



16 September 2020

Committee Chair: Alderman T Campbell

Committee Vice-Chair: Councillor S Flanagan

Committee Members: Aldermen – F Agnew, P Brett and J Smyth  
Councillors – J Archibald, H Cushinan, R Kinnear, R Lynch,  
M Magill, R Swann and B Webb

Dear Member

#### **MEETING OF THE PLANNING COMMITTEE**

A remote meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 21 September 2020 at 6.00pm.**

All Members are requested to attend the meeting via "Zoom".

To ensure social distancing it is only possible to facilitate 11 Members in the Council Chamber. Priority admission will be given to Committee Members, this does not affect the rights of any Member participating in the meeting.

Yours sincerely

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

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

**PLEASE NOTE: refreshments will not be available.**

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

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

## **AGENDA FOR PLANNING COMMITTEE – SEPTEMBER 2020**

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

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

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

### **PART ONE**

- 3.1 Delegated planning decisions and appeals August 2020
  - 3.2 Proposal of Application Notification
  - 3.3 Publication of the Annual Housing Monitor 2019-20
  - 3.4 LDP – Quarterly Update
  - 3.5 Proposed Section 76 Planning Agreement for Planning Application LA03/2017/0310/F: Lough Neagh Sand Extraction – Consultation by DfI
  - 3.6 Recent Publications by NI Heritage Delivers
  - 3.7 Correspondence on the DAERA Protocol for Ammonia Emitting Projects
  - 3.8 Correspondence from DfI re: Hazardous Substances Consent
  - 3.9 Proposed Review of the Planning Scheme of Delegation
- 4 Any Other Business

### **PART TWO - Decisions on Planning Applications**

- 3.10 Planning Application No: LA03/2019/0411/F  
Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping (Variation of Condition 14 from approval LA03/2015/0601/F regarding visibility splays) at the Old Mill 53 Mill Road Crumlin
- 3.11 Planning Application No: LA03/2019/0361/F  
Residential development comprising 11 no 3 bedroom townhouses with associated car parking and landscaping (change of house types to that approved under application ref LA03/2015/0601/F) at the Old Mill 53 Mill Road Crumlin

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 21 SEPTEMBER 2020**

**PART ONE**

**GENERAL PLANNING MATTERS**

### ITEM 3.1

#### P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during August 2020 under delegated powers is enclosed for Members attention together with information relating to planning appeals.

In addition, Members may wish to note that the list of delegated decisions for July omitted to include a refusal for the application highlighted below that was presented to the March meeting of the Committee. Members had agreed to defer the application to allow for further consultation with DfI Rivers in relation to additional information submitted regarding site levels and flood risk and also provided delegated authority to Officers to issue either a refusal or approval decision dependent on consideration of the additional information submitted on flood risk. DfI Rivers confirmed its view that land filling had occurred at the site without the benefit of planning permission and on this basis Officers issued a refusal of planning permission under the delegated authority provided by the Committee.

<b>APPLICATION NO</b>	<b>LA03/2019/0902/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>PROPOSAL</b>	Infilling of farm land with inert material (topsoil) for land improvement
<b>SITE/LOCATION</b>	Lands 50m north east of No. 8 Station Park Toomebridge
<b>APPLICANT</b>	Mr Eugene McCann

**RECOMMENDATION: that the report be noted.**

Prepared by: John Linden, Head of Planning

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

## ITEM 3.2

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

Prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks' notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). One PAN was registered during July 2020 the details of which are set out below.

<b>PAN Reference:</b>	LA03/2020/0504/PAN
<b>Proposal:</b>	Proposed erection of a training unit associated with the Bridge Association Charity, comprising a mix of uses such as classrooms, workshops, canteen, kitchen, gym, offices and staff room including a new access onto Kilbegs Business Park, Kilbegs Road, Antrim
<b>Location:</b>	Lands adjacent to Kilbegs Industrial Estate and approximately 60m South West of Unit 22 Junction One Antrim
<b>Applicant:</b>	The Bridge Association
<b>Date Received:</b>	5 August 2020
<b>12 week expiry:</b>	28 October 2020

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

As part of its response to coronavirus, the Department for Infrastructure introduced an amendment to subordinate legislation to temporarily remove the requirement for a public event as part of the pre application community consultation (PACC).

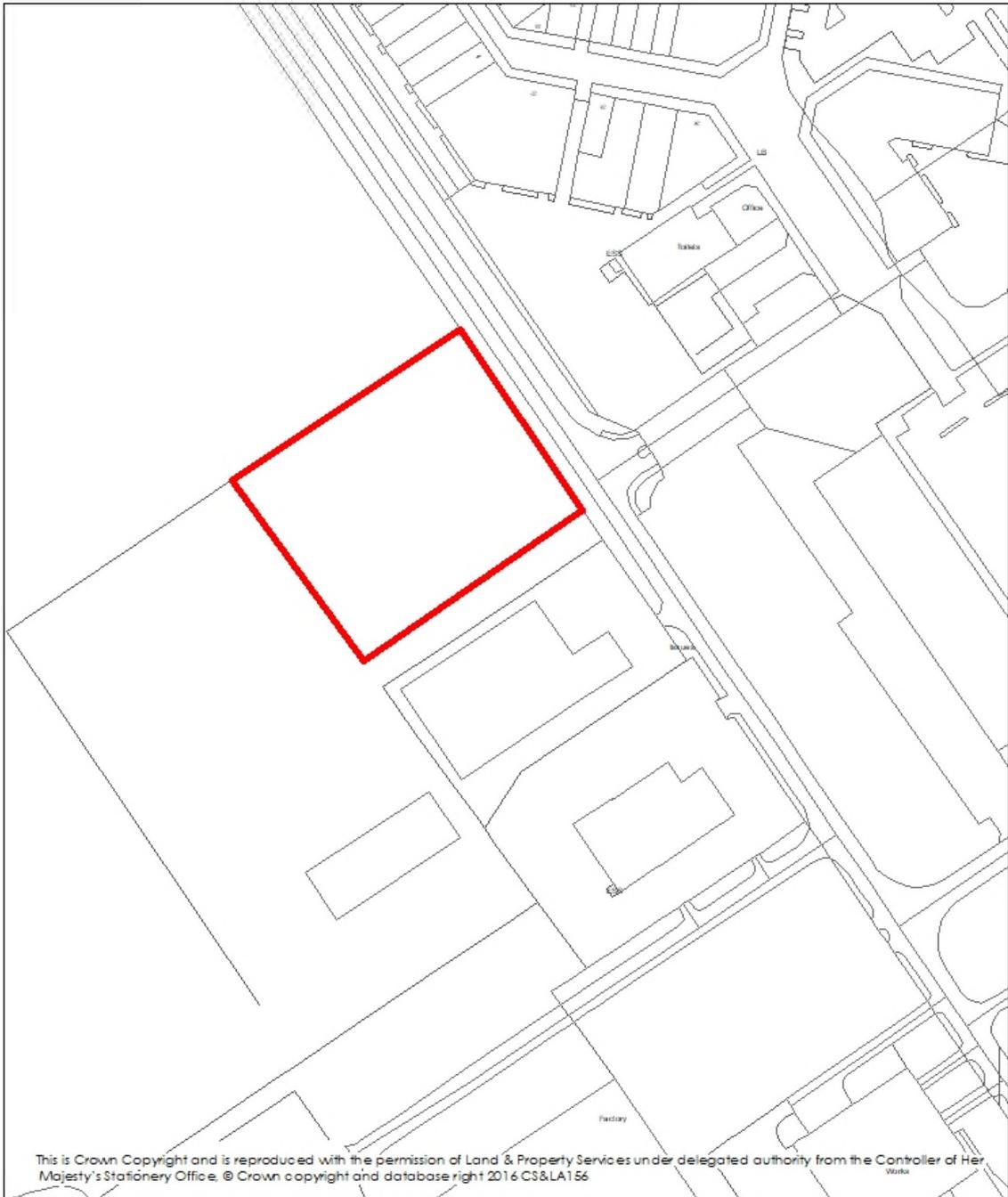
The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 temporarily amend the Planning (Development Management) Regulations (Northern Ireland) 2015 and applies for five months (currently under review with a view to being extended). Applicants will still need to comply with other requirements to ensure communities are aware of and can input to major development proposals for their areas. However, this temporary change allows for major planning applications to continue to be submitted during the COVID-19 outbreak.

Guidance issued by the Department indicates that specific detail should be included in the PAN application indicating what consultation methods the prospective applicant is proposing to ensure that the local community is able to access, and comment on, information about a proposed development, despite the absence of a PACC public event.

**RECOMMENDATION: that the report be noted.**

Prepared by: John Linden, Head of Planning

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



**Location Map**

**Application Reference: LA03/2020/0504/PAN**

**Location: Kilbegs Business Park, Kilbegs Road**

Scale: 1:1500



For Information Only



### **ITEM 3.3**

#### **P/FP/LDP/19 – PUBLICATION OF THE ANNUAL HOUSING MONITOR 2020**

Members will recall that the Annual Housing Monitor for the Borough is undertaken by the Forward Planning Team annually. It assists the Planning Section in understanding the amount of housing land supply that remains available within the 30 settlements of the Borough and is an important resource that helps to inform the Local Development Plan process.

The Housing Monitor takes account of all sites within settlements, where the principle of housing has been established. As a result, it includes details of the number of dwellings approved on unzoned sites (whether through extant or expired permissions), as well as information on the number of dwellings approved or that could be provided on zoned housing land. Information from Building Control commencements and completions is inputted into the survey and used to inform the results of the Monitor.

The results of the 2020 Monitor (copy **enclosed**) which covers the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020, indicate that there is potential for some 11,363 dwelling units and 492 hectares of housing land remaining within the settlements of the Borough. Some 530 dwellings were completed during this period, which maintained the annual housing build rate from 2018-19. Details for the individual sites are set out in a series of maps and associated tables. It is intended that the findings of the 2020 survey will now be made available to the public on the Council's website.

**RECOMMENDATION: that the Annual Housing Monitor 2020 be approved and published on the Council website.**

Prepared by: Sharon Mossman, Principal Planning Officer

Approved by: John Linden, Head of Planning

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

## **ITEM 3.4**

### **P/FP/LDP 1 LOCAL DEVELOPMENT PLAN: QUARTERLY UPDATE JULY TO SEPTEMBER 2020**

The Council's Local Development Plan LDP Timetable advises that progress reports will be submitted on a quarterly basis to the Planning Committee. This report covers the second quarter of the 2020-21 business year (July 2020 to September 2020).

#### **Coronavirus (COVID-19) Pandemic**

During the ongoing COVID-19 period, the Council's Forward Planning team continues to work on the preparation of the Local Development Plan albeit within a more limited capacity.

#### **Preparation for Independent Examination**

In preparation for Independent Examination of the draft Plan Strategy before the Planning Appeals Commission (PAC), Officers are continuing to prepare the following documentation:

1. Collation of electronic and hard copies of LDP documentation (from publication of the Statement of Community Involvement through to publication of the draft Plan Strategy);
2. Draft Plan Strategy Public Consultation Spreadsheet and Main Issues Report: A detailed summary of all the issues identified as a result of representations to the draft Plan Strategy public consultation (including counter representations) has been captured in a spreadsheet. This document on completion will provide a draft response by Officers to all the issues raised. Members are reminded that a total of 122 written representations were made in response to the formal public consultation (undertaken from 26 July to 30 September 2019) on the Council's Local Development Plan draft Plan Strategy. In addition, a summary of the main issues raised is being prepared in a separate Main Issues Report. Following consultation to be programmed with Members during October and subject to formal Council approval, it is now expected that both these documents will be submitted to the Department for Infrastructure (DfI) by the end of December. A report is being prepared for the September Council meeting detailing the key actions to be undertaken to meet the anticipated December deadline;
3. Soundness Report: In compliance with DfI's Development Plan Practice Note 6 'Soundness' (May 2017) Officers, following liaison with the Council's Legal Services team, are finalising work on a comprehensive Soundness Report relating to the draft Plan Strategy; and
4. Position Papers: A number of position papers are being finalised in relation to matters raised in consultation responses relating to the Council's approach to housing in the draft Plan Strategy with a particular focus on the implications of the refreshed Housing Growth Indicators published by the Department for Infrastructure and affordable housing. In addition, a position paper is being prepared to consider the impact of COVID 19 on the Council's evidence base for the economy.

### **Revised LDP Timetable**

Taking account of the Chief Planner's update (No. 6) issued on 1 May 2020, in which the Department for Infrastructure permitted a further 3 months flexibility for LDP Timetables from that previously agreed, the Council agreed a revised timetable for the delivery of its Local Development Plan at its August 2020 meeting (copy enclosed). Officers considered that it was necessary to update the LDP timetable due to the ongoing impact of COVID-19 in relation to staffing and service delivery. Based on this revision and subject to Member engagement and agreement, the anticipated submission date of the draft Plan Strategy to DfI to cause an Independent Examination before the PAC is now December 2020.

In accordance with the provisions of Part 2 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015, consultation on the revised Timetable has now taken place with the PAC which raised no comments, and it was recently submitted to DfI seeking its agreement to the revision.

### **Other Matters**

A draft LDP Annual Housing Monitor 2020 has now been prepared that covers the period 1 April 2019 to 31 March 2020 (Committee Item 3.3 refers).

Whilst the Forward Planning Team continues to engage electronically with statutory agencies during the pandemic regarding Plan matters and cross boundary issues, no formal meetings took place during this quarter.

**RECOMMENDATION: that the report be noted.**

Prepared by: Sharon Mossman, Principal Planning Officer

Approved by: John Linden, Head of Planning

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

### ITEM 3.5

#### **REGIONALLY SIGNIFICANT PLANNING APPLICATION REFERENCE LA03/2017/0310/F: LOUGH NEAGH SAND EXTRACTION – CONSULTATION BY DEPARTMENT FOR INFRASTRUCTURE UNDER SECTION 76 (3) OF THE PLANNING (NI) ACT 2011**

Members will recall that a report was taken to the June Special Council meeting on the following regionally significant planning application submitted in March 2017 (details below) relating to sand extraction at Lough Neagh that is currently being processed by DfI.

**Application Reference:** LA03/2017/0310/F

**Proposal:** Application for the extraction, transportation and working of sand and gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km<sup>2</sup>, in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material.

**Location:** Lough Neagh within the Mid Ulster District Council Antrim and Newtownabbey Borough Council Armagh Banbridge and Craigavon Borough Council and Lisburn and Castlereagh Council Areas

**Applicant:** Lough Neagh Sand Traders Ltd

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

The report in June provided information on the background to this case as well as general information relating to Planning Agreements under Section 76 of the Planning Act (NI) 2011. Members were advised at that time that the Department had issued a consultation to the Council as well as to Mid Ulster District Council, Armagh Banbridge and Craigavon Borough Council and Lisburn and Castlereagh Borough Council, under Section 76(3) of the 2011 Planning Act regarding matters considered necessary for inclusion within a Section 76 Planning Agreement should the Minister determine to grant planning permission in this case.

At the June meeting Members agreed not to provide a corporate view on the proposed contents of the Section 76 Agreement and that individual Members or parties could express their own views directly to DfI on the case if they wished to.

The Department has now written to the Council again attaching a draft copy of the proposed Section 76 Planning Agreement negotiated with the applicant, the Lough Neagh Sand Traders (copies of letters and draft Section 76 Agreement **enclosed**) and asking for any comments the Council may wish to make.

Once again the Department has stressed that this consultation is on a 'without prejudice' basis and that no decision has been reached on the proposal. A Section

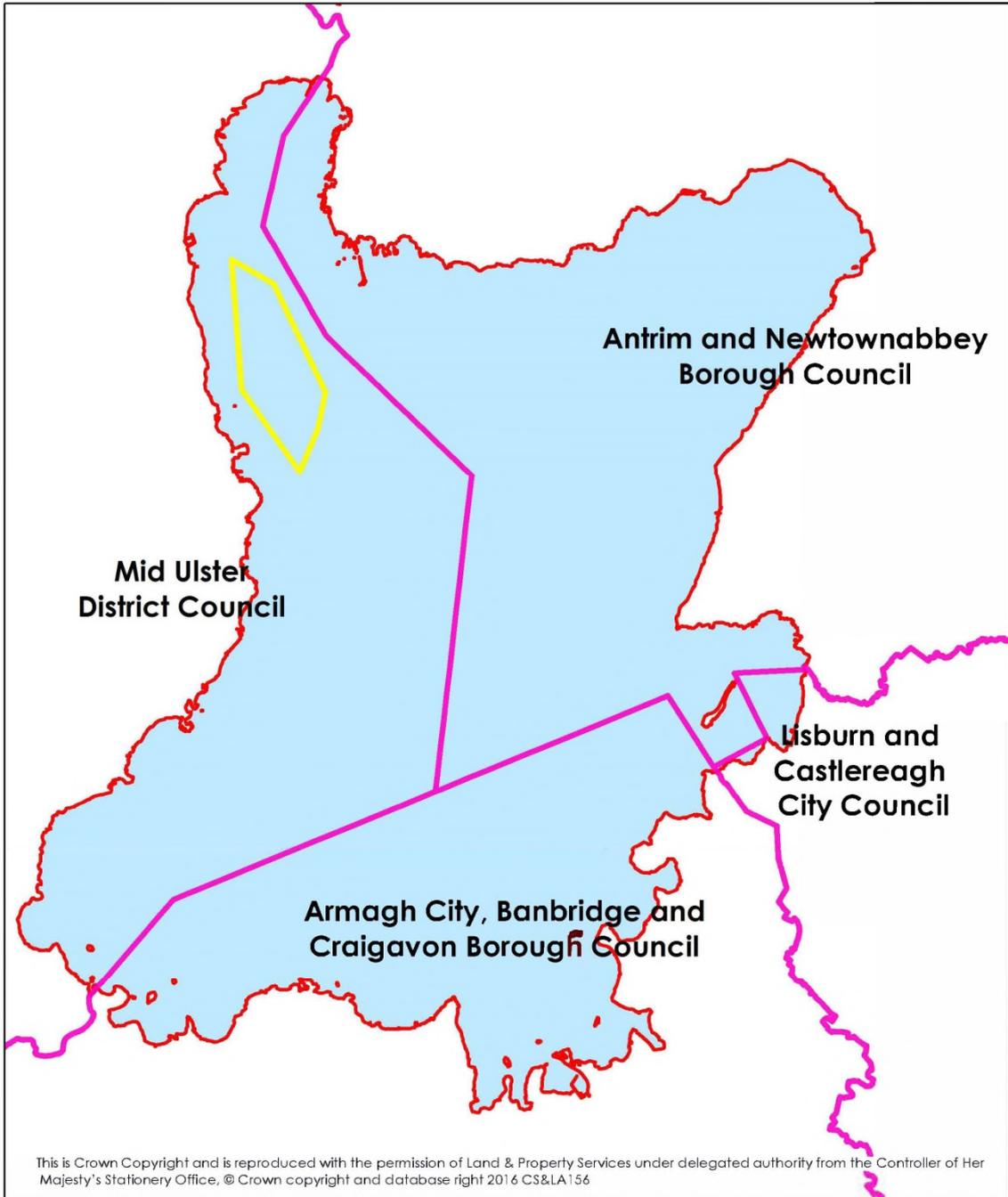
76 Agreement does not, in itself, confer planning permission nor does it determine the outcome of a related planning application.

Given that the Council has recently indicated that it does wish to provide a corporate view on the proposed contents of the Section 76 Agreement the most recent correspondence together with the contents of the draft Section 76 Planning Agreement proposed is being reported to Members for information.

**RECOMMENDATION: that the report be noted and the Department be advised again that the Council has agreed to take no corporate view on this matter.**

Prepared by: John Linden, Head of Planning

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



**Location Map**

**Application Reference: LA03/2017/0310/F**

Extraction, transportation and working of sand and gravel  
Lough Neagh

-  Planning Application Boundary
-  Proposed Extraction Area
-  Council Areas



For Information Only



## ITEM 3.6

### P/PLAN/1 RECENT NI HERITAGE SECTOR PUBLICATIONS

Mr Ian Greenway, Director of the Historic Environment Division in the Department for Communities has recently written to the Head of Planning (copy **enclosed**) to advise of the following recent publications by the NI Heritage Delivers programme.

1. NI Heritage Statistics (as recorded on 31 March 2019); and
2. Treasure the Past: Enrich the Future

Both documents provide useful information about Northern Ireland's unique heritage, its known extent, how we are collectively managing it and how to realise its potential. They also consider how our heritage can continue to contribute to our economy, society and environment. They can be accessed at the NI Heritage Delivers website via the following link <https://niheritagedelivers.org/publications>

**RECOMMENDATION: that the report be noted.**

Prepared by: John Linden, Head of Planning

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

### ITEM 3.7

#### **P/PLAN/1 CORRESPONDENCE ON THE DAERA PROTOCOL FOR AMMONIA EMITTING PROJECTS**

The Minister of Agriculture, Environment and Rural Affairs, Edwin Poots, wrote to the Chief Executive of Mid and East Antrim Borough Council, Anne Donaghy, in late July 2020 (copy enclosed) to update the Council, which hosts the Shared Environmental Services team, about the ongoing review by his Department of its Protocol for assessing the impacts of ammonia emissions on habitats. The Minister advised that he anticipated a public consultation on a new Protocol during the autumn and Officers understand this is likely to commence at the end of October/start of November. In the interim Minister Poots has confirmed that his Officials will continue to apply the existing Protocol in providing statutory planning advice to consultations made on relevant planning applications.

On foot of this Ministerial correspondence, Friends of the Earth has written to all Councils in Northern Ireland (copy enclosed) raising its concerns about this matter and highlighting that it considers any planning decision based solely on the Department's current Protocol may be vulnerable to legal challenge.

The Council has a number of current planning applications where the Department's Protocol is engaged. Such applications are also subject to consultation with the Shared Environmental Services team, based in Ballymena, that is responsible for undertaking Habitats Regulation Assessment on behalf of the Council. Officers would advise that all such applications will continue to be assessed on their individual merits taking account of consultation responses received, public comments and all other material considerations, including application of the Precautionary Approach outlined in the Strategic Planning Policy Statement. Members may also wish to note that this matter is also under discussion with Officials in the Department for Infrastructure through the auspices of the Strategic Planning Group.

**RECOMMENDATION: that the report be noted.**

Prepared by: John Linden, Head of Planning

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

### ITEM 3.8

#### **P/PLAN/055 CORRESPONDENCE FROM DFI RE HAZARDOUS SUBSTANCES CONSENT**

The Chief Planner in the Department for Infrastructure, Angus Kerr, wrote to the Head of Planning in July (copy enclosed) regarding the Battery Energy Storage System (BESS) approved on appeal at Doagh Road, Kells by the Planning Appeals Commission in November 2019 and the potential need for the developer to obtain consent from the Council, known as Hazardous Substances Consent (HSC), under the provisions of the Planning (Hazardous Substances) (No.2) Regulations (NI) 2015.

Members should note that Officers in the Planning Section had already been engaged with Officials in the Health and Safety Executive (HSENI) on foot of correspondence received from local residents on this matter.

Following this engagement and on foot of the Department's letter the Planning Section wrote to the agent for the Kells BESS (see copy enclosed) seeking additional information to allow it to consider whether HSC is required in this case. It is understood that the information requested is currently being prepared by the agent, although at time of writing a response is still awaited. Once received the Council will consult with HSENI on this matter and will subsequently update the Committee on the outcome of its consideration.

**RECOMMENDATION: that the report be noted.**

Prepared by: John Linden, Head of Planning

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

### **ITEM 3.9**

#### **P/PLAN/23 PROPOSED REVIEW OF PLANNING SCHEME OF DELEGATION**

Members are aware that the Council's Scheme of Delegation for Planning Matters makes provision for the majority of planning applications in the Local category of development to be determined by the Head of Planning and other nominated senior officers.

Under Planning Legislation, the Council is required to review its Planning Scheme of Delegation (SOD) every three years. Members will recall that the last revision to the SOD agreed with the Department for Infrastructure took effect in May 2017 (see copy **enclosed**).

Officers are currently considering any minor technical changes required to the current SOD with the Council's Legal Services and then intend to convene a short meeting with Members of the Committee at a time and date to be agreed to discuss this matter in more detail.

**RECOMMENDATION: that the report be noted.**

Prepared by: John Linden, Head of Planning

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

**PART TWO**  
**PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>3.10</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0411/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping (Variation of Condition 14 from approval LA03/2015/0601/F regarding visibility splays)
<b>SITE/LOCATION</b>	The Old Mill 53 Mill Road Crumlin
<b>APPLICANT</b>	Firestone Construction
<b>AGENT</b>	NI Planning Consultants
<b>LAST SITE VISIT</b>	2 <sup>nd</sup> September 2020
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 903 40406 Email: <a href="mailto:sairead.debrun@antrimandnewtownabbey.gov.uk">sairead.debrun@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
The application site is located within the settlement limits for Crumlin as defined in the Antrim Area Plan 1984 – 2001. The site is accessed from the Mill Road, and is located at No 53, with the entrance to the application site being defined by a 1m high wall with railings on top. This wall and railings extend along part of the roadside boundary to the north, with the gable wall of a vacant mill building defining the remaining part of this boundary. To the south of the access point and defining the southern part of the roadside boundary is No 1 Millhouse. Beyond the existing infrastructure, is a public footpath. Construction of a previously approved housing scheme on the application site has recently been completed.	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/1990/0453/F  Location: Glenoak Mills, 53 Mill Road, Crumlin  Proposal: Food processing and ancillary activities  Decision: Permission Granted 1<sup>st</sup> August 1991</p> <p>Planning Reference: T/2008/0354/F  Location: Glenoak Mills, 53 Mill Road, Crumlin  Proposal: Proposed new residential development comprising of 11 no. 3 bedroom Townhouses and associated parking and landscaping.  Decision: Permission Granted 20<sup>th</sup> December 2010</p> <p>Planning Reference: T/2010/0538/F  Location: 53 Mill Road, Crumlin  Proposal: Proposed residential development at Mill Road, Crumlin comprising of 1 no x 1 bed, 1 no x 2 bed and 2 no x 3 bed dwellings  Decision: Permission Granted 16<sup>th</sup> November 2012</p>	

Planning Reference: T/2010/0563/F

Location: 53 Mill Road, Crumlin

Proposal: Proposed residential development comprising of 1 no 3 bed unit and 2 no 2 bed units

Decision: Permission Granted 16<sup>th</sup> November 2012

Planning Reference: LA03/2015/0601/F

Location: The Old Mill, 53 Mill Road, Crumlin

Proposal: Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping (renewal of extant permission)

Decision: Permission Granted 11<sup>th</sup> September 2017

Planning Reference: LA03/2017/0946/DC

Location: 53 Mill Road, Crumlin

Proposal: Residential development (Discharge of condition 12 from planning approval T/2010/0538/F regarding the submission of an Archaeological Programme of Works)

Decision: Condition Not discharged 24<sup>th</sup> November 2017

Planning Reference: LA03/2018/1035/DC

Location: 53 Mill Road, Crumlin

Proposal: Discharge of conditions 2, 3, 7 and 14-17 (Construction Method Statement, Risk Assessment, Survey of the Mill Race, Road Safety, Convenience of Road Users, Parking and Traffic Circulation) of planning approval LA03/2015/0601/F for Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping.

Decision: Condition Not discharged 29<sup>th</sup> March 2019

Enforcement Reference: LA03/2019/0196/CA

Location: The Old Mill, Crumlin

Breach: Breach of Conditions on Approval LA03/2015/0601/F

Decision: Still under investigation

Planning Reference: LA03/2019/0353/DC

Location: The Old Mill, 53 Mill Road, Crumlin

Proposal: Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping (Discharge of Conditions 2, 16 and 17 from approval LA03/2015/0601/F regarding submission of Construction Method Statement)

Decision: Condition not Discharged 30<sup>th</sup> July 2019

Planning Reference: LA03/2019/0361/F

Location: 53 Mill Road, Crumlin

Proposal: Residential development comprising 11 no 3 bedroom townhouses with associated car parking and landscaping (change of house types to that approved under application ref LA03/2015/0601/F)

Decision: Current application

Planning Reference: LA03/2019/0390/DC  
Location: The Old Mill, 53 Mill Road, Crumlin  
Proposal: Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping (renewal of extant permission) (Discharge of condition 7 from approval LA03/2015/0601/F regarding submission of Archaeological Programme of Works)  
Decision: Condition not Discharged 28<sup>th</sup> May 2019

Planning Reference: LA03/2019/0403/DC  
Location: The Old Mill, 53 Mill Road, Crumlin  
Proposal: Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping (renewal of extant permission) (Discharge of condition 3 from approval LA03/2015/0601/F regarding submission of risk assessment)  
Decision: Condition Discharged 9<sup>th</sup> September 2019

Planning Reference: LA03/2019/0523/DC  
Location: The Old Mill, 53 Mill Road, Crumlin  
Proposal: Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping (renewal of extant permission) (Discharge of condition 7 from approval LA03/2015/0601/F regarding submission of Archaeological Programme of Works)  
Decision: Condition Discharged 23<sup>rd</sup> September 2019

Planning Reference: LA03/2020/0436/DC  
Location: 53 Mill Road, Crumlin  
Proposal: Residential development of 11 townhouses (Discharge of conditions 3, 4, 5 & 6 from planning approval LA03/2015/0601/F regarding submission of remediation strategy)  
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 Crumlin. With reference to housing within this settlement limit, the Plan states

that sufficient land has been identified for development to allow for the expected growth needs of the settlement and to offer a degree of flexibility in a choice of sites.

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.

### **CONSULTATION**

**Department for Infrastructure Roads** – Recommend refusal as visibility splays indicated are not acceptable.

**Historic Environment Division** – No objections

### **REPRESENTATION**

Twenty-seven (27) neighbouring properties were notified and three (3) letters of objection have been received from two (2) properties. The full representations made regarding this proposal are available for Members to view online on the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- The correct certificate of ownership has not been completed.
- The plans do not show a right of way and notice has not been served on the adjoining landowner.
- No justification has been provided for the reduction in visibility splays.
- The design of the entrance does not deal with the physical constraints of the site.
- Previously approved visibility splays for this application site are more relaxed when compared to other approved developments in the area.
- There are a number of discrepancies in the drawings submitted for this application and the current application reference LA03/2019/0361/F.
- Bins will be left on the pavement at the corner of the development and will obscure views for traffic.
- Residents have received quite a few notification letters which seem pointless when the works have already started/are complete.
- Builders associated with this application site have dug up the road to put sewage pipes in.

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

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

- Policy Context and Principle of Development
- Condition to be Varied
- Access and Road Safety
- Design and Appearance
- Neighbour Amenity
- Impact on Character and Appearance of the Area

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

Section 54 of the 2011 Act applies to applications for planning permission for the development of land without complying with a condition(s) subject to which a previous planning permission was granted. On receipt of such an application, the Council may only consider the question of the condition(s) subject to which planning permission should be granted and it cannot revisit the principle of the development granted previously. The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the Section 54 application.

In this case the principle of development for residential development has been established with the grant of full planning permission that issued on 11 September 2017 (Reference: LA03/2015/0601/F).

### **Condition to be Varied**

The current application seeks to vary Condition 14 of the planning permission in relation to the visibility splays approved for the development.

Condition 14 reads;

*The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or any other development hereby permitted.*

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

The applicant seeks to vary the Condition 14, by amending the visibility splays indicated on the originally approved drawing which showed 2.4m by 90m in each direction with revised splays of 2.4 x 60 metres on the off-side and 2.4 x 50 metres on the approach side.

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 as defined in the AAP and as indicated above comprises land previously approved for the residential development of eleven (11) townhouses in September 2017 (Reference: LA03/2015/0601/F). The principle of development has therefore already been established on this particular site.

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

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

- PPS 3: Parking and Movement.

Within this policy context, it is considered that the current application is required to comply with Policy AMP 2: Access to Public Roads.

### **Access and Road Safety**

Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal that requires direct access, or the intensification of the use of an existing access, onto a public road, where: (a) such access will not prejudice road safety or significantly inconvenience traffic; and (b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

Access from the proposed development site is onto the Mill Road, which is not a Protected Route and therefore the second part of Policy AMP 2 does not apply.

Planning permission was granted previously for the development of 11 no. 3 bedroom townhouses together with associated car parking and landscaping (reference LA03/2015/0601/F). This residential development has since been built, albeit with a number of design changes that are being dealt with under a concurrent planning application LA03/2019/0361/F. The residential units have not yet been occupied and it is understood the units are to be purchased and operated by the Ark Housing Association.

The grant of planning permission LA03/2015/0601/F had a number of planning conditions attached, including condition 14 which required visibility splays of 2.4 x 90 metres to be implemented at the entrance prior to any development works commencing. Initially, this application sought permission to reduce the previously approved visibility splays to 2.4 x 50 metres, however, the most recent drawings submitted (Drawing Number 01/3) indicate visibility splays of 2.4 x 60 metres on the off-side and 2.4 x 50 metres on the approach side. The applicant states that these splays can be provided without the need for the removal of an adjoining wall that is outside the ownership of the applicant.

In support of the reduction in the visibility splays, the applicant submitted a Speed Survey. In this document, it is stated that the number of vehicles per day is between 60 and 1000, with an average speed of 25 – 27 mph. This speed survey was carried out over a time period of less than two hours on a single day. Based on this data and in accordance with the requirements of DCAN 15, the applicant is proposing the visibility splays which they can achieve within the limits and across the existing road and footways. Whilst these visibility splays are drawn at 2.4 by 60 metres in both directions, they are not correctly drawn to the nearside road edge.

Following assessment of the applicant's Speed Survey, DfI Roads undertook their own Speed Survey over a period of seven (7) days, the results of which indicate that the average number of vehicles per day is 7689, with a speed of 33.5 mph at the 85<sup>th</sup> percentile. Correlating this data provided by DfI Roads with Tables A and B in DCAN 15 demonstrates that the visibility splays required at this entrance are 2.4 x 70 metres. However, DfI Roads consider that a safe and convenient access can be provided with 2.4 x 60 metres visibility splays in both directions, as the average speed (33.5 mph) is just slightly over the speed that would warrant a 60 metre visibility splay (31 mph). DfI Roads has also stated that the wall at No 1 Nutts Corner Road needs to be removed / set back to provide a clear forward sight distance.

In response to the DfI Roads Speed Survey, the applicant has submitted drawings showing a visibility splay of 2.4 x 60 metres, but they argue that the extent of the visibility splay to the right hand exiting lies approximately 300 millimetres from the public footpath and beyond the boundary wall of No. 1 Nutts Corner Road, thereby negating the need to remove this wall.

DfI Roads have assessed the most recent drawing submitted, date stamped received 30<sup>th</sup> March 2020 and remain of the opinion that the wall in question must be removed in order to provide the required visibility splays.

Historic Environment Division (HED) was consulted with the proposal and asked to provide comment on the likely impact of the development on the boundary wall of No 1 Nutts Corner Road. HED has advised that this wall and the dwelling at No 1 were delisted in 2003 due to the significant changes that have taken place to the original architectural form of the building. As a consequence, HED is content that there is no historic or architectural merit in retaining this wall.

In order to provide a safe and convenient access for the approved residential development, visibility splays of 2.4 x 60 metres are required. These sightlines can be achieved provided the wall at No 1 Nutts Corner Road is removed. The issue of the sight lines and the retention of the wall goes to the heart of this application. The applicant has not provided drawings showing that the sightlines can be achieved without removing the wall and therefore the sight line requirements include land outside their ownership. In the circumstances the refusal of the application on road safety grounds is warranted.

### **Other Issues**

#### *Land Ownership*

An initial objection to the application stated that the land ownership certificate was incorrect and indicated that a right of way through the site was not shown. The agent was made aware of these comments and subsequently submitted an amended site plan showing the right of way, while also advising that the owner of the site was Ark Housing Association and completed the relevant Certificate of Ownership.

#### *Justification for the application.*

It is further stated in letters of objection that the applicant has not provided a supporting statement outlining the reasons he is seeking a reduction in the visibility splays. This issue however, does not warrant a refusal based on the lack of

justification and sufficient evidence has been provided to allow for an assessment of the proposal.

#### *Design of the Entrance*

An objection received states that the proposed design of the entrance does not deal with the physical constraints of the site. This proposal has been assessed in relation to the submitted location plan and layout, which are to scale and acceptable. As noted above, DfI Roads and Planning have no concerns with regards to the design of the entrance but do take issue with the revised visibility splays proposed on road safety grounds.

#### *Approved visibility splays for other developments in the area*

The objector refers to two previous approvals in the vicinity of this proposal which were required to provide visibility splays above and beyond what was approved for this application site. It must be noted that each proposal is assessed on its own merits and the dimensions for visibility splays are dependent on the application site itself, together with the type of development proposed. In this regard, it is not possible to directly compare visibility splays across different application sites.

#### *Discrepancies in drawings*

There is a current application (reference LA03/2019/0361/F) for changes to the design and layout of the previously approved residential development. An objector has raised the issue regarding discrepancies between the drawings submitted for the change of house type application and this application. This application seeks to vary condition 14 of the previous grant of planning permission and seeks to amend the visibility splays with all other details to remain as previously approved. Therefore, the overall site layout for this application is based on what had been previously approved under application LA03/2015/0601/F.

As application LA03/2019/0361/F is a concurrent application for a change of house type and amendments to the site layout, there will be differences between the drawings submitted for the application and those approved under reference LA03/2015/0601/F.

#### *Visibility obscured by resident's bins*

There are concerns regarding the provision of adequate visibility splays for this development and these have been noted above together with a recommendation to refuse.

#### *Neighbour Notification*

A point of concern raised by an objector refers to the number of neighbour notification letters issued by the Council and the timing of these issuing after certain works have been completed. With regards to development on this application site, it is acknowledged that the applicant has started and completed the majority of the works without first obtaining the relevant planning permissions. There have been a number of different applications made for this site, with a standard neighbour notification letter being sent out each time. A further letter is issued when a new or amended drawing is received. It is accepted that this can sometimes lead to a large number of letters being issued and consultation fatigue. However, in sending out the notification letters, the Council is carrying out its statutory duty to alert neighbouring properties and cannot deviate from this requirement.

*Digging up the road to lay pipes*

The objector has stated that workmen associated with this application site have dug up the road around Burnbank House to lay sewage pipes. This work is in association with the previously approved development.

**Conclusion**

As noted earlier in this report, on receipt of a Section 54 planning application, the Council may only consider the question of the conditions subject to which planning permission should be granted and it cannot revisit the principle of the development granted previously. The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the Section 54 application.

In this case it has been concluded that the revised site splays proposed by the applicant are unacceptable and accordingly a refusal of permission is recommended.

**CONCLUSION**

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

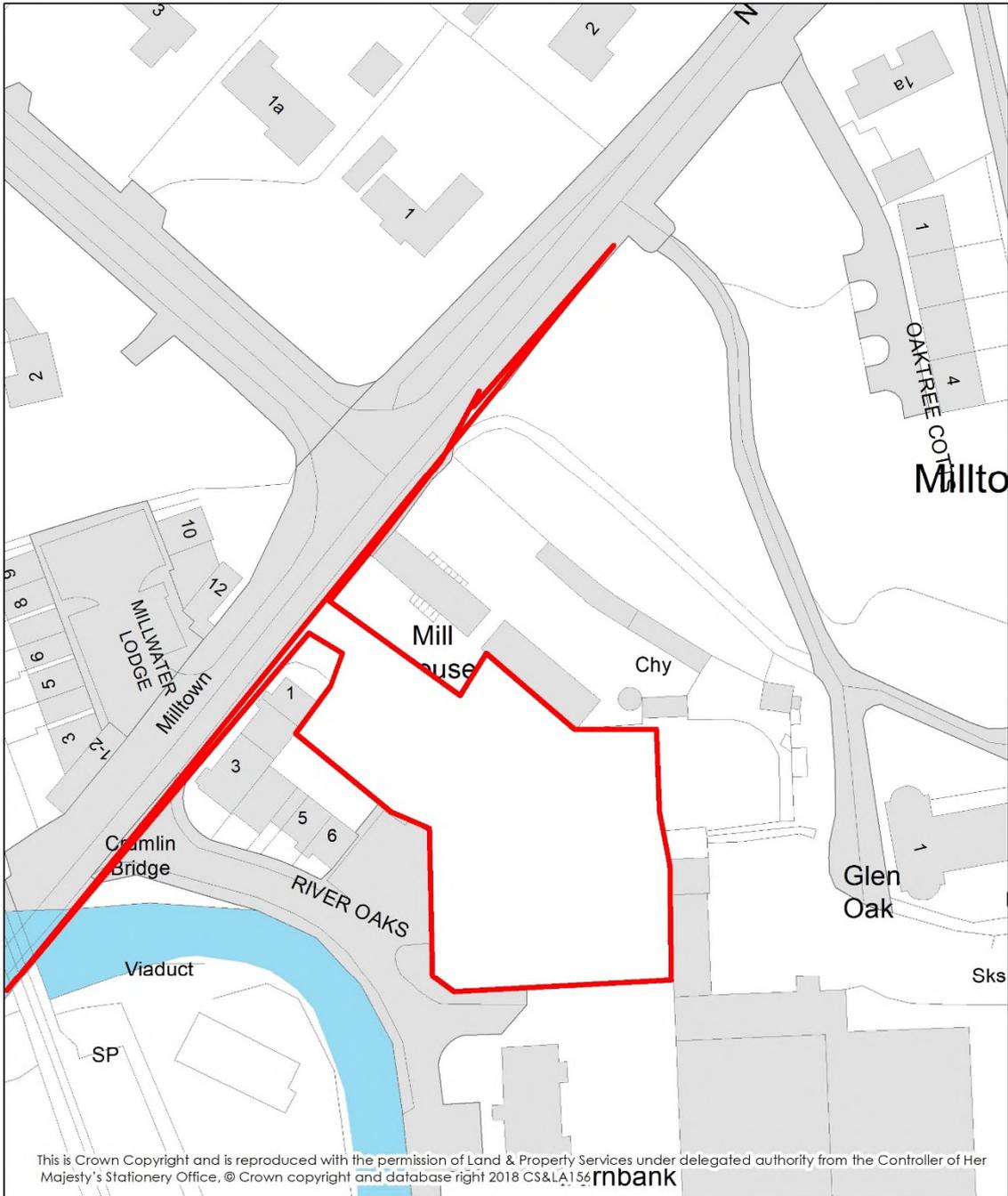
- The principle of the development is acceptable.
- The reduction in the approved visibility splays will prejudice road safety or significantly inconvenience traffic.

**RECOMMENDATION**

**REFUSE PLANNING PERMISSION**

**PROPOSED REASON OF REFUSAL**

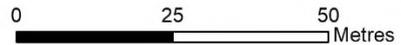
1. The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3: Access, Movement and Parking in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to use an access at which visibility cannot be provided to an adequate standard.



**Location Map**

Application Reference: LA03/2019/0411/F

The Old Mill, 53 Mill Road, Crumlin



Residential development comprising 11 no 3 bedroom townhouses with associated car parking and landscaping (Variation of Condition 14 from approval LA03/2015/0601/F regarding visibility splays)

 Site Boundary

For Information Only



<b>COMMITTEE ITEM</b>	<b>3.11</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0361/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Residential development comprising 11 no 3 bedroom townhouses with associated car parking and landscaping (change of house types to that approved under application ref LA03/2015/0601/F)
<b>SITE/LOCATION</b>	The Old Mill, 53 Mill Road, Crumlin
<b>APPLICANT</b>	Firestone Construction Ltd
<b>AGENT</b>	NI Planning Consultants
<b>LAST SITE VISIT</b>	02.09.2020
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 903 40406 Email: <a href="mailto:sairead.debrun@antrimandnewtownabbey.gov.uk">sairead.debrun@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is identified as white land within the development limit of Crumlin as designated in the Antrim Area Plan 1984-2001. The site is located on the eastern side of Mill Road, Crumlin, within the former Old Mill site in Crumlin; a former flour and woollen mill. The Crumlin River runs approximately 10 metres to the west of the site.</p> <p>The site has the benefit of an extant planning permission, reference LA03/2015/0601/F granting permission for eleven (11) townhouses on 11<sup>th</sup> September 2017. The site is currently closed off as a construction site with works ongoing within the site.</p> <p>Three storey apartments exist southwest of the proposed site and 4 storey apartments exist south of the site. Two storey townhouses exist opposite. Buildings surrounding the site are a mix of modern residential dwellings and the older Mill buildings. The listed Crumlin Bridge is located to the southwest.</p> <p>The buildings within the application site include several storage, office and warehouse buildings, most of which are unused or vacant. There is an approximate 3m high wall along the western boundary of the site and walls also exist along the southern and northern boundaries. Mature trees approximately 5-6m high exist along the eastern boundary of the site. The topography within the site is relatively flat.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/1990/0453/F Location: Glenoak Mills, 53 Mill Road, Crumlin Proposal: Food processing and ancillary activities Decision: Permission Granted 1<sup>st</sup> August 1991</p>	

Planning Reference: T/2008/0354/F

Location: Glenoak Mills, 53 Mill Road, Crumlin

Proposal: Proposed new residential development comprising of 11 no. 3 bedroom Townhouses and associated parking and landscaping.

Decision: Permission Granted 20<sup>th</sup> December 2010

Planning Reference: T/2010/0538/F

Location: 53 Mill Road, Crumlin

Proposal: Proposed residential development at Mill Road, Crumlin comprising of 1 no x 1 bed, 1 no x 2 bed and 2 no x 3 bed dwellings

Decision: Permission Granted 16<sup>th</sup> November 2012

Planning Reference: T/2010/0563/F

Location: 53 Mill Road, Crumlin

Proposal: Proposed residential development comprising of 1 no 3 bed unit and 2 no 2 bed units

Decision: Permission Granted 16<sup>th</sup> November 2012

Planning Reference: LA03/2015/0601/F

Location: The Old Mill, 53 Mill Road, Crumlin

Proposal: Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping (renewal of extant permission)

Decision: Permission Granted 11<sup>th</sup> September 2017

Planning Reference: LA03/2017/0946/DC

Location: 53 Mill Road, Crumlin

Proposal: Residential development (Discharge of condition 12 from planning approval T/2010/0538/F regarding the submission of an Archaeological Programme of Works)

Decision: Condition Not discharged 24<sup>th</sup> November 2017

Planning Reference: LA03/2018/1035/DC

Location: 53 Mill Road, Crumlin

Proposal: Discharge of conditions 2, 3, 7 and 14-17 (Construction Method Statement, Risk Assessment, Survey of the Mill Race, Road Safety, Convenience of Road Users, Parking and Traffic Circulation) of planning approval LA03/2015/0601/F for Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping.

Decision: Condition Not discharged 29<sup>th</sup> March 2019

Enforcement Reference: LA03/2019/0196/CA

Location: The Old Mill, Crumlin

Breach: Breach of Conditions on Approval LA03/2015/0601/F

Decision: Still under investigation

Planning Reference: LA03/2019/0353/DC

Location: The Old Mill, 53 Mill Road, Crumlin

Proposal: Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping (Discharge of

Conditions 2, 16 and 17 from approval LA03/2015/0601/F regarding submission of Construction Method Statement)

Decision: Condition not Discharged 30<sup>th</sup> July 2019

Planning Reference: LA03/2019/0390/DC

Location: The Old Mill, 53 Mill Road, Crumlin

Proposal: Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping (renewal of extant permission) (Discharge of condition 7 from approval LA03/2015/0601/F regarding submission of Archaeological Programme of Works)

Decision: Condition not Discharged 28<sup>th</sup> May 2019

Planning Reference: LA03/2019/0403/DC

Location: The Old Mill, 53 Mill Road, Crumlin

Proposal: Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping (renewal of extant permission) (Discharge of condition 3 from approval LA03/2015/0601/F regarding submission of risk assessment)

Decision: Condition Discharged 9<sup>th</sup> September 2019

Planning Reference: LA03/2019/0411/F

Location: The Old Mill, 53 Mill Road, Crumlin

Proposal: Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping (Variation of Condition 14 from approval LA03/2015/0601/F regarding visibility splays)

Decision: Current Application.

Planning Reference: LA03/2019/0523/DC

Location: The Old Mill, 53 Mill Road, Crumlin

Proposal: Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping (renewal of extant permission) (Discharge of condition 7 from approval LA03/2015/0601/F regarding submission of Archaeological Programme of Works)

Decision: Condition Discharged 23<sup>rd</sup> September 2019

Planning Reference: LA03/2020/0436/DC

Location: 53 Mill Road, Crumlin

Proposal: Residential development of 11 townhouses (Discharge of conditions 3, 4, 5 & 6 from planning approval LA03/2015/0601/F regarding submission of remediation strategy)

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

## **CONSULTATION**

**Department for Infrastructure Roads**: No objection

## **REPRESENTATION**

Twenty Eight (28) neighbouring properties were notified and nine (9) letters of objection have been received from three (3) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- The land ownership certificate is not correct and a right of way through the site is not shown.

- Land registry map submitted but purpose not explained.
- The splays are not available on lands within the control of the applicant and are a negative condition.
- Description of surrounding boundaries is entirely incorrect and masks serious structural issues.
- Site layout not dimensioned masking the actual dimension of site reducing private space available.
- Disparity between eastern boundaries indicated on 1:1250 and 1:500 scale site layouts plans.
- The risk of flood is denied, even though the Mill Race has been filled in, in direct conflict with Dfl Rivers requirements.
- Drawings omit the required bund and inspection chamber requested by Rivers Agency (described as a 1:500 tall reinforced concrete chamber) and have instead inserted a 1.1 m black metal railing.
- The site layout also shows changes to the works associated with the mill race.
- The storm sewer is rerouted and in the proposed location would interfere with both the boundary wall and proposed dwelling foundations.
- Not clear what the relationship of the 'client' who commissioned the traffic report and the applicant is.
- Road Access Plan indicates a faintly drawn outline of the existing blockwork and stone walls which form the physical and legal boundary of the site.
- There are a number of discrepancies in the drawings submitted for this application and the current application reference LA03/2019/0411/F.
- Car parking spaces are shown on the Right of Way.
- The number of parking spaces has been reduced and does not meet with the recommended number in Creating Places.
- Access from two units is through a party wall and no permission has been given for this by the owners.
- A management plan is required for the site.
- A close boarded timber fence has been erected which destroys the value and setting of the Mill Building and has a detrimental impact on visual amenity.
- There are a number of discrepancies in the drawings submitted for this application and the current application reference LA03/2019/0411/F.
- A number of conditions from the previously approved application (LA03/2015/0601/F) have not been implemented.
- Bins will be left on the pavement at the corner of the development and will obscure views for traffic.
- Residents have received quite a few notification letters which seem pointless when the works have already started/are complete.
- Builders associated with this application site have dug up the road to put sewage pipes in.
- There are a number of discrepancies in the drawings submitted for this application and the current application reference LA03/2019/0411/F.

**ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

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

### **Principle of Development**

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

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

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

The site has the benefit of an extant planning permission, reference LA03/2015/0601/F granting permission for eleven (11) townhouses on 11th September 2017. This is therefore an extant permission and the current proposal seeks permission for eleven (11) townhouses changing the house types of those approved.

At the time of submission of this application in May 2019, work had commenced on the application site with the demolition of the existing buildings. The developer initiated these works and continued to develop the site throughout the processing of this application, all at his own risk given that planning permission had not been granted for the proposed changes. At the time of the most recent site visit in September 2020, all work has been completed on site and the residential units are ready for occupation.

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

The proposal is for a change of house types within the site from those previously approved. The footprint of the proposed dwellings are situated in the same position as those previously approved.

The proposed dwellings on sites 1 – 3 indicate a ridge height of nine (9) metres, which is a reduction of approximately one (1) metre from the previously approved dwellings on this site. This has resulted in an amended design with dormer windows in the second floor and indicated on the front elevation and a small canopy over the front door. A change in the roof shape is also proposed as Unit 1 previously had a hipped roof with Unit 3 having a pitched roof. The proposed drawings indicate Units 1 and 3 both having pitched roofs. The rear elevation indicates the removal of any previously approved second floor windows on the rear elevation.

The proposed dwellings on sites 4 – 5 indicate a ridge height of nine (9) metres, which is a reduction of approximately one (1) metre from that previously approved. Again, the amendments include dormer windows in the second floor and a small canopy over the front door. The previously approved external chimney breast is to be removed and second floor windows in the rear elevation are to be removed.

The materials proposed for sites 1 – 5 include smooth rendered blockwork painted white, which is similar to that previously approved. Blue/black concrete ridge tiles are proposed rather than natural blue slate as was previously approved. The windows are proposed to be black PVC with a raised render detail as opposed to hardwood cedar as previously approved. Light grey stone effect cladding is also proposed rather than the previously approved natural stone. Although natural stone is the preferable material particularly given the previous use of the site as the mill, it would be difficult to refuse the application on this basis alone given its location in the urban area.

The proposed dwellings on site 6 – 7 are positioned in an 'L' shape as previously approved. The height of these units are to be reduced by two (2) metres. The amendments include a number of door and window amendments including the addition of dormer windows (considered in more detail below under 'neighbour amenity) however, these will not have a significant visual impact. The materials are to be amended as per house types 1-5 indicated above. Again as noted above this change of material is considered acceptable in this instance.

The proposed dwellings on sites 8 -11 again are reduced in height by approximately one (1) metre and the elevations will remain largely as previously approved albeit dormer windows are indicated on the second floor plan with a reduction in 2<sup>nd</sup> floor windows on the front elevation from eight (8) to four (4). An external chimney has been removed on the proposed side elevation and all second floor rear elevation windows have been removed. The materials are to be amended to black pvc windows and red clay brick detailing around openings with smooth rendered blockwork painted white. This is considered acceptable.

The boundary treatments are largely as previously approved with 1.8m timber fencing proposed between the dwellings and the existing walls are to be retained and refurbished. The previous drawings indicate this wall as being retained and refurbished. One new section of wall is proposed to the rear of No. 1 Mill House. This is indicated as a 2.4-metre-high party wall. The objector has referred to the arbitrary use of timber fencing as having the effect of completely destroying the setting and value of the Glenoak Mill building. Annotation on the block plan refers to the retention of the existing boundary wall, with this wall to be faced in timber cladding. As correctly stated by the objector, the old Mill building is not listed, and the use of timber fencing in this urban location is considered acceptable and will not result in a detrimental impact on the visual amenity of the area.

A further point of concern raised by the objector relates to the need for a Management Plan. Condition 12 of the previous approval on this application site (reference LA03/2015/0601/F) requires the submission and approval of a Landscape Management and Maintenance Plan which sets out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. This condition will be attached to any grant of planning permission issued for this application and will re-state that the Landscape Management and Maintenance Plan is submitted and approved prior to the occupation of any dwelling. The current failure to comply is an enforcement issue which needs to be addressed separately.

Overall, it is considered that the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing, appearance of buildings, landscaped and hard surfaced areas.

### **Neighbour Amenity**

Criterion (h) of Policy QD 1 requires that there is no unacceptable adverse effects on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

The rear of units 1 – 5 back onto No. 1 (Glen Oak House). The separation distance from the rear of the units to the neighbouring boundary is approximately nine (9) metres, which is as per the previously approved plans. Unit 6 is positioned slightly closer to this boundary at 7.8 metres as per the previously approved application. Two windows (dining room and kitchen) have been added to the ground floor. On the first floor the bedroom window has been repositioned to the northern end of this elevation and the two previously approved en-suite windows have been removed on this elevation. On the second floor one bedroom and one en-suite window has been removed. It is considered that there will be no significant additional impact on neighbouring amenity than that which was previously approved.

Units 6 – 11 back onto the existing apartment building, Burnbank House, In units 6 and 7 on this southern elevation the window amendments include the removal of one dining room window on the ground floor. Whilst the number of windows will remain the same on the first floor two en-suite windows have been amended to bedroom windows and a stairwell window is amended to a bathroom window. The second floor indicates the removal of four windows. Separation distances range from 5 metres to 7.4 metres from the neighbouring boundary, which is as per the previous approval. There is no concern regarding the amended positioning of windows on units 8-11.

The addition of a door in the northern elevation of unit 6 will not have a significant impact on neighbour amenity as it is on the ground floor and is facing towards the gable elevation of the proposed unit No. 5.

The orientation of the dwellings remains as previously approved. It is considered that the change of house types will not create any significantly greater impact on amenity than the approved units. In terms of the design and layout, it is considered the proposed development will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

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

The proposed residential development comprises eleven (11) townhouses with 19 no. unassigned car parking spaces indicated on the block plan, the positioning of which is similar to the previously approved layout. For a residential development of this type and size, 20 no. parking spaces should be provided as per the Parking Standards. The objector has correctly pointed out that there is a shortfall in the parking provision. The proposal is short by one (1) parking space, however, given the location of the application site within the development limit of Crumlin and within walking distance of the town centre, this lesser provision is considered acceptable.

The objector further states that a right of way crosses the application site and is being impeded by two of the parking spaces. The block plan received on 30<sup>th</sup> March 2019, shows a clear right of way from the Mill Road entrance, across the application site giving access into the rear of the development.

The previous application on this site (reference LA03/2015/0601/F) was approved with the requirement to provide visibility splays of 2.4 x 90 metres. There is a current application (reference LA03/2019/0411/F) seeking a reduction in these splays to 2.4 x 60 metres. The visibility splays indicated on the most recent site layout plan received for this application (date stamped 30<sup>th</sup> March 2020) are also 2.4m x 60 metres.

Both the applicant and DfI Roads carried out a Speed Survey on the public road adjacent to the access to the application site. The results of the survey completed by DfI Roads are considered more accurate given that it was carried out over a seven (7) day period, compared to that of the applicant which was carried out over a period of less than two (2) hours on a single day.

The results of the DfI Roads Speed Survey show that the average number of vehicles per day on the Mill Road is 7689, with a speed of 33.5 mph at the 85<sup>th</sup> percentile. Correlating this data provided with Tables A and B in DCAN 15 demonstrates that the visibility splays required at this entrance are 2.4 x 70 metres. However, DfI Roads are satisfied that a safe and convenient access can be provided with 2.4 x 60 metres visibility splays, as the average speed (33.5 mph) is just slightly over the speed that would warrant a 60 metre visibility splay (31 mph). DfI Roads has also stated that the wall at No 1 Nutts Corner Road needs removed to provide a clear forward sight distance.

The planning agent is of the opinion that the extent of the visibility splay to the right hand exit lies approximately 300 millimetres from the public footpath and just skims the boundary wall of No 1 Nutts Corner Road. He argues that a 60 metre splay can therefore be achieved without undertaking any works to this wall.

DfI Roads considers that for the residential development to meet with Policy AMP 2 of PPS3, the wall at No 1 Nutts Corner Road which obscures the visibility splay must be removed.

## **Other Matters**

### Neighbour Notification

A point of concern raised by an objector refers to the number of neighbour notification letters issued by the Council and the timing of these issuing after certain works have been completed. With regards to development on this application site, it is acknowledged that the applicant has started and completed the majority of the works without first obtaining the relevant planning permissions. There have been a number of different applications made for this site, with a standard neighbour notification letter being sent out each time. A further letter is issued when a new or amended drawing is received. It is accepted that this can sometimes lead to a large number of letters being issued and consultation fatigue. However, in sending out the notification letters, the Council is carrying out its statutory duty to alert neighbouring properties and cannot deviate from this requirement.

### Land Ownership

An initial objection to the application stated that the land ownership certificate was incorrect and indicated that a right of way through the site was not shown. The agent was made aware of these comments and subsequently submitted a land registry map and advised that the owner of the site is Ark Housing Association. Further objection was then received that the purpose of this map was not explained and that the map did not include a name of ownership and was not accompanied with deeds etc. However, an amended P1 form was also submitted serving notice on Ark Housing Association.

In addition, objections raised concerns that the land registry map submitted did not correlate with the site location plan and a small section of land to the rear of No. 1 Mill House, River Oaks which was included within the application site boundary was outwith the land indicated on the deed map. Again, this point was raised with the applicant as well as the objectors concerns that a right of way existed through the site and was not indicated on the site location plan submitted with the application.

A further site location plan was submitted (Drawing 02/3) which reduced the red line boundary of the application site to correlate with the land registry map, indicated a right of way in green and amended the visibility splays to 2.4m x 60 metres. As such Officers are content that the most recent site plan is accurate and that the proper certificate has been completed.

Further objections stated that the required splays are not available and indicating that their provision was the subject of a negative condition on the original approval to be carried out before other development works. The objection stated that the road access plan indicates a faintly drawn outline of the existing blockwork and stone walls, which form the physical and legal boundary of the site.

An amended site plan has been submitted by the agent to address the concerns of the objector. However, as discussed above, the required visibility splays cannot be provided without the need for the removal of a third party wall.

### Dimensions of site / site boundaries

Concerns were raised through letters of objection regarding the description of the site boundaries being incorrect which it is alleged masks serious structural issues. The drawings accompanying the application note that the site boundaries are largely to remain as was previously approved albeit with a new wall to the rear of No. 1 Mill House. Any demolition or construction works to be undertaken would need to be undertaken in such a way as to ensure no structural damage to neighbouring properties. However, should damage arise this would ultimately be a civil matter between the parties involved and is not considered determining in this case.

A further objection was received stating that the site layout is not dimensioned, thereby masking the actual dimension of site and reducing the amount of private space available. It is however considered that the drawings provided are to scale and accurate measurements can be taken. The proposal has been assessed in relation to the submitted location plan, block plan and elevation plans which indicate that the development can fit within the confines of the site and this is considered acceptable for the reasons outlined above.

The disparity between eastern boundaries indicated on 1:1250 and 1:500 scale site layouts has been corrected and the agent has provided amended drawings ensuring the two correlate.

#### Mill Race

Concerns have been raised through letters of objection regarding the Mill Race. The proposed development area contains the remains of a mill race which could potentially date to the 18th Century. Through the granting of planning permission (reference LA03/2015/0601/F), the Mill Race was to be preserved within the context of the development. Condition 07 of the previous permission required that a detailed survey of the Mill Race be provided. This condition was discharged following the submission of this information under application reference LA03/2019/0523/DC.

Objections state that the risk of flooding is denied, even though the Mill Race has been infilled in direct conflict with DfI Rivers requirements. Objections state that drawings omit the required bund and inspection chamber requested by DfI Rivers (described as a 1:500 tall reinforced concrete chamber) and have instead inserted a 1.1 m black metal railing.

These points have been considered however, the notes on the proposed block plan correspond with the originally approved block plan and a condition was placed on the original permission (LA03/2015/0601/F) stating that notwithstanding these details, the existing open access point to the Mill Race culvert shall be surrounded by a 1.5 metre high reinforced concrete wall in accordance with the approved drawings. As this application deals with change of house types only, this condition can be repeated on any future grant of permission to provide mitigation in the event of surcharging of the Mill Race.

#### Storm Sewer

Objectors raised concerns that the storm sewer is rerouted and in the proposed location would interfere with both the boundary wall and proposed dwelling foundations. Further concerns were raised in regards to the digging up of the road at Burnbank House to lay pipes. The provision of this infrastructure was approved under application LA03/2015/0601/F, and there are no details on the plans to indicate there are any amendments proposed to this infrastructure from the previously approved plans.

#### Access to the rear of two units is through a party wall.

Should an approval for this proposal be forthcoming, it does not dispense with the necessity of obtaining the permission of the owners of adjacent buildings for the removal of any building on the party wall or party boundary whether or not defined.

#### Previous conditions have not been implemented.

The objector refers to three landscaping conditions of application LA03/2015/0601/F (Nos. 10, 11 and 12) that appear to have not yet been implemented. Condition 10 requires landscaping to be carried out in accordance with the approved plans. This application is seeking to amend the landscaping plan, and if granted permission would supersede that condition and the landscaping details previously approved.

Condition 11 can only be implemented if a tree, shrub or hedge that is removed, uprooted, destroyed or dead, is replaced with another tree, shrub or hedge of the same species and size.

Condition 12 requires the submission and approval of a Landscape Management and Maintenance Plan prior to the occupation of the dwellings approved. As the dwellings have yet to become inhabited, the applicant can still meet the requirements of this condition.

In any case the failure to comply with the condition of a previous grant of planning permission is a separate issue which may have to be investigated by the Council's Planning Enforcement Team.

### **CONCLUSION**

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

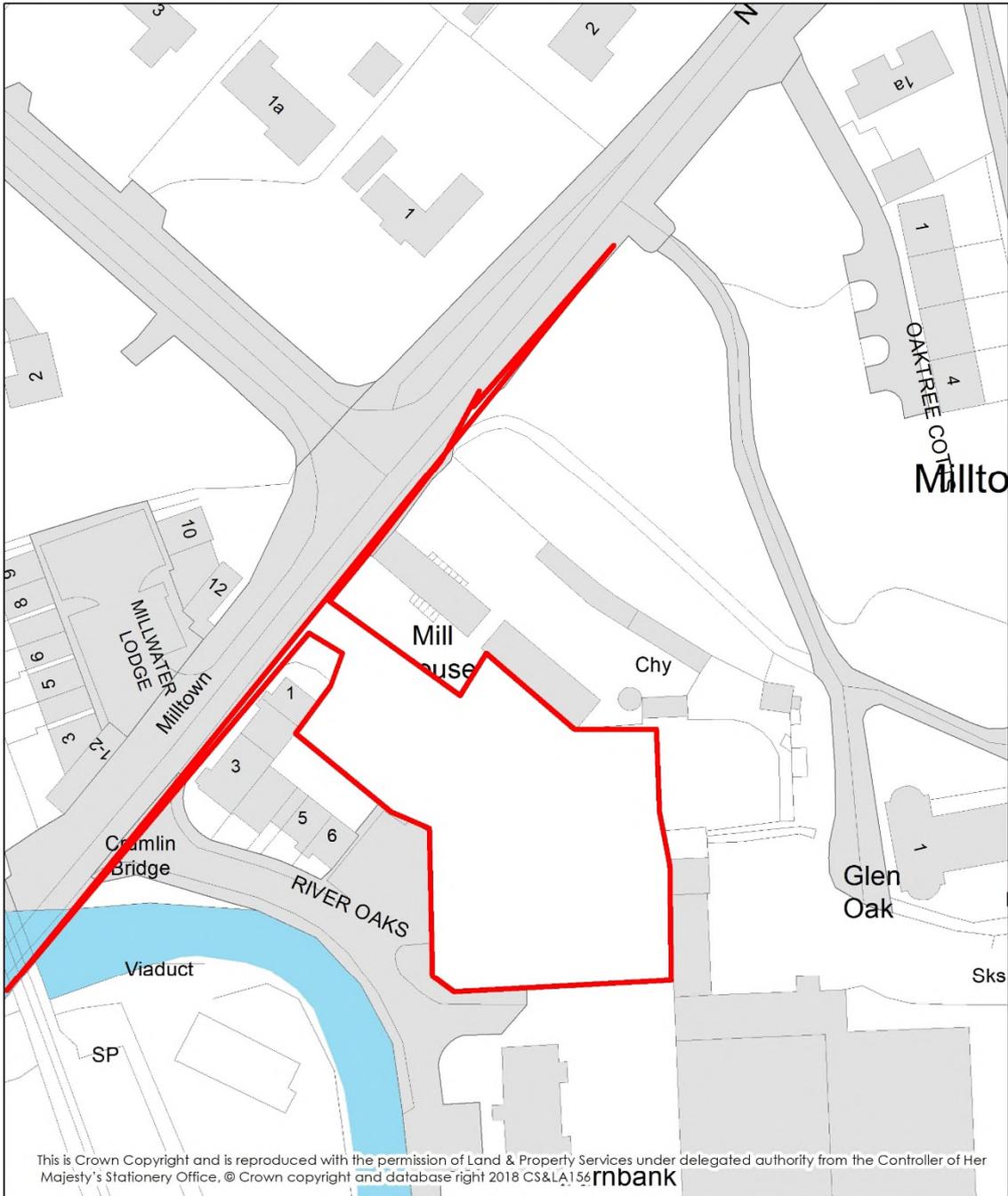
- The principle of the development is supported by the policy context;
- There will be no impact upon human health or residential amenity;
- The proposed development will not result in a detrimental impact upon visual amenity or undermine the character of the landscape;
- There are no concerns in relation to biodiversity, nature conservation or built heritage interests as a result of the proposed development;
- The proposal will prejudice the safety and convenience of road users since it proposes to use an existing access at which visibility cannot be provided to an adequate standard.

### **RECOMMENDATION**

### **REFUSE PLANNING PERMISSION**

### **PROPOSED REASON OF REFUSAL**

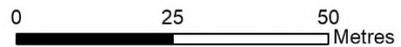
1. The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3: Access, Movement and Parking in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to use an access at which visibility cannot be provided to an adequate standard.



**Location Map**

Application Reference: LA03/2019/0361/F

The Old Mill, 53 Mill Road, Crumlin



Residential development comprising 11 no 3 bedroom townhouses with associated car parking and landscaping (change of house types to that approved under application ref LA03/2015/0601/F)

 Site Boundary

For Information Only

