



16 October 2019

Committee Chair: Alderman P Brett

Committee Vice-Chair: Councillor R Lynch

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

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 21 October 2019 at 6.00pm.**

You are requested to attend.

Yours sincerely

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

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

For any queries please contact Member Services:

Tel: 028 9034 0098 / 028 9448 1301

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – OCTOBER 2019

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

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

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

PART ONE - General Planning Matters

- 3.1 Delegated planning decisions and appeals September 2019
- 3.2 Correspondence from DfI re: visits to Council Planning Committees
- 3.3 AgendaNI Planning Conference – 20 November 2019
- 3.4 NILGA Training Environmental Impact Assessment
- 3.5 Judicial Review of PAC Decision – Housing Development at Ballycorr Road, Ballyclare
- 3.6 Northern Ireland Planning Monitoring Framework 2018-19
- 3.7 Northern Ireland Planning Statistics 2019-20 First Quarterly Bulletin April-June 2019
- 3.8 LDP – Quarterly Update
- 3.9 LDP – Response to Draft Plan Strategy Consultation
- 3.10 LDP – Correspondence from DfI re: Refresh of Housing Growth Indicators
- 3.11 LDP – Belfast Metropolitan Transport Plan Project Board - **In Confidence**
- 3.12 LDP – Northern Ireland Minerals Working Group - **In Confidence**
- 3.13 LDP – Metropolitan Area Spatial Working Group Minutes - **In Confidence**
- 3.14 Planning Enforcement Report 2019-20 - Quarter 1 - **In Confidence**

PART TWO - Decisions on Enforcement Cases – In Confidence

- 3.15 Enforcement Case: LA03/2019/0013/CA - **In Confidence**

4. Any Other Business

PART TWO - Decisions on Planning Applications

3.16 Planning Application No: LA03/2019/0574/F

Erection of portal frame shed for storage of engineering parts at Newtownabbey Bus Depot, Glenville Industrial Estate, Newtownabbey

3.17 Planning Application No: LA03/2019/0469/F

Track for use as exercise/lane for own horses/farm machinery (retrospective) on land approximately 30 metres west of 17 Whitehill Drive, Randalstown

3.18 Planning Application No: LA03/2019/0637/F

Change of use of existing unit to allow the sale of convenience, non bulky and bulky comparison goods - Unit 7 Longwood Retail Park, Longwood Road, Newtownabbey

3.19 Planning Application No: LA03/2019/0586/F

4 no retail units, 1 no retail & leisure unit & 1 no DIY store with mezzanine floor & garden centre with associated car parking, landscaping & general site works (Variation of condition 6 of U/2004/0796/O regarding "bulky good" floorspace restriction to allow the floorspace within Unit 3 to be used by a convenience and comparison goods retailer) - Unit 3 Longwood Retail Park, Longwood Road, Newtownabbey

3.20 Planning Application No: LA03/2019/0378/F

Retention of three pre-fabricated building units, with Unit 1 and Unit 2 for use as Class B2 and Storage with Unit 4 as Class B3 with associated parking and site works on land 200m east of 50 Moira Road (The Auction Yard) Nutt's Corner

3.21 Planning Application No: LA03/2019/0379/F

Proposed use of existing building (unit 5) with associated outdoor storage area to east as storage and distribution (class B4) and retention of second building (Unit 3) to east for same use with associated parking and site works (retrospective) at Unit 5 The Auction Yard Ltd 50 Moira Road Nutts Corner

3.22 Planning Application No: LA03/2019/0715/F

Proposed 2 no. infill dwellings and garages on land 60m SE of No. 9 Cloughogue Road, Toome

3.23 Planning Application No: LA03/2019/0627/O

New dwelling and garage on land 60m East of 89 Ballyrobin Road, Muckamore, Antrim

3.24 Planning Application No: LA03/2019/0654/F

Proposed replacement dwelling and garage on land approximately 60m west of 7 Tobergill Road, Templepatrick, Ballyclare

3.25 Planning Application No: LA03/2019/0716/F

Single garage to side of dwelling with associated new access and boundary fence at 9 Lismenary Road, Ballynure

3.26 Planning Application No: LA03/2019/0501/F

Retention of domestic garage and extension to domestic curtilage on land 35 metres west of 1 Brecart Road, Toomebridge

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 21 OCTOBER 2019**

PART ONE

GENERAL PLANNING MATTERS

ITEM 3.1

P/PLAN/1 - DELEGATED PLANNING DECISIONS AND APPEALS

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

RECOMMENDATION: that the report be noted.

Prepared by: Kathryn Bradley, Executive Officer, Planning

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

ITEM 3.2

P/PLAN/1 – CORRESPONDENCE FROM THE CHIEF PLANNER IN THE DEPARTMENT FOR INFRASTRUCTURE REGARDING VISITS TO COUNCIL PLANNING COMMITTEES

The Chief Planner and Director of Regional Planning in the Department for Infrastructure, Angus Kerr, has recently written to the Chief Executive to provide feedback on visits undertaken by Departmental Officials to all Council Planning Committees (**enclosed**).

Whilst not identifying specific Councils, the letter highlights a number of issues that emerged from the Departmental visits.

In light of the matters raised, Officers will continue to review current procedures and the Protocol for the Operation of the Planning Committee as part of ongoing continuous improvement. Account will be taken of relevant case law and the forthcoming review of the planning system to be undertaken by the NI Audit Office, to ensure that the Council's high standards are maintained and any improvements considered necessary will be brought forward for Members consideration.

RECOMMENDATION: that the report be noted.

Prepared & Agreed by: John Linden, Head of Planning

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

ITEM 3.3

AGENDANI NORTHERN IRELAND PLANNING CONFERENCE 2019

Members are advised that the AgendaNI annual Northern Ireland Planning Conference takes place this year on Wednesday 20 November 2019 at Titanic Belfast (**enclosed**).

The agenda for the event include(s):

1. An update on Local Development Plans.
2. Impact of Brexit on planning.
3. Analysis of all significant planning judgements.
4. Delivering key infrastructure projects.
5. People-centred planning: Wellbeing and ageing.
6. Who decides: The future of major infrastructure projects.
7. Planning in local authorities.
8. Developing social housing.
9. Best practice case studies.

Places at this event cost £195 plus VAT

RECOMMENDATION: that the Chairperson and Vice Chairperson (or their nominees) and relevant Officers attend this conference.

Prepared & Agreed by: John Linden, Head of Planning

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

ITEM 3.4

DEPARTMENT FOR INFRASTRUCTURE SPONSORED TRAINING EVENT FOR MEMBERS ON ENVIRONMENTAL IMPACT ASSESSMENT

Members are advised that NILGA and the Department for Infrastructure are sponsoring a training event on Environmental Impact Assessment specifically for Elected Members across Northern Ireland. The session will be delivered by Josh Fothergill Training and Consulting and it will take place at the Dunsilly Hotel, Antrim on 25th October 2019 10.30 – 1.00pm (flyer **enclosed**).

There is no cost attached to this training event and there are six places available to Elected Members of the Council.

RECOMMENDATION: that the Chairperson and Vice Chairperson (or their nominees) and other Committee Members attend this training event.

Prepared & Agreed by: John Linden, Head of Planning

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

ITEM 3.5

JUDICIAL REVIEW OF PAC DECISION ON PLANNING APPLICATION LA03/2017/0644/F (PAC REFERENCE: 2018/A0072) FOR RESIDENTIAL DEVELOPMENT AT BALLYCORR ROAD, BALLYCLARE

Carson Mc Dowell Solicitors have recently copied documents to the Council as a notice party in their application on behalf of QTH Ltd and Mr Robert Lewis to judicially review the decision of the Planning Appeals Commission (PAC) to dismiss the planning appeal on the development outlined below.

APPLICATION NO: LA03/2017/0644/F
APPEAL REF: 2018/A0072
PROPOSAL IN BRIEF: Residential housing development of 124 no. dwellings
SITE/LOCATION: Land to the north of 93 to 103 Ballycorr Road north east of 13 to 27 Elizabeth Gardens and south east of 92 Ballyeaston Road, Ballyclare
APPLICANT: QTH

Members will recall that an appeal was lodged with the PAC on this application in default of a decision being made by the Council. This is what is commonly referred to as a Non-Determination Appeal. Following a report to full Council in October 2018 and the Planning Committee in May 2019, the Council put forward two reasons for refusal in relation to the scheme. Following an informal hearing held on 22 May 2019 the PAC dismissed the appeal due to the unacceptable impact that the proposed development would have on the free flow of traffic onto the Ballycorr Road and the Ballyeaston Road contrary to Policy AMP2 of PPS3.

In its response to the proposed judicial review challenge lodged by Carson McDowell, the PAC conceded that, in relation to one of the matters raised, its decision was flawed. Following this concession by the PAC, the Council's Planning Section has recently been made aware that the appeal decision has been quashed by the High Court and that the planning appeal is to be re-heard by the PAC before a new Commissioner.

Officers will defend the Reasons of Refusal previously agreed by Council at the new informal hearing before the PAC.

RECOMMENDATION: that the report be noted.

Prepared by: Kieran O'Connell, Senior Planning Officer, Planning

Agreed by: John Linden, Head of Planning

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

ITEM 3.6

P/PLAN/1 - NORTHERN IRELAND PLANNING STATISTICS – PLANNING MONITORING FRAMEWORK 2018-2019

The first Northern Ireland Planning Monitoring Framework, a copy of which is **enclosed**, was published on 19 September 2019 by the Department for Infrastructure's Analysis, Statistics and Research Branch.

The statistical bulletin includes details of performance across the three statutory targets for major development applications, local development applications and enforcement cases alongside a suite of additional indicators that are intended to provide a more comprehensive assessment of planning activity by each Council. The bulletin presents a summary of the indicators for Northern Ireland, as well as relevant indicator data for each local planning authority. This is the first year of reporting the framework, and therefore the data is presented for 2018-19 only.

The framework has been developed by the Department for Infrastructure in collaboration with local planning authorities, and has been informed by best practice in other jurisdictions.

In addition to information on Council performance measured against the 3 statutory targets during 2018-19 previously reported to Committee, the figures provide information on the level of delegation in each Council and the proportion of Committee decisions taken against Officer recommendation. This latter information should however be treated with caution and Officers would advise that no direct comparison can be made with other Councils as each Council has its own Scheme of Delegation for planning matters.

Delegated Powers and Planning Committee

The figures show that decisions on 86.5% of planning applications submitted to the Council were delegated to Officers, slightly below the NI average of 91.5%.

101 applications were determined by the Planning Committee during 2018-19 with 9.9% of decisions contrary to Officer recommendation which compares favourably with the NI average of 11.9%

Officers would point out that the Planning Monitoring Framework was also meant to include information on planning appeals during 2018-19 for each planning authority, but the Department has advised that data for the selected indicators is still under development in collaboration with the Planning Appeals Commission.

Officers can however advise Members that information held by the Council indicates that during 2018-19 the Planning Appeals Commission decided 21 appeals, against planning decisions taken by the Council. The Commission allowed 7 appeals and upheld the Council's decision in 14 cases. This equates to some 33% of appeals being allowed in the Borough, similar to the figure for 2017-18, and below the Northern Ireland average of 37%.

RECOMMENDATION: that the report be noted.

Prepared & Agreed by: John Linden, Head of Planning

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

ITEM 3.7

P/PLAN/1 - NORTHERN IRELAND PLANNING STATISTICS 2018/19 – FIRST QUARTERLY BULLETIN FOR THE PERIOD APRIL – JUNE 2019

The first quarterly provisional planning statistics for 2019/20 produced by the Analysis, Statistics and Research Branch of the Department for Infrastructure (DfI), a copy of which is **enclosed**, were released on 26 September 2019.

The figures show that during the period from April to June 2019, the total number of planning applications received in Northern Ireland was 3,403, which is an increase of over 7% on the previous quarter (January – March 2019), and up 5% on the same quarter in 2018/19. The total number of decisions issued during this period was 3,009.

During this first quarter period a total of 227 new applications were received by Antrim and Newtownabbey Borough Council (an increase of over 15% against the last quarter and up some 8% against the first quarter last year above the NI trend) with 210 decisions issued.

In relation to performance against statutory targets the Department for Infrastructure (DfI) figures show that the Council took on average 26.2 weeks to process and decide **Major** planning applications during the first quarter against the target of 30 weeks. This performance maintains last year's Major performance and ranks amongst the top three of the 11 Councils and also reflects well against the average processing time of 55.8 weeks across all Councils. However, Members should note that these figures relate to a very small number of Major applications (only three applications during the first quarter) and should therefore be interpreted with care. A more realistic performance figure will only become apparent towards the year end and Members should be aware there are a number of Major applications over 12 months old that are likely to come forward to Committee over the next 6-9 months for determination. This could clearly impact on the Council's Major performance target by year end.

The DfI figures show that the Council took on average 10.4 weeks to process and decide **Local** planning applications during the first quarter against the target of 15 weeks. This performance marks an improvement over performance during 2018-19 and again ranks among the top three of the 11 Councils and reflects well against the average processing time of 13.8 weeks across all Councils. The figures also show that the Council ranked first in the overall proportion of Local applications processed within 15 weeks.

In relation to enforcement the DfI figures highlight that the Council's planning enforcement team again recorded the shortest time taken, 8 weeks, to process 70% of enforcement cases to target conclusion which compares favourably with the average processing time of 23.1 weeks across all Councils. The team's performance also ranked first in the proportion of cases brought to target conclusion within the performance target of 39 weeks.

RECOMMENDATION: that the report be noted.

Prepared by: John Linden, Head of Planning

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

ITEM 3.8

P/FP/LDP/1 - LOCAL DEVELOPMENT PLAN QUARTERLY UPDATE JULY 2019 – SEPTEMBER 2019

The Council's Local Development Plan LDP Timetable advises that progress reports will be submitted on a quarterly basis to the Planning Committee. This report covers the second quarter of the 2019 – 2020 business year (July 2019 to September 2019).

Following the launch of the draft Plan Strategy on 28 June 2019, the Council held a period of pre-consultation between 28 June and 25 July 2019. The 8-week formal consultation ran from 26 July to 20 September 2019 and 122 representations were received during this period.

The Council facilitated a stakeholder engagement day on 6 August 2019 which was attended by a range of community planning partners and representatives from neighbouring councils. The purpose of the engagement was to outline the draft Plan Strategy and clarify any matters arising. This engagement was followed up by a series of one-on-one meetings between Officers and statutory agencies including DfI, Translink and Invest NI for the purposes of providing clarity on any matters raised in relation to the draft Plan Strategy.

The draft Plan Strategy was widely publicised and promoted. The Forward Planning Team also undertook a number of public meetings and drop-in events throughout the Borough as outlined in Appendix A to this report.

During this period, the Forward Planning Team also attended the following meetings where plan related matters and cross boundary issues were discussed:-

- (a) The joint Department of Agriculture, Environment and Rural Affairs (DAERA) and Department for Infrastructure (DfI) Coastal Forum Working Group;
- (b) The joint Department of Agriculture, Environment and Rural Affairs (DAERA) and Department for Infrastructure (DfI) Coastal Planning Workshop Group;
- (c) The Metropolitan Area Spatial Working Group; and
- (d) The Belfast Metropolitan Transport Plan Project Board.

Senior Officers from the Council attended public examination sessions in Wrexham on the Wrexham Local Development LDP 2013-2028 which were held on 3-4 September 2019. Valuable insight was gained in respect of the complexities of the current Local Development Plan examination process and how the soundness of Plan documents is likely to be tested.

Officers attended the Royal Town Planning Institute NI Annual Conference which took place on 17 September 2019 at the Europa Hotel, Belfast. The conference was attended by Ms Julie Thompson, Permanent Secretary of DfI who gave a key note speech.

Mid and East Antrim Borough Council's Local Development Plan draft Plan Strategy public launch event took place on 17 September 2019 at the Braid Theatre, Ballymena. The Mayor and Officers attended the launch as a neighbouring council.

On 26 September 2019, the Council hosted the NI Minerals Working Group which was held at Antrim Castle Gardens.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

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

ITEM 3.9

P/FP/LDP/1/LDP/4 – LOCAL DEVELOPMENT PLAN DRAFT PLAN STRATEGY – PUBLICATION OF RESPONSES TO PUBLIC CONSULTATION AND COUNTER REPRESENTATIONS

The Council's Local Development Plan draft Plan Strategy was published on 28 June 2019. Following the launch event, the Council held a period of pre-consultation between 28 June and 25 July 2019 and a formal public consultation on the draft Plan Strategy document from 26 July to 30 September 2019. As part of this consultation, a number of public meetings and drop-in sessions were held across the Borough, attended by Officers from the Forward Planning Team.

In response to the public consultation the Council received 122 written responses from a range of sources; the details of which are **enclosed**. This included representations submitted by Government Departments, other statutory partners and developers as well as comments by residents and local groups,

The written responses ranged from short, succinct letters to detailed technical documents. As the Department for Infrastructure (DfI) has an oversight role in relation to the preparation of the Local Development Plan, a copy of the representation made by the DfI Strategic Planning Directorate is **enclosed** for Members attention. All the representations made will now be reviewed in detail by Officers with a view to reporting to Members in due course. In preparation for an Independent Examination of the draft Plan Strategy before the Planning Appeals Commission (PAC), the Council is required to prepare a summary of all the main issues identified as a result of the public consultation and to provide a summary report to DfI/PAC.

Members were recently notified that all the representations received through the public consultation have now been made available at Mossley Mill and Antrim Civic Centre, as well as on the Council's website for the purposes of public inspection and for the next stage of the public consultation process known as 'Counter Representations'. Any person can make a Counter Representation, but only in relation to any site specific policy representations received to the draft Plan Strategy. The period for Counter Representations is 8 weeks and this commenced on Friday 11 October 2019 and will end at 5pm on 6 December 2019. All Counter Representations will be made available for inspection as soon as reasonably practical thereafter.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

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

ITEM 3.10

P/FP/LDP/96 – DEPARTMENT FOR INFRASTRUCTURE 2016-BASED HOUSING GROWTH INDICATORS

Members are advised that on 25 September 2019, the Department for Infrastructure (DfI) wrote to all Heads of Planning (see copy **enclosed**) to advise that it had undertaken an exercise with the Northern Ireland Statistics and Research Agency to refresh the Housing Growth Indicators (HGI) set out in the Regional Development Strategy (copy **enclosed**). DfI has advised that the revised HGIs take account of updated data and now cover the period up to 2030 to better align with work being taken forward by Councils on their new Local Development Plans.

The revised 2016-based figures issued by DfI provide an estimate of future housing need in Northern Ireland over a 15 year period up to 2030 and provide an update on the 2012-based estimates previously published by the Department.

The 2016-2030 based HGIs identify a need for 84,800 new dwellings for all of Northern Ireland during this 15 year period (some 7,230 dwellings per annum) compared to the previous 2012-2025 HGI estimate which was for 94,000 dwellings over a 13 year period (some 5,656 dwellings per annum). This represents an overall reduction for Northern Ireland of some 22%

The refreshed 2016-2030 HGIs for Antrim and Newtownabbey Borough Council identify a need for 4,200 new dwellings. This equates to 280 dwellings per annum over a 15 year period. This compares to the previous 2012-2025 estimate which was 7,200 new dwellings. This equated to 554 dwellings per annum over a 13 year period. Ultimately this represents an overall reduction for the Borough of almost 50%.

Officers are urgently considering the implications of the revised HGIs produced by the Department for the Council's Local Development Plan and have requested a meeting with relevant DfI Officials.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

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

PART TWO

PLANNING APPLICATIONS

COMMITTEE ITEM	3.16
APPLICATION NO	LA03/2019/0574/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Erection of portal frame shed for storage of engineering parts.
SITE/LOCATION	Newtownabbey Bus Depot, Glenville Industrial Estate, Newtownabbey
APPLICANT	Translink
AGENT	N/A
LAST SITE VISIT	2 nd August 2019
CASE OFFICER	Lindsey Zecevic Tel: 028 903 40214 Email: lindsey.zecevic@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the existing Translink Bus Depot, in the Glenville Industrial Estate. The site falls within the development limits for Newtownabbey as designated in the draft Belfast Metropolitan Area Plan (Published 2014).</p> <p>There are three buildings within the depot, one of which is being used as a bus maintenance facility, the second, a bus wash and refuelling point and the third an enclosed parking facility for buses. The remainder of the depot is a concrete yard used for the parking of Translink buses. The surrounding area is a mix of residential and industrial land uses.</p> <p>The site is bounded on all sides by a boundary wall approximately two metres in height with additional security fencing above.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2017/0477/F Location: Newtownabbey Bus Station, Glenville Industrial Estate, Newtownabbey Proposal: Erection of a temporary garage (bus base). Decision: Permission Granted (28.06.2017)</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging</p>	

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

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

Belfast Urban Area Plan (BUAP): The application site is located within the settlement limit of (Metropolitan Newtownabbey). The site is within an area zoned for industry and commerce.

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

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

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey and is zoned as existing employment land.

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

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

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

CONSULTATION

Council Environmental Health Section – No objections, recommend conditions relating to the use of the building and the hours of operation.

Department for Infrastructure Roads- No objections.

REPRESENTATION

Fourteen (14) neighbouring properties were notified and eleven (11) letters of objection from eleven (11) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Noise associated with the use of building.
- Scale of the proposal.
- Overshadowing/loss of light.
- Lack of maintenance to adjacent public right of way.
- Loss of bus parking

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
- Parking
- Other Matters

Policy Context and Principle of Development

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. 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. The application site is designated as an Area of Existing Employment and Industry in both these plans.

The proposal is for the storage of vehicle parts to support the current use of the site as a bus depot. The proposal is therefore considered compatible with the predominant industrial and employment use of the land and is acceptable in principle.

Design and Appearance

The proposal is for the erection of a portal framed shed measuring 20 metres long and 12 metres wide, with a ridge height of 5 metres. The proposal is located within the existing site compound in the southeastern corner of the site. The proposal is finished in dove grey coloured profiled cladding. It is considered that the proposal is appropriate in scale, nature and form, in keeping with the other buildings on the site.

Neighbour Amenity

The proposal is located within a predominantly industrial area however, a number of residential properties are located to the southeast and southwest of the site. The properties to the southeast on Glenville Manor (No's 18 – 28) are separated from the site by approximately 23 metres and are largely screened by existing mature vegetation. It is considered that the separation distance and the existing screening will ensure that the level of residential amenity currently enjoyed by these properties is not significantly adversely affected by the proposal.

The nearest residential property to the application site is No. 188 Glenville Road which has a separation distance of approximately 20 metres. The private amenity space for this dwelling is located to the front of the property and extends beyond the dwelling immediately adjacent to the bus depot's boundary which is defined by an existing boundary wall and palisade fencing. Residents have raised concerns regarding the potential for noise and disturbance from the use of the proposed building. The Council's Environmental Health Section has been consulted and is satisfied, subject to conditions relating to the hours of operation and the use of the building for storage purposes only. It is therefore considered that the proposed development would not adversely impact the level of residential amenity currently enjoyed by the properties on Glenville Road and Glenville Manor in relation to noise and disturbance.

It is noted that the proposed development is located to the north of No. 188's private amenity space and will not result in significant overshadowing to the garden area of this property. The existing boundary wall provides screening to the proposal. This together with the low ridge height of the proposed building ensures that the development does not appear oppressive when viewed from the private amenity space of this property. The proposal is a functional building with no windows proposed in the south facing gable elevation. No privacy issues are apparent as a result of this proposal.

Parking

It is not anticipated that the proposal will result in any additional pressure to the current parking provisions on-site. DfL Roads has been consulted and raise no objection to the proposal. Concerns had been raised by residents regarding the loss of bus parking to this area, however, it is noted that there is still substantial space within the site for the parking and manoeuvring of vehicles. Furthermore, siting the building in this location will result in less comings and goings along this boundary to the benefit of the residential properties.

Other matters

Objections have been raised about the lack of maintenance carried out to the adjacent right of way which. Whilst this is not considered to be a material consideration in the determination of this application, the comments have nevertheless been passed on to the relevant Council Officer to consider.

CONCLUSION

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

- The principle of the development is considered acceptable as the proposal will support the existing employment use.
- The design and appearance of the proposal is considered acceptable.

- The proposal will not unduly affect the privacy or amenity of neighbouring residents.
- No objections have been raised from DfI Roads in relation to the proposal.

RECOMMENDATION	GRANT PLANNING PERMISSION
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PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

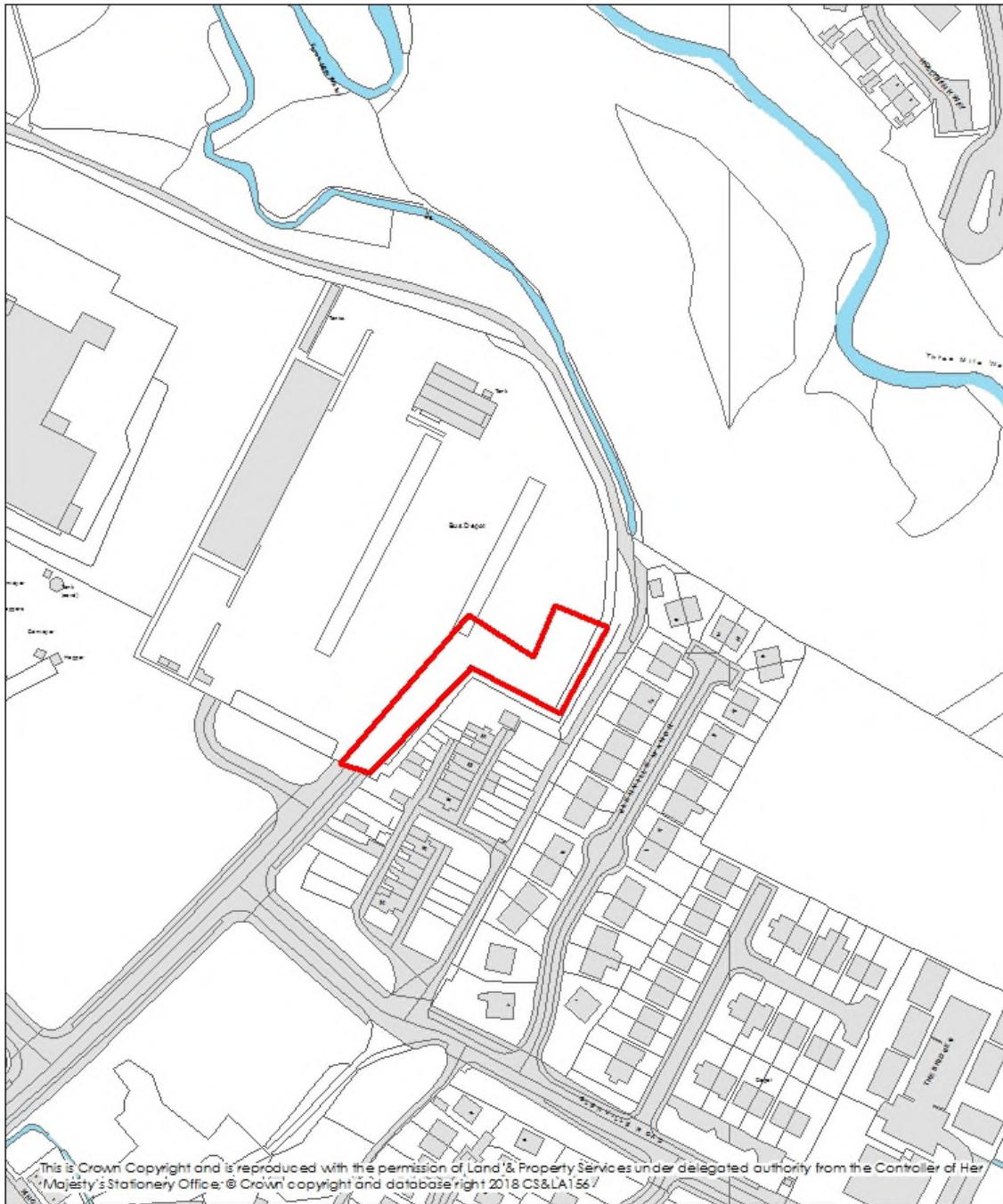
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The portal framed shed hereby approved shall be used for storage purposes only.

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

3. No operations shall take place within the portal framed shed hereby approved outside the hours of 07:00 to 23:00 Monday to Sunday.

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



Location Map

Application Reference: LA03/2019/0574/F

0 40 80
Metres



Erection of portal frame shed (20m x 12m) for storage of engineering spares
Newtownabbey Bus Depot, Glenville Industrial Estate, Newtownabbey

For Information Only

 Site Boundary



COMMITTEE ITEM	3.17
APPLICATION NO	LA03/2019/0469/F
DEA	DUNSILLY
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Track for use as exercise/lane for own horses/farm machinery (retrospective)
SITE/LOCATION	Approximately 30 metres west of 17 Whitehill Drive, Randalstown
APPLICANT	Jim McAteer
AGENT	DM Kearney Design
LAST SITE VISIT	26 th June 2019
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 30 metres west of No. 17 Whitehill Drive, Randalstown. The application site lies in the countryside outside any designated settlement limits defined by the Antrim Area Plan 1984-2001.</p> <p>The application is seeking retrospective consent for a large gravel 'ring' track some 600 metres in length, 5 metres wide and 3000sqm in area (as indicated on the P1 form). The track is located in an agricultural field which is used for grazing. Boundaries of the application site are physically undefined and are bounded by the wider agricultural field.</p> <p>The application site is accessed via a rear gate belonging to No. 17 Whitehill Drive.</p> <p>The topography of the application site and the wider surrounding area is relatively flat. The area surrounding the application site is largely made up of agricultural fields and isolated dwellings. There is no distinctive development pattern within this area.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2006/0120/CA Location: Lands adj to 17 Whitehill Drive Randalstown Proposal: Change of Use Decision: Enforcement Case closed</p> <p>Planning Reference: LA03/2018/0467/CA Location: 17 Whitehill Drive, Randalstown, Antrim, BT41 2EH Proposal: Alleged unauthorised excavation of land Decision: Pending</p>	

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No Objections

Department for Infrastructure Roads- No Objections

Department for Infrastructure Rivers– No Objections

REPRESENTATION

Seven (7) neighbouring properties notified. Four (4) letters of objection and one (1) letter of support have been received from five (5) properties. A letter of objection has also been received from Jim Allister MLA. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Increase in the volume of traffic.
- Concerns the proposal is not for personal use.
- Rise of dust from the track.
- Impact of farm machinery.
- Noise levels.
- Proposal is within a close proximity of objector's amenity space.
- Track too close to adjacent agricultural land which could spook horses and cause health and safety issues.
- Infilling of the land and lack of Drainage Assessment

The letter of support indicates the proposal is not causing any significant harm and should reduce the possibility of accidents involving horses using the public roads.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS8 Open Space, Sport and Outdoor Recreation; and PPS 21: Sustainable

Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 and PPS 8 provide the relevant policy context for this proposal.

As stated in Planning Policy Statement 21: Sustainable Development in the Countryside, planning permission will be granted for outdoor sport and recreational uses in the countryside in accordance with PPS 8. As a consequence, the key policy context for determining this application is provided by Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation.

Policy OS 3 of PPS8 sets out the policy criteria for recreational development proposals in the countryside, with Paragraph 5.33 of PPS8 dealing specifically with equestrian uses. It is stated in this policy that the keeping and riding of horses for recreational purposes is increasingly popular in many parts of the countryside. Outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle (subject to scale and integration of ancillary buildings).

While paragraph 5.33 of OS3 refers only to 'outdoor participatory recreational uses, such as riding schools...', it does not preclude small scale developments for personal/domestic use and there is nothing in the Policy or the Justification and Amplification text that states all equestrian uses in the countryside have to be large scale or commercial in nature. This point is further reinforced in the ruling by the Planning Appeals Commission in appeal reference 2010/A0099: *"it does not indicate that small scale developments for personal/family use are unacceptable in the countryside."*

Furthermore, whilst the notes specifically refer to 'riding schools', the approach taken by the Commissioner in appeal 2018/A0008, was that this would not "bar consideration of other equestrian uses under the policy". The heading 'Equestrian Uses' does not distinguish between recreational facilities for personal use. The proposal is for domestic personal use of the applicant and does not directly provide sport or outdoor recreation to the public. The policy makes no distinction between types of equestrian uses (2018/A0008).

It is therefore considered that it is the above policy provision (PPS8) which should be applied to this application. Furthermore, it is considered that such a use would *not* be appropriate, or possible, in a nearby settlement.

The main issue regarding this proposal therefore is whether it meets the following eight criteria listed in Policy OS 3 of PPS 8 and these are addressed in the remainder of this report.

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;
- (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;
- (iv) there is no unacceptable impact on the amenities of people living nearby;

- (v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;
- (vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- (vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and
- (viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

Design and Impact on the Character and Appearance of the Area

The proposal seeks retrospective consent for the existing track to be used for the exercising of horses and for farm machinery. Policy OS3 (iii) of PPS8 indicates there should be no adverse impact on visual amenity or the character of the local landscape, and the proposed development should be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography.

The track is located some 56 metres west of Whitehill Drive, and set to the rear (west) of Nos. 15 and 17 Whitehill Drive. It was observed upon site inspection on 26 June 2019 that the track is not visible when travelling in either direction along the Whitehill Drive.

The track is approximately 600 metres in length, 5 metres in width and has an area of 3000sqm. The topography of the wider surrounding land is relatively flat, however as observed on the site inspection there are sections of the track that are raised above the existing ground level. Existing and proposed site levels were submitted to the Council on 9 September 2019. The applicant has infilled sections of the existing field in order to create a level surface for the track. The post-track levels are indicated on Drawing No. 02/1, whilst the pre-track levels are indicated on Drawing No. 03/1, both date stamped 9 September 2019.

The greatest amount of infilling has taken part in the southern section of the track which has been raised by a maximum of 1.5 metres. Other sections of the track have been raised by a maximum of 1 metre. Taking into consideration the existing vegetation and flat topography of the site and the wider surrounding area it is considered the level of infilling undertaken is not substantial enough to negatively impact the visual amenity or the character of this area. It is therefore considered that the proposal is absorbed into the landscape

It is considered the scale of the proposal is appropriate for its location and it can achieve a satisfactory level of integration into the local landscape. As a consequence it is considered that criterion (iii) of Policy OS 3 has been met.

There are no ancillary buildings or structures proposed within the development therefore criterion (vi) of Policy OS 3 does not apply.

Neighbour Amenity

Under Policy OS 3 (iv) the impact of the proposal on residential amenity is a matter that must be assessed. The SPPS also identifies that the impact of a proposal on amenity is a material consideration in assessing the acceptability of a particular development. There have been five letters of objection received with the most common concern raised relating to the rise of dust caused when the track is in use.

No. 11 Whitehill Drive is located 38 metres north of the track and has objected due to the impact of dust and noise that arises during the operational use of the track. The Council's Environmental Health Section was consulted and has raised no concerns with regards to dust and noise from the proposal.

The objection letters submitted have raised the issue and sought clarification regarding 'personal use' in relation to operation of the track. There is no definition contained within planning legislation of what a 'personal use' may be. However, the Planning Section would understand 'personal use' as something which would not include the carrying out of trade or any business from the site. Document 01, date stamped 5 June 2019 clarifies that the track will be used for personal use. If permission is forthcoming it is recommended that a condition shall be attached to any future approval in the interest of residential amenity stating *"The track hereby approved shall be used for domestic purposes only and no trade or business shall be carried out there from."*

Given that the proposal seeks consent for personal use relating to the exercising of horses, it is considered that the frequency and intensity of the use is unlikely to result in such a significant volume of dust and noise that it would have an adverse impact on nearby residents.

In addition, as there are no buildings proposed there will be no overlooking or loss of privacy associated with the development.

Access, Movement and Parking

Criterion (viii) of Policy OS 3 requires that the road network can safely handle any extra vehicular traffic that the proposal may generate.

Concerns within the objection letters indicated the retrospective track has given rise to an increase in traffic using the Whitehill Drive. Given the proposed domestic nature of the proposal; it should not generate any extra vehicular traffic. DFI Roads has been consulted on the proposal and responded with no objections.

Criterion (v) indicate any proposal must not prejudice public safety. It is considered the proposal will not prejudice public safety. A letter of support received indicates the need for the proposal in terms of the applicant/family members' safety. The letter of support indicates members of the family/family friends being involved in road traffic accidents when exercising the horses along the public road.

Paragraph 6.213 of the SPPS states planning authorities should carefully consider development proposals for all sport and outdoor recreational activities, relevant planning considerations will include public safety (including road safety). It is considered on balance, the proposal will be beneficial to public safety including those who use the public road (Whitehill Drive) and the safety of the

applicant/applicant's family. This is because the applicant/applicant's family have previously been using the public road as a way to exercise their horses (as indicated within Document 05, date stamped 21 August 2019). The existence of the track therefore reduces the need for horses to be on the public road.

One objection letter has raised concerns that farm machinery used in an adjacent agricultural field may spook horses when they are being exercised on the proposed track. It is considered that the standardised agricultural practice carried out in the adjacent field to the north would not have a substantial impact on the horses being exercised. In addition, it is the responsibility of the applicant to ensure the safety and wellness of their horses/family members.

Policy OS3 (vii) does not apply to this application as the proposal is for private domestic use therefore it does not necessarily need to take into account the needs of people with disabilities and be accessible by means of transport other than the private car.

Flood Risk

In accordance with Policy FLD 3 of PPS15, a Drainage Assessment (DA) is required for all development proposals that exceed 1000sqm of hard surfacing. As the track measures some 3000sqm in area, a DA (Document 03) was requested and submitted on 21 August 2019. DFI Rivers was consulted upon receipt of the DA.

A concern was raised within an objection letter stating that the infilling in the northern section of the track has created a drainage issue in the agricultural field located directly to the north of the application site.

DFI Rivers has responded stating they acknowledge the receipt of the DA (Document 03, date stamped 21 August 2019) from McCloy Consulting, as well as the objection letters.

DFI Rivers has identified an open watercourse located along the northern, southern and western boundaries which is undesignated. Policy FLD2 of PPS15 states that it is essential that an adjacent working strip is retained to facilitate future maintenance by DFI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access at all times. It was evident on the Case Officer's site visit (26 June 2019) that a minimum of 5 metres has been retained

Furthermore, DFI Rivers has reviewed the submitted DA (Document 03) and has commented stating they accept its logic and have no reason to disagree with its conclusions. However, they refer to an objection letter in which concerns were raised regarding drainage issues in an adjacent field to the north of the site. DFI Rivers stated their Operations section has arranged remedial works to be carried out by the landowner under Schedule 5 of the Drainage (Northern Ireland) Order 1973. DFI Rivers go on to state once the Schedule 5 process has been completed, it would have no objection to the proposal.

The issue noted above is a DFI Rivers matter and the Case Officer is unable to consider the issue as a planning matter. It is the responsibility of DFI Rivers to ensure the necessary works have been carried out.

As a consequence it is considered that the development does not have any significant impact with regards to drainage and flooding.

Other matters

There is no adverse impact on features of importance to nature conservation, archaeology or built heritage. The site is not located in, or near any areas of nature conservation, archaeology or built heritage features. The proposal therefore complies with criteria (i) of Policy OS 3 of PPS8.

There is no permanent loss of any agricultural land or will the proposed track have an unacceptable impact on nearby agricultural activities to comply with criteria (ii) of Policy OS 3.

It is considered the proposal has met all requirements indicated in criteria (i)-(viii) of Policy OS 3 within PPS 8, and is therefore considered to be acceptable.

CONCLUSION

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

- The principle of the development is considered acceptable;
- The proposal will not significantly impact on the privacy or amenity of any neighbouring properties;
- The proposal will not result in a detrimental impact on the character or appearance of the rural area; and
- The proposed development provides adequate access, movement and parking within the site.
- There will not be a significant impact with regards to drainage and flooding.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. This decision is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.
2. The track hereby approved shall be used for domestic purposes only.

Reason: In the interest of residential amenity and to prevent development of an unacceptable use at this location.
3. The existing natural screenings of this site as indicated on Drawing No: 04, date stamped 21st August 2019 shall be retained in perpetuity at a minimum height of 2 metres for hedging and 4 metres for trees, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

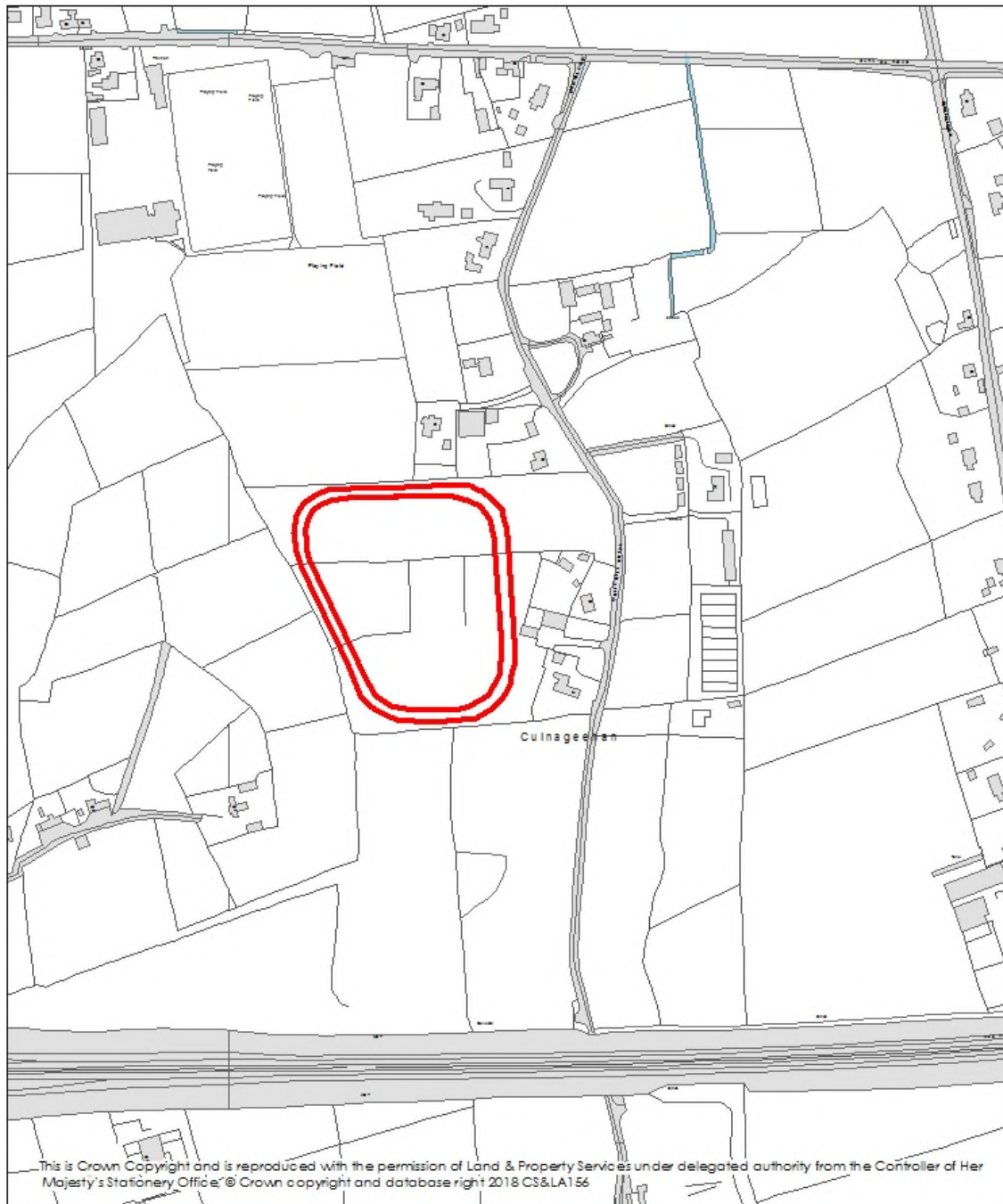
Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.
4. The proposed landscaping indicated on Drawing No: 04, date stamped 21st August 2019 shall be carried out within the first planting season following the approval and shall be retained in perpetuity at a minimum height of 2 metres of

hedging and 4 metres for trees unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

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

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



Location Map

Application Reference: LA03/2019/0469/F

30m west of 17 Whitehill Drive
Randalstown

Track for use as exercise/lane for own horses/farm
machines (Retrospective)

For Information Only

 Site Boundary

0 105 210
Metres



COMMITTEE ITEM	3.18
APPLICATION NO	LA03/2019/0637/F
DEA	MACEDON
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Change of use of existing unit to allow the sale of convenience, non bulky and bulky comparison goods
SITE/LOCATION	Unit 7, Longwood Retail Park, Longwood Road, Newtownabbey
APPLICANT	TJ Morris Ltd
AGENT	Inaltus Limited
LAST SITE VISIT	September 2019
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at Unit 7 Longwood Retail Park, Longwood Road, Newtownabbey. This is an urban location within Metropolitan Newtownabbey and in close proximity to the Abbey Centre Shopping Centre.</p> <p>Unit 7 is a retail warehouse unit occupied by Homebase and comprising approximately 5,000 square metres of gross floorspace, including a mezzanine level, and is located to the southwestern side of Longwood Retail Park. Unit 7 sits to the northern end of an arcade of retail warehouses that includes DW Sports and Fitness at Unit 6 with Unit 5b, Hobbycraft, and 5a, Pets at Home, completing the sequence of buildings comprising this arcade.</p> <p>Longwood Retail Park is located to the west of the Abbey Centre across Longwood Road and comprises eleven (11) units located around a central shared surface level car park. The units range from the large anchor store at Unit 7 (Homebase) with TK Maxx, Matalan, DW Sports and Dreams. Smaller units include Hobbycraft, Pets at Home, Mothercare and Home Bargains. Unit 3 is vacant at present. Within the car park is a Costa coffee shop. A small parade of local services are located to the north of Longwood Retail Park and includes Sports Direct, Ladbroke's, Oasis Casino, Topps Tiles, Regal Furniture, Subway and a DIY Store.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2004/0796/O</p> <p>Location: Site bounded by Longwood Road, Shore Road and Mill Road, Whitehouse, Newtownabbey</p> <p>Proposal: Site for 4no retail units, 1no retail & leisure unit & 1no DIY store with mezzanine floor & garden centre with associated car parking, landscaping & general site works (proposal includes demolition of 3 no existing retail units)</p>	

Decision: Permission Granted: 30.12.2005.

Planning Reference: U/2006/0053/RM

Location: Site at Longwood Road, Shore Road, Mill Road, Whitehouse, Newtownabbey.

Proposal: Construction of phase 1 of an approved retail development, as defined under condition 10 of planning approval ref: U/2004/0796/O, to include construction of units 5, 6, and 7 with customer access being provided via Longwood Road and service access via Mill Road. Unit 5 is to be subdivided into units 5a and 5b of 1000sqm gross floorspace each.

Decision: Permission Granted: 01.08.2006

Planning Reference: U/2009/0088/F

Location: Unit 2, Longwood Retail Park, Whitehouse, Newtownabbey

Proposal: Extension of 96 sq m gross floor space to unit 2 of Longwood Retail Park

Decision: Permission Granted: 07.07.2009

Planning Reference: U/2007/0602/F

Location: Unit 3, Longwood Retail Park, Newtownabbey

Proposal: Incorporation of new upper first floor in existing building shell as additional office space for retail unit.

Decision: Permission Granted: 28.11.2007

Planning Reference: U/2010/0548/F

Location: Unit 3, Longwood Retail Park, Longwood Road, Newtownabbey

Proposal: Variation of planning condition 6 of planning approval U/2004/0796/O to allow the sale of convenience and comparison goods.

Decision: Permission Granted: 31.03.2011

Planning Reference: U/2007/0481/F

Location: Site bounded by Longwood Road, Shore Road and Mill Road, Whitehouse, Newtownabbey.

Proposal: Amendment under Article 28 of the Planning (NI) Order 1991, to vary Condition 6 of planning approval U/2004/0796/O to allow for the sale of convenience goods in Unit 4 with a gross retail floorspace of 2,788sqm.

Decision: Permission Granted: 29.07.2008

Planning Reference: U/2008/0586/F

Location: Unit 4 Longwood Retail Park, Newtownabbey.

Proposal: Vary condition 8 of approval U/2004/0796/O to allow for the subdivision of Unit 4 and to vary condition 5 & 6 to allow for a mezzanine floor of 279 square metres for storage purposes.

Decision: Permission Granted: 06.02.2009

Planning Reference: U/2009/0313/F

Location: Unit 4, Longwood Retail Park, Whitehouse, Newtownabbey

Proposal: Erection of 2no mezzanine floors in units 4A&4B of 155 sq m & 310 sq m respectively for storage & ancillary purposes.

Decision: Permission Granted: 04.11.2009

Planning Reference: U/2010/0023/F

Location: Units 4a and 4b Longwood Retail Park, Longwood Road, Newtownabbey.

Proposal: Retention of development at Longwood Retail Park approved under reference U/2008/0586 (To vary gross floorspace of units 4A and 4B to 980sqm ,and 1115sqm, incorporating mezzanine at 4B of 418sqm bringing the total retail floorspace to 22,905sqm)

Decision: Permission Granted: 13.04.2010

Planning Reference: U/2010/0075/LDP

Location: Unit 4A Longwood Retail Park, Longwood Road, Newtownabbey

Proposal: Sale of Convenience goods associated with home bargains retailer at, Unit 4A Longwood Retail Park

Decision: Certified: 01.04.2010

Planning Reference: U/2010/0128/F

Location: Unit 4a, Longwood Retail Park, Longwood Road, Newtownabbey.

Proposal: Variation of condition 6 of planning approval U/2004/0796/O to allow for the sale of convenience and comparison goods.

Decision: Permission Granted: 12.05.2010

Planning Reference: LA03/2019/0489/F

Location: Unit 5b Longwood Retail Park, Longwood Road, Newtownabbey

Proposal: 4no retail units, 1no retail & leisure unit & 1no DIY store with mezzanine floor & garden centre with associated car parking, landscaping & general site works (Variation of condition 6 of U/2004/0796/O regarding "bulky good" floorspace restriction to allow the floorspace within Unit 5b to be used by an Arts and Craft & Hobby Goods retailer)

Decision: Permission Granted: 06.09.2019

Planning Reference: LA03/2019/0586/F

Location: Unit 3 Longwood Retail Park, Longwood Road, Newtownabbey

Proposal: Site for 4no retail units, 1no retail & leisure unit & 1no DIY store with mezzanine floor & garden centre with associated car parking, landscaping & general site works (Variation of condition 6 of U/2004/0796/O regarding "bulky good" floorspace restriction to allow the floorspace within Unit 3 to be used by a convenience and comparison goods retailer)

Decision: No decision

PLANNING POLICY AND GUIDANCE

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

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

contain the main operational planning policies for the consideration of development proposals.

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

Belfast Urban Area Plan (BUAP): The application site is an area of undesignated whiteland located within the settlement limit of the Belfast Urban Area. Policy S2 'Shopping development outside the City Centre' seeks to ensure that new shopping schemes should be located in or near existing shopping centres and be of an appropriate scale.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is an urban location within Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey on lands proposed as being zoned as a Major Area of Existing Employment and Industry (MNY 11) – Mill Road. The majority of lands associated with the existing Longwood Retail Park are located within the proposed Abbey Centre District Centre (MNY 27/01).

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey and is entirely contained within the Abbey Centre District Centre (MNY 20/01).

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

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

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

CONSULTATION

Department for Infrastructure Roads – No objections.

REPRESENTATION

Seventeen (17) neighbouring properties notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Town Centre First
- Access and Parking
- Socio-Economic Matters
- 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.

This development proposal seeks full planning permission for a change of use of the existing unit to allow the sale of convenience, non-bulky and bulky comparison goods. In essence, this proposal seeks to change the use of Unit 7 away from bulky comparison goods with ancillary non-bulky comparison goods retailing to allow for convenience goods retailing with provisions for bulky and non-bulky comparison goods retailing also.

The existing unit referred to in the description of development is Unit 7 of Longwood Retail Park and is currently occupied by Homebase. Unit 7 has planning permission for the sale and display of bulky comparison goods to visiting members of the public. The principle of this form of development was established by the outline planning permission with several associated reserved matters approvals, which provided for the development of what is known as Longwood Retail Park. Longwood Retail Park is complete and the majority of buildings are occupied and operational.

It is noted that historically Longwood Retail Park was envisaged as providing for a mixed retailing offer, with certain elements approved for Class A1 retail and with the remaining units restricted to provide bulky comparison goods.

The planning history of this retail park demonstrates that subsequent to the original outline consent there has been an extensive history of varying forms of planning consent for retail type usage providing for varying quantities and ratios of comparison and convenience goods retail offers at Units 3 - 7.

Examples include Poundworld at Unit 3, which is vacant but subject to a parallel planning application for Iceland 'The Food Warehouse' (convenience goods), Home Bargains at Unit 4A for convenience and non-bulky comparison goods, Pets at Home at Unit 5A for convenience and non-bulky comparison goods, Hobbycraft at Unit 5b for comparison and convenience goods and Unit 6, which is occupied by DW Sports at ground floor level, providing non-bulky comparison goods. At the first floor level of this unit is a gym (DW Fitness First), a sui-generis type use.

It is considered that over time, the character of the retail offer has changed considerably. When Matalan at Unit 1 (non-bulky comparison) and TK Maxx (non-

bulky comparison) at Unit 2 are accounted for, it is clear that a mix of comparison goods and convenience goods retail offers have been permitted and are operational at the retail park.

The Belfast Urban Area Plan 2001 (BUAP) is the statutory local development plan applicable to the application site. As noted above, the provisions of the Planning Act (Northern Ireland) 2011 require that all decisions on planning applications must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Within the BUAP, Unit 7 of Longwood Retail Park is located upon an area of undesignated whiteland outside Belfast City Centre. The plan seeks to develop Belfast City Centre as the leading shopping centre within the Belfast Urban Area. Policy S2 of the Plan is entitled 'Shopping development outside the City Centre' and states that new shopping schemes in the rest of the Belfast Urban Area should be located in or near existing shopping centres and be of an appropriate scale. Policy S2 does not differentiate between comparison and convenience retail goods and an 'appropriate scale' is identified as being in the region of 2,500 square metres. The gross retail floorspace associated with this development proposal is in the region of 5,000 square metres. Given that the principle of this quantum of retail floorspace has previously been established and is operational, the 'appropriate scale' of 2,500 square metres is not a determining material consideration in the assessment of this development proposal.

It is considered that Longwood Retail Park has had a strong physical, functional and visual relationship with the Abbey Centre shopping centre, both of which are served by a common access road (Longwood Road) providing easy access to a wide range of goods in one area and which is the main retail destination for the residents of Newtownabbey.

The submitted retail statement indicates that this proposal is for an established, but unidentified, discount retailer already present in the Borough and will be a further iteration in the existing discounter market in the Abbey Centre District Centre. The agent also advises that this proposal will support and complement the wider existing retail offer provided in this conveniently located area and which will reuse an existing building.

For the reasons set out above, it is considered the proposal will support the continued vitality and viability of the established Longwood Retail Park and wider Abbey Centre as a whole. The proposal is considered to be compliant with Policy S2 of the BUAP and is therefore deemed acceptable when judged against the provisions of the statutory development plan.

In addition to the BUAP, the provisions of the Belfast Metropolitan Area Plan (BMAP) are also material to the assessment of the development proposal.

Draft BMAP was published in November 2004, which predated the granting of the outline planning permission for the development of the Longwood Retail Park including the subject unit (December 2005). In draft BMAP 2004 the application site lies within designation MNY 11 – Mill Road Existing Employment and Industry land. Relevant planning policy seeks to protect this type of land use and its supply.

Notwithstanding this, DoE Planning considered that given the size of the site and its planning history, the scale, nature and location of the proposal and the status of draft BMAP at that time, the development proposal for the redevelopment of the site to provide Longwood Retail Park was acceptable and planning permission was granted.

Within the Planning Appeals Commission Public Local Inquiry Report (the PAC report) into draft BMAP 2004, the PAC discuss the argument made that the entire extent of Longwood Retail Park should be drawn into the District Centre designation. During the Inquiry DoE Planning conceded to this argument given the planning history of the site. The PAC report also comments on the role of District Centres and the Abbey Centre. It comments that the concern in planning policy terms was the impact on city and town centres of additional comparison retail floorspace at the Abbey Centre (District Centre). The PAC report concluded that further small scale comparison shopping would not make any difference to the situation at the large District Centres such as the Abbey Centre. It went on to comment that in its opinion there was no justification for the comparison goods retail planning policy embargo sought by DoE Planning and that this was not an issue unique to the Belfast Metropolitan Area and as such should be left to regional policy.

In the adopted BMAP 2014, the entire extent of Longwood Retail Park was contained within the Abbey Centre District Centre designation (MNY 20/01) and it should be noted that policy for the control of development in District Centres, such as this, is now found within regional planning policy.

However, the adoption of BMAP 2014 was declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan still operates as the statutory Local Development Plan (LDP) for the area. Notwithstanding this, the provisions of the draft Belfast Metropolitan Area Plan remain 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 (BMAP 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

For the reasons set out above, it is considered that the application site is 'de-facto' located within the Abbey Centre District Centre for the purposes of draft BMAP and is evidently located within the district centre in BMAP 2014. The position of the PAC report that there is no justification for the comparison goods retail planning policy embargo in the District Centre sought at that time by DoE Planning is noted. Notwithstanding, the sale and display of bulky comparison goods has previously been granted planning permission at Unit 7 of the retail park. This is a matter that weighs significantly in favour of the current proposal.

With reference to the Council's Local Development Plan Preferred Options Paper and Draft Plan Strategy, it is noted that the Abbey Centre is proposed as being classified as a Large Town Centre. This would also lend support to the proposal although it is acknowledged that only limited weight can be attributed to the emerging provisions of the Council's new Local Development Plan at this time.

Notwithstanding, the Council's Local Development Plan Evidence Paper 4 'Retail and Commercial Leisure Study' published with the draft Plan Strategy in June 2018

discusses the proposed hierarchy of retail centres for the Borough. The evidence paper indicates that in the absence of a town centre designation for Metropolitan Newtownabbey it may otherwise be that the user would have to look farther afield to Belfast or Antrim if the sequential test for main town centre uses (discussed later in this report) were to be applied in its strictest sense. The evidence paper goes on to comment that given the relative distance between the three centres (Abbey Centre, Belfast and Antrim), and the very large population in between, it would seem nonsensical on sustainability grounds to effectively force residents to make longer public or private transport journeys to access facilities in the future. This conclusion is consistent with the view of the PAC report when, as noted above, it comments that as the (Abbey) centre is convenient to large centres of population it would be unrealistic and unsustainable to expect people from this area to travel to the city centre or Ballyclare for convenience shopping. Although there is some variation between references to Antrim and Ballyclare in the Evidence Paper and the PAC report, what is evident is that there are sustainability arguments relevant to requiring people from Metropolitan Newtownabbey to travel to Belfast, Antrim or Ballyclare to purchase convenience goods items.

As noted above, this development proposal seeks full planning permission for a change of use of the existing unit to allow the sale of convenience, non-bulky and bulky comparison goods. The agent correctly identifies that the Council's 'Retail and Commercial Leisure Study' confirms that there is capacity for convenience retailing in the Borough of between 16,500 square metres and 21,200 square metres in 2018. This suggests that this proposal is supported by the Council's own evidence base on retailing for the emerging Local Development Plan.

It is particularly noteworthy that the proposal does not seek to create new floorspace, rather it is the position of the agent that this proposal actually reduces the existing quantum of net retail floorspace of Unit 7 given that the existing mezzanine floor is not to be traded from. The total net retail floorspace being sought in this planning application is 3,530 square metres and comprises 1,937 square metres bulky comparison goods, including the garden centre, 262 square metres non-bulky comparison goods and 1332 square metres of convenience goods.

As noted above, the character of Longwood Retail Park has changed considerably since the outline planning permission was granted and which sought to restrict the retail offer for a number of units to bulky comparison goods only. Additionally, and as previously indicated above, it is evident that a mix of bulky and non-bulky comparison goods and convenience good retail offers are operational at the retail park and for this reason, the specific retail model sought by the applicant is considered as not being uncharacteristic of the retail park.

Notwithstanding, this proposal seeks to secure the ability to sell convenience goods from Unit 7 and this matter is the key matter to be assessed.

Relevant planning policy for assessing retail type development is contained within the Strategic Planning Policy Statement (SPPS).

Town Centre First

Sequential Site Selection

The SPPS requires planning authorities to adopt a town centre first approach for retail and main town centre uses. It advises that planning authorities should retain and consolidate existing district centres as a focus for local everyday shopping and ensure their role is complementary to the role and function of the town centre. A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date local development plan.

It is noted in this case that the proposal is not seeking a main town centre use beyond the confines of the existing Abbey Centre District Centre (ACDC) rather, it relates to the use of the existing premises. Notwithstanding, in accordance with the provisions of the SPPS the agent has included a sequential site selection within his Retail Statement (RS) and supplementary supporting information.

With reference to the 'centres' studied in the RS a 10 minute drive time catchment area is being relied upon. Reference is made in the RS to this time period being the typical journey time for people in urban areas to buy groceries. The RS makes reference to the Planning Appeals Commission Public Local Inquiry report for Sainsbury's at Hollywood Exchange (C009/1996), where a 10 minute drive time was accepted as establishing the catchment for that development proposal.

Additionally, the RS also identifies the same 10 minute drive time being accepted in Planning Appeal Commission reference 2014/C001, C002 and C003 in Magherafelt for a series of combined retail led development proposals. With reference to the Council's Local Development Plan Evidence Paper 4 'Retail and Commercial Leisure Study' it is noted that report also utilises drive time catchment areas of 5, 10 and 15 minutes to establish catchment populations, albeit for the purposes of town centre health checks. For the reasons set out above it is considered that a 10 minute drive time is an acceptable means by which to establish the catchment area for this development proposal.

The catchment area drive time map submitted with the RS identifies that a 10 minute drive catchment area includes large swathes of Metropolitan Newtownabbey as well as parts of North Belfast. These geographical areas are largely consistent with the views expressed by the Planning Appeals Commission in its BMAP Public Local Inquiry Report (PAC report) that the Abbey Centre has developed into the main shopping centre for Newtownabbey as well as parts of North Belfast and Carrickfergus. The PAC report also comments that the Abbey Centre is convenient to large centres of population and it is unrealistic and unsustainable to expect people from this area to travel to Belfast city centre or Ballyclare for convenience shopping.

It is noted that the Councils Local Development Plan Evidence Paper 4 'Retail and Commercial Leisure Study' discusses the proposed hierarchy of retail centres for the Borough. The evidence paper indicates that in the absence of a town centre designation for Metropolitan Newtownabbey it may otherwise be that the user would have to look farther afield to Belfast or Antrim if the sequential test for main town centre uses were to be applied in its strictest sense. The evidence paper goes on to comment that given the relative distance between the three centres (Abbey Centre, Belfast and Antrim), and the very large population in between, it would seem nonsensical on sustainability grounds to effectively force residents to make longer

public or private transport journeys to access facilities in the future. This conclusion is consistent with the view of the PAC report when, as noted above, it comments that as the Abbey Centre is convenient to large centres of population and it would be unrealistic and unsustainable to expect people from this area to travel to the city centre or Ballyclare for convenience shopping. Although there is some variation between references to Antrim and Ballyclare in the Evidence Paper and the PAC report, what is evident is that there are sustainability arguments relevant to requiring people from Metropolitan Newtownabbey to travel to Belfast, Antrim or Ballyclare to purchase convenience goods items. For the reasons set out above it is accepted that the 10 minute drive time catchment being relied upon is an appropriate catchment area by which to assess the potential impacts of this development proposal.

The RS uses the 'order of preference' set out in the SPPS for the consideration of sequentially preferable sites within the catchment. The RS comments that within the identified catchment area there is no primary retail core, no town centre or edge of centre location to be considered. The RS comments that in utilising the 'order of preference' as set out in the SPPS, the only locations within the catchment area are 'out of centre locations, only where sites are accessible by a choice of good public transport modes'. The Abbey Centre is accessible by Ulsterbus and Metro Bus services and is therefore considered to be a sequentially acceptable 'out of centre location' for this proposal in the catchment area. It is noted that the area benefits from good quality pedestrian infrastructure allowing for alternative forms of transport such as walking and cycling.

Notwithstanding, for the purposes of completeness the RS considers the appropriateness of several other established centres in the defined catchment and to include Ballyclare, Carrickfergus, Northcott, Glengormley and Cityside (Belfast). The conclusions drawn in the RS are that there are no sites available for the requirements of the development in Carrickfergus, Northcott, Glengormley or Cityside (Belfast) and that the old ASDA store in Ballyclare is unsuitable as the proposal is almost twice the size of that store.

With reference to the Supreme Court's 'Tesco Stores Limited V Dundee City Council' judgement (2012), it is noted that the Supreme Court found that a sequential approach requires flexibility and realism from developers and the planning authority. Given the position of the Court, it is considered the conclusions made in the RS are acceptable in that, even providing for 'flexibility' as required by the Supreme Courts judgement, the only available site is in Ballyclare and is almost half the size of the floorspace requirements of this proposal and is therefore unsuitable. It is noted also that Ballyclare is not within the catchment of this proposal.

It is noted that 'District Centres' are not directly referred to in the 'order of preference' identified in the SPPS by which to consider the appropriateness of sequentially preferable sites. It is considered reasonable however to suggest that aside from the 'order of preference' referred to in the SPPS, District Centres sit immediately below Town Centres in retail hierarchy terms and for this reason the Abbey Centre District Centre is a sequentially preferable location after the town centres identified above (Ballyclare and Carrickfergus). Additionally, it is noted that the SPPS does not differentiate between comparison and convenience goods retail offers in the 'Town Centre First' approach. In this context it is therefore concluded

that there is no policy remit within the SPPS that would prohibit the introduction of the proposed development into Unit 7 of Longwood Retail Park.

Overall, it is concluded that the application site is a sequentially preferable location and the introduction of this retail offer into Unit 7 of Longwood Retail Park will assist in retaining and consolidating the existing Abbey Centre District Centre as a focus for local everyday shopping while being complementary to the role and function of the identified Town Centres. The proposal is therefore acceptable with regard to the sequential site selection test set out in the SPPS.

Retail Impact and Need

The SPPS indicates that in the absence of a current and up to date Local Development Plan, councils should require applicants to prepare an assessment of need, which is proportionate to support their application.

Unit 7 currently has planning permission for approximately 5,000 square metres of bulky comparison goods retail floorspace of which some 500 square metres would generally be acceptable as a 10% ancillary non-bulky goods retail offer.

This proposal seeks to adjust the quantum of floorspace dedicated to comparison goods and to allow for the introduction of convenience goods. It is proposed to reduce the amount of comparison goods floorspace down to approximately 2,000 square metres bulky goods with a further offer of approximately 250 square metres non-bulky comparison goods. Given the amount of bulky comparison good retail floor space that has already been permitted in the original outline planning permission it is considered that an assessment of need for the comparison goods offer sought by this planning application is not required.

The issue that this proposal therefore raises is whether there is a need for the introduction of 1,332 square metres convenience floorspace at this location. In addressing the need for the convenience element of this development proposal, the RS follows the approach of the SPPS with respect to the factors to be assessed within a retail impact and assessment of need report.

With respect to objectively identified need the RS refers to the Council's own 'Retail and Commercial Leisure' Evidence Paper for the emerging Local Development Plan. The RS comments that the evidence paper identifies that there is convenience floorspace capacity of between 16,500 square metres and 21,200 square metres in the Borough in 2018. The RS concludes that the convenience floorspace need as identified in the evidence paper supports the convenience floorspace in this development proposal. The RS also concludes that given the SPPS confirms that District Centres shall be retained and consolidated as a focus for local everyday shopping, the shift from bulky comparison goods retailing, which is an infrequent activity, towards convenience shopping, which is an everyday shopping habit, demonstrates that the proposal meets with the policy driven need set out in the SPPS.

With respect to qualitative need, the RS comments that the proposal represents an important investment in the ACDC as it will improve the sustainable shopping opportunities for residents in the area; it will provide a new shopping experience; remove the need to travel to competing centres and will increase competition with other superstores in the wider area.

With respect to quantitative need, the RS again refers to the Council's retail evidence paper for the emerging Local Development Plan and its identification of there being capacity for convenience goods retail offers within the Borough. The RS also comments that there is a need for traditional retailing to target online retail expenditure by providing more accessible and better located shops with a broader range of goods offered.

With respect to existing retail provision the RS comments that it is necessary to review existing provision in the catchment and that the main shopping locations for convenience retailing are the Abbey Centre District Centre, Northcott District Centre, Glengormley Local Centre and Cityside District Centre. The conclusions drawn are that whilst there is no town centre within the catchment, the three District Centres and one Local Centre provide varying forms of shopping, services and leisure facilities and that the centres are well occupied and vibrant.

With respect to the retail impact of the development proposal the adopted methodology set out in the RS adopts a sales density approach based on the catchment population and available spend. The retail impact discussed in the RS relates to convenience shopping only as the comparison goods floorspace, which decreases in this proposal, has previously been granted planning permission and which is operational at this time. The RS identifies the proposed store will principally compete with TESCO, M+S, Lidl, Home Bargains, B&M Bargains within the ACDC, TESCO and Iceland at the Northcott District Centre and TESCO, Home Bargains and B&M Bargains at Cityside District Centre (Belfast).

With respect to trade diversions from identified stores in the ACDC, the RS identifies that TESCO will have a -6% impact, M+S will have a -8% impact, Lidl will have a -8.5% impact, Home Bargains will have a -6% impact and B+M Bargains will have a -9.5% impact.

The RS comments that the trade draw of the proposal is assumed to follow a traditional trade draw level of 50% being drawn from the 0-5 minute drive time catchment area, 40% being drawn from the 5-10 minute drive time catchment and 10% coming from beyond the catchment.

The RS comments that while 50% of the trade draw to the proposed store will be from within the ACDC the proposal also draws trade into the ACDC from other shops in the catchment. The RS comments that the effect of trade draw from outside the catchment causes the overall turnover of the ACDC to increase, such that the proposal has a positive impact of +6.3% on the ACDC. The RS concludes that on this basis, the proposal will assist in consolidating the ACDC, which is a policy requirement of the SPPS.

With respect to trade draw impacts to other stores within centres the RS comments that TESCO Northcott is predicted as experiencing a -1.5% impact and that Iceland at Northcott will experience an impact of -3.2%, with an overall trade draw impact to Northcott District Centre of -1.6%.

With respect to TESCO Cityside (Belfast) the predicted trade draw impact is -1% with Home Bargains and B&M Bargains ranging between -1% to -3%. The predicted overall trade draw impact to the Cityside District Centre is -1%.

The RS comments that 40% of the proposal's trade draw will be from within the 5-10 minute catchment area and that there are no predicted harmful levels of retail impact on any individual store.

Lastly, with respect to the 10% of the proposal's trade draw from outside the catchment, the RS comments that this level of additional trade will not alter the turnover of existing shops within the catchment.

The RS comments that while trade draw will be experienced mainly by existing stores within the ACDC much of this will go unnoticed in annual trading fluctuations. It also comments that overall the proposal is predicted as having a positive impact upon the role and function of the ACDC with a +6.3% impact on the centre and that all impacts outside the ACDC are less than 5% and are not of concern.

The RS concludes that the impacts of the proposal are;

- Lightly spread across large and significant shopping centres and stores.
- That no individual store is likely to be noticeably harmfully affected; and
- The proposal will not have a harmful effect on the vitality and viability of any protected shopping centre as a whole.

Overall, in assessing the retail matters set out in the RS, including the sequential site selection, retail impact and assessment of need, it is considered that;

- The proposal seeks to reduce the overall gross retail floorspace of Unit 7 and to reduce the quantum of comparison goods retailing to allow for use of part of the floorspace for the sale of convenience goods.
- The proposal is compliant with the policy provisions for retailing set out in the statutory BUAP.
- There are no town centres within the catchment area and there are no suitable sites in either Ballyclare or Carrickfergus that would be suitable to locate the proposal.
- The application site is located in a sequentially preferable location.
- The increase in convenience floorspace is consistent with the aim of the SPPS to retain and consolidate existing District Centres as a focus for local everyday shopping and ensure their role is complementary to the role and function of the town centre.
- The need for the proposal with respect to convenience retailing is supported by the Council's Retailing and Commercial Leisure Evidence Paper for the emerging Local Development Plan.
- All existing centres within the catchment are performing well and the proposal will not have an adverse impact upon the vitality and viability of existing centres.

Overall, it is considered that this proposal, which seeks a change of use to Unit 7 to allow for the sale and display of convenience and comparison goods, is compliant with the provisions of the statutory Belfast Urban Area Plan, both versions of the

Belfast Metropolitan Area Plan and the policy provisions of the Strategic Planning Policy Statement. The proposal is therefore considered acceptable in this context.

Access and Parking

This proposal seeks to vary the permitted retail floorspace usage to allow for comparison and convenience retailing in Unit 7 of Longwood Retail Park.

Currently, Unit 7 provides 5,392 square metres of bulky comparison goods gross retail floorspace. With respect to the supplementary planning guidance entitled 'Parking Standards', Unit 7 would be required to provide 270 car parking spaces for comparison goods retail floorspace.

Within the Retail Statement, it is stated that the developer does not wish to utilise the mezzanine floor. The mezzanine floor comprises 1,025 square metres floorspace. The gross floorspace therefore associated with this development for car parking purposes is 4,367 square metres.

Using the floorspace figures provided for the convenience and comparison elements of the proposal as a percentage of the net retail floorspace it has been possible to determine what percentage of the storage areas are likely to be associated with convenience and comparison goods.

It is estimated that of the 4,367 square metres gross floorspace associated with car parking provision, 1,648 square metres of the gross floorspace is associated with convenience goods and 2,720 square metres of the gross floorspace is associated with comparison goods.

Application of the parking standards determines that 118 car parking spaces are required for the convenience goods element of the proposal and 136 car parking space are required for the comparison goods element of the proposal. This equates to 254 car parking spaces. The existing permitted use of Unit 7 for comparison goods would require 270 car parking spaces. This proposal requires 16 less car parking spaces than would otherwise be required for the existing permitted use of Unit 7.

In summary, it has been demonstrated that the car parking provision to serve this proposal based on 'Parking Standards' is actually less than what would otherwise be required to serve the existing use of Unit 7.

For the reasons set out above it is considered that this proposal is compliant with the relevant provisions of PPS3 and the supplementary planning guidance 'Parking Standards'.

Socio-Economic Matters

The SPPS states, at paragraph 3.1, that sustainable development is at the heart of the SPPS and the planning system. At paragraph 2.2, the SPPS comments that a key dimension of sustainable development for Northern Ireland is economic growth, which is a key commitment of the Executive. The SPPS goes on to state that this requires the planning system to support job creation and aid economic recovery for the benefit of all our people. At paragraph 4.19 the SPPS comments that planning authorities should therefore take a positive approach to appropriate economic

development proposals and, when taking into account the implications of proposals for job creation, planning authorities should emphasis the potential of proposals to deliver sustainable medium to long term employment growth.

The agent identifies that this proposal represents an investment of approximately £6 million into the economy and will create 20 construction jobs and between 90 - 100 full and part time retail jobs. These matters weigh in favour of the development proposal.

Other Matters

This development proposal seeks the change of use of Unit 7 of Longwood Retail Park. Within the original outline planning permission that provided for the development of the retail park there were a series of conditions aimed at mitigating any potential amenity impacts to existing nearby residential properties. These conditions related to the times and days when servicing of the units could take place and also that no loudspeakers were to be fitted to any building facades facing towards residential properties. It is considered appropriate to bring forward similar conditions for this development proposal to ensure the continued protection of the amenity of existing residents in close proximity to Unit 7 and the wider Longwood Retail Park.

CONCLUSION

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

- The principle of development for the retail units comprising the Longwood Retail Park has previously been established and the proposal is compliant with the statutory Belfast Urban Area Plan and both versions of the Belfast Metropolitan Area Plan.
- The proposal has been demonstrated as being located in a sequentially preferable location given the Town, District and Local centres studied by the agent and will assist in retaining and consolidating the existing Abbey Centre District Centre without impacting upon the role and function of any town centres.
- The retail impact and assessment of need provided demonstrate that this proposal will not have a significant overall negative impact on the vitality and viability of existing centres within the catchment.
- The existing car parking provision at the retail park is sufficient to accommodate the requirements of this development proposal and DfI Roads has offered no objections.
- The socio-economic factors associated with this development weigh in favour of the planning application.
- No objections have been received to the proposal.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The net retail floorspace hereby approved shall not exceed 3,530 square metres and shall provide for 1,937 square metres of bulky comparison goods (to include

the existing garden centre), 262 square metres of non-bulky comparison goods and 1,332 square metres of convenience goods.

The net retail floorspace hereby approved shall only be used for the sale and display of the items listed in the 'Product Category/Range of Products' schedule as set out in Appendix 5 of the 'Retail Statement, Doc 04, date stamped received 22nd July 2019, and for no other purpose, including any other purpose in Class A1 to the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To enable the Council to exercise control over the nature, range and scale of retailing activity to be carried out at the site and to ensure compliance with the objectives and policies for retailing and town centres.

3. Unit 7 shall not be subdivided into independent or separate retail units without the prior permission in writing of the Council.

Reason: To enable the Council to exercise control over the nature, range and scale of the retailing activity to be carried out at the site and to ensure compliance with the objectives and policies for retailing and town centres.

4. Prior to the uses hereby permitted coming into operation the public stairwell providing access to the existing mezzanine floor shall be removed and the mezzanine floorspace shall not be used for any purpose without the express grant of planning permission from the Council.

Reason: To enable the Council to exercise control over the nature, range and scale of the retailing activity to be carried out at the site so as not to prejudice the continued vitality and viability of existing retail centres and to ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

5. No internal operations within Unit 7 to increase the gross floorspace available within Unit 7 shall be undertaken without the express grant of planning permission from the Council.

Reason: To enable the Council to exercise control over the nature, range and scale of the retailing activity to be carried out at the site so as not to prejudice the continued vitality and viability of existing retail centres and to ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

6. No part of the existing hard surfaced areas provided at Longwood Retail Park 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.

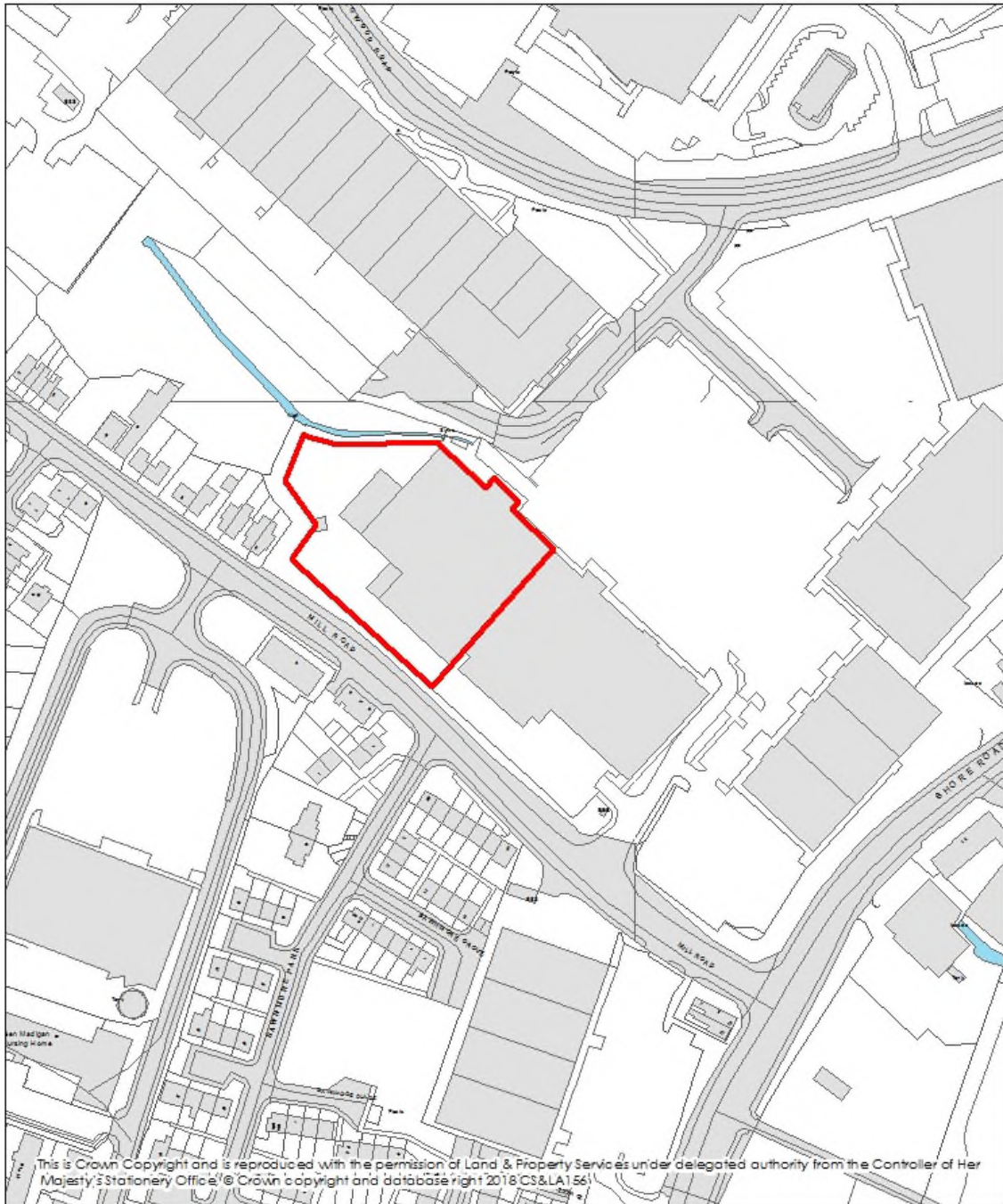
7. No servicing of the site including deliveries or the loading and unloading of vehicles or the external movement of vehicles, stores or equipment shall take

place outside 0730 and 2200 hours Monday to Friday, 0900 and 2200 hours on Saturday and at no time on Sunday.

Reason: In the interests of residential amenity.

8. No loudspeakers shall be fitted to any facade facing residential properties.

Reason: In the interests of residential amenity.



Location Map

Application Reference: LA03/2019/0637/F

Unit 7 Longwood Retail Park
Longwood Road
Newtownabbey
BT37 9UL

Change of use of existing unit to allow the sale of
convenience, non bulky and bulky comparison goods

For Information Only

0 45 90
Metres



**Antrim and
Newtownabbey**
BOROUGH COUNCIL



Site Boundary

COMMITTEE ITEM	3.19
APPLICATION NO	LA03/2019/0586/F
DEA	MACEDON
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	4 no retail units, 1 no retail & leisure unit & 1 no DIY store with mezzanine floor & garden centre with associated car parking, landscaping & general site works (Variation of condition 6 of U/2004/0796/O regarding "bulky good" floorspace restriction to allow the floorspace within Unit 3 to be used by a convenience and comparison goods retailer)
SITE/LOCATION	Unit 3 Longwood Retail Park, Longwood Road, Newtownabbey
APPLICANT	Maizelands Ltd and Arringford Ltd
AGENT	TSA Planning
LAST SITE VISIT	September 2019
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at Unit 3 Longwood Retail Park, Longwood Road, Newtownabbey. This is an urban location within Metropolitan Newtownabbey and in close proximity to the Abbey Centre Shopping Centre.</p> <p>Unit 3 is currently a vacant retail warehouse unit comprising approximately 1,400 square metres of gross floorspace, including a mezzanine level, and is located to the southeastern side of Longwood Retail Park. Unit 3, which was previously occupied by Poundworld, is positioned beside and adjoining the western gable of TK Maxx, which operates from Unit 2 of the retail park.</p> <p>Longwood Retail Park is located to the west of the Abbey Centre across Longwood Road and comprises eleven (11) units located around a central shared surface level car park. The units range from the large anchor store at Unit 7 (Homebase) with TK Maxx, Matalan, DW Sports and Dreams. Smaller units include Mothercare and Home Bargains and Hobbycraft. Unit 3 is vacant at present. Within the car park is a Costa coffee shop. A small parade of local services are located to the north of Longwood Retail Park which includes Sports Direct, Ladbrokes, Oasis Casino, Topps Tiles, Regal Furniture, Subway and a DIY Store.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2004/0796/O</p> <p>Location: Site bounded by Longwood Road, Shore Road and Mill Road, Whitehouse, Newtownabbey</p>	

Proposal: Site for 4no retail units, 1no retail & leisure unit & 1no DIY store with mezzanine floor & garden centre with associated car parking, landscaping & general site works (proposal includes demolition of 3 no existing retail units)
Decision: Permission Granted: 30.12.2005.

Planning Reference: U/2006/0574/RM

Location: Site bounded by Longwood Road, Shore Site bounded by Longwood Road, Shore Road, Mill Road, Whitehouse, Road, Mill Road, Whitehouse, Newtownabbey.

Proposal: Construction of units 2 and 3 with customer and service access being provided via Longwood Road.

Decision: Permission Granted: 31.10.2007

Planning Reference: U/2009/0088/F

Location: Unit 2, Longwood Retail Park, Whitehouse, Newtownabbey

Proposal: Extension of 96 sq m gross floor space to unit 2 of Longwood Retail Park

Decision: Permission Granted: 07.07.2009

Planning Reference: U/2007/0602/F

Location: Unit 3, Longwood Retail Park, Newtownabbey

Proposal: Incorporation of new upper first floor in existing building shell as additional office space for retail unit.

Decision: Permission Granted: 28.11.2007

Planning Reference: U/2010/0548/F

Location: Unit 3, Longwood Retail Park, Longwood Road, Newtownabbey

Proposal: Variation of planning condition 6 of planning approval U/2004/0796/O to allow the sale of convenience and comparison goods.

Decision: Permission Granted: 31.03.2011

Planning Reference: U/2007/0481/F

Location: Site bounded by Longwood Road, Shore Road and Mill Road, Whitehouse, Newtownabbey.

Proposal: Amendment under Article 28 of the Planning (NI) Order 1991, to vary Condition 6 of planning approval U/2004/0796/O to allow for the sale of convenience goods in Unit 4 with a gross retail floorspace of 2,788sqm.

Decision: Permission Granted: 29.07.2008

Planning Reference: U/2008/0586/F

Location: Unit 4 Longwood Retail Park, Newtownabbey.

Proposal: Vary condition 8 of approval U/2004/0796/O to allow for the subdivision of Unit 4 and to vary condition 5 & 6 to allow for a mezzanine floor of 279 square metres for storage purposes.

Decision: Permission Granted: 06.02.2009

Planning Reference: U/2009/0313/F

Location: Unit 4, Longwood Retail Park, Whitehouse, Newtownabbey

Proposal: Erection of 2no mezzanine floors in units 4A&4B of 155 sq m & 310 sq m respectively for storage & ancillary purposes.

Decision: Permission Granted: 04.11.2009

Planning Reference: U/2010/0023/F

Location: Units 4a and 4b Longwood Retail Park, Longwood Road, Newtownabbey.

Proposal: Retention of development at Longwood Retail Park approved under reference U/2008/0586 (To vary gross floorspace of units 4A and 4B to 980sqm ,and 1115sqm, incorporating mezzanine at 4B of 418sqm bringing the total retail floorspace to 22,905sqm)

Decision: Permission Granted: 13.04.2010

Planning Reference: U/2010/0075/LDP

Location: Unit 4A Longwood Retail Park, Longwood Road, Newtownabbey

Proposal: Sale of Convenience goods associated with home bargains retailer at, Unit 4A Longwood Retail Park

Decision: Certified: 01.04.2010

Planning Reference: U/2010/0128/F

Location: Unit 4a, Longwood Retail Park, Longwood Road, Newtownabbey.

Proposal: Variation of condition 6 of planning approval U/2004/0796/O to allow for the sale of convenience and comparison goods.

Decision: Permission Granted: 12.05.2010

Planning Reference: LA03/2019/0489/F

Location: Unit 5b Longwood Retail Park, Longwood Road, Newtownabbey

Proposal: 4no retail units, 1no retail & leisure unit & 1no DIY store with mezzanine floor & garden centre with associated car parking, landscaping & general site works (Variation of condition 6 of U/2004/0796/O regarding "bulky good" floorspace restriction to allow the floorspace within Unit 5b to be used by an Arts and Craft & Hobby Goods retailer)

Decision: Permission Granted: 06.09.2019

Planning Reference: LA03/2019/0637/F

Location: Unit 7, Longwood Retail Park, Longwood Road, Newtownabbey

Proposal: Change of use of existing unit to allow the sale of convenience, non bulky and bulky comparison goods

Decision: Pending Decision

PLANNING POLICY AND GUIDANCE

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

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

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

Belfast Urban Area Plan (BUAP): The application site is an area of undesignated whiteland located within the settlement limit of the Belfast Urban Area. Policy S2 'Shopping development outside the City Centre' seeks to ensure that new shopping schemes should be located in or near existing shopping centres and be of an appropriate scale.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is an urban location within Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey and is contained within the Abbey Centre District Centre (MNY 27/01).

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey and is contained within the Abbey Centre District Centre (MNY 20/01).

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

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

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

CONSULTATION

Department for Infrastructure Roads – No objection

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Principle of Development.
- Proposed Amended Condition.
- Car Parking.
- Socio-Economic Matters; and
- Other Matters – Planning Permission Conditions.

Principle of Development

Section 54 of the 2011 Act applies to applications for planning permission for the development of 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 granted previously. The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the Section 54 application.

In this case the principle of development for '4no retail units, 1no retail & leisure unit & 1no DIY store with mezzanine floor & garden centre with associated car parking, landscaping & general site works' has been established with the grant of outline planning permission and several associated Reserved Matters approvals. The Reserved Matters approvals relate to the phasing and construction of varying units within this retail park. The development of Longwood Road Retail Park is complete and the majority of buildings are occupied and operational. Unit 3, which is the subject of this application and which was previously occupied by Poundworld, is presently vacant.

Condition 6 of the outline planning permission, that which the developer now seeks to vary, restricted the gross retail floorspace of Units 3, 4, 5, 6 and 7 and the range of goods that could be displayed for the purpose of sale to visiting members of the public.

Condition 6 reads;

The floorspace comprised in the retail warehouse units 3, 4, 5, 6 and 7 shall not exceed 15,612 square metres gross retail floorspace and shall be used only for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class 1 of the Schedule to the Planning (Use Classes) Order (NI) 1989

- (a) DIY materials, products and equipment;*
- (b) Garden materials, plant and equipment;*
- (c) Furniture and soft furnishings, carpets and floor coverings and electrical goods;*
- (d) Such other items as may be determined in writing by the Department as generally falling within the category of "bulky goods".*

Reason:

- (a) To control the nature, range and scale of the commercial activity to be carried on at this location and to secure a satisfactory mix of land uses; and*
- (b) To ensure that the proposed development does not result in over-intensive development of the site having regard to the need for adequate parking provision, traffic circulation and landscaping.*

Proposed Amended Condition

The applicant seeks to vary the wording of Condition 6, which seeks to control the retail floorspace of units 3 – 7 inclusive and the range of goods that can be displayed for sale to visiting members of the public. The applicant is seeking planning permission to utilise the entire net floorspace for convenience goods retailing with flexibility

provided for up to 20% (216 square metres) to be utilised for comparison goods retailing as seasonal offers. Examples of the type of goods envisaged by the applicant as falling into this category include electrical goods and toys.

The applicant seeks to amend the wording of Condition 6 to read;

"The floorspace comprised in the units 3, 4, 5a, 5b, 6 and 7 shall not exceed 15,612 square metres gross retail floorspace.

The floorspace comprised in the units 4, 5a, 5b, 6 and 7 shall be used only for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015,

- (a) DIY materials, products and equipment;*
- (b) Garden materials, plant and equipment;*
- (c) Furniture and soft furnishings, carpets and floor coverings and electrical goods;*
- (d) Such other items as may be determined in writing by the Council as generally falling within the category of "bulky goods".*

No less than 80% of the net retail floorspace comprised in Unit 3 shall be dedicated to the sale, ancillary storage and display of items listed hereunder and for no other purpose including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015,

- (a) Food, alcoholic drink.*
- (b) Tobacco, newspapers, magazines, confectionary.*
- (c) Stationary and paper goods.*
- (d) Toilet requisites and cosmetics.*
- (e) Household cleaning materials; and*
- (f) Other retail goods that may be determined in writing by the Council as generally falling within the category of 'convenience goods';*

With no more than 20% of the net retail floorspace (216 square metres) dedicated to the sale of comparison goods.

Reason:

- (a) To control the nature, range and scale of the commercial activity to be carried on at this location and to secure a satisfactory mix of land uses; and*
- (b) To ensure that the proposed development does not result in over-intensive development of the site having regard to the need for adequate parking provision, traffic circulation and landscaping.*

With reference to part (a) of the reason for the condition, it is noted that historically Longwood Retail Park was envisaged as providing for a mixed retailing offer, with certain elements approved for Class A1 retail and with the remaining units restricted to provide bulky comparison goods.

The planning history of this retail park demonstrates that subsequent to the original outline consent there has been an extensive history of varying forms of planning consent for retail type usage providing for varying quantities and ratios of comparison and convenience goods retail offers at Units 3 - 7.

Examples include Home Bargains at Unit 4A for convenience and non-bulky comparison goods, Pets at Home at Unit 5A for convenience and non-bulky comparison goods and Unit 6, which is occupied by DW Sports at ground floor level, providing non-bulky comparison goods. At the first floor level of this unit is a gym (DW Fitness First), a sui-generis type use. In relation to Unit 3, the subject of this application and which is currently vacant, a previous variation of the core outline permission granted by the then DOE Planning (reference: U/2010/0548/F) allowed for the provision of a mix of convenience and comparison goods.

It is considered that over time, the character of the retail offer has changed considerably. When Matalan at Unit 1 (non-bulky comparison) and TK Maxx (non-bulky comparison) at Unit 2 are accounted for, it is clear that a mix of comparison goods and convenience goods retail offers have been permitted and are operational at the retail park.

In the supporting planning statement submitted by the agent, the proposed end user is 'The Food Warehouse' by Iceland, a new trading format which differs from the typical Iceland High Street store and is well established in Great Britain. The agent comments that 'The Food Warehouse' stores offer a wider range of goods including a much larger range of frozen, chilled and grocery products along with a small ancillary area offering a selection of comparison goods (electrical goods and toys) which will vary on a seasonal basis.

Unit 3 of Longwood Retail Park is currently vacant. The previous occupier of the unit was Poundworld. Condition 6 of the outline planning permission was previously varied by DoE Planning (reference U/2010/0548/F) to allow for a 50/50 split of convenience and comparison goods offer by Poundworld. Comparison goods were restricted to be 34% non-bulky and 16% bulky (427 square metres and 201 square metres respectively). 'The Food Warehouse' by Iceland requires the existing restrictions to be relaxed to accommodate the selection of convenience goods and comparison goods sold by the retailer. This application is therefore seeking permission to retail 100% convenience goods with the flexibility that no more than 20% of the net floorspace can provide a seasonal offer of comparison goods. In effect, this would create an 80/20 split at times of the year to include Easter, Halloween and Christmas.

As noted above, the character of Longwood Retail Park has changed considerably since the grant of the original outline planning permission which sought to restrict the retail offer for a number of units to bulky comparison goods only. It has also been noted above that it is evident that a mix of comparison goods and convenience goods retail offers are currently available at the retail park and for this reason, the specific retail model operated by 'The Food Warehouse' is considered as not being uncharacteristic of the retail park.

The Belfast Urban Area Plan 2001 (BUAP) is the statutory local development plan applicable to the application site. As noted above, the provisions of the Planning Act (Northern Ireland) 2011 require that all decisions on planning applications must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Within the BUAP, Unit 3 of Longwood Retail Park is located in an area of undesignated whiteland outside Belfast City Centre. The plan seeks to develop Belfast City Centre as the leading shopping centre within the Belfast Urban Area. Policy S2 of the Plan is entitled 'Shopping development outside the City Centre' and states that new shopping schemes in the rest of the Belfast Urban Area should be located in or near existing shopping centres and be of an appropriate scale. Policy S2 does not differentiate between comparison and convenience retail goods and an 'appropriate scale' is identified as being in the region of 2,500 square metres. The floorspace associated with this development proposal is in the region of 1,400 square metres.

It is considered that Longwood Retail Park has a strong physical, functional and visual relationship with the Abbey Centre shopping centre, both of which are served by a common access road (Longwood Road) providing easy access to a wide range of goods in one area and which is the main retail destination for the residents of Newtownabbey.

The agent has indicated in his supporting planning statement that this is a firm development proposal for a new retailer in the Borough that will reuse an existing building and that will support and complement the wider existing retail offer provided in this conveniently located area.

For the reasons set out above, it is considered the proposal will support the continued vitality and viability of the established Longwood Road retail park and wider Abbey Centre as a whole. The proposal is considered to be compliant with Policy S2 of the BUAP and is therefore deemed acceptable when judged against the provisions of the statutory development plan.

In addition to the BUAP, the provisions of the Belfast Metropolitan Area Plan (BMAP) are also material to the assessment of the development proposal.

Draft BMAP was published in November 2004, which predated the granting of the outline planning permission for the redevelopment of the Longwood Retail Park including the subject unit (December 2005). In draft BMAP 2004 the application site is located within the Abbey Centre District Centre (MNY27/01). Planning policy for the control of development within District Centres is contained in Policy R5 of Volume 1 of the Plan.

The Planning Appeals Commission Public Local Inquiry report (PAC report) discusses the role of District Centres, including the Abbey Centre, and Policy R5 'District Centres'. At the time of the Public Local Inquiry the policy context for District Centres was provided at paragraph 49 of PPS5 (now superseded), which stated that the primary role of District Centres was the provision of locally accessible convenience goods and that such centres would be retained and enhanced. The PAC report comments that in reality, the Abbey Centre District Centre has developed into the main shopping centre for Newtownabbey as well as parts of North Belfast and Carrickfergus. The PAC report also comments that the (Abbey) centre is convenient to large centres of population and it is unrealistic and unsustainable to expect people from this area to travel to Belfast city centre or Ballyclare for convenience shopping.

During the Inquiry, DoE Planning withdrew the majority of Policy R5 'District Centres' with the exception of text advising that 'Proposals for comparison retailing within designated District Centres will not be permitted.' However, the PAC report concluded that further small scale comparison shopping would not make any difference to the situation at the large District Centres such as the Abbey Centre. It went on to comment that in its opinion there was no justification for the comparison goods retail planning policy embargo sought by DoE Planning and that this was not an issue unique to the Belfast Metropolitan Area and as such should be left to regional policy. The recommendation of the PAC report was that Policy R5 should be omitted from draft BMAP in light of DoE Planning's withdrawal of most of the policy at the Inquiry.

In the adopted BMAP 2014, the entire extent of Longwood Retail Park was contained within the Abbey Centre District Centre designation (MNY 20/01) and it should be noted that policy for the control of development in District Centres, such as this, is now found within regional planning policy.

However, the adoption of BMAP 2014 was declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan still operates as the statutory Local Development Plan (LDP) for the area. Notwithstanding this, the provisions of the draft Belfast Metropolitan Area Plan remain 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 (BMAP 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

For the reasons set out above, it is considered that the application site is located within the Abbey Centre District Centre for the purposes of draft BMAP 2004 and in BMAP 2014.

With reference to the Council's Local Development Plan Preferred Options Paper and Draft Plan Strategy, it is noted that the Abbey Centre is proposed as being classified as a Large Town Centre. This would also lend support to the proposal although it is acknowledged that only limited weight can be attributed to the emerging provisions of the Council's new Local Development Plan at this time.

Notwithstanding, the Council's Local Development Plan Evidence Paper 4 'Retail and Commercial Leisure Study' published with the draft Plan Strategy in June 2018 discusses the proposed hierarchy of retail centres for the Borough. The evidence paper indicates that in the absence of a town centre designation for Metropolitan Newtownabbey it may otherwise be that the user would have to look farther afield to Belfast or Antrim if the sequential test for main town centre uses (discussed later in this report) were to be applied in its strictest sense. The evidence paper goes on to comment that given the relative distance between the three centres (Abbey Centre, Belfast and Antrim), and the very large population in between, it would seem nonsensical on sustainability grounds to effectively force residents to make longer public or private transport journeys to access facilities in the future. This conclusion is consistent with the view of the PAC report when, as noted above, it comments that as the (Abbey) centre is convenient to large centres of population it would be unrealistic and unsustainable to expect people from this area to travel to the city centre or Ballyclare for convenience shopping. Although there is some variation

between references to Antrim and Ballyclare in the Evidence Paper and the PAC report, what is evident is that there are sustainability arguments relevant to requiring people from Metropolitan Newtownabbey to travel to Belfast, Antrim or Ballyclare to purchase convenience goods items.

As noted above, this proposal seeks to amend the ratio of convenience and comparison goods floorspace to accommodate the retail offer of Iceland 'The Food Warehouse'. It is noted that the Council's 'Retail and Commercial Leisure Study' confirms that there is a need for convenience retailing in the Borough of between 16,500 square metres and 21,200 square metres in 2018. This suggests that this proposal is supported by the Council's own evidence base on retailing for the emerging Local Development Plan.

It is particularly noteworthy that the proposal does not seek to create new floorspace, rather it actually reduces the existing quantum of gross floorspace of Unit 3 by 179 square metres. In light of planning permission reference U/2010/0548/F, which provided for the sale of convenience and comparison goods from Unit 3, the principle of the sale of such goods from this unit has been considered acceptable in the past. Notwithstanding, this proposal seeks to adjust the ratio of convenience and comparison goods that can be retailed from Unit 3 and this matter is the key matter to be assessed.

Relevant planning policy for assessing retail type development is contained within the Strategic Planning Policy Statement (SPPS).

The SPPS requires planning authorities to adopt a town centre first approach for retail and main town centre uses. It advises that planning authorities should retain and consolidate existing district centres as a focus for local everyday shopping and ensure their role is complementary to the role and function of the town centre. A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date local development plan.

It is noted in this case that the proposal is not seeking a main town centre use beyond the confines of the existing Abbey Centre District Centre identified in either draft BMAP or BMAP 2014, rather, it relates to the use of the existing premises. Notwithstanding, in accordance with the provisions of the SPPS the agent has submitted a sequential site selection report and supplementary sequential site selection information for consideration.

Regarding the requirements of 'The Food Warehouse' the report advises this retail format is generally located in out of town retail parks; is generally twice the size of traditional Iceland high street stores; and offers a wider range of goods along with a selection of comparison goods, which will vary on a seasonal basis.

With reference to the town centres studied, the report firstly establishes the catchment area for the proposal and refers to the position of the Planning Appeals Commission Public Local Inquiry report, which comments that the Abbey Centre has developed into the main shopping centre for Newtownabbey as well as parts of North Belfast and Carrickfergus. The report also identifies that the Council's Local Development Plan Retail Evidence Paper sets out a series of retail hierarchy

indicators. Within the hierarchy it is indicated that the population level within a 10 minute drive time of the Abbey Centre (106,811) greatly exceeds the populations within the catchment of the other towns within the Borough; Antrim (29, 572), Ballyclare (25,174), Crumlin (15,001) and Randalstown (19,760).

The report indicates that based upon the catchment as defined, it should not be necessary to consider Antrim Town as this would be outside the proposal's catchment. For reasons of completeness, the report does however consider Antrim, in addition to Ballyclare, Randalstown, Crumlin, Carrickfergus and Belfast. Referring to the planning permission recently granted for Hobbycraft at Unit 5B (reference LA03/2019/0489/F) of Longwood Retail Park, the report concludes that having previously searched for the floorspace requirement of approximately 1,400 square metres that there were no available sites within Antrim, Randalstown, Crumlin, Carrickfergus and Belfast Town Centres. The only identifiable site is the former ASDA unit in Main Street, Ballyclare. The report states that the size of the unit is almost twice the size of what is required and that sub-division, while possible, falls outside the scope of the current proposal and is therefore unsuitable. The report also advises that the location of the unit is unviable given that Ballyclare has a population of 25,174 within a 10 minute drive time whereas the Abbey Centre has a 10 minute drive time population of 106,811. The report concludes that introducing 'The Food Warehouse' into Ballyclare would be unsustainable on a commercial basis as large populations from Metropolitan Newtownabbey would be expected to travel to Ballyclare to access the proposed convenience offering.

In support of the assessment of sequentially preferable sites the report concludes that the re-use of the old ASDA store in Ballyclare would be unsuitable/unviable for Iceland. With reference to the Supreme Courts 'Tesco Stores Limited V Dundee City Council' judgement (2012) it is noted that the Supreme Court found that a sequential approach requires flexibility and realism from developers and the planning authority. Given the position of the court it is considered unreasonable to require the developer to relocate the development to Ballyclare, a town centre outside the catchment of the development proposal.

It is noted that District Centres are not directly referred to in the 'order of preference' identified in the SPPS by which to consider the appropriateness of sequentially preferable sites. It is considered reasonable however to suggest that aside from the 'order of preference' referred to in the SPPS, District Centres sit immediately below Town Centres in retail hierarchy terms and for this reason the Abbey Centre District Centre is a sequentially preferable location after the town centres identified above. Additionally, it is noted that the SPPS does not differentiate between comparison and convenience goods retail offers in the 'Town Centre First' approach. It is therefore concluded that there is no policy remit within the SPPS or BMAP that would prohibit the introduction of 'The Food Warehouse' into Unit 3 of Longwood Retail Park. Consequently, it is concluded that the introduction of this retail offer into the vacant Unit 3 of Longwood Retail Park will assist in retaining and consolidating the existing Abbey Centre District Centre as a focus for local everyday shopping while being complementary to the role and function of the identified Town Centres.

The SPPS advises that all applications for retail or town centre type developments above a threshold of 1,000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the local

development plan should be required to undertake a full assessment of retail impact as well as need. In this case, the existing gross retail floorspace associated with Unit 3 is approximately 1,400 square metres with planning permission for a 50/50 split of convenience and comparison goods. The current proposal seeks to reduce the gross floorspace associated within Unit 3 by 179 square metres down to approximately 1,200 square metres gross. A planning condition imposed in U/2010/0548/F required that no more than 628 square metres of retail floorspace would be dedicated to the sale of convenience goods. This leaves a balance of approximately 600 square metres of gross floorspace within Unit 3, which is considerably less than the 1,000 square metres threshold identified in the SPPS as being relevant to the requirement for a retail impact or need assessment. A retail impact or need assessment is therefore not considered as being required to accompany this development proposal.

Overall, it is considered that this proposal, which seeks the variation of the bulky goods condition of the outline planning permission for the redevelopment of Longwood Retail Park, is compliant with the provisions of the statutory Belfast Urban Area Plan, both versions of the Belfast Metropolitan Area Plan and the policy provisions of the Strategic Planning Policy Statement. The proposal is therefore considered to be acceptable in this context.

Car Parking

Part (b) of the reason for Condition 6, the condition that the developer seeks to vary in this proposal, seeks to avoid the over intensive development of the site having regard to the need for adequate parking provision, traffic circulation and landscaping.

The planning permission providing for Unit 3 to retail a 50/50% split of convenience and comparison goods (U/2010/0548/F) for a store of 1,400 square metres would, with reference to the supplementary planning guidance 'Parking Standards', require 85 car parking spaces. In this proposal, the quantum of floorspace is being reduced to approximately 1,200 square metres gross floorspace. This proposal seeks the flexibility to move between 100% convenience retailing or an 80/20% split between convenience and comparison goods when seasonal offers are provided. Referring to 'Parking Standards' and based on the approximate 1,200 square metres gross floorspace the parking requirement for 100% convenience goods would be 85 spaces and the 80/20% split between convenience and comparison goods would be 81 spaces. The car parking requirement associated with this development proposal is therefore equal to or less than the car parking requirement for the existing planning permission, which is a valid legal fall back position for the applicant and which weighs in favour of the development proposal. In its response, DfI Roads offered no objections to the development proposal. For these reasons, it is considered that the current proposal is acceptable and will not lead to the over-intensive development of Longwood Retail Park having regard to adequate parking provision, traffic circulation and landscaping as required by part (b) of the reason for Condition 6 of the outline planning permission U/2004/0796/O.

Socio-Economic Matters

The SPPS states, at paragraph 3.1, that sustainable development is at the heart of the SPPS and the planning system. At paragraph 2.2, the SPPS comments that a key dimension of sustainable development for Northern Ireland is economic growth and

which is a key commitment of the Executive. The SPPS goes on to state that this requires the planning system to support job creation and aid economic recovery for the benefit of all our people. At paragraph 4.19 the SPPS comments that planning authorities should therefore take a positive approach to appropriate economic development proposals and, when taking into account the implications of proposals for job creation, planning authorities should emphasis the potential of proposals to deliver sustainable medium to long term employment growth.

The agent identifies that this proposal represents an investment of approximately £1 million into the economy and creates up to 30 full and part time jobs. These matters weigh in favour of the development proposal.

Other Matters – Planning Permission Conditions

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

A broad review of the planning conditions imposed on the outline planning permission (U/2004/0796/O) and the reserved matters approval (U/2006/0574/RM) has been undertaken in order to determine which of the operational conditions remain relevant at this time given the re-development of the application site completed in and around 2006. This review has led to the conclusion that there are a number of conditions associated with these consents which are no longer necessary as the development is complete and operational. Examples include, but are not limited to, the majority of landscaping conditions associated with these consents.

CONCLUSION

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

- The principle of development for the retail units comprising the Longwood Retail Park has previously been established and the proposal is compliant with the statutory Belfast Urban Area Plan and both versions of the Belfast Metropolitan Area Plan.
- The proposal has been demonstrated as being located in a sequentially preferable location after the town centres studied by the agent and will assist in retaining and consolidating the existing Abbey Centre District Centre without impacting the role and function of the identified town centres.
- The existing car parking provision at the retail park is sufficient to accommodate the requirements of this development proposal and DfI Roads has offered no objections.
- The socio-economic factors associated with this development weigh in favour of the planning application.
- No objections have been received to the proposal.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

Reason: To comply with the requirements of Section 61 (1) (B) of the Planning Act (Northern Ireland) 2011 given that the buildings approved via outline planning permission reference U/2004/0796/O and reserved matters approval U/2006/0053/RM have been completed.

2. The gross retail floorspace hereby approved shall not exceed 22,208 square metres.

Reasons:

- (a) To control the nature, range and scale of the commercial activity to be carried on at this location and to secure a satisfactory mix of land uses; and
- (b) To ensure that the proposed development does not result in over-intensive development of the site having regard to the need for adequate parking provision, traffic circulation and landscaping.

The floorspace comprised in the units 3, 4, 5a, 5b, 6 and 7 shall not exceed 15,612 square metres gross retail floorspace.

3. The floorspace comprised in the units 4, 5a, 5b, 6 and 7 shall be used only for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015,
 - (a) DIY materials, products and equipment;
 - (b) Garden materials, plant and equipment;
 - (c) Furniture and soft furnishings, carpets and floor coverings and electrical goods;
 - (d) Such other items as may be determined in writing by the Council as generally falling within the category of "bulky goods".

No less than 80% of the net retail floorspace comprised in Unit 3 shall be dedicated to the sale, ancillary storage and display of items listed hereunder and for no other purpose including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015,

- (a) Food, alcoholic drink
- (b) Tobacco, newspapers, magazines, confectionary
- (c) Stationary and paper goods
- (d) Toilet requisites and cosmetics
- (e) Household cleaning materials
- (f) Other retail goods that may be determined in writing by the Council as generally falling within the category of 'convenience goods'; with no more than 20% of the net retail floorspace (216 square metres) dedicated to the sale of comparison goods.

Reasons:

- (a) To control the nature, range and scale of the commercial activity to be carried on at this location and to secure a satisfactory mix of land uses; and

- (b) To ensure that the proposed development does not result in over-intensive development of the site having regard to the need for adequate parking provision, traffic circulation and landscaping.

4. The unit approved for the relocation of the TK Maxx store shall not exceed 2973 square metres gross retail floorspace.

Reasons:

- (a) To control the nature, range and scale of the commercial activity to be carried on at this location and to secure a satisfactory mix of land uses; and

- (b) To ensure that the proposed development does not result in over-intensive development of the site having regard to the need for adequate parking provision, traffic circulation and landscaping.

5. None of the retail warehouse space hereby approved shall be subdivided to form separate retail units and no individual retail unit shall occupy gross floor area of less than 1000 m².

Reason: To enable the Council to retain control over the nature, range and scale of the retailing activity to be carried out at this location and to secure a satisfactory mix of land uses.

6. No internal operations increasing the floorspace available for retail use shall be carried out without the prior written consent of the Council.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and vitality of existing retail centres.

7. No part of the hard surfaced areas provided at Longwood Retail Park 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.

8. The landscape management plan, approved as part of planning permission U/2004/0796/O, shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed with the Council.

The landscape management plan shall make clear the division of responsibilities between the overseeing body and the subsequent individual tenants over time.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long term maintenance.

NOTE: See Landscape Informatives - Landscape Management and Maintenance.

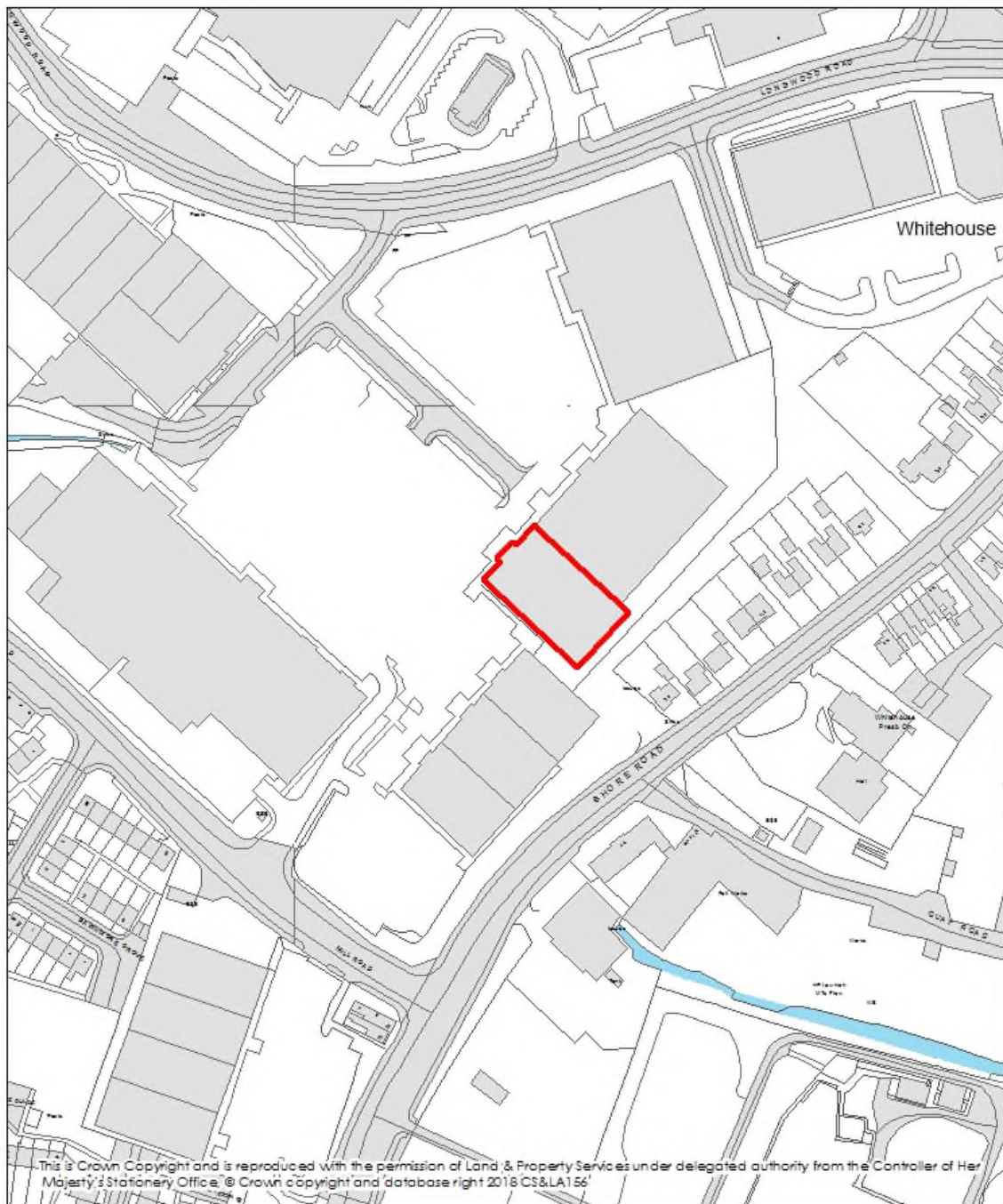
9. No servicing of the site including deliveries or the loading and unloading of vehicles or the external movement of vehicles stores or equipment shall take

place outside 0730 and 2200 hours Monday to Friday, 0900 and 2200 hours on Saturday and at no time on Sunday.

Reason: In the interests of residential amenity.

10. No loudspeakers shall be fitted to any facade facing residential properties.

Reason: In the interests of residential amenity.

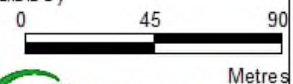


Location Map Application Reference: LA03/2019/0586/F

Site for 4no retail units, 1no retail & leisure unit & 1no DIY store with mezzanine floor & garden centre with associated car parking, landscaping & general site works (Variation of condition 6 of U/2004/0796/O regarding "bulky good" floorspace restriction to allow the floorspace within Unit 3 to be used by a convenience and comparison goods retailer)

For Information Only

Unit 3
Longwood Retail Park
Longwood Road
Newtownabbey



Site Boundary

COMMITTEE ITEM	3.20
APPLICATION NO	LA03/2019/0378/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retention of three pre-fabricated building units, with Unit 1 and Unit 2 for use as Class B2 and Storage with Unit 4 as Class B3 with associated parking and site works (amended description)
SITE/LOCATION	Site 200m east of 50 Moira Road (The Auction Yard) Nutt's Corner BT29 4JL
APPLICANT	The Auction Yard Ltd
AGENT	Tony McCoey
LAST SITE VISIT	10 th June 2019
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site lies to the southeast of the Nutt's Corner Roundabout on the Moira Road and is located in the countryside outside the development limits of any settlement as designated within the Antrim Area Plan 1984-2001 (AAP). The application site is located on lands which constituted the former airfield as depicted within the Policy Guidance Note for Nutt's Corner Antrim.</p> <p>The application site, which is accessed off the Moira Road is a long narrow rectangular shaped site set back some 220 metres from the Moira Road. The application site currently comprises three prefabricated buildings with a further two prefabricated buildings located immediately adjacent to the application site. Four of the prefabricated buildings are currently subject to Enforcement Notices.</p> <p>The topography of the site is flat with the northern and eastern site boundaries defined by railway sleepers. Other existing buildings abut the site to the western boundary and the southern site boundary is undefined.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2019/0379/F Location: Unit 5 The Auction Yard Ltd 50 Moira Road Nutts Corner BT29 4JL Proposal: Proposed use of existing building (unit 5) with associated outdoor storage area to east as storage and distribution (class B4) and retention of second building (Unit 3) to east for same use with associated parking and site works (retrospective) Decision: Application Pending</p>	

Planning Reference: T/2007/0243/RM
Location: 50A Moira Road, Nutt's Corner, Crumlin
Proposal: Warehouse & Distribution for rail track components plus administration offices
Decision: Permission Granted (24.08.2007)

Planning Reference: T/2000/0752/O
Location: 50a Moira Road, Nutt's Corner, Crumlin
Proposal: Warehousing and Distribution Accommodation Including Office Element
Decision: Permission Granted (01.04.2004)

PLANNING POLICY AND GUIDANCE

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located outside any settlement limit and lies in the countryside as designated by the Plan. The application site lies within the former airfield and within the area of Nutt's Corner.

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – Noise assessment requested

Northern Ireland Water – No objections

Department for Infrastructure Roads- Refusal recommended

Department for Infrastructure Rivers – No objections

Department for Communities Historic Environment Division – No objections

Belfast International Airport – No objections

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Preliminary Matters

The application is being considered in conjunction with an associated concurrent application LA03/2019/0379/F for the proposed use of existing building (unit 5) with associated outdoor storage area to the east as storage and distribution (class B4) and retention of second building (Unit 3) to the east for the same use with associated parking and site works (retrospective).

Both proposed retrospective applications relate to unauthorised development that is currently subject to live Enforcement Notices. In total there has been 10 Enforcement Notices issued on this site and the wider lands known as Nutt's Corner Enterprise Park. Of these 10 Enforcement Notices, 8 are live (i.e. have taken effect) and 2 are awaiting the outcome of an appeal and thus have not yet taken effect. In planning terms, there is no lawful use approved or established on the application site or the wider site.

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 lies to the southeast of Nutt's Corner Roundabout on the Moira Road which is within the rural area of Antrim as defined within the AAP. The application site is located on lands which constituted the former airfield as depicted within 'Nutt's Corner Antrim Policy Guidance Note'.

Paragraph 25 of the AAP states that the Nutt's Corner area is not suitable for industrial/commercial activities since NI Water has indicated that it could only supply limited quantities of water to this area, which would be insufficient for the needs of industrial processing. It goes on to say that any substantial development would add to the danger and inconvenience of traffic in the vicinity of the roundabout and the AAP encourages large-scale industrial uses to locate in Antrim where there are available sites. The AAP does not explicitly rule out the proposal in the Nutt's Corner area, it merely states a preference to be located within Antrim Town. Paragraph 25.5 goes on to state that permission will normally be given for small scale commercial and industrial activities in existing buildings such as disused agricultural or commercial buildings on derelict sites provided there are no objections such as unsightliness, noise, smell and excessive or dangerous traffic generation.

The application seeks planning permission for the retention of three pre-fabricated building units, with Unit 1 and Unit 2 for use as Class B2 and Storage with Unit 4 as Class B3 with associated parking and site works. Two of the units were unoccupied at the time of the officer's site visit whilst the third unit (unit 4) was occupied by a car repair business.

Although the application site is located within the countryside, supporting information presented within Document 02 date stamped 30th July 2019 outlines that McConnell Metals historically occupied the site, which is verified within the 'Nutt's Corner Antrim Policy Guidance Note'. Proceeding McConnell Metals the applicant advises that the application site was utilised for a number of different uses, including storage and distribution. Notwithstanding the information provided within Document 02, the current and concurrent applications LA03/2019/0379/F are not the process to assess the established or lawful use of the application site.

No Certificate of Lawfulness of Existing Use or Development (CLUD) has been submitted to or approved by the Council. Nevertheless, as outlined above, the 'Nutt's Corner Antrim Policy Guidance Note' indicates that part of the site was historically used as McConnell Metals. As such, it is accepted that an established industrial use was previously evident on the application site.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside. The SPPS goes on to state that proposals may occasionally involve the construction of new buildings. However, the SPPS goes on to warn that the level of new buildings for economic development purposes

outside settlements must be restricted in the interests of rural amenity and wider sustainability objectives. The SPPS also states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. 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.

Policy PED 4 of PPS 4 allows for the Redevelopment of an Established Economic Development Use in the Countryside and stipulates a number of criterions to be met. The supporting information within Document 02 contends that the application is in accordance with the policy provisions of PED 4.

One of the criteria set out within Policy PED 4 requires that the redevelopment scheme deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site. As outlined above the application site forms part of a larger area on the former airfield site that was historically used as McConnell Metals. The lands to the west, directly adjacent to the application site also formed part of McConnell Metals as indicated within the 'Nutt's Corner Antrim Policy Guidance Note'. As such, for the purposes of a redevelopment scheme the area of the existing site should reflect that of McConnell Metals. The applicant has failed to provide a redevelopment scheme that deals comprehensively with the full extent of the site, or indeed how the redevelopment of this section of the site addresses the implications for the remainder of the site.

Furthermore, a large building is located adjacent and to the northwest of the application site, which is immune from enforcement albeit with no lawful use. Although outside the application site, it is located on lands associated with McConnell Metals and under the ownership of the applicant. Information was requested from the applicant as to the reason this building could not be utilised which would negate the need for the four prefabricated units and three storage containers units (totality of building units of the current application and associated concurrent application LA03/2019/0379/F). The supporting information contained within Document 02 fails to address why the proposed 3 prefabricated units are required and why the adjacent building could not be utilised. The other criteria of PED 4 relate to the scale and nature of the proposal and the impact on the rural character of the area and as such are discussed in more detail below.

Additionally, as outlined above the AAP states that any substantial development would add to the danger and inconvenience of traffic in the vicinity of the Nutt's Corner roundabout and the AAP encourages large-scale industrial uses to locate in Antrim where there are available sites. DfI Roads was consulted on the proposal and has recommended refusal on the grounds of road safety, if, the Council considers that the development proposal would result in an intensification of the use of the access. Given the lack of any lawful use operating on the site the proposal would be considered to lead to the intensification of the use of the access onto the trunk road/protected route. The proposal does not comply with the provisions of the AAP and also fails to address the required stipulations of criterion (c) of Policy PED 4 and subsequently the principle of development on this site has not been established.

Design, Layout and Impact on Character and Appearance of Area

Policy PED 4 of PPS 4 requires the redevelopment of an established economic development to meet a number of criteria:

- 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;
- the overall visual impact of replacement buildings is not significantly greater than that of the buildings to be replaced;
- and any redevelopment results in environmental benefits.

The proposed application is for the retention of 3 prefabricated units whilst the associated concurrent application LA03/2019/0379/F is for the use of the large existing permanent building (Unit 5), along with one prefabricated building and three storage container units.

Although the application does not include the replacement of any buildings, it does include the retention of a number of additional buildings. The design of the proposed prefabricated units and storage container units are not considered to be visually appropriate for the rural area and are more reflective of buildings designed for temporary industrial use. When considered cumulatively the number, scale and design of the various buildings would harm the rural character and appearance of the local area.

The landscape of this section of Nutt's Corner is flat and exposed with little existing boundary treatment to aid integration. Critical views of the site are experienced when travelling along the Moira Road which has a high level of vehicle movements. The development as exists appears as piecemeal development which encroaches on the rural landscape. Additionally, the presence of the unauthorised use and development on the lands adjacent to the application site increases its overall visual impact which has a detrimental visual impact on the rural character and appearance of the area.

The supporting document outlines that one of the prefabricated units is currently in use as a car repair business with the other two units unoccupied whilst the associated concurrent application LA03/2019/0379/F outlines the remaining prefabricated unit to be used by Knights Furniture, which also occupies the large building Unit 5. Should this, and the associated application be approved, it could potentially result in 4 individual businesses operating out of the application site. Not only is it considered that the development proposal will not provide any environmental benefits, it is anticipated that it will in fact significantly create detrimental impacts to the environment.

For the reasons outlined above it is considered that the proposal also fails to comply with criteria a, b and d of PED 4.

Access, Movement and Parking

Access to the application site is achieved via an existing access onto the Moira Road which is a protected route designated under the Antrim Area Plan. Additionally the AAP advises that in relation to Nutt's Corner any substantial development would add to the danger and inconvenience of traffic in the vicinity of the roundabout and the

AAP encourages large-scale industrial uses to locate in Antrim where there are available sites.

DfI Roads was consulted on the proposal and has recommended a refusal on grounds of road safety if the Council considers that the development proposal is deemed to result in an intensification in use of the site. As stated above, it is considered that the development proposal together with associated concurrent development proposal LA03/2019/0379/F will increase the use of the site as there is no lawful use established at present. The proposal is therefore considered to represent intensification of use and as such the proposal does not comply with the provisions of the AAP in relation to road safety.

Additionally as the principle of development has not been established the proposal fails to comply with the provisions of AMP 2 of PPS 3 and Annex 1 of PPS 21.

Other Matters

The applicant makes reference within Document 02 to the proposal complying with the provisions of the emerging plan in relation to Nutt's Corner being identified as a Strategic Employment Location. The provisions of the Draft Plan Strategy are in the early stages and as such carry no weight in the determination of this current application.

Following consultation, the Council's Environmental Health Section requested that a Noise Assessment be carried out due to the nature of the proposed use within the application site. The Noise Assessment has not been requested from the applicant due to the principle of development not being established.

CONCLUSION

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

- The principle of the development has not been established;
- The scale and nature of the proposal will harm the rural character of the area;
- The overall visual impact of proposed buildings is inappropriate for this rural area;
- The applicant has failed to provide a redevelopment scheme that deals comprehensively with the full extent of the site, or indeed how the redevelopment of this section of the site addresses the implications for the remainder of the site; and
- The proposal is considered to represent intensification of use and as such the proposal does not comply with the provisions of the AAP in relation to road safety.

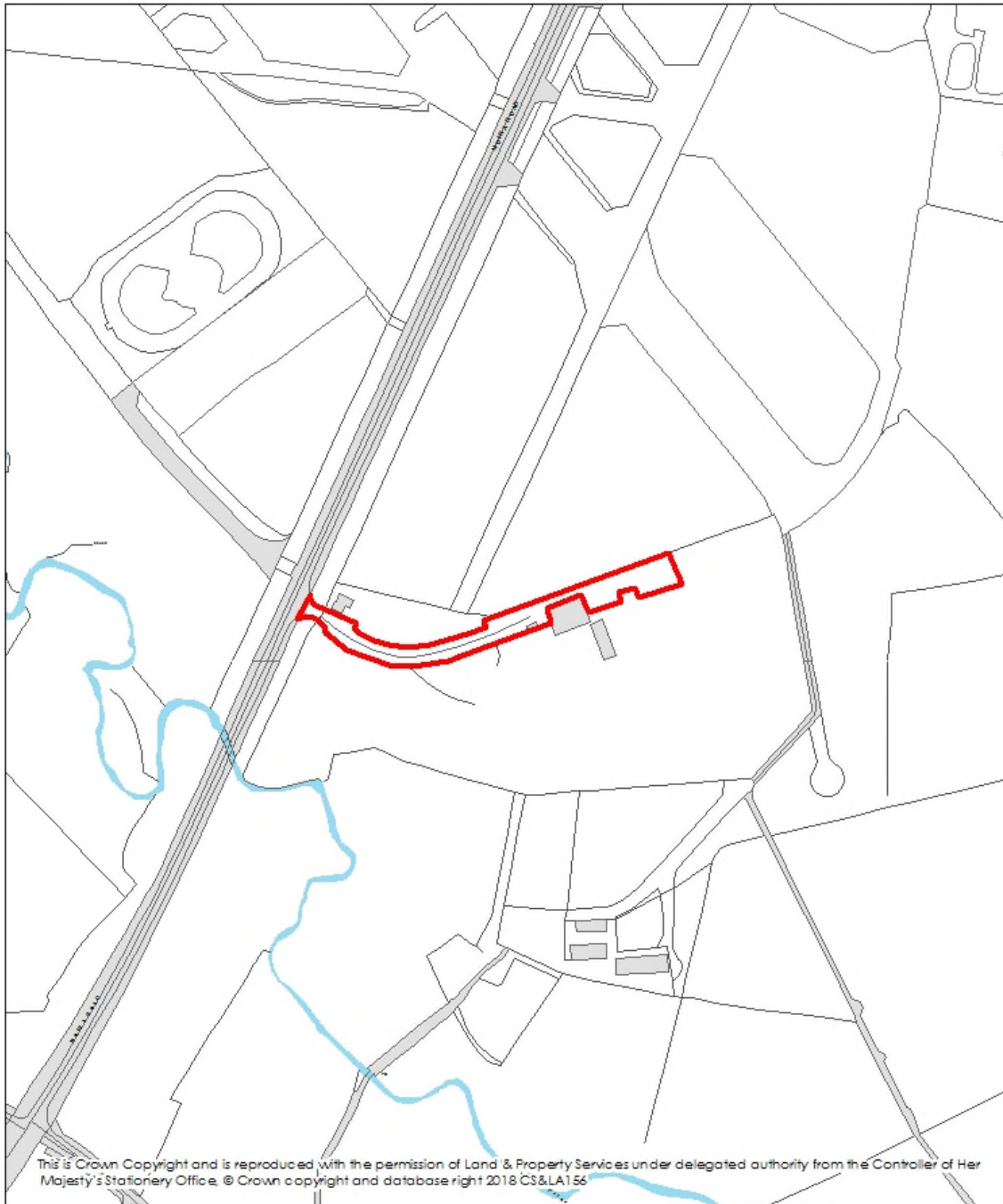
RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

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

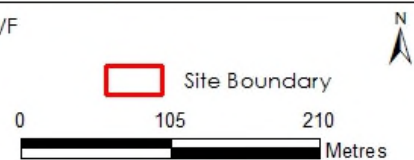
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy PED 4 of Planning Policy Statement 4 'Planning and Economic Development', in that: the proposal fails to demonstrate any exceptional circumstances for storage or distribution to be located within this rural area; the scale and use of the buildings will harm the rural character of the local area; the redevelopment does not provide any environmental benefits; the redevelopment does not deal comprehensively with the full extent of the site and the overall visual impact is significantly greater than what exists on site.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 21 'Sustainable Development in the Countryside, Annex 1, Policy AMP 3 'Access to Protected Routes (Consequential Revision)' in that it would, if permitted, result in intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.



Location Map Application Reference: LA03/2019/0378/F
 Site 200m east of 50 Moira Road (The Auction Yard)
 Nutts Corner BT29 4JL

Erection of three commercial units, with Unit 1 and 2 for use as Class B2 and Storage with Unit 4 as Class B3 (retention of pre fabricated buildings) with associated parking and site works

For Information Only



COMMITTEE ITEM	3.21
APPLICATION NO	LA03/2019/0379/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed use of existing building (unit 5) with associated outdoor storage area to east as storage and distribution (class B4) and retention of second building (Unit 3) to east for same use with associated parking and site works (retrospective)
SITE/LOCATION	Unit 5 The Auction Yard Ltd 50 Moira Road Nutts Corner BT29 4JL
APPLICANT	The Auction Yard Ltd
AGENT	Tony McCoey
LAST SITE VISIT	10 th June 2019
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site lies to the southeast of the Nutt's Corner Roundabout on the Moira Road and is located in the countryside outside the development limits of any settlement as defined within the Antrim Area Plan 1984-2001 (AAP). The application site is located on lands which constituted the former airfield as depicted within the Policy Guidance Note for Nutt's Corner Antrim.</p> <p>The application site, which is accessed off the Moira Road is a long narrow rectangular shaped site set back 220 metres from the Moira Road. The application site is currently occupied by a building which measures 29 metres in length, 10 metres in width and has a height of 6.2 metres. The application site is also currently occupied by 4 existing prefabricated buildings, which are subject to Enforcement Notices.</p> <p>The topography of the site is flat with the northern and eastern site boundaries being defined by railway sleepers. Buildings located adjacent to the site abut the western boundary and the southern site boundary is undefined.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2019/0378/F Location: Site 200m east of 50 Moira Road (The Auction Yard) Nutt's Corner BT29 4JL Proposal: Erection of three commercial units, with Unit 1 and 2 for use as Class B2 and Storage with Unit 4 as Class B3 (retention of pre-fabricated buildings) with associated parking and site works Decision: Application Pending</p>	

Planning Reference: T/2007/0243/RM

Location: 50A Moira Road, Nutt's Corner, Crumlin

Proposal: Warehouse & Distribution for rail track components plus administration offices

Decision: Permission Granted (24.08.2007)

Planning Reference: T/2000/0752/O

Location: 50a Moira Road, Nutt's Corner, Crumlin

Proposal: Warehousing and Distribution Accommodation Including Office Element

Decision: Permission Granted (01.04.2004)

PLANNING POLICY AND GUIDANCE

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located outside any settlement limit and lies in the countryside as designated by the Plan. The application site lies within the former airfield and within the area of Nutt's Corner.

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – Noise Assessment requested

Northern Ireland Water – No objections

Department for Infrastructure Roads- Refusal recommended

Department for Infrastructure Rivers – No objections

Department for Communities Historic Environment Division – No objections

Belfast International Airport – No objections

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Preliminary Matters

The application is being considered in conjunction with an associated concurrent application LA03/2019/0378/F for the proposed retention of three units comprising Unit 1 and Unit 2 for use as Class B2 and ancillary storage with Unit 4 as Class B3 and associated parking and site works for the 3 No. units.

Both applications relate to unauthorised development that is currently subject to live Enforcement Notices. In total there has been 10 Enforcement Notices issued on this site and the wider site known as Nutt's Corner Enterprise Park. Of these 10 Enforcement Notices, 8 are live (i.e. have taken effect) and 2 are awaiting the outcome of an appeal and thus have not yet taken effect. In planning terms, there is no lawful use on the application site or the adjoining lands.

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 lies to the southeast of Nutt's Corner Roundabout on the Moira Road which is within the rural area of Antrim as defined within the AAP. The application site is located on lands which constituted the former airfield as depicted within 'Nutt's Corner Antrim Policy Guidance Note'.

Paragraph 25 of the AAP states that the Nutt's Corner area is not suitable for industrial/commercial activities since NI Water has indicated that it could only supply limited quantities of water to this area, which would be insufficient for the needs of industrial processing. It goes on to say that any substantial development would add to the danger and inconvenience of traffic in the vicinity of the roundabout and the AAP encourages large-scale industrial uses to locate in Antrim where there are available sites. The AAP does not explicitly rule out the proposal in the Nutt's Corner area, it merely states a preference to be located within Antrim. Paragraph 25.5 goes on to state that permission will normally be given for small scale commercial and industrial activities in existing buildings such as disused agricultural or commercial buildings on derelict site provided there are no objections such as unsightliness, noise, smell and excessive or dangerous traffic generation.

The application seeks planning permission for the proposed use of existing building (Unit 5) with associated outdoor storage area to the east as storage and distribution (Use Class B4) and retention of second building (Unit 3) to the east for the same use with associated parking and site works (retrospective). Unit 5 is currently occupied by Knights Furniture with the prefabricated unit and 3 no. storage units to be used as ancillary uses for Knights Furniture.

Although the application site is located within the countryside, supporting information presented within Document 02 date stamped 30th July 2019 outlines that McConnell Metals historically occupied the site, which is verified within the 'Nutt's Corner Antrim Policy Guidance Note'. Following the use of the site by McConnell Metals the applicant advises that the application site was utilised for a number of different uses, including storage and distribution. Notwithstanding the information provided within Document 02, the current and concurrent applications LA03/2019/0378/F is not the process to assess the established or lawful use of the application site.

No Certificate of Lawfulness of Existing Use or Development (CLUD) has been submitted to or approved by the Council. Nevertheless, as outlined above, the 'Nutt's Corner Antrim Policy Guidance Note' indicates that part of the site was historically used as McConnell Metals. As such, it is accepted that an established industrial use was previously evident on the application site. Additionally, it should be noted that the large existing building referred to as Unit 5 is immune from enforcement action, however, an Enforcement Notice exists for the use of the building.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside. The SPPS goes on to state that proposals may occasionally involve the construction of new buildings. However, the SPPS goes

on to warn that the level of new buildings for economic development purposes outside settlements must be restricted in the interests of rural amenity and wider sustainability objectives. The SPPS also states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. 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.

Policy PED 4 of PPS 4 allows for the Redevelopment of an Established Economic Development Use in the Countryside and stipulates a number of criterion to be met. However, PED 4 is caveated stating that the redevelopment of an established industrial or business site for storage and distribution purposes will only be permitted in exceptional circumstances unless it constitutes the redevelopment of an existing storage and distribution centre. As outlined above no lawful use exists on site with the exception of the historic use of McConnell Metals which is not considered to be a storage and distribution use. The supporting information contained within Document 02 refers to previous planning permissions T/2000/0752/O and T/2007/0243/RM for Warehouse & Distribution for rail track components plus administration offices. However, this permission was never enacted and subsequently the planning permission has expired. Although the supporting information within Document 02 contends that the application is in accordance with the policy provisions of PED 4, the evidence presented by the applicant has failed to demonstrate that the use of storage and distribution is acceptable in policy terms on the site.

Another criterion set out within Policy PED 4 requires that the redevelopment scheme deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site. As outlined above the application site forms part of a larger area on the former airfield site that was historically used as McConnell Metals. The lands to the west, directly adjacent to the application site also formed part of McConnell Metals as indicated within the 'Nutt's Corner Antrim Policy Guidance Note'. As such, for the purposes of a redevelopment scheme the area of the existing site should reflect that of McConnell Metals. The applicant has failed to provide a redevelopment scheme that deals comprehensively with the full extent of the site, or indeed how the redevelopment of this section of the site addresses the implications for the remainder of the site.

Furthermore, a large building is located directly adjacent and to the northwest of Unit 5, which is immune from enforcement albeit with no lawful use. Although the building is located outside the application site, it is on lands associated with McConnell Metals and under the ownership of the applicant. Information was requested from the applicant as to the reason this building could not be utilised which would negate the need for the four prefabricated units and three storage containers units. The supporting information contained within Document 02 fails to address why the adjacent building could not be utilised, however, it advises that the three storage units are required for a temporary period in order for Knights Furniture building to be fit for purpose. The other criterion of PED 4 relate to the scale and nature of the proposal and the impact on the rural character of the area and as such are discussed in more detail below.

Additionally, as outlined above the AAP states that any substantial development would add to the danger and inconvenience of traffic in the vicinity of the Nutt's Corner roundabout and the AAP encourages large-scale industrial uses to locate in Antrim where there are available sites. DfI Roads was consulted on the proposal and has recommended a refusal on grounds of road safety on the basis that the Council considers that the development proposal is deemed to be an intensification of use. The proposal could possibly increase the site usage from the historic use of McConnell Metals to four independent businesses operating from the site, which also precludes any unlawful use currently operating from the site. The development proposal is considered to represent intensification of use and as such, the proposal does not comply with the provisions of the AAP. The proposal also fails to address the required stipulations of criterion (c) of Policy PED 4 and subsequently the principle of development on this site has not been established.

Design, Layout and Impact on Character and Appearance of Area

As outlined above Policy PED 4 requires that for the redevelopment of an established economic development the following criterion are also met: 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; the overall visual impact of replacement buildings is not significantly greater than that of the buildings to be replaced; and any redevelopment results in environmental benefits.

The proposed application is for the retention of the large existing building (Unit 5), along with one prefabricated building and three storage container units, whilst the associated concurrent application LA03/2019/0378/F is for an additional 3 prefabricated units. When considered cumulatively the total number of buildings equates to one large building, four prefabricated buildings and three storage container units within the application site. Although it is unclear as to the extent of the site area associated with the historical use of McConnell Metals, the increase in the number of buildings and structures is of a scale and nature which would harm the rural character and appearance of the local area.

Although the proposal does not include the replacement of any buildings, it does include the retention of buildings. The nature and design of the proposed prefabricated units and storage container units are not designed to be visually appropriate for the rural area and reflect that of buildings designed for temporary use. The proposal will significantly increase the built development on the application site. The landscape of this section of Nutt's Corner is flat and exposed with little existing boundary treatment to aid integration. Critical views of the site are experienced when travelling along the Moira Road which has a level of high vehicle activity. The development as it exists appears as piecemeal development which encroaches on the rural landscape. Additionally, the presence of the unauthorised use and development on the lands adjacent to the application site increase its overall visual impact which has a detrimental visual impact on the rural character and appearance of the area.

The supporting information contained within Document 02, does not demonstrate how the proposal would provide environmental benefits as the result of the redevelopment. The supporting document outlines that one of the prefabricated units is to be used by Knights Furniture, which also occupies the large building Unit 5. The remaining 3 prefabricated units proposed under the associated concurrent

application LA03/2019/0378/F are currently unoccupied and should this, and the associated application be approved, it could potentially result in 4 individual businesses operating out of the application site. Not only is it considered that the development proposal will not provide any environmental benefits, it is anticipated that it will in fact significantly create detrimental impacts to the environment.

For the reasons outlined above it is considered that the proposal also fails to comply with criteria a, b and d of PED 4.

Access, Movement and Parking

Access to the application site is achieved via an existing access onto the Moira Road which is a protected route designated under the Antrim Area Plan. Additionally the AAP advises that in relation to Nutt's Corner any substantial development would add to the danger and inconvenience of traffic in the vicinity of the roundabout and the AAP encourages large-scale industrial uses to locate in Antrim where there are available sites.

DfI Roads was consulted on the proposal and has recommended the application be refused on grounds of road safety, provided that the Council considers that the development proposal is deemed to result in an intensification of use of the site. As stated above, it is considered that the development proposal together with associated concurrent development proposal LA03/2019/0378/F will increase the site usage, potentially increasing to four independent businesses operating from the site, which precludes any unlawful use currently operating from the site.

Additionally as the principle of development has not been established the proposal fails to comply with the provisions of AMP 2 of PPS 3 and Annex 1 of PPS 21.

Other Matters

The applicant makes reference within Document 02 to the proposal complying with the provisions of the emerging plan in relation to Nutt's Corner being identified as a Strategic Employment Location. The provisions of the Draft Plan Strategy are in the early stages and as such carry no weight in the determination of this application.

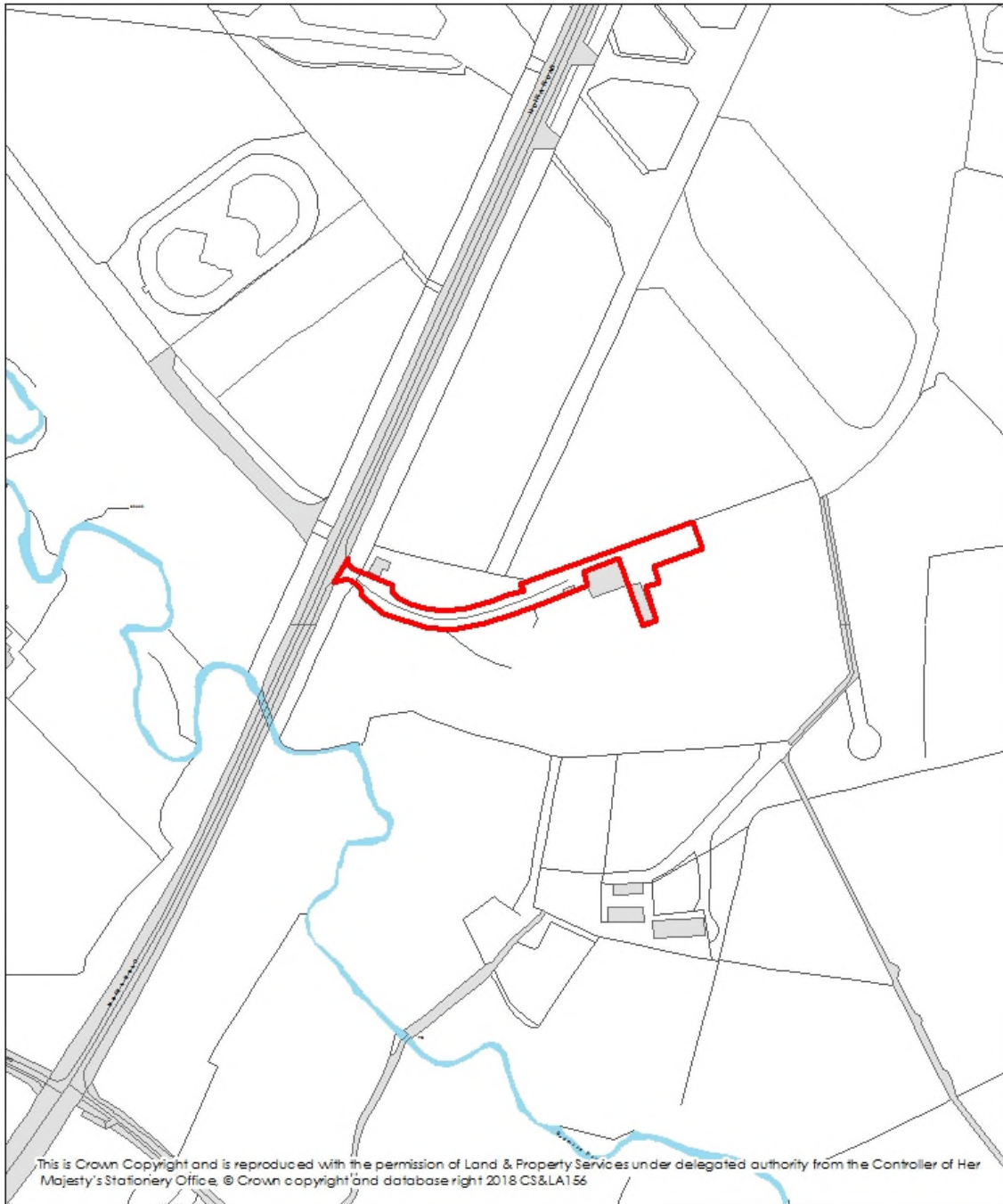
Following consultation, the Council's Environmental Health Section requested that a Noise Assessment be carried out due to the nature of the proposed use within the application site. The Noise Assessment has not been requested from the applicant due to the principle of development not being established.

CONCLUSION

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

- The principle of the development has not been established;
- The scale and nature of the proposal will harm the rural character of the area;
- The overall visual impact of proposed buildings is inappropriate for this rural area;
- The applicant has failed to provide a redevelopment scheme that deals comprehensively with the full extent of the site, or indeed how the redevelopment of this section of the site addresses the implications for the remainder of the site; and
- The proposal is considered to represent intensification of use and as such the proposal does not comply with the provisions of the AAP in relation to road safety.

RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21 'Sustainable Development in the Countryside' in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy PED 4 of Planning Policy Statement 4 'Planning and Economic Development', in that: the proposal fails to demonstrate any exceptional circumstances for storage or distribution to be located within this rural area; the scale and use of the buildings will harm the rural character of the local area; the redevelopment does not provide any environmental benefits; the redevelopment does not deal comprehensively with the full extent of the site and the overall visual impact is significantly greater than what exists on site. 3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 21 'Sustainable Development in the Countryside, Annex 1, Policy AMP 3 'Access to Protected Routes (Consequential Revision)' in that it would, if permitted, result in intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety. 	



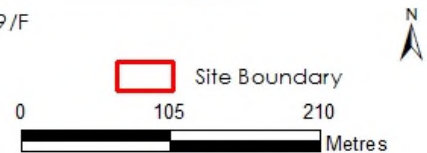
Location Map

Application Reference: LA03/2019/0379/F

Unit 5 The Auction Yard Ltd
50 Moira Road Nutts Corner BT29 4JL

Proposed use of existing building (unit 5) with associated outdoor storage area to east as storage and distribution (class B4) and retention of second building (Unit 3) to east for same use with associated parking and site works (retrospective)

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COMMITTEE ITEM	3.22
APPLICATION NO	LA03/2019/0715/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed 2 no. infill dwellings and garages
SITE/LOCATION	60m SE of No. 9 Cloughogue Road, Toome, BT41 3PW
APPLICANT	Mr B O'Donnell
AGENT	Robert Logan Chartered Architects
LAST SITE VISIT	5 th September 2019
CASE OFFICER	Lisa Stewart Tel: 028 903 40403 Email: Lisa.Stewart@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located 60 metres south east of 9 Cloughogue Road, Toomebridge and lies in the countryside outside any settlement limit as defined in the Antrim Area Plan 1984-2001.</p> <p>The application site is part of a larger agricultural field which is accessed from the Cloughogue Road. The site has residential dwellings located to the northwest and southeast. There is a steep landfall on the site in a southwestern direction down towards the Cloughogue Road.</p> <p>The northwestern and southwestern boundaries are defined by mature hedging, the northeastern boundary is undefined and the southeastern boundary is defined by a combination of wire and post fencing and 2 metre high mature hedging.</p> <p>The site is located in an area which is rural in character with a number of individual dwellings in the surrounding area either single storey or a storey and a half in height.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2000/0814/O Location: South of 7 Cloughogue Road, Toomebridge Proposal: Site of dwelling Decision: Permission Granted (12.12.2000)</p> <p>Planning Reference: T/2001/0249/F Location: South of 7 Cloughogue Road, Toomebridge Proposal: Dwelling Decision: Permission Granted (05.06.2001)</p>	

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

CONSULTATION

Northern Ireland Water – No Objections

Department for Infrastructure Roads- Amendments Required

REPRESENTATION

Six (6) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

The Antrim Area Plan 1984-2001 (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to determination of the proposal.

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

The 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.

In this case, the application site comprises an existing large gap with No. 9 Cloughogue Road and its associated garage to the northwest and three other dwellings to the southeast, No. 7, No. 5B and No. 5C along with their associated garages.

No. 9 Cloughogue Road stands on a plot which directly abuts the road. No. 7 Cloughogue Road stands on a plot, which is set back approximately 35 metres from the road. A portion of maintained land associated with this residential property and its access lies between the dwelling and the Cloughogue Road. No. 5b shares a similar arrangement and is set back approximately 38 metres from the road. Given that the lands associated with each property are maintained, it is accepted on balance that these dwellings demonstrate a frontage to the road.

Overall, given the development to the northwest and southeast of the site (to include No. 09, No. 07 and No. 5B) it is considered that the application site forms a gap in a built up frontage and therefore, complies with criteria 'a' of CTY 8.

The second criteria of policy CTY 8 requires the gap site to be small in that a maximum of two dwellings must be capable of being accommodated within the resulting gap. The justification and amplification text at Paragraph 5.34 is clear that the gap site must be between houses or other buildings. As such, it is the gap between the outbuilding associated with No. 9 and outbuilding located at No. 7 that constitutes the gap site for the purpose of this policy. The gap between the outbuilding at No. 7 and the outbuilding at No. 5B measures approximately 140 metres. This is considered to be a significant gap which could accommodate more than two dwellings e.g. it could accommodate the entirety of No's 7, 5B and 5C Cloughogue Road and their respective curtilages. As such, the gap site is not considered small. In addition, it is considered that the gap between buildings provides an important visual break in the developed appearance of this area and maintains its dispersed rural character. Consequently, It is considered the proposal fails to meet element 'b' of the policy as detailed above.

Criteria 'C' of Policy CTY 8 requires proposals to respect the existing development pattern along the frontage, in this case the plot widths for the nearby dwellings at No. 7, No. 5B and No. 5C measure approximately 30 metres, 40 metres and 32 metres. The dwelling houses at No. 8A and No. 8B have plot widths of 62 metres and 50 metres. It is noted that the dwelling house at No. 09 has a much larger plot width of approximately 104 metres this is due to its irregular plot shape, and is considered an exception and not an indication of the predominant frontage size within this area.

The applicant's justification for this proposal centres on being able to create frontages similar to that existing in the area. The creation of comparable frontages does not justify the infilling of critical green gaps in the rural area particularly as the gap between buildings of 140 metres is considered significant and can accommodate more than two dwellings.

Overall, it is considered that the proposal does not comply with Policy CTY 8 in that the gap between buildings comprises a significant gap that could accommodate

more than two dwellings and its development would result in ribbon development along the Cloughogue Road.

There does not appear to be any other evidence to suggest that the proposal falls to be considered under any other category of development that is noted as acceptable in principle in the countryside in accordance with Policy CTY 1 of PPS 21. Furthermore it is not considered that there are any other overriding reasons as to why this development is essential at this location and could not be located within a settlement.

Design and Impact on Character and Appearance of the Area

Policy CTY 14 of PPS 21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Criterion 'd' of policy CTY 14 indicates that a new building will be unacceptable where it creates or adds to a ribbon of development. The words 'visual linkage' that are found in Paragraph 5.33 of the justification and amplification text, are used in reference to what can constitute a ribbon of development. Policy CTY 14 further, indicates that a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked.

The application site i.e. existing gap between Nos. 9 and 7 Cloughogue Road provides an important visual break in the developed appearance of the locality and is significant in ensuring that the rural character of the area is not further eroded. This proposal will result in a suburban style build-up and ribbon of development along the Cloughogue Road. The infilling of this critical gap is considered to be detrimental to the rural character of the area as this proposal will result in the creation of a linear form of ribbon development along Cloughogue Road, which is at odds with the present dispersed settlement pattern. The proposal is therefore considered contrary to criteria 'd' of Policy CTY 8 and will thus have a detrimental impact on the character of the rural area.

Policy CTY 13 of PPS 21 states that planning permission may be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design, Criterion 'a' of the policy indicates that a new building will be unacceptable if it is a prominent feature in the landscape.

Critical views of the site are experienced on approach to the site from the southeast and when travelling from the northwest. Given the rising topography of the site, it is considered, the two dwellings and associated garages proposed will appear prominent on this site. No existing ground levels have been submitted to provide an understanding of the level of cut and fill required to develop these sites, however, it is considered that the level of cut and fill required to create a level surface is likely to reinforce the prominence of these buildings on such an elevated site. As a consequence it is concluded the proposed dwellings would be a prominent feature contrary to criterion 'a' of Policy CTY 13.

Overall, it is considered that the proposed development fails to meet the policy criteria for both Policy CTY 14 and Policy CTY 13.

Neighbour Amenity

Due to the plot size of the sites proposed, there is adequate separation distances to ensure there are no overlooking or overshadowing impacts from the proposed dwellings. It is considered that there would be no impact on the privacy or amenity of any surrounding properties.

Other Matters

Whilst DfL Roads has requested amendments, these have not been requested from the applicant given that the principle of development is considered unacceptable.

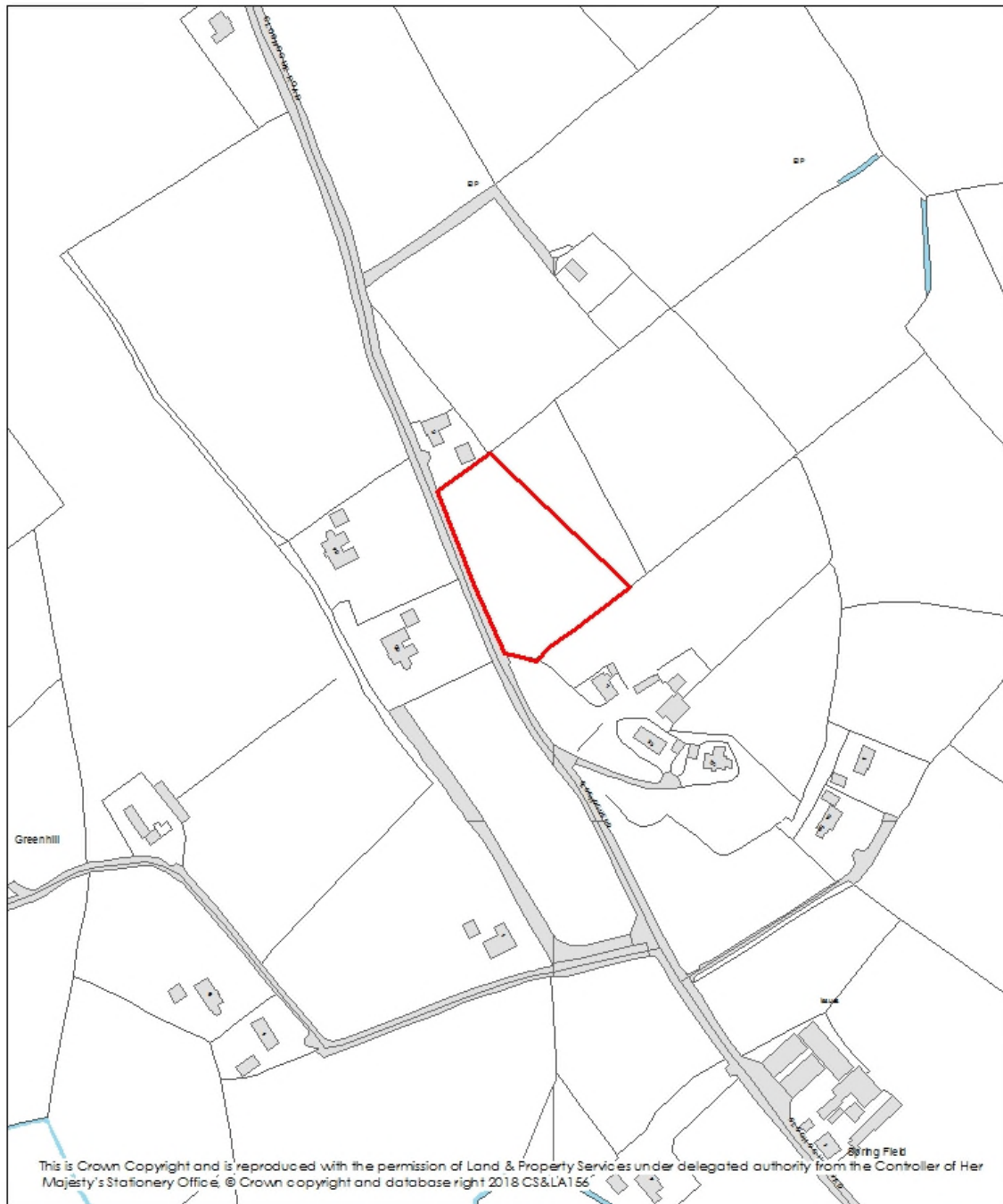
CONCLUSION

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

- The principle of the development is considered unacceptable as the proposal is not considered to meet the policy requirements for an infill opportunity.
- The proposal constitutes ribbon development that will cause a detrimental change to and further erode the rural character of the area.
- The dwellings, if permitted, would be a prominent feature in the landscape and therefore are unacceptable.
- The proposed dwelling will not have a detrimental impact on the amenity of neighbouring properties.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21 'Sustainable Development in the Countryside', in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that it;
 - (a) fails to meet with the provisions for an infill dwelling as the application site does not comprise a small gap within a substantial and continuously built up frontage; and
 - (b) would result in the creation of a ribbon development on the Cloughogue Road.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, in that the two dwellings would, if permitted, represent an unduly prominent feature in the landscape.
4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, in that the two dwellings would, if permitted:
 - (a) represent an unduly prominent feature in the landscape; and
 - (b) result in a suburban style build-up of development; and
 - (c) result in the creation of ribbon development along the Cloughogue Road detrimental to and further eroding the rural character of this area.



Location Map

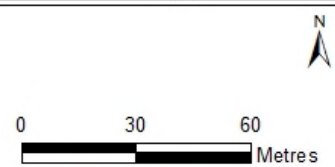
Application Reference: LA03/2019/0715/F

60m southeast of 9 Cloghogue Road, Toomebridge

2 No. infill dwellings and garages

 Site Boundary

For Information Only



COMMITTEE ITEM	3.23
APPLICATION NO	LA03/2019/0627/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	New dwelling and garage
SITE/LOCATION	60m East of 89 Ballyrobin Road, Muckamore, Antrim, BT41 4TF
APPLICANT	Mrs. Tara Gardiner
AGENT	Eamonn Moore Architect Ltd
LAST SITE VISIT	5 th August 2019
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: Alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the countryside outside any settlement limit as indicated within Antrim Area Plan 1984-2001.</p> <p>The application site is a large rectangular shaped site, measuring 144 metres along the road frontage with a depth of 60 metres. The site is an agricultural field with the topography of the site rising gradually from the east to the southwest. The boundaries of the site are defined by a mature hedgerow along the southern (roadside) boundary, mature trees along the western boundary, whilst the northern and eastern boundaries remain undefined. Access to the site is achieved via an existing agricultural access.</p> <p>The application site is located within the rural area with a number of detached dwellings dispersed in the immediate vicinity. The village of Templepatrick is located to the east of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2017/0572/RM Location: 70m NE of 140 Braepark Road, Ballyclare, BT39 9SX Proposal: Erection of dwelling Decision: Permission Granted (05.09.2017)</p> <p>Planning Reference: U/2014/0041/O Location: 70m NE of 140 Braepark Road, Ballyclare, BT39 9SX Proposal: Site for dwelling on a farm Decision: Permission Granted (07.07.2014)</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p>	

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objections

Northern Ireland Water – Statutory Response

Department for Infrastructure Roads- Refusal recommended

Department for Communities Historic Environment Division – No objections

DAERA – Countryside Management Branch Inspectorate – No objections

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. Policy CTY 10 of PPS21 provides the appropriate policy context for the proposed development.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) The farm business is currently active and has been established for at least six years.
- (b) No dwellings or development opportunities out with the settlement development limits have been sold off from the farm holding within ten years of the date of application.
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm where practicable.

The Department for Agriculture Environment and Rural Affairs – Countryside Management Branch Inspectorate (DAERA) were consulted as part of the assessment of the planning application. DEARA have confirmed that the farm business ID was allocated on 1st August 2012, DAERA also advises that the business id identified currently claims Single Farm Payments (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environmental schemes and has done during the period 2015-2019. It is considered that sufficient information has not been provided to demonstrate farming activity over a six year period. Criterion (a) of CTY 10 is therefore not met.

Criteria (b) of Policy CTY 10 states that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. The farm holding consists of two agricultural fields (including the application site) located at Ballyrobin Road. The aforementioned lands which constitute the farm holding also formed part of a different farm holding with a separate business id, registered to a Mr Trevor Gardiner (the applicant's husband), also of 140 Braepark Road. Planning permission U/2014/0041/O was granted permission in July 2014 for a farm dwelling under Mr Gardiner's business ID at lands located adjacent to the existing farm buildings at 140 Braepark Road.

As outlined above Policy CTY 10 requires that no dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the planning application, applicable from 25th November 2008. Policy CTY 10 refers to 'the farm holding', which constitutes one farm holding and business. The policy clearly seeks to preclude situations where an "artificial" justification for an additional dwelling is created, emphasizing that a dwelling on a farm will only be acceptable once every ten (10) years.

The lands which include the application site, formed part of the farm holding registered to Mr Gardiner, in which planning permission was granted under CTY 10 in July 2014. The lands associated with Mr Gardiner's farm holding, have, since the grant of the previous planning permission U/2014/0041/O been subdivided to form an additional farm holding. Supporting document 02A dated 16th September 2019 advises the applicant and her husband Mr Gardiner intend to hand over the farm holding to their son and wish to retain a small farm holding at Ballyrobin Road. Although the reasons for the additional farm holding have been provided, for the reasons outlined above it is evident that planning permission has previously been granted within the last 10 years on the farm holding. Therefore, the proposal fails to satisfy criterion (b) of CTY 10.

Criteria (c) of Policy CTY 10 states that the new building shall be visually linked or sited to cluster with an established group of buildings on the farm. In this case there are no existing farm buildings located on the farm holding. Notwithstanding the fact that no existing buildings are located on the farm holding, agricultural buildings are located at the applicant's home address, where the farm holding is registered at 140 Braepark Road. Supporting documentation 02A dated 16th September 2019 advises that the applicant wishes to expand the farm at the Ballyrobin Road and that viable plans may be produced if necessary. No previous or current planning applications, nor have any verifiable plans been submitted to the Council for the erection of agricultural buildings on the farm holding at the Ballyrobin Road. The proposal also fails to satisfy criterion (c) of CTY 10.

Impact on Character and Appearance of the Area

All dwellings in the countryside must integrate in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. As outlined above the application site is located along Ballyrobin Road. Drawing No. 02 date stamped 19th July 2019 indicates the footprint of a dwelling and garage to the western section of the site. The topography of the site rises gradually from the east to the west. Critical views of the site are experienced when travelling along the Ballyrobin Road on approach from the east. The views on approach from the west are limited due to the mature vegetation defining the western boundary. As the application seeks outline permission, no details have been provided regarding the proposed design or layout, or existing and proposed levels. Policy CTY 13 requires that a new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure.

In this case the application site is cut out of a larger agricultural field and lacks any defined boundaries along the northern and eastern boundaries. As outlined above the topography of the sites rises from the east to the western section of the site, where the dwelling is indicated to be situated. Although it is accepted that the mature trees along the western boundary will provide a backdrop to the development, with a mature hedgerow along the southern (roadside) boundary, the absence of any boundary vegetation along the eastern boundary and the rise in the topography of the site and the inclusion of a suburban style driveway extending some 80 metres, results in ancillary works which do not integrate with their surroundings. Furthermore any development on this site will rely on the use of new landscaping for integration.

It is considered that for the reasons outlined above that the proposal fails to meet the requirements of the SPPS and CTY 13 of PPS 21.

Neighbour Amenity

As the application seeks outline permission, no details have been provided regarding the proposed design or layout. It is however considered that given the location of the neighbouring properties and the separation distances which exist between buildings and given the existing boundary treatment that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of neighbouring properties is not negatively impacted upon.

Access, Movement and Parking

The proposed means of access is to be taken from the Ballyrobin Road which is a protected route designated under the Antrim Area Plan. Policy AMP2 of PPS3 and the consequential amendment contained within Annex 1 of PPS21 indicate that there is a presumption against the creation of a new access onto a protected route, save for a limited number of exceptions which are listed under the policy.

Category (b) of Annex 1 allows for a dwelling on a farm to access a designated protected route where an access cannot be reasonably obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto a protected route. Drawing No. 02 indicates that access is achieved via an existing agricultural access on the Ballyrobin Road. However, as the principle of a farm dwelling has not been established the proposal

fails to comply with category (b) of Annex 1. The proposal therefore is contrary to the provisions of AMP 2 and of PPS 3 and Annex 1 of PPS 21.

CONCLUSION

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

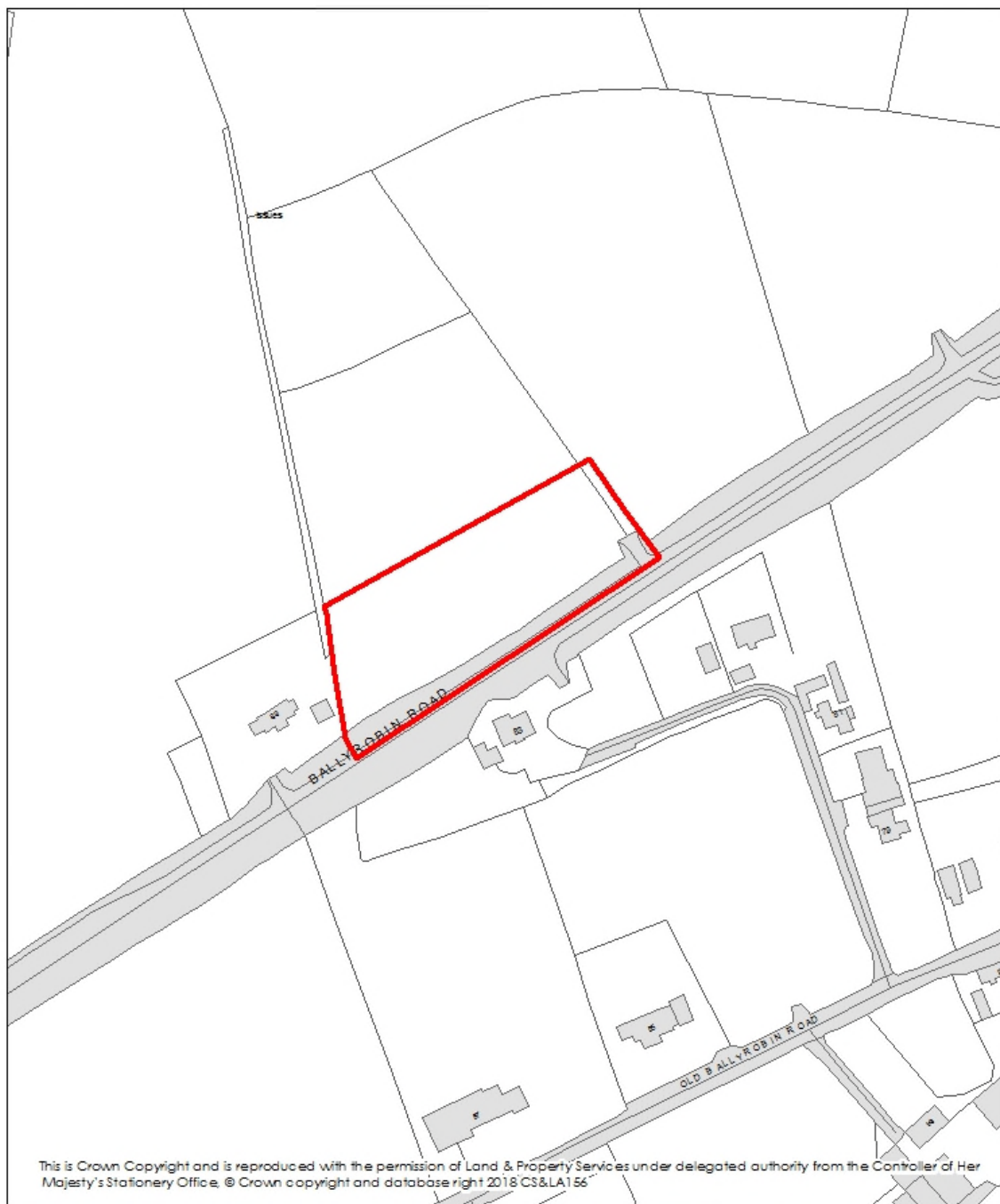
- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of CTY 10 of PPS 21.
- The proposal will fail to satisfactorily integrate and relies primarily on the use of new landscaping for integration.
- The ancillary works do not integrate with their surroundings.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement and it fails to meet with the provisions for a farm dwelling in accordance with criteria (a) (b) and (c) of Policy CTY 10.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, in that it the site lacks long established natural boundaries and relies of the use of new landscaping for integration and ancillary works would not integrate with their surroundings.
3. The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Annex 1, Policy AMP 3 Access to Protected Routes (Consequential Revision), in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic.



Location Map

Application Reference: LA03/2019/0627/F

60m East of 89 Ballyrobin Road
Muckamore
Antrim
BT41 4TF

New dwelling and garage

 Site Boundary

0 45 90
Metres



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COMMITTEE ITEM	3.24
APPLICATION NO	LA03/2019/0654/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed replacement dwelling and garage
SITE/LOCATION	Approx 60m west of 7 Tobergill Road, Templepatrick Ballyclare, Co Antrim
APPLICANT	Mr and Mrs K Fleming
AGENT	Robert Logan
LAST SITE VISIT	5 th September 2019
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 60m west of No.7 Tobergill Road, Templepatrick. The site lies within the rural area outside of any settlement limit as defined by the Antrim Area Plan 1984-2001 (AAP) and is currently defined as a large group of agricultural outbuildings with an agricultural field in the southwestern portion of the site.</p> <p>The site is accessed via a laneway which stretches approximately 350m from the Tobergill Road to the east. There are at least 3no. dwellings along the existing laneway.</p> <p>The building to be replaced is set within a courtyard area associated with other outbuildings and a narrow passageway leads through the southwestern corner of this area onto a field which is defined on all sides by mature hedgerows approximately 4m in height, giving this part of the site a high degree of enclosure. The surrounding land falls gradually in a westerly direction from the main Tobergill Road onto the site.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which</p>	

contain the main operational planning policies for the consideration of development proposals.

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection

Department for Infrastructure Roads- No objection subject to conditions and informatives

Department for Communities Historic Environment Division – No objections

REPRESENTATION

Four (4) neighbouring properties were notified of the proposal, no letters of objection or other representations have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Appearance
- 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 determination of the proposal.

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a replacement dwelling in accordance with Policy CTY 3 of PPS 21

Policy CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

The applicant advises that the building which forms the application site is currently used as an outbuilding associated with No.7 Tobergill Road, which is located approximately 65m southwest of the building to be replaced and is within the ownership of the applicant's family. The building appears to have been a single storey, stone constructed unit, however in the intervening years a second floor was added using red brick. The roof on the building is completed using artificial slates with uPVC windows and water goods. There are remnants of a brick finished chimney at the western end of the building. At ground level the building has 3no. doors to the front elevation and a single window, whilst at upper floor level there are 2no. windows and a door.

The interior of the building bears little resemblance to a dwelling, functioning as a storage space. There are two low block walls across the space with a third more substantial wall defining the western portion. There is evidence on the western gable wall of a fireplace opening and an internal cupboard built into the wall.

A supporting document by Consarc Conservation was submitted which assesses the history of the existing building. Whilst the report states that certain elements of the building may point towards a dwelling being on the site at some time in the past, this is counter-balanced by a view that the author of the report cannot say for sure that this was the case. So much of the original internals have been modified or lost over time that it now bears little resemblance to what may or may not have stood on the site in the past.

The document shows some historical mapping to highlight that the building which is subject to this application has stood on the site for almost 200 years. There is no doubt that the original building has been on the site for a considerable period of time, however this mapping fails to confirm if the building ever functioned as a dwelling. The report concludes by stating that buildings of this type are hard to date and classify and that it is difficult to say for certain if it was designed as a dwelling house. However, it does state that remaining physical evidence would support the anecdotal evidence that this building was used at some point as a dwelling.

From carrying out a site visit, the overall form of the building including the number and positioning of door openings and windows would suggest that this building functioned as an outbuilding and there is little concrete evidence to suggest otherwise.

Having taken the above information into account it is far from certain that the building in question has ever functioned as a dwelling. There are no maps which show a postal address, the form and design of the building does not lend itself to be a dwelling per se; and the supporting document received fails to convince with a high degree of certainty that the building functioned as a dwelling. It is considered that the evidence supplied is anecdotal in nature and this leads to a conclusion that the proposal fails to satisfy Policy CTY 3 of PPS 21 in that the building on site does not exhibit the essential characteristics of a dwelling. The principle of development of the site has not therefore been established.

Notwithstanding this failure, the proposal will continue to be assessed in terms of design and neighbour amenity.

Design and Appearance

The proposed dwelling is to be located off-site from the building to be replaced. The agent makes the case that this remains within the curtilage of the existing buildings, but given the view that the building to be replaced is an outbuilding there appears to be no defined curtilage for that building, rather there is a curtilage for the group of buildings. The proposed positioning of the replacement dwelling is approximately 45m southwest of the existing building, with the existing building to be demolished prior to construction of new dwelling.

Notwithstanding the fact that the proposal fails the principle of development test, it is considered that the proposed off-site location would be acceptable on this

occasion, given the degree of enclosure within the existing courtyard which includes other outbuildings to be retained. It would not be considered viable to insist upon a replacement building within the courtyard, particularly for a dwelling of modern living standards due to the lack of space for expansion and amenity space. In addition, it appears that the courtyard is still functioning as a farmyard meaning that there would be frequent movements of machinery.

The proposed dwelling is to be a storey and a half in design with a maximum ridge height of 7.5m above ground level. The height of the proposed dwelling is considered acceptable as it will not be a significant increase in height over the existing building and is set well back from the public road. There is also a significant level of intervening boundary hedging which would also act as a buffer to limit views of the proposed building. It is considered that there would not be a significant adverse visual impact on the area.

The proposed dwelling would have external walls finished in render with natural local stonework to the front porch and proposed detached garage. The roof would be completed using flat profile tiles or slate. Overall the dwelling has the characteristics of a dwelling in the countryside and the design is considered in keeping with Policy CTY 3 of PPS 21.

The proposal also wishes to amend the laneway leading to the site. At present the current laneway passes a number of dwellings and active farm buildings which are outside of the control of the applicant. It is proposed to bring the laneway south to the rear of Nos.7 and 7a Tobergill Road. Given the access with the public road is to be retained and given the distance from the main road, it is considered that a new laneway would not result in an adverse impact on the visual amenity of the area.

It is considered that the proposal would be acceptable in terms of design and appearance.

Neighbour Amenity

The closest dwelling to the siting of the proposed dwelling is No.7 Tobergill Road which is located approximately 50m to the southeast. The proposed laneway will also bypass around the curtilage of No.7a Tobergill Road which is located approximately 100m southeast of the site. The proposed dwelling, if approved, would sit at a significantly lower level than either of these properties; in addition, the existing mature vegetation along all boundaries of the site would further eliminate any potential of overlooking. It is therefore considered that there would be no detrimental impact upon neighbouring properties if the proposal were to be approved.

Other Matters

Historic Environment Division has responded with no objections to the proposal in relation to any nearby listed building or protected monument. They could not comment upon any previous use of the building. DFI Roads offer no objections to the proposal subject to conditions and informatives whilst the Environmental Health Section also offer no objections.

No objections or other representations have been received.

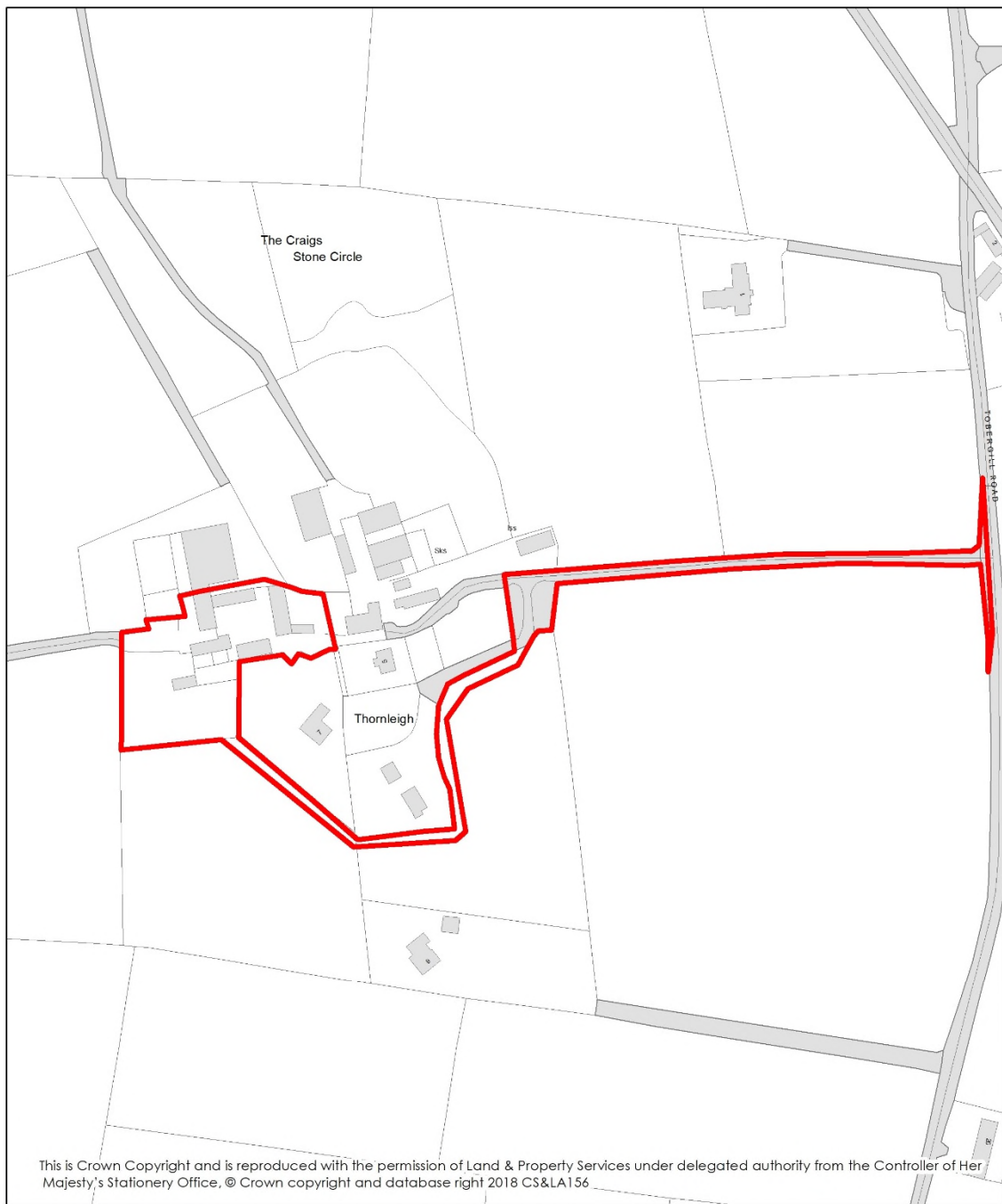
CONCLUSION

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

- The principle of the development has not been established on the site in accordance with Policy CTY 3 of PPS 3 in that the building on the site does not exhibit the essential characteristics of a dwelling;
- The design of the dwelling in terms of siting, form and materials is considered acceptable and in accordance with Policy CTY 3 of PPS 3;
- No neighbouring properties will be detrimentally impacted upon by way of the development;
- No objections have been raised either by consultees or members of the public.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 3 of Planning Policy Statement 21; 'Sustainable Development in the Countryside' in that the building to be replaced does not exhibit the essential characteristics of a dwelling.



Location Map

Application Reference: LA03/2019/0654/F

Approx 60m west of 7 Tobergill Road
Templepatrick

Proposed replacement dwelling and garage



Site Boundary



For Information Only



COMMITTEE ITEM	3.25
APPLICATION NO	LA03/2019/0716/F
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Single garage to side of dwelling with associated new access and boundary fence
SITE/LOCATION	9 Lismenary Road, Ballynure
APPLICANT	Mr M Davey
AGENT	Eamonn Moore Architect Ltd
LAST SITE VISIT	5 th September 2019
CASE OFFICER	Lisa Stewart Tel: 028 903 40403 Email: Lisa.Stewart@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at 9 Lismenary Road, Ballynure. The site is located within the settlement limit of Ballynure.</p> <p>The site consists of a single storey detached dwelling with a detached garage to the southeast and gardens to the front and rear. The dwelling, whilst fronting Lismenary Road, occupies a locally prominent corner plot with a side elevation onto Toberdowney Park. The finishes of the dwelling are cream dashed render, brown uPVC windows, brown rainwater goods and dark slate roof tiles. There is currently a partially constructed steel structure to the northwest of the dwelling.</p> <p>The northern boundary is defined by a 1 metre high wall with 1 metre high fencing positioned on top. The northeastern boundary is defined by close boarded fencing, the southeastern boundary is defined by 1.5 metre high hedging whilst the southwestern boundary is defined by a 0.5 metre wall. There is a hardstanding driveway to the south of the dwelling which is accessed from the Lismenary Road. The site has a landfall from east to west resulting in the rear garden area sitting 0.6 metres above ground level of the Lismenary Road, resulting in the application site being a prominent feature when travelling along the Lismenary Road.</p> <p>This application is seeking permission for an additional detached garage within the curtilage of 9 Lismenary Road.</p>	
RELEVANT PLANNING HISTORY	
<p>Enforcement Reference: LA03/2019/0217/CA Location: 9 Lismenary Road, Ballynure Proposal: Unauthorised building, fence and vehicular access. Decision: Pending</p>	

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Ballynure. The Plan offers no specific guidance on this proposal.

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

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

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

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

CONSULTATION

Department for Infrastructure Roads Division - No objection, subject to conditions.
Department for Communities Historic Environment Division – No objection.

Department for Economy (Geological Survey NI) – No objection.

REPRESENTATION

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

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

- Aesthetics and scale
- Adverse impact on Character of the area
- Safety
- Traffic and Parking concerns

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Impact on Trees and Environmental Quality of this Area.
- Amenity Space, Parking and Manoeuvring
- 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. Up until the publication of draft BMAP (dBMAP) in 2004 and its adoption in 2014, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

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

up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

Both of the relevant development plans identify the application site as being within the settlement limit of Ballynure. 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.

The preamble to APPS 7 advises that proposals for a domestic garage or an outbuilding, or other built development ancillary to a residential property will also be considered under the provisions of the Addendum. In addition, APPS7 advises that the guidance set out in Annex A of the document will be taken into account when assessing proposals against the above criteria. Assessment of the proposal against the relevant policy and guidance is outlined below.

Scale, Massing, Design and Appearance

This application is for a single storey garage with boundary fencing and an associated new vehicular access onto Toberdowney Park. It should be noted there is already an existing detached garage located at the application site to the southeast of the existing dwelling which is accessed from the Lismenary Road.

Whilst conducting a site visit it was noted that elements of this application are retrospective as the proposed boundary fencing is in situ, whilst the steel frame of the garage structure has been erected. The Planning Section currently has an enforcement file in relation to this matter, which is being held pending the outcome of this current application.

During the processing of the application, the Case Officer raised a number of concerns with the agent. Whilst these included matters of detail the primary concern highlighted was the impact of the building proposed at this prominent corner site

which was considered to be unacceptable in principle due to its impact on the character and appearance of the locality.

Subsequently the agent submitted amended drawings in an effort to meet the concerns raised. These amended drawings lowered the ridge height of the garage building proposed, amended the finishing materials and reduced the height of the boundary fencing. However, the amended drawings did not address the core concern raised regarding the principle of a building at this location.

Paragraph A11 of Annex Guidance within APPS 7 states that buildings within the curtilage should be subordinate in scale and similar in style to the existing dwelling. The garage is proposed to be located to the north of No. 9 and is adjacent to the road leading to Toberdowney Park. Following the submission of amended drawings the garage measures 4.55 metres in width and has a depth of 6.35 metres. The proposed pitched roof has a maximum ridge height of 3.8 metres. As the garage is partially constructed on site the level of visibility of the garage is considered to be dominant and will cause an adverse impact on the visual amenity, character and appearance of the local area. Whilst the proposed garage does not break the building line of Lismenary Road it does however break the building line of Toberdowney Park resulting in what is considered as a prominent feature in the street scene and will detract from the character and appearance of the streetscape of Toberdowney Park.

The amended finishes of the garage are a galvanised roller shutter door and a steel faced brown door on the northeastern elevation, cream painted render walls and aluminium tile effect roofing sheets slate blue/dark grey in colour. The finishes of the proposed garage are considered in keeping with those of the existing dwelling. There are no other garages like this on prominent corner plots in the surrounding area, with garages in the surrounding area generally tucked into the rear of existing dwellings. Taking account of the above the proposal is considered unacceptable.

The boundary fence proposed consists of close boarded fencing 1.1 metres in height placed on top of a wall which is 0.7 metres in height. The fencing is along part of the northern boundary from the access point to the end of the garage which is approx. 8 metres long at which point it turns 90 degrees and finishes at the northern elevation of the dwelling. The location and scale of the proposed boundary fencing is particularly dominant whilst travelling along the Lismenary Road in a southeasterly direction. Paragraph A23 of APPS 7 states that expanses of close boarded fencing bordering public areas are visually unacceptable. In this case the fencing borders the public footpath and adjacent road and is considered particularly prominent in the street scene when viewed from Lismenary Road. Furthermore, the boundary fencing has a detrimental impact on the character of the area in that the open nature of the residential area has been significantly impacted and is therefore considered unacceptable.

Objections have been raised regarding the appearance of the garage and the height of the fencing. As indicated above, the agent submitted amended plans which change the finishes of the garage from smooth painted render with brown box profiled aluminium cladding to the upper wall plain cream painted render walls to better reflect the finish of the dwelling and aluminium tile effect roofing sheets. The garage has also been reduced in height from 3.9 metres to 3.8 metres at its highest

point. The agent has also reduced the height of the boundary fencing to 0.7 metre high wall with 1.1 metre close-board fencing on top. Whilst it is acknowledged the agent made these amendments in an attempt to address concerns raised the primary concern regarding the impact of the proposal at this prominent corner site location has not been overcome.

Overall, it is considered that the location and scale of the garage and boundary fencing is dominant in this streetscape and has a detrimental impact on the appearance and character of the surrounding area and is therefore unacceptable.

Neighbour Amenity

Criteria 'b' of EXT 1 states that development should not unduly affect the privacy or amenity of neighbouring residents.

The proposed garage and boundary fencing has the potential to result in some overshadowing of the driveway of the neighbouring dwelling at No. 1 Toberdowney Park, however there will be no overshadowing of rooms in the dwelling itself. As such it is not considered that the limited impact arising on the amenity at No. 1 Toberdowney Park is sufficient to warrant refusal of permission on this basis.

The proposed garage has a roller shutter door, a pedestrian doorway on the northeastern elevation and has no windows therefore it is considered it will not impact upon the neighbouring dwellings by reason of overlooking.

Whilst it is accepted that the scale and impact of the garage and fencing erected along and adjacent to the northwestern site boundary is such that they present an unattractive outlook for the residents of Toberdowney Park, it is not considered that their amenity would be adversely affected to sustain a valid reason for refusal under criterion 'b' of Policy EXT 1.

Overall, it is considered that the proposed development will not unduly affect the privacy or amenity of neighbouring residents.

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 as there are no trees located within the area to be developed.

Amenity Space, Parking and Manoeuvring

Objections raised concern regarding the potential of parking along Toberdowney Park and safety concerns associated with this. DfI Roads have not raised any concerns regarding the in curtilage parking provision. Further objector concerns were raised with having two dwelling access points side by side. This is a common feature within residential developments including Toberdowney Park. If permission were to be forthcoming a condition could be imposed to ensure the correct visibility splays are put in place to maintain road safety. DfI Roads has not raised any concern regarding the proposed new access onto Toberdowney Park. The proposed increase of traffic on this public road and subsequently using the Toberdowney Park and Lismenary Road junction is not considered significant given the proposal is for use by a single dwelling.

It is considered that sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Other Matters

A representation raised concerns that the subject garage may reduce the value of their property and that the view of the neighbours will be impinged. No specific or verifiable evidence has been submitted to indicate what exact effect this proposal is likely to have on property values. As a consequence, there is no certainty that this would occur as a direct consequence of the proposed development nor is there any indication that such an effect would in any case be long lasting or disproportionate. Accordingly, it is considered that this issue should not be afforded determining weight in deciding this application.

An objection raised concerns regarding the proximity of the fence to the road junction and the safety issues this might create. However the fencing proposed ends approximately 10 metres from the junction with Lismenary Road and Dfl Roads has not raised any concerns in this regard.

Objectors raised concerns regarding traffic, parking and safety in relation to the proposed development. Dfl Roads have reviewed the proposal and have no significant concerns subject to imposing standard conditions to any approval.

Historic Environment Division have reviewed the proposal and are content that the application meets archaeological policy requirements set out in the SPPS and PPS 6.

DETI Geological Survey of Northern Ireland have reviewed the proposal and advised the proposed site is not in the vicinity of any known abandoned mine workings.

CONCLUSION

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

- The principle of the development is considered unacceptable at this prominent corner site.
- The location, scale and massing of the proposal will have an adverse impact on the character and appearance of the local neighbourhood.
- The proposal will not have a detrimental impact on the privacy or amenity of neighbouring properties.
- The proposal will not cause an unacceptable loss of or damage to trees or other landscape features.
- Sufficient space remains in the curtilage for domestic purposes.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy EXT 1 of the Addendum to Planning Policy Statement 7 'Residential Extensions and Alterations' in that the garage and boundary fence would, if permitted, detract from the appearance and character of the surrounding area as the location, scale and massing of the proposed garage and fencing are inappropriate at this prominent corner site.

COMMITTEE ITEM	3.26
APPLICATION NO	LA03/2019/0501/F
DEA	DUNSILLY
COMMITTEE INTEREST	PREVIOUS COMMITTEE DECISION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Retention of domestic garage and extension to domestic curtilage
SITE/LOCATION	35 metres west of 1 Brecart Road, Toomebridge
APPLICANT	Mr C Graham
AGENT	CMI Planners Ltd
LAST SITE VISIT	7 th August 2019
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on lands approximately 35 metres west of the dwelling at No. 1 Brecart Road, Toome. It lies outside of any settlement development limit defined in the Antrim Area Plan 1984-2001 and therefore falls within the countryside. The application site consists of a large detached bungalow, a group of outbuildings to the rear of the dwelling house and the subject garage building which already exists on site.</p> <p>The subject garage is located approximately 15 metres to the west of the dwelling house which is finished in a mixture of red brick and dashed render. There is a grassed garden area forward of the dwelling house fronting on to the Roguery Road and a band of mature trees defining what is believed to be the existing curtilage of the dwelling. These trees lie immediately to the west of the dwelling house and between it and the subject garage building which is accessed via an existing laneway that runs behind the domestic stores to the rear of the dwelling house. Mature vegetation bounds the subject garage on all sides. The garage is constructed with corrugated metal sheeting, a low angled pitched roof and it has two large roller doors on its front elevation.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2018/0543/F Location: 1 Brecart Road, Toomebridge, BT41 3TH, Proposal: Retention of domestic garage and extension to domestic curtilage Decision: Permission Refused – 23/11/2018</p> <p>Planning Reference: T/1987/0271 Location: 1 Brecart Road, Toome Bridge Proposal: Domestic Store Decision: Permission Granted</p>	

Planning Reference: T/1984/0367
Location: Opposite No. 2 Brecart Road
Proposal: Bungalow and Garage
Decision: Permission Granted

Planning Reference: T/1983/0479
Location: Junction with Brecart Road/ Roguery Road
Proposal: Bungalow and Garage
Decision: Permission Granted

PLANNING POLICY

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

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

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

Antrim Area Plan 1984 – 2001: The Plan offers no specific guidance on this proposal. The site lies within the rural area.

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

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

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

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

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

CONSULTATION

DfI Roads – No Objection

Environmental Health- No Objection

DfI Rivers- No Objection

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Principle of Development

As indicated in the Planning History section of this report a previous application (reference LA03/2018/0543/F) for the retention of domestic garage and extension of curtilage at this location, was refused following consideration by the Committee in November 2018.

The reason of refusal related to flood risk as the garage, which is already in situ, is located within the Q100 fluvial flood plain. Despite requests at that time for additional information, namely a Flood Risk Assessment and justification for the development being considered an exception as 'Minor Development', none was forthcoming. Given the lack of information the development was considered contrary to the policy provisions of Policy FLD 1 of PPS 15 and planning permission refused.

In the application now submitted the applicant has taken the appropriate measures to provide the necessary information in the form of a Flood Risk Assessment. Following consultation DfI Rivers has indicated that it has no reason to object to the proposal in relation to Policy FLD 1 of PPS 15 and in these circumstances it is considered that the principle of the retention of a domestic garage combined with the extension to the domestic curtilage would be acceptable subject to all other planning considerations being satisfactory. The matter of flood risk is addressed further below.

Design, Appearance and Impact on the Character of the Area

Firstly, the proposal seeks permission for the extension to the curtilage of the dwelling at No. 1 Brecart Road. This application is retrospective and thus the domestic garage has already been erected outside the established curtilage of the dwelling. Given the level of screening provided around the boundaries of the extended area of the site, it is considered that the extension to curtilage is acceptable in this instance. This extension to curtilage encompasses land directly to the west of the dwelling house and extends the curtilage by a width of approx. 25 metres towards a densely wooded area.

Policy EXT 1 of the Addendum to PPS 7 notes that planning permission will be granted for a residential extension or alteration where a number of criteria are met. Criteria

(a) of this policy states that '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.

The subject garage already exists on site and is relatively large measuring a width of approximately 15 metres, depth of 9 metres and ridge height of 5 metres. The garage is finished in profiled metal cladding in a light grey colour. Owing to the size and scale of the garage, the agent was asked to provide justification and information in relation to the specific use of this building. This supporting information advises that the applicant is a motorbike enthusiast and the shed is used to store a number of his motorbikes which he races for pleasure. A campervan and motorhome are also stored on the site.

Despite its size, the subject garage remains subordinate in scale when compared with the existing dwelling house. Given the substantial screening afforded by the mature vegetation surrounding the garage, there are also very limited public views of the building and consequently it is considered that there is no significant detrimental impact caused to the character and appearance of the area.

Neighbour Amenity

Given the location of the garage and the substantial vegetation surrounding the site, it is considered that there would be no detrimental impact caused to neighbour amenity in relation to overshadowing/loss of light, dominance and loss of privacy.

Flooding

The flood hazard maps indicate that the site lies within the Q100 fluvial floodplain where there is a presumption to refuse new forms of development. The justification provided alongside Policy FLD 1 states that floodplains store and convey water during times of flood. These functions are important in the wider flood management system. New development within a flood plain will not only be at risk of flooding itself but it will add to the risk of flooding elsewhere. The cumulative effect of piecemeal development within a floodplain can also redirect flows and will also undermine its natural function in accommodating and attenuating flood water. Accordingly, to minimise flood risk and help maintain their natural function it is necessary to avoid development within floodplains wherever possible. It is also noted that the aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

Given that the site lies within the 1 in 100 year fluvial floodplain in order to establish the principle of development, it was necessary to consider the proposal in accordance with Policy FLD 1 - Development in Fluvial and Coastal Flood Plains. This policy advises that development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

Within the policy there is an exception for 'Minor Development' which is defined as being 'Householder Development' (garages/sheds etc within the curtilage of the dwelling house) or non-residential extensions (with a footprint less than 150

m²). It is accepted in this case that the subject garage is located outside of the original curtilage of No.1 Brecart Road. However, given that the extension to the curtilage of this property is considered acceptable, it was seen as reasonable to afford the applicant the opportunity to demonstrate that the subject garage will not be at risk from flooding or add to the risk of flooding elsewhere. A Flood Risk Assessment (FRA) was submitted with the application. DfI Rivers have been consulted in relation to this and have responded to advise that they have no reason to object to the proposal in relation to revised PPS 15 – FLD 1.

Given the submission of this FRA and in light of DfI Rivers response it is considered that the proposal complies with policy FLD 1.

Other Matters

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.

It is considered that sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. Given the size of the curtilage proposed, it is considered acceptable to remove permitted development rights on the site, in order to prevent an accumulation of development and in an attempt to safeguard the character and appearance of the surrounding rural area.

CONCLUSION

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

- The principle of the development is established.
- Although the garage is larger than usual for a domestic outbuilding the design, scale and massing of the proposed garage can be considered acceptable given the limited public views due to the level of screening provided by existing mature vegetation.
- There will be no detrimental impact caused to the character of the area.
- There will be no detrimental impact on neighbour amenity caused by the proposal.
- The proposal does not have a detrimental impact on trees or the environmental quality of this area.
- Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. This permission authorises only private domestic use of the garage hereby permitted and does not confer approval for the carrying out of trade or business therefrom.

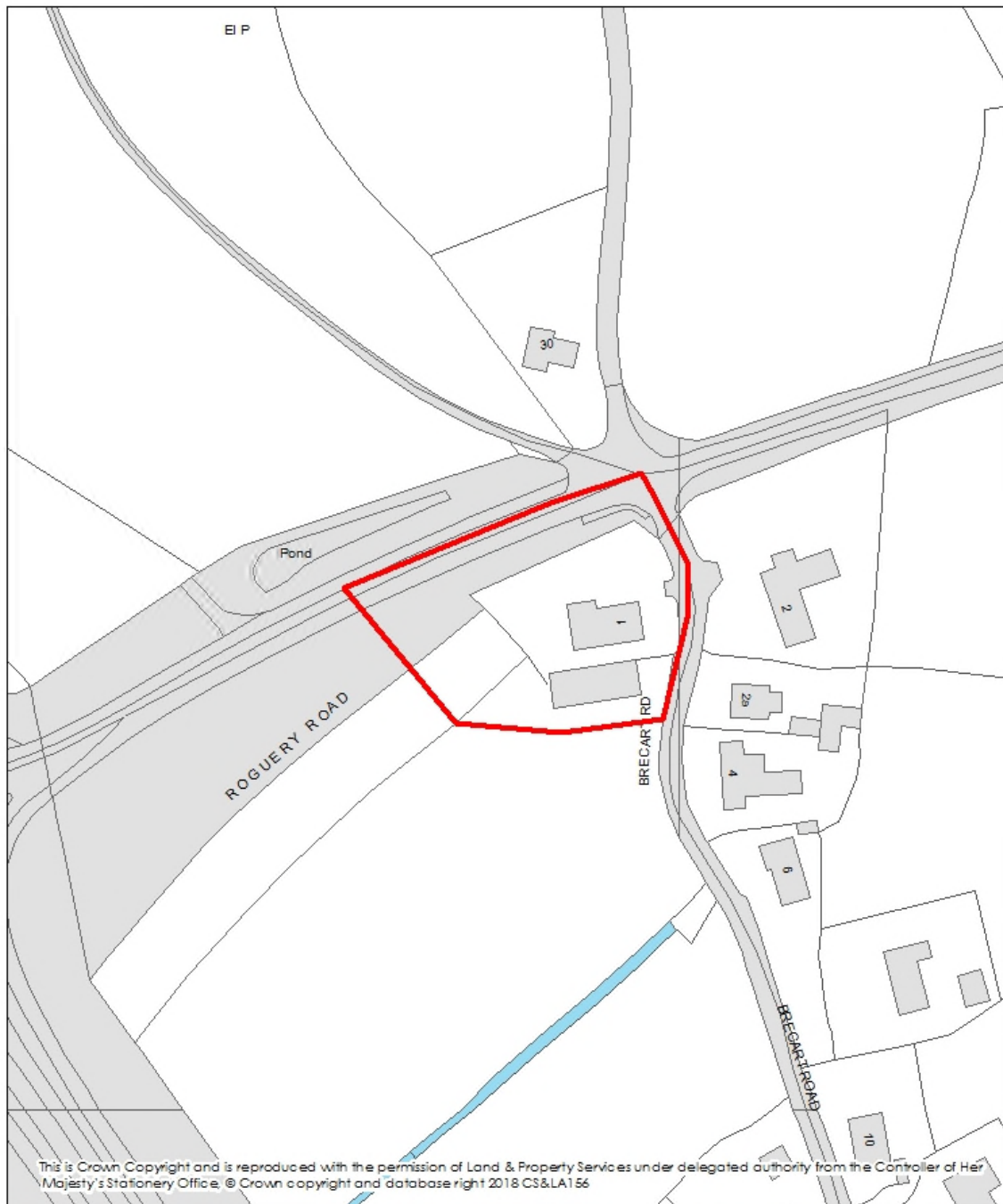
Reason: To accord with the application, prevent the creation of an additional planning unit and to control the nature and scale of use of the building.

3. The existing natural screenings of the site along the northern, southern and western boundaries as indicated on Drawing No. 01 bearing the date stamp 10th June 2019 shall be retained at a minimum height of 5 metres unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing.

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

4. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no building, structure, hard surface or enclosure, shall be erected within the lands identified in red on Drawing No. 01 bearing the date stamp 10th June 2019 without the express permission in writing of the Council.

Reason: The erection of any further development on the application site requires detailed consideration in order to safeguard the character and appearance of the surrounding rural area and control the impact of further ancillary development at this flood plain location.



Location Map

Application Reference: LA03/2019/0501/F

Land 35m west of 1 Breckart Road, Toomebridge

Retention of hobby/storage shed and extension to domestic curtilage

 Site Boundary

For Information Only

