



12 September 2018

Committee Chair: Councillor H Cushinan  
Committee Vice-Chair: Alderman F Agnew  
Committee Members: Aldermen –T Campbell, J Smyth and R Swann  
Councillors –J Bingham, P Brett, D Hollis, R Lynch, M Magill,  
S Ross and W 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 17 September 2018 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](mailto:memberservices@antrimandnewtownabbey.gov.uk)

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

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

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

## **PART ONE**

### **Decisions on Enforcement Cases – In Confidence**

- 3.1 Enforcement Case: LA03/2018/0075/CA - In Confidence
- 3.2 Enforcement Case: LA03/2016/0137/CA - In Confidence

## **PART TWO**

### **Other Planning Matters – In Confidence**

- 3.3 Planning Enforcement Report 2017-18 - In Confidence

## **PART ONE**

### **Decisions on Planning Applications**

- 3.4 Planning Application No: LA03/2018/0227/O  
Site of dwelling and garage on land approximately 120m SW of 142 Seven Mile Straight, Muckamore
- 3.5 Planning Application No: LA03/2018/0299/F  
Redevelopment of garden centre site to deliver a new garden centre development and associated landscaping, car parking and road and access works to the Old Ballyclare Road and Ballyclare Road at Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick
- 3.6 Planning Application No: LA03/2017/0478/F  
Housing development consisting of 5 detached dwellings with associated hard and soft landscaping on lands in between 115-119 Manse Road, Newtownabbey
- 3.7 Planning Application No: LA03/2018/0063/F  
Erection of 49 apartments and 2 retail units at street level on Antrim Road at the Thunderdome Complex 281-295 Antrim Road Glengormley Newtownabbey

- 3.8 Planning Application No: LA03/2018/0287/RM  
Extension of residential home to provide dementia care accommodation, courtyard, landscaping and associated siteworks at 129b Staffordstown Road, Randalstown
- 3.9 Planning Application No: LA03/2018/0228/F  
Proposed residential development comprising 2 no. semi-detached 2 storey dwellings on land to the rear of 25 Glebecoole Park, Newtownabbey
- 3.10 Planning Application No: LA03/2018/0731/RM  
Use of unit 8 as a retail warehouse consistent with outline approval LA03/2017/0234/O at Unit 8, Junction One Retail Park B, Ballymena Road, Antrim
- 3.11 Planning Application No: LA03/2016/1141/F  
Caravan park (110 No. static caravan pitches, 52 No. touring caravan or motorhome pitches and 10 No. camping cabins) with amenity building, shower and toilet pods, associated access (including road improvements) and landscaping on lands southeast of 12 Castle Road, Antrim
- 3.12 Planning Application No: LA03/2018/0166/O  
Site of one and a half storey dwelling and integral garage on Land approximately 20m west of 7 and 9 Exchange Avenue Doagh
- 3.13 Planning Application No: LA03/2018/0546/F  
Retrospective domestic shed at 11 Grange Drive, Ballyclare
- 3.14 Planning Application No: LA03/2018/0229/F  
Change of use from holiday accommodation to residential property, 4 Dunsilly Terrace, Dunsilly, Antrim
- 3.15 Planning Application No: LA03/2018/0230/F  
Removal of Condition 3 restricting permanent residency from approval T/1996/0198 (Demolition of workshop and stores & erection of 3 No. self-catering accommodation units) at 4 Dunsilly Terrace, Dunsilly, Antrim
- 3.16 Planning Application No: LA03/2018/0518/O  
Site for dwelling and garage on a farm on land approximately 30 metres east of 11 Moneyrod Road, Randalstown
- 3.17 Planning Application No: LA03/2018/0543/F  
Retention of domestic garage and extension to domestic curtilage at 1 Brecart Road, Toomebridge
- 3.18 Planning Application No: LA03/2018/0585/A  
Two free standing 48 sheet display panels on land adjacent to No. 5 Main Street, Ballyclare
- 3.19 Planning Application No: LA03/2018/0529/A  
Retention of 3 No. Advertising Hoardings for new residential development on lands at 401 Shore Road, Newtownabbey

3.20 Planning Application No: LA03/2018/0648/A

Retention of freestanding hoarding sign for a temporary period of 2 years on land 90m south west of 29 Randalstown Road

3.21 Planning Application No: LA03/2018/0248/A

5 No. Promotional Flagpole Signs and 17 No. Boundary Fence Promotional Graphics for a Temporary Period of 2 years on lands at ongoing housing development adjacent to Ballymena Road and South East of Express Holiday Inn, Antrim

## **PART TWO**

### **Other Planning Matters**

3.22 Delegated planning decisions and appeals August 2018

3.23 Belfast City Council Draft Plan Strategy – Publication Launch

3.24 Non-Determination Appeals at Ballycorr Road, Ballyclare

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 17 SEPTEMBER 2018**

**PART 1      DECISIONS ON ENFORCEMENT CASES – IN CONFIDENCE**

**PART 2      OTHER PLANNING MATTERS – IN CONFIDENCE**

## **PART ONE – DECISIONS ON PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>3.4</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0227/O</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Site of dwelling and garage
<b>SITE/LOCATION</b>	Approx 120m SW of 142 Seven Mile Straight, Muckamore
<b>APPLICANT</b>	Mr & Mrs Andy Walker
<b>AGENT</b>	Ivan McClean
<b>LAST SITE VISIT</b>	22 <sup>nd</sup> May 2018
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 90340416 Email: <a href="mailto:alicia.leathem@antrimandnewtownabbey.gov.uk">alicia.leathem@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located within the rural area, outside of any settlement limits as defined in the Antrim Area Plan 1984-2001 (AAP).

The application site is located approximately 120m southwest of 142 Seven Mile Straight. The site is a large road frontage site with the frontage measuring approximately 100metres with a depth of 70 metres at its widest point. The topography of the site slopes slightly from the north to the southeast. Boundaries to the site are defined by mature trees and hedgerow on all boundaries.

The application site is located in the rural area with the land use being predominately agricultural. There are a number of dispersed dwellings in the immediate locality.

#### **RELEVANT PLANNING HISTORY**

No relevant planning history

#### **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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.

Antrim Area Plan 1984 – 2001: The application site is within the rural area, outside any settlement limit, 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.

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

**NI Water** – No objections

**DfI Roads** – No objections

**Historic Environment Division** - No objections

## **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
- Impact on Character and Appearance of the Area
- Neighbour Amenity

### **Principle of Development**

Policy CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21) sets out the types of housing development that are, in principle, acceptable in the countryside. Policy CTY 6 states that planning permission will be granted for a dwelling in the countryside where there are compelling and site

specific reasons for this related to the applicant's personal or domestic circumstances, subject to two criteria. Firstly, whether there is satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission was refused; and secondly that there are no alternative solutions available such as an extension to an existing dwelling or the conversion of an existing building.

The applicants and their dependents (four children) currently reside at 171 Seven Mile Straight and it is they who intend to occupy the proposed new dwelling. The application site is located approximately 0.4 miles to the northwest of the current residence at 120m southwest of 142 Seven Mile Straight. Supporting document 01 dated 13<sup>th</sup> March 2018 advises that their current home is unsuitable to accommodate the family's needs due to the current and future medical needs one of their dependents. Evidence submitted with the application is detailed within Document 01 which outlines the needs of the applicants and their dependents which includes letters of support from an Occupational Therapist and a Consultant Paediatric Neurologist, advising that the dependent will require level access facilities, circulation space for moving and handling, along with storage space for medical equipment for both current and long term care.

Document 01 also details that the location of the application site is required given its central location to Antrim Area Hospital, Muckamore Abbey Hydrotherapy Pool and Royal Belfast Hospital for Sick Children. A letter of support is also included from occupiers of 72 Old Ballyrobin Road who advise that they provide the applicants with support and help in the care of their dependents which is only possible due to the close proximity of them to the existing home and also the application site. The supporting document 01 however, suggests that a site in the general locality would meet the applicants needs and there is no compelling site specific reason for developing a new dwelling on the application site. In addition the document lacks detail as to why the housing needs of the applicants and their dependent could not be met, from any existing dwellings for sale in the area, any approved sites in the general locality or any existing housing within the adjoining settlements of Antrim, Templepatrick, Dunadry or Mallusk which lie within 6 miles of the application site. It is considered that it has not been demonstrated that a new dwelling is a necessary response to the particular circumstances of the case or that genuine hardship would necessarily result, should planning permission for the proposed dwelling not be forthcoming at the site proposed.

Additionally criterion b of CTY 6 requires that there are no alternative solutions to meet the particular circumstances of the case such as an extension to the existing dwelling. As outlined above the applicants currently reside at 171 Seven Mile Straight which is located only some 0.4 mile from the application site. The existing dwelling is a detached dwelling with a substantial curtilage, on a large rural plot which is well screened with mature vegetation. An extant planning permission LA03/2016/0054/F, granted permission for a single storey extension to the existing dwelling that would provide additional accommodation in the form of two additional bedrooms with ensembles, a large dining room and laundry room. Supporting documentation advises that due to a change in the medical circumstances of the applicant's dependent and their future needs, that the approved extension is no longer fit for purpose.

The agent was advised that the Council would not be opposed to a new application for an extension to the existing dwelling to meet the requirements of the applicants and their dependents, however, the agent responded advising that this was not a feasible option both financially and also because the applicants' dependent would be unable to reside in the property while the works are being completed. Taking into consideration the reasons outlined above, it is considered that the option of a suitable design solution to enlarge the existing dwelling in a manner that could accommodate the applicants current and future care needs without prejudicing the level of care already established has not been fully explored. Furthermore, the financial restrictions outlined within the supporting statement are deemed insufficient to set aside the requirements of Policy CTY 6 of PPS 21.

As outlined above it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case. As a consequence it is considered that a new dwelling is not a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused. The proposed development therefore fails to meet the requirements of Policy CTY 6 of PPS 21.

#### **Impact on Character and Appearance of Area**

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

The southeast and western boundaries are defined by mature hedgerows which help to limit the views, while the views from the west are limited until you reach the application site due to the road levels and the amount of roadside vegetation of mature trees and hedgerow. Critical views of the site are experienced directly in front of the site from the Seven Mile Straight. Accordingly it is considered that the proposed site has a sufficient level of integration to allow a low elevation dwelling, no greater than 5.7m from ground level, to blend unobtrusively into the landform and not have a detrimental impact on the rural character of the area.

#### **Neighbour Amenity**

The nearest residential property is located approximately 40 metres to the rear of the application site, the separation distance and boundary treatment is such that a dwelling on this site will not result in any negative impacts on the amenity of any residential properties in the rural area.

#### **CONCLUSION**

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

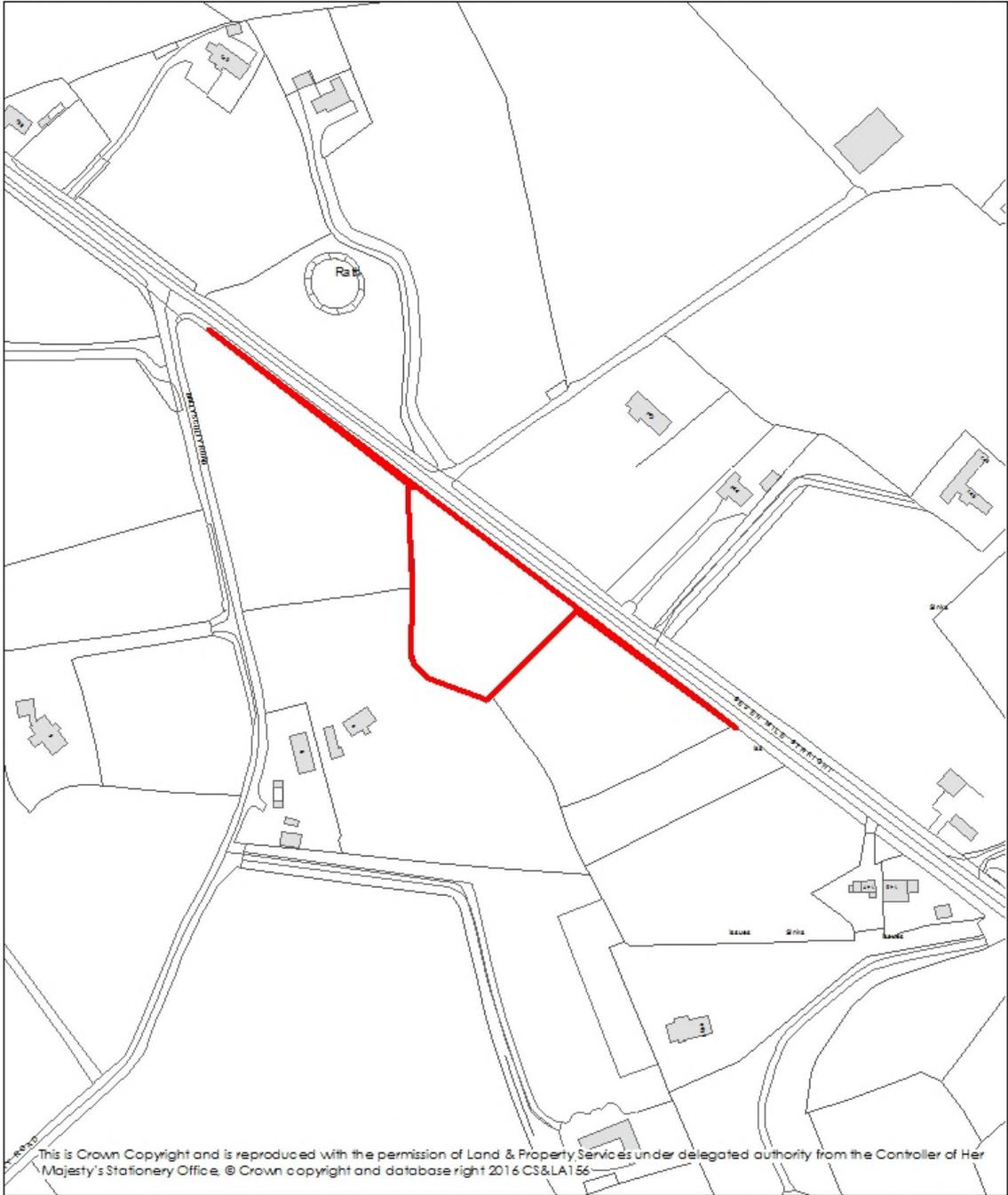
- The principle of the development has not been established as it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case. As such it is considered that a new dwelling is not a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused.

- A low level dwelling of approximately 5.7m from ground level would sufficiently integrate and not have a detrimental impact on the rural character of the area.

**RECOMMENDATION :** REFUSE OUTLINE PLANNING PERMISSION

**PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of PPS 21: Sustainable Development in the Countryside, in that there are no overriding reasons why this development is necessary in this rural location and could not be located within a settlement and it has not been demonstrated that there are site specific reasons or compelling personal and domestic circumstances that would warrant approval for a dwelling in accordance with Policy CTY 6 of PPS 21.



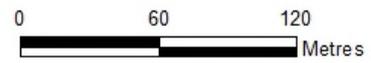
**Location Map**

**Application Reference: LA03/2018/0227/O**

Site of dwelling and garage under CTY6 of PPS21

Approx 120m SW of 142 Seven Mile Straight, Muckamore

Site Boundary 



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.5</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0299/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Redevelopment of garden centre site to deliver a new garden centre development and associated landscaping, car parking and road and access works to the Old Ballyclare Road and Ballyclare Road.
<b>SITE/LOCATION</b>	Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick, Antrim.
<b>APPLICANT</b>	Eastonville Traders Ltd
<b>AGENT</b>	O'Toole and Starkey
<b>LAST SITE VISIT</b>	August 2018
<b>CASE OFFICER</b>	Michael O'Reilly Tel: 028 90340424 Email: <a href="mailto:michael.oreilly@antrimandnewtownabbey.gov.uk">michael.oreilly@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located at the existing Coleman's Garden Centre at No. 6 Old Ballyclare Road, Templepatrick, Antrim.

This is an area of land in the countryside comprising approximately 4 hectares and is located some 200 metres northeast of Templepatrick and in close proximity to the large roundabout at the entrance to Templepatrick.

The application site comprises the existing garden centre, which presently contains sales and storage buildings, green houses, covered production and external display areas along with ancillary car parking. The covered production building (Building B) is currently operating as a sales area and restaurant via a temporary planning permission (LA03/2017/0364/F). Building A, attached to and immediately south of Building B has previously been granted planning permission (T/2011/0378/F) and is currently under construction. The covered external display area and external display area are operational.

Well-established and mature trees and hedgerows define much of the boundaries of the application site. The adjoining land use is mainly detached rural dwellings and farm holdings. Two dwellings at Nos. 8 and 10 Old Ballyclare Road back onto the garden centre and a further dwelling, No. 2 Old Ballyclare Road, is located immediately adjacent to and south of the application site.

The application site extends to include sections of the Old Ballyclare Road and Ballyclare Road. At the time of writing works to provide junction improvements are underway at the junction of the Ballyclare Road and Old Ballyclare Road.

## RELEVANT PLANNING HISTORY

Planning Reference: LA03/2017/0430/NMC

Location: Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick

Proposal: Non-material change to planning permission T/2011/0378/F (amendments to elevations of planning appeal approval reference 2007/A1019 for the replacement of existing stores to nursery retailing and extension of existing nursery retailing to include toilets and restaurant together with 6no self-catering cottages) comprising the following changes:

- (a) an amendment to the proportions of the building footprint of the covered production area with the width of the building reduced and the depth increased;
- (b) an amended roof profile to the covered production area from a single pitched roof to a double pitched roof;
- (c) a minor increase in the height of the covered production area; and
- (d) an amendment to the proportions of the building footprint of Building A (Sales Area and Internal Production) with the width of the building reduced.

Decision: Non-material change granted 05.05.2017

Planning Reference: LA03/2017/0364/F

Location: Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick

Proposal: Temporary partial (999sqm) change of use of covered production building to garden centre retail and restaurant with associated access, parking, circulation and landscaping.

Decision: Permission Granted 07.09.2017

Planning Reference: T/2011/0378/F

Location: 6 Old Ballyclare Road, Templepatrick

Proposal: Amendments to elevations of previous approval granted under 2007/A1019

Decision: Permission Granted 31.10.2011

Planning Reference: T/2008/0284/RM

Location: 6 Old Ballyclare Road, Templepatrick

Proposal: Replacement of existing stores to nursery retailing & extension of existing nursery retailing to include toilets & restaurant together with 6 no self-catering cottages

Decision: Planning Appeal Allowed (2007/A1019) 11.11.2009.

Planning Reference: T/2007/1041/F

Location: 6 Old Ballyclare Road, Templepatrick

Proposal: Extension of existing nursery retail building to include restaurant & additional display areas and replacement of other existing nursery building with new nursery retail building with associated site works, car parking and children's picnic area.

Decision: 18.12.2008

Planning Reference: T/2005/0925/F

Location: 6 Old Ballyclare Road, Templepatrick

Proposal: Replacement of existing nursery & stores to nursery retailing & extension of existing nursery retailing to include toilets, restaurant, offices & timber yard

Decision: Planning Appeal (2006/A0222) Upheld: 06.09.2007

Planning Reference: T/2001/0299/O

Location: 6 Old Ballyclare Road, Templepatrick

Proposal: Replacement of existing stores to nursery retailing & extension of existing nursery retailing to include toilets & restaurant together with 6 no self-catering cottages

Decision: Permission Granted 13.02.2004

### **PLANNING POLICY**

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located within the countryside. Paragraph 23.23 (1) advises that retailing and commercial activity in the countryside will be strongly resisted as these uses are better located within existing built-up areas, both to serve the local community and to conserve the landscape. Paragraph 23.23 (4) states that sympathetic consideration will be given to projects designed to cater for outdoor recreational activities or to facilitate the tourist industry.

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.

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.

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

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

## CONSULTATION

**Council Environmental Health Section:** No objection subject to conditions.

**NI Water:** No objection.

**Transport NI:** No objection subject to conditions.

**Northern Ireland Environment Agency:** No objection.

**Rivers Agency:** No objection.

## REPRESENTATION

Fourteen (14) neighbouring properties were notified and six (6) letters of objection have been received from three (3) properties. One (1) letter of support has been received from Templepatrick Action Community Association. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

The key point made in the letter of support is that the proposal is welcomed by Templepatrick Action Community Association as it will benefit the whole community.

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

### No.2 Old Ballyclare Road

- The proposal will reduce the dimensions of the existing vehicular access serving No.2 Old Ballyclare Road from approximately twelve (12) metres to approximately (9) metres.
- The proposed footpath encroaches ground in the objector's ownership.
- There are inaccuracies in the drawing and land within the ownership of the objector is required for this development.

### No.8 Old Ballyclare Road

- The proposal will impact the objector's vehicular access and gates such that large vehicles, eg fuel delivery lorries, will not be able to access the dwelling.
- Development will impact existing landscaping at the entrance to No.8 Old Ballyclare Road and it is unclear what new landscaping is proposed.
- Question raised as to future use and maintenance of waste ground between No.8 Old Ballyclare Road and proposed development.
- The proposed 1.5 metre embankment with 1.75 metre high trees atop will block light to the objector's rear garden.
- Privacy at the rear of the objector's property will be impacted upon.
- The scale of the proposed development and layout of car parking, particularly to the rear of No.8 Old Ballyclare Road, may cause unacceptable noise and disturbance.
- There is a contradiction in the lighting report and agent cover letter as to exact height of lighting to be used for the development and for this reason the impact is unclear.

- The proposed hours of opening are longer than existing opening hours and this has implications for the ability of the objector to enjoy his property given increased activity, lighting and noise.

No.11 Old Ballyclare Road

- Visibility splay, left hand side existing, requires the removal of a section of hedge belonging to No.11 and which is not demonstrated on the drawing.

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

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

- Principle of Development
- Retail Impact
- Development Quality
- Parking, Access and Road Infrastructure
- Neighbour amenity
  - Noise
  - Light
  - Other Residential Amenity Issues
- Other Matters
  - Flood Risk
  - Ecology
  - Objections

#### **Principle of Development**

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires that regard is had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

With reference to the adopted Antrim Area Plan 1984 – 2001, applicable planning policy for the control of this form of development in the countryside relates to the control of retail development and the sympathetic consideration of projects designed to cater for outdoor recreational activities.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) was published in September 2015 and is a material consideration in determining this application. At paragraph 1.10 it states that, until such times as a Plan Strategy for the whole of the council area has been adopted, Local Planning Authorities will apply existing policies within the Planning Policy Statements (PPSs) that have not been cancelled, together with the SPPS. PPS21 is one such retained document and is a material consideration in the determination of this proposal.

Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Although this proposal for the re-development of an existing garden centre does not fall within the identified types of acceptable non-residential development suggested by Policy CTY1 of PPS21 the policy is clear in stating that there are a range of other types of non-residential development that may be acceptable in principle in the countryside. These proposals are identified as being considered in accordance with existing published planning policies.

The provisions of the SPPS require that planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.279 requires retailing to be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted. It goes on to state that as a general exception to this policy approach retail facilities which may be considered appropriate outside of settlement limits include farm shops and shops serving recreational facilities. It concludes by stating that all proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet the requirements of policy elsewhere in the SPPS.

Coleman's is an established and well-known garden centre with an extensive planning history relating to garden centre type development and usage. Planning permission T/2011/0378/F provided for new buildings and an increased retail offer for the garden centre business, which has been commenced within the lifespan of the consent. Although the development plan seeks to resist retail and commercial activity in the countryside as these are better located within existing built-up areas the extant permission establishes a valid legal fall-back position for the applicant. This is a critical material consideration in the determination of this development proposal and outweighs the provisions of the adopted development plan in this respect.

Coleman's garden centre is considered to be a facility primarily providing for gardening activity, which is considered to be a form of outdoor recreational activity. The SPPS and PPS21 accept that there are certain appropriate proposals that exceptionally can be allowed in out of town locations. Given the development plan refers to sympathetic consideration being given to projects designed to cater for outdoor recreational activity, it is considered this garden centre development is one such exception as allowed for in the SPPS and PPS21. The SPPS further identifies that a farm shop, which forms a part of this proposal, is as an acceptable example of a retail facility in the countryside.

Given the long established presence and retail usage of Coleman's garden centre, its associated planning history in particular the significance of the implemented planning permission for business expansion and relevant planning policy, which is sympathetic to developments designed to cater for outdoor recreational activity, It is considered that the principle of the proposed garden centre development at this location has been established.

The detailed elements of the proposal remain to be assessed against the provisions of relevant planning policy including retail impact, development quality, access and parking, residential amenity and other matters. These are considered below.

### **Retail Impact**

This development proposal seeks full planning permission for a new garden centre development and associated landscaping, car parking and road and access works to the Old Ballyclare Road and Ballyclare Road. This includes the permanent retention of the existing garden centre building for garden centre retail, restaurant and covered production use; the retention of the garden centre building currently under construction on site and its use for garden centre retail, covered production, a farm shop, a coffee shop and ancillary storage; and the erection of a new garden centre building for ancillary storage.

The provisions of the SPPS require that planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.279 requires retailing to be directed to town centres, and that the development of inappropriate retail facilities in the countryside must be resisted.

As part of the current proposal the agent has advised that the net retail floorspace of the re-developed garden centre will not exceed the net retail floorspace permitted in the extant planning permission (T/2011/0378/F) of 2425 square metres. As noted previously, this extant permission is a critically important material consideration and establishes a valid legal fall-back position for the applicant. For this reason the agent's case that the proposal will have no greater impact on the vitality and viability of an existing centre within the catchment than the current extant approval is accepted.

It should be noted that there is no discrete definition in planning terms of a "Garden Centre" in terms of its use class, rather it is considered as falling within the general "A1: Shops" classification. The agent advises the net retail floor space shall comprise a mix of convenience, non-bulky comparison and comparison goods associated with horticulture or gardening commonly found in garden centres. It is considered that a 'garden centre' is a different planning entity when compared against general retail sales given the retail offer is specialist leisure orientated and seasonal in nature. In demonstrating this position the agent has provided an indicative floor plan identifying the particular product groups to be sold and the quantum of floorspace dedicated to these individual groups entitled 'illustrative Uses Floor Plan – Building A and B' and an accompanying schedule defining 'Other Garden Retail'. The floorspace distribution is as follows;

- Garden Furniture: 270 square metres
- Other Garden Retail: 492 square metres
- Associated Clothing, Footwear and Textiles: 1009 square metres.
- Non-clothing based outdoor camping equipment: 232 square metres
- Crafts, Books, Gardening Literature, Floral Arts, Prints and Frames, Greeting Cards: 210 square metres
- Storage: 813 square metres

In the context of a garden centre development this range of product goods is considered to be acceptable, similar to other such centres and the maximum floor space areas can be conditioned to restrict the quantum of floor space dedicated to the specific product groupings, whilst at the same time providing the operator with flexibility regarding the exact location of these areas within Buildings A and B.

The schedule defining 'Other Garden Retail' provides a list of goods and product groups, which again are considered to be consistent with the nature, character and type of goods one would expect to be available at a garden centre. While this forms the main body of the business the development also proposes floorspace to be dedicated to product groups comprising 'a little of everything' so as to remain comparable with other garden centres within and outside the catchment. Examples include 'Gift Lines' and 'Domestic Use Utensils and Decorative Objects', 'Books, floral art, prints, frames and greeting cards'.

It is considered that there is a tendency for Garden Centres to sell a wide range of goods some of which are considered to be additional to the original purpose of the sale of horticulture and gardening goods. If uncontrolled, this would lead to a wide variety of unrelated goods being sold which could compete with existing shops in existing centres within the catchment. However it is considered that planning conditions can be used to enable the Council to prohibit general retail use at the Garden Centre and restrict the types of goods sold to those identified in the 'Illustrative Uses Floor Plan – Buildings A and B' and the accompanying schedule 'Other Garden Retail.'

The proposal includes an associated farm shop and coffee shop. The SPPS identifies that a farm shop is as an acceptable example of a retail facility in the countryside. The provision of these additional services are considered to complementary to a modern garden centre and once again the floorspace dedicated to these uses can be restricted by condition to ensure that they are ancillary to the sale of horticulture or gardening goods.

Overall, the schedule of product groups is largely garden and leisure based, although the range of goods that could be sold is expansive. For this reason the use of planning conditions can ensure that in practice there would be a distinction between the specialist leisure orientated and seasonal, products sold in the garden centre, rather than an unregulated and unacceptable Class A1 retail offer. Given this conclusion, it is considered there would not be any significant effect on the existing retail function of other centres within the catchment.

The development proposal seeks the permanent retention of the restaurant granted temporary planning permission at the site and which, at the time of writing, has been operational for in excess of one year. The Council's Environmental Health Section has not indicated that any complaints have been raised with respect to its operations. It is considered that modern garden centres regularly provide for an in-house restaurant, which increases dwell time and customer spend. In the context of the wider proposal this use is considered to be complementary and therefore acceptable. As with other elements of the scheme, the floorspace, hours of operation and delivery hours can be controlled by planning condition.

Two areas within the site are identified for the production of plants by the nursery. An 'external covered production' area, comprising 972 square metres of floorspace which is slightly less than the area previously approved, is shown adjacent to Building B. This area will be accessible to members of the public who can purchase the plants being grown here. A larger 'open production area', as previously approved, is proposed to the rear of Building C. The use of these areas and the degree of access by members of the public can be controlled by appropriate planning conditions.

An outdoor area for the display of goods to visiting members of the public is also proposed. This area measures 1632 square metres, which is significantly less than that previously approved and as a consequence the agent's contention that it will reduce the potential retail impact of this element of the scheme when compared with the extant planning permission is accepted.

In overall terms it is accepted that the level of net retail floorspace proposed will not exceed that provided for in the extant planning permission (T/2011/0378/F) and that

the use of planning conditions can restrict the retail offer to that associated with a garden centre so as not to create or allow for an unrestricted retail use in the countryside. For these reasons it is considered that the proposal will not adversely affect the vitality and viability of existing centres within the catchment and therefore satisfies the provisions of relevant planning policy found in the development plan and the SPPS.

### **Development Quality**

The built form of the proposal comprises three (3) buildings dispersed across the application site with intervening car parking and new landscaping.

Buildings A and B are attached to one another and are located to the western side of the application site. Building B is attached to and set to the rear of Building A and is located to the northwestern corner of the application site. This portal frame building has a dual 'ridge and valley' roof form and is complete and in operation.

At the time of writing Building A remains under construction and is intended to be the main garden centre unit and focal point of the development. The general character and appearance proposed in this instance is considered acceptable and will be finished with materials including smooth render, natural stone, timber and Kingspan trapezoidal wall cladding.

It is considered the architectural form and appearance of these buildings is typical of garden centre retail architecture and that the use of a limited range of quality finishing materials will assist in creating a high quality appearance and character for the development. Buildings A and B are visually contained by mature trees and hedgerows edging the northern, western and southern boundaries of the application site and it is considered there shall be no discernible impact to the character and appearance of the area.

Building C is described by the applicant as the main storage area for the development and shall replace the existing storage barn. It occupies a similar location on site to a comparatively sized building previously approved via the extant permission T/2011/0378/F. However, the building footprint has moved away from the boundary with Nos. 8 and 10 Old Ballyclare Road and has been re-orientated to afford a better relationship with these existing dwellings. This is identified by the applicant as being a direct result of feedback received during pre-application community consultation and is considered acceptable.

Overall, the built form and general composition of the development proposed is similar to that previously approved and will contribute to a high quality character and appearance for the resulting development. It is considered that proposal will not have a detrimental impact on the character of the countryside given it is visually contained by mature trees and hedgerows defining the majority of the application site boundaries.

Landscaping of the application site also forms part of the proposal. Currently the northern, western and southern boundaries are well defined by mature trees and hedgerows. The proposal involves augmenting the western boundary with several heavy standard trees to form a complete green edge at this area of the site. The southern boundary is shown to be augmented with heavy standard trees and other

forms of planting, which will mature to create a green finger abutting existing planting in this area. Car parking provision positioned in this area of the site is to be laid in grasscrete to improve the general appearance of this area.

Grasscrete is shown to be utilised over a large area of the car park to the southeast. Given that Building C is to be used for storage a lesser intensity of parking demand is anticipated in this part of the site outside peak times. It is considered the area of space dedicated to this finishing material will make a significant contribution to the overall quality and character of the development. Other areas of car parking are broken up into more discrete parking bays and the main thoroughfare leading into and through the development is shown to be lined with heavy standard trees.

The eastern boundary abutting Nos. 8 and 10 Old Ballyclare Road is identified as being subject to landscape works. The existing close boarded timber fencing defining the rear boundaries of these properties is to be supplemented with a continuous linear edge of heavy standard trees and other landscaping atop an earth embankment of 1.5 metres in height. This matter is referred to in more detail under "Neighbour Amenity".

The objector at No.8 Old Ballyclare Road has commented upon landscaping at the northern edge of the proposed access for the garden centre and the area of land immediately north of this, which will facilitate the new vehicular access to his dwelling.

The boundary at the northern edge of the proposed access to the garden centre is to be planted with a native species hedgerow, which is acceptable in this countryside location. A maximum hedge height of 2.5 metres can be controlled by planning condition to enable the hedge to mature and provide a strong edge to the garden centre, clearly delineate the two separate accesses and provide suitable relief for No.8 Old Ballyclare Road from light spillage associated with vehicles attracted to the site. Regarding the area of land immediately north of this a planning condition can be imposed to require the developer to seed in grass the area of land not required for the vehicular access and for ongoing maintenance in accordance with a Landscape Management Plan to be submitted.

Overall, it is considered the landscape proposals seek to support and augment existing boundaries and to provide new landscape works to the eastern side of the site to visually contain the development and provide relief to the amenity of adjoining residential properties. The use of grasscrete for a significant area of the car parking provision, the lining of the main thoroughfare with heavy standard trees and the creation of some planted and discrete parking bays will break up the visual appearance of these areas and help to promote a high quality development.

### **Parking, Access and Road Infrastructure**

With respect to parking provision the development proposal seeks to provide 341 car parking spaces to include 14 mobility spaces and 8 mother and bay spaces, which are in close proximity to building entrances. 15 cycle stands are to be located to the front of Building A. DfI Roads has offered no objections to this quantum of parking provision. It is considered that this element of the proposal is compliant with the published guidance document 'Parking Standards'.

The development proposal seeks to realign the existing vehicular access to the garden centre and the vehicular access serving No.8 Old Ballyclare Road. The applicant advises he is seeking to make improvements to visibility into and out of the application site whilst improving the general amenity of No.8 Old Ballyclare Road by avoiding conflicting traffic manoeuvres created by the previously approved shared access arrangement. DfI Roads Service has offered no objections to this element of the proposal.

No.8 Old Ballyclare Road has expressed concern that the proposed vehicular access serving his property will prohibit the safe access and egress of the largest vehicle that may be attracted to the property, eg a fuel delivery lorry. This matter has been discussed with DfI Roads, which has indicated the proposed access is compliant with modern vehicular access standards and will allow for such vehicles to safely access the property and public road network.

No.2 Old Ballyclare Road initially commented that the plans submitted seek to reduce the dimensions of his existing access and that lands within his ownership are required to facilitate the proposed development. The current iteration of the block plan drawing indicates there will be no alteration to the current access arrangement for No.2 Old Ballyclare Road. In his most recent letter the objector has not made any further comment on this matter. With respect the issue of land ownership the agent has been made advised of the objector's assertion, but has advised that the lands required to facilitate the proposed road improvements do not encroach upon the objector's property. It is not the function of the planning system to adjudicate on issues of land ownership, rather separate legal recourse between the parties is the appropriate mechanism to deal with any disputes. Both the objector and the applicant are aware of this issue and as such neither party is prejudiced. This is ultimately is a civil matter and does not preclude determination of the proposal.

No.11 Old Ballyclare Road has commented that the visibility splay (left hand side exiting) requires the removal of a hedgerow within his ownership and this is not identified in submitted plans. The agent has advised that the removal of this hedge is neither required nor proposed to be removed by the application. He also refers to the Private Streets Determination drawing showing clearly that the proposed road widening ends at the gate to the field that is directly opposite the garden centre access. From an analysis of the drawings it is considered that no part of the frontage of No. 11 is affected.

The development proposal also involves improvements to the Old Ballyclare Road and Ballyclare Road. This includes;

- Widening of the Old Ballyclare Road from No.8 Old Ballyclare Road southwards to the junction with the Ballyclare Road.
- Provision of a left turn lane to reduce queuing from the Old Ballyclare Road to the Ballyclare Road.
- Provision of a right turn lane from Ballyclare Road to the Ballyclare Road so as not to impede through traffic
- A footpath from the Ballyclare Road along the Old Ballyclare Road up to and through the application site.

As noted earlier in this report improvements at the junction of the Ballyclare Road and Old Ballyclare Road are currently under construction. These works benefit from

the previously referenced extant planning permission T/2011/0378/F. The main difference in the current proposal relates to the provision of a footpath leading from the Ballyclare Road into the garden centre and the provision of the right and left hand exit lanes from the Old Ballyclare Road to the Ballyclare Road.

DfI Roads has no objection to the further works which it is considered will enhance road safety and for these reasons it is considered the tests of the relevant policy provisions have been satisfied.

### **Neighbour Amenity**

Dwellings at Nos. 2, 8 and 10 Old Ballyclare Road share a boundary with the application site. Noise and light pollution created by the development may therefore have an impact on the residential amenity of these properties.

#### Light

With respect to the proposed lighting scheme at the site a lighting report has been submitted to support the planning application.

The report identifies that the mounting height of all lights will be restricted to six (6) metres in height, that all lanterns will be mounted at a zero degree angle to reduce light spillage to a minimum and will have a maximum Lux level of 0.5 Lux. This level of illumination is based on there being no physical barriers between the lights and any adjacent boundary and is described as the maximum level that could spill out beyond the garden centre. The report is clear however that this theoretical maximum Lux level does not take account of any existing or proposed physical barriers and that such barriers will significantly reduce the light spillage onto the boundaries.

The lighting report concludes the scheme has been designed to ensure any light spillage will be minimal reducing to negligible when boundary fencing and landscaping (existing and proposed) is accounted for and that there will be no detrimental impact to the residential amenity of existing residents.

The consultation response of the Council's Environmental Health Section requires that light intrusion from the proposed development into the nearest dwelling must not exceed 5 Lux. It is understood this is a level of illumination appropriate to the countryside (areas of low district brightness) up to 22:00 hours and is notably in excess of the theoretical average maximum Lux level of 0.5 Lux proposed in the lighting report. The consultation response also advises that illumination of the development should not occur after 22:00 hours. A planning condition can be imposed to this effect.

The objector at No.8 Old Ballyclare Road has challenged the operation of the lighting plan as being detrimental to residential amenity. The theoretical average maximum Lux level proposed during operational hours is 0.5 Lux. During discussions with the Environmental Health Section, it has been noted that in rural areas light trespass into windows should not exceed 1 lux after 22:00 hours. Given that the 0.5 Lux value proposed during operational hours is half that considered acceptable outside operational hours and that the main body of the property at No.8 Old Ballyclare Road is some eleven (11) metres from the closest lantern and will be separated from it by existing boundary fencing, it is not considered that an adverse residential amenity impact will result. The lighting report clearly refers to several of

these features as further mitigating any impact of illuminating the development to a level described as 'negligible'. Furthermore a planning condition restricting the maximum Lux value of the lanterns to the nearest residential properties can be imposed.

The objector at No.8 Old Ballyclare Road notes there is a contradiction between the lighting report and agent cover letter as to the exact height of lighting to be used for the development and for this reason the impact is unclear. Weight in the decision making process is being attributed to the matters set out in the lighting report and drawing 14, entitled 'Exterior Lighting Layout' and as commented upon by the Council's Environmental Health Section.

For the above reasons it is not considered that the lighting plan will cause an unacceptable detrimental impact to the residential amenity of existing residents abutting the application site and the point of objection is not considered to be a determining matter.

#### Noise

A noise impact assessment has been submitted to support the planning application.

Based on analysis of collected data the report states that the typical existing day time noise level is recorded as 44 decibels, allowing for acoustic feature correction. The recorded typical existing night time noise level is 33 decibels. Noise generating sources are described as including HGV movements, external plant/café equipment, noise breakout from retail elements and use of the car park. The predicted typical day time noise levels include all noise sources acting concurrently and for predicted typical night time noise levels the only noise source shall be external refrigeration plant equipment.

The noise model used to predict typical noise levels during the operational phase of development included a 1.5m high earth bund along the eastern boundary adjacent to Nos. 8 and 10 Old Ballyclare Road and a 1.5m high acoustic barrier along the southern boundary adjacent to No. 2 Old Ballyclare Road.

With reference to typical day time noise (44 decibels) the report indicates that there will be no greater impact at the nearest residential properties during the operational phase. For typical night time noise (33 decibels) during the operational phase the report indicates that the plant equipment will generate 7.2 decibels, some 25.8 decibels lower than the existing typical night time noise level. The conclusion of the report is the noise generated by this proposal will not adversely impact neighbouring properties.

The Council's Environmental Health Section has offered no objections to the methodology, logic or conclusions offered within the Noise Impact Assessment. Planning conditions can be imposed restricting the hours of operation of the business and that deliveries shall be received only in normal day time working hours and not on a Sunday or Bank Holiday.

#### Other Residential Amenity Issues

The objector at No. 8 Old Ballyclare Road states that the introduction of planting at a height of 1.75 metres atop the 1.5 metre high earth embankment will block light to the

rear garden of the dwelling. He also comments that a balance needs to be struck between mitigating noise, illumination and the privacy and level of natural light falling on the rear amenity space of No.8. The main body of the dwelling at No.8 Old Ballyclare Road is approximately eleven (11) metres from the common boundary with the garden centre. It is considered that the trees to be planted will not significantly overshadow the dwelling during the summer months enhancing privacy, while in winter months natural light will fall onto the rear amenity space and provide a degree of privacy, in addition to the existing garden fence.

Overall, it is considered that although the development will be operational for a longer period of time than the existing garden centre, the lighting and landscaping proposals can be controlled by planning condition to restrict the maximum illumination and will not result in a significant detrimental impact to the residential amenity of No. 8 Old Ballyclare Road.

### **Other Matters**

#### Flood Risk

A Drainage Assessment (DA) accompanies the planning application. It indicates the application site does not lie within either the predicted 1:100 year fluvial floodplain, the 1:200 year coastal floodplain or any reservoir floodplain.

The DA indicates that re-profiling of the site will occur to remove isolated low-lying areas with infrastructure installed to remove any standing water. Finished floor levels of proposed buildings will be 150mm above adjacent ground levels. The DA also advises that the application site is between 1.5 to 2 metres above adjacent watercourses.

The proposed drainage regime seeks to discharge surface water at the pre-development run-off rate of 86.21 litres per second. DfI Rivers have offered no objection to this discharge rate. The attenuation system will comprise a one hundred (100) metre length sewer pipe of 1.8 metres in diameter installed upstream of a hydrobrake fitted manhole to facilitate the consented run-off rate. A dropped kerb will be placed between the hydrobrake and the open watercourse in the north east corner of the site to facilitate any exceedance water flows to the discharge point.

The applicant concludes that the predicted pluvial flooding will be dealt with by the proposed surface water drainage infrastructure, that mitigation proposed will provide an increased level of protection to the development from flooding and will not increase the risk of flooding elsewhere.

It is noted DfI Rivers has offered no objections to the methodology, logic or conclusions offered within the submitted Drainage Assessment. It is considered that the proposal will not cause flooding of the application site or exacerbate flood risk elsewhere. The proposal is therefore compliant with the provisions of PPS15.

#### Ecology

The submitted Ecology Report advises that the application site allows for only partial ecological connectivity with the surrounding agricultural fields and that while the boundary vegetation is prominent the site is quite isolated within an area of open pasture, which itself is dominated by major thoroughfares. While it is acknowledged that boundary vegetation may contribute to the wider habitat network the interior of

the site is described as being sterile and isolated. Existing buildings on site are described as not being suitable for bat roosting given their nature of construction or central positioning within an ecologically sterile yard. The local habitat is described as being of very limited utility to bats and the site as a whole is subject to illumination at night. The ecology report advises that during site investigations no evidence of badgers or otters was identified.

In its consultation response, NIEA offers no objections to the methodology, logic or findings of the report. Given these circumstances it is considered that the impact of the proposal to European Protected Species and Priority Habitat will be insignificant and the provisions of Planning Policy Statement 2 have been met.

#### Socio-Economic Implications

The applicant has advised the proposal represents a £5 million capital investment into the area that will provide for 120 jobs post construction, an increase of 111 posts. The construction phase is described as being implemented immediately upon receipt of planning permission and shall employ 100 people over the 6 month construction period. The development is described as generating £100,000 rates per annum for the Council. These economic benefits are material to the consideration of the development proposal and are considered to weigh in favour of the scheme.

#### **CONCLUSION**

The following is a summary of the main reason(s) for the recommendation:

- The principle of the development for a garden centre has previously been established and this proposal seeks to reconfigure and re-purpose previously approved net retail floorspace, which is a valid legal fall-back position for the applicant.
- The proposal will not have an adverse impact on the vitality and viability of other centres within the catchment.
- The design of the proposal is considered typical of garden centre retail architecture and will not have a detrimental impact to the character and appearance of the area.
- Junction improvements, issues of access and parking are acceptable.
- There are no unacceptable residential amenity issues.
- The Drainage Assessment accompanying the development and associated mitigation measures are considered acceptable.
- There are no ecology issues.
- The proposal has socio-economic benefits.
- There are no objections from consultees.
- Objections received have been considered within the body of the report and are not considered determining. One letter of support has been received.

<b>RECOMMENDATION:</b>	<b>GRANT PLANNING PERMISSION</b>
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#### **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. The gross floorspace of the Garden Centre buildings A, B and C, as indicated in drawing 03/3, date stamped received 20<sup>th</sup> August 2018, shall not exceed 6,129 square metres when measured externally and no operations increasing the floorspace available for retail or any other use, including the installation of mezzanine floors, shall be carried out without the express grant of planning permission by the Council.

Reason: To enable the Council to retain control over the scale of the Garden Centre operations at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

3. The overall net retail floorspace of Buildings A and B of the Garden Centre hereby permitted shall not exceed 2,425 square metres when measured internally.

Reason: To enable the Council to control the amount of net retail floorspace of the Garden Centre at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

4. The use of Buildings A and B shall be limited to those uses listed hereunder outlined in the 'Illustrative Uses Floor Plan – Building A and B', drawing No.19, date stamped received 4<sup>th</sup> September 2018. The precise amount of net retail floorspace dedicated to each use, including the farm shop, shall be restricted to that indicated in the list hereunder and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order:

- (a) Garden Furniture: 270 square metres
- (b) Non-Clothing based outdoor and camping equipment: 232 square metres.
- (c) Other Garden Retail: 492 square metres.
- (d) Clothing, footwear and textiles: 1,009 square metres.
- (e) Crafts, books and gardening literature to include floral art, prints, frames and greeting cards: 210 square metres.
- (f) Farm Shop: 212 square metres

For the avoidance of doubt 'Other Garden Retail' referred to at (b) is as defined by the associated Schedule, Document 10/1, date stamped received 12<sup>th</sup> September 2018.

Reason: To ensure the use of the site remains that of a Garden Centre as proposed in the planning application and to enable the Council to control the nature, range and scale of goods retailing at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

5. The net retail floorspace of the farm shop stipulated in Condition 4 shall be used only for the sale and storage of the goods listed hereunder and for no other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order:

- (a) Food produced by the Garden Centre
- (b) Food processed by the Garden Centre; and
- (c) Other farm goods/produce

Reason: To enable the Council to control the nature, range and scale of goods retailing within the farm shop at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

6. The net retail floorspace dedicated to 'Gift Lines' and/or 'Domestic use utensils and decorative objects' identified in the 'Other Garden Retail' Schedule, Document 10/1, date stamped received 12<sup>th</sup> September 2018, shall not exceed more than 200 square metres measured internally.

Reason: To ensure the use of the site remains that of a Garden Centre as proposed in the planning application and to enable the Council to control the nature, range and scale of goods retailing at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

7. The floorspace of the coffee shop in Building A shall not exceed 110 square metres when measured internally and shall be used only for the purpose of selling food or drink for consumption on the premises and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To enable the Council to control the operation of the Garden Centre at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

8. The floorspace of the restaurant in Building B shall not exceed 675 square metres when measured internally and shall be used only for the purpose of selling food or drink for consumption on the premises and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To enable the Council to control the operation of the Garden Centre at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

9. Building C, as identified in drawing 03/3, date stamped received 20<sup>th</sup> August 2018, shall be used only for the purposes of storage associated with the Garden Centre and for no other purpose within Class B4 of the Schedule of the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To enable the Council to control the use of Building C and to ensure that it remains ancillary to the operation of the Garden Centre at this countryside location.

10. The 'External Covered Production Area', identified in drawing 03/3, date stamped received 20<sup>th</sup> August 2018, shall be restricted to a total gross floor area of 990 square metres measured externally; shall be used only for the production, growth and display of plants and trees; and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To ensure the use of the site remains that of a Garden Centre as proposed in the planning application and to enable the Council to control the nature, range and scale of goods retailing at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

11. The 'Outdoor Display Area' identified in drawing 03/3, date stamped received 20<sup>th</sup> August 2018, shall be restricted to 1,632 square metres measured externally and shall be used only for the display of items listed within the 'Other Garden Retail' Schedule, Document 10/1, date stamped received 12<sup>th</sup> September 2018, with the exception of 'Gift Lines', 'Domestic Use Utensils and decorative objects' and 'Books, floral art, prints, frames and greeting cards'. The external display area shall be used only for the purposes described and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To ensure the use of the site remains that of a Garden Centre as proposed in the planning application and to enable the Council to control the nature, range and scale of goods retailing at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

12. The 'Open Production Area (plants)', identified in drawing 03/3, date stamped received 20<sup>th</sup> August 2018, shall not be accessible by members of the public and shall only be used for the production and growth of plants, trees and other nursery material and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To enable the Council to control the scale of Garden Centre operations at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

13. The Garden Centre, including the restaurant and coffee shop, shall only be open to visiting members of the public during the listed times on the listed days.
- Monday to Saturday: 08:00 – 21:00 hours
  - Sunday: 13:00 – 18:00 hours

Reason: To enable the Council to retain control over the opening hours of the Garden Centre and in the interests of the residential amenity of existing adjoining residents.

14. No deliveries shall be taken at or dispatched from the Garden Centre outside 08:00 – 18:00 hours Monday to Saturday inclusive and at no time on a Sunday.

Reason: In the interests of the residential amenity of existing residents in adjoining properties.

15. Prior to the use of Building A coming into operation, the road works indicated in drawing No's 03/3, 09/1, 12/1 and 17/1, date stamped received 20<sup>th</sup> August 2018 and 10<sup>th</sup> August 2018 respectively, shall be fully completed in accordance with these plans.

For the avoidance of doubt this shall include the works necessary for the improvement of the public road network identified in drawing No.17/1.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are completed prior to Building A becoming operational.

16. Prior to the use of Building A coming into operation the vehicular accesses, including visibility splays and any forward sight distances, shall be provided in accordance with Drawing No's 09/1 and 17/1, date stamped received 10<sup>th</sup> August 2018.

The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users prior to Building A becoming operational.

17. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

18. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No. 17/1, date stamped received 10<sup>th</sup> August 2018.

Reason: To ensure there is a safe and convenient road system.

19. Prior to the use of Building A coming into operation, all hard surfaced areas shall be constructed and permanently marked in accordance with the approved drawing No 03/3, date stamped received 20<sup>th</sup> August 2018, to provide adequate facilities for parking, servicing and circulating within the site, with the exception of the area of 'grasscrete', as indicated hatched black in that drawing.

Hard surfaces within the 'grasscrete' area hatched black in drawing 03/3, shall be constructed and permanently marked prior to the use of Building C coming into operation.

No part of any of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

20. The existing natural screenings of the site, as indicated edged green in drawing 01, date stamped received 22<sup>nd</sup> March 2018, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity.

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

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

22. All planting and landscaping proposals shall be implemented in accordance with the details identified in the landscape planting plan, drawing No. 08/1, date stamped received 30<sup>th</sup> July 2018, and the proposed site layout, drawing No. 03/3, date stamped received 20<sup>th</sup> August 2018.

The approved planting and landscaping proposals shall be undertaken during the first available planting season after the use of Building A becomes operational, with the exception of landscape proposals within the area of 'grasscrete' hatched black in drawing 08/1.

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

23. Prior to the use of Building C coming into operation the area of 'grasscrete', as indicated hatched black in drawing No. 08/1, date stamped received 30<sup>th</sup> July 2018, shall be laid in accordance with the details set out in that drawing and shall be retained for the lifetime of the garden centre, unless otherwise previously agreed in writing of the Council.

Reason: To promote a high standard of landscape within the site and in the interests of the visual amenity of the area.

24. If within a period of 5 years from the date of the planting of any tree, shrub or hedge or other landscaped area, that tree, shrub or hedge or other landscaped area is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub, hedge or area of grass 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.

25. The native species hedgerow adjacent to the vehicular access of No.8 Old Ballyclare Road, as indicated on drawing No. 08/1, date stamped received 30<sup>th</sup> July 2018, shall be allowed to grow on to a maximum height of 2.5 metres and shall be retained at this height for the lifetime of the Garden Centre.

Reason: In the interests of the residential amenity of existing residents at No. 8 Old Ballyclare Road and to ensure the provision, establishment and maintenance of a high standard of landscape.

26. The area of land hatched orange in drawing No. 08/1, date stamped received 30<sup>th</sup> July 2018, shall be seeded in grass prior to Building A becoming operational and this area shall be managed and maintained in accordance with the landscape management plan required by Condition 27.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and in the interests of the general amenity of existing residents at No. 8 Old Ballyclare Road.

27. Prior to the use of Building A coming into operation a landscape management plan dealing with the entire landscape proposal and the requirements of Condition 26 shall be submitted to and approved in writing by the Council.

The landscape management plan shall set out the long term objectives, management responsibilities, performance measures and maintenance schedules for all landscaped areas. The landscape management plan shall be carried out as approved.

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

28. Prior to the use of Building A coming into operation the acoustic barrier shall be erected in the position shown edged red in drawing No.18, date stamped received 1<sup>st</sup> September 2018.

The acoustic barrier shall be constructed in accordance with the details identified in Drawing No. 18, date stamped received 1<sup>st</sup> September 2018.

Reason: In the interests of the residential amenity of existing residents at No.2 Old Ballyclare Road.

29. Prior to the use of Building A coming into operation the lanterns illuminating the site shall be erected in the positions shown in Drawing 14, date stamped received 22<sup>nd</sup> March 2018, with the exception of lantern No's 16, 17, 18, 19 and 24. These specific lanterns shall be erected prior to the use of Building C becoming operational.

The mounting height of all lanterns shall be at a maximum height of 6 metres above the finished ground level indicated in drawing 03/3, date stamped received 20<sup>th</sup> August 2018, shall have a zero degree angle and an average Lux Level value of 0.5 Lux, as referred to in the cover letter of Document 08, date stamped received 22 March 2018.

The lanterns shall only be illuminated between the months of October to April and not before 07:00 hours and not after 22:00 hours with the exception of a Sunday when the lanterns shall not be illuminated before 12:00 hours and not after 19:00 hours.

Reason: In the interests of the residential amenity of existing residents in adjoining properties.

30. The surface water drainage regime indicated in drawing C101A, date stamped received 10<sup>th</sup> August 2018, shall be completed and be functional prior to the commencement of operations of Building A of the Garden Centre.

Reason: To ensure post development run-off rates do not exceed pre-development run off levels and to limit the risk of flooding to existing residents at adjoining properties.



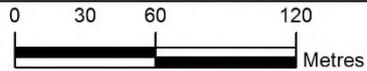
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**Location Map**

**Application Reference: LA03/2018/0299/F**

Redevelopment of garden centre site to deliver a new garden centre development and associated landscaping, car parking and road and access works to the Old Ballyclare Road and Ballyclare Road.

Colemans Garden Centre, 6 Old Ballyclare Road



Site Boundary 

For Information Only



<b>COMMITTEE ITEM</b>	<b>3.6</b>
<b>APPLICATION NO</b>	<b>LA03/2017/0478/F</b>
<b>DEA</b>	<b>MACEDON</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Housing development consisting of 5 detached dwellings with associated hard and soft landscaping
<b>SITE/LOCATION</b>	Lands in between 115-119 Manse Road, Newtownabbey
<b>APPLICANT</b>	Viewpoint Developments Ltd
<b>AGENT</b>	BGA Architects Ltd
<b>LAST SITE VISIT</b>	26th June 2018
<b>CASE OFFICER</b>	Johanne McKendry Tel: 028 903 Ext 40420 Email: <a href="mailto:johanne.mckendry@antrimandnewtownabbey.gov.uk">johanne.mckendry@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located within Metropolitan Newtownabbey and is positioned between a Spar/Topaz filling station at No. 119 Manse Road and a two storey detached dwelling at No. 115 Manse Road. The site is a vacant brownfield site which previously contained a single storey dwelling which has since been demolished. The application site is relatively flat in topography and is covered in grass with sections of hardstanding.

The southeastern and southwestern site boundaries have established Leyland Cypress trees, hedgerows and an existing retaining wall separating the application site from the adjoining residential development at Christine Gardens and Manse Road. The northeastern boundary consists mainly of Leylandii trees and a retaining wall between the adjacent residential development at Christine Park and the existing Petrol Filling Station. The northwestern roadside boundary comprises an existing site access and a mature hedge.

The surrounding area is predominately residential, characterised by two storey dwellings along the Manse Road and detached single storey dwellings abutting the northeastern and southeastern boundaries at Christine Park and Christine Gardens. Mossley Primary School, Mossley Nursery School and their associated playing fields are situated opposite the site on the northern side of Manse Road.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: U/2004/0208/O  
Location: 117 Manse Road, Ballyhenry, Newtownabbey  
Proposal: Site for housing development to include 9 town houses and 2 corner apartments and associated parking  
Decision: Application withdrawn 25 April 2005.

Planning Reference: U/2005/0695/F

Location: 117 Manse Road, Ballyhenry, Newtownabbey

Proposal: Change of use from dwelling to day nursery (maximum 65 children) and extension to premises.

Decision: Permission granted 5 March 2007.

Planning Reference: U/2007/0559/F

Location: 117 Manse Road, Ballyhenry, Newtownabbey

Proposal: Demolition of existing building & erection of residential development consisting of 13 units with associated car parking & landscaping.

Decision: Application withdrawn 18 May 2011.

## **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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, Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan: The Plans identified the application site as being within the development limits for Metropolitan Newtownabbey but the application site has not been designated for any specific use.

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

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

#### **CONSULTATION**

**Council Environmental Health Section** – No objections subject to informatives

**NI Water** – No objections

**Transport NI** – No objection subject to conditions and informatives

#### **REPRESENTATION**

Eleven (11) neighbouring properties were notified and seventy-seven (77) letters of objection from eleven (11) properties have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Impact on residential amenity in terms of loss of light, overlooking, overbearing, overshadowing, privacy, security, noise and other disturbance;
- Overdevelopment of the site;
- Higher density than the neighbouring residential area;
- Change in the character of the area;
- Insufficient separation distances between existing and proposed properties;
- Two-storey dwellings backing onto single storey dwellings;
- The building line has not been respected;
- Current traffic congestion on Manse Road;
- Increase in the volume of traffic;
- Road safety concerns including health and safety risk to schoolchildren entering and leaving school premises;
- No internal footpaths;
- Insufficient parking provision;
- Lack of on-street parking;
- Internal road layout has not been designed to adoptable standards;
- No public transport bus route along Manse Road;
- Inconsistencies between plans;
- Site Section plan misleading;
- Inaccuracies within the Planning Statement Addendum;
- Maintenance concerns;
- Loss of trees along the boundary;
- Excavation of land and removal of dead trees along boundaries will undermine the foundation of the boundary wall and No. 113A Manse Road and garage of No. 115 Manse Road;
- Impact on wildlife;
- No bin collection area;
- No usable open space;
- No consideration of current planning application for extension to the neighbouring Petrol Filling Station;
- Breach of human rights; and

- Mossley Primary School is shut for the summer and the Headmaster will not get an opportunity to comment on the revised scheme.

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

A report with a recommendation to refuse full planning permission under the current application reference LA03/2017/0478/F was circulated to Members prior to the Planning Committee on Monday 23<sup>rd</sup> July 2018. Following the late submission of an amended scheme, which reduced the development proposal from 6 dwellings to 5 dwellings, the application was withdrawn from the agenda by Officers. The application was subsequently re-advertised and neighbours were re-notified of the revised scheme.

This report is based on the revised scheme and the main issues to consider in the determination of this application are:

- Principle of Development
- Density and Impact on the Character of the Area
- Design and Residential Amenity
- Road Safety, Access and Parking
- Other matters

#### **Principle of Development**

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

The Belfast Urban Area Plan 2001 (BUAP) and the draft Belfast Metropolitan Area Plan (BMAP) are the relevant plans for the application site. The application site is located within Metropolitan Newtownabbey in both plans. The site is not zoned for any purpose in BUAP, the draft Belfast Metropolitan Area Plan BMAP (2004) or the 2014 version of the plan. Whilst it is acknowledged, following recent litigation, that BMAP remains in draft form it is the Council's policy that significant weight should be afforded to the 2014 version of the document in assessing proposals.

The Strategic Planning Policy Statement (SPPS) indicates that where any conflict between the SPPS and any policy retained exists, under the transitional arrangements it must be resolved in the favour of the provisions of the SPPS. The SPPS indicates that sustainable development should be permitted, having regard to material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS also promotes good design and seeks to make more efficient use of urban land without town cramming.

The Regional Development Strategy for Northern Ireland 2035 (RDS) sets out regional strategic objectives for housing in settlements, including: manage housing growth to achieve sustainable patterns of residential development; support urban and rural renaissance; and strengthen community cohesion. The RDS does not provide operational planning policy for development management decisions and in this case the application falls to be considered under PPS7.

The proposed site is within the development limits for Newtownabbey and was previously occupied by a single storey dwelling which has since been demolished.

Within this urban context it is considered the principle of a housing development on the site is acceptable with the layout and details of the scheme to be considered on their individual merits against the relevant provisions of regional planning policy. These matters are addressed below.

### **Density and Impact on the Character of the Area**

Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity of the second addendum to PPS7 deals with the issue of density within residential areas. It states that the proposed density of new housing should not be significantly higher than that found in the established residential area. Generally, density is considered to be a calculation of dwellings per hectare. Based on this calculation, the density of the proposed scheme is twenty-three (23) dwellings per hectare, compared to an average of twenty-one (21) dwellings per hectare in Christine Gardens and an average of fifty (50) dwellings per hectare in Glenkyle Park. Concerns have been raised by objectors that the proposal represents overdevelopment of the site due to the site density. Given the context of the layout of the immediate neighbouring residential development it is considered that the density of the proposed development broadly mirrors that found in the locality in accordance with Policy LC 1.

### **Design and Residential Amenity**

The current policy direction is to make more efficient use of urban land, but cautions that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas and that schemes should be sensitive in design terms to people living in the existing neighbourhood and to local character. One of the core planning principles of the SPPS 'Supporting Good Design and Positive Place Making' states that design is an important material consideration in the assessment of all proposals and good design should be the aim of all those involved in the planning process. The SPPS advises that planning authorities should reject poor designs, particularly proposals that are inappropriate to their context, that new buildings and their surroundings have a significant effect on the character and quality of a place and that successful place making acknowledges the need for quality, place specific contextual design. Paragraph 4.34 of the SPPS indicates that one of the keys to successful place-making is the relationship between different buildings and the relationship between buildings and streets and the compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area.

Although imaginative and innovative forms of housing are encouraged, this is qualified in existing residential areas with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS7 reiterates the need for sensitivity and in Policy QD1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity.' Policy QD1 of PPS7 states that new development should not create conflict with adjacent land uses and that there should be no adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. Objections have been received regarding overlooking, overbearing, overshadowing, privacy, security, noise and other disturbance.

The proposal as originally submitted was for the erection of two detached and four semi-detached dwellings. The scheme was last amended in July 2018 following concerns that the proposal did not represent a quality, residential environment. The

current development proposal consists of five detached dwellings with associated hard and soft landscaping.

The application site is bounded on all sides by existing residential properties; No. 115 Manse Road to the southwest, No. 113A Manse Road to the south, No. 3 Christine Park to the northeast and Nos. 1-5 Christine Gardens to the southeast. The advice set out in the Creating Places design guide indicates that where a new development abuts the private garden areas of existing properties, a separation distance of more than 20 metres is recommended, with at least 10m between the rear of new houses and the common boundary, to minimise overlooking and provide adequate space for privacy. With regards to this proposal, a separation distance of 11 metres to the common boundary can be achieved, however where the development abuts the rear gardens of properties at No. 3 Christine Gardens and No. 113a Manse Road, the separation distance is less than 20 metres.

House Type A and House Type A1 are two storey detached dwellings with eaves and ridge heights of 5.4 metres and 7.7 metres respectively. These dwellings, which are gable ended, frame the entrance to the proposed development which is designed to adoptable standards. These proposed dwellings are served by private driveways to the rear and have gardens in excess of 70 square metres in area. House Type A1 shares a mutual boundary with the existing Petrol Filling Station (PFS) at No. 119 Manse Road. Whilst this is not a sensitive boundary there is no potential for overlooking into the PFS and similarly the screening provided by the existing mature hedge means that there is no potential adverse impact on House Type A1 and its associated amenity space from the adjacent business.

House Type A shares a mutual boundary and forms a back to gable relationship with the existing two storey detached dwelling at No. 115 Manse Road. There is one small window on the gable of No. 115 Manse Road which has a separation distance of 14 metres from House Type A. There is only a bathroom window with obscure glazing located at the first floor level of House Type A, which faces this gable. There is also a velux window on the roof to the rear elevation of House Types A and A1, which will afford light into the roof space. No third storey is proposed. The proposed dwelling will not have a direct relationship with the rear amenity space of No. 115 Manse Road, which has additional screening provided by an existing single storey garage along this boundary.

No. 115 Manse Road raised concerns regarding maintenance of its garage on the northeastern side on the shared site boundary due to an ornamental hedge proposed within the site boundary adjacent to the existing garage at No. 115 Manse Road. However, any work required or sought with regards to gaining access to carry out maintenance work on a building on a shared boundary is a civil matter and not in the jurisdiction of the Council.

The three detached one and a half storey dwellings at the rear of the site (House Types B, B1 and C) have a ridge height of 7.2 metres. All three dwellings have velux windows to their roofs, which will afford light into the roof space. No third storey for living accommodation is proposed. House Type C has an outlook onto Manse Road and provides a focal point when entering the internal access road. The detached dwellings (House Type B and House Type B1) proposed on either side of House Type C

are located in a front to gable relationship with House Types A and A1 at the site entrance, approximately 10.4 metres apart.

House Type B1 and House Type C form a back-to-back relationship with the existing single storey detached dwellings at No. 3 and No. 5 Christine Gardens respectively. There is no general living space proposed at the first floor level and a bedroom and a study are located to the rear on the first floor of both house types. There is a separation distance of 11 metres from the proposed dwellings to the common boundary with Christine Gardens. A sunroom has been constructed to the rear of No. 3 Christine Gardens and the back-to-back separation distance from this existing dwelling to the proposed dwelling is approximately 17 metres at its closest point and approximately 19 metres at its furthest point. There is a minimum separation distance of approximately 29 metres from House Type C to the closest point with No. 5 Christine Gardens.

The prevailing standard within the Creating Places guidance document in respect to back to back separation is 20 metres. However, a 1.7 metre high existing boundary wall and a mature Leyland Cypress coniferous hedge which is 4-5 metres in height is proposed to be retained and the site boundaries are to be augmented with additional planting. Although the proposed separation distances fall marginally below the separation distances prescribed in guidance it is considered that the marginal reduction is mitigated by the existing landscaping which will limit the potential for overlooking from the proposed dwellings into No. 3 and No. 5 Christine Gardens.

No. 3 Christine Gardens raised concerns that the proposed development will block out afternoon and evening sun and result in overshadowing. However, given the 11 metre separation distance of the proposed development from the shared boundary, it is considered that the proposed dwellings will have no more significant an impact on overshadowing than the existing mature trees along the site boundary.

The following properties also raised concerns that the proposed development will overlook their properties and will block out the sunlight to their amenity areas: No.5 Christine Park; No. 7 Christine Gardens; and No. 2 Christine Gardens. However, it is considered that there is an adequate minimum separation distance of approximately 29 metres, 44 metres, and 57 metres respectively from the closest proposed dwelling to the individual properties and that the proposed development will not have a significant detrimental impact on any of the three properties by way of overlooking or overshadowing.

Detached dwelling unit, House Type B, shares its southwestern and southeastern boundaries with the existing two storey dwelling at No. 113A Manse Road and its western boundary with No. 115 Manse Road. This proposed dwelling is located 10 metres from the mutual boundary with No. 115 Manse Road and 7 metres from the closest point to the mutual boundary with No. 113A Manse Road. There is a first floor bedroom window and bathroom window on the southwestern elevation and a first floor bedroom window and a study window on the southeastern rear elevation of House Type B. The boundary definition along these boundaries consists of a 1.1 metre high wall and there is a lack of any mature vegetation to promote screening between the neighbouring dwellings at No. 113A and No. 115 Manse Road. The existing tree stumps which currently protect the amenity of these neighbouring properties, will be replaced with a mix of woodland planting and semi-mature tree planting along the shared boundaries, which will promote site screening. In addition, the 10 metre

separation distance between proposed dwelling and the common boundary with No. 115 Manse Road is considered acceptable as it meets with the recommended separation distances set out in the Creating Places guidance document. With respect to No. 113A Manse Road, there is a minimum separation distance of 13 metres between its gable and the proposed dwelling House Type B. The finished floor level of No. 113A is approximately 2.4 metres higher than the ground level of the proposed dwelling and its private amenity space is to the rear of the dwelling. Although the front of the existing dwelling at No. 113A is in closest proximity (approximately 5 metres) to the mutual boundary, this area is finished in hardstanding and used for parking vehicles.

Concerns were raised regarding the proposed excavation of land within the site and removal of dead trees along part of the southeastern and southwestern boundaries undermining the foundation of the boundary wall of No. 113A Manse Road and the garage of No. 115 Manse Road. The existing boundary wall is not load bearing, is currently leaning and would appear to require remedial action from the landowner. Structurally, it is a potential danger and construction traffic close to this boundary may further compromise its stability. However, as indicated on the proposed 'Site Sections Plan' (Drawing No. 13/3 date stamped 26th July 2018) House type B has a finished floor level of 89.180 and from the rear of this dwelling the land rises 1.2 metres over a distance of 11 metres towards the shared boundary wall with No. 113A Manse Road resulting in a gentle gradient of land, which will offer the wall some level of protection. A condition can be applied to ensure the proposed land levels remain as indicated on the 'Proposed Site Sections Plan' (Drawing No. 13/3 date stamped 26th July 2018) and the 'PSD Drawing Layout' (Drawing No. 11/2 date stamped 26th July 2018). There are currently differing land levels between the application site and the neighbouring properties, including a difference in level of approximately 23cm between the garage at No. 115 Manse Road and the land level within the application site. However, any disputes arising from any structural damage that may occur during the construction phase is a civil matter and not within the jurisdiction of the Council.

Although the dead trees along part of the shared boundary with No. 113A Manse Road will be removed, a mix of woodland planting and semi-mature tree planting is also proposed along the shared boundaries with No. 113A, which will promote site screening. Due to the differing land levels, the orientation of No. 113A and the location of its rear private amenity area, the relationship between the two dwellings is considered acceptable in this urban context.

The proposed detached dwelling House Type B1 is located at the eastern section of the site and orientated to face northwestwards towards the gable of the detached dwelling unit House Type A1 at the site frontage with a separation distance of 10.4 metres between the two. A 1.8 metre high brick privacy wall encloses the rear gardens of the two detached dwellings at the front of the site (House Types A and A1), which prevents any overlooking from the ground floor. There is limited overlooking from the first floor level of the detached dwellings at the front of the site, as the only window on the first floor facing the gable of the detached dwellings is a bedroom window, which is considered to be a low occupancy room, which will not create a significant level of overlooking.

House Type B1 shares a common boundary with the PFS, No. 3 Christine Park, No. 1 Christine Gardens and No. 3 Christine Gardens. House Type B1 is located

approximately 14.5 metres from the shared boundary with No. 3 Christine Park and has an overall separation distance of approximately 20 metres from this single storey detached dwelling, which is within the recommended separation distances set out in the Creating Places guidance document. House Type B1 is also proposed to be constructed 0.4 metres lower than No. 3 Christine Gardens. There is an existing 1.3 metre high wall and an existing 4 metre high mature Leyland Cypress hedge that separates the existing and proposed dwellings. The proposed landscape plan (Drawing No. 07/04 date stamped 26th July 2018) proposes the retention of the mature Leyland Cypress hedge along the shared boundary and its augmentation with a woodland planting mix and semi-mature trees, the maintenance of which will be the responsibility of the occupiers of House Type B1. In order to protect the retention of the landscape buffer zone a suitable planning condition can be applied to any planning approval stating that within a period of 5 years any tree is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, to ensure the provision, establishment and maintenance of a high standard of landscape.

House type B1 has a blank southwestern elevation and there is only one first floor window backing onto No. 3 Christine Gardens, which serves a study. Although the degree of separation between these two dwellings is just below the standard recommended in Creating Places, the relationship is considered acceptable in this instance given the level of existing and proposed site screening and the low occupancy room on the first floor. It is considered that the separation distances, the retention of existing mature trees along the site boundaries and differing land levels are such that the proposal will not have an overbearing effect on existing properties.

The external finishes of all the proposed dwellings include ground floor brick walls, smooth render painted first floor walls, timber doors, uPVC windows and rainwater goods, concrete roof tiles and a flat lead porch roof. Given the mix of external finishes in the surrounding area, the proposed materials are considered acceptable. The proposed dwellings are gable ended in that they have been designed with their main elevation in the gable, a design that is reflective of house types in Glenkyle Park. There are a mix of house types in the immediate vicinity of the application site and while it is important to ensure that all new development fits in well with its surroundings, this does not preclude quality contemporary design using modern materials. In this case it is considered that the proposed design at this location will not be out of place within the surrounding environs.

Concern was raised with respect to the lack of provision of usable open space within the proposed development. Policy OS 2 of PPS 8 states that open space for public use is only required for new residential developments of 25 or more units or on sites of one hectare or more. As the site is approximately 0.22 hectares in area and a total of 5 dwellings are proposed there is no requirement for shared open space within the development and the residents of each property will be responsible for maintenance of its own landscaping. Creating Places recommends that each dwelling should have an average of 70sqm of private amenity provision, behind the building line. The provision of rear private amenity space ranges between 90sqm and approximately 260sqm and the average provision of rear private amenity space is approximately 140sqm. It is therefore considered that adequate amenity space has been provided for each dwelling with a variety of garden sizes provided throughout the development.

Concern was also raised with regards to the proposal not respecting the existing building line of buildings along Manse Road. Although House type A sits forward of No. 115 Manse Road by approximately 3 metres there is a separation distance of 14 metres between the two dwellings. The two proposed detached dwellings at the front of the application site do not project forward of the adjacent petrol filling station building and its canopy at No. 119 Manse Road and they are only approximately 400mm closer to the Manse Road than the other 'bookend' building at No. 113 Manse Road, which is situated approximately 500 metres to the southwest. Therefore, the proposed detached dwellings are considered to broadly respect the building line of the adjacent buildings that front Manse Road and are not out of place with the orientation of these neighbouring buildings.

### **Road Safety, Access and Parking**

Objections were received regarding the potential impact that the proposal would have on the volume of traffic on Manse Road and subsequent road safety implications. It was stated that the current volume of traffic on Manse Road exceeds the capacity that the road can cope with and this results in traffic congestion and concerns were raised that additional vehicles from the proposed development would pose a risk to drivers. However, there are no restrictions in place to control the number of vehicles travelling on the public road and no traffic count data has been provided by the objectors to substantiate the claim that the current volume of traffic on the Manse Road exceeds capacity and therefore poses a risk to drivers and pedestrians.

Concerns were raised with respect to the proposed development resulting in a health and safety risk to pedestrians and to schoolchildren entering and leaving the neighbouring school premises, due to the proposed access to the development being in close proximity to the school crossing patrol point. In relation to promoting safety for pedestrians, pavements and footways are provided on each side of the Manse Road, a school crossing patrol is present during term time and a Pelican Crossing point is located just beyond the pedestrian entrance to Mossley Primary School on the Manse Road. Traffic speed restrictions of 30 mph also apply along that particular section of Manse Road. The vehicular access to Mossley Primary School and Mossley Nursery School is located on Hazelburn Road.

It is predicted that the proposed development is likely to generate between 30-50 vehicle trips per day. However, given the proximity of nearby amenities, such as the local nursery and primary schools, the shop at the adjacent petrol filling station, the post office and shops at Beverley Road, it is anticipated that traffic movements will be closer to 30 movements per day as opposed to the higher figure of 50 traffic movements, which is based on vehicle trips per day for a dwelling in the countryside. It is considered that the Manse Road can accommodate the traffic generation associated with the proposed development site without the requirement for additional mitigation measures.

Concerns were raised that there are no internal footpaths proposed within the development and that the internal road layout has not been designed to adoptable standards. The internal road layout is proposed to remain 'Private' and will not be adopted by DFI Roads. Although the overall development does not comply with 'Creating Places' guidelines in order for it to be adopted, the geometry of the proposed road within the development would meet the standards set out in the Private Streets (Northern Ireland) Order 1980 and the guidelines provided in 'Creating Places'.

In terms of road safety a single access with visibility splays of 2.4 metres x 70 metres in both directions are proposed. There are existing footpaths which abut the site on the Manse Road which will extend into the site for approximately 4 metres on each side of the proposed internal access road.

Objections were received regarding insufficient car parking proposed within the development in that in-curtilage parking provision has been made for two cars with respect to each of the five 3 bed detached dwellings and that the proposal does not provide for visitor parking. It has also been stated that due to the retention of the trees along the northeastern site boundary the driveway to serve House type A1, provision can only be made for one in-curtilage car parking space. The objector has stated that subject to the guidance set out in 'Creating Places' a total of 14 car parking spaces should be provided and therefore there is a potential shortfall of 5 parking spaces and no parking provision for visitors to the development resulting in concern that overspill vehicles will have to park on Manse Road and obscure the visibility of oncoming traffic, resulting in road safety concerns.

Policy AMP 7 'Car Parking and Servicing Arrangements' states that development proposals will be required to provide adequate provision for car parking and the precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the published guidance on parking standards. The policy states that a reduced level of parking provision may be acceptable in a number of circumstances, which includes where the proposed development is in a highly accessible location well served by public transport or has adjacent on street car parking.

The parking standards set out within 'Creating Places' sets out the car parking provision required for residents and callers in developments on green-field sites or in low-density areas. However, it also states that lesser provision may be acceptable in inner urban locations and other high-density areas. The application site is a brownfield site in a medium-high density area which is in an assessible location with public transport nearby. There is also scope for visitor parking and additional ad-hoc car parking within the internal estate road, particularly as the proposed turning head with a length of 24 metres long is 6.5 metres longer than is recommended for a turning head within 'Creating Places'. 'Creating Places' also states that a carriageway width of 5.5 metres is intended to allow for parking by casual callers and these spaces may be counted towards the total provision required. The proposed internal road layout is 5.5 metres wide and there is sufficient provision for casual on-street parking off the Manse Road within the internal road.

Neighbouring residents have raised concerns that the site is not well served by public transport and that the bus stops along Manse Road are for school buses only and the closest bus stop serving the general public is at Beverley Shops on the Beverley Road. The bus stop on Beverley Road is located less than 500 metres from the site, which is an approximate 6 minute walk away. The close proximity of the existing bus stops at this location is considered to help reduce the reliance on private car travel. As a consequence it is considered that the application site is well located in relation to existing public transport and walking routes to nearby amenities and it is therefore considered that adequate provision for car parking within the development is provided.

DfI Roads has considered all objections and has stated that the footway on Manse Road would be upgraded as part of this proposal to accommodate pedestrians and that the proposed development will be private with adequate in-curtilage and on street parking to serve the development. DfI Roads has raised no objections or concerns with regards to the proposed access arrangements and are satisfied that adequate movement and parking is provided within the development for the proposed units. It is considered the proposal complies with Planning Policy Statement 3, 'Access, Movement and Parking'.

### **Other Matters**

#### **Breach of Human Rights**

Concern was raised by the residents of No. 3 Christine Park relating to a breach of their human rights due to the negative impact of the proposed development with respect to privacy, noise, sunlight and general enjoyment of their property should the proposed scheme be granted planning permission. The Council is obliged to operate the planning system within the legislative framework laid down by the Northern Ireland Assembly. The Alconbury judgement made by the House of Lords in 2001 effectively concluded that the UK planning system was not in breach of the Human Rights Act and the principle of housing development on this site has been considered on its individual merits against regional planning policy as addressed above.

#### **Bin Collection**

Concern was raised with respect to no bin collection area being proposed. Each dwelling has its own private rear amenity area where bins can be stored. A private driveway is proposed to serve the proposed dwellings. Although the internal estate road has not been designed to adoptable standards there is sufficient provision for a bin lorry to enter the site and sufficient distance at the turning heads for it to turn and exit the development in first gear. Alternatively, a 2.4 metres wide footpath is proposed at the site entrance which will facilitate bins to be positioned for collection.

#### **Loss of trees and Impact on Wildlife**

The proposed landscaping of the application site includes a number of semi-mature trees up to 4 metres in height to supplement the existing trees along the site boundaries. It is considered important that the existing healthy trees along the site boundaries are retained in order to provide screening of the neighbouring properties, given that the dwellings to the east and southeast are single-storey in relatively close proximity to the shared site boundaries and the proposed dwellings at the rear of the application site are one-and-a-half-storey buildings.

Reference was made to the loss of trees within the site and the subsequent impact on wildlife and in particular birds. The landscape proposals plan (Drawing No. 07/4 date stamped 26th July 2018) indicates that the existing coniferous hedge along the northeastern boundary, along most of the southeastern boundary (39 metres) and along half of the southwestern boundary (17 metres) is to be retained and the site boundaries are to be augmented with additional planting. In addition, compensatory landscaping is proposed at the shared boundary with No. 113a and No. 115 Manse Road and No. 3 Christine Park. Due to the proposed retention of the trees, it is considered that the development will not have an unacceptable impact on wildlife in the area.

A letter from Dr Philip Blackstock, Arboricultural Consultant (Document 03 date stamped 10th May 2018) states that he inspected the mature Leyland Cypress hedge that partly surrounding lands at 117 Manse Road on 30th April 2018. He confirms that the hedge had been hard pruned approximately four or five years ago during which time it had been reduced in height to approximately 4 metres and had been hard trimmed back to its main stems. He confirmed that although some of the main trunks had not recovered, the hedge had survived and was thickening up well. Dr Blackstock advised that Leyland Cypress trees do not maintain the ability to re-sprout from old wood; instead new buds are only found on green foliage. He states that the presence of green foliage over most of the hedge now means that it can continue to be maintained as a hedge at about 4 metres tall with a broadly similar thickness as it now has. Dr Blackstock has advised that to ensure that the hedge continues to provide useful amenity to the landscape, it is recommended that all dead stems be cut back to live growth, which will improve the appearance of the hedge and will allow it to continue to recover.

In rebuttal to Dr Blackstock's report, the residents of No. 3 Christine Gardens have stated that only one side of the hedge was surveyed and the side adjacent to No. 3 was not observed or commented upon by Dr Blackstock and further state that on the side of the property at No. 3 the trees are now diseased and dying, with several holes that can be easily seen through. The residents of No. 3 have also stated that the trees that have been heavily pruned on the application site side are an eyesore and have concerns that new residents will subsequently remove the trees. Certainly if the trees were to be removed there would be serious concerns with regards to neighbour amenity by way of overlooking, overbearing and privacy. However, the inspection from the qualified Arboricultural Consultant was only recently carried out and the findings of the inspection do not require the trees to be removed. In addition a condition could be applied to any planning approval that the existing trees are to remain and augmented as indicated on the landscape plan and if within a period of 5 years any tree is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, to ensure the provision, establishment and maintenance of a high standard of landscape.

#### Noise and Disturbance

Concerns were raised with regards noise and disturbance from the proposed development. Although there is potential for noise to occur during the construction phase of development, this should not arise outside reasonable times and would be temporary in nature. Given the context of the development some noise and disturbance is to be expected, however this is likely to be at a low level associated with the daily living requirements of the occupiers of the dwellings.

#### Plan Inconsistencies

Concerns were raised with regards to inaccuracies within the Planning Statement Addendum (Document 02/1 date stamped 10th May 2018) and discrepancies between the cross sections on previously submitted Drawing No. 13/2 and the site layout plan Drawing No 08/4 regarding retention of trees on the site boundary. The aforementioned document and plans have been superseded by Document 02/2 date stamped 23rd July 2018, amended Drawing No. 13/3 date stamped 26th July 2018 and amended Drawing No 08/5 date stamped 23rd July 2018.

Concerns were raised with respect to the proposed site section plan (Drawing No. 13/3 date stamped 26th July 2018) being misleading because 'Proposed Site Section C:C' does not cross through the dwelling at No. 113A Manse Road but crosses northeast of No. 113A. It has been suggested that this cross-section does not show the true location of House Type B in relation to the existing dwelling at No. 113A Manse Road. As stated above, the separation distance at the closest point between House Type B and the existing dwelling at No. 113A Manse Road is 13 metres, whereas Section C:C crosses at a point where there is a 14 metre separation distance. Concerns were also raised that cross-sections were not submitted in respect of all the proposed and existing neighbouring dwellings. However, the cross-sections indicated on Drawing No. 13/3 show the relationship between the existing neighbouring dwellings that were previously and presently considered to be most impacted upon by the proposed development. The boundary treatment indicated in cross-section C-C is taken just beyond the point where the existing Leylandii trees are to be retained. Drawing No. 13/3 also refers to the landscape architect's details for the planting schedule (Drawing No. 07/4 date stamped 26th July 2018), which indicates that a woodland planting mix of up to 1.2 metres in height and 3 *Betula utilis* trees up to 4 metres in height and 1 *Sorbus aucuparia* tree up to 3 metres in height is proposed at the inner side of the existing wall along the boundaries of House Type B.

#### Petrol Filling Station

A full planning application for an extension and elevation changes to the adjacent Spar Petrol Filling Station and relocation of the ATM at No. 119 Manse Road under application reference LA03/2018/0560/F was recently submitted. Concerns were raised that the proposed residential development has not been properly considered in respect of the development proposal submitted under LA03/2018/0560/F. However, that application is still under consideration and additional information requested presently remains outstanding. This current application has been considered with respect to the existing context of the area.

#### Neighbour Notification

Due to Mossley Primary School being closed during July and August, concern was raised that the Headmaster would not get an opportunity to comment on the revised scheme. The neighbour notification scheme and the processing of applications does not stop over the summer months, however, as well as being notified of the latest submitted scheme by letter, the Headmaster of Mossley Primary School was also personally emailed to advise him of the revised development proposal. A further letter of representation from Mossley Primary School, which retained its objection to the revised scheme, was received on 23rd August 2018.

### **CONCLUSION**

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

- The principle of housing on this site is considered to be acceptable;
- The density, design, layout and appearance of the proposed development is considered acceptable;
- There is no adverse effect on existing or proposed properties in terms of residential amenity, loss of light, overshadowing, noise or other disturbance;
- There are no road safety concerns regarding 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 Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Number 11/2 date stamped 26th July 2018.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

3. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 11/2 date stamped 26th July 2018. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

4. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

5. The proposed gradients of the site as indicated on Drawing Number 13/3 date stamped 26th July 2018 shall be carried out in accordance with the approved details and retained in perpetuity.

Reason: In the interests of residential amenity and to ensure a high quality sustainable residential environment.

6. The existing coniferous hedge along the northeastern, southeastern and southwestern boundaries of the site as indicated in green on Drawing Number 07/4 date stamped 26th July 2018 shall be retained at a minimum height of 4 metres unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

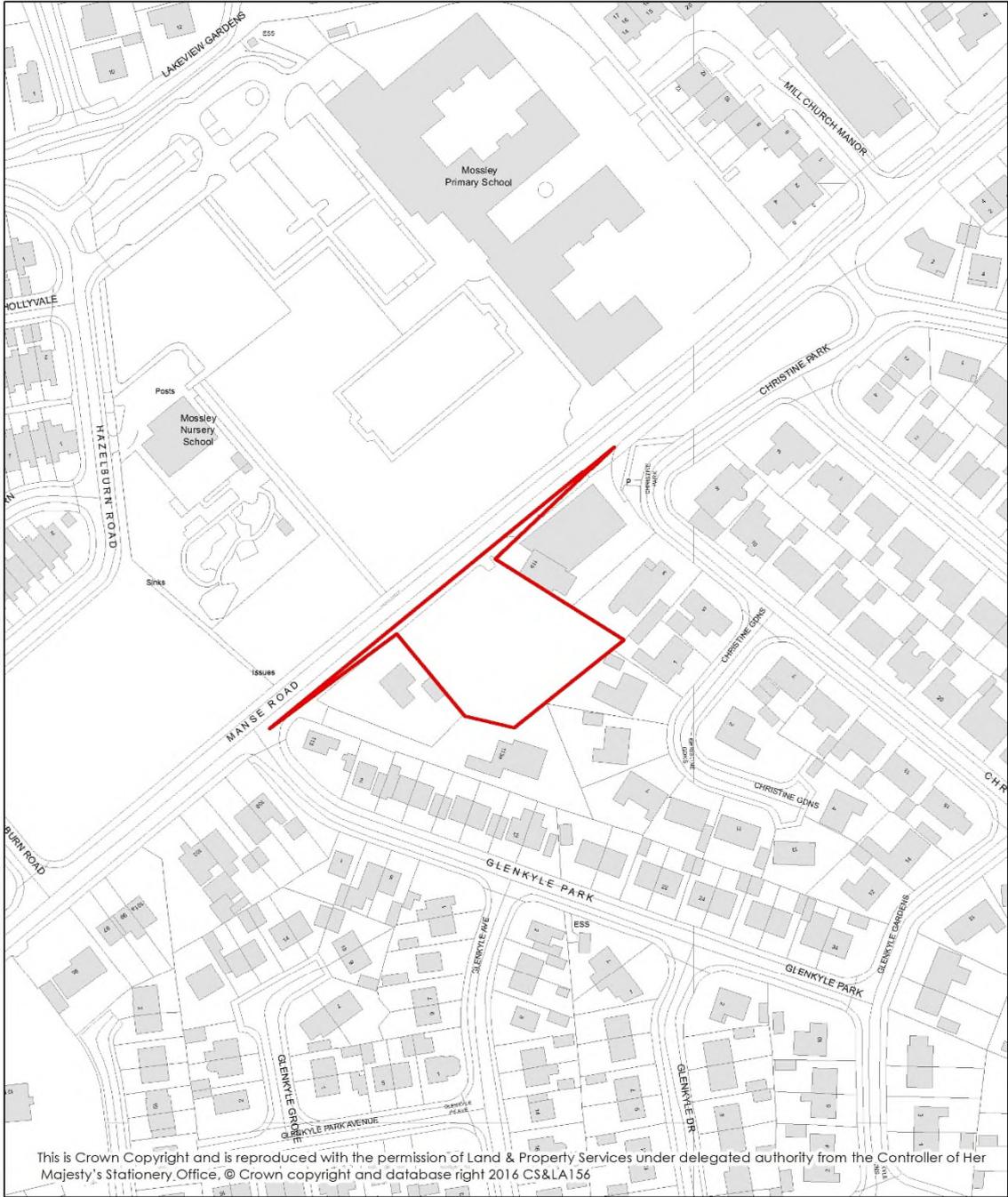
Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

7. The proposed landscaping works as indicated on Drawing Number 07/4 date stamped 26th July 2018 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice during the first planting season after the commencement of development.

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

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

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

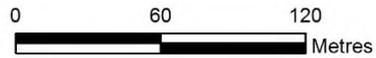


**Location Map**

**Application Reference: LA03/2017/0478/F**

115 - 119 Manse Road  
 Housing development consisting of 4 detached dwellings  
 and 2 semi detached dwellings with associated hard  
 and soft landscaping

Site Boundary 



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.7</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0063/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Erection of 49 apartments and 2 retail units at street level on Antrim Road
<b>SITE/LOCATION</b>	Thunderdome Complex, 281-295 Antrim Road, Glengormley, Newtownabbey
<b>APPLICANT</b>	K&M Restaurants Ltd
<b>AGENT</b>	Donnelly O'Neill Architects Ltd
<b>LAST SITE VISIT</b>	14 <sup>th</sup> June 2018
<b>CASE OFFICER</b>	Ashleigh Wilson Tel: 028 903 Ext 40429 Email: <a href="mailto:ashleigh.wilson@antrimandnewtownabbey.gov.uk">ashleigh.wilson@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located within the development limits of Newtownabbey defined in the draft Belfast Metropolitan Area Plan. There are other relevant plan designations for this site which will be discussed in further detail within the Planning Policy section of the report.

The application site is currently occupied by the Thunderdome complex, consisting of a restaurant and bar with an external car parking area. The existing six metre high building is set back from the Antrim Road and abuts Farrier Court with the parking area to the front. The site occupies a 50 metre frontage to the Antrim Road between the Hughes Insurance building to the northwest and the Bank of Ireland building to the southeast. In addition, the site occupies a 60 metre frontage to Farrier Court between Hughes Insurance to the west and Glengormley Primary School to the east. Land within the site rises approximately 1.8 metres from the site boundary at Antrim Road to the site boundary at Farrier Court. Cartmills Schoolwear is located to the south of the site. Opposite the site to the north there are a small number of single storey commercial, retail and community units and a disused hall. The Tramways shopping centre, retail units and the Ulster Bank is located opposite the site to the south.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: U/2007/0486/F  
Location: 287-295 Antrim Road, Glengormley  
Proposal: Proposed change of use from existing licensed restaurant to Public House, currently 'The Thunderdome Restaurant'  
Decision: Permission granted 13.11.07

Planning Reference: U/2006/0690/F

Location: 287-295 Antrim Road, Glengormley  
Proposal: Erection of extension and alterations to existing licensed restaurant and associated facilities, in order to form new hotel with 44 bedrooms, function/conference/bar area/management accommodation  
Decision: Permission granted 23.04.2008

Planning Reference: U/2002/0545/F  
Location: 287-295 Antrim Road, Glengormley  
Proposal: Erection of new licensed restaurant and associated facilities  
Decision: Permission granted 03.07.2003

Planning Reference: U/2000/0262/O  
Location: 287-295 Antrim Road, Glengormley  
Proposal: Proposed site for 3 No. commercial units and 16 No. apartments with associated car parking and with vehicular access to Farrier Court  
Decision: Permission granted 17.09.2001

There are also a large number of planning decisions relating to generally minor works or advertisements to the existing property at this location which are not listed.

#### **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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: The application site is located within the development limits of the Belfast Urban Area. The Plan offers no specific guidance on this proposal.

Draft Newtownabbey Area Plan: The Plan advises that within the Newtownabbey urban area there are examples of urban villages, including Glengormley. Policy UBVI states that proposals, which heighten public awareness and improve the sense of identity of these urban villages will be encouraged.

Draft Belfast Metropolitan Area Plan (published 2004): The site is located within Metropolitan Newtownabbey within an area zoned as a committed housing site (MNY 03/02). There are no key site requirements stipulated for this housing zoning.

Belfast Metropolitan Area Plan 2015 (published 2014): This version of BMAP identifies the northeastern section of the application site as un-zoned white land and southwestern section located within Local Centre zoning (MNY 21) at Glengormley. Policy for control of development within the designated Local Centre is contained in prevailing regional planning policy and Plan Policy R 4. Policy R 4 'Arterial Routes and Local Centres states that within designated commercial nodes and shopping/commercial areas on Arterial routes and in the designated Local Centres, planning permission will be granted for retail development proposals provided that: any individual unit created as a result does not exceed 500sqm gross floorspace for convenience shopping or 100sqm gross floorspace for comparison shopping; the proposal meets a local need; the proposal would not adversely affect the vitality and viability of existing centres within the catchment area; the proposal would not alter the role and function of the centre or shopping/commercial area or node; and the proposal would not lead to a detrimental impact on the amenity of the area, traffic movements or road safety.

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.

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

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.

## **CONSULTATION**

**Council Environmental Health Section:** Requested noise and odour assessment.

**NI Water:** No objection

**DfI Roads:** Requested minor amendments

**DfI Rivers:** Requested amended Drainage Assessment.

**Belfast City Airport – No objection**

## **REPRESENTATION**

Twenty (20) 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
- Principle of Development
- Design and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Flood Risk
- Other Matters

### **Preliminary Matters**

Prior to submission of the current application a pre-application meeting with Officers was held with the agent regarding the re-development of this site (Reference: LA03/2017/0642/PAD). Concerns were expressed at that time on issues including the height, scale and dominance of the proposed building. It was also indicated that any proposed scheme should be in keeping with the existing character of the area.

When the current full planning application was submitted the redevelopment proposed was 3.5 storeys when viewed from the Antrim Road and the applicant's agent was made aware of concerns regarding height, scale and massing. The applicant submitted an email sketch raising the Antrim Road elevation to 4.5 storeys and indicated the Farrier Court elevation at 3.5 storeys. Again, it was reiterated that this proposal did not overcome concerns with regards to height, scale and dominance and that the applicant should submit full copies of the proposal he wished to be considered.

Amended plans were subsequently received which indicated a 3.5 storey block along the Antrim Road which was of similar height to the original proposal and a 3.5 storey block along Farrier Court similar to the sketches received in the email both of which the agent had previously been advised were unacceptable. The applicant's agent requested that the proposal be assessed on the basis of the current set of drawings.

### **Principle of Development**

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

The Belfast Urban Area Plan 2001, The Newtownabbey Area Plan and the draft Belfast Metropolitan Area Plans are the relevant plans for the application site. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal on 18th May 2017. As a result of this, the Belfast Urban Area Plan (BUAP) now operates as the statutory development plan for the area with draft BMAP remaining a material consideration. The Council has taken a policy stance that whilst

this most up to date Belfast Metropolitan Area Plan (published 2014) remains in draft form, significant weight should be afforded to this document in assessing proposals. The aforementioned plans offer policy and guidance in respect of the proposed development and there is also a range of regional planning policy, which is relevant.

The Belfast Metropolitan Area Plan 2015 (published Sept 2014) identifies the site along an Arterial Route (Antrim Road). The northeastern section of the application site is un-zoned white land and southwestern section is located within Local Centre zoning (MNY 21) at Glengormley.

Policy SETT 3 Arterial Routes states that regeneration of the designated Arterial Routes will be facilitated by allowing an appropriate scale of retail and office use within commercial nodes and shopping/commercial areas, where designated, to serve local populations; allowing appropriate housing development; and promoting good quality urban design.

Policy for control of development within the designated Local Centre is contained in prevailing regional planning policy and Plan Policy R 4. Policy R 4 'Arterial Routes and Local Centres states; within designated commercial nodes and shopping / commercial areas on Arterial routes and in the designated Local Centres, planning permission will be granted for retail development proposals provided that; any individual unit created as a result does not exceed 500sqm gross floorspace for convenience shopping or 100sqm gross floorspace for comparison shopping; the proposal meets a local need; the proposal would not adversely affect the vitality and viability of existing centres within the catchment area; the proposal would not alter the role and function of the centre or shopping/commercial area or node; and the proposal would not lead to a detrimental impact on the amenity of the area, traffic movements or road safety. This policy also states that in exceptional circumstances and where a planning gain can be demonstrated through regeneration, development in excess of the floorspace figures specified in Plan Policy R 4 may be acceptable.

The proposal includes two retail units, which front onto the Antrim Road Arterial Route and are 175.2 square metres and 173.3 square metres. The proposal would therefore have a total retail floor space of approximately 348.5 square metres. It is not clear from the application form, supporting information or the plans the particular type of retail use proposed, however, given the two units are not more than 500sqm gross floorspace for convenience shopping, the proposal would comply with planning policy R4 in this regard and a planning condition could be stipulated to ensure an appropriate form of retail development in this Local Centre.

The proposal was not accompanied by justification for the retail units as per Policy R4. While it is considered there will be some benefit in the regeneration of this site providing an active frontage along this main Arterial Route, the onus is on the applicant to provide justification that the proposal meets a local need, that the proposal would not adversely affect the vitality and viability of existing centres within the catchment area and that the proposal would not alter the role and function of the centre or shopping/commercial area or node etc. Therefore, as these elements have not been demonstrated, it is considered that the proposal is contrary to Policy R4 of draft BMAP (published 2014) and the principle of retail development has not been justified.

The SPPS indicates that where any conflict between the SPPS and any policy retained exists, under the transitional arrangements it must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy, the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy. The Strategic Planning Policy Statement (SPPS) indicates that sustainable development should be permitted, having regard to material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS also promotes good design and seeks to make more efficient use of urban land without town cramming and the design of the proposal will be discussed in more detail below.

The SPPS requires a sequential assessment (ranked in order of sequential preference) for town centre uses in the following order: primary retail core, town centres, edge of centre and out of centre locations where sites are accessible by a choice of good public transport. Newtownabbey does not have a defined primary retail core or a town centre boundary. The application site is, however, located within the defined Local Centre of Glengormley and is situated along a main arterial route with good public transport facilities. It is therefore considered that the proposal is compliant with the provisions of the SPPS in this regard.

The Regional Development Strategy for Northern Ireland 2035 (RDS) sets out regional strategic objectives for housing in settlements, including: manage housing growth to achieve sustainable patterns of residential development; support urban and rural renaissance; and strengthen community cohesion. The RDS does not provide operational planning policy for development management decisions and in this case, the residential element of the application falls to be considered under PPS7. The principle of housing development on this site therefore stands to be considered on its individual merits against regional planning policy. These matters are addressed below.

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

Para 4.34 of the SPPS indicates that one of the keys to successful place-making is the relationship between different buildings and the relationship between buildings and streets and the compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area. PPS 7 provides specific policy guidance in relation to housing proposals. Policy QD1 sets out the planning criteria, to which all proposals for residential development should conform.

The proposal consists of 2no. retail units and 49no. 2 bed apartments. The proposal is split into two main blocks with one fronting onto the Antrim Road and one fronting onto Farrier Court providing active fenestrations to both public roads. Each block encompasses the entire frontage of the site and the proposal spans over five floors. The proposal indicates the car parking level to be set below the existing road level with a vehicular entrance through the Antrim Road block providing access to same. The Antrim Road block consists of two retail units on the ground floor with 21

apartments above (7 on each of the three floors). The Farrier Court block contains four levels of apartments with a total of 28no. apartments.

The principal view of the subject building is from the Antrim Road where the proposal will be clearly visible on approach in both directions. The Antrim Road is a busy thoroughfare and a main Arterial Route through Glengormley with heavy flows of traffic. It is accepted that a building fronting onto the Antrim Road, particularly with a retail use along the Antrim Road will provide an active frontage along this busy traffic route, which is preferable over the current vacant frontage. However, it is considered that the proposal does not respect the context of the site, taking account of the heights of nearby adjoining buildings, with the shoulder height not respecting that of its neighbours. It is considered that the proposed height of the building would be detrimental to the streetscene and wider area and contrary to Planning Policy Statement 7. In addition, the three dimensional form and massing would be unacceptable given its bulk and span, the building appears over-bearing and dominant in the streetscape when viewed from Antrim Road adjacent to the existing buildings significantly intensifying the scale and massing with high visual impact on this busy thoroughfare of the Antrim Road.

The existing view from the Antrim Road is of a single storey set back into the site, adjacent to largely modest two storey or single storey buildings. However, the proposed building is three full storeys from road level with a fourth floor set back by two (2) metres to allow for balconies in front. The top level of the Farrier Court block will be higher again and set behind this Antrim Road block. The highest part of the proposed Antrim Road elevation is approximately 14.2 metres. On approaching the site when travelling in a southeasterly direction along the Antrim Road, the proposed development will be set behind the existing 'Hughes Insurance' building (No. 297 Antrim Road) which is eight (8) metres in height. The overall height of the proposed building will be at odds with this adjacent building and will sit 3.5metres above its ridge height. When travelling in a northwesterly direction along Antrim Road, the proposal will also be visible for more than 200 metres. It is considered the roofline of the proposal is unacceptable particularly the height, scale and massing of the building which is considered to result in a dominant building in the streetscape in comparison to the existing buildings along this stretch of the Antrim Road.

The existing elevation along Farrier Court is currently a single storey six metre high building. The same elevation as proposed is a building of four (4) storeys (three full storeys abutting the footpath with a top floor setback by 2.6 metres to allow for a terrace in front of the top floor apartments). The total height of the proposed building from Farrier Court is 13.8m at the highest point from existing road level and the majority of the building is approximately 13m in height from ground level. There is a general continuity of building heights along Farrier Court which are low single storey (e.g. Scout Hall) or two storey buildings. The existing buildings at either side of the application site are approximately eight (8) metres and seven (7) metres in height (see drawing 13/1) and the proposed development is incongruous in this respect. It is considered a proposed building of this height which spans approximately 58 metres in length does not respect the surrounding context and is not appropriate to the character of the site in terms of scale, proportions, massing and appearance of buildings. The ratio of building height and mass to street width is unacceptable and it is considered that the proposal would result in unacceptable damage to local character, which is contrary to PPS 7.

Critical views of the proposal are also available from Famley Court and Famley Road where the upper floors will be visible and the scale and mass of the building would be evident. From this viewpoint the proposed building will dominate the skyline and be disruptive in the streetscene.

Notwithstanding, a previous decision taken by DOE Planning on 23<sup>rd</sup> April 2008 which granted planning approval for a hotel development on this site, this decision was taken more than ten years ago by a different planning authority and has since expired. The Council is not bound by decisions taken by the previous authority, a matter that has been confirmed in recent PAC decisions. In any event, each application must be assessed on its own merits. Thus whilst the planning history cannot be discounted, it has been afforded little weight in the assessment of this current proposal.

In the same respect, the applicants supporting information highlights the development of Glenann Court which was granted planning permission under planning reference U/2012/0306/F. This was also decided by the former DOE Planning and it is not considered comparable with the application proposal. It is beyond the defined Local Centre of Glengormley and within an entirely distinct context where it was considered 'the general quality of urban form in the area has been undermined in the vicinity of the site' (extract taken from case officer report) and weight was also attached to the perceived benefits of the scheme and the 'fallback' position available to the applicant at that time (Planning Reference U/2006/0655/F). In addition, the set back of the upper floors was considerably further back than the proposed set back. Therefore, it is contended that the decision being relied upon by the applicant is not comparable with this proposal and every application must be assessed on its own merits.

PPS 7 requires that the proposal draws upon the best of local traditions in terms of its form, materials and detailing. The proposed building has a flat roof of which there are a number of examples within close proximity to the site including the existing building on the site, the Bank of Ireland building adjacent and the Ulster Bank building opposite. Notwithstanding this, the design of the building is not considered to reflect the best of local traditions and the sheer scale and mass of the building is considered to be unacceptable at this location.

Whilst the proposed materials are not indicated on the elevation drawings, the supporting statement submitted with the initial proposal refers to a predominantly zinc clad elevation to Antrim Road with large areas of glazing. The supporting statement also refers to predominately timber-clad buildings with aluminium-framed windows within the central courtyard. Further materials listed are traditional red brick and blue engineering brick and green wall texture. Although some variety of materials would be acceptable in this area, a "predominantly" zinc exterior to Antrim Road, particularly given the height, scale and massing of the building, would further contribute to the dominance of the building and be disruptive in the streetscene.

Policy OS 2 of PPS 8 sets out requirements for public open space to be provided in relation to new residential developments. Exceptions can be made to these requirements in the case of apartment developments or 'specialised housing' where a reasonable level of private communal open space is being provided. Guidance in

Creating Places recommends that each apartment has an average of 10-30 square metres of private amenity space. The proposal allows for a communal internal courtyard on the upper ground floor. This allows for an amenity space of 12.5 square metres per unit and is considered acceptable. In addition, a number of the proposed units have balcony areas and the five (5) top floor apartments along Farrier Court have a terrace area of 122 square metres providing approximately 24 square metres for each of these units. A bin store and cycle store is also provided adjacent to the lifts. It is considered that adequate provision has been made for private amenity space within the development.

### **Neighbour Amenity**

With regard to impact on residential amenity, criterion (h) of QD 1 of PPS 7 requires there to be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

The internal elevation of the Antrim Road block faces towards the internal elevation of the Farrier Court block. While separation distances increase at the widest part of the site, the arrangement at the closest point indicates inadequate separation distances between the two blocks. Notwithstanding the 1.5m difference in the floor level of the two blocks (the floor levels within the Antrim Road block are 1.5 metres above the floor levels of the Farrier Court block), the proposed corridor serving the first and second floor apartments is some 3.2metres from the bedroom windows of the closest apartments within the Antrim Road block. The proposed balcony area for the end unit in the Farrier Court Block on the Upper Ground Floor is some five (5) metres from the window of an opposing bedroom window on the Antrim Road block. This limited separation distance will result in an unacceptable relationship, a poor outlook for the proposed residents and cause overlooking and overshadowing for the proposed occupants. The proposal is therefore contrary to Planning Policy Statement 7, Policy QD 1 which requires that the proposal does not result in an unacceptable adverse effect on proposed properties in terms of overlooking and overshadowing.

Paragraph 4.12 of the SPPS refers to the planning system's role in improving health and wellbeing and recognises the importance of well-designed buildings and places. It states that in safeguarding residential and work environs, design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing are among the amenity considerations that may have potential health and wellbeing implications. While the application site does not abut residential properties, there are commercial premises and a scout hall opposite the site within Farrier Court. The scale of the proposal will dominate the existing single storey and two storey buildings which lie in close proximity particularly along Farrier Court.

The Farrier Court block abuts the existing Primary School and attempts have been made to ensure that there are no windows overlooking the school which has resulted in bedrooms within the proposed apartments with no windows. This provides a poor quality of residential development and indicates that the site is overdeveloped. A proposed lift and stairwell leading to the car parking area below and the internal courtyard also abuts the Primary School. In addition the proposed building will double the height of the existing Thunderdome building and it is considered this will be dominant on the school building adjacent.

The proposed development is in close proximity to traffic on the Antrim Road and the Indian takeaway, in Farrier Court, which on weekends is open to 1am. The Environmental Health Section were consulted and raised concerns regarding noise from traffic and noise and odour from the Indian takeaway affecting future residents of the development. In addition, the proposed development also includes two retail units on the ground floor of the apartment block. The applicant has not specified the retail operation of the units and it is also unclear whether either or both these units are to be used as a hot food takeaway. Additional information was requested in this respect and despite a request for hard copies of these documents on 10<sup>th</sup> July 2018, these were not forthcoming. It has therefore not been demonstrated that there will be no unacceptable adverse effects on the proposed properties in terms of noise and odour from the adjacent premises.

### **Flood Risk**

A Drainage Assessment (DA) was submitted with the application. DfI Rivers has reviewed the report and refers to the following statement within Section 5.2: "The storm drainage has been designed based upon the assumption that the existing storm network has capacity to cater for the proposed development as discharges will be like for like with the current site usage. This was confirmed by NI Water on 15/01/2018'. NI Water has granted the applicant consent to discharge 24 l/s of storm water to an existing 300mm diameter storm sewer located within the site."

DfI Rivers has stated that in order to fully assess the DA, pre and post development run off rates are required to prove that the previous development was discharging at a rate of 24 l/s to the existing NI Water storm sewer. This information is required to demonstrate the viability of the proposed development on the existing storm sewer. Further information was requested from the agent on 3rd May 2018 and has not been forthcoming. Therefore, the proposal is contrary to Planning Policy Statement 15, Policy FLD 3 in that it has not been demonstrated that the development, if permitted would not increase the risk of flooding through increased surface water runoff.

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

A Transport Assessment Form (TAF) has been submitted with the proposal which indicates that at present within the site there is off street car parking for 37 cars and the existing restaurant has an entertainment licence for 600 patrons. The proposed car parking layout indicates a total of 51 car parking spaces with three marked as accessible spaces. The number of spaces proposed is lower than the level required as per Parking Standards, however the TAF outlines a study which seeks to demonstrate that due to the level of public transport availability and local issues such as car ownership that the level of parking spaces provided is sufficient. DfI Roads has been consulted and has provided no objection to the number of car parking spaces proposed within the scheme. DfI Roads has however requested the following minor amendments to the proposal: no doors or windows are to open outwards onto footway at on Antrim Road; a 2m x 2m chamfer is required at the access into the development/parking area; and an amended site plan detailing amendments to the proposed access including visibility splays and dropped kerbs.

### **CONCLUSION**

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

- The principle of residential development on the site is acceptable;

- The principle of retail development has not been justified in accordance with policy;
- The design layout and appearance of the proposed development is considered to represent overdevelopment and is unacceptable at this location;
- The design and layout of the proposal creates an unacceptably dominant built form which is not characteristic of its surroundings. The proposal fails to respect its setting in the context of the local area. It is therefore considered that the proposal is likely to result in an unacceptable impact upon the character and appearance of the area;
- Due to the limited separation distances, proposed outlook and proposed bedrooms without windows, it is considered that the proposal would not create a quality residential environment and will have a detrimental impact on the residential amenity of the proposed residents due to overdevelopment of the site; and
- It has not been demonstrated that the proposal will not create an increased risk of flooding from surface water run off.

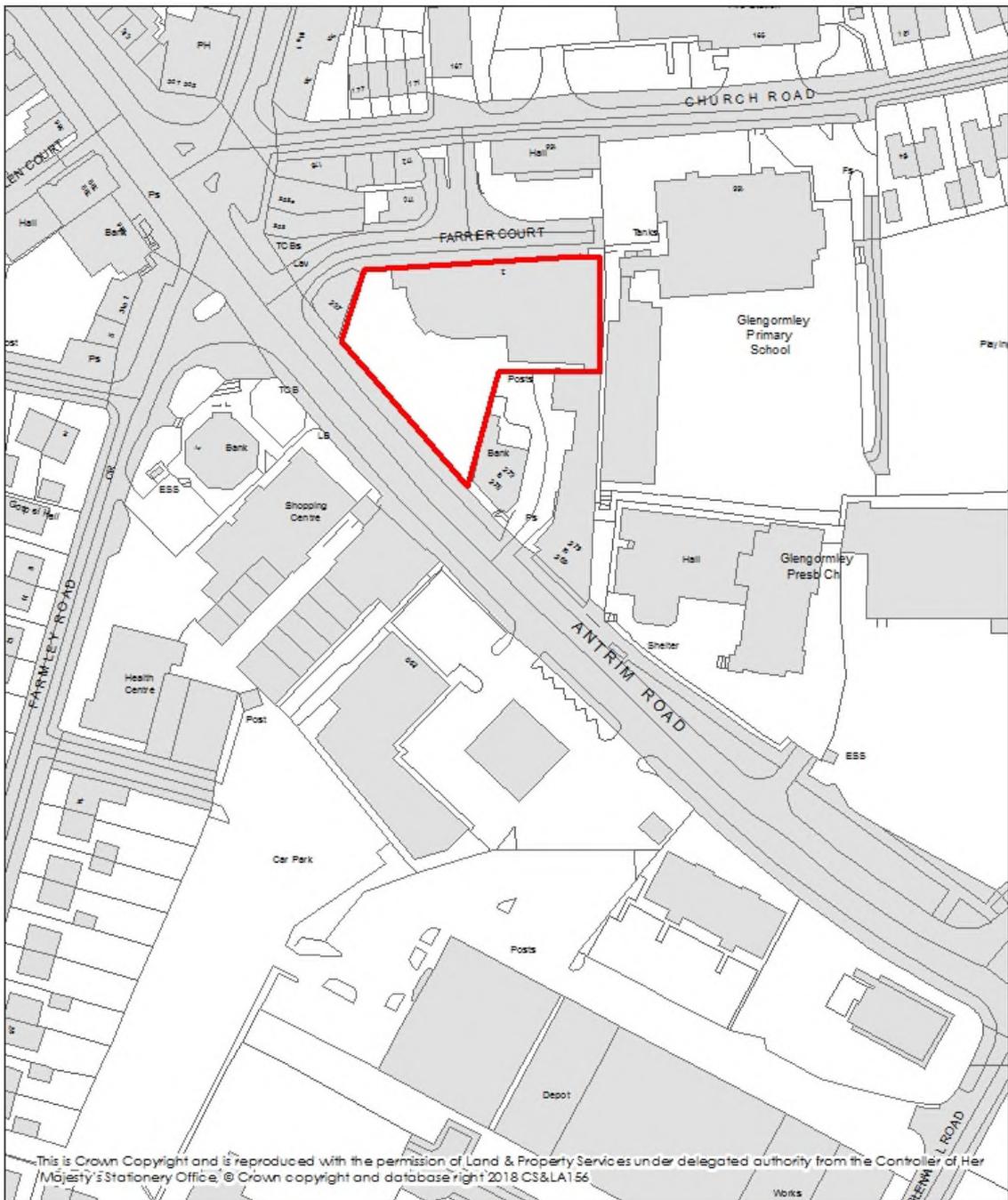
**RECOMMENDATION : REFUSE PLANNING PERMISSION**

**PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to Policies SETT 3 and R 4 of the draft Belfast Metropolitan Area Plan 2015 in that it has not been demonstrated that:
  - the proposal meets a local need;
  - the proposal would not adversely affect the vitality and viability of existing centres within the catchment area; and
  - that the proposal would not alter the role and function of the centre or shopping/commercial area or node.

In addition, the proposal would lead to a detrimental impact on the amenity of the area.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that the proposed development represents an overdevelopment of the site as:
  - it does not respect the surrounding context and is considered to be inappropriate to the character of the site in terms of layout, scale and massing of buildings;
  - it will have a detrimental impact on the character of this area in that the layout does not draw on the best of local traditions in terms of its form, materials and detailing;
  - the design layout and appearance will have an adverse impact on the amenity of the proposed occupants;
  - it will have an unacceptable adverse effect on the amenity of existing properties by way of dominance.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 7 'Quality Residential Environments', in that it has not been demonstrated that there will be no unacceptable adverse effects on the proposed properties in terms of noise and odour from the adjacent premises.

4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy FLD 3 of PPS15 'Planning and Flood Risk', in that a robust drainage assessment has not been carried out and it has not been demonstrated that the development, if permitted, would not increase the risk of flooding elsewhere through increased surface water runoff.



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**Location Map**

**Application Reference: LA03/2018/0063/F**

Thunderdome Complex, 281-295 Antrim Road,  
Glengormley, Newtownabbey



For Information Only

Erection of 49 apartments and 2 retail units at street level on Antrim Road

 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.8</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0287/RM</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>APPROVE RESERVED MATTERS</b>

<b>PROPOSAL</b>	Extension of residential home to provide dementia care accommodation, courtyard, landscaping and associated siteworks.
<b>SITE/LOCATION</b>	129b Staffordstown Road, Randalstown, BT41 3LH.
<b>APPLICANT</b>	Strawberry Fields Residential Home
<b>AGENT</b>	PJ Carey Architecture
<b>LAST SITE VISIT</b>	12 April 2018
<b>CASE OFFICER</b>	James Cairns Tel: 028 903 40403 Email: <a href="mailto:james.cairns@antrimandnewtownabbey.gov.uk">james.cairns@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located in the countryside, just outside the development limits of Creggan-Cranfield as defined within the Antrim Area Plan 1984 – 2001.

The 1.2 hectare site currently exists as an open field, which slopes downward from west to east. The site is accessed via an existing laneway taken from the northern side of the Staffordstown Road. A small residential home (Strawberry Fields) is located immediately to the northwest of the site, whilst a dwelling (129C Staffordstown Road) is sited to the southeastern corner. A number of private residential dwellings are located on the opposite side of the access laneway to the southwest (127, 127A, 129, 129A Staffordstown Road).

The northwestern, northeastern and southeastern boundaries are formed by post and wire fencing. The northeastern boundary is further supplemented by significant mature vegetation comprising primarily trees. The access laneway to the existing residential home forms the southwestern boundary, however, a post and wire fence has been erected along the field boundary.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: T/2013/0171/O

Location: Lands adjacent to Strawberry Fields Residential Home, 129b Staffordstown Road, Randalstown.

Proposal: Extension of existing residential home to provide dementia care accommodation, courtyard, landscaping and associated site works.

Decision: Allowed at Appeal (27.03.2015)

## PLANNING POLICY

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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.

Antrim Area Plan 1984 – 2001: The application site is located in the countryside. The Plan offers no specific guidance on this proposal other than to identify that the site lies just outside the development limit of Creggan-Cranfield.

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 21: 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

No consultations were carried out on this application

## REPRESENTATION

Ten (10) neighbouring properties were notified and one (1) letter of representation has been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- No neighbour notification letter was received.
- Lands required for visibility splays are not under the ownership of the applicant.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

### **Principle of Development**

The principle of development for this form of development was previously established under the grant of outline planning permission T/2013/0171/O. This permission was granted by the Planning Appeals Commission on the 27<sup>th</sup> March 2015 and the current application seeks reserved matters approval. The principle of development cannot be revisited under an application for reserved matters and the only issues which are subject to consideration are siting, design, landscaping and access. These matters are considered in the remainder of the report.

### **Design, Layout and Appearance**

Condition 2 of the outline planning permission requires the buildings to be single storey and designed in broad compliance with the block plan, floor plan and elevations received by former DoE Planning. It is noted that the same plans have been submitted in this instance.

The proposed development will consist of an extension to the existing Strawberry Fields Residential Home by providing 12No. new dementia care accommodation units, which will be located approximately 30 metres to the southeast of the existing residential home.

The units will be provided in the form of four single-storey buildings, which will be sited in pairs, and oriented to face into a central courtyard. Each building will have an eaves height of 2.2m (above ground level), and a corresponding ridge height of 5.7m. The individual buildings will accommodate 3No. 1 bedroom units, which will comprise an open plan kitchen-living area, together with ensuite toilet and shower facilities. Whilst sharing a covered entrance, each unit will have its own independent access arrangements.

With regard to the proposal's external appearance, wall finishes will comprise smooth render, with areas of natural timber cladding sited along the front elevation. The roof will comprise black slate or flat (non-profiled) tiles, whilst windows and doors will be double glazed uPVC and rainwater goods will be black uPVC.

### Amenity Space

Each of the four buildings will have communal amenity space to the rear amounting to 205sqm per building, therefore equating to approximately 68sqm per unit. The communal amenity space will be laid out in lawn and bounded by fencing. According to Drawing No. 02/1, the integral courtyard from which all of the units will be accessed, will be laid out in natural paving, with seating areas and landscaping provided.

Given the nature of the proposed development, it is considered that the amount of communal amenity space to the rear of each building, together with the courtyard

to the front, affords adequate useable amenity space for the prospective occupiers of the residential/nursing home.

#### Parking Provision

As the proposed development is associated with the adjacent residential home, no new car parking spaces are detailed, except for those already in existence. It is noted that, as a result of the proposed development, the number of residents will increase to 18, whilst the number of full time staff (per shift) will rise from 3 to 7.

Development Control Advice Note 9 (DCAN 9), which relates to residential and nursing homes, the required parking provision for the overall development amounts to 13 spaces. Drawing Nos. 02/1 and 03 indicate that there are 22 car parking spaces on the site at present. DfL Roads has been consulted in relation to the application, and has raised no concern with the amount of parking spaces to be provided. It is considered that the existing parking spaces associated with Strawberry Fields Residential Home provides an adequate level of provision for the overall development.

Overall, it is considered that the design, layout and appearance of the proposed development is acceptable.

#### **Impact on the Character and Appearance of the Area**

The local area is characterised by a mix of uses including residential, recreation, and retailing sited along the Staffordstown Road, and the existing laneways that run off it. The majority of the buildings in the area range from 1 to 1.5 storeys in height, however there are also a number of two-storey buildings.

Critical views of the application site will be apparent from the Staffordstown Road and along the existing laneway that runs north from the public road. It is considered that views along the public road will be intermittent and filtered by existing roadside buildings, intervening vegetation and the associated vegetation of the proposed scheme. In addition, the proposed development will be viewed against the backdrop of existing mature vegetation that define the northeastern boundary of the application site, rising topography and nearby existing dwellings.

#### Landscaping

Drawing Nos. 02/1 and 03 indicate that the existing tree line that defines the northeastern boundary of the site, will be retained as part of the proposal. Furthermore, a scheme of planting will be implemented to the southeast and southwest of the proposed development, comprising native tree species including beech and birch.

Condition 3 of the outline approval requires the submission of a detailed landscaping plan that incorporates the identification and retention of all existing boundaries and hedgerows, as well as details of the location, numbers, species and sizes of trees and shrubs to be planted within the site. Whilst Drawing No. 02/1 details the identification and retention of existing boundaries, and specifies the number and species of trees, it provides only an indication of the siting of the trees with no associated detail of the species of each tree. It is considered that Drawing No. 02/1 does not provide the level of detail required by Condition 3 of the outline approval, however, the detailed landscaping plan was not required for submission at reserved matters, rather, this

must only be submitted and agreed by the Council prior to the commencement of the development.

#### Residential Amenity

There are no residential properties in close proximity to the site, aside from those to the southwest (Nos. 127, 127A, 129, 129A) and No. 129C to the southeast. These properties are located at least 30 – 40 metres from the anticipated siting of the proposed development. Owing to the intervening distance, together with the proposed scheme of landscaping, it is considered that the development will not result in a detrimental impact on the amenity of occupiers of nearby dwellings.

Overall, it is considered that the proposed development will not result in a detrimental change to, or further erosion of the rural character of the area.

#### **Other Matters**

The letter of representation raised two points in relation to the proposed development.

The objector highlighted that they did not receive a neighbour notification letter from the Council's Planning Section in relation to this proposal, however, the objectors property (123 Staffordstown Road), lies outside the neighbour notification zone for the application.

Secondly, the objector advised that the proposed visibility splay affects lands that are under his ownership, which the applicant does not have any legal right or permission to provide the splays required to accommodate the development. The applicant served notice on the objector at outline stage and there is no requirement to repeat this at reserved matters stage. However, Condition 4 of the outline approval (T/2013/0171/O) requires the provision of visibility splays on the Staffordstown Road prior to the commencement of any other form of development on the site. This pre-commencement condition will remain in force, and no works relating to this development can be carried out on the site until required splays are provided. It is further noted that in order to do so, the applicant will require the permission from all necessary landowners to carry out these works.

The lack of any agreement between the parties is not a pre-requisite to the grant of planning permission. The affected landowner is clearly aware of the application and was previously notified by the applicant at the outline planning application stage. In the circumstances any challenge or dispute over land ownership is a civil matter between the parties affected and does not prohibit the grant of reserved matters approval.

#### **CONCLUSION**

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

- The principle of development is considered to be acceptable.
- It is considered that the design, layout and appearance of the proposed development is acceptable.
- It is considered that the proposed development will not result in a detrimental change to, or further erosion of the rural character of the area.
- Neighbour notification was carried out in accordance with established procedures.

- The required visibility splays are to be provided prior to the commencement of development works on the site, and with the permission of necessary landowners should other lands be required.

**RECOMMENDATION :** **APPROVE RESERVED MATTERS**

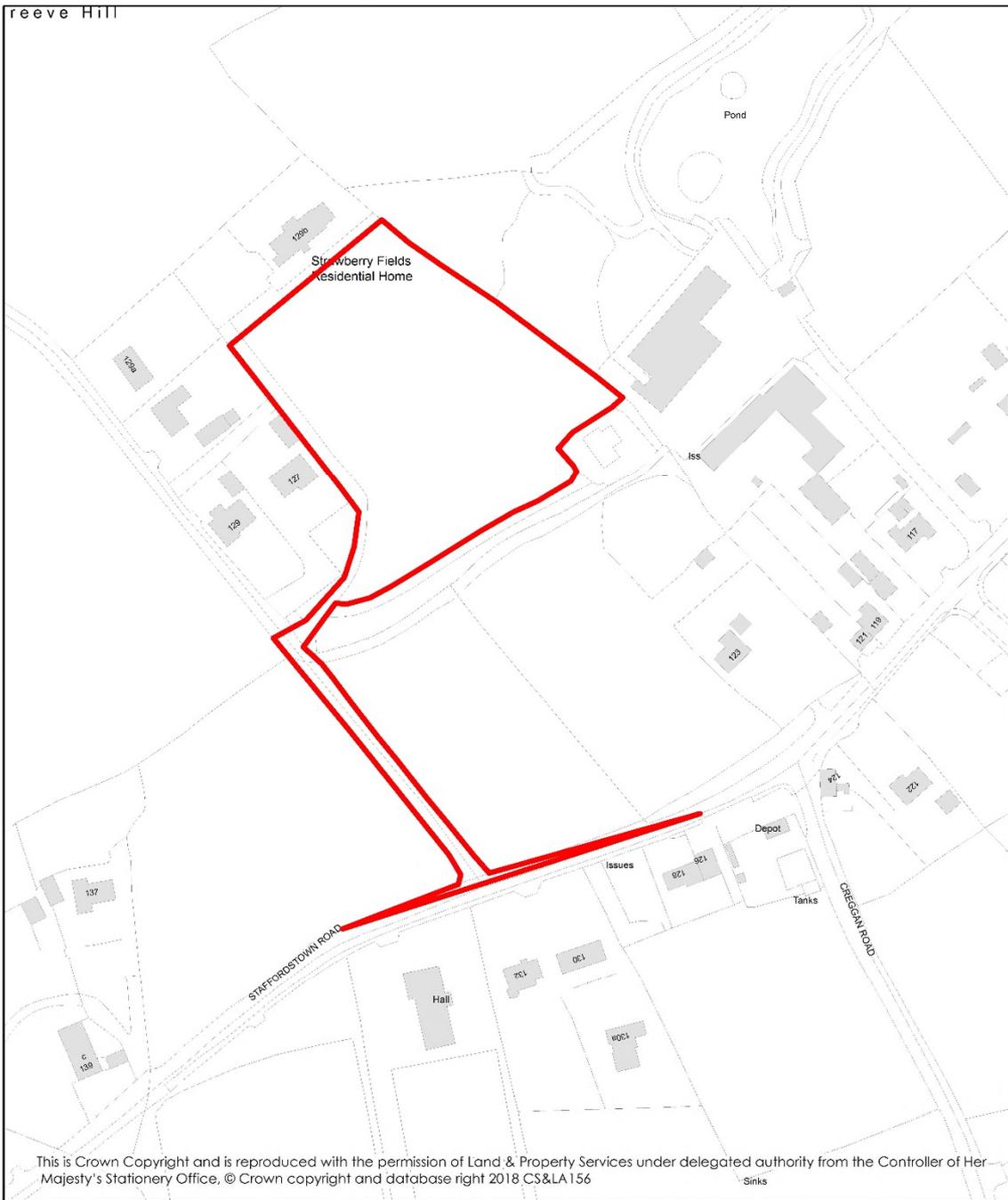
**PROPOSED CONDITIONS**

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011 the development to which this approval relates must be begun by whichever is the later of the following dates:-
  - i. The expiration of a period of 5 years from the grant of outline planning permission; or
  - ii. The expiration of a period of 2 years from the date hereof.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

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



**Location Map**

**Application Reference: LA03/2018/0287/RM**

129b Staffordstown Road, Randalstown

Extension of residential home to provide dementia care accommodation, courtyard, landscaping and associated siteworks.

 Site Boundary



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.9</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0228/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Proposed residential development comprising 2 no. semi-detached 2 storey dwellings.
<b>SITE/LOCATION</b>	Rear of 25 Glebecoole Park, Newtownabbey, BT36 6HX
<b>APPLICANT</b>	Mrs C McAleenan
<b>AGENT</b>	TJ McDowell
<b>LAST SITE VISIT</b>	22 <sup>nd</sup> May 2018
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 90340416 Email: <a href="mailto:alicia.leathem@antrimandnewtownabbey.gov.uk">alicia.leathem@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located to the rear of 25 and 25b Glebecoole Park, Newtownabbey, which is in the development limits of Metropolitan Newtownabbey as defined in both the Belfast Urban Area Plan and the draft Belfast Metropolitan Area Plan.

The application site is a rectangular shaped site measuring 17 metres in width with a depth of 31 metres which is generally flat in nature. The site is presently an enclosed yard occupied by a flat roofed shed running parallel to the western boundary. The site boundaries are defined to the west and north by mature hedgerow with a mature tree located along the western boundary, the eastern and southern boundary are defined by 1.8 metre close boarded timber fencing. Access to the site runs is taken via an entrance located between Nos. 25 and 25b Glebecoole Park.

The application site is located within a predominately residential area with a mix of house types and styles on medium to large plots.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2015/0473/F  
Location: Rear of 25 Glebecoole Park, Newtownabbey  
Proposal: Erection of dwelling  
Decision: Permission Granted (02.12.2015)

Planning Reference: U/2008/0158/F  
Location: Rear of 25 Glebecoole Park, Newtownabbey  
Proposal: Erection of two storey dwelling  
Decision: Permission Granted (12.08.2009)

Planning Reference: U/2007/0045/F  
Location: Rear of 25 Glebecoole Park, Newtownabbey  
Proposal: Erection of single storey dwelling  
Decision: Permission Granted (11.06.2007)

Planning Reference: U/2006/0627/F  
Location: Garden of 25 Glebecoole Park, Newtownabbey  
Proposal: Erection of two storey building comprising two apartments  
Decision: Permission Granted (04.12.2007)

Planning Reference: U/2004/0570/F  
Location: Garden of 25 Glebecoole Park, Newtownabbey  
Proposal: Dwelling and garage  
Decision: Permission Granted (15.02.2005)

### **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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 and Draft Belfast Metropolitan Area Plan: The application site is located within Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

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

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

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

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

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

## **CONSULTATION**

**Council Environmental Health Section** – No objections

**NI Water** – No objections

**DfI Roads** – No objections subject to conditions

**Historic Environment Division** – No objections

## **REPRESENTATION**

Sixteen (16) neighbouring properties notified and two (2) letters of objection have been received from two (2) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Retention of existing mature tree on boundary.
- Concerns relating to semi detached dwellings
- Road traffic concerns

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

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

- Principle of Development
- Design, Layout and Impact on Character of Area
- Neighbour Amenity

### **Principle of Development**

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires that regard is had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the 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) was declared unlawful by the Court of Appeal on 18th May 2017. As a result of this, the Belfast Urban Area Plan (BUAP) now operates as the statutory development plan for the area with draft BMAP

remaining a material consideration. The application site is located within Metropolitan Newtownabbey in both plans and is not zoned for any specific purpose in either plan. Following a report presented to Committee in November 2017 it was agreed that the provisions of the version of BMAP published in September 2014 be afforded significant weight in the planning process pending clarification by the Department for Infrastructure on how it intends to progress this matter.

As unzoned land within both BUAP and draft BMAP the principle of housing on this site would be acceptable provided the proposed development complies with regional planning and other environmental considerations. The Strategic Planning Policy Statement (SPPS) indicates that sustainable development should be permitted, having regard to material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS also promotes good design and seeks to make more efficient use of urban land without town cramming. Planning Policy Statement 7: Quality Residential Environments and PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas are retained policies under the SPPS and provide the appropriate policy context.

### **Design and Appearance**

The Strategic Planning Policy Statement emphasises that within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Policy QD1 goes on to state that all proposals for residential development will be expected to conform to nine criteria.

In addition paragraph 7.08 of supplementary planning guidance document 'Creating Places' advises that it will not be acceptable to increase building density by simply 'cramming' development. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider streetscape.

The proposal is for the erection of two semi-detached, two storey dwellings on a 'back-land' site to the rear of 25 and 25b Glebecoole Park. The agent was advised that there were concerns with the proposal and the impact of the proposed development on the neighbouring properties. In response amended plans were received and the assessment is based on these amendments. The application site is set back 33metres from the Glebecoole Park with access to the site centrally located between the existing two dwellings. Development Control Advice Note 8 (DCAN 8) advises that for backland development, plots with a depth of less than 80 metres will unlikely be acceptable, the total depth of this plot measures 55 metres which falls short of the advice contained within DCAN 8. It is acknowledged that there is an extant planning permission on the site for a single storey dwelling under reference LA03/2015/0473/F, however, the proposal seeks to add an additional dwelling and increase the height of the dwellings by 1 metre from 6.7 metres from ground level to 7.7 metres from ground level. It is considered that increased ridge height and intensification of residential development on the site would lead to a significant loss of amenity to the existing residential properties along Glebecoole Park.

Policy QD1 also requires that the development respects the surrounding context and is appropriate to the character of the area, in addition the Addendum to PPS 7 'Safeguarding the Character of Established Residential Areas' is applicable as the site is located within an established residential area and does not fall within any of the exceptions. Policy LC1 of the Addendum requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area.

The character of the existing residential area comprises a mix of detached and semi-detached properties set in a range of medium to large plot sizes, with the dwellings located along the front of this section of Glebecoole Park having a small defined garden area fronting onto the road with large linear gardens to the rear. The properties to the rear of the application site are single storey sheltered housing accommodation. The existing pattern of development exhibits that of a spacious suburban character. In contrast to the existing pattern of development, the proposed dwellings are located within a confined and restricted plot to the rear of numbers 25 and 25B Glebecoole Park, with an area of unattractive and uncharacteristic hardstanding located between the dwellings. The proposal would, in the context of its immediate surroundings, appear cramped, both in terms of plot sizes and the ratio between built form and garden area which would result in a development that does not respect the context of the character of the surrounding area.

Furthermore, the height and massing of a block of semi-detached dwellings with a ridge height of 7.7 metres from ground level, set between dwellings on either boundary with lower ridge heights, would appear dominant and visually obtrusive in the streetscape. The proposal also lacks the inclusion of any defined front curtilage to the proposed dwellings with the dwellings fronting directly onto a hardstanding area for parking and turning. The scale, massing and proportions of the proposed two-storey, semi-detached dwellings are a significant increase in the scale and intensity of the approved development and will result in an intensive form of development on a restricted site which results in town cramming.

The proposed development does not respect the surrounding context in relation to the layout, scale and massing and is not in keeping with the overall character and environmental quality of the established residential area and for these reasons are contrary to the provisions of the SPPS, Policy QD 1 of PPS 7 and Policy LC 1 of Addendum to PPS 7.

### **Density**

Policy LC 1 also requires that the proposed density is not significantly higher than that found in the established residential area. As outlined above the dwellings within the surrounding area are located on sizeable plots with a low to medium density. The proposal seeks two semi-detached dwellings on a plot significantly smaller than that which currently exists in the surrounding area, resulting in a cramped form of development with a density that is significantly higher than that found elsewhere in this established residential area. The application is therefore contrary to the provisions of the provisions of the SPPS, Policy QD 1 of PPS 7 and Policy LC 1 of Addendum to PPS 7 in this respect.

### **Neighbouring Amenity**

Criterion (h) of Policy QD 1 requires that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance on both existing and proposed properties. In this case as outlined above the dwellings are located in close proximity to residential dwellings, to the south along Glebecoole Park and to the north along Glebe Road West. Paragraph 7.21 of supplementary planning guidance document 'Creating Places' advises that; adequate spacing needs to be provided between buildings for privacy purposes and where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking.

The northern boundary of the site abuts single storey sheltered housing accommodation with a separation distance of 10 metres at its widest point narrowing to 7 metres from the rear wall to the common boundary. There is a 15.5 metres separation distance from the rear wall of the proposed dwelling to the rear wall of the sheltered housing buildings to the rear. The overall separation distance falls short of the space requirements outlined within 'Creating Places'. Additionally the dwellings to the north of the application site are single storey units of accommodation where the proposed dwellings are two storey, with two windows on the upper floor serving habitable rooms. The limited separation distance is considered inadequate and will give rise to overlooking of the existing residential units. It is acknowledged that these units are sheltered accommodation with communal amenity space, nevertheless, the amenity space is still private in respect of those units and that space will be significantly overlooked by the proposed development resulting in a significant adverse impact upon the existing properties.

The southern boundary of the site abuts existing residential properties along Glebecoole Park with a separation distance of 10.5 metres from the front of the proposed dwellings and the common boundary and 22 metres separation distance from dwelling to dwelling. The proposed dwellings are orientated to face south which results in the proposed dwellings facing onto the rear garden spaces of the existing dwellings. Paragraph 7.12 of 'Creating Places' advises that dwellings facing onto the rear garden spaces of other dwellings should be avoided. The agent was advised that there were concerns regarding the impact on the neighbouring properties; amendments received amended the roof line and change in window type to roof lights along the front elevation.

Although these amendments mitigate against overlooking of the private amenity of the properties to the south, the contrived house design of a two storey dwelling with no windows on the upper floor of the front elevation further demonstrates that a two storey dwelling on this site cannot be properly accommodated and has not been designed to respond to the constraints of the site and the character of the area. The proposed siting of two dwellings at this location still creates significant problems for the existing properties located along Glebecoole Park. Even with the removal of the upper floor windows on the front elevation, the existing properties would still be overlooked on their first floor windows from; the ground floor windows of the proposed properties, in the front yard area and when exiting the proposed property through the shared laneway which passes between 25 and 25b Glebecoole Park.

Criteria (h) of QD 1 also requires the protection of the private amenity of the proposed dwellings, as outlined above, the layout indicates an access running centrally through the site with the parking and turning area for both dwellings. In addition, parking and turning for 25 and 25b Glebecoole Park is also located within the area of hardstanding. This area is located directly in front of the proposed dwellings with two windows serving the living rooms located on this elevation. The level of noise, disturbance and light nuisance coming from traffic entering and leaving the site for four properties will be significant and unacceptable to the amenity of the future occupants of the dwellings.

For these reasons it is considered that the proposal fails to meet criterion (h) of policy QD 1 in that the design and layout will create conflict with the adjacent neighbouring properties along both Glebecoole Park and Glebe Road West in terms of overlooking. It is also considered that there will be an unacceptable adverse effect on the amenity of those proposed properties in terms of noise and general disturbance.

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

The proposed access is taken from an existing access arrangement off Glebecoole Park to access both dwellings with a hardstanding area to the front of the dwellings for parking and turning with two parking spaces per dwelling. DfI Roads have raised no issue with the level of parking provided and are content that adequate visibility splays can be achieved.

### **CONCLUSION**

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

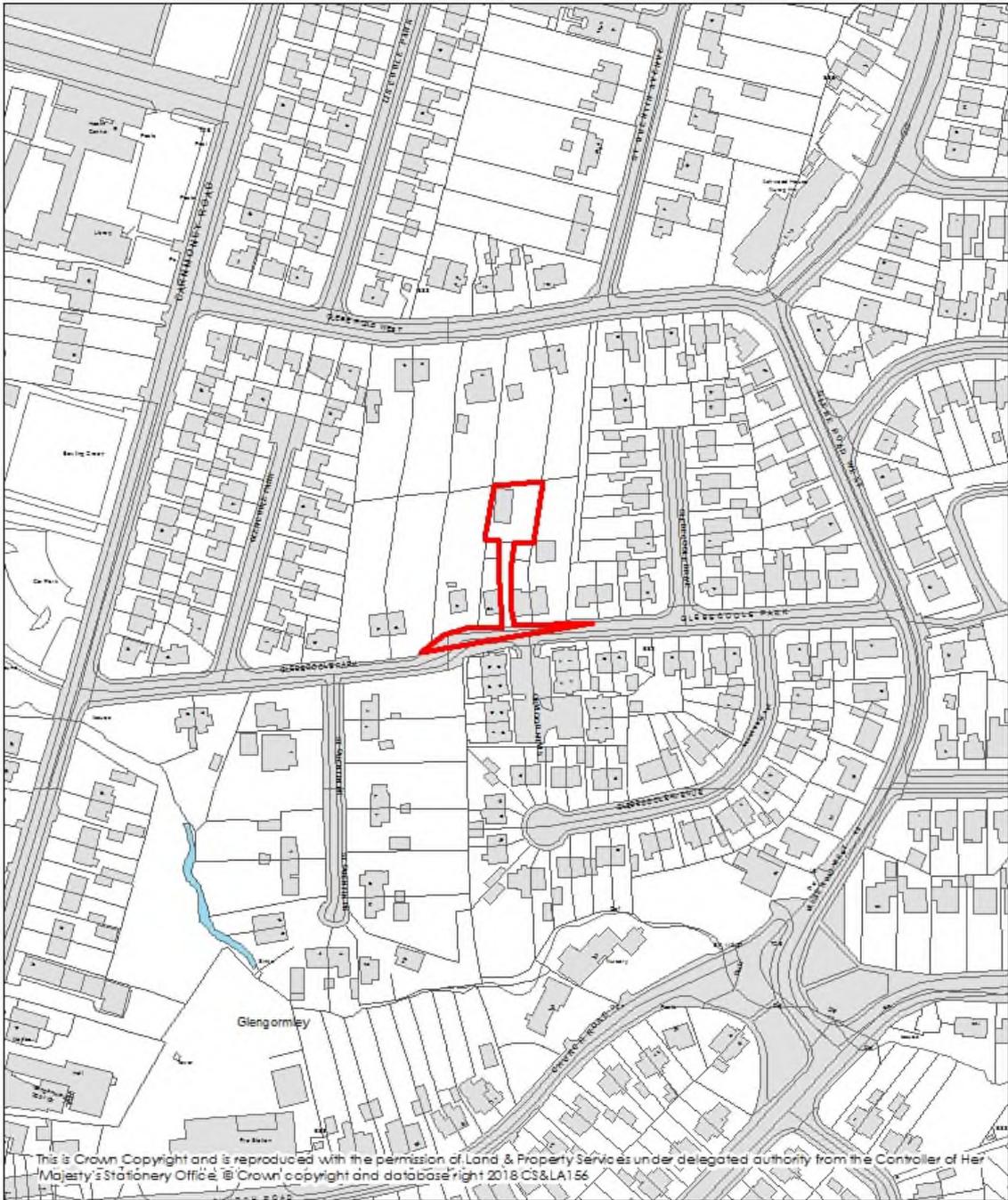
- The principle of residential development on the site is accepted.
- The design, layout and appearance represents overdevelopment of the site and results in a cramped and unacceptable layout which is not characteristic of its surroundings.
- The proposal will have a detrimental impact on the residential amenity of existing residential properties due to overlooking, and due to the scale and massing of the proposal which will have a dominant and overbearing impact.
- The proposal will have a negative impact on both existing and the proposed properties due to the cramped and restricted nature of the site resulting in adverse noise and light impacts and general disturbance.

**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 QD1 of Planning Policy Statement 7 'Quality Residential Environments' and Policy LC 1 of Addendum to PPS 7 'Safeguarding the Character of Established Residential Areas' in that, it does not respect the surrounding context, and it has not been demonstrated that the proposed development can achieve a quality and sustainable residential environment in keeping with the character and pattern of development in the locality.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments', in that, if permitted, it would result in overdevelopment of the site

resulting in an unacceptable adverse effect on both existing and proposed properties in terms of overlooking, dominance, noise and general disturbance.



**Location Map**

**Application Reference: LA03/2018/0228/F**

Rear of 25 Glebeccoole Park  
 Newtownabbey  
 BT36 6HX

Proposed residential development comprising  
 2 no. semi-detached 2 storey dwellings.

 Site Boundary



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.10</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0731/RM</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>APPROVE RESERVED MATTERS</b>

<b>PROPOSAL</b>	Use of unit 8 as a retail warehouse consistent with outline approval LA03/2017/0234/O
<b>SITE/LOCATION</b>	Unit 8, Junction One Retail Park B, Ballymena Road, Antrim
<b>APPLICANT</b>	Lidl NI GmbH
<b>AGENT</b>	MBA Planning Ltd
<b>LAST SITE VISIT</b>	September 2018
<b>CASE OFFICER</b>	Michael O'Reilly Tel: 028 90340424 Email: <a href="mailto:michael.oreilly@antrimandnewtownabbey.gov.uk">michael.oreilly@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site comprises Unit 8 of Junction One Retail Park/The Junction and is located within the settlement limits of Antrim, as designated by the adopted Antrim Area Plan 1984 – 2001. Unit 8 consists of a large single storey rectangular building of standard construction faced on three sides with blockwork with grey cladding and corporate branding to the front elevation, which faces onto the existing car park serving both this unit and the wider complex.

The retail foodstore, Lidl, has occupied Unit 8 since October 2005. Lidl recently secured planning permission to erect new premises on a nearby undeveloped site some 100 metres immediately east and southeast of the Homebase store (LA03/2018/0087/F).

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2017/0234/O

Location: Junction One Retail and Leisure Park, Ballymena Road, Antrim.

Proposal in Brief: Outline Masterplan to facilitate the comprehensive regeneration of Junction One, including the Factory Outlet Centre, Retail and Leisure Park, and vacant lands.

Decision: Permission Granted by Planning Committee: 18.12.2017

Planning Reference: LA03/2018/0087/F

Location: Undeveloped land immediately east and southeast of Homebase (Unit 20), 140 Junction One Retail Park, Ballymena Road, Antrim.

Proposal in Brief: Construction of discount foodstore, provision of car parking, landscaping and associated site works (relocation of existing Lidl supermarket at Unit 8 - supermarket building to be retained but the foodstore use to be extinguished and transferred to application site).

Decision: Permission Granted: 23.07.2018

## **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, 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 upon unzoned land within the settlement limit of Antrim. Paragraph 16.6 states that proposals for development will be considered provided the uses are satisfactory for the locations proposed and that no physical or other problems are involved. Paragraph 16.14 states that the policy of the planning authority will be to consolidate the Central Area of Antrim as the main focus for shopping.

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**

Given that the proposal does not involve any new buildings no consultations were deemed necessary for this application.

## **REPRESENTATION**

No neighbours were notified of the application as no occupied properties abut the site. Following advertisement 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
- Compliance with Conditions on Outline Planning Permission LA03/2017/0234/O

### **Principle of Development**

Outline planning permission was granted by the Planning Committee in December 2017 for a major mixed-use regeneration of The Junction Retail and Leisure Park (ref: LA03/2017/0234/O). The description of the approved development clearly refers to retail warehouse usage within the site and planning conditions were applied to control the nature and range of goods that can be sold and what quantum of floorspace shall be utilised for this distinct usage. This retail warehouse proposal is considered therefore to be an acceptable land use in accordance with the outline planning permission.

Furthermore, the proposed use of the unit at this location for retail warehousing is consistent with the indicative location of building "RP-2" as identified in the endorsed master plan, which was envisaged as being utilised for large retail. Consequently, it is considered the proposal is in a location that conforms with the information set out in the re-development master plan.

Subject to consideration of the planning conditions attached to the outline planning permission the principle of the use proposed in this reserved matters application is acceptable. This is set out below.

### **Compliance with Outline Planning Permission Conditions**

Not all of the planning conditions attached to the grant of outline planning permission are relevant to consideration of this reserved matters application.

Several of the conditions relate to works to be undertaken prior to works of operational redevelopment commencing i.e. conditions 3, 9, 17, 19, 20, 21 and 22. Whilst these require the submission of various details at reserved matters stage they relate solely to new operational development associated with the delivery of certain elements of the master plan re-development. Given this proposal is only related to the use of an existing building it is considered that the specific circumstances of this case do not engage the requirements of these conditions. It should however be noted these conditions will remain to be discharged at the appropriate time when future reserved matters applications are made.

A number of other outline conditions relate to discrete parts of the overall redevelopment scheme that do impact on this particular location or the current application. Condition 6 relates to the Factory Outlet Centre while conditions 11 – 13 relate to the food and beverage offer.

Conditions 14 – 18 deal with potential land contamination and construction works on site. These conditions again are not relevant in this particular case as the proposal relates specifically to the use of an existing building and no ground works are proposed.

Of the remaining conditions this application for reserved matters approval complies with those associated with phase 1 of the scheme for the following reasons;

Condition 1 has been complied with given that the time period for submission of reserved matters is six (6) years and this proposal has been made some eight (8) months after the granting of the outline planning permission in December 2017.

Condition 2 has been complied with as plans have been submitted prior to the commencement of development indicating the use of the building as a retail warehouse. There are no changes proposed to the external appearance of the building and there no alterations proposed to the parking, servicing, access and landscaping arrangements associated with the use of the building. Should the existing Lidl corporate branding be removed from the building due to a new tenant this would not constitute development and would be of no bearing to the re-use of the building.

Condition 4 has been complied with as the amount of retail warehouse floor space proposed (1745 square metres) falls within the quantum of retail warehouse floor space which was previously granted permission as part of the outline consent (13,473 square metres). Condition 5 controls the nature and range of goods which can be displayed and sold. However, for the sake of clarity the imposition of a planning condition is recommended restricting the gross floorspace of this retail warehouse unit to 1745 square metres and the nature and range of goods which can be displayed and sold.

Condition 7 prevents the insertion of any mezzanine floors into any of the approved units. The proposed floorplan shows that no mezzanine floors are to be erected within the building. Condition 8 prevents the subdivision of approved units into additional units. Both of these conditions shall remain in effect should this reserved matters application be approved. This matter can be dealt with by means of a planning informative on any approval that issues.

Overall it is concluded that this proposal to re-purpose and re-use an existing building as a retail warehouse unit relates to a use that accords with the outline planning permission for the re-development of The Junction. In addition the use of the building for retail warehousing is consistent with the indicative position of a retail warehouse unit identified in the master plan for The Junction. The pre-commencement conditions are not engaged by this proposal and remain to be discharged. This proposal is therefore of no consequence to these pre-commencement conditions.

**CONCLUSION**

The following is a summary of the main reason(s) for the recommendation:

- The proposed use and location of the unit is consistent with the grant of outline permission for The Junction masterplan redevelopment and as such the principle of the development is established.
- Relevant conditions attached to the outline planning permission have been complied with.
- There are several conditions on the outline planning permission that relate to other areas of the master plan and are not applicable to this proposal.

**RECOMMENDATION :**    **APPROVE RESERVED MATTERS**

**PROPOSED CONDITIONS**

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-
  - i. The expiration of a period of 8 years from the grant of outline planning permission; or

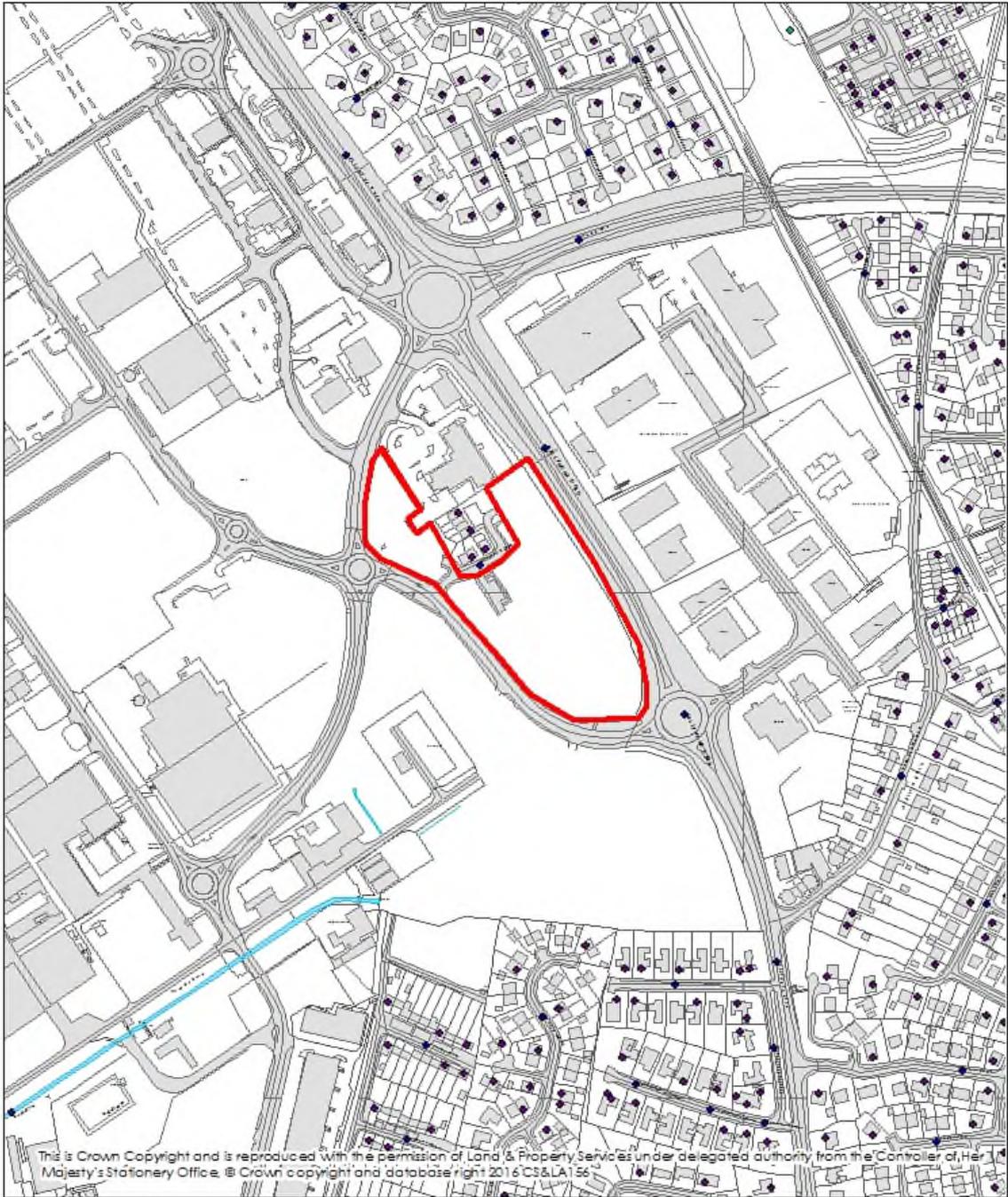
- ii. The expiration of a period of 2 years from the date hereof.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

- 2. The gross floorspace of the retail warehouse unit hereby permitted shall not exceed 1745 square metres and shall be used only for the sale and display of the items listed hereunder and for no other purpose, including any other purpose in Class A1 to the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015: -

- i. DIY materials, products and equipment;
- ii. Garden materials, plants and equipment;
- iii. Furniture and soft furnishings, carpets and floor coverings and electrical goods;
- iv. Such other items as may be determined in writing by the Council as generally falling within the category of "bulky goods".

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



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**Location Map**

**Application Reference: LA03/2018/0284/F**

5No. Promotional Flagpole Signs and 17No. Boundary Fence Promotional Graphics for a Temporary Period of 2 years.

Lands at ongoing housing development adjacent to Ballymena Road and South East of Express Holiday Inn, Antrim, BT41 4RU



Site Boundary 

For Information Only



<b>COMMITTEE ITEM</b>	<b>3.11</b>
<b>APPLICATION NO</b>	<b>LA03/2016/1141/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Caravan park (110 No. static caravan pitches, 52 No. touring caravan or motorhome pitches and 10 No. camping cabins) with amenity building, shower and toilet pods, associated access (including road improvements) and landscaping.
<b>SITE/LOCATION</b>	Lands southeast of 12 Castle Road, Antrim, BT41 4NA
<b>APPLICANT</b>	Blair's Caravans Ltd
<b>AGENT</b>	David Dalzell
<b>LAST SITE VISIT</b>	11/02/2018
<b>CASE OFFICER</b>	Kieran O'Connell Tel: 028 9034 0423 Email: Kieran.oconnell@antrimandnewtownabbey.gov.uk

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

#### **SITE DESCRIPTION**

The application site is located outside of the development limit of Antrim Town and is located in the countryside on the eastern edge of the Shane's Castle Estate which is registered as a historic park garden and demesne. The Shane's Castle Estate extends to some 800 acres of farmland and 1000 acres of forestry/woodland. The application site consists of approximately 7 acres of the overall estate. The Antrim Gate Lodge has been afforded a Grade B1 listing and is immediately to the northwest of the application site and currently is the access point to the boat club, a martial arts club and the woodland site. The main entrance gates railings and stone piers to the Antrim Gate Lodge, also benefit from the listing.

The application site is located opposite Clanaboy Lane and to the west of Plasket's Burn and the Six Mile Water River, which runs along the eastern boundary. Beyond the eastern boundary is the former Massereene Barracks and to the southeast is the Loughshore Park and the Council owned Six Mile Water Caravan Park.

The central portion of the application site is largely cleared of vegetation with the exception of two large trees located on the northern part of the application site, while a small cluster of trees exist within the central area of the site. The perimeter of the application site is enclosed by mature trees (predominantly pine). A concrete laneway runs along the eastern boundary of the site and is the access to the boat club located beyond the southern most point of the application site.

#### **RELEVANT PLANNING HISTORY**

No relevant planning history.

## PLANNING POLICY

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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.

Antrim Area Plan 1984 – 2001: The application site is located within the countryside. 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 2: Natural Heritage: sets out planning policies for the conservation, protection and enhancement of our natural heritage.

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

PPS 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.

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.

PPS 16: Tourism: sets out planning policy for tourism development and also for the safeguarding of tourism assets.

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.

**DfI Rivers** – No objection subject to conditions

**DfI Roads** – No objection.

**NI Water** – No objection.

**Shared Environmental Services (SES)** – No objections.

**Northern Ireland Environment Agency: Natural Heritage Division**  
No concerns subject to conditions.

**Northern Ireland Environment Agency: Water Management unit**  
No objections subject to conditions.

**Northern Ireland Environment Agency: Waste Management, Land and Ground Water Unit.**  
No objection subject to conditions.

**Historic Environment Division** – Recommend refusal as they consider the application is contrary to Policy BH 11 development affecting the setting of a listed building and Policy BH 6 of PPS 6.

**Belfast International Airport** – No objection.

### **REPRESENTATION**

Fourteen (14) neighbouring properties were notified and five (5) letters of objection have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Road safety matters
- Increased congestion
- Impact on amenity of adjacent residential properties by way of impact on privacy, noise and disturbance
- Anti-social behaviour and concerns over personal safety
- Adverse impact on the character of the area
- Detrimental impact on areas of historical and archaeological importance.

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

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

- Preliminary Matters

- Principle of Development
- Tourism
- Integration
- Open Space
- Design Layout and Appearance
- Impact on Character of Area/Compatibility with Surrounding Land Uses
- Impact on Archaeological and Built Heritage
  - Archaeology
  - Shanes Castle Demesnes
  - Historic Buildings
- Natural Heritage
  - Trees
- Impact on Residential Amenity.
- Flooding and Drainage
- Mains Water Supply and Sewerage
- Road Safety
- Economic Case For The Development
- Summary

### **Preliminary Matters**

Members will recall that this application was recommended for approval at the May Planning Committee however, no decision could be taken at that time as there was an objection from a statutory Consultee to this major development and the associated Listed Building Consent application.

Due to this objection the Council was required to notify the Department for Infrastructure (DfI) to allow the Department to consider whether the application should be called in for determination by the Department. Under The Planning (Notification of Applications) Direction 2017 and under Article 17 of the Planning (General Development Procedure) Order (NI) 2015 DfI instructed the Council not to issue a decision on this application and the associated Listed building Consent.

DfI has now written to the Council on this application and the associated Listed Building Consent application confirming that it has decided not to call in either application and as a consequence this application has been reverted back to the Council for final determination.

### **Principle of Development**

The application site is located outside any defined settlement limit and lies within the countryside as defined in the Antrim Area Plan 1984-2001 (AAP). The AAP provides an overarching strategy for the Borough however; it does not provide specific operational policy in terms of the assessment of an application of this nature. The AAP merely states that there is potential for future development of tourism in Antrim and at Paragraph 6.6 states that it aims to:

- i. Encourage the development of tourist facilities in the area while conserving and enhancing the quality of the natural landscape and protecting wildlife habitats.
- ii. Facilitate an increase in accommodation available in the district provided it is compatible in terms of location, type and scale.

The SPPS also contains policies dealing with tourism, however, these do not conflict with any retained policies and consequently the relevant policy context in respect of tourist development is provided by Planning Policy Statement 16 – Tourism, and Planning Policy Statement 21- Sustainable Development in the Countryside.

Planning Policy Statement 21, Policy CTY 1 indicates that planning permission will be granted for non-residential development in the countryside for tourism development in accordance with the TOU policies of the Planning Strategy for Rural Northern Ireland (PSRNI), however as PPS16 has been adopted in its final form, it supersedes those policies. PPS21 still contains general policies regarding the setting of settlements, the siting of development, the need to protect rural character and promotes the integration of development in the countryside. Many of these matters are duplicated under Policy TSM 6 of PPS 16.

PPS 16 'Tourism' sets out the planning policy for tourism development and for the safeguarding of tourism assets. It seeks to facilitate economic growth and social well-being through tourism in ways, which are sustainable and compatible with environmental welfare and the conservation of important environmental assets.

Taken in the round therefore, planning policy as expressed in the AAP, SPPS and PPS 16, is supportive of tourism development, such as that proposed, provided it would not unacceptably impact upon the character of the area or amenities that ought to be protected in the public interest.

### **Tourism**

The most relevant policy in PPS 16 in reference to the application being assessed is Policy TSM 6 New and Extended Holiday Parks in the Countryside which recognises that holiday parks are important for the domestic tourism market in terms of the volume of rural tourism bed spaces they provide and the economic benefits that flow from this scale of tourism activity. Also relevant is Policy TSM 7 Criteria for Tourism Development.

Annex 1 of PPS 16 defines a holiday park as a caravan site licensed under the Caravans Act (NI) 1963, which in addition to static caravans may also contain holiday chalets or cabins, pitches for touring caravans, motor homes and tenting. Therefore this proposal would be considered as a Holiday Park as defined in PPS 16. Policy TSM 6 states that planning permission will be granted for a new holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development. Policy TSM 6 of PPS 16 requires that all proposals must meet a set list of criteria (a-g).

### **Integration**

Criterion (a) and (b) of Policy TSM 6 relate to the integration and capacity to absorb development on the application site. The proposed caravan park is located within the countryside adjacent to the settlement limit of Antrim Town. The site is presently part of the wider Shane's Castle Estate and is not readily visible from public vantage points due to the presence of mature trees surrounding the perimeter of the site and a basalt stonewall adjacent to Castle Road. Policy TSM 6 encourages effective integration into the landscape through the utilisation of existing natural or built features. In this case it is considered that due to the level of integration afforded to the application site, this site has the capacity to absorb the holiday park without

significant adverse impact on the visual amenity and rural character of this area. In addition to the existing vegetation surrounding the application site being largely retained with the exception of the access point, the applicant has indicated on drawing 02/1 & 03/1 (site layout) that additional landscaping will be carried out in order to further soften the approach upon entering the caravan park. The existing stonewall is also to be taken down and reconstructed behind the visibility splays. Overall it is considered that the proposal is well integrated into the landform and satisfies criterion (a) and (b) of Policy TSM 6.

### **Open Space**

Criterion (c) of Policy TSM 6 requires that adequate provision of open space be provided for communal open space including recreational areas and landscaped areas as an integral part of the development. The applicant has indicated they are providing in the region of 16% usable open space throughout the development, this excludes verges and grass margins between the caravan pitches. The applicant indicates a further 29% of site is to be reserved for conservation of existing woodland. (PPS8 indicates at Annex A: Definition of Open Space (vi) natural and semi-natural urban green spaces – including woodlands and urban forestry are considered to be open space). In light of this, it is considered that sufficient open space has been provided as an integral part of the development. Furthermore the application site is within short walking distance of Antrim Castle Gardens and the variety of amenities and open space contained within it.

### **Design Layout and Appearance**

With regard to the layout of the caravan park (Criterion (d) of Policy TSM 6) the applicant utilises the surrounding landscape setting and is defined and influenced by the retention of existing tree belts and clusters. The road layout has been made informal through the avoidance of long vistas and straight lines. The caravans are grouped to form distinct clusters within the central and southern most part of the site. Camping cabins are located within the existing deciduous woodland while the proposed touring caravans are located in an additional cluster to the northeast of the application site adjacent to the proposed amenity block and the Castle Road.

Overall it is considered that the caravan pitches (static and touring) and camping cabins are laid out in discrete clusters of various sizes within the overall site and have been softened by the introduction of additional landscaping and retention of existing vegetation. In addition, it is considered that a movement pattern is provided that supports walking and cycling, it respects the existing rights of way relating to the boat club and provides a pedestrian link to the gate lodge building and martial arts club.

With regard to the design, layout and appearance of buildings (criterion (e) of policy TSM 6 and Criterion (b) of Policy TSM 7) it is considered that the scale, design and massing of the amenity building is acceptable. The internal roads, paths, car parking areas, walls and fencing associated with this development are considered acceptable. The applicant has indicated that the existing basalt wall along Castle Road is to be set back behind the visibility splays to facilitate a new access for the proposed development. The reconstruction of the wall is fundamental to the setting of the development and the wider area and a condition is therefore required to ensure the wall is appropriately reinstated.

### **Impact on Character of Area/Compatibility with Surrounding Land Uses**

Third party concerns have been raised in relation to the impact that the proposed development will have on the character and quality of this area. Policies TSM 6 & 7 of PPS 16 deal with matters pertaining to impact on the character of the area and associated compatibility on the surrounding land uses. It is considered that, given the level of enclosure of the site, the associated integration and the retention of the existing mature trees along the perimeters of the site, there will be a limited awareness of the proposed caravan park at this location. Given the limited visibility of the development it would be difficult to argue that this proposal will have a detrimental impact on the landscape quality from a visual stand point alone. In this regard, the proposal is considered acceptable. In land use terms the proposed caravan park may be different to the rural landscape which exists presently, however, it is considered that it is not necessary to replicate what exists in the area in order to respect the overarching character. Given the integration and enclosure of this site as outlined above it is considered that the proposed caravan park will not have a detrimental impact on the character and quality of this area.

With regard to the impact on adjacent land uses, the application site is adjacent to Radox Laboratories but separated from it by the Six Mile Water River and Plasket's Burn. The Enkalon industrial estate is approximately 300 metres from the application site and separated from the application site by the Castle Road and agricultural lands. Given the separation distances involved and the lack of permeability from the application site to these developments, it is considered that this proposal is unlikely to have a detrimental impact on Radox or on the Enkalon Industrial Estate. With regard to the compatibility with the residential development at Clanaboy Lane and Umary Gardens it is considered that the proposed caravan park is compatible with this development. Further consideration is given to the impact that the proposed development may have on residential amenity is considered below.

### **Impact on Archaeological and Built Heritage**

Policy BH 6 of PPS 6 and Paragraphs 6.16-6.17 of the Strategic Planning Policy Statement (SPPS) alongside Criterion (f) of TSM 6 of PPS 16 requires that consideration be given to environmental assets including features of archaeological and built heritage, natural habitats, trees and landscaped features area identified and where appropriate retained and integrated in a suitable manner into the overall design and layout.

### **Archaeology**

The applicant has undertaken an archaeological impact assessment/ programme of works for a predevelopment evaluation (test trenching) of the proposed caravan park. The applicant's archaeological report indicates that the planned development area is potentially archaeologically sensitive in terms of below ground remains. However, given that the planned development area was also subject to a conifer plantation it is thought that this would have had a significant impact on any subsurface archaeology. Para 9.9 of the Archaeological Impact Assessment states that each of the methods employed in the initial planting (weather mounding, ripping, ploughing or pit planting) causes significant ground disturbances to subsoil and subsoil archaeological features. It further indicates that the methods employed in carrying out the plantation of trees would have had a significant adverse impact on subsurface archaeology through the use of heavy machinery.

Following the establishment of the plantation, the root systems will have had an impact on the subsurface archaeology. The roots of trees can penetrate soil particles and will invade any buried archaeology deposits encountered. Further damage is likely to have occurred to subsurface archaeology during thinning and harvesting of the crop, with the proposed development area appearing to have undergone several cycles of all of these change processes.

The applicant proposes to undertake a programme of archaeological evaluations through test trenching under licence by HED:HMU. This is to:

1. identify any previously unrecorded archaeological remains which may survive in situ within the site, and;
2. to provide an assessment of the likely impact of proposed development works on any such remains and;
3. to inform the developer of mitigation measures to allow for the preservation (either in situ or by record) of any archaeological remains which may survive within the proposed development area and to ensure full compliance with all statutory obligations.

HED while having concerns with this development in principle (the perceived impact on Shane's Castle Demesne) are, however, satisfied that the applicant's archaeological impact assessment presents an acceptable archaeological mitigation strategy which can be used as a basis for discharging the archaeological conditions contained below. In light of HED comments regarding the applicant's archaeological evaluation, it is considered that sufficient mitigation measures can be put in place to ensure that sub-surface archaeology can be protected appropriately.

Overall it is concluded that the proposed development will not significantly impact upon archaeological interests.

### **Shanes Castle Demesne**

DfC Historic Environment Division (HED) has indicated that the Shane's Castle demesne is included on the Register of Historic Parks, Gardens and Demesnes of Special Historic Interest maintained by DfC's HED. As such the proposed caravan park falls to be considered within the policy provisions of PPS 6 Policy BH 6 and Paragraphs 6.16-6.17 of the Strategic Planning Policy Statement (SPPS) alongside Criterion (f) of TSM 6 of PPS 16.

HED has indicated that the Shane's Castle Estate is an outstanding example of a late 18<sup>th</sup>-19<sup>th</sup> century 'Picturesque' style designed landscape, which has survived remarkably intact. The application site lies on the eastern edge of the landscape park and is bounded to the north by the demesne wall, constructed of basalt rubble and basalt rock copings, and on the east by the Six Mile Water River. HED further advise that nineteenth-century maps show the application site as an area of open parkland with a shelterbelt of trees running beside the river. This area of the demesne was accessed off the Castle Road via the Antrim Lodge, and the original designed approach would have been through a controlled open vista, leading to woodland.

Notwithstanding how Shane's Castle Estate may have been originally designed, HED further indicates that the application site was then planted with trees and associated pleasure walks. They also refer to 'later enhancements' to the designed landscape

occurring in the 1840's which included a new entrance off Castle Road via the Antrim Gate Lodge and a new access road running through parkland and a controlled open vista, subsequently leading into woodland. Alterations to the area of the application site from the later 19th century onwards include various iterations of coniferous forest planting and, more recently, the addition of the buildings, hardstanding and related infrastructure associated with the Shane's Castle railway in the area close to Antrim Gate Lodge in the later 20th century. HED has chosen not to consider the introduction of the boat club and its associated access infrastructure. All of these elements have had an impact on the originally designed landscape, these impacts are not felt elsewhere within the Shane's Castle Estate and it is therefore considered this distinguishes the site from other areas within the demesne.

HED states the proposed development is fundamentally at odds with the original design concept, overall quality and setting of the designed landscape at this location. It represents the introduction of large-scale development and associated infrastructure into areas with no precedent for development of this nature. Despite later cropped tree planting, HED indicates that opportunities exist to respect the original design concept for the demesne at this location, which have not been reflected in the proposed layout. HED feel that the proposed development will adversely affect the visual experience of the designed routeway into the demesne, whilst adding an additional entrance that will fundamentally alter the function of this part of the designed landscape.

It is acknowledged that this is a major development located at the outer edge of Shane's Castle demesne and it will have an impact on the area as it was originally designed, however, this needs to be balanced with all other material considerations including how this part of the estate has evolved over time. The applicant has made some amendments to their original proposal to take on board some of the concerns raised by HED. While HED may feel that the amended scheme is still unacceptable, it is worth noting that the applicant has increased the level of green space on the northern part of the site by finishing the touring caravan pitches in grass to increase the impression of a larger area of open space for when the site is not at full capacity.

The applicant has also replaced a number of the static caravans along the western boundary of the site with touring caravans to increase the impression of spaciousness within the development site. It has been indicated that this area will largely be used for overflow caravans and this is considered to be a reasonable adjustment by the applicant in spite of HED's preference to have no caravans in this area. Additional landscaping has been provided within the development site and along the western boundary, which offsets any loss of vegetation resulting from the proposed access and assists in reinforcing the woodland feature which is one of the key elements of the originally designed landscape. Additional amendments made by the applicant include the introduction of exposed aggregate paving with a natural gravel finish on the touring site, access road and caravan pitches. This is to give the appearance of an informal gravel paving throughout the application site and is considered compatible to the original designed landscape of having a series of walkways meandering through the open and controlled vista towards the larger parkland/woodland.

HED Monuments have suggested that a more appropriate location for the development would be the area to the northwest around the existing entrance to

the gate lodge, martial arts club, the railway buildings and associated hard standing. This suggested alternative location is not without its own difficulties. This area is outside the redline of the application site and will bring the proposed development closer to the listed gate lodge on what is a much more prominent site than that currently under consideration. Given that HED Buildings has concerns regarding the impact on the setting of the Antrim Gate Lodge building it is somewhat surprising that the applicant is being encouraged by another part of HED to locate closer to it.

HED has further indicated concerns with demolishing a section of the existing estate wall to create a new access to the caravan park. While there is an impact on the wall it is somewhat mitigated by the applicant who has indicated a willingness to reconstruct the wall behind the required visibility splays by reinstating the original wall detailing associated with the Shane's Castle Estate. HED has indicated that they are unhappy with the wall being removed in principle however, HED Buildings has indicated that the boundary wall reconstruction methodology is acceptable to them should a listed building consent application be approved. The applicant's justification for the new entrance is to ensure that the appropriate road safety standards are put in place. They also indicate that the new access will facilitate the provision of a right hand turning lane, which will not have a detrimental impact on the listed Antrim Gate Lodge, listed gateway, flanking pillars and adjacent Milestone. As a consequence the new access may alter the original design concept for Shane's Castle Estate in so far as it creates a competing entrance. However as this new access will preserve the existing listed gates and pillars and screens associated with the Antrim Gate Lodge and will be further set back from the current wall position, it will be somewhat subservient to the listed features including the Antrim Gate Lodge. The benefits of the development and the new access are to be weighted and balanced against all other material considerations including the protection of the demesne and listed features within the vicinity of the application site and public/road safety matters. It is considered that the new access is a reasonable adjustment to ensure the protection of the Listed Antrim Gate Lodge, Milestone and existing gateway features.

Overall, it is acknowledged that the proposed development will have some impact upon the original planned estate, however, all development has an impact. This landscape like all landscapes are continually evolving and this landscape is not the unspoilt landscape that HED have implied exists in their responses to date, rather it has evolved over time. To its benefit, the development site will be contained within a compartment of existing trees, with no significant views into or out of the application site. There will be no significant impact on the woodland setting, the existing estate road, Antrim Gate Lodge, railway site or the wider Shane's Castle Estate other than how it may have originally been planned. If anything, it is considered that the proposed caravan park will bring the application site into a functional use that will not significantly impact on the overall quality, setting and designed concept associated with Shane's Castle and will in some ways complement its former use as a parkland.

### **Historic Buildings**

There is a statutory requirement under Section 80 of the Planning Act (Northern Ireland) 2011 for the decision maker to have special regard to the desirability of preserving the setting of a listed building when considering whether to grant planning

permission for development that affects its setting. The SPPS and Policy BH11 of PPS6 set the relevant policy context.

Policy BH11 of PPS 6 states that the Planning Authority will not normally permit development, which would adversely affect the setting of a listed building. Paragraph 6.28 in the Justification and Amplification of the policy indicates that the setting of a listed building is often an essential part of its character, particularly where a landscaped parkland, garden or grounds have been laid out to complement the design or function of the building. It goes on to say that the economic viability as well as the character of listed buildings within such planned settings may suffer where inappropriate development degrades their landscape setting. Section 80 (7) of the Planning Act (Northern Ireland) 2011 confers that any object or structure within the curtilage of or fixed to shall be treated as part of the listed building. With the foregoing in mind, HED has indicated its view that the proposal fails para 6.12: Development proposals impacting on Setting of Listed Buildings of the SPPS and with respect to Policy BH11: Development affecting the Setting of a Listed Building of PPS6.

The DfC Historic Environment Division (HED) has advised that there are a number of structures that are likely to be affected by this application.

- HB20/04/042C Shane's Castle ruins Shane's Castle Park Antrim Grade A
- HB20/04/042A Shane's Castle Camellia House Grade A
- HB20/04/042J Antrim Gate Lodge, Shane's Castle Grade B1
- HB20/04/062 Milestone, adjacent to 12 Castle Road/gateway to Shane's Castle Park Grade B2
- Ref: 07202:000:00 Plaskets' Bridge is of industrial heritage interest.

HED indicate throughout their responses that the assessment of harm to heritage assets can be appreciated by two key considerations: The visual appreciation of the listed building within its context and the historical understanding of the site.

The Milestone, adjacent to No.12 Castle Road/gateway to Shane's Castle Park, has a Grade B2 listing. Following reassessment of the amended plans and confirmation by the applicant that the Milestone will not be impacted upon, HED has indicated no further concerns in relation to this aspect of the development.

It is considered that Plasket's Bridge will not be impacted by the proposed development as it is outside of the application site and no development works are proposed to the bridge.

Turning to the impact on the Shane's Castle Estate, the castle ruins and Camellia House, HED feel that the proposed development will have an adverse impact on the setting of these buildings and the wider estate as the application site borders one of the principle approaches of the estate.

Shane's Castle and Camellia House are almost 2km west of the application site and they have a Grade A listing. Annex C to PPS6 indicates that a Grade A listed building is of greatest importance to Northern Ireland including both outstanding architectural set-pieces and the least altered examples of each representative style, period and type. Notwithstanding HED's concerns in relation to the impact on the Camellia House and Shane's Castle ruins, these buildings are some 2km west of the application site and are not intervisible with the application site. HED are at pains to point out

that the impact on the setting of the estate and the designed landscape is much more than a visual assessment. However, the facts of the matter are there are no views into or out of this site towards the Camellia House or the castle ruins. This is how this area was once designed and in HED's own rationale was part of the planned designed approach where one would pass through a controlled open vista leading to a woodland, which would then open a dramatic reveal of the various estate buildings. It is therefore considered that this aspect of the original designed landscape has been maintained to some extent while the impact on the Camellia House, Shane's Castle ruins and other buildings is not considered to be significant.

The Antrim Gate Lodge to the northwest of the application site is a Grade B1 listed building of special architectural/historic interest. HED do not accept the applicant's contention that there will be no impact on the Antrim Gate Lodge and merely state that the proposal will adversely affect the setting of the Antrim Gate Lodge and the wider area of Shane's Castle estate as the site borders one of the principle approaches to the estate. This statement has not been qualified to any significant extent or understanding provided as to how the proposed development will adversely affect the setting to the Antrim Gate Lodge.

It is accepted that there will be some impact to Antrim Gate Lodge by virtue of setting back the estate wall behind the required visibility splays and the provision of a new entrance. However, as there are a number of trees obstructing clear and direct views of the Antrim Gate Lodge at present the rebuilding of the wall will not significantly impact upon the Antrim Gate Lodge from a visual standpoint. In addition, the applicant has indicated the existing trees are to be retained further reducing the impact that may be experienced upon the Antrim Gate Lodge and its setting. Likewise the built form of this development is hidden from view when travelling along the Castle Road by the existing vegetation as are views from within the site towards Antrim Gate Lodge by the mature vegetation along the western boundary and the buildings associated with the steam group and martial arts club. The proposed amenity block and touring caravan pitches are set back from the public road behind existing vegetation. Antrim Gate Lodge is still retained as the most prominent building on this stretch of Castle Road. In light of this it is considered that while there is some impact on the setting of Antrim Gate Lodge it is unlikely to be significant in this instance.

With regard to the historical understanding of this site, it is accepted that a caravan park is an alternative form of development; however, it must also be balanced by the present day functioning of the estate. The Antrim Gate Lodge entrance is not normally used for traffic accessing the estate except for events such as the steam rally, Antrim Show and the Irish Game Fair. There is nothing within this proposal that would prevent this current arrangement from continuing. The access is normally closed with a black painted timber gate. The iron gates are however usually open and provide access to the martial arts club, the boat club and the steam club. None of these clubs or associated uses would have formed part of the planned estate and potentially give rise to a greater threat to the listed Gate Lodge and entrance given the size of vehicles that would pass through these gates. The new access provides for an alternative access, which in some way helps, assist in protecting the listed entrance gates by removing larger vehicles from the area of concern. In addition to this the applicant intends to create a pedestrian linkage from the Antrim Gate Lodge to the proposed caravan park by using the existing concrete path presently used by

the boat club. It is therefore considered that all historically controlled vistas, access and walkways will be maintained as part of this proposal.

### **Natural Heritage**

Planning Policy Statement 2 deals with natural heritage interests as does Policy TSM 6 & 7 (Criteria for Tourism Development) of PPS 6. In this regard, DAERA Natural Environment Division has considered the impacts of the proposed development on designated sites and other natural heritage interests and has indicated that they have no concerns with the proposal subject to conditions. In addition, Shared Environmental Services has considered the proposed development in light of the requirements of Regulation 43 (1) of the Conservation (Natural Habitats) Regulations (Northern Ireland) 1995 as amended and has indicated that they have no objections in relation to these matters. In light of the above consultation responses, it is considered that there are no natural heritage concerns relating to this proposal.

### **Trees**

The site is located at the edge of the Shane's Castle estate which is characterised by mature trees. The Council's Tree Officer has carried out a visual inspection from Loughshore Park and has identified the mature trees along the southeast boundary as key site assets while the conifers around the remaining perimeters of the site have much less biodiversity value and amenity value but should still be retained to assist the integration of the site. The retention of trees can be controlled by way of condition.

Drawing No. 08/1 indicates a number of tree protection measures including the siting of the proposed development to areas outside of the Root Protection Areas of these trees and the erection of protective fencing. It is considered that so long as the proposed mitigation measures are carried out in accordance with the relevant British Standards that there will not be an adverse impact on the amenity afforded by the existing trees. It is recommended that any approval is conditioned to take account of the following information:

- Retention of existing vegetation, with specific restriction on any works being carried out to the trees along the southwestern boundary,
- Protective fencing to be provided outside the Root Protection Area (RPA) of significant trees,
- Any boundary treatments within the RPAs should not come within 1m of any tree and foundations shall not exceed 400mm in diameter. Ideally these shall be carried out by hand digging, however, given the length of fence, this seems impracticable.
- New paths within RPA's to be constructed using non-dig construction method as per details on the submitted plan.
- Camping cabins within the RPA's shall have timber pile foundations only. If heavy machinery is required within the RPAs, ideally the soil should be temporarily prepared to accommodate this extra weight.

### **Impact on Residential Amenity**

Paragraph 3.8 of the SPPS sets out the guiding principle for planning authorities in determining planning applications. It states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to

interests of acknowledged importance. Criterion (h) of TSM 7 also refers to the consideration of harm on the amenities of nearby residents. The Council's Environmental Health Section has been consulted and has raised no objections on amenity grounds to this proposal. Given the large mature trees that encompass the application site and the separation distance (85m+) to the residential properties at Clanaboy Lane and Umary Gardens, it is considered that the proposed caravan park will not result in any significant impact on the residential amenity of these dwellings by way of noise or disturbance. Third parties have raised concerns in relation to the impact the right hand turning lane will have on the amenity of the residential properties above, however, DfI Roads have indicated that they have no road safety concerns with this proposal and as such it is considered that there are no significant residential amenity concerns with this proposal.

### **Flooding and Drainage**

The applicant has submitted a Flood Risk and Drainage Assessment and DfI Rivers were consulted on this report. DfI Rivers has confirmed that the application site does not lie within the 1 in 100-year flood plain or in the 1 in 200 year coastal flood plain.

In relation to Policy *FLD2 - Protection of Flood Defence and Drainage Infrastructure* DfI Rivers has advised that a working strip of appropriate width is retained to enable riparian landowners to fulfil their statutory obligations/responsibilities. It would appear that this has been provided, as the proposed development is not likely to impact on Plaskets Burn or Six Mile Water River. A condition has been proposed by DfI Rivers to ensure that there is no adverse impact with regard to this issue and is considered acceptable to officers.

*FLD3 - Development and Surface Water - NI Waters Sewers for Adoption Northern Ireland 1st Edition* states: 'The system should be designed not to flood any part of the site in a 1 in 30 year return design storm and to ensure a free-board of 300mm'. 'The designer should carry out checks for the 1 in 100 year return period to ensure an adequate level of protection against flooding'

A Drainage Assessment has been submitted by the applicant (Doc 04 & Doc 04/1) and DfI Rivers as the competent authority has indicated that while they are not responsible for the assessment, it does however, accept its logic and has no reason to disagree with its conclusions. DfI Rivers has, however, indicated that they require additional information to ensure that the site is safe from a drainage and a flood risk perspective. They have indicated that this matter can be dealt with by way of planning condition and as such it is considered that the proposed development will not result in increased flood risk.

In addition to the above DfI Rivers has granted Schedule 6 consent under the terms the Drainage (NI) Order 1973.

### **Mains Water Supply and Sewerage**

Policies TSM 6 & 7 requires that mains sewerage supply and sewerage service must be utilised where available and practicable. The applicant has indicated that the site can be connected to the existing water mains and sewerage systems, while storm water can be discharged to the adjacent watercourses. DfI Rivers have already granted Schedule 6 consent to discharge in this instance. It is considered that the

proposed development adequately deals with matters relating to safeguarding of water quality through adequate means of sewerage disposal.

### **Road Safety**

Third parties have raised concerns relating to congestion and road safety given the anticipated level of traffic attracted to the application site and the provision of a right hand turning lane. DfI Roads as the appropriate authority on these matters has been consulted and have indicated that they have no determining road safety concerns with this proposal subject to conditioning of the visibility splays. As such it is considered that this aspect of the proposal is acceptable.

### **Economic Case For The Development**

The applicant has provided an economic impact assessment for the proposed caravan park. Its conclusions indicate that in overall terms the tourism contribution of the Shane's Castle Estate Caravan Park is estimated to add, on a per annum basis up to:

- 1.5m in direct spend in the local area.
- £2.1m in direct and indirect spend in the local area.
- £1.1m in added value (GVA) to the local economy.
- Will support 39 additional full time equivalent jobs in the local area (including 4 FTE jobs for those directly employed at the Park)
- The rates income will be in the order of £30k per annum

This means that over the period of a decade the applicant estimates that the impact could represent somewhere in the region of £21 Million in total spend in the local area and up to £11m in gross value added at today's values.

The applicant further indicates that their estimates do not take account of the development cost of the project which is expected to be in the region of £3m – a portion of which they indicate would benefit local building contractors and suppliers.

### **Summary**

Whilst the views of the HED Buildings on the principle and detail of the proposal are acknowledged, the weight to be attributed to this is a matter of judgment for the decision maker when considering what the impact may be on the setting of the listed buildings and Shane's Castle demesne. It is accepted that there will be an impact with having a caravan park within the demesne, however it is considered that the perceived impact will not be to an unreasonable extent. It is considered, in light of all material considerations and in particular the permissive nature of the tourism policies contained in PPS16, that the concerns of a statutory consultee (HED), while relevant cannot be sustained in this instance.

Determining weight may be attributed to the fact that this site and other areas within the estate have been subject to degradation through a series of forest plantations, hard standings, the erection of the steam train buildings, the boat club and associated infrastructure. The application site lies on the outer edge of the estate and it is considered the development will not have a significant impact on the overall estate. It is further considered that this site is unique within the demesne owing to: its level of integration and the retention of the existing vegetation, having a location adjacent to the development limit of Antrim Town, is adjacent to the Loughshore

Park and a variety of tourist attractions including Antrim Castle Gardens. From a locational position the development of a caravan park is considered acceptable.

With regard to the visual perspective, the main area of concern relates to the reconstruction of the estate wall, however, given that an acceptable methodology has been provided as to how this may be carried out it is considered the impact will be mitigated to an acceptable level. In addition, there are significant economic benefits to the Borough and the town of Antrim as a result of this proposal which may assist in regenerating the town centre, increase footfall to The Junction, Castle Gardens and may assist in maintaining the remainder of the Shane's Castle Estate through the revenues generated from long term leasing arrangements.

The proposed development is considered, on balance to be acceptable and will not have a significant adverse impact on the character and quality of this area or the wider Shane's Castle demesne and associated listed buildings.

### **CONCLUSION**

The following is a summary of the main reason(s) for the recommendation:

- The principle of the development on balance is considered to be acceptable.
- There will be some impact on interests of archaeological and built heritage importance, however, these are considered to be offset by other material planning considerations.
- The design, layout and appearance of the proposed development is considered acceptable.
- There are no natural heritage concerns with this proposal.
- There is no significant impact on the residential amenity of adjacent properties.
- There are no flooding or drainage concerns with this proposal.
- There are no road safety concerns with the proposal.
- There is significant economic case for this development.

**RECOMMENDATION :** GRANT PLANNING PERMISSION

### **PROPOSED CONDITIONS**

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

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

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02/1, date stamped 08 Jan 2018 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The environmental mitigation measures contained within the Shane's Castle Caravan Park Construction Environment Management Plan (Doc 09) date stamped 01/09/2017 shall be adhered to in full unless otherwise agreed in writing with the Council prior to the commencement of development.

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

4. No retained tree as indicated on Drawing No. 02/1 & 03/1, date stamped 08 Jan 2018 shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the prior written consent of the Council.

Reason: To ensure the continuity of amenity afforded by existing trees To protect the grey heron selection feature of Lough Neagh ASSI.

5. A protective barrier no less than 2m in height comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts and securely supported weldmesh panels (as illustrated and detailed on Drawing No. 09 date stamped 22 August 2017) shall be erected at least the distance away from retained trees as defined on drawing No. 08/1 date stamped 11/01/2018 prior to commencement of the development hereby approved and shall be permanently retained for the period of construction on the site. There shall be no stockpiling of materials or soil within this tree protection zone.

Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

6. The proposed landscaping indicated on Drawing No. 02/1 & 03/1, date stamped 08 Jan 2018 shall be carried out in the first planning season prior to the site becoming operational. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

7. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, shall be submitted to the Council, at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

8. A suitable buffer of at least 10 metres must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and the Plaskets Burn and Six Mile Water River.

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

9. There shall be no storage of oil/fuel, materials or equipment within Lough Neagh and Lough Beg SPA/Lough Neagh ASSI or in areas within the 200 year floodplain.

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

10. The finalised site drainage plan must be submitted to the Council prior to construction works. This Plan must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual – Construction Industry Research and Information Association (CIRIA) Report C753 (2015).

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

11. Except as otherwise agreed in writing with the Council, construction works shall only take place during the hours of daylight. If a bat roost or evidence of a bat roost is discovered, all works must cease and the applicant/contractor must contact the NIEA Wildlife Team.

Reason: To protect the bat assemblage selection feature of Shane's Castle ASSI.

12. The Development Landscape Management Plan (as detailed within the Design and Access Statement, Section 5.2), which details the method of control and management of the Himalayan Balsam, shall be submitted to the Council prior to construction works. This should ensure that there is adequate protection of the watercourses from chemicals and dispersing seeds e.g. only non-chemical control shall be employed before flowering (i.e. in early spring).

Reason: To reduce the spread of invasive flora across the site.

13. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). 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 ensure the protection of environmental receptors to ensure the site is suitable for use.

14. After completing any remediation works required under Condition 14 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the

Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

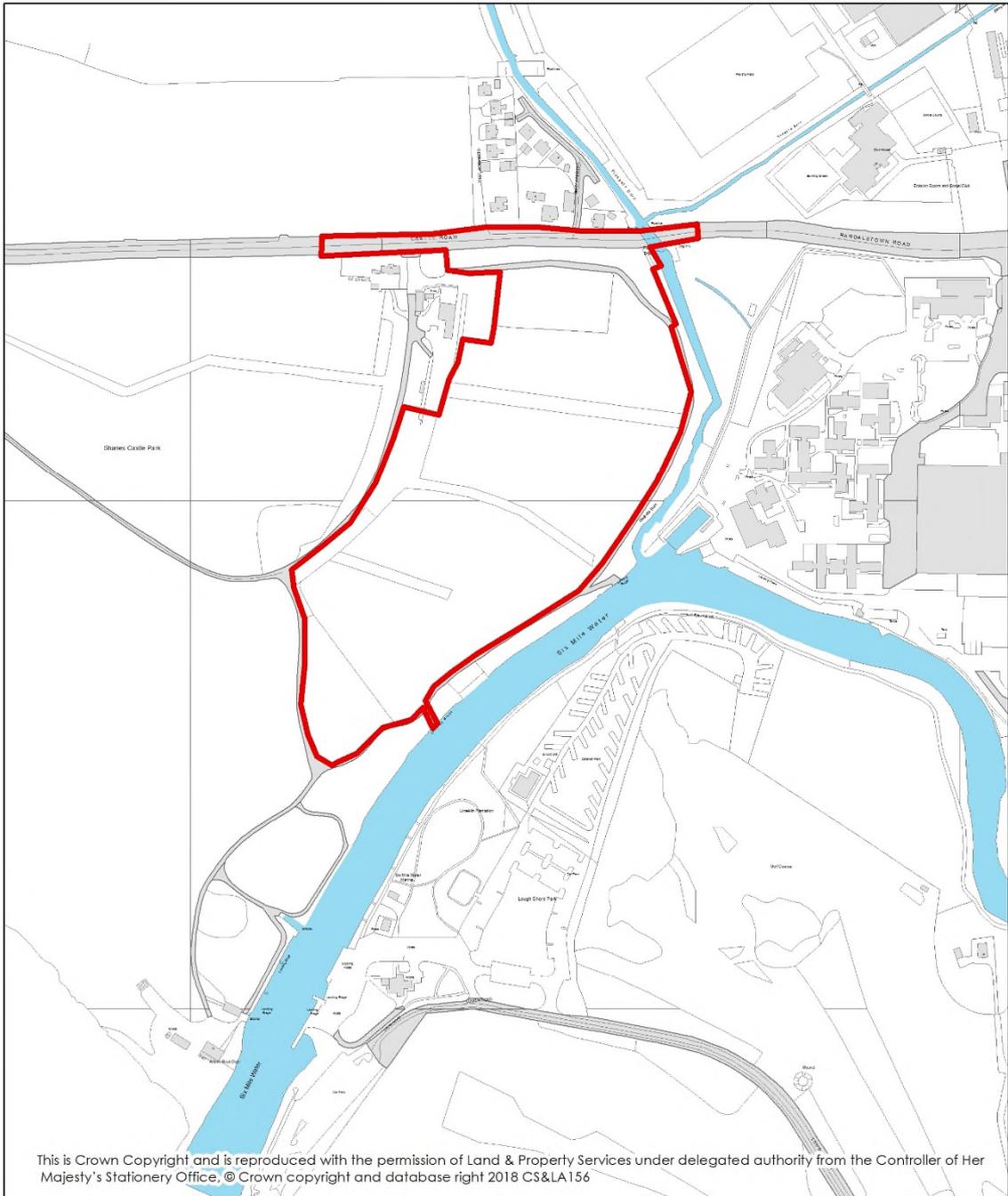
Reason: Protection of environmental receptors to ensure the site is suitable for use.

15. The caravan park hereby permitted shall be used solely for holiday letting accommodation and shall not be used for permanent residences.

Reason: The site is located within the rural area where current planning policy restricts residential development and this consent is hereby granted solely because of its proposed holiday use.

16. The development hereby permitted shall not be commenced until the existing Shane's Castle estate wall has been reinstated behind the required visibility splays in accordance with Doc 02 entitled 'Shane's Castle Caravan Park, Boundary Wall reconstruction Methodology' date stamped 22/02/2018.

Reason: To provide an appropriate access for the development and ensure that the listed wall is reinstated to an appropriate standard in keeping with the character and appearance of the area.



**Location Map**

**Application Reference: LA03/2016/1141/F**

Lands south east of 12 Castle Road, Antrim, BT41 4NA



Caravan park (110 no. static caravan pitches, 52 no. touring caravan or motorhome pitches and 10 no. camping cabins) with amenity building, shower and toilet pods, associated access (including road improvements) and landscaping.

For Information Only

 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.12</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0166/O</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT OUTLINE PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Site of one and a half storey dwelling and integral garage
<b>SITE/LOCATION</b>	Land approx 20m west of 7 and 9 Exchange Avenue Doagh
<b>APPLICANT</b>	Mr Jim McGrugan
<b>AGENT</b>	Ivan McClean
<b>LAST SITE VISIT</b>	16 <sup>th</sup> March 2018
<b>CASE OFFICER</b>	Glenn Kelly Tel: 028 903 40415 Email: <a href="mailto:Glenn.Kelly@antrimandnewtownabbey.gov.uk">Glenn.Kelly@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located on land approximately 20m west of 7 and 9 Exchange Avenue, Doagh. The site is within the settlement limits of Doagh as defined within the draft Belfast Metropolitan Area Plan (draft BMAP).

The site contains a number of small sheds as well as a double detached garage. The eastern boundary is defined by a low dashed wall under 1m in height, whilst the western boundary is defined by a 1.8m close boarded timber fence. The northern boundary facing onto the road is a combination of small wall, open boundary and a taller boundary as one moves west. The southern boundary is defined by an established hedge. The topography of the site is relatively flat and the proposed means of access is onto Exchange Avenue, which is an adopted road.

The site is set within a mainly residential area with a pair of semi-detached dwellings located to the east, a shed to the west and modern townhouses directly to the north on the opposite side of Exchange Avenue. To the south is a private housing development consisting primarily of detached dwellings which is known as "Village Green"

#### **RELEVANT PLANNING HISTORY**

Planning Reference: U/1996/0241  
Location: Land adjacent to Nos.7 and 9 Exchange Avenue, Doagh.  
Proposal: Site for dwelling.  
Decision: Refusal 12.08.1996

#### **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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: The site is located within the settlement limit of Doagh.

Draft Belfast Metropolitan Area Plan: The site is located within the settlement limit of Doagh.

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

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

## **CONSULTATION**

**Council Environmental Health Section** – No objection

**NI Water** – No objection

**DfI Roads** – No objection subject to condition

**Historic Environment Division (HED)** – No Objection

## REPRESENTATION

Twelve (12) neighbouring properties notified and five (5) letters of objection have been received from three (3) properties. The full representations made regarding this proposal are available to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Loss of light affecting both houses to the front and rear of the property
- Concerns over privacy; overlooking
- Increase in noise levels
- Concerns over the potential removal of existing hedging along the southern boundary

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Principle of Development
- Design, Layout, character and Appearance
- Private Amenity
- Parking
- Neighbour Amenity
- Archaeology and Built Heritage
- Other Matters

### Principle of Development

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

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

The Belfast Metropolitan Area Plan 2015 (BMAP) initially operated as the relevant LDP for this area, but its adoption was subsequently declared unlawful by the High Court. At present there is no statutory LDP covering the application site although the provisions of both the Draft Newtownabbey Area Plan 2005 (dNAP) and the Draft Belfast Metropolitan Area Plan (dBMAP) constitute relevant material considerations.

The application site lies within the development limit of Doagh as defined in both dNAP and dBMAP. Neither plan contains any material provisions relevant to proposal and thus consideration falls to regional planning policy provisions.

No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this proposal. Consequently, the relevant policy context is provided by Planning Policy Statement 7 – Quality Residential Environments and the 2nd Addendum to PPS7 – Safeguarding the Character of Established Residential Areas (APPS7).

The application site is located on unzoned land within Doagh. The principle of housing on this site is considered to be acceptable given the mainly residential land uses surrounding, subject to the proposed development creating a quality residential

environment in accordance the Planning Policy Statements stated above and consideration of the advice contained in the Creating Places design guide.

### **Design, Layout , character and Appearance**

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) refers at paragraph 6.137 to the need to deliver increased housing without town cramming and that within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to a number of criteria.

The first criterion(a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. In this instance the applicant requests outline approval for a storey and a half dwelling on the site. An indicative layout has been provided showing the dwelling to be located towards the centre of the site with amenity space to be provided on each side rather than the rear which will be set close to the southern boundary. This is considered acceptable as the majority of the proposed building would sit behind the established building line in accordance with the Creating Places guidance document. Indicative elevations have also been provided which show a storey and a half dwelling with no windows on the rear elevation with the exception of a rooflight within rear slope of the roof. This would be considered acceptable given the lack of views to the rear and would mitigate any impact on the neighbouring properties located to the rear of the site within Village Green.

In relation to the existing character of the area, there is a mix of house types surrounding the site, with two storey townhouses to the front (north), semi-detached two storey to the east and large detached properties to the rear (south). It is not considered that the development of a storey and a half dwelling at this location would cause undue harm to the character of the surrounding area.

Overall it is considered that the indicative design and layout in terms of its form and scale is acceptable and will respect its surrounding context and is appropriate to the character and topography of the site. Further detailing can be assessed under any future reserved matters application submitted.

It is considered appropriate to place a 6.3m ridge height condition on any forthcoming approval and a siting condition, to ensure minimum impact upon surrounding properties and the character of the area. These will be in keeping with the indicative layout submitted.

### **Private Amenity**

Criterion (c) of Policy QD1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity

space is provided in 'Creating Places: Achieving Quality in Residential Developments'. It states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40sqm for any individual house. Creating Places further indicates that development of this nature requires an average of 70sqm. From measuring the indicative block plan this shows that an amount of private amenity space in excess of 70m<sup>2</sup> will be achievable on the site, however this is only achievable through the use of side gardens which means that screen walls or fencing will need to be located along the edge of the site adjacent to Exchange Avenue. It is however, considered acceptable to erect screen walls along the shared private access given the other existing forms of residential development along Exchange Avenue.

### **Parking**

Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total numbers of parking spaces to be provided for residents, visitors and other callers. The indicative block plan does not highlight car parking spaces specifically, but there does appear to be the potential to cater for one car parking space within the curtilage of the site with another within the integral garage proposed. DFI Roads were consulted on the application and have responded with no objection subject to satisfactory car parking arrangement being provided at reserved matters stage.

### **Neighbour Amenity and Impact on Adjacent Land Uses.**

Criterion (h) of Policy QD 1 states that there should be no adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbances.

A total of five letters of objection have been received to the development from three neighbouring properties which were all notified as part of the notification process. The first issue raised is in relation to a loss of light. No.20 Exchange Avenue to the north and 22 Village Green to the south both complain of this issue. It is considered that 22 Village Green will not be unduly affected as this dwelling is located to the south of the proposed development and should not be impacted at all by way of loss of light. No.20 Exchange Avenue is to the north and has potential to be affected, however given the distance of almost 10m between the two dwellings and a potential height condition, there will be significant loss of light arising.

A second issue relates to loss of privacy/overlooking. A number of properties raise this concern. There is fear from neighbours to the rear that the works will lead to the removal of a mature hedge to the southern boundary. It is shown on the plans that the hedgerow is to be retained and this can be conditioned should planning permission be forthcoming. The indicative elevation also shows no windows on the rear elevation except for a roof light. It is considered that this design approach can be incorporated at reserved matters stage to eliminate any potential for overlooking towards the properties in Village Green. With regards the north of the site, there should be no overlooking towards the private amenity spaces of dwellings on the other side of Exchange Avenue. The site is within the settlement limits of Doagh where it is commonplace for dwellings to have opposing front elevations and there is no notable impact on residential amenity.

No.22 Village Green to the south of the site also objects in terms of noise and disturbance. The distance between the objectors house and the site is approximately 15m. It is not clear what additional noise disturbance could emanate from the proposed residential property that would lead to a significant loss of amenity. The area is already built up with a number of existing residential properties in close proximity. The Environmental Health Section was consulted on the proposed development and raised no objections regarding noise.

Concerns were also raised by a number of objectors to the rear (south) of the site relating to the potential removal of the mature hedgerow at the southern boundary and the impact this could have in terms of privacy. Although the agent has stated on indicative plans that this vegetation is to be retained, it can also be conditioned as part of the grant of planning permission should approval of this application be forthcoming.

Having taken all of the objections into account, it is not considered for the reasons outlined above that the concerns raised are determining in this case.

#### **Archaeology and Built Heritage**

Historic Environment Division (HED) was consulted on the application due to the presence of historic monuments in close proximity to the site. HED has responded with no objection to the proposal.

#### **Other Matters**

The Environmental Health Section notes that a building adjacent to the site can accommodate pigeons. They outline that these developments can cause a number of issues and that an informative is placed on any approval to make the applicant aware of this.

### **CONCLUSION**

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

- The principle of development is considered acceptable;
- The indicative design, layout and appearance of the proposed development is considered to be acceptable;
- It is considered that there is no significant impact on the amenity of adjacent residential properties;
- It is considered that the proposed development will not have an adverse impact on the character and quality of this area;
- No access issues with the proposal;
- There is no archaeology or built heritage concerns with this proposal;
- Ridge height condition and siting condition to be placed on any approval.

**RECOMMENDATION :**     **GRANT OUTLINE PLANNING PERMISSION**

### **PROPOSED CONDITIONS**

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
  - i. the expiration of 5 years from the date of this permission; or

- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. Full particulars, detailed plans and sections of the reserved matters required in Conditions 02 and 03 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

5. The existing hedgerow coloured green on the approved plan 01 date stamped 20<sup>th</sup> February 2018 shall be retained at a minimum height of 3 metres and shall be allowed to grow on or as agreed in writing with the Council.

Reason: To ensure the maintenance of screening to the site.

6. The proposed dwelling shall have a maximum ridge height of 6.3 metres above finished floor level

Reason: To ensure that the development is satisfactorily integrated into the surrounding environment in accordance with Planning Policy Statement 7 and the Strategic Planning Policy Statement for Northern Ireland (SPPS)

7. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

8. The front elevation of the proposed dwelling shall be orientated to the northwest and shall be sited in the area shaded yellow on on the approved plan 01 date stamped 20<sup>th</sup> February 2018

Reason: To ensure the dwelling blends with the existing streetscape.

9. The proposed dwelling shall have no glazed areas in the rear (southeastern) elevation of the proposed dwelling.

Reason: To protect the amenity of the dwellings located within Village Green.



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**Location Map**

**Application Reference: LA03/2018/0166/O**

20m west of 7 and 9 Exchange Avenue  
Doagh

Site of one and a half storey dwelling and integral garage

 Site Boundary



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.13</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0546/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Retrospective domestic shed
<b>SITE/LOCATION</b>	11 Grange Drive, Ballyclare
<b>APPLICANT</b>	Mr. Jeff Logan
<b>AGENT</b>	Robert Logan Chartered Architects
<b>LAST SITE VISIT</b>	14 <sup>th</sup> June 2018
<b>CASE OFFICER</b>	Glenn Kelly Tel: 028 903 40415 Email: <a href="mailto:Glenn.kelly@antrimandnewtownabbey.gov.uk">Glenn.kelly@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located at 11 Grange Drive, Ballyclare. The site lies within the settlement limits of Ballyclare as defined within the draft Belfast Metropolitan Area Plan (draft BMAP) and Draft Newtownabbey Area Plan (NAP).

There is a two storey end terrace dwelling on the site with front, side and rear gardens. The shed which is subject to this application is in situ in the side garden. The side and rear gardens are surrounded by a 1.8m high close boarded timber fence, whilst the front garden boundary is defined by a 1m high ranch-style fence. The topography of the site appears to be relatively level. There are also a number of dog kennels/pens adjacent to the shed which is the subject of this application.

The site is set within a residential area with surrounding dwellings being of a similar design and scale to the applicant's dwelling. An area of shared open space exists to the front of the site with vehicular access to the rear. The main Grange Drive road runs adjacent to the site to the west.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2018/0084/CA  
Location: 11 Grange Drive, Ballyclare  
Breach: Alleged unauthorised shed and dog breeding from house  
Decision: Under investigation

#### **PLANNING POLICY**

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

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

Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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: The site is located within the settlement development limit of Ballyclare. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan: The site is located within the settlement development limit of Ballyclare. 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.

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**

No consultations were carried out on this application.

#### **REPRESENTATION**

Twelve (12) neighbouring properties were notified and seven letters of objection have been received, although none of these have an address attached. Three letters of representation have also been received stating "No objection" to the proposal, each of which have an address present. Full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

Only one of the seven letters of objection state why they object to the proposal.

- Noise impact from the fitness equipment being used inside the shed and doors closing on cars arriving
- The shed being used as a gym business rather than domestic shed

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

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

- Preliminary Matters
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Other Matters

### **Preliminary Matters**

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 then the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Belfast Metropolitan Area Plan 2015 (BMAP) initially operated as the relevant LDP for this area, but its adoption was subsequently declared unlawful by the High Court. At present there is no statutory LDP covering the application site although the provisions of both the Draft Newtownabbey Area Plan 2005 (dNAP) and the Draft Belfast Metropolitan Area Plan (dBMAP) constitute relevant material considerations.

The application site lies within the development limit of Ballyclare as defined in both dNAP and dBMAP. Neither plan contains any material provisions relevant to proposal and thus consideration falls to regional planning policy provisions.

No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this proposal. Consequently, the relevant policy context is provided by the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations. Policy EXT1 of APPS7 indicates that planning permission will be granted for a proposal to extend or alter a residential property where four specific criteria are met.

### **Scale, Massing, Design and Appearance**

The application is for the retention of a domestic shed within the side garden of a residential property. The shed sits beyond the front building line of No.11, the host dwelling. The shed is rectangular in shape with a low angle roof. It measures 6.1m in width and has an overall length of 8m. The shed has a maximum height of 3m above ground level. The external walls of the shed is finished in cream coloured profiled metal cladding with brown trims, whilst the roof is completed in brown coloured profiled metal cladding.

Views of the shed are possible from surrounding areas, although these views are somewhat diminished by the presence of a 1.8m close boarded fence which surrounds the structure. Most views include the upper part of the external walls and the roof. These views are not considered so great as to affect the character of the site or the surrounding area.

Although the materials used to construct the shed are not identical to those used to construct the dwelling on the site, metal cladding is common for a building of this nature. The cream colour of the external walls are close to the colour of the lower

half of the existing dwelling, whilst the brown roof is in keeping with the colour of the existing dwelling's roof.

The 3m height of the shed is considered acceptable as it is substantially lower than the dwelling on the site and it can be said that the shed is subordinate to this dwelling in line with the addendum to PPS 7.

It is considered 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.

### **Neighbour Amenity**

It is considered that the proposal does not unduly affect the privacy or amenity of neighbouring residents. There are no external windows on the building which may have the potential to create an overlooking issue, with a single door the only opening on the structure. There will be no overshadowing or loss of light affecting the amenity of any other dwelling mostly due to the low ridge height of the shed and the separation distance to any other property to the north (in excess of 30m).

Seven letters of objection have been received to the development, however only one letter gave reasons for objecting. The reasons were noted as; noise relating to the use of gym equipment and car doors banging; that the shed was being used for a commercial gym rather than for domestic purposes. With relation to the noise issues, it is anticipated that there would not be any significant noise related issues for the retention of a domestic shed, even if that shed was used as a gym by the homeowner. If there would be any unusual levels of noise these issues can be referred to the Council's Environmental Health Section for investigation in the normal manner.

With regards the use of the shed, the application seeks permission for use as a domestic shed and the grant of planning permission for same would not give the applicant permission to operate a business from the site. In the event that a business would operate this matter would require a separate consent. All other objection letters gave no address nor did they state their reasons for objecting thereby making it difficult to ascertain why the objection was submitted or the possible reasons for the objection. As a result of the lack of detail, little weight can be afforded to the letters of objection in the decision making process. Three letters stating "No objection" were also received from surrounding properties.

### **Other Matters**

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. Although it is recognised that the shed consumes a significant degree of the side garden, a total area of private amenity space in excess of 60m<sup>2</sup> is retained which is considered acceptable. The retention of the shed will not cause harm to any existing trees or landscaping.

### **CONCLUSION**

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

- The design of the shed is considered acceptable. It is not unduly prominent and will not harm the character of the site or the surrounding area.

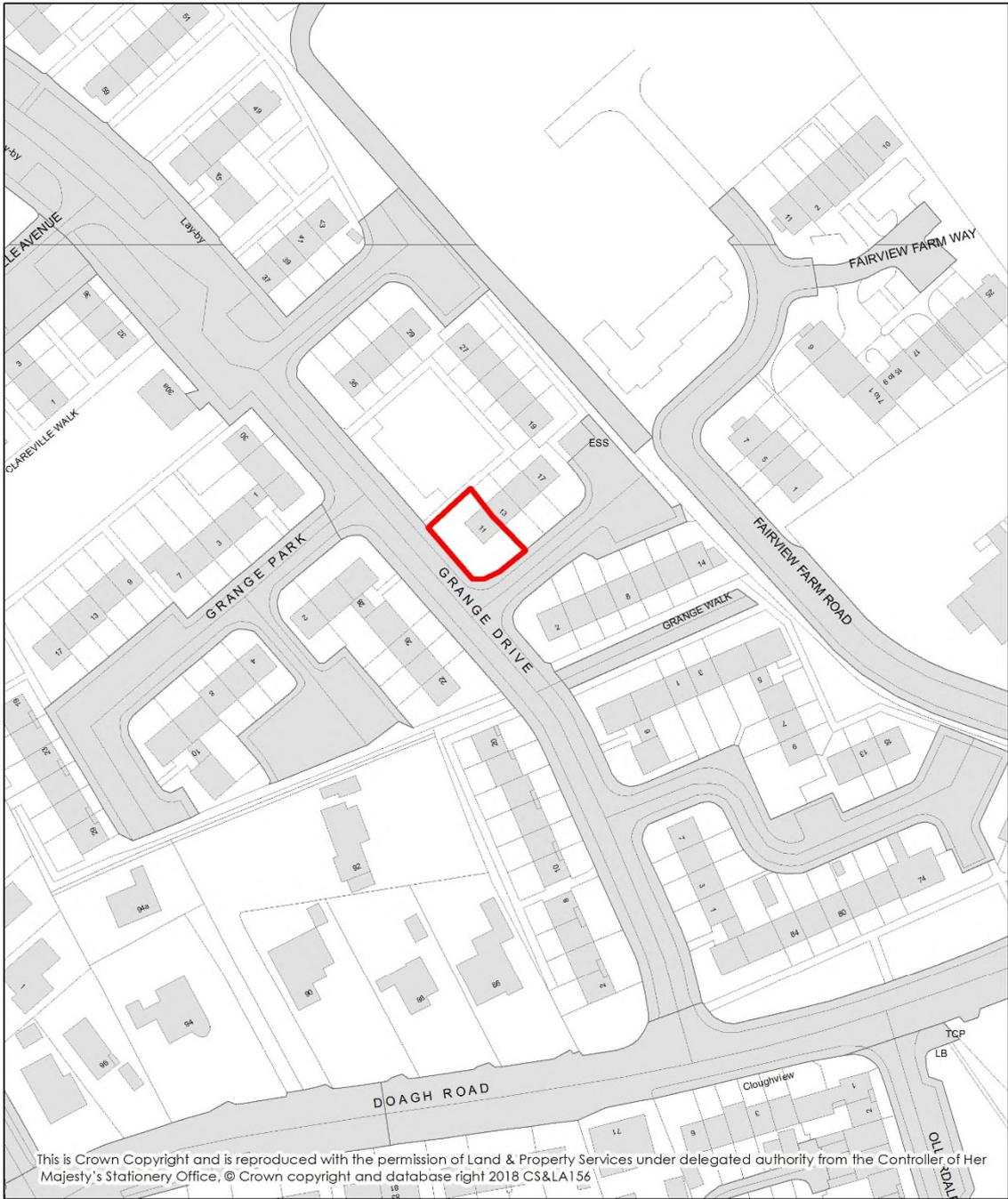
- No neighbouring properties are significantly impacted by the development in terms of overlooking or overshadowing or any other amenity impact.
- There is no loss to trees or other landscape features by way of the development.
- Sufficient amenity space greater than 60m<sup>2</sup> is retained on the site.
- Parking and manoeuvring is unaffected.

**RECOMMENDATION :** GRANT PLANNING PERMISSION

**PROPOSED CONDITION**

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

Reason: This is a retrospective application.



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### Location Map

**Application Reference: LA03/2018/0546/F**

11 Grange Drive, Ballyclare  
BT39 9EY

Site of one and a half storey dwelling and integral garage

 Site Boundary



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.14</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0229/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Change of use from holiday accommodation to residential property.
<b>SITE/LOCATION</b>	4 Dunsilly Terrace, Dunsilly, Antrim, BT41 2JE.
<b>APPLICANT</b>	A & D Kensington Mortgage Company Limited
<b>AGENT</b>	McKinty & Wright Solicitors
<b>LAST SITE VISIT</b>	29/08/2018
<b>CASE OFFICER</b>	James Cairns Tel: 028 903 40403 Email: <a href="mailto:james.cairns@antrimandnewtownabbey.gov.uk">james.cairns@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located in the countryside, outside the development limits of any settlement defined within the Antrim Area Plan 1984–2001. The site is located approximately 0.5 km to the north of the development limit of Antrim Town and is accessed from Milltown Road, some 150 metres west of its junction with Ballymena Road.

Located on the northern side of Milltown Road, some 150 metres to the west of its junction with Ballymena Road, the site comprises a property (No. 4 Dunsilly Terrace) that was approved for use as holiday accommodation together with two adjacent units (Nos. 2 and 3).

The Stables B&B (96 Milltown Road) is located to the south of the properties at Dunsilly Terrace, however, there is no shared vehicular access from the public road, with access to the application site taken some 20 metres further east towards Ballymena Road. This gives the indication that the B&B and the Milltown Terrace holiday accommodation units are separate entities, however, it appears that there may be pedestrian accesses between both sites.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: T/1995/0121

Location: 96 Milltown Road, Antrim.

Proposal: Change of use of farmworkers dwelling and associated outbuildings to tourist accommodation; retention of part of existing unauthorised workshop and conversion thereof to tourist accommodation and stables; retention of dog kennels and training area; retention of stone feature walls along road frontage and closure of unauthorised access.

Decision: Permission Granted (14.07.1995)

Planning Reference: T/1995/0354

Location: 96 Milltown Road, Antrim.

Proposal: Erection of 13 bedroom block to provide extension to tourist accommodation.

Decision: Application Withdrawn (07.09.1995)

Planning Reference: T/1995/0483

Location: 96 Milltown Road, Antrim.

Proposal: Extension to tourist accommodation.

Decision: Permission Granted (01.11.1995)

Planning Reference: T/1996/0058

Location: 96 Milltown Road, Antrim.

Proposal: Extension to tourist accommodation.

Decision: Permission Granted (03.06.1996)

Planning Reference: T/1996/0198

Location: Rear of 96 Milltown Road, Antrim.

Proposal: Demolition of workshop & stores & erection of 3no units  
Of self-catering accommodation.

Decision: Permission Granted (07.11.1996)

Planning Reference: T/1996/0528

Location: 96 Milltown Road, Antrim.

Proposal: Non-compliance with Condition 03 of planning approval reference  
T/1995/0121.

Decision: Allowed at Appeal (24.10.1997)

Planning Reference: T/1997/0437

Location: 96 Milltown Road, Antrim.

Proposal: Change of use of ground floor of main guesthouse to restaurant.

Decision: Permission Refused (08.01.1998)

Planning Reference: T/2000/0728/F

Location: Rear of 96 Milltown Road, Antrim.

Proposal: Change of use from B&B to self-catering apartments.

Decision: Permission Granted (30.10.2002)

Planning Reference: T/2002/0120/F

Location: Rear of 96 Milltown Road, Antrim.

Proposal: Extensions to apartments.

Decision: Permission Granted (07.11.2002)

Planning Reference: T/2003/0431/F

Location: 96 Milltown Road, Antrim.

Proposal: Change of use of Bed & Breakfast to domestic dwelling and retention of  
self-catering tourist apartments.

Decision: Permission Granted (19.09.2003)

Planning Reference: T/2003/1257/F

Location: Rear of 96 Milltown Road, Antrim.

Proposal: The alteration and extension of approved self-catering accommodation.  
(T/2000/0728/F).

Decision: Permission Granted (01.12.2004)

Planning Reference: T/2006/0586/F

Location: 5 Dunsilly Terrace, rear of 96 Milltown Road, Antrim.

Proposal: Single storey rear extension to self-catering cottage.

Decision: Permission Granted (06.12.2006)

Planning Reference: T/2006/0640/F

Location: 4 Dunsilly Terrace, Antrim.

Proposal: Single storey side extension.

Decision: Permission Granted (06.12.2006)

## **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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.

Antrim Area Plan 1984 – 2001: The application site is located in the countryside. 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 16: Tourism: sets out planning policy for tourism development and also for the safeguarding of tourism assets.

PPS 21: 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**

No consultations were carried out on this application

**REPRESENTATION**

Eight (8) 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
- New Residential Development in the Rural Area
- Other Matters

**Principle of Development**

The subject property (No. 4), alongside two neighbouring units (Nos. 2 & 3), were granted full planning permission as self-catering accommodation under application reference T/1996/0198. Condition 3 of this planning permission required that the approved units shall only be used for holiday accommodation and shall not be used as a permanent place of residence.

A further application (T/2006/0640/F) sought full planning permission for a single storey side extension to No. 4, which was approved in December 2006. It is noted that, at the time of application, the property was referred to as a self-catering apartment.

Whilst no supporting statement has been submitted, the agent has advised that the subject property was repossessed in September 2017 and that a mortgage had been secured ten years previous on the basis that the property was residential. Whilst the previous owner of No. 4 held a mortgage for a residential property, there is no indication that the property ceased to be used as a self-catering apartment, or that it was used as a permanent residence. Neither the applicant, nor their agent, have tried to argue that residential use has been ongoing since 2007. In such circumstances, the appropriate vehicle to establish an ongoing use is lawful or not is by way of an application to the Council for the issue of a Certificate of Lawful Use or Development (CLUD). In this case, there is no Certificate in respect of the use of the property, and as such, no other lawful use has been established other than that pertaining to the grant of planning permission for holiday accommodation.

In terms of the proposed development, which is seeking full planning permission for the change of use from holiday accommodation to that of residential, both the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) make provision for the sympathetic conversion and re-use of existing buildings for residential use. Policy within the SPPS refers to a 'locally important building', whilst Policy CTY 4 of PPS 21 refers to a 'suitable building'. Variation then exists between the SPPS and Policy CTY 4 in terms of the type of building deemed appropriate for conversion.

Paragraph 1.12 of the SPPS sets out that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. It further states that, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with

the retained policy, the SPPS should be accorded greater weight in the assessment of individual planning applications.

The building to be converted, is not one of the examples listed in Paragraph 6.73 of the SPPS, however it is acknowledged that the list provided is not exhaustive. The applicant has not demonstrated that the subject property is a locally important building worthy of being retained or reused, nor have they advised that the conversion to a single dwelling would secure its upkeep and retention. Furthermore, the Planning Section has no reason to believe that the property will fall into a state of disrepair in the event that the conversion is not permitted.

When detailed justification for the proposal was sought from the applicant's agent, the resultant email (dated 27 June 2018) advised that the applicant (Kensington Mortgage Company Limited), as mortgagee in possession, must obtain the best price possible when selling repossessed properties. In order to do so, the agent advises that residential use of the property must be allowed. The correspondence further states that the occupancy condition will exclude potential purchasers from being able to acquire the property due to the unavailability of a residential mortgage. Finally, the correspondence states that the applicant would not have agreed to lend on the property had they been aware that it was the subject of an occupancy restriction for holiday accommodation, and not as a permanent place of residence.

A further email from the agent dated 16 August 2018 identifies a second property on the site (No. 2 Dunsilly Terrace) that has been advertised online on [www.mayfairandmorgan.com](http://www.mayfairandmorgan.com). The advertisement describes this property as a cottage, however, there is no indication that the rental relates to holiday accommodation, or that it is related to tourism. Furthermore, the lease is for a minimum of 12 months. Whilst this raises the potential that a second property within Dunsilly Terrace may be currently used for residential purposes, this does not overcome the requirement to provide justification for the current proposal.

The applicant/agent relies heavily on the rationale that, the change of use of the property from holiday accommodation to that of residential, is the only means that will facilitate a favourable financial return. It is apparent that the consideration to sell the property as tourist accommodation was dismissed at the outset.

It is considered that the principle of development has not been established as the proposed change of use of the property from tourist accommodation to residential use is contrary to policy, in that the building to be converted is not considered to be a locally important building.

### **New Residential Development in the Rural Area**

Policy TSM 5 of Planning Policy Statement 16: Tourism (PPS 16) relates to the development of self catering accommodation in the countryside. This policy states that any grant of planning permission will carry within it a condition requiring the units to be used for holiday letting accommodation only and not for permanent residential accommodation. It is the case that the development of the building which is the subject of this application was only permitted due to the proposal being for self catering holiday accommodation and a condition restricting its use was justifiably included on the grant of planning permission. The rationale for such condition is underpinned by Policy CTY1 of Planning Policy Statement 21 Sustainable

Development in the Countryside which establishes that new residential development will only be permitted in a limited range of circumstances. The subject proposal to change the use of a self-catering holiday accommodation to a private dwelling is not one of the noted types of residential accommodation which would be acceptable in the countryside.

It is nevertheless accepted that other material planning considerations could outweigh the provisions of the established Policy. The agent, in their email dated 16 August 2018, identifies examples of other competing tourist accommodation located nearby (namely Dunsilly Hotel and Stables B&B). Whilst it is acknowledged that there is alternative tourist accommodation in close proximity to this location, the applicant/agent has failed to provide any comprehensive figures or detailed analysis relating to tourist accommodation within the Borough which would effectively establish that the subject building does not remain viable for use as self catering accommodation or that its loss would not impact detrimentally on the need to provide a range of suitable tourism accommodation within the Borough. Furthermore, it is considered that, should the change of use of this property be allowed on this occasion, it is likely that the remaining properties within Dunsilly Terrace that are subject to similar occupancy conditions, would be lost to permanent residential use, thereby resulting in the loss of additional tourism assets. It is considered that such a consequence could potentially undermine the tourism potential of the Borough.

It is considered that the proposed development is unacceptable as the conversion of the building would result in the loss of tourism accommodation.

#### **Other Matters**

The agent has confirmed that the proposal does not involve any alterations to the external appearance or the internal layout. Furthermore, there are no changes detailed with regard to the existing access and parking arrangements within the site. It is considered that the design, layout and appearance of the proposed development are acceptable.

#### **CONCLUSION**

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

- The principle of development has not been established, as the building to be converted to permanent residential use is not considered to be locally important.
- It is considered that the use of the building for private residential use in the countryside does not fall within any of the acceptable forms of development noted in PPS21.
- It is considered that the conversion and reuse of the property would result in the loss of a tourism accommodation.
- It is considered that the indicative design, layout and appearance of the proposed development is acceptable.

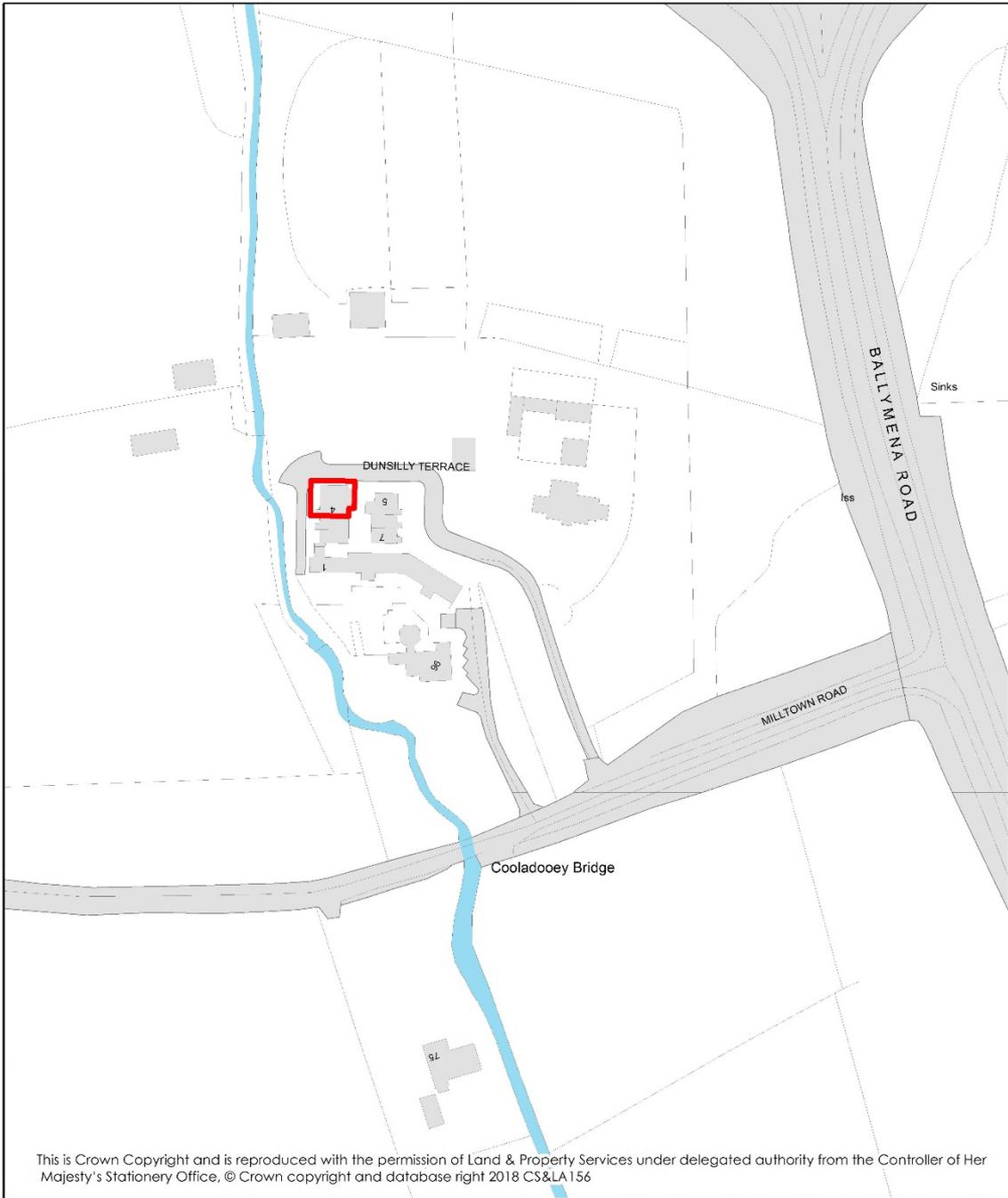
**RECOMMENDATION :** REFUSE PLANNING PERMISSION

#### **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement relating to the conversion and re-use of existing buildings in the

countryside for residential use in that the building which is the subject of the application is not considered to be a locally important building.

2. The change of use from self-catering accommodation to a private residential dwelling would be contrary to the policy provisions of the Strategic Planning Policy Statement, Policy CTY 1 of PPS 21 and Policy TSM 5 of PPS 16 as the proposal would result in the use of building as a single dwelling and there is no justification for this use at this location.
3. The change of use from self-catering accommodation to a private residential dwelling would be contrary to the policy provisions of the Strategic Planning Policy Statement and Policy TSM 5 of PPS 16 as the policy prohibits the use of self-catering accommodation for permanent residential use.



**Location Map**

**Application Reference: LA03/2018/0229/F**

4 Dunsilly Terrace, Dunsilly, Antrim.

Change of use from holiday accommodation to residential property

 Site Boundary



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.15</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0230/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Removal of Condition 3 restricting permanent residency from approval T/1996/0198 (Demolition of workshop and stores & erection of 3 No. self-catering accommodation units)
<b>SITE/LOCATION</b>	4 Dunsilly Terrace, Dunsilly, Antrim, BT41 2JE.
<b>APPLICANT</b>	A & D Kensington Mortgage Company Limited
<b>AGENT</b>	McKinty & Wright Solicitors
<b>LAST SITE VISIT</b>	29/08/2018
<b>CASE OFFICER</b>	James Cairns Tel: 028 903 40403 Email: <a href="mailto:james.cairns@antrimandnewtownabbey.gov.uk">james.cairns@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located in the countryside, outside the development limits of any settlement defined within the Antrim Area Plan 1984–2001. The site is located approximately 0.5km to the north of the development limit of Antrim Town, and is accessed from Milltown Road, some 150 metres west of its junction with Ballymena Road.

Located on the northern side of Milltown Road, some 150 metres to the west of its junction with Ballymena Road, the site comprises a property (No. 4 Dunsilly Terrace) that was approved for use as holiday accommodation together with two adjacent units (Nos. 2 and 3).

The Stables B&B (96 Milltown Road) is located to the south of the properties at Dunsilly Terrace, however, there is no shared vehicular access from the public road, with access to the application site taken some 20 metres further east towards Ballymena Road. This gives the indication that the B&B and the Milltown Terrace holiday accommodation units are separate entities, however, it appears that there may be pedestrian accesses between both sites.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: T/1995/0121

Location: 96 Milltown Road, Antrim.

Proposal: Change of use of farmworkers dwelling and associated outbuildings to tourist accommodation; retention of part of existing unauthorised workshop and conversion thereof to tourist accommodation and stables; retention of dog kennels and training area; retention of stone feature walls along road frontage and closure of unauthorised access.

Decision: Permission Granted (14.07.1995)

Planning Reference: T/1995/0354  
Location: 96 Milltown Road, Antrim.  
Proposal: Erection of 13 bedroom block to provide extension to tourist accommodation.  
Decision: Application Withdrawn (07.09.1995)

Planning Reference: T/1995/0483  
Location: 96 Milltown Road, Antrim.  
Proposal: Extension to tourist accommodation.  
Decision: Permission Granted (01.11.1995)

Planning Reference: T/1996/0058  
Location: 96 Milltown Road, Antrim.  
Proposal: Extension to tourist accommodation.  
Decision: Permission Granted (03.06.1996)

Planning Reference: T/1996/0198  
Location: Rear of 96 Milltown Road, Antrim.  
Proposal: Demolition of workshop & stores & erection of 3no units Of self-catering accommodation.  
Decision: Permission Granted (07.11.1996)

Planning Reference: T/1996/0528  
Location: 96 Milltown Road, Antrim.  
Proposal: Non-compliance with Condition 03 of planning approval reference T/1995/0121.  
Decision: Allowed at Appeal (24.10.1997)

Planning Reference: T/1997/0437  
Location: 96 Milltown Road, Antrim.  
Proposal: Change of use of ground floor of main guesthouse to restaurant.  
Decision: Permission Refused (08.01.1998)

Planning Reference: T/2000/0728/F  
Location: Rear of 96 Milltown Road, Antrim.  
Proposal: Change of use from B&B to self-catering apartments.  
Decision: Permission Granted (30.10.2002)

Planning Reference: T/2002/0120/F  
Location: Rear of 96 Milltown Road, Antrim.  
Proposal: Extensions to apartments.  
Decision: Permission Granted (07.11.2002)

Planning Reference: T/2003/0431/F  
Location: 96 Milltown Road, Antrim.  
Proposal: Change of use of Bed & Breakfast to domestic dwelling and retention of self-catering tourist apartments.  
Decision: Permission Granted (19.09.2003)

Planning Reference: T/2003/1257/F  
Location: Rear of 96 Milltown Road, Antrim.

Proposal: The alteration and extension of approved self-catering accommodation. (T/2000/0728/F).

Decision: Permission Granted (01.12.2004)

Planning Reference: T/2006/0586/F

Location: 5 Dunsilly Terrace, rear of 96 Milltown Road, Antrim.

Proposal: Single storey rear extension to self-catering cottage.

Decision: Permission Granted (06.12.2006)

Planning Reference: T/2006/0640/F

Location: 4 Dunsilly Terrace, Antrim.

Proposal: Single storey side extension.

Decision: Permission Granted (06.12.2006)

### **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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.

Antrim Area Plan 1984 – 2001: The application site is located in the countryside. 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 16: Tourism: sets out planning policy for tourism development and also for the safeguarding of tourism assets.

PPS 21: 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**

No consultations were carried out on this application

#### **REPRESENTATION**

Eight (8) 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
- New Residential Development in the Rural Area
- Other Matters

##### **Principle of Development**

The subject property (No. 4), alongside two neighbouring units (Nos. 2 & 3), were granted full planning permission as self-catering accommodation under application reference T/1996/0198. Condition 3 of this planning permission required that the approved units shall only be used for holiday accommodation and shall not be used as a permanent place of residence.

A further application (T/2006/0640/F) sought full planning permission for a single storey side extension to No. 4, which was approved in December 2006. It is noted that, at the time of application, the property was referred to as a self-catering apartment.

Whilst no supporting statement has been submitted, the agent has advised that the subject property was repossessed in September 2017 and that a mortgage had been secured ten years previous on the basis that the property was residential. Whilst the previous owner of No. 4 held a mortgage for a residential property, there is no indication that the property ceased to be used as a self-catering apartment, or that it was used as a permanent residence. Neither the applicant, nor their agent, have tried to argue that residential use has been ongoing since 2007. In such circumstances, the appropriate vehicle to establish an ongoing use is lawful or not is by way of an application to the Council for the issue of a Certificate of Lawful Use or Development (CLUD). In this case, there is no Certificate in respect of the use of the property, and as such, no other lawful use has been established other than that pertaining to the grant of planning permission for holiday accommodation.

In terms of the proposed development, which is seeking full planning permission for the change of use from holiday accommodation to that of residential, both the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) make provision for the sympathetic conversion and re-use of existing buildings for residential use. Policy within the SPPS refers to a 'locally important building', whilst Policy CTY 4 of PPS 21 refers to a 'suitable building'. Variation then exists between the SPPS and Policy CTY 4 in terms of the type of building deemed appropriate for conversion.

Paragraph 1.12 of the SPPS sets out that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. It further states that, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy, the SPPS should be accorded greater weight in the assessment of individual planning applications.

The building to be converted, is not one of the examples listed in Paragraph 6.73 of the SPPS, however it is acknowledged that the list provided is not exhaustive. The applicant has not demonstrated that the subject property is a locally important building worthy of being retained or reused, nor have they advised that the conversion to a single dwelling would secure its upkeep and retention. Furthermore, the Planning Section has no reason to believe that the property will fall into a state of disrepair in the event that the conversion is not permitted.

When detailed justification for the proposal was sought from the applicant's agent, the resultant email (dated 27 June 2018) advised that the applicant (Kensington Mortgage Company Limited), as mortgagee in possession, must obtain the best price possible when selling repossessed properties. In order to do so, the agent advises that residential use of the property must be allowed. The correspondence further states that the occupancy condition will exclude potential purchasers from being able to acquire the property due to the unavailability of a residential mortgage. Finally, the correspondence states that the applicant would not have agreed to lend on the property had they been aware that it was the subject of an occupancy restriction for holiday accommodation, and not as a permanent place of residence.

A further email from the agent dated 16 August 2018 identifies a second property on the site (No. 2 Dunsilly Terrace) that has been advertised online on [www.mayfairandmorgan.com](http://www.mayfairandmorgan.com). The advertisement describes this property as a cottage, however, there is no indication that the rental relates to holiday accommodation, or that it is related to tourism. Furthermore, the lease is for a minimum of 12 months. Whilst this raises the potential that a second property within Dunsilly Terrace may be currently used for residential purposes, this does not overcome the requirement to provide justification for the current proposal.

The applicant/agent relies heavily on the rationale that, the change of use of the property from holiday accommodation to that of residential, is the only means that will facilitate a favourable financial return. It is apparent that the consideration to sell the property as tourist accommodation was dismissed at the outset.

It is considered that the principle of development has not been established as the proposed change of use of the property from tourist accommodation to residential use is contrary to policy, in that the building to be converted is not considered to be a locally important building.

### **New Residential Development in the Rural Area**

Policy TSM 5 of Planning Policy Statement 16: Tourism (PPS 16) relates to the development of self catering accommodation in the countryside. This policy states that any grant of planning permission will carry within it a condition requiring the units to be used for holiday letting accommodation only and not for permanent residential accommodation. It is the case that the development of the building which is the

subject of this application was only permitted due to the proposal being for self catering holiday accommodation and a condition restricting its use was justifiably included on the grant of planning permission. The rationale for such condition is underpinned by Policy CTY1 of Planning Policy Statement 21 Sustainable Development in the Countryside which establishes that new residential development will only be permitted in a limited range of circumstances. The subject proposal to change the use of a self-catering holiday accommodation to a private dwelling is not one of the noted types of residential accommodation which would be acceptable in the countryside.

It is nevertheless accepted that other material planning considerations could outweigh the provisions of the established Policy. The agent, in their email dated 16 August 2018, identifies examples of other competing tourist accommodation located nearby (namely Dunsilly Hotel and Stables B&B). Whilst it is acknowledged that there is alternative tourist accommodation in close proximity to this location, the applicant/agent has failed to provide any comprehensive figures or detailed analysis relating to tourist accommodation within the Borough which would effectively establish that the subject building does not remain viable for use as self catering accommodation or that its loss would not impact detrimentally on the need to provide a range of suitable tourism accommodation within the Borough. Furthermore, it is considered that, should the change of use of this property be allowed on this occasion, it is likely that the remaining properties within Dunsilly Terrace that are subject to similar occupancy conditions, would be lost to permanent residential use, thereby resulting in the loss of additional tourism assets. It is considered that such a consequence could potentially undermine the tourism potential of the Borough.

It is considered that the proposed development is unacceptable as the conversion of the building would result in the loss of tourism accommodation.

#### **Other Matters**

The agent has confirmed that the proposal does not involve any alterations to the external appearance or the internal layout. Furthermore, there are no changes detailed with regard to the existing access and parking arrangements within the site. It is considered that the design, layout and appearance of the proposed development are acceptable.

#### **CONCLUSION**

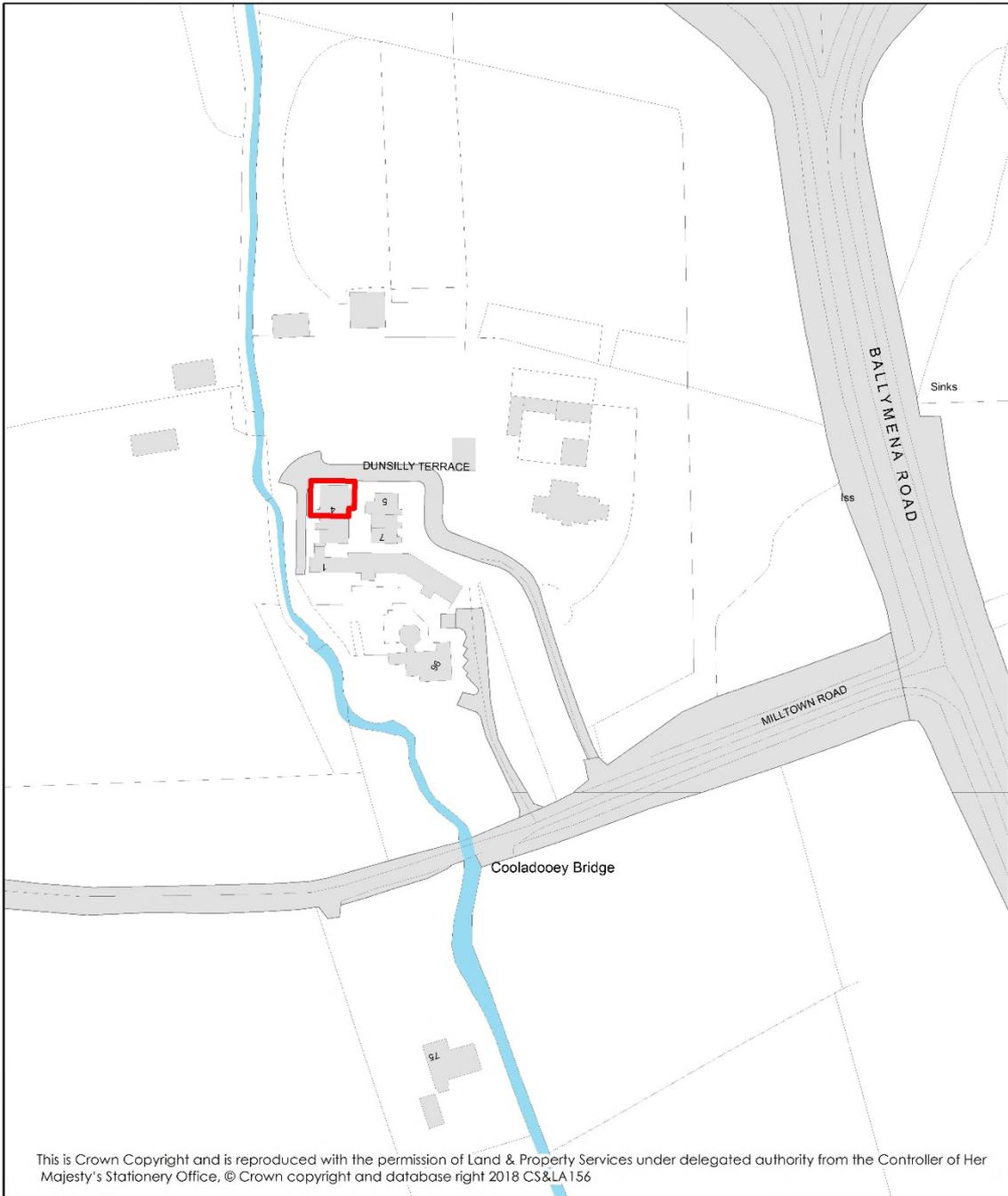
The following is a summary of the main reason(s) for the recommendation:

- The principle of development has not been established, as the building to be converted to permanent residential use is not considered to be locally important.
- It is considered that the use of the building for private residential use in the countryside does not fall within any of the acceptable forms of development noted in PPS21.
- It is considered that the conversion and reuse of the property would result in the loss of a tourism accommodation.
- It is considered that the indicative design, layout and appearance of the proposed development is acceptable.

<b>RECOMMENDATION :</b>	<b>REFUSE PLANNING PERMISSION</b>
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#### **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement relating to the conversion and re-use of existing buildings in the countryside for residential use in that the building which is the subject of the application is not considered to be a locally important building.
2. The change of use from self-catering accommodation to a private residential dwelling would be contrary to the policy provisions of the Strategic Planning Policy Statement, Policy CTY 1 of PPS 21 and Policy TSM 5 of PPS 16 as the proposal would result in the use of building as a single dwelling and there is no justification for this use at this location.
3. The change of use from self-catering accommodation to a private residential dwelling would be contrary to the policy provisions of the Strategic Planning Policy Statement and Policy TSM 5 of PPS 16 as the policy prohibits the use of self-catering accommodation for permanent residential use.



**Location Map**

**Application Reference: LA03/2018/0230/F**

4 Dunsilly Terrace, Dunsilly, Antrim.

Removal of Condition 3 restricting permanent residency from approval T/1996/0198 (Demolition of workshop & stores & erection of 3No. self catering accommodation units)

 Site Boundary



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.16</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0518/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Site for dwelling and garage on a farm
<b>SITE/LOCATION</b>	30metres approx. east of 11 Moneyrod Road, Randalstown
<b>APPLICANT</b>	Mr. David Percy
<b>AGENT</b>	Ivan McClean
<b>LAST SITE VISIT</b>	27.06.2018
<b>CASE OFFICER</b>	Orla Burns Tel: 028 903 40408 Email: <a href="mailto:orla.burns@antrimandnewtownabbey.gov.uk">orla.burns@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located approximately 30 metres east of 11 Moneyrod Road, Randalstown. The site is located within the countryside and outside of any settlement limits as defined by the Antrim Area Plan 1984-2001.

The site comprises a portion of a larger agricultural field which is set back approximately 230 metres from the Moneyrod Road. The northeastern boundary of the application site is physically undefined. The southeastern and southwestern boundaries are defined by mature hedging and trees approx. 5metres in height. The remaining northwestern boundary is defined by a post and wire fence.

The application has proposed to close the existing access to the laneway and create a new access some 90 metres north of the existing. The new access will be used to access private dwellings and agricultural fields.

The area has a rural character with a number of single dwellings and small farm groups. A rath is situated 140 metres to the northwest of the application site.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: T/2000/0366/O  
Location: Approx. 50m North of 11 Moneyrod, Randalstown.  
Proposal: New dwelling and garage  
Decision: Application Withdrawn 09.08.2000

Planning Reference: T/2000/0673/F  
Location: Adjacent to 11 Moneyrod Road, Randalstown  
Proposal: Dwelling and garage  
Decision: Permission Granted 11.10.2000

Planning Reference: T/2012/0252/F  
Location: 210m NE of 10 Moneyrod Road, Randalstown, BT41 3HR

Proposal: Overhead Power line  
Decision: Application Withdrawn 09.08.2000

Planning Reference: LA03/2018/0263/CA  
Location: Approx. 30m East Of, 11 Moneyrod Road, Randalstown  
Proposal: Alleged unauthorised caravan  
Decision: Enforcement Case Closed 21.08.2018

### **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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.

Antrim Area Plan 1984 – 2001: The Plan offers no specific guidance on this proposal.

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

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

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

**NI Water** - No Objections

**DfI Roads** - No Objections

**DEARA** – Advice and guidance provided

**REPRESENTATION**

One (1) neighbouring property was 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
- Integration & Character
- Other Matters

**Principle of Development**

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period Planning Authorities will apply existing policy contained within identified policy documents together with the SPPS. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. Policy CTY1 of PPS21 sets out the types of development that are considered acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY 10.

Policy CTY 10 states that all of the following criteria must be met:

- (a) The farm business is currently active and has been established for at least 6 years;
- (b) No dwellings or development opportunities out-with the settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm.

The Department for Agriculture Environment and Rural Affairs (DAERA) were consulted on the proposal with regards to the Farm ID submitted as part of the application. DEARA responded stating the Farm Business ID identified on the P1C form had been in existence for more than 6 years, and that the business had claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes within the last 6 years. However, DEARA clarified that no claims had been submitted since 2013 (5years), although claims had been made between years 2005-2013. DEARA also stated the proposed site is located on land associated with another Farm Business.

With this information provided from DEARA, the Council contacted the agent without prejudice to request evidence to show that the farm in question has been actively farming since 2013. Additional information was provided in the form of 5 invoices showing the hiring of a hedge cutter for 2 days in 2014, the hire of a digger in 2015, 2 days rental for a tractor and cutter in 2016, 2 day hire of a post driver In 2017 and receipt of farm supplies in 2017.

As previously stated DEARA confirmed that whilst the application site is not registered with another business, the land forming the associated farm holding is linked to another farm business. The associated land is registered under another farm Business ID in the name of Allen Farms, located at 32 Aughaloughan Road, Randalstown. DEARA has confirmed this business has claimed single farm payment in 2014 and Basic Payment Scheme from 2015-2018. In light of this information, the Council considers that the applicant has leased his land and is effectively being farmed by another farm business.

The farm map submitted with the application identifies one dwelling (No. 11a Moneyrod Road) which is located just outside the farmlands identified on the map. The planning history of the property suggests that permission was sought for this dwelling by way of a full application in 2000 under planning reference T/2000/0673/F. It is apparent that these lands once formed part of the wider farm. However, as these approvals are dated prior to 25 November 2008, it is considered that the proposal does not conflict with Criterion (b) of Policy CTY 10, which states that no development opportunities should have been sold off the holding after 25 November 2008.

Criterion (c) of Policy CTY10 states the new building is visually linked or sited to cluster with an established group of buildings on the farm. Given that it has not been possible to establish that the farm business is currently active, it is not possible to visually link the proposed dwelling with any buildings associated with an active farm business.

It is therefore considered that the principle of a dwelling on this farm is not acceptable as it does not comply with Criterion (a) and Criterion (c) set out within Policy CTY10 in that the farm is currently not currently active nor would a proposed dwelling be visually linked or sited to a cluster of established farm buildings.

### **Integration & Character**

The SPPS paragraph. 6.70 states that all development in the countryside must integrate into its setting and respect rural character. Policies CTY 13 and CTY 14 of PPS21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and where it does not cause a detrimental change to, or further erode the rural character of an area.

In this case, the application site is set approximately 230m northeast from the public road and located east of an existing dwelling (No. 11 Moneyrod Road). The southeastern and southwestern boundaries are defined by mature hedging and trees approximately 5metres in height. The remaining northwestern boundary is defined by a post and wire fence and the northeastern boundary of the application site is physically undefined. Due to these factors, it is considered views of the site would be minimal when travelling along the Moneyrod Road, and it is considered a dwelling with a low ridge height (5.5 metres) would integrate into the surrounding landscape and would not have an adverse impact on the rural character of the area.

### **Other Matters**

The application propose to close the existing access and create a new access some 90metres north of the existing laneway. The new access will be used to access

private dwellings and agricultural fields. DFI Roads has not raised any objection to the proposal, subject to conditions.

### **CONCLUSION**

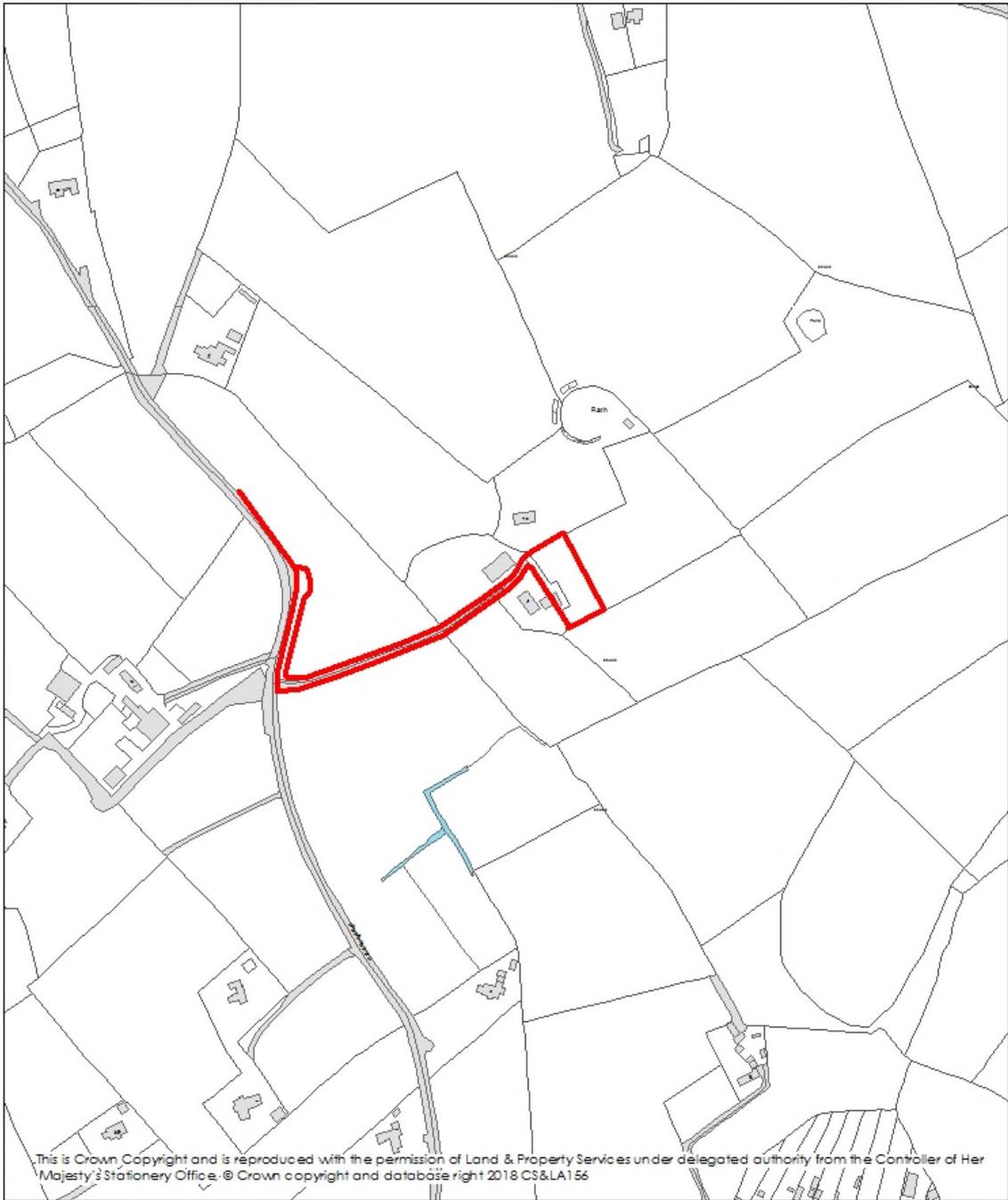
The following is a summary of the main reasons for the recommendation:

- The principle of the development has not been established as the farm business has not been active for the last five years.
- As there is no active farm business the proposed dwelling cannot visually link with buildings associated with that farm business.
- A dwelling will integrate on the site.

**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 CTY1 and CTY10 of PPS 21: Sustainable Development in the Countryside, and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 1 and CTY 10 of PPS 21: Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm holding given that there is no active farm business.



**Location Map**

**Application Reference: LA03/2018/0518/O**

30m approx east of 11 Moneyrod Road  
Randalstown

Site of Dwelling and Garage on a farm.

 Site Boundary



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.17</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0543/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Retention of domestic garage and extension to domestic curtilage
<b>SITE/LOCATION</b>	1 Brecart Road, Toomebridge
<b>APPLICANT</b>	Mr C Graham
<b>AGENT</b>	Versatile Consultancy
<b>LAST SITE VISIT</b>	28 <sup>th</sup> August 2018
<b>CASE OFFICER</b>	Alexandra Cooney Tel: 028 903 40216 Email: <a href="mailto:alexandra.cooney@antrimandnewtownabbey.gov.uk">alexandra.cooney@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located at No. 1 Brecart Road, Toome but lies outside of the settlement development limit defined in the Antrim Area Plan 1984-2001 and therefore falls within the rural area. The application site consists of a large detached bungalow, a group of outbuildings and the subject garage building which already exists on site.

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.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: T/1987/0271  
Location: 1 Brecart Road, Toome Bridge  
Proposal: Domestic Store  
Decision: Permission Granted

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, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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.

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**

**Historic Environment Division- No Objection**

**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:

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

**Principle of Development**

The proposal is for the extension of the domestic curtilage and retention of a domestic garage. 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 is 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). It was considered appropriate to afford the applicant the opportunity to advise how the proposal could be considered an exception to policy. This was initially requested on 22<sup>nd</sup> June 2018. To date no evidence has been submitted by the applicant to demonstrate that the proposal can meet the 'exceptions test'.

It is important to note that the applicant was also afforded the opportunity to submit further detailed information in relation to flooding based on new and up to date information. This information was requested on 10<sup>th</sup> July 2018 and has not yet been provided.

The garage is of a significant size, is accessed via a separate laneway and lies outside the established curtilage of the dwelling. As a consequence there are

concerns that the shed may be used for commercial purposes and the case is subject to ongoing enforcement action. No evidence has been submitted to demonstrate that the garage is not used for commercial purposes other than the description of development on the P1 application form. An Enforcement Notice has been issued for the unauthorised construction and use of the garage as a vehicle repair workshop and that notice has taken effect and the landowner has been subject to prosecution for the unauthorised use in the Courts.

In the absence of any other information, the Council considers that the development does not fall under the exceptions test for Minor Development in the floodplain as; the development is outside the established curtilage of the dwelling and the building was not constructed for domestic purposes. In the circumstances the development is considered contrary to the policy provisions of Policy FLD 1 of PPS 15 as the development is likely to be at risk of flooding and may increase the risk of flooding elsewhere.

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

Notwithstanding the extension to the domestic curtilage, 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.

As noted above the proposal is for the retention a domestic garage on site and also for the extension to the domestic curtilage of No. 1 Brecart Road. The 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. Given the scale of the subject garage and the separate laneway used to facilitate access there are concerns that the shed may be used for commercial purposes. No evidence has been submitted to demonstrate that the garage is not used for commercial purposes; however this was not specifically requested given the other concerns in relation to principle.

Notwithstanding this, the subject garage is still considered to be subordinate in scale when compared with the existing dwelling house and given the substantial screening afforded by the mature vegetation there are also limited to public views of said garage meaning 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.

### **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 as there did not appear to have been any trees within the area of the proposed shed.

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.

### **CONCLUSION**

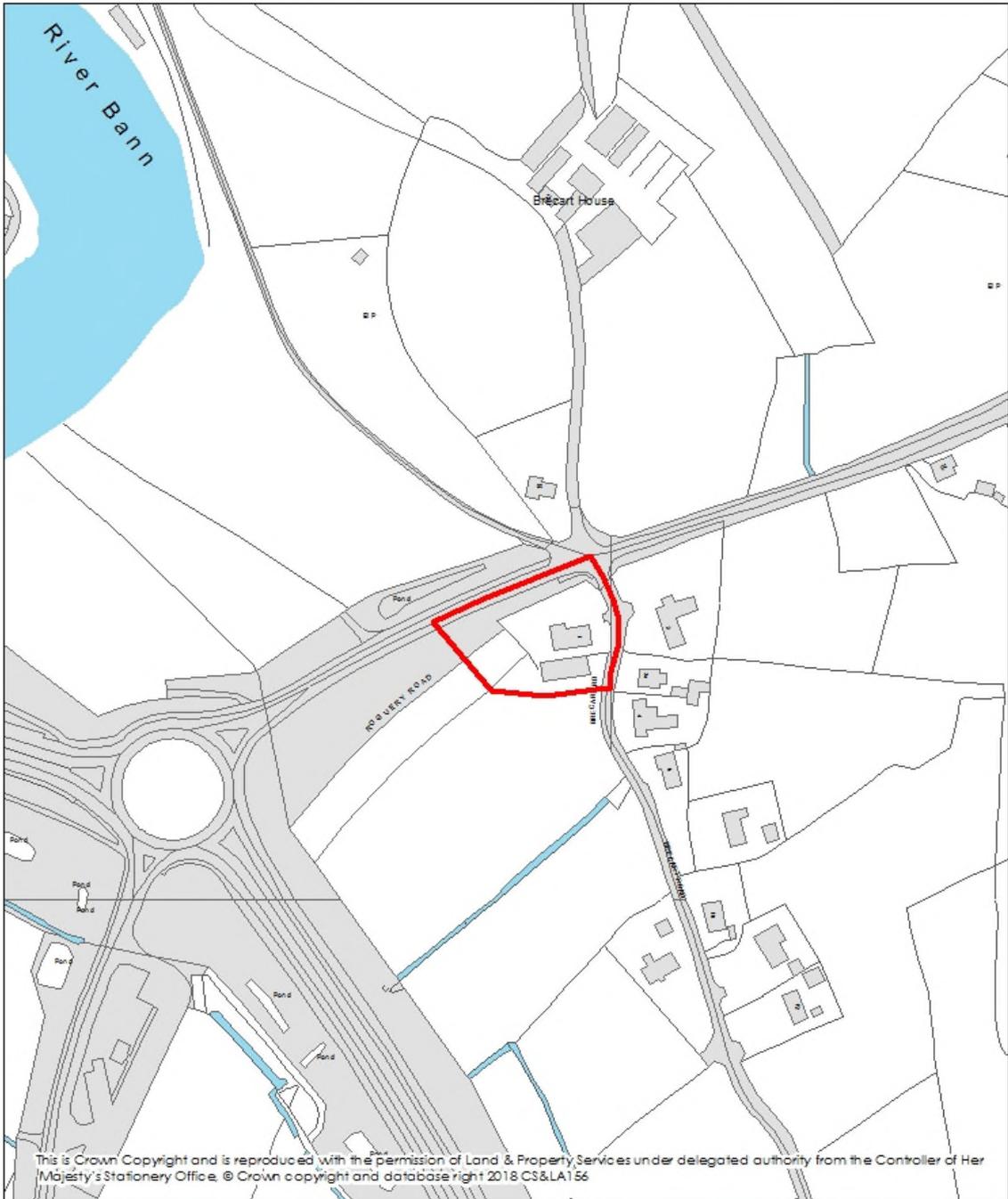
The following is a summary of the main reasons for the recommendation:

- The principle of the development cannot be established on site given the issues raised in relation to flooding.
- 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.
- 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 :**    **REFUSE PLANNING PERMISSION**

### **PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy FLD 1 of PPS 15 in that the proposed development would, if permitted, be located within the Q100 fluvial flood plain, and would be at risk from flooding and is likely to increase the risk of flooding elsewhere.



**Location Map**

**Application Reference: LA03/2018/0543/F**

1 Brecart Road, Toomebridge, BT41 3TH

Retention of domestic garage and extension to domestic curtilage



For Information Only

 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.18</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0585/A</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE ADVERTISEMENT CONSENT</b>

<b>PROPOSAL</b>	Two free standing 48 sheet display panels.
<b>SITE/LOCATION</b>	Adjacent to No. 5 Main Street, Ballyclare
<b>APPLICANT</b>	Clear Channel NI Ltd
<b>AGENT</b>	N/A
<b>LAST SITE VISIT</b>	9 <sup>th</sup> July 2018
<b>CASE OFFICER</b>	Orla Burns Tel: 028 903 40408 Email: <a href="mailto:orla.burns@antrimandnewtownabbey.gov.uk">orla.burns@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located adjacent to No. 5 Main Street, Ballyclare. The site is within the development limits of Ballyclare, and within an area of Townscape Character as defined by the Draft Belfast Metropolitan Plan.

The application site is currently vacant land, and all boundaries are defined by a 2.5 metre high black palisade fence. There is an area of open space located directly to the southeast of the application site.

The application seeks advertising consent for two proposed free standing 48 sheet display panels to be located on the southeastern boundary of the application site looking onto the open land and towards the junction of Mill Road and Main Street.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2016/0219/CA  
Location: Opposite 7 Main Street, Ballyclare  
Proposal: Unauthorised use of land for the sale, leasing and storage of trailers.  
Decision: Enforcement Case Closed 13.12.2016

Planning Reference: LA03/2016/0220/CA  
Location: Opposite 7 Main Street, Ballyclare  
Proposal: Unauthorised advertisements (slimming world)  
Decision: Enforcement Case Closed 13.12.2016

Planning Reference: LA03/2017/0151/CA  
Location: Opposite 7 Main Street, Ballyclare  
Proposal: Alleged unauthorised car sales  
Decision: Enforcement Case Closed 13.06.2017

## PLANNING POLICY

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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: The site is located within Ballyclare Town Centre. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan: The site is located in Ballyclare Town Centre within an Area of Townscape Character. 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.

Addendum to PPS 6: Areas of Townscape Character: sets out planning policy and guidance relating to Areas of Townscape Character, for demolition of buildings, new development and the control of advertisements.

PPS 17: Control of Outdoor Advertisements: sets out planning policy and guidance for the control of outdoor advertisements.

## CONSULTATION

**DfI Roads** – No Objections

## REPRESENTATION

No neighbours were notified as part of this application. 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:

- Amenity & Character of the Area
- Public Safety

### **Amenity & Character of the Area**

The SPPS states a well-designed advertisement should respect the building or location where it is displayed and contributes to a quality environment. Consent should be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality; and to ensure proposals do not prejudice public safety, including road safety. PPS17 states in relation to advertisements the term amenity is usually understood to mean its effect upon the appearance of the building or structure or the immediate neighbourhood where it is displayed, or its impact over long distance views.

There are two (2) signs proposed, and each sign measures 6metres long (a total of 12metres) and 4.8metres in height. The proposed signs are to be located on the southeastern boundary of the application site. The sign will be fixed using four (4) vertical steel channel irons, five (5) pre-fabricated steel frames, four (4) timber uprights, five (5) horizontal timber rails and six (6) steel 'T' shaped ladder stop safety hooks. It is proposed to erect the signage on the southeastern boundary of the site which is the boundary of the site that abuts the open space area between the site and the roundabout junction of Main Street, Ballynure Road and Mill Road.

Policy AD1 of PPS17 states large freestanding panels (generally 48 sheet displays or greater) are commonly used to screen derelict and untidy land. These sites can be a potential eyesore and in many cases a carefully designed scheme for screening that integrates advertisement panels can often prevent fly tipping, vandalism and help ensure security. Such schemes will generally only be acceptable on a temporary basis. The A1 form does not state the application is proposed for a temporary period, therefore the Council is assessing the proposal on the basis that it is proposed permanently.

The proposed signs are almost double the height of the existing fencing, and more than half the length of the boundary. PPS17 suggests a well-designed and sensitively sited advertisement, where thought has been given to size, colours, siting and levels of illumination, can contribute positively to the visual qualities of an area. The result is that a good building, neighbourhood or sensitive location can be easily spoiled by poorly designed advertising, which appears over dominant, unduly prominent or simply out of place.

It is considered the scale of the proposed advertising sign is dominant in the streetscape and does not respect the locality within this predominantly residential area of Main Street. The application site effectively defines the outer edge of Ballyclare Town Centre, where a mixture of uses predominate, however, any signage tends to be limited to the more traditional small scale over the shop window forms of signage rather than the large scale advertising hoarding proposed. In addition, the signage will be in a highly visible location when approaching the town centre from the roundabout junction of Main Street, Ballynure Road and Mill Road. Given the scale of the signage and its location it is considered that it would have a detrimental impact on the visual amenity of the area.

The application site is located within an Area of Townscape Character as defined in the draft Belfast Metropolitan Area Plan. No objections were lodged to this designation and as a consequence it can be accorded significant weight in assessing this proposal.

Policy ATC 3 of PPS6 states the Council will only grant consent for the display of an advertisement in an Area of Townscape Character where it maintains the overall character and appearance of the area; and it does not prejudice public safety. As previously stated the scale of the signage is significantly larger than any other form of advertisement in the immediate locale and the high visibility of the signage means that it will form a significant visual feature in the streetscape. There is little doubt that the scale and visual impact of the advertising hoarding will contrast poorly with the existing streetscape which is dominated by a mix of residential and commercial properties on low level buildings (two storey). In the circumstances the proposal would be detrimental to the character and appearance of the area.

### **Public Safety**

The proposed advertisement is located along Main Street, Ballyclare which is a busy thoroughfare through the town. DfI Roads were consulted with the proposal and have no objections to the proposed scheme. It is considered public safety would not be affected.

### **CONCLUSION**

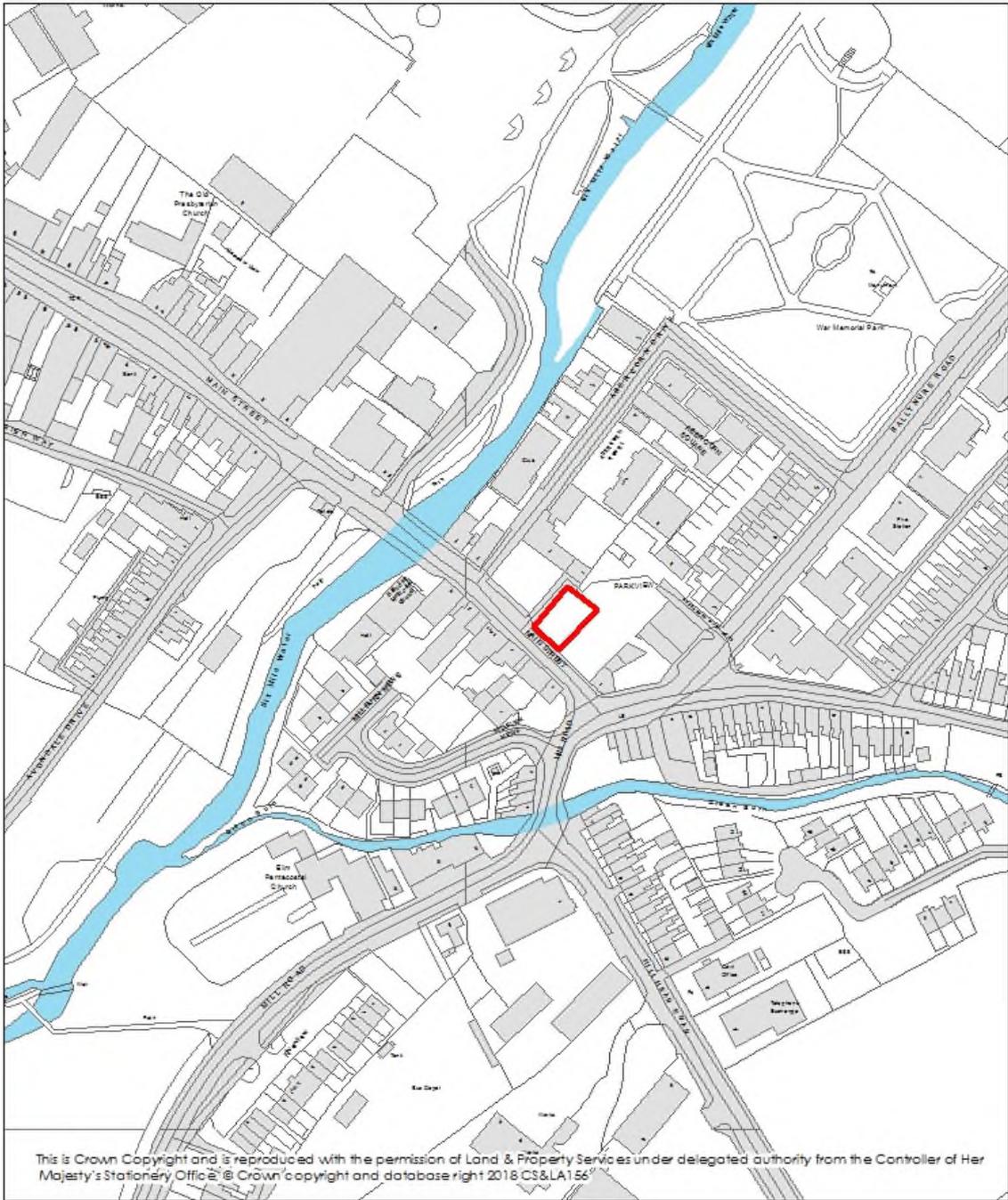
The following is a summary of the main reason(s) for the recommendation:

- The proposal will be detrimental to the visual amenity of the area.
- The sign does not respect the character and appearance of the area.
- The proposal does not comply with ATC3 of PPS6
- There are no public safety concerns with the proposal.

**RECOMMENDATION :** REFUSE ADVERTISEMENT CONSENT

### **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AD1 of PPS 17: Control of Outdoor Advertisements, in that the signage, if consented, would have an unacceptable detrimental impact on the visual amenity of the area.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy ATC 3 of the Addendum to PPS 6: Areas of Townscape Character, in that the signage, if consented, would have an unacceptable detrimental impact on the visual amenity of the area and the overall character and appearance of this Area of Townscape Character.



**Location Map**

**Application Reference: LA03/2018/0585/A**

Vacant ground directly opposite 5 Main Street, Ballyclare

2 no. free standing 48 sheet display panels

 Site Boundary



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.19</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0529/A</b>
<b>DEA</b>	<b>MACEDON</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE ADVERTISEMENT CONSENT</b>

<b>PROPOSAL</b>	Retention of 3 No. Advertising Hoardings for new residential development.
<b>SITE/LOCATION</b>	Lands at 401 Shore Road, Newtownabbey
<b>APPLICANT</b>	Amulet Developments NI Ltd
<b>AGENT</b>	TSA Planning
<b>LAST SITE VISIT</b>	18.06.2018
<b>CASE OFFICER</b>	Emma Groves Tel: 028 903 40214 Email: <a href="mailto:emma.groves@antrimandnewtownabbey.gov.uk">emma.groves@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located within the settlement of Metropolitan Newtownabbey and within the Hazelbank/Abbeylands Area of Townscape Character as defined in the draft Belfast Metropolitan Area Plan.

To the east of the site is a new housing development which is currently under construction. The site effectively runs the full length of the Shore Road between No. 407 and No. 1 Lismara Court. This road frontage site contains a number of mature trees which benefit from a Tree Preservation Order. The signage is already displayed on site with two signs located either side of the entrance to the housing development under construction and a third sign located along the Shore Road.

The surrounding area is predominantly residential with Lismara Court to the south of the site which is a residential development comprised of detached dwellings. Newtownabbey Police Station and the Northern Regional College are situated across the dual carriageway to the west of the site.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2018/0129/CA  
Location: 401 Shore Road, Newtownabbey  
Breach: Alleged unauthorised hoarding - Hazelbank Hall  
Decision: Under investigation

Planning Reference: LA03/2016/1105/F  
Location: Lands at 401 Shore Road Newtownabbey  
Proposal: Proposed residential development comprising of 25 no. detached dwellings, associated car parking, site access, open space and landscaping and all other associated site works  
Decision: Permission Granted (21.11.2017)

## PLANNING POLICY

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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: The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan: The site is located in Metropolitan Newtownabbey within an Area of Townscape Character. 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 17: Control of Outdoor Advertisements: sets out planning policy and guidance for the control of outdoor advertisements.

## CONSULTATION

**DfI Roads** – No objection

## REPRESENTATION

No neighbours were notified of the application. 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:

- Amenity, Design and Appearance
- Public Safety

### **Amenity, Design and Appearance**

Planning Policy Statement 17 – Control of Outdoor Advertisements (PPS17) provides the policy context for the application and is one of a number of policy documents retained by the Strategic Planning Policy Statement for Northern Ireland (SPPS).

Policy AD1 of PPS17 states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality and does not prejudice public safety.

The area around the application site is primarily residential and the signs display information relating to the new housing development currently under construction to the east of the site. The proposal is retrospective and includes a total of three poster panel signs; sign one is on timber hoardings and sign two and three are both freestanding signs that curve with the direction of the road junction at the entrance to the housing development. The dimensions of sign one are 2800 x 1400mm, sign two measures 17400 x 2200mm and sign three measures 8800 x 2200mm. The signs are not illuminated.

The justification and amplification of Policy AD1 in relation to amenity states, "In assessing the impact of an advertisement or sign on amenity the following matters should be taken into account:

- the cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter;
- the size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area;"

PPS 17 states, "Poster panel displays do not generally relate directly to the land or premises on which they are located. They comprise the more traditional paper posters on panels or hoardings, either freestanding or attached to buildings, modern displays, including moving prismatic panels, and internally illuminated PVC faced panels. Poster panel displays are a common feature of urban advertising and rely on size and siting for their impact. As a result they have the potential to be over dominant and obtrusive in the street scene. There is a need therefore to ensure that such displays respect the scale of their surroundings. Equally there is a need to prevent clutter and the undue dominance of such advertisements over other uses of land."

Poster panel displays generally tend to be out of place in any predominantly residential locality. The priority in residential areas is to maintain local character and environmental quality and to protect the amenity of residents. The size, scale and intrusive nature of poster panel displays therefore make them generally unacceptable.

PPS 17 Design Guidelines advise:

- the number, scale, proportions and design of freestanding advertisement panels should respect the site and its surrounding area. In particular where these are situated at the back edge of the pavement, or in other prominent locations, care will be needed to ensure that their effect on pedestrians is not overwhelming;
- panel displays should be integrated into a well designed scheme of good quality screening which allows for visual breaks between each panel. Areas to the sides of and around the hoardings should be considered with as much care as the display itself;

In the context of the surrounding area, the proposed signs are considered to be of an unacceptable size and scale. There are no other signs of similar scale within close

proximity to the site especially along the eastern side of the Shore Road. Drawing 04 shows the location of the signs which are sited close to the edge of the Shore Road which is an extremely busy thoroughfare and such signage located at the road edge is unusual for this area. In addition the number of signs represents cluttering along this section of the Shore Road which is primarily defined by mature trees and residential dwellings to the eastern side of the Shore Road. It is considered that the signage has a detrimental impact on the visual amenity of the area and are therefore unacceptable.

The site is located within the Hazelbank/Abbeylands Area of Townscape Character (ATC) as defined in the draft Belfast Metropolitan Area Plan. No objections were lodged to this designation and as a consequence it can be accorded significant weight in assessing this proposal.

Policy ATC 3 of PPS6 states that consent will only be granted for the display of an advertisement in an Area of Townscape Character where it maintains the overall character and appearance of the area; and it does not prejudice public safety. The context of the site is defined primarily by mature landscaping along the eastern edge of the Shore Road with residential development set in a mature landscape between the Shore Road and the shore line of Belfast Lough. As previously stated the scale of the signage is significantly larger than any other form of advertisement in the immediate locale and the high visibility of the signage means that it will form a significant visual feature in the streetscape. There is little doubt that the scale and visual impact of the advertising hoarding will contrast poorly with the existing streetscape and would be detrimental to the character and appearance of the area. In the circumstances it is concluded the signage fails the policy provisions of Policy ATC 3 of PPS6.

**Public Safety**

The signs will not prejudice public safety in any way. DfI Roads has raised no concerns regarding the potential impact on road safety, although its response asked that the signs be positioned behind the existing wall. From site inspection, the Planning Section is satisfied that the signs are situated behind or on the wall in question. It is considered therefore that the proposal will not have an unacceptable impact with respect to public safety.

**CONCLUSION**

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

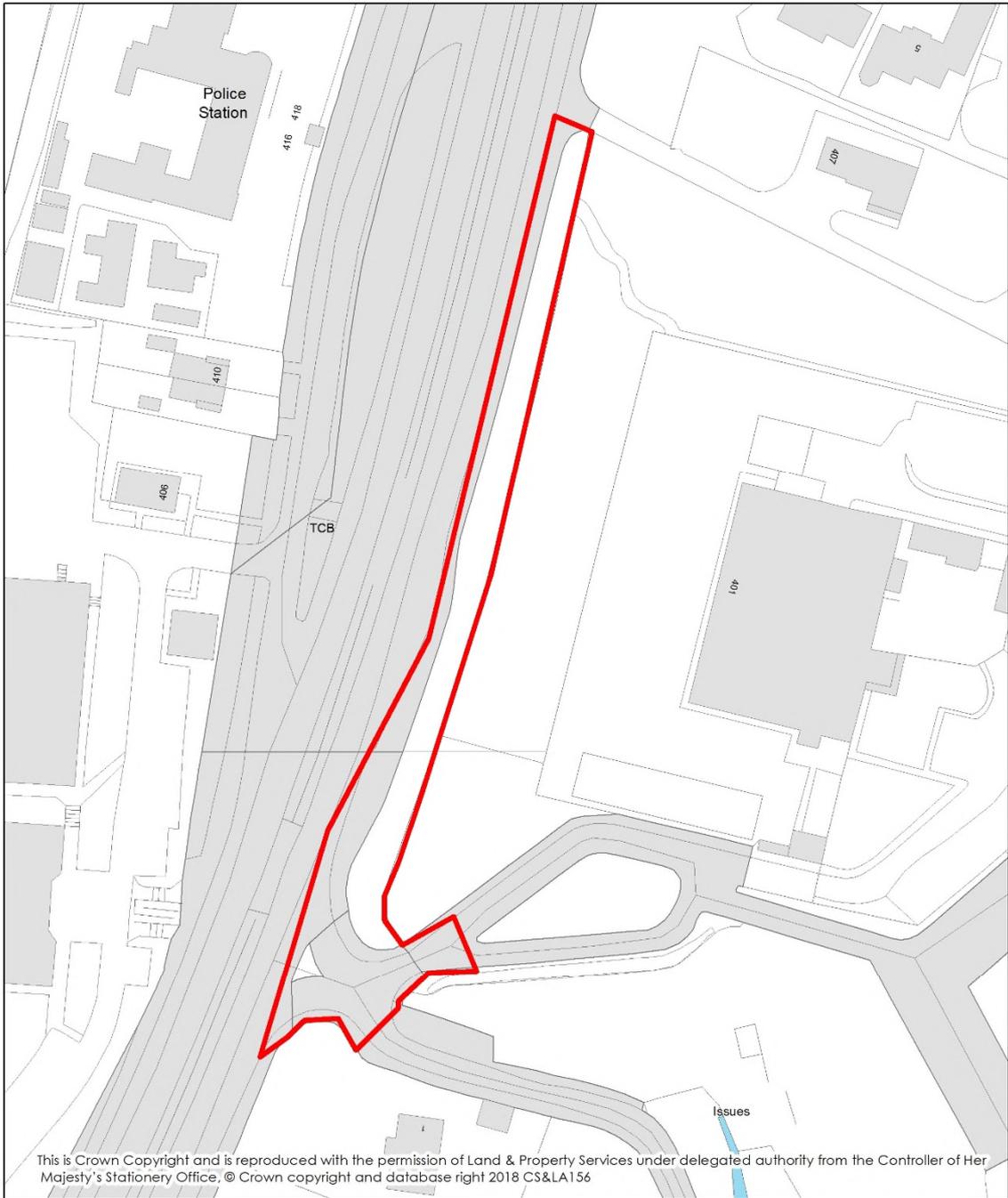
- The proposed signage will have a detrimental impact on the amenity of the area.
- The proposal does not respect or maintain the character of the ATC.
- There are no public safety concerns with the signage.

<b>RECOMMENDATION:</b>	<b>RECOMMENDATION</b>
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**PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AD1 of PPS 17: Control of Outdoor Advertisements, in that retention of the signage would have an unacceptable detrimental impact on the visual amenity and character of the area and represents visual clutter.

2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy ATC 3 of the Addendum to PPS 6: Areas of Townscape Character, in that retention of the signage would have an unacceptable detrimental impact on the visual amenity of the area and the overall character and appearance of the Hazelbank/Abbeylands Area of Townscape Character.

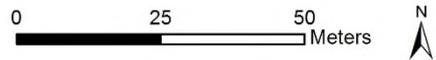


**Location Map**

**Application Reference: LA03/2018/0529/A**

Lands at 401 Shore Road, Newtownabbey.

Retention of 3 No. Advertising Hoardings for new residential development.



For Information Only

 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.20</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0648/A</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE ADVERTISEMENT CONSENT</b>

<b>PROPOSAL</b>	Retention of freestanding hoarding sign for a temporary period of 2 years.
<b>SITE/LOCATION</b>	90m south west of 29 Randalstown Road
<b>APPLICANT</b>	Fermac Properties
<b>AGENT</b>	TSA Planning
<b>LAST SITE VISIT</b>	31.07.2018
<b>CASE OFFICER</b>	Orla Burns Tel: 028 903 40408 Email: <a href="mailto:orla.burns@antrimandnewtownabbey.gov.uk">orla.burns@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located 90m south west of 29 Randalstown Road which is located within the development limit of Antrim as defined by the Antrim Area Plan 1984-2001.

The site is a contrived portion cut out of a much larger site which was previously granted planning permission for a housing development. The southern boundary of the site is defined by a low 1 metre high wall, with 0.5metre high metal fencing on top. The northern, eastern and western boundaries are physically undefined.

The signage which is the subject of the application is already in situ and advertises houses for sale within the adjoining housing development. The sign itself is a 'V' shaped sign, located within the central portion of the site and approximately 8 metres north of the Randalstown Road.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: T/2005/0031CA  
Location: Entrance to Enkalon Sports Club Randalstown Road Antrim, Railings at either side of St Comgall's Primary School Ballymena Road Antrim, Opposite Springfarm Industrial estate at Roundabout on Ballymena Road Antrim  
Proposal: Advertisement  
Decision: Enforcement Case Closed

Planning Reference: T/2006/0962/O  
Location: The former Enkalon site, on land to the west of Oriel Lodge and Enkalon Industrial Estate and to the east of Plaskets Burn, Randalstown Road, Antrim.  
Proposal: Proposed residential development, incorporating open space and recreational facilities.  
Decision: Permission Granted 21.08.2007

Planning Reference: LA03/2017/0472/F

Location: Lands adjacent and west of Enkalon Sports and Social Club, 25a Randalstown Road, Antrim and 100m east of 1 Umry Gardens, Antrim,

Proposal: Proposed residential development comprising 3 no. detached dwellings and garages (change of house type for Plot No.'s 1, 5 and 10 of planning approval T/2008/0195/F)

Decision: Permission Granted 24.08.2017

Planning Reference: LA03/2017/0908/F

Location: Lands at the former Enkalon Sports and Social Club, 25a Randalstown Road, circa 150m east of 1 Umry Gardens and directly adjacent and west of Oriel Lodge Residential Home, Randalstown Road, Antrim,

Proposal: Proposed erection of 44 no. residential dwellings (mix of detached and semi-detached), including domestic garages, open space and landscaping, right hand turn lane from Randalstown Road and all site and access works.

Decision: Permission Granted 20.06.2018

Planning Reference: LA03/2018/0098/CA

Location: Old Enkalon Social Club Site, Randalstown Road, Antrim

Proposal: Alleged unauthorised sign (housing development)

Decision: Receipt of Planning Application

Planning Reference: LA03/2018/0629/F

Location: Lands at the former Enkalon site, to the NW of Enkalon Sports and Social Club and Steeple Burn watercourse, SW of Enkalon Industrial Estate and NE of Plaskets Burn and Umry Gardens, Randalstown Road, Antrim,

Proposal: Proposed residential development of 124 no. dwellings (comprising 74 no. detached and 50 no. semi-detached dwellings) including garages, open space with equipped children's play area, landscaping and all associated site and access works.

Decision: Neighbours Notified

## **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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.

Antrim Area Plan 1984 – 2001: The Plan offers no specific guidance on this proposal.

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

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

PPS 17: Control of Outdoor Advertisements: sets out planning policy and guidance for the control of outdoor advertisements.

### **CONSULTATION**

**DfI Roads** – No Objections

### **REPRESENTATION**

No neighbours were notified as part of the application. 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:

- Amenity
- Public Safety

#### **Amenity**

The SPPS states a well-designed advertisement should respect the building or location where it is displayed and contributes to a quality environment. Consent should be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality; and to ensure proposals do not prejudice public safety, including road safety. PPS17 states in relation to advertisements the term amenity is usually understood to mean its effect upon the appearance of the building or structure or the immediate neighbourhood where it is displayed, or its impact over long distance views.

The advertising sign is located 8 metres north of the Randalstown Road which is the main thoroughfare from Antrim towards the M2 Motorway and Randalstown. The sign is "V" shaped, with each side measuring 13 metres in length and 6.65 metres in height.

The amplification to Policy AD1 advises that display panels can have an overly dominant impact on the character of the area and they can also result in clutter when considered with other signs in the area. In this case the signage would have an overly dominant impact on the area given its siting along the road edge, its large size and scale and also its location just 8 metres north of the public road.

Paragraph 10 of PPS17 states large freestanding panels (generally 48 sheet displays or greater) are commonly used to screen derelict and untidy land. These sites can be a potential eyesore and in many cases a carefully designed scheme for screening that integrates advertisement panels can often prevent fly tipping, vandalism and help ensure security. Such schemes need to be well maintained and will generally only be acceptable on a temporary basis. In this case, although the advertisement is to advertise 44 dwellings which are being constructed on a site immediately adjacent, the signage does not screen the construction site, nor does it restrict access to the development site. The sole purpose of the signage which is elevated above the ground by 3 metres and erected at a full height of 6.65 metres is to provide a highly prominent and visual dominant advertisement. The scale of the sign in terms of height (6.65m) and area (86.4sqm) is significantly larger than any other form of roadside signage within the immediate locality. The scale of the sign is also considered to have an impact on the visual amenity of the area as it is located on the urban edge of Antrim where the scale of the signage contrasts poorly with the mature landscaped areas along the Castle Road.

It is considered the sign to be retained is incongruous to the surrounding area, is overly dominant and does not respect the surrounding area.

**Public Safety**

DfI Roads was consulted on the application and has raised no objections to the proposal. As a consequence it is not considered that public safety is being adversely affected by the sign.

**CONCLUSION**

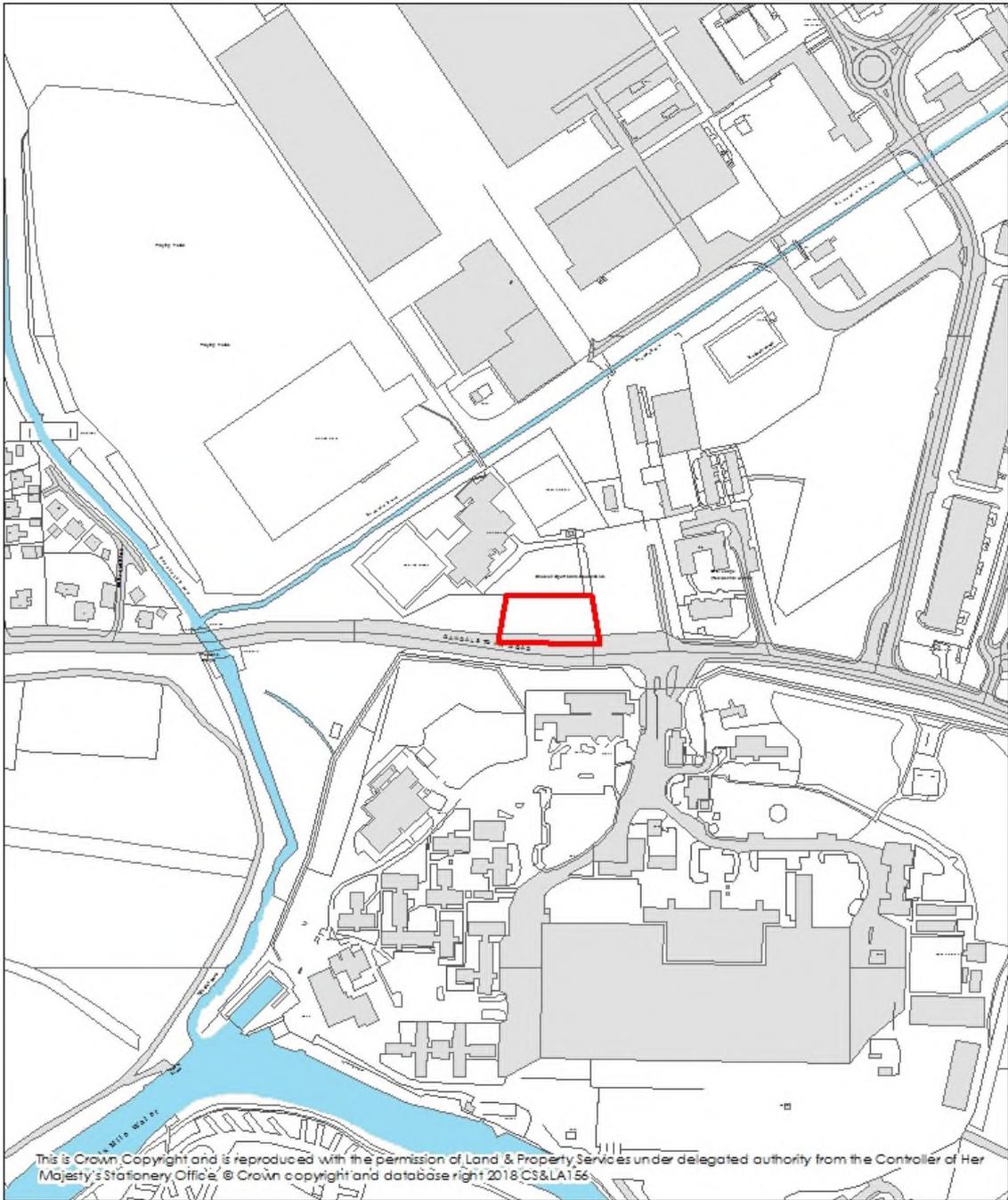
The following is a summary of the main reasons for the recommendation:

- The proposal does not respect the visual amenity of the area.
- There are no public safety concerns.

**RECOMMENDATION :** REFUSE ADVERTISEMENT CONSENT

**PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AD1 of PPS 17: Control of Outdoor Advertisements, in that retention of the signage would have an unacceptable detrimental impact on the visual amenity of the area.



**Location Map**

**Application Reference: LA03/2018/0648/A**

Existing advertising hoarding 90m south west of  
29 Randalstown Road, Antrim

Retention of a freestanding 6.65m high (43.2sqm)  
V shaped temporary hoarding



For Information Only

 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.21</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0284/A</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE ADVERTISEMENT CONSENT</b>

<b>PROPOSAL</b>	5 No. Promotional Flagpole Signs and 17 No. Boundary Fence Promotional Graphics for a Temporary Period of 2 years.
<b>SITE/LOCATION</b>	Lands at ongoing housing development adjacent to Ballymena Road and South East of Express Holiday Inn, Antrim, BT41 4RU
<b>APPLICANT</b>	Lotus Homes
<b>AGENT</b>	TSA Planning
<b>LAST SITE VISIT</b>	10.05.2018
<b>CASE OFFICER</b>	Orla Burns Tel: 028 903 40408 Email: <a href="mailto:orla.burns@antrimandnewtownabbey.gov.uk">orla.burns@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site lies within the development limit of Antrim as defined by the Antrim Area Plan 1984-2001. The site is located at the perimeter of lands where a housing development is currently under construction on a site which lies adjacent to the Ballymena Road and southeast of the Express Holiday Inn, Antrim.

The eastern boundary of the application site abuts the Ballymena Road and is defined by a 2m high acoustic fence. The southern section of the western boundary is defined by a 1m high black metal fence. The remaining western boundary is currently defined by a temporary 2m high wooden fence. The remaining northern boundary is defined by a 1 metre high wooden fence.

A number of advertisements are currently in-situ along the western boundary. These include seventeen (17) separate advertisements, and five (5) promotional flags.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2016/0873/F

Location: Lands adjacent to Ballymena Road and southeast of Express Holiday Inn, Antrim

Proposal: Proposed development of 45 no. residential units.(reduction in density from that approved under T/2009/0183/F).

Decision: Permission Granted 31.05.2017

Planning Reference: LA03/2017/0600/F

Location: Lands adjacent to Ballymena Road and southeast of Express Holiday Inn, Antrim

Proposal: Proposed development of 45 no. residential units.

Decision: Permission Granted 27.09.2017

Planning Reference: LA03/2018/0735/A

Location: 115m north west of Castle Park, Junction One, Antrim.  
Proposal: 1 no. single facing signage board with 2no. promotional flags and 1 no. double face signage board with 2no. promotional flags  
Decision: Under Consideration

### **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban 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.

Antrim Area Plan 1984 – 2001: The Plan offers no specific guidance on this proposal.

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

PPS 17: Control of Outdoor Advertisements: sets out planning policy and guidance for the control of outdoor advertisements.

### **CONSULTATION**

**DFI Roads** – No objections

### **REPRESENTATION**

Neighbour notification is not undertaken for applications for consent to display an advertisement. 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
- Amenity: Impact on the Character and Appearance of the Area
- Neighbour Amenity
- Public Safety

### **Principle of Development**

The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 is the relevant statutory rule for the control of advertisements, made under the provisions of Section 130 of the Planning Act (Northern Ireland) 2011. This allows the exercise of control in the interests of amenity and public safety only, taking into account the development plan, so far as it is material, and any other relevant factors.

There is no conflict between the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and those of retained policies regarding the display of advertisements. Consequently, the policy context is provided by Planning Policy Statement 17: Control of Outdoor Advertisements (PPS17).

Policy AD1 of PPS 17 states that consent will be given for the display of an advertisement where it respects amenity when assessed in the context of the general characteristics of the locality and does not prejudice public safety.

In principle, signage at this location would be acceptable, however, it is considered that the number of signs proposed (fifteen (15) individual advertisements, five (5) flagpoles with promotional flags and two (2) promotional advertisements at the entrance of the construction site) is excessive and inappropriate as outlined below.

### **Amenity: Impact on the Character and Appearance of the Area**

As stated one of the key considerations for determining the acceptability of the proposed advertisements is the effect it may have on the appearance and character of the locality.

The supporting text of the policy indicates that care should be taken to ensure that an advertisement does not detract from the place where it is to be displayed or its surroundings and that it is important to prevent clutter. It states that the term amenity is usually understood to mean the effect upon the appearance of the immediate neighbourhood where it is displayed or its impact over long-distance views, whilst clutter is explained as essentially a large number of advertisements on a building or along a road, which can be disruptive to the appearance, and character of an area.

Paragraph 4.7 of the supporting text to PPS17 lists the matters to be taken into account when assessing the impact of advertisements. The concerns in this instance relate to the effect the proposal would have on the general characteristics of the surrounding area, i.e. the size, scale, dominance and siting of the advertisements in relation to the surrounding environment and the cumulative effect of the proposal when read in conjunction with other currently proposed advertisements (LA03/2018/0735/A). In this case the applicant proposes some 22 advertisements over a distance of 122m immediately in front (west) of a residential development. It is considered that cumulatively, the proposed advertisements will have an adverse dominant impact on the character and appearance of this area and create a cluttered appearance particularly when viewed from the internal estate roads accessing the residential development. The level of advertisements proposed over such a short distance is not something that would otherwise be characteristic or associated with a residential location and as such would have a disruptive appearance on the character of this area.

In addition to the cumulative impact of all of the proposed advertisements, the size and scale of the proposed advertisements is incongruous to the surrounding area, and is considered to be unacceptably dominant in a residential area. Sign E has a promotional graphic which extends to 9.8m in length x 2.2m in height and is replicated at five locations across 122m of security fencing and is only punctuated by some smaller signs H & F. Sign F is also particularly dominant measuring 1.8m in height and 2m in length and is positioned between signs E and H which adds to the clutter of advertisements in this area. The clutter and dominance of the advertisements in this area is further added to by the presence of 5 flag poles measuring 5.7m in height.

The purpose of the advertisements is to promote and secure an active construction site and there is an acceptance that some level of advertisement would be acceptable. The applicant's original submission (24<sup>th</sup> May 2018) included thirty (30) advertisements along the northern section of the western boundary and along the eastern boundary of the application site that abuts the Ballymena Road. The applicant/agent was provided an opportunity to address Officer concerns and rationalise their proposal. Amended plans were received on the 4<sup>th</sup> July 2018 reducing the scheme to twenty two (22) advertisements. It is considered however that the reduced scheme does not go far enough to address the concerns with regards to clutter and adverse impact on the amenity of this area and is therefore considered unacceptable.

**Neighbour Amenity**

It is considered that the proposed development will not have an adverse impact on the residential amenity of the dwellings located within the vicinity of the proposed advertisements as they are not illuminated.

**Public Safety**

DfI Roads was consulted on matters pertaining to road safety and has indicated that it has no concerns in relation to this matter. It is acknowledged that the proposed advertisements are located adjacent to a number of public roads, however as the advertisements are erected on existing temporary perimeter fencing and set back approximately 3m from the public road they are unlikely to create a significant public safety concern.

**CONCLUSION**

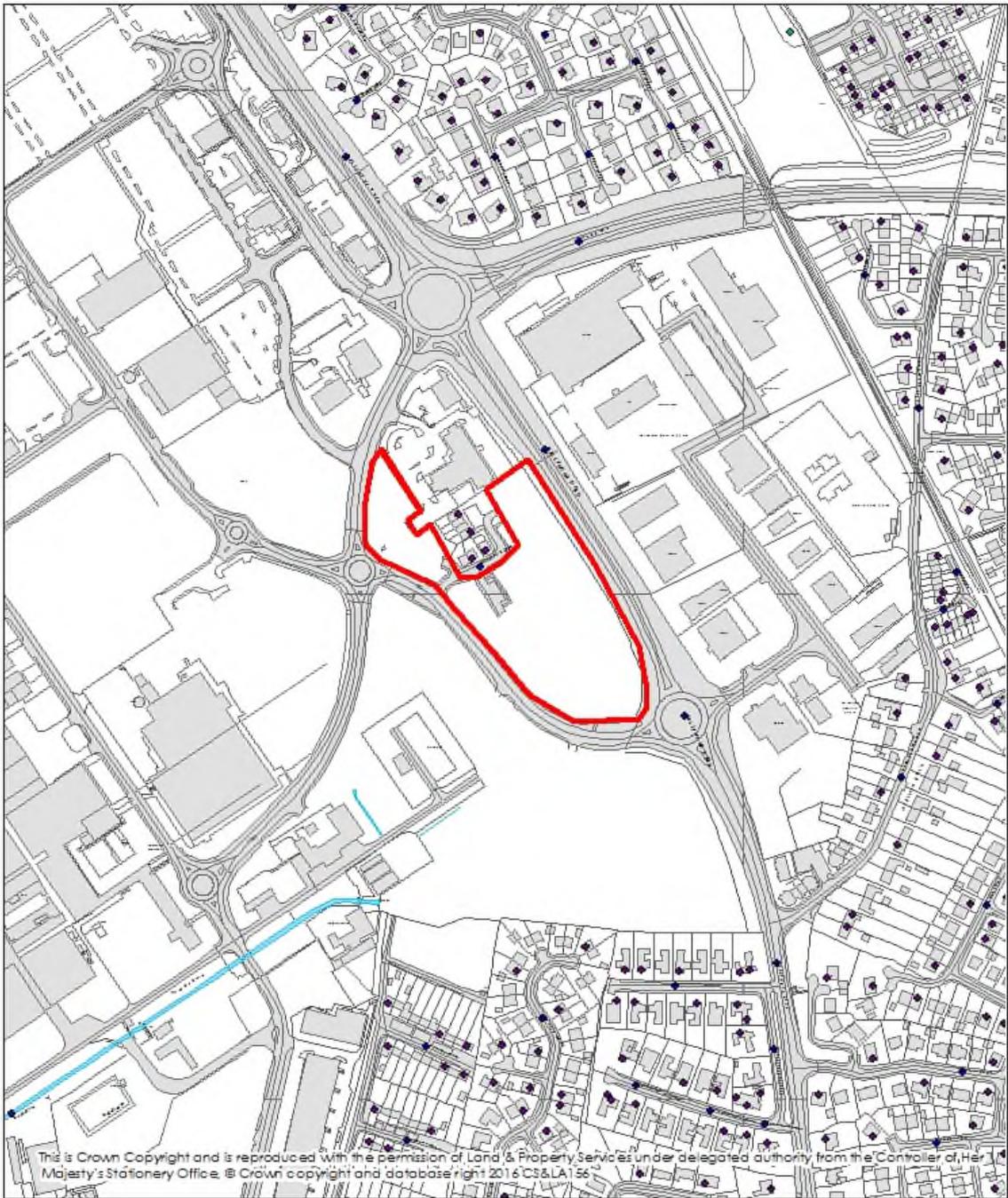
The following is a summary of the main reason for the recommendation:

- It is considered that the number of advertisements (22 advertisements in total) constitutes visual clutter with a consequent adverse impact on the character and appearance of this area

**RECOMMENDATION :** REFUSE ADVERTISEMENT CONSENT

**PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AD 1 of PPS 17: Control of Outdoor Advertisements, in that retention of the signage would have an unacceptable detrimental impact on the visual amenity of this area and represents visual clutter that is overly dominant in this area.

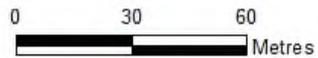


**Location Map**

**Application Reference: LA03/2018/0284/F**

5No. Promotional Flagpole Signs and 17No. Boundary Fence Promotional Graphics for a Temporary Period of 2 years.

Lands at ongoing housing development adjacent to Ballymena Road and South East of Express Holiday Inn, Antrim, BT41 4RU



Site Boundary 

For Information Only



**PART 2 FORWARD PLANNING MATTERS - LOCAL DEVELOPMENT  
PLAN, PLANNING POLICY AND CONSERVATION**

**OTHER PLANNING MATTERS**

**ITEM 3.22**

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

A list of planning decisions issued by Officers during August 2018 under delegated powers is enclosed for Members attention together with information received this month on planning appeals.

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

### ITEM 3.23

#### **P/FP/LDP/52 – BELFAST CITY COUNCIL DRAFT PLAN STRATEGY - PUBLICATION LAUNCH**

An Officer from the Council's Forward Planning Team attended the pre-consultation launch of Belfast City Council's draft Plan Strategy on Thursday 23 August 2018 for its emerging new Local Development Plan. The formal 8-week consultation period will run from Thursday 20 September 2018 to 5pm on Thursday 15 November 2018. The draft Plan Strategy and all associated documents are available to view online at:

<http://www.belfastcity.gov.uk/buildingcontrolenvironment/Planning/localdevelopmentplan.aspx>

The draft Plan Strategy consists of the following five sections, flowing from the overarching vision for Belfast in its role as a capital city:

- **Vision, aims and objectives:** The four strategic aims of the LDP closely reflect the Belfast Agenda priorities. These aims are supported by a series of strategic objectives designed to help achieve the delivery of this vision.
- **Strategic policies:** The overarching strategic policies are to be used as a guide to assist developers to deliver development proposals that are in line with the strategic objectives of the city.
- **Spatial Development Strategy:** This sets out how the Council will manage the spatial growth for the plan area, which includes the hierarchy of settlements across the district and the way the principal settlement of Belfast City will be identified into distinct settlement areas. The Strategy reflects the unique role the city centre plays and the roles other areas across the city should play in helping the Council achieve the Local Development Plan's strategic aims.
- **Topic-based policies:** This sets out a series of detailed topic-based operational policies, which the City Council will use to deal with the land use challenges affecting Belfast. These policies will form the basis for making decisions on planning applications.
- **Delivery:** The final section is concerned with the delivery of the topic-based policies providing details of how specific policies will be applied and proposals will be implemented. This will be supported by the publication of supplementary planning guidance and a detailed monitoring framework, the alter of which will assess the effectiveness of the policies in achieving the plan's aims for the future.

Officers from the Forward Planning Team continue to engage with their counterparts in Belfast City Council in relation to the preparation of their respective Local Development Plans and identified cross boundary issues. In relation to the strategic policies and topic based policies referred to above, Officers have no issues to raise at this stage.

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

### ITEM 3.24

#### **NON-DETERMINATION APPEALS AT BALLYCORR ROAD, BALLYCLARE – APPLICATIONS LA03/2017/0644/F AND LA03/2017/0790/F**

Officers wish to advise Members that the applicants for the following two planning applications at Ballycorr Road, Ballyclare have lodged appeals with the Planning Appeals Commission in default of decisions being made by the Council. This is what is commonly referred to as a Non-Determination Appeal. This means that jurisdiction for determination of these applications has now passed to the PAC, rather than the Council. The PAC will decide in due course the form the appeal shall take – written representations or more likely an informal or formal hearing.

**APPLICATION NO: LA03/2017/0644/F (MAJOR APPLICATION)**

**PROPOSAL:** Residential housing development of 124 no. homes comprising a mix of detached, semi-detached, townhouses and apartments including conversion of existing stone barns, public open space and landscaping, principal access from Ballycorr Road (accessing 97 homes) and secondary access from Ballyeaston Road (accessing 27 homes), congestion alleviation measures to include parking lay-by on Ballycorr Road and signalisation of the Rashee Road/Ballyeaston Road junction and any other necessary ancillary works.

**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

**APPLICATION NO: LA03/2017/0790/F**

**PROPOSAL:** Erection of 26 No. residential units and associated infrastructure and works (including new access onto Ballycorr Road and internal road).

**SITE/LOCATION:** Land at Ballycorr Road approximately 18m east of Ballycorr Heights Ballyclare

**APPLICANT:** Salvare Properties Ltd

The Council will need to advise the PAC, the applicant and all those who have made representation of its position on these applications within the next 6-8 weeks to assist with the processing of the appeals. The Planning Section anticipates that these reports will be brought to the Planning Committee in October. All those who have made representation, including objectors, will be able to make direct representation to the PAC and if there is a hearing will have a right to be heard.

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