



10 November 2021

Committee Chair: Councillor S Flanagan

Committee Vice-Chair: Alderman F Agnew

Committee Members: Aldermen – P Brett, T Campbell and J Smyth
Councillors – J Archibald-Brown, H Cushinan, R Lynch,
M Magill, N Ramsay, R Swann and B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 15 November 2021 at 6.00pm.**

Planning Committee Members are requested to attend the meeting in the Chamber, any other Members wishing to attend may do so via Zoom.

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 – November 2021

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

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

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

PART ONE - Decisions on Planning Applications

3.1 Planning Application No: LA03/2021/0596/F

Proposed extension to existing park and ride facility (with associated access road, pedestrian and cycle path, fencing, lighting and CCTV), reconfiguration of existing park and ride layout (to provide a total of 318 parking spaces), two cycle storage units, landscaping, new access arrangements at The Glade and widening of The Glade at junction with Carnmoney Road North at land 150m to the west of and including Mossley West Park and Ride and the junction of The Glade and Carnmoney Road North Newtownabbey.

3.2 Planning Application No: LA03/2021/0187/F

Retrospective application for car storage yard to provide additional storage space at 19 Rashee Road Ballyclare

3.3 Planning Application No: LA03/2021/0781/O

1 no. detached dwelling between 111 and 131 Seven Mile Straight Antrim

3.4 Planning Application No: LA03/2021/0234/O

A single two storey detached dwelling with a separate garage at land adjoining 12a Laurel Lane, Belfast.

3.5 Planning Application No: LA03/2021/0669/O

Site for 2no infill dwelling and garages at approx. 30m S of 89 Magheralane Road, Randalstown.

3.6 Planning Application No: LA03/2021/0387/F

Change of use to car electrics workshop utilising farm buildings at 50 Ballylagan Road, Ballyclare.

3.7 Planning Application No: LA03/2021/0651/O

Site for single storey dwelling approximately 25m south east of 44A Drumsough Road, Randalstown

- 3.8 Planning Application No: LA03/2021/0729/O
Manager's dwelling for existing allotments at 100m NE of 3 Lisglass Road
Ballyclare
- 3.9 Planning Application No: LA03/2020/0792/O
Site for a two-storey dwelling 50m east of 168 Ballycorr Road, Ballyclare
- 3.10 Planning Application No: LA03/2021/0679/O
Proposed infill dwelling and garage at 30m West of Rashee Cemetery, Springvale
Road, Ballyclare
- 3.11 Planning Application No: LA03/2021/0680/O
Proposed infill dwelling and garage 40m East of, 26 Springvale Road, Ballyclare
- 3.12 Planning Application No: LA03/2021/0615/O
Site for Infill Dwelling at 50 metres west of 36 Aughnabrack Road, Ballyutoag, Belfast

PART TWO – Other Planning Matters

- 3.13 Delegated Planning Decisions and Appeals October 2021
- 3.14 Proposal of Application Notifications
- 3.15 Department for Communities Information Guide for Local Councils on Listed
Buildings
- 3.16 Department for Infrastructure letter regarding Section 54 Request for Lough Neagh
Sand Extraction Planning Application
- 3.17 Planning Appeals Commission update on Lisburn and Castlereagh City Council's
Draft Plan Strategy.
4. Any Other Business

PART TWO – Other Planning Matters – In Confidence

- 3.18 Judicial Review Case of Hartlands (NI) Ltd v Derry City and Strabane District Council

PART ONE

DECISIONS ON PLANNING APPLICATIONS

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2021/0596/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Extension to existing park and ride facility (with associated access road, pedestrian and cycle path, fencing, lighting and CCTV), reconfiguration of existing park and ride layout (to provide a total of 318 parking spaces), two cycle storage units, landscaping, new access arrangements at The Glade and widening of The Glade at junction with Carnmoney Road North Newtownabbey
SITE/LOCATION	Land 150m to the west of and including Mossley West Park and Ride and the junction of The Glade and Carnmoney Road North, Newtownabbey, BT36 5PE
APPLICANT	Translink
AGENT	Fleming Mountstephen Planning
LAST SITE VISIT	8th October 2021
CASE OFFICER	Alicia Leathem Tel: 028 9034 0416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limits of the Belfast Urban Area as defined within the Belfast Urban Area Plan (BUAP) and within the development limits of Metropolitan Newtownabbey within the draft Belfast Metropolitan Area Plan (dBMAP 2004). The site comprises a small portion of land zoned as Industry and Commerce in the BUAP and Major Employment Land (MNY 07) within dBMAP. The adjoining lands to the north, south and west of the site are also zoned employment lands.</p> <p>The application site takes the form of two distinct sections; the eastern section of the site includes the existing park and ride car park at Mossley West Railway Halt and the western section consists of a parcel of semi-improved grassland, vegetated with gorse and scrub. The topography of the site falls gradually from the north to the south towards the adjacent watercourse beyond the southern site boundary. The railway line and mature vegetation defines the northern site boundary. Mature vegetation along the Three Mile Water river defines the southern boundary. Carnmoney Road North defines the eastern boundary and the western boundary is undefined.</p> <p>The railway line and Mossley West Railway Halt are located to the north and northeast, Mossley Hockey Club is located to the south of the site whilst Global Point Business Park abuts the western boundary. A mix of leisure, commercial and residential uses are located within close proximity to the site.</p>	

RELEVANT PLANNING HISTORY

Planning Reference: U/2014/0385/RM

Location: Global Point Business Park, Ballyclare Road, Newtownabbey, Co. Antrim

Proposal: 27No. Buildings and associated infrastructure for Invest NI Industrial Park comprising Class B1 Business, Class B2 Light Industrial and Class B3 General Industrial

Decision: Permission Granted (18.04.2016)

Planning Reference: U/2007/0267/O

Location: Ballyhenry Industrial Park, Ballyhenry, Newtownabbey

Proposal: Site for Invest NI Industrial Park comprising Class B1 Business, Class B2 Light Industrial and Class B3 General Industrial

Decision: Permission Granted (15.01.2008)

Planning Reference: U/2001/0119/O

Location: Global Point International Business Park, Ballyhenry, Newtownabbey.

Proposal: Business and industrial park incorporating Class 4 (light industrial), and class 11 (storage or distribution) and an ancillary support service centre to include retail (max 5000sq.ft), crèche and fitness facilities.

Decision: Application Withdrawn (29.03.2007)

Planning Reference: U/2001/0116/O

Location: Global Point Business Park, Ballyhenry, Newtownabbey

Proposal: Business and industrial park incorporating Class 3 (business use), Class 4 (light industrial) and Class 11 (storage or distribution) and an ancillary support service centre to include retail (max.5000sq.ft), crèche and health and fitness facilities.

Decision: Application Withdrawn (29.03.2007)

Planning Reference: U/2001/0096/F

Location: Global Point International Business Park, Ballyhenry, Newtownabbey

Proposal: Erection of a Contact Centre/Class 4 Light Industrial Unit totalling 104,000 sq.ft. (incorporating 24,000 sq.ft. mezzanines) and including associated access and landscaping

Decision: Permission Granted (14.01.2003)

Planning Reference: U/1999/0211

Location: Land north east of Corrs Corner and bounded by Belfast Road, railway line and Uppertown Drive and New Mossley, Newtownabbey.

Proposal: Bulk earthworks to construct development platforms for industrial use, diversion of Three Mile Water, landscaping and construction of new river corridor and landscaping of peripheral earth bunds.

Decision: Permission Granted (29.11.2000)

Planning Reference: U/1997/0553

Location: Land to the north east of Corrs Corner, Newtownabbey.

Proposal: Preparation of industrial estate including site development works, access roads and associated landscaping.

Decision: Permission Granted (16.07.1998)

PLANNING POLICY

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, 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 provisions of the draft Belfast Metropolitan Area Plan together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Belfast Urban Area Plan (BUAP): The application site is located within the development limit of the Belfast Urban Area on lands zoned for Industry & Commerce.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Metropolitan Newtownabbey.

Draft Belfast Metropolitan Area Plan (published 2004): The application site is located within the settlement limit of Metropolitan Newtownabbey on lands zoned for Major Employment Location (MNY 07).

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 13: Transportation and Land Use: assists in the implementation of the RDS, the primary objective of PPS 13 is to integrate land use planning and transport by promoting sustainable transport choices.

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

CONSULTATION

Council Environmental Health Section – No objection

NI Water – No objection

DAERA Inland Fisheries - No objection

DAERA Water Management Unit – No objections

DAERA Inland Fisheries – No objections

DAERA Natural Environment Division – No objection.

NI Transport Holdings – No objections

Shared Environmental Service – No objections subject to condition

DfI Roads – No objections subject to conditions.

DFI Rivers – No objection subject to a condition.

REPRESENTATION

Twenty-two (22) neighbouring properties were notified, and no letters of objection/support/representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Key Site Requirements
- Employment/Industry
- Design, Layout and Appearance
- Impact on Character and Appearance of the Area
- Traffic, Transport and Road Safety
- Neighbour Amenity
- Flood Risk and Drainage
- Natural Heritage
- Archaeology and Built Heritage

Preliminary Matters

Environmental Impact Assessment.

As the development is within Category 10 (b) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (NI) 2017 the Council is obliged under Regulation 12 (1) of these Regulations to make a determination as to whether the application is or is not EIA development. An EIA Screening Determination was carried out and it was determined that the planning application does not require to be accompanied by an Environmental Statement.

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires that regard should be made to the Local Development Plan, so far as material to the application. Section 6 (4) of the Planning Act also states that where, in making any determination, regard should be made to the Local Development Plan that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The strategic need for more sustainable transportation is outlined within the Regional Development Strategy (RDS) 2035. Two of the aims of the RDS are to improve connectivity and to enhance the movement of people goods, energy and information between places. Policy RG2 of the RDS outlines the need to deliver a balanced approach to transport infrastructure. One of the criteria within RG2 outlines that in order to use road space and railways more efficiently continued investment in public transport and in infrastructure such as the development of quality multi-modal facilities and park and ride sites, will encourage motorists to take the bus or train for the main part of their journey and reduce the volume of traffic on the road network.

The purportedly adopted Belfast Metropolitan Area Plan 2015 (BMAP 2015) was for a period of time deemed to be the statutory development plan for this area, however the purported adoption of the Plan by the then Department of the Environment in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) remains the statutory Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan published in 2004 (dBMAP) are also a material consideration in the assessment of this application. Both of the development plans identify the application site as being within the settlement limit of Metropolitan Newtownabbey.

Within the BUAP the application site is zoned as Industry and Commerce. Within dBMAP the application site forms a small part of the land zoned within Zone A as a Major Employment Location MNY 07 with a number of key site requirements (KSR) which are detailed below. It is important to note that the application site formed part of a much larger site which has the benefit of previous planning permission U/2007/0267/O granted permission on 15th January 2008 for a site for Invest NI Industrial Park (Global Point). This permission comprised Class B1 Business, Class B2 Light Industrial and Class B3 General Industrial. A Reserved Matters application U/2014/0385/RM was granted approval on 21st April 2016 for twenty-seven (27) buildings and associated infrastructure for Invest NI Industrial Park comprising Class B1 Business, Class B2 Light Industrial and Class B3 General Industrial land uses. It is noted that the aforementioned permissions remain extant as the development has commenced.

The Strategic Planning Policy Statement (SPPS) indicates that where any conflict between the SPPS and any policy retained exists, under the transitional arrangements it must be resolved in the favour of the provisions of the SPPS. The SPPS indicates that sustainable development should be permitted, having regard to material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Planning Policy Statement 13 Transportation and Land Use (PPS 13) has been prepared to assist in the implementation of the RDS. The primary objective of PPS 13 is to integrate land use planning and transportation by promoting sustainable

transport choices, promoting accessibility for all and reducing the need to travel, especially by private car. General Principle 7 of PPS 13 advises that sites for park and ride facilities should be developed in appropriate locations to reduce the need to travel by car and encourage use of public transport and advises that the operational policy relating to park and ride facilities is set out within PPS 3 Access, Movement and Parking.

Policy AMP 10 of PPS 3 states that planning permission will only be granted for the development or extension of public or private car parks, including park and ride and park and share where it is demonstrated that: they do not significantly contribute to an increase in congestion; are not detrimental to local environmental quality; they meet a need identified by the Department for Infrastructure (DFI) in Transport Plans or are accepted by the DFI following robust analysis provided by a developer; within defined areas of parking restraint they are only used for short-stay parking and are appropriately managed to deter long stay commuter parking; and they are compatible with adjoining land uses.

As stated above, the proposal is for an extension to the existing Mossley West Park and Ride facility, with supporting documentation indicating that the need for the proposed development is due to the level of customer demand. A Transport Assessment (Document 05 date stamped 8th June 2021) and A Transport Assessment Scoping Study (Document 04 date stamped 8th June 2021) accompanied the planning application, which indicates that the level of parking capacity at the existing park and ride car park has been inadequate for some time causing extraneous parking in the neighbouring residential streets, particularly 'The Glade' onto which the park and ride accesses. The level of demand consequently resulted in Translink entering into a leasing agreement with the adjacent Mossley Hockey Club, whereby its car park is leased by Translink during the day for use by Translink customers. This extra parking facility has also come under strain, and both car parks are over capacity resulting in overflow parking within the adjacent residential areas.

Taking into consideration the operational need for this development, the availability of sustainable transport readily available to serve the wider Global Point site, and critically, the location of the site adjacent to the railway halt and the existing park and ride facility, on balance the principle of development is considered acceptable subject to all other policy and environmental considerations being met.

Key Site Requirements

As outlined above, the application site forms part of a large area of land zoned as a Major Employment Location under designation MNY 07 of dBMAP, subject to a number of Key Site Requirements (KSR's), including that acceptable uses are limited to Industrial and Business Classes with a restriction on floorspace of 3000sqm. Other KSRs include the need for a comprehensive masterplan; access to the site to be taken from either the Doagh Road (for zone B) or Ballynure Road (for zone A); road improvements along the Doagh Road and the provision of new and improved pedestrian and cycle routes from the site to the nearby public transport facilities. A Transport Assessment and Flood Risk Assessment are indicated as being a requirement as well as the need for a comprehensive landscaping scheme and the protection of two raths within the wider site.

A number of the KSR's have not been addressed under the current proposal, mainly the development type, the submission of a master plan for the wider site and the stipulated access points. As outlined earlier in the report, planning permission was previously granted for the wider site and the submission of a master plan for the entire site is therefore not necessary. It is accepted that the current proposal does not sit neatly into the business and industrial uses required by the zoning, however the proposal sits as a complementary use supporting access, parking and the transportation needs for the wider employment zoning. For these reasons and given the small size of the proposal relative to the overall size of the MNY 07 zoning, in this instance it is considered that this proposal should be considered on its own individual merits without the need to fulfil all the KSR's set out in dBMAP.

It is accepted that given the size of the site and its location near the Three Mile Water that a Flood Risk Assessment per the KSR's is necessary to consider the flood risk associated with development near this watercourse and this is addressed below. A Transport Assessment and Landscape Management Plan has also been submitted with the application.

Employment/Industry

As indicated above the application site forms a small section of the Global Point site on land zoned for Industry and Commerce within the BUAP and as a Major Employment Location (MNY 07) within dBMAP. Paragraph 6.89 of the SPPS and Policy PED 7 of PPS 4 indicates that development that would result in the loss of land or buildings zoned for economic development use in a development plan to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses. Policy PED 7 goes on to state that an exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally.

The proposal seeks to extend the existing park and ride facility which is a 'sui-generis' use. The extent of the application site when taken in the context of the wider parcel of zoned employment land represents only a small section of the much larger parcel of zoned land. It is considered that the proposal will not lead to a significant diminution of the industrial/employment land resource within the area, rather the proposal will support the wider industrial and employment uses by providing a range of transport modes through rail transport, cycle routes and pedestrian pathways. It is considered that the scale and nature of the proposed uses are appropriate and compatible with the predominant industrial use.

Design, Layout and Appearance

Policy AMP 9 of PPS 3 requires that any proposals should not adversely affect the visual amenity of an area. As outlined above, the proposal is for an extension to the existing park and ride facility which is adjacent to the Mossley West railway halt. The layout of the scheme has to an extent been determined by a number of regulatory design standards which have influenced the layout, material, scale and appearance of the proposal. The car park will be laid out with back-to-back parking provisions with a pedestrian walkway aligned through the carpark. The proposal includes the

reconfiguration of the existing park and ride layout which currently provides 65 parking spaces; the reconfiguration will allow for an additional 29 parking spaces and 16 disabled spaces close to the existing railway halt. On completion of the proposed development an additional 273 car parking spaces shall be provided increasing the overall total to 318 parking spaces, 16 of which are designated disabled spaces.

The proposal includes new access arrangements at 'The Glade' and widening of its junction with Carnmoney Road North, and an entrance and egress layout is proposed as part of the access arrangement to the site. Policy AMP 9 also requires that provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site. In this case the proposal includes an internal pedestrian and cycle path and two cycle storage units, one located within the existing park and ride site, with the other located in the extended section. The bicycle storage units measure 6 metres in width by 3.4 metres in depth with a height of 2.6 metres finished with a steel frame and paladin fencing. CCTV and lighting is proposed throughout the site, including the area from the car park to the neighbouring railway halt. Surfacing materials for the car park will be stone mastic asphalt with all parking bays delineated with road markings.

A mature band of trees and scrub defines the northern boundary running parallel to the railway embankment, whilst a band of trees and scrub defines a section of the southern boundary. The proposal does not affect the existing mature vegetation in these areas with the exception of a small amount of overgrown scrub clearance along a section of the northwestern boundary. A tree lined avenue defines a central section of the site running parallel to the existing hardstanding. These trees are to be removed as part of the proposal to allow for a pedestrian and cycle path. Additionally, due to height clearance the existing trees would not allow for traffic to pass safely along this section of the site. However, the proposal includes compensatory planting which will mirror the trees along this section of the site. The entire site boundary is to be enclosed by a 2.4 metres mesh fence, green in colour, the entrance areas will have pedestrian and vehicular gates/barriers with a height restriction barrier to be installed.

Overall, the design and appearance of the park and ride facility is typical to that of a car park with areas of landscaping designed to soften the overall appearance.

Impact on the Character and Appearance of the Area

Policy AMP 9 requires that any proposals respect the character of the surrounding area whilst Policy AMP 10 requires that car parks are compatible with surrounding land uses. The application site comprises a semi-improved grassland, scrub and scattered trees. The application site is bounded by the existing railway line along the northern boundary and to the south by a mix of leisure, commercial and residential uses. The existing park and ride facility defines the eastern boundary whilst Global Point Business Park defines the western boundary. The proposal appears as a natural extension to the existing park and ride car park and will provide pedestrian access to Global Point. Its main benefit will be to the local population as it will provide greater access to a sustainable mode of transport. It is considered that the proposal is compatible with the surrounding land uses.

Due to the railway embankment and the mature vegetation along the northern boundary, critical views of the site are limited to the surrounding residential properties, from lands to the west within Global Point. From these perspectives the development will read as part of the overall park and ride facility. The retention of the mature landscaping and the inclusion of additional landscaping will help to mitigate the level of proposed hardstanding within the car park area and will help soften the visual impact. It is considered that the proposal will not create any significant negative visual impacts on the site or surrounding area.

Traffic, Transport and Road Safety

Policy AMP 10 of PPS 3 requires that any proposal for car parks do not significantly contribute to an increase in congestion. As indicated above the proposed car park is being developed adjacent to the existing Mossley West railway halt which should encourage greater use of the railway to commute in and out of Belfast and further afield. The park and ride facility is being proposed to address the issue of overspill parking within adjacent residential areas by increasing the capacity at the existing facility. A Transport Assessment (Document 05 date stamped 8th June 2021) has been undertaken which has assessed the impacts of the proposed development on the network including factoring in forecast traffic growth.

A Transport Assessment Scoping Study (Document 04 date stamped 8th June 2021) indicates that traffic calculated for the 318 space car park constitutes the total traffic for the proposed new car park. However, as stated previously, Translink customers currently have access to the following car parking facilities; 62 space Translink customer car park, 65 spaces in the local Mossley Hockey Club car park currently rented by Translink for customer car parking and on-street parking capacity along 'The Glade', observations of which include at least 20 Translink customer vehicles parked on a typical day. The aim of the development is to combine all this parking activity in the new proposed car park and remove the longer lease spaces from Mossley Hockey Club and extraneous parking from 'The Glade'.

Additionally, a new separate access and exit arrangement has been proposed to address the flow of traffic entering and existing the site. The agent contends that this arrangement allows for a better flow of traffic within the site and has the added benefit of providing a 'drop-off loop' facility for 'kiss and ride' trips.

The proposal also includes new access arrangements at 'The Glade' and widening of its junction with Carnmoney Road North. Consultation was carried out with DfI Roads, who raised no objections to the proposal subject to conditions.

Neighbour Amenity

As outlined above a mix of land uses are located within close proximity to the application site. Residential properties are located to the southeast of the application site and within 'The Glade'. The proposal includes amendments to the layout of the existing park and ride car park and the proposed extension to increase the current capacity. Supporting documentation has indicated that the facility currently does not provide sufficient car parking spaces and as a result has created problems with commuter parking in residential areas adjacent to the site and within the overflow car park at Mossley Hockey Club.

Given the use of the site for a park and ride facility there is the potential for noise and light nuisance from traffic arriving and departing the site. It is acknowledged that this nuisance will be for short time periods only and will likely be at peak times in the early morning and late afternoon/early evening. Given the urban context of the development some noise and disturbance is to be expected, however, this is likely to be at a low level when considered with the wider context of the surrounding area. A Noise Assessment (Document 10 date stamped 8th June 2021) has been submitted to the Council which concludes that the proposal will not have any significant negative impacts in relation to noise disturbance. The proposal includes lighting within the car park and along the pathway to the train halt, however, the level of vegetation surrounding the development will help mitigate the impact of the lighting. The Council's Environmental Health Section (EHS) was consulted on the proposal and raised no objections.

In relation to any potential antisocial behaviour, design measures have been integrated into the proposal in an attempt to dissuade antisocial behaviour; these include enclosed boundary fencing, CCTV, smart lighting and speed control cushions. Furthermore, the operator of the scheme, Translink, along with the relevant partners and PSNI will have measures in place to address any concerns should they arise.

Flood Risk and Drainage

The application site is located within close proximity to two watercourses, the Three Mile Water to the south and Ballyearl Stream to the north. A small section of the application site is located within the Q100 fluvial floodplain. Policy FLD 1 of PPS 15 introduces a presumption against development in the Q100 fluvial floodplain. It is important to note that although a section of the application site is located within the Q100 fluvial floodplain, no development or construction works are proposed within this section of the application site. Notwithstanding this a Flood Risk Assessment (FRA) Document 07/1 date stamped 7th October 2021 was submitted to the Council and consultation with DfI Rivers was carried out. DfI Rivers has stated that it accepts the logic of the FRA and has no reason to disagree with its conclusions.

Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure of PPS 15 requires a suitable working strip of up to 10 metres along a watercourse to facilitate future maintenance. It is considered that the proposal is acceptable in this regard as a working strip of appropriate width can be achieved along the bank of the river. Policy FLD 3 requires a Drainage Assessment (DA) to be submitted for all development proposals that exceed 1000 square metres of hard surfaces. A Drainage Assessment, Document 08/1 date stamped 7th October 2021 was submitted to the Council following consultation, DfI Rivers stated that it accepts the logic and conclusions of the DA. DfI Rivers has advised that the responsibility for justifying the DA and implementation of the proposed flood risk measures, as laid out in the assessment, rests with the developer and their professional advisors.

Natural Heritage

Designated Sites

The Three Mile Water River is located immediately adjacent to the southern boundary of the site with a small section located within the application site. The river hydrologically connects the application site to the following designated sites: Belfast Lough Special Protection Area (SPA), Belfast Lough Ramsar; Belfast Lough Open

Water SPA which are protected under the Habitat Regulations and the Outer Belfast Lough Area of Special Scientific Interest (ASSI) which is protected under the Environment (Northern Ireland) Order 2002.

DAERA Natural Environment Division (NED) has considered the impacts of the proposal and are content that there will be no likely significant impact on the designated site provided appropriate pollution prevention measures are implemented during the construction and operational phases of the development. NED also indicated that there is sufficient distance between the proposed development and the watercourse and as such are content that it is unlikely that development will have a significant impact on the habitat and there is no evidence of any other protected species occupying or utilising the site and therefore, no further surveys are required.

DAERA Inland Fisheries (IF) noted that extensive culverting currently exists at this location, which has created a barrier to fish migration and a reduction in habitat. It is also noted that there is no further culverting proposed here which is welcomed. DAERA Water Management Unit (WMU) initially requested further clarification in relation to the submitted Construction Environmental Management Plan (CEMP), however, following the submission of an updated CEMP further consultation was carried out with DAERA WMU, who raised no objections.

Further to DAERA's NED response the Council's Shared Environmental Services (SES) has considered the application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) on behalf of the Council, which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. SES has informed the Council having considered the nature, scale, timing, duration and location of the project, that it has no determining concerns with regard to the proposal and its effects on the integrity of any European site subject to a condition requiring a final CEMP to be submitted prior to commencement of the development.

Non Designated Sites

In relation to non-designated sites, NED acknowledges receipt of a Preliminary Ecological Assessment (Document 06 date stamped 8th June 2021) and a Tree Survey Report (Document 11 date stamped 8th June 2021) and has considered their contents.

A mature band of trees and scrub defines the northern boundary running parallel to the railway embankment, whilst a band of trees and scrub defines a section of the southern boundary. The proposal does not affect the existing mature vegetation in these areas with the exception of a small level of overgrown scrub clearance along a section of the northwestern boundary. A tree lined avenue defines a central section of the site running parallel to the existing hardstanding. These trees are to be removed as part of the proposal to allow for a pedestrian and cycle path. NED is content that the site has been appropriately surveyed and that the information provided is sufficient to allow for a proper assessment. There is a concern that the areas of scrub and marshy grassland have the potential to support nesting birds. All birds and their nests are protected under the Wildlife (Northern Natural Heritage & Conservation Areas Ireland) Order 1985 (as amended), as such NED recommends that any site clearance takes place outside the bird breeding season.

Habitats Regulation Assessment

Antrim and Newtownabbey Borough Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by SES dated 02nd November 2021. This found that the project would not have an adverse effect on the integrity of any European site.

Archaeology and Built Heritage

One of the Key Site Requirements of the Major Employment Location zoning MNY 07 of dBMAP relates to the protection of two raths within the wider Global Point lands. However, the application site forms a small part of the zoned lands which has been the subject of previous planning assessments and is on the larger developed parcel of land. The application site does not fall within the buffer zone of any archaeological site or monument therefore consultation with HED on this section of the zoning is not required. Furthermore, archaeological investigations and the protection of the aforementioned raths formed part of the assessment for reserved matters planning application reference U/2014/0385/RM.

CONCLUSION

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

- The principle of development is considered acceptable;
- The design and layout of the proposal is considered acceptable;
- The impact on character and appearance of the area is considered acceptable;
- The impact on neighbour amenity by way of noise, light and general disturbance, is not considered to be significant;
- There are no significant natural heritage concerns with regard to the proposal;
- There is no determining concern in relation to traffic generation or road safety;
- There are no flood risk or drainage concerns associated with this development.

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. A final Construction Environmental Management Plan (CEMP) and a Construction Method Statement (CMS), agreed with the appointed contractor, must be submitted to the Council at least eight weeks prior to any works commencing, including ground preparation and/or vegetation clearance. This shall identify all potential risks to the adjacent watercourses and designated sites and appropriate mitigation to eliminate these risks. The CEMP and CMS shall include the following: construction methodology and timings of works; and a Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site. The approved CEMP and CMS shall be implemented in accordance with the approved details and the development

shall be carried out in accordance with the mitigation measures, unless otherwise agreed in writing by the Council.

Reason: To provide effective mitigation ensuring there are no adverse impacts on the integrity of Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA and East Coast Marine (Proposed) SPA.

3. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Number 10 date stamped 8th June 2021.

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.

4. No other development hereby permitted shall become operational until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 10 date stamped 8th June 2021. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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.

5. The development hereby permitted shall not become operational 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.

6. The existing trees and vegetation as indicated on Drawing Number 16 date stamped 8th June 2021 shall be retained and allowed to grow on and retained at a minimum height of 4 metres 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 maintenance of screening to the site.

7. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

8. The proposed landscaping works as indicated on Drawing Number 16, date stamped 8th June 2021 shall be carried out in accordance with the approved

details and the appropriate British Standard or other recognised Codes of Practice during the first planting season after the commencement of development.

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

9. 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.

COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2021/0187/F
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retrospective application for car storage yard to provide additional storage space
SITE/LOCATION	19 Rashee Road, Ballyclare
APPLICANT	Trevor McMullan
AGENT	D.M. Kearney Design
LAST SITE VISIT	May 2021
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@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 lands to the rear of No's 19 and 23 Rashee Road, Ballyclare. This is an urban location within the settlement of Ballyclare and the majority of the application site lies within the town centre of the settlement.</p> <p>The application site comprises the existing 'Autopoint' car dealership, its display forecourt and associated two storey pitched roof car storage building located at No.19 Rashee Road. Additionally, the site comprises the majority of what was the rear garden of the dwelling at No.23 Rashee Road, which is located immediately to the north of and abutting the storage building. This portion of the site has been laid out in stones and sub-divided from the established curtilage of the dwelling and brought into use associated with the car dealership. The western, northern and eastern boundaries are defined by wooden fencing that is approximately 1.8m in height. This portion of the application site is accessed through the car storage building and at the time of the site visit there were multiple cars parked on these lands with price tags displayed on the car windows. The southern boundary of this portion of the application site is defined by the abutting wall of the car storage building and additionally a rendered wall which is associated with the Orange Hall building fronting the Rashee Road, which the application site wraps around.</p> <p>To the immediate north of the application site are No's 25, 27 and 29 Rashee Road. When accounting for No.23 Rashee Road, the curtilage of which has been sub-divided to form a portion of the application site, these dwellings form 2 no. sets of 2 storey semi-detached dwellings fronting onto the Rashee Road. No's 25, 27 and 29 have sizeable garden areas stretching westwards. Immediately adjacent to and northwest of the application site is the George Avenue, Ballyclare Group Practice Health Centre. To the west/southwest are a series of two storey semi-detached dwellings on George Close while to the south of the application site there is a series of retail based businesses fronting the Rashee Road.</p>	

RELEVANT PLANNING HISTORY

Planning Reference: U/2008/0512/F

Location: 19 Rashee Road, Ballyclare

Proposal: Erection of two-storey residential development comprising 6No 2-bed apartments.

Decision: Permission Granted: 29.11.2010

Planning Reference: U/2007/0662/F

Location: 19 Rashee Road, Ballyclare, BT39 9HJ

Proposal: Erection of part two storey/ part three storey building to accommodate 4No 1 bed and 6No 2 bed apartments respectively

Decision: Application Withdrawn: 11.08.2008

Planning Reference: U/2003/0145/A

Location: 19 Rashee Road, Ballyclare, Co. Antrim.

Proposal: Shop sign - Autopoint.

Decision: Consent Approved 22.05.2003

Planning Reference: U/2003/0144/F

Location: 19 Rashee Road, Ballyclare, Co. Antrim.

Proposal: Erection of new entrance canopy and alterations to existing building.

Decision: Permission Granted: 27.05.2003

Planning Reference: U/2001/0569/F

Location: 19 Rashee Road, Ballyclare.

Proposal: Change of use from bakery and storage area to car showroom and cleaning area and new front.

Decision: Permission Granted: 10.05.2002

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 provisions of the draft Belfast Metropolitan Area Plan together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Ballyclare. The majority of the application site is located within the

Town Centre boundary as indicated the Plan. The area of land that has been subdivided from the curtilage of the dwelling at No.23 Rashee Road lies immediately north of and outside the Town Centre boundary. Policy TNC1 of the Plan states that future retail and office growth will be directed towards Ballyclare town centre and that the scale of new retail and office development will be such as to retain and consolidate the viability of Ballyclare town centre uses, and relate closely to the main shopping streets.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Ballyclare. The area of land that has been subdivided from the curtilage of the dwelling at No.23 Rashee Road lies immediately north of and outside the Town Centre boundary. Policy R1 of the Plan is entitled 'Retailing in City and Town Centres' and states that planning permission will be granted for retail development proposals in city and town centres where a Primary Retail Core is not designated. The policy head note continues by stating that outside designated primary retail cores and within city and town centres retail development will only be granted planning permission where it can be demonstrated that there is no suitable site for the proposed development within the Primary Retail Core.

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.

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

Supplementary Planning Guidance relevant to the assessment of this development proposal is located within the 'Noise Policy Statement for Northern Ireland'.

CONSULTATION

Council Environmental Health Section – No objection subject to conditions.

Department for Infrastructure Roads- No objection.

REPRESENTATION

Twelve (12) 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 letter of objection was received through Public Access/the Planning Portal from No.29 Gateside Drive, Ballyclare. A technical error with the software however, did not allow for the actual points of objection to be recorded. The Council's Planning Section wrote to the objector on the 19th April 2021 requesting that the objector once

again use Public Access/the Planning Portal to record their points of objection or alternatively to e-mail the Council's Planning Section directly. No further comment was received from this property.

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

- Increased noise and pollution due to the movement of vehicles.
- Loss of privacy due to members of the public walking around the yard.
- The application site is a domestic property used for commercial purposes.
- The granting of planning permission would set a precedent and enable No's 27 and 29 Rashee Road to do the same.
- No's 23, 25, 27 and 29 are the natural stop to commercial uses on the southwestern side of the Rashee Road.
- The proposal is a potential fire hazard; and
- There is a lack of site security.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Impact to Character and Appearance of the Area
- Residential 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 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 the 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.

Both of the relevant development plans identify the application site as being within the settlement limit of Ballyclare. The majority of the application site lies within the town centre of Ballyclare as identified in both of the relevant development plans. With respect to the dNAP Policy TNC1 of the Plan states that future retail and office growth will be directed towards Ballyclare Town Centre and that the scale of new

retail and office development will be such as to retain and consolidate the viability of Ballyclare Town Centre uses, and relate closely to the main shopping streets. Regarding dBMAP Policy R1 of the Plan is entitled 'Retailing in City and Town Centres' and states that planning permission will be granted for retail development proposals in city and town centres where a Primary Retail Core is not designated. The policy head note continues by stating that outside designated primary retail cores and within city and town centres retail development will only be granted planning permission where it can be demonstrated that there is no suitable site for the proposed development within the Primary Retail Core. This planning policy is referred to in the Planning Appeals Commission (PAC) dBMAP Public Local Inquiry Report where it was recommended by the PAC that the policy be modified.

The car storage yard which is set to the rear of No.23 Rashee Road and that is the subject of this application for retrospective planning permission is directly associated with the lawful use of the remainder of the lands contained within the application site and which are used for car sales. Car sales is a 'sui-generis' use within the Planning (Use Classes) Order (NI) 2015. While the use of land for the purposes of car sales does not immediately fall within the meaning of 'main town centre uses' provided by the Strategic Planning Policy Statement (SPPS), which refers to cultural and community facilities, retail, leisure, entertainment and businesses, it is considered that the sale of motor vehicles is by its nature a form of retailing.

At the time of the site visit it was noted that each of the 14 cars present on the yard had a price tag attached to the inside of the windscreen. At that time the applicant stated that should a customer wish to view or test drive any of the cars that were present on the yard that he would bring the vehicle through the showroom building onto the main forecourt. While it is noted that this would require the movement of a number of vehicles to bring the relevant car onto the main forecourt, the position of the applicant is accepted. Should planning permission be granted for this proposal and should it become apparent that the applicant is utilising the yard for the purposes of display and sale of motor vehicles to visiting members of the public a breach of planning control would exist and this would then be a matter for the Council's Planning Enforcement Section. It is therefore accepted that the proposal currently being assessed is for a storage yard associated with the primary use of the existing premises for the sale of motor vehicles.

As noted above, it is considered that the sale of motor vehicles is a form of retailing. Given that the majority of the application site lies within the town centre boundary of Ballyclare in each of the relevant development plans, the 'Town Centre first approach' advocated by the SPPS is a relevant consideration in the assessment of this development proposal. It is considered that the sale of cars does not comfortably fall to be considered as a traditional town centre use rather a use more akin to an edge of settlement location. This form of development provides a unique form of retail offer with a requirement for large forecourt areas as opposed to large buildings containing retail floorspace. This proposal is evidently for the expansion of an established business which has outgrown the finite area of land it has historically been associated with and which is contained within the town centre boundary of Ballyclare. Given that the proposal is an expansion of an existing use that protrudes out of the town centre it is considered that although the 'town centre first' approach advocated by the SPPS is relevant to the consideration of the development proposal it is not considered to be a determining planning policy in this instance. For this

reason determining weight in the decision making process is not being attributed to the 'town centre first' approach advocated by the SPPS.

It is considered that the key issues to consider in the assessment of this retrospective development proposal are the impact to the character and appearance of the area, the residential amenity of existing residents and access, movement and parking issues. Subject to compliance with these matters the principle of the development can be established. The consideration of these matters is set out below.

Impact to Character and Appearance of the Area

This development proposal seeks to secure retrospective planning permission for the expansion of the car sales business to include a car storage yard to provide additional storage space for cars. The effect of this proposal is evident on the ground which results in the majority of the sizeable rear garden area of No. 23 Rashee Road being subdivided and fenced off from that dwelling to create the storage yard for the car sales business. The surface material for the yard is loose stone and the boundaries are, in the main, defined by approximately 1.8m high timber fencing with no gaps.

It is considered that the usage of the land for storage purposes associated with the established car sales business is occurring in what is otherwise an established residential area on the western side of the Rashee Road. It is considered that this specific use is an incompatible and intrusive form of development with respect to the provision and arrangement of the hardstanding and storage of cars and is causing unacceptable damage to the local character and environmental quality of an established residential area. The impact of the development causes an unacceptable subdivision of an existing residential plot that has led to an intrusive form of development with respect to both the visual amenity of the area and also in land use planning terms.

Additionally, it is considered that, should planning permission be granted, it may set a precedent for other non-residential proposals on lands to the rear of dwellings at No's 25, 27 and 29 Rashee Road. This matter was also referred to in the objection recorded against this development proposal where it is stated that No's 23, 25, 27 and 29 are the natural stop to commercial uses on the southwestern side of the Rashee Road. It is considered that this proposal would likely set an undesirable precedent for other non-residential based development proposals which would both individually and cumulatively be detrimental to the existing character and environmental quality of the established residential area.

Residential Amenity

It is considered that there will be a significant impact on the residential amenity of the adjoining residential properties following the sub-division of No.23 Rashee Road and the introduction of multiple cars into the storage yard given the close proximity of dwellings at No's 25, 27 and 29 Rashee Road. The proximity of the storage yard will lead to an unacceptable increase in noise and pollution associated with car parking and traffic movements into, out of, through and around this area of the application site. The parking and movement arrangement, which is positioned to the rear of the building line of those existing dwellings, is considered as unacceptably impacting upon the living conditions of those existing residents by reason of noise, nuisance and disturbance. It is further considered that the amenity of No.23 Rashee Road would be

adversely affected, however this property is identified as being within the ownership or control of the applicant.

Access, Movement and Parking

Policy AMP2 of PPS 3 is entitled "Access to Public Roads." The policy head note states that planning permission will only be granted for a development proposal involving 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 the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The storage yard which is the subject of this application for retrospective planning permission does not have a direct means of access to the public road, rather it relies upon the existing vehicular access to the Rashee Road taken from the main forecourt of 'Autopoint'. In its consultation response, DfI Roads, the competent authority for such matters, has indicated that it has no objections to the development proposal. For this reason, it is considered that the policy test of AMP 2 of PPS 3 has been complied with and the proposal is therefore acceptable in this regard.

Other Matters

Within the letter of objection, it is stated that this development will lead to the loss of privacy due to members of the public walking around the yard, that the proposal is a potential fire hazard and that there is a lack of site security.

With reference to a loss of privacy it is the position of the applicant that visiting members of the public will not be allowed access to the car storage yard, rather the applicant will bring the relevant vehicle to the forecourt for inspection. As such, it is not considered that the point of objection is determining. It is also noted that the boundaries of the car storage yard are defined by a 1.8m high timber fence with no gaps and that this would, if the use was found to be acceptable, largely prohibit views from the car storage yard into the private amenity space of existing residents at No's 23, 25, 27 and 29 Rashee Road.

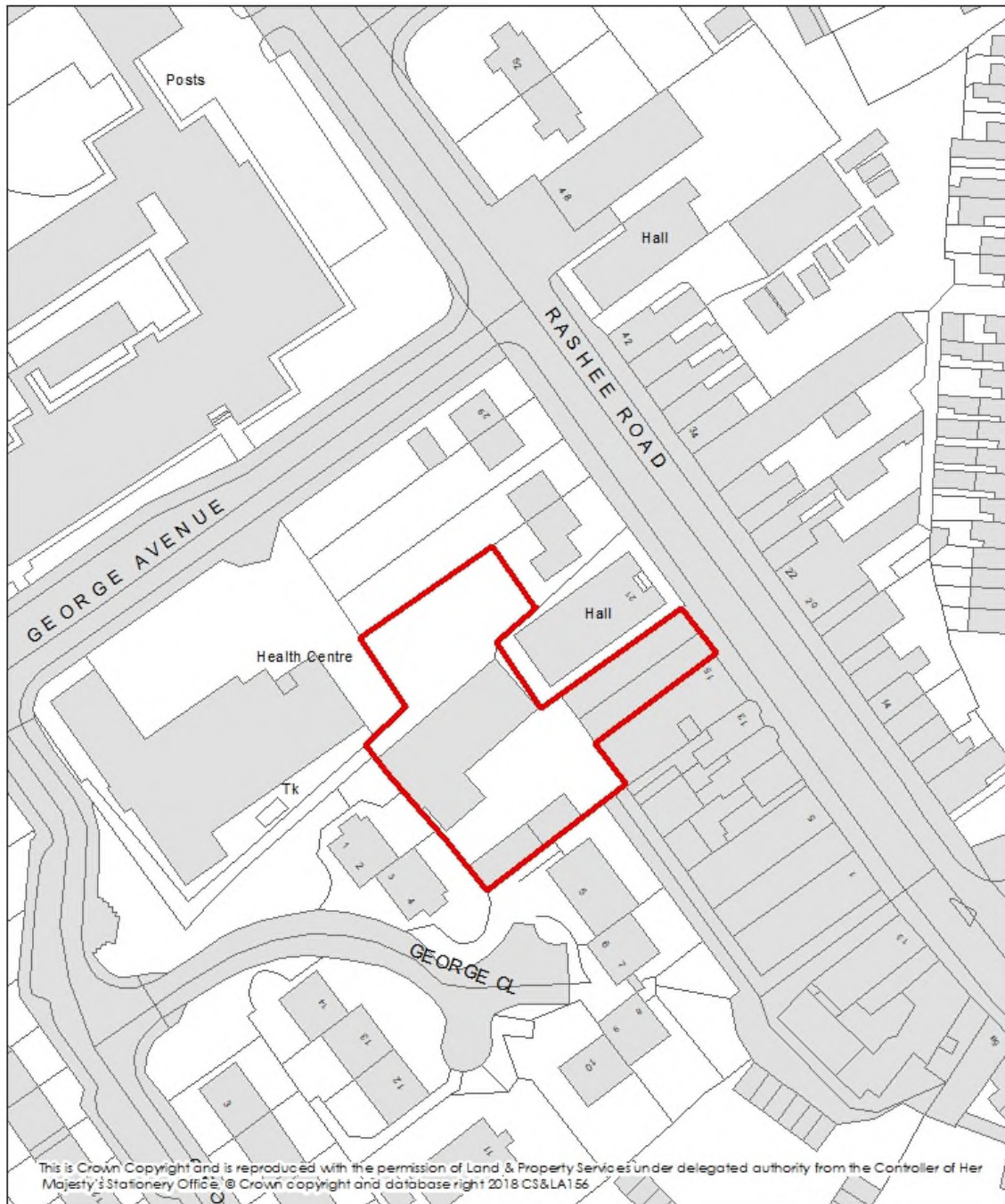
The points of objection also made reference to the car storage yard being a potential fire hazard and that there is a lack of site security. It is noted that no substantive evidence with respect to these points of objection has been provided and as such limited weight in the decision making process is being attributed to these matters.

CONCLUSION

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

- The principle of the development cannot be established;
- The proposal will have an unacceptable impact on the local character and environmental quality of the area;
- The proposal is having an unacceptable impact on the residential amenity of existing residents at No's 25, 27 and 29 Rashee Road;
- There are no access, movement or parking issues;
- The letter of objection has been considered within the main body of the report; and
- There are no objections from consultees.

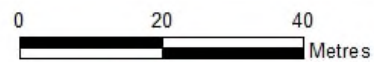
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASON OF REFUSAL	
<p>1. The proposal is contrary to the Strategic Planning Policy Statement set out at paragraph 3.8 in that, if permitted, the development would cause demonstrable harm to interests of acknowledged importance which includes the local character, environmental quality of the area and the residential amenity of existing residents at No's 25, 27 and 29 Rashee Road.</p>	



Site Location Plan

Application Reference: LA03/2021/0187/F

Proposed retrospective application for car storage yard to provide additional storage space



 Site boundary



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2021/0781/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	1 no. detached dwelling
SITE/LOCATION	Land between Nos. 111 and 131 Seven Mile Straight Antrim BT41 4QT
APPLICANT	Ms Rocha Lyttle
AGENT	David Mills Architect
LAST SITE VISIT	19/8/2021
CASE OFFICER	Michael Logan Tel: 028 9034 0418 Email: michael.logan@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 land between Nos. 111 and 131 Seven Mile Straight Antrim, within the rural area and outside any designated settlement limits, as defined within the Antrim Area Plan 1984-2001.</p> <p>The site comprises a large agricultural field which rises gently towards its western boundary and fronts onto the Seven Mile Straight. The proposed access is indicated to be that shared with no. 111 Seven Mile Straight, where the applicant resides. In the vicinity of no. 111 Seven Mile Straight there is an elevated point/brow in the road, where the road falls in both directions to the north west and south east along Seven Mile Straight.</p> <p>The north eastern boundary of the site to Seven Mile Straight is formed by a 1 metre roadside hedge, with the north western boundary towards no. 111 and the shed to the rear currently undefined. The western boundary of the site is formed by a 2 metre hedge and significant mature trees, whilst the south eastern boundary to the adjacent laneway is formed by a 1.5 metre hedge.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account</p>	

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

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

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

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

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

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

CONSULTATION

Department for Infrastructure Roads: Amendments required to visibility splays and P1 form.

Environmental Health section: No objection.

NI Water: No objection.

Belfast International Airport: have indicated that a building with a maximum height of 7 metres (to top of chimney) can be developed without infringing on protected area. Full details to be provided at RM stage to allow a full assessment.

Defence Infrastructure Organisation: No objection.

Health and Safety Executive NI: Would not advise against proposal, suggest consulting with gas pipeline operator.

Gas Networks (gas pipeline operator): No objection.

REPRESENTATION

Seven (7) neighbours were notified of the application and three (3) letters of objection have been received.

The objections are summarised as follows:

- Impact from proposal on amenity: loss of privacy, blocking line of light and sight and additional noise disturbance;
- Access is on the brow of a hill, potential for accidents on busy road due to hidden dip and fast traffic. Dangerous site traffic;
- Erosion of rural character and lack of site integration;
- Historically, dwellings erected in vicinity for monetary gain rather than personal reasons; and
- Proposal would impact on the views of countryside.

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 the Character and Appearance of the Area
- Neighbour Amenity; and
- Other Matters.

Policy Context and Principle of Development

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

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

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

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

The agent has clarified that the proposal has been submitted to be assessed primarily against the infill policy which relates to 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 CTY 8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

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

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

The first element of Policy CTY 8 requires that a substantial and continuously built up frontage exists. Approximately 100 metres to the northwest of the application site there are four dwellings located in what is considered to be a substantially built up frontage, which directly front onto the Seven Mile Straight. A gap then exists of two agricultural fields (one is the application site) with a laneway in between of circa 190 metres, before the dwelling at No. 111 Seven Mile Straight. It is considered that given the size of the gap, there is no substantial and continuously built up frontage between the frontage to the northwest and No. 111 Seven Mile Straight, therefore the proposal does not comply with criterion (a) of the policy. Because of this, development of the application site would create a ribbon of development and be contrary to Policy CTY 8 of PPS 21.

As outlined above, whilst it is not considered that a substantial and continuously built up frontage exists to be infilled, nevertheless Criterion (b) of Policy CTY 8 requires that the gap site is small and sufficient only to accommodate up to a maximum of two houses and this is assessed below. The proposed site exhibits a frontage to the Seven Mile Straight measuring approximately 90 metres. Together with the other agricultural field on the northwest side of the laneway, the overall gap between the nearest boundaries of No. 111 Seven Mile Straight and No. 131 Seven Mile Straight is some 190 metres, or 210 metres if the distance to the nearest gable to gable is measured.

A calculation of the average plot size of the frontages between No.111 and the dwellings to the northwest measures circa 49 metres, so consequently it is estimated that the 190 metre gap could accommodate in the region of 4 dwellings based on the average plot width. The 190 metre gap is therefore very substantial.

Having considered the context of the area, the size, scale and plot size of the dwellings between No. 111 Seven Mile Straight and those to the northwest, it is estimated the gap of which the application site forms part, could accommodate

more than 2 dwellings. It is therefore considered that the separation distance between the relevant buildings does not equate to a small gap site as set out within criterion (b) of Policy CTY 8.

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

Integration and Impact on the Character and Appearance of the Area

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

As this application seeks outline planning permission, no details have been provided regarding the proposed design or layout of the dwelling. However, given the context of the site and its immediate area, a single storey dwelling of a modest scale and size is considered the most appropriate form of development to use for the purposes of assessment.

Policy CTY 13 states that a new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. The red line of the site has been indicated on the boundaries of a substantial agricultural field, clearly significantly larger in frontage and depth than that required to locate a modest dwelling. Whilst the defined roadside boundary of the field is defined by a 1 metre hedge, it is considered that the remainder of the site would require a significant element of planting and landscaping to adequately define new boundaries to provide a suitable degree of enclosure. It is therefore considered that a new dwelling on the site would not satisfactorily integrate into the surrounding area and therefore does not comply with the criteria set out under CTY13 of PPS21.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. It is considered that the development of a dwelling on this site would be visually linked with existing buildings to the north west and south east, as well as those dwellings immediately opposite the site and consequently would lead to a build-up of development in the area when read with other existing development.

It is considered that the development of another roadside dwelling in the area would effectively create a ribbon of development and resultant suburban change in character. Furthermore, the development of a dwelling on this site would be likely to create opportunity for additional development along this part of the Seven Mile Straight, in a linear fashion. Therefore, it is considered that the proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies

CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, result in ribbon development resulting in a suburban style build up when viewed with the existing dwellings along Seven Mile Straight.

An objector has raised the issue that dwellings previously approved in the area are not sympathetic to the rural character of the countryside. Whilst it is noted that these are historic planning decisions, for the reasons outlined above, it is considered that this application would lack integration and lead to an erosion of rural character in the area.

Neighbour Amenity

As the application is for outline planning permission, no specific details of house type, siting location or design have been submitted.

Three objections (3) have been received from neighbouring dwellings opposite the site, which front onto Seven Mile Straight. They raise issues relating to the impact on amenity, in terms of loss of privacy due to overlooking, loss of light and the impact from additional noise. It is considered that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of the closest neighbouring properties are not negatively impacted upon. Each of the properties opposite are set back from the Seven Mile Straight, some with significant hedging and treed boundaries fronting the road. Due to this vegetation and the separation distance across the Seven Mile Straight, it is considered that the potential for overlooking and loss of light is minimal.

It is also considered that the impact of noise from a domestic dwelling would not be of a significant level to impact upon neighbouring amenity, whilst construction noise would be temporary and confined to that phase of the development. It was also raised that the proposal would interfere with the objector's views of the countryside, however the right to private views are not a material planning consideration.

Other Matters

All three objectors have raised concerns with the proposed access point being located at the brow of a hill and the impact this would have on road safety, along with the additional traffic both from the proposal and its construction phase. DfI Roads was consulted in relation to the proposed development and requested that the red line of the location plan be amended for visibility splays 2.4 metres by 150 metres in both directions, fully triangulated, the P1 form be amended to read 'alteration of existing access to a public road' and Drawing No. 02 amended to show the increased visibility splays. As the principle of development cannot be established, the applicant was not requested to make these amendments and therefore did not incur any further expense.

Belfast International Airport have indicated that a building with a maximum height of 7 metres (to top of chimney) can be developed without infringing on the protected air space area. Full details to be provided at Reserved Matters stage to allow a full assessment.

An objector has raised the issue that historically, dwellings erected in the vicinity have been developed for monetary gain rather than personal reasons. This is outside of the

realms of this application and in any case is not a material planning consideration other than in those circumstance where specific personal reasons have been identified as determining the principle of development for a dwelling in the countryside.

CONCLUSION

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

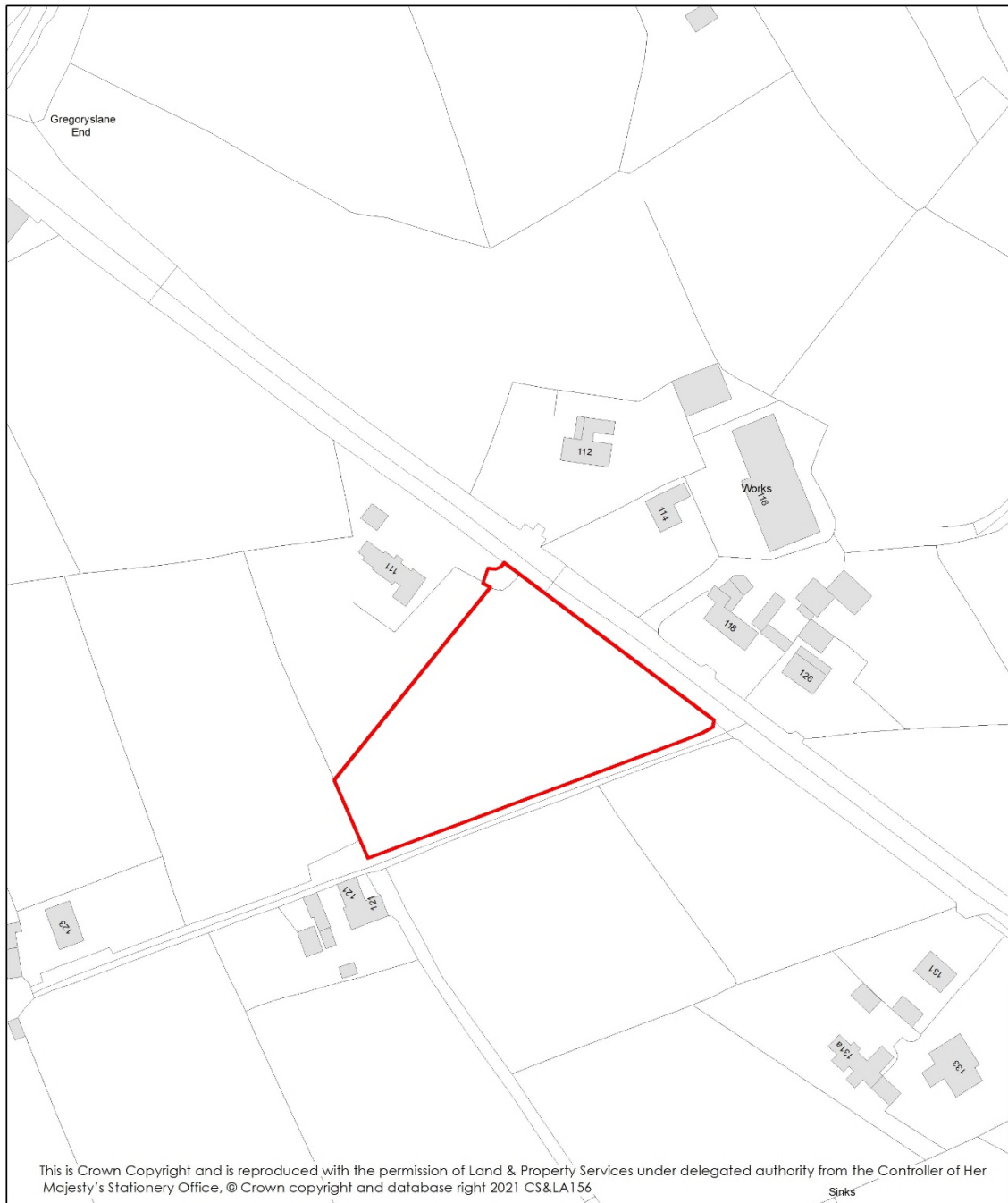
- The principle of the development is considered unacceptable as the proposal is contrary to the provisions of the SPPS, Policy CTY 1 and Policy CTY 8 of PPS 21 as no infill opportunity exists at this location;
- The proposal constitutes ribbon development that will cause a detrimental change to and further erode the rural character of the area;
- The proposal would not integrate satisfactorily into the surrounding landscape;
- It is considered that there are no neighbour amenity issues.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL:

1. The proposal is contrary to the 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 provisions contained within the Strategic Planning Policy Statement and fails to meet the provisions for an infill dwelling in accordance with Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not comprise a small gap within a substantial and continuously built up frontage.
3. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site, if permitted, would fail to integrate into the countryside.
4. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, result in ribbon development resulting in a suburban style build up when viewed with the existing dwellings along Seven Mile Straight.



Location Map

Reference: LA03/2021/0781/O

Location: Land between Nos. 111 and 131 Seven Mile Straight, Antrim

Proposal: 1 No. detached dwelling

 Site Boundary



COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2021/0234/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	A single two storey detached dwelling with a separate garage
SITE/LOCATION	Land adjoining 12a Laurel Lane, Belfast, BT14 8SQ
APPLICANT	John McCallin
AGENT	Andy McCallin
LAST SITE VISIT	24th March 2021
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext 40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located at lands adjoining No. 12a Laurel Lane, Belfast, within the rural area, outside any settlement limits as defined in the Antrim Area Plan 1984 – 2001.</p> <p>The application site is a rectangular portion of a larger agricultural field. The site is defined by Laurel Lane along the northeastern boundary and the southeastern boundary of the site is defined by mature vegetation of approximately 12 metres in height. A post and wire fence also traverses this boundary. The northwestern and southwestern boundaries of the site are undefined as the site forms part of a larger field. An existing field gate is positioned in the eastern corner of the application site and an access track runs along the southeastern boundary. The applicant's kennels and exercise track abut the southeastern boundary of the site.</p> <p>The area is rural in character with a number of dispersed rural dwellings within close proximity of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2012/0235/F Location: Land 50m South West of 12 Laurel Lane Budore Road Budore BT14 8SQ Proposal: Dog Kennels (retrospective) Decision: Permission Granted (01.03.2013)</p> <p>Planning Reference: T/2009/0255/F Location: 90m West of 12 Laurel Lane, Budore Proposal: Proposed 1storey dwelling and garage to include temporary accommodation (mobile home) on adjoining land Decision: Permission Refused (02.11.2010)</p> <p>Planning Reference: T/2009/0431/F Location: Land 50m South West of 12 Laurel Lane, Budore Road, Proposal: Dog Kennels (retrospective)</p>	

Decision: Permission Refused (16.12.2011)

Planning Reference: T/2007/0204/F

Location: 70m south west of 12, Laurel Lane, Budore

Proposal: Private dog kennels and gallop.

Decision: Permission Granted (26.09.2008)

Planning Reference: T/2006/0482/F

Location: 50 metres south of entrance to No.12 Laurel Lane, Belfast

Proposal: Construct kennel for 6 dogs currently housed in outbuildings associated with No.48 Budore Road

Decision: Permission Refused (04.01.2007)

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 provisions of the draft Belfast Metropolitan Area Plan together with relevant provisions of Planning Policy Statements (PPS's) which contain the main operational planning policies for the consideration of development proposals.

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

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

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

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

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

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

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

CONSULTATION

DAERA - No objection

Council Environmental Health Section - No objection

NI Water - No objection

DfI Roads - No objection

DfI Rivers - No objection

Crown Estates: Defence Infrastructure Organisation: LMS - No objection

Belfast International Airport - No objection

Northern Ireland Electricity - Objection

DAERA Water Management Unit - No objection, subject to conditions

DAERA Natural Heritage - Biodiversity Checklist Required

REPRESENTATION

Three (3) neighbouring properties were notified, and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

The Antrim Area Plan 1984 - 2001 (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to determination of the proposal. The application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan. The AAP identifies the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements. One such document is Planning Policy Statement 21 'Sustainable Development in the Countryside'.

Policy CTY 1 of PPS 21 sets out the types of development that are considered to be acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY 10. The SPPS contains a Regional Strategic Policy entitled 'Dwellings on Farms'. Of relevance to this application, the SPPS replaces the definition of agricultural activity given in paragraph 5.39 of the Justification and Amplification to Policy CTY 10. In line with the transitional arrangements set out in the SPPS, any conflict between the retained policy and the SPPS is to be resolved in favour of the SPPS.

Policy CTY 10 of PPS 21 sets out three criteria which proposals for farm dwellings must satisfy. Criterion (a) requires the farm business to be currently active and established for at least 6 years. In this case DAERA Countryside Management Branch has confirmed that the applicant has an active farm business which has been established for at least 6 years however, it states that Single Farm Payments (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agric Environmental schemes are not claimed. The submitted P1C form also states that claims are not made by the applicant.

As outlined above the SPPS replaces the definition of agricultural activity given in paragraph 5.39 of PPS21. This definition aids in establishing what can be regarded as active farming. The SPPS now refers the decision maker to the definition of agricultural activity in Article 4 of the European Council Regulations (EC) No 1307/2013. There is no material difference between the two definitions regarding what can constitute agricultural activity.

Paragraph 5.43 of Policy CTY 10 advises that applicants will have to provide sufficient information to demonstrate a level of involvement commensurate with commercial activity over the requisite period of 6 years. In order to demonstrate that the farm business has been active for the necessary period of six (6) years as stated in Policy CTY 10, the agent has provided a series of pieces of documentary evidence.

Nine (9) invoices have been provided. Seven of these refer to the year 2020, one is not dated, and one is dated May 2018. None of the invoices are recorded as being specific to the applicant's holding or have the applicants name or address. Seven

out of the nine invoices relate to cash sales for parts for machinery and two have the name Niall McCallin on the invoice. The invoices are largely for parts and oil for machinery.

A number of photographs have been submitted showing pieces of agricultural machinery which the applicant states he uses on the farm. In addition, the applicant's movement book has been submitted indicating that in September 2020, 27 sheep were moved off the applicant's farm.

It is considered that the entirety of the information provided by the applicant to demonstrate that active farming has occurred on the holding for at least six (6) years is neither specific nor conclusive and is not therefore persuasive. It is considered that it has not been demonstrated that the farm business is active and has been established for at least 6 years in accordance with the requirements of criterion (a) of Policy CTY10 of PPS21.

Criterion (b) requires that no dwellings or development opportunities out-with the settlement limits should have been sold off from the farm holding within 10 years from the date of the application and this provision applies from 25 November 2008. The policy goes on to say that planning permission granted under this policy will only be forthcoming once every 10 years. For the purposes of this policy "sold-off" means any development opportunity disposed of from the farm holding to any other person including a member of the family. The applicant has confirmed in Question No. 05 on the PIC form accompanying the application that no dwellings or development opportunities have been sold-off from the farm holding since 25th November 2008.

A history search of the farm maps show that no dwelling has been granted planning permission on the applicant's farm lands. It is therefore accepted that no development opportunities have been sold off the farm within the last ten (10) years. It is considered that the application meets the relevant policy requirements identified under criterion (b).

The third criteria states that any farm dwelling should be visually linked or sited to cluster with an established group of buildings on a farm. In this case the proposed farm dwelling is located adjacent to and west of the only buildings on the holding, the applicant's kennels. While a large band of mature trees separates the application site from the building, the justification of Policy CTY 10 states that If however, the existing building group is well landscaped, or where a site adjacent to the building group is well landscaped planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation. In this case it is therefore considered the proposal complies with policy in this regard and the proposal fulfils the criteria set out under criterion (c).

The principle of the development is not established as it has not been demonstrated that the farm business is currently active and has been established for at least 6 years.

Impact on Character and Appearance of the Area

The SPPS paragraph. 6.70 states that all development in the countryside must integrate into its setting and respect rural character. Policy CTY 13 - Integration and

Design of Buildings in the Countryside states that a new building will be unacceptable where it would be a prominent feature in the landscape and as such would not integrate. In this case the application site abuts Laurel Lane and while this is a roadside site, the existing vegetation along the southeastern boundary provides screening to the site when travelling along Laurel Lane and when approaching the site travelling in a northwesterly direction. Views will be evident when travelling in a southeasterly direction towards the site, however, the vegetation will provide a backdrop and the site is set adjacent to the existing building at No. 12A Laurel Lane which is the only building on the applicant's holding. It is considered that the site could provide a suitable level of integration providing the ridge height of any dwelling was restricted to 6.5 metres due to its roadside location and to ensure it is in keeping with the character of the area.

Policy CTY 13 of PPS 21 also states that planning permission will be granted for a dwelling in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. It further states that a new building will be unacceptable where the design of the building is inappropriate for the site and its locality. The Strategic Planning Policy Statement (SPPS) reinforces this and states that in all circumstances proposals for development in the countryside must not have an adverse impact on the rural character of the area.

The proposal seeks outline permission and therefore there are limited details with regards to the design of the proposed building. Overall, it is considered that a suitably designed dwelling on this site could successfully integrate into the surrounding rural landscape and would not have a detrimental impact on the rural character of the area.

Neighbour Amenity

The application site is located within a rural area, the site is not adjacent to any properties outside the ownership of the applicant and as such it is considered that the proposal will not result in an unacceptable impact on the amenity of any residential properties in the area. An existing dwelling at No. 2 Laurel Lane is located opposite the site however, it is considered that sufficient separation distance exists to ensure the proposed dwelling would not have a detrimental impact on neighbouring amenity. The Council's Environmental Health Section has been consulted and has advised that an informative should be added to any decision notice stating that farms have the potential to cause public health nuisances from odour, noise, and pests and that it is recommended that the proposed dwelling is situated a minimum of 75 metres from farm buildings. The applicant should also be made aware that the occupants of the proposed dwelling may experience noise, odour and pests from the nearby farm.

Natural Heritage

DAERA Natural Environment Division has returned the consultation response indicating that a biodiversity checklist should be submitted. As the principle of development is unacceptable, this information has not been requested so as to ensure the applicant is not put to undue expense.

Access Arrangement

The proposed farm dwelling is to be accessed directly onto Laurel Lane and can utilise an existing access track along the southwestern boundary of the application

site. DfI Roads has been consulted and has no objection to the proposal, subject to conditions.

Flood Risk and Drainage

The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or the 1 in 200 year coastal flood plain. The application site is located within an area known for pondage. This development does not exceed the thresholds as outlined in Policy FLD 3 and subsequently a Drainage Assessment is not required. DfI Rivers has raised no objection to the proposal.

Water Management Unit has been consulted and has considered the impacts of the proposal on the surface water environment. It is considered that, subject to conditions, the proposal is acceptable in this regard.

Belfast International Airport

The application is located within close proximity to Belfast International Airport however, BIA has previously advised that for outline applications it has insufficient information to comment on the likelihood of the proposed development having an impact on aircraft safety until further information is submitted. The types of details are normally provided at reserved matters stage should outline planning permission be forthcoming.

NIE Networks

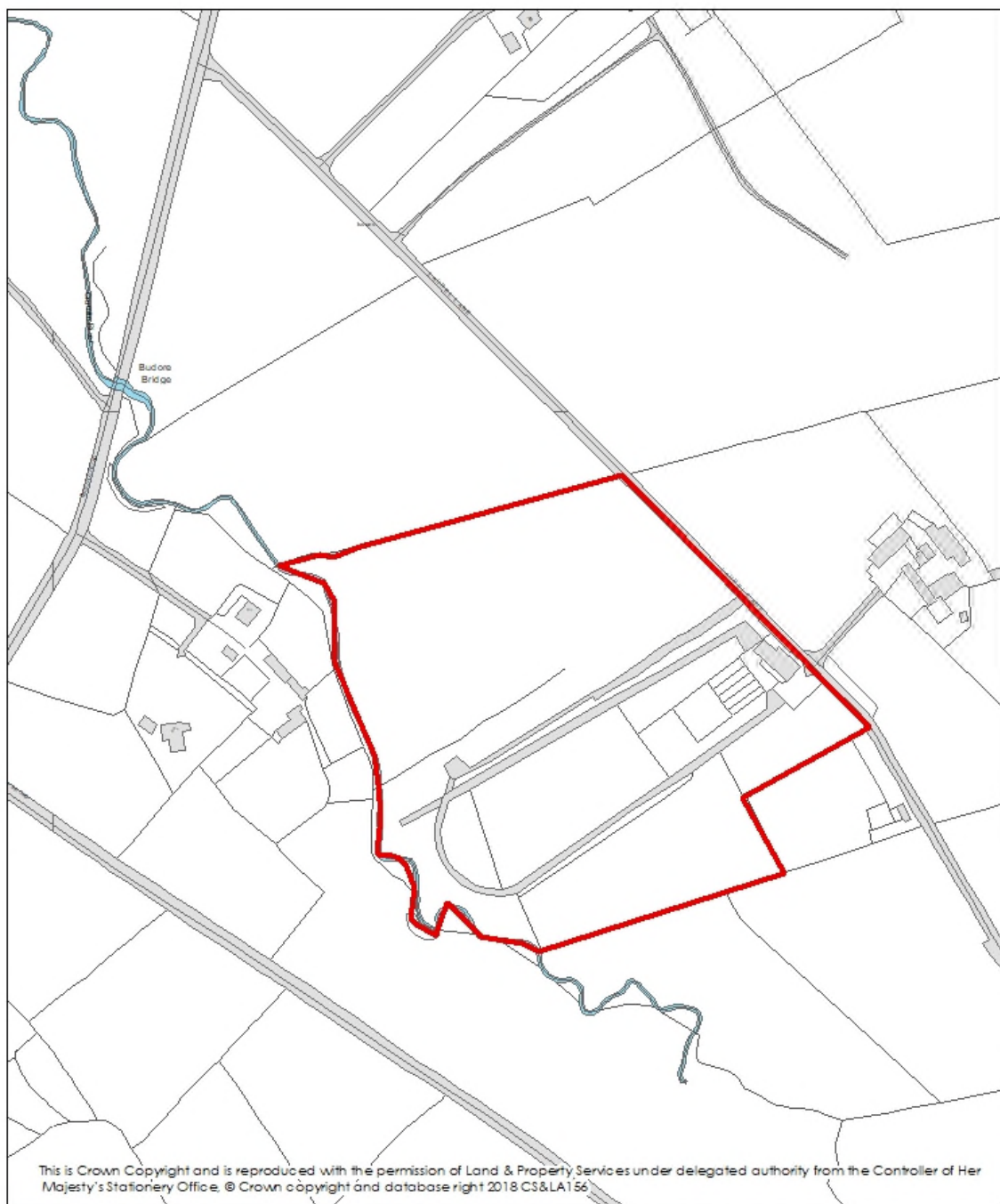
Northern Ireland Electricity has been consulted on the proposal as the proposed development will restrict access to their existing underground service cable, which runs from the pole northwesterly to the property at 12A Laurel Lane. The lands affected by the proposal also have High Voltage (HV) overhead lines and associated equipment in the area of the proposal. NIE Networks has raised concerns that the proposal may infringe on the safety clearances that are required to be maintained between its equipment and any building or structure. In light of the above, NIE raised an objection to the proposed development, however, they have stated that the applicant could contact them with a view to finding a possible resolution. However, no further information has been requested in this regard, due to the recommendation this would be a nugatory exercise.

CONCLUSION

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

- The principle of the development is not established as it has not been demonstrated that the farm business is currently active and has been established for at least 6 years;
- It has not been demonstrated that the proposal will not result in an adverse impact on natural heritage interests;
- The development proposal will integrate into the landscape;
- The siting of the dwelling proposed could be conditioned to ensure that it will not have an unacceptable impact to the character of the countryside; and
- The proposal can be designed to ensure there will not be an impact on residential amenity.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY1 and CTY10 of PPS 21: Sustainable Development in the Countryside, and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active. 2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy NH 2 of the Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate that the proposed development will not have a detrimental impact on natural heritage features, including protected species. 	




Site Location Plan

Application Reference: LA03/2021/0234/O

A single two storey detached dwelling with a separate garage

Land adjoining 12a Laurel Lane, Belfast, BT14 8SQ



 Site boundary



COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2021/0669/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for 2no infill dwelling and garages
SITE/LOCATION	Approx. 30m S of 89 Magheralane Road, Randalstown, BT41 2PA
APPLICANT	Mr John Heffron
AGENT	N/A
LAST SITE VISIT	30 th July 2021
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@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 lands between No. 89 and No. 85 Magheralane Road, Randalstown and lies outside the development limits of any settlement as defined in the Antrim Area Plan 1984- 2001.</p> <p>The application site is situated within a corner location and has been formed through the sub-division of a larger agricultural field and as a result has an undefined boundary at its eastern edge. The northern boundary which is shared with No. 89 is defined by mature vegetation varying in height between 1.5-3 metres. The southern roadside boundary directly abuts the Connaught Road and is defined by a 1.5 metre hedgerow and the western boundary which directly abuts Magheralane Road is defined by hedging and trees between 1.5 and 4 metres in height.</p> <p>The application site encompasses an open agricultural field and includes a small concrete outbuilding to the northeastern corner of the site. An agricultural gate is positioned to the centre of the western roadside boundary providing access to the site from Magheralane Road. The topography across the site falls gently in a northerly direction.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account</p>	

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection subject to an informative advising the applicant on nearby farm building and the disturbances that this can cause through odour, noise and pests.

Northern Ireland Water - No objection.

Department for Infrastructure Roads- No objection subject to conditions.

REPRESENTATION

Three (3) neighbouring properties were notified, and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

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

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

Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. Whilst the main thrust of Policy CTY8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

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

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

In this case the application site comprises a gap between No. 89 Magheralane Road to the north and No. 85 Magheralane Road to the south. Connaught Road is located

directly to the south of the application site and helps define the southern boundary. Policy CTY 8 outlines that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development as long as they all have a common frontage or are visually linked.

The applicant's Supporting Statement under Document 01 date stamped 1st July 2021 outlines that the substantially and continuously built up frontage is made up of the following dwellings, Nos, 89, 85, 86, 82, 80 and 81 Magheralane Road. It is noted that dwelling Nos 80, 82 and 86 are located to the western side of the Magheralane Road, which is to the opposite side of the application site and therefore do not have a common frontage with the application site. It is also considered that dwelling No. 81 can also not be considered as part of a substantial and continuously built up frontage as this dwelling is sited to the south of No. 85 and there is a large visual break in development between the two dwellings and their respective domestic curtilages.

In this case it is agreed that dwellings No. 85 and 89 have frontages onto the Magheralane Road and it is noted that there is a substantial outbuilding associated with No. 85 positioned to the rear of the dwelling. This building is set back off the road by 20 metres and is set to the rear of No. 85. The outbuilding does not have its own frontage and is considered to be accompanying development to the rear of No. 85. It is considered that this building does not constitute a third building for the purposes of policy and as a result this application fails the first test of CTY8 as a substantial and continuously built up frontage along this section of the Magheralane Road. The infilling of this gap would create a form of ribbon development which is not acceptable within a countryside location.

The second element of Policy CTY8 requires the gap site to be a small gap site sufficient only to accommodate a maximum of two dwellings. As stated above, the outbuilding associated with No. 85 does not establish the third building for the purposes of meeting the first element of CTY 8 and as a result the principle of development cannot be established as a substantial and continuously built up frontage does not exist.

However, for the purposes of completing the assessment it is noted that the No. 85 has an approximate frontage width of 60 metres and No. 89 has a frontage width of approximately 74 metres. Overall, this provides an average frontage width of 67 metres. The site comprises a gap of 116 metres of land lying between the gable of No. 85 and the gable of No. 89. However, it is noted that the location of Connaught Road restricts the potential developmental gap and therefore taking the measurement from the gable of No. 89 to the southern boundary of the application site equates to 96 metres. This would result in the application site creating two dwelling frontages of some 42 metres which is substantially smaller than the current development pattern. However, for the purposes of this policy the gap proposed would be sufficient only to accommodate up to a maximum of two houses and not three. Consequently, it is considered the proposal is compliant with element 'b' of CTY 8.

Should it be determined that any of the other nearby dwellings or buildings constitute part of a substantially and continuously built up frontage, enabling the proposal to meet the policy test of the three buildings in a continuously and built up frontage,

then the gap between No. 85 and No. 89 is considered a small gap as defined by the policy to satisfy the requirements of criterion (b).

No other evidence has been submitted by the applicant to suggest that the proposal falls to be considered under any other category of development that is noted as acceptable in principle in the countryside in accordance with Policy CTY 1 of PPS 21. However, given the location of the application site next to a T-junction, it is considered appropriate to also consider the application in respect of a dwelling within an existing cluster under CTY 2A of PPS21.

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

It is considered that the application site fails on the first test of CYT 2A, in that although it is accepted that the application site lies outside of a farm, for the purposes of policy, the cluster must be associated with four buildings, of which at least three are dwellings. Located within direct vicinity of the T-junction are dwelling Nos. 85 and 86 and the large outbuilding associated with No. 85. It is not considered that any of the other dwellings in proximity to the application site, including No. 89 constitute part of a cluster given the separation distance and intervening gaps between surrounding development. Therefore, it is considered that a cluster of development does not exist at the T-junction, as three dwellings cannot be identified.

The second test requires that the cluster appear as a visual entity in the local landscape. It is acknowledged that sections of Magheralane Road display heavily built up areas of ribbon development. However, travelling north towards the application site, the development pattern becomes more dispersed and visual gaps appear between existing dwelling curtilages. On approach to the site from a northerly direction, No. 89 appears as a standalone single dwelling and does not read with other development in the area. Dwelling No. 86, opposite the application site, features a dwelling that has been left derelict and has largely been overrun by vegetation. As a result of this, No. 86 has very little visibility from the public road. Open views of No. 85 can be achieved coupled with the associated substantial outbuilding to the rear. It is considered that the existing development is not sufficient to be considered a visual entity in the landscape, given the break in development between No. 85, the junction with the Connaught Road and the continued gaps between existing dwellings to the north. This existing development form creates a dispersed pattern of development at this section of the Magheralane Road.

As noted above the application site is located adjacent to a 'T' junction, which is considered to be comparable to a crossroads and therefore for the purposes of CTY2a the position of the application site beside a T junction is considered to be an appropriate focal point. However, this in itself does not override the fact that the application site is not located within a cluster of buildings that appears as a visual entity in the landscape as required by policy.

The application site is bounded by No. 89 to the northern boundary and Connaught Road to the southern boundary with No. 85 sited just beyond the public road. However, the application site does not qualify as an opportunity for development in a cluster, given that it is not considered that a cluster exists at the application site and the policy makes direct reference to proposals being bounded by development within a cluster. It is considered overall, that the application site fails to also comply with Policy CTY2A of PPS21.

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

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

As the application seeks outline permission, no details have been provided regarding the proposed design or layout of both dwellings. Policy CTY 13 requires that a new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. In this case the application site lacks established boundaries along the eastern boundary as the site is a portion cut out of a much larger agricultural field. The northern, southern and western boundaries all have some degree of landscaping that includes a combination of both hedging and trees. Whilst it is noted that some vegetation would need to be removed from the western roadside boundaries to provide visibility splays, it is noted that a shared access would serve both dwellings. It is considered that the limited amount of hedge removal to facilitate the required visibility splays would go some way to reducing the amount of vegetation requiring removal in comparison to two separate accesses. Given the roadside location, there would be critical views of two dwellings and garages along this stretch of Magheralane Road. Given that the majority of existing boundaries are defined by established landscaping it is considered that two dwellings within the application site, subject to a low ridge height restriction and a suitable planting scheme could be sensitively integrated into the application site.

Policy CTY 14 indicates that development which creates or adds to a ribbon of development will be unacceptable. A dwelling on the application site will result in the addition of two dwellings along this stretch of Magheralane Road which would be visually linked with existing buildings and would represent a linear form of development creating a ribbon of development. The addition of two dwellings on this site would cumulatively lead to a suburban style of build-up within this rural area. In addition, as noted above, the development if granted approval would result in the development of two plots with frontage widths of approximately 43 metres along the roadside edge which is not in keeping with the development pattern in the direct vicinity of the application site, which is characterised by substantial frontage widths of 60 metres and 74 metres. Therefore, it is considered that two dwellings within the application site would not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.

Due to the failure to comply with Policy CTY 8 which has been discussed above; and the subsequent creation of ribbon development, resulting in a suburban style build-

up of development and not respecting the traditional pattern of settlement exhibited in the area, the proposal fails to comply with Policy CTY 14 of PPS21.

Neighbour Amenity

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

Movement, Access and Parking

The applicants Supporting Statement under Document 01 date stamped 1st July 2021 outlines that a shared access to serve both dwellings could be formed on the Magheralane Road. Consultation has been carried out with DfI Roads who raised concern that the existing access as indicated on the P1 form is a field entrance and not an existing vehicular access which would require upgrading. DfI Roads has noted that should planning approval be forthcoming that a condition should be attached to any grant of planning permission requiring the access to be designed to a suitable standard and agreed on any subsequent Reserved Matters application.

CONCLUSION

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

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of CTY 1, CTY 8 and CTY 2A of PPS 21.
- The proposal will result in a ribbon development, resulting in a suburban style build-up of development and would not respect the traditional pattern of settlement when viewed with existing buildings.
- The application site is able to provide a suitable degree of enclosure for the proposed development.
- An appropriately designed dwelling on site would not have a detrimental impact on neighbour amenity.
- No evidence has been provided that the proposed development could not be located in a settlement.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of PPS 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and fails to meet with the provisions for an infill dwelling in accordance with Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site is not within an otherwise substantial and continuously built up frontage that includes a line of 3 or more buildings.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY2a of PPS 21, Sustainable Development in the Countryside, in that the cluster is not made up of at least four buildings, three of

which must be dwellings, the cluster does not appear as a visual entity in the landscape and it is not bound on at least two sides by other development in the cluster.

4. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, result in ribbon development resulting in a suburban style build up dwellings and not respect the existing pattern of development.




Site Location Plan

Application Reference: LA03/2021/0669/O

Site for 2no infill dwelling and garages

Approx 30m S of 89 Magheralane Road
Randalstown, BT41 2PA



 Site boundary



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2021/0387/F
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Change of use to car electrics workshop utilising farm buildings.
SITE/LOCATION	50 Ballylagan Road, Ballyclare BT39 9QR
APPLICANT	Noel McAlister
AGENT	JWA Design
LAST SITE VISIT	18 th June 2021
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@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 50 Ballylagan Road, Ballyclare which lies within the countryside as defined within the draft Belfast Metropolitan Area Plan (published September 2004).</p> <p>The application site encompasses a large agricultural outbuilding measuring 24.2 metres by 6.3 metres with a maximum height of 6.4 metres from ground level. The area directly to the west of the outbuilding is mostly overgrown and there is a small concrete yard towards the north of the outbuilding. The application site is part of a wider group of agricultural outbuildings at this location associated with the same farm holding. The topography within the application site falls in a westerly direction from the public road and therefore the outbuilding is built on lower ground than the Ballylagan Road.</p> <p>The northern boundary of the site is defined by mature landscaping varying in heights between 2-4 metres. An existing vehicular access is located along the eastern roadside boundary which is also defined by a stepped one-metre-high cement wall. The southern boundary of the application site is undefined as it is cut out of a larger farmyard complex and the western boundary is defined by an adjacent agricultural outbuilding. The site is located within a built up area of farm building and the surrounding rural area is predominantly agriculture.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2010/0113/F Proposal: Proposed single storey dwelling with detached garage Location: Adjacent to 50 Ballylagan Road, Ballynure, Ballyclare, BT39 9QR Decision: Permission Granted (09.02.2011)</p>	

PLANNING POLICY AND GUIDANCE

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

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

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

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection subject to conditions

DAERA Countryside Management Inspectorate Brach- Advise that the farm business identified on the PIC Form has been in existence since 19/11/1991 and is Category 1. The business has not claimed payments through the Basic Payment Scheme or Agri Environmental Scheme in each of the last 6 years.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

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

Policy CTY1 of Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) sets out the types of development considered to be acceptable in principle in the countryside. One such development type is farm diversification in accordance with Policy CTY 11. Policy CTY1 goes on to say that other types of development will only be permitted where there are overriding reasons why it is essential and could not be located in a settlement.

Policy CTY11 states that planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in

conjunction with the agricultural operations on the farm. The application proposes the conversion of an existing agricultural outbuilding to be used as an auto-electrics repair shop as part of a farm diversification scheme.

It is noted that the application site is to be used by the nephew of the applicant, who currently runs an auto electric repair shop under the business name 'MJM Autoelectrics'. Email correspondence received on the 23rd June 2021 by the applicant's nephew, Matthew McAlister outlined that permission is sought for the change of use as his current premises in the Gleno area are being returned to their former agricultural use. The applicant had stated within email correspondence received on the 1st July 2021 that the car electrics workshop would benefit the surrounding area given the complex electrical elements/fittings which had been developed in modern farm machinery. The proposed workshop would be ideal for the local farming community and other commercial businesses such as The Woodside Group and Waste Collection Services located within close proximity to the application site.

As stated above the headnote of Policy CTY 11 and paragraph 6.73 of the SPPS states that planning permission will be granted for a farm diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. It is noted that both the SPPS and Policy CTY11 do not provide any explanation of the requirement 'to be run in conjunction with the agricultural operations on the farm'.

The proposal essentially seeks planning permission for a third party member to occupy a redundant agricultural outbuilding and use these as the premises for a new business at this location. This would therefore be regarded as a new business in the countryside under the semblance of a farm diversification proposal. The applicant, who is the owner of the DARD Business ID and subsequent farm holding would not be the person diversifying their farm business which is instead to be operated and managed by a third party family member.

Overall, it is not considered that Policy CTY 11 is intended to be interpreted in this manner, which in turn would set a precedence for third parties which are not actively engaged in farming or connected to the agricultural workings of the land to open businesses in rural locations under the guise of farm diversification proposals. In this instance, the proposed development is not considered to satisfy this initial policy requirement. The proposal has failed to comply with the overall head note of Policy CTY 11 of PPS 21 and the SPPS therefore the principle of the proposed development cannot be established.

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

As part of CTY 11 the following criteria will also apply:

(a) The farm or forestry business is currently active and established;

The applicant named on the P1 application form correlates with the name on the farm business ID number. Paragraph 5.49 of PPS21 outlines that the determining criteria for an active and established business will be that as set out within Policy CTY 10 – i.e demonstrate that the farm has been active and established for a minimum of six years. DAERA were consulted as part of the proposal and have confirmed that the farm business ID has been in existence since 19/11/1991. DAERA also advise that the applicant has not claimed payments through the Basic Payment scheme or Agri Environment scheme.

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

- (i) agricultural activity means production, rearing or growing agricultural products, including harvesting, milking, breeding animals, and keeping animals for agricultural purposes whilst paragraph 5.39 of PPS 21 adds 'or maintaining the land in good agricultural and environmental condition' to that definition.

The agent had confirmed within email correspondence received on the 2nd July 2021 that the applicant's farm holding was let out in conacre, however, the applicant looks after the boundary hedges and fences etc. cutting them and maintaining them each year.

The applicant has submitted invoices in order to demonstrate 6 years of active farming. A substantial number of invoices have been submitted to the Council between the years 2014- 2021. It is acknowledged that whilst a large number of the receipts are not deemed to demonstrate active farming due to them not including any name or address specific to the applicant and involving the purchasing of a service or product not specific to active farming. There are a handful of receipts that are considered relevant in the assessment against Policy CTY 10 to demonstrate active farming.

A number of receipts are metered water bills from NI Water covering the years 2018, 2019, 2020 and 2021. Further to this a hedge cutting invoice, weed killers and grass seed purchases were among the invoices received for the year 2016. Other invoices include the renewal of farm select insurance with NFU Mutual and replacement fencing erected on the land in 2021 and the renewal of agriculture vehicle insurance with NFU Mutual in 2020.

It is noted that there is limited evidence of active farming during the year 2015 and 2017. Outside of the past 6 years, the applicant has provided a receipt from 2014 that demonstrates the transfer of single farm payments from DAERA. It is considered that on the balance of probabilities that the applicant has met the minimum threshold required to demonstrate that they have been actively engaged in maintaining the land in good environmental and agricultural condition for the past six years and therefore complies with criterion (a) of Policy CTY 11 of PPS 21.

(b) In terms of character and scale it is appropriate to its location;

In terms of character and scale, the proposal intends to utilise an existing agricultural shed. The existing shed is located approximately 14.7 metres from the roadside edge and therefore critical views of the shed can be viewed on approach to the site from

both directions along the Ballylagan Road. As stated above the topography across the site falls in a westerly direction, and therefore the existing outbuilding has been built into the ground, reducing the visibility of the shed when viewed from public vantage points.

Notwithstanding this point, the proposal does not increase the scale or mass of the existing building and with the exception of the introduction of window voids at ground level and the replacement of new metal cladding and render, the shed would appear in a visually better condition than the existing structure.

Overall, the proposal would not increase the scale of development at this location and is not considered to cause any greater harm to the character of the surrounding area and therefore the proposed change of use complies with criterion (b) of Policy CTY 11 of PPS 21.

(c) It will not have an adverse impact on the natural or built heritage; and

There are no features of built heritage importance within the application site nor is the site located within or in close proximity to a designated area and therefore the proposal complies with criterion (c) of Policy CTY 11 of PPS 21.

(d) It will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

The proposed development has some potential to generate some level of noise, smell and pollution, however, it is noted that there is only one neighbouring dwelling to the application site. No. 50 Ballylagan Road is located 24 metres south of the application site, which is the dwelling associated with the applicant. The closest neighbouring dwelling outside of the applicant's farm holding is No. 54 Ballylagan Road located some 220 metres to the northeast of the application. In addition, the Council's Environmental Health Section was consulted and has responded with no objections. Overall, it is not considered that the proposed development would result in a detrimental impact on the amenity of nearby residential dwellings and therefore complies with criterion (d) of Policy CTY 11 of PPS 21.

Policy CTY 11 further states that proposals will usually only be acceptable where they involve the re-use or adaption of an existing farm building. Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use. In this instance the proposed development would utilise a redundant agricultural outbuilding and proposes only minor external alternations in order for the existing building to function as part of the auto-electrics business. Therefore, the proposal is compliant with this element of the policy.

In respect of the above criteria, the proposed development is compliant with CTY 11 with regards to criteria (a) – (d). However, the resulting use of the proposed farm diversification business by a third party is considered to be a separate operation. The applicant's business is not considered to be run in conjunction with the agricultural operations of the applicant's farm and therefore the application is considered to fail on the initial head note of CTY 11 of PPS 21.

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

Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting and respect rural character. In this case, as mentioned above the proposed auto electrics business is to be located within an existing farm building in an existing farm complex. As demonstrated on Drawing No. 03 date stamped the 19th April 2021 there are no major structural works required to allow for its reuse. Proposed external finishes include white render to the bottom half of the building and new green metal cladding to the top half which are both typically rural finishes and are considered appropriate for the site and the surrounding area.

Policy CTY 14 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 the area.

As noted above, the proposed development will be housed within an existing outbuilding on an established and active farm holding. The proposed works would be visible from public viewpoints given the existing buildings location by the roadside. It is considered that the proposed works to the external façade are minor in nature and would not have a detrimental impact on the rural setting given that the application site is set against the back drop of other large agricultural outbuildings associated with the farm complex.

All finishes to the new development are suitable for both the application site and the surrounding rural area. The proposal will not be unduly prominent in the landscape and will not cause a detrimental change to the rural character of the area, in this regard, the proposal meets with the criteria of CTY 14.

Access, Movement and Parking

The application proposes to use an existing vehicular access positioned to the eastern roadside boundary of the application site. This access is one of two accesses off the Ballylagan Road used to serve the farm complex. The new car parking area provides 7 car parking spaces and is located to the northeast of the existing outbuilding, which currently comprises overgrown vegetation. DfI Roads has assessed the proposal and are content that the proposed access arrangements are satisfactory and will not prejudice road safety.

CONCLUSION

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

- The principle of the development cannot be established;
- The proposal will not result in adverse impacts on the amenity of any neighbouring properties;
- The proposed access arrangements are acceptable.

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

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY 11 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the proposed farm diversification business would not be run in conjunction with the agricultural operations on the farm.




Site Location Plan

Application Reference: LA03/2021/0387/F

Change of use to car electrics workshop utilising farm buildings.

50 Ballylagan Road
Ballyclare BT39 9QR



 Site boundary



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2021/0651/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for single storey dwelling
SITE/LOCATION	Approximately 25m south east of 44A Drumsough Road, Randalstown, BT41 2NW
APPLICANT	Chris Craig
AGENT	Richard French
LAST SITE VISIT	29 th August 2021
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 25 metres southeast of the dwelling at No. 44A Drumsough Road, Randalstown. It lies outside of any settlement limit as defined in the Antrim Area Plan 1984-2001. The application site is accessed via a private laneway which also serves an existing dwelling at No. 44B Drumsough Road.</p> <p>The site is enclosed along the southeastern boundary with post and wire fencing and with existing hedgerows along the southwestern and northwestern boundaries. Public views to the site are very limited due to the topography of the surrounding landscape. The land rises away from the Drumsough Road and then begins to fall away in a southwesterly direction at the application site. The area in which the site is located is characterised by a number of dispersed rural dwellings, however, the Connell Hill Riding Centre is also located to the west of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2008/0279/RM Location: 140m North West of 44 Drumsough Road, Randalstown Proposal: Dwelling Decision: Permission Granted 30.06.2008</p> <p>Planning Reference: T/2005/0897/O Location: 140m North West of 44 Drumsough Road, Randalstown Proposal: Site of Dwelling Decision: Permission Granted 06.11.2005</p> <p>Planning Reference: T/2005/0946/RM Location: 140m North West of 44 Drumsough Road, Randalstown Proposal: Site of Dwelling Decision: Permission Granted 11.12.2005 Planning Reference: T/2002/0633/O</p>	

Location: 140m N W of 44 Drumsough Road, Randalstown
Proposal: Site of dwelling and garage.
Decision: Permission Granted 08.10.2002

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – Additional information required.

Northern Ireland Water – No objection.

Department for Infrastructure Roads- No objection.

REPRESENTATION

Three (3) neighbouring properties were notified of the application and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Integration and Impact on Character and Appearance of the Area
- Neighbour Amenities

Policy Context and Principle of Development

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

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

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

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

It is noted that the site had previous approval for a dwelling house most recently granted under T/2005/0897/O and T/2008/0279/RM. This previous permission expired on the 3rd November 2010. Development does not appear to have commenced on site upon visual inspection nor is there a Certificate of Lawful Development associated with the site. The applicant therefore does not appear to have a lawful fall-back position based on the planning history. It is therefore imperative that it is demonstrated that the proposal can meet with the relevant policy tests provided within PPS 21.

It was not clear upon receipt which policy criteria the applicant wanted their proposal to be assessed under. When asked to provide justification for the proposal in accordance with PPS 21 the agent advised that the proposal fell most neatly for consideration under Policy CTY 2A.

Policy CTY2A allows for planning permission to be granted for a dwelling at an existing cluster of development on the basis that a number of criteria can be met. The first criteria requires that the cluster of development lies outside of a farm and consists of four or more buildings of which at least three are dwellings. The policy goes on to advise that the cluster must appear as a visual entity in the landscape and that

it should be associated with a focal point such as a social/community building or facility or be located at a crossroads.

During a previous appeal (2011/A0023) in the vicinity of application site the Planning Appeals Commission acknowledged that there is an existing ribbon of development to the south of the site terminating at No. 44 so this is excluded from the cluster. The dwelling at No. 44B would also not be considered to be part of the cluster given its distance from the site. The agent has highlighted on Drawing No. 03 that the dwellings at No. 44, No. 44A, No. 44B, No. 48, No. 48A and No. 50 form an existing cluster of development and has noted the Connell Hill Riding Centre as the focal point. It is accepted however that a cluster of development exists and the Connell Hill Riding Centre building and the grouping of buildings to the north are a focal point in the area.

The policy requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides by other development within the cluster and that the development site can be absorbed into the existing cluster through rounding off and consolidation. The application site is located on lands approximately 25 metres southeast of the dwelling at No. 44A. It is accepted that the site is bound by the dwelling to the northwest. Connell Riding Centre lies approximately 48 metres to the west of the application site beyond a gravelled yard/parking area and it is not considered that this built development bounds the application site.

The application site therefore would not be bound on two sides by existing development and instead seeks to break away from the existing group of buildings in this area meaning that the application site would not be a rounding off or consolidation opportunity and would instead present an intrusion of development into the open countryside. Overall, it is concluded that the proposal cannot fulfil the policy requirements of Policy CTY 2a of PPS 21 as the development cannot be absorbed into the existing cluster through rounding off and consolidation and will intrude into the open countryside.

The proposal has been considered against all other policies for residential development in the countryside and it does not appear to meet any other policy criteria. The proposal is therefore contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY1 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.

Integration and Impact on Character and Appearance of the Area

The SPPS paragraph 6.70 states that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. Policy CTY 14 goes on to state that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. In this case, although the principle of a dwelling on the site cannot be established, it is not considered that a dwelling on the application site would be detrimental to the rural character of the area given the very limited public interest in the site.

As noted above the application site is accessed via a private laneway which also serves the dwelling at No. 44B. The site is set back approximately 115 metres from the road and given the topography of the site (which sees lands rising from the public road and then falling away at the application site) and the existing road side vegetation there are no critical views of the site when travelling along the Drumsough Road.

Policy CTY 13 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. Given the topography of the lands surrounding the application site and the enclosure provided by the existing boundary vegetation along the site's southwestern and northwestern boundaries it is considered that a dwelling could successfully integrate into its surroundings. As the application is for outline planning permission there have been no details provided in terms of a proposed design for the dwelling house. It is however, concluded that despite the principle of a dwelling not being acceptable at the application site, that an appropriately designed dwelling on the application site could fulfil the policy criteria of Policy CTY 13.

Overall it is considered that an appropriately designed dwelling on the application site could meet the policy criteria of Policies CTY 13 and CTY 14 of PPS 21.

Neighbour Amenity

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

Other Matters

The Council's Environmental Health Section (EHS) were consulted in relation to the application and had initially raised concern about the impact of artificial lighting associated with the Connell Hill Riding Centre and had requested that the applicant undertake a Light Impact Assessment (LIA). Following a second site visit and the submission of additional information from the applicant, EHS are now satisfied with the proposal in terms of impact from light subject to an informative being added to any grant of planning permission. This should ensure that due consideration is given to the design and orientation of the proposed dwelling to limit excessive intrusion of artificial light from flood lighting is minimised.

A Noise Assessment was requested however; it was not requested from the applicant as it would be considered unreasonable to put the applicant to the expense of undertaking this additional work given the recommendation to refuse. As a precautionary approach a refusal reason in relation to this amenity matter has been appended to the report.

EHS has also advised that given the proposed location for the dwelling (approximately 25 metres from an equestrian centre) there may also be an impact from dust associated with the activities at the equestrian site. DfL Roads has been consulted in relation to the application and has raised no objection to the proposal.

CONCLUSION

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

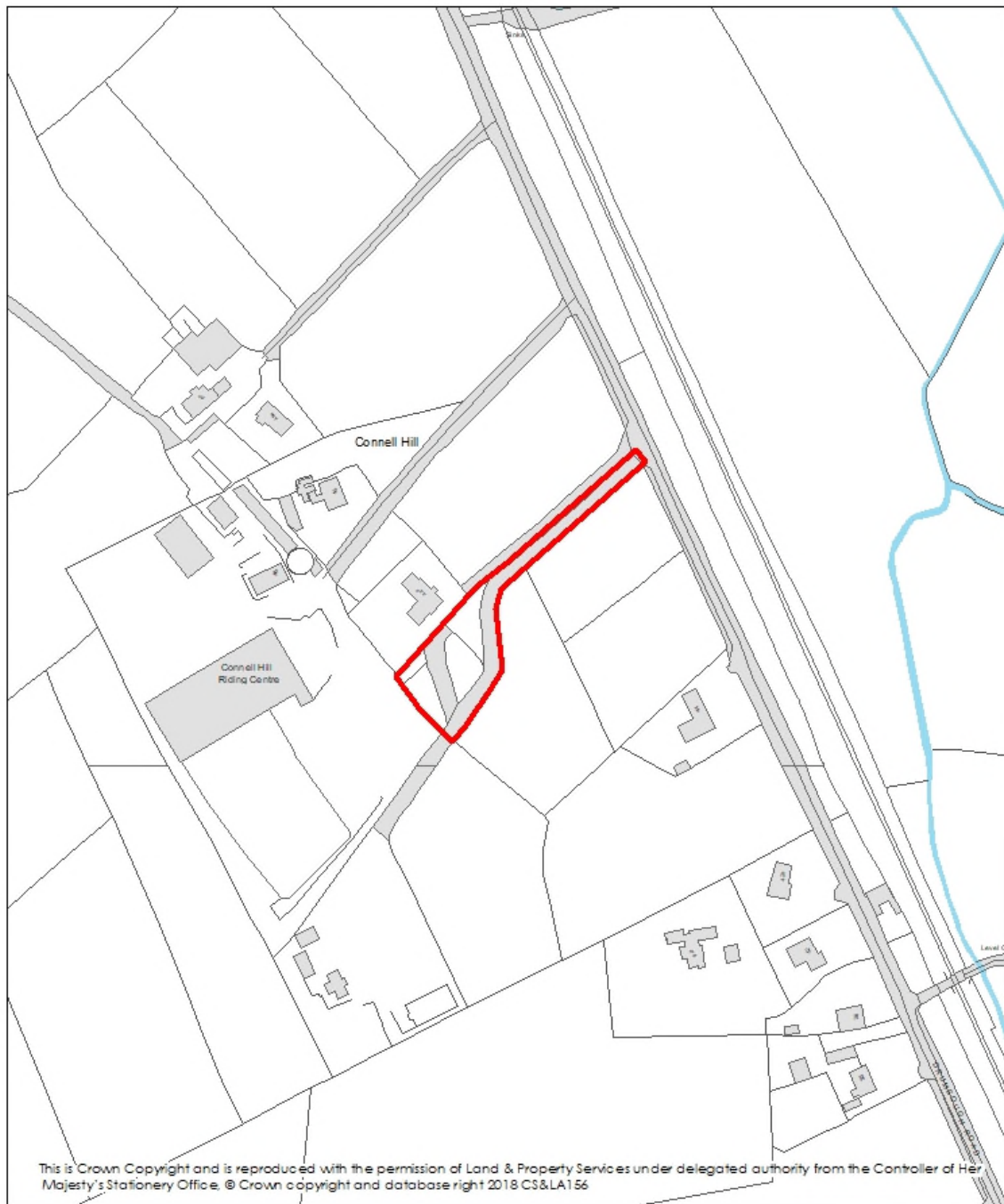
- The principle of the development is considered unacceptable.
- The proposal would not cause a detrimental impact upon the rural character of the area.
- An appropriately designed dwelling could integrate into the surrounding rural landscape.
- An appropriately designed dwelling could ensure the privacy and amenity of neighbouring properties is retained.
- The proposed dwelling may be subject to amenity impact from noise and light associated with the adjacent Riding Centre.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside, as the development cannot be absorbed into the existing cluster through rounding off and consolidation and will intrude into the open countryside.
3. The proposal is contrary to the provisions of the Strategic Planning Policy Statement in that it has not been demonstrated that the proposed dwelling will not experience a detrimental impact on the amenity of the future occupants, by way of noise associated with the adjacent Riding Centre.




Site Location Plan

Application Reference: LA03/2021/0651/O

Approximately 25m south east of 44A Drumsough Road
Drumsough, Randalstown

Site for single storey dwelling



 Site boundary



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2021/0729/O
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Manager's dwelling for existing allotments
SITE/LOCATION	100m NE of 3 Lisglass Road, Ballyclare
APPLICANT	Mr & Mrs I McFall
AGENT	R J Studio
LAST SITE VISIT	27 th September 2021
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 100m northeast of 3 Lisglass Road, Ballyclare which is approximately 200m east of the access point onto Lisglass Road. The site is located within the rural area outside of any settlement limit as defined by draft BMAP (2004).</p> <p>The access point and first section of the laneway is shared with 3no. dwellings and a day nursery. The laneway then continues along a mature boundary, entering on the west hand side of the site which comprises a portion cut out of a larger agricultural field. The northwestern and northeastern boundaries of the site are defined by mature hedgerows approximately 2-4m in height while the southwestern and southeastern boundaries are currently undefined.</p> <p>There are agricultural lands to the north, east and south of the site with allotments located approximately 35m southwest of the site. There is a mature hedging/tree boundary between the allotments and the field in which the proposed site is located. Beyond the allotments is the day care nursery and 3 No. dwellings, all within the ownership of the applicant.</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.

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection

Department for Infrastructure Roads- No objection

Department for Infrastructure Rivers – No objection

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

- 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. Up until the publication of draft BMAP (dBMAP) in 2004, 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.

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a dwelling house in connection with an established non-agricultural business in accordance with Policy CTY 7.

Policy CTY 7 states that permission will be granted for a dwelling where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work.

Where such a need is accepted the dwelling will need to be located beside or within the boundaries of the business enterprise and integrate with the buildings on the site.

The agent submitted a supporting letter from the applicant on 17th August 2021 which puts forward a number of reasons as to why a dwelling on the site is necessary:

- The applicant is handing management of the allotments to his son;
- Need to carry out regular maintenance of site e.g. grass/weeds, equipment;
- To ensure no trade is being carried out at the allotments;
- Enhanced customer service;
- Provide security on site;
- Prevent unlawful keeping of livestock and other animals on site;
- Assisting with maintenance associated with the adjacent day care nursery.

The applicant's dwelling is located at No.3 Lisglass Road which is closely grouped with the children's day care facility, located approximately 50m west of the current allotments. There is no clear visual break between the applicant's dwelling and the allotments, with intervening lands containing a large shed, day care nursery and the access lane which also serves the allotments.

Although the supporting letter states that the applicant is handing management of the allotments to his son, there is no information provided as to the sons current address. Therefore, it is not possible to know if his son lives within lands owned by the applicant or further afield.

The reasons put forward within the supporting letter do not constitute an essential need to live at the site of the business. Tasks such as maintenance of landscaping, providing customer service and preventing unauthorised uses on the allotments are all tasks that could be undertaken during normal business hours by an employed member of staff on the site who could then leave at the end of his/her shift.

On the issue of security, Policy CTY 7 makes specific note of this under the justification and amplification by stating "the need to provide improved security from theft and/or vandalism by having someone living on the site is unlikely on its own to warrant the grant of planning permission." Little weight is therefore attributed to this reason for a new dwelling on the site.

While it is stated that someone is needed to assist with the adjacent day care business, the application is for a building in relation to the allotments business and therefore a need for an additional business cannot be taken into account to support this application.

Policy CTY 7 also states that where a business is operating satisfactorily without residential accommodation, specific reasoning will need to be provided as to why it is now necessary. No information of this nature has been provided. The allotments appeared to be well occupied at the time of site visit and there is no evidence provided as to how the business is changing in a way that would require someone to live on the site.

Having taken the above into account it is considered that it is not essential for an employee to live at the site and the proposal fails to meet the criteria of Policy CTY 7 of PPS 21 and the principle of development has not been established.

Design and Appearance

Policy CTY 7 states that the proposed dwelling will need to be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site. Notwithstanding the fact that the principle of development on the site has not been established, the design and siting of the proposal will be assessed.

The proposed site is located approximately 35m northeast of the allotments, within a separate field which itself is vacant and not being used for allotments. It is considered that the proposed location of the site does not comply with the requirements set out within Policy CTY 7. Whilst the laneway to the site runs alongside the northern boundary of the existing allotments, the site itself is located within the far northern area of an adjacent field. There is a clear visual break of 35m between the existing allotments and the application site. This separation will be further intensified by the mature boundary along the northeastern boundary of the allotment business which is defined by mature vegetation in excess of 4m in height. This boundary will dramatically reduce any visual relationship between the site and the business, particularly given the lack of existing tall buildings on the allotments, reducing its visual appearance from a public viewpoint (particularly from along Lisglass Road).

The applicant has not provided details as to why the proposed dwelling cannot be placed either immediately adjacent to the allotments or grouped closer to the existing buildings beside No.3 Lisglass Road and the day care nursery building. While it is stated within the applicants submission that there is a necessity to live on site, the application site will offer limited surveillance of the existing business and a diminished awareness of security issues or customer service.

Having considered the above, and recognising that the proposal does not offend policies CTY 13 and 14 in terms of design, it is deemed that the proposal is contrary to Policy CTY 7 of PPS 21 in that the proposed site is not sited beside or within the boundaries of the existing business.

Neighbour Amenity

There are no properties outside of the control of the applicant within 150m of the site. Therefore, it is unlikely there would be any significant detrimental impact upon a neighbouring property. However, as this application is for outline approval only, any issues of detail design can be dealt with through a reserved matters application were this application to prove acceptable.

Flood Risk

The northern corner of the site falls within the 1 in 100-year floodplain. The applicant has provided an amended plan (01A) showing this area hatched with the annotation "No development to take place within the floodplain" and DfI Rivers have indicated that they have no objection following the amendment.

DfI Rivers are aware of a significant bank along the northern boundary of the laneway and site and therefore a Flood Risk Assessment was not deemed necessary.

Any approval should have a condition that a dwelling should have a freeboard of 600mm above the Q100 floodplain.

Other Matters

DfI Roads and the Council's Environmental Health Section offer no objections to the proposal. No objections or other representations have been received from any third parties.

CONCLUSION

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

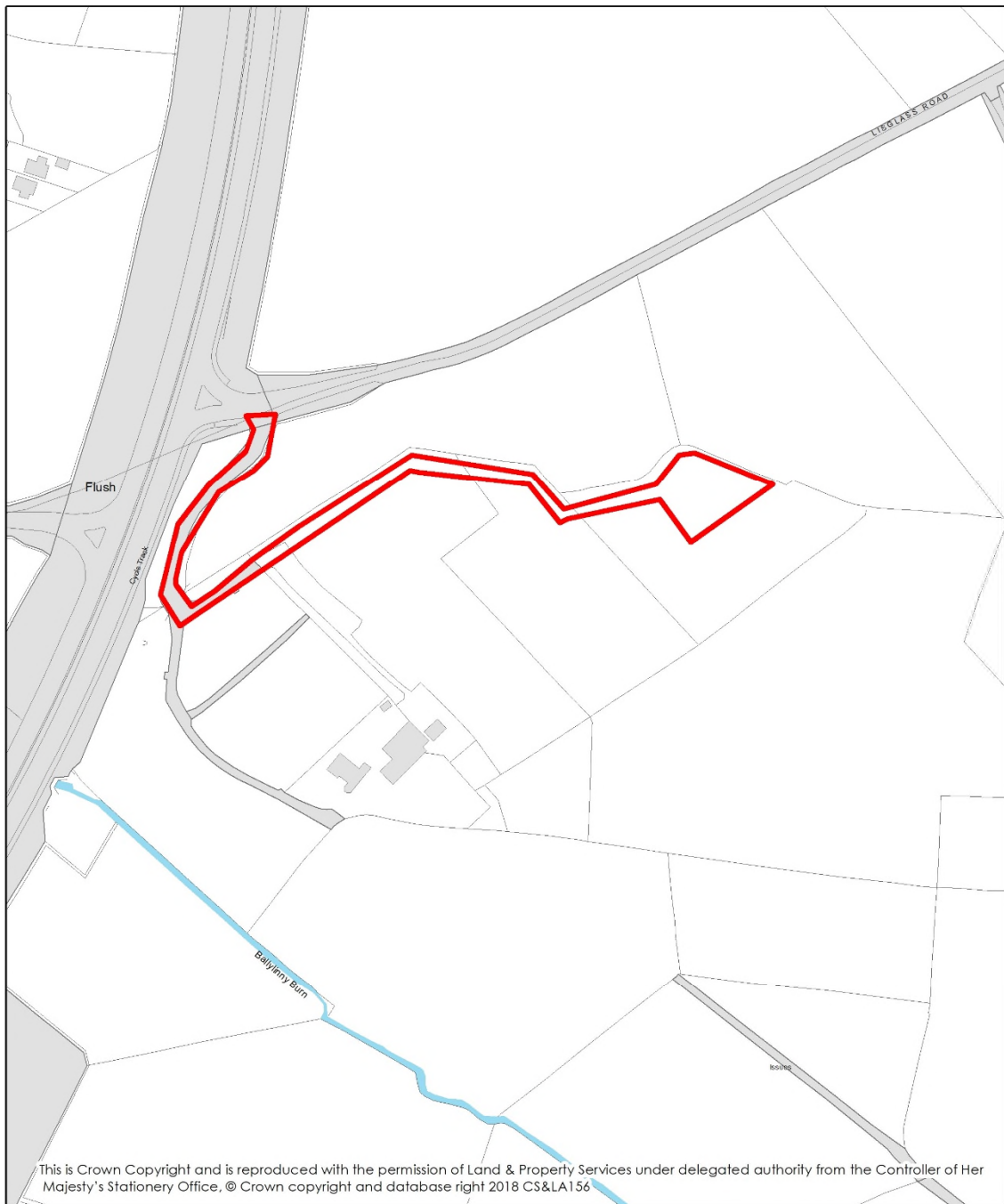
- The principle of the development is not acceptable;
- The siting of the proposal is unacceptable;
- There is no impact upon neighbouring property;
- Part of the site lies within a Q100 floodplain, however, this is mitigated with a steep bank to the north;
- No objections have been raised by either DfI Roads or Environmental Health; or the wider public.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASON OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy statement and Policies CTY1 and CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work; and that the site is not located beside, or within, the boundaries of the business enterprise and does not integrate with the buildings on the site.



Site Location Plan

Application Reference: LA03/2021/0729/O

Managers dwelling for existing allotments

100m NE of 3 Lisglass Road
Ballyclare



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2020/0792/O
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for a two-storey dwelling
SITE/LOCATION	50m east of 168 Ballycorr Road, Ballyclare
APPLICANT	Mr & Mrs Hamilton
AGENT	James Neill Chartered Architect
LAST SITE VISIT	1 st June 2021
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@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 lands 50m east of 168 Ballycorr Road, Ballyclare. This is an area of land within the countryside and located outside of any designated settlement limit. The site has been formed through the subdivision of the lands associated with Hamilton House Nursing Home and is positioned at the southeastern corner of these lands.</p> <p>The application site is accessed via the existing vehicular access serving Hamilton House, and then uses the existing laneway which encircles the nursing home. From the Ballycorr Road the land rises to the east where Hamilton House is located and then falls to the application site, which is largely a flat plateau at the eastern side of Hamilton House. The application site is several metres lower than Hamilton House, itself which has a partial two storey rear return at its eastern side whereas it is a single storey building at its western side, which is the public face of the building.</p> <p>The application site's northern boundary is physically undefined in the landscape. Located just to the north of this boundary there is an existing small garden shed type building, which is single storey in height with a shallow angle pitched roof and which has open sided awnings at each of the gables which are finished with wooden panelling. The eastern boundary of the application site is defined by a series of mature deciduous trees which sit at the foot of a graded embankment and are therefore several metres below the ground level of the application site at their bases. The landscape falls sharply to the east towards the Six Mile Water River beyond the application site. The southern boundary of the application site is defined by a copse of mature deciduous trees that are approximately 20m tall and which continue to define the southern boundary of the nursing home moving towards the Ballycorr Road. The western boundary of the application site is defined by a graded grassed embankment some 4 – 5m tall approximately and that leads upwards to the location of Hamilton House. The main body of the application site is a flat plateau.</p>	

RELEVANT PLANNING HISTORY

Planning Reference: U/1990/0070

Location: 168 Ballycorr Road, Ballyclare.

Proposal: Erection of new dwelling as living accommodation for matron of the existing nursing home.

Decision: Permission Granted: 02.05.1990

Planning Reference: U/2011/0369/F

Location: 168 Ballycorr Road, Ballyclare.

Proposal: Erection of single and two storey extension to existing premises to include amended parking layout and associated works.

Decision: Permission Granted: 17.05.2012

Planning Reference: U/2012/0376/F

Location: 168 Ballycorr Road, Ballyclare, BT39 9DF,

Proposal: Extension of existing nursing home with new pitched roof to existing building

Decision: Permission Granted: 13.09.2013

Planning Reference: U/2014/0278/F

Location: 168 Ballycorr Road Ballyclare BT39 9DF,

Proposal: Conversion and extension of existing basement of nursing home to laundry, tank and plant room, with associated ramped access to ground floor level

Decision: Permission Granted: 04.12.2014

Planning Reference: LA03/2018/1118/F

Location: Approximately 23m NW of 164 Ballycorr Road, Ballyclare,

Proposal: Detached dwelling and garage with associated car parking and landscaping

Decision: Permission Granted: 20.03.2019

Planning Reference: LA03/2019/0629/F

Location: Approx. 13m NE of 164 Ballycorr Road, Ballyclare, BT39 9DF,

Proposal: Erection of 2no. dwellings with detached garages and associated landscaping/site works (includes change of house type to 1no. dwelling from that previously approved under application LA03/2018/1118/F)

Decision: Permission Granted: 11.09.2019

Planning Reference: LA03/2019/1050/F

Location: Approximately 13m NE of 164 Ballycorr Road, Ballyclare, BT39 9DF,

Proposal: Erection of 3no. dwellings with detached garages and associated landscaping/site works (includes change of house type of 2no. dwellings from that previously approved under application LA03/2019/0629/F)

Decision: Permission Refused: 20.03.2020

Planning Reference: LA03/2021/0558/F

Location: Approx. 13m NE of 164 Ballycorr Road, Ballyclare.

Proposal: Erection of 2no. dwellings with detached garages (Amendments to conditions 2 and 3 from planning approval LA03/2019/0629/F and reduction of boundary).

Decision: Permission Granted: 16.08.2021

PLANNING POLICY AND GUIDANCE

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

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

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

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans. There are no specific operational policies or other provisions relevant to the determination of the application contained in the draft Newtownabbey Area plan. The Belfast Metropolitan Area Plan identifies the application site as being within the Six Mile Water Corridor – Local Landscape Policy Area (Designation BE16).

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

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

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

Planning Advice Note (August 2021): Implementation of Strategic Planning Policy on Development in the Countryside.

CONSULTATION

DfI Roads – No objection subject to conditions

NI Water – No objection.

Council Environmental Health Section – No objection.

REPRESENTATION

Three (3) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Impact on Character and Appearance of the Area
- Residential Amenity
- Access, Movement and Parking
- Local Landscape Policy Area

Policy Context and Principle of Development

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

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

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in the 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. Both of the relevant development plans identify the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in the dNAP. Draft BMAP identifies the application site as being within the Six Mile Water Corridor – Local Landscape Policy Area (Designation BE18).

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. The Planning Advice Note 'Implementation of Strategic Planning Policy on Development in the Countryside' re-emphasises and clarifies aspects of existing strategic planning policy on development in the countryside.

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 dwelling in an existing cluster in accordance with Policy CTY 2a of PPS 21. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

The policy headnote of Policy CTY2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all of six (6) criterion are complied with.

The first criterion requires that the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.

Hamilton House Nursing Home has previously been identified as forming part of an existing cluster of development that complies with the policy requirements identified in the first criterion of Policy CTY2a. The application site has been formed by the partial subdivision of the lands associated with Hamilton House and is therefore considered as lying within the existing cluster of development.

Planning permission references LA03/2018/1118/F (the 2018 permission) and LA03/2019/0629/F (the 2019 permission), relate to the provision of dwellings within the same area of land, west of the application site and adjacent to the Ballycorr Road, define the existing cluster as comprising dwellings at Nos.155, 157, 159, 164 and 166 (Hamilton House), Ballycorr Road, Ballyclare.

The second criterion requires that the cluster appears as a visual entity in the landscape. It is noted that the planning reports associated with the 2018 permission and the 2019 permission both state that when traveling along the Ballycorr Road in both directions it is considered that the cluster appears as a visual entity in the landscape and that the site being considered at that time was intervisible with the existing buildings surrounding it. Given this stated position it is considered that the cluster, including Hamilton House Nursing Home, appears as a visual entity in the local landscape and for this reason the second criterion of Policy CTY2a has been complied with.

The third criterion requires that the cluster is associated with a focal point such as a social/community building/facility, or is located at a cross roads. The 2018 and the 2019 planning permissions both refer to Hamilton House Nursing Home as being the focal point associated with the cluster. It is considered that Hamilton House is the focal point of the existing cluster of development and which the application site sits next to and has been formed from the partial subdivision of the lands associated with Hamilton House. The third criterion of Policy CTY2a has been complied with.

The fourth criterion requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The test associated with this criterion is therefore two-fold. The application site is contained by existing mature planted elements including trees at its southern and eastern boundaries and is further contained by the 4-5m high graded embankment defining the western boundary of the application site. Should planning permission be granted, the eastern boundary of the application site would benefit from supplementary planting to augment the planting along this boundary as views are achievable eastwards over a long distance to the Six Mile Water River, which is at a significantly lower topographical level in the landscape when compared to the application site. This matter could be controlled by a suitably worded planning condition, should planning permission be granted.

The second element of this criterion of the policy test requires that the application site is bounded on at least two sides with other development in the cluster. In this instance it is considered that the application site is bounded to the west by Hamilton House Nursing Home and to the north by the small garden shed type building associated with the operation of the nursing home and described as a 'small outbuilding' in the supporting planning statement submitted with the planning application. For the reasons set out above it is considered that the fourth criterion of Policy CTY2a has been complied with.

The fifth criterion requires that the development of the application site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

It is considered in this instance that the proposal neither rounds off nor consolidates the existing cluster rather the proposed development by virtue of its location at the eastern extremity of lands associated with Hamilton House would extend the built development outwards in this direction as opposed to rounding off or consolidating the existing cluster.

It is accepted that there is a small garden shed type building to the immediate north of the application site, which is described in the supporting planning statement as a 'small outbuilding', it is not considered that this diminutive ancillary outbuilding is of such a scale, mass, function or visual presence or makes a significant, if any, contribution to the visual character and/or settlement pattern of the existing cluster. This building at the foot of the grounds associated with Hamilton House could not justify the introduction of a new two storey dwelling, which would clearly be a much larger and much more permanent building. For these reasons it is considered that the development proposal fails to comply with this aspect of the fifth criterion of Policy CTY2a.

Design and Impact on Character and Appearance of the Area

Policy CTY 13 of PPS21 is entitled 'Integration and Design of Buildings in the Countryside.' The policy headnote states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The policy headnote continues by stating that a new building will be unacceptable subject to seven criterion based tests.

The seventh and last test set out at criterion (g) relates to dwellings on farms, which this proposal does not involve and this criterion is not therefore considered to be relevant to the assessment of this development proposal.

Criterion (a) relates to the new building being a prominent feature in the landscape. The application site, is at the foot of the lands associated with Hamilton House Nursing Home, the topography of the site is several metres lower than Hamilton House, is visually well contained by mature natural boundaries at its southern and eastern edges and additionally by the 4-5m high graded embankment at the northern boundary. It is considered that a new dwelling upon the application site would not be prominent and for these reasons criterion (a) is considered as having been complied with.

Criterion (b) refers to the application site lacking long established natural boundaries or that it is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. It is considered that the application site provides a suitable degree of enclosure for the proposed development given the natural planted and mature boundaries at the southern and eastern edges of the application site and additionally by the graded embankment at the application sites western edge. For these reasons criterion (b) can be complied with.

Criterion (c) refers to the development proposal primarily relying upon the use of new landscaping for integration. It is considered that the development proposal does not rely upon the provision of new landscaping for integration purposes given the planted and mature eastern and southern boundaries of the application site. Should outline planning permission be forthcoming, the eastern boundary of the application site would benefit from augmentation to fill in some gaps in this boundary. This matter could be controlled by a suitably worded planning condition. Criterion (c) is considered as having been complied with for the reasons set out above.

Criterion (d) refers to ancillary works not integrating with their surroundings. The development proposal is accompanied by an indicative block plan identifying one possible layout of development.

It is noted that the driveway to serve the proposed dwelling would cut sharply into the application site towards the rear car park of the nursing home and would have to traverse the level change across the graded embankment along the western edge of the application site, which is approximately 4-5m. This would involve the use of a retaining wall to support the landscape to the west of the application site and upon which Hamilton House is sited. Notwithstanding this matter, it is considered that the indicative block plan is only one possible layout of proposed development and that a reiteration of this indicative plan could see the driveway moved which would remove the need for a retaining wall. It is considered that no determining weight in the decision making process is being attributed to the indicative block plan. Criterion (d) is therefore considered as being able to be complied with subject to a suitable design at Reserved Matters stage, should outline planning permission be granted.

Criterion (e) refers to the appropriateness of the design of the building for the site and locality. Given that this planning application seeks outline planning permission for a two storey house only, details with respect to the design appearance of the dwelling are not available. Notwithstanding this point however, it is considered that subject to

a suitably worded planning condition, the design appearance of the dwelling can be reserved for consideration at a later stage of the planning process. For this reason, it is considered that criterion (e) can be complied with and subject to the granting of outline planning permission.

Criterion (f) refers to the development proposal failing to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop. The application site is a flat plateau at the foot of the lands associated with Hamilton House and is physically and visually contained by the landscaped eastern and southern boundaries and by the graded embankment at the western boundary. It is considered that the development proposal blends with the landform, existing trees, buildings, slopes and other natural features and for this reason criterion (f) is complied with.

In summary, it is considered that the development proposal complies with the policy provisions of Policy CTY 13.

Policy CTY14 of PPS 21 is entitled 'Rural Character'. The policy head note 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. The policy headnote goes on to state that a new building will be unacceptable subject to five criterion based tests.

Criterion (a) refers to a new building being unacceptable where it is unduly prominent in the landscape. As per consideration of criterion (a) of Policy CTY 13 and as set out above, it is not considered that a dwelling upon the application site would be prominent in the landscape. Criterion (a) of Policy CTY14 is therefore considered as being complied with.

Criterion (b) indicates that a new building will be unacceptable where it results in a suburban style of build-up of development when viewed with existing and approved buildings. Criterion (c) indicates that a new building will be unacceptable where it does not respect the traditional pattern of settlement exhibited in that area.

It is considered that a dwelling on the application site, which is relegated to the rear corner of the lands associated with Hamilton House and to the rear of the nursing home, would neither be typical nor reflective of the traditional settlement pattern exhibited in the area. The existing building pattern is characterised by either road frontage dwellings or dwellings set back from the road and accessed via a laneway serving only that dwelling. None of the dwellings that are set back from the road are positioned to the rear of other dwellings or business premises nor do they rely upon the extensive sharing of a laneway to achieve the necessary vehicular access to the property. It is however considered that that the proposal, due to its limited visibility and set back would not have a detrimental impact on the character of the area.

Criterion (d) indicates that a new building will be unacceptable where it creates or adds to a ribbon of development. It is not considered that the creation or addition to an existing ribbon of development is applicable in this instance and this criterion is therefore not determining.

Criterion (e) indicates that a new building will be unacceptable where the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character. It is not considered that this criterion is applicable to the assessment of the proposal and is not therefore determining. This conclusion is drawn on the basis that the indicative layout of development, which would rely upon a retaining wall at the western boundary to facilitate the driveway to the proposed dwelling, is not having determining weight attached to it in the assessment of this development proposal.

Residential Amenity

The sixth and final criterion of Policy CTY 2a requires that the proposed development would not adversely impact on residential amenity. It is considered that given the location of the proposed dwelling at the foot of the lands associated with Hamilton House on a notably lower ground level, that a suitably designed dwelling could avoid overlooking of Hamilton House. The finished floor level of the dwelling, its internal floorspace arrangement, the positioning of windows voids would be informed by cross sections that would be assessed at Reserved Matters stage, should outline planning permission be forthcoming.

Access, Movement and Parking

The application requires visibility splays of 2.4 x 70m which requires the resiting of the existing fence line, hedge line and wall along the edge of the Ballycorr Road. In its consultation response, DfI Roads offers no objection to the proposal subject to the inclusion of a planning condition that the vehicular access be formed in accordance with the required visibility splays. It is considered that the access for the development proposal can comply with the relevant policy provisions of PPS 3.

Local Landscape Policy Area

Draft BMAP identifies the application site as being within the Six Mile Water Corridor – Local Landscape Policy Area (Designation BE18). This proposed designation covers a vast swathe of the Six Mile Water River Corridor. It is not considered that this development proposal would have a significant detrimental impact on the designation and the existing screenings are either to be retained or can be supplemented through the use of an appropriately worded planning condition.

CONCLUSION

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

- The principle of the development cannot be established as it is considered that the development proposal cannot be absorbed into the existing cluster through rounding off and consolidation in accordance with the relevant policy provisions of the SPPS and Policy CTY 2a of PPS21.
- The development proposal would not significantly impact the character of the area.
- There is no significant impact on the amenity of the nearby Hamilton Nursing Home.
- There are no objections from consultees or interested third parties.
- There shall not be a detrimental impact to the Six Mile Water Corridor Local Landscape Policy Area.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it fails to meet with the provisions for a new dwelling in an existing cluster as it would intrude into the open countryside. 	



Site Location Plan

Application Reference: LA03/2020/0792/O

50m East of 168 Ballycorr Road,
Ballyclare.

Site for 2 storey dwelling

0 40 80
Metres



 Site boundary



COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2021/0679/O
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Proposed infill dwelling and garage
SITE/LOCATION	30m West of Rashee Cemetery, Springvale Road, Ballyclare
APPLICANT	Mr William Patterson
AGENT	W M McNeill
LAST SITE VISIT	30 th July 2021
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@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 between Rashee Cemetery and No. 26 Springvale Road which is within the countryside as defined within the draft Belfast Metropolitan Area Plan (published September 2004).</p> <p>The application site encompasses part of an agricultural field, extending approximately 48 metres along the frontage with a maximum depth of 46 metres. The site is one part of a double infill application, with the adjacent site pending consideration under application ref: LA03/2021/0680/O. The gap incorporating both sites has a 96 metre width frontage to the road.</p> <p>Access to the site is achieved from an agricultural access off the Springvale Road. The northern (roadside) boundary is defined by a low hawthorn hedge while the southern and western boundaries of the application site is a portion cut out of a larger agricultural field. The eastern boundary shared with Rashee Cemetery is defined by a row of dense trees and hedging that varies in heights between 3-5 metres.</p> <p>The site is located within a rural area with the land use being predominantly agricultural. There are a number of business and civic amenities within the direct vicinity of the site that include Ballyclare Golf Club, Rashee Cemetery and the 5 Corners Guest Inn.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2021/0680/O Location: 40m East of, 26 Springvale Road, Ballyclare. Proposal: Proposed infill dwelling and garage. Decision: Under consideration.</p>	

PLANNING POLICY AND GUIDANCE

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

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

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

Draft Newtownabbey Area Plan and draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

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

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

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 – Recommend refusal

Department for Infrastructure Roads- Visibility splay amendments requested

Department for Communities Historic Environment Division – No objection

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Design, Layout and Appearance of the Area
- Other Matters

Policy Context and Principle of Development

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

The 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, 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 the 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.

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

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

Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

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

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

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

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

The first element of Policy CTY 8 requires that a substantial and continuously built up frontage exists. In this case the application site comprises part of a larger field between Rashee Cemetery to the northeast and No. 26 Springvale Road to the southwest. The agent has stated within Document 01 date stamped 5th July 2021 that the buildings providing the substantial and continuously built up frontage include the public house and restaurant; '5 Corners Guest and Inn', a care takers building associated with the Rashee Cemetery and a dwelling at No. 26 Springvale Road. These buildings are considered to create a substantial and continuously built up frontage for the purposes of criterion (a) of CTY 8.

The second element of Policy of CTY8 requires the gap to be a small gap site sufficient only to accommodate a maximum of two dwellings while the third element of Policy CTY 8 states that the proposal should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. The guesthouse/restaurant has a frontage width of approximately 54 metres, Rashee Cemetery has a frontage width of approximately 76 metres and the frontage of No. 26 is approximately 54 metres. It is noted that the frontage of No.26 is unusual in that it appears that the area of maintained grass to the south of No. 26 is outwith the domestic curtilage of the dwelling given that there is a defined boundary and separate access serving this southern section. However, the site in its entirety was approved for the erection of a dwelling under planning reference U/1975/0368. Therefore, the site frontage of No. 26 is considered to also constitute this area of

maintained grass to the south. Therefore, the overall average width of plot frontages along the road frontage is 61.3 metres.

The justification and amplification text at paragraph 5.34 of CTY8 is clear that the gap is between dwellings or other buildings, and not the frontage of the application site. The gap site has been divided into two separate plots, one of which is under assessment in this application and the other is pending consideration under LA03/2021/0680/O. The agent has stated within Document 01 date stamped 5th July 2021 that the gap between the buildings measures 126 metres from the care takers building at Rashee Cemetery and No. 26's detached ancillary building. This results in a suitable infilling gap for two plots of 63 metres each. The agent has further noted that the plot frontages of both the application site and adjacent site under LA03/2021/0680/O would be 48 metres each.

It is noted however, that the ancillary building associated with No. 26 Springvale Road does not constitute a building making up the substantial and continuously built up frontage along Springvale Road. Therefore, the gap between buildings is measured from the care takers building at Rashee Cemetery and the gable end of No. 26. In this case the gap between the buildings measures 145 metres.

It is accepted that given the average plot width is 61.3 metres, that the gap of 145 metres could not accommodate more than two dwellings while still respecting the plot width and sizes in the area. Considering also that the plot widths are 63 metres each, it is further accepted that the proposed development would respect the development pattern along the common road frontage. Criterion B and C are therefore met.

Design, Layout and Appearance of the Area

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

As the application seeks outline permission, no details have been provided regarding the proposed design or layout of the dwelling, however, Document 01 dated 5th July 2021 indicates that the proposed dwelling would be single storey similar to No. 26 with the potential of a roof space conversion.

Policy CTY 13 requires that a new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. The application site is a roadside location that is accessed directly off Springvale Road, this section of the public road would be prone to high traffic movements due to the proximity of Ballyclare Golf Club, Rashee Cemetery and the guesthouse/restaurant.

In this case the application site lacks established boundaries along the southern and western boundaries. Whilst it is evident from Google Street View that at one stage the northern roadside boundary was defined by a substantial row of mature trees and vegetation, this landscaping has since been lowered leaving the application site

open to public views. The openness of the site will be further increased due to the need to remove a portion of the roadside hedgerow to accommodate the necessary sightlines at either side of the proposed access. With the exception of the western common boundary shared with Rashee Cemetery the application site lacks long established boundaries. The site would be open to views on approach to the site from both an easterly and westerly direction.

Taking into account the low level amount of natural vegetation providing a backdrop to the development, it is considered that this site cannot provide a suitable degree of enclosure for the proposed dwelling as it would primarily only benefit from one boundary. The development is therefore contrary to Policy CTY 13.

Neighbour Amenity

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

Movement, Access and Parking

Consultation was carried out with DfI Roads and it was raised that DfI Roads would require an amended red line demonstrated on the site plan to include the required visibility splays of 2.4m x 100m to the west (non-critical) of the access and 2.4m x 90m to the east (critical) of the access fully triangulated to the nearside road edge.

However, it was not deemed necessary to request these amended plans and put the applicant to a nugatory expense when the principle of the proposal was not considered acceptable in the first instance.

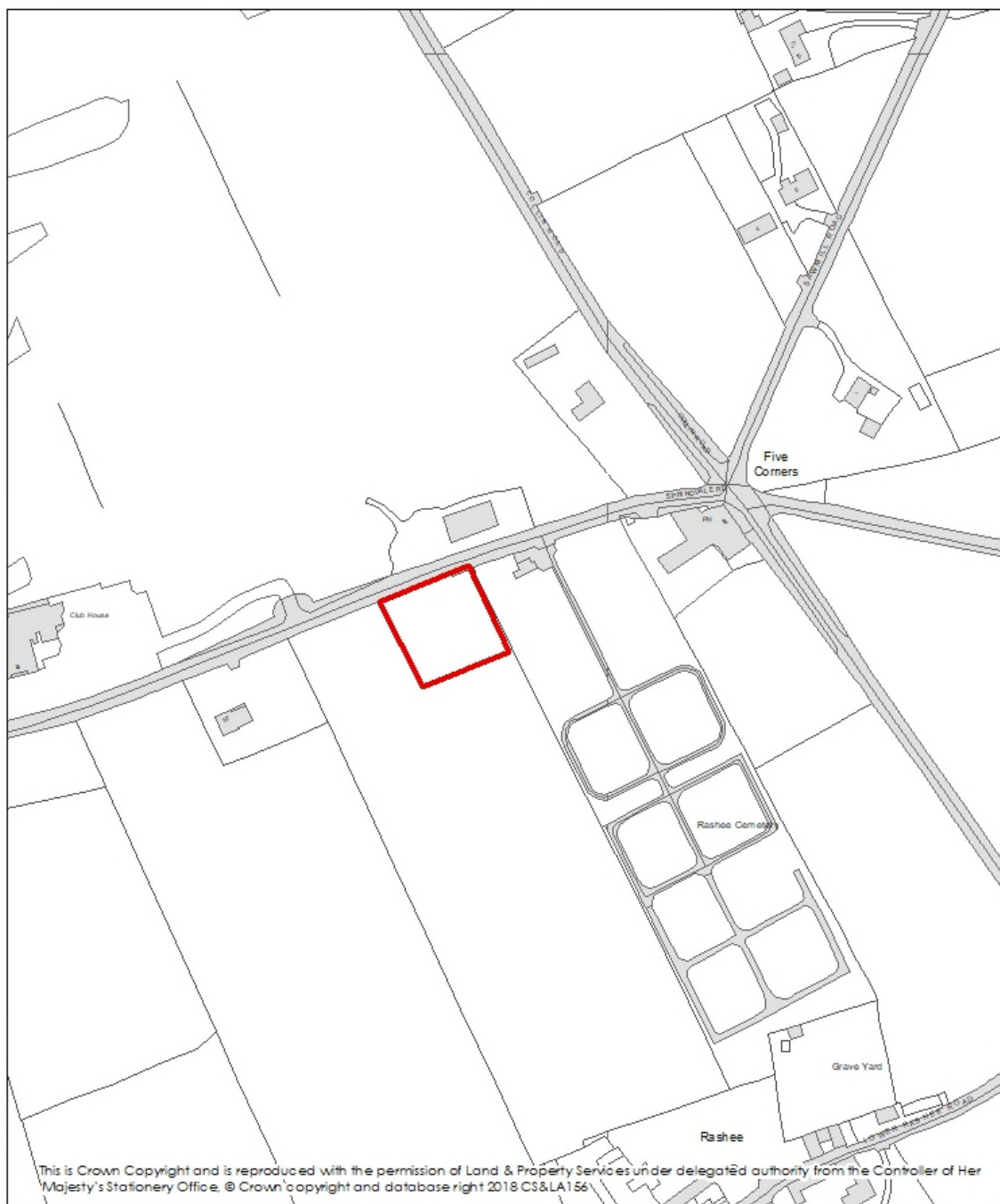
Other Matters

NI Water has also recommended that the application be refused as there is no NI Water receiving wastewater infrastructure in this area. In this instance the agent has stated within the P1 Application Form that foul sewage will be disposed through mains sewerage. Subsequently, as stated above, given that the principle of the proposal is not deemed appropriate, additional information or confirmation from the agent regarding this matter was not sought on this occasion.

The application site is located within the buffer zone of areas designated as Archaeological Site and Monuments (ANT045:070 & ANT045:028). These areas identified as the Archaeological Site and Monument buffer zones mentioned above are described within the Department for Communities Sites and Monuments Records as being an area of ground where a church was traditionally founded by St. Patrick & appears in the 'Tripartite Life' as "Rath Sithe". The graveyard is now so overgrown with trees & vegetation that there are no visible remains of the church above ground.

In this regard, Historical Environmental Division were consulted and HED (Historic Monuments) has assessed the application and are satisfied on the basis of information provided that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. Therefore, there are not considered to be any significant archaeological impacts as a result of the development and the proposal is considered acceptable in this instance.

CONCLUSION	
<p>The following is a summary of the main reasons for the recommendation:</p> <ul style="list-style-type: none"> • The principle of the development is acceptable. • The application site is unable to provide a suitable degree of enclosure for the proposed development. • There is no adverse impact on neighbouring amenity. • A suitable access can be achieved. 	
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASON OF REFUSAL	
<p>1. The proposal is contrary to the policy provisions of the Strategic Planning Policy and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.</p>	




Site Location Plan

Application Reference: LA03/2021/0679/O

Proposed Infill Dwelling & Garage

30m west of Rashee Cemetery,
Springvale Road, Ballyclare



 Site boundary



COMMITTEE ITEM	3.11
APPLICATION NO	LA03/2021/0680/O
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Proposed infill dwelling and garage
SITE/LOCATION	40m East of 26 Springvale Road, Ballyclare
APPLICANT	Mr William Patterson
AGENT	W M McNeill
LAST SITE VISIT	30 th July 2021
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@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 between Rashee Cemetery and No. 26 Springvale Road which is within the countryside as defined within the draft Belfast Metropolitan Area Plan (published September 2004).</p> <p>The application site encompasses part of an agricultural field, extending approximately 48 metres along the frontage with a maximum depth of 46 metres. The site is one part of a double infill application, with the adjacent site pending consideration under application ref: LA03/2021/0679/O. The gap incorporating both sites has a 96 metre width frontage to the road.</p> <p>Access to the site is achieved from an agricultural access off Springvale Road. The northwestern (roadside) boundary is defined by a low hawthorn hedge, while the eastern and south boundaries of the application site are undefined as the site is a portion cut out of a larger agricultural field. The western boundary shared with No. 26 Springvale Road is defined by a row of hedging approximately 2 metres in height.</p> <p>The site is located within a rural area with the land use being predominantly agricultural. There are a number of business and civic amenities within the direct vicinity of the site that include Ballyclare Golf Club, Rashee Cemetery and the 5 Corners Guest Inn.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2021/0679/O Location: 30m West of Rashee Cemetery, Springvale Road, Ballyclare Proposal: Proposed infill dwelling and garage Decision: Under consideration</p>	

PLANNING POLICY AND GUIDANCE

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

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

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

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

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

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

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 – Recommend refusal

Department for Infrastructure Roads- Visibility splay amendments requested

Department for Communities Historic Environment Division – No objection

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Design, Layout and Appearance of the Area
- Other Matters

Policy Context and Principle of Development

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

The 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 the 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.

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

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

Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

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

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

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

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

The first element of Policy CTY 8 requires that a substantial and continuously built up frontage exists. In this case the application site comprises part of a larger field between Rashee Cemetery to the northeast and No. 26 Springvale Road to the southwest. The agent has stated within Document 01 date stamped 5th July 2021 that the buildings providing the substantial and continuously built up frontage include the public house and restaurant; '5 Corners Guest and Inn', a care takers building associated with the Rashee Cemetery and a dwelling at No. 26 Springvale Road. These buildings are considered to create a substantial and continuously built up frontage for the purposes of criterion (a) of CTY 8.

The second element of Policy of CTY8 requires the gap site to be a small gap site sufficient only to accommodate a maximum of two dwellings while the third element of Policy CTY 8 states that the proposal should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. The guesthouse/restaurant has a frontage width of approximately 54 metres, Rashee Cemetery has a frontage width of approximately 76 metres and the frontage of No. 26 is approximately 54 metres. It is noted that the frontage of No.26 is unusual in that it appears that the area of maintained grass to the south of No. 26 is outwith the domestic curtilage of the dwelling given that there is a defined boundary and separate access serving this southern section. However, the site in its entirety was approved for the erection of a dwelling under planning reference U/1975/0368. Therefore, the site frontage of No. 26 is considered to also constitute this area of

maintained grass to the south. Therefore, the overall average width of plot frontages along the road frontage is 61.3 metres.

The justification and amplification text at paragraph 5.34 of CTY8 is clear that the gap is between dwellings or other buildings, and not the frontage of the application site. The gap site has been divided into two separate plots, one of which is under assessment in this application and the other is pending consideration under LA03/2021/0679/O. The agent has stated within Document 01 date stamped 5th July 2021 that the gap between the buildings measures 126 metres from the caretakers building at Rashee Cemetery and No. 26's detached ancillary building, resulting in a suitable infilling gap for two plots of 63 metres each. The agent has further noted that the plot frontages of both the application site and adjacent site under LA03/2021/0679/O would be 48 metres each.

It is noted however, that the ancillary building associated with No. 26 Springvale Road does not constitute a building making up the substantial and continuously built up frontage along Springvale Road. Therefore, the gap between buildings is measured from the caretakers building at Rashee Cemetery and the gable end of No. 26. In this case the gap between buildings measures 145 metres.

It is accepted that given the average plot width is 61.3 metres, that the gap of 145 metres could not accommodate more than two dwellings while still respecting the plot width and sizes in the area. Considering also that the plot widths are 63 metres each, it is further accepted that the proposed development would respect the development pattern along the common road frontage. Criterion B and C are therefore met.

Design, Layout and Appearance of the Area

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

As the application seeks outline permission, no details have been provided regarding the proposed design or layout of the dwelling, however, Document 01 dated 5th July 2021 indicates that the proposed dwelling would be single storey similar to No. 26 with the potential of a roof space conversion.

Policy CTY 13 requires that a new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. The application site is a roadside location that is accessed directly off Springvale Road, this section of the public road would be prone to high traffic movements due to the proximity of Ballyclare Golf Club, Rashee Cemetery and the guesthouse/restaurant.

In this case the application site lacks established boundaries along the eastern and southern boundaries as the application site is a portion cut out of a larger agricultural field. The western boundary shared with No. 26 Springvale Road is defined by a row

of hedging approximately 2 metres in height while the northern or roadside boundary is defined by a low hawthorn hedge of approximately 1 metre in height.

Whilst it is evident from Google Street View that at one stage the northern roadside boundary was defined by a substantive row of mature trees and vegetation, this landscaping has since been lowered leaving the application site wide open to public views. The openness of the site will be further increased due to the need to remove a portion of the roadside hedgerow to accommodate the necessary sightlines at either side of the proposed access. With the exception of the western common boundary shared with No. 26 Springvale Road the application site lacks long established boundaries. The site would be open to views on approach to the site from both an easterly and westerly direction.

Taking into account the low level amount of natural vegetation providing a backdrop to the development, it is considered that this site cannot provide a suitable degree of enclosure for the proposed dwelling as it would primarily only benefit from one boundary. The development is therefore contrary to Policy CTY 13.

Neighbour Amenity

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

Movement, Access and Parking

Consultation was carried out with DfI Roads and it was raised that DfI Roads would require an amended red line demonstrated on the site plan to include the required visibility splays of 2.4m x 100m to the west (non-critical) of the access and 2.4m x 90m to the east (critical) of the access fully triangulated to the nearside road edge.

However, it was not deemed necessary to request these amended plans and put the applicant under a nugatory expense when the principle of the proposal was not considered acceptable in the first instance.

Other Matters

NI Water has also recommended that the application be refused as there is no NI Water receiving wastewater infrastructure in this area. In this instance the agent has stated within the P1 Application Form that foul sewage will be disposed of through mains. Subsequently, as stated above, given that the principle of the proposal is not deemed appropriate, additional information or confirmation from the agent regarding this matter was not sought on this occasion.

The application site is located within the buffer zone of areas designated as Archaeological Site and Monuments (ANT045:070 & ANT045:028). These areas identified as the Archaeological Site and Monument buffer zones mentioned above are described within the Department for Communities Sites and Monuments Records as being an area of ground where a church was traditionally founded by St. Patrick & appears in the 'Tripartite Life' as "Rath Sithe". The graveyard is now so overgrown with trees & vegetation and there are no visible remains of the church above ground.

In this regard, Historical Environmental Division were consulted and HED (Historic Monuments) has assessed the application and are satisfied on the basis of information provided that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. Therefore, there are not considered to be any significant archaeological impacts as a result of the development and the proposal is considered acceptable in this instance.

CONCLUSION

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

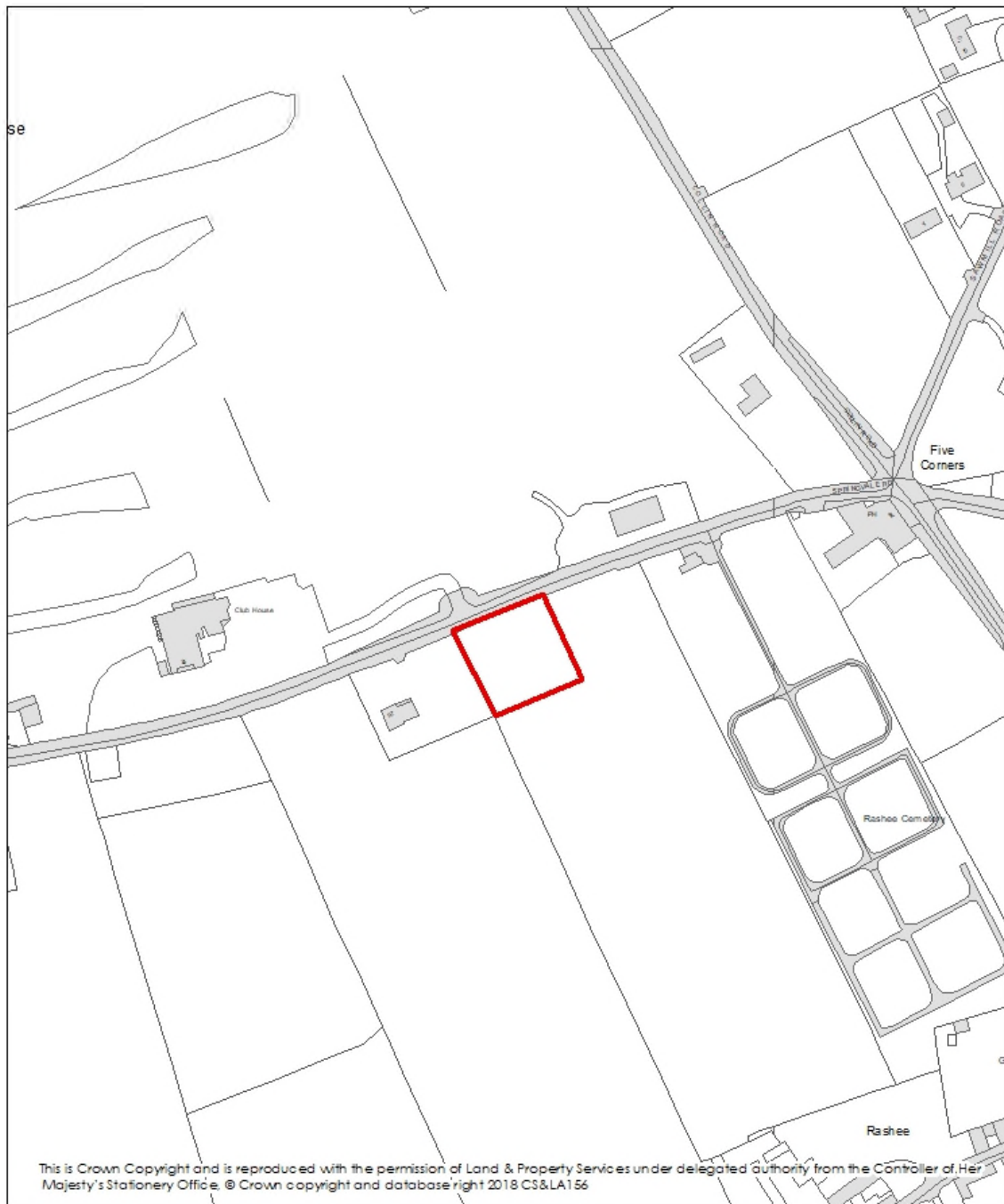
- The principle of the development is acceptable.
- The application site is unable to provide a suitable degree of enclosure for the proposed development.
- There is no adverse impact on neighbouring amenity.
- A suitable access can be achieved.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASON OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.




Site Location Plan

Application Reference: LA03/2021/0680/O

Proposed Infill Dwelling & Garage

40m east of 26 Springvale Road,
Ballyclare



 Site boundary



COMMITTEE ITEM	3.12
APPLICATION NO	LA03/2021/0615/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for Infill Dwelling
SITE/LOCATION	Lands 50 metres west of 36 Aughnabrack Road, Ballyutoag, Belfast
APPLICANT	Mr. Gary Bates
AGENT	Park Design Associates
LAST SITE VISIT	19 July 2021
CASE OFFICER	Simon Thompson Tel: 028 9034 0433 Email: simon.thompson@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 lands 50 metres west of no. 36 Aughnabrack Road, Ballyutoag Belfast which is located within the countryside and outside of any settlement limits as designated in the Antrim Area Plan 1984-2001.</p> <p>The roadside site part comprises the front garden, in curtilage area of dwelling no. 36 and the greater portion of it, an agricultural field with a small grass verge and remaining tree stumps. The width of the site (not including full site visibility splays) measures approximately 40 metres wide. There is evidence of recent tree felling along this boundary.</p> <p>The south western boundary parallels the boundary of a laneway access and is defined by mature trees and hedgerows. The south eastern boundary is defined by the rear elevation of the detached garage associated with no. 36 and part hedgerow. Whilst part of the site is located within the curtilage of an existing dwelling, no. 36 is in a poor state of repair and has clearly been abandoned. The site extends approximately 70 metres back from the roadside and rises to the southern tip of the site boundary.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account</p>	

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

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

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

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

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

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

CONSULTATION

Department for Infrastructure Roads: Clarification sought and received regarding site visibility splay requirements. No objection.

Environmental Health section: No objection. Informative recommended regarding siting of a proposed dwelling.

NI Water: No objections, with standard conditions identified.

REPRESENTATION

No neighbour notifications were issued regarding this application.

No objections or representations were received by the Council.

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 the Character and Appearance of the Area;
- Neighbour Amenity; and
- Other Matters.

Policy Context and Principle of Development

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

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

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

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

The agent has clarified that the proposal has been submitted to be assessed primarily under infill policy which relates to 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 CTY 8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

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

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

The first element (a) of Policy CTY 8 requires that a substantial and continuously built up frontage exists. The agent has submitted a supporting statement with this application which refers to two nearby dwellings: "The existing buildings in the continuously built-up frontage are the two dwellings at number 36 and 40, and the outbuildings beside number 40". The statement goes on further to state, "The gap between the nearest corners of the two existing buildings is 104 metres (including the laneway) and the gap is capable of accommodating two dwellings. Plot sizes would be similar to the existing dwellings in the built-up frontage, in compliance with Policy CTY 8 of PPS21".

It is agreed that there are two dwellings either side of the site. No. 36 is located approximately 6 m to the north east of the application, set back approximately 40 metres from the roadside. Comprising a long linear abandoned single storey dwelling and detached garage (to be retained), it sits elevated from the roadside. No. 40 is located approximately 95 metres to the south west of the site and comprises an abandoned, modest storey and a half detached dwelling. A collection of out buildings partially envelopes this dwelling and are located to the rear and side of no. 40. These outbuildings share the same road frontage with no. 40 but have separate means of access/egress. Both existing dwellings are set within mature, landscaped sites.

No. 36 has a road frontage of approximately 60 metres and No. 40 approximately 90 metres (this includes the dwelling and outbuildings to the rear and side). The application site proposes a road frontage of approximately 40 metres, which is a significant reduction on the average of these two dwellings (75 metres). As the outbuildings to the rear and side of dwelling no. 40 read as one visual unit, the two existing roadside dwellings (no. 36 and 40) cannot be considered as a substantially built up frontage. The outbuildings alone do not contribute visually to what could be considered a substantial and continuously built up frontage. Policy CTY 8 clearly states, "...a line of 3 or more buildings along road frontage without accompanying development to the rear". Furthermore, any approval for a dwelling within the application site would give rise to opportunity to develop the site immediately to the south west which has a modest frontage of approximately 50 metres, and would result in a further ribboning effect.

It is considered that given the size of the gap (approximately 100 metres including the laneway) between the curtilage of no. 36 and 40, there is no substantial and continuously built up frontage, therefore the proposal does not comply with criterion (a) of the policy. Because of this, development of the application site would create a ribbon of development and be contrary to Policy CTY 8 of PPS 21. As outlined above, whilst it is not considered that a substantial and continuously built up frontage exists to be infilled, nevertheless Criterion (b) of Policy CTY 8 requires that the gap site is small and sufficient only to accommodate up to a maximum of two houses. It is therefore considered the separation distance between the relevant buildings does

not equate to a small gap site as set out within criterion (b) of Policy CTY 8. The site forms an important visual break in the countryside.

It is noted that the application site comprises part of the curtilage of no. 36, and is proposed to retain the detached garage associated with this dwelling. No other evidence has been submitted to suggest that the proposal falls to be considered under any other category of development that is noted as acceptable in principle in the countryside in accordance with Policy CTY 1 of PPS 21. Furthermore, it is not considered that there are any other overriding reasons as to why this development is essential at this location and could not be located within a settlement.

Concern was expressed with the agent on 8 October 2021 that the application site is not considered a small gap within a continuously and closely built up frontage. Whilst further supporting statements and map were received from the agent on 12 and 28 October 2021, it is considered that these do not raise any new, significant evidence.

Integration and Impact on the Character and Appearance of the Area

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

As this application seeks outline planning permission, no details have been provided regarding the proposed design or layout of the dwelling. However, given the context of the site and its immediate area, a single storey/storey and a half dwelling of modest scale and size is considered the most appropriate form of development to use for the purposes of assessment.

Policy CTY 13 states that a new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. Whilst the south western and southern boundaries of the site are defined by mature trees and hedgerows, the north eastern boundary is currently non-defined, and significant tree felling has taken place along the northern roadside boundary. It is considered that the site would require a significant element of planting and landscaping to adequately define new boundaries and provide a suitable degree of enclosure. It is therefore considered that a new dwelling on the site would not satisfactorily integrate into the surrounding area and therefore does not comply with the criteria set out under CTY13 of PPS 21. Landscaping alone for integration is not a satisfactory solution.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. It is considered that the development of a dwelling on this site would be visually linked with existing buildings to the north east and south west and consequently would lead to a build-up of development in the area.

It is considered that the development of another roadside dwelling in the area would effectively create a ribbon of development and resultant suburban change in character. Furthermore, the development of a dwelling on this site would be likely to

create opportunity for additional development along this part of Aughnabrack Road, in a linear fashion. Therefore, it is considered that the proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, result in ribbon development resulting in a suburban style build up when viewed with the existing dwellings along the Aughnabrack Road.

Neighbour Amenity

As the application is for outline planning permission, no specific details of house type, siting location or design have been submitted. Whilst nearby dwellings are clearly in an abandoned state, there is potential for them to be renovated or replaced (subject to the necessary planning approvals). No indicative block plan has been submitted with this application to consider the impact of a dwelling on the amenity of adjacent dwellings. Considering the lack of a mature boundary along the sites north eastern boundary and the relative proximity of the gable end of no. 36 to the site, concern is therefore raised regarding the potential impact upon the amenity of no. 36. In order to preserve the amenity of No.36, careful orientation of a proposed dwelling on this site would be required, coupled with a robust landscape planting scheme along the proposed north eastern boundary. Taking into account the separation distance from the site to the gable end of No. 40, it is considered this dwelling will not result in any amenity issues.

Other Matters

Whilst the agent raised a query regarding the original DfI Roads consultation response received on 4 August 2021, this was subsequently clarified by DfI Roads in their latest response received on 24 August 2021.

CONCLUSION

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

- The principle of the development is considered unacceptable as the proposal is contrary to the provisions of the SPPS, Policy CTY 1 and Policy CTY 8 of PPS 21 as no infill opportunity exists at this location;
- The proposal constitutes ribbon development that will cause a detrimental change to and further erode the rural character of the area;
- The proposal would not integrate satisfactorily into the surrounding landscape;
- No evidence has been advanced that the proposed development could not be located in a settlement; and
- It is considered that there are no neighbour amenity issues.

RECOMMENDATION

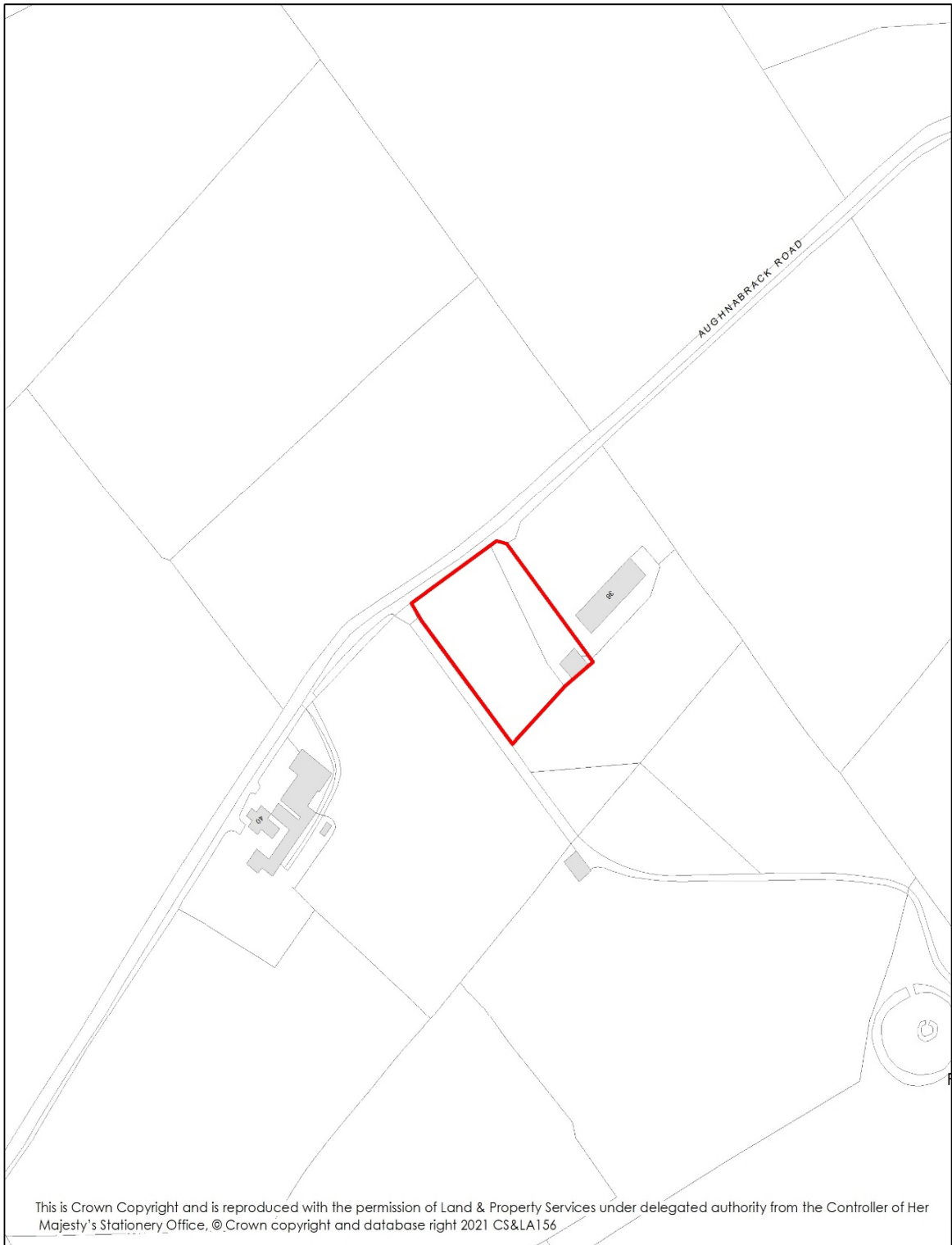
REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL:

1. The proposal is contrary to the 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 provisions contained within the Strategic Planning Policy Statement and fails to meet the provisions for an infill dwelling in

accordance with Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not comprise a small gap within a substantial and continuously built up frontage.

3. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site, if permitted, would fail to integrate into the countryside.
4. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, result in ribbon development resulting in a suburban style build up when viewed with the existing dwellings along the Aughnabrack Road.



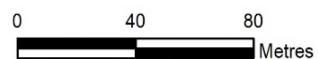
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Location Map

Reference: LA03/2021/0615/O

Location: 50m west of 36 Aughnabrack Road, Belfast

Proposal: Site for infill dwelling



 Site Boundary



PART TWO

OTHER PLANNING MATTERS

ITEM 3.13

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during October 2021 under delegated powers together with information relating to planning appeals is **enclosed** for Members information.

One appeal was heard by the Planning Appeals Commission (PAC) for the Council area during the month of October. The appeal was dismissed by the PAC in relation to LA03/2019/0609/F (PAC reference 2020/A0028) regarding the erection of 2 no semi-detached dwellings with associated access and works at lands south of no 21 Abbeyville Place and west of no 12 Cambrai Park Newtownabbey. A copy of the PAC decision and report is **enclosed** for Members information.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Deputy Director of Planning (Interim)

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

ITEM 3.14

P/PLAN/1 PROPOSAL OF APPLICATION NOTICES 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). Two PANs were registered during October 2021 the details of which are set out below.

PAN Reference:	LA03/2021/0949/PAN
Proposal:	Proposed erection of a new post-primary school, ancillary accommodation and sports facilities with associated hard and soft play areas, parking, landscaping, site works and access arrangements from Doagh Road
Location:	Lands at Three Mile Water Playing Fields Doagh Road Newtownabbey BT37 9PA
Applicant:	Abbey Community College
Date Received:	5 October 2021
12 week expiry:	28 December 2021

PAN Reference:	LA03/2021/0979/PAN
Proposal:	Proposed research and development facility comprising a mix of workshops, offices, meeting areas, staff facilities, ancillary facilities, including an additional access point, car parking, landscaping and all associated site works
Location:	Land to the south east of Global Point Avenue at Global Point Business Park Newtownabbey BT36 5TB
Applicant:	Schrader Electronics Ltd and JH Turkington and Sons Ltd
Date Received:	14 October 2021
12 week expiry:	6 January 2022

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 (DfI) 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 initial Departmental Regulations were subsequently extended and given the ongoing pandemic The Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment No.2) Regulations (Northern Ireland) 2021 which came into effect on 1 October 2021, have temporarily amended The Planning (Development Management) Regulations (Northern Ireland) 2015 and therefore the temporary

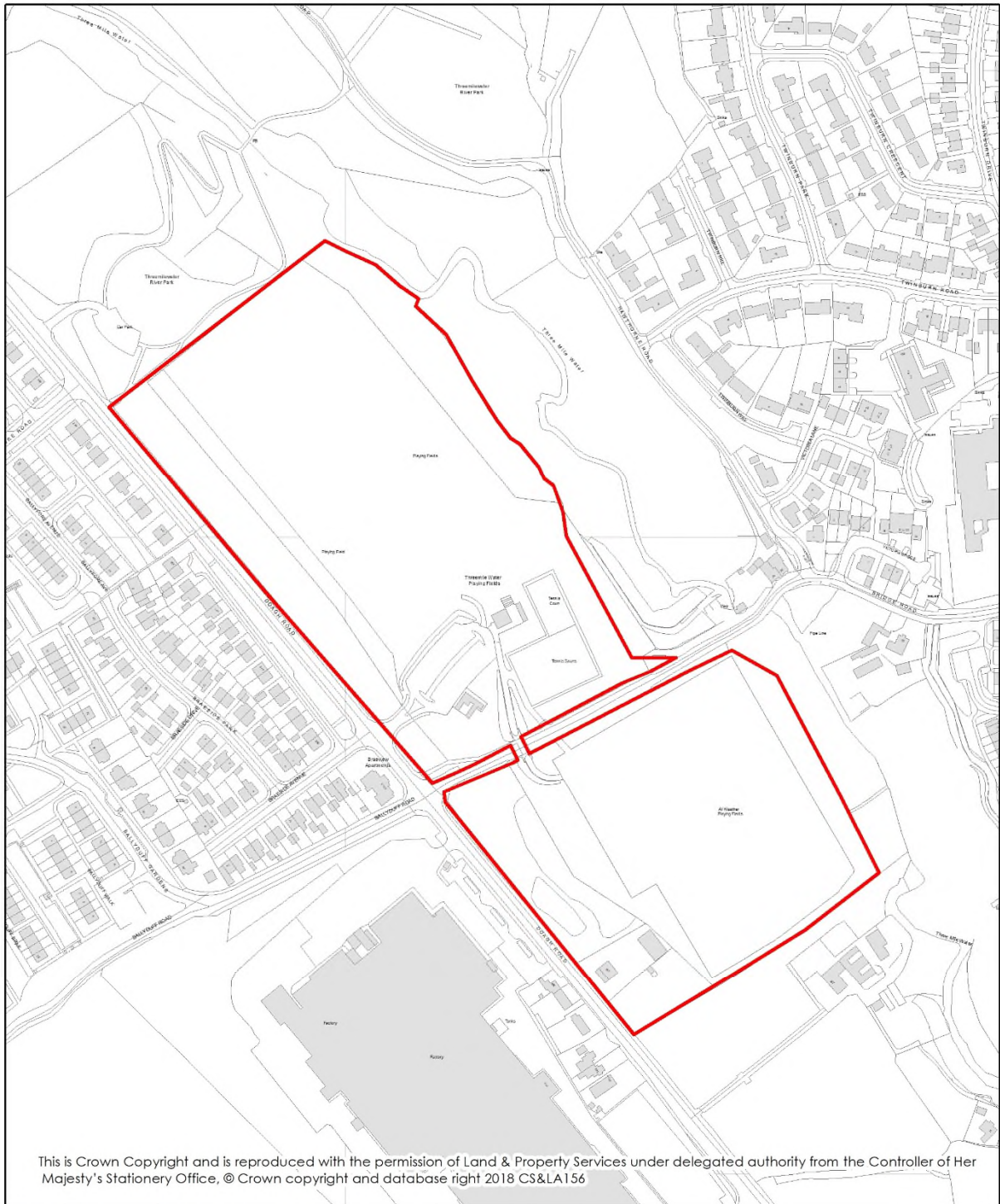
relaxation of pre-application community consultation requirements during Coronavirus emergency period now apply until 31 March 2022. As with the previous Regulations applicants will still need to comply with other requirements to ensure communities are aware of and can input to major development proposals for their areas. However, this temporary change will allow 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: Sharon Mossman, Deputy Director of Planning (Interim)

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



Site Location Plan

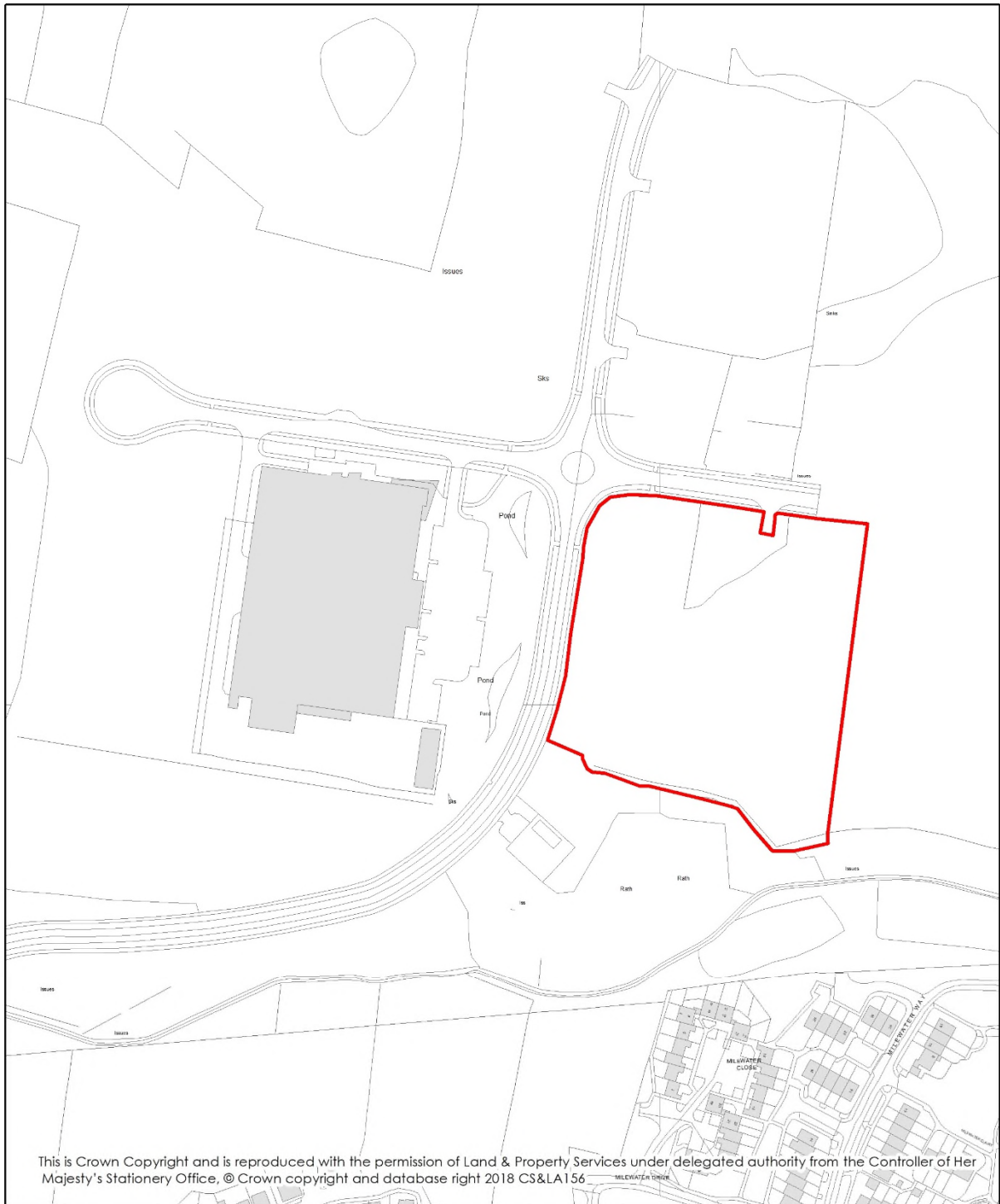
PAN Reference: LA03/2021/0949/PAN

Location: Three Mile Water Playing Fields,
Doagh Road Newtownabbey

Proposal: Proposed erection of a new
post-primary school, ancillary accommodation and sports facilities.

 Site boundary





Site Location Plan

PAN Reference: LA03/2021/0979/PAN

Location: South east of Global Point Avenue
at Global Point Business Park Newtownabbey

Proposal: Proposed research and development facility

 Site boundary

0 50 100
Metres



ITEM 3.15

P/FP/LDP/103 DEPARTMENT FOR COMMUNITIES (HISTORIC ENVIRONMENT DIVISION): PUBLICATION, INFORMATION GUIDE FOR LOCAL COUNCILS: LISTED BUILDINGS (SEPTEMBER 2021)

Members are advised that the Department for Communities (DfC) Historic Environment Division (HED) recently published a new document 'Information Guide for Local Councils: Listed Buildings' (September 2021) specifically for local Councils to explain the listing process.

Members are reminded that DfC, HED has a statutory duty to protect buildings through 'listing'. 'Listed Buildings' are those man-made objects and structures designated as being of 'special architectural or historic interest' under Section 80 of the Planning Act (NI) 2011. The legislation provides the overall test for assessing buildings for listing and states that: 'The Department:

- a) shall compile a list of building of special architectural or interest, and
- b) may amend any list so compiled'.

Members will be aware that DfC, HED has a statutory duty to consult with Antrim and Newtownabbey Borough Council and the Historic Buildings Council should they wish to include or remove a building on that list within the Council area.

This publication is intended to help local Councils understand the listing process i.e. the process that DfC carries out in protecting buildings of special architectural or historic interest. It explains why and how buildings are listed against the Criteria for Listing, as well as explaining the objection process. It further outlines the process for making changes to buildings once listed.

A copy of the publication is **enclosed** for information.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Deputy Director of Planning (Interim)

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

ITEM 3.16

P/PLAN/082 DFI LETTER – SECTION 54 REQUEST FOR PLANNING PERMISSION LA03/2017/0301/F – ENVIRONMENTAL STATEMENT REQUIRED

The Department for Infrastructure has sent the Council a copy of a letter (enclosed) and determination (enclosed) issued to the agent for the Lough Neagh Sand Traders regarding a Section 54 of the Planning Act (Northern Ireland) 2011 to carry out development without compliance with two planning conditions. The request relates to the previously approved Regionally Significant application for the extraction, transport and working of sand and gravel from 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.

The Department has determined that such a request will require the submission of an Environmental Statement (either the original updated by way of an addendum or a revised Environmental Statement to be submitted).

The report is for Members' information.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Deputy Director of Planning (Interim)

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

ITEM 3.17

P/FP/LDP/62 PLANNING APPEALS COMMISSION, INDEPENDENT EXAMINATION, LISBURN & CASTLEREAGH CITY COUNCIL, LOCAL DEVELOPMENT PLAN: DRAFT PLAN STRATEGY

Members are advised that the Planning Appeals Commission (PAC) corresponded with the Council on 26 October 2021 to advise that the Department for Infrastructure (DfI) has appointed the PAC to conduct an Independent Examination (IE) of the Lisburn & Castlereagh City Council's (LCCC) Local Development Plan, Draft Plan Strategy and that a Commissioner has now been appointed to lead this examination process – copy enclosed.

Whilst the PAC has not confirmed the date(s) for IE, LCCC is the fourth council in Northern Ireland to submit a Local Development Plan, Draft Plan Strategy to DfI to cause an IE, following Belfast City Council, Fermanagh and Omagh and Antrim and Newtownabbey Borough Council.

Members are also advised that the PAC has issued its report on Belfast City Council's Independent Examination to the Department for Infrastructure. The report remains under consideration by the Department and its findings have not been made available to the public.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Deputy Director of Planning (Interim)

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