

15 November 2023

Committee Chair: Councillor R Foster

Committee Vice-Chair: Councillor H Cushinan

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

Councillors – J Archibald-Brown, A Bennington, S Cosgrove, S Flanagan, R Kinnear, AM Logue and

B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber**, **Mossley Mill on 20 November 2023 at 6.00 pm**.

You are requested to attend.

Yours sincerely

Richard Baker, GM MSc

Chief Executive, Antrim & Newtownabbey Borough Council

PLEASE NOTE: Refreshments will be available from 5.00 pm

For any queries please contact Member Services:

Tel: 028 9448 1301

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE - 20 NOVEMBER 2023

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 Introduction of New Staff.
- 4 Report on business to be considered:

PART ONE - Decisions on Planning Applications

4.1 Planning Application No: LA03/2023/0438/F

10no. dwellings at 2m east of 9 Abbeyville Street, Newtownabbey.

4.2 Planning Application No: LA03/2023/0491/F

Proposed erection of 2 No. distribution warehouse buildings with ancillary facilities, including parking and landscaping. Access from established entrance onto Doagh Road at Houstons Corner on lands at 80 metres south of 34 Ballynure Road, with access from Doagh Road, Houstons Corner, Doagh Road/Ballynure Road, Newtownabbey, BT36 4TP.

4.3 Planning Application No: LA03/2023/0692/S54

Proposed 3 storey office development comprising of flexible office accommodation, break-out space and meeting rooms along with associated site works, car parking and boundary treatments (Variation of Condition 17 of Planning Approval LA03/2022/0852/F regarding waste water and foul sewage) at Lands at former PSNI site, Glenwell Road, Glengormley.

4.4 Planning Application No: LA03/2023/0664/F

20No. storage units and toilet block at lands 50m SE of 401 Ballyclare Road, Newtownabbey.

4.5 Planning Application No: LA03/2022/0307/F

Change of use from existing industrial unit and extension to building for the production, cultivation and processing of medicinal cannabis plants and all associated site works at 23 Rickamore Road Upper, Templepatrick, County Antrim, BT39 OJE.

4.6 Planning Application No: LA03/2023/0405/F

Alteration and extension to dwelling to include raised platform to rear of 42 Meadowbank, Newtownabbey, Co. Antrim, BT37 0UP.

4.7 Planning Application No: LA03/2023/0577/F

Extension of residential curtilage and erection of a domestic shed (retrospective) at 190m SE of 28A Lislunnan Road, Kells.

4.8 Planning Application No: LA03/2023/0489/F

Proposed demolition of existing dwelling and replacement with 3No. 2 storey dwellings with associated amenity space, car parking and access at 10 Shanes Street, Randalstown, BT41 2AD.

4.9 Planning Application No: LA03/2023/0490/DCA

Proposed demolition of existing dwelling and replacement with 3No. 2 storey dwellings with associated amenity space, car parking and access at 10 Shanes Street, Randalstown, BT41 2AD.

4.10 Planning Application No: LA03/2023/0686/F

Erection of boarding kennels and ancillary enclosed exercise area at 13 Moneyrod Road, Randalstown, BT41 3JB.

4.11 Planning Application No: **LA03/2023/0176/O**

Proposed demolition of existing garage/office and proposed site for the erection of 2 no. dwellings on lands approx. 10m South East of 139 Church Road, Glengormley, BT36 6HH.

4.12 Planning Application No: LA03/2023/0602/O

2 no. dwellings and garages at 30 metres North East of 98 Craigstown Road, Randalstown (Between No. 98 and No. 102 Craigstown Road).

4.13 Planning Application No: LA03/2023/0649/F

Alteration and Extension to Dwelling at 38 Longlands Road, Newtownabbey, BT36 7LZ.

PART TWO – Other Planning Matters

4.14 Delegated Planning Decisions and Appeals October 2023

4.15 Northern Ireland Statistics & Research Agency (NISRA) Planning Statistics April to June 2023

- 4.16 Planning Improvement Financial Sustainability of Planning System
- 4.17 Mid and East Antrim Borough Council Local Development Plan 2030 Plan Strategy Adoption
- 4.18 Local Development Plan Update

PART TWO - Other Planning Matters - IN CONFIDENCE

- 4.19 Northern Ireland Water Engagement Update In Confidence
- 4.20 Legal Update In Confidence
- 4.21 Update on Tree Preservation Orders In Confidence

PART ONE - Decisions on Enforcement Cases - IN CONFIDENCE

4.22 Enforcement Case LA03/2022/0177/CA – In Confidence

REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE PLANNING COMMITTEE ON 20 NOVEMBER 2023

PART ONE

PLANNING APPLICATIONS

COMMITTEE ITEM	4.1
APPLICATION NO	LA03/2023/0438/F
DEA	MACEDON
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	10no. dwellings
SITE/LOCATION	2m east of 9 Abbeyville Street, Newtownabbey
APPLICANT	Jody Ogle
AGENT	The Boyd Partnership Chartered Architects LLP
LAST SITE VISIT	6 th September 2023
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@antrimandnewtownabbey.gov.uk

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

SITE DESCRIPTION

The application site is located on unzoned land within the development limit of Metropolitan Newtownabbey as defined by the draft Belfast Metropolitan Area Plan published 2004 (dBMAP).

The site is currently unoccupied, however, it was until recently, partially occupied by a North Eastern Education and Library Board (NEELB) building, largely located on the southern half of the site.

The site is surrounded by a 2 metre high palisade fence. The topography of the land falls steadily on the site in a south to north direction. The site is surrounded on all sides by residential development. Two-storey semi-detached and townhouse dwellings dating from approximately late 20th century are located immediately west of the site. To the east are two blocks of three-story apartments. Semi-detached bungalows are located beyond to the north, with more modern townhouses to the south.

RELEVANT PLANNING HISTORY

There is no relevant planning history relating to the site.

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 polices for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until 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.

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section - No objections.

Department for Infrastructure Roads- Concerns raised on the level of parking

Norther Ireland Water – Objection in relation to capacity issues, applicant has amended the scheme to include a septic tank.

Historic Monument Section - No objections

REPRESENTATION

Thirty-eight (38) neighbouring properties were notified, and thirteen (13) letters of objections have been received from nine (9) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information.

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

- Traffic issues:
- Lack of public consultation;
- Demolition consent required for removal of old building;
- Concerns with flooding;
- Concerns with sewerage;
- The land should be used for "Green space";
- Potential increase in anti-social behaviour;
- Removal of boundary fence may reduce privacy for neighbouring dwellings;
 and
- Lack of landscaping.

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 the Character of the Local Area
- Neighbour Amenity
- Parking provision and Road Safety
- Other Matters

Policy Context and Principle of Development

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

The application site is located within the settlement limits of the Belfast Urban Area as defined within the Belfast Urban Area Plan (BUAP) and within the development limits of Metropolitan Newtownabbey as defined in the draft Belfast Metropolitan Area Plan (dBMAP) published in 2004. The site is not zoned for a particular use.

The proposal seeks full planning permission for the erection of 10 dwellings comprising eight townhouses and two semi-detached dwellings. Each of the dwellings are two-bedroom units. The site was previously occupied by a NEELB building which was demolished earlier this year. The surrounding lands are residential on all sides.

Having taken the location of the site into consideration and the characteristics of the surrounding area as a residential area, it is considered that the principle of development is acceptable on this site in accordance with Policy QD1 of Planning Policy Statement 7, subject to design, amenity, character access and parking considerations.

Design, Appearance and Impact on the Character of the Area

The ten proposed dwellings are laid out in two linear blocks of five dwellings. One block faces onto Abbeyville Street and the other block faces onto Abbeyville Gardens. Each of the dwellings follow a common theme which is typical of a modern dwelling whilst remaining in the contextual form of the red-brick, two-storey dwellings to the west of the site. The proposed dwellings have a ridge height of 8.3 metres above ground level, which is in-keeping with dwellings to the west and lower than the three-storey apartments to the east.

The external walls are to be completed in red brick, with concrete tiles to the roof. Black PVC is to be used to complete windows and doors. The finishes are considered acceptable as are the overall design of the dwellings.

The proposed dwellings are set in two linear rows with a back-to-back arrangement with a fall in the topography of the site of approximately 1.5 metres between units 1-5 and units 6-10. A separation distance of 20 metres has been provided that complies with Departmental design document "Creating places" and is considered acceptable in the circumstances.

A varied degree of rear amenity space has been provided with private gardens ranging in size from 45m2 to 144m2 which averages in excess of 70m2, which again is in-line with Creating places. The proposed layout shown on Drawing 03A shows that units 6-10 are largely in keeping with the adjacent building line to the west and east. However, dwellings 1-5 are positioned substantially in front of the building line to the west, with the proposed building line positioned 7.3 metres in front of the existing building line despite being within 2 metres of the shared boundary with No. 9 Abbeyville Street. The proposed building line sits approximately 1 metre in front of the building line of the apartments to the east.

A previous layout plan (Drawing 03) showed the proposed building line much closer to that of the existing housing to the west, however, this significantly reduced available rear amenity space and separation distances between the two rows of proposed dwellings. This would highlight that the site cannot contain the scheme proposed. It is considered that the layout is unacceptable as it breaks a relatively consistent building line along Abbeyville Street. The previous NEELB building sat back much closer to the existing building line.

In relation to boundary treatments, 1.1 metre railings and gates are proposed around the front of properties. 1.8 metre high double-boarded fencing is proposed around the rear gardens and to the side of Site 6. Along this side there is also a walkway which continues along the side of Site 6 and continues to the rear of Sites 6-9 to allow bin access for Sites 7, 8 and 9. It is considered that the proposal to have a large expanse of boarded fencing along a shared walkway along the eastern side of Site 6 would be unacceptable and this would have a detrimental impact on the character of the area.

Car parking has been provided within the front garden spaces of Sites 6-10 opening onto Abbeyville Gardens, whereas Sites 1-5 have on-street parking (outside of the original red line of the application). Whilst this form of parking in general may be considered acceptable, the level of provision will be discussed later in the report.

Having taken the above into account it is considered that the proposal is contrary to part (a) of Policy QD 1 of PPS 7 in that, if approved, the proposal would not respect the surrounding character of the area in terms of layout in relation to units 1-5 sitting significantly in front of an existing building line to the west (9-21 Abbeyville Street). The use of close boarded fencing along the shared walkway is also inappropriate to the location and would be better served by a wall.

Neighbour Amenity

It is considered there will be no significant detrimental impact between the proposed units. There is a 20 metre separation distance proposed between units which is in-line with Creating Places. Drawing 06A shows a cross section through the site which demonstrates that there is a fall in levels of approximately 1.5 metres in a southern to northern direction between the rear of both of the proposed rows of dwellings. Buffer planting has been proposed on the southern side of the close boarded fencing between rear gardens to further minimise overlooking. The shared bin access walkway between units 2-5 and 6-9 will also create a buffer space.

It is considered that a conflict is likely to occur between the dwelling proposed on Site 1 and the existing property to the west No. 9 Abbeyville Street. Given the protruding nature of Site 1, some 7 metres in front of No. 9 Abbeyville Street, (exacerbated by a 28cm higher level of eaves over the existing dwelling) with only a 6.4 metre gap between the existing and proposed dwellings. It is considered that there will be a significant domineering impact to the front garden of No. 9 Abbeyville Street.

There is also the potential for a loss of light during the early and middle parts of the day upon No. 9 Abbeyville Street, given its location to the west of the proposed development. A number of trees are shown on Drawing 03A along the shared boundary between Site 1 and No. 9 Abbeyville Street, however, these have been removed at the time of the site visit.

There have been a number of objection points raised in relation to neighbour amenity issues. Firstly, the owner of No.9 Abbeyville Street objects to the removal of the existing palisade fence which forms the boundary between themselves and the application site due to privacy reasons. A double boarded timber fence is proposed which is likely to increase privacy as it should act as a visual screen. The owner of this property also states that the existing fence is on their land and cannot be removed without their permission. This is considered to be a civil matter between the parties involved and is not a matter for the Council to arbitrate upon.

A number of objectors also feel that the space should be converted into a play area for children and if the current proposal is approved there may be an increase in anti-social behaviour. Firstly, this is an area of private land, which is not designated as open space and therefore the Council cannot direct that an alternative form of development is provided. Secondly, no supporting evidence has been provided to state why there may be an increase in anti-social behaviour

from the development of the proposed dwellings and therefore, little weight can be afforded to this point of objection.

Neighbours also objected to the fact that no prior neighbour consultation was carried out by the applicant. While consultation with the neighbouring properties would be welcomed there is no legislative requirement to do so and the advertising and neighbour notification process carried out by the Council has provided an opportunity for the objectors to provide their views on the proposed development.

Having taken the above into account, it is considered that the proposal fails to meet part (h) of Policy QD 1 of PPS 7 in that, if approved, the works would have an acceptable adverse effect upon No.9 Abbeyville Street in terms of dominance and loss of light.

Road Safety

A number of concerns were raised by objectors in relation to road safety, specifically in terms of an unacceptable increase in traffic, primarily in relation to Abbeyville Gardens, which is a relatively quiet cul-de-sac, which is proposed to serve as an access for five of the new units should planning permission be forthcoming.

Dfl Roads was consulted on the application and has indicated that they have concerns with the sub-standard parking being provided. The Department's "Parking Standards" document outlines the amount of parking spaces required for a new housing development. For this proposal for 10 No. dwellings, a total of 20 parking spaces are required. Dwellings 6-10 opening onto Abbeyville Gardens, provide one parking space within the curtilage of each dwelling with no on-street parking.

Sites 1-5 offer no in-curtilage parking. An amended plan was received on 6th October 2023 showing five on-street parking spaces on Abbeyville Street. However, this plan involved increasing the original red line of the application site to include the area proposed for on-street parking. It is not possible to amend the red line of the application site to provide parking under the current application and therefore, this plan must be disregarded and the five parking spaces that would fall outside of the original red line must also be disregarded.

Therefore, only five parking spaces have been provided for the proposal of 10 dwellings. This falls well short of the 20 parking spaces required under the guidance.

The agent has submitted a "Transport Assessment Form" dated 15th May 2023, which seeks to put forward a case as to why a lower level of parking at the site would be acceptable. Points include;

- Low ownership levels of cars exist for social housing schemes resulting in a lower need for parking;
- Existing on-street parking could be used; and
- The site is located close to footpaths, cycling paths and public transport.

There is no allowance within Parking Standards to reduce the provision of parking for proposed social housing schemes. No evidence has been provided to support the claim that these houses are likely to have little or no car ownership. Despite the application site being within walking distance of a main traffic route (Shore Road)

there is no justification to warrant a reduction in the parking provision by 75% of what would normally be necessary. In addition, there are no exceptional or mitigating reasons being put forward to demonstrate why this level of parking would be acceptable.

Having considered the above, little weight can be afforded to a road safety objection due to Dfl Roads having no objection to the proposal on road safety grounds. However, parking provision levels are 75% lower than required and therefore, the proposal fails part (f) of Policy QD 1 of PPS 7 and Policy AMP 7 of PPS 3 in that inadequate and inappropriate provision is made for parking.

Other Matters

NI Water

NI Water responded to a consultation request, stating that there are network capacity issues in the area and has recommended that the application be refused, in addition, a number of objectors have also raised these concerns. A "Solution Engineer Report" has been submitted with the application, dated 29th November 2022. Within this report, a preferential option has been suggested, which offsets waste outwith the application site. NI Water states that if this option is confirmed as viable, further information shall be submitted to them from the agent.

However, on 24th August 2023, a copy email was submitted to the Council on behalf of the applicant (\$4\$ Developments Limited) which was sent to NI Water. Within this email, the agent states that following site investigations, due consideration should be given to alternative schemes prior to any detailed investigations being carried out. These include schemes inside the confines of the site or partially within the site, as opposed to wholly outside the site as previously discussed.

No further responses have been received from the agent or NI Water that states that these alternative stormwater offsetting schemes are deemed acceptable. In this case, the refusal recommended by NI Water remains.

Dfl Rivers

Third party objections have been received which commented upon the initial comments made by Dfl Rivers requirements that a maintenance strip is provided. However, amended plans have bene provided which show the maintenance strip to the satisfaction of Dfl Rivers and therefore this concern has been addressed.

<u>Demolition of the previous building on the site</u>

An objection raised concern that no demolition consent was granted for the removal of the NEELB building recently demolished on the site. Given the building was not listed and is not located within a Conservation Area or similar designation, there was no requirement to obtain such a consent.

Landscapina

An objector raised concerns in relation to the proposed planting alongside the rear boundary fencing stating that it was too close to the fence. It is considered that close boarded fencing can be installed with limited disturbance, with only the posts needing to be installed under ground level, it is considered this is unlikely to have any significant detrimental impact upon trees in the nearby vicinity.

CONCLUSION

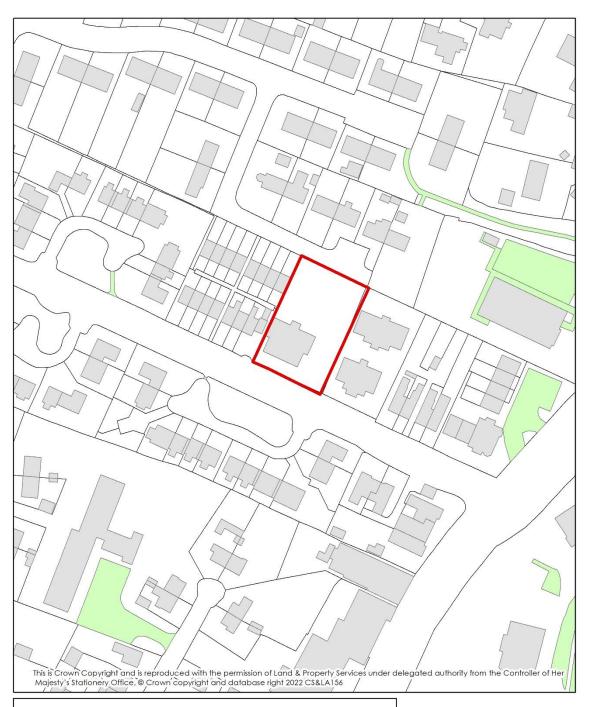
The following is a summary of the main reasons for the recommendation:

- The principle of the development is acceptable;
- The proposed layout is deemed unacceptable as it sits significantly beyond the building line to the west and there is inappropriate use of close boarded fencing along the shared walkway on the eastern side of the site;
- The proposal fails to meet part (h) of Policy QD 1 of PPS 7 that, if approved, the works would have an acceptable adverse effect upon No.9 Abbeyville Street in terms of dominance and loss of light.
- Proposed parking provision does not comply with minimum standards; and
- NI Water concerns in relation to capacity issues have not been satisfactorily dealt addressed.

RECOMMENDATION | REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL:

- 1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Planning Policy Statement 7, Policy QD 1 in that, if approved, the development would fail to respect the site and surrounding area in terms of layout. The proposed development, if approved, would not respect the existing building line of adjacent dwellings.
- 2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Planning Policy Statement 7, Policy QD 1 in that if approved, the works would have an acceptable adverse effect upon No.9 Abbeyville Street in terms of dominance and loss of light.
- 3. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement, Planning Policy Statement 7 part (f) of Policy QD 1 and Planning Policy Statement 3, Policy AMP 7 and ancillary document, Parking Standards, in that if approved, an unsatisfactory level of parking would be provided to serve the proposed housing development.
- 4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would cause harm to an interest of acknowledged importance in that it has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development.



Planning Application Reference: LA03/2023/0438/F

Location: 2m east of 9 Abbeyville Street, Newtownabbey

Proposal: 10no. dellings





COMMITTEE ITEM	4.2
APPLICATION NO	LA03/2023/0491/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed erection of 2 No. distribution warehouse buildings with ancillary facilities, including parking and landscaping. Access from established entrance onto Doagh Road at Houstons Corner.
SITE/LOCATION	80 metres south of 34 Ballynure Road, with access from Doagh Road, Houstons Corner, Doagh Road/Ballynure Road, Newtownabbey, BT36 4TP
APPLICANT	Montgomery Developments
AGENT	Donaldson Planning
LAST SITE VISIT	18 th August 2023
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: Alicia.leathem@antrimandnewtownabbey.gov.uk

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

SITE DESCRIPTION

The application site is located within the countryside, outside of any development limit as defined by a draft BMAP (published 2014).

The application site extends to 2.8 hectares with the wider site extending to approximately 15 hectares. The proposed warehouse buildings are located on mostly undeveloped lands to the east of the existing office and distribution centre, lying immediately adjacent to the A8 dual carriageway. The topography of the application site is mostly flat and sits approximately 3.5 metres below the adjoining dual carriageway.

The surrounding land uses comprise industrial units to the north and west with Glenvara Christian Centre just beyond the northern boundary of the Ballyearl Business Park. Montgomery Tyres is located to the east of the site, on the opposite side of the A8 dual carriageway.

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2022/0796/F

Location: Site 20m south of the existing Montgomery Distribution Warehouse Unit

Ballyearl Business Park Doagh Road Newtownabbey

Proposal: Proposed warehouse and canopy extension including external service yard

Decision: Permission Granted (15/09/2023)

Planning Reference: LA03/2022/0718/PAN

Location: Land approx. 80m South of 34 Ballynure Road, Ballyearl, Newtownabbey,

BT36 5SW

Proposal: Proposed erection of 2no distribution warehouse buildings with ancillary

facilities, including parking and landscaping Decision: PAD Concluded (06/10/2022)

Planning Reference: U/2014/0072/RM

Proposal: Proposed distribution warehouse units 1 and 2 including office

accommodation and staff welfare facilities with general lorry/trailer and staff/visitor

vehicle parking spaces.

Location: Land at Houston's Corner, Ballyearl, Newtownabbey

Decision: Permission Granted (08/12/2014)

Planning Reference: U/2010/0087/O

Proposal: Extension and improvement of the existing warehouse premises involving a proposed warehouse distribution centre and outdoor lorry/trailer and container park

with offices, canteen and parking.

Location: Land at Houston's Corner, Ballyearl, Newtownabbey

Decision: Permission Granted (22/04/2011)

Planning Reference: U/1984/0343/F

Proposal: Erection of extension to existing production area

Location: Houston's Corner, Newtownabbey Decision: Permission Granted (17/12/2010)

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 Draft Belfast Metropolitan Area Plan together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning polices 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.

<u>Belfast Urban Area Plan:</u> The application site is located outside the development limits of the Belfast Urban Area. The Plan offers no specific guidance on this proposal.

<u>Draft Newtownabbey Area Plan 2005 (NAP)</u>: The application site is located within the countryside and outside any settlement limit. The Plan offers no specific guidance on this proposal.

<u>Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP)</u>: The application site is located within the countryside and outside any settlement limit.

<u>SPPS – Strategic Planning Policy Statement for Northern Ireland</u>: 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.

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

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

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

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

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

<u>PPS21: Sustainable Development in the Countryside</u>: 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 conditions.

Northern Ireland Water: No objection.

Dfl Roads: No objection subject to conditions.

Dfl Rivers: No objection.

DAERA Natural Environment Division: No objection subject to conditions.

DAERA Water Management Unit: No objections.

Shared Environmental Services: No objections subject to conditions.

REPRESENTATION

Fourteen (14) neighbouring properties were notified and no letters of objection have been received.

It is noteworthy that during the Pre-Application Community Consultation (PACC) no formal objections to the proposal were made, the overall interest was low with only

three enquiries being made, the details are summarised within the PACC report (Document 02).

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Legislative Framework
- Policy Context and Principle of Development
- Design, Layout and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Road Safety, Traffic, and Parking
- Natural Heritage
- Other Matters

Legislative Framework

Habitats Regulation Assessment

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council. The Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 6th October 2023. This found that the project would not have any adverse effect on the integrity of any European site.

Environmental Impact Assessment

As the development falls within Schedule 2, Category 2, 10 (a) Industrial estate development projects of the Environmental Impact Assessment Regulations (Northern Ireland) 2017, the Council is obliged under Regulation 12 (1) of these Regulations to make a determination as to whether an 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.

Pre-Application Notice

The application falls within the Major category as prescribed in the Development Management Regulations. Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application. Section 27 also requires that a prospective applicant, prior to submitting a Major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted.

A Proposal of Application Notice application (Ref: LA03/2022/0862/PAN) was submitted to the Council and was deemed to be acceptable on 6th October 2022. The Pre-Application Community Consultation Report (PACC) (Document 02) submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

Policy Context and Principle of Development

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. The lands fall within the countryside and outside any settlement limit within as defined within both the Belfast Urban Area Plan (BUAP) 2001 and dBMAP.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS states that a key dimension of sustainable development for Northern Ireland is economic growth, which requires the planning system to continue to provide protection to our built and natural environment including our heritage assets while unlocking development potential, supporting job creation and aiding economic recovery. However the SPPS recognises that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside of settlements must be restricted, save for a number of exceptions. One exception relates to a proposal for a major development where a countryside location is necessary because of its size or site-specific requirements. Such proposals should be able to demonstrate a significant contribution to the regional economy and be otherwise acceptable in terms of any environmental or transport impacts. In any circumstance, an edge of town location should normally be favoured over a location elsewhere in the countryside. The Policy does not define any thresholds for what constitutes a major application, however 'The Planning (Development Management) Regulations (Northern Ireland) 2015 defines for storage and distribution uses that the exceedance of 5000sqm is a major application.

The SPPS also 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). Therefore, Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) and Planning Policy Statement 4 'Planning and Economic Development' (PPS4) are applicable in this case. Policy CTY 1 of PPS 21 refers to a range of types of development considered acceptable in the countryside. One such development is industrial and business uses in accordance with PPS 4.

The proposal seeks full planning permission for the erection of two distribution warehouse buildings and ancillary facilities including parking and landscaping. The supporting information (Document 01) indicates that the proposal is to be utilised as part of the existing use on the wider site occupied by Montgomery Developments. Consequently, the planning history of the site is considered an important material

consideration in this instance. It is accepted that a transport and logistics use has been established on the site with the core permission dating back to 1970's, historically the site was mostly occupied by Trans Global Freight/East West Transport Ltd with the Montgomery Group relocating to the site in the 1990's. Following this, a number of planning permissions were granted on lands which include the application site, either wholly or in part. Most notably applications (Ref's: U/2010/0087/O & U/2014/0072/RM) for a large-scale extension (approximately 10,000sqm) to the warehouse provision spread across two buildings which was granted permission under the same policy provision and parameters which are relevant to the current application. Although the SPPS was not published at that time it does not introduce a more restrictive policy test in so far as it relates to the current application.

Policy PED 2 of PPS 4 states that proposals for economic development uses in the countryside will be permitted in accordance with the provisions of certain stated policies. Policy PED 5 deals with major industrial development in the countryside, it is acknowledged that an associated distribution use already established on the adjoining lands is also within the countryside and therefore the proposal does not fall neatly into this policy provision. Nevertheless the proposal is for a major development in the countryside and therefore Policy PED 5 is applicable with the requirements indicating the need for long term sustainable economic benefits, the availability of alternative sites being explored and consideration to the environmental and transport impacts. Additionally Policy PED 3 'Expansion of an Established Economic Development Use in the Countryside' is also applicable given the adjoining existing use. Policy PED 3 requires that the scale and nature of the proposal does not harm the rural character or appearance of the local area. Policy PED 3 goes on to state that the major expansion of an existing industrial enterprise will only be permitted in exceptional circumstances, which are dependent on the relocation of the proposal not being possible for particular operational or employment reasons, the proposal making a significant contribution to the local economy and the proposal not undermining the rural character of the area.

The proposal effectively falls between two Policy provisions and as such an assessment of both Policies PED 3 and PED 5 is applicable. Each of the Policies require that any major expansion within the rural area must make a significant long term sustainable contribution to the local economy. Montgomery Transport Group runs four of its own distribution sites, that being on lands adjoining the application site at Ballyearl, one in Preston, Leeds and Rugby and it also operates from partner distribution sites in Nottingham, Birmingham, Dublin and Glasgow. The company operates a fleet in excess of 300 vehicles and 900 trailers and provides a wide range of logistic services, including supply chain management from the point of origin to the end user. Products that are moved through the supply chain by Montgomery Transport are from global sources but mainly from the UK Mainland and the Republic of Ireland (ROI) through daily services. The company provides an overnight carrier service within NI, as well as a 48 hour service for the ROI. The agent contends within its supporting statement (Document 01) that this is a unique business offering which is demonstrative of not only sub-regional importance but regional and national significance.

Additionally, it is indicated that Montgomery Transport is a key member of Palletways, the UK's largest Pallet Network handling circa 26,000 pallets per night and with 25% market share in the UK. This partnership provides customers with transportation

services covering the UK, Ireland and Europe using market leading technology which allows real time track & trace of palletised consignments. The network covers all industry sectors, including higher value cargo. In addition, its Pan-European Services offers Palletways European services to 20 countries, with a combined throughput of 40,000 pallets per night. Despite the company's role as a key member of Palletways, the Ballyearl site is currently constrained by the number of consignments it can process. It is acknowledged that the pallet services operations are carried out within the wider site and a recent application (Reference: LA03/2022/0796/F) was granted permission for a warehouse extension including an external service yard.

Supporting information indicates that the company, with customer services and accounts centrally based in Ballyearl, employs approximately 70 people and the current turnover is circa £22 million. In relation to the subject development proposal it is indicated by the agent that the capital investment is £6 million, will generate approximately 50-100 jobs with a further 80—100 temporary construction jobs. Taking into consideration the longevity of the Montgomery Group, the scale of the operation across a sub-regional, regional and national scale and the economic turnover, it is accepted that for the purposes of Policies PED 3 and PED 5 that the proposal will make a significant long-term sustainable contribution to the local economy.

The second element of Policies PED 3 and PED 5 collectively requires the need for an alternative site or the relocation of the proposal not being possible. As previously indicated the operations for Montgomery Transport at this location date back to the 1990's, and as indicated by the agent (Document 01) the site at Ballyearl was specifically chosen given its geographical location and proximity to both the Larne and Belfast ports and the supporting road network providing links to the north, the west and to ROI. Document 01 indicates that the company has invested heavily in the intervening years in yard improvements, technology and security and the recent installation of solar panels and is the only haulier within both NI and ROI accredited to this level. The Ballyearl site also has an in-house customs team with 20 dedicated specialists. It is accepted that given the scale of the existing infrastructure already developed within the rural area and the site specific reasoning outlined above that the relocation of the business, away from the trunk road, would not introduce any significant benefits. Furthermore as indicated by Policy PED 5 in any circumstance for major development within the countryside, an edge of town location should normally be favoured over a location elsewhere in the countryside. In this case the application site is bounded to the western boundary by the settlement limit of Metropolitan Newtownabbey and of particular note the adjacent lands are zoned for economic/employment use.

The agent indicates that the two proposed storage and warehousing units are necessary as a response to the increasing pressure for warehousing storage floorspace, which is in part a result of Brexit and Northern Ireland's unique position in relation to both the UK and EU markets. This has placed greater pressures on the company to store products for longer periods to ensure they are readily available to local, mainland UK, ROI and EU customers as required. In turn the company has experienced significant additional logistical pressures and in order to remain competitive, it is critical that the company is in a position to respond to any opportunities or constraints. The storage facility will allow for a one stop shop for storage and distribution, that will allow Montgomery's and their partner companies to

store products garnered from import/export and allow them to be distributed in a more logistically sustainable and time efficient manner therefore reducing the number of journeys and travel requirements significantly. The agent has indicated that the proposed warehouse units will facilitate job security and future growth. As the proposal is to be utilised by the one umbrella group that being Montgomery's and in order to prevent a proliferation of uses operating out of the premises it is considered necessary to impose a condition restricting the use and the end user of the facility should planning permission be forthcoming.

Overall taking into consideration the planning history of the site, the need for the proposal to enable the future growth and stability of Montgomery's, the level of existing infrastructure at the Ballyearl site and the significant contribution to the local economy on balance the expansion of this established use is considered acceptable subject to all other policy and environmental considerations being met.

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

The SPPS states that all development in the countryside must integrate into its setting and respect the rural character of the area with both Policies PED 3 and PED 5 supporting this and requiring any economic development within the countryside not to undermine rural character. Additionally Policy PED 9 of PPS 4 stipulates that the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and that any proposal is compatible with existing land uses. In addition, as the application site is located within the rural area, Policy CTY 13 of PPS21 'Integration and Design of Buildings in the Countryside' is also applicable and reiterates the need for new buildings to integrate.

The proposal seeks permission for the erection of two distribution warehouses with ancillary facilities to include parking and landscaping. The application site extends to 2.8 hectares with the wider site extending to approximately 15 hectares. The proposed warehouse buildings are located on mostly undeveloped lands to the east of the existing office and distribution centre, lying immediately adjacent to the A8 dual carriageway. The two buildings are replicas of each other in terms of scale, massing and layout and sit parallel to one and other, gable ended onto the A8 dual carriageway. The layout of the wider site includes a hardstanding area between the two buildings to be utilised for the turning and manoeuvring of heavy good vehicles (HGV's) with a further area of hardstanding utilised for car parking to the west of the two buildings. A tree lined pathway runs centrally through the site effectively providing a separation buffer between the two sections, which are served by individual access arrangements.

The buildings measure 102 metres in length with a width of 31 metres and a height of 14.4 metres. The warehouse area utilises the majority of floorspace and provides 2745sqm in each building, that being 5490sqm in totality. Other elements include the provision of office spaces on the ground floor and first floor measuring 286sqm and a store area measuring 361sqm of floorspace within each building. The building takes the appearance of a standard industrial style building with composite panelling to the roof and walls with five roller doors on each building, 3 pedestrian accesses and an entrance area finished in glazed elements.

Access to the site is taken from the Doagh Road through an existing arrangement that currently serves the adjoining Ballyearl Business Park, which then branches off

and provides two individual accesses into the development. Landscaping is to be retained and supplemented along the eastern boundary (A8 dual carriageway) to provide a landscape buffer approximately 8 metres in width with new landscaping provided along the periphery of the site and running parallel between the two buildings, which helps to soften the expanse of hardstanding. A 2.4 metre paladin fence is located to the inset of the trees and hedgerows.

Critical views of the site are evident when travelling along the A8 dual carriageway in both directions, from this perspective, the A8 dual carriageway acts as a defining point between the rural and urban area. The lands to the east are located within the settlement limit and include an extensive building occupied by Magowan Tyres directly opposite the application site. The lands to the west of the dual carriageway appear more rural in character albeit a level of build-up is apparent around the periphery of the application site from the existing Ballyearl Business Park. As indicated above the application site lies on the edge of the settlement limit for Metropolitan Newtownabbey. The topography of the lands within the application site and adjoining lands is such that the site sits approximately 3.5 metres lower than the carriageway, which helps to minimise the visual impact of the existing uses and proposed buildings. Notwithstanding the extent of the visual impact of the existing uses, the application site reads as a parcel of land that is sandwiched between two built forms between the rural and urban areas.

It is acknowledged that the buildings are significant in terms of scale and massing and take an industrial appearance within this rural area. However, taking into consideration the context of the surrounding area, including; the existing built form, the topography of the lands and the existing roadside vegetation which can be conditioned to be retained, together with the mitigating design features which include the arrangement of the buildings being gable ended onto the A8 dual carriageway helping to reduce the impact of the built form, and the inclusion of an 8 metre wide landscape buffer it is considered that the proposal will not result in further erosion to the character of this rural area.

It is considered that appropriate boundary and landscape treatments have been provided and on balance the layout, design and appearance is considered acceptable.

Neighbour Amenity

Policy PED 9 of PPS 4 requires development proposals not to harm the amenity of nearby residents in that they should not create a noise nuisance and any proposal should be compatible with surrounding land uses.

A number of residential properties are located around the periphery of the application site and opposite the existing access onto the Doagh Road. Additionally, Glenvarna Christian Centre is located to the north of the application site with other industrial uses located to the north and west of the site. No 34 and 34A Ballynure Road are also located to the north and are the closest residential properties to the application site.

A Noise Impact Assessment (NIA) (Document 04) was submitted in support of the application which indicates that the premises will be in operation 24/7. Consultation was carried out with the Council's Environmental Health Section (EHS) who has

reviewed the NIA and has concluded that the proposed development can operate without adverse impact on nearby residential amenity subject to noise control conditions restricting the noise level associated with the proposal.

Floodlighting associated with the security and ongoing operations of the premises can cause artificial light intrusion and has the potential to adversely impact upon amenity. A Light Impact Assessment (Document 7) has been submitted in support of the application. EHS highlight that the Light Impact Assessment does not define an environmental zone or establish the pre and post-curfew vertical light intrusion into windows of nearby dwellings is outlined in the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light 2011. However, EHS are content that this is not necessary due to the design and layout of the proposed site.

A separation distance of approximately 80 metres is provided between the application site and the existing dwellings to the north. It is also noteworthy that a parcel of lands that appear to be currently utilised for HGV parking is located between the residential properties to the north and the application site. This area of land provides a buffer between operations on the site and the existing dwellings.

Overall it is considered that the proposal will not give rise to significant impacts on the amenity of nearby residential properties.

Road Safety, Traffic, and Parking

With regards to transportation the SPPS aims to secure improved integration with land-use planning, to facilitate safe and efficient access, movement and parking. Additionally, Planning Policy Statement 3 Access, Movement and Parking seeks to ensure that prejudice to road safety does not occur as a result of development. Policy AMP 2 of PPS 3 requires that any proposal will not prejudice road safety or significantly inconvenience the flow of traffic. As indicated above access to the site is achieved via the Doagh Road which is the current access arrangement with a singular access point for ingress and egress serving the wider Ballyearl site, the access arrangement then branches of to provide two individual accesses to each building.

A Transport Assessment Form (TAF) (Document 06) was submitted in support of the application and outlines that the location provides easy access to the trunk road networks enabling easy linkage to ports, which is essential for the nature of the distribution business. The TAF indicates that 'The Transport Assessment Guidelines' identify various thresholds and circumstances where a Transport Assessment (TA) can be required. In cases of storage and distribution the threshold is 10,000sqm, the proposal provides 6960sqm of floorspace, and in addition the TAF states that the 100 vehicles peak-hour threshold is not exceeded. The peak for vehicles leaving the site will be 1600-1700 with 21 two way trips and arrivals will peak at 0800-0900 with 21 two way trips, with 158 trips in totality for all modes of travel throughout the day. As the proposal does not breach the floorspace or peak hour threshold it is accepted that a TAF is not required in this instance.

Collectively Policies AMP 1, AMP 7 and AMP 9 of PPS 3 require that an accessible environment is created with adequate provision for car parking and appropriate service arrangements and the design of car parking is of a high standard of design, layout and landscaping. The scale and type of the proposal requires 28 car parking spaces and 36 HGV spaces, the proposal provides 83 car parking spaces and 70

larger vehicle spaces. It is noted that additional parking has been provided over and above the minimum requirements for distribution warehousing, however the TAF indicated that this is to service HGV and van drivers who will leave their own vehicles at the operational base whilst away driving or on long haul trips.

As indicated above a landscape buffer measuring approximately 8 metres will define the eastern periphery of the site, additionally an internal landscaping area located centrally between the two buildings, together with planting to the west of the site helps to visually soften the expansive level of hardstanding. It is not envisaged that the proposal will generate high levels of pedestrian activity to the site, however there are existing public footpaths along the site frontage which connect to lands adjacent to the site.

Dfl Roads has no objection to the access arrangements or the parking provision, therefore, it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

Flood Risk and Drainage

PPS15 seeks to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere, in addition, Policy PED 9 of PPS 4 requires that development is not located in an area of flood risk and will not cause or exacerbate flooding. The applicant has provided a Flood Risk and Drainage Assessment (FRDA) (Document 03) in support of their application.

Policy FLD 1 states that development will not be permitted within the 1 in 100 year fluvial floodplain (AEP7 of 1%) or the 1 in 200 year coastal floodplain (AEP of O.5%), unless the applicant can demonstrate that the proposal constitutes an exception to the policy. The submitted FRDA indicates that the proposed built development does not lie within the present day or climate change 1 in 100 fluvial floodplain. Consultation was carried out with Dfl Rivers, who has reviewed the applicant's FRDA from McCloy Consulting and advise that while not being responsible for the preparation of the report, they accept its logic and have no reason to disagree with its conclusions.

Policy FLD 3 requires the submission of a Drainage Assessment (DA) when certain thresholds are exceeded in this case a change of use involving new buildings or hard surfacing exceeding 1000sqm in area. The required DA was incorporated into the FRDA which advises that the proposal is to attenuate the surface water and restrict the discharge rate to mimic the greenfield run-off rate to the watercourse (Schedule 6 approval has already been granted). Dfl Rivers has indicated that the report demonstrates that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained in the applicant's attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. As such, Dfl Rivers has not raised any objections to the proposed drainage measures.

Policy FLD 4 restricts the artificial modification of a watercourse including culverting, unless there are exceptional circumstances which includes a short length necessary to facilitate access to a development site or that a specific length of watercourse needs to be culverted for engineering reasons where there is no reasonable or practicable alternative. Document 03 indicates that there are existing culverts to

both the east and west of the application site with further proposed culverting running along the western and southwestern boundary of the site. The overall purpose of the large section of culvert along the western boundary is to accommodate the access arrangements into the two proposed buildings. Although this includes a section of culverting between the two accesses, this is a very small section and it is a better engineering solution to culvert the section in order to reduce the potential for blockages at the entrance to the culverts. In the round, it is accepted that for the purposes of Policy FLD 4 the rationale for this section of the culvert meets the exceptions test in relation to the access provision. A further section to the southwestern corner does not lie within the proposed access provision and the applicant has put no engineering reasons forward. However, it is noted through google imagery dating back to December 2001 that this area is currently hardstanding and it is therefore assumed that the culverting of the southwestern section has been in place for a significant number of years.

Natural Heritage

PPS 2 sets out the Executive's commitment to sustainable development, conserving, and where possible, enhancing and restoring natural heritage. Policy NH5 states that proposals which are likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

The applicant has submitted a Preliminary Ecological Appraisal (PEA) (Document 05) in support of their application. The PEA indicates that a section of hedgerow vegetation is to be removed and a number of trees are to be felled to facilitate the development. Consultation was carried out with DAERA Natural Environment Division (NED) who are content that the ecologist has completed a Bat Roost Potential (BRP) assessment of all trees to be felled and that none were found to have moderate or above BRP. Additionally, from the submitted lighting proposals, NED are content that the proposed artificial lighting on the site is unlikely to significantly impact light sensitive species such as bats. A number of ditches have been identified on the site, however, they do not constitute a NI Priority Habitat as confirmed by NED. The landscaping plan includes compensatory native species planting across the application site, and the existing treeline along the eastern boundary of the application site is to be retained. Overall, NED has considered the impacts of the proposal on designated sites and other natural heritage interests (Habitats, and Protected Species) and, on the basis of the information provided, has no concerns.

Designated Sites

The application site is hydrologically linked to Outer Belfast Lough ASSI, Belfast Lough Open Water SPA and Belfast Lough SPA/RAMSAR via a drainage channel adjacent to the eastern boundary connects to the Three Mile Water which flows into Belfast Lough. Shared Environmental Services (SES) has been consulted with regard to the impact on Designated Sites. SES have considered the impacts of the proposal and are content that there will be no likely significant impact on any designated site subject to conditions. As indicated above the Council has accepted the Habitats Regulation Assessment as carried out by SES.

Other Matters

<u>Archaeology</u>

Planning Policy Statement 6 (PPS 6) deals with archaeology and built heritage and requires that the proposed development has no adverse effect on the built heritage. The proposed development site is not located within a buffer zone for any protected or scheduled monuments. Consultation was carried out with Historic Environment Division (HED) during the processing of the previous PAD application (LA03/2022/0894/PAD) for the same proposal and layout, and no objections were raised by HED. It is therefore considered that the proposal complies with both the SPPS and PPS 6 archaeological policy requirements and as such there are no significant archaeological concerns with the proposal.

NI Water Infrastructure

NI Water (NIW) initially indicated a refusal due to capacity issues, however, the method of sewerage disposal was amended during the course of the application. The method of sewage disposal is to be via a Waste Water Treatment Plant which is shown on the southeastern section of the site. A Consent to Discharge application is dealt with by DAERA under a separate regulatory regime.

CONCLUSION

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

- The principle of the development has been established;
- The design, layout and appearance of the proposal on balance is acceptable;
- There are no significant neighbour amenity concerns;
- There is no significant flood risk associated with this development;
- There are no significant natural and built heritage concerns;
- There are no significant access concerns and the parking provision within the context of the site considered acceptable;
- There is no significant concern with regard to NI Water infrastructure.

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. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any Order revoking and/or re-enacting that Order) the storage buildings, hereby permitted, as indicated on Drawing No. 02/2 date stamped 30th August 2023, shall only be used by Montgomery Transport for the purpose specified in the application and for no other purpose (including any other purpose in Class B1 or B3 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order) and office usage within said buildings will be ancillary to the main usage for the lifetime of the development.

Reason: To enable the Council to retain control over the use of the storage building in the interests of the character of the area and the residential amenity of nearby residential properties.

3. The building hereby permitted shall not become operational until the hard surfaced areas have been constructed and permanently marked in accordance with Drawing No 02/2 date stamped 30th August 2023 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

4. During construction a suitable buffer of at least 10m must be maintained between the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc, outside of the floodplain and any watercourse on or adjacent to the site.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

5. Prior to discharge to watercourses, any surface water generated during the construction and operation phases of the development must first pass through an appropriate treatment, such as sediment traps and hydrocarbon interceptors.

Reason: To prevent adverse impacts on the features of the designated sites.

6. Prior to works commencing on site, all existing trees as indicated on Drawing No. 07 date stamped 12th June 2023, as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

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

Reason: To protect the biodiversity value of the site, including protected species.

7. The proposed landscaping works as indicated on Drawing No. 07 date stamped 12th June 2023 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. The proposed landscaping shall be retained thereafter at a minimum height of 2 metres for shrubs/hedges and existing trees as shown shall be retained at a minimum height of 6 metres unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal.

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

8. 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.

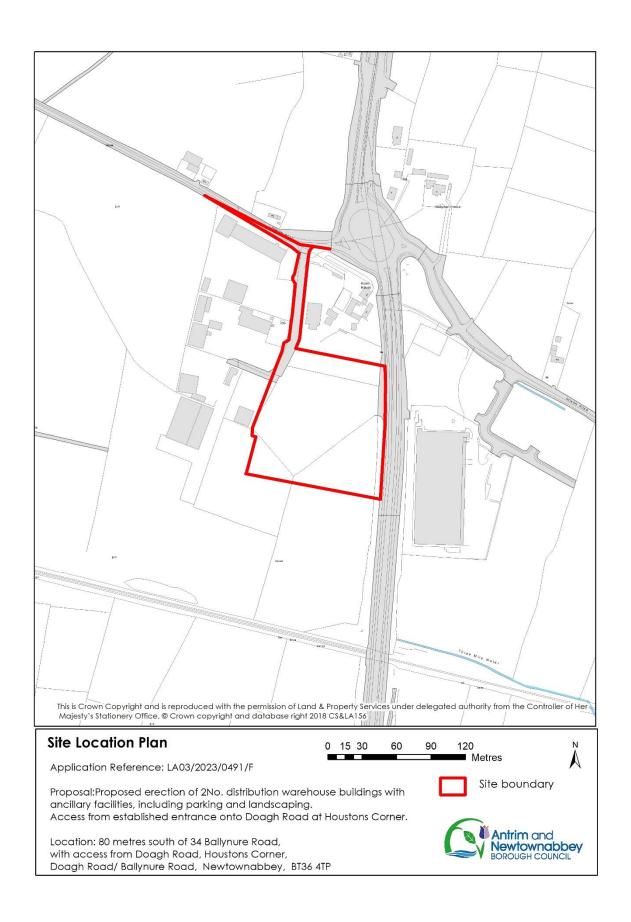
Reason: To ensure the continuity of amenity afforded by existing trees.

9. The development hereby approved shall be carried out in accordance with the details and mitigation provided in the Preliminary Ecological Appraisal (Document 05) date stamped 12th June 2023.

Reason: To prevent adverse impacts on the features of the designated sites.

10. The total noise level associated with the development shall not exceed a rating level of 34dBLAr when measured within the external amenity area of any nearby noise sensitive receptor and assessed in accordance with British Standard 4142:2019.

Reason: In order to prevent any adverse impact on amenity at nearby sensitive receptors.



COMMITTEE ITEM	4.3
APPLICATION NO	LA03/2023/0692/\$54
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	COUNCIL APPLICATION/INTEREST
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Lands at former PSNI site, Glenwell Road, Glengormley
SITE/LOCATION	Proposed 3 storey office development comprising of flexible office accommodation, break-out space and meeting rooms along with associated site works, car parking and boundary treatments. (Variation of Condition 17 of Planning Approval LA03/2022/0852/F regarding waste water and foul sewage.)
APPLICANT	Antrim and Newtownabbey Borough Council
AGENT	Rolston Architects
LAST SITE VISIT	N/A
CASE OFFICER	Morgan Poots Tel: 028 90340419 Email: morgan.poots@antrimandnewtownabbey.gov.uk

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information.

SITE DESCRIPTION

The application site is located within the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan and draft Belfast Metropolitan Area Plan (published 2004) (dBMAP).

The site is situated on the corner of the Antrim Road and Glenwell Road, Glengormley. The building on the site was previously the PSNI building. However, the site has been cleared and is bound to the southeast and southwest by existing walls and fencing of varying heights. The front of the site is open to the road with a low barrier defining the northeastern boundary where it abuts the Antrim Road.

The application site is raised above the level of the Antrim Road by approximately one metre. The land to the south of the application site rises significantly with a steep gradient towards the residential properties beyond the southern corner of the site.

A varied range of uses surround the site including a McDonald's, Movie House Cinema, Sports Bowl, Gym and commercial and industrial uses to the southwest and northwest of the site. Residential properties are located to the south of the site and to the northeast on the opposite side of the Antrim Road. Abutting the site to the southeast is the former Telephone Exchange building.

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2022/0852/F

Location: Lands at former PSNI site, Glenwell Road, Glengormley

Proposal: Proposed 3 storey office development comprising of flexible office accommodation, break-out space and meeting rooms along with associated site works, car parking and boundary treatments.

Decision: Permission Granted (24/02/2023)

Planning Reference: U/2010/0493/F

Location: Glengormley PSNI Station, 244 Antrim Road, Glengormley, Newtownabbey Proposal: Construction of 2no. new steel framed light weight proprietary garages

Decision: Permission Granted (22/02/2011)

Planning Reference: U/2002/0182/A

Location: Glengormley PSNI Station, 244 Antrim Road, Glengormley, Newtownabbey

Proposal: 50mm (max) projecting steel police service identification crest

Decision: Permission Granted (20/05/2002)

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 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 polices 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.

<u>Belfast Urban Area Plan (BUAP):</u> The application site is located on unzoned land within the settlement limit of the Belfast urban area (Newtownabbey). The Plan offers no specific guidance on this proposal.

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

<u>Strategic Planning Policy Statement for Northern Ireland (SPPS)</u>: 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.

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

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

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

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

CONSULTATION

No consultations were carried out.

REPRESENTATION

Fourteen (14) neighbouring properties were notified of the application and no letters of objection have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Condition to be Varied

Policy Context and Principle of Development

Section 54 of The Planning Act (Northern Ireland) 2011 applies to applications for planning permission which seek to develop land without complying with conditions subject to which a previous planning permission was granted. On receipt of such an application, the Council may only consider the question of the conditions subject to which planning permission should be granted and it cannot revisit the principle of the development.

The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides that the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the Section 54 application.

In this case, the principle of development has been established by the planning permission granted by the Council on 24th February 2023 under planning application Ref: LA03/2022/0852/F. This granted permission for a three storey office development with associated site works, car parking and boundary treatments.

As the current application seeks to vary a condition attached to this permission, the principle of development cannot be revisited. Consideration will be given to the proposed variation of the condition imposed on the previous approval and whether the variation of the condition is considered acceptable.

Condition to be Varied

The proposal seeks permission to vary Condition 17 of planning permission Ref: LA03/2022/0852/F. The Condition reads;

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

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

During the processing of the original application (Planning Reference LA03/2022/0852/F) Northern Ireland Water (NIW) raised concerns indicating that the receiving foul sewage network has reached capacity and that the public system cannot presently serve this development without significant risk of environment harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties.

The applicant submitted a 'Wastewater Impact Assessment' to NI Water and a Solution Engineer's Report was provided whereby NI Water and the applicant have agreed an engineering solution to mitigate the foul capacity issue and allow connection for this development.

Condition 17 was recommended by NI Water to ensure no development commences until the mains sewers and the Waste Water Treatment Works (WWTW) has the capacity to receive the waste water and foul sewerage from the development. This would require an Article 161 Agreement to be authorised by NI Water to allow the connection. The condition was deemed necessary to ensure adequate waste water treatment capacity is available to serve the site.

It is proposed by the applicant to amend the wording of the condition to read; "No development shall commence until an application for an Article 161 Agreement to secure a connection to the public sewer network for the approved development has been submitted and validated to the satisfaction of the Council. The development thereafter shall only be occupied once an Article 161 Agreement has been authorised for a connection to the mains sewer for waste water and foul sewage from the development.

Reason: To ensure the project will have an adequate means of sewage and storm water disposal."

The variation of the wording as indicated above would allow the developer to construct the development once the Article 161 agreement has been submitted to NI Water but will restrict occupation of the office development until the Agreement has been authorised for a connection to the mains sewer for waste water and foul sewage. The applicant has outlined that the development is dependent on public funding which is time dependent. Considering that the application site is a brownfield site, a solution has been identified and the public interest in securing the funding for

the regeneration of this site, it is considered that the variation of the condition is acceptable.

CONCLUSION

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

- The principle of the development has been established through planning permission LA03/2022/0852/F; and
- It is considered that a variation of the wording of Condition 17 of LA03/2022/0852/F is acceptable.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

- 1. The development hereby permitted shall be begun before the expiration date of 24th February 2028.
 - Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
- 2. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02/1, bearing the date stamp 6th January 2023 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

- 3. No operation in or from the building hereby granted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No 02/1 bearing date stamp 6th January 2023. to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

 Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.
- 4. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contaminationhow-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

5. After completing the remediation works under Condition 4; and prior to

occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at

https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

6. The proposed landscaping indicated on Drawing No. 09, date stamped 28th November 2022 shall be carried out within the first planting season following the completion of the development hereby approved.

The proposed landscaping shall be retained thereafter.

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

7. 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.

8. Use of the area marked 'Bins' on Drawing Number 02/1, date stamped 06 Jan 2023, is restricted to the hours of 07:00 to 19:00, including use by contractors for the removal of waste.

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

9. During the lifetime of the permission, all waste in the area marked 'Bins' on Drawing Number 02/1, date stamped 06 Jan 2023 shall be stored in lidded and closed receptacles.

Reason: In order to protect amenity at nearby residential properties.

10. The building there shall be no deliveries to the site at any time between 23.00 to 07:00 hours.

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

11. The cumulative noise level from all activities associated with the development (including external plant) shall not exceed a Rating Level of 51dB LAr,1hr between 07:00-23:00 hours and a Rating Level of 45 dB LAr,15min between 23:00-07:00

hours, when measured at 1m from the façade of any noise sensitive receptor in accordance with British Standard 4142:2014 + A1:2019.

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

12. Prior to the occupation of the development hereby approved (and at any other time requested by the Council), a noise survey shall be undertaken, submitted to and agreed in writing with Council demonstrating compliance with noise levels detailed within Condition 11 above.

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

13. The northeastern, northwestern and southeastern facades of the permitted development shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside of at least 31dB Rw +Ctr.

Reason: In order to ensure a suitable internal noise environment is achieved within the permitted development.

14. The northeastern, northwestern and southeastern facades of the development hereby approved shall be fitted with passive or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 31dB Rw +Ctr.

Reason: To ensure a suitable noise environment is achieved within the permitted development without jeopardising the provision of adequate ventilation.

15. During the lifetime of the permission hereby granted the external light fixtures are to be positioned/directed to ensure amenity is not adversely impacted at neighbouring dwellings by artificial light.

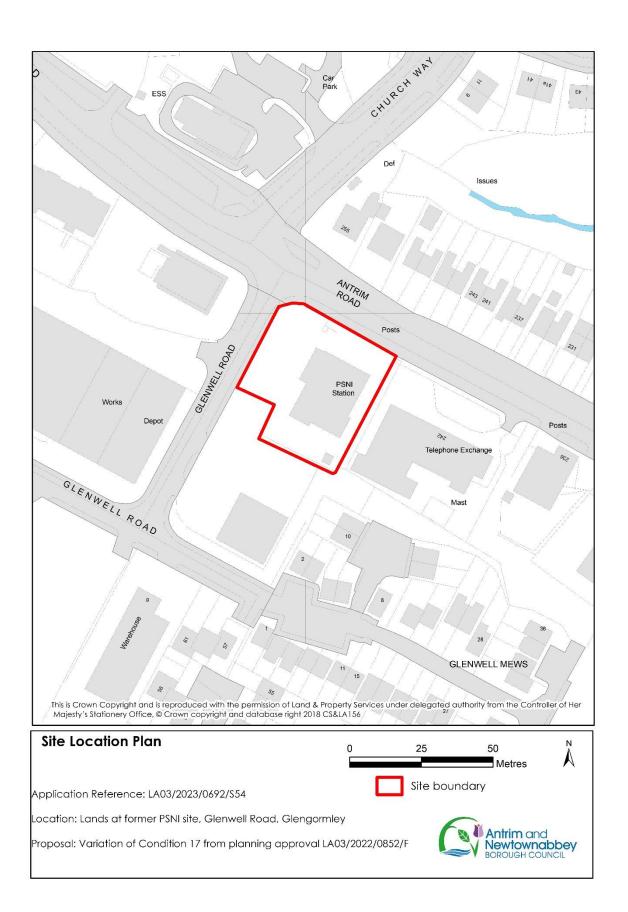
Reason: To protect amenity at nearby dwellings from artificial light intrusion.

16. Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PP\$ 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.

Reason: In order to safeguard against surface water flood risk.

17. No development shall commence until an application for an Article 161 Agreement to secure a connection to the public sewer network for the approved development has been submitted and validated to the satisfaction of the Council. The development thereafter shall only be occupied once an Article 161 Agreement has been authorised for a connection to the mains sewer for waste water and foul sewage from the development.

Reason: To ensure the project will have an adequate means of sewage and storm water disposal.



COMMITTEE ITEM	4.4
APPLICATION NO	LA03/2023/0664/F
DEA	THREE MILE WATER
COMMITTEE INTEREST	RECOMMENDED REFUSAL
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	20No. storage units and toilet block
SITE/LOCATION	50m SE of 401 Ballyclare Road, Newtownabbey
APPLICANT	H&M Holdings
AGENT	Simpson Design (NI) Ltd.
LAST SITE VISIT	16/10/2023
CASE OFFICER	Tierna Mc Veigh
	Tel: 028 90340401
	Email:
	tierna.mcveigh@antrimandnewtownabbey.gov.uk

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal

https://planningregister.planningsystemni.gov.uk.

SITE DESCRIPTION

The application site is located 50 metres southeast of 401 Ballyclare Road and is within the countryside outside of any development limit as defined in the Belfast Urban Area Plan (BUAP) and the draft Belfast Metropolitan Area (dBMAP). Directly adjacent to the site to the northwest is a public house called The Railway Bar and its associated car park. The site is a roadside location and is accessed off the Ballyclare Road. Access to the site can also be achieved through the car park of the Railway Bar.

The site currently comprises of compacted gravel and grassed areas and hosts a storage container, located within the northwestern corner of the site. The topography of the site rises some 3 metres from west to east. The sites northeastern and southwestern boundaries comprise of dense mature hedging and trees. The eastern boundary comprises of an existing field hedge, approximately 1 metre in height. The western boundary separates the site from The Railway Bar and comprises of 3 metre high pallisade fencing coupled with 2 metre high hedging. The application site is located within the countryside and the wider area is mainly agricultural in nature, with some low-level residential development located along Ballyclare Road. The site is bounded to the northeast by the Londonderry/Derry train line.

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2022/0843/F

Location: 75 metres west of 401 Ballyclare Road, Newtownabbey, BT36 4TH

Proposal: Storage Shed

Decision: Permission Granted 06/01/2023

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 polices 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.

<u>Draft Newtownabbey Area Plan (dNAP):</u> The application site is located outside the development limit of Newtownabbey and is within the countryside. The Plan offers no specific guidance on the proposal.

<u>Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP):</u> The application site is located outside the development limit of Metropolitan Newtownabbey and is within the countryside. The Plan offers no specific guidance on the proposal.

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

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

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

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

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

CONSULTATION

Environmental Health Section – No objection.

Dfl Roads – Further information and amendments requested.

NI Water - No objection.

Northern Ireland Transport Holdings – Further information requested.

REPRESENTATION

Four (4) neighbouring properties were notified of the application and one (1) representation has been received. The full representations made regarding this proposal are available to view online at the Planning Portal:

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

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

- Encouraged to see the existing entrance to the site relocated and sight lines improved;
- For the proposed landscaping to be implemented and completed; and
- Querying if floodlighting is proposed.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Design, Appearance, Integration and Impact on the Character of the Rural Area
- Neighbour Amenity
- Compatibility with Adjacent Land Uses
- Access, Parking and Manoeuvring
- Impact on Natural and Historic Features
- Flood Risk and Drainage
- Other Matters

Preliminary Matters

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. The application site is located within the countryside in both plans and there are no specific operational policies relevant to the determination of the application in the plan.

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

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 several cases when planning permission will be granted for non-residential development. One of these is industry and business uses in accordance with PPS 4. Policy PED 2 of PPS 4 seeks to facilitate and accommodate economic growth in the countryside in accordance with Policies PED 3, PED 4, PED 5 and PED 6.

Policy PED 4 grants permission for the redevelopment of an established economic development use in the countryside for industrial or business purposes (or a sui generis employment use) subject to various criteria. The agent within Planning Statement, Document 01 date stamped 31st August 2023 considers the proposal compliant with Policy PED 4 of PPS 4.

The agent asserts that through the granting of extant planning permission Ref: LA03/2022/0843/F for a storage shed on 22nd December 2022 that an element of storage already operates on the site and that the proposal seeks to redevelop and expand on the approved storage facility.

It is important to note that the storage shed was conditioned to be used only for the storage of stock, furniture and events equipment in connection with the adjacent existing pub/restaurant and not used for any other purpose. The proposal is to create a separate, independent business and would not be ancillary to the existing public house. The permission also imposed a curtilage restriction on the storage shed, however, the current proposal seeks to extend the curtilage some 80 metres beyond the restricted curtilage.

Concerns were raised with the agent in respect of the principle of development and subsequently the agent on behalf of the applicant submitted a Supportive Statement in relation to the principle of development, Document 02 date stamped 16th October 2023.

As set out in Document 02 the agent is relying on the extant planning approval Ref: LA03/2022/0843/F to establish the principle and contends that the red line of the site location approved under Ref: LA03/2022/0843/F encompassed the entirety of the Railway Bar and the land subject to this application and therefore establishes the site as being existing economic lands with an established economic development use. Notwithstanding that the red line of the extant

approval encompasses the subject site, the current application site boundary associated with this proposal omits the existing and established pub/restaurant therefore it's considered that the proposal is not in association with the established economic use (pub/restaurant) as claimed by the agent.

Furthermore, no other planning history is available on the site that would indicate these lands as being existing economic land. As stated previously a condition restricting the curtilage of the approved shed was imposed on the approval.

Policy PED 4 of PPS 4 requires that the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area. In addition, this policy requires that the overall visual impact of replacement buildings is not significantly greater than that of the buildings to be replaced. It is considered that the proposed redevelopment replacing one building with 20 storage buildings plus a toilet block would harm the rural character and appearance of the local area. In addition, the proposal seeks to increase the approved restricted curtilage by 8,200 sqm. This expansion is considered not to be proportionate and is considered a significant increase in the site area. The impact on the character and appearance of the area is discussed in further detail below.

A further criterion within PED 4 of PPS 4 is that there would be environmental benefits as a result of the redevelopment. Although the agent has specified that the applicant seeks to install EV charging points and solar panels, no detail of these have been provided. It is considered that the proposal would not generate any significant environmental benefits.

Policy PED 4 requires that the proposal deals comprehensively with the full extent of the existing site. The proposal seeks to introduce additional storage and distribution units alongside the existing pub/restaurant. The agent confirms within the supporting information that the pub is to remain as existing and operate as normal.

Given that the proposal does not meet the criteria set out within the above policies, it is considered that the proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and PED 4 of PPS 4 in that the scale and nature of the proposal would harm the character and appearance of the local area; the increase in site area is considered to be a significant increase; there would be no environmental benefits as a result of the redevelopment and the proposal will result in a visual impact significantly greater than what is currently existing.

Furthermore, the proposal is considered contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons provided as to why this development is essential in this rural location and could not be located within a settlement.

In addition to the above, additional policy requirements are included in Policies CTY 13 and CTY 14 of PPS 21. Policy PED 9 of PPS 4 sets out the General Criteria for Economic Development in the countryside which all proposals are expected to meet and this is discussed in more detail below.

Design, Appearance, Integration, and Impact on Rural Character of the Area Criterion (i) of Policy PED 9 concerns itself with the site layout, building design, associated infrastructure and landscaping arrangements which are of a high quality and assist the promotion of sustainability and biodiversity. The proposal seeks to erect 20No. storage units, of two (2) different sizes and a toilet block. The units are arranged around the boundaries of the site, with several units centrally located. The proposed toilet block is in the northwestern corner of the site. Most of the units benefit from 3No. parking spaces with the remainder served by 2No. parking spaces. The smaller storage unit comprises a footprint of 68.89sqm, measures 8.3metres in length, 8.3 metres in width, has a ridge height of 6.5 metres and possesses an offset single roller shutter door. The larger storage unit comprises a footprint of 166sqm, measures 20 metres in length, 8.3 metres in width, has a ridge height of 6.5 metres and has three (3) roller shutter doors. The toilet block has a footprint of 100.82sam, measures 14.2 metres in length, 7.1 metres in width, has a ridge height of 4.4 metres and has an entrance door and window. The toilet block hosts female/male/disabled changing and WC areas.

The finishing materials are not specified on the submitted drawings, however the Planning Statement, Document 01 date stamped 31st August 2023 states that the proposed units will be reflective in design of the shed approved under planning application reference LA03/2022/0843/F which was rendered blockwork with green cladding to the upper walls, roof, and black guttering. The Planning Statement also indicates that the proposal is to benefit from the installation of EV charging points and the inclusion of solar panels to the roofs of some units, however, no detail of these have been provided.

All proposals in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires a building in the countryside to be visually integrated into the surrounding landscape and is of an appropriate design, whilst Policy CTY 14 requires a new building not to cause a detrimental change to, or further erode the rural character of an area.

With respect to Policies CTY 13 and CTY 14 of PPS 21 the application site is a roadside plot, its topography declines some 3 metres from east to west and the proposed units are set back some 2 and 5 metres respectively from the Ballyclare Road. At present the site benefits from a dense mature northern boundary which provides an adequate visual backdrop to absorb the development, as indicated on Drawing Number 02, this boundary is to be retained and augmented with several mature trees.

When on approach in a westerly and easterly direction along the Ballyclare Road long distance views will be visible due to the lack of boundary treatment defining the sites eastern and western boundaries. The southern roadside boundary comprises mature hedging and trees, which are sporadic in some places allowing direct open views into the site. The direct and open views will further be exacerbated as this boundary is to be removed to facilitate the new access and associated visibility splays. Although new hedging and trees are being implemented along the eastern, southern, and western boundaries and that landscaped shrub areas are proposed throughout the site, it is considered that this

new planting will inevitably take a considerable length of time to mature and in the interim will not mitigate the impact of the proposed development.

With respect to Policy CTY 14 the agent within the Planning Statement, Document 01 states that the proposal is reflective in design, scale and massing of the extant storage shed approved under Ref: LA03/2022/0843/F. Whilst this is not disputed, it is considered that the design and scale of the proposed 20No. units and toilet block when read cumulatively would appear industrial in nature and would be incongruous in the rural landscape. On this basis, it is considered that the proposal does not respect the traditional pattern of settlement exhibited in the area and thus would be detrimental to the rural character of the surrounding area. Overall, it is considered that the design and appearance of the proposal is contrary to Policy PED 9 of PPS 4 and policies CTY 13 and CTY 14 of PPS 21.

Neighbour Amenity

Criterion (b) of Policy PED 9 requires that development proposals do not harm the amenity of nearby residents. While criterion (e) states that proposals should not create a noise nuisance. Residential properties, No's 400 and 402 Ballyclare Road, are located directly south of the application site, some 30 and 36 metres respectively and are separated from the proposal by the Ballyclare Road. A public house known as the Railway Bar is some 47 metres to the northwest and its associated car park directly abuts the site.

The representation queried whether floodlighting would be proposed. As illustrated on the plans, floodlighting is not proposed, and this was confirmed by the agent in email correspondence dated 23rd October 2023.

The introduction of the proposed development onto the application site, is likely to bring an element of noise during construction, however, this will occur during normal working hours and will only arise over the short term. Given the nature of the proposal and its intended end use, an increase in traffic to and from the site is expected, however, this should not result in any detrimental neighbour amenity concerns. Furthermore, given the separation distance between the proposal and neighbouring properties, it is considered that the proposal will not harm the amenities of nearby residents by way of overlooking, loss of privacy, light, and noise. The Council's Environmental Health Section were consulted on this proposal and raised no objections.

Compatibility with Adjacent Land Uses

Part (a) of Policy PED 9 of PPS 4 states that the works shall be compatible with surrounding land uses. Within the Planning Statement, Document 01 the agent asserts that the surrounding land uses are predominantly commercial. Immediately to the west is The Railway Bar a public house and its associated car park, to the south and southwest are single dwellings and the surrounding land uses comprise primarily of open agricultural fields with farm complexes. It is considered that the proposed storage use would not be incompatible with the adjacent pub/restaurant and residential properties.

Access, Parking and Manoeuvring

Criteria (h) of Policy PED 9 requires that adequate access arrangements, parking and manoeuvring areas are provided, and the existing road network can safely

handle any additional vehicular activity. Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where it will not prejudice safety or significantly inconvenience the flow of traffic.

The site currently benefits from two (2) existing vehicular access points, the main access is positioned in the southeast corner and the other via the car park associated with The Railway Bar public house to the west. The P1 Form indicates that a new access onto the Ballyclare Road is proposed with the existing accesses closed off. Visibility splays of 4.5 x 100metres are proposed and 59No. parking spaces.

Dfl Roads in its response dated 28th September 2023 requested a robust Transport Assessment Form (TAF) to be submitted and for the proposed site layout to be amended. As the principle of development is deemed unacceptable, the applicant was not asked to provide the requested information as this would constitute nugatory work and put the applicant to unnecessary expense.

Based on insufficient information it is not possible to ascertain if the proposal will prejudice road safety or significantly inconvenience the flow of traffic on the Ballyclare Road or that sufficient parking and manoeuvring areas are provided to serve the site. As such, a reason for refusal has been added as a precautionary measure.

Impact on Natural and Historic Features

Criterion (c) of Policy PED 9 of PPS 4 states works shall not adversely affect features of the natural or built heritage. A review of DAERA's Natural Environment Map reveals no natural environment features contained within the site.

At the application validation stage, it was noted that the site directly abuts the railway line to the north and that the northern boundary comprises of mature hedging and trees which requires a NI Biodiversity Checklist to be submitted. The agent was asked to provide one on 15th September 2023, however, contact was later made with the agent on 20th and 25th September 2023 advising that the principle of development was deemed unacceptable and to reconsider submitting a NI Biodiversity checklist as this would constitute nugatory work and put the applicant to unnecessary expense. In the absence of a NI Biodiversity checklist, it is not possible to determine if the proposal will have any detrimental impact on natural heritage features, therefore, a reason for refusal has been added as a precautionary measure.

A review of the Department for Communities (DfC) Historic Environment Map viewer reveals several industrial heritage assets contained within the site, namely signal boxes and junctions associated with the former Belfast and Northern Counties Railway (BNCR) main/branch line. Whilst these assets are indicated on the map viewer, they are not shown on the Planning Constraints Map contained within the Northern Ireland Planning Portal for consultation with Historic Environment Division (HED). On this basis, HED was not consulted for comment.

Flood Risk and Drainage

Criterion (d) of PED 9 requires that the development is not located in an area of flood risk and will not cause or exacerbate flooding. PPS 15 deals with flood risk and drainage. The application site is not located within the fluvial floodplain; however, the Dfl Rivers Strategic Flood Maps indicates that a small portion of lands along the northern boundary is at risk of pluvial (surface water) flooding. No development is proposed on these lands.

Policy FLD 3 of PPS 15 deals with flood risk outside floodplains, it states, that a Drainage Assessment will be required for all development with hard surfacing which exceeds 1000 square metres in area. Planning approval Ref: LA03/2022/0843/F granted a storage shed and existing yard equating to some 1,342 sqm of hard standing which falls within the remit of this proposal. The remainder of the site, some 1,626 sqm, is laid out in compacted gravel and some 2,206 sqm is laid out as grass. Given that the proposal is to displace the entirety of the grassed area, the threshold of 1000sqm in Policy FLD 3 has been exceeded requiring the submission of a Drainage Assessment.

A request for a Drainage Assessment was made on 15th September 2023, however contact was later made with the agent on 20th and 25th September 2023 advising that the principle of development was deemed unacceptable and to reconsider submitting a Drainage Assessment as this would constitute nugatory work and put the applicant to unnecessary expense. In the absence of a Drainage Assessment, it is not possible to determine if the proposal will cause or exacerbate flooding, therefore, a reason for refusal on drainage grounds has been added as a precautionary measure.

NI Water was consulted on the proposal and offers no objection. The P1 form indicates that surface water is to be disposed of via a soakaway. For this method of disposal DAERA Water Management Unit (WMU) requires to be consulted. To aid the streamlining of consultation requests and responses in a timely manner and in the absence of a submitted NI Biodiversity checklist and a Drainage Assessment, DAERA, specifically WMU, was not consulted and therefore has not been provided with the opportunity to comment on the drainage aspects of the proposal. A refusal reason has therefore been added with regards to these matters as a precautionary measure.

Other Matters

Translink

The site is directly adjacent to the railway line to the north and is some 170 metres northwest of the Kingsmoss West level crossing. Northern Ireland Transport Holding Company in its response dated 5th October 2023 raised concerns in respect of the additional traffic movements and potential safety risk to the level crossing and requested to be in receipt of the submitted Traffic Assessment Form (TAF). Concerns were also raised in respect of the proposed tree planting along the northern boundary in that the proposed planting includes trees which are deemed to be high risk leaf fall species which may affect railways operations. Without the submission of a TAF, it is not possible to ascertain the number of vehicle movements and the types of vehicle movements that the proposal will attract, therefore it is not possible to determine if the proposal will not have an adverse impact on the safety of the level crossing. With respect to the proposed

landscaping, if this proposal was deemed to be acceptable, this issue could be mitigated by way of an appropriately worded condition.

CONCLUSION

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

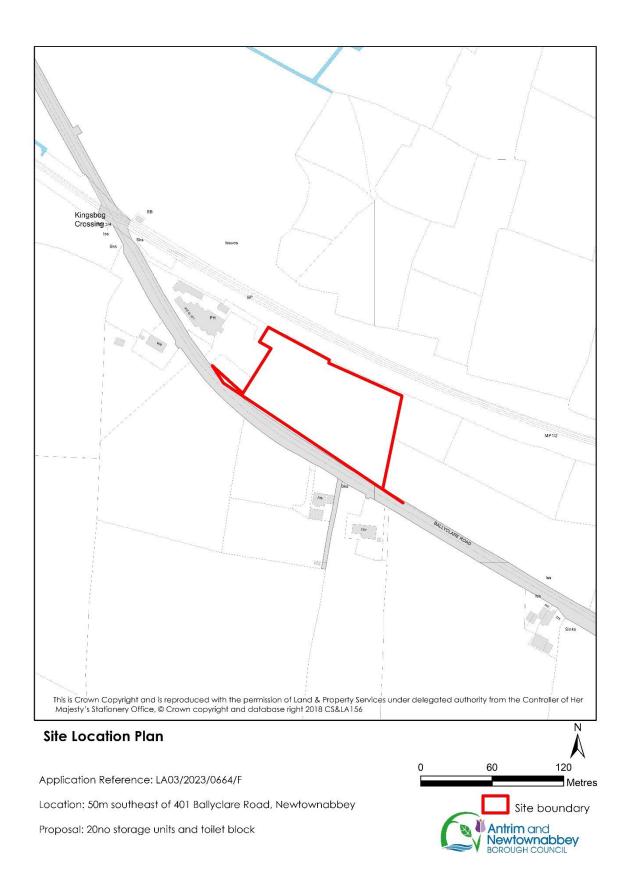
- The principle of the development cannot be established as the proposal fails to fulfil the requirements of Policy CTY 1 of PPS 21 and Policies PED 4 and PED 9 of PPS 4;
- The scale, massing, design and external materials of the proposal are inappropriate for the location and would be out of character with the surrounding area.
- The site lacks established boundary treatments and relies primarily on new landscaping for integration;
- There are no neighbour concerns regarding impact on neighbour amenity;
- The proposal is compatible with adjacent and surrounding land uses;
- It has not been demonstrated that the proposal will not prejudice the safety and convenience of road users due to insufficient technical information being provided;
- It has not been demonstrated that the proposed development will not adversely affect features of the natural environment;
- It has not been demonstrated that a satisfactory means of drainage associated with the development has been achieved that would not increase the risk of flooding elsewhere; and
- It has not been demonstrated that the proposal will not have an impact on the safety of the level crossing.

RECOMMENDATION | REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL:

- 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location.
- 2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies PED 4 and PED 9 of PPS 4 in that the scale, massing, design, and external materials of the proposal would be out of character with the surrounding area; the increase in site area is considered significant; there would be no environmental benefits as a result of the redevelopment and the proposal will have a detrimental visual impact.
- 3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement (SPPS) and Policies CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would appear a prominent feature in the landscape; the site relies primarily on new landscaping for integration; the design of the proposal is inappropriate for the site and locality; and the proposal does not respect the traditional pattern of settlement exhibited in the area.

- 4. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy AMP2 of Planning Policy Statement 3, Access, Movement & Parking, and Development Control Advice Note 15 Vehicular Access Standards as there is insufficient information to demonstrate that a safe and suitable means of access can be achieved.
- 5. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy AMP7 of Planning Policy Statement 3, Access, Movement & Parking, as there is insufficient information to demonstrate and sufficient parking for the proposed development can be achieved.
- 6. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy NH2 of the Planning Policy Statement 2: Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland in that insufficient information has been submitted to demonstrate that the proposed development will not have a detrimental impact on ecological features.
- 7. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy FLD 3 of PPS 15 Planning and Flood Risk in that it has not been demonstrated that a satisfactory means of drainage associated with the development has been achieved that would not increase the risk of flooding elsewhere.



COMMITTEE ITEM	4.5
APPLICATION NO	LA03/2022/0307/F
DEA	AIRPORT
COMMITTEE INTEREST	RECOMMENDED REFUSAL
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Change of use from existing industrial unit and extension to building for the production, cultivation and processing of medicinal cannabis plants and all associated site works
SITE/LOCATION	23 Rickamore Road Upper, Templepatrick, County Antrim, BT39 0JE
APPLICANT	Rickamore Ltd
AGENT	Mark Campbell
LAST SITE VISIT	09/06/2022
CASE OFFICER	Tierna Mc Veigh Tel: 028 90340401 Email: tierna.mcveigh@antrimandnewtownabbey.gov.uk

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal

https://planningregister.planningsystemni.gov.uk.

SITE DESCRIPTION

The application site is located in the countryside outside any development limits as designated by the Antrim Area Plan (AAP) 1984-2001. The site is some 1.2 kilometres south of Templepatrick and some 4.8 kilometres southwest of the M2 Motorway.

The site is approximately 0.57 hectares in area and contains a single commercial unit which was previously used for storage. The former storage unit is set some 32 metres back from Rickamore Road Upper, comprises a footprint of some 1029 sqm and has a maximum height of approximately 7.2 metres. The unit is surrounded by concrete and tarmac hardstanding to the north, east and south.

The topography of the site is relatively flat with levels increasing slightly when travelling in an easterly direction. Directly to the east of the site is a row of dense, evergreen trees. The southern roadside boundary is defined by a brick and pillar entrance, and a 1.2-metre-high wooden fence and densely overgrown trees/hedge some 4 metres in height. An undesignated watercourse is located adjacent to the western boundary of the proposed development. There are three (3) residential properties located some 84 metres to the west and some 190 metres and 219 metres to the northwest. The surrounding environs comprise agricultural fields, farm holdings and rural dwellings.

RELEVANT PLANNING HISTORY

Planning Reference: T/2005/0609/O

Location: 23 Rickamore Road Upper, Templepatrick

Proposal: Replacement of 2no Commercial Warehouse and Erection of 2nr Additional Commercial Warehouses for storage and Distribution Business

Decision: Permission Refused (24/05/2006) Planning Reference: T/2004/1359/Q

Location: 23 Rickamore Road Upper, Templepatrick

Proposal: Proposed Development.

Decision: Pre Application Enquiry - Refuse

Planning Reference: T/2003/0171/A41

Location: 23 Rickamore Road Upper, Templepatrick Proposal: Storage of Fireworks in Existing Industrial Unit.

Decision: Permitted Development

Planning Reference: T/1992/0064

Location: 23 Rickamore Road Upper, Templepatrick

Proposal: Egg Grading & Packing Plant Decision: Permission Granted (30/09/1992)

Planning Reference: T/1992/0045

Location: 23 Rickamore Road Upper, Templepatrick

Proposal: Packing plant

Decision: Application Withdrawn (13/02/1992)

Planning Reference: T/1990/0480

Location: 23 Rickamore Road Upper, Templepatrick

Proposal: Development of Egg Packing Plant Decision: Permission Granted (03/06/1991)

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 polices 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.

<u>Antrim Area Plan 1984 – 2001:</u> The site lies within the rural area outside any development limits as designated in the Antrim Area Plan (AAP). Paragraph 6.3 of

Section 6 'Employment, Industry and Tourism' of the Plan States, 'In rural areas permission will normally be given for small scale commercial and industrial activities in existing buildings such as disused agricultural or commercial buildings or on derelict sites, provided there are no objections such as unsightliness, noise, smell and excessive or dangerous traffic generation'. There is no specific advice with respect to the current development proposal.

<u>Strategic Planning Policy Statement for Northern Ireland (SPPS)</u>: 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.

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

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

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

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

CONSULTATION

Council Environmental Health Section - Further information required with regards to noise and odour

Dfl Roads - No objection, subject to conditions

Dfl Rivers - No objection

NI Water - No objection

DAERA Countryside Branch - Consulted in Error

PSNI Communication Services - Consulted in Error

PSNI Antrim and Newtownabbey - No objection

Belfast International Airport (BIA) - No objection

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

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 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 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 the determination of the proposal. The application site is located within the countryside outside any settlement limit defined in the AAP. The application site is not zoned for any particular use within the extant Antrim Area Plan. Albeit the 'Employment, Industry and Tourism' section of the Plan states, 'In rural areas permission will normally be given for small scale commercial and industrial activities in existing buildings such as disused agricultural or commercial buildings or on derelict sites, provided there are no objections such as unsightliness, noise, smell and excessive or dangerous traffic generation.' The Plan offers no site specific policy or guidance pertinent to this development 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. Amongst these is Planning Policy Statement 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006), Planning Policy Statement 4: Planning and Economic Development' and Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

In respect of determining the principle of development, Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for non-

residential development. In this instance the proposal is related to horticultural activities and seeks to convert and extend an existing industrial unit within the countryside.

Two (2) types of non-residential development categories are deemed to be acceptable in principle in the countryside in accordance with Policy CTY 1. The first is for the re-use of an existing building in accordance with Policy CTY 4 of PPS 21 and the second is for industry and business uses in accordance with PPS 4.

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

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

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

The existing building on the site comprises of a steel portal frame industrial unit on a solid concrete base with profile insulated wall and roof cladding. Whilst the agent has provided justification under Policy CTY 4 of PPS 21 in the submitted Design Statement (Document 01, date stamped 28th March 2022) no justification has been provided to demonstrate how this building is a locally important building of special character or interest. In the absence of any acceptable justification, it is considered that the existing building on site is not a locally important building of special character or interest.

Horticulture does not fall within a particular industrial and business use listed in The Planning (Use Classes) Order (NI) 2015, it is a sui generis use. Policy PED 2 of PPS 4 seeks to facilitate and accommodate economic growth in the countryside in accordance with Policies PED 3, PED 4, PED 5 and PED 6. It is considered that the application does not fall neatly within any of the above policies within PPS 4, however, this does not mean that it should not be assessed in accordance with PPS 4 at all, rather the policies most appropriate within PPS 4.

Policy PED 4 grants permission for the redevelopment of an established economic development use in the countryside for industrial or business purposes (or a sui generis employment use) subject to various criteria. The proposal does not deal comprehensively with the full extent of the existing site (lands in blue) nor does the proposal address implications for the remainder of the site. Policy PED 6 of PPS 4

'Small Rural Projects' allows for a flexible approach to ensure adequate provision is made where firm proposals exist for a small rural enterprise that is associated with a village or smaller rural settlement but cannot be accommodated within the settlement. Paragraph 5.25 of Policy PED 6 states that the nature of some small industries may be such as to require physical separation from built up areas because of potential nuisance for instance, noise or smell. In this instance the proposal is sited significantly outside of Templepatrick village, however, due to the nature of the proposed use and the odour implications that could possibly arise from this proposed development, physical separation from the built up area is likely to be required. However, PED 6 applies a sequential test in respect of identifying other suitable sites and no information detailing preferable sites has been provided in the Design Statement (Document 01).

Given that the proposal does not meet the criteria set out within the above policies, it is considered that the proposal is contrary to the policy provisions of 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 provided as to why this development is essential in this rural location and could not be located within a settlement.

In addition to the above, Policy PED 9 of PPS 4 sets out the General Criteria for Economic Development in the countryside which all proposals are expected to meet and this is discussed in more detail below.

Design and Appearance

The application seeks permission to change the use of an existing industrial unit (B4 use) to a sui generis use. The unit is set back some 32 metres from the Rickamore Road Upper public road and comprises a footprint of some 1029 sqm. The unit has a maximum height of approximately 7.2 metres and has a mono-pitch lean-to positioned on the western elevation. The unit has three (3) east facing lorry roller shutter doors and a single shutter door south facing. The building is grey in colour with red trim details and is surrounded by concrete and tarmac hardstanding to the north, east and south.

The change of use will include works at groundfloor totalling approximately 1029 sqm of floorspace and first floor totalling 526 sqm and will involve the creation of several rooms and corridors.

The proposal also seeks to erect a single storey flat roof extension on the unit's southern elevation to create an additional 68.64 sqm of floorspace, to facilitate the processes of the business. The extension is some 4.4 metres in height and is to be finished in matching materials consistent with the existing unit. It is considered that the extension is proportionate with the existing unit and will not significantly increase the site area of the enterprise.

External works are also proposed including the upgrading of the sites perimeter boundary, the vehicle entrance gates and improved groundworks. The design and appearance is considered acceptable and a condition should be imposed on any planning permission requiring the retention of the existing vegetation.

Impact on Character and Appearance of the Area

Policy PED 9 of PPS 4 requires that any proposal for economic development is compatible with surrounding land uses and there are satisfactory measures to assist in integration.

The SPPS para. 6.70 states that all development in the countryside must integrate into its setting and respect the rural character of the area. Policy CTY 13 of PPS 21 - Integration and Design of Buildings in the Countryside states that a new building(s) will be unacceptable where the site lacks long established natural boundaries; is unable to provide a suitable degree of enclosure for the building to integrate into the landscape or relies primarily on the use of new landscaping for integration.

As outlined above the proposed use is not at odds with the surrounding land uses. The subject site is flat and benefits from a considerable degree of enclosure from the established mature vegetation along the road frontage, to the south and to the east by the presence of the mature, evergreen trees. Public views are completely restricted when travelling in a westerly direction along the Rickamore Road Upper Road with intervening views visible when on approach from the east.

Overall, it is considered that the proposal can be easily absorbed within the existing location, it satisfactorily integrates into the surrounding area and would not have a detrimental impact on the character and appearance of the area in accordance with Policy PED 9 of PPS 4 and Policy CTY 13 and 14 of PPS 21.

Neighbour Amenity

Policy PED 9 requires that any proposal for economic development does not harm the amenities of nearby residents and does not create a noise nuisance. There are three (3) residential properties some 84 metres to the west and some 190 metres and 219 metres to the northwest. No letters of objection have been received in respect of this proposal. Given the nature of the proposal, the Environmental Health Section (EH) was consulted and its response, dated 18th May 2022, requested the submission of an Odour Impact Assessment and a Noise Impact Assessment.

With respect to the Odour Impact Assessment, three (3) attempts have been made by the agent on behalf of the applicant to satisfy EH's request for a detailed Odour Impact Assessment, including a Design Statement of Odour Assessment (Document 04, date stamped 10th October 2022); an Odour Management Plan (Document 08, date stamped 17th March) and an Odour Impact Assessment (Document 09, date stamped 24th July 2023.)

EH responded on the above documents dated 31st October 2022, 4th April 2023 and in its latest response dated 18th September 2023 and have concluded that without suitable odour modelling having been undertaken, uncertainty exists as to whether the suggested filtration designs will be effective in preventing adverse odour impacts at nearby sensitive dwellings. EH has also indicated that further detailed drawings are required indicating that the location and specification of any required odour mitigation measures are identified. It should be noted that EH throughout the processing of the application provided advice to the agent by

way of providing guidance and exemplar baseline data to help assist with the preparation of the Odour Impact Assessment.

With respect to noise the agent, on behalf of the applicant, supplied a Noise Impact Assessment (Document Number 03, date stamped 10th October 2022 and Document 03/1, date stamped 24th July 2023). EH in its latest response, dated 18th September 2023, has indicated that Document 03/1 appears to be a re-submission of the previous Noise Impact Assessment (Document 03) and that comments within EH response, dated 4th April 2023, have not been addressed. EH has also raised that the Noise Impact Assessment (Document 03/1) does not reflect the most recent Odour Impact Assessment (Document 09) and has requested the applicant to address these matters.

In the absence of a suitable Odour Impact Assessment and Noise Impact Assessment, it is considered that the proposal has the potential to create significant unacceptable impacts on nearby neighbouring properties in respect of odour and noise.

Access, Parking and Manoeuvring

Policy PED 9 of PPS 4 requires that adequate access arrangements, parking and manoeuvring areas are provided and that the existing road network can safely handle any extra vehicular activity the proposal will generate.

The proposal seeks to upgrade the existing access taken from Rickamore Road Upper and utilise the existing shared car parking facilities south and east of the site. As indicated on the P1 form the proposal is expected to generate six (6) vehicle movements daily to and from the site by way of employees and one (1) goods vehicle movement. Dfl Roads was consulted on the proposal and in its response requested the submission of a Transport Assessment Form (TAF) and for the visibility splays to be detailed on the location plan and site plan. Upon request the agent submitted a TAF (Document 07, date stamped 9th January 2023) and the amended plans. Dfl Roads was subsequently consulted and having reviewed the detail is content with the proposal subject to conditions being attached to any grant of planning permission should it be forthcoming.

On this basis, it is considered that the existing road network can safely handle any extra vehicular traffic generated by the proposal and that adequate access arrangements, parking and manoeuvring areas exist.

Other Matters

As required by Policy PED 9 the proposal is not located on an area of flood risk. Notwithstanding this, Dfl Rivers was consulted on the proposal and in its response, dated 10th May 2022, advises that an undesignated watercourse is located adjacent to the western boundary and as per PPS 15 advises that an adjacent working strip of some 5 metres, but up to 10 metres along the watercourse must be retained to facilitate future maintenance. This is a change of use application and the proposed extension is not positioned within the 5 metre working strip. Overall, Dfl Rivers has no objection to the proposal.

The proposal is also capable of dealing with any emission and/or effluent. NI Water was consulted on the proposal and offers no objection. Given the nature of

the proposal, PSNI Antrim and Newtownabbey Branch was consulted and offer no objections.

The application site is located within close proximity to Belfast International Airport (BIA) as such consultation was carried out and BIA offers no objections to the proposal.

CONCLUSION

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

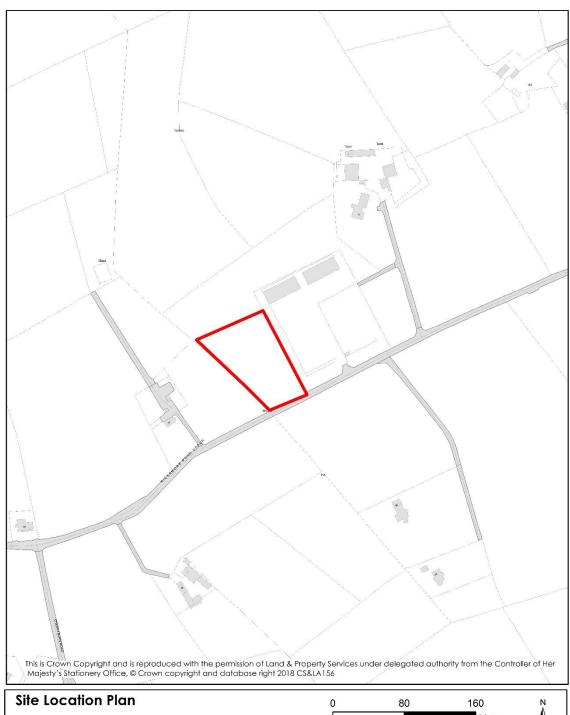
- The principle of development is considered to be unacceptable, in that there
 are no overriding reasons provided as to why this development is essential in
 this rural location and could not be located within a settlement;
- The proposed design is considered acceptable;
- The proposal has the potential to significantly impact on the residential amenity by way of noise and odour; and
- Sufficient space is proposed within the curtilage of the application site for parking and manoeuvring of vehicles.

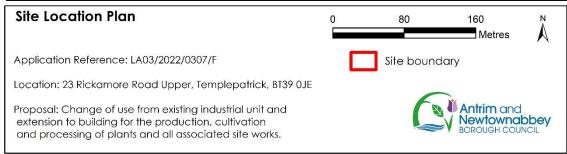
RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL:

- The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and 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.
- 2. The proposal is contrary to the Strategic Planning Policy Statement and criterions (b) and (e) of Policy PED 9: General Criteria for Economic Development of Planning Policy Statement 4: Planning and Economic Development as it has not been demonstrated that the development, if permitted, would not have a detrimental impact on neighbour amenity by way of noise and odour.





COMMITTEE ITEM	4.6
APPLICATION NO	LA03/2023/0405/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Alteration and extension to dwelling to include raised platform
	to rear
SITE/LOCATION	42 Meadowbank, Newtownabbey, Co. Antrim, BT37 0UP
APPLICANT	Ross Reid
AGENT	
LAST SITE VISIT	9th June 2023
CASE OFFICER	Gareth McShane
	Tel: 028 903 40411
	Email: gareth.mcshane@antrimandnewtownabbey.gov.uk

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Members, this planning application was initially presented to the September 2023 Planning Committee where it was decided that the application should be deferred to provide a period of 2 weeks to allow further details to be submitted by the applicant. Following this the necessary neighbour notification would be carried out prior to the application being brought back to the Planning Committee within a reasonable period of time thereafter.

An email was sent to Mr Reid, the applicant on 20th September 2023 which outlined the comments made by the Planning Committee and invited the applicant to submit existing ground levels to: the front of the house, the pathway to the northwestern gable, and the rear of the dwelling; the finished floor level of the sunroom and the front door of the house. Technical details were also requested to demonstrate why a disabled access ramp is not feasible to the northwestern gable or to the front of the dwelling. The applicant was also invited to submit any amendments to the existing scheme which may mitigate the impacts of the development which were discussed at Planning Committee. Lastly, the applicant was informed that they may submit any supporting information relating to their scheme. The submission was requested to take place, on or before the 2nd October 2023.

At the request of the applicant, an office meeting was arranged, which took place at Mossley Mill on 21st September 2023, and was attended by the applicant, the Case Officer and a Senior Planner. The aforementioned information was reiterated to the applicant and a deadline date of 2nd October 2023 for the submission of the information was also stipulated, to ensure the necessary neighbour notification letters could be re-issued in time for the application to be returned to the November Planning Committee meeting.

A hard copy of an amended scheme was subsequently received by the Council's Planning Section on 3rd October 2023. The applicant's cover letter stated, 'With the

circumstances of planning declining to meet further to resolve actual or perceived issues, despite a truncated timetable, as well as differing recollections of Committee directions, underpinned by no minutes nor audio for the Committee meeting before my requirement to resubmit, has informed decisions regarding this application.' The applicant continued, 'I am revising the application to remove the disabled access aspect of the application which included associated guarding and fencing. Therefore please can the title of the proposal be revised to be "Alterations to existing front dormer windows of a dwelling".

The submitted plans showed the disabled access, with the associated guarding and fencing removed; however the rear dormer and rear extension remained on the plans. Consequently, the applicant was contacted by email on the 6th October 2023 and informed that should only the proposed front dormer windows of the dwelling be assessed, then the rear box dormer and rear sunroom should be removed from both the existing and proposed floor plans and the elevation drawings.

The applicant was informed that they could alternatively have all the elements assessed under the application (including the rear box dormer and rear sunroom). They were further informed that these elements do not benefit from an existing Certificate of Lawfulness or the grant of full planning permission. The applicant was asked to provide confirmation as to how they wished to proceed.

An email from the applicant was received on 10th October 2023, which outlined his concerns that the removal of the said elements from the plans would be misleading, as they already physically existed. In response, the applicant was again informed that drawings had to display only the elements being assessed, and that if only the front elevation was to be assessed, then the rear elevation drawings did not require to be submitted, thereby removing any ambiguity.

The aforementioned information was reiterated to the applicant in two separate telephone calls and an email dated 11th October 2023. The applicant was also informed that a final submission deadline of Friday 20th October 2023 would be afforded for the submission of amendments and/or additional information, and that if no further information was submitted, the initial scheme would be returned to the November Planning Committee meeting.

The Council's Planning Section received hard copies of the amended plans, as well as a Concept Statement in respect of the development proposal on 23rd October 2023. The applicant's covering letter requested that the title of the proposal be revised to read 'Alterations to existing front dormer windows of a dwelling and cladding to the rear dormer'.

The submitted Existing Plans and Elevations drawing, partially display the original building line of the rear conservatory. The side elevations also partially display the building line of the rear conservatory, and the rear elevation displays the outline of the conservatory with a notation stating 'conservatory altered under Permitted Development entitlements'.

The submitted Proposed Plans and Elevations drawing also partially display the original building line of the rear conservatory. The side elevations also partially display the original building line of the rear conservatory, and the rear elevation displays the outline

of the conservatory with a notation stating 'conservatory altered under Permitted Development entitlements'. The proposed rear elevation also shows the rear dormer window, which does not benefit from planning permission or a Certificate of Lawful Use or Development, to be finished in vertical cladding.

As the submitted drawings are inaccurate, the Council is unable to assess the amended proposal, as certainty is not provided as to what the proposal actually is meant to be and if approved the plans show elements of construction works which were not assessed or confirmed as permitted development. Given the ambiguity surrounding the plans, the original scheme is being returned to the Planning Committee. As such, there is no change to the original recommendation or proposed reasons for refusal.

CONCLUSION

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

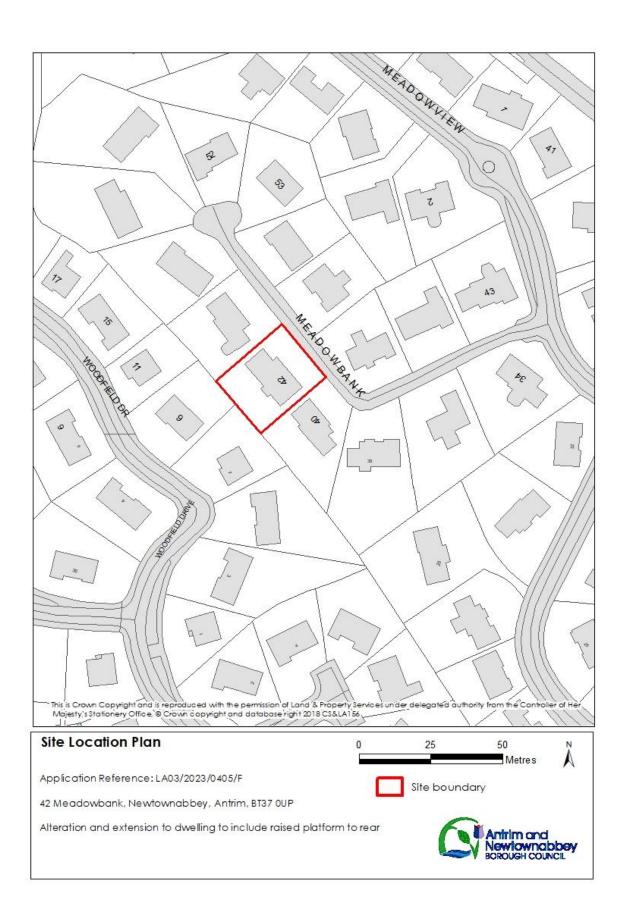
- The principle of the development is considered acceptable;
- The design and appearance of the fence is considered unacceptable;
- The proposal will unduly affect the privacy or amenity of neighbouring properties;
- The proposal will not have a detrimental impact on trees or the environmental quality of the area; and
- Sufficient space remains within the curtilage for parking and recreation purposes.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

- 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy EXT1 of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, in that, the proposed development, if permitted, would result in a detrimental impact to the amenity of neighbouring residents by way of dominance and the overbearing nature of the proposal.
- 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and criteria (b) of Policy EXT 1 of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, in that, the proposed development, if permitted, would result in a detrimental impact to the privacy and amenity of neighbouring residents by way of overlooking.



COMMITTEE ITEM	4.7
APPLICATION NO	LA03/2023/0577/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Extension of residential curtilage and erection of a
	domestic shed (retrospective).
SITE/LOCATION	190m SE of 28A Lislunnan Road, Kells
APPLICANT	Guy Blackwell
AGENT	Norman McKernan
LAST SITE VISIT	4th October 2023
CASE OFFICER	Gareth McShane
	Tel: 028 903 40411
	Email:gareth.mcshane@antrimandnewtownabbey.gov.uk

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

SITE DESCRIPTION

The application site is located 190m southeast of No. 28A Lislunnan Road, Kells, and within the countryside as defined by the Antrim Area Plan 1984-2001 (AAP).

The application site comprises the curtilage of No. 28a Lislunnan Road, a shared access laneway, and a separate parcel of land located 190m southeast of the host dwelling. The said parcel of land contains a shed finished in black corrugated cladding, with a surrounding yard area finished in hardcore. The northern site boundary is defined by interspersed trees, approximately 6-8m in height. The eastern (roadside) boundary partially defined by a hedgerow and a green/black corrugated fence approximately 2.7m in height. The fence adjoins the shed which is positioned to the lower end of the site and along the roadside.

The surrounding area is predominantly rural in character, with dwellings and agricultural outbuildings spread intermittently in a dispersed pattern.

RELEVANT PLANNING HISTORY

No recent/relevant planning history.

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough 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 polices 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.

<u>Antrim Area Plan 1984 - 2001:</u> 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.

<u>Strategic Planning Policy Statement for Northern Ireland (SPPS)</u>: 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.

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

<u>PPS21: Sustainable Development in the Countryside</u>: 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's Environmental Health Section - No objection.

Dfl Roads – If intensification of the existing access will not occur, Dfl Roads have no objection.

REPRESENTATION

Five (5) neighbouring properties were notified of the proposal and one (1) objection was received from a neighbour notified property. Four (4) anonymous objections were also received.

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

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

- The principle of development is not acceptable;
- The size of the site is to big;
- The host dwelling within the application site has been sold and the land on which the shed is located belongs to a different individual;
- The size and scale of the shed is not domestic in nature;
- The proposed use and necessity of the shed has not been established;
- Concerns of a commercial use;
- Detrimental visual impact and out of keeping with the character of the area;
- Prominence, lack of integration and a lack of a suitable degree of enclosure;
- Unacceptable use of boundary treatments;
- Additional structures have been erected within applicants property;
- Proposed tree planting impacting visibility splays;

- The access is substandard and there are road safety concerns;
- Devaluation of existing properties in area;
- No advanced notice/consultation prior to the erection of the development;
- Tree and hedge removal;
- Loss of a habitat;
- · Potential for antisocial behaviour; and
- Nosie pollution.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design, Integration and Impact on Rural Character
- Neighbour Amenity
- Other Matters

Policy Context and Principle of Development

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

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

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

The proposal seeks full planning permission for the retention of an extension to the curtilage associated with No. 28a Lislunnan Road and the retention of a domestic shed. The agent states the 'shed is to be used solely by the occupiers of 28a Lislunnan Road for the storage of trailers and cars during cold winter weather owing to the existing laneway to the property being impassable'.

The portion of the application site upon which the existing shed is located, abuts the Lislunnan Road and encompasses a former agricultural field. The site has a depth of approximately 41m, a width of approximately 20m and is approximately 0.07 hectares in area. The subject shed is situated approximately 190m from the host property and is accessed via a shared laneway, which also serves No. 28a Lislunnan Road.

The shed measures 12m in length, 4m in width and 2.8m in height. The finishes of the shed include black corrugated cladding and clear corrugated cladding. The rear elevation is positioned along the eastern (roadside) boundary of the application site, whereby it is visible from critical viewpoints along the Lislunnan Road. The agent has stated that the building is for the storage of two (2) trailers and a car as indicated on Drawing No. 03 date stamped 26th June 2023. The yard is finished in hardcore, with tree planting proposed to the northeastern corner of the site.

The northern boundary is defined by interspersed trees measuring approximately 6-8m in height while a green/black corrugated fence 2.7m in height extends along the entire eastern (roadside) boundary for a distance of approximately 38m. A low hedge partially aligns the outer side of the fence along the roadside. It is noted that the corrugated fence is positioned adjacent to the roadside for a total distance of 24m, which includes the eastern elevation of the shed, before stepping back approximately 12m into the site, where the eastern boundary runs parallel with the road for a distance of approximately 13m. Tree planting is proposed between the fence and the road.

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. Policy CTY 1 indicates that development not falling into one of the listed categories will be permitted only where there are overriding reasons why it is essential and could not be located within a development limit. There is no provision for residential land use to be extended further into the neighbouring countryside within Policy CTY 1 which directs consideration of an extension to a dwelling house (in this case a domestic shed and the extension to the curtilage of a dwelling) as set out in the Addendum of PPS 7 'Residential Extensions and Alterations'. Additional policy requirements are included in Policies CTY 13 and CTY 14 of PPS 21.

The proposal is located approximately 190m from the applicant's existing curtilage, and is accessed via a shared laneway. The applicant's dwelling and the area to be extended are disconnected from each other, with intermittent agricultural fields, a shared access, and neighbouring properties separating the two parcels of land. The applicant has stated that during inclement weather, cars are unable to drive up the existing laneway to the host property. No demonstrable evidence was provided to sustain this claim, nor were any images provided showing the conditions of the laneway during periods of inclement weather. It is noted that four other properties are located at the end of the laneway. No prior planning application has been submitted for a scheme of similar nature from any neighbouring dwellings. Furthermore, if the laneway was impassable then this would only be for a very small number of days during periods of the most inclement weather.

As insufficient evidence has been presented to justify that the proposed development is essential in the countryside or that there are extenuating circumstances of sufficient weight to justify why the requirements of Policy CTY 1 should be set aside, the principle of development is not considered to have been established. Therefore, the proposal is considered contrary to CTY1 of PPS21. The proposal is considered to be unacceptable in principle and the report below outlines that there are significant concerns with the overall scale and visual impact of the proposed domestic curtilage and the domestic storage shed.

Design, Integration, and Impact on Rural Character

All proposals in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires a building in the countryside to be visually integrated into the surrounding landscape and is of an appropriate design, whilst Policy CTY 14 requires a new building not to cause a detrimental change to, or further erode the rural character of an area.

The development proposes an extended curtilage which is located 190m from the host property. It is considered that the application site is completely disassociated with No. 28a Lislunnan Road and thereby would not appear in anyway ancillary to the property. The development of this agricultural field now gives the impression of an independent form of development within the countryside and does not appear as being domestic in character.

It is considered that the rear elevation of the shed and the fence which defines the eastern boundary of the development is highly visible when travelling in each direction along Lislunnan Road, appearing prominent within the landscape. The use of black corrugated cladding, approximately 2.7m in height, along the entire frontage of Lislunnan Road appears particularly incongruous within the rural landscape; and is not a material associated with domestic boundary treatments within the countryside. A 1.8m high fence partially defines the western site boundary, which is also visible from critical viewpoints along the Lislunnan Road and is considered prominent and incongruous within the surrounding landscape. There are also concerns regarding the excessive size and scale of the yard given it is contended that it will only be used to accommodate two trailers and a car.

A sparse hedgerow along the eastern roadside boundary provides a low degree of screening for the development. Tree planting is proposed to the northeastern corner of the application site however, it is considered that the development would rely primarily on new landscaping for integration, which would require numerous growing seasons in order to provide any sufficient level of screening or enclosure to the site. The design of the building is considered inappropriate for the site and locality, and it is considered that it fails to blend with the landform and is detrimental to the character prevalent in the surrounding area.

Furthermore, the development has also resulted in the unnecessary encroachment into the open countryside, eroding the rural character whilst not respecting the traditional settlement pattern exhibited in the surrounding area, as none of the neighbouring properties have an extended curtilage located 190m from the host property.

The proposal is therefore considered contrary to the policy provisions of CTY 13 and CTY 14 of PPS 21.

Neighbour Amenity

It is considered that there will be no detrimental impact to neighbour amenity by way of overlooking, loss of privacy, overshadowing, loss of light or dominance given the proposed use as a domestic shed and the approximate 110 metre separation distance to the nearest neighbouring property.

Other Matters

Dfl Roads was consulted regarding the development proposal and responded with no objections subject to the Council's Planning Section being satisfied that intensification of use will not occur at the existing access. As discussed below, the dwelling has been sold without the inclusion of the extended portion of the application site. As such, it is considered that the proposal will operate as an independent unit, not in association with the dwelling at No. 28A Lislunnan Road, thereby generating additional traffic movements and resulting in the intensification of use of the access. The proposal is therefore considered contrary to Policy AMP2 of PPS3.

Concerns were raised by objectors regarding the proposed tree planting on the northeastern corner of the site, and the potential detrimental impact on the visibility splays and road safety. As outlined within the Dfl Roads consultation response, the existing vehicular access to the dwelling is sub-standard and measures should be taken to provide acceptable visibility. It is considered that the proposed planting, if implemented, may further reduce visibility.

The Councils Environmental Health Section was consulted regarding the development proposal and responded with no objections. A number of additional concerns and issues were raised by objectors and these matters are addressed below:

Sale of Host Property:

A number of objection letters refer to the sale of the host property at No. 28A Lislunnan Road, with a number of screenshots showing the listing of the dwelling and it being marked as 'sold'. Indeed, at the time of site inspection, estate agent signage was erected at the bottom of the laneway with the address of the host dwelling and a sign stating 'Sold' displayed. Objectors note that the yard and shed where not included in the sale, and that the development cannot be ancillary to the residential property if it has been sold as a separate entity. Upon further investigation, the internet listing for the dwelling displays the property as being sold. The estate agent also confirmed via a telephone call (19/10/2023) that the property has been sold. Therefore, the proposal cannot be considered domestic in nature, ancillary in nature nor forming part of the extended curtilage of No.28a Lislunnan Road.

Devaluation of Properties:

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

Additional Structures within the Applicant's Property:

Objectors stated there are structures within the curtilage of No. 28A Lislunnan Road, which do not form part of the application and are not displayed on any of the submitted drawings. The structures referred to do not appear to benefit from the granting of planning permission, and no Certificate of Lawful Development (LDC) has been issued in respect of the application site, however, they do form part of this planning application.

No advanced notice/consultation was given by the applicant prior to the erection of the development:

Whilst it is accepted that the applicant did not carry out any consultation prior to the development occurring, all statutory notifications and advertisements have been carried out by the Council as required by legislation.

Loss of Vegetation and Habitat:

A number of objection letters refer to the loss of vegetation and a natural habitat, which was previously on the site. Having examined previous Street-view imagery and the NIEA Map Viewer, there does not appear to have been any priority habitats on the site, nor anything that would have triggered the need for the applicant to provide a Biodiversity Checklist. It does appear however that a number of trees have been removed to facilitate site access.

<u>Antisocial Behaviour/Noise from Business Activities:</u>

It is not anticipated that the development would result in antisocial behaviour given its location in the rural countryside. If deemed acceptable, a condition would be attached ensuring that no business can operate from it.

It is considered that the remaining matters put forward by objectors have been addressed throughout the report.

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 of PPS 21;
- The development appears unduly prominent within the landscape;
- The size and scale of the development is inappropriate for the site and location;
- The site lacks established boundary treatments for integration;
- The development fails to blend with the existing landform;
- The development does not respect the traditional pattern of development exhibited in the area;
- There are no neighbour concerns regarding impact on neighbour amenity; and
- It is considered that the proposal will result in the intensification of the access.

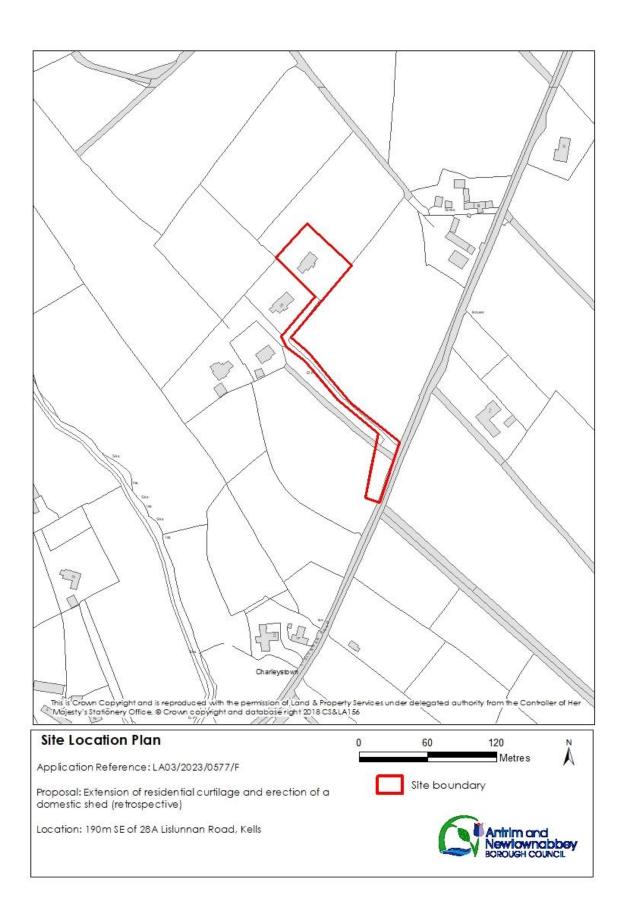
RECOMMENDATION REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

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

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

- 2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would appear a prominent feature in the landscape; the site lacks long established boundary treatments; the site relies primarily on new landscaping for integration; the design of the building is inappropriate for the site and locality; the proposal fails to blend with the existing landform; the proposal does not respect the traditional pattern of development exhibited in the area.
- 3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AMP 2 of PPS 3 Access, Movement and Parking in that it has not been demonstrated the development will not prejudice road safety or significantly inconvenience the flow of traffic.



COMMITTEE ITEM	4.8
APPLICATION NO	LA03/2023/0489/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed demolition of existing dwelling and
	replacement with 3No. 2 storey dwellings with
	associated amenity space, car parking and access.
SITE/LOCATION	10 Shanes Street, Randalstown, BT41 2AD
APPLICANT	PJ and Christine Butler
AGENT	Slemish Design Studio Architects
LAST SITE VISIT	14/08/2023
CASE OFFICER	Tierna Mc Veigh
	Tel: 028 90340401
	Email:
	tierna.mcveigh@antrimandnewtownabbey.gov.uk

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal

https://planningregister.planningsystemni.gov.uk.

SITE DESCRIPTION

The application site is located within the development limits of Randalstown as defined in the Antrim Area Plan 1984-2001 (AAP) and is also within the eastern sector of the designated Randalstown Conservation Area. This sector of the Conservation Area is characterised by a mixture of single and two storey buildings interspersed with a small number of non-residential premises.

The site hosts a two-storey dwelling finished in smooth cement render with a natural slate pitched roof and two (2) red brick chimneys. Evidence of slipped slates are noted on the roof. The dwelling exhibits a traditional fenestration pattern, with three (3) windows on the ground floor and four (4) on the first floor, which display a vertical emphasis. The ground floor windows are of a wooden push-out casement construction and those at first floor level are wooden sash windows.

A small single storey hipped roof wing is located on the left-hand side of the front elevation, with a wooden casement window to match those on the main house. This wing adjoins the subject dwelling to No.8 Shanes Street. The dwelling has cast iron rainwater goods which appear to be in a poor state of repair. The dwelling previously had an attached structure on its gable elevation, however, this was recently demolished under planning application Ref: LA03/2017/1011/DCA, leaving the random rubble stone construction on the gable exposed to view.

The dwelling is set back some 7 metres from the main public road (Shanes Street) and has a front garden, which is bounded by a smooth rendered wall some 1 metre in height. Within the wall is a plain iron gate and to the left is an original square smooth rendered and panelled boundary pier. According to DfC's

Heritage at Risk Register the subject dwelling is classified as being 'At High Risk' under Ref: HARNI 20/04/008 with the condition of the building recorded as poor.

RELEVANT PLANNING HISTORY

Reference: LA03/2022/1045/A

Proposal: Proposed illuminated LED signage on warehouse Location: To the rear of 10 - 16 Shanes Street, Antrim, BT41 2AD

Decision: Consent Granted (18/01/2023)

Reference: LA03/2022/0473/F

Proposal: Proposed new open canopy covered area

Location: 10-18 Shane Street Randalstown Antrim including hardstanding yard to

the rear

Decision: Permission Granted (04/08/2022)

Reference: LA03/2019/0617/F

Proposal: Proposed new store/showroom/assembly building with additional parking/lorry turning facilities and alterations/upgrade to the existing site access. Location: Lands to the rear of No. 10 through to 16 Shanes Street, Randalstown,

BT41 2AD

Decision: Permission Granted (20/03/2020)

Reference: LA03/2017/1012/O

Proposal: Site of proposed new store/showroom, assembly building with additional parking, lorry turning facilities and alterations/upgrade to the existing site access Location: Lands to the rear of 10 through to 16 Shanes Street Randalstown BT41

2AD

Decision: Permission Granted (20/02/2019)

Reference: LA03/2017/1011/DCA

Proposal: Demolition of rear return and small lean-to structure to the south eastern

side

Location: 10 Shanes Street Randalstown Decision: Permission Granted (20/02/2019)

Reference: T/2015/0117/O

Proposal: Proposed residential development

Location: 10 Shanes Street Randalstown Antrim, BT412AD

Decision: Permission Granted (17/08/2016)

Reference: T/2015/0115/DCA

Proposal: Demolition of single storey lean to and part of 2 storey dwelling and to

include alterations

Location: 10 Shanes Street Randalstown Co Antrim, BT41 2AD

Decision: Consent Granted (23/08/2016)

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 polices 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.

<u>Antrim Area Plan 1984 - 2001:</u> The application site is located within the settlement limit of Randalstown and is located within the Randalstown Conservation Area.

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

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

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

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

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

<u>Addendum to PPS 7: Safeguarding Established Residential Areas:</u> sets out planning policies on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements.

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

Supplementary Planning Guidance – Randalstown Conservation Area Guide.

CONSULTATION

- Council's Forward Plan Team Refusal recommended
- Council's Environmental Health Requested further information Noise Impact Assessment
- Historic Environment Division (HED) No objection, subject to conditions
- NI Water No objection

REPRESENTATION

Four (4) neighbours 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:

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

Preliminary Matters

This proposal involves the demolition of an existing building within the Conservation Area, however, the demolition aspect of the proposal is considered under the associated concurrent application Ref: LA03/2023/0490/DCA.

Principle of Development and Policy Context

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

The Antrim Area Plan (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 AAP identifies the application site as being within the settlement limit of Randalstown and is within the Randalstown Conservation Area. Paragraph 5.10 of the AAP states that the approach of the planning authority will be to encourage orderly growth in the residential sectors of each settlement and that particular attention will be given to environmental considerations concerning the size, siting and layout of proposed residential developments.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 2, PPS 3, PPS 6, PPS 7, APPS 7, PPS 8 and PPS 15.

Within this policy context, it is considered the principle of housing development on the site would be acceptable, subject to the creation of a quality residential environment as well as meeting other requirements in accordance with regional policy and guidance, which are addressed in detail below.

Design, Layout and Appearance

Policy QD1 of PPS 7 promotes high quality design, layout, and landscaping in all new housing developments to ensure more attractive and sustainable residential environments for present and future generations. In Conservation Areas housing proposals will be required to maintain or enhance their distinctive character and appearance.

Criteria (a) of Policy QD1 of PPS 7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions and massing. Criteria (g) of Policy QD1 of PPS 7 requires the design of the development to draw upon best local traditions of form, materials and detailing. This is further stipulated by Criteria (b) of Policy LC1 of APPS 7 whereby the pattern of development is required to be in keeping with the overall character and environmental quality of the established residential area.

The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of this application both in terms of its contribution to the amenity of the local neighbourhood and the wider townscape. Policy QD 1 states that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality, or residential amenity of these areas.

The proposed development is for three (3) terraced dwellings, all of which front and are set back some 3.2 metres and 5.1 metres respectively from Shanes Street. The dwellings occupy a footprint of some 171sqm and have a maximum ridge height of 8.5 metres above ground level. Access to the dwellings are taken from Shanes Street along the southeastern boundary of the site and proceeds to the rear whereby 6no.parking spaces are proposed, two (2) spaces for each dwelling. As a consequence of the proposal respecting the front building line along Shane's Street, parking provision and access to each dwelling has been positioned to the rear of the site. It is considered that this is a contrived arrangement which reflects overdevelopment of the site, the parking area lacks informal surveillance and will also negatively impact on the private, rear amenity of the future occupiers by way vehicle/ pedestrian movements and noise.

Creating Places guidance (para 5.25) indicates that to promote the quality of the residential environment and help enhance security from crime, it is always preferable that gardens should back onto each other rather than onto a rear

access or parking court as is the case in this instance. Creating Places further indicates that only in 'exceptional cases' where the rear boundaries are exposed to public areas such as roads, specific design measures such as hedges and other boundary treatments will be necessary to provide security and privacy.

Each dwelling will have a private rear garden enclosed by a 1.8 metre high close boarded fence with gated rear entrance, with the exception of site 3 which is to have a southern boundary treatment comprising of a 1.8 metre high wall, finished in natural cladding externally and smooth render internally.

As the site is partially contained within an existing commercial yard, the proposal seeks to erect a 1.8 metre high wall finished in natural cladding externally and smooth render internally to define the sites southeastern and northeastern boundaries. Due to the site's location fronting onto Shanes Street, public open views are visible into the site, especially views of the southeastern and northeastern boundaries. It is considered that the extensive use of 1.8 metre high brick boundary walling and closed boarded fencing is considered to be unattractive and unresponsive of the local character and will detract from the quality of the scheme and the Conservation Area.

All three dwellings are of the same design comprising off white render with red heritage brick heads. Each dwelling is to comprise of dark grey natural slates, red brick chimneys, cast iron effect rainwater goods, timber/aluminium windows/doors and timber raft ends and painted fascias. On the front and rear elevations, the proposal seeks to introduce twelve (12) openings and no fenestration is proposed on either gable end of the proposed terraced houses. With respect to the fenestration to the front elevation the Council's Forward Plan Team (Conservation Officer) is of the opinion that the front fenestration lacks architectural rhythm and that the variation in window sizes and fenestration pattern is unbalanced and thus the traditional solid to void is impacted. Comments in respect of this issue are set out further in the report under Impact of the Character and Appearance of the Conservation Area.

Overall, it is considered that the layout of the proposed development, especially the extensive use of boundary walling and the location of parking to the rear is considered to represent an overdevelopment of the site and would not be appropriate to the character of the area and thus is considered to be contrary to criteria (a) of Policy QD 1 of PSP 7.

Amenity Space

Criterion (c) of Policy QD1 requires adequate provision for public and private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided within Creating Places. This states that the appropriate level of private provision should be determined by having regard to the particular context of the development.

As advised by Creating Places rear private amenity space should comprise an average of 70sqm per house or greater. In this case, the proposed rear private amenity space for the dwellings ranges between 60sqm and 64sqm in area. It is considered that this shortfall is a direct result of the proposed parking arrangement

to the rear, reiterating concerns that the proposal represents overdevelopment of the site.

An element of defensible space is provided to the front of each dwelling ranging in size from 9 sqm to 16 sqm. This defensible space is enclosed by 5 bar metal railings some 1 metre in height with separate gate accesses and is reflective of that associated with the neighbouring property No. 8 Shanes Street. An element of shared amenity space is proposed in the sites northeastern and southeastern corners, equating to some 89 sqm.

It is considered that insufficient amenity space has been provided which is below the standards set out in Creating Places.

Neighbour Amenity

Part (a) and (h) of Policy QD 1 of PPS 7 states that the proposal must respect the surrounding context and the design and layout will not create conflict with adjacent land uses, must be appropriate to the topography of the site and that there is no unacceptable adverse effect on existing or proposed properties in relation to overlooking, loss of light, overshadowing, noise or other disturbance.

The closest existing dwellings to the site are No. 8 Shane Street, a two-storey dwelling that is adjoined to the site to the northwest, and No. 3 Station Road, a two-storey dwelling which is positioned to the rear of No. 8 Shane Street and also abuts the site to the northwest by its rear elevation. A separation distance of some 1.3 metres is proposed between site 1 and No. 8 Shanes Street and with respect to No. 3 Station Road, a separation distance of some 6.2 metres remains between plot 1 and No. 3 Station Road. The relationship between site 1 and No. 3 Station Road is not of any concern in terms of overlooking or loss of privacy due to the angles at which these properties are sited. There are also residential properties within Shanes Court some 45 metres to the northeast, however, these are considered to have an acceptable separation distance separated from the proposal as not to give rise to neighbour amenity concerns.

With respect to overlooking, loss of light and overshadowing, it is considered that the proposed development will not have a detrimental impact on the existing properties.

With regards to the impact on the proposed properties, directly abutting the site to the rear is the applicant's business enterprise, 'Butlers', specialising in trailers, event hire and marquees. The Council's Environmental Health Section (EHS), in its response dated 10th August 2023, raised concerns regarding high noise levels from the premises adversely affecting the residential amenity of the future occupants. EHS requested a Noise Impact Assessment to be submitted. The agent was made aware that further information would be required in order to address the potential noise impacts, however, at the time of writing no further information has been received in this regard and therefore it has not been demonstrated that there will be no unacceptable adverse effects on the proposed properties in terms of noise disturbance from the adjoining premises. It is therefore considered that the proposal is contrary to Criteria (h) of Policy QD 1.

Impact on the Character and Appearance of the Conservation Area

Given the nature of the proposal and its location within close proximity to listed buildings/structures within the Randalstown Conservation Area, DfC Historic Environment Division Historic Buildings (HED-HB) were consulted and have advised that the proposal satisfies the requirements of Paragraph 6.12 of the SPPS and Policy BH 11 of PPS 6, subject to conditions being attached to any decision notice should planning permission be forthcoming. HED-HB in its response defers comments to the Council in respect of the proposals impact on the character and appearance of the Conservation Area.

It is acknowledged that the existing dwelling to be demolished exhibits strong vernacular qualities and makes a material contribution to the character and appearance of the Randalstown Conservation Area (see further consideration of the associated Demolition Consent application (LA03/2023/0490/DCA). The Council's Forward Plan Team (Conservation Officer) provided comment on the proposal and stated that the scale and form of the proposal is respectful of the adjoining buildings; that the proposal would be in keeping with the characteristics of the built form and would maintain the building line along Shanes Street. However, the Conservation Officer stated that the replacement proposal would not enhance the character of the Conservation Area specifically in regards to the fenestration on the front elevation.

As per the Randalstown Conservation Area Design Guide new buildings must reflect the window levels and patterns of adjoining buildings to retain the unity and rhythm of the street scene. In this instance on the first floor of the front elevation of each dwelling comprises of a small rectangular window associated with a bathroom and a larger rectangular window which is considered to provide an unbalanced solid to void ratio.

It is therefore considered that the design of the proposed building will have a detrimental impact upon the character and appearance of the Conservation Area.

Access, Movement and Parking

Policy AMP 2 of PPS 3 requires that any development should not prejudice the safety and convenience of road users. Criteria (f) of Policy QD1 of PPS 7 requires that adequate and appropriate provision is made for parking. Supplementary planning guidance document 'Creating Places' sets out the standards of parking spaces required. Access to the proposed dwellings will be taken from Shanes Street via an existing altered access with a laneway which will access a communal car park (6 no. parking spaces) to the rear of the dwelling. Dfl Roads was consulted and offered no objection to the proposed access and parking arrangement subject to conditions.

Impact on Natural Heritage

The application site is set back some 13 metres from the boundary of Shanes Castle Estate and some 16 and 60 metres respectively from Lough Neagh & Lough Beg Ramsar site, a priority woodland habitat and a local wildlife site known as Ballygrooby Plantation.

The submitted NI Biodiversity Checklist and Ecological Statement (Document 02, date stamped 29th August 2023) required the need for a Preliminary Bat Roost Assessment (Document 03, date stamped 29th August 2023). This document indicated that the existing dwelling had a moderate bat roost potential and that a Bat Roost Emergence survey was required.

Bats are a European Protected Species under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and are subject to a strict level of protection. Policy NH 2 and NH 5 of PPS 2 indicates that planning permission will only be granted for a development proposal that is not likely to harm or result in the unacceptable adverse impact on or damage to a European protected species. Although Bat Roost Emergence surveys can be undertaken between May and September, for buildings with moderate suitability, at least one survey has to be carried out between May and August. In this instance the surveying season for conducting a Bat Roost Emergence Survey has lapsed. It is important to note that in the absence of a Bat Roost Emergence Survey DAERA Natural Environment Division (NED) has not been consulted.

Under Article 191 of the Lisbon Treaty, environmental policy continues to be based on the precautionary principle, which exists in order to protect the environment, where there are threats of serious or irreversible damage. Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or internationally significant landscapes or natural heritage resources. This is reiterated at paragraph 3.9 of the Strategic Planning Policy Statement which states that 'in determining planning applications planning authorities will also be guided by the precautionary approach where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of over-riding public interest.'

As it has not been demonstrated that there will not be an unacceptable impact on a European Protected Species (Bats) the precautionary principle needs to be adopted. It is considered that the proposal does not comply with the policy provisions of Policy NH 2 and Policy NH 5 of PPS 2.

Other Matters

The application site does not lie within any area of designated flood risk and will not impact upon any watercourses. In accordance with Policy FLD 3 of PPS15 the amount of hardstanding proposed equates to some 689.5 sqm therefore a Drainage Assessment is not required. NI Water was consulted and offers no objection to the proposed development.

CONCLUSION

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

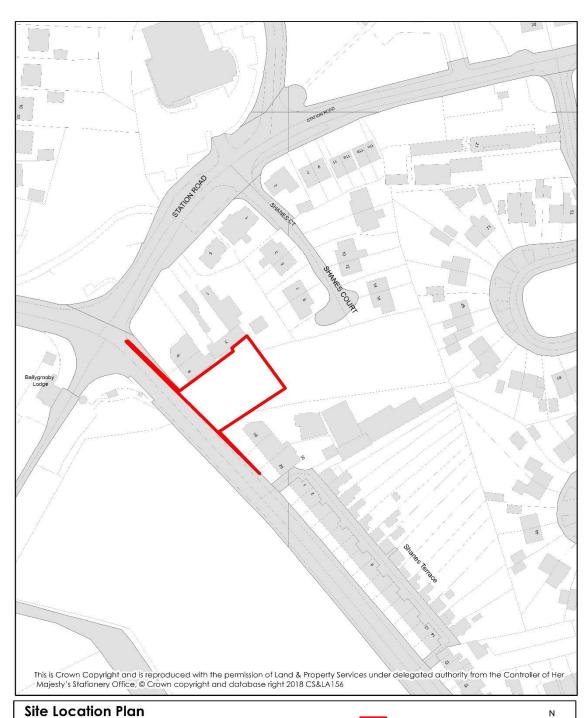
- The principle of development is considered to be acceptable;
- The proposed scale, form and finishing materials of the proposal is considered to respect the adjoining building and characteristics of the existing built form;
- The design of the proposal in terms of the variation in windows sizes proposed on the front elevation creates an unbalanced elevation and impacts the traditional solid to void ratio;

- The layout of the proposal, including the extensive use of boundary walling and the location of vehicle parking to the rear of the development is considered inappropriate for the site;
- The proposal does not provide an average of 70sqm of private rear amenity space;
- The proposal will not preserve or enhance the character and appearance of the Randalstown Conservation Area;
- The proposal may result in an adverse impact on legally protected species which is contrary to the policy provisions of PPS 2;
- In terms of overlooking, loss of light or overshadowing the proposal will not adversely affect existing or proposed neighbouring amenity; and
- It has not been demonstrated that the proposal will not give rise to any unacceptable adverse effects in terms of noise or other disturbance.

RECOMMENDATION REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL:

- 1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments in that the proposed development represents an overdevelopment of the site as it does not respect the surrounding context and is considered to be inappropriate to the character of the site in terms of layout.
- 2. The proposal is contrary to the policy provisions contained within the Strategic Planning Policy Statement and Planning Policy Statement 6, Policy BH 12 'New Development in a Conservation Area' in that it has not been demonstrated that the proposed development preserves or enhances the character and appearance of the area.
- 3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies NH 2 and NH5, in that it has not been demonstrated that the proposed development will not have a detrimental impact on bats.
- 4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' in that it has not been demonstrated that there will be no unacceptable adverse effects on the proposed properties in terms of noise from nearby noise generating activities.
- 5. The proposal is contrary to the provisions of the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments in that the proposed development represents an overdevelopment of the site as insufficient private amenity space has been provided for the proposed dwellings.



Site Location Plan Application Reference: LA03/2023/0489/F Location: 10 Shanes Street, Randalstown, BT41 2AD Proposal: Proposed demolition of existing dwelling and replacement with 3no. 2 storey dwellings with associated amenity space, car parking and access. Antrim and Newtownabbey BOROUGH COUNCIL

COMMITTEE ITEM	4.9
APPLICATION NO	LA03/2023/0490/DCA
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE DEMOLITION CONSENT
PROPOSAL	Proposed demolition of existing dwelling and
	replacement with 3No. 2 storey dwellings with
	associated amenity space, car parking and access.
SITE/LOCATION	10 Shanes Street, Randalstown, BT41 2AD
APPLICANT	PJ and Christine Butler
AGENT	Slemish Design Studio Architects
LAST SITE VISIT	14/08/2023
CASE OFFICER	Tierna Mc Veigh
	Tel: 028 90340401
	Email:
	tierna.mcveigh@antrimandnewtownabbey.gov.uk

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal

https://planningregister.planningsystemni.gov.uk.

SITE DESCRIPTION

The application site is located within the development limits of Randalstown as defined in the Antrim Area Plan 1984-2001 (AAP) and is also within the eastern sector of the designated Randalstown Conservation Area. This sector of the Conservation Area is characterised by a mixture of single and two storey buildings interspersed with a small number of non-residential premises.

The site hosts a two-storey dwelling finished in smooth cement render with a natural slate pitched roof and two (2) red brick chimneys. Evidence of slipped slates are noted on the roof. The dwelling exhibits a traditional fenestration pattern, with three (3) windows on the ground floor and four (4) on the first floor, which display a vertical emphasis. The ground floor windows are of a wooden push-out casement construction and those at first floor level are wooden sash windows.

A small single storey hipped roof wing is located on the left-hand side of the front elevation, with a wooden casement window to match those on the main house. This wing adjoins the subject dwelling to No.8 Shanes Street. The dwelling has cast iron rainwater goods which appear to be in a poor state of repair. The dwelling previously had an attached structure on its gable elevation, however, this was recently demolished under planning application Ref: LA03/2017/1011/DCA, leaving the random rubble stone construction on the gable exposed to view.

The dwelling is set back some 7 metres from the main public road (Shanes Street) and has a front garden, which is bounded by a smooth rendered wall some 1 metre in height. Within the wall is a plain iron gate and to the left is an original square smooth rendered and panelled boundary pier. According to DfC's

Heritage at Risk Register the subject dwelling is classified as being 'At High Risk' under Ref: HARNI 20/04/008 with the condition of the building recorded as poor.

RELEVANT PLANNING HISTORY

Reference: LA03/2022/1045/A

Proposal: Proposed illuminated LED signage on warehouse Location: To the rear of 10 - 16 Shanes Street, Antrim, BT41 2AD

Decision: Consent Granted (18/01/2023)

Reference: LA03/2022/0473/F

Proposal: Proposed new open canopy covered area

Location: 10-18 Shane Street, Randalstown Antrim including hardstanding yard to

the rear

Decision: Permission Granted (04/08/2022)

Reference: LA03/2017/1012/O

Proposal: Site of proposed new store/showroom, assembly building with additional

parking, lorry turning

facilities and alterations/upgrade to the existing site access

Location: Lands to the rear of 10 through to 16 Shanes Street Randalstown BT41

2AD

Decision: Permission Granted (20/02/2019)

Reference: LA03/2017/1011/DCA

Proposal: Demolition of rear return and small lean-to structure to the south eastern

side

Location: 10 Shanes Street Randalstown Decision: Permission Granted (20/02/2019)

Reference: T/2015/0117/O

Proposal: Proposed residential development

Location: 10 Shanes Street Randalstown Antrim BT412AD

Decision: Permission Granted (17/08/2016)

Reference: T/2015/0115/DCA

Proposal: Demolition of single storey lean to and part of 2 storey dwelling and to

include alterations

Location: 10 Shanes Street Randalstown Co Antrim BT41 2AD

Decision: Consent Granted (23/08/2016)

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 polices 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.

<u>Antrim Area Plan 1984 - 2001:</u> The application site is located within the settlement limit of Randalstown and is located within the Randalstown Conservation Area.

<u>Strategic Planning Policy Statement for Northern Ireland (SPPS):</u> 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.

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

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

<u>Supplementary Planning Guidance</u> – Randalstown Conservation Area Guide.

CONSULTATION

- Conservation Officer: Refusal
- **Historic Environment Division (HED) Historic Monuments:** No objection, subject to conditions

REPRESENTATION

No neighbours were notified of the application as it relates to Conservation Area/Demolition Consent.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

Principle of Development

Principle of Development

As indicated by the Department of the Environment Planning Act (NI) 2011 Planning (Control of Demolition in Conservation Areas) Direction 2015, as the subject building has a total cubic content exceeding 115 cubic metres, Section 105 (Control of demolition in Conservation Areas) of the Planning Act applies.

Section 104 (11) of the Planning Act (NI) 2011 states: "Where any area is for the time being designated as a conservation area, special regard must be had, in the exercise, with respect to any buildings or other land in that area, of the powers under this Act, to the desirability of –

- (a) Preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; and
- (b) Enhancing the character or appearance of that area in cases where an opportunity to do so does arise."

Policy BH 14 of PPS 6 states that demolition of an unlisted building in a Conservation Area will normally only be permitted where the building makes no material contribution to the character or appearance of the area. The Policy goes on to state that where Conservation Area Consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangement for recording the building before its demolition.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) advises that, in the interests of preserving or enhancing the character or appearance of a Conservation Area, development proposals should comply with a range of stipulated criteria. One of the stated criteria mirrors the requirement of Policy BH 14 of PPS 6 to only permit the demolition of an unlisted building in a Conservation Area where the building makes no material contribution to the character and appearance of the area. Furthermore, the SPPS states that the development proposal should protect important views within, into and out of the area.

According to DfC's Heritage at Risk Register the subject dwelling is classified as being 'At High Risk' under Ref: HARNI 20/04/008 with the condition of the building recorded as poor. Due to the classic vernacular appearance exhibited by the subject building, it is considered that the property makes a material contribution to the character of Randalstown Conservation Area. The building is considered to be an important element in the history of the area and would appear to be in its original form with little alteration over the years.

It is noteworthy that the application site has been subject to significant planning history which includes an application (Ref: T/2015/0115/DCA) for part demolition of the dwelling. This approval was in association with an application for residential development to the rear of No.10 (Ref: T/2015/0117/O) for which planning permission was granted, however, this permission has since expired.

This current Demolition Consent Application seeks to demolish the entire dwelling on site and an associated application (Ref: LA03/2023/0489/F) is running concurrently proposing to replace the dwelling with 3no. 2 storey residential properties.

The applicant has submitted limited information to support the demolition of the building other than stating in the Design and Access statement (Document 01/1, date stamped 29th August 2023) that the dwelling has been derelict for a long period of time which has made the building unliveable and that; damp, building fabric deterioration, and the structural integrity of the building has been compromised. Document 01/1 states that these matters along with other issues have made the dwelling economically unviable to restore.

HED has been consulted and has no objections to the proposal. The Council's Forward Plan Team (Conservation Officer) was consulted and commented that the demolition of this building would result in the unacceptable loss of historic

fabric and in the absence of any supporting evidence to support the demolition runs contrary to the provisions of Policy BH 14 of PPS 6.

The associated full planning application Ref: LA03/2023/0489/F is recommended for refusal and as such it is considered appropriate to recommend refusal for the demolition of the existing building on the site given the absence of an acceptable redevelopment scheme.

CONCLUSION

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

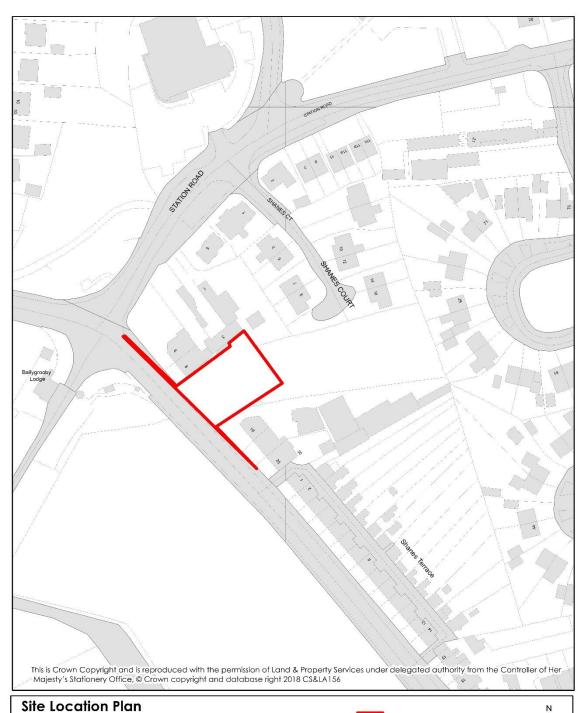
- The principle of the demolition is considered to be unacceptable as the
 existing building makes a positive contribution to the character and
 appearance of the Randalstown Conservation Area and no exceptional
 reason has been demonstrated which, in the judgement of the Council,
 justifies its demolition; and
- It has not been demonstrated that an appropriate and suitable redevelopment scheme is proposed under the associated full planning application LA03/2023/0489/F.

RECOMMENDATION

REFUSE DEMOLITION CONSENT

PROPOSED REASONS FOR REFUSAL:

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy BH14 of Planning Policy 6 'Planning, Archaeology and the Built Heritage' in that the existing building makes a positive contribution to the character and appearance of the Randalstown Conservation Area and no exceptional reason has been demonstrated which, in the judgement of the Council, justifies its demolition.
- 2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy BH14 of Planning Policy 6 'Planning, Archaeology and the Built Heritage' in that the applicant has failed to provide a suitable redevelopment scheme to permit the demolition of the existing dwelling.



Site Location Plan Application Reference: LA03/2023/0490/DCA Location: 10 Shanes Street, Randalstown, BT41 2AD Proposal: Proposed demolition of existing dwelling and replacement with 3no. 2 storey dwellings with associated amenity space, car parking and access. Antrim and Newtownabbey BOROUGH COUNCIL

COMMITTEE ITEM	4.10
APPLICATION NO	LA03/2023/0686/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Erection of boarding kennels and ancillary enclosed exercise
	area
SITE/LOCATION	13 Moneyrod Road, Randalstown, BT41 3JB
APPLICANT	Patrick & Justine Quigg,13 Moneyrod Road, Randalstown
	BT41 3JB
AGENT	P J Carey Architecture, 21 Slaght Lane, Glarryford
	Ballymena, BT44 9QE
LAST SITE VISIT	October 2023
CASE OFFICER	Michael O'Reilly
	Tel: 028 90340424
	Email: michael.oreilly@antrimandnewtownabbey.gov.uk

The full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information.

SITE DESCRIPTION

The application site is located on lands at 13 Moneyrod Road, Crumlin, which is an area of land within the countryside and lying outside any settlement development limits identified in the adopted Antrim Area Plan 1984 – 2001.

The application site is located at the rear, northwestern corner of the existing curtilage of No.3 Moneyrod Road and is set back from that road by approximately 110 metres. Within the application site there is the dwelling known as No.13 Moneyrod Road, an associated domestic garage, a stable block at the rear of the site and an all-weather tennis court that is enclosed by paladin style fencing that is approximately three (3) metres in height.

The nearest dwelling to the application site that is not financially involved with this development proposal is No.15 Moneyrod Road, which is located approximately 115m to the northwest of the application site.

The character of the area is countryside with agriculture being the predominant land use. There is a limited number of examples of dwellings in proximity to the application site.

RELEVANT PLANNING HISTORY

No relevant planning history.

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, 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 polices 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.

<u>Antrim Area Plan 1984 – 2001</u>: 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.

<u>SPPS – Strategic Planning Policy Statement for Northern Ireland</u>: 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.

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

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

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

CONSULTATION

Environmental Health Section - Noise Impact Assessment required.

Northern Ireland Water - No objection.

Department for Infrastructure Roads- No objection.

Department for Communities Historic Environment Division - No objection.

Belfast International Airport - No objection.

REPRESENTATION

No neighbours were notified of the application as no occupied properties abut the site. No letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

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

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

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. 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.

Dog boarding kennels is not a listed example of development identified in the headnote of Policy CTY 1 of PPS 21 as being an acceptable form of non-residential development in the countryside. The policy headnote does state however, that there are a range of other types of non-residential development that may be acceptable in principle in the countryside and that such proposals will continue to be considered in accordance with existing published planning policies.

The preamble of PPS 4 states that for the purposes of PPS 4, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in the Planning (Use Classes) Order (Northern Ireland) 2015 (UCO).

Planning permission is sought for a dog kennel business, which is considered to be a 'sui-generis' land use, which is a use that does not fall into any particular use class within the Planning (Use Classes) Order (Northern Ireland) 2015. Notwithstanding this point, it is noted that the preamble of PPS 4 does state that the policy approach and associated guidance contained within this document may be useful in assessing proposals for other sui generis employment uses.

Policy PED 2 of PPS 4 is entitled Economic Development in the Countryside. The policy head note states that proposals for economic development in the countryside will be permitted in accordance with the provisions of;

Policy PED 3: Expansion of an Established Economic Development Use in the Countryside;

Policy PED 4: The Redevelopment of an Established Economic Development Use;

Policy PED 5: Major Industrial Development; or

PED 6: Small Rural Projects.

It is considered that the application does not fall neatly within any of the above policies of PPS 4, however given that the proposed development does not fall neatly within any of the prescribed forms of development does not mean that it should not be assessed in accordance with PPS 4 at all, rather the policies most appropriate within PPS 4. Policy PED 2 goes on to state that all other proposals for economic development in the countryside will only be permitted in exceptional circumstances with the justification and amplification stating that some small scale economic development projects may be permissible outside villages or smaller rural settlements.

The Design and Access Statement (DAS) (Document 01, date stamped 18th October 2023) submitted by the agent advises that due to the nature of the proposed use as dog kennels and the noise implications that could possibly arise from the proposal that this use should be directed towards rural areas. Indeed, paragraph 5.25 of the justification and amplification section of Policy PED 5 states that the nature of some small industries may be such as to require some physical separation from the built-up area because of potential nuisance, for instance, noise or smell.

Within his DAS the agent states that the application site is adjacent to the new main A6 Randalstown to Castledawson Road which, since opening in May 2021, is part of the important North Western Transport Corridor, connecting Belfast and the North West via Toome, Maghera and Dungiven and from these areas the route to all the major sea ports and airports. The agent continues by stating that taking all of the above into account, the purpose of the kennels is to board the dogs when clients are on holiday. The agent goes onto note that post Covid -19 there has been an ever increasing demand for such facilities not only in this Council Borough but in all areas with the majority reaching full capacity well in advance of peak periods and that this development proposal seeks to meet that demand. The agent finishes by stating that an important factor for anyone choosing a boarding facility is that the facilitator lives on site in order to provide the appropriate welfare to those dogs that would stay at the kennels.

It is noted that the content and arguments of the agent's DAS borrows heavily from the Development Management Officer Report for planning approval Ref: LA03/2018/0540/F, which provided for the retrospective change of use from stables to dog boarding kennels with a grooming facility on lands at 39 Randox Road, Crumlin (granted on the 14th June 2019).

While it is accepted that the justification and amplification section of Policy PED 5 does refer to the nature of some small scale businesses possibly requiring some physical separation distance from built-up areas because of issues such as noise. In this example, it is noted that no information has been provided by the agent with respect to any research or analysis pertaining to available land or buildings to buy or rent in the urban area, or indeed lands or buildings within the countryside, which might otherwise have been able to accommodate this development proposal.

Additionally, the agent seeks to rely upon his argument that post Covid -19 has seen an ever increasing demand for dog kennel facilities not only in this Council area but in all areas and that the majority of this type of facility reach full capacity well in advance of peak periods. It is noted that at no time within the DAS does the agent provide any information that would enable the Council to verify this position. Notwithstanding this point, it is considered that the demand for such facilities is not a site specific need for this development nor would it demonstrate a general need to be located in the countryside.

Furthermore, while the agent has not specifically stated that his planning arguments are predicated on the basis of the planning arguments associated with planning approval Ref: LA03/2018/0540/F, it is evident that it is being heavily relied upon. It is considered that the details of that development proposal and the reasons for the decision to grant planning permission are not comparable with the details of this planning application. The reason for this is that every application is assessed on its own merits and that every piece of land is unique by definition. In particular, planning approval Ref: LA03/2018/0540/F is located approximately 600 metres as the crow flies from the Belfast International Airport. The current application site is approximately 14.5 Km as the crow flies from the Belfast International Airport (14.5 Km as the crow flies) and other major sea ports and airports, unlike planning approval reference Ref: LA03/2018/0540/F.

For the reasons set out above, no weight in the decision making process can be attributed to the arguments that the agent seeks to make.

As noted above, Policy PED 2 states that all other proposals for economic development in the countryside (those falling outside Policies PED 3 – 6 inclusive) will only be permitted in exceptional circumstances. Policy CTY 1 of PPS 21 states 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.

It is considered that the agent has not made a compelling case that would establish the principle of development. For this reason, it has not been demonstrated that this development proposal is essential in this countryside location or that exceptional circumstances apply to the assessment of this development proposal. Therefore, it is considered that the proposal is contrary to the SPPS and Policy CTY 1 of PPS 21. The development proposal remains to be assessed against the relevant policy provisions of the SPPS, PPS3, PPS 4 and PPS 21. The consideration of these matters is set out below.

Design and Appearance and Impact on Character of the Area

This development proposal seeks full planning permission for a dog kennel business. The proposed new kennel building is identified as being located in the northwestern corner of the application site, which is set back by approximately 110m from the Moneyrod Road. The proposed building is single storey in height with a mono-pitch roof. The building is 14.5 metres long, 8.95m wide and has a maximum ridge height of 3 metres. The openings of the building are orientated southeastwards. The exercise yard is located adjacent and to the southeast of the dog kennel building. The dog kennel building is to be finished with plaster dash walls and uPVC doors. Internally the building provides 8 kennels, a room for veterinary care, a dog grooming room, a store, office and a toilet.

It is considered that the development proposal will not have an unacceptable impact to the character and appearance of the area and that it will integrate into the landscape. The reasons for this conclusion are that the proposed building is of modest scale, massing and form and is set back from the Moneyrod Road by approximately 110m and sited to the rear of the existing dwelling at 15 Moneyrod Road. In addition, there is a substantial hedgerow at the southern boundary of No.15 Moneyrod Road and an additional substantial hedgerow and trees lining the western boundary of the laneway immediately to the west of No.15 Moneyrod Road. The rear boundary of the application site is defined by a substantial hedgerow and the lands to the rear of this moving north/northwestwards are rising, which provides a backdrop for the development. Public views towards and into the application site are particularly limited.

For the reasons set out above the development proposal is acceptable with respect to its design and appearance and impact on the character of the area. The proposal is therefore acceptable with respect to the relevant policy provisions of the SPPS, Policies CTY 13 and CTY 14 of PPS 21 and Policy PED 9 of PPS 4.

Neighbour Amenity

The nearest residential property not associated with this development proposal is No.15 Moneyrod Road, which is located approximately 115m to the west of the application site. Policy PED 9 of PPS 4 requires that proposals for economic development are compatible with surrounding land uses and that the proposal does not harm the amenities of nearby residents and does not create a noise nuisance.

In its consultation response, the Council's Environmental Health Section (EHS) has stated that it requires a Noise Impact Assessment (NIA) to identify the principal noise generating activities likely to be associated with this development proposal; dog barking, plant equipment and identify appropriate mitigating measures.

Within the Design and Access Statement (DAS) (Document 01, date stamped 18th October 2023), the agent makes specific reference to the consultation response of EHS and states that the NIA is not available at this time but will be submitted to the Council as soon as possible. The DAS is dated 18th October 2023 and was submitted

following a request to provide a supporting planning statement on the 9th October 2023 as no justification for the development had been set out by the agent.

At this time, it has not been demonstrated that the development proposal will not give rise to an unacceptable impact to the residential amenity of the nearest sensitive receptor, that being the existing residents of No. 15 Moneyrod Road, which is located approximately 115m to the west of the application site. The potential impacts include adverse noise impacts and general disturbance impacting upon the amenity of those residents. Subsequently, it has not been demonstrated that the development proposal is compatible with that nearby land use. A draft reason for refusal with regard to these issues is provided at the end of this report.

Other Matters

It is proposed to utilise the existing access for the applicants dwelling to service the kennel business and 5no. parking spaces had been indicated to be provided adjacent and to the rear of the dwelling. With respect to access, parking and manoeuvring it is noted that the Dfl Roads has offered no objections to the development proposal.

CONCLUSION

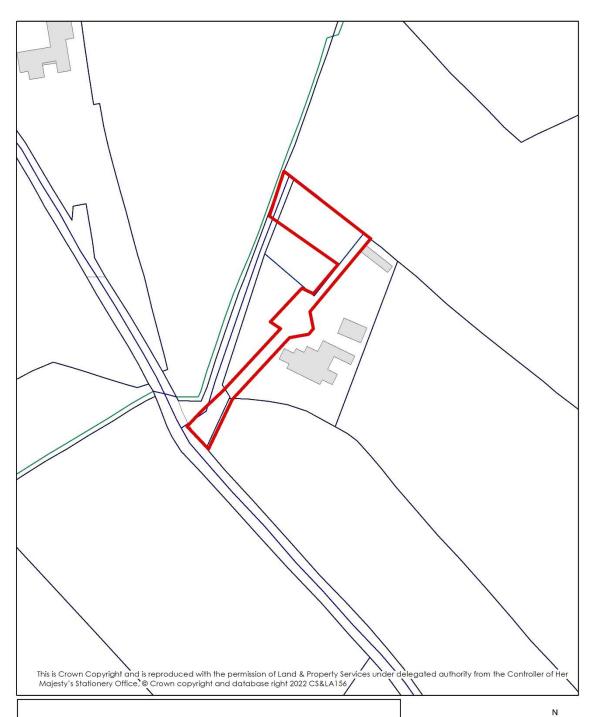
The following is a summary of the main reasons for the recommendation:

- The principle of the development has not been established;
- The design and appearance of the development is acceptable and shall not have an unacceptable impact on the local character and appearance of the area;
- A Noise Impact Assessment is required to determine whether or not the
 development shall have an unacceptable impact on the residential amenity of
 existing residents at No.15 Moneyrod Road and as such it has not been
 demonstrated that the development proposal is compatible with surrounding
 land uses;
- Access, parking and manoeuvring issues are acceptable;
- No objections have been received from interested third parties.

RECOMMENDATION | REFUSE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

- The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location.
- 2. The proposal is contrary to the policy provisions of the SPPS and Criterions (a), (b) and (e) of Policy PED 9 of PPS 4 in that it has not been demonstrated that the development proposal shall not have an unacceptable impact to the residential amenity of existing residents at No.15 Moneyrod Road by reason of noise and general disturbance.



Planning Application Reference: LA03/2023/0686/F

Location: 13 Moneyrod Road, Randalstown

Proposal: Erection of boarding kennels and

ancillary enclosed exercise area

Scale: 1:1250 N





COMMITTEE ITEM	4.11
APPLICATION NO	LA03/2023/0176/O
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Proposed demolition of existing garage/office and proposed
	site for the erection of 2 no. dwellings.
SITE/LOCATION	Lands approx. 10m South East of 139 Church Road,
	Glengormley, BT36 6HH
APPLICANT	Aaron Ferguson
AGENT	Patrick O'Reilly
LAST SITE VISIT	17th April 2023
CASE OFFICER	Gareth McShane
	Tel: 028 903 40411
	Email: gareth.mcshane@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 https://planningregister.planningsystemni.gov.uk

SITE DESCRIPTION

The application site is located approximately 10m southeast of No. 139 Church Road, Glengormley, within Metropolitan Newtownabbey as designated within the Belfast Urban Area Plan (BUAP) and Belfast Metropolitan Area Plan (BMAP).

The site incorporates the existing play area and parking area for No. 139 Church Road, a children's day care facility. A garage structure, which is currently associated with the day care facilities, is to be demolished in order to accommodate the proposed scheme. The site is bound on all aspects by vegetation of varying maturities which provide a level of screening to the site. The application site faces onto Church Road and bounds No.139 to the northwest and an area of vacant land to the northeast.

The surrounding area is predominantly residential, with detached and semi-detached dwellings of varying designs in the immediate area.

RELEVANT PLANNING HISTORY

Planning Reference: U/2011/0397/F

Location: 139 Church Road, Glengormley, Newtownabbey, BT36 6HH Proposal: Erection of climbing frame and 2m high security fencing

Decision: Permission Granted (23.10.2012)

Planning Reference: U/2005/0421/F

Location: 139 Church Road, Glengormley, Newtownabbey, BT36 6HH

Proposal: Erection of first floor extension to provide additional child care space

Decision: Permission Granted (14.07.2006)

Planning Reference: U/2003/0015/F

Location: 139 Church Road, Glengormley, Newtownabbey, BT36 6HH

Proposal: Change of use of first floor living accommodation to day care nursery

Decision: Permission Granted (27.05.2023)

Planning Reference: U/1996/0045

Location: 139 Church Road, Glengormley, Newtownabbey, BT36 6HH

Proposal: Change of use of part of dwelling to day nursery and provision of ancillary

areas

Decision: Approved on Appeal

Planning Reference: U/1994/0540/F Location: 139 Church Road, Glengormley

Proposal: Extension to ground and first floors of dwelling

Decision: Permission Granted (09/02/1995)

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

<u>SPPS – Strategic Planning Policy Statement for Northern Ireland</u>: 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.

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

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

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

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

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

CONSULTATION

Department for Infrastructure Roads- No objection.

Department for Infrastructure Rivers- No objection.

Northern Ireland Water- Refusal recommended.

Councils Environmental Health Section- No objections.

REPRESENTATION

Nine (9) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context

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

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

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

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

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

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

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

The application seeks outline planning permission for two (2) dwellings located within the existing curtilage of a day nursery. The dwellings are to be located within an area currently used for the parking of vehicles and recreational area.

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

Design, Layout and Appearance

The SPPS emphasises that within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. Good design is paramount and schemes should be sensitive in design terms to people living in the existing neighbourhood and to local character. In existing residential areas development must be balanced with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS 7 reiterates the need for

sensitivity and in Policy QD 1 of APPS7 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

The application site is located in a cul-de-sac along Church Road. This part of the Church Road connects to the Carnmoney Road and contains a mix of development uses along the upper section, with the lower section predominately characterised by residential development. The existing house types in the immediate area comprises mainly of semi-detached dwellings, however, a limited number of detached and terraced properties are also present. Every property that fronts onto Church Road id set back from the roadside with an area of parking/amenity space provided to the front of the dwelling.

As this is an outline planning application, no details relating to the design of the dwellings has been submitted, however, a Site Layout Plan, Drawing 02 date stamped 9th March 2023, accompanied the application and displays an indicative layout for the proposed dwellings, both of which are accessed via Church Road.

The proposal involves the demolition of an existing garage associated with the day care facility, in order to accommodate the proposed two dwellings. The indicative layout indicates that the proposed dwellings are detached and positioned approximately 2.5m from the roadside boundary. Site 2 is significantly larger in size than Site 1, due to the presence of an existing storm sewer and a combined sewer, which traverse the site. No development is permitted over the sewer and hence the sites are unevenly sized in order to leave a sufficient buffer between the proposed dwellings and the sewer.

Due to the positioning of the sewers, and the requirement for the development to be located at least 3m from them, the dwellings are forced to be positioned 2.5m from the roadside. The application site has a total frontage of 33m onto Church Road, however, given the sewer issues, the footprint of the two dwellings are cramped within a 19m distance, 2.5m back from the roadside boundary with no area of surveyed space being present to the front. Given the positioning of the sewer, there is no possibility of re-siting the dwellings within the site to allow the siting of the dwellings to be in keeping with the character of the neighbouring buildings.

It is considered that the proposal, when viewed within the immediate context, would significantly erode the existing character and amenity of the immediate area due to the overdevelopment of the site and resulting in a cramped form of development. The proposal is therefore considered to fail the policy provisions of QD1 of PPS7 and Policy LC 1 of APPS7.

Neighbour Amenity

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

No.139 Church Road is located northwest of the application site and contains a day care facility, which is under the control of the applicant. The Site Layout Plan, Drawing 02 date stamped 9th March 2023, displays an indicative layout for the proposed dwellings. The submitted Design and Access Statement, Document 01 date

stamped 9th March 2023, displays the relationship between the proposed dwelling on Site 1 and the existing day care facility at No. 139 Church Road.

Given the proposed boundary treatments, and orientation of the proposal in relation to the neighbouring building, no detrimental impact by way of overlooking or overshadowing is expected to occur to the proposed dwelling on Site 2. However, if approved, careful consideration will be required at the Reserved Matters Stage to ensure no detrimental impact to amenity.

There is no anticipated detrimental impact by way of overshadowing with regards to the proposed dwelling at Site 1. However, in relation to the overlooking potential of this dwelling, it is noted that three large dormer windows are positioned at the first floor level on the front elevation of the existing property at No. 139 Church Road. These windows will promote elevated views of the side and rear private amenity space of the proposed dwelling on Site 1, thereby having a detrimental impact on the residential amenity of the future occupants. The proposal is therefore considered contrary to this criteria.

No impact by way of overshadowing, dominance or loss of light is expected to occur to the neighbouring building given the indicative orientation and siting in relation to No. 139 Church Road.

If the proposal is considered acceptable, careful consideration at the Reserved Matters stage will be required to ensure no detrimental impact between the proposed properties by way of overlooking or loss of privacy. No impact by way of overshadowing, dominance, or loss of light is expected to occur between the proposed properties given that they are positioned along the same building line with a similar angle of orientation.

No impact to any other neighbouring properties by way of overlooking, overshadowing, loss of light or dominance is expected to occur to any other neighbouring properties given the separation distances.

In summary, it is considered that Site 1 would be negatively impacted by way of overlooking from the adjacent day care facility at No. 139 Church Road, and therefore the proposal is not considered to comply with Criterion (h) of Policy QD 1 of PPS 7.

Amenity Space

Criterion (c) of Policy QD1 requires that adequate provision is made for private open space as an integral part of the development. 'Creating Places' requires an average of 70sqm private amenity space for residential dwellings. It is considered that the amenity space on each of the proposed sites exceeds this requirement and is therefore considered to meet this criterion.

Access and parking

Dfl Roads were consulted regarding the application and responded with no objections, subject to compliance with the attached RS1 Form at the Reserved Matters stage. Also contained within its response, it stipulates that the Site layout Plan, Drawing 02 date stamped 9th March 2023, forms no part of this approval as it lacks details in relation to footway widening across the site frontage and the relocation of

the existing street furniture. If the proposal is considered acceptable, these matters will be required to be addressed at the Reserved Matters stage.

Policy AMP 7 of PPS 3 requires development proposals to provide adequate car parking provision and appropriate servicing arrangements. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Planning approval was granted under planning application Ref: U/1996/0045/F for a day care facility for a maximum of 35 children and 6 employees at No. 139 Church Road. Car parking provision for the facility included 6 car parking spaces within the larger plot (Site 2), with the smaller plot (Site 1) forming part of an external grass play area.

Planning approval was granted under planning application Ref: U/2003/0015/F for the change of use of the first floor living accommodation to a day care facility, at No. 139 Church Road with an increase of the overall capacity to 65 children and 15 members of staff. Parking provision for an additional 3 spaces was provided within the larger plot (Site 2) under the said application, with a total provision of 9 car parking spaces serving the child care facility.

Planning approval was then granted under planning application Ref: U/2005/0421/F for the erection of a first floor extension to provide additional child care space. This increased the capacity to 80 children in total, with 19 full time and 4 part time staff. Again, 9 car parking spaces were provided within the larger plot (Site 2).

The current application proposes a dwelling on the aforementioned area of car parking. The required parking standard for the day care facility as per planning approval Ref: U/2005/0421/F was for 14 car parking spaces. The application seeks to remove 9 parking spaces, with 5 spaces provided within the existing curtilage of the day care facility. It is considered that the removal of 9 parking spaces for the day care centre is unacceptable, resulting in an inadequate level of parking provision for the development. Additionally, the development is positioned at the end of a cul-desac. The removal of the allocated parking provision for the day nursey, in combination with the addition of two dwellings, will put significant parking pressures onto the street and it is not considered to provide spare capacity for the 9 spaces which are to be lost. The proposal is therefore considered to be contrary to Policy AMP 7 of PPS 3.

Other Matters

Loss of space for recreation

It is noted that the smaller plot (Site 1) is positioned within an existing play area which is associated with the existing day care facility. The proposal will result in the loss of the soft play area which will significantly reduce the outdoor facilities provided for the day care facility, which can accommodate up to 80 children. This area however, is not afforded the same protection under Policy OS 1 of PPS 8.

Environmental Health

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

NI Water

NI Water, in its consultation response dated 17th April 2023, advised that there is a public foul sewer within 20m of the proposed development boundary. It also stated that a high level assessment has indicated potential network capacity issues, which establishes significant risks of detrimental effect to the environment and a detrimental impact on existing properties. For this reason, NI Water is recommending connections to the public sewerage system are curtailed but has advised that the applicant should consult directly with NI Water to determine if an alternative drainage or treatment solution can be agreed. A Waste Water Impact Assessment is required and upon the completion of which, NI Water may reconsider this recommendation. Given that the application is considered to be contrary to Policy QD 1 of PPS 7, it was not deemed appropriate to seek this additional information as this would result in unnecessary expense to the applicant. However, it is not possible to exclude the fact that the development could give rise to an unacceptable adverse impact due to the significant risk to the environment. As a consequence a reason for refusal on this issue has been added.

It was also noted within their response that a sewer traverses the site. No construction to be made, trees planted or other obstruction made within 3 metres (or 1.5 times the depth; whichever is greater) of sewers. Drawing 02 displays the line of the existing storm and combined sewer, with the proposed siting of the dwellings located at least 3m from them.

Dfl Rivers

Dfl Rivers was consulted regarding the proposal and responded with no objections. In its response it states that due to the presence of the culverted designated watercourse and adopting the precautionary approach embodied by PPS 15, it recommends that the finished floor levels of the proposed development are set with a minimum freeboard of 600mm.

Dfl Rivers also recommends that the applicant ensures that the proposal takes into consideration measures to improve the resilience of new developments in flood risk areas through the use of suitable materials and construction methods.

It is also noted that a culverted watercourse known as 'Church Road Stream' traverses the site. Under paragraph 6.33 of the policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. A suitable maintenance strip of minimum 5m must also be in place, but up to 10m where considered necessary. Dfl Rivers requires that the working strip is shown on a Site Layout drawing to be included in any planning decision notice to enable the enforcement of the provision of the working strip. Dfl Rivers requested that the working strip is protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or any future development by way of a planning condition and access to and from the maintenance strip should be available at all times.

Dfl Rivers concluded that although the proposed development does not exceed the thresholds as outlined in Policy FLD 3 and therefore a Drainage Assessment is not required, it is noted that there is the potential for surface water flooding as indicated by the surface water layer of Flood Maps (NI). As such, it is the developer's

responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

CONCLUSION

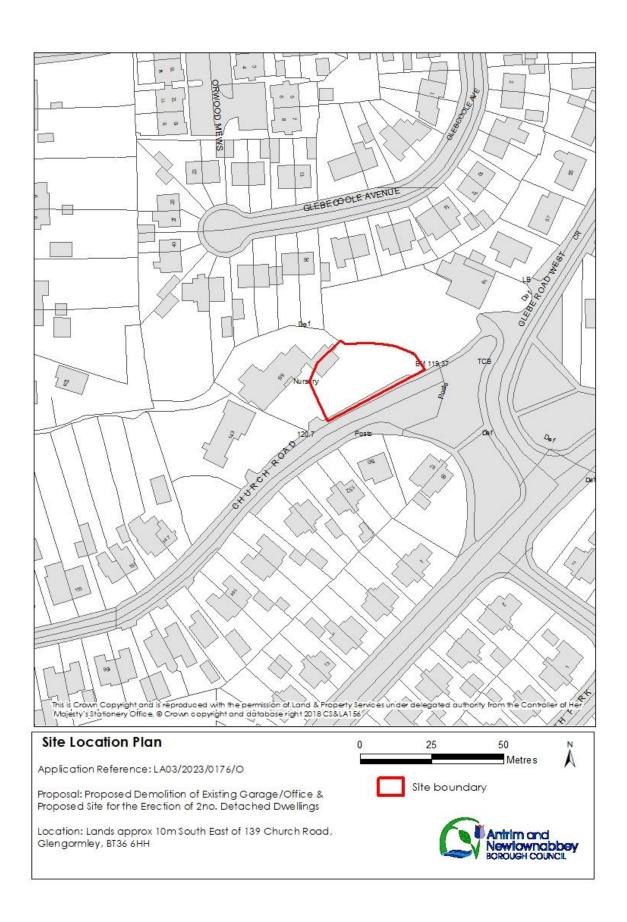
The following is a summary of the main reasons for the recommendation:

- The proposal is considered overdevelopment of the site, and out of character with the surrounding context;
- Sufficient private amenity is provided by the proposal;
- There will be a detrimental impact upon the proposed dwelling on Site 1 by way of overlooking of its rear private amenity space from No. 139 Church Road;
- The proposal will result in inadequate parking provision for the adjacent day care facility;
- There is no anticipated impact on flood risk subject to mitigation; and
- NI Water has raised concerns with regards to sewerage capacity issues in respect of the development proposal.

RECOMMENDATION: REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL:

- 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments, and Policy LC1 of the second Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, in that the proposed development does not respect the surrounding context and if permitted would result in a cramped form of development that is not in keeping with the overall character and environmental quality of this established residential area.
- 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7, Quality Residential Environments, in that, if permitted, the dwelling on Site 1 would be adversely impacted by way of overlooking and loss of privacy from No. 139 Church Road.
- 3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy AMP 7 of Planning Policy 3 (PPS 3), Access, Movement and Parking, in that the proposed development will result in the inadequate provision for car parking for the day care facility located at No. 139 Church Road, Newtownabbey, and would prejudice road safety and significantly inconvenience the flow of traffic.
- 4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would, if permitted, cause harm to an interest of acknowledged importance, namely sewage disposal, as it has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development.



COMMITTEE ITEM	4.12
APPLICATION NO	LA03/2023/0602/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	2 no. dwellings and garages
SITE/LOCATION	30 metres North East of 98 Craigstown Road, Randalstown
	(Between No. 98 and No. 102 Craigstown Road)
APPLICANT	Maria Dougan
AGENT	Norman McKernan
LAST SITE VISIT	3 rd October 2023
CASE OFFICER	Alexandra Tipping
	Tel: 028 903 40216
	Email: alexandra.tipping@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 https://planningregister.planningsystemni.gov.uk

SITE DESCRIPTION

The application site is located between two existing dwellings at No. 98 and No. 102 Craigstown Road, Randalstown. The site is within the countryside and lies outside the development limit of any settlement defined in the Antrim Area Plan 1984-2001.

The application site comprises part of a large agricultural field with mature trees along its roadside boundary. The southwestern common boundary with No. 98 Craigstown Road, is also defined by mature vegetation, whilst the northwestern and northeastern site boundaries remain undefined. The topography of the site is generally flat and a large expanse of vegetation exists beyond the site to the northwest.

The surrounding area is predominantly agricultural in nature with detached dwellings on large plots interspersed throughout the area.

RELEVANT PLANNING HISTORY

No relevant planning history.

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, 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 polices 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.

<u>SPPS – Strategic Planning Policy Statement for Northern Ireland:</u> 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.

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

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

CONSULTATION

Council Environmental Health Section - No objection

Northern Ireland Water - No objection

Department for Infrastructure Roads- No objection subject to condition

REPRESENTATION

Four (4) neighbouring properties were notified of the application and no objections 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
- Access and Parkina

Policy Context and Principle of Development

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is 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. In this case, the existing dwelling at No. 98 Craigstown Road is located adjacent to the roadside and the existing dwelling at No. 102 Craigstown Road, is set some 60 metres back from the road. Both these dwellings are considered to display a frontage onto the Craigstown Road as the plots on which they stand extend to the roadside.

The policy dictates that a built up frontage includes a line of three (3) or more buildings along the road frontage without accompanying development to the rear. The applicant's Supporting Design Statement, Document 01 dated stamped 3rd August 2023, contends that the built up frontage consists of the dwelling at No. 98 Craigstown Road, the structures adjacent to No. 98 Craigstown Road, and the dwelling at No. 102 Craigstown Road.

The structures referred to adjacent to No. 98 Craigstown Road comprises a garage and a static caravan, which are located some 20 metres to the rear of No. 98. Neither of these buildings appear to avail of planning approval and both are sited beyond a wooden fence outside the curtilage of No. 98 Craigstown Road. There are no direct views of either of these buildings from the public road given their location beyond the curtilage of No. 98 and the mature roadside boundary vegetation associated with this property. These buildings can therefore not form part of the assessment of the substantial and continuously built up frontage required by policy.

Overall, it is considered that there are only two buildings, No. 98 and No. 102 Craigstown Road, that have a frontage to the road and therefore there is no substantial and continuously built up frontage and subsequently no 'gap site' exists. As such, the proposal does not comply with criteria (a) of Policy CTY 8.

Criteria (b) of Policy CTY 8 requires the site to be a small gap site sufficient only to accommodate a maximum of two dwellings. Although, as noted above, there is no 'gap site' in accordance with the policy criteria, it is considered that the application site would be sufficient only to accommodate a maximum of two dwellings.

Criteria (c) of Policy CTY 8 requires that the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size. In this case, the gap between No. 98 and No. 102 Craigstown Road measures approximately 120 metres. The average plot width of No. 98 and No. 102 Craigstown Road is 51 metres. The sites would therefore respect the pattern of development in terms of their general size. Given that this application is for outline planning permission, no further details are provided in terms of exact siting or house design. Therefore, no judgement can be made in regards to size, scale or siting.

Other planning and environmental considerations will be discussed below but given that there is considered to be no substantial and continuously built up frontage along the relevant stretch of the Craigstown Road, the proposal is contrary to criteria (a) of Policy CTY 8 of PPS21.

The proposal has been considered against other potential policy provisions such as Policy CTY 2a of PPS21 but fails to meet the policy criteria. The principle of two (2) dwellings and garages on the application site therefore cannot be established as the proposal fails Policy CTY 1 and as such, it is considered that there are no other overriding reasons as to why this development is essential at this location and could not be located within a settlement.

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 planning permission, full and proper details to include, scale, siting and deign have not been provided.

As noted above, the application site is located within the gap between the existing dwellings at No. 98 and No. 102 Craigstown Road. There is currently a thick band of mature trees along the roadside boundary of the application site. Given the presence of these trees and the existing mature boundary vegetation around the curtilage at No. 98 Craigstown Road, there are currently restricted critical views into the application site when travelling in a northeasterly direction along the Craigstown Road. However, if the existing trees along the roadside were removed in order to provide access to the sites and the required visibility splays of 2.4m x 120m, this would promote critical views into the site resulting in a greater visual impact.

The application site lacks any sort of enclosure along the northeastern and northwestern boundaries. Given the lack of any existing boundary vegetation along these site boundaries, together with the set back of the dwelling at No. 102, it is considered that there would be critical views into the site particularly when travelling in a southwestern direction towards Randalstown. The sites do not avail of any significant backdrop and overall the development proposal will fail to achieve an adequate sense of enclosure meaning that the proposal is considered to be contrary to Policy CTY 13. Additionally, the proposal would rely primarily on the use of new planting in an attempt to integrate the proposed development into the surrounding landscape.

Policy CTY 14 of PPS21 advises that a new building in the countryside will not be acceptable where it results in a suburban style build-up of development when viewed with existing and approved buildings or it creates or adds to a ribbon of development. Given that the application site does not qualify to be considered as an infill site in accordance with the provisions of Policy CTY 8 and does not meet any other potentially relevant policy criteria for a dwelling in the countryside, it is considered that two (2) dwellings on the application site would result in a suburban style build-up of development in this rural area. It is also considered that the infilling of this vegetated green gap between the dwellings at No. 98 and No. 102 Craigstown Road would create a ribbon of development. Both the suburban style build up and the creation of ribbon development would have a detrimental impact on the existing rural character of the area and therefore the proposal is considered to be contrary to Policies CTY 8 & 14.

Neighbour Amenity

Given that the application seeks outline planning permission only, limited details of the proposal have been provided. It is considered that with appropriate siting, orientation and layout of the proposal, in combination with proposed new landscaping and separation distances, a dwelling could be accommodated within the site without negatively impacting upon the neighbouring amenity.

It is considered that there will be no detrimental impact to neighbour amenity by way of overshadowing, loss of light or dominance with the appropriate design, siting and layout at Reserved Matters stage should outline planning permission be granted.

Access and Parking

Although full details have not been provided at this stage, the access is to be taken from a new access off the Craigstown Road. Dfl Roads was consulted in relation to the development proposal and responded to advise that it has no objection subject to conditions should outline planning permission be forthcoming.

CONCLUSION

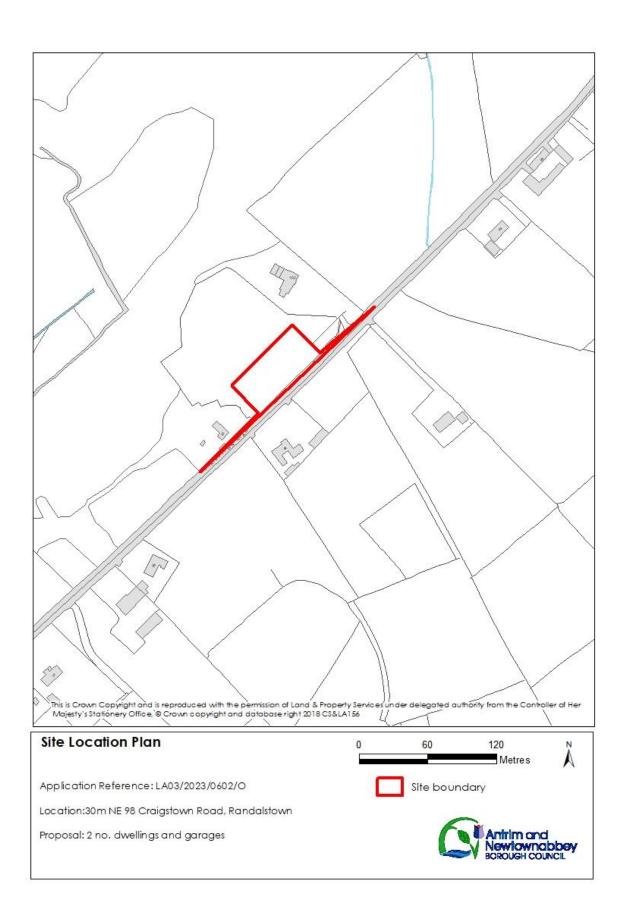
The following is a summary of the main reasons for the recommendation:

- The principle of the development has not been established in accordance with the policy provisions of Policy CTY 8;
- The proposal would fail to integrate into the surrounding landscape in accordance with Policy CTY 13;
- The proposal will create a ribbon of development and result in the suburban build-up of development when viewed with existing buildings, contrary to Policy CTY 14; and
- The proposal would result in a detrimental impact on the character of the area.

RECOMMENDATION: REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL:

- 1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and 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 represent a gap within an otherwise 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 the proposal, if permitted, will fail to integrate into the countryside.
- 4. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal, if permitted, will result in ribbon of development, resulting in a suburban style build-up of development when viewed with the existing buildings along the Craigstown Road.



COMMITTEE ITEM	4.13
APPLICATION NO	LA03/2023/0649/F
DEA	MACEDON
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE FULL PLANNING PERMISSION
PROPOSAL	Alteration and Extension to Dwelling
SITE/LOCATION	38 Longlands Road, Newtownabbey, BT36 7LZ
APPLICANT	Ruth McIlveen
AGENT	Ruth McIlveen
LAST SITE VISIT	9th October 2023
CASE OFFICER	Eleanor McCann Tel: 02890340422 Email: eleanor.mccann@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 Register https://planningregister.planningsystemni.gov.uk

SITE DESCRIPTION

The application site is located at 38 Longlands Road, Newtownabbey, within the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and Draft Belfast Metropolitan Area Plan (dBMAP).

The application site comprises a mid-terraced dwelling finished in both dashed and smooth render with concrete roof tiles. Amenity space is provided to the front (north) and rear (south) of the dwelling. Parking provision is located on-street to the front of the dwelling. The application site bounds No. 36 Longlands Road to the east and No. 40 Longlands Road to the west. The topography of the site is relatively flat and sits at the same level as the neighbouring properties.

The northern boundary and the sites western boundary, to the front of the property, common with No. 40 Longlands Road, are defined by a mature hedgerow approximately 1.5m in height. The eastern boundary to the front of the property, common with No. 36 Longlands Road is defined by a close boarded timber fence, approximately 1.5m in height. The southern boundary is defined by a closed boarded timber fence approximately 1.8m in height. A garden shed is located adjacent to the rear timber fence and the eastern boundary. The eastern boundary common with No. 38 Longlands Road is partially defined by a metal post and wire fence approximately 1m in height. A small close boarded wooden gate, approximately 1m in height is located towards the rear building line of the dwelling allowing access into the neighbouring property. A mature hedgerow extends past the gate to the rear building line of the dwelling. The western boundary common with No. 40 Longlands Road is defined by a metal post and wire fence approximately 1m in height.

The application site is located within a predominantly residential area compromising of a mix of house types, sizes and finishes. The application site also abuts a playground to the south.

RELEVANT PLANNING HISTORY

No recent/relevant site history

PLANNING POLICY AND GUIDANCE

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

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

<u>Draft Belfast Metropolitan Area Plan (2004):</u> The application site is located inside the settlement limits of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

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

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

<u>Strategic Planning Policy Statement for Northern Ireland:</u> 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.

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

CONSULTATION

No consultations were carried out in respect of the development proposal.

REPRESENTATION

Two (2) neighbouring properties were notified of the application and no letters of objection were received in respect of the development proposal.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context

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

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

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

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

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

- a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and

d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. APPS7 also advises that the guidance set out in Annex A of the document will be taken into account when assessing proposals against the above criteria.

Scale, Massing, Design and Appearance

The application seeks full planning permission for the removal of an existing single storey extension to the rear and the erection of a hipped roof two-storey extension. The extension extends 3.9m beyond the building line and is 4.2m wide, which is the full extent of the width of the site. The existing extension has a maximum height of 3.5m and a minimum height of 3.3m to the eaves. The finishes match the existing dwelling.

The proposed extension is 3.1m in width, 4.0m in length and 6.6m in height. The proposal is set 1.4m in from the common boundary with No. 36 Longlands Road. The proposed extension is subordinate to the existing dwelling, as the ridge line of the proposal falls 1m below the ridge line of the existing dwelling. The proposed finishes of the extension include a smooth sand/cement render, fibre cement roof tiles, white UPVC windows and black UPVC rainwater goods. All the proposed finishes are to match the existing dwelling.

An enclosed yard is proposed to the rear of the dwelling. Access to the enclosed yard is gained from the proposed utility room, and a door on the southern elevation provides access to the rear garden. No details were submitted in relation to the proposed height of the boundary wall on the eastern side, however, the agent confirmed verbally on 23rd October 2023, that the existing boundary wall will be retained. As a refusal is recommended in respect of the proposed development, elevations of the proposed wall were not requested to prevent unnecessary costs to the applicant.

The proposed extension is located to the rear of the property and will not be visible from the Longlands Road. A number of the neighbouring properties along the adjoining terrace dwellings at Longlands Road also exhibit two storey rear extensions. The proposal is fully screened by mature evergreen trees when travelling westwards along Arthur Road and there will only be limited views of the proposed development on travelling eastwards along Arthur Road due to the existing mature trees along the northern boundary of the adjacent playground.

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

Neighbour Amenity

The Addendum to Planning Policy Statement 7- Residential Extensions and Alterations EXT 1 states 'Planning permission will be granted for a proposal to extend or alter a residential property where the proposal does not unduly affect the privacy or amenity of neighbouring residents'. The subject dwelling bounds No. 36 Longlands Road to the east, which has a single storey extension to the rear. No. 36 has two (2) ground floor windows on the southern elevation and a glass door on the western elevation, which provides extra light to the rear return. No. 36 Longlands Road also

has one (1) first floor window on the southern elevation. It is considered that the proposal will cause an unacceptable loss of light and overshadowing to the neighbouring property at No. 36 Longlands, due to the 6.7m ridge height, the 3.9m rear projection of the proposed two-storey extension, and the 2.5m separation distance between the proposed extension and the neighbouring property.

The proposed extension at No. 38 Longlands is located on the western, shared boundary with No. 40 Longlands. A window is situated on the first floor, southern elevation of No. 40 Longlands. The proposed rear extension would result in an unacceptable loss of light and overshadowing to No. 40 Longlands, particularly in the earlier part of the morning. This loss of light and overshadowing is due to the 6.7m proposed ridge height of the extension, which projects 3.9m from the rear building line.

The proposed extension at No. 38 Longlands is located 2.5m from the neighbouring property at No. 36 Longlands and sits along the common boundary with No.40 Longlands. The proposed extension measures 5.4m to the eaves and has a depth of 4m. As a result, outwards views from the first floor window of No. 40 will have the perception of being hemmed-in, and will overlook two large blank walls at either side, resulting in a domineering effect. As stated above, No. 36 Longlands Road also has windows located on its southern elevation, and the proposed extension will also result in a perception of being hemmed in. This will be particularly intensified for the ground floor windows. This level of dominance to the neighbouring properties at Nos. 36 and 40 Longlands Road is considered unacceptable.

A window and a door are proposed on the ground floor rear elevation. These are not considered to have any overlooking impact as they face onto the host dwelling's own private amenity space and no neighbouring properties are situated behind the host dwelling. Additionally, the existing boundary treatment to the rear of the property provides sufficient screening of the rear amenity space of the neighbouring properties. An additional window is proposed on the first floor elevation of the existing dwelling. This window is not considered to have any impact or overlooking as it faces onto the rear amenity space of the host dwelling. The proposed first floor window is also replacing a window on the existing rear elevation and therefore no significantly greater impact of overlooking from this window is considered to occur. In addition, the room to be served by this window is a low habitable room and there are no neighbouring properties to the rear of the host dwelling.

A window is proposed on the first floor of the eastern elevation. This is not considered to have any overlooking impact as only oblique views of the rear amenity space of No. 36 Longlands will result. In addition, the room being served by this window is a low habitable room and the rear return at No. 34 Longlands has a blank western gable.

In summary, the impacts of dominance, overshadowing and loss of light to the neighbouring property at No. 36 Longlands and the impact of dominance and loss of light to the neighbouring property at No. 40 Longlands Road is considered to be unacceptable.

Impact on Trees and Environmental Quality of this Area

It is considered that the proposal will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local

environmental quality because there are no trees of other landscape features present where the proposed extension will be located.

Amenity Space, Parking and Manoeuvring

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

CONCLUSION

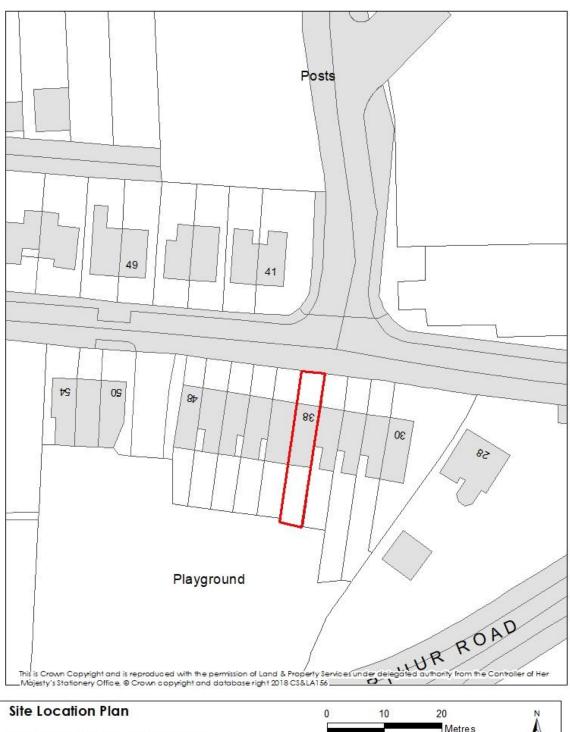
The following is a summary of the main reasons for the recommendation:

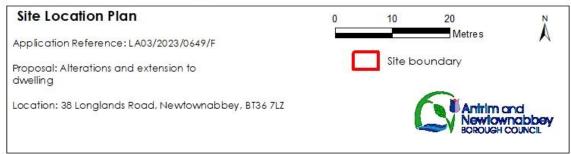
- The principle of development is acceptable;
- The design and appearance of the proposal is considered acceptable;
- The proposal will unduly affect the amenity of neighbouring properties by way of loss of light and overshadowing;
- The proposal does not cause the unacceptable loss of or damage to trees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

RECOMMENDATION | REFUSE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL

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





P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS - OCTOBER 2023

A list of planning decisions issued by Officers during October 2023 under delegated powers together with information relating to planning appeals is enclosed for Members' information.

One (1) appeal was dismissed during October 2023 by the Planning Appeals Commission (PAC).

Planning application: LA03/2022/0177/CA

PAC reference: 2022/E0041

Proposed Development: Alleged unauthorised airport car park Location: 108 Ballyrobin Road, Antrim, BT41 4TF

A copy of the decision is enclosed.

One (1) appeal was allowed during October 2023 by the Planning Appeals Commission (PAC).

Planning application: LA03/2022/0615/O

PAC reference: 2022/A0025

Proposed Development: Site for infill dwelling

Location: 50m West Of 36 Aughnabrack Road, Ballyutoag,

Belfast

A copy of the decision is enclosed.

RECOMMENDATION: that the report be noted.

Prepared by: Nicola Boomer, Planning and Economic Development Business Support

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

P/PLAN/83 NORTHERN IRELAND STATISTICS AND RESEARCH AGENCY (NISRA) PLANNING STATISTICS APRIL TO JUNE 2023

The first quarterly provisional planning statistics for 2023/24 (April to June 2023), produced by the Analysis, Statistics and Research Branch of the Department for Infrastructure (Dfl), were released in October 2023, a copy of which is enclosed.

The Quarterly Bulletin advises that key events in recent years have impacted on planning activity and processing performance. The events identified include the coronavirus pandemic, due to the various restrictions in place until February 2022, the significant changes in IT with the development and implementation of the new planning system and the accessibility of the planning system in early 2022. The fact that planning activity and processing performance were impacted by these events must be considered when making comparisons with other time periods.

The figures show that during the period from April to June 2023, the total number of planning applications received in Northern Ireland was 2,618, a decrease of over seven percent on the previous quarter and down by approximately fourteen percent on the same period a year earlier.

During this first quarter period a total of 168 new applications were received by the Council, a decrease of 35 from the same period in 2022/23, however it is worth noting that Antrim and Newtownabbey Borough Council is one of only two Councils where application levels did not reduce from the previous quarter, January to March 2023.

Major Planning Applications

In relation to performance against statutory targets, the Council determined 5 **Major** applications during the first quarter of 2023/24 and is currently one of only three Council's processing within the statutory processing target of 30 weeks. The published figures show the Council's average processing time to be 27 weeks, comparing very favourably to the 60 week average processing time for all Councils and a great improvement on the 74 week processing time reported for the same quarter last year.

Local Planning Applications

The Council determined 192 local planning applications during the first quarter of 2023/24. The published figures show that the Council took on average 13.4 weeks to process and decide **Local** planning applications during the first quarter of 2023/24 against the statutory target of 15 weeks. This performance ranks the Council as one of three Councils to meet the target and compares favourably to the average of 18.9 weeks for all Councils.

Enforcement

As with all publications since the launch of the New Planning Portal in December 2022 ASRB are currently unable to report on our statutory performance target of

concluding cases within 39 weeks. The report advises that the information will be published later.

The report does however provide an overview of activity during the first quarter of 2023/24. The numbers of cases opened across all Councils during the first quarter of 2023/24 has shown an increase of almost ten percent on the previous quarter but a decrease of approximately two percent on the same period a year earlier. Whilst the Council figures reflect the quarterly increase they also report an increase of 6.4 percent on the same period last year.

RECOMMENDATION: that the report be noted.

Prepared by: Kathryn Bradley, Planning and Economic Development Business Support Manager

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

P/FP/LDP/6 PLANNING IMPROVEMENT – FINANCIAL SUSTAINABILITY OF PLANNING SYSTEM

Members will be aware of the ongoing collaborative working between central and local government to deliver a Planning Improvement Work Programme (PIP), to address issues raised following reports into Planning in NI by the Northern Ireland Audit Office and Public Accounts Committee.

The Council has received correspondence in relation to the agreed approach to progressing Action 32 of the endorsed PIP, "Scope the challenges and opportunities around securing the long term financial sustainability of the planning service/function at local government level", a copy of which is enclosed.

It is acknowledged that this exercise needs to have a full understanding of the costs of planning and must encompass all aspects of the planning system. The correspondence recognises that whilst fee increase can be taken forward there is a need to keep planning application fees reasonable and that they are only one element of the overall financial picture.

The Department has invited the Council to consider and agree the most appropriate approach to the scoping exercise to secure a long term and financially sustainable system.

It is proposed that the Deputy Director of Planning and Building Control and the Deputy Director of Finance are identified as the key points of contact in relation to this matter as it goes forward in the delivery of a financially sustainable planning system.

Members will be updated in due course.

RECOMMENDATION: that the report be noted.

Prepared by: Kathryn Bradley, Planning and Economic Development Business Support Manager

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

P/FP/LDP/001 MID AND EAST ANTRIM BOROUGH COUNCIL – LOCAL DEVELOPMENT PLAN 2030 – PLAN STRATEGY ADOPTION

Members are advised that on 17 October 2023 correspondence (copy enclosed) was received from Mid and East Antrim Borough Council (MEABC) regarding the adoption of its Local Development Plan 2030 – Plan Strategy.

This correspondence advised that MEABC adopted its Plan Strategy on 16 October 2023 in accordance with Section 12 of the Planning Act (Northern Ireland) 2011 and Regulation 24 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

The Plan Strategy and supporting adoption documents are now available to view on the MEABC website. Correspondence has been issued congratulating MEABC on the adoption of the Plan Strategy and its progression to the Local Policies Plan stage of the Local Development Plan process - enclosed for Members' information.

RECOMMENDATION: that the report be noted.

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

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

P/FP/LDP1 LOCAL DEVELOPMENT PLAN UPDATE

Members are reminded that at the October 2023 Planning Committee, it was noted that correspondence was issued by the Chairman of Antrim and Newtownabbey's Planning Committee on 5 October 2023 to the Department for Infrastructure's (Dfl's) Permanent Secretary, Mr Denis McMahon, formally seeking the Department's early release of the non-binding Planning Appeals Commission (PAC) Independent Examination (IE) Report (enclosed). Members are advised that a response was received from Dfl on 19 October 2023 – copy enclosed.

Following the Department's response, on 6 November 2023, the Chairman of the Planning Committee met with Mr Alastair Beggs, Chief Planner and Director, Regional Planning Policy and Casework within Dfl. At this meeting a number of issues were discussed, including the release of the PAC's IE Report which has been in the possession of Dfl since 4 October 2023.

At this meeting Dfl confirmed that the position remained the same and also accepted that the matter is listed as part of the current Planning Improvement Programme.

In order to continue to progress the adoption of the Council's Plan, Officers have written to Dfl to request a meeting to discuss the timeline for the release of the PAC's IE Report in greater detail, as well as the wider adoption process – copy enclosed. At this stage, and based on paragraphs 5.6-5.7 of the Department's Development Plan Practice Note 11 'Receipt of Independent Examination Report and Adoption of a Development Plan Document' (February 2023), the Council's Planning Section would hope to be in possession of the IE Report by mid-December 2023 for "fact checking" before a Direction is issued to the Council regarding adoption.

It is anticipated that Officers will be in a position to update the Planning Committee further regarding the anticipated adoption of the Plan Strategy in due course.

RECOMMENDATION: that the report be noted.

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

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