the common boundary will generally be appropriate to minimise overlooking. The detached

dwelling is positioned to front onto the access road and the rear of Nos. 24 and 26 Carnmoney Road, with a separation distance of 8.6m between the front of this proposed dwelling and the common boundary with No. 26. The rear garden of No.24 Carnmoney Road actually extends beyond the front building line of the proposed detached dwelling. The proximity of the proposed detached unit to the existing properties at Nos. 24 and 26 gives rise to issues of overlooking and impact on privacy of existing residents.

The semi-detached dwellings are positioned with their gable elevations running parallel to the common boundary with Nos. 28 and 30 Carnmoney Road to the east and No 9 Glenbourne Avenue to the west. Separation distances from these boundaries is 2m and 1m respectively. First floor windows on these side elevations will serve a landing and WC and both are indicated as obscure glazing. Although the separation distance is minimal on these two proposed dwellings, it is considered that the design and use of appropriate glazing will reduce the potential for overlooking and not unduly affect the privacy of existing residents in the three existing properties identified.

A portion of the application site is completely overgrown with mature and dense vegetation, which it is considered may already have an impact on the amount of sunlight and daylight reaching the existing dwellings. Clearance of this vegetation to make way for the proposed development will increase the amount of daylight and all units, existing and proposed, will have an acceptable minimum amount of daylight.

Noise disturbance may be an issue during the construction period, however this is for a limited period and upon completion of the development, should cease to be a concern.

Crime and Personal Safety

Criterion (i) of Policy QD1 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.

Impact on the Character and Appearance of the Area

The surrounding area is characterised by linear rows of semi-detached dwellings with garden areas to the front and back and finished in red brick or roughcast render. This proposal seeks to introduce a backland style of development, on a plot that is 16m less than the recommended depth of 80m for such development (DCAN 8). The resultant layout does not reflect, nor does it respect, the existing pattern of development in the area. It is considered that the proposal will adversely affect the strong residential character and appearance of the area.

Access and Road Safety

A number of points raised by the objectors are related to the access and potential impact of vehicular and pedestrian safety.

In their initial consultation response to this application, DfI Roads requested a number of amendments to the proposed scheme which included visibility splays of 2.4 x 60m at the main access; a shared surface design to adoptable standards; the design to

be based on a topographical survey; an existing electricity pole to be removed from visibility splays; an access to No. 26 to allow for vehicles to enter and exit the site in forward gear and existing walls to be set back and the existing bus stop to be relocated.

Of the amendments requested, only three have been carried out and shown on the most recent set of drawings received on 25th July 2019. As presented, the required visibility splays have not been shown, the design is not to a shared surface / adoptable standard nor is it based on a topographical survey. Furthermore, the applicant has not liaised with Translink to confirm that the relocation of the bus stop is acceptable. The access arrangements are therefore unsatisfactory and the development as proposed is not acceptable.

Disposal of Sewerage and Surface Water

An issue raised in the objection letters relates to the disposal of waste and surface water. NIW was consulted with the proposal on 14th May 2019, with a reminder letter being issued on 21st August and to date, no response has been received. Despite the lack of response to this application, the Council is aware of a problem that relates to the Whitehouse WWTW Combined Sewer Overflow (CSO) which serves a large part of urban Newtownabbey, including Glengormley. The problems being identified do not relate to WWTW capacity rather it is increased NIEA regulation around storm overflow issues on combined sewers and the potential risk of pollution arising from further intensification of new connections. In general, NIW has indicated that it will recommend refusal to any new development within the affected area that has the potential to increase the level of sewage utilising the Whitehouse CSO.

Other Issues of Objection

Increased light pollution

Given the urban context in which the application site is located, even with additional lighting to serve the development, it is considered that the amount of light emitted from the development will not adversely affect the neighbouring properties or the surrounding area.

Impact on trees and wildlife

Concerns raised by objectors relate to the possible impact on trees adjoining the application site in the Lilian Bland Community Park. These trees are not formally protected under a Tree Preservation Order, and are located outside the red line of the application site. The proposal will not have an impact on these trees.

The western part of the application site is overgrown with mature trees and hedgerows. The removal of this vegetation to allow for the development has the potential to impact on bats, birds, badgers and other species of animals and insects. In the first instance, a biodiversity checklist should be completed by the applicant to ascertain whether an ecological assessment or survey needs to be submitted. However, as the recommendation is to refuse this application, the request for any further information has not been made so as not to put the applicant to any undue expense.

Noise and Odour Assessment

The application site is located close to a number of commercial units operating as fast food take away and restaurants. Following an initial assessment of the proposal,

the Environmental Health Section requested a Noise and Odour Assessment. To date insufficient information has been submitted to demonstrate that the proposal will not be unduly affected by noise and odour from the neighbouring commercial units.

CONCLUSION

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

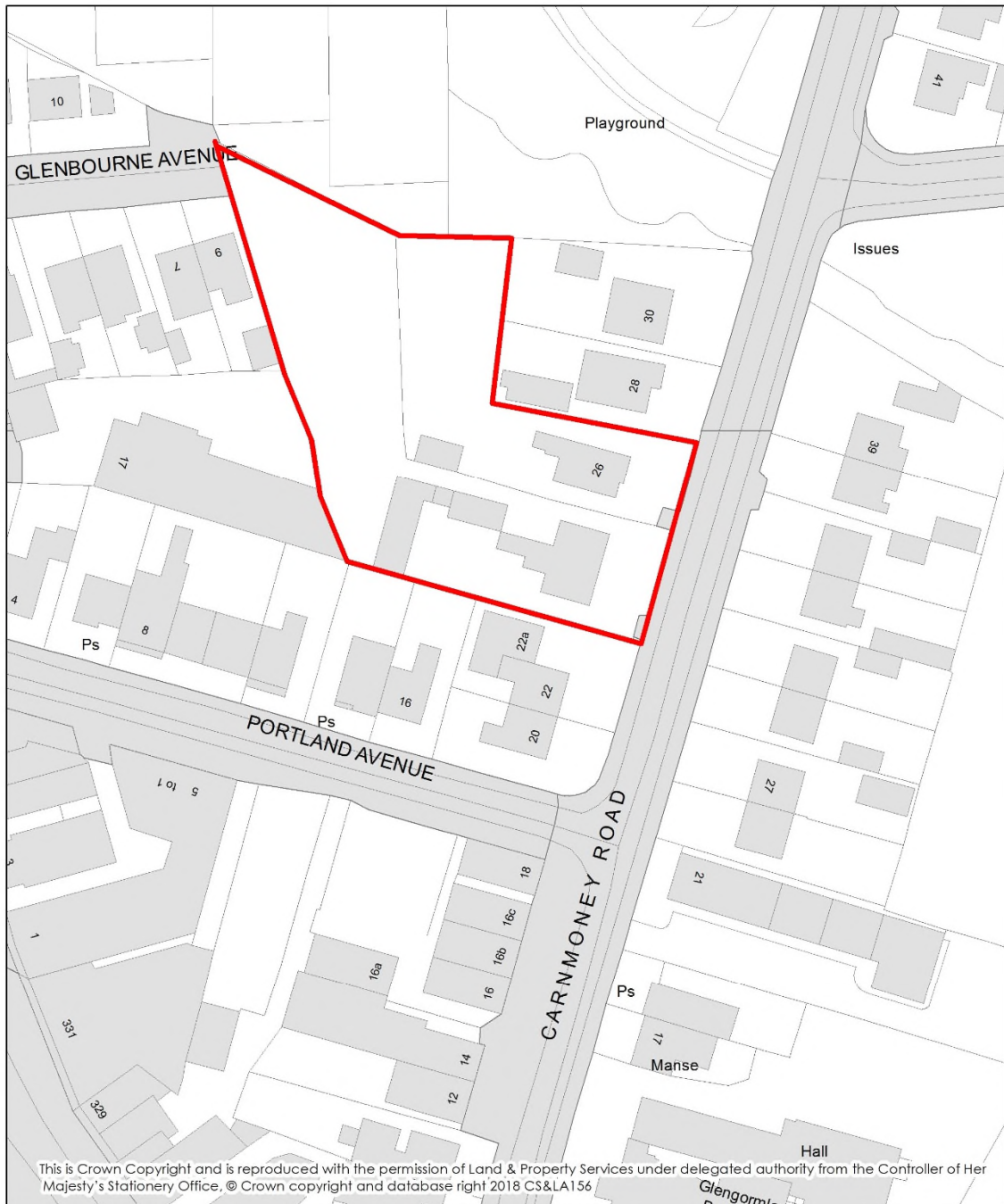
- The principle of residential development is acceptable within the urban settlement limit.
- The development does not respect the character of the surrounding area.
- There are concerns in relation to residential amenity.
- A safe and appropriate access arrangement has not been demonstrated.
- The proposal cannot dispose of sewerage and surface water sufficiently.
- Insufficient information has been submitted to demonstrate that the proposal will not be unduly affected by noise and odour from the neighbouring commercial units.

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 QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that the proposed development represents an overdevelopment of the site as:
 - (a) it does not respect the surrounding context and is considered to be inappropriate to the character of the site in terms of layout, scale and amount of hard standing;
 - (b) the layout will have an adverse impact on the amenity of existing residents.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 7 'Quality Residential Environments', in that insufficient evidence has been received to demonstrate that there will be no unacceptable adverse effects on the proposed properties in terms of noise and odour from the adjacent premises.
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.



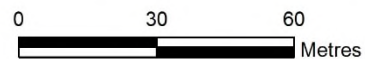
Location Map

Application Reference: LA03/2019/0384/F

Site to rear of 24 and 26 Carnmoney Road, Glengormley

Proposed construction of 5 no. houses and associated car parking

 Site Boundary



For Information Only



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2018/0785/F
DEA	ANTRIM
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	5 no. detached dwellings and associated access road
SITE/LOCATION	Plots 13-17 Moylinney Mill, Nursery Park, Muckamore, Antrim
APPLICANT	Orrson Homes Ltd
AGENT	Donaldson Planning Ltd
LAST SITE VISIT	26 th July 2019
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at Moylinney Hill, Nursery Park, Muckamore which is within the settlement limits of Antrim Town, as defined by the Antrim Area Plan 1984 - 2001 (AAP). The site lies immediately to the west of an approved residential development of 8 no. dwellings that is currently under construction, whilst another extant residential development of 4 no. dwellings is located approximately 100m south of the site. An area of dense woodland lies to the immediate west of the site on lower ground; beyond this flows the Six Mile Water River. An area of approved housing lies to the east of Muckamore Cricket Club. There is a current planning application in the system for an apartment complex approximately 30m southeast of the site. All of the residential development mentioned above will share road networks and any proposed open space areas with the development proposed under this current planning application.</p> <p>To the north of the site lies 2 no. older dwellings known as Nos. 6 and 7 Nursery Park. The site is accessed from the Antrim Technology Park to the northeast.</p> <p>The site has been disturbed from its original woodland appearance and is now flattened with a soil top and is currently being used to store materials for a residential development which is currently under construction to the east. Whilst the northern, eastern and southern boundaries are currently undefined, the western boundary is defined by a temporary protective fencing, beyond which is a dense woodland. The topography of the site is relatively level at present, rising slightly to the east but falling dramatically to the west towards the river.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2005/1063/RM Location: Plot 1, Land South of 9 Nursery Park, Muckamore, Antrim Proposal: New dwelling and garage Decision: Permission Granted (02.08.2006)</p>	

Planning Reference: T/2005/1061/RM

Location: Plot 2, Land south of 9 Nursery Park, Muckamore, Antrim

Proposal: New dwelling and garage

Decision: Permission Granted (02.08.2006)

Planning Reference: T/2005/1062/RM

Location: Plot 3, Land south of 9 Nursery Park, Muckamore, Antrim

Proposal: New dwelling and garage

Decision: Permission Granted (02.08.2006)

Planning Reference: T/2005/1064/RM

Location: Plot 4, Land south of 9 Nursery Park, Muckamore, Antrim

Proposal: New dwelling and garage

Decision: Permission Granted (01.08.2006)

Planning Reference: LA03/2016/0270/F

Location: Plot no's 5-12 Moylinney Mill, Nursery Park, Muckamore, Antrim

Proposal: 8 no. proposed new dwellings with associated roadway and parking.

Decision: Permission Granted (23.02.2018)

Planning Reference: LA03/2019/0016/F

Location: Land at Moylinney Mill, Nursery Park, Muckamore, Antrim

Proposal: Construction of 12 no. apartments in two 3 storey buildings with associated parking and access road

Decision: Live application

PLANNING POLICY AND GUIDANCE

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

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

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

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

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material

considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

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

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

PPS 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 subject to conditions relating to contaminated land

Northern Ireland Water – No objections

Department for Infrastructure Roads- Further information required in the form of cross sections

Department for Infrastructure Rivers – Seek further information in relation to a schedule 6 consent letter and an attenuation layout and calculations based on consented discharge rate.

Shared Environmental Services - No objections

Department for Communities Historic Environment Division – No objections

NIEA: Land, Soil and Air – No objections

NIEA: Natural Environment Division – Concerns raised relating to the loss of woodland at the site.

REPRESENTATION

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

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

- Inconvenience and shaking of No.7 Nursery Park due to ongoing works
- Overshadowing from the dwelling previously approved
- Loss of trees.
- Invasive species present on the site.
- Loss of wildlife habitat.
- Impact from the proposed pumping station

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
- Open Space Provision
- Neighbour Amenity
- Impact Upon Natural Environment
- Flood Risk
- Other Matters

Policy Context and Principle of Development

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

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

The application site is located within the development limits of Antrim Town and whilst there is no relevant planning history relating to this specific site, it is acknowledged that there are numerous approvals for residential development to the immediate east and further south of the application site.

In respect of the proposed development, there is no conflict or change in policy direction between the provisions of the SPPS and that contained Planning Policy Statement 7 – Quality Residential Environments and the 2nd Addendum to the Addendum to PPS7 – Safeguarding the Character of Established Residential Areas (APPS7) and PPS 8 ‘Open Space, Sport and Outdoor Recreation. PPS7, APPS7,

Planning Policy Statement 3, Access, Movement and Parking (PPS 3) and PPS8 remain the applicable policies to consider the proposed development under.

The principle of housing on this site is considered to be acceptable subject to creating a quality residential environment in accordance with Policy QD1 of Planning Policy Statement 7, and the Creating Places design guide.

Design 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 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. The application proposes 5no. detached two storey dwellings with access being taken from the northeast of the site from the Technology Park. This access road was previously approved under approval LA03/2016/0270/F which granted permission for 8 no. dwellings.

The proposed house types illustrate variations in design to create some visual interest, whilst having an overriding design theme including ornate door and window surrounds. The external finishes include facing brick to the external walls and dark grey slates or flat profile tiles to the roof. Each of the dwellings will have parking within the curtilage for a minimum of 2no. cars. The dwellings have proposed ridge heights of 9-10m above ground level, each unit will have a private garden to the rear enclosed by a 1.8m close boarded fencing to the shared boundary between properties and 1.1m high metal railings to the rear. The rear elevations of the proposed dwellings will look towards the woodland located to the west.

The proposed house types and their finishes will largely be in keeping with the dwellings which were previously approved to the east.

Open Space Provision

The SPPS recognises that open space is important to society now and in the future. With regards the provision of open space within a new residential development, it provides a sustainable and quality residential development, offering both recreational and social value.

Policy OS 2 of PPS 8 states that proposals in new residential development of 25 units or more, a minimum provision of 10% of the site area shall be afforded to the provision of useable public open space. This provision shall be provided as an integral part of the development. Although the proposed development is for the erection of 5no. dwellings, when taken in the context of other previous approvals surrounding the site and the concurrent application for 12 No. apartments to the southeast (planning application LA03/2019/0016/F), the total number being 29 residential units. The provision of open space will therefore be necessary in this application.

The application proposes a significant amount of open space lands to be delivered to the west of the site, equating to approximately 0.35ha. This is currently defined as an area of dense woodland, not easily accessible for recreational purposes. This area of land falls outwith the red line that forms the application site. The agent accepts this within a letter to the Council but believes that as this piece of land falls within the ownership of the applicant, it could be utilised as part of this application. It is considered that this would not be feasible and in contravention of PPS 8. It would not be possible to control the use of lands outside of the red line of the application for the future use of this development. It would be perfectly feasible for the woodland area to be sold in the future and therefore would no longer be under the control of the current landowner to implement a planting or maintenance scheme.

Part (i) of Policy OS 2 of PPS8 states that open space “will be at least 10% of the *total site area*” (emphasis added). Therefore as the proposed area of open space clearly falls completely outside of the applicant’s red line, no open space has been provided and the application fails this test.

Notwithstanding the fact that no open space has been provided within the red line of the site, it should be noted that there are further concerns with the area of land suggested as open space. Whilst the agent has stated that the proposed area will not be used as an “active” area but rather a “visual amenity and wildlife corridor”. Whilst PPS 8 accepts that part of an area of open space can be used for the retention of woodland to provide valuable habitats and wildlife and promote biodiversity, this should be in addition to active areas of open space, such as greens where people can walk, kick-a-bout areas for children to play and other small parks. In total open space should be presented as multi-functional spaces offering residents both passive and active areas to enjoy.

Given the steep slope from the site down to the area of woodland and the dense undergrowth present, concerns would also be raised about the accessibility of the space for people with disabilities and young children alike.

Whilst the design of the proposed dwellings is considered acceptable in terms of appearance, finishes and scale, there has not been a solution to ensure that the proposed dwellings would overlook the proposed area of open space. Paragraph 5.13 of Policy OS 2 of PPS 8 states that “to provide for maximum surveillance areas of open space”, such areas should be overlooked by the fronts of nearby dwellings. This direction is also highlighted within the Departmental supplementary guidance document “Creating Places”. The scheme before the Council shows the proposed dwellings backing onto the proposed area of open space. Not only is this considered unacceptable, but the sharp fall in levels at the rear of the sites down towards the woodland and river means that views from inside the dwellings would only be of the canopies of the trees, leaving little views of the area beneath the trees. The agent was advised of these concerns and made small amendments to increase the glazing areas to the rear of the dwellings, but it is considered this does little to mitigate the issue.

The agent has argued that the future residents will benefit from easy access to extensive areas of existing open space nearby, including a cricket club and tennis courts. Whilst policy OS 2 allows for an area of public open space lower than 10% to be provided where the site is close to and easily accessible to areas of existing open

space, neither of these two clubs meet the criteria. Muckamore Cricket and Tennis Club is located adjacent to the sites northern, eastern and southeastern boundaries, however, this is a private sports club and could not be utilised by members of the public without joining and paying for membership of the club.

Having taken the above information into account it is considered that the proposal fails part (c) of Policy QD 1 of PPS 7, in that no provision has been made for public open space as an integral part of the development; and also fails Policy OS 2 of PPS 8 in that no public open space has been provided within the site.

Neighbour Amenity

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

The closest dwelling to the site is No.7 Nursery Park, which is located approximately 50m to the northeast is site No. 17 which forms part of the current development proposal. The access to the site will pass the front of this property but has already been approved under approval LA03/2016/0270/F.

An objection letter has been received from the owner of this property which raises a number of concerns. Firstly, the shaking of their property as a result of heavy vehicles moving on the application site during the construction process associated with the previous approval LA03/2016/0270/F. It is considered that building works are a necessary short term inconvenience and disturbance during the construction phase. The application under construction has already been approved and cannot now be revisited. It would be considered unlikely, as stated within the case officer report associated with LA03/2016/0270/F, that construction works would harm the structure of another dwelling, however if this is the case the objector should raise this through civil processes outside of the planning system. It is also considered that if this current application were to be approved, there would be no increase in the structural risk to No.7, given the laneway and access will be shared with the previous approval above.

The objector also raises concerns regarding the potential for overshadowing relating to the closest dwelling under construction which, again, was approved previously. This potential impact cannot be considered under this application.

Having taken the objector's points into consideration, it is clear that they almost entirely relate to works relating to a previous approval and not the current application being considered. It has been established that if planning permission is forthcoming for the current application there will be no additional detrimental impact upon the objectors property.

It is considered that the proposal meets criteria (h) of Policy OS 1 of PPS 7 in that no neighbouring properties will be significantly impacted by the proposal.

Impact Upon Natural Environment

An objection letter was received on behalf of the Six Mile Water Trust, which raises concerns regarding the loss of woodland on the site, loss of natural habitats and the presence of an invasive species on site.

In respect to loss of woodland, Policy NH 5 of PPS 2 states that planning permission will only be granted for development which is not likely to result in an adverse impact upon, amongst other things, ancient and long-established woodland.

A "Preliminary Ecological Appraisal" (PEA) was submitted which acknowledges the presence of ancient woodland but states that this falls outside of the application site to the west along a steep slope. The report acknowledges that clearing works have occurred in the past, something that was considered under the previous approval LA03/2016/0270/F; therefore leaving the site vacant of trees and defined by flat bare ground.

Natural Environment Division (NED) were consulted on the proposal and have acknowledged that the area was previously defined as an area on Long Established Woodland (LEW). Whilst aggrieved that such woodland has been cleared prior to the application being presented they have offered no official objection to the application, instead only a condition has been suggested which relates to the need to have a buffer between the site and the nearby watercourse.

From carrying out a site visit, the site description appears accurate and no trees were found on the site. It cannot therefore be considered that ancient woodland will be impacted by way of this proposal; meaning that the proposal does not offend Policy NH 5 of PPS 2.

With regards loss of habitats, again these are associated with the previous woodland on the site. NED consider it likely that bats would have used the area. However, as the woodland has been cleared there is no evidence of protected species on the site and therefore there appears to be little risk of further harm. This is supported by the applicant's PEA.

The objector raises concerns regarding the removal and movement of an invasive species, namely Japanese Knotweed from and around the site. The PEA acknowledges the presence of this species, but at a significant distance to the northwest of this site (100m) and none has been found on the site itself. NED has responded by stating they believe that the Knotweed remains on site, however, offers no objections. It will be up to the developer to ensure the removal of such a species as it is an offence to introduce this plant into the wild or to cause it spread.

Having taken the above points into consideration, it is considered that as no woodland currently exists on the site it must be considered on the basis of its current condition. It is considered unlikely that the proposed development will have a detrimental impact upon the natural environment.

Flood Risk

The application site is located outside of the Q100 fluvial floodplain (as indicated on the DFI Rivers Strategic Flood Maps), however, the site is bounded by a 1 in 100 year fluvial floodplain located immediately to the west associated with the Six Mile Water River.

A Drainage Assessment (DA) has been received which discusses the flood risk issues. It is estimated that the Q100 level is 25.0m AOD with the proposed dwellings backing onto the floodplain. The finished floor levels of the dwellings have been raised to

26.75 - 28.0m above AOD which is in excess of the recommended 600mm. DFI Rivers were consulted on the application and agree that the proposed dwellings were above the recommended freeboard level.

DFI Rivers in their latest response of 19th February 2019 are still requesting that a Schedule 6 consent to be granted to allow the applicant to discharge surface water. They also require an attenuation layout and calculations based on the rate of discharge. The agent has advised that these would be forthcoming, however, they have never been received by the Council. It is considered unnecessary to delay the processing of the application to allow further time for this information to be submitted given the application failed other planning policy tests.

Other Matters

DFI Roads were consulted on the proposal and whilst no objections have been offered, a significant amount of additional information has been requested. The details of the consultation was relayed to the agent, however no further roads information has been forthcoming. Again, it was considered unnecessary to delay the processing of the application to allow further time for this information to be submitted given the application failed other planning policy tests.

An objector also notes an issue with the pumping station to the south of the site. It is not annotated on the drawings for this application.

CONCLUSION

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

- The principle of residential development is considered acceptable on the site.
- The design of the dwellings in terms of form, finishes and scale are considered acceptable.
- The proposal fails to provide public open space within the site in conflict with PPS 7 and PPS 8.
- Proposed dwellings are not designed to overlook the proposed open space area.
- There will be no detrimental impact upon the amenity of neighbouring properties
- There will be no significant impact upon the natural environment
- Outstanding information required by DFI Rivers to address drainage concerns.
- Outstanding information required by DFI Roads to address access concerns.

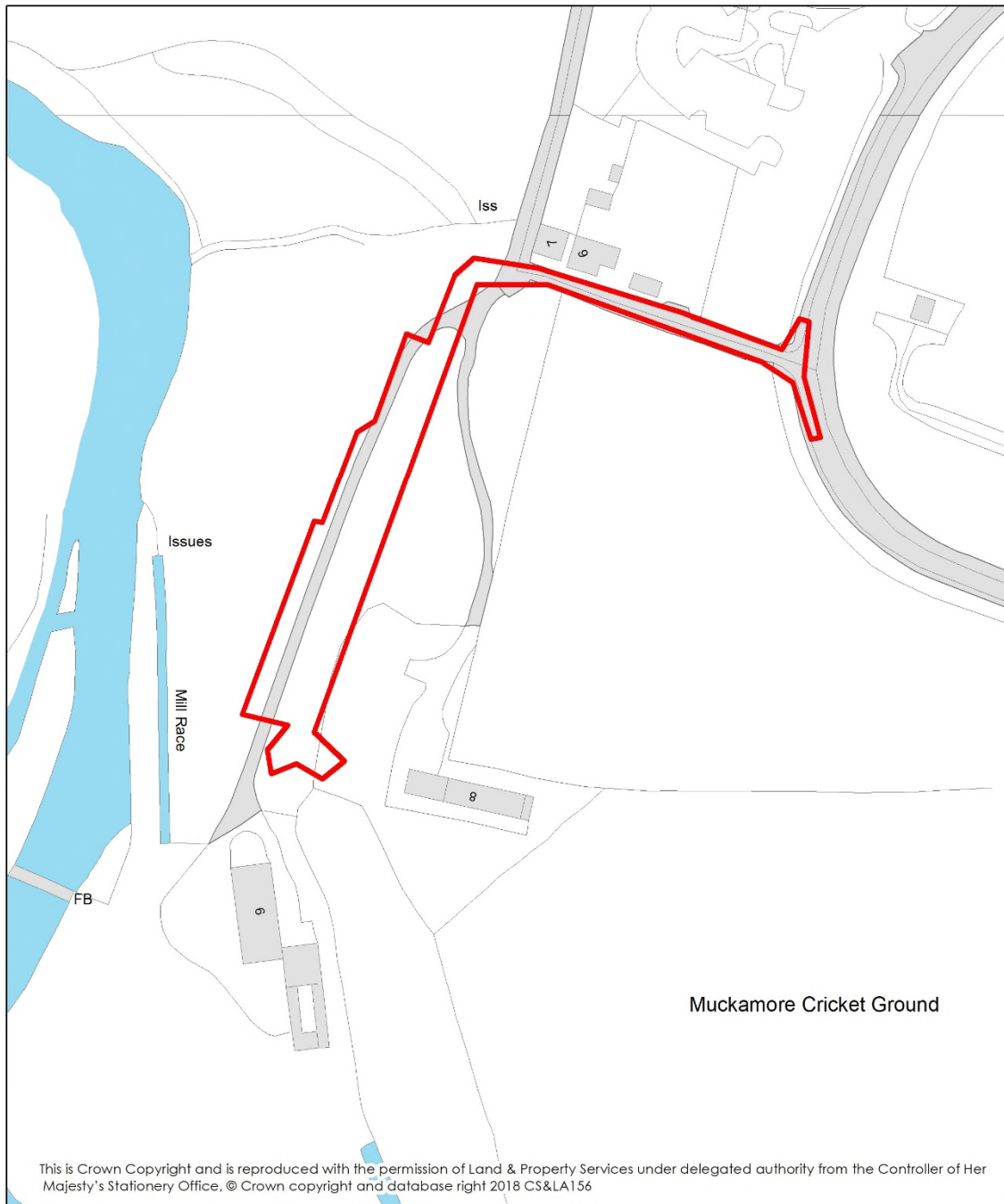
RECOMMENDATION

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 Developments and Policy OS 2 of Planning Policy Statement 8; Open Space, Sport and Outdoor Recreation in that, the proposal fails to provide adequate provision for public open space within the site.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AMP 2 of Planning Policy Statement 3; Access, Movement and parking, in that insufficient evidence has been received to ensure safe access to the public road.

3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy FLD 3 of Planning Policy Statement 15; Planning and Flood Risk, in that insufficient evidence has been received to demonstrate that there will not be an increase in flood risk associated with the development.



Location Map

Application Reference: LA03/2018/0785/F

Plots 13-17 Moylinney Hill, Nursery Park, Muckamore

Construction of 5no. dwellings and associated access road



 Site Boundary
For Information Only



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2019/0016/F
DEA	ANTRIM
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	12no. apartments in 2no. three storey buildings, with associated parking and access road.
SITE/LOCATION	Lands at Moylinney Mill, Nursery Park, Muckamore, Antrim
APPLICANT	Orrson Homes Ltd
AGENT	Donaldson Planning Ltd
LAST SITE VISIT	26 th July 2019
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at Moylinney Hill, Nursery Park, Muckamore which is within the settlement limits of Antrim Town, as defined by the Antrim Area Plan 1984-2001 (AAP). The site lies immediately to the southeast of an approved residential development of 8no. dwellings that is currently under construction, whilst another extant residential development of 4no. dwellings is located approximately 100m southwest of the site. An area of dense woodland lies approximately 50m west of the site on lower ground; beyond this flows the Six Mile Water River. Immediately to the east is Muckamore Cricket Club. A live application is currently in the system for a housing development of 5no. detached dwellings approximately 30m northwest of the site. All of the residential development mentioned above will share road networks with this application site. The site is accessed from the Antrim Technology Park to the northeast.</p> <p>Some remains of a fire damaged dwelling exist on the site along with the remains of a Mill building and associated dwelling are located approximately 25m southwest of the site. Some lands surrounding the fire damaged remains on site have been disturbed from its original woodland appearance and is now flattened with a soil top. The western and southern boundaries are currently undefined, whilst the eastern and northern boundaries are defined by steep banks leading up onto the adjacent cricket club.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2005/1063/RM Location: Plot 1, Land South of 9 Nursery Park, Muckamore, Antrim Proposal: New dwelling and garage Decision: Permission Granted (02.08.2006)</p> <p>Planning Reference: T/2005/1061/RM Location: Plot 2, Land south of 9 Nursery Park, Muckamore, Antrim</p>	

Proposal: New dwelling and garage
Decision: Permission Granted (02.08.2006)

Planning Reference: T/2005/1062/RM
Location: Plot 3, Land south of 9 Nursery Park, Muckamore, Antrim
Proposal: New dwelling and garage
Decision: Permission Granted (02.08.2006)

Planning Reference: T/2005/1064/RM
Location: Plot 4, Land south of 9 Nursery Park, Muckamore, Antrim
Proposal: New dwelling and garage
Decision: Permission Granted (01.08.2006)

Planning Reference: LA03/2016/0270/F
Location: Plot no's 5-12 Moylinney Mill, Nursery Park, Muckamore, Antrim
Proposal: 8 no. proposed new dwellings with associated roadway and parking.
Decision: Permission Granted (23.02.2018)

Planning Reference: LA03/2018/0785/F
Location: Plots 13-17 Moylinney Mill, Nursery Park, Muckamore, Antrim
Proposal: 5 no. detached dwellings and associated access road
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, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

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

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objections subject to conditions relating to contaminated land.

Northern Ireland Water – No response.

Department for Infrastructure Roads- Further information required.

Department for Infrastructure Rivers – Seek further information in relation to a Schedule 6 consent letter and an attenuation layout and calculations based on consented discharge rate.

Shared Environmental Services - No objections.

Department for Communities Historic Environment Division – No objections subject to conditions relating to the request for an archaeological programme of works prior to commencement on site.

NIEA: Land, Soil and Air – No objections.

NIEA: Natural Environment Division – Concerns raised relating to the loss of woodland at the site.

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).

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

- Loss of trees.
- Invasive species present on site.
- Impact from the proposed pumping station.

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
- Open Space Provision
- Neighbour Amenity
- Impact Upon the Natural Environment
- Flood Risk
- Other Matters

Policy Context and Principle of Development

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

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

The application site is located within the development limits of Antrim Town and whilst there is no relevant planning history relating to this specific site. It is acknowledged that there are numerous approvals for residential development to the immediate east and further south of the application site.

In respect of the proposed development, there is no conflict or change in policy direction between the provisions of the SPPS and that contained Planning Policy Statement 7 – Quality Residential Environments and the 2nd Addendum to the Addendum to PPS7 – Safeguarding the Character of Established Residential Areas (APPS7) and PPS 8 ‘Open Space, Sport and Outdoor Recreation. PPS7, APPS7, Planning Policy Statement 3, Access, Movement and Parking (PPS 3) and PPS8 remain the applicable policies to consider the proposed development under.

The principle of housing on this site is considered to be acceptable subject to creating a quality residential environment in accordance with Policy QD1 of Planning Policy Statement 7, and the Creating Places design guide.

Design 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 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.

The application proposes 12no. apartments within 2no. three storey blocks. Access will be taken from the north of the site from the Technology Park. This access road was previously approved under approval LA03/2016/0270/F which granted permission for 8 no. dwellings.

The design of the proposed apartment blocks share a similar form and are largely identical. They have a maximum height of 8.5m above ground level, a front width of 17.5m and a depth of 14.5m. Block B will sit on lower ground than Block A. The apartments will have a mixed palette of finishes, with red brick, cedar timber cladding and dark grey stone detailing to the external walls and a sloping dark grey metal profile roof. Windows are to be black upvc with coloured composite external doors. It is considered that the palette of finishes and scale of the proposed dwellings is acceptable.

Internally, each of the two apartment blocks will have two apartments on each of the three floors and each apartment has 2no. bedrooms with a floorspace of approximately 81sqm which meets the recommended space standards in the Addendum to PPS7.

To the front of the apartments on the northwest side is an area of parking interspersed with proposed planting to soften the area. To the rear of the buildings on the southeast, southwest and northeast sides is private amenity space provision for the proposed apartments.

It is considered that the form, scale and finishes of the proposed apartments is acceptable and will not be out of keeping with recently approved surrounding dwellings.

Open Space Provision

The SPPS recognises that open space is important to society now and in the future. With regards the provision of open space within a new residential development, it provides a sustainable and quality residential development, offering both recreational and social value.

With regards private amenity space, the application proposes land to the northeast, southeast and southwest of the apartment blocks for such purposes. The design guidance document "Creating Places" states that apartment developments within lower density areas such as this should provide private amenity space of approximately 30sqm per apartment. A total of approximately 1300sqm private

amenity space has been proposed which exceeds the presumed amount of 1200sqm and is considered acceptable.

Policy OS 2 of PPS 8 states that proposals in new residential development of 25 units or more, a minimum provision of 10% of the site area shall be afforded to the provision of useable public open space. This provision shall be provided as an integral part of the development. Although the proposed development is for the erection of 12no. apartments, when taken in the context of previous approvals surrounding the site and the current application for 5no. dwellings (LA03/2018/0785/F) to the northwest, the total number of units being considered as part of the overall development is actually 29 units. Therefore the provision of open space will be necessary in the assessment of this application.

The current application proposes no public open space within the application site nor does the other concurrent application LA03/2018/0785/F provide any acceptable areas of open space. It is considered that if the current application were to be approved in its current state, the overall development of 29no. dwellings within the area would have no designated areas of communal open space.

The agent has argued that the future residents will benefit from easy access to extensive areas of existing open space nearby, including a cricket club and tennis courts. Whilst Policy OS 2 allows for an area of public open space lower than 10% to be provided where the site is close to and easily accessible to areas of existing open space, neither of these two clubs meet the criteria. Muckamore Cricket and Tennis Club is located adjacent to the sites northern, eastern and southeastern boundaries, however, this is a private sports club and could not be utilised by members of the public without joining and paying for membership of the club.

Having taken the above information into account it is considered that the proposal fails part (c) of Policy QD 1 of PPS 7, in that no provision has been made for public open space as an integral part of the development; and also fails Policy OS 2 of PPS 8 in that no public open space has been provided within the site.

Neighbour Amenity

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

The closest dwelling to the site is No.7 Nursery Park, located approximately 130m to the north of the proposed apartment development. The site access will pass the front of this property but has already been approved under approval LA03/2016/0270/F. No letters of objection have been received from neighbouring properties. Given the distance involved between the site and the existing dwellings, it is considered those properties will not be impacted upon by this development.

Although it is considered that no existing dwellings will be detrimentally impacted by the development, consideration must also be given to dwellings which have been approved, or are under construction.

Planning permission was previously granted under LA03/2016/0270/F for 8no. dwellings referred to as plots 5 -12. The dwelling to be located at plot no.12 lies approximately 20m to the northwest of proposed apartment Block A. There will be clear views from the first and second floor apartments into the private rear space of plot no.12. The main contributing apartments to overlooking are Nos. 20-23. These concerns were relayed to the applicant who has attempted to mitigate the impact by using frosted glazing on a number of windows on the northwestern facing elevation in an attempt to overcome this concern. However, it is considered that this is an unacceptable solution to the problem and does not create a desirable living environment for those in the affected plot no.12 or within the apartment units themselves. Having multiple apartments, with different occupants being able to look into the private rear amenity space of plot no.12 is not satisfactory and very much creates a concern for overlooking.

Further mitigation is presented between the apartments, such as proposed planting and a garage within the rear garden of plot no.12. It is considered that new planting should not be relied upon to solve a neighbour amenity issue, as this has no degree of certainty on growth rates or longevity. Although it is accepted that a garage was approved within the rear garden of plot no.12, there are no assurances that this garage will be built. Modern housing developments are generally sold with a garage as an "optional extra". Notwithstanding this, it is not considered that a garage would prevent all of the overlooking which could arise.

Having taken the above into account it is considered that the proposal fails to meet criteria (h) of Policy OS 1 of PPS 7 in that the proposal conflicts with surrounding neighbouring properties in terms of overlooking.

Impact Upon Natural Environment

An objection letter was received on behalf of the Six Mile Water Trust, which raises concerns regarding the loss of woodland on the site, loss of natural habitats and the presence of an invasive species on site.

In respect to loss of woodland, Policy NH 5 of PPS 2 states that planning permission will only be granted for development which is not likely to result in an adverse impact upon, amongst other things, ancient and long-established woodland.

A "Preliminary Ecological Appraisal" (PEA) was submitted which acknowledges the presence of ancient woodland but states that this falls outside of the application site to the west along a steep slope. The report acknowledges that clearing works have occurred in the past, something that was considered under the previous approval LA03/2016/0270/F; therefore leaving the site vacant of trees and defined by flat bare ground.

Natural Environment Division (NED) were consulted on the proposal and have responded with the acknowledgement that the area previously was defined as an area on Long Established Woodland (LEW). Whilst aggrieved that such woodland has been cleared prior to the application being presented they have offered no official objection to the application, instead only a condition relating to a buffer between the site and the watercourse nearby.

From carrying out a site visit, the site description appears accurate and no trees were found on the site. It cannot therefore be considered that ancient woodland will be impacted by way of this proposal; meaning that the proposal does not offend Policy NH 5 of PPS 2.

With regards loss of habitats, again these are associated with the previous woodland on the site. NED considers it likely that bats would have used the area, however, as the woodland has been cleared there is no evidence of protected species on the site and therefore there appears to be little risk of further harm. This is supported by the applicant's PEA.

The objector raises concerns regarding the removal and movement of an invasive species, namely Japanese Knotweed from and around the site. The PEA acknowledges the presence of this species, but at a significant distance to the northwest of this site (100m) and none has been found on the site itself. NED has responded by stating they believe that the Knotweed remains on site however offers no objections. It will be up to the developer to ensure the removal of such a species as it is an offence to introduce this plant into the wild or to cause it to spread.

Having taken the above points into consideration, it is considered that as no woodland currently exists on the site it must be considered on the basis of its current condition. It is considered unlikely that the proposed development will have a detrimental impact upon the natural environment.

Flood Risk

The application site is located outside the Q100 fluvial floodplain (as indicated on the DFI Rivers Strategic Flood Maps), however, there is a 1 in 100 year fluvial floodplain located 50m to the west associated with the Six Mile Water River.

DFI Rivers in their latest response of 19th February 2019 are still requesting that a Schedule 6 consent to be granted to allow the applicant to discharge surface water. They also require an attenuation layout and calculations based on the rate of discharge. The agent has advised that these would be forthcoming, however, they have never been received by the Council. It is considered unnecessary to delay the processing of the application to allow further time for this information to be submitted given the application failed other planning policy tests.

Other Matters

DFI Roads were consulted on the proposal and whilst no objections have been offered, a significant amount of additional information has been requested. The details of the consultation was relayed to the agent, however no further roads information has been forthcoming. Again, it was considered unnecessary to delay the processing of the application to allow further time for this information to be submitted given the application failed other planning policy tests.

An objector also notes an issue with the pumping station to the south of the site. It is not annotated on the drawings for this application.

CONCLUSION

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

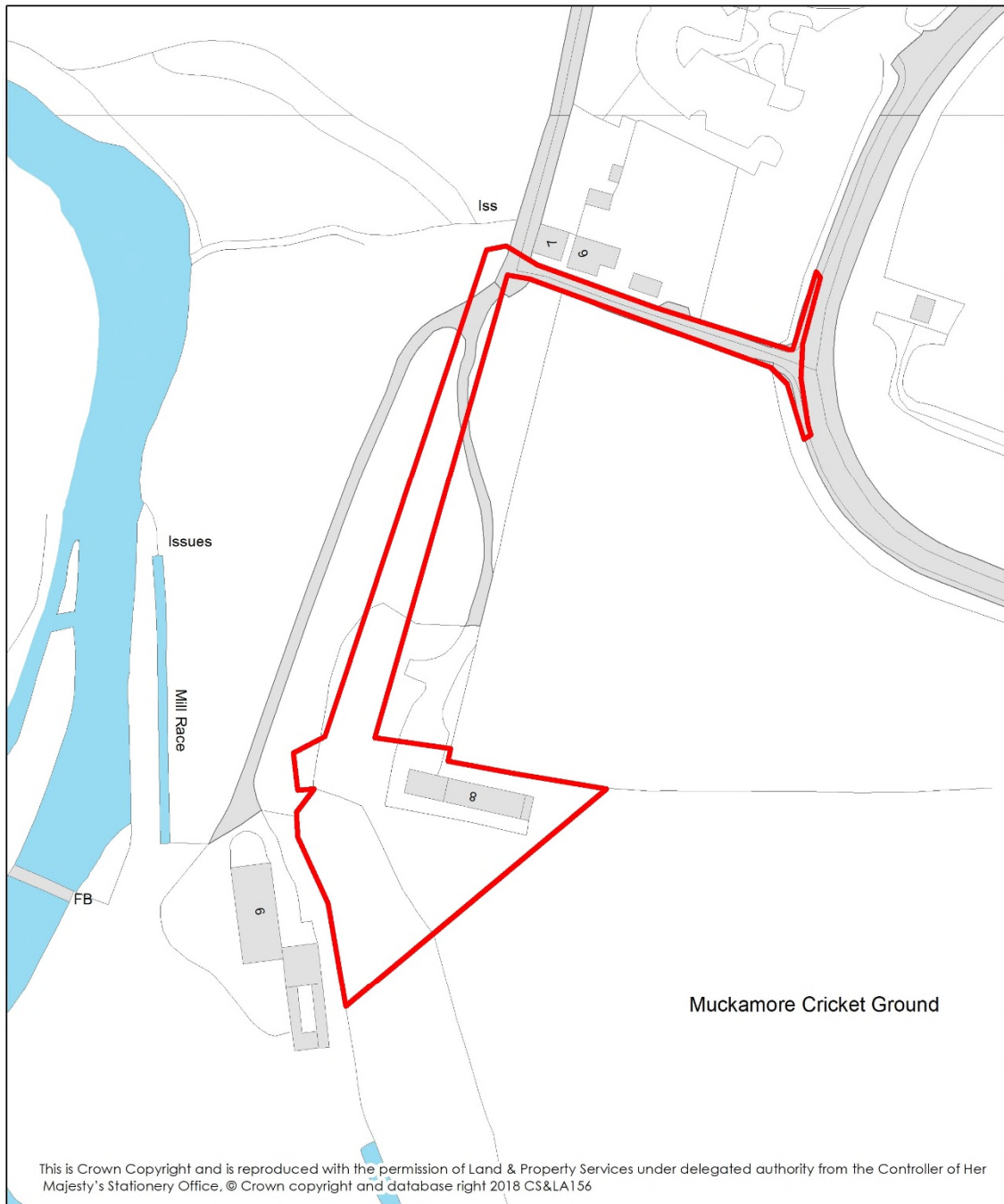
- The principle of residential development is considered acceptable on the site.

- The design of the apartments in terms of form, finishes and scale are considered acceptable.
- The proposal fails to provide public open space within the site in conflict with PPS 7 and PPS 8.
- The proposed dwellings are not designed to overlook the proposed open space which is unacceptable.
- The proposal fails to satisfy Policy QD 1 of PPS 7 in that the proposal will detrimentally impact neighbouring properties in terms of overlooking.
- No detrimental impact upon the natural environment.
- No flood risk to the site likely, however, there is outstanding information required for DFI Rivers to address their concerns on the drainage proposals.
- Outstanding information required by DFI Roads to address concerns regarding the access/roads issues.

RECOMMENDATION	REFUSE PLANNING PERMISSION
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PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7; Quality Residential Developments and Policy OS 2 of Planning Policy Statement 8; Open Space, Sport and Outdoor Recreation in that, the proposal fails to provide adequate provision for public open space within the site.
2. 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 Developments, in that, if approved the development would cause unacceptable harm to the amenity of nearby properties by way of overlooking.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AMP 2 of Planning Policy Statement 3; Access, Movement and parking, in that insufficient evidence has been received to ensure safe access to the public road.
4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy FLD 3 of Planning Policy Statement 15; Planning and Flood Risk, in that insufficient evidence has been received to demonstrate that there will not be an increase in flood risk associated with the development.



Location Map

Application Reference: LA03/2019/0016/F

Lands at Moylinney Mill, Nursery Park, Muckamore

Construction of 12no. apartments with associated works



Site Boundary
For Information Only



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2018/1059/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site of Dwelling & Garage
SITE/LOCATION	Between 20A & 26 Kilmakee Road, Templepatrick, BT39 0EP
APPLICANT	Mr & Mrs Ivor McMeekin
AGENT	Ivan McClean
LAST SITE VISIT	4 th December 2018
CASE OFFICER	Barry Diamond Tel: 028 90340407 Email: barry.diamond@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on the edge of the settlement limit of Templepatrick as defined within the Antrim Area Plan 1984-2001.</p> <p>The site is a triangular shaped, road frontage site measuring 15 metres along the road frontage, widening to 24 metres with a depth of 35 metres. The topography of the site rises from the roadside to the rear of the site. The boundaries to the site are defined by mature trees to the rear of the site and interspersed vegetation along the western boundary, the northern and eastern boundaries are undefined.</p> <p>There are a number of dwellings in close proximity which look onto the application site. The land to the west is primarily agricultural.</p>	
RELEVANT PLANNING HISTORY	
<p>Reference: LA03/2019/0276/F Location: Adjacent to 20A Kilmakee Road, Templepatrick Proposal: Amended access driveway to dwellings previously approved under T/2011/0059/F and T/2014/0207/F Decision: Pending</p> <p>Reference: LA03/2016/0622/F Location: Sites 2 & 3 at 20 Kilmakee Road, Templepatrick, BT39 0EP Proposal: Retention of detached dwelling (changes to previously approved dwelling granted under T/2014/0207/F) Decision: Permission Granted (30.01.2017)</p> <p>Reference: T/2014/0207/F Location: New dwelling at sites 2 and 3 at 20 Kilmakee Road, Templepatrick, Ballyclare, BT39 0EP Proposal: Proposed dwelling and attached garage on site 2 and 3. Previous approval under ref no. T/2011/0059/F (Revised plans received)</p>	

Decision: Permission Granted (06.01.2015)

Reference: T/2011/0059/F

Location: 20 Kilmakee Road, Templepatrick, BT39 0EP

Proposal: Demolition of existing dwelling and garage and erection of 4 no dwellings and associated garages

Decision: Permission Granted (26.08.2011)

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 Plan identifies the application site as being on unzoned lands within the settlement limit of Templepatrick. 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 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 - No objections

Department for Infrastructure Roads- No objections (subject to conditions)

REPRESENTATION

Nine (9) neighbouring properties were notified and two (2) letters of objection have been received from two (2) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Size of the site is inaccurate and too small when taken in relation to the surrounding plots.
- History of the overall site and requirement to reduce house numbers during previous assessment.
- Separation distances are not considered adequate.
- The proposal represents town cramming and a higher density.
- Overlooking from the property into habitable rooms on the front elevation of No. 26 Kilmakee Road.
- Removal of existing vegetation and lack of proposed vegetation.
- Out of character with the area.
- Overlooking of the proposed site from neighbouring properties.
- Road safety and lack of footpath.
- Impact of site on the previously approved turning head.

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 Character and Appearance of the Area
- Density
- Neighbour Amenity
- Access, Movement 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 Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to the determination of the proposal. The application site is located on the edge of the settlement limit of Templepatrick as defined within the AAP. There are no specific operational policies relevant to the

determination of the application in the plan. The application site is located within an existing residential area and as such the principle of a dwelling on this site is considered acceptable subject to all other policy and environmental considerations being met.

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 PPS 7 Quality Residential Environments and the Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas.

Design and Layout

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. Policy QD1 goes on to state that all proposals for residential development will be expected to conform to nine criteria. 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.

The application seeks outline planning permission for a dwelling and as such limited details in relation to design, layout and appearance have been provided, however, a concept plan has been provided as part of a site analysis (Document 01 dated 21st November 2018) which provides an indicative footprint of the proposed dwelling. The site fronts onto the Kilmakee Road and is bounded on two sides by , access laneways for two dwelling Nos. 20a and 26 Kilmakee Road. Dwelling numbers 20a and 26 Kilmakee Road are designed gable fronting onto the Kilmakee Road with their primary front elevations looking onto the application site. In addition, one of the dwellings to the rear No. 24 is at a higher elevation and also has its front elevation presented towards the application site. Effectively there are three existing dwellings which all present their front elevation onto the application site on three different sides with the public road representing the last remaining boundary. If permission was to be granted for the proposed dwelling it is considered that the existing dwellings (Nos. 20a, 22 & 26) would all have a very poor outlook where two of the dwellings would look directly into the gable elevation of the proposed dwelling, with No. 24 having views of the rear of the dwelling. Although restrictions could be applied to; the height of the dwelling, the position of windows, and the use of boundary walls to provide some level of private amenity space and reduction of overlooking of the proposed dwelling, it is considered that the use of a number of urban design solutions would not result in a quality residential environment. The proposed development sandwiched between two access roads to the existing dwellings would be uncharacteristic of the existing small scale residential development which relies primarily on siting, orientation and existing vegetation to secure amenity and allow for an attractive outlook for the existing dwellings to produce a quality residential environment.

The policy (QD1) requires that the design and layout of new residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. However, it is clear that

the current proposal does not do that, rather it is a left over piece of land and appears as an afterthought and does not demonstrate a sound understanding or an appreciation of the existing residential development taking no account of the existing pattern of development or the outlook of the existing dwellings.

Policy guidance 'Creating Places' states that private amenity space should be available for a residential dwelling ranging between 40sqm per unit to 70sqm. The proposed concept statement shows private amenity space associated with the dwelling to be in excess of 140sqm, the amount of amenity space provided is considered acceptable.

Impact on Character and Appearance of Area

Policy QD1 of PPS 7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale and proportions and massing. In addition, the Addendum to PPS 7 Safeguarding the Character of Established Residential Unit is applicable as the site is located within an established residential area and does not fall within any of the exceptions. Policy LC1 requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area.

Letters of objection raised concerns regarding the proposal being out of character with the village setting, with the size of the site being smaller than the average plot sizes. The existing pattern of development along this stretch of the Kilmakee Road differs from the northern side, to the southern side of the road. Along the southern side of the road there is no uniform building line nor a uniform plot size. The concept plan shows a plot for the proposed dwelling which is reflective of the plot size of the adjacent properties.

Policy LC 1 also requires that the proposed density is not significantly higher than that found in the established residential area and 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. Additionally letters of objection raised concerns regarding an increase in density from that in the surrounding area and the size of the plot being too small.

It should be noted that the previous approval T/2011/0059/F granted permission for 4 dwellings and associated garages, on grounds adjacent to and including the application site whilst planning application T/2014/0207/F granted permission for one dwelling on sites 2 and 3 thereby reducing the number of approved dwellings to three. The approval of a dwelling on the application site will result in four dwellings overall which would equate to the number of dwellings which was previously approved and therefore the density of dwellings will not be significantly different from that which was previously approved although it is acknowledged that the pattern of development would be different.

It is considered that a dwelling on this site would not impact significantly on the area in terms of density, plot size or dwelling size, however, there are issues with the impact of the proposed dwelling on the overall environmental quality of the established pattern of development as outlined earlier.

Neighbour Amenity

Criterion (h) of Policy QD 1 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. Although this is an outline application, a concept plan has been received which shows one detached dwelling on the site which indicates the intention to erect a dwelling fronting onto the Kilmakee Road. One letter of objection raised concerns in relation to the proximity of the proposed dwelling to No. 26 Kilmakee Road and the possibility of overlooking into the front habitable rooms of No. 26.

There are three existing properties which front onto the application site, known as Nos. 20a, 22 & 26 Kilmakee Road. The design concept indicates that the proposed dwelling will be orientated so that, the dwelling will face out onto the Kilmakee Road, however, Nos. 20a and 26 will face onto the gable elevation of the proposed dwelling while No. 22 will face onto the rear elevation of the proposed dwelling. The submitted concept plan shows a separation distance of 15 metres at its narrowest point and 18 metres at its widest point from the gable wall of the proposed dwelling and the front wall of property No. 20a and a separation distance of 10 metres at its narrowest point and 12.5 metres at its widest point from the gable wall of the proposed dwelling and the front wall of No. 26 Kilmakee Road. As the application seeks outline permission no fenestration details have been provided, however, it is considered that the dwelling could be designed with no windows serving habitable rooms on the gable walls of the proposed dwelling, therefore limiting the impact of overlooking on adjacent property Nos. 20a and 26 Kilmakee Road.

Planning Guidance document 'Creating Places' indicates that where development abuts the private garden areas of existing properties a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of 10m between the rear of new dwelling and the common boundary. Although a dwelling on the proposed site will not abut the private garden area of any of the surrounding properties, there are three properties located to the south of the site, with No. 22 located directly to the rear of the proposed site. The proposed site sits at a lower level than these properties. The guidance in Creating Places indicates where there is a back-to-back relationship between dwellings that a minimum separation distance of 20 metres should be achieved between first floor windows and where there is a difference in levels between the properties this should be increased. The guidance is silent in relation to when there is a front-to-back relationship between properties, supposedly such a layout would be particularly unattractive and detrimental to the amenity of the proposed and existing dwellings. The rear of most dwellings would tend to be made up of low occupancy rooms as compared to the higher occupancy rooms to the front of a dwelling. In addition, the change in levels between the properties would indicate that a separation distance greater than the minimum 20 metres would be required. Overall, it is considered that the amenity of the proposed dwelling would be adversely affected by overlooking from the existing dwelling at No. 22.

It is noted earlier that the rear amenity space of the adjacent dwellings will not be overlooked by the proposed dwelling. The front gardens of the existing dwellings are currently open to views and the proposed dwelling will not significantly alter or intensify these views. For the reasons outlined above it is considered that the proposal

fails to meet criterion (h) of policy QD 1 in that the design and layout will give rise to overlooking of the proposed dwelling.

Access, Movement and Parking

In considering the proposed means of access the planning history is considered to be an important material consideration. The previous grant of planning permission T/2011/0059/F allowed for the demolition of a former dwelling and garage and the erection of 4 No. dwellings and associated garages, with application T/2014/0207/F granting permission for a proposed dwelling and attached garage on sites 2 and 3. Both of these permissions included a turning head between sites 2 and 3 which included lands within the current application site, as such, the works associated with the previous approvals T/2011/0059/F and T/2014/0207/F could not be carried out in accordance with the approved plans if the current application is approved. Subsequently, an associated application LA03/2019/0276/F was submitted to the Council for an amended access driveway to the previously approved dwellings which was subsequently granted planning permission.

Concerns were raised by objectors relating to road safety and the lack of a footpath extending down to the site. DfI Roads was consulted on the application and raised no objections to the proposed site subject to conditions. If planning permission was to be forthcoming it is thought necessary for a condition to be imposed requiring that no development works shall commence on site until the works approved under LA03/2019/0276/F have been completed on site, in order to provide a lawful access to the site and the previously approved dwellings.

Other Matters

Letters of objection raised concerns with the level of vegetation on site, compared to the amount of vegetation in the existing area and the removal of vegetation to accommodate the proposed dwelling. A number of trees and interspersed vegetation exists on the site along the southern and western boundaries and were conditioned to be retained under the previous approval T/2011/0059/F. Some vegetation currently still exists along this boundary and the concept plan annotates that the vegetation along this boundary will be retained under the current application. Additionally, a number of mature trees exist to the rear of the application site, a condition requiring the retention of these trees should also be imposed on any permission. The roadside and eastern boundaries are currently undefined and a condition requiring a landscape plan to be submitted as part of any reserved matters could be conditioned should planning permission be forthcoming. It is not considered that the level of vegetation on the site would be grounds for refusal within the settlement limit of Templepatrick.

CONCLUSION

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

- The principle of the development within the development limits is acceptable;
- The density is reflective of the established pattern of development in the area;
- The proposal will not provide a quality residential environment;
- The proposal will be adversely overlooked from existing dwellings;
- No objections have been raised from DfI Roads in relation to the proposed access arrangements.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASON OF REFUSAL	
<p>1. The proposal is contrary to the 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:</p> <ul style="list-style-type: none"> (a) would result in a pattern of development that would not respect the layout of the existing residential dwellings; (b) would not result in a quality residential environment given the poor outlook for the existing residential dwellings; (c) would be impacted through overlooking from existing dwellings. 	



Location Map

Application Reference: LA03/2018/1059/O

Between 20A & 26 Kilmakee Road
Templepatrick BT39 0EP

Site of Dwelling & Garage



Site Boundary

0 40 80
Metres



For Information Only



COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2018/1138/F
DEA	AIRPORT
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed rounding off to Glenoak Grange Meadows to include 1 detached dwelling and a pair of attached dwellings.
SITE/LOCATION	Lands to the east of Glenoak Grange Meadows, Crumlin
APPLICANT	Aqua Developments
AGENT	Raymond J Mairs Chartered Architects
LAST SITE VISIT	26 th July 2019
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on the edge of the development limits of Crumlin as outlined within the Antrim Area Plan 1984 – 2001 (AAP).</p> <p>The application site is located directly to the east of Glenoak Grange Meadows and is currently agricultural land. The topography of the site falls gently from the north of the site to the south of the site. The boundaries of the site are undefined to the east and south of the site whilst the western and northern boundaries are defined by a 1.8 metre close boarded timber fence. Access to the site is achieved via Nutt's Corner Road through the existing Glenoak Grange Close and Glenoak Grande Meadows development.</p> <p>The application site forms part of the wider Glenoak Grange Close and Glenoak Grange Meadows development which provides a range of house types and styles.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2014/0215/F Location: Lands South Of Glenoak Grange Close Nutts Corner Road Crumlin Proposal: Proposed 2 no attached dwellings and garages together with associated amenity space and planting. Decision: Permission Granted (30.11.2010)</p> <p>Planning Reference: T/2009/0638/F Location: Lands south of Glenoak Grange Close, Nutts Corner Road, Crumlin Proposal: Proposed 3 no dwellings with integral garages together with associated amenity planting. Decision: Permission Granted (30.11.2010)</p>	

Planning Reference: T/2001/0537/RM
Location: Glen Oak Grange, Nutts Corner, Crumlin
Proposal: Extension to existing Housing Development
Decision: Appeal Upheld (10.05.2002)

Planning Reference: T/1999/0386
Location: Glen Oak Grange, Crumlin
Proposal: Site of residential development.
Decision: Permission Granted (04.07.2000)

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

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

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

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas: sets out planning policy and guidance on the protection of local character, environmental quality and residential amenity within established residential areas,

villages and smaller settlements. It also sets out policy on the conversion of existing buildings to flats or apartments and contains policy to promote greater use of permeable paving within new residential developments.

CONSULTATION

Council Environmental Health Section – No objections

Northern Ireland Water – Response Outstanding

Department for Infrastructure Roads- No objections

Northern Ireland Environment Agency: Natural Environment Division – No objections

REPRESENTATION

Ten (10) neighbouring properties were notified and ten (10) letters of objection have been received from six (6) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Road safety (lack of visibility within development, narrow roads within development, increase in traffic generated with proposal and Glenoak Grange Meadows, safety of children playing, vehicular traffic exceeding speed limit).
- Pedestrian safety - no footpath provision within development, development exceeds the number of dwellings acceptable within a shared surface development.
- Impact on the character of the area in relation to house types and finishes.
- Loss of view.
- Impact of construction works and heavy goods vehicles on the lane.
- Advised previously that no plans to further develop the area.
- Impact on amenity of neighbours – separation distance, overlooking, overshadowing.
- On-street parking.
- Impact on bats.
- Will restrict emergency access on the airport flight path.
- Rounding off of development and reduction in dwelling numbers assessed under previous approvals.
- Inaccurate plans.
- Impact on adjacent lands.
- Legal recourse, no right of appeal.

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

Policy Context and Principle of Development

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

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to determination of the proposal. The application site is located within the settlement limit of Crumlin on unzoned white lands. A letter of objection raised a concern that part of the application site falls outside the settlement of Crumlin as shown on a digitised version of the Crumlin settlement map. Confirmation from DfI Planning was sought in relation to this and they confirmed that in any case where there are anomalies between the digitised version of a plan and the hard copy of the plan that the provisions of the hard copy will prevail. In this instance the proposed site in its entirety falls within the settlement limit of Crumlin as indicated within the AAP.

Paragraph 5.10 of AAP states that the approach of the planning authority will be to encourage orderly growth in the residential sectors of each settlement and that particular attention will be given to environmental considerations concerning the size, siting and layout of proposed residential developments. 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: Access Movement and Parking;
- PPS 8: Open Space, Sport and Outdoor Recreation; and
- PPS 15: Planning and Flood Risk.

Within this policy context, it is considered the principle of housing development on the site would be acceptable subject to the development complying with all other policy and environmental considerations as detailed below.

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 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. Policy QD1 goes on to state that all proposals for residential development will be expected to conform to nine criteria. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development in terms of its contribution to the amenity of the local neighbourhood and the wider streetscape. 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 is for the erection of three residential dwellings, that being, one detached dwelling and two semidetached dwellings. The proposed dwellings lie directly to the south of 5 Glenoak Grange Close with a frontage onto Glenoak Grange Meadows. The dwellings all have individual access points and an area of private amenity space to the rear of the individual dwellings. The detached dwelling is located towards the southern most section of the site. The proposed detached dwelling is a two storey dwelling with a ridge height of 8 metres from finished ground level. It has a hipped roof and two chimneys with two dormer windows coming off the wall plate to the front elevation and one dormer window on the rear elevation. A simple storm porch is proposed to the front elevation. The semi-detached dwellings are of a similar style to that of the detached property although they have two car ports.

The topography of the site falls gradually from the north to the south with the properties at Glenoak Grange sitting at a higher level of 1.2 metres than the proposed dwellings whilst the proposed dwellings sitting at slightly higher level of 0.5m than the level than Glenoak Grange Meadows. The arrangement and layout of the proposal includes three access points to serve the individual properties with an area of hardstanding to the front of the properties. The proposed boundaries are defined to the north by the retention of a close boarded timber fence inset with landscaping, whilst the eastern (rear) boundary is defined by a mix of native hedgerow and landscaping and the southern boundary is to be defined by a 1.8 metre close boarded timber fence. The proposed boundaries are considered to be acceptable with the exception of a section of the southern boundary which is a close boarded timber fence protruding along the gable wall of the proposed dwelling. There are concerns regarding the impact on the visual amenity of the area with the inclusion of a close boarded timber fence along this boundary. However, timber fencing along a section of this boundary was previously approved as part of the previous approval T/2014/0215/F, for these reasons the proposed boundary treatment is considered acceptable.

Criterion (c) of Policy QD1 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 properties with three or more bedrooms require an average of 70sqm. In this case each of the proposed dwellings 70sqm+ of private amenity space. It is considered that adequate provision has been made for private rear garden space within the individual dwellings.

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

Impact on Character and Appearance of Area

As outlined above Policy QD1 of PPS 7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, and proportions and massing. In addition, the Addendum to PPS 7 'Safeguarding the Character of Established Residential Areas' is applicable as the site is located within an established residential area and does not fall within any of the exceptions. Policy LC 1 of the Addendum requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area and that the proposed density should not be significantly higher than that found in the established residential area.

The character of the existing residential area comprises mainly detached properties with one set of semi-detached properties set in a range of medium to large plot sizes. The dwellings are all orientated to front onto the internal road network with an area for private amenity located to the rear of the dwellings. The existing pattern of development exhibits that of a spacious suburban development.

The plot sizes and layout are similar to that found within the wider residential development of Glenoak Grange and Glenoak Grange Meadows. The density of the proposed development will not be significantly higher than that found within the wider residential area. Additionally, when taking into consideration the existing layouts and scale, the plot sizes and spacing between buildings, it is considered that the proposal respects the surrounding context and will not negatively impact the streetscape. Concerns were raised by one of the objectors that the design of the dwellings within Glenoak Grange Meadows would have a negative impact on Glenoak Grange Close. The design of the proposed dwellings have similar design features to the dwellings within Glenoak Grange Close whilst the finishes of the proposed dwellings match the dwellings within Glenoak Grange Meadows.

Overall the proposal is considered to be an appropriate form of development which respects the character and environmental quality of the established residential area.

Neighbour Amenity

Criterion (h) of Policy QD 1 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 on both existing and proposed properties.

In this case the layout shows three dwellings located to the south of 5 Glenoak Grange Close and to the northeast of 1 Glenoak Grange Meadows. The dwellings are orientated to face into the development which results in 5 Glenoak Grange

Close and the dwelling on site 1 having a rear to gable relationship. A number of objections raised concerns in relation to the impact of the proposed dwelling on the amenity of Nos. 5, 6 and 7 Glenoak Grange Close due to the limited separation distance, the potential for overlooking and overshadowing with particular emphasis on the impact on No. 5 Glenoak Grange Meadows. The existing dwelling at No. 5 Glenoak Grange Close lies closest to the proposed development of site 1, which has a separation distance between the rear wall of No.5 Glenoak Grange Close and the gable wall of the proposed dwelling of between 9.4 and 10 metres.

As outlined above, letters of objection raised concerns in relation to the separation distance and that a separation distance of 20 metres has not been provided. Planning guidance 'Creating Places' advises that on green-field sites and in low density developments good practice indicates that a separation distance of around 20 metres or greater between the opposing first floor windows of new houses is generally acceptable. The guidance within 'Creating Places' refers to dwellings which have a back-to-back relationship, as outlined above the relationship between 5 Glenoak Grange Close and the proposed dwelling is a rear to gable relationship. In relation to overlooking from the proposed dwelling, no windows are proposed on the gable elevation on site one therefore there is no potential for overlooking. In relation to overshadowing, the proposed dwelling on site 1 sits at a lower level of 1.2 metres from 5 Glenoak Grange Close and it is considered that given the lower level and the separation distance that the proposal will not create any significant levels of overshadowing.

Concerns were also raised regarding the impact of the properties on 1 Glenoak Grange Meadows located to the southwest of the detached property on site 3 in relation to loss of privacy, overlooking and the difference in levels. The orientation of the dwelling on site 3 sits at an angle into the development and results in a gable-to-gable relationship with 1 Glenoak Grange Meadows with a separation distance of 16 metres. The finished floor level of the proposed dwelling on site 3 sits approximately 0.55 metres above the existing ground level adjacent to 1 Glenoak Grange Meadows. The proposed dwelling on site 3 has one ground floor gable window on the southwestern elevation. It is accepted that the proposed dwelling on site 3 sits on a higher level than 1 Glenoak Grange Meadows, however, given the relationship between the dwellings, the separation levels and the proposed fenestration it is considered that the proposal will not create an unacceptable significant impact on the privacy of the adjacent property at 1 Glenoak Grange Meadows.

For these reasons it is considered that the proposal meets criterion (h) of policy QD 1 in that the design and layout will not create conflict with neighbouring properties both existing and approved and will not give rise to any significant impacts in relation to overlooking or overshadowing.

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 taken from a single access point on the Nutt's Corner Road. A large number of concerns were raised in relation to road safety within the estate with particular reference to the lack of provision of a pedestrian footpath and the large numbers of pedestrians including children which use the existing estate road.

One letter of objection makes reference to the number of dwellings within a shared surface development has exceeded the threshold of 25 dwellings. Paragraph 19.03 of planning guidance 'Creating Places' advises that the carriageway of a shared surface development should serve no more than 25 dwellings. In this instance the proposal will result in 29 dwellings being served off the internal shared surface, however, in this instance given the limited level of land remaining within the settlement limit of Crumlin, the proposal results in a natural rounding off of the development. The increase of 3 dwellings utilising the shared surface is considered acceptable. DfI Roads was consulted on the proposal and the objection letters relating to road safety concerns and raised no objections subject to conditions.

Other concerns raised within objection letters relating to the safety of children playing within the development and the speed of road users within the development exceeding 5 mph cannot be addressed through the planning process.

Other Matters

Northern Ireland Water (NIW) has not responded to the consultation response issued in relation to this application. A letter of objection raises concerns about the impact of water and sewage. The applicant has advised that the development is to be served by mains for both water and sewage. As a consultation response from NI Water has not been forthcoming, it is advised that the developer consults directly with NIW in order to determine how the proposed development can be served. One of the concerns from an objector relates to the possibility of bats within the immediate area. DAERA's Natural Environment Section (NED) was consulted on the proposal and advised that the site did not provide any bat roost potential and as such they raised no objections to the proposal.

Another point of objection relates to the loss of a view from a nearby residential property. The neighbours view is not restricted by the proposed development, instead it is a change of view from that which exists at present and it is not considered that the change of view is detrimental to the outlook of the existing dwelling. Another concern relates to the loss of access to the flight path of planes utilising BIA airport in an emergency situation. It is considered that Belfast International Airport and the Emergency Services will have their own protocols and procedures in place for emergency situations.

Other concerns raised by objectors relates to the impact of construction works with health and safety concerns and the use of heavy goods vehicles. It is considered that construction works will be for a time limited period and will not result in long term negative impacts on the adjacent properties. Concerns were raised in relation to the accuracy of the plans and the existing layout, following a site inspection from the case officer it appears that the existing plans as shown on the site layout represent the current existing arrangement within the development.

Other concerns raised in relation to assurances from the developer regarding no more works being proposed within the development is not something that can be commented on by the Planning Section. Objections received on previous applications within the development do not form part of the current assessment. the statutory publicity requirements of neighbour notification and advertisement has been carried out and the opportunity for representations to be made on the current proposal has been provided. Additionally the assessment and discussions in relation

to previous approvals decided by DOE Planning cannot be commented upon. The current application has been assessed on its own merits taking into consideration all relevant material considerations. Another objection point related to the lack of a right to appeal for neighbouring residents. There is currently no remit within Northern Ireland for third party appeals on planning decisions at present.

CONCLUSION

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

- The principle of the development has been established.
- The design, layout and appearance of the development is considered acceptable.
- The development will be in keeping with the character and appearance of the surrounding area.
- There will be no significant detrimental harm to the adjacent properties.
- DfI Roads has offered no objections to 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 Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing number 03/1 bearing the date stamp 30th July 2019.

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

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. The hard and soft landscape works shall be carried out in accordance with the approved details on Drawing No 04 bearing the date stamp 20th December 2018 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwellings and shall be retained and allowed to grow on unless necessary to prevent danger to the public, in which case a full explanation shall be given to the Council in writing.

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

5. 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.



Site Location Map

Application Reference: LA03/2018/1138/F

Proposed rounding off to Glenoak Grange Meadows to include 1 detached dwelling and a pair of attached dwelling at Lands to the east of Glenoak Grange Meadows, Crumlin



COMMITTEE ITEM	3.11
APPLICATION NO	LA03/2019/0447/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for 1 dwelling house
SITE/LOCATION	60m SW of 2 Grovelea, Ballyhill lane, Nutts Corner, Crumlin
APPLICANT	D. W. McFarland
AGENT	N/A
LAST SITE VISIT	28 th August 2019
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the countryside as defined in the Antrim Area Plan.</p> <p>The application site is accessed via an existing laneway 'Grovelea', Ballyhill Lane, Nutts Corner. The access laneway currently serves five (5) existing dwellings with a sixth dwelling approved adjacent to the application site (Planning application reference LA03/2019/0035/RM). The southeastern boundary of the application site abuts the laneway and is defined by timber fencing of approximately one (1) metre in height. The northeastern and southwestern boundaries of the site are currently undefined as it forms part of a larger field. The northwestern or rear boundary of the site is defined by existing hedging with tall, mature trees interspersed. The land falls from the northeast to the southwest.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2018/0799/O Location: Adjacent to the north east boundary of 3 Grovelea, Ballyhill Lane, Nutts Corner, Crumlin, BT29 Proposal: Proposed site for 1 dwelling house Decision: Permission Granted (14.12.2018)</p> <p>Planning Reference: LA03/2019/0035/RM Location: Adjacent to the north east boundary of 3 Grovelea, Ballyhill Lane, Nutts Corner Proposal: 1 no dwelling Decision: Permission Granted (10.05.2019)</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p>	

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection

Department for Communities Historic Environment Division – No objection

Belfast International Airport – No objection

REPRESENTATION

Seven (7) neighbouring properties were notified and five (5) 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).

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

- Impact from increased traffic on the laneway.
- Insufficient space for vehicles to pass on the laneway.
- Laneway should be adopted by DfI Roads.
- Proposal would be out of character in this countryside location.
- Drawings not to scale.
- Does not meet the infill policy as the gap is more than double the average frontage for the existing 3 plots in this ribbon.
- Additional lands owned by the applicant not outlined in blue.
- The slope in land levels on the application site would mean the profile and front elevation would not be in keeping with the profile of the other houses when viewed from the road frontage.
- House type approved under LA03/2019/0035/RM indicates dormer windows not characteristic of this rural area
- Viewed from main reception rooms of No. 3 will be of the rear of the garages for the 2 dwellings in this gap site.
- Build up of development.
- Approval would create a precedent
- The report for LA03/2018/0799/O practically gave an in-principle approval to this site before the application was made.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Preliminary Matters

Objectors raised concerns that the initial drawings submitted were; not to scale, did not provide enough detail and that there were additional lands owned by the applicant not outlined in blue. Amended plans were submitted providing more detail and the additional lands the applicant owns are now identified. Objectors were notified of the amended plans.

Policy Context and Principle of Development

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

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

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

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

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

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

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

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

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

It is considered that Nos. 1, 2 and 3 Grovelea constitute a substantial and built up frontage which includes three buildings along the road frontage, with a gap in that frontage existing between Nos. 2 and 3.

The next policy requirement is that the gap site be "small". In accordance with Paragraph 5.34 of the justification and amplification to the Policy, it is the gap between buildings rather than the appeal site that should be considered. In addition, the gap site must be sufficient only to accommodate up to a maximum of two dwellings. It must also be able to do so in a manner that respects the existing development pattern and meets other planning and environmental requirements.

While a previous application for outline permission was approved on an adjacent plot and Policy CTY 8 of PPS 21 would have allowed for a second dwelling in the remaining gap, the applicant has submitted a reserved matters application which reduced the frontage and curtilage of the approved dwelling. Whilst this reserved matters application has been granted the dwelling has not yet been constructed however, a detailed analysis of the planning history is required in order to consider this current proposal.

The original gap between Nos. 2 and 3 Grovelea measures 114 metres. An application was submitted (Planning Reference LA03/2018/0799/O) and granted for one dwelling within this gap under Policy CTY 8 of PPS 21. The site block plan stamped granted indicated a plot frontage for the site of approximately thirty four (34) metres with the dwelling indicated positioned in the middle of this application site. The approval of that outline application left a further gap to the north east of 59 metres between the approved dwelling and the existing dwelling at No. 2 Grovelea. The granted block plan approved for the outline application (LA03/2018/0799/O, Drawing No. 02) indicated a further dwelling with similar spacing and a frontage of 32 metres within this gap with 'opportunity site' indicated on this drawing. The case officer report for the outline application also made reference to the fact that the approval of the outline planning application for one dwelling would leave a gap, which would be able to accommodate a further dwelling while still respecting the plot sizes of the existing development. Objections were received to the current application that a note on a previous grant of planning permission (LA03/2018/0799/O) referred to 'opportunity site' and this gave an 'in principle' approval prior to the submission of the current application. However, Policy CTY 8 allows for such circumstances where a gap can accommodate only two dwellings while respecting the development pattern and in addition it does not stop the need for a planning application to be submitted, hence the submission of this current planning application.

Subsequent to the approval of the outline application (LA03/2018/0799/O) a Reserved Matters application was submitted (LA03/2019/0035/RM) changing the circumstances of the approval. The Reserved Matters application indicated a reduced curtilage and frontage of the application site, from the originally approved outline application of 34 metres, to 21 metres. It is worth noting that planning permission is not required to reduce the curtilage of a dwelling. However, in doing so, the applicant amended the average plot width / frontage of the approved dwelling and therefore changed the number of dwellings that could fit within the existing gap between No. 2 and No. 3 Grovelea from two dwellings to three dwellings.

Policy CTY 8 states that development of a small gap site will only be permitted where the site can accommodate up to a maximum of two houses while respecting the existing development pattern along the frontage in terms of size, scale, siting and plot size. Building on Tradition provides guidance to be read alongside Policy CTY 8 and states that 'a gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing development'. Prior to the approval of the Reserved Matters application, the median average frontage of the existing dwellings at Nos. 1, 2 and 3 Grovelea was 40.5 metres and the gap of 115 metres was sufficient only to accommodate a maximum of two dwellings while equating to the average plot width. Since the approval of the Reserved Matters application, this reduces the median average plot width to 30.5

metres and therefore the gap of 115 metres could comfortably accommodate more than two dwellings. In this case, the existing gap can accommodate more than two dwellings and therefore the proposal is contrary to Policy CTY 8.

There is no evidence that the proposal falls into any of the other types of development listed as acceptable in principle in the countryside under Policy CTY 1 of PPS 21. Furthermore, no evidence has been submitted to demonstrate that the proposal is essential at this location, therefore the proposal is not supported by Policy CTY 1.

Integration and Impact on Character and Appearance of the Area

Letters of objection were received stating that the proposal is out of character in this countryside location.

Policy CTY14 of PPS 21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Criterion 'd' of the policy indicates that a new building will be unacceptable where it creates or adds to a ribbon of development.

The words 'visual linkage' that are found in Paragraph 5.33 of the Justification and Amplification text, are used in reference to what can constitute a ribbon of development. Policy points out that a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked. Notwithstanding vegetation, the dwelling proposed would be visually linked with the existing dwellings and would share a common frontage with them.

The proposal will result in the infilling of a gap which is not considered to be a small gap and which therefore would be detrimental to the rural character of the area due to the cumulative effect with the existing and approved buildings. This will therefore result in the creation of a linear form of ribbon development along the laneway. The proposal is therefore contrary to criterion 'd' of Policy CTY 8.

The application site and the existing gap between Nos. 2 and 3 Grovelea provides a visual break in the developed appearance of the locality and is significant in ensuring that the rural character of the area is not further eroded. If approved the infilling of this gap will be detrimental to the rural character of the area due to the cumulative effect of the development when considered in the context of the existing buildings. If approved the dwelling would result in a linear line of development which would be considered a suburban style build-up of development in the area and contrary to criterion 'b' of Policy CTY 14. The critical views of the development can be taken between Nos. 2 and 3 Grovelea.

Policy CTY 13 of PPS21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding rural landscape and is of an appropriate design. The southwestern and northeastern boundaries of the site are currently undefined however, the rear/northwestern boundary of the site is defined with mature vegetation. Given the significant backdrop provided by the mature vegetation on site it is considered that an

appropriately designed dwelling would integrate into the surrounding rural landscape.

Some letters of objection stated that the slope in land levels on the application site would mean the profile and front elevation would not be in keeping with the profile of the other houses when viewed from the road frontage. However, No. 2 Grovelea sits on a higher level than the application site and the land drops down towards No. 3 Grovelea. It is considered that a dwelling could be designed with an acceptable front elevation and profile.

Comments were also raised through letters of objection regarding the design of the approved dwelling LA03/2019/0035/RM, however, this dwelling has been granted planning permission and is not subject to this current planning application.

As the application is for outline planning permission no specific details of house types or design have been submitted and as such no comment can be provided in respect of the acceptability of design.

Neighbour Amenity

Although this application seeks outline permission and there are limited details with regards to the design of the dwelling, it is considered that a dwelling could be designed to ensure there is no detrimental impact to neighbouring properties.

Concerns were raised by the occupants of No. 3 Grovelea that the view from main reception rooms will be of the rear of the garages for the 2 dwellings in this gap site. However, it is considered that due to the positioning of the application site, which is further away than the previous approval, the separation distance is adequate to ensure the proposal will not result in an unacceptable impact on this neighbouring property.

Access, Movement and Parking

An objection was received to the proposal on the basis of the impact from increased traffic along the laneway. It was pointed out in the letters of objection that there is insufficient space for vehicles to pass on the laneway and given the number of dwellings on this laneway that it should be adopted by DfL Roads. It was also noted that this application may create a precedent in this regard. DfL Roads were notified of the objection and raised no concerns with the proposal. It is considered that access to the dwelling is acceptable and it is not part of the proposal to seek the adoption of the existing laneway which would have to be brought up to an adoptable standard.

Other Matters

The proposal is located within close proximity to an archaeological monument. HED Historic Monuments has been consulted and has raised no objection to the proposal. It is considered the proposal complies with SPPS and PPS 6 archaeological policy requirements.

CONCLUSION

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

- The principle of the proposed development is not acceptable in the rural area and the proposal fails to comply with the requirements of policy.

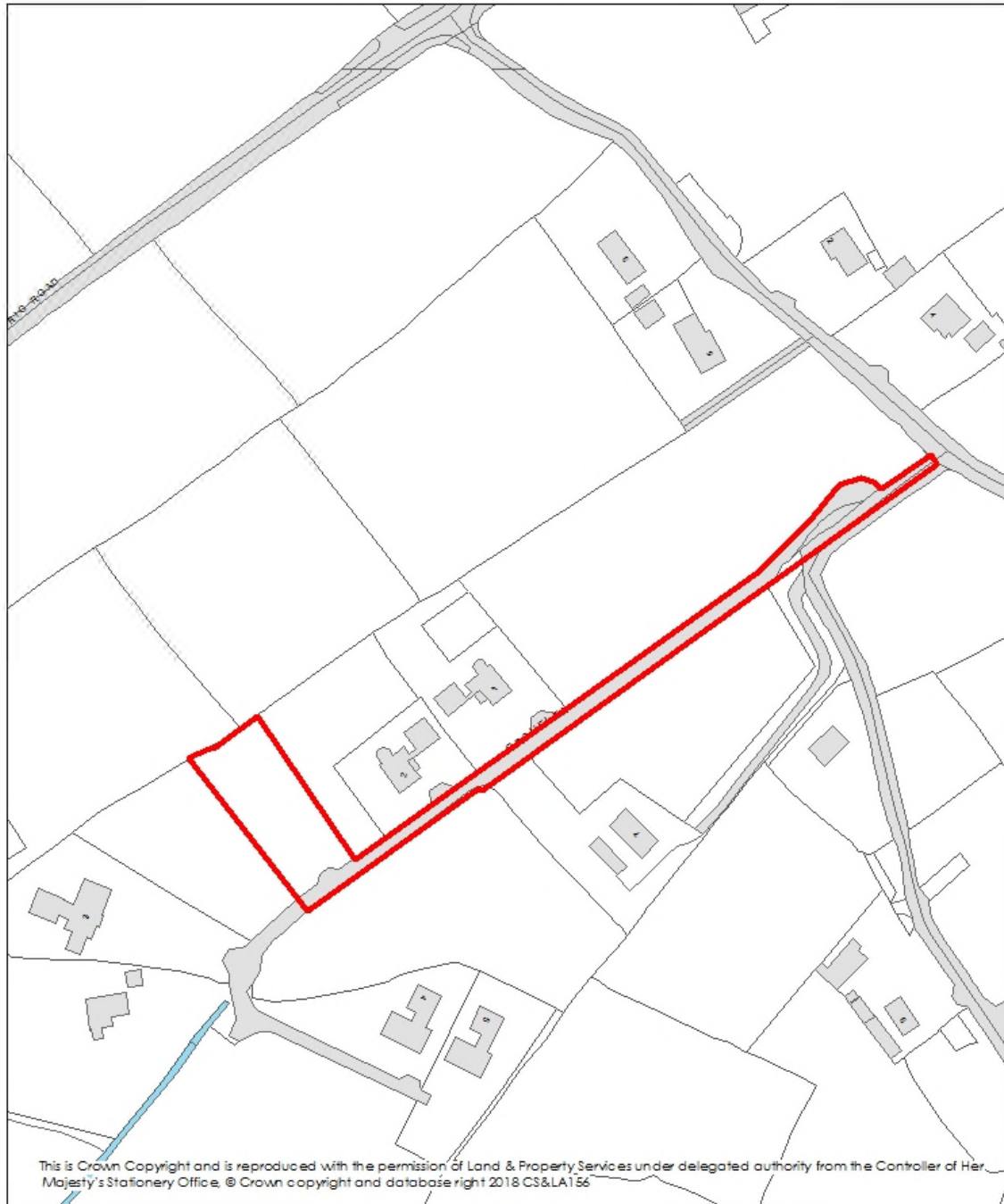
- The proposed dwellings on the site would result in a suburban style build-up of development when viewed with existing buildings resulting in a detrimental change to the rural character of the countryside.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that it;
 - (a) fails to meet with the provisions for an infill dwelling as the application site does not comprise a small gap within a substantial and continuously built up frontage; and
 - (b) would result in the loss of an important visual break in the developed appearance of the locality.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the buildings would, if permitted, create a ribbon of development resulting in a suburban style of build up, thereby resulting in a detrimental change to and further eroding the rural character of the area.



Location Map

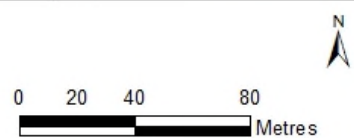
Application Reference: LA03/2019/0447/O

Site for 1 dwelling house

60m SW of 2 Grovelea, Ballyhill lane, Nutts Corner, Crumlin

 Site Boundary

For Information Only



COMMITTEE ITEM	3.12
APPLICATION NO	LA03/2019/0552/F
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed Ground Floor Granny Flat
SITE/LOCATION	19 Dairyland Road, Ballyclare
APPLICANT	Mr and Mrs Ken Snoddy
AGENT	Architectural Design Services
LAST SITE VISIT	09.07.2019
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at No. 19 Dairyland Road, Ballyclare which is within the rural area and outside any designated settlement limits as defined by the draft Newtownabbey Area Plan and the draft Belfast Metropolitan Area Plan 2004 and 2014.</p> <p>The application site comprises a split level dwelling that is externally finished in a mix of white dashed render and brick, black PVC windows and black roof tiles. The topography of the site slopes upwards from the northwest to the southeast.</p> <p>The northwestern boundary that abuts the Dairyland Road is defined by hedging approximately 3 metres in height. The remaining boundaries are defined by a 1 metre high wooden fence.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (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.</p>	

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

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.

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

No consultations were carried out on this application.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context
- 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.

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

in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

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

Both of the relevant development plans identify the application site as being within the countryside outside of any defined 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.

Scale, Massing, Design and Appearance

The proposal is for an extension to the existing dwelling to provide additional living accommodation in the form of ancillary accommodation. The proposed extension is to be located to the east of the dwelling and will measure 11.5 metres by 12 metres. The existing dwelling's roof is finished in a mono-pitched design which will mirror the existing design. The height will be 2.8 metres at its lowest point and 6.3 metres at its highest point.

The external materials of the proposed extension will be a mix of dashed render and brick, black PVC and black roof tiles to match the existing dwelling which is considered acceptable.

The resultant building will measure approximately 28 metres in length across the front elevation which would be considered to be a very long linear building in the countryside. There is no precedent or context for such a building within the immediate area and it is considered that the extended linear form of the building would be detrimental to the rural character. It is accepted that the design of the existing building would be a non-traditional rural design typical of dwellings built around the late 1970's, however, it is considered that an enlarged version of the existing dwelling would further exacerbate the impact of the dwelling on the rural character.

The Policy indicates that there may be occasions when people wish to provide ancillary accommodation to provide additional living space for elderly relatives. It has been confirmed by the applicant that the proposal is to accommodate an elderly couple who will reside with their immediate family who occupy the host dwelling.

Paragraph 2.9 of Addendum to PPS7 states that to be ancillary, the accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. Such additional accommodation should normally be attached to the existing property and be internally accessible from it, although a separate doorway access will also be acceptable. Drawing 03, date stamped 26th June 2019 indicates that the proposal will be connected to the main dwelling through an internal hallway and will also have a rear access door.

Paragraph A49 of the Addendum to PPS 7, goes on to state that an extension to a residential property to provide an ancillary use, such as additional living accommodation for elderly relatives, should be designed to demonstrate dependency on the existing residential property. Proposals of this nature should be designed in such a manner as to easily enable the extension to be later used as an *integral part* of the main residential property. Ancillary uses should provide limited accommodation and have shared facilities, for example kitchens and be physically linked internally to the host property. Ancillary uses that could practically and viably operate on their own will not be acceptable.

In all cases the Council will need to be satisfied that the proposed accommodation will remain ancillary to the main residential property. In this case, the proposed ancillary accommodation will host two (2) bedrooms, one (1) kitchen, one (1) living area, a shower/bathroom, utility, hot press, storage area and separate WC – all of which is accessed via an internal hallway. It is considered that the proposed ancillary accommodation could possibly function as an independent unit with no reliance on the host dwelling other than being internally accessible from it.

Justification was sought from the agent as to why they felt that the proposal would remain ancillary to the host dwelling and would not function independently. A case was submitted to the case officer on the 22nd July 2019 via email (see case file) in which the agent states the proposal will share sewers, electricity, heating, water and telephone with the host dwelling and is internally accessible from it.

The agent went on to state the current family home has internal steps which would not be viable for an elderly couple to use. Drawing 02, date stamped 26th June 2019 clearly indicates internal steps that lead from the main hallway to the living area and balcony only. It is assumed that the remainder of the main dwelling is at the one level, which includes the existing kitchen and dining area. There is no evidence to substantiate the case that the proposed extension is essential in its current form and that the personal circumstances would outweigh the design objections to the scheme.

Furthermore, the agent indicates that the proposed (2) bedrooms have been sized to allow for hospital beds and hoists/wheelchairs if they are required in the future. Each bedroom measures 18sqm in size, which falls under templates 2G (17.63sqm) or 3F (17.10sqm) within the Design Space Standard Matrix which is to provide 1 standard bed and 1 hospital bed, or 2 standard beds. Therefore the proposed ancillary accommodation could easily accommodate 4 people.

The agent was contacted on numerous occasions requesting that the proposal be reduced in order to reduce the visual impact of the proposal, to provide evidence to substantiate the claims regarding the specific needs of the occupants and ensure the proposal could not function as an independent unit. These requests have not been responded to.

It is considered the proposed ancillary accommodation would not be ancillary to the main dwelling as the extension could viably and functionally operate as an independent unit and the overall visual impact of the proposal would be significant given the very long linear design of the resultant dwelling.

Neighbour Amenity

It is considered that the proposal will not unduly affect the privacy or amenity of neighbouring residents because the closest neighbouring dwelling is No. 21 Dairyland Road. No. 21 is located at a higher level than the application site due to the existing topography of the land. In addition there is a separation distance of some 40 metres. It is considered due to these factors, there will be no impact with regards to overlooking, overshadowing or dominance on No. 21 Dairyland Road.

Impact on Trees and Environmental Quality of this Area

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

Amenity Space, Parking and Manoeuvring

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.

CONCLUSION

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

- The proposed ancillary accommodation could act viably and operationally as an independent unit.

- The design of the dwelling would be detrimental to the character of the surrounding rural area.

RECOMMENDATION	REFUSE PLANNING PERMISSION
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PROPOSED REASON OF REFUSAL

- | |
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| <ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy EXT 1 of the addendum to Planning Policy Statement 7; Residential Extensions and Alterations, in that, the proposed ancillary accommodation could viably and operationally function as an independent dwelling unit and the design of the resultant building would detract from the character and appearance of the surrounding area. |
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Location Map


Application Reference: LA03/2019/0552/F

19 Dairyland Road, Straid, Ballyclare, BT39 9QN

Proposed ground floor granny flat

0 20 40 80
Metres



 Site Boundary
For Information Only

