

COMMITTEE ITEM	4.7 - ADDENDUM
APPLICATION NO	LA03/2023/0014/F
DEA	DUNSILLY
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Erection of 2 storey building comprising 2no apartments, access and associated site works (in substitution for 1no detached dwelling as approved under LA03/2022/0008/F)
SITE/LOCATION	Land 20 metres north-east of No. 1 Loughview Drive, Toomebridge, BT41 3UG
APPLICANT	JFM Construction
AGENT	MBA Planning
LAST SITE VISIT	June 2023
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 https://planningregister.planningsystemni.gov.uk</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Members, since the preparation and publication of the Committee Report the agent has submitted a 'Response to Committee Report', Document 02 dated stamped 13th October 2023, referring to amended plans which includes a revised house type and an amended block plan that were themselves lodged on the 30th August 2023.</p> <p>Within that document the agent notes that the amended scheme shows a building with a main gable depth of 10.5 metres deep and an 8.27 metres ridge height. The building remains the same width, 7.5 metres. The detached dwelling that was previously granted planning permission on the plot was 9.4 metres deep, 9.2 metres high and 8 metres wide.</p> <p>The planning report states that the building as originally proposed would be 'conspicuous in the streetscene with the otherwise flat and featureless elevation being broken up only by the presence of windows, one each on the ground and first floor.' This refers to the eastern elevation that faces the car park of the Toome Surgery building on Loughview Drive.</p> <p>Within his 'Response to Committee Report' (Document 02 dated stamped 13th October 2023) the agent states that the design of the gable wall will be an improvement over the dwelling which was granted planning permission as that dwelling had one small window on its gable while the proposal has two much larger windows and a door which in the agents opinion reduces the massing of the wall, adds visual interest and enhances the appearance of the building.</p>	

Additionally, the agent notes that the proposed building will be seen in the context of the Toome Surgery building.

The agent concludes by stating that the proposal is not materially larger than the previously approved dwelling on the plot, has an improved elevation to 'the critical view' from Loughview Drive, will be read in the context of a much larger building, is an appropriate size for its context and that no objections have been lodged against the development proposal.

With reference to the amended design of the apartment building the main critical view to the application site is when approaching the site from the east. While the agent refers to the Toome Surgery building as setting the context, this building is limited in height and has little impact in limiting views of the proposed building as the rear projections of the surgery building are angled away from the public road which allows more open views towards the application site.

It is accepted that the amended apartment design reduces the main gable depth of the building down to 10.5 metres which reduces its overall impact on the streetscape. Overall, it is considered that the proposed development, as revised, shall not have an unacceptable impact on the local character and environmental quality of the area and the design appearance of the building is acceptable.

With reference to the imposition of planning conditions, it is necessary to repeat planning conditions associated with the earlier grant of planning permission reference LA03/2022/0008/F. These conditions are limited to matters relating to contamination land uses only.

Conclusion

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

- The principle of the development is considered acceptable;
- The design and appearance of the apartment building is considered acceptable;
- The proposal will not unduly affect the privacy or amenity of neighbouring properties;
- The proposal will not have an unacceptable impact to the character and appearance of the area;
- There are sufficiently sized and shaped private amenity space areas; and
- There have been no objections from consultees or interested third parties.

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 development permitted herein shall not be occupied until the remediation measures as presented within the Remedial Strategy,

Document Number 08 date stamped 23rd May 2022 (of planning permission reference LA03/2022/0008/F), has been fully implemented and verified to the satisfaction of the Council.

Reason: To control any risk to human health arising from land contamination.

3. There shall be no amendments or deviations from, the remediation and verification recommendations contained within the Remedial Strategy, Document Number 08 date stamped 23rd May 2022 (of planning permission reference LA03/2022/0008/F), without the prior written approval of the Council.

Reason: To control any risk to human health arising from land contamination.

4. After completing the remediation works under Condition 2 and prior to occupation of the development, a verification report shall be submitted in writing and agreed with the Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>, as applicable.

The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: To control any risk to human health arising from land contamination and to ensure the site is suitable for use.

5. If during the development works, a new source of contamination and risks are found, which had not been previously identified, works should cease and the Councils Planning Section shall be notified immediately. Any new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) Guidance, available online at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: To control any risk to human health arising from land contamination and to ensure the site is suitable for use.

6. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

Reason: To ensure the provision of a high standard of landscape.

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

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

COMMITTEE ITEM	4.8 - ADDENDUM
APPLICATION NO	LA03/2023/0012/F
DEA	DUNSILLY
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Erection of 2 No. semi-detached dwellings, access and associated site works (in substitution for 1 no. detached dwelling on site 7 as approved under LA03/2022/0008/F)
SITE/LOCATION	Land 30 metres north-west of No. 1 Loughview Drive, Toomebridge (access via new development, Bannfield Way)
APPLICANT	JFM Construction
AGENT	MBA Planning
LAST SITE VISIT	June 2023
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
The full details of this application, including the application forms, relevant drawings, consultation responses and any representations made are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk.	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Since the preparation and publication of the Committee Report the agent has submitted an email dated 12 October 2023 and 'Response to Committee Report' dated 13th October 2023.</p> <p>Within the agent's submissions he refers to concerns raised in the Committee Report regarding the potential for the proposed development to have an overlooking impact between the proposed bedroom windows and the approved stairwell window on Site 11.</p> <p>The Committee Report refers to the Creating Places design guidance which states that "on green-field sites and in low-density developments, good practice indicates that a separation distance of around 20m or greater between the opposing rear first floor windows of new houses is generally acceptable."</p> <p>It is indicated within the agent's submission that the windows of concern have a side-to-gable relationship rather than a back-to-back relationship as referred to in Creating Places. In addition, the agent states that it is a bedroom to hallway window relationship and a hallway is not a habitable room. The agent states that there is no planning guidance on what separation distance is acceptable in such circumstances, however, given that 20m is acceptable between bedrooms/habitable rooms, a distance of 17.5m should be more than adequate in the case of a stairwell window opposing a bedroom window.</p> <p>It is considered that Creating Places indicates a 20 metre separation as a minimum distance and that the proposed separation distance of 17.5 metres between opposing first floor windows is considered unacceptable regardless of whether this is a gable-to-rear relationship or a rear-to-rear relationship. Potential future residents of that building will have to traverse the stairwell to gain access to the upper floor and could therefore view the dwellings proposed on Plots 7a and 7b with no mitigation or</p>	

other intervening features that would prevent a direct and uninterrupted view to those bedrooms, or vice versa.

It is also identified within the agent's submission that the approved hallway window on Site 11 is a high level window and a section has been provided. However, it is considered that the agent fails to take account of the views which would be available when traversing the stairwell and descending the stairs from the first floor level.

The agent's submission refers to two previously approved developments whereby separation distances less than 20 metres have been granted. The first of these is in a recently approved development at Randalstown (Planning Reference: LA03/2020/0496/F, July 2023) where a separation distance of 14m was granted between first floor bedrooms that directly face each other. However, it was considered in that case that there were already views of these windows from public vantage points of habitable rooms. The second of these previous approvals is at Toome (Planning Reference: LA03/2021/1024/F, approved January 2023). Again the windows were close to a public road and views could be achieved of the habitable rooms, however, this gable to gable relationship for first floor opposing bedroom windows would not normally be acceptable and should be resisted in the interests of protecting residential amenity.

The agent's further submissions do not result in a change to the recommendation to refuse planning permission.

CONCLUSION

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

- The principle of the development has previously been established;
- The design and appearance of the development is acceptable;
- There shall be no adverse impact on the character and appearance of the area;
- The proposal will result in unacceptable overlooking and privacy intrusion of potential future residents of the dwelling on Site 11 of planning permission Ref: LA03/2022/0008/F; and
- There are no objections from consultees or interested third parties.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that the proposal fails to respect the site and the surrounding context that would be created with the erection of development pursuant to planning permission reference LA03/2022/0008/F (criterion 'a') and that the design and layout will create conflict with the permitted dwelling on Plot 11 of planning permission reference LA03/2022/0008/F by reason of overlooking and privacy intrusion (criterion 'h').

COMMITTEE ITEM	4.14 and 4.15 – ADDENDUM
APPLICATION NO	LA03/2023/0487/O and LA03/2023/0488/O
DEA	AIRPORT
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORTS
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for proposed dwelling and cluster (Site 1 + Site 2)
SITE/LOCATION	34m north east of 256 Seven Mile Straight, Crumlin, BT29 4YT 93m north east of 256 Seven Mile Straight, Crumlin, BT29 4YT
APPLICANT	Steven Harrison
AGENT	Elaine McEldowney
LAST SITE VISIT	13 th September 2023
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Following the preparation and publication of the Committee Report the agent has submitted a 'Statement of Case', Document 01 dated stamped 13th October 2023, which was prepared as a rebuttal to the Planning Section's recommendation to refuse both planning applications. Within the Statement of Case the agent has aimed to highlight the merits of the scheme and to provide justification of how the proposal complies with current planning policy for development within the countryside. However, the Council disagrees with the points stated by the agent and reiterates its initial assessment as presented within the original Committee Report.</p> <p>In respect of the development proposals, it is considered that both No. 256 and No. 258 Seven Mile Straight are both served by private individual laneways, which adjoin a shared laneway, which is also proposed to serve the two application sites. It is considered that both of the existing dwellings do not have a frontage onto the shared laneway but are setback almost 80m from it, and are connected via their own individual private accesses. It is not considered that the individual private access roads to the existing dwellings represent a frontage onto any public road or shared laneway. Therefore, the proposal is contrary to the policy requirement in that the two sites are not located along a substantial and continuously built up frontage.</p> <p>Furthermore, given that neither of the dwellings have a frontage onto the laneway, a measurement in terms of frontages is unable to be taken. Therefore, it is considered that the site frontage does not respect the existing pattern exhibited in the area.</p> <p>The development of a dwelling on both the application sites (Site 1 and Site 2) will result in the creation of a ribbon of development when read in conjunction with Nos. 256 and 258 Seven Mile Straight and will also result in the suburban build-up of development when viewed with the existing buildings, therefore having a detrimental impact on the rural character of the area. The proposal, if approved, would result in a line of four dwellings along with ancillary buildings, creating a sense of build up within the open countryside.</p>	

The agent states that the proposed sites present infill opportunities. Policy CTY 8 of PPS 21 states 'Planning permission will be refused for a building which creates or adds to a ribbon of development'. Policy CTY 8 continues to list where an exception for the development of a small gap site applies. However, the proposed development within the application sites does not meet with the policy exception, as previously stated within the original Committee Report. As such, the principle of the development remains unacceptable.

In addition, within the Statement of Case, the agent refers to planning application Ref: LA03/2021/0780/O, under which outline planning permission was granted for an infill dwelling. In this case, the development proposal was considered to comply with Policy CTY 8 of PPS 21. However, the current proposals are not considered comparable to the aforementioned development proposal.

CONCLUSION

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

- The principle of the development has not been established in accordance with the policy provisions of Policy CTY 8;
- It is considered that a proposal of appropriate design and layout could integrate appropriately with the surrounding landscape;
- It is considered that the proposal will create a ribbon of development and result in the suburban build-up of development when viewed with existing buildings, contrary to Policy CTY 14;
- There are no concerns in relation to neighbour amenity; and
- There are no concerns in relation to road safety.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not represent a gap site within an otherwise substantial and continuously built up frontage.
3. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal will create a ribbon of development and result in the suburban style build-up of development when viewed with existing buildings.