



15 October 2025

Committee Chair: Councillor R Kinnear

Committee Vice-Chair: Councillor S Flanagan

Committee Members: Aldermen – L Boyle, T Campbell and M Magill

Councillors – J Archibald-Brown, A Bennington, S Cosgrove, H Cushinan, R Foster, AM Logue and B Mallon

Dear Member

**MEETING OF THE PLANNING COMMITTEE**

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 20 October 2025 at 6.00 pm.**

You are requested to attend.

Yours sincerely

A handwritten signature in black ink, appearing to read "Richard Baker".

Richard Baker, GM, MSc  
**Chief Executive, Antrim & Newtownabbey Borough Council**

**PLEASE NOTE: Refreshments will be available from 5.00 pm in the Café**

**For any queries please contact Member Services:**

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## **AGENDA FOR PLANNING COMMITTEE – 20 OCTOBER 2025**

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

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

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

### **PART ONE - Decisions on Planning Applications**

#### 3.1 Planning Application No: **LA03/2024/0435/F**

Proposed erection of a 79 MW Battery Energy Storage System (BESS) Facility including MV skids (transformer and inverter), outdoor switchgear compound, DNO substation control room, welfare unit, spare parts container, switch room, new site boundary fencing, new access, and ancillary development works at Lands approximately 342m southeast of Kells Substation and approximately 105m east of 43 Doagh Road, Kells, Ballymena BT42 3PP.

#### 3.2 Planning Application No: **LA03/2023/0581/F**

Residential development consisting of 33 no. dwellings, parking, access, open space, landscaping and associated ancillary site works at lands within the SW portion of the former Craighill Quarry, approx. 160m east of Ballyeaston Road and approx. 20m east of Nos. 8-20 and Nos. 26-34 Craighill Park, Ballyclare.

#### 3.3 Planning Application No: **LA03/2023/0772/F**

Proposed residential development comprising 33no. dwellings and 4no. apartments, garages, landscaping, NIE substation and to include stability works and extraction of rock, open space and all associated site works at lands to the East of no.92 Ballyeaston Road, Ballyclare, and 135m to the Northeast of nos.13-27 Elizabeth Gardens, Ballyclare BT39 9BT.

#### 3.4 Planning Application No: **LA03/2023/0908/F**

Erection of 26no. dwellings (amendment to PAC approval reference 2018/A0072), electricity substation, open space, play area and all other associated site works at lands 100m northwest of no. 93-103 (odd nos.) Ballycorr Road, Ballyclare, BT39 9DE

3.5 Planning Application No: **LA03/2023/0909/F**

Erection of 17no. dwellings (amendment to PAC approval ref: 2018/A0072), geocellular tank and all other associated site works at lands approximately 25m northwest of and adjoining the rear boundaries of Nos 93-103 (odd Nos) Ballycorr Road, Ballyclare, BT39 9DE.

3.6 Planning Application No: **LA03/2023/0910/F**

Erection of 14no. dwellings (amendment to PAC approval reference 2018/A0072) and all other associated site works at lands approximately 30m north of and adjoining the rear boundaries of No. 4 Cunningham Place and nos. 13 -23 Elizabeth Gardens (odd nos.) and approx. 20 metres northeast of 4 Cunningham Place, Ballycorr, Ballyclare, BT39 9BT

3.7 Planning Application No: **LA03/2023/0911/F**

Erection of 20no. dwellings (amendment to PAC approval ref: 2018/A0072) and all other associated site works at lands approximately 25 metres east of No 92 Ballyeaston Road and approximately 10 metres north of No. 88 Ballyeaston Road, Ballyclare, BT39 9BS.

3.8 Planning Application No: **LA03/2025/0271/O**

Dwelling and garage Site 20m east of No. 41 Cherry Hill Road, Muckamore, Antrim, BT41 2HT.

3.9 Planning Application No: **LA03/2025/0291/F**

Proposed outbuilding for garden equipment for vehicles 67 Whitehouse Park, Newtownabbey, BT37 9SH.

3.10 Planning Application No: **LA03/2025/0374/S54**

Extension to vehicle accident repair centre (Variation of condition 2 from approval LA03/2024/0507/F regarding completion of drainage) 40 Ballymena Road, Doagh, Ballyclare, BT39 0QR

3.11 Planning Application No: **LA03/2025/0196/F**

Erection of Dwelling with new access off Abbeyville Park at 20 metres west of 2 Cambrai Park, Newtownabbey, BT37 0AL

3.12 Planning Application No: **LA03/2025/0397/S54**

Part change of use of Council building for extension to previously approved waste transfer station (T/2010/0078/F), to allow internal layout changes (Vary Condition 6 of planning approval T/2012/0225/F regarding European Waste Catalogue Codes listed in Appendix A at 6B Orchard Way (previously known as 6 Orchard Way), Antrim, BT41 2RU.

3.13 Planning Application No: **LA03/2025/0396/S54**

Part change of use of existing Council building to a waste transfer station for kitchen and garden waste and other non-hazardous municipal solid waste (Vary Condition 6 of planning approval T/2010/0078/F regarding European Waste Catalogue codes listed in Appendix A) at 6B Orchard Way (previously known as 6 Orchard Way), Antrim, BT41 2RU.

3.14 Planning Application No: **LA03/2025/0539/F**

Roof mounted solar panels at the former PSNI Site, Glenwell Road, 244 Antrim Road, Glengormley, BT36 7QX.

**PART TWO – Other Planning Matters**

3.15 Delegated Planning Decisions and Appeals September 2025

3.16 Local Development Plan - Steering Group Minutes

3.17 The Department for Infrastructure, Consultation on Review of Planning Fees

3.18 The Department for Infrastructure, Consultation on Sustainable Drainage Systems (SuDS) in New Housing Developments

3.19 Update on the Local Development Plan

3.20 Any Other Relevant Business

**PART TWO – Other Planning Matters - In Confidence**

3.21 Site Visit Relating to the Extension of Existing Quarry Known as Boyd's Quarry, Mallusk

3.22 The Department for Infrastructure, Eastern Transport Plan (ETP) Meeting with Transport Planning and Modelling Unit Update

**PART ONE - Decisions on Enforcement Cases - In Confidence**

3.23 Legal Update Report

3.24 Tree Preservation Order – TPO/2025/0006/LA03

3.25 Tree Preservation Order – TPO/2025/0005/LA03

3.26 Tree Preservation Order – TPO/2025/0004/LA03

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 20 OCTOBER 2025**

**PART ONE**

**PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>3.1</b>
<b>APPLICATION NO</b>	<b>LA03/2024/0435/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>PREVIOUS COMMITTEE ITEM</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed erection of a 79 MW Battery Energy Storage System (BESS) Facility including MV skids (transformer and inverter), outdoor switchgear compound, DNO substation control room, welfare unit, spare parts container, switch room, new site boundary fencing, new access, and ancillary development works
<b>SITE/LOCATION</b>	Lands approximately 342m southeast of Kells Substation and approximately 105m east of 43 Doagh Road, Kells, Ballymena BT42 3PP
<b>APPLICANT</b>	Green Frog Power (Kells) Limited
<b>AGENT</b>	Gravis Planning
<b>LAST SITE VISIT</b>	19 <sup>th</sup> July 2024
<b>CASE OFFICER</b>	Morgan Poots Tel: 028 90340419 Email: <a href="mailto:morgan.poots@antrimandnewtownabbey.gov.uk">morgan.poots@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal</b></p> <p><a href="https://planningregister.planningsystemni.gov.uk/application/689261">https://planningregister.planningsystemni.gov.uk/application/689261</a></p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>Members, this application was deferred at the March 2025 Planning Committee to enable the applicant to submit further information in relation to the assessment of alternative sites, an additional landscaping proposal and also to facilitate a meeting between the applicant and Planning Officers.</p> <p>Since the publication of the original Planning Committee report in March 2025, 4no additional letters of representation have been received. The main issues raised within the letters of objection include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• Development does not comply with Fire Safety Guidance;</li> <li>• Hydrogen fluoride release in event of loss of control event;</li> <li>• Non-compliance with guidance issued by National Fire Chiefs Council in relation to access;</li> <li>• Applicant has not provided test reports;</li> <li>• Concerns over fire at other BESS sites;</li> <li>• NIFRS were not consulted but a response was uploaded in July 2025;</li> <li>• Concerns over release of hydrogen fluoride and other toxic emissions; and</li> <li>• Concentration of BESS development in one location.</li> </ul> <p>A meeting was held between the agent and Planning Officers on the 9<sup>th</sup> April 2025 to discuss the concerns previously raised within the Committee Report. Additional information including further landscaping proposals and an updated site selection</p>	

assessment was submitted on the 20<sup>th</sup> May 2025, along with further information submitted on the 11<sup>th</sup> June and 21<sup>st</sup> August 2025 in relation to landscaping.

Since the publication of the original Committee Report, the Council adopted its Plan Strategy on 3<sup>rd</sup> July. The Plan Strategy is Part 1 of the Antrim and Newtownabbey Local Development Plan (ANLDP) and contains strategic and operational policies. As a result, the proposal has been assessed within this context. The agent also submitted additional information on the 17<sup>th</sup> July 2025 in relation to the Council's adopted Plan Strategy.

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.

The Antrim and Newtownabbey Local Development Plan (ANLDP) will comprise of two parts; Part 1 is the Plan Strategy which contains strategic and operational policies and was adopted on 3<sup>rd</sup> July 2025. Part 2 is the Local Policies Plan which will identify the boundaries of settlement limits, local designations and zonings has not yet been published. As such the settlement limits, local designations and zonings of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) remain applicable. Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the provisions of the draft Belfast Metropolitan Area Plan.

Antrim Area Plan 1984 - 2001: The site is located in the rural area outside any designated development limits.

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

Antrim and Newtownabbey Plan Strategy 2015-2030 (ANPS): sets out the relevant planning policies for assessing planning applications and other planning consents. The relevant strategic and operational policies for the assessment of the current proposal are listed below.

**Strategic Policy 1 – Sustainable Development (SP 1)**: sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Strategic Planning Policy Statement (SPPS).

**Strategic Policy 3 – Transportation and Infrastructure (SP 3)**: aims to encourage the continued development and growth of high-quality transportation, communications and utilities infrastructure in a timely and co-ordinated fashion to meet the current and future needs of our Borough and support sustainable development in accordance with the Council's Spatial Growth Strategy. SP3 is supported by Policies:

- Policy DM 10 Access and Parking
- Policy DM 14 Public Utilities and Infrastructure
- Policy DM 15 Development Relying on Non-Mains Sewerage

**Strategic Policy 6 - Placemaking and Good Design (SP6):** sets out that positive placemaking and good design are key components in the delivery of high quality, attractive and sustainable places within our Borough. SP6 is supported by Policies:

- Policy DM 27 Rural Design and Character
- Policy DM 28 Amenity Impact

**Strategic Policy 7 - Historic Environment (SPG7):** Indicates that careful management and ongoing investment in our historic environment will help to create unique, attractive and welcoming places to live, work and relax in and contribute significantly to our Borough's sense of place. SP 7 is supported by Policy:

- Policy DM 30 Archaeology

**Strategic Policy 8 - Natural Heritage (SPG8):** seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features. SP 8 is supported by Policies:

- Policy DM 37 Designated Sites of Nature Conservation Importance;
- Policy DM 38 Protected Species;
- Policy DM 39 Habitats, Species & Features of Natural Heritage Importance; and
- Policy DM 42 Trees and Development.

**Strategic Policy 9 – Natural Resources (SPG9):** sets out that the Council will seek to ensure the sustainable use of our natural resources. SPG 7 is supported by relevant operational Policy:

- Policy DM 45 Renewable Energy Development

**Strategic Policy 10 - Environmental Resilience and Protection (SPG10):** seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. SPG10 is supported by Policies:

- Policy DM 47 Surface Water Drainage & Sustainable Drainage Systems

### **Policy Context**

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The Antrim & Newtownabbey Plan Strategy (ANPS) sets out the relevant planning policies for the determination of planning applications in the Borough. However, until such times as the Local Policies Plan (LPP) identifies the boundaries of settlement limits, local designations and zonings, the provisions of the current legacy plans, both adopted and in draft form will continue to apply. The application site is located outside of any development limit and is within the countryside as designated within the Antrim Area Plan 1984-2001. In line with the transitional arrangements set out in the SPPS, AAP and the ANPS

must be read together. Any conflict between the policies in with the Plans must be resolved in favour of the ANPS.

### **Principle of Development**

Strategic Policy SP 1.11 of the ANPS indicates that development proposals in the countryside will be supported in principle provided that they accord with the relevant policies applicable to the development type otherwise it will not be permitted unless there are overriding reasons why it is essential in a countryside location and cannot be located within a settlement.

The proposal is for the erection of a Battery Energy Storage System (BESS), located approximately 342m southeast of Kells Substation and includes MV skids (transformer and inverter), outdoor switchgear compound, DNO substation control room, welfare unit, spare parts container, switch room, new site boundary fencing, new access, and ancillary development works.

Strategic Policy 3 (SP 3) provides the overarching policy context for transportation and infrastructure in the Borough, setting out that the Council will support proposals for the delivery of enhanced water supply, wastewater treatment, drainage, electricity and gas infrastructure where these accord with Policy DM 14.

Policy DM 14.1 of the Local Development Plan 2030 'Public Utilities and Infrastructure' indicates that the Council will support new public utilities and infrastructure where these are needed to support the growth of the Borough and where there is a specific locational requirement for the development related to constraints on existing networks along with other criteria.

It is noted under the previous provisions of Policy PSU8 of the Planning Strategy for Rural Northern Ireland (PSRNI) that applications for new infrastructure were required to demonstrate that a "thorough exploration of alternative sites has been carried out."

Policy DM 14.1 does not require a thorough site selection but does require that there is a specific locational requirement for the development. The need for this facility is outlined in the Planning Supporting Statement (Document 01, date stamped 14<sup>th</sup> June 2024). In this document, it is stated that BESS facilities increase the efficiency of energy generation from renewable resources and are becoming more readily recognised as an essential element of the electricity network, aiding the deployment of renewable energy generation across the electricity grid. With regards to this specific proposal, the supporting statement highlights that the proposed BESS is designed to help reduce wind power curtailments, by storing energy which would otherwise be curtailed and discharging it back to the grid at peak times or when generation from the wind turbine is low.

The applicant has submitted a detailed site selection process contained within Document 19, date stamped 20<sup>th</sup> May 2025, which details that 46no. sites were considered within 500m of the Kells substation and of the 46no. sites, only one site was considered suitable. The energy to serve the BESS is coming from Kells Substation and therefore it is noted that the application site is required to be within proximity to the energy source and in this case, is 342m southeast of Kells Substation. It is considered that the proposal complies with Criterion (a) of Policy DM 14.1 in that it has been demonstrated that there is a specific locational requirement for the

development. It has been raised through letters of objection that there is a concentration of BESS units at this location. It is acknowledged that there is an existing BESS facility 450 metres to the norther west. A 100MW BESS facility has recently been approved (Ref: LA03/2024/0182/F) approximately 80m west of No. 92 Parkgate Road, Kells, however, this site is approximately 2 miles southwest of the application site, which is considered a sufficient distance to prevent a cumulation of BESS facilities in one particular location. A current application for a 150MW BESS facility is under consideration by the Council (Ref: LA03/2025/0496/F) along the Lislunnan Road. Overall, it is considered that these other developments would not in combination lead to a significant impact on the character of the area.

A number of concerns were raised in relation to fire risk, which is discussed in detail in the 'Neighbour Amenity' Section of the report. The proximity of the proposal to the existing BESS facility to the northwest and the recently approved BESS (Ref: LA03/2024/0182/F) would not raise any significant concerns cumulatively in relation to fire risk as it is highly unlikely that they would be on fire at the same time. Sufficient fire mitigation has been proposed for each of the facilities in a fire event.

Therefore, it is considered that the application site is sufficiently removed from both the existing and approved BESS to ensure that there are no significant cumulative impacts from fire.

It is considered that the proposed BESS complies with the provisions of Strategic Policy SP 1.11 of the ANPS in that the proposal complies with the relevant policy applicable to the development type, in this case Policy DM 14.1 for the provision of public utilities and infrastructure. The proposal is considered to be acceptable in principle subject to the proposal complying with all other material considerations.

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

Paragraph 6.34 of the ANPS highlights the importance of public utilities, including major projects, to respect and visually integrate into the landscape. The proposal should not have an unacceptable adverse impact on local amenity or the environment in accordance with criterion (c) of DM 14.1. In addition, the Council will only support development in the countryside where it is sited to integrate sympathetically into its surroundings and respects rural character. New buildings will be expected to demonstrate high quality rural design, appropriate to the proposed site and its context as per DM 27.1.

Policy DM 27 'Rural Design and Character' of the ANPS is also appropriate to the assessment in terms of visual impact and landscaping. DM 27.2 and DM 27.3 adds to the policy requirements for integration and the protection of rural character requiring any new building to have a suitable means of enclosure, must not be a prominent feature in the landscape and must not result in build up or a ribbon of development. In relation to design and appearance, DM 27.4 of the ANPS requires that proposals respect rural design in terms of their design, scale and massing.

The proposed BESS consists of 52 no. battery units. Each battery system is paired with its own transformer for improved efficiency and increased safety. The battery units are located to the rear of the site in back-to-back rows, each battery unit's measure approximately 6.1m in width, 3m in height and 2.5m in depth, the battery units are spaced out with a 3m separation distance between each row. The proposal

includes associated buildings and equipment and has not changed in terms of layout, design or appearance from that previously considered.

The proposed development is located along the main Doagh Road; however, the majority of the development is set back approximately 70m from the roadside. The south and southwestern boundaries of the application site are defined by low level hedging which is to be removed and replaced with a new low-level hedge behind the sight lines associated with the new access.

With regards to the proposed landscaping, Policy DM 42.3 requires that proposals that remove any vegetation, provide replacement planting. It is noted that the proposal introduces a significant net gain with additional planting proposed along the roadside boundary and within the confines of the site. DM 42.1 requires that proposals promote a mixture of planting and provide details for the maintenance of the planting. The agent has submitted a suitable management plan contained with Document 05/1 Landscape Management Plan, Document 06/3, Plant Schedules and Document 07/1 Landscape Specifications.

A detailed planting plan, (Drawing 05/5, date stamped 21<sup>st</sup> August 2025) provides the location of the proposed planting which correlates with the plant schedules contained within Document 06/3. As indicated on Drawing Number 05/5, a 10m buffer of woodland planting is proposed along the roadside boundary along with a 10m buffer of planting approximately 60m from the roadside, within the middle portion of the application site, directly adjacent to the battery containers. It is noted that the main body of the development is set back approximately 60m from the roadside.

The proposed boundary treatments include a 2.4m high security fence along the eastern, western and southern perimeters of the site with a 3m high timber acoustic fence proposed along the northern boundary. The 2.4m high security fence will run for a length of approximately 98m along the southwestern boundary. An area of planting is proposed with a 900m cattle stock fence proposed in front and there is woodland landscaping proposed along the roadside as indicated on Drawing Number 04/5, date stamped 21<sup>st</sup> August 2025.

Although the proposed structures are set back from the public road, there is no existing vegetation, along the roadside hedge to help restrict views, and the surrounding landform does not lend itself to providing a suitable enclosure. The agent has submitted photomontages to show the site after 1, 3 and 10 years after the proposed planting, (Document 20/1, date stamped 21<sup>st</sup> August 2025). The agent has acknowledged that there will be a short-term visual impact in the first year of the development due to the young age of planting, however, they contend that the limited, short term landscape impact is significantly outweighed by the need for this type of development and climate change benefits of the proposal.

The proposed development will be visible from the Doagh Road given the removal of the roadside vegetation and there will be a short-term impact on the rural character of the area. However, the impact does not affect the wider landscape setting, and mitigation is provided through the setback location from the public road and the additional planting proposed.

In conclusion, while it is acknowledged that there will be a short-term visual impact, this is considered to be localised. On balance, it is considered that the significant landscaping works proposed will provide a suitable level of screening to the site when mature and the proposal is considered acceptable in terms of its impact on rural character.

## **Neighbour Amenity**

### Noise

Criterion (c) of Policy DM 14.1 of the ANPS requires proposals not to have an unacceptable impact on local amenity. Policy DM 28 'Amenity Impact' also requires that proposals do not result in an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties. Policy DM 28.2 indicates that issues such as noise and other disturbance are considered to be material considerations in the assessment of proposals.

There are two residential dwellings located within close proximity to the application site, Nos. 41 and 43 Doagh Road which are approximately 110m northwest of the site. The proposed development has the potential to harm residential amenity by creating unacceptable noise impacts. There were no new objections received with regards to noise since the original Committee Report and it is considered that amenity at nearby sensitive receptors can be suitably protected from any adverse noise impact subject to the attachment of noise control conditions to any approval. The proposal is considered to comply with criterion (c) of Policy DM 14.1 and Policy DM 28 of the ANPS in this regard.

### Fire Risk

Following the publication of the committee report, further concerns were raised through letters of objection in relation to fire risk, including concerns that:

- Development does not comply with Fire Safety Guidance;
- Hydrogen fluoride release in event of loss of control event;
- Non-compliance with guidance issued by National Fire Chiefs Council;
- Applicant has not provided test reports;
- Concerns over fire at other BESS sites;
- NIFRS were not consulted but a response was uploaded in July 2025; and
- Concerns over release of hydrogen fluoride and other toxic emissions.

Criterion C of Policy DM 45 requires that the applicant avoids or addresses any unacceptable adverse impact on public safety. The safety issues that can potentially result from BESS facilities have been considered in detail in the previous committee report.

Such issues include failures of lithium-ion batteries including 'thermal runaway' whereby a battery cell experiences uncontrollable overheating, often accompanied by the release of large quantities of flammable off-gasses. A failing battery cell may ignite and in a rare occasion may lead to thermal runaway of adjacent cells, creating a cascading failure across the system resulting in large quantities of heat and gas. If these gases accumulate in an enclosed space such as a BESS container, there is potential for explosion.

Concerns were raised by third parties over the release of Hydrogen Fluoride and other toxic emissions and the failure of the applicant to provide test reports. The

Health and Safety Executive (HSENI) were consulted on two occasions during the processing of the application and in their most recent response dated 29<sup>th</sup> August 2024, stated that they did not dispute the applicant's assessments and raised no objection to the proposal.

Further concerns were raised that the proposal does not comply with the Fire Safety Guidance and that the NIFRS were not consulted on this application, however, a response was uploaded onto the Portal on the 17<sup>th</sup> July 2025. NIFRS were not consulted on this application, but their standing advice was uploaded to the Portal to allow for consultees including SES to comment on the proposal. This standing advice is a publicly available document and was not received through a consultation with NIFRS, rather was obtained online and uploaded for the viewing of consultees.

Concerns were raised with the agent with regards to the fire management system on site and the lack of a proposed fire hydrant. An amended Drawing No. 100 (Appendix D) of the Drainage Assessment, (Document 16/1 date stamped 21<sup>st</sup> February 2025) shows the location of the proposed fire hydrant (directly south of the BESS containers) and the fire suppression method is detailed within Document 16/1. It is noted where loss of control is limited to a single BESS unit, fire suppression is aerosol based and self-contained within BESS units as outlined above. Firefighting water would potentially be used for cooling of adjacent units.

Document 16/1 details that where water used for cooling becomes contaminated, it will be controlled and prevented from leaving the site laterally (in site drainage) or by migrating vertically to groundwater. Lateral mitigation will be prevented by an emergency control shut-off isolation valve to the site drainage network upstream of the proposed drainage discharge location where it would enter a watercourse. Vertical migration is prevented by ensuring an impermeable liner under the stone formation used to form the unbound surface and subbase at the BESS area.

The agent has confirmed in an email dated the 25<sup>th</sup> July 2025 that responsibility for engaging the cut-off valve will be that of the NIFRS in line with their firefighting protocols, whereas the site operator will be responsible for the maintenance of the valve. The volume of storage available within the lined gravel substance (850 cubic metres) exceeds the minimum recommended volume (228 cubic metres) required to contain water used for boundary cooling per the best practice guidance from NFCC.

HSENI were consulted and raised no objection to the proposal, advising that the construction and operation of the proposed development will be subject to the Health and Safety at Work (NI) Order 1978 requirements and relevant statutory provisions. The operator is legally required to reduced risks to the lowest reasonably practicable level.

It is considered that the location of the fire hydrant is acceptable and the fire management process for the site would provide sufficient mitigation, if a thermal runaway event were to take place.

### **Impact on Natural Heritage**

Policy SP 1.4 states that the Council will adopt a precautionary approach where there are significant risks of damage to the environment while Policy SP 8.3 requires

that appropriate weight in the decision-making process is given to the protection of designated sites, priority habitats, protected species and other features of biodiversity interest. Specific policies for designated sites are also provided under Policy DM 37 which states that proposals must not be likely to have a significant effect on sites of nature conservation importance including SPA/Ramsar Sites.

No new issues were raised within any additional letters of objection in relation to the impact of the proposal on natural heritage. A Preliminary Ecological Assessment (Document 10, date stamped 14<sup>th</sup> June 2024) was submitted which details that the closest nationally and internationally designated sites are identified as Lough Neagh Area of Special Scientific Interest (ASSI), and Lough Neagh and Lough Beg Special Protection Area (SPA) and Ramsar sites which are located approximately 10m southwest of the site. The site is located within 100m of a minor watercourse which is a tributary of the Kells Water. Informal consultation with Shared Environmental Services (SES) indicated that the site is hydrologically linked to Lough Neagh and Lough Beg SPA/ Ramsar site and as such formal consultation with SES is required to complete a Habitats Regulations Assessment (HRA).

Policy DM 39 of the ANPS covers habitats of natural heritage importance including priority habitats and requires that development should not have an unacceptable adverse impact on any habitat or species of importance. The Preliminary Ecological Assessment (Document Number 10, date stamped 14<sup>th</sup> June 2024) has concluded that the application site is unlikely to impact on protected sites and species.

The Natural Environment Division (NED) and Water Management Unit of DAERA were consulted on the application and indicated that they require further information to inform the HRA including detail regarding the bunding as referenced in the Drainage Assessment along with the comments of the NIFRS. As noted above, the NIFRS provide standing advice which was uploaded on the 17<sup>th</sup> July 2025 and forwarded to SES for their viewing. SES were reconsulted on the proposal and have raised no objection, subject to a condition regarding mitigation measures being put in place to ensure there is no adverse effect on the integrity of any European site.

It is considered that the proposal will not have an adverse impact on any designated site in accordance with Policy DM 37 of the ANPS and is not considered to adversely impact on any priority habit or species in accordance with Policy DM 39 of the ANPS.

### **Impact on features of Archaeological Importance**

Policy DM 30.2 'Archaeological Remains of Regional Importance' of the ANPS indicates that development proposals should not adversely impact any scheduled monument or other important site.

An Archaeological Impact Assessment (Document 03, date stamped 14<sup>th</sup> June 2024) was submitted which indicates that there are no historic monuments located within the application site. However, the application site is located within 1km of a historic rath (Historic Monuments Reference ANT 44:14) and within 1km of a historic Flax Mill site (IHR No. 7049). The application site is sufficiently removed from any features of archaeological importance to mitigate any potential impacts on their setting. Consultation with the Historic Environment Division (Historic Monuments) (HED) was carried out. HED has assessed the application and on the basis of the

information provided is content. It is therefore considered that the proposal is satisfactory to SPPS and Policy DM 30.2 of the ANPS, subject to conditions.

### **Flood Risk**

Strategic Policy 10: Environmental Resilience and Protection of the ANPS seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. Flood Maps (NI) has indicated that the site does not lie within any floodplain.

Policy DM 47 of the ANPS 'Surface Water Drainage and Sustainable Drainage Systems (SuDS) deals with flood risk outside floodplains and aims to reduce flood risk for new developments from surface water (pluvial) sources. DM 47.2 states that a Drainage Assessment will be required for all development proposals that involve the change of use involving new buildings and /or hard surfacing exceeding 1000 square metres in area.

In line with DM 47.2, a Drainage Assessment (DA), (Document 16/1, date stamped 21<sup>st</sup> February 2025), was submitted as the proposal involves additional hardstanding in excess of 1000sqm. DM 47.3 states that the DA must demonstrate that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and from the development elsewhere. The DA must also include suitable arrangements for the long-term management and maintenance of the infrastructure, on which mitigation depends.

Policy DM 47.4-47.6 indicates that SuDS will be the preferred means of treating surface water and that an appropriate management scheme will be provided for their long-term maintenance. It is detailed within the DA, that surface water drainage will consist of filter, drain, gully and carrier pipes and a maintenance plan for the drainage system is included within Table 5-1 and is considered acceptable. DfI Rivers and DAERA Water Management Unit were consulted on the application and are content with the submitted DA.

It is noted that DfI Rivers requested a working strip of a minimum of 5m but up to 10m where necessary to the undesignated watercourse to the southwest which is a tributary to Kells Water. DfI Rivers requests that the working strip is protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or any future development by way of a planning condition. Access to and from the maintenance strip should be available at all times. Based on Drawing No. 100 (Appendix D) contained within the DA (Document 16/1, date stamped 21<sup>st</sup> February 2025) DfI Rivers have indicated that this requirement for a working strip has been complied with.

Therefore, it is considered that the development proposal is unlikely to result in a significant increase in the risk of flooding or exacerbate flooding elsewhere. For the reasons set out above, the proposal is considered to be compliant with the relevant provisions of the SPPS and Policy DM 47 of the ANPS.

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

Policy SP 3.10 of the ANPS sets out that the Council will seek to ensure that all new development provides safe access arrangements that will not significantly inhibit the

free flow of traffic, and that sufficient car and cycle parking is provided. SP 3 is supported by Policy DM 10.

DM 10.1 of the ANPS 'Access and Parking' requires that there is the capacity on the road network to accommodate the type and amount of traffic likely to be generated, and access arrangements do not prejudice road safety or significantly inconvenience the flow of people or goods. DM 10.2 of the ANPS details that in assessing access arrangements, the Council will continue to take account of supplementary guidance including DCAN 15: Vehicular Access Standards (DoE, 1999).

Additional concerns were raised that the proposal does not comply with guidance issued by National Fire Chiefs Council in relation to access including that the site does not have two separate accesses from the Doagh Road and that there is no perimeter road. A new singular access is proposed to serve the development where the existing agricultural gate is located, (Drawing Number 19/5, date stamped 20<sup>th</sup> February 2025). Information submitted within the Transport Assessment Form (Document 11, date stamped 14<sup>th</sup> June 2024) indicates that the access is necessary at the construction stage and once constructed the development will not be staffed on a day-to-day basis, instead it will be subject to approximate weekly visits for monitoring purposes, up to 50 visits per year. The agent has responded to the objection in relation to access and stated that the NIFRS do not provide specific advice on the proposed access layout but notes that in the case of an emergency, the site can be assessed from the adjoining field.

DfI Roads was consulted on the proposal and offered no objection, subject to conditions. The proposal is considered to comply with Policy DM 10 of the ANPS in terms of not prejudicing the safety and convenience of road users, it is also considered that the proposal can accommodate the traffic generated, which is considered to be infrequent.

### **Sewage Disposal**

Policy DM 15 'Development Relying on Non-Mains Sewerage' of the ANPS indicates that development proposals relying on non mains sewage will be supported where they do not create or add to a pollution problem. Sufficient information will also be required to allow for a proper assessment of such proposals.

It is noted that the proposal includes 1 no. WC proposed within the welfare unit and there is an underground effluent tank to deal with foul sewage which will be privately managed and no treated foul water will be discharged from the facility. Instead, the effluent tank will be emptied by a licenced haulier and waste disposed of at a suitable waste facility. The proposal is considered to comply with Policy DM 15 of the ANPS in this regard.

### **Other Matters**

The agent has detailed in an email dated the 21<sup>st</sup> August 2025 that a 79MW BESS facility can supply between 20,000 and 40,000 homes over a 2-hour period (based on the average home consuming 1-2kwh of electricity per hour). This figure doubles if discharged over a 1-hour period. No CO<sub>2</sub> emissions are produced during discharge. By storing electricity generated from renewable sources or by

shifting electricity usage from peak demand times, battery storage indirectly helps reduce overall grid emissions, leading to a positive climate change impact.

The environmental benefits of the application are acknowledged and it is noted that the recommendation is to grant planning permission.

**RECOMMENDATION**

**GRANT PLANNING PERMISSION**

**PROPOSED CONDITIONS**

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

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

2. The development hereby permitted shall cease on or before 25 years from the date when the operational use commences or as otherwise agreed in writing by the Council and the land restored to its former condition.

Reason: To enable the Council to retain control over the development.

3. The facility hereby granted shall operate at a maximum capacity of 79MW.

Reason: To enable the Council to retain control over the development.

4. The development shall not become operational until the fire hydrant, as shown on Drawing Number 03/3, date stamp received 3<sup>rd</sup> September 2025, has been put in place and is fully operational and shall be retained for the lifetime of the development.

Reason: In the interests of health and safety.

5. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 19/5 bearing the date stamp 20<sup>th</sup> February 2025, 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.

6. The gradient(s) of the access road shall not exceed 8% (1 in 12.5) over the first 5m 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 interests of road safety and the convenience of road user.

7. The BESS facility must not become operational until the site drainage has been constructed in accordance with the Drainage Assessment (Section 4, and Drainage Plan at Appendix D of Document 16/1, date stamped 21<sup>st</sup> February 2025) including the installation of an emergency control shut off isolation valve, an impermeable membrane/liner that is capable of preventing contaminated water infiltrating the ground, a bypass separator, an oil bund, and the specified fire suppression attenuation volumes, unless otherwise agreed in writing by the Council.

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

8. Prior to the development becoming operational, a 3m high acoustic barrier shall be installed within the site as presented on Drawing Number 03/3, date stamped 3<sup>rd</sup> September 2025. The barrier shall have a surface weight of not less than 25kg/m<sup>2</sup>, be of solid construction (i.e. no holes or gaps for sound to pass through), and so if it is a fence, it should be of the ship-lapped design. The barrier shall be maintained for the lifetime of the development.

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

9. Prior to the development becoming operational, the operator shall install silencer attenuation at the chiller end of each battery storage container capable of achieving a reduction of at least 15dB in noise from the battery storage container which shall be maintained for the lifetime of the development.

Reason: In order to protect amenity at nearby sensitive receptors

10. Noise arising from the operation of the permitted development, shall not exceed the Rating Levels detailed within the Table below, when measured within the external amenity area of the following noise sensitive receptors, and assessed in accordance with British Standard 4142:2014 +A1:2019.

Receptor Location	Noise Rating Level with mitigation dB(A) $L_{A,Tr}$	Coordinates	
		X(m)	Y(m)
NSR1 – 41 Doagh Road	37.7	318261	396271
NSR2 – 43 Doagh Road	37.3	318257	396252
NSR3 – 98A Carncome Road	34.2	318145	396073
NSR4 – 100 Carncome Road	33.8	318246	395991
NSR5 – 112 Carncome Road	36.4	318518	396014
NSR6 – 95A Tildarg Road	35.7	318762	396172
NSR7 – 93 Tildarg Road	31.3	318963	396257
NSR8 – 40 Doagh Road	36.5	318388	396434

Re

tors.

11. Within 4 weeks of a written request by the Council, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the site operator shall, at his/her expense employ a suitably qualified and competent person, to assess the total level of noise arising

from the approved development, including an assessment of the audibility of tones, at the complainant's property. Details of the noise monitoring survey shall be submitted to the Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

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

12. The site operator shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Condition 11, including all calculations, and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 1 month of the date of the written request of the Council unless otherwise extended in writing by the Council.

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

13. Should the total level of noise arising from the approved development measured within Condition 11 exceed the levels stated within Condition 10, then mitigation measures to reduce noise levels shall be agreed in writing and carried out within a time frame specified by the Council. Within one month of the completion of further works, a noise survey shall be completed and submitted to the Council to demonstrate the noise levels stated within Condition 10 are not exceeded.

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

14. Should the monitoring undertaken as required by Condition 11 indicate the presence of a tone, then mitigation measures to remove the tone shall be agreed in writing and carried out within a time frame specified by the Council. Within one month of the completion of further works, a noise survey shall be completed and submitted to the Council to demonstrate that any tone has been mitigated.

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

15. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

16. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 15,

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

17. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under Condition 15. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

18. Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) should be submitted to and agreed by the Council at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. Construction shall be carried out in accordance with the approved CEMP.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

19. Prior to the commencement of development, details on the functionality of a readily accessible shut off valve shall be submitted as part of an overall site management report. The site management report shall be carried out as approved and maintained for the lifetime of the development.

Reason: To ensure that any contaminated water does not infiltrate into the ground water or watercourses.

20. The existing trees and hedges to be retained as outlined on approved Drawing Number 04/5, date stamped 21<sup>st</sup> August 2025 shall be retained and allowed to grow on with the hedgerows retained at a minimum of 2 metres and the trees retained at a minimum height of 4 metres.

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

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

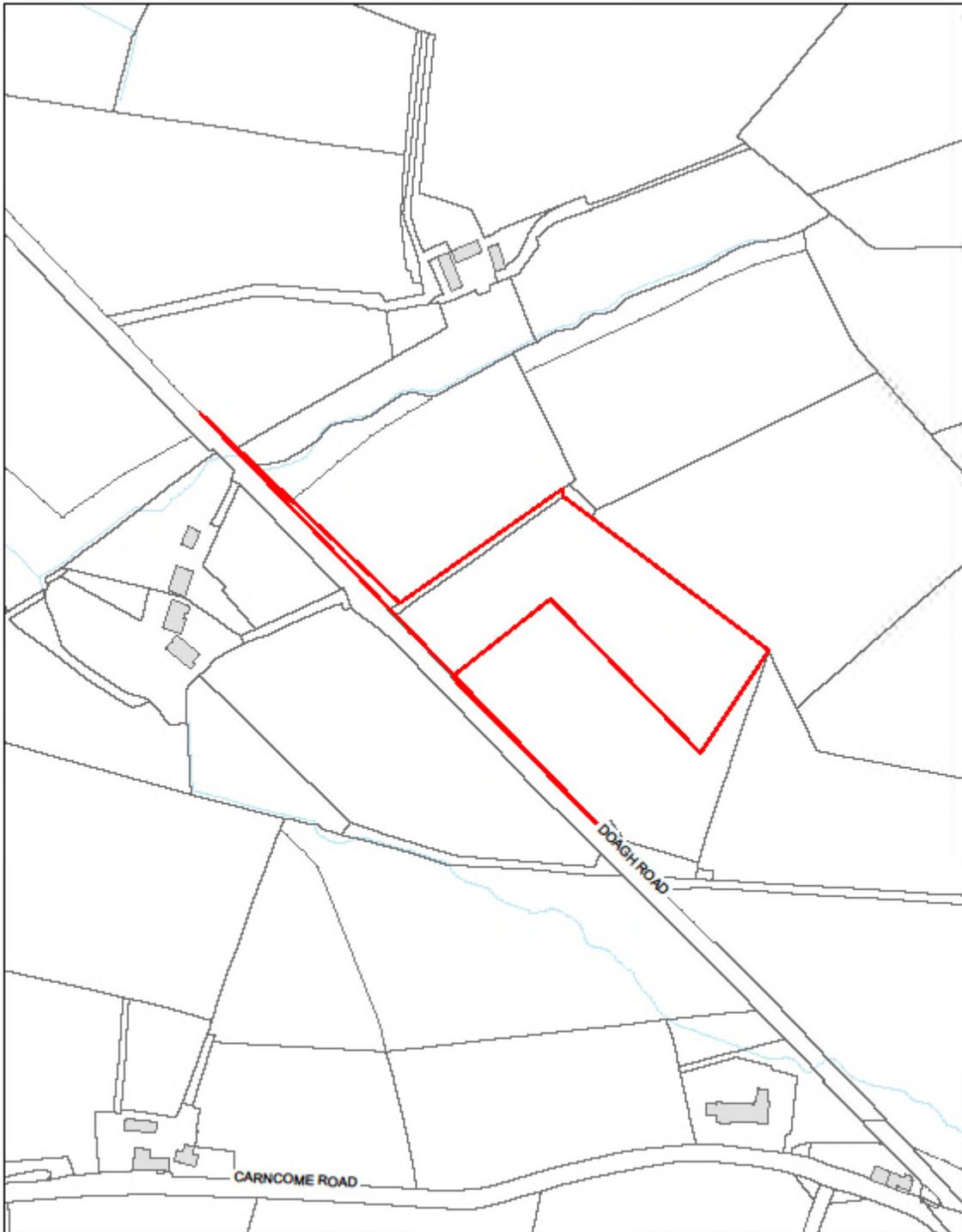
Reason: To ensure the continuity of amenity afforded by existing trees.

22. The proposed planting shall be carried out in accordance with approved Drawing No. 04/5 bearing the date stamp 21<sup>st</sup> August 2025. The planting shall be carried out within the first available season after commencement of the development hereby approved. Hedging shall be allowed to grow on and retained at a minimum height of 2m thereafter, trees shall be allowed to grow on and retained at a minimum height of 4m thereafter.

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

23. If within the lifetime of the development following 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 within the next available full planting season, unless the Council gives its written consent to any variation.

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



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**Site Location Plan**

1:2,500 

Reference: LA03/2024/0435/F

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.2</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0581/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Residential development consisting of 33 no. dwellings, parking, access, open space, landscaping and associated ancillary site works
<b>SITE/LOCATION</b>	Lands within the SW portion of the former Craighill Quarry, approx. 160m east of Ballyeaston Road and approx. 20m east of Nos. 8-20 and Nos. 26-34 Craighill Park, Ballyclare
<b>APPLICANT</b>	Craighill Developments Ltd.
<b>AGENT</b>	Gravis Planning
<b>LAST SITE VISIT</b>	30 January 2025
<b>CASE OFFICER</b>	Sairead McCarthy 028 9034 0406 <a href="mailto:Sairead.mccarthy@antrimandnewtownabbey.gov.uk">Sairead.mccarthy@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal</b></p> <p><a href="https://planningregister.planningsystemni.gov.uk/application/673756">https://planningregister.planningsystemni.gov.uk/application/673756</a></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limits of Ballyclare within an area zoned for housing (BE/03) as defined by the draft Belfast Metropolitan Area Plan, published 2004 (dBMAP). The site is located to the southwest of the former Craighill Quarry and to the east of Ballyeaston Road. Ballyclare Town Centre lies approximately 420 metres to the south of the site.</p> <p>The application site is accessed off the Ballyeaston Road and along an existing estate road that serves Craighill Park. The site consists of low-level vegetation and scrub land and areas of hardstanding associated with the former quarry. There are considerable differences in land levels across the site due to past quarrying activities.</p> <p>Beyond the application site and the quarry lands to the northeast, east and southeast are agricultural lands. Residential developments characterise the lands to the north, west and southwest of the application site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2025/0273/F  Location: Lands to the south of No.38 Craighill Park, including existing turning area, public road and footpaths and section of former Craighill quarry, Ballyclare.  Proposal: Extension of road and footpaths and creation of new turning area at Craighill Park, and removal of existing turning area.  Decision: Current Non-Determination Appeal</p> <p>Planning Reference: LA03/2024/0925/F  Location: Lands within the southwest portion of the former Craighill Quarry, east of Ballyeaston Road and south of Craighill Park, Ballyclare</p>	

Proposal: Social housing development comprising 45 no. residential units with associated access, car parking landscaping and ancillary works  
Decision: Current Non-Determination Appeal

Planning Reference: LA03/2024/0899/F

Location: Lands to northeast of Ballycorr Road, approx. 200m Northeast of Ballycorr Heights, Ballyclare

Proposal: 3 no. detached 2 storey dwellings with associated parking and landscaping

Decision: Permission Refused (19 September 2025)

Planning Reference: LA03/2023/0898/F

Location: South-east portion of the former Craighill Quarry, 110m south-west of No. 155 Ballycorr Road, 105m west of No. 156 Ballycorr Road and 230m north-east of 1, 3 5 & 7 Ballycorr Road, Ballyclare

Proposal: 32 dwellings (Amendments to LA03/2020/0117/F & 2020/A0048 to include reduced site levels and finished floor levels)

Decision: Permission Granted

Decision Date: 08 May 2024

Planning Reference: LA03/2023/0813/F

Location: Former Craighill Quarry site lands to the north of Ballycorr Road and to the south of the Ballyeaston Road Ballyclare

Proposal: 39no. dwellings

Decision: Appeal Allowed (PAC Ref: 2023/A0103)

Decision Date: 30 October 2024

Planning Reference: LA03/2021/0477/F

Location: Lands at Ballycorr Road, approximately 30 metres east of 1-7 Ballycorr Heights, Ballyclare

Proposal: Erection of 26 no. residential units and associated infrastructure and works, including new access onto Ballycorr Road and internal road (revision to previously approved scheme PAC ref 2018/A0075)

Decision: Permission Granted

Decision Date: 18 May 2022

Planning Reference: LA03/2020/0117/F

Location: South-east portion of the former Craighill Quarry, 110m south-west of No. 155 Ballycorr Road, 105m west of No. 156 Ballycorr Road and 230m north-east of 1, 3 5 & 7 Ballycorr Road, Ballyclare

Proposal: Residential development consisting of 32 dwellings, and associated ancillary works

Decision: Appeal Allowed 15 April 2021

Planning Reference: LA03/2019/0510/O

Location: Former Craighill Quarry site lands to the north of Ballycorr Road and to the south of the Ballyeaston Road Ballyclare

Proposal: Residential-led masterplan with an average density of 15 units/ha (c. 300 units); local community and neighbourhood facilities (including local retail and services units(Use Class A1/A2), a community hub, children's playground and medical/fitness facilities); new access roads and associated infrastructure and ancillary works.

Decision: Permission Granted 29/09/2023

Planning Reference: U/2008/0120/F

Location: Craighill Quarry, Ballyeaston Road, Ballyclare

Proposal: Residential development of 35 No. houses with associated landscaping.

Decision: Permission Refused 10/04/2013

Planning Reference: U/2005/0602/F

Location: Craighill Quarry, Ballyeaston Road, Ballyclare, Co Antrim

Proposal: Erection of retail units in a neighbourhood centre and petrol filling station.

Decision: Appeal Dismissed

Planning Reference: U/2001/0621/F

Location: Opposite No.85 Ballyeaston Road, Ballyclare,

Proposal: New church for Elim Ballyclare with playschool, crèche, and church halls and associated parking and site development.

Decision: Permission Granted 15/05/2002

### **PLANNING POLICY AND GUIDANCE**

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

The Antrim and Newtownabbey Local Development Plan (ANLDP) will comprise of two parts; Part 1 is the Plan Strategy which contains strategic and operational policies and was adopted on 3<sup>rd</sup> July 2025. Part 2 is the Local Policies Plan which will identify the boundaries of settlement limits, local designations and zonings which has not yet been published. As such the settlement limits, local designations and zonings of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) remain applicable. Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the provisions of the draft Belfast Metropolitan Area Plan.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located inside the development limits of Ballyclare on unzoned land.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the development limits of Ballyclare. The application site forms part of a larger area zoned for housing (Zoning BE 04/03, Craighill Quarry) which comprises 24.94 hectares of land, with a small portion to the west as unzoned white land. Part of the site to the east lies within Craighill Quarry Geodiversity Site of Local Nature Conservation Importance (SLNCI) and Area of Constraint on Mineral Developments (dBMAP Map No.3d). The housing zoning incorporates a series of Key Site Requirements; these include:

- a) A Concept Master Plan to facilitate the comprehensive development of the site shall be submitted to and agreed with the Department.
- b) Housing development shall be a minimum gross density of 13 dwellings per hectare and a maximum gross density of 25 dwellings per hectare.
- c) Access arrangements shall be agreed with Roads Service.
- d) A comprehensive Transport Assessment (TA), agreed with Roads Service, DRD, shall be required, to analyse the overall impact of the proposed housing developments

at Zonings BE 04/02, BE 04/03 and BE 04/04, and to identify any necessary improvements to the road / network / public transport / transportation facilities in the area. In addition to the need for a TA, and the requirements identified therein, the proposed Ballyclare Relief Road shall be provided and funded in whole through developer contributions.

- e) Provision shall be made within the proposed development for a local neighbourhood centre on approximately 1.5 hectares to include local retail outlets and community facilities, offering for example, a multi-purpose hall and a 'Healthy Living Centre' to accommodate medical and fitness facilities.
- f) An Article 40 Agreement, approved by the Department, shall be required to ensure that the necessary local facilities and public infrastructure, including the road improvements, are provided.
- g) Housing layout shall be designed to ensure dwellings front onto Ballyeaston Road and Ballycorr Road.
- h) Retaining structures shall not be included. In exceptional circumstances, where retaining structures are necessary, they shall not exceed 1.5 metres in height.
- i) A full flora and fauna survey of the site shall be carried out to inform proposals outlined in the Concept Master Plan.
- j) No heavy construction activity shall occur on the site between March and July. This is to limit disturbance to breeding Peregrine Falcons (a Protected Species).
- k) All existing trees, shrubs and hedgerows within the site and on the boundaries shall be retained unless the Department determines that such vegetation is not of a quality to merit retention or is required to be removed to facilitate a safe means of access to the site.
- l) An archaeological survey of the site shall be carried out to inform proposals outlined in the Concept Master Plan.
- m) A 10-12 metres wide landscape buffer of trees and hedges of native species shall be provided entirely within and adjacent to the Settlement Development Limit, along the northeastern boundary of the site and outside the curtilage of any dwelling. This is to provide screening for the development and help assimilate and soften its impact on the countryside. Details of establishment, maintenance and long-term management shall be formally agreed with the Department; and
- n) The design layout shall include provision for cycle and pedestrian links to Ballyeaston Road and Ballycorr Road.

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

Antrim and Newtownabbey Plan Strategy 2015-2030: sets out the relevant planning policies for assessing planning applications and other planning consents. The relevant strategic and operational policies for the assessment of the current proposal are listed below.

**Strategic Policy 1 – Sustainable Development (SP 1)**: sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable contained in the Strategic Planning Policy Statement (SPPS).

**Strategic Policy 3 – Transportation and Infrastructure (SP 3)**: aims to encourage the continued development and growth of high-quality transportation, communications and utilities infrastructure in a timely and co-ordinated fashion to meet the current and future needs of our Borough and support sustainable development in accordance with the Council's Spatial Growth Strategy. SP3 is supported by Policies:

- Policy DM 10 Access and Parking; and
- Policy DM 12 Active Travel (Walking and Cycling)

**Strategic Policy 4 - Homes (SP 4)**: sets out that the Council's aims of achieving quality in new residential development both within urban settlements and the countryside. SP4 is supported by Policy:

- Policy DM 17 Homes in Settlements

**Strategic Policy 6 - Placemaking and Good Design (SP6)**: sets out that positive placemaking and good design are key components in the delivery of high quality, attractive and sustainable places within our Borough. SP6 is supported by Policies:

- Policy DM 25 Urban Design; and
- Policy DM 28 Amenity Impact

**Strategic Policy 7 - Historic Environment (SPG7)**: Indicates that careful management and ongoing investment in our historic environment will help to create unique, attractive and welcoming places to live, work and relax in and contribute significantly to our Borough's sense of place. SP 7 is supported by Policy:

- Policy DM 30 Archaeology

**Strategic Policy 8 - Natural Heritage (SPG8)**: seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features. SP 8 is supported by the following Policies:

- Policy DM 38 Protected Species;
- Policy DM 39 Habitats, Species & Features of Natural Heritage Importance;
- Policy DM 40 Landscape Protection; and
- Policy DM 42 Trees and Development

**Strategic Policy 10 - Environmental Resilience and Protection (SPG10)**: seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. SPG10 is supported by Policy:

- Policy DM 47 Surface Water Drainage & Sustainable Drainage Systems; and
- Policy DM 52 Contaminated Land

## CONSULTATION

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

**NI Water:** Refusal recommended; subject to the applicant engaging with NIW as outlined, NIW may reconsider its recommendation.

**DfI Rivers:** No objection, subject to condition.

**Geological Survey NI:** Further information required.

**DfC Historical Environment Division (HED):** Archaeological Evaluation required

**DAERA Natural Environment Division (NED):** Further information required.

**DAERA Water Management Unit (WMU):** Further information required.

**DAERA Regulation Unit and Groundwater Team:** No objection.

**DfI Roads:** No objection, subject to conditions.

## REPRESENTATION

Fourteen (14) neighbouring properties were notified, and four (4) letters of representation have been received from three (3) properties. The full representations made regarding this proposal are available to view online at the Planning Portal - <https://planningregister.planningsystemni.gov.uk/application/673756>

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

- The development will remove the view from properties in Craighill Park and affect the utilities at the rear of properties;
- Increase in traffic;
- Increase in noise and impact on access from site traffic, deliveries and earth works;
- Disturbance to site levels;
- Overdevelopment of the site and impact on local character;
- Impact on wildlife;
- Anti-social behaviour;
- Danger from people falling into the quarry lake;
- Increased pollution from building and traffic; and
- Lack of amenities resulting in congestion, noise and pollution.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Affordable Housing and Lifetime Homes
- Design, Layout and Appearance and Impact on Character of the Area
- Residential Amenity
- Public and Private Amenity Space
- Crime and Personal Safety
- Access and Parking
- Natural Heritage
- Archaeology and Built Heritage
- Flood Risk and Drainage

- Contamination
- Other Matters

### **Preliminary Matters**

#### Environmental Impact Assessment

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

#### Engagement with the applicant / agent

- The agent was advised of the Council's concerns regarding the proposed development via email on 13 February 2024. These concerns included the lack of a concept masterplan and dual frontage designs. The agent was advised that further comments were being sought from Geological Survey NI. Further information from the agent was also sought following comments from Natural Environment Division (NED) of NIEA.
- On 07 March 2024, an extension of time to submit the information was granted until 21 March 2024. The agent was also asked to provide an Archaeological Evaluation by 28 March 2024.
- Some of the information requested on 13 February was submitted on 27 March, with further submissions on 05 April and 10 April 2024. The Archaeological Evaluation was received on 03 April 2024.
- On 02 August 2024, the agent was advised via email that the Council still had concerns regarding the concept masterplan and the design of dual frontage dwellings. Further information regarding these points was received on 19 August 2024.
- The agent was advised again on 21 February 2025 of the Council's concerns with the proposed concept masterplan and the dual frontage design. Other issues were also highlighted regarding the consultation responses from NED and HED, general layout issues and the need to look at emerging policies in the ANPS which would apply to the proposed development.
- A revised layout plan and cross sections were submitted on 06 March 2025, together with a letter from the agent arguing their case for the concept masterplan and dual frontage design. No additional information or amended drawings were received in respect of these latter two issues.
- A meeting was held on 15 May 2025, with the case officer, the Head of Planning Development Management, the applicant, agent and architect in attendance. The issues discussed related to consultation responses from NED, HED, GSNI, the dual frontage design, and the concept masterplan.

- The agent advised on 23 May 2025 that they considered the Council had sufficient information before it to determine the application and requested that the application was progressed based on the information received to date.
- Following adoption of the ANPS on 03 July 2025, the agent was offered the opportunity to submit an updated planning statement, but no further information was received.

### **Policy Context and Principle of development**

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The Antrim and Newtownabbey Plan Strategy (ANPS) sets out the relevant planning policies for the determination of planning applications in the Borough. However, until such times as the Local Policies Plan (LPP) identifies the boundaries of settlement limits, local designations and zonings, the provisions of the current legacy plans, both adopted and in draft form will continue to apply.

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

However, the Newtownabbey Area Plan was never formally adopted and therefore following the Court of Appeal decision in May 2017 there is currently no adopted plan for Ballyclare. In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in determining all proposals in Ballyclare, including the current application.

In the interim period there have been a number of decisions taken by the Planning Appeals Commission that indicate, whilst the emerging policy provisions of BMAP remain material considerations in the determination of planning applications, reliance cannot be placed on specific policies of the draft Plan to refuse development proposals.

However, given the unique position of Ballyclare, that it is not covered by an extant and adopted plan, and given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for the town and should therefore be afforded greater weight than dNAP in the decision making process. In line with the transitional arrangements set out in the SPPS, dBMAP and the ANPS must be read together. Any conflict between the policies in the Plans must be resolved in favour of the ANPS.

The relevant development plans identify the application site as being within the settlement limit of Ballyclare. However, whilst the site was not specifically zoned in dNAP and was simply identified as white land, it forms part of a site zoned for housing in dBMAP (BE 04/03) which was subject to a range of Key Site Requirements (KSRs).

Given the site location within the settlement of Ballyclare, Strategic Policy SP 4.1 of the ANPS indicates that a presumption in favour of the development of new homes will be applied, provided the proposal meets the requirements of Strategic Policy SP 4 and other relevant policies applicable to the development type. Policy DM 17 of the ANPS indicates that the Council will support proposals for quality and sustainable residential development in settlements, where they do not contribute to town cramming, and where a number of other additional criteria are met.

In addition to Strategic Policy SP 4, Strategic Policy SP 6.4 places the onus on the developer to demonstrate that they have considered the core principles of placemaking and that the proposed scheme will deliver a high-quality development. As this proposal is for more than ten (10) residential units, a Design and Access Statement is required. The ANPS sets out that this should incorporate a detailed site analysis; a Concept Plan and / or Masterplan; and a written statement outlining how the key design criteria set out in Policy DM 25 have been addressed by the design and layout of the scheme.

A Planning Supporting Statement (Document 01, date stamp received 15 August 2023) accompanied the application. This document describes the application site and surrounding area, provides details on the proposed development, and assesses the proposal against relevant, but now redundant, Planning Policy Statements (PPSs). Appendix 1 of this document is an overall Masterplan, which shows existing and proposed development on the entire zoned site.

Within the Planning Supporting Statement, the agent asserts that through subsequent and recent decisions made after the Public Inquiry into dBMAP in relation to developments in zoning BE 04/03 that KSR should be 'set aside' in the decision-making process and therefore carry no weight in this process. Whilst the agent's position above is noted, the Council, when assessing previous applications for this site and the wider zoning, set aside only a number of KSR (c, d, f, i, j and l) and afforded greater weight to published planning policy which dealt with these KSRs. It is considered that the PAC in its decision 2018/A0072, also set aside the key site requirements of dBMAP by providing greater weight to published planning policy. However, with the recent adoption of the ANPS, policies provided within Planning Policy Statements (PPS) are no longer applicable, and it is considered that policies contained within the ANPS provide the supporting policy base to allow for the setting aside of the same KSR.

As noted above, SP 6.4 requires the submission of a Design and Access Statement, as does criterion (g) of DM 17.7. The ANPS states that the level of information contained within this Statement should be proportionate to the nature, scale and location of the proposed development. In addition to this policy requirement, KSR (a) of dBMAP also requires that a Concept Master Plan is submitted to and agreed with the Department (now the Council) to facilitate the comprehensive development of the site. The agent has provided a Concept Masterplan (Drawing Number 28/1, date stamped 19 August 2024). It is noted that this Masterplan, or a variation of it, has been submitted across a number of applications within the wider zoned site.

KSR (e) is also applicable in this instance. It sets out that provision shall be made within the proposed development for a local neighbourhood centre on approximately 1.5 hectares to include local retail outlets and community facilities, offering for example, a multi-purpose hall and a 'Healthy Living Centre' to accommodate medical and fitness facilities. The need to provide this local neighbourhood centre is reiterated in DM 17.7 at point (f), which states that adequate provision should be made for necessary local neighbourhood facilities, and these should be provided by the developer as an integral part of the development.

It is noteworthy that a Concept Outline Masterplan has been granted permission previously, Ref: LA03/2019/0510/O. This outline masterplan covers the entirety of the housing zoning and the required neighbourhood facilities, outdoor gym and play park are positioned on the current application site as shown on Drawing No. 04 of application Ref: LA03/2019/0510/O. Therefore, should this planning application be granted permission and implemented this will render the previously approved Concept Outline Masterplan incapable of being delivered.

It is acknowledged that the applicant has submitted a Concept Masterplan which shows phases of development that have previously been approved and constructed and the remaining areas of the overall larger site which have not yet been developed but are annotated as an 'area for future development'. It is accepted that a Concept Masterplan may be an evolving document and that it can be subject to change depending on particular circumstances or external pressures at that time. However, the applicant has submitted Concept Masterplans for all previous applications, with the required neighbourhood facilities being displaced and the required public open space for the whole zoning getting pushed into future phases of development.

The applicant has not provided any details on the deliverability of any submitted Masterplan at any stage during the processing of any application and there has been no commitment given as to when the neighbourhood facilities or the open space for the whole zoning will be developed. The agent continues to rely on an 'evolving' document which is claimed shows an intention to provide the required open space and neighbourhood facilities.

The agent asserts that as the entire zoned lands are under one ownership, 'future delivery can be controlled via future applications'. However, the Council has no control over land ownership and has no assurances that the public open space and neighbourhood facilities will ever be delivered in the future.

In reaching their decision, the PAC concluded that the Concept Masterplan submitted for application Ref: LA03/2022/0813/F demonstrates how the comprehensive planning of the entire zoned area is to be undertaken and whilst it is accepted that the Masterplan does include neighbourhood facilities and public open space, for the whole zoning, it does not provide any delivery mechanism for how this will be achieved. This concern was raised with the PAC during the hearing in respect of application Ref: LA03/2022/0813/F, however, the PAC decision is silent on how the Concept Masterplan will be delivered.

As set out in the planning history above, the development of the entire zoned site has been taking place in a 'piecemeal' fashion, that is, each phase of development has been subject to a separate application which has not demonstrated the comprehensive development of the whole zoning. The only application made for the entire zoned site is

an outline application for a concept masterplan (Ref: LA03/2019/0510/O), which has been approved, however, no Reserved Matters application has been submitted.

The agent/applicant has been advised that this piecemeal form of development is not appropriate, nor is it acceptable as it fails to deliver the required neighbourhood facilities and public open space as set out in the ANPS. Consequently, this type of development does not create a quality and sustainable residential development across the wider zoned site. The Council would highlight its consistency in applying this consideration in a number of recent applications presented to the Planning Committee Ref's: LA03/2024/0899/F and LA03/2025/0273/F were before Committee in September 2025, and LA03/2024/0925/F was at Committee in July 2025. It is noted that application Ref: LA03/2024/0899/F was refused at the September Committee, whilst the other two applications are currently non-determination appeals that will be decided by the PAC.

The agent has alluded to a Phase 5 development and stated that this phase will provide the required areas of open space and the neighbourhood facilities. The agent has also suggested that the Council should approve all current applications for development within the Craighill Quarry site and should only move to a refusal on Phase 5 if it does not deliver the required facilities and public open space. However, no planning application has been submitted for any further phases of development and as above, the applicant has not provided any delivery mechanism for how the required facilities and public open space will be delivered. In addition, granting this application for 33no. dwellings will result in a residential scheme of over 150no. units with insufficient areas of public open space, no children's play park and no delivery mechanism for neighbourhood facilities.

To conclude, it is considered that the principle of a residential development is acceptable, however, the failure to deliver the local neighbourhood centre and the areas of public open space (discussed later in the report) means that the development is contrary to the KSR's in draft BMAP and is contrary to Policies DM17.1, DM 17.7 and DM 25.1 of the ANPS.

### **Affordable Housing and Lifetime Homes**

Paragraph 7.20 of Strategic Policy 4 (SP 4) in the ANPS states that Council wishes to encourage an affordable and diverse choice of housing that will meet the needs of an ageing and changing population, whilst also encouraging the development of balanced communities and helping to strengthen community cohesion. Paragraph 7.38 of Policy DM 17 in the ANPS, highlights that historically, difficulties have been experienced by social housing providers in securing the land necessary for affordable housing provision. In this regard, and to assist the delivery of affordable housing and promote mixed tenure development, the Council will require all housing proposals of 40 or more units to provide affordable housing as part of the overall scheme. This requirement is set out in DM 17.3.

The current definition of affordable housing, which is provided by the Department for Communities (DfC) is contained in planning policy, specifically the SPPS. This definition includes 'social rented housing'.

Whilst this application proposes only 33no. residential units, therefore falling below the threshold of 40no. units as set out in DM 17.3, it is located within the larger zoned site which has the capacity to accommodate approximately 300no. residential units (as per outline approval Ref: LA03/2019/0510/O). It is acknowledged that the applicant has applied for the erection of 45no. social housing units on lands to the south of the current

site (Ref: LA03/2024/0925/F), which is also the same site as Ref: LA03/2022/0813/F, however, the applicant has since submitted a Non-Determination Appeal (NDA) and the decision for that application now rests with the PAC. Currently, no decision has been made, and the provision of social homes through the application Ref: LA03/2024/0925/F cannot be relied upon. DM17.3 states that where a site has been artificially subdivided to be less than the thresholds identified under this policy, the proposal will not be supported by the Council. In addition, DM 17.4 requires that the affordable housing units are distributed throughout the general housing layout, however, there is no indication of any social housing units within this 'phase' of the development contrary to DM 17.4.

Policy DM 17 of the ANPS also requires any residential scheme over the threshold of 20 units to be designed to take account of 'Lifetime Homes' with a minimum of 20% of the units designed within the scope of this approach. As this proposal is for 33no. units, it requires a minimum of 7no. units within the current scheme to take account of the Lifetime Homes requirements. The applicant has not indicated any 'lifetime homes' within this proposed development and therefore the proposal is contrary to Policy DM 17 of the ANPS.

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

Policy SP 4 of ANPS indicates that the Council will seek to ensure that new housing developments are designed in a sustainable fashion and to meet the evolving needs of residents over their lifetimes. Policy SP 4 also directs that the development of high-quality homes should adhere to the principles of placemaking and good design as required by Policy SP 6.

The Strategic Planning Policy Statement (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.

Furthermore, the aim of Policy DM 17 is to promote the development of high quality, attractive and sustainable homes within settlements, which meets the present and future needs of all sections of the population within the Borough. DM 17.1 allows for the development of quality and sustainable residential schemes in settlements, where they do not contribute to town cramming, and can meet a number of criteria.

Criterion (a) of DM 17.1 requires the number of units proposed to respect the scale and size of the settlement with higher density development being considered favourably at accessible locations within towns. DM 17.6 relates to established residential areas, in which the application site is located and requires that the density is not significantly higher than that found within the established residential area and that the pattern of development is in keeping with the overall character and environmental quality of the established residential area. In addition, Policy DM 25 supports this approach requiring proposals to relate well to the density of the surrounding area.

The application site is located in Ballyclare, which has been identified in the ANPS as a large town, and it measures approximately 1.99ha, which is relatively small in comparison to the settlement size of Ballyclare and it is therefore considered that the number of units in this proposal respects the scale and size of the settlement. In terms of density, it is considered that the number of units proposed is appropriate in the context of the existing

and approved development within the surrounding area and the proposal does not represent town cramming.

Criterion (c) of DM 17.1 requires all new residential developments to provide a range of housing of different types and sizes, which are well integrated as part of the overall scheme whilst ensuring that the siting and design is appropriate to the location and does not conflict with the character of the area. In addition, criterion (a) of Policy DM 25 states that the proposal should make a positive contribution and relate well to the scale, density, massing, character, appearance and use of materials of the surrounding area.

The proposal is for the erection of 33no. residential units, comprised of 11no. detached dwellings and 22no. semi-detached dwellings. All proposed residential units are two storeys high, with varying ridge heights of between 8.4 metres and 8.8 metres above finished floor level. External finishes include smooth sand/cement rendered walls painted white, a dark grey brick plinth, with brick detailing to the front projections and bay windows, dark grey concrete roof tiles, black uPVC windows and rainwater goods. It is considered that the proposed external materials are acceptable and will tie in with the mixture of finishes within the area.

The application site is accessed off the Ballyeaston Road and along an existing estate road that serves Craighill Park. As indicated on the block plan, (Drawing number 04/6, date stamped received 06 March 2025), 15no. of the proposed dwellings on plots 1 – 15 (inclusive), are shown as extending northwards along a new internal road and backing onto existing dwellings in Craighill Park and Craighill Crescent. There is a small square of development shown to the east of the new internal spine road, with 5no. detached and 6no. semi-detached dwellings in this cluster (plots 24 – 31). The remaining 7no. dwellings (plots 16 – 22) are sited to the south of the proposed spine road.

The difficulty in developing this site is acknowledged given its previous use as a quarry and the difference in levels across it. This has resulted in the need for a number of retaining structures and whilst the overall layout of the proposed development is generally acceptable, there are some concerns.

There are three corner plots within the overall development; numbers 15, 27 and 30, with plot 15 having particular significance as it is one of the first plots to be viewed on entering this section of the wider development. The dwelling on plot 15 is sited to front eastwards, so that the gable wall is onto the internal entrance road. This elevation has a ground floor kitchen window and a square bay window, with a first floor Juliette balcony, a bedroom and ensuite window with associated fan duct. It is also on this gable elevation that the gas / electricity meter boxes are located, and when viewed in combination, this elevation does not present a particularly attractive frontage on entering the development. A specially designed dual frontage dwelling that creates sufficient interest, activity and engagement between the dwelling and the public street would be more appropriate for this particular site and would enhance the quality of the development as a whole.

As noted above, the dwelling on plot 15 is located at the entrance to the proposed development, with its private rear amenity area bounded to the east by the internal estate road, leading to the potential for overlooking of this private amenity space from passing pedestrians and vehicular traffic. The agent has confirmed that the southern boundary to plot 15 consists of a masonry retaining wall of up to 0.975 metres with a 1.8 metre masonry brick wall atop. This wall runs the full length of the rear back garden,

before wrapping around the side boundary and extending to the in-curtilage parking spaces. The wall is located right on the public footpath, and although it would be required to provide an adequate level of privacy for the back garden of plot 15, it is considered that this boundary treatment of almost 3 metres in height is excessive in height and ultimately would lead to a negative impact on visual amenity and be detrimental to the overall quality of the proposed development. Behind, and west of this boundary wall, is a proposed 1.8-metre-high close boarded fence. Again, this is positioned at the entrance to the development, and there are concerns regarding the visual impact of the boundary treatment.

As noted above, plots 27 and 30 in the development scheme occupy corner plots and are bounded on two sides by the internal estate road. It is considered that these house types do not have a dual frontage, there is an obvious front elevation that faces onto one aspect of the internal road, and ultimately a side elevation to the other internal estate road. What is considered to be the side elevation has a ground floor square bay window and living room window, a first floor Juliette balcony, with a frosted bathroom window and bedroom window. Also on this elevation are the extractor fan outlets for both the bathroom and kitchen fan and down pipes from the bathroom. As above, it is considered that this elevation does not present an attractive façade to both internal estate roads, and dwellings in particular, do not make a positive contribution to the character and appearance of the proposed development.

The agent argues that these house types are based on a corner house type approved by the PAC under application Ref: LA03/2022/0813/F. The common denominator in both house types is the ground floor square bay window on a side elevation. In the PAC decision, the Commissioner accepted this as an 'active' frontage, however, it is considered that the proposed elevation does not create sufficient interest, activity and engagement between the dwellings and the public street and in this regard, there is no dual frontage for these corner plots. It should be noted that the PAC decision was based on Planning Policy Statement (PPS) 7, with Policy QD 1 only requiring the proposal to create a 'quality and sustainable residential environment', however, Policy DM 25 of the ANPS, which is now the applicable policy, requires all development within settlements to deliver 'a high-quality design in its layout and appearance'. In this regard, Policy DM 25 requires a higher quality of design than what was accepted under the previous policy context and as it is considered that the design of these dwellings in particular, does not make a positive contribution to the character and appearance of the proposed development, it fails to accord with Policy DM 25.

The proposed development includes the erection of a number of different boundary treatments, including retaining walls, screen walls and fencing, and given the undulating nature of the application site, retaining walls are an inevitable consequence. The highest retaining wall, of up to 2 metres in height, is shown along the western (rear) boundary of plots 1 – 8 (inclusive), along the western (side) boundary of plot 16, and along the eastern (rear) boundaries of plots 16, 17, 18 and 19. The retaining walls across the site are not excessive in height and it is accepted that they are a necessary element due to the topography of the application site. Their positioning, largely to the rear of dwellings, will not give rise to any detrimental impact on visual amenity.

DM 16.6, as well as criteria (f) of Policy DM 25, sets out that development proposals within settlements should include provision for new digital infrastructure. The ANPS states that proposals should consider the demands of digital connectivity both now and as a consequence of possible future technologies and the necessary network infrastructure

should be considered at this initial design stage, rather than relying on costly and unsightly retrofit at a later stage. The applicant has not submitted any details on how they intend to address this part of the policy and has not demonstrated that the proposal makes the necessary provision for new digital infrastructure. Consequently, the Council is not satisfied that this policy is being met.

Criterion (n) of DM 25 requires development proposals in settlements to integrate sustainable energy measures. This proposed development does not provide any such measures, and the applicant has failed to demonstrate compliance with this criterion of Policy DM 25.

Policy DM 25 indicates that development proposals include an appropriate hard and soft landscaping scheme, which includes proposals for the treatment and retention of existing trees and other landscape features. Additionally, DM 42: Trees and Development supports development that retains existing trees and introduces a net gain for trees lost. Drawing Number 19/1 shows the proposed hard and soft landscaping for this application site. New tree planting is shown to the front of a number of plots, with additional and new planting along the rear boundaries of many plots. The landscape drawing also shows new hedge planting and indicates how the area of open space will be planted out. Document 04 is a Landscape Management Plan (date stamped received 15 August 2023) which outlines the strategy and approach for the future long-term management and maintenance of the areas of open space. Overall, the landscaping for the site is considered acceptable.

Criterion (m) of DM 25 states the development proposals within settlements should promote biodiversity by incorporating sites of wildlife interest and enhanced landscape measures such as the provision of bird boxes and nesting sites. The applicant has not provided any such measures which would promote biodiversity.

Criterion (n) of DM 25.1 requires development proposals in settlements to integrate sustainable energy measures. Paragraph 9.17 of the ANPS states that all development should demonstrate the ways in which it is responsive to the threat of climate change. This should be achieved through the incorporation of renewable energy and enhanced energy efficiency measures. The applicant has not demonstrated that the proposal is responsive to the implications of climate change, nor have they incorporated any sustainable energy measures. The proposed development is found to be contrary to this criterion of DM 25.1.

To conclude, the Council considers certain aspects of the size, scale, design, layout, and general appearance of the proposed development to be acceptable. However, the issues raised above regarding the design of corner plots and the use of boundary walls detract from the overall quality of the scheme and do not make a positive contribution to the proposed development or the wider area. It is considered that the proposal does not deliver a high-quality design in its layout and appearance, and consequently, it is contrary to Policy DM 17 and Policy DM 25 of the ANPS.

### **Residential Amenity**

Policy DM 28 of the ANPS deals with the amenity impact of development proposals. DM 28.1 sets out that the Council will only support development proposals where they will not result in an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties. DM 28.2 refers to a number of issues which may result from the development including overlooking and / or loss of light, dominance or

overshadowing, noise, vibration and other forms of disturbance and odour, fumes and other forms of environmental pollution. These issues will be a material consideration in the assessment of all proposals.

In addition to the above, criterion (c) of DM 25.1 requires new development within settlements to be designed to be compatible with adjacent land uses and not have a detrimental effect on the amenity or character of any adjoining properties and the surrounding area.

The proposed dwellings on plots 1 – 15 (inclusive) have a rear-to-rear arrangement with the existing dwellings in Craighill Park and Craighill Crescent. Whilst separation distances between the opposing rear elevations vary between 29 metres and 43 metres, this is a sloping site with land levels falling away considerably from Craighill down towards the site. Drawing No. 26/1 (date stamped received 06 March 2025) provides sections through this part of the application site, however, and rather unhelpfully, these site sections do not extend beyond the application site, and do not show the relationship between existing dwellings in Craighill and this development proposal. In addition, the site layout drawing does not include land levels for Craighill.

The dwellings in Craighill Park were approved under application Ref: U/2003/0376/F, and whilst there does not appear to be any finished floor or finished ground levels on the approved drawings, existing ground levels as indicated in this 2003 application vary between 118 and 122. It would seem that Craighill Manor has been built on ground levels approximately 15 metres above the level of the adjoining and proposed plots 1 – 15 (inclusive). Despite the lack of information to demonstrate the relationship between existing and proposed dwellings, it is considered that the existing dwellings in Craighill Park sit so high above the proposed dwellings, that any overlooking will be over and above the private amenity rear areas and coupled with the separation distance, it is not considered that there would be an adverse impact on the amenity of the proposed dwellings.

Plots 16 – 19 (inclusive) about a number of dwellings approved by the Planning Appeals Commission, Ref: LA03/2022/0813/F. Plot numbers 35, 36, 38 and 39 of application Ref: LA03/2022/0813/F are bounded to the northeast by the proposed plots of 16 – 19 with a difference in levels between the approved sites and the proposed dwellings of between 2 and 3 metres. Given the separation distance, and the fact that there are no opposing first floor windows, this arrangement is considered acceptable.

Proposed plots 17 and 18 have a rear elevation to the rear garden of approved plot 35. In this instance, there are no significant concerns regarding the impact of the proposal on residential amenity, this is due to the fact that there are no opposing first floor windows. The proposed dwellings have a sufficient back garden giving an adequate separation distance and the approved garage on plot 35 will further restrict any views into its rear garden.

The dwelling approved on plot 36 of application Ref: LA03/2022/0813/F sits at an angle to the proposed dwelling on plot 16. Whilst the approved rear elevation at first floor contains a bedroom and 2no. bathroom windows and the proposed rear first floor elevation shows one bedroom window; these windows are not directly opposing each other. In addition, the separation distance between the two rear elevations is approximately 25 metres which offsets the potential for overlooking into each dwelling and its private amenity space.

A 1.8-metre-high close boarded timber fence has been approved along the common boundary with the application site and a previously approved application, Ref: LA03/2022/0813/F, with this current application also proposing a retaining wall of up to 2 metres in height. Coupled with an adequate separation distance, and the absence of any opposing first floor windows, it is considered that the proposed development will not give rise to a significant adverse impact on residential amenity.

The dwelling on plot 16 has a side to rear relationship with the dwelling approved on plot 39, albeit this is not a direct side on rear arrangement given the orientation of the approved dwelling. One rear first floor window is shown on the approved dwelling, with two bedrooms and a bathroom window on the side elevation of the proposed dwelling. As there are no directly opposing rear first floor windows and with an adequate common boundary treatment, it is considered that there will not be a significant adverse impact on the residential amenity at this location.

With regards to the internal layout of just the proposed development, the separation distances between each proposed unit are considered acceptable and should not give rise to any unacceptable impact on the residential amenity of the proposed dwellings.

As noted above, the dwelling on plot 15 is located at the entrance to the proposed development, with its private rear amenity area bounded to the east by the internal estate road, leading to the potential for overlooking of this private amenity space from passing pedestrians and vehicular traffic. In order to provide an adequate level of privacy for the back garden of plot 15, a screening wall of almost 3 metres in height will be erected along the boundary with the public footpath. As previously noted, concerns have been expressed regarding the visual impact of this wall, however, if it were to be removed, or reduced in height, it would lead to overlooking concerns from passing pedestrian and vehicular traffic into the private amenity space of plot 15.

Overall, it is considered that the proposed development would not have a detrimental impact on the residential amenity of the proposed and approved properties, however, there would be concerns regarding the potential for overlooking to the private amenity space of plot 15 should the unacceptable boundary wall be removed. Notwithstanding, the proposed development is considered to comply with to Policy DM 28 and DM 25.1 of the ANPS.

### **Public and Private Open Space**

With regards to public open space, DM 17.7 of the ANPS expects residential development proposals of 25 units or more, or on sites of 1 hectare or more, to provide well designed, safe and accessible public open space as an integral part of the overall scheme. As noted previously, the application site forms part of a wider zoning for residential development and the level of open space must be taken as a whole for the entire development site.

The contextual masterplan submitted by the applicant provides some detail on development for the whole zoning, which measures approximately 24.94ha in its entirety. To date 83 dwellings have been built, with a further 39 approved for phase 3 by the PAC (Ref: LA03/2022/0813/F), totalling 122 dwellings. If planning permission for this proposal was forthcoming, this would bring the number of dwellings to over 150. The earlier outline planning permission, Ref: LA03/2019/0510/O established that the zoning could accommodate 300 residential units which in turn would trigger the space standard in DM 17.7 for a minimum of 20% of the total site area as open space. In addition, for

developments over 100 units, an equipped children's play area should be provided in accordance with criterion (d) of DM 17.7.

Paragraph 7.42 refers to public open space as an intrinsic element of any housing development, not only for design quality but also for social and recreational purposes. Public open space can take the form of informal green amenity spaces, communal greenspaces, children's play spaces and sports pitches, as well as woodland or other natural or seminatural areas. According to the ANPS, public open space should be well located, easily accessible and designed to offer long term benefits for the community and all schemes will be required to bring forward suitable arrangements for the long-term management of such areas. Criterion (i) of DM 25.1 seeks to ensure that any open space required is high quality, appropriate and well-integrated into the overall layout.

The concept masterplan indicates some areas for future development with small pockets of open space limited to 10% of the site area. The annotations on this masterplan relating to phases 1, 2a and 4 state that the open space area is to be developed in future phases. There are no details of where these future open space areas are located. Whilst the drawing may indicate the intention of the developer to build out some limited areas of open space in the future, the areas of open space are not adequate and no details have been provided in terms of deliverability as to when open space will be provided to ensure the proposal is in line with the space standards of DM 17.7. It is considered that the quantum of open space and the failure to provide a delivery mechanism for the open space areas is contrary to draft BMAP and DM 17.7 of the ANPS.

In terms of private amenity space, DM 17.9 sets out that the Council will take account of the guidance in relation to private open space provision for new residential development proposals as set out in the supplementary planning guidance document, 'Creating Places: Achieving Quality in Residential Developments'. Guidance within this document states that the appropriate level of provision should be determined by having regard to the particular context of the development and further indicates that development of this nature requires an average of 70sqm.

As illustrated on the proposed site layout drawing, (Drawing Number 04/6) front gardens are provided for each plot and private amenity space takes the form of individual rear gardens. A range in the size of rear garden spaces is provided, with the majority of the proposed dwellings having a private amenity space exceeding the 70sqm as recommended by Creating Places guidance with the average being approximately 110sqm. It is considered that adequate provision has been made for private amenity, however, as noted above, in order for the amenity provision to remain private on plot 15, boundary treatments of almost 3 metres in height would be required. It is considered that any sufficient boundary to adequately screen private amenity areas on this plot would visually detract from the overall quality of the development and not something that should be encouraged.

Overall, it is considered that the development fails to provide the public open space required for the entire zoning and this is considered to read as an indicative form of piecemeal development, which does not address the full zoning and is considered unsatisfactory.

### **Crime and Personal Safety**

Criterion (k) of DM 25.1 of the ANPS states that the proposed residential development should be designed to reduce the fear of crime and anti-social behaviour through the creation of active frontages and ensure buildings front onto streets.

An issue raised by objectors refers to antisocial behaviour and how the proposed development would lead to an increase in such behaviour. The concerns of the objectors are acknowledged with regards to antisocial behaviour in the area; however, such issues should be referred to the relevant statutory agencies. With respect to the proposed development scheme, a number of dwellings have been arranged to overlook the public amenity space and allow for passive surveillance for the safety and security of those using the area. The site layout drawing shows a 1.8 metre high, close boarded timber fence along the common boundary between dwellings, which is considered an appropriate way to enclose back gardens. A 1.2-metre-high estate railing will also be erected along the boundaries of front gardens for a number of plots, further enhancing personal safety. Overall, it is considered that the proposed development has been designed to deter crime and promote personal safety.

### **Access and Parking**

Strategic Policy 3.10 of the ANPS sets out that the Council will seek to ensure that all new development provides safe access arrangements that will not significantly inhibit the free flow of traffic, and that sufficient car and cycle parking is provided. SP 3 is supported by Policy DM 10.

Policy DM 10 gives support to development proposals where it is demonstrated that there is the capacity on the road network to accommodate the type and amount of traffic likely to be generated; where access arrangements do not prejudice road safety or significantly inconvenience the flow of people or goods; and adequate provision is made for car and cycle parking and any necessary servicing arrangements. Criterion (j) of DM 25.1 also requires development proposals to incorporate adequate and appropriate provision for parking.

Access to the proposed development is taken from the Ballyeaston Road and through Craighill Park. A Transport Assessment Form, (Document 03, date stamped 15 August 2023) accompanies this application. The report concludes that the proposed development is predicted to generate 20 trips per hour onto the surrounding road network, DfI Roads was consulted with the proposal and has raised no issues in terms of the safety and convenience of road users and whilst it is acknowledged that the proposal will increase the amount of traffic, it is considered that this additional vehicular traffic will not be so significant to have a detrimental impact on pedestrian or road safety.

The aim of Policy DM 12 Active Travel (Walking and Cycling) is to promote measures in the design and layout of developments that will support increased walking and cycling. The site has direct pedestrian access to public roads, and this allows a variety of alternative modes of transport to be utilised by future residents. The site is also in a highly accessible location and is approximately 1km (c.10 minutes' walk) from Ballyclare Town Centre that contains a range of local retail outlets and services that residents could avail of. In addition, the Ballyclare Bus Centre for Translink and Ulster bus is located off Mill Road to the south of Ballyclare, within 1 mile of the site. A number of bus services use Ballycorr Road and various bus stops are located in close proximity to the site.

The proposed development takes the form of 11no. 4-bed detached dwellings and 22no. 3-bed semi-detached dwellings. A detached garage is shown on all plots, with the exception of plot 25, which has no garage, and plots 32 and 33 which have an integral garage. Two in-curtilage parking spaces per dwelling are indicated on the proposed layout, positioned in front of the garage for the majority of the proposed plots. Whilst there is a shortfall in parking provision of 4no. spaces, it is considered that the site is easily accessible via pedestrian links and public transport and the level of car parking is acceptable. No objection to the proposed means of access has been put forward by DfI Roads, therefore, it is considered that the access and parking arrangements are acceptable.

### **Natural Heritage**

Policy SP 8: Natural Heritage (SPG8) seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features. Strategic Policy SP 8.3 requires appropriate weight to be afforded to the protection of designated sites, protected species and priority habitats and species together with other features of biodiversity and geological interest within the wider environment. Policy SP 8 is supported by Policies DM 37 – DM 39 and DM 42 of the ANPS.

Accompanying the initial submission of the application was a Biodiversity Checklist and a Preliminary Ecological Assessment (PEA) (Document 07, date stamped received 15 August 2023), with an updated version of this document received in March 2024 (Document 07A). Further information relating to natural heritage interests are noted as Document 11, 'Planting response', Document 12, 'Lighting response', Document 13, 'Pollution Control Statement' and Document 14, 'Lighting data sheet'.

DAERA Natural Environment Division (NED) has been consulted and is largely content with the proposed development. However, it has sought further information regarding the timing of scrub and vegetation clearance on the site, and details of any measures to protect natural heritage interests during works. Despite a number of attempts of the agent to address this, NED in their most recent response dated 7 August 2024, advises that insufficient information regarding this has been received. The agent has requested that an appropriate condition is attached to any grant of planning permission to address this matter. However, no details of proposed measures to protect natural heritage interests during works have been submitted.

In addition, NED has indicated there is the potential for pollution risks to the adjacent lake and downstream designated sites. They have requested the submission of a drawing to show a clear buffering distance of at least 10 metres between the lake shore and all proposed works, or details of the measures proposed to prevent polluting materials entering the lake. This may take the form of a Construction Method Statement (CMS) or a Construction Environmental Management Plan (CEMP).

SES has been consulted during the processing of a number of adjacent applications and has advised that the application site is within the catchment of Lough Neagh and Lough Beg SPA/Ramsar. This application site was included within the red line of application Ref: LA03/2019/0510/O, which was granted outline permission in September 2023. Under the approved application, SES has stated that the proposal would not have an adverse effect on the integrity of any European site subject to the provision of a Construction Environmental Management Plan (CEMP) and raised no objection respectively.

The request from NED for a CEMP was discussed during the office meeting with the applicant and agent. The agent was of the opinion that the submission of a CEMP should be conditioned and would therefore be submitted after the granting of any planning permission. The agent was advised that it may be possible to condition the submission of a final CEMP, but at this stage, there is no information before the Council to demonstrate that the development can sufficiently deal with and mitigate against the potential for polluting materials to enter the adjacent lake and consequently, it has not been demonstrated that the proposal would not have an adverse effect on the integrity of any European site. At the office meeting, Officers advised that an outline CEMP may be acceptable in the first instance, however, no further information has been submitted by the applicant to deal with this issue.

Overall, it has not been demonstrated that the proposal is unlikely to have an adverse effect on any protected species, and it is therefore non-compliant with the policies contained within SP 8 and DM 38. In addition, the applicant has not demonstrated that the proposed development is not likely to have a significant effect on Lough Neagh and Lough Beg SPA/Ramsar and fails to comply with SP 8 and Policy DM 37 of the ANPS.

### **Archaeology and Built Heritage**

Strategic Policy 7 of the ANPS is entitled 'Historic Environment'. It states that the Council will work in partnership with DfC Historic Environment Division, heritage organisations and developers to protect, conserve and promote the enhancement of a number of heritage assets, including archaeological remains, and their settings. This Strategic Policy is supported by Policy DM 30: Archaeology.

HED (Historic Monuments) has advised that the application site contains the site of a Cold War Royal Observer Corps (ROC) monitoring post (DHP 00282:000), a site of local importance. The HED response states that the Ballyclare ROC post was opened in 1957 and closed in 1968, and while not visible above ground, remains are noted in the Defence Heritage Register, it is possible that below ground remains survive; equally all remains may have been destroyed when the quarry was extended in 1980. There is therefore some uncertainty with regard to the potential impacts of development on sub-surface archaeological remains at this location. Greater clarity would be provided through an archaeological evaluation.

In response, the agent submitted an Archaeological Programme of Works (POW) (Document 10, date stamp received 3 April 2024). It is noted within this document that the desk-based information indicates that there is a single recorded site within the application area, defence heritage site 282 recorded as Ballyclare ROC post. The POW states that any such deposits could be identified through an invasive archaeological evaluation of the site and while there is no surface expression of the site visible in the development area. The ROC posts were constructed at significant depth below the original ground level and it is possible that despite the modern ground reduction which has occurred on site, that sub-surface remains of the ROC post survive within the site. Any such deposits could be identified through an archaeological evaluation of the wider location of the ROC post. As noted in the POW, it is proposed to excavate 2no. 15m x 1.8m wide test trenches, with the purpose of the test trenching to identify the location of the former ROC post. These trenches are shown to transverse plots 5 and 6.

HED has reviewed this POW and has advised that it is content for the application site to proceed to archaeological licensing. An archaeological evaluation and final

archaeological report should be submitted to the Council for consultation with HED, and on receipt and assessment of these reports, HED will provide a definitive response to the proposed development.

As with the information requested by NED, the agent believes that the submission of a final archaeological report should be dealt with by way of a negative condition requiring the test trenching to be carried out prior to the commencement of any development hereby permitted. The agent questioned at the office meeting why the applicant would carry out such archaeological works when there is no guarantee that planning permission would subsequently be granted. On the contrary, Officers advised that planning permission is unlikely to be granted when the impacts of the development on archaeological remains and their settings remains unknown. No further information regarding this issue was submitted by the applicant. In light of this, it has not been demonstrated that the proposed development can protect and conserve archaeological remains, and their settings, and the proposal is contrary to Policy DM 30: Archaeology of the ANPS.

### **Flood Risk and Drainage**

Strategic Policy 10: Environmental Resilience and Protection of the ANPS seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment.

DfI Rivers has advised that based on the most up to date modelling information on predicted flood risk available to DfI Rivers, the climate change flood maps indicate that the site does not lie within the 1 in 100-year climate change fluvial flood plain and/or the 1 in 200-year climate change coastal flood plain. In this regard, Policy DM 46: The Control of Development in Flood Plains is not applicable.

Policy SP 10 of the ANPS is also supported by Policy DM 47: Surface Water Drainage and Sustainable Drainage Systems. The main policy aim of Policy DM 47 is to reduce flood risk for new developments from surface water (pluvial) sources. New development proposals can often exacerbate the problems of pluvial flooding by accelerating and increasing surface water run-off. The Council recognises the potential harmful impacts of surface water flooding and through the ANPS, it will seek to promote a more sustainable approach to drainage and flood risk management.

The applicant has submitted a Drainage Assessment (DA) (Document 05 date stamped 15 August 2023). DfI Rivers has reviewed this document and while not being responsible for the preparation of it, accepts its logic and has no reason to disagree with its conclusions.

The DA concludes that proposed drainage networks will successfully mitigate against the impacts of the new development on surface water flooding based on the use of 'hard' Surface Water Drainage and Sustainable Drainage Systems (SuDS) and therefore is in compliance with Policy DM 47.4 of the ANPS.

DM 47.6 of the ANPS states that all SuDS schemes will need to be accompanied by an appropriate management plan (including arrangements for long-term maintenance). The applicant has not submitted this information during the processing of the application, however, such a document could be submitted prior to the commencement of development and covered by a negative condition on any forthcoming decision.

## **Land Contamination**

Policy DM 52 of the ANPS states that the Council will only support development proposals on potentially contaminated land, where it can be demonstrated, through a site investigation and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment. The applicant has provided a Remediation Strategy Report (Document 06, date stamped 15 August 2023). The document sets out the remediation works necessary to remove the risk of contamination/harm to identified receptors in the 2019 McCloy Consulting Report (submitted under Ref: LA03/2019/0510/O).

The Environmental Health Section (EHS) of the Council and DAERA: Regulation Unit Land and Groundwater Team has reviewed the information submitted and is of the opinion that amenity at the proposed development can be suitably protected, subject to conditions. It is therefore considered that there is unlikely to be any significant impacts on nearby receptors as a result of potential contamination from within the application site and the proposal is in accordance with Policy DM 52: Contaminated Land of the ANPS.

## **Other Matters**

### *NI Water Infrastructure*

NI Water was consulted on the proposal and has responded recommending a refusal, as the receiving foul sewer network in the area has reached capacity. The issue of a connection to the public sewer is a matter controlled by separate legislation, namely, Article 161 of the Water (Northern Ireland) Order 1999. The role of the planning system is not to duplicate the regulatory controls of other statutory bodies and matters which lie outside the control of planning should not form part of the decision-making process, unless it is demonstrated that the development would result in adverse impacts on the environment. In this case, the adverse impacts would arise from the development causing capacity issues to Waste Water Treatment Works, resulting in an overloading of the system. NI Water can make an assessment of whether the sewage infrastructure has sufficient capacity to cope with the development and then decide to grant or refuse consent to connect to the sewer. Provided that no development could commence until such times as the necessary Article 161 agreement was obtained, then no adverse impacts would arise. This is a matter which could be negatively conditioned should planning permission be forthcoming and therefore a reason for refusal on this issue could not be sustained.

Whilst NIEA Water Management Unit (WMU) has raised concerns that the sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Ballyclare Waste Water Treatment Works (WWTW), as set out above, this issue may be satisfactorily addressed through engagement with NIW, and can be covered by way of a negative condition should planning permission be forthcoming.

### *Land stability*

It is noted that plots 1 – 15 (inclusive) were excluded from any development proposed under application Ref: LA03/2019/0510/O and on the Concept Master plan (Drawing No. 04, date stamped received 10 September 2020) this area is indicated as an outside gym. The Design and Access Statement (Document 01, date stamp received 14 June 2019) of application Ref: LA03/2019/0510/O shows this area as shaded yellow and annotated as 'undevelopable land'. Under this current application, it is now proposed to erect 15no. dwellings on this section of land.

Clarification was sought from the agent regarding the inclusion of this 'undevelopable land' in the current application. It has been stated by the agent that when the masterplan was being prepared for application Ref: LA03/2019/0510/O, this area of land contained an amount of clean fill material that made it difficult to accurately survey and thus, the developer made the decision to exclude this piece of land from any proposed development. As a result, the geotechnical properties of this area of land were never assessed. The agent has gone on to state that since the submission of the outline application, the applicant has removed the fill material, scraped back and regraded this area; it has now been fully surveyed and ground conditions tested and found to be suitable for development.

The Geological Survey of Northern Ireland (GSNI) has advised that this 'undevelopable' area is in parts, formed by a very steep slope, leading up to the rear of existing properties in Craighill. This area was not assessed as part of previous slope stability assessments, as the concept plan submitted as part of the outline application (Ref: LA03/2019/0510/F) did not incorporate any proposed dwellings in this area.

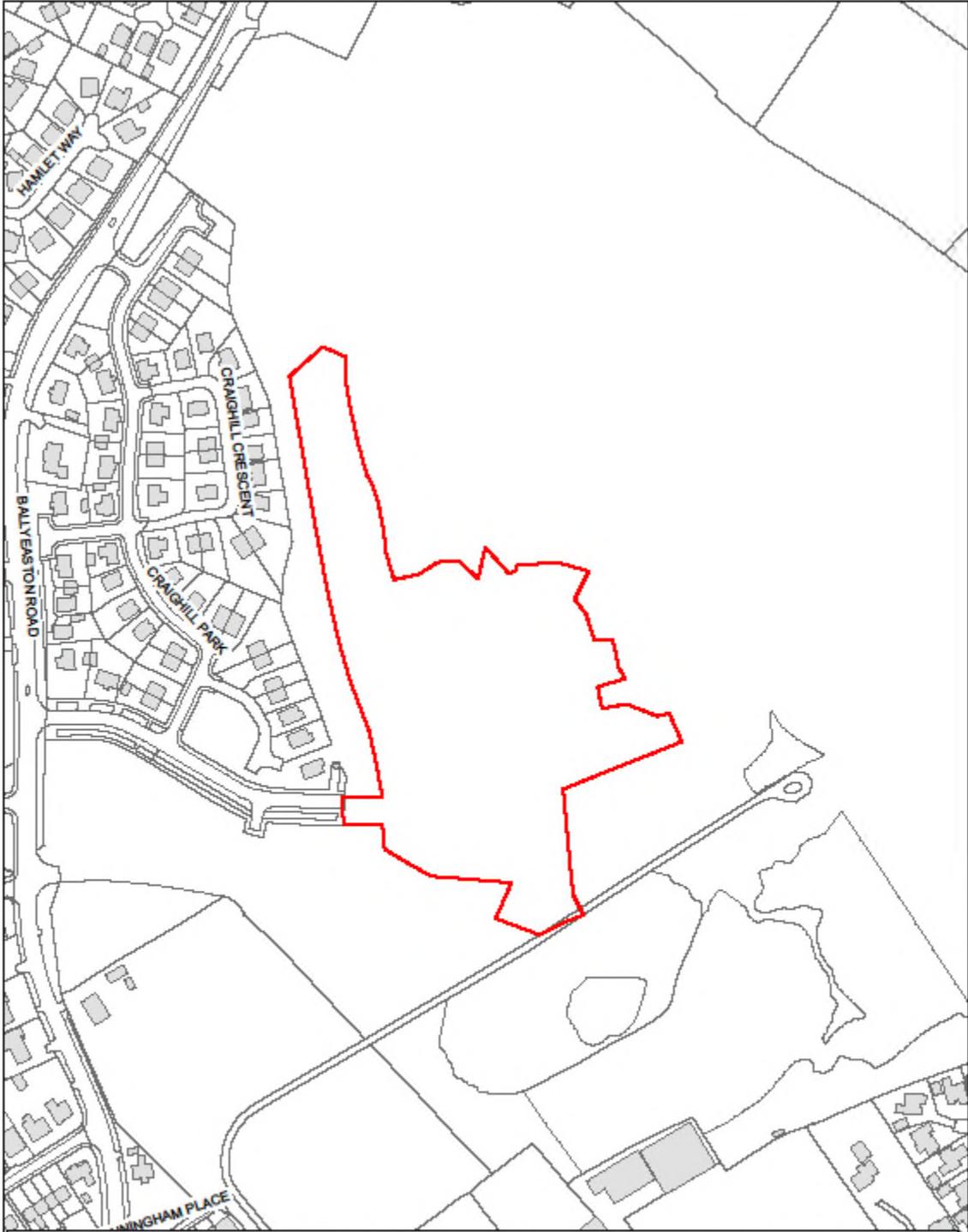
The Remediation Strategy and associated letters accompanying the current application, state that the area has been regraded, but there is no information provided on this regrading, the slope angle, potential impact on adjacent properties up-slope, cliff face stability or geotechnical properties of the area. GSNI advised that the applicant may wish to provide additional information or comments in relation to this aspect of the proposed development, however, no such information has been submitted. The agent has therefore failed to satisfactorily demonstrate that a large portion of the application site is suitable for development, and that if approved, the development would not lead to a detrimental impact on adjacent properties in the vicinity of the site.

## **CONCLUSION**

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

- The principle of the development is considered acceptable;
- It has not been demonstrated how the comprehensive planning of the entire zoned area is to be undertaken, and the proposal would result in unsatisfactory piecemeal development;
- The size, scale, design, layout and general appearance of the proposed development is not acceptable, and the proposal will have a detrimental impact on the character of the surrounding area;
- The proposal fails to provide the necessary digital infrastructure and does not incorporate sustainable energy measures;
- The proposal fails to provide adequate provision for public amenity space;
- There are no significant concerns relating to transport, traffic, parking and road safety matters;
- It has not been demonstrated that the proposed development will not have a significant detrimental impact on designated sites, priority habitats, protected species and other features of biodiversity interest;
- It has not been demonstrated that the proposed development will not have a significant detrimental impact on archaeology and built heritage matters;
- There is no significant flood risk associated with the site;
- There are no significant contamination concerns; and
- There are health and safety concerns with the proposal.

RECOMMENDATION	REFUSE PLANNING PERMISSION
<b>PROPOSED REASONS FOR REFUSAL</b>	
<ol style="list-style-type: none"> <li>1. The proposal is contrary to the draft Belfast Metropolitan Area Plan and the policy provisions of the Strategic Planning Policy Statement and Policies DM 16, DM 17 and DM 25 of the Antrim and Newtownabbey Plan Strategy and associated guidance document Creating Places in that it has not been demonstrated that a quality residential development will be achieved due to; <ol style="list-style-type: none"> <li>a) The failure to provide adequate details for the delivery of a local neighbourhood centre to serve the application site and the wider zoning;</li> <li>b) The failure to provide adequate details for the delivery of an equipped children's play area to serve the application site and the wider zoning;</li> <li>c) The failure to provide adequate details for the delivery of sufficient open space (20%) to serve the application site and the wider zoning;</li> <li>d) The failure to provide sufficient measures which would promote biodiversity; and</li> <li>e) The failure to provide necessary digital infrastructure and incorporate sustainable energy measures.</li> </ol> </li> <li>2. The proposal is contrary to Policy DM 17 of the Antrim and Newtownabbey Plan Strategy in that it has not been demonstrated that; <ol style="list-style-type: none"> <li>a) The development will provide at least 10% of the total units in the wider zoning as affordable housing as part of the overall scheme; and</li> <li>b) A minimum of 20% of the units in the wider zoning have been designed within the scope of the Lifetime Homes approach.</li> </ol> </li> <li>3. The proposal is contrary to Policy DM 25 of the Antrim and Newtownabbey Plan Strategy and associated guidance document Creating Places in that a number of the house types which face onto the internal estate road are not dual frontage.</li> <li>4. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy DM 30 of the Antrim and Newtownabbey Plan Strategy in that it has not been demonstrated that the proposed development can protect and conserve archaeological remains and their settings.</li> <li>5. The proposal is contrary to the policy provisions of draft Belfast Metropolitan Area Plan, the Strategic Planning Policy Statement and Policies SP 8, DM 38 and DM 39 of the Antrim and Newtownabbey Plan Strategy, in that insufficient information has been provided to demonstrate that the proposal would not negatively impact upon designated sites, priority habitats, protected species and other features of biodiversity interest.</li> <li>6. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement and Policy DM 28 of the Antrim and Newtownabbey Plan Strategy in that insufficient information has been provided to demonstrate that in geotechnical terms, the application site is suitable for development, and that if approved, the development would not lead to an unacceptable adverse impact on proposed properties.</li> </ol>	



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### Site Location Plan

1:2,500 

Reference: LA03/2023/0581/F

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.3</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0772/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR APPLICATION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed residential development comprising 33no. dwellings and 4no. apartments, garages, landscaping, NIE substation and to include stability works and extraction of rock, open space and all associated site works.
<b>SITE/LOCATION</b>	Lands to the East of no.92 Ballyeaston Road, Ballyclare, and 135m to the Northeast of nos.13-27 Elizabeth Gardens, Ballyclare BT39 9BT
<b>APPLICANT</b>	Blue Horizon (Ballycorr) Ltd
<b>AGENT</b>	APD Architects Ltd
<b>LAST SITE VISIT</b>	30 January 2025
<b>CASE OFFICER</b>	Alicia Leathem 028 9034 0416 Alicia.leathem@antrimandnewtownabbey.gov.uk
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal</b></p> <p><a href="https://planningregister.planningsystemni.gov.uk/application/695331">https://planningregister.planningsystemni.gov.uk/application/695331</a></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limits of Ballyclare, on an area zoned for housing (BE 04/02) as defined by the draft Metropolitan Area Plan (published 2004). The application site is also designated as a Site of Local Nature Conservation Importance (SLNCI) (BE 16/01) within dBMAP.</p> <p>The site is located to the north of Ballyclare, between the Ballyeaston Road to the west and by the Ballycorr Road to the southeast. Access to the site is achieved via the Ballyeaston Road with existing residential development on the opposite side from the site entrance. The former Craighill Quarry is located to the north of the site with the northwestern and northeastern site boundaries adjoining the quarry lands. Existing trees and hedgerows run along the southeastern boundary and separates the site from an existing farm access to the east. The topography of the site is undulating throughout with significant level changes, the site contains an open area of improved grassland, scattered scrub and a reduced area of semi-native, broadleaf woodland.</p> <p>The application site is bounded to the south and west by the remainder of the zoned residential lands. Ballyclare town Centre is located a short distance to the south of the site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2023/0910/F  Location: Lands adjoining the rear boundaries of No. 4 Cunningham Place and nos. 13 - 27 Elizabeth Gardens (odd nos.) and approx. 20 metres northeast of 4 Cunningham Place, Ballycorr, Ballyclare, BT39 9BT  Proposal: Erection of 15no. dwellings (change of house type to sites 16-29 previously approved under PAC reference 2018/A0072) and all other associated site works  Decision: Application Pending</p>	

Planning Reference: LA03/2023/0909/F

Location: Lands adjoining the rear boundaries of no.s 93-103 (odd no.s) Ballycorr Road, Ballyclare, BT39 9DE

Proposal: Erection of 17no. dwellings (change of house type to sites 88-108 previously approved under PAC reference 2018/A0072), and all other associated site works.

Decision: Application Pending

Planning Reference: LA03/2023/0911/F

Location: Lands adjoining the rear boundaries of No. 4 Cunningham Place and nos. 13 - 27 Elizabeth Gardens (odd nos.) and approx. 20 metres northeast of 4 Cunningham Place, Ballycorr, Ballyclare, BT39 9BT

Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Erection of 14no. dwellings (change of house type to sites 16-29 previously approved under PAC reference 2018/A0072 to include 1 no. additional dwelling unit) and all other associated site works

Decision: Application Pending

Application Number: LA03/2023/0908/F

Location: Erection of 26no. dwellings (change of house type to sites 14-15, 75-87, 100-108 & 111-114 previously approved under PAC reference 2018/A0072), and all other associated site works.

Proposal: Lands 100m northwest of no. 93-103 (odd nos.) Ballycorr Road, Ballyclare, BT39 9DE

Decision: Application Pending

Application Number: LA03/2017/0644/F

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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.

Decision: Appeal Allowed

Decision Date: 10 February 2020

Planning Reference: LA03/2020/0240/F

Location: Lands 30 metres northeast of no. 92 Ballyeaston Road, Ballyclare

Proposal: Erection of 1no. single detached dwelling with garage

Decision: Permission Granted

Decision Date: 02.06.2020

Planning Reference: LA03/2020/0644/F

Location: Lands 30m southeast of 92 Ballyeaston Road Ballyclare

Proposal: Proposed erection of 5 no. dwellings (Boundary changes for sites 43 - 47 including change of house types to sites 45 and 46 as previously approved under LA03/2017/0644/F via PAC 2018/A0072), including relocation of access from Ballyeaston Road, garages and all other associated works.

Decision: Permission Granted

Decision Date: 20.09.2021

Application Number: LA03/2022/0367/F

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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 (Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F - No dwelling shall be occupied until either a main sewerage connection is agreed with NI Water or the development is served by a package sewage treatment plant site; The package plant shall be decommissioned and the development connected to a public sewer within six months of the planning authority notifying the appellant that the waste water treatment plant has been upgraded)

Decision: Permission Granted

Decision Date: 31 August 2022

Planning Reference: LA03/2023/0072/F

Location: Land to the rear of no.s 3-13 Ballycorr Gardens, Ballyclare

Proposal: Erection of 29no. dwellings (change of house type to sites 1-12a, 109-110 and 115-123 previously approved under PAC ref: 2018/A0072), garden stores and all other associated site works

Decision: Permission Granted

Decision Date: 19.03.2024

Planning Reference: LA03/2023/0301/F

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Erection of 21no. dwellings (change of house type to sites 30-32, 41,42, 54-59, 63-68 & 70-74 previously approved under PAC ref: 2018/A0072), garages, changes to the road layout and all other associated site works

Decision: Permission Granted

Decision Date: 13.03.2024

## **PLANNING POLICY AND GUIDANCE**

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

The Antrim and Newtownabbey Local Development Plan (ANLDP) will comprise of two parts; Part 1 is the Plan Strategy which contains strategic and operational policies and was adopted on 3<sup>rd</sup> July 2025. Part 2 is the Local Policies Plan which will identify the boundaries of settlement limits, local designations and zonings which has not yet been published. As such the settlement limits, local designations and zonings of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) remain applicable. Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the provisions of the draft Belfast Metropolitan Area Plan.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located inside the development limits of Ballyclare on unzoned land.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the development limits of Ballyclare. The application site forms part of a larger area zoned for housing (Zoning BE 04/02) with a number of key site requirements (KSR's). The application site is also zoned a Site of Local Nature Conservation Importance (SLNCI) (BE 16/01) within dBMAP.

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

Antrim and Newtownabbey Plan Strategy 2015-2030: sets out the relevant planning policies for assessing planning applications and other planning consents. The relevant strategic and operational policies for the assessment of the current proposal are listed below.

**Strategic Policy 1 – Sustainable Development (SP 1)**: sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Strategic Planning Policy Statement (SPPS).

**Strategic Policy 3 – Transportation and Infrastructure (SP 3)**: aims to encourage the continued development and growth of high-quality transportation, communications and utilities infrastructure in a timely and co-ordinated fashion to meet the current and future needs of our Borough and support sustainable development in accordance with the Council's Spatial Growth Strategy. SP3 is supported by Policies:

- Policy DM 10 Access and Parking; and
- Policy DM 12 Active Travel (Walking and Cycling)
- Policy DM 16 Telecommunication Facilities and Digital Services

**Strategic Policy 4 - Homes (SP 4)**: sets out that the Council's aims of achieving quality in new residential development both within urban settlements and the countryside. SP4 is supported by Policy:

- Policy DM 17 Homes in Settlements

**Strategic Policy 6 - Placemaking and Good Design (SP6)**: sets out that positive placemaking and good design are key components in the delivery of high quality, attractive and sustainable places within our Borough. SP6 is supported by Policies:

- Policy DM 25 Urban Design; and
- Policy DM 28 Amenity Impact

**Strategic Policy 7 - Historic Environment (SPG7)**: Indicates that careful management and ongoing investment in our historic environment will help to create unique, attractive and welcoming places to live, work and relax in and contribute significantly to our Borough's sense of place. SP 7 is supported by Policy:

- Policy DM 30 Archaeology

**Strategic Policy 8 - Natural Heritage (SPG8)**: seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features. SP 8 is supported by the following Policies:

- Policy DM 37 Designated Sites of Nature Conservation Importance;
- Policy DM 38 Protected Species;
- Policy DM 39 Habitats, Species & Features of Natural Heritage Importance;
- Policy DM 40 Landscape Protection; and
- Policy DM 42 Trees and Development

**Strategic Policy 10 - Environmental Resilience and Protection (SPG10):** seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. SPG10 is supported by Policy:

- Policy DM 47 Surface Water Drainage & Sustainable Drainage Systems
- Policy DM 50 Pollution
- Policy DM 52 Contaminated Land

## CONSULTATION

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

**Northern Ireland Water** – No objection.

**Department for Infrastructure Roads** - No objection subject to conditions.

**Department for Infrastructure Rivers** - No objection.

**DfC Historic Environment Division (Historic Monuments)** - No objection subject to conditions.

**DAERA Regulation Unit Land and Groundwater Team** - No objection subject to conditions.

**DAERA Water Management Unit** - No objections.

**DAERA Natural Environment Division** - No objection subject to conditions.

**Health and Safety Executive NI** – No comment provided.

**Belfast International Airport** – No objections

**Geological Survey of NI (GSNI)** – No objection subject to conditions.

**Shared Environmental Services**- No objection, subject to condition.

**Northern Ireland Housing Executive** – Information provided.

## REPRESENTATION

Sixteen (16) neighbouring properties were notified, and two letters of representation have been received. The full representations made regarding this proposal are available to view online at the Planning Portal:

<https://planningregister.planningssystemni.gov.uk/application/695331>)

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

- Site is a SLINCI and the impacts from the proposed development on the designation;
- Previous tree clearance on the site and consequential impacts;

- Water environment and flood risk;
- Impact on built environment and souterrain.

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

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

- Legislative Framework
- Plan & Policy Context and Principle of Development
- Proposed Operations & Development
- Design, Layout and Appearance
- Impact on Character of the Area
- Public and Private Amenity Space
- Residential Amenity
- Archaeology and Built Heritage
- Access and Parking
- Natural Heritage
- Flood Risk and Drainage
- Other Matters

### **Preliminary Matters**

#### Habitats Regulation Assessment

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council. The Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the report, and conclusions therein, prepared by Shared Environmental Service, dated 24<sup>th</sup> September 2025. The report found that the project would not have any adverse effect on the integrity of any European site with the inclusion of conditions.

#### Environmental Impact Assessment

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

#### Pre-Application Notice

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

A Proposal of Application Notice application (Ref: LA03/2022/0230/PAN) was submitted to the Council and was deemed to be acceptable on 11<sup>th</sup> April 2022. The Pre-Application Community Consultation Report (PACC) (Document 02) submitted has demonstrated that the applicant has carried out the consultation requirements set out in Section 27 of the Planning Act (NI) 2011.

### **Policy Context and Principle of Development**

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications and sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the whole of the council area. The Antrim and Newtownabbey Plan Strategy (ANPS) sets out the relevant planning policies for the determination of planning applications in the Borough. However, until such times as the Local Policies Plan (LPP) identifies the boundaries of settlement limits, local designations and zonings, the provisions of the current legacy plans, both adopted and in draft form will continue to apply.

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

However, the Newtownabbey Area Plan was never formally adopted and therefore following the Court of Appeal decision in May 2017 there is currently no adopted plan for Ballyclare. In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in determining all proposals in Ballyclare, including the current application.

In the interim period there have been a number of decisions taken by the Planning Appeals Commission that indicate, whilst the emerging policy provisions of draft BMAP remain material considerations in the determination of planning applications, reliance cannot be placed on specific policies of the draft Plan to refuse development proposals. However, given the unique position of Ballyclare, that it is not covered by any adopted plan, and given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for the town and should therefore be afforded greater weight than dNAP in the decision-making process. In line with the transitional arrangements set out in the SPPS, dBMAP and the ANPS must be read together. Any conflict between the policies in the Plans must be resolved in favour of the ANPS.

The relevant development plans identify the application site as being within the settlement limit of Ballyclare. However, whilst the site was not specifically zoned in dNAP and was simply identified as white land, it forms part of a site zoned for housing in dBMAP (BE 04/02) which was subject to a range of Key Site Requirements (KSR's). A total of 11 KSR's formed part of the BE 04/02 zoning, however, the PAC dBMAP Public enquiry removed 6 of the 11 KSRs. In addition, PAC decision 2020/A0048 also indicated that the KSRs relating to the need for a Transport Assessment could also be dealt with through the development management process, thereby the zoning is subject to 4 relevant KSRs which are addressed throughout the report.

The application site is also zoned a Site of Local Nature Conservation Importance (SLNCI) (BE 16/01) within dBMAP. The PAC dBMAP Public Enquiry addressed objections relating to the designation of both a SLNCI and zoned housing on this portion of the application site to be at odds with each other particularly given the inclusion of a KSR restricting development from the northeastern section (that being the application site) of the zoning which is identified as being part of the SLNCI. The Public Enquiry raised two notable points in this regard, importantly the PAC indicated that the KSR restricting development of the site should be removed and addressed in accordance with Policy ENV 2 of the dBMAP and additionally the designated SLNCI was also reduced in size, however, notably the application site remains designated. Policy ENV 2 of dBMAP indicates that planning permission will not be granted for development that may be liable to have an adverse effect on the nature conservation interests of a designated SLNCI. Policy ENV 2 does not therefore preclude the development within a designated SLNCI with the test of acceptability relating to any consequential adverse effect. In this case supporting documentation on this matter has been submitted and is considered in more detail in the Ecology section below.

As indicated above the application site forms part of the wider residential zoning (BE 04/02) and although the majority of the current application site is not subject to any planning history (with the exception of an overlap to sites 60-64) to the south of the site, the remainder of the zoning has the benefit of planning permission for 124 dwellings (Ref:2020/A0048). Subsequent to this a number of applications were submitted for change of house types, two of which were previously approved (Refs: LA03/2023/0072/F and LA03/2023/0301/F) with a further five applications inclusive of this application currently pending (Refs: LA03/2023/0908/F, LA03/2023/0909/F, LA03/2023/0910/F and LA03/2023/0911/F). Collectively these applications together with the two previous approvals seek permission for the totality of 164 residential units across the entire zoning.

One of the remaining KSRs requires the submission of a concept state to facilitate the comprehensive development of the site. Policy SP 6.4 also requires the submission of a Design and Access Statement (DAS) for 10 or more dwellings which should include a concept plan and/or a masterplan. A DAS (Document 01/2) was received with the application which falls short of providing an overall concept masterplan, notwithstanding this, an overall open space masterplan (Drawing No. 76) has been provided which shows the existing and proposed development on the entire zoned site. An area to the northeast of the site has not been incorporated into the overall masterplan or open space provision. A separate plan was submitted indicating that this area would be developed for a small apartment block which could reasonably be developed without undermining the proposed housing layout. In addition, a phasing plan (Drawing No. 88) has been provided which indicates when the commencement and completion of each phase of open space will be carried out for the wider development. Given the level of development approved within the zoning together with the open space masterplan, the concept for the development of the entire lands within the zoning is logical and well understood.

Given the site location within the settlement limits of Ballyclare, Policy SP 4.1 of the ANPS indicates that a presumption in favour of the development of new homes will be applied, provided that the proposal meets with the requirements of Policy SP 4 and other relevant policies applicable to the development type. The principle of residential development at the site is therefore considered acceptable subject to all other policy and environmental criteria being met.

### **Proposed Operations and Development**

The proposed scheme is for a residential development and all other associated site works; in this case the associated site works include the development of a substation and the extraction of a significant amount of rock from the site in order to provide an appropriate ground level given the topography of the lands.

In relation to the removal of the former quarry face, additional information was sought from the applicant and a Slope Stability Assessment Report (Document 08) and a Rock Extraction With Soundless Chemical Demolition (Document 09) were provided. Drawings submitted with the application show that excavation is proposed along the northeastern boundary where the land abuts the former Craighill Quarry. Cross sections provided indicate that the level of extraction progresses gradually along the northeastern section of the site with a maximum depth of extraction indicated to be 11 metres. It is indicated within the supporting documentation that the means of extraction will be via a Soundless Chemical Demolition Agent (SCDA) which is a method of rock fragmentation without the need for explosives. It is indicated that this involves drilling a 1.5-2-inch hole, pouring a grout into the holes and leaving the grout to expand for an average of 10 hours.

Consultation was carried out with Geological Survey of Northern Ireland (GSNI) who have reviewed the supporting information. GSNI indicates that the report proposes a range of mitigation measures to reduce the risk to an acceptable level. It is highlighted that the mitigation measures include: reducing the height of the cliff by up to 9 metres; (although Drawings show this to be 11 metres at one point) scaling of the cliff face; installation of a catch fence and use of vegetation to stabilise the slope; drainage control measures and the slope to be managed in accordance with 'Risk-based approach to geotechnical asset management'.

GSNI agree with the conclusions of the report and proposals for mitigation measures to reduce the risk and conclude that the proposed reduction in cliff height and reprofiling slope angle will mitigate the risk. However, GSNI go on to state that they are unable to comment on the SCDA's technique. GSNI require a further assessment to be carried out of the slope to ascertain if further mitigation measures are required following the completion of the mitigation works. It is considered that the level of extraction is acceptable subject to a condition requiring no development to commence until the rock extraction has been completed, mitigation measures incorporated as detailed within Document 08 and a final report to be submitted and agreed with the Council in consultation with GSNI.

A substation housing and NIE Networks Transformer is proposed to be located to the northwest of the site adjacent to the internal road network and between sites 64 and 137. The substation building measures 2.2 metres by 3 metres with an overall height of 2.4 metres. The proposed boundary treatment plan (Drawing 08/2) indicates that the boundary treatment around the substation is to be a 0.65m retaining wall with a 2.05m brick wall above. Supporting information includes a Noise Impact Assessment relating to the substation (Document 12) and consultation was carried out with the Councils Environmental Health Section who raised no objections to the proposal subject to recommended conditions.

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

Policy SP 4 of ANPS indicates that the Council will seek to ensure that new housing developments are designed in a sustainable fashion and to meet the evolving needs of residents over their lifetimes. Policy SP 4 also directs that the development of high-quality

homes should adhere to the principles of placemaking and good design as required by Policy SP 6. In addition, the Strategic Planning Policy Statement (SPPS) highlights 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 DM 17 allows for the development of quality and sustainable residential schemes in settlements, where they do not contribute to town cramming, and can meet a number of criteria. Policy DM 25 expects all development to deliver high quality design into its layout and appearance whilst demonstrating a number of additional criterion. 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 townscape.

The proposal seeks permission for a residential development comprising of 37 residential units, garages, landscaping, open space and all associated site works. Access to the site is achieved via an existing approved access arrangement which is extended along the northwestern boundary and branching off to provide access to the proposed dwellings. The proposed residential units are all designed to front onto the internal estate roads.

DM 17.1 requires all new residential developments to provide a range of housing of different types and sizes, which are well integrated as part of the overall scheme whilst ensuring that the siting and design is appropriate to the location and does not conflict with the character of the area. In addition, criterion (a) of Policy DM 25 states that the proposal should make a positive contribution and relate well to the scale, density, massing, character, appearance and use of materials of the surrounding area whilst criteria (d) expands on this and requires that any proposal creates a sense of place by developing places with character identity and local distinctiveness.

The proposed 37 residential units, comprises of 33 dwellings which are a mix of two and three storey detached and semi-detached dwellings, a single storey dwelling and an apartment block consisting of 4 apartments. The proposal contains 15 different house types, consisting of the proposed apartments and a mix of 3, 4 and 5 bedroom dwellings. It is therefore considered that the proposal provides a range of house types and sizes thereby satisfying this element of Policy DM 17. The ridge height of the proposed dwellings range in height from the single storey having a ridge height of 6 metres with the three storey dwellings have a ridge height of 9.6 metres whilst the apartment building has a ridge height of 13.1 metres when measured from the lower ground level of this split-level building. The finished topography of the land slopes from a northeast to a southwest direction which results in a number of properties being split level as a design solution to the undulating topography.

External finishes are indicated as either rendered or buff brick walls, black roof tiles, uPVC windows, composite doors and PPC aluminium rainwater goods, Drawing No. 79/1 indicates the finishes relative to each of the residential dwellings. The design of the dwellings includes a number of external architectural features including architrave dressing, window cladding and canopies which helps to improve the overall aesthetic character. It is considered that the design and appearance of the residential units is considered appropriate for the site and provides a range of house types with the use of design features and finishes adding to the visual interest of the development.

The proposal includes garden stores on the majority of the site which are set to the rear of the properties, measuring 2.4 by 2.4 metres, which are finished in facing brick and a pitched roof. Sites 166 and 167 include domestic garages as opposed to garden stores which measure 4.2 by 6.6 metres also with a pitched roof and finished in a mixture of brick and render.

Given the undulating topography of the site the proposal requires a number of different boundary treatments including the provision of retaining walls, screen walls and fencing. The proposed retaining walls range in height up to 4.1 metres. The upper height range of retaining wall (4.1m) are located adjacent to the properties which are split level and are required to enclose the steps providing access to the rear of the properties. A number of retaining walls measuring between 2.1 and 3 metres are located throughout the site particularly around the site boundaries, the retaining walls are finished in brick work as indicated on Drawing Nos. 08/1 and 08/2. Retaining walls with 1.8 metres fencing are utilised to provide screening to neighbouring properties, these however, are located to the rear of the sites. In addition, screen walls are incorporated into the scheme ranging in height from 2.1 to 2.7 metres, particularly on corner sites to help provide privacy. The screen walls are finished in render and brick to help provide a high-quality finish. It is notable that there is an expanse of hard boundaries throughout the site, however, given the change in levels it is accepted that this is required.

Policy DM 25 of the ANPS requires an appropriate landscaping scheme to include proposals for the treatment and retention of existing trees and other landscaping features. In addition, Policy DM 42 requires the retention of existing vegetation to be incorporated into the scheme and the inclusion of proposed planting and arrangements for the long-term management and maintenance. The proposal includes an overall landscaping scheme which incorporates the retention of existing planting particularly to the southwest of the site. Letters of objection raised concerns regarding the removal of trees and vegetation from the site, it is also acknowledged that an existing area of vegetation is located to the southeast of the site which is indicated to form part of the open space provision, however, this area is indicated to be a woodland area. The landscaping plan proposes additional planting including trees, woodland planting trees, hedgerow and ornamental planting. The proposal also includes a Landscape Management Plan (Document 03/3) which provides details on the long-term management and maintenance. Overall, the landscaping for the site is considered to be acceptable,

The proposal includes appropriate provision to the rear of the properties for the storage and disposal of household waste with a waste disposal area identified adjacent to the apartment building which has a storage capacity for waste disposal bins. The waste provision is enclosed by a 2.1-metre-high close boarded fencing with decorative willow weave trellis detail included to help soften the visual impact which is considered acceptable. Policy DM 25 requires the overall layout to be designed to reduce the fear of crime and antisocial behaviour and in this regard the proposed residential units have a frontage onto the internal road network with a number of the properties also overlooking the areas of open space, thereby providing passive surveillance and helping to reduce antisocial behaviour and crime.

Overall, it is considered that the proposed scale, massing, and use of materials is acceptable for the application site and is respectful of the surrounding area. A range of housing of different types and sizes have been provided, which appears to be well integrated into the overall scheme.

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

Policy DM 17 requires the number of units to respect the scale and size of the settlement with higher density development being considered favourably at accessible locations within towns. DM 17.6 relates to established residential areas, in which the application site is located and requires that the density is not significantly higher than that found with the established residential area and that the pattern of development is in keeping with the overall character and environmental quality of the established residential area. In addition, Policy DM 25 supports this approach requiring proposals to relate well to the density of the surrounding area.

As outlined above the application site is located along the Ballyeaston Road on land zoned for residential use and adjacent to existing residential use. The character of the existing residential area comprises a mix of detached, semi-detached properties and an apartment building set in a range of plot sizes. The application site measures approximately 2.91 hectares, which equates to an average density of 12.71 units per hectares (uph). In terms of density of the existing surrounding residential areas, this varies from 21uph at Craighill Park to the north of the application site, 30uph at Rashee Park, opposite the site across the Ballyeaston Road. Hamlet Way is located to the northwest of the site has an average density of 19uph. Residential houses within these developments comprise of both detached and semi-detached two storey dwellings. The density of the proposal is lower than the average density found in the surrounding residential area, however, it is acknowledged that development of the site is somewhat restricted given the adjacent quarry and the topography of the site. Fundamentally the proposed density is not significantly higher than that found in the established residential area and the proposal does not represent town cramming.

As indicated above the proposal includes the excavation of material from along the northeastern boundary where the land abuts the former Craighill Quarry. Drawings submitted with the application show that excavation is proposed, cross sections provided indicate that the level of extraction progresses gradually along the section with a maximum depth of extraction indicated to be 11 metres. It is acknowledged that the removal of this material will change the existing visual landscape in the immediate area and given the undulating topography the proposed properties will read as skyline development. However, taking into consideration the surrounding built form in the area, skyline development within the area is not unusual with similar arrangements approved on lands to the east of the site within the former Craighill Quarry and as such it is considered that the proposal will not be out of keeping with the area.

Policy DM 17 requires that adequate provision for necessary local neighbourhood facilities is to be provided by the developer as an integral part of the development, however, the policy is silent on the relevant trigger in terms of the number of units that require neighbourhood facilities to be incorporated, rather the reliance is on the term 'necessary local facilities'. As indicated previously, the proposal across the entire zoning provides for some 164 residential units, with the need for local facilities at this scale of development not being unusual, however, it is also noted that the KSRs for the entire zoning did not include the need for local facilities, with the PAC not requiring any local facilities as part of the previous approval for 123 residential units (Ref: 2018/A0072). In addition, no other information has been forthcoming to suggest that there is a particular need at this location given the proximity of Ballyclare Town Centre. As such it is considered that in this instance the incorporation of local neighbourhood facilities is not required.

### Affordable Housing and Lifetime Homes

Paragraph 7.20 of Policy SP 4 in the ANPS states that the Council wishes to encourage an affordable and diverse choice of housing that will meet the needs of an ageing and changing population, whilst also encouraging the development of balanced communities and helping to strengthen community cohesion. Paragraph 7.38 of Policy DM 17 highlights that historically, difficulties have been experienced by social housing providers in securing the land necessary for affordable housing provision. In this regard, and to assist the delivery of affordable housing and promote mixed tenure development, the Council will require all housing proposals of 40 or more units to provide affordable housing as part of the overall scheme as required by DM 17.3.

The ANPS indicates the current definition of affordable housing, is the same as the definition used in the SPPS. In April 2021, Department for Communities (DfC) adopted a new overarching definition for affordable housing, which aims to extend the range of products which contribute to the delivery of affordable housing. This definition is now adopted by the SPPS. The definition indicates that affordable housing constitutes, social rented housing; or intermediate housing for sale or rent that is provided outside the market, or for those whose needs are not met by the market. Affordable housing which is funded by the Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new or affordable housing.

As noted the proposed development is for 37 units thereby not breaching the threshold of 40 units, however, when taken in combination with the concurrent applications (Refs: LA03/2023/0908/F, LA03/2023/0909/F, LA03/2023/0910/F and LA03/2023/0911/F) within the same zoning, this results in a totality of 114 residential units (excluding the two previously approved applications), thereby 10% results in 12 units required for affordable housing. A supporting drawing indicates a total of 12 units being proposed collectively across the aforementioned applications with Drawing No. 78/1 indicating that two of the proposed units, that being apartments are proposed within the current proposed scheme. The proposal provides an adequate level of affordable housing thereby fulfilling this element of the policy. Additionally, DM 17.4 requires affordable housing to be distributed throughout the general housing layout and should not be easily distinguishable. In this case two units are proposed within the one apartment building, however, given that there is only one apartment building within this element of the development and given that the design is reflective of the wider scheme, this is considered acceptable. The remaining provision is distributed throughout the remainder of the site as identified on Drawing 75/1.

Policy SP 1.15 of the ANPS indicates that where the necessary infrastructure or contributions can be secured satisfactorily by means of planning conditions this will be the preferred option. However, if this cannot be achieved then a Section 76 Planning Agreement may be used. The definition of affordable housing is wide ranging and although the applicant indicates (Document 19) that the preferred affordable housing option is intermediate apartment/housing for sale. Given that the affordable housing is to be spread across a number of concurrent planning applications, a Section 76 is required to secure the provision of affordable housing collectively, this approach will also allow the developer more flexibility to weigh up the options on the market which are viable at a later date. Consultation has been carried out with NIHE, responded with advice that the developer should contact a registered housing provider.

Policy DM 17 of the ANPS also requires any residential scheme over the threshold of 20 units to be designed to take account of 'Lifetime Homes' with a minimum of 20% of the

units designed within the scope of this approach. As the proposal is for 37 units this will require a minimum of 8 units within the current scheme to take account of the Lifetime Homes requirements. In addition, 20% of the site when considered in combination requires a minimum of 23 residential units. An amended plan (Drawing 75/1) indicates that 23 units are provided which are capable of fulfilling the lifetime homes approach.

### **Public and Private Open Space**

DM 17.7 of the ANPS expects residential development proposals of 25 units or more, or on sites of 1 hectare or more, to provide well designed, safe and accessible public open space as an integral part of the overall scheme. As noted previously, this application site forms part of a residential zoning (BE 04/02) which includes a larger housing development to the west of the site that was previously approved under Planning Appeal Ref: 2018/A0072 and is the subject of a series of concurrent pending applications (Refs: LA03/2023/0908/F, LA03/2023/0909/F, LA03/2023/0910/F and LA03/2023/0911/F) together with two previous approvals (Refs: LA03/2023/0072/F & LA03/2023/0301/F).

In total the number of houses which would be constructed as part of the wider site masterplan would account for 164 residential units. DM 17.7 requires a minimum of 15% of the total site area to be set aside for communal open space where there is between 100 – 200 units. In addition, for developments in excess of 100 units, an equipped children's play area needs to be provided.

Paragraph 7.42 of ANPS refers to public open space as an intrinsic element of any housing development, not only for design quality but also for social and recreational purposes. Public open space can take the form of informal green amenity spaces, communal greenspaces, children's play spaces and sports pitches, as well as woodland or other natural or seminatural areas. According to the ANPS, public open space should be well located, easily accessible and designed to offer long-term benefits for the community, and all schemes will be required to bring forward suitable arrangements for the long-term management of such areas. Policy DM 25.1 seeks to ensure that any open space is of a high quality, appropriate and well-integrated into the overall layout.

The zoning (BE 04/02) site area amounts to 9.15ha with the total amount of open space being 1.78ha or 19.45% of the total site area. In addition, an equipped children's play area is provided within phase 1 of the development. The areas of open space form a series of pockets within the wider development which form an integral part of the overall development.

Supporting information including Drawing No. 88 provides a masterplan for the phasing of the open space delivery, which indicates that the open space is to be completed and delivered in phases. The delivery of the open space is triggered by the completion of a specified number of residential units and detailed within the table below.

<b>Open Space Area</b>	<b>Completion Trigger (No of units occupied)</b>
Area A (0.3 ha)	10 <sup>th</sup> dwelling
Area B (0.52 ha) & C (0.03 ha)	40 <sup>th</sup> dwelling
Area D (0.05 ha)	50 <sup>th</sup> dwelling
Area E (0.88 ha)	90 <sup>th</sup> dwelling
Playground in B	100 <sup>th</sup> dwelling

In addition, the children's play area which is located in open space Area B is to be delivered upon the occupation of the 100<sup>th</sup> dwelling with details of the equipment to be provided and agreed with the Council prior to the commencement of the 100<sup>th</sup> dwelling.

The areas of public open space take the form of informal green amenity spaces, communal greenspaces, children's play spaces, as well as seminatural areas. The remainder of the areas are considered /to be well located, easily accessible and designed to offer benefits for the future residents.

As the wider housing development is formed by a patchwork of concurrent applications, it is necessary to use a Section 76 legal agreement to ensure that areas of open space are delivered in a suitable manner to ensure that the sufficient open space is available for residents as the wider site develops. The use of a Section 76 legal agreement is considered to be the only means to ensure the delivery of the open space areas across the series of concurrent planning applications.

In terms of private amenity space, DM 17.9 sets out that the Council will take account of the guidance in relation to private open space provision 'Creating Places' which states that the appropriate level of provision should be determined by having regard to the particular context of the development and further indicates that development of this nature requires an average of 70sqm.

As illustrated on the proposed site layout (Drawing Number 03/3) front gardens are provided for each plot and private amenity space largely takes the form of private rear gardens which are all in excess of 70sqm and above the average outlined within Creating Places and is therefore acceptable.

Overall, it is considered that the public open space within the proposed site and for the wider development area is acceptable with an appropriate provision of private open space thereby complying with Policy DM 17.

### **Residential Amenity**

The SPPS indicates that the planning system has a role to play in minimising potential adverse impacts such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development. Policy DM 28 of the ANPS highlights that the Council will only support development proposals where they will not result in an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties with Policy DM 25 supporting this and requiring that there is no detrimental effect on the amenity or character of adjoining properties. Whilst Policy DM 50 indicates that the Council will only support development proposals with the potential to cause significant pollution in a number of areas including noise pollution where this has been addressed.

A number of existing properties are located along the Ballyeaston Road, with a previous approval granting residential properties to the south and west of the site. The separation distance from the proposed development and the existing residential properties is sufficient to safeguard against any significant impacts on the amenity of any existing nearby properties. The main concern with the current proposal is ensuring that the relationship with the proposed dwellings is sufficient to prevent any significant impacts on the amenity of any proposed residential unit, this is particularly critical given the undulating topography within the application site.

Supplementary Planning Guidance 'Creating Places' advises that well-designed layouts should, wherever possible, seek to minimise overlooking between dwellings and provide adequate space for privacy, and recommends a separation distance on green field sites of around 20 metres. An enhanced separation distance may also be necessary for development on sloping sites.

In relation to the proposed properties, the scheme has been designed to ensure that there will be no detrimental impact on the amenity of adjacent properties. The layout of the proposed dwellings has been designed and arranged to ensure the proposed properties will generally have in excess of the minimum rear garden depth of 10 metres. As indicated above the topography of the site is undulating with significant level differences throughout the site. The level difference is most significant and evident through the relationship with the proposed dwellings on sites 61-63 and sites 139-131 to the rear. Within this area there is a level difference of approximately 4 metres between the proposed dwellings. The impact of this is offset by a 4.5m graded embankment in this area along with an enhanced separation distance in excess of 30 metres which ensures that there is no significant impact on the amenity of the adjacent properties.

There are also significant level changes of approximately 7 metres between sites 137 -152 and 158-159. At these locations the dwellings have a back-to-back relationship with a separation distance in the region of 35 metres between the rear elevations. In addition, a 10-metre graded embankment is proposed and boundary fencing to ensure that the amenity of proposed properties is adequately protected from overlooking and dominance.

The overall layout includes areas of graded embankments and the requirement for retaining structures; however, it is considered that the layout has been designed to respect the topography of the site whilst including mitigation to protect the amenity of the future occupants.

With regard to noise impact, the applicant has submitted a Noise Impact Assessment (Document 12) demonstrating that there will be no significant impact on amenity by way of noise. Issues raised from third parties included increased traffic noise. The Noise Impact Assessment considered  $L_{Amax}$  levels and the potential impact upon future occupiers of the proposed development, including the proposed substation. The Council's Environmental Health Section were consulted and have indicated that the amenity of the proposed dwellings can be protected subject to the attachment of noise control conditions. It is therefore considered that there is unlikely to be any significant noise concerns with this proposal.

Overall, it is considered that the proposed development will not have a detrimental impact on the residential amenity of existing and proposed dwellings. The proposed development is therefore compliant with the SPPS Policies DM 28, DM 25 and DM 50 of the ANPS.

### **Archaeology and Built Heritage**

The SPPS and Policy SP 7 of the ANPS requires that all proposals protect conserve and promote the enhancement of the historic environment. It is noted that there are no listed buildings or protected parks or gardens within the vicinity of the site and it is not located within a designated area. Policy DM 30 addresses archaeology and the application included an Archaeological Evaluation (Document 05), an Archaeological Desktop Assessment (Document 06), an Archaeological Impact Assessment (Document 14) and an Archaeological Evaluation Report (Document 18).

There is a known souterrain (ANT 046:129) located in an area of designated communal open space to the front of site 60 and is marked by a red dashed line on Drawing No. 03/3. In addition, the drawing also delineates an area marked in blue showing the location of protective fencing during the construction phase. Letters of objection raised concerns regarding the impact on built heritage with particular reference to the souterrain.

HED - Historic Monuments were consulted and have indicated that there should be no trees planted within this area and that the fencing should be retained during the construction phase. These matters can be addressed through a suitably worded condition should planning permission be forthcoming.

During the processing of the current application a stone enclosure, was brought to the attention of the Council by the Ballyclare and District Historical Society and was estimated to be located centrally within the application site. This area was investigated through an archaeological evaluation on the 10th February 2025 and consisted of the excavation of three 1.8m wide test trenches with a total length of 15m which were mechanically excavated. It was concluded that this feature was not archaeological and was a more recent addition to the landscape and as such, does not constitute a previously unrecorded archaeological monument. HED – Historic Monuments were satisfied with the investigations; however, it was acknowledged, that other previously unknown archaeological monuments could be present given the general archaeological potential of Craig Hill. As a consequence, a Programme of Archaeological Works would be required to be agreed prior to any development commencing on the site.

It is considered that the proposal complies with the policy provisions of the SPPS, Policy SP 7 and DM 30 of the ANPS.

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

Policies SP 3.10 and DM 10 states that access arrangements must not prejudice road safety or significantly inconvenience the flow of traffic and that the development proposal will provide adequate parking provision. In this case the application site would be served by the estate road which is to be constructed for the wider housing development which was approved under appeal Ref: 2018/A0072. The wider estate road has one access onto the Ballyeaston Road and another onto the Ballycorr Road, however, there is no through road.

It is also proposed to have the estate road adopted which serves the housing proposed under this application. DfI Roads were consulted in relation to the proposal and responded stating it has no objections to the proposal subject to conditions.

Policy DM 25 requires development proposals to incorporate adequate and appropriate provision for parking. Although the Council has adopted its Plan Strategy it has retained the parking requirements in the Departments Creating Places document which sets out the applicable thresholds for car parking in new housing developments. There are 105 car parking spaces required in total with 75 in-curtilage spaces and 30 on-street communal spaces. All residential units have at least two in-curtilage spaces which is considered acceptable.

The previous grant of planning permission for the wider housing development site (Ref: 2018/A0072) contained a condition (No. 3) which stated that no more than 50 dwellings

could be constructed until the traffic signals and road markings at the Rashee Road/Ballyeaston Road junction have been provided. Although this site was not part of the previous grant of planning permission, it does provide additional housing which could contribute to traffic issues at this road junction and a similar condition covering the entire site is required. This should be included as part of the proposed Section 76 legal agreement.

Policy DM 12 Active Travel (Walking and Cycling) is to promote measures in the design and layout of developments that will support increased walking and cycling. In addition, Policies DM 17 and DM 25 reiterates the importance of a movement pattern to be provided that promotes walking and cycling routes and supports linkages to community facilities and public transport. The site has direct pedestrian access to public roads, and this allows a variety of alternative modes of transport to be utilised by future residents. The site is also in a highly accessible location in close proximity to Ballyclare Town Centre.

### **Natural Heritage**

Policy SP 8 of the ANPS indicates that the Council will work in partnership with DAERA, environmental organisations and developers to protect, conserve and promote the enhancement and restoration of the diversity of the Boroughs natural heritage comprised of its habitats, species, landscapes and earth science features. Policy SP 8.3 requires appropriate weight to be afforded to the protection of designated sites, protected species and priority habitats and species together with other features of biodiversity and geological interest within the wider environment. Policy SP 8 is supported by Policies DM 37 – DM 39 and DM 42 of the ANPS. In addition, Policy DM 25 requires proposals to promote biodiversity.

The application included supporting documentation to address natural heritage concerns, including a Biodiversity Checklist (Document 15) and an Ecological Appraisal and Assessment (Document 17), consultation was carried out with both DAERA's Natural Environment Division (NED) and Shared Environmental Service (SES).

The application site is located wholly within an area mapped as the Craig Hill Quarry Local Wildlife Site (formerly referred to as a Site of Local Nature Conservation Importance (SLNCI)). This is designated as zoning BE 16/01 under dBMAP, and covers the entirety of the current application lands, however, it is acknowledged that the PAC dBMAP Public Enquiry addressed objections relating to the designation of the SLNCI and recommended the reduction in size, however, as indicated on the amended map the entirety of the application site was to remain designated as a SLNCI (BE16/01). There is also a secondary Local Wildlife Site (SLNCI) located to the immediate northwest of the application boundary, this is also referred to as Craig Hill Quarry. Site investigations under the Ecological Appraisal and Assessment (Document 17) established that the area of semi-natural woodland (to the southeast, beyond the site boundary is to be retained and remain unaffected by development proposals), holds the highest ecological interest within the application site. This area is to be left as an area of communal open space and its retention will be controlled by way of a Section 76 legal agreement. In addition, while some areas of priority habitat were to be removed DAERA-NED were satisfied with the level of compensatory planting to be provided.

The site was also inspected for the presence of badgers, bats and other protected species. While there was evidence of badgers visiting the site for foraging purposes there was no evidence of badger setts within the site or within 25 metres of the site. DAERA –

NED were consulted on the application and advised that they had no objections to the proposed development subject to conditions.

#### Designated Sites

The application site is not situated within any nationally or internationally designated sites, however, it is hydrologically linked to the adjacent disused Craig Hill quarry which has an overflow system that runs east towards Six Mile Water River which is approximately 400m south of the application site. The Six Mile Water is hydrologically connected to Lough Neagh and Lough Beg SAC, Fars Bay SAC and Lough Neagh ASSI which are designated sites protected under the Conservation (natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and the Environment Order (Northern Ireland) 2002. Shared Environmental Services (SES) has been consulted with regard to the impact on Designated Sites and has considered the impacts of the proposal and are content that there will be no likely significant impact on any designated site subject to conditions. As indicated above the Council has accepted the Habitats Regulation Assessment as carried out by SES.

#### Land Contamination

Policies DM 50 and DM 52 of the ANPS both require consideration to be given to the potential of any proposal to cause land pollution or contamination. The applicant has submitted a Preliminary Risk Assessment (PRA) (Document 13). It was identified that there are no obvious sources of contamination present either on, or close to the site and therefore there are no significant human health and/or environmental pollutant linkages. The overall level of risk associated with the site, with regards to land contamination, is considered to be low. EHS comments that the report recommended that if any new contamination is found during any future development works, that this will be investigated and the Council notified. Consultation was carried out with both EHS and DAERA Regulation Unit (LGWRU) who have raised no issues in this regard subject to recommended conditions.

#### **Flooding and Drainage**

Policy SP 10 recognises the need to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on the natural and built environment while SP 10.2 states that there will be a strong presumption against development proposals in floodplains. Policy DM 25 supports this and requires that all proposals should be designed to withstand predicted changes in local climate and to reduce the risk of flooding on site. In addition, Policy SP 10.3 requires the submission of a Drainage Assessment and promotes the use of Sustainable Urban Drainage Systems which is supported by Policies DM 25 and DM 47.

There are no designated or undesignated watercourses traversing the site and the DfI flooding maps indicates that the site is not affected by any fluvial flooding. The site does not affect existing flood defence, does not propose any culverting of watercourses nor is it located within an area which is at risk from reservoir inundation.

The application site extends to some 2.92 hectares which means that the applicant has to provide a Drainage Assessment (DA) in order to comply with Policy DM 47. The DA (Document 10/1) indicates that the surface water discharge for the site is 29.2 l/s which links in with the drainage for the wider site which is served by oversized pipes and a geo cellular tank capable of attenuating 1624m<sup>3</sup> of storm water which discharges into the surface water sewer at a rate of 93.9l/s. DfI Rivers were consulted on the proposed development and have indicated that they have no objection to the proposal subject to a condition requiring a final drainage assessment. It is considered that the condition is not

necessary as the developer has already provided the requisite information and any substantial changes to the drainage infrastructure may require the submission of a new planning application for assessment. Provided that the drainage works are carried out as proposed, there are no objections to the proposal from a drainage perspective.

It is accepted that the proposal incorporates hard SuDs into the overall design concept, however, the proposal negates to incorporate any element of 'soft' SuDs. It is acknowledged that DM 47.4 promotes the use of soft SuDs, but falls short of it being a requirement, given that the wider scheme has the benefit of planning permission without the incorporation of soft SuDs and therefore the drainage measures are considered acceptable in this instance.

### **Other Matters**

#### *Land stability*

Geological Survey of Northern Ireland (GSNI) has reviewed the proposal and offers no objection. Consultation was also carried out with the Health and Safety Executive NI who provided no comment on the scheme.

A supporting statement (Document 20) indicates how the development incorporates robust telecommunications infrastructure designed to meet modern connectivity needs. In addition, a supporting statement (Document 21) indicates how the development will integrate low energy matters into the design of the buildings with SUDs also forming part of the overall design concept for the wider housing development.

### **CONCLUSION**

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

- The principle of housing on the site is considered acceptable;
- It has been demonstrated how the comprehensive planning of the entire zoned area is to be undertaken, and the proposal would not result in unsatisfactory piecemeal development;
- It is considered that the density proposed can be accommodated on this site;
- The proposal provides adequate provision for public amenity space;
- The proposal will not result in an unacceptable impact on neighbour amenity of existing or approved dwellings;
- There are no significant concerns relating to transport, traffic, parking and road safety matters;
- There are no significant concerns relating to natural heritage, archaeology or built heritage matters;
- There is no significant flood risk associated with the site;
- There are no significant contamination concerns; and
- There are no health and safety concerns with 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: To comply with the requirements of Section 61 of the Planning Act (Northern Ireland) 2011.

2. No more than 50 residential units, within the lands edged red and blue on Drawing Number 01 date stamped 04 December 2024, shall be occupied until the traffic signals and road markings at the Rashee Road/Ballyeaston Road junction have been implemented in accordance with Drawings Nos. 01 to 09 inclusive date stamped 10 June 2020, approved by the Council under planning application Ref: LA03/2020/0413/DC or such other scheme that may be submitted to, and approved in writing by, the Council.

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

3. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Number 66/2 date stamped 17<sup>th</sup> February 2025.

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

4. A detailed programme of works and any required / associated traffic management proposals shall be submitted to and agreed by the Council, prior to the commencement of any element of road works.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

5. If during the development works, a new source of contamination and risks are found, which had not been previously identified, works shall cease and the Council notified immediately. Any new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) Guidance, available online at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be submitted to be agreed with the Council before being implemented.

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

6. After completing the remediation works under Condition 5 and prior to occupation of the development, a verification report shall be submitted in writing and agreed with Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

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

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

7. The 800kVA electricity sub-station between Plot numbers 64 and 137, as marked on Drawing Number 06/2 date stamped 22<sup>nd</sup> May 2024 shall have a Sound Power Level

output of no greater than 56dB(A).

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

8. Prior to operation of the electricity sub-station, an acoustic barrier of 2.7m height, shall be erected on site as detailed on Drawing Number 08/2 date stamped 27<sup>th</sup> February 2025. The acoustic barrier shall have a surface weight of at least 15kg/m<sup>2</sup>, be of solid construction (i.e. no holes or gaps for sound to pass through), and so if the barrier is a fence type construction, it should be of the ship-lapped design. The acoustic barrier shall be maintained for the lifetime of the development.

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

9. Prior to the occupation of each dwelling unit, all habitable rooms within the dwelling shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least 35dB Rwn and retained for the lifetime of the development.

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

10. Prior to the occupation of each dwelling unit, all habitable rooms within the dwelling shall be fitted with passive and/or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 35dB Rw and retained for the lifetime of the development.

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

11. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council. The POW shall provide for:
- The identification and evaluation of archaeological remains within the site;
  - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
  - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
  - Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

12. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 11.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

13. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be

undertaken in accordance with the programme of archaeological work approved under condition 11. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

14. A landscape management and maintenance plan, including long term design objectives, management responsibilities and maintenance schedules for the monument shall be submitted to and approved by the Council prior to the commencement of the development.

Reason: To ensure that features of historical significance are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development.

15. No site works of any nature or development shall take place until a fence has been erected around the area specified, in line with that agreed under application Ref: LA03/2023/0805/DC or such other scheme as agreed in writing with the Council.

No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works and development have been completed.

Reason: to prevent damage or disturbance of archaeological remains within the application site.

16. The landscaping scheme, as indicated in Drawing Number 04/3 date stamped 17 February 2025 shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within the lifetime of the development of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Notwithstanding the detail on the approved landscape plan Drawing Number date stamped, no planting shall be carried out within the fenced area require by Condition 15 other than that agreed by the Council.

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

17. All existing planting indicated on Drawing Number 04/3 date stamped 17 February 2025 shall be allowed to grow on and be permanently retained.

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

18. No retained tree, shown as retained on site layout (drawing 04/3) shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition, and construction recommendations.

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

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

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

20. The outline Construction Environment Management Plan (oCEMP) Document 11 date stamped 4<sup>th</sup> March 2024 shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the Council.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including downstream designated sites.

21. Any third floor provided on sites 161 – 166 inclusive shall be used solely for residential storage areas only and not for any residential living accommodation.

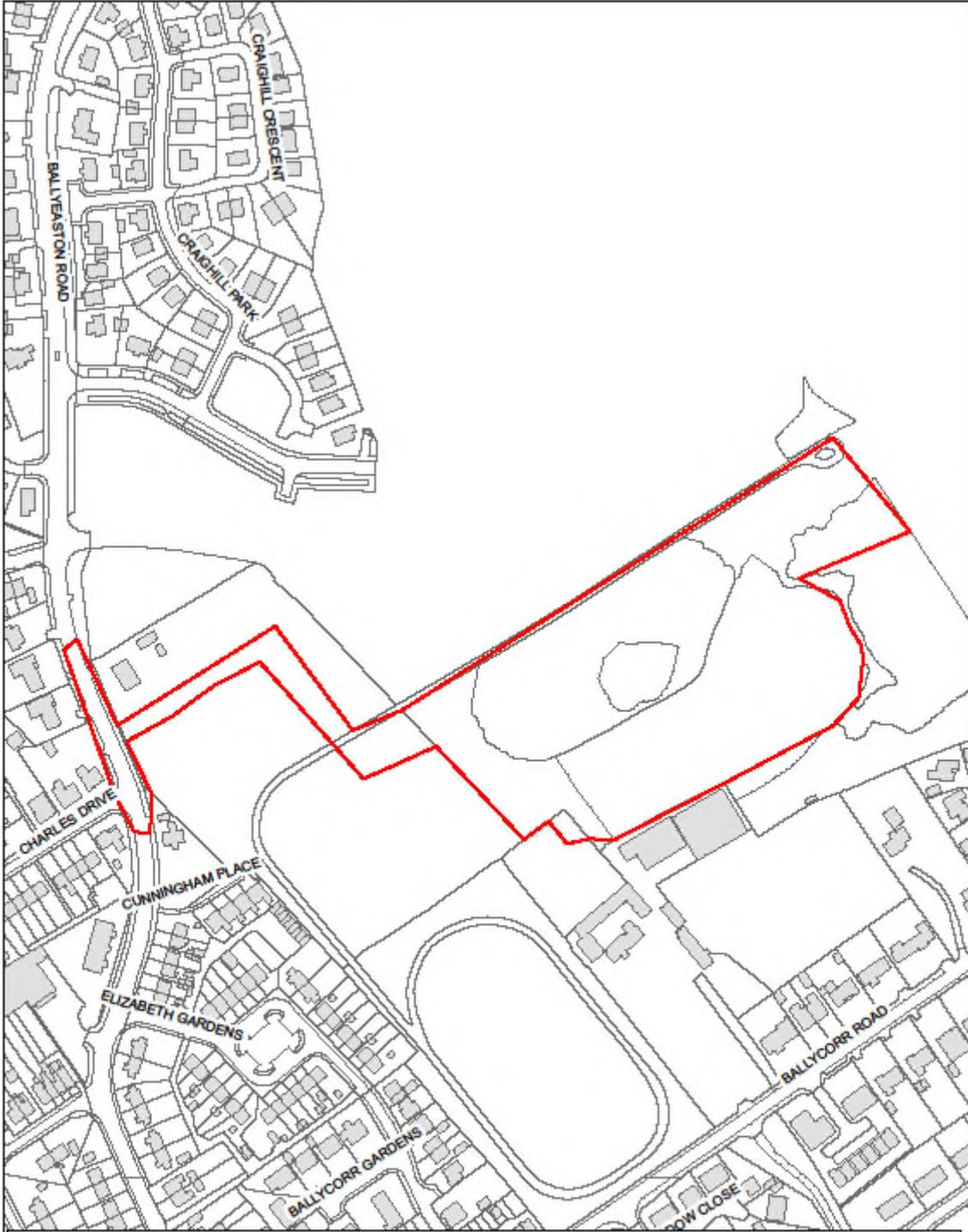
Reason: To safeguard to the amenity of the future occupants.

22. Prior to the occupation of any dwellings approved herein a landscape management and maintenance plan shall be submitted to the Council and approved in writing by the Council. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The landscape management plan shall be carried out as approved.

Reason: To ensure successful establishment and ongoing management and maintenance of the open space and amenity areas in the interests of visual and residential amenity for the lifetime of the development.

23. Prior to any building works, the mitigation measures outlined in Paragraphs 6.0 to 6.5 of Document 08 dated 23-SEP-2023 shall be fully implement and following completion of the works and prior to the occupation of any dwelling unit a verification report shall be submitted to the Council to ascertain if further mitigation measures are required and thereafter carried out as agreed in writing with the Council.

Reason: To ensure the stability of the slope and to ensure the safety of residents and nearby properties.



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### Site Location Plan

1:2,500

Reference: LA03/2023/0772/F

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.4</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0908/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>PREVIOUS COMMITTEE DECISION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION SUBJECT TO SECTION 76 AGREEMENT</b>
<b>PROPOSAL</b>	Erection of 26no. dwellings (amendment to PAC approval reference 2018/A0072), electricity substation, open space, play area and all other associated site works.
<b>SITE/LOCATION</b>	Lands 100m northwest of no. 93-103 (odd nos.) Ballycorr Road, Ballyclare, BT39 9DE
<b>APPLICANT</b>	Blue Horizon (Ballycorr) Ltd.
<b>AGENT</b>	Tony Hamilton
<b>LAST SITE VISIT</b>	25 January 2024
<b>CASE OFFICER</b>	Sairead McCarthy 028 9034 0406 Sairead.mccarthy@antrimandnewtownabbey.gov.uk
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal</b></p> <p><a href="https://planningregister.planningsystemni.gov.uk/application/680192">https://planningregister.planningsystemni.gov.uk/application/680192</a></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limits of Ballyclare, on an area zoned for housing (BE 04/02) as defined by the draft Belfast Metropolitan Area Plan (published 2004). Ballyclare Town Centre lies approximately 420 metres southwest of the site.</p> <p>The application site forms part of a larger residential development site, approved by the Planning Appeals Commission (PAC) (Appeal Ref: 2018/A0072; planning Ref: LA03/2017/0644/F), and relates specifically to sites 14 and 15, 75 – 87, 100 – 108 and 111 – 114. The surrounding area is predominately residential, characterised by housing developments of varying densities.</p> <p>The application site is located on sloping ground; the highest point of the site is located along the north and western boundaries, with land levels falling towards the southern boundary. As the application site forms part of a wider site, a number of the boundaries are undefined. The northern, western and eastern boundaries of the wider site, however, are defined by mature hedging and trees, with the Ballycorr Road running along the southern boundary.</p> <p>The application site was previously occupied by a detached farm dwelling and associated outbuildings. The site also includes part of an old horse walking track. All buildings on the site have since been demolished, and a number of dwellings previously approved under the core permission are currently under construction.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Application Number: LA03/2017/0644/F</p> <p>Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare</p>	

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 and secondary access from Ballyeaston Road, 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.

Decision: Appeal Allowed

Decision Date: 10 February 2020

Application Number: LA03/2020/0230/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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. (Discharge of conditions 9 & 21 from PAC approval 2018/A0072 (See LA03/2017/0644/F) regarding omission of retaining wall on site 14 & 15 and omission of dwelling and garage at site 48).

Decision: Condition Discharged

Decision Date: 05 May 2020

Planning Reference: LA03/2020/0240/F

Location: Lands 30 metres northeast of no. 92 Ballyeaston Road, Ballyclare

Proposal: Erection of 1no. single detached dwelling with garage

Decision: Permission Granted

Decision Date: 02.06.2020

Application Number: LA03/2020/0251/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Discharge of Condition 1 (Private Streets) of PAC approval 2018/A0072 (see LA03/2017/0644/F) for: 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 and secondary access from Ballyeaston Road, 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.

Decision: Condition Discharged

Decision Date: 19 June 2020

Application Number: LA03/2020/0413/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Residential development of 124 no dwellings (Discharge of condition 2 from LA03/2017/0644/F - PAC approval 2018/A0072 regarding submission of detailed scheme for the traffic signals and road markings at Rashee Road/Ballyeaston Road junction)

Decision: Condition Discharged

Decision Date: 30 September 2020

Planning Reference: LA03/2020/0644/F

Location: Lands 30m southeast of 92 Ballyeaston Road Ballyclare

Proposal: Proposed erection of 5 no. dwellings (Boundary changes for sites 43 - 47 including change of house types to sites 45 and 46 as previously approved under LA03/2017/0644/F via PAC 2018/A0072), including relocation of access from Ballyeaston Road, garages and all other associated works.

Decision: Permission Granted

Decision Date: 20.09.2021

Application Number: LA03/2022/0367/F

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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 (Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F - No dwelling shall be occupied until either a main sewerage connection is agreed with NI Water or the development is served by a package sewage treatment plant site; The package plant shall be decommissioned and the development connected to a public sewer within six months of the planning authority notifying the appellant that the waste water treatment plant has been upgraded)

Decision: Permission Granted

Decision Date: 31 August 2022

Application Number: LA03/2022/0773/NMC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Non material change to LA03/2017/0644/F (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 and secondary access from Ballyeaston Road, 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.) Alterations to approved barn conversion (to apartment drawings). The proposed change is to demolish the existing walls rebuild/replace them as opposed to retaining the existing walls and altering them.

Decision: Consent Refused

Decision Date: 27 September 2022

Planning Reference: LA03/2023/0072/F

Location: Land to the rear of No.s 3-13 Ballycorr Gardens, Ballyclare

Proposal: Erection of 29no. dwellings (change of house type to sites 1-12a, 109-110 and 115-123 previously approved under PAC ref: 2018/A0072), garden stores and all other associated site works

Decision: Permission Granted

Decision Date: 19.03.2024

Planning Reference: LA03/2023/0301/F

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27

Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare  
Proposal: Erection of 21no. dwellings (change of house type to sites 30-32, 41,42, 54-59, 63-68 & 70-74 previously approved under PAC ref: 2018/A0072), garages, changes to the road layout and all other associated site works  
Decision: Permission Granted  
Decision Date: 13.03.2024

Application Number: LA03/2023/0661/DC  
Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare  
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 and secondary access from Ballyeaston Road, 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 (Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F - No dwelling shall be occupied until either a main sewerage connection is agreed with NI Water or the development is served by a package sewage treatment plant site; The package plant shall be decommissioned and the development connected to a public sewer within six months of the planning authority notifying the appellant that the waste water treatment plant has been upgraded) (Discharge of Condition 16 of Planning Approval LA03/2022/0367/F regarding the submission of a detailed lighting plan.)  
Decision: Condition Discharged  
Decision Date: 13 December 2023

Application Number: LA03/2023/0720/DC  
Location: Lands to the north of 93 – 103 Ballycorr Road, Ballyclare  
Proposal: Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F (124 dwellings) (Discharge of Condition 11 from approval LA03/2022/0367/F regarding submission of archaeological programme of works)  
Decision: Condition Partially Discharged  
Decision Date: 20 December 2023

Application Number: LA03/2023/0772/F  
Location: Lands to the East of no.92 Ballyeaston Road, Ballyclare, and to the Northeast of nos.13-27 Elizabeth Gardens, Ballyclare BT39 9BT  
Proposal: Proposed residential development comprising 37no. dwellings, garages, landscaping, open space and all associated site works  
Decision: Current application

Application Number: LA03/2023/0805/DC  
Location: Land to the north of 93 to 103 Ballycorr Road, northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road, Ballyclare  
Proposal: Residential housing development of 124 no. homes. (Discharge of Condition 12 from planning approval LA03/2022/0367/F regarding erection of fence around identified souterrain)  
Decision: Condition Partially Discharged  
Decision Date: 1 March 2024

Application Number: LA03/2023/0806/DC

Location: Land to the north of 93 to 103 Ballycorr Road, northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road, Ballyclare

Proposal: Residential housing development of 124 no. homes (Discharge of condition 13 of planning approval LA03/2022/0367/F Regarding the submission of a landscape plan).

Decision: Condition Discharged

Decision Date: 23 January 2024

Planning Reference: LA03/2025/0094/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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 (Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F - No dwelling shall be occupied until either a main sewerage connection is agreed with NI Water or the development is served by a package sewage treatment plant site; The package plant shall be decommissioned and the development connected to a public sewer within six months of the planning authority notifying the appellant that the waste water treatment plant has been upgraded) (Discharge of Condition 11 of planning approval LA03/2022/0367/F regarding Archaeological reports.)

Decision: Condition not discharged

Decision date: 05 June 2025

Planning Reference: LA03/2024/0925/F

Location: Lands within the southwest portion of the former Craighill quarry, east of Ballyeaston Road and south of Craighill Park, Ballyclare

Proposal: Social housing development comprising 45 no. residential units with associated access, car parking, landscaping and ancillary works

Decision: Current application

Planning Reference: LA03/2023/0772/F

Location: Lands to the East of No. 92 Ballyeaston Road, Ballyclare and 135m to the Northeast of No.s 13-27 Elizabeth Gardens, Ballyclare, BT39 9BT

Proposal: Proposed residential development comprising 33no. dwellings and 4 no. apartments, garages, landscaping, open space and all associated site works.

Decision: Current application

Planning Reference: LA03/2023/0910/F

Location: Lands adjoining the rear boundaries of No. 4 Cunningham Place and nos. 13 - 27 Elizabeth Gardens (odd nos.) and approx. 20 metres northeast of 4 Cunningham Place, Ballycorr, Ballyclare, BT39 9BT

Proposal: Erection of 15no. dwellings (change of house type to sites 16-29 previously approved under PAC reference 2018/A0072) and all other associated site works

Decision: Current application

Planning Reference: LA03/2023/0909/F

Location: Lands adjoining the rear boundaries of No.s 93-103 (odd No.s) Ballycorr Road, Ballyclare, BT39 9DE

Proposal: Erection of 17no. dwellings (change of house type to sites 88-108 previously approved under PAC reference 2018/A0072), and all other associated site works.  
Decision: Current application

Planning Reference: LA03/2023/0911/F

Location: Lands adjoining the rear boundaries of No. 4 Cunningham Place and nos. 13 - 27 Elizabeth Gardens (odd nos.) and approx. 20 metres northeast of 4 Cunningham Place, Ballycorr, Ballyclare, BT39 9BT

Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Erection of 14no. dwellings (change of house type to sites 16-29 previously approved under PAC reference 2018/A0072 to include 1 no. additional dwelling unit) and all other associated site works

Decision: Current application

Planning Reference: LA03/2024/0845/NMC

Location: Lands to the rear of No.s 3 - 13 Ballycorr Gardens Ballyclare.

Proposal: Non-material change to LA03/2023/0072/F (Erection of 29no. dwellings [change of house type to site nos.1-12a, 109-110 and 115-123 previously approved under PAC reference 2018/A0072 / Planning reference LA03/2017/0644/F], garden stores and all other associated site works). Handing of site no.7 to put sunroom and front door to the driveway side of the property.

Decision: Refuse Consent

Decision Date: 13 March 2025

## **PLANNING POLICY AND GUIDANCE**

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

The Antrim and Newtownabbey Local Development Plan (ANLDP) will comprise of two parts; Part 1 is the Plan Strategy which contains strategic and operational policies and was adopted on 3<sup>rd</sup> July 2025. Part 2 is the Local Policies Plan which will identify the boundaries of settlement limits, local designations and zonings has not yet been published. As such the settlement limits, local designations and zonings of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) remain applicable. Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the provisions of the draft Belfast Metropolitan Area Plan.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located inside the development limits of Ballyclare on unzoned land.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the development limits of Ballyclare within an area zoned for housing (Zoning BE 04/02). The zoning incorporates a series of Key Site Requirements.

- A Concept Statement to facilitate the comprehensive development of the site shall be submitted to and agreed with the Department;
- Housing development shall be a minimum gross density of 16 dwellings per hectare and a maximum gross density of 25 dwellings per hectare;
- Access shall be from Ballycorr Road;

- A comprehensive Transport Assessment (TA), agreed with Roads Service, DRD, shall be required, to analyse the overall impact of the proposed housing developments at Zonings BE 04/02, BE 04/03 and BE 04/04, and to identify any necessary improvements to the road / network / public transport / transportation facilities in the area. In addition to the need for a TA, and the requirements identified therein, the proposed Ballyclare Relief Road shall be provided and funded in whole through developer contributions;
- An Article 40 Agreement, approved by the Department, shall be required to ensure that the necessary local facilities and public infrastructure, including the road improvements, are provided;
- Housing layout shall be designed to ensure dwellings front onto Ballycorr Road;
- A 3 metres wide landscape buffer of trees and hedges of native species shall be provided along the southeastern boundary of the site, to provide screening for the development;
- All existing trees, shrubs and hedgerows within the site and on the boundaries shall be retained unless the Department determines that such vegetation is not of a quality to merit retention or is required to be removed to facilitate a safe means of access to the site;
- Development shall be excluded from the northeastern section of the site which is included within Craig Hill Quarry SLNCI (Ref.BE 16/01), as identified on Map No. 3c-SLNCI;
- A full flora and fauna survey of the site shall be carried out to inform proposals outlined in the Concept Statement; and
- Retaining structures shall not be included. In exceptional circumstances, where retaining structures are necessary, they shall not exceed 1.5 metres in height.

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

Antrim and Newtownabbey Plan Strategy 2015-2030: sets out the relevant planning policies for assessing planning applications and other planning consents. The relevant strategic and operational policies for the assessment of the current proposal are listed below.

**Strategic Policy 1 – Sustainable Development (SP 1)**: sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Strategic Planning Policy Statement (SPPS).

**Strategic Policy 3 – Transportation and Infrastructure (SP 3)**: aims to encourage the continued development and growth of high-quality transportation, communications and utilities infrastructure in a timely and co-ordinated fashion to meet the current and future

needs of our Borough and support sustainable development in accordance with the Council's Spatial Growth Strategy. SP3 is supported by Policies:

- Policy DM 10 Access and Parking;
- Policy DM 12 Active Travel (Walking and Cycling); and
- Policy DM 16 Telecommunication Facilities and Digital Services

**Strategic Policy 4 - Homes (SP 4):** sets out that the Council's aims of achieving quality in new residential development both within urban settlements and the countryside. SP4 is supported by Policy:

- Policy DM 17 Homes in Settlements

**Strategic Policy 5 – Community Infrastructure (SP 5):** sets out that the Council's aims of seeking to promote access to community services and the protection of areas of open space areas. SP5 is supported by Policy:

- Policy DM 23 Protection of Open Space

**Strategic Policy 6 - Placemaking and Good Design (SP6):** sets out that positive placemaking and good design are key components in the delivery of high quality, attractive and sustainable places within our Borough. SP6 is supported by Policies:

- Policy DM 25 Urban Design; and
- Policy DM 28 Amenity Impact

**Strategic Policy 7 - Historic Environment (SPG7):** Indicates that careful management and ongoing investment in our historic environment will help to create unique, attractive and welcoming places to live, work and relax in and contribute significantly to our Borough's sense of place. SP 7 is supported by Policy:

- Policy DM 30 Archaeology

**Strategic Policy 8 - Natural Heritage (SPG8):** seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features. SP 8 is supported by the following Policies:

- Policy DM 37 Designated Sites of Nature Conservation Importance
- Policy DM 38 Protected Species;
- Policy DM 39 Habitats, Species & Features of Natural Heritage Importance;
- Policy DM 40 Landscape Protection; and
- Policy DM 42 Trees and Development

**Strategic Policy 10 - Environmental Resilience and Protection (SPG10):** seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. SPG10 is supported by Policy:

- Policy DM 47 Surface Water Drainage & Sustainable Drainage Systems; and
- Policy DM 50 Pollution
- Policy DM 52 Contaminated Land

## CONSULTATION

- **DfI Roads:** No objection
- **Environmental Health:** No objection subject to conditions

- **Historic Environment Division:** No objection subject to conditions
- **NI Water:** No objection
- **Northern Ireland Housing Executive:** No objection

## REPRESENTATION

Thirty-seven (37) neighbouring properties were notified of the application and no letters of representation have been received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Affordable Housing and Lifetime Homes
- Design, Layout and Appearance and Impact on Character of the Area
- Residential Amenity
- Public and Private Amenity Space
- Crime and Personal Safety
- Access and Parking
- Natural Heritage
- Archaeology and Built Heritage
- Flood Risk and Drainage
- Land Contamination

### **Preliminary Matters**

#### Environmental Impact Assessment

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

### **Policy Context and Principle of Development**

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The Antrim and Newtownabbey Plan Strategy (ANPS) sets out the relevant planning policies for the determination of planning applications in the Borough. However, until such times as the Local Policies Plan (LPP) identifies the boundaries of settlement limits, local designations and zonings, the provisions of the current legacy plans, both adopted and in draft form will continue to apply.

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

However, the Newtownabbey Area Plan was never formally adopted and therefore following the Court of Appeal decision in May 2017 there is currently no adopted plan for Ballyclare. In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in determining all proposals in Ballyclare, including the current application.

In the interim period there have been a number of decisions taken by the Planning Appeals Commission that indicate, whilst the emerging policy provisions of BMAP remain material considerations in the determination of planning applications, reliance cannot be placed on specific policies of the draft Plan to refuse development proposals. However, given the unique position of Ballyclare, that it is not covered by an extant and adopted plan, and given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for the town and should therefore be afforded greater weight than dNAP in the decision-making process. In line with the transitional arrangements set out in the SPPS, dBMAP and the ANPS must be read together. Any conflict between the policies in the Plans must be resolved in favour of the ANPS.

The relevant development plans identify the application site as being within the settlement limit of Ballyclare. However, whilst the site was not specifically zoned in dNAP and was simply identified as white land, it forms part of a site zoned for housing in dBMAP (BE 04/02) which was subject to a range of Key Site Requirements (KSRs). A total of 11 KSR's formed part of the BE 04/02 zoning, however, the PAC dBMAP public enquiry removed 6 of these KSRs. In addition, PAC decision 2020/A0048 also indicated that the KSRs relating to the need for a Transport Assessment could be dealt with through the development management process, thereby the zoning is subject to 4 relevant KSRs which are addressed throughout the report.

The lands associated with this development proposal form part of a larger site in which full planning permission for 124 dwellings was granted at appeal on 10 February 2020 under appeal Ref: 2018/A0072 (Planning Reference LA03/2017/0644/F). A number of subsequent applications have been submitted. Two applications to amend house types on portions of the wider site have been previously approved (Refs: LA03/2023/0072/F and LA03/2023/0301/F) with a further five current applications inclusive of this application currently pending (Refs: LA03/2023/0909/F, LA03/2023/0910/F and LA03/2023/0911/F). Application Ref: LA03/2023/0772/F seeks permission for 37 residential units on a separate adjoining site which was not included in the original core permission. Collectively these current applications together with the two previous approvals seek permission for the totality of 164 residential units across the entire zoning.

Given the sites location within the settlement limit of Ballyclare, Strategic Policy SP 4.1 of the ANPS indicates that a presumption in favour of the development of new homes will be applied, provided the proposal meets the requirements of Strategic Policy SP 4 and other relevant policies applicable to the development type. Policy DM 17 of the ANPS

indicates that the Council will support proposals for quality and sustainable residential development in settlements, where they do not contribute to town cramming, and where a number of other additional criteria are met.

In addition to Strategic Policy SP 4, Strategic Policy SP 6.4 places the onus on the developer to demonstrate that they have considered the core principles of placemaking and that the proposed scheme will deliver a high-quality development. As this proposal is for more than ten (10) residential units, a Design and Access Statement is required. The ANPS sets out that this should incorporate a detailed site analysis; a Concept Plan and/or Masterplan; and a written statement outlining how the key design criteria set out in Policy DM 25 have been addressed by the design and layout of the scheme.

The requirement to provide a Design and Access Statement is also set out at criterion (g) of DM 17.7. A Design and Access Statement (Document 01, date stamp received 04 December 2023) was submitted as part of the application. This document describes the application site and provides details on the proposed development in the context of the surrounding area.

In addition, KSR (a) of dBMAP also requires that a Concept Master Plan is submitted to and agreed with the Planning Authority to facilitate the comprehensive development of the site. The DAS falls short of providing an overall concept masterplan, notwithstanding this, the agent has provided an overall open space masterplan (Drawing No. 55, date stamp received 15 March 2024) which shows existing and proposed development on the entire zoned site with the exception of an area to the northeast of the wider zoned site. This area has not been incorporated into the open space provision and is not proposed for housing, however, under an associated current application for this part of the site, Ref: LA03/2023/0772/F) a separate plan was submitted indicating that this area would be developed for a small apartment block which could reasonably be developed without undermining the proposed housing layout. In addition, a phasing plan (Drawing No. 65, date stamp received 17 February 2025) has been submitted which indicates when the commencement and completion of each phase of open space will be carried out for the wider development. Given the level of development approved within the zoning together with the open space masterplan, the concept for the development of the entire lands within the zoning is accepted.

#### Loss of open space

With regards to the open space, the core planning permission for this application site, Ref: LA03/2017/0644/F was granted on appeal by the Planning Appeals Commission in February 2020 which established the principle of development on the site. The previously approved layout included a number of areas of open space, with the most notable areas located east of plots 100 – 108, and south and east of plots 60 – 64. A number of smaller areas of open space were also dotted throughout the development, with the total area of open space measuring approximately 0.87 ha. This equated to more than 10% of the total site area (7.23 ha), as required by Policy OS 2 of PPS 8, which was the relevant policy at the date of decision.

Policy DM 23 in the new ANPS. DM 23.1 states that the Council will operate a presumption against development that would result in the loss of, or have a significant adverse impact on, an area of open space irrespective of ownership, physical condition or appearance. DM 23.2 sets out that an exception will be permitted where it is demonstrated the loss of the open space will have no significant detrimental impact on the amenity, character or biodiversity of an area; or where the proposed development would bring significant

community benefits that clearly outweigh the loss of the open space; or if the proposed development is ancillary to the principle use and will enhance use of the site for sport and recreation.

This application is proposing the erection of 26no. units within the confines of a previously approved residential scheme; and to accommodate the proposed units with a reconfigured layout, it is proposed to build over some of the areas of open space previously approved.

While these areas are not yet existing on the ground and have not been 'zoned' in the traditional sense of being allocated for the purpose of open space in the Development Plan, they have been set aside for use as open space in the previous planning approval. The PAC has also taken the view that the presumption against the loss of open space applies irrespective of its physical condition and appearance, and that the protections afforded by the previously applicable PPS 8 cannot simply be dismissed on the basis that the open space has not yet been laid out or is not yet open to the public.

The agent was advised of the Council's concern in relation to the loss of previously approved open space and by way of a response, an overall master plan (Drawing No. 55, date stamp received 15 March 2024) was submitted. The red line shown on this drawing includes all the land previously approved under planning Ref: LA03/2017/0644/F but also takes in an area to the north and northeast of the current site, which is subject to a separate planning application (Ref: LA03/2023/0772/F). In doing so, the overall site encompassed in the masterplan area has been increased to 8.91 ha, and the agent has indicated a specific area of open space outside the northwestern/northeastern boundary of this application site, which is to compensate for the loss of open space within both this application and application Ref: LA03/2023/0909/F.

As noted in DM 23.2 of the ANPS, an exception for the loss of protected open space will be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area. The justification text of Policy DM 23 highlights that all proposals for the alternative use of open space will be assessed with regard to their effect on the amenity, character and biodiversity of the area and the wider locality taking into account the needs of future generations.

Part of this new area of open space is also located within the Craig Hill Quarry Local Wildlife Site (formerly referred to as a Site of Local Nature Conservation Importance (SLNCl)), which has been designated as such due to its ability to support habitats, species, or earth science features; and as well as making a contribution to the local natural heritage, it contributes to National and European biodiversity. Under Policy DM 37 of the ANPS the Council will support development that is not likely to have a significant adverse impact on a site identified for its local nature conservation importance.

As part of application Ref: LA03/2023/0772/F, the applicant submitted an Ecological Appraisal and Assessment (Doc 17, date stamp received 17 February 2025). It is noted within this document that the area of existing woodland located in the east/southeast and south of this application site, held the greatest biodiversity (ecological) interest considering the floral species assemblage and the range of wildlife this specific area can support. The current proposed development shows that the existing area of seminatural woodland will not be developed and will remain as existing. Subsequently, using this part of the SLNCl as an area of open space will not adversely impact upon its ecological and biodiversity interest, and the applicant has demonstrated that the provision of this

alternative open space will have no significant detrimental impact on the amenity and character of the area.

Paragraph 8.19 of Policy DM 23 refers to cases where a replacement space is proposed and found to be acceptable and states that the developer may have to enter into a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011. In order to ensure delivery of adequate open space provision for this residential zoning, the applicant has submitted a Section 76 legal agreement which is considered sufficient to provide a delivery mechanism for the areas of public open space (discussed later in the report) within a timely manner. As part of the development, it is proposed to erect a substation to the rear of plot 77 and to the side of plot 78. This substation is considered ancillary to the overall development and is acceptable within the visual impacts discussed later in this report.

### **Affordable Housing and Lifetime Homes**

Paragraph 7.20 of Strategic Policy 4 (SP 4) in the ANPS states that Council wishes to encourage an affordable and diverse choice of housing that will meet the needs of an ageing and changing population, whilst also encouraging the development of balanced communities and helping to strengthen community cohesion. Paragraph 7.38 of Policy DM 17 in the ANPS, highlights that historically, difficulties have been experienced by social housing providers in securing the land necessary for affordable housing provision. In this regard, and to assist the delivery of affordable housing and promote mixed tenure development, the Council will require all housing proposals of 40 or more units to provide at least 10% of the total units as affordable housing as part of the overall scheme. This requirement is set out in DM 17.3.

The current definition of affordable housing is contained in planning policy, specifically the SPPS. The ANPS indicates the current definition of affordable housing, is the same as the definition used in the SPPS. This definition includes 'social rented housing, intermediate housing for sale, or intermediate housing for rent that is provided outside of the general market, for those whose needs are not met by the market'. Affordable housing which is funded by the Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new or affordable housing.

Whilst this application proposes only 26no. residential units, therefore falling below the threshold of 40 units as set out in DM 17.3, it is one of five concurrent applications within the wider zoned site. There is also a current application to the north and northeast of this site, which proposes the erection of 37no. residential units. When taken in combination with the other four applications (Ref: LA03/2023/0772/F, LA03/2023/0909/F, LA03/2023/0910/F and LA03/2023/0911/F), a total of 114 residential units are proposed (excluding the two previously approved applications), thereby 10% results in 12 units required for affordable housing. The applicant has indicated the provision of 12no. units across the five sites; and within this particular application site, two semi-detached dwellings are shown as indicated on Drawing No. 61A. The proposal provides an adequate level of affordable housing thereby fulfilling this element of the policy. As required by DM 17.4, the affordable housing element of the proposed development has been designed in such a way as to ensure it is not easily distinguishable by means of its general design, materials or finishes from the general housing element.

Consultation has been carried out with NIHE, and their response indicates support for the provision of affordable housing within this application site and across the wider zoned site. It is stated within Document 09 that the proposal will provide intermediate housing units for sale, and NIHE has advised that it would support the provision of intermediate housing, and that the developer should contact a registered housing provider for further advice.

Policy SP 1.15 of the ANPS indicates that where the necessary infrastructure or contributions can be secured satisfactorily by means of planning conditions this will be the preferred option. However, if this cannot be achieved then a Section 76 Planning Agreement may be used. To secure the provision of affordable housing required under this policy and given that the proposed affordable housing is spread across a number of different application sites, a Section 76 agreement is necessary. The developer has agreed to enter into a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011.

Policy DM 17 of the ANPS also requires any residential scheme over the threshold of 20 units to be designed to take account of 'Lifetime Homes' with a minimum of 20% of the units designed within the scope of this approach. As this proposal is for 26no. units, it requires a minimum of 6no. units within the current scheme to take account of the Lifetime Homes requirements. In addition, when considered in combination with the other four concurrent applications, 20% of the total units proposed requires a minimum of 23no. residential units to take account of the lifetime homes approach. Whilst Drawing Number 61A indicates only 4no. units as lifetime homes within the confines of this particular site, the overall site plan shows the provision of the required 23no. units within the wider development (Drawing No. 66), and the provision within this current application site is considered acceptable when the wider level can be accommodated.

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

Policy SP 4 of ANPS indicates that the Council will seek to ensure that new housing developments are designed in a sustainable fashion and to meet the evolving needs of residents over their lifetimes. Policy SP 4 also directs that the development of high-quality homes should adhere to the principles of placemaking and good design as required by Policy SP 6. The Strategic Planning Policy Statement (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.

Furthermore, the aim of Policy DM 17 is to promote the development of high quality, attractive and sustainable homes within settlements, which meet the present and future needs of all sections of the population within the Borough. DM 17.1 allows for the development of quality and sustainable residential schemes in settlements, where they do not contribute to town cramming, and can meet a number of criteria.

Criterion (a) of DM 17.1 requires the number of units proposed to respect the scale and size of the settlement with higher density development being considered favourably at accessible locations within towns. DM 17.6 relates to established residential areas, in which the application site is located and requires that the density is not significantly higher than that found with the established residential area and that the pattern of

development is in keeping with the overall character and environmental quality of the established residential area. In addition, Policy DM 25 supports this approach requiring proposals to relate well to the density of the surrounding area.

This proposal is for the erection of 26no. residential units on an application site measuring approximately 1.83ha, and is located in Ballyclare, which has been identified in the ANPS as a large town. The application site is relatively small in comparison to the settlement size of Ballyclare, and it is therefore considered that the number of units in this proposal respects the scale and size of the settlement. It is considered that the proposal does not represent or contribute to town cramming.

The density of existing residential areas within close proximity to the site varies, for example the density at Craighill Park to the north of the application site is 21 units/ha; whilst at Rashee Park on the Ballyeaston Road, the density is 30 units/ha. Ballycorr Heights, to the east of the application site has a density of 16 units/ha. Residential houses within these developments comprise of both detached and semi-detached two storey dwellings. The density of the proposal is slightly lower than the average density at 14 units/ha, however, it is acknowledged that the adjacent quarry and the topography of the site has largely restricted the area of the site to be developed. Fundamentally the proposed density is not significantly higher than that found in the established residential area and the proposal does not represent town cramming.

Criterion (c) of DM 17.1 requires all new residential developments to provide a range of housing of different types and sizes, which are well integrated as part of the overall scheme whilst ensuring that the siting and design is appropriate to the location and does not conflict with the character of the area. In addition, criterion (a) of Policy DM 25 states that the proposal should make a positive contribution and relate well to the scale, density, massing, character, appearance and use of materials of the surrounding area whilst criteria (d) expands on this and requires that any proposal creates a sense of place by developing places with character, identity and local distinctiveness.

The proposed development takes the form of 26no. residential units, comprising of eight (8) detached, and eighteen (18) semi-detached dwellings. The proposal also includes the erection of an electricity substation and all other associated site works. The new scheme is proposing a reconfigured layout, and it is considered that this layout is appropriate to the character and topography of the site and the surrounding area. The new layout essentially takes the form of a central square of development, with four plots that flank the internal estate road on each side; and these dwellings have been designed with a suitable dual frontage.

The majority of the residential units proposed are two storeys, with the exception of the dwelling proposed on plot 86, which is for a two and half storey high dwelling. The design of the proposed dwellings is largely similar to that approved by the PAC, and subsequent applications for a change of house type on other parts of the wider development site, and include design elements such as bay windows, two storey front porches and apex fronts. External finishes are indicated as either smooth rendered or facing brick walls, black concrete interlocking roof tiles, uPVC windows, composite/timber doors and UPVC / PPC aluminium rainwater goods. Drawing No. 63 indicates the plots on which each finish will be located and shows an even distribution throughout the site of the alternative external finishes. The proposal provides for housing of different sizes also, with the accommodation schedule comprising a mix of three and four bedroom, detached and semi-detached dwellings.

The site layout plan (Drawing No. 02D) shows the erection of a garden store within the curtilage of each proposed plot, measuring 3.9 metres from finished ground level, with a footprint of 8.7sqm, and external finishes of concrete interlocking roof tiles, select facing brick walls with raised plaster bands, uPVC door openings and uPVC rainwater goods. As these garden stores are positioned largely to the rear of each dwelling, they will not readily be viewed from the internal estate road and will not have a detrimental impact on the visual amenity of the site or surrounding area.

The proposed development includes the erection of a number of different boundary treatments, including retaining walls, screen walls and fencing. Given the undulating nature of the application site, retaining walls are an inevitable consequence; however, the highest retaining wall, which is shown along the common boundary to the rear of plots 14 and 15, measures approximately 2.2 metres to finished ground level. A retaining wall with fence (ranging in height from 0.6 metres to 1 metre high) is also shown along the rear boundaries of plots 75 – 77 (inclusive) and 81 – 83 (inclusive). These retaining walls are not excessive in height and it is accepted that they are a necessary element due to the topography of the application site. Their positioning, largely to the rear of dwellings, will not give rise to any detrimental impact on visual amenity.

Given the layout of the development, a number of corner plots have been created. In order to provide an appropriate level of privacy to rear amenity spaces, it is proposed to erect a screen wall along the common boundaries of the plot where it abuts the public footpath. This wall will be no higher than 2.1 metres above finished ground level and will be finished in painted render with creasing tile and brick end capping on top. The use of such a screen wall is considered acceptable in these instances, given its set back location from the public road and footpath, and its external finish to match the proposed finishes of the dwellings.

As part of the development, it is proposed to erect a substation to the rear of plot 77 and to the side of plot 78. The substation has a monopitch roof, and at its highest point, measures 2.4 metres to finished floor level. It is relatively small in size and scale when compared to the proposed dwellings and occupies a floorspace of only 7.2sqm. It is set back from the building line of the adjacent dwellings and will not appear incongruous in the overall development scheme.

The need to provide a local neighbourhood centre is set out in DM 17.7 at point (f), which states that adequate provision should be made for necessary local neighbourhood facilities, and these should be provided by the developer as an integral part of the development. The policy does not set a threshold in terms of the size of development, or the number of units proposed, which would trigger this requirement and it is considered that in applying this policy, the emphasis is placed on the provision of 'necessary' local neighbourhood facilities. The site is located within the settlement limit of Ballyclare and is close to a range of facilities that are currently provided within the town centre, with an ease of accessibility to these facilities. In addition, the Key Site Requirements for the entire zoning as set out in dBMAP did not require the provision of local neighbourhood facilities, and the PAC did not require such facilities when approving the previous scheme for 123 No. residential units. Consequently, it is considered that in this instance, the incorporation of local neighbourhood facilities is not required for this development.

DM 16.6, as well as criteria (f) of Policy DM 25, sets out that development proposals within settlements should include provision for new digital infrastructure. Document 10 (date stamp received 01 August 2025) states that the proposed development will incorporate

robust telecommunications infrastructure designed to meet modern connectivity needs, in line with the Technical Building Manual (TBM) 2017. Each dwelling within the development will be equipped with a 20mm duct, installed in accordance with the specifications outlined in the TBM 2017. These ducts will provide individual network termination points, ensuring that every dwelling is future proofed for high-speed electronic communication networks.

Within Policy DM 25 criterion (l) sets out that development proposals should incorporate an appropriate hard and soft landscaping scheme, which includes proposals for the treatment and retention of existing trees and other landscape features. Additionally, DM 42 supports development that retains existing trees and introduces a net gain for trees lost. Drawing Number 54B shows the proposed hard and soft landscaping for this application site. Each dwelling is provided with an in-curtilage driveway, which will be finished in a porous surface, with a small, grassed area to the front of most of the proposed dwellings. New tree planting is shown to the front of eight of the plots, with a number of new trees along the rear of plots 86 – 87a. A planted embankment will also be provided to the rear of, and between plots 78 – 80 and 83a – 84a. Document 07B is a Landscape Management Plan (date stamped received 17 February 2025) outlines the strategy and approach for the future long-term management and maintenance of the areas of open space. Overall, the landscaping for the site is considered acceptable.

Criterion (n) of DM 25 requires development proposals in settlements to integrate sustainable energy measures. Document 11 (date stamped received 07 August 2025) indicates that each dwelling will be constructed to achieve a high level of air tightness, with high performance thermal insulation materials and a robust building fabric being used to minimise heat loss. Each dwelling will be equipped with modern, high efficiency condensing boilers that optimise fuel use, reduce energy waste, and lower greenhouse gas emissions, ensuring compliance with energy performance standards, whilst also being fitted with low energy LED light fittings throughout.

Taking into account the previously approved layout on the site, along with the size, scale, design, layout, and general appearance of the proposed development, it is considered that the proposed development is acceptable.

### **Residential Amenity**

The SPSS indicates that the planning system has a role to play in minimising potential adverse impacts such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development with Policy DM 25 supporting this and requiring that there is no detrimental effect on the amenity or character of adjoining properties. Policy DM 28 of the ANPS sets out that the Council will only support development proposals where they will not result in an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties.

DM 28.2 refers to a number of issues which may result from the development including overlooking and/or loss of privacy, dominance or overshadowing, noise, vibration and other forms of disturbance and odour, fumes and other forms of environmental pollution. These issues will be a material consideration in the assessment of all proposals. In addition, Policy DM 50 indicates that the Council will only support development proposals with the potential to cause significant pollution in a number of areas including noise pollution where this has been addressed.

Furthermore, criterion (c) of DM 25.1 requires new development within settlements to be designed to be compatible with adjacent land uses and not have a detrimental effect on the amenity or character of any adjoining properties and the surrounding area. The application site is located within a larger residential development and is surrounded by residential uses. It is considered that the proposal is compatible with this adjacent land use.

'Creating Places' guidance advises that well-designed layouts should, wherever possible, seek to minimise overlooking between dwellings and provide adequate space for privacy, and recommends a separation distance on green field sites of around 20 metres, or greater, between opposing rear first floor windows of new houses. An enhanced separation distance may also be necessary for development on sloping sites. This document further advises that layouts and dwellings should be planned to provide acceptable levels of daylight into interiors. The building spacing required for privacy will normally ensure a satisfactory level of daylight and an acceptable minimum amount of sunlight.

The dwellings on plots 78, 79 and 80 have a rear-to-rear relationship with the dwellings on proposed plots 83a, 84 and 84a. The difference in levels between the two rows of dwellings is approximately 3 metres. As acknowledged above, Creating Places advises that an enhanced separation distance may also be necessary for development on sloping sites and it is noted that the separation distance between opposing rear elevations of the proposed dwellings is between 30 and 33 metres. Even with a difference in levels, it is considered that there will not be a detrimental impact on residential amenity. Furthermore, a new planted embankment is proposed along the common boundary between plots 78 – 80 and 83a – 84a, which will further reduce the potential for overlooking.

The dwelling on plot 83 has a rear-to-gable relationship with the dwelling on plot 83a, with a separation distance between the two elevations of approximately 14 metres. Floorplans for the dwelling on plot 83a show a bathroom and landing window on the first-floor side elevation, which will oppose two-bedroom windows on the first-floor rear of the dwelling on plot 83. Conditioning the use of opaque glazing for the landing and bathroom windows on plot 83a would ensure that there is no detrimental impact on the amenity of future residents of either dwelling by reason of overlooking.

The proposed dwelling on plot 81a occupies a corner plot and has a dual frontage design. The elevation to the adjoining plot 82 would be considered as the rear elevation and contains a ground floor sunroom and kitchen window, a first-floor bathroom and bedroom window. This elevation is approximately 18 metres from the side elevation of the dwelling on plot 82, with this opposing elevation containing a ground floor WC window, and first floor bathroom and landing window. It is noted that there is an approximate difference in finished floor levels of 1.9 metres. A 2.1-metre-high screening wall will be erected along the curtilage of plot 81a, with a retaining wall of up to 1 metre in height along the common boundary between these two plots. It is considered that the screening wall will prevent any overlooking from opposing gables on the ground floor. While Creating Places advocates for a separation distance of around 20 metres or greater between opposing first floor windows of new houses. It is considered that in this case a condition requiring the use of opaque glazing to the landing and bathroom windows on plot 82 is necessary to ensure that there is no detrimental impact on the amenity of future residents.

As part of this proposal, a new electricity substation is shown between plots 77 and 78. When assessing the development, Environmental Health (EH) requested a Noise Impact Assessment (NIA) to ascertain the impact this substation may have on prospective residents. EH has reviewed the NIA (Document 06, date stamp received 19 March 2024) and has no objection to the proposed development, subject to the attachment of the noise control conditions to any approval granted.

Overall, it is considered that the proposed development will not have a detrimental impact on the residential amenity of the proposed dwellings. The proposed development is therefore compliant with Policies DM 25.1, DM 28 and DM 50 of the ANPS.

### **Public and Private Open Space**

Policy DM 17.7 of the ANPS expects residential development proposals of 25 units or more, or on sites of 1 hectare or more, to provide well designed, safe and accessible public open space as an integral part of the overall scheme. Criterion (a) sets out that for a residential development of between 25 and 100 units, the development shall provide a minimum of 10% of the total site area.

Individually, this application site occupies an area of approximately 1.83 ha and is shown to accommodate 26no. units. The threshold for providing open space has been triggered. One area of open space is shown to the northwest of the residential units and contains a children's play park and measures approximately 0.15 ha (Drawing 02D).

The application site forms part of a larger residential development and rather than assessing the provision of open space for this section alone, the level of open space must be taken as a whole for the entire development site. As noted previously, there are five current applications within the wider development site (Refs: LA03/2023/0772/F, LA03/2023/0909/F, LA03/2023/0910/F and LA03/2023/0911/F). Two previous applications within the wider development site have also been approved (Refs: LA03/2023/0072/F & LA03/2023/0301/F).

In total the number of residential units which could be constructed within the wider site masterplan is 164 residential units. Criterion (b) of DM 17.7 sets out that for a residential development of between 101 and 200 units a minimum of 15% of the total site area shall be provided as open space. In addition, for developments in excess of 100 units, an equipped children's play area needs to be provided.

Paragraph 7.42 refers to public open space as an intrinsic element of any housing development, not only for design quality but also for social and recreational purposes. Public open space can take the form of informal green amenity spaces, communal greenspaces, children's play spaces and sports pitches, as well as woodland or other natural or seminatural areas. According to the ANPS, public open space should be well located, easily accessible and designed to offer long-term benefits for the community, and all schemes will be required to bring forward suitable arrangements for the long-term management of such areas. Criterion (i) of DM 25.1 seeks to ensure that any open space required is high quality, appropriate and well integrated into the overall layout.

Two previous applications have already been approved within the wider site; Refs: LA03/2023/0072/F and LA03/2023/0301/F. The open space approved within these applications amounts to circa 0.351 ha. As part of this application, an overall open space masterplan (Drawing Number 55C date stamped 17 February 2024) and an open space delivery phasing diagram (Drawing Number 65 date stamped 17 February 2025) have

been submitted. It is noted that the zoning (BE 04/02) site area amounts to 9.15ha and the total amount of open space being provided is 1.78ha, or 19.45% of the total site area. In addition, an equipped children's play area is provided within this phase of development, with a number of other areas of open space forming a series of pockets located throughout the wider development. The open space delivery phasing drawing sets out when each area of open space will be delivered, as per the table below.

<b>Open Space Area</b>	<b>Completion Trigger (No of units occupied)</b>
Area A (0.3 ha)	10 <sup>th</sup> dwelling
Area B (0.52 ha) & C (0.03 ha)	40 <sup>th</sup> dwelling
Area D (0.05 ha)	50 <sup>th</sup> dwelling
Area E (0.88 ha)	90 <sup>th</sup> dwelling
Playground in B	100 <sup>th</sup> dwelling

As set out within the table above the children's play area which is located in open space Area B is to be delivered upon the occupation of the 100th dwelling. Details of the equipment is to be provided and agreed with the Council prior to the commencement of the 100th dwelling.

The public open space forming part of this application and that being provided for the entire development site, is considered to be well located and is easily accessible. It is acknowledged that some of the alternative open space provision, particularly that set out within the associated application, Ref: LA03/2024/0772/F has a steep gradient with level differences in excess of 10 metres and is unusable in the traditional sense, however, open space can take many forms, including providing visual amenity benefits, and the provision of open space provided as a whole across the entire zoning is considered acceptable. The proposed areas of open space will contribute to the aesthetics of the overall scheme, and provide social, recreational and visual amenity benefits.

A Landscape Management Plan (Document 07B, date stamp received 17 February 2025) has been submitted and this outlines the strategy and approach for the future long-term management and maintenance of the areas of open space. As the wider housing development is formed by a patchwork of current and previously approved applications, it is considered necessary to use a Section 76 legal agreement to ensure that the areas of open space areas are delivered in a suitable manner and that sufficient open space is available for residents as the wider site develops. The use of a Section 76 legal agreement is considered as an appropriate means to ensure the delivery of the open space areas across the series of concurrent planning applications.

In terms of private amenity space, DM 17.9 sets out that the Council will take account of the guidance in relation to private open space provision for new residential development proposals as set out in the supplementary planning guidance document, Creating Places: Achieving Quality in Residential Developments. Guidance within this document states that the appropriate level of provision should on average be 70sqm.

As illustrated on the proposed site layout drawing, Drawing Number 02D, front gardens are provided for each plot and private amenity space largely takes the form of private rear gardens. The average private amenity space is 126sqm per dwelling, which is above the average within Creating Places and is acceptable in this instance.

Overall, it is considered that the public open space provision within the proposed site and for the wider development area is easily accessible and it offers social, recreational and long-term benefits for the community.

### **Crime and Personal Safety**

Criterion (k) of DM 25.1 of the ANPS states that the proposed residential development should be designed to reduce the fear of crime and anti-social behaviour through the creation of active frontages and ensures that buildings front onto streets.

All dwellings proposed under this application front onto the internal estate road. Plot No's 77 – 81 are located opposite and face onto the children's play park and an area of open space. It is considered that by positioning active frontages of dwellings onto the estate road and open space areas will reduce the fear of crime and anti-social behaviour. The proposal is compliant with criterion (k) of DM 25.1.

### **Access and Parking**

Strategic Policy 3.10 of the ANPS sets out that the Council will seek to ensure that all new development provides safe access arrangements that will not significantly inhibit the free flow of traffic, and that sufficient car and cycle parking is provided. SP 3 is supported by Policy DM 10.

Policy DM 10 gives support to development proposals where it is demonstrated that there is the capacity on the road network to accommodate the type and amount of traffic likely to be generated where access arrangements do not prejudice road safety or significantly inconvenience the flow of people or goods and adequate provision is made for car and cycle parking and any necessary servicing arrangements. Criterion (j) of DM 25.1 also requires development proposals to incorporate adequate and appropriate provision for parking.

Access to the development site is taken directly from the Ballycorr Road as per the previous approval. The internal estate road network has changed slightly due to the amended layout, however, DfI Roads has been consulted and has raised no objection to the proposal in terms of road safety matters that the development may create.

Policy DM 10.2 of the ANPS, advises that the Council will continue to take account of the supplementary guidance set out in Development Control Advice Note (DCAN) 15: Vehicular Access Standards, Creating Places and Parking Standards. Using the parking space requirements set out in the relevant documents, it has been calculated that 73 car parking spaces are required. The layout of the proposal makes provision for 57 in-curtilage parking spaces, with 16 on-street parking spaces making a total of 73 spaces. All dwellings have a minimum of 2no. in-curtilage parking spaces and the parking provision is considered acceptable.

The aim of Policy DM 12 Active Travel (Walking and Cycling) is to promote measures in the design and layout of developments that will support increased walking and cycling. The site has direct pedestrian access to public roads, and this allows a variety of alternative modes of transport to be utilised by future residents. The site is also in a highly accessible location and is approximately 1km (c.10 minutes' walk) from Ballyclare Town Centre that contains a range of local retail outlets and services. In addition, the Ballyclare Bus Centre for Translink and Ulster bus is located off Mill Road to the south of Ballyclare, within 1 mile of the site. A number of bus services use the Ballycorr Road and various bus stops are located in close proximity to the site.

Given that the application site is located within the confines of the site granted planning permission by the PAC, (Ref: 2018/A0072) it is necessary to tie the previously required congestion alleviation measures to any further grant of planning permission on these lands in order to ensure that the ceiling of 50 dwelling units being occupied prior to the introduction of the congestion alleviation measures is not surpassed without these road works being provided and made operational.

Overall, the Council is satisfied with the parking and access arrangements, and the proposed development is in accordance with Policy DM 10 and Policy DM 12 of the ANPS.

### **Natural Heritage**

Policy SP 8: Natural Heritage (SPG8) seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features. Policy SP 8.3 requires appropriate weight to be afforded to the protection of designated sites, protected species and priority habitats and species together with other features of biodiversity and geological interest within the wider environment. Policy SP 8 is supported by Policies DM 37 – DM 39 and DM 42 of the ANPS. In addition, Policy DM 25 requires proposals to promote biodiversity.

Accompanying the application is an Ecological Addendum (Document 05, date stamped 04 December 2023). This document is an update to the technical ecology reports that were submitted as part of application Ref: LA03/2017/0644/F on the wider development site.

As noted above, the lands associated with this development proposal have previously been granted planning permission by the PAC (Ref: 2018/A0072). It is noted that the presence of bats, a European protected species, has previously been recorded and this matter is reflected in the PAC's decision notice. Conditions 17-21 inclusive, refer to a range of requirements associated with the protection of bats, including the retention of trees, ecological enhancements and bat friendly lighting. It is considered necessary for these bat mitigation measures to be imposed on any further grant of planning permission on these lands in order to ensure protection of bats.

Criterion (m) of DM 25.1 states that development proposals should promote biodiversity by incorporating sites of wildlife interest and enhanced landscape measures such as the provision of bird boxes and nesting sites. Drawing 53C (date stamp received 17 February 2025) shows how the proposed development will promote biodiversity and includes indicative locations for bat and bird boxes across the site.

Policy DM 37 provides additional policy criteria for assessing developments which could impact upon designated sites. The application site is not situated within any nationally or internationally designated sites and there is no hydrological linkage to any designated site, therefore, the proposed development will not have any impact in this regard. Taking the above into consideration, it is considered that the proposal is unlikely to harm any protected species, and it is therefore compliant with the policies contained within SP 8 of the ANPS.

### **Archaeology and Built Heritage**

Strategic Policy 7 of the ANPS is entitled 'Historic Environment'. It states that the Council will work in partnership with DfC Historic Environment Division, heritage organisations and

developers to protect, conserve and promote the enhancement of a number of heritage assets, including archaeological remains, and their settings. This Strategic Policy is supported by Policy DM 30: Archaeology.

A review of DAERA's Historic Environment Map Viewer reveals that the application site is not affected by any built heritage designations, however, is in close proximity to a souterrain (ANT 045:129) which is within the extent of the previous planning application site (Ref: LA03/2017/0644/F). Archaeological conditions were attached to this approval as part of PAC decision Ref: 2018/A0072, with condition 15 having since been partially discharged (Ref: LA03/2023/0780/DC). This matter has been covered through a recommended condition (Condition 8) requiring the implementation of the agreed Programme of Archaeological Works.

Consultation with the Historic Environment Division (HED) was carried out on this application. In their consultation response, which predates the adoption of the ANPS, HED has advised that it is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer funded programme of archaeological works, which would identify and record any archaeological remains in advance of new construction, or to provide for their preservation in-situ. HED has provided two conditions that should be included on any forthcoming decision notice.

As no objection to the proposed development has been raised by HED, it is considered that the proposal accords with the policy provisions of SP 7 and DM 30 of the ANPS.

### **Flood Risk and Drainage**

Strategic Policy 10: 'Environmental Resilience and Protection' of the ANPS seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. Policy DM 25 supports this and requires that all proposals should be designed to withstand predicted changes in local climate and to reduce the risk of flooding on site. In addition, Policy SP 10.3 requires the submission of a Drainage Assessment and promotes the use of Sustainable Urban Drainage Systems which is supported by Policies DM 25 and DM 47.

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200-year coastal floodplain. In this regard, Policy DM 46: 'The Control of Development in Flood Plains' is not applicable. The site does not affect existing flood defence, does not propose any culverting of watercourses nor is it located within an area which is at risk from reservoir inundation.

The main aim of Policy DM 47 is to reduce flood risk for new developments from surface water (pluvial) sources. New development proposals can often exacerbate the problems of pluvial flooding, by accelerating and increasing surface water run-off. The Council recognises the potential harmful impacts of surface water flooding and through the ANPS, it will seek to promote a more sustainable approach to drainage and flood risk management.

A Drainage Assessment (DA) was submitted and reviewed under the core planning permission (LA03/2017/0644/F), with a second DA submitted as part of this application (Document 04, date stamped 04 December 2023).

The DA demonstrates that the design and construction of a suitable drainage network is feasible. It indicates that the additional surface water run-off during a 1 in 100 year event, including an allowance for climate change (10%) and urban creep (10%), could be contained through the addition of an underground online attenuation system, which would then discharge at existing green field runoff rate and therefore there would be no exceedance flows during this event. It is proposed to limit the discharge from the proposed storm network for the overall development, which has been agreed by DfI Rivers and NI Water via the A154 process, as 93.9l/s. This rate is achieved through use of a flow control device with approximately 1,624 cubic metres of storage provided within a geocellular storage tank and oversized drainage infrastructure. This geocellular tank and associated infrastructure were approved under a previous application (Ref: LA03/2023/0072/F); these elements also form part of application Ref: LA03/2023/0909/F. DfI Rivers has responded to both LA03/2023/0072/F and LA03/2023/0909/F advising of no objection to this proposed drainage network. In addition, NIEA Water Management Unit has provided no objection to the drainage network through consultation under Ref: LA03/2023/0909/F.

The DA concludes that proposed drainage networks will successfully mitigate against the impacts of the new development on surface water flooding. This is based on the use of 'hard' Surface Water Drainage and Sustainable Drainage Systems (SuDS), and whilst the applicant has failed to consider the use of any 'soft' SuDS measures, e.g. green roofs; swales; soakaways; basins; ponds; wetlands; or rainwater recycling, DM 47.4 of the ANPS promotes the use of SuDS, both hard and soft, as the preferred means of treating surface water and managing flow rates for development proposals in locations where this is a feasible solution.

It is considered that as the DA indicates that the development will not lead to exceedance flows that the proposed drainage regime for the site is in accordance with the requirements of Policy DM 47.

DM 47.6 of the ANPS states that all SuDS schemes will need to be accompanied by an appropriate management plan (including arrangements for long-term maintenance). The applicant has not submitted this information during the processing of the application, however, such a document could be submitted prior to the commencement of development and covered by a negative condition on any forthcoming decision.

### **Land Contamination**

Policy DM 52 of the ANPS states that the Council will only support development proposals on potentially contaminated land, where it can be demonstrated, through a site investigation and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment. The Council's Environmental Health Section did not raise any concerns regarding the potential for the site to have contaminated land and it was previously concluded within a Preliminary Risk Assessment for the wider site, Ref: LA03/2017/0644/F that there are no obvious sources of contamination present either on, or close to the site and therefore there are no significant human health and/or environmental pollutant linkages.

### **CONCLUSION**

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

- The principle of the development is considered acceptable;

- The size, scale, design, layout, and general appearance of the proposed development is acceptable, and the proposal will not have a detrimental impact on the character of the surrounding area;
- The proposal provides adequate provision for public and private amenity space;
- The proposal will not result in an unacceptable impact on approved and proposed residential amenity;
- There are no significant concerns relating to transport, traffic, parking and road safety matters;
- There are no significant concerns relating to natural heritage, archaeology or built heritage matters; and
- There is no significant flood risk associated with the site.

<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION SUBJECT TO SECTION 76 AGREEMENT THE DETAIL OF WHICH IS DELEGATED TO OFFICERS</b>
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<b>PROPOSED CONDITIONS</b>
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1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  
  
Reason: To comply with the requirements of Section 61 of the Planning Act (Northern Ireland) 2011.
2. No more than 50 residential units, within the lands edged red and blue on Drawing Number 01 date stamped 04 December 2024, shall be occupied until the traffic signals and road markings at the Rashee Road/Ballyeaston Road junction have been implemented in conformity with Drawings 01 to 09 inclusive date stamped 10 June 2020, approved by the Council under planning application Ref: LA03/2020/0413/DC.  
  
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
3. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Number 46D date stamped 18 March 2025.  
  
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. A detailed programme of works and any required/associated traffic management proposals shall be submitted to and agreed by the Council, prior to the commencement of any element of road works.  
  
Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.
5. The landscaping scheme, as indicated in Drawing Number 54B date stamped 17 February 2025 shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within the lifetime of the development of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

6. All existing planting indicated on Drawing Number 54B date stamped 17 February 2025 shall be allowed to grow on and be permanently retained. If any retained tree is removed, uprooted, destroyed or dies within the lifetime of the development it shall be replaced within the next planting season by another tree or trees in the same location of a similar size and species as specified by the Council.

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

7. No site works of any nature or development shall be carried out within the fenced area as shown on Drawing Number 01/2 of application LA03/2023/0805/DC. Any open space planting works as shown in Drawing Number 54B date stamped 17 February 2025 within the fenced area as shown on Drawing Number 01/2 of application LA03/2023/0805/DC, shall be undertaken by hand. No erection of huts or other structures, no storage of building materials, no dumping of spoil, topsoil or rubbish, no bonfires nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works, and development have been completed.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

8. Except as otherwise agreed in the written scheme of works, no site works of any nature or development shall take place until the programme of archaeological work has been implemented in accordance with Document 01/1, date stamped 29<sup>th</sup> November 2023, Ref: LA03/2023/0720/DC. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Council to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

9. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 8. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

10. All mature trees and/or buildings which require works shall be surveyed for the presence of bats by an experienced bat worker or surveyor within 48 hours prior to removal, felling, lopping or demolition. All survey work should be carried out according to the Bat Conservation Trust Good Practice Guidelines. A report outlining the findings of the survey shall be submitted to the Council. If evidence of bat activity

is discovered, all works shall cease immediately, and further advice sought from the Department of Agriculture, Environment and Rural Affairs.

Reason: In order to protect bats, a European Species, and to comply with the provisions of PPS 2.

11. The ecological enhancements detailed in Drawing Number 53C date stamped 17 February 2025 shall be installed within the curtilage of the specified dwellings prior to their occupation and thereafter maintained and retained in perpetuity.

Reason: In order to protect bats, a European Species, and to comply with the provisions of PPS 2.

12. The 800kVA electricity sub-station between Plot numbers 77 and 78, as marked on Drawing Number 02D, date stamped 17 February 2025, shall have a Sound Power Level output of no greater than 56dB(A).

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

13. Prior to operation of the electricity sub-station, an acoustic barrier of 2.7m height, shall be erected on site as detailed on Drawing Number 02D, date stamped 17 February 2025. The acoustic barrier shall have a surface weight of at least 15kg/m<sup>2</sup>, be of solid construction (i.e. no holes or gaps for sound to pass through), and so if the barrier is a fence type construction, it should be of the ship-lapped design. The acoustic barrier shall be maintained for the lifetime of the development.

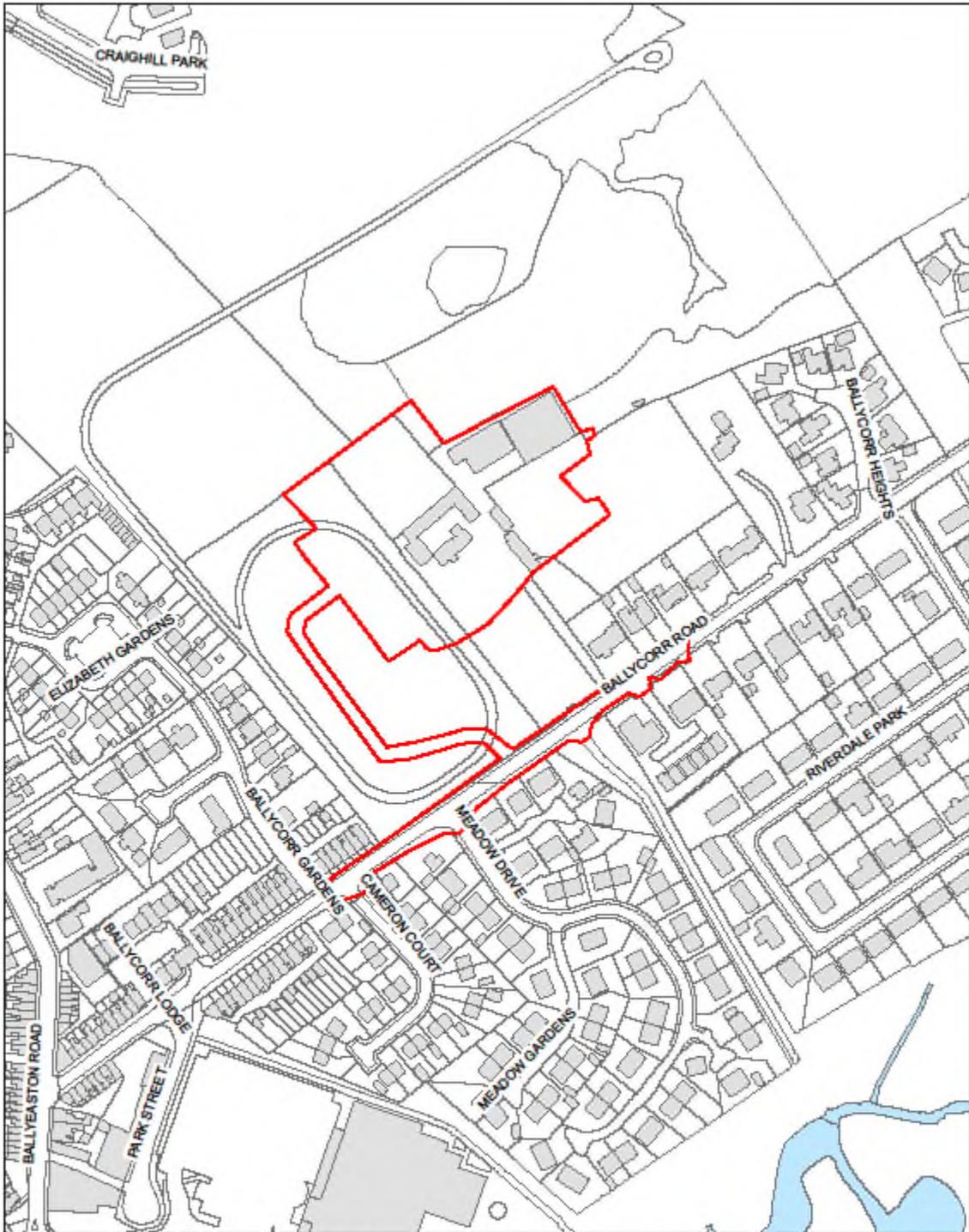
Reason: In order to protect amenity at nearby sensitive receptors.

14. A SUDS management and maintenance plan, including long term management responsibilities and maintenance schedules shall be submitted to and approved by the Council prior to the commencement of the development.

Reason: To ensure there is an appropriate drainage system to reduce flood risk.

15. The landing and bathroom windows on the first-floor side elevation of dwellings on plots 82 and 83a as coloured yellow on Drawing No. 13 date stamped 04 December 2023 and Drawing No. 09 date stamped 04 December 2023 shall be finished in opaque glass and non-opening and shall thereafter be permanently retained.

Reason: In the interests of residential amenity.



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**Site Location Plan**

1:2,500 

Reference: LA03/2023/0908/F

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.5</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0909/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>PREVIOUS COMMITTEE DECISION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION SUBJECT TO SECTION 76 AGREEMENT</b>
<b>PROPOSAL</b>	Erection of 17no. dwellings (amendment to PAC approval ref: 2018/A0072), geocellular tank and all other associated site works
<b>SITE/LOCATION</b>	Lands approximately 25m northwest of and adjoining the rear boundaries of Nos 93-103 (odd Nos) Ballycorr Road, Ballyclare, BT39 9DE
<b>APPLICANT</b>	Blue Horizon (Ballycorr) Ltd.
<b>AGENT</b>	Tony Hamilton
<b>LAST SITE VISIT</b>	25 January 2024
<b>CASE OFFICER</b>	Sairead McCarthy 028 9034 0406 Sairead.mccarthy@antrimandnewtownabbey.gov.uk
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal</b></p> <p><a href="https://planningregister.planningsystemni.gov.uk/application/680214">https://planningregister.planningsystemni.gov.uk/application/680214</a></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limit of Ballyclare, on an area zoned for housing (BE 04/02) as defined by the draft Belfast Metropolitan Area Plan (published 2004). Ballyclare Town Centre lies approximately 420 metres southwest of the site.</p> <p>The application site forms part of a larger residential development site, approved by the PAC (Appeal Ref: 2018/A0072; application Ref: LA03/2017/0644/F), and relates specifically to sites 88 – 108 of this extant approval.</p> <p>The application site is accessed off the Ballycorr Road and is located on gently sloping ground, with land levels generally falling in an east-west direction and also towards the southern boundary. Along this southern boundary is a row of mature trees / hedging, beyond which is an established row of single storey dwellings at Nos. 93 – 103 Ballycorr Road. No. 105 Ballycorr Road adjoins the site at the eastern boundary, with this boundary also defined by mature trees. The western boundary is not currently defined and is open to the wider development site. Construction works are currently ongoing for a number of dwellings which were previously approved under the earlier core permission and are located at the entrance off the Ballycorr Road.</p> <p>The surrounding area is predominately residential, characterised by housing developments of varying densities.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Application Number: LA03/2017/0644/F</p> <p>Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare</p>	

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 and secondary access from Ballyeaston Road, 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.

Decision: Appeal Allowed

Decision Date: 10 February 2020

Application Number: LA03/2020/0230/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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. (Discharge of conditions 9 & 21 from PAC approval 2018/A0072 (See LA03/2017/0644/F) regarding omission of retaining wall on site 14 & 15 and omission of dwelling and garage at site 48).

Decision: Condition Discharged

Decision Date: 05 May 2020

Planning Reference: LA03/2020/0240/F

Location: Lands 30 metres northeast of no. 92 Ballyeaston Road, Ballyclare

Proposal: Erection of 1 no. single detached dwelling with garage

Decision: Permission Granted

Decision Date: 02.06.2020

Application Number: LA03/2020/0251/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Discharge of Condition 1 (Private Streets) of PAC approval 2018/A0072 (see LA03/2017/0644/F) for: 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 and secondary access from Ballyeaston Road, 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.

Decision: Condition Discharged

Decision Date: 19 June 2020

Application Number: LA03/2020/0413/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Residential development of 124 no dwellings (Discharge of condition 2 from LA03/2017/0644/F - PAC approval 2018/A0072 regarding submission of detailed scheme for the traffic signals and road markings at Rashee Road/Ballyeaston Road junction)

Decision: Approval

Decision Date: 30 September 2020

Planning Reference: LA03/2020/0644/F

Location: Lands 30m southeast of 92 Ballyeaston Road Ballyclare  
Proposal: Proposed erection of 5 no. dwellings (Boundary changes for sites 43 - 47 including change of house types to sites 45 and 46 as previously approved under LA03/2017/0644/F via PAC 2018/A0072), including relocation of access from Ballyeaston Road, garages and all other associated works.  
Decision: Permission Granted  
Decision Date: 20.09.2021

Application Number: LA03/2022/0367/F  
Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare  
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 and secondary access from Ballyeaston Road, 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 (Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F - No dwelling shall be occupied until either a main sewerage connection is agreed with NI Water or the development is served by a package sewage treatment plant site; The package plant shall be decommissioned and the development connected to a public sewer within six months of the planning authority notifying the appellant that the waste water treatment plant has been upgraded)  
Decision: Permission Granted  
Decision Date: 31 August 2022

Application Number: LA03/2022/0773/NMC  
Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare  
Proposal: Non material change to LA03/2017/0644/F (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 and secondary access from Ballyeaston Road, 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.) Alterations to approved barn conversion (to apartment drawings). The proposed change is to demolish the existing walls rebuild/replace them as opposed to retaining the existing walls and altering them.  
Decision: Consent Refused  
Decision Date: 27 September 2022

Planning Reference: LA03/2023/0072/F  
Location: Land to the rear of nos. 3-13 Ballycorr Gardens, Ballyclare  
Proposal: Erection of 29no. dwellings (change of house type to sites 1-12a, 109-110 and 115-123 previously approved under PAC Ref: 2018/A0072), garden stores and all other associated site works  
Decision: Permission Granted  
Decision Date: 19.03.2024

Planning Reference: LA03/2023/0301/F  
Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Erection of 21 no. dwellings (change of house type to sites 30-32, 41,42, 54-59, 63-68 & 70-74 previously approved under PAC Ref: 2018/A0072), garages, changes to the road layout and all other associated site works

Decision: Permission Granted

Decision Date: 13.03.2024

Application Number: LA03/2023/0661/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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 (Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F - No dwelling shall be occupied until either a main sewerage connection is agreed with NI Water or the development is served by a package sewage treatment plant site; The package plant shall be decommissioned and the development connected to a public sewer within six months of the planning authority notifying the appellant that the waste water treatment plant has been upgraded) (Discharge of Condition 16 of Planning Approval LA03/2022/0367/F regarding the submission of a detailed lighting plan.)

Decision: Condition Discharged

Decision Date: 13 December 2023

Application Number: LA03/2023/0720/DC

Location: Lands to the north of 93 – 103 Ballycorr Road, Ballyclare

Proposal: Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F (124 dwellings) (Discharge of Condition 11 from approval LA03/2022/0367/F regarding submission of archaeological programme of works)

Decision: Condition Partially Discharged

Decision Date: 20 December 2023

Application Number: LA03/2023/0772/F

Location: Lands to the East of no.92 Ballyeaston Road, Ballyclare, and to the northeast of nos.13-27 Elizabeth Gardens, Ballyclare BT39 9BT

Proposal: Proposed residential development comprising 37no. dwellings, garages, landscaping, open space and all associated site works

Decision: Current application

Application Number: LA03/2023/0805/DC

Location: Land to the north of 93 to 103 Ballycorr Road, northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road, Ballyclare

Proposal: Residential housing development of 124 no. homes. (Discharge of Condition 12 from planning approval LA03/2022/0367/F regarding erection of fence around identified souterrain)

Decision: Condition Partially Discharged

Decision Date: 1 March 2024

Application Number: LA03/2023/0806/DC

Location: Land to the north of 93 to 103 Ballycorr Road, northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road, Ballyclare

Proposal: Residential housing development of 124 no. homes (Discharge of condition 13 of planning approval LA03/2022/0367/F Regarding the submission of a landscape plan).  
Decision: Condition Discharged  
Decision Date: 23 January 2024

Planning Reference: LA03/2025/0094/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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 (Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F - No dwelling shall be occupied until either a main sewerage connection is agreed with NI Water or the development is served by a package sewage treatment plant site; The package plant shall be decommissioned and the development connected to a public sewer within six months of the planning authority notifying the appellant that the waste water treatment plant has been upgraded) (Discharge of Condition 11 of planning approval LA03/2022/0367/F regarding Archaeological reports.)

Decision: Condition not discharged

Decision date: 05 June 2025

Planning Reference: LA03/2024/0925/F

Location: Lands within the southwest portion of the former Craighill quarry, east of Ballyeaston Road and south of Craighill Park, Ballyclare

Proposal: Social housing development comprising 45 no. residential units with associated access, car parking, landscaping and ancillary works

Decision: Current application

Planning Reference: LA03/2023/0772/F

Location: Lands to the East of No. 92 Ballyeaston Road, Ballyclare and 135m to the northeast of nos. 13-27 Elizabeth Gardens, Ballyclare, BT39 9BT

Proposal: Proposed residential development comprising 33no. dwellings and 4 no. apartments, garages, landscaping, open space and all associated site works.

Decision: Current application

Planning Reference: LA03/2023/0910/F

Location: Lands adjoining the rear boundaries of No. 4 Cunningham Place and nos. 13 - 27 Elizabeth Gardens (odd nos.) and approx. 20 metres northeast of 4 Cunningham Place, Ballycorr, Ballyclare, BT39 9BT

Proposal: Erection of 15no. dwellings (change of house type to sites 16-29 previously approved under PAC reference 2018/A0072) and all other associated site works

Decision: Current application

Planning Reference: LA03/2023/0911/F

Location: Lands adjoining the rear boundaries of no's 88 & 92 Ballyeaston Road, Ballyclare, BT39 9BS

Proposal: Erection of 20no. dwellings (change of house type to sites 33-40, 43-47 & 49-52, previously approved under PAC Ref: 2018/A0072, to include 2 no. additional dwelling

units and change of house type to site 48 previously approved under LA03/2020/0240/F) and all other associated site works  
Decision: Current application

Planning Reference: LA03/2023/0908/F

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27

Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Erection of 26no. dwellings & substation (change of house type to sites 14-15, 75-87, 100-108 & 111-114 previously approved under PAC Ref: 2018/A0072), and all other associated site works.

Decision: Current application

Planning Reference: LA03/2024/0845/NMC

Location: Lands to the rear of nos. 3 - 13 Ballycorr Gardens Ballyclare.

Proposal: Non-material change to LA03/2023/0072/F (Erection of 29no. dwellings [change of house type to site nos.1-12a, 109-110 and 115-123 previously approved under PAC reference 2018/A0072 / Planning reference LA03/2017/0644/F], garden stores and all other associated site works). Handing of site No.7 to put sunroom and front door to the driveway side of the property.

Decision: Refusal

Decision Date: 13 March 2025

## **PLANNING POLICY AND GUIDANCE**

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

The Antrim and Newtownabbey Local Development Plan (ANLDP) will comprise of two parts; Part 1 is the Plan Strategy which contains strategic and operational policies and was adopted on 3<sup>rd</sup> July 2025. Part 2 is the Local Policies Plan which will identify the boundaries of settlement limits, local designations and zonings which has not yet been published. As such the settlement limits, local designations and zonings of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) remain applicable. Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the provisions of the draft Belfast Metropolitan Area Plan.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located inside the development limits of Ballyclare on unzoned land.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the development limits of Ballyclare within an area zoned for housing (Zoning BE 04/02). The zoning incorporates a series of Key Site Requirements.

- a) A Concept Statement to facilitate the comprehensive development of the site shall be submitted to and agreed with the Department;
- b) Housing development shall be a minimum gross density of 16 dwellings per hectare and a maximum gross density of 25 dwellings per hectare;
- c) Access shall be from Ballycorr Road;

- d) A comprehensive Transport Assessment (TA), agreed with Roads Service, DRD, shall be required, to analyse the overall impact of the proposed housing developments at Zonings BE 04/02, BE 04/03 and BE 04/04, and to identify any necessary improvements to the road / network / public transport / transportation facilities in the area. In addition to the need for a TA, and the requirements identified therein, the proposed Ballyclare Relief Road shall be provided and funded in whole through developer contributions;
- e) An Article 40 Agreement, approved by the Department, shall be required to ensure that the necessary local facilities and public infrastructure, including the road improvements, are provided;
- f) Housing layout shall be designed to ensure dwellings front onto Ballycorr Road;
- g) A 3 metres wide landscape buffer of trees and hedges of native species shall be provided along the southeastern boundary of the site, to provide screening for the development;
- h) All existing trees, shrubs and hedgerows within the site and on the boundaries shall be retained unless the Department determines that such vegetation is not of a quality to merit retention or is required to be removed to facilitate a safe means of access to the site;
- i) Development shall be excluded from the northeastern section of the site which is included within Craig Hill Quarry SLNCI (Ref.BE 16/01), as identified on Map No. 3c-SLNCI;
- j) A full flora and fauna survey of the site shall be carried out to inform proposals outlined in the Concept Statement; and
- k) Retaining structures shall not be included. In exceptional circumstances, where retaining structures are necessary, they shall not exceed 1.5 metres in height.

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

Antrim and Newtownabbey Plan Strategy 2015-2030: sets out the relevant planning policies for assessing planning applications and other planning consents. The relevant strategic and operational policies for the assessment of the current proposal are listed below.

**Strategic Policy 1 – Sustainable Development (SP 1)**: sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Strategic Planning Policy Statement (SPPS).

**Strategic Policy 3 – Transportation and Infrastructure (SP 3)**: aims to encourage the continued development and growth of high-quality transportation, communications and utilities infrastructure in a timely and co-ordinated fashion to meet the current and future

needs of our Borough and support sustainable development in accordance with the Council's Spatial Growth Strategy. SP3 is supported by Policies:

- Policy DM 10 Access and Parking; and
- Policy DM 12 Active Travel (Walking and Cycling)

**Strategic Policy 4 - Homes (SP 4):** sets out the Council's aims of achieving quality in new residential development both within urban settlements and the countryside. SP4 is supported by Policy:

- Policy DM 17 Homes in Settlements

**Strategic Policy 5 – Community Infrastructure (SP 5):** sets out that the Council's aims of seeking to promote access to community services and the protection of areas of open space areas. SP5 is supported by Policy:

- Policy DM 23 Protection of Open Space

**Strategic Policy 6 - Placemaking and Good Design (SP6):** sets out that positive placemaking and good design are key components in the delivery of high quality, attractive and sustainable places within our Borough. SP6 is supported by Policies:

- Policy DM 25 Urban Design; and
- Policy DM 28 Amenity Impact

**Strategic Policy 7 - Historic Environment (SPG7):** Indicates that careful management and ongoing investment in our historic environment will help to create unique, attractive and welcoming places to live, work and relax in and contribute significantly to our Borough's sense of place. SP 7 is supported by Policy:

- Policy DM 30 Archaeology

**Strategic Policy 8 - Natural Heritage (SPG8):** seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features. SP 8 is supported by the following Policies:

- Policy DM 38 Protected Species.
- Policy DM 39 Habitats, Species & Features of Natural Heritage Importance.
- Policy DM 40 Landscape Protection; and
- Policy DM 42 Trees and Development

**Strategic Policy 10 - Environmental Resilience and Protection (SPG10):** seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. SPG10 is supported by Policy:

- Policy DM 47 Surface Water Drainage & Sustainable Drainage Systems

## CONSULTATION

- **Dfl Roads:** No objection
- **Dfl Rivers:** No objection
- **NIEA Water Management Unit:** No objection
- **NI Water:** No objection

- **Northern Ireland Housing Executive:** No objection

## **REPRESENTATION**

Thirty (30) neighbouring properties were notified of the application, and no letters of representation have been received.

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

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

- Preliminary Matters
- Policy Context and Principle of Development
- Affordable Housing and Lifetime Homes
- Design, Layout and Appearance and Impact on Character of the Area
- Residential Amenity
- Public and Private Amenity Space
- Crime and Personal Safety
- Access and Parking
- Natural Heritage
- Archaeology and Built Heritage
- Flood Risk and Drainage

### **Preliminary Matters**

#### Environmental Impact Assessment

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

### **Policy Context and Principle of development**

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The Antrim and Newtownabbey Plan Strategy (ANPS) sets out the relevant planning policies for the determination of planning applications in the Borough. However, until such times as the Local Policies Plan (LPP) identifies the boundaries of settlement limits, local designations and zonings, the provisions of the current legacy plans, both adopted and in draft form will continue to apply.

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

However, the Newtownabbey Area Plan was never formally adopted and therefore following the Court of Appeal decision in May 2017 there is currently no adopted plan for Ballyclare. In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in determining all proposals in Ballyclare, including the current application.

In the interim period there have been a number of decisions taken by the Planning Appeals Commission that indicate, whilst the emerging policy provisions of BMAP remain material considerations in the determination of planning applications, reliance cannot be placed on specific policies of the draft Plan to refuse development proposals.

However, given the unique position of Ballyclare, that it is not covered by an extant and adopted plan, and given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for the town and should therefore be afforded greater weight than dNAP in the decision-making process.

In line with the transitional arrangements set out in the SPPS, dBMAP and the ANPS must be read together. Any conflict between the policies in the Plans must be resolved in favour of the ANPS.

The relevant development plans identify the application site as being within the settlement limit of Ballyclare. However, whilst the site was not specifically zoned in dNAP and was simply identified as white land, it forms part of a site zoned for housing in dBMAP (BE 04/02) which was subject to a range of Key Site Requirements (KSRs). A total of 11 KSRs formed part of the BE 04/02 zoning, however, the PAC dBMAP public enquiry removed 6 of these KSR's. In addition, PAC decision 2020/A0048 also indicated that the KSRs relating to the need for a Transport Assessment could be dealt with through the development management process, thereby the zoning is subject to 4 relevant KSRs which are addressed throughout the report.

The lands associated with this development proposal form part of a larger site in which full planning permission for 124 dwellings was granted at appeal on 10 February 2020 under appeal Ref: 2018/A0072 (Planning Ref: LA03/2017/0644/F). A number of subsequent applications have been submitted. Two change of house type applications have been approved (Refs: LA03/2023/0072/F and LA03/2023/0301/F) with a further five current applications inclusive of this application currently pending (Refs: LA03/2023/0772/F, LA03/2023/0908/F, LA03/2023/0910/F and LA03/2023/0911/F). Collectively these applications together with the two previous approvals seeks permission for a total of 164 residential units across the entire zoning.

Given the sites location within the settlement limit of Ballyclare, Strategic Policy SP 4.1 of the ANPS indicates that a presumption in favour of the development of new homes will be applied, provided the proposal meets the requirements of Strategic Policy SP 4 and other relevant policies applicable to the development type. Policy DM 17 of the ANPS indicates that the Council will support proposals for quality and sustainable residential development in settlements, where they do not contribute to town cramming, and where a number of other additional criteria are met.

In addition to Strategic Policy SP 4, Strategic Policy SP 6.4 places the onus on the developer to demonstrate that they have considered the core principles of placemaking and that the proposed scheme will deliver a high-quality development. As this proposal is for more than ten (10) residential units, a Design and Access Statement is required. The

ANPS sets out that this should incorporate a detailed site analysis; a Concept Plan and / or Masterplan; and a written statement outlining how the key design criteria set out in Policy DM 25 have been addressed by the design and layout of the scheme.

The requirement to provide a Design and Access Statement is also set out at criterion (g) of DM 17.7. A Design and Access Statement (Document 05, date stamp received 04 December 2023) was submitted as part of the application. This document describes the application site and provides details on the proposed development in the context of the surrounding area.

In addition, KSR (a) of dBMAP also requires that a Concept Master Plan is submitted to and agreed with the Planning Authority to facilitate the comprehensive development of the site. The DAS falls short of providing an overall concept masterplan, notwithstanding this, the agent has provided an overall open space masterplan (Drawing No. 55, date stamp received 15 March 2024) which shows existing and proposed development on the entire zoned site with the exception of an area to northeast of the wider zoned site. This area has not been incorporated into the open space provision and is not proposed for housing, however, under an associated current application for this part of the site, Ref: LA03/2023/0772/F) a separate plan was submitted indicating that this area would be developed for a small apartment block which could reasonably be developed without undermining the proposed housing layout. In addition, a phasing plan (Drawing No. 65, date stamp received 17 February 2025) has been submitted which indicates when the commencement and completion of each phase of open space will be carried out for the wider development. Given the level of development approved within the zoning together with the open space masterplan, the concept for the development of the entire lands within the zoning is accepted.

#### Loss of open space

With regards to the open space, the core planning permission for this application site, Ref: LA03/2017/0644/F was granted on appeal by the Planning Appeals Commission in February 2020 which established the principle of development on the site. The previously approved layout included a number of areas of open space, with the most notable areas located east of plots 100 – 108, and south and east of plots 60 – 64. A number of smaller areas of open space were also dotted throughout the development, with the total area of open space measuring approximately 0.87 ha. This equated to more than 10% of the total site area (7.23 ha), as required by Policy OS 2 of PPS 8, which was the relevant policy at the date of decision.

Policy DM 23 in the new ANPS. DM 23.1 states that the Council will operate a presumption against development that would result in the loss of, or have a significant adverse impact on, an area of open space irrespective of ownership, physical condition or appearance. DM 23.2 sets out that an exception will be permitted where it is demonstrated the loss of the open space will have no significant detrimental impact on the amenity, character or biodiversity of an area; or where the proposed development would bring significant community benefits that clearly outweigh the loss of the open space; or if the proposed development is ancillary to the principle use and will enhance use of the site for sport and recreation.

This application is proposing the erection of 17no. units within the confines of a previously approved residential scheme; and to accommodate the proposed units with a reconfigured layout, it is proposed to build over some of the areas of open space previously approved.

While these areas are not yet existing on the ground and have not been 'zoned' in the traditional sense of being allocated for the purpose of open space in the Development Plan, they have been set aside for use as open space in the previous planning approval. The PAC has also taken the view that the presumption against the loss of open space applies irrespective of its physical condition and appearance, and that the protections afforded by the previously applicable PPS 8 cannot simply be dismissed on the basis that the open space has not yet been laid out or is not yet open to the public.

The agent was advised of the Council's concern in relation to the loss of previously approved open space, and by way of a response, an overall Master Plan (Drawing No. 43A, date stamped received 05 December 2024) was submitted. The red line shown on this drawing includes all the land previously approved under application Ref: LA03/2017/0644/F but also takes in an area to the north and northeast of the current site, which is subject to a separate planning application (Ref: LA03/2023/0772/F). In doing so, the overall site encompassed in the masterplan area has been increased to 8.91 ha, and the agent has indicated a specific area of open space outside the northwestern/northeastern boundary of this application site, which is to compensate for the loss of open space within both this application and application Ref: LA03/2023/0908/F.

As noted in DM 23.2 of the ANPS, an exception for the loss of protected open space will be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area. The justification text of Policy DM 23 highlights that all proposals for the alternative use of open space will be assessed with regard to their effect on the amenity, character and biodiversity of the area and the wider locality taking into account the needs of future generations.

Part of this new area of open space is also located within the Craig Hill Quarry Local Wildlife Site (formerly referred to as a Site of Local Nature Conservation Importance (SLNCI)), which has been designated as such due to its ability to support habitats, species, or earth science features; and as well as making a contribution to the local natural heritage, it contributes to National and European biodiversity. Under Policy DM 37 of the ANPS the Council will support development that is not likely to have a significant adverse impact on a site identified for its local nature conservation importance.

As part of application Ref: LA03/2023/0772/F, the applicant submitted an Ecological Appraisal and Assessment (Doc 17, date stamp received 17 February 2025). It is noted within this document that the area of existing woodland located in the east/southeast and south of this application site, held the greatest biodiversity (ecological) interest considering the floral species assemblage and the range of wildlife this specific area can support. The current proposed development shows that the existing area of seminatural woodland will not be developed and will remain as existing. Subsequently, using this part of the SLNCI as an area of open space will not adversely impact upon its ecological and biodiversity interest, and the applicant has demonstrated that the provision of this alternative open space will have no significant detrimental impact on the amenity and character of the area.

Paragraph 8.19 of Policy DM 23 refers to cases where a replacement space is proposed and found to be acceptable and states that the developer may have to enter into a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011. In order to ensure delivery of adequate open space provision for this residential zoning, the

applicant has submitted a Section 76 legal agreement which is considered sufficient to provide a delivery mechanism for the areas of public open space (discussed later in the report) within a timely manner. As part of the development, it is proposed to erect a substation to the rear of plot 77 and to the side of plot 78. This substation is considered ancillary to the overall development and is acceptable within the visual impacts discussed later in this report.

### **Affordable Housing and Lifetime Homes**

Paragraph 7.20 of Strategic Policy 4 (SP 4) in the ANPS states that Council wishes to encourage an affordable and diverse choice of housing that will meet the needs of an ageing and changing population, whilst also encouraging the development of balanced communities and helping to strengthen community cohesion. Paragraph 7.38 of Policy DM 17 in the ANPS, highlights that historically, difficulties have been experienced by social housing providers in securing the land necessary for affordable housing provision. In this regard, and to assist the delivery of affordable housing and promote mixed tenure development, the Council will require all housing proposals of 40 or more units to provide at least 10% of the total units as affordable housing as part of the overall scheme. This requirement is set out in DM 17.3.

The current definition of affordable housing is contained in planning policy, specifically the SPPS. The ANPS indicates the current definition of affordable housing, is the same as definition used in the SPPS. This definition includes 'social rented housing, intermediate housing for sale, or intermediate housing for rent that is provided outside of the general market, for those whose needs are not met by the market'. Affordable housing which is funded by the Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new or affordable housing.

Whilst this application proposes only 17no. residential units, therefore falling below the threshold of 40 units as set out in DM 17.3, it is one of four concurrent applications within the wider zoned site. There is also a current application to the north and northeast of this site, which proposes the erection of 37no. residential units. When taken in combination with the other four applications (Refs: LA03/2023/0772/F, LA03/2023/0908/F, LA03/2023/0910/F and LA03/2023/0911/F), a total of 114 residential units are proposed (excluding the two previously approved applications), thereby 10% results in 12 units required for affordable housing. The applicant has indicated the provision of 12no. units across the five sites and within this particular application site, two semi-detached dwellings are shown as indicated on Drawing No. 64A. The proposal provides an adequate level of affordable housing thereby fulfilling this element of the policy. As required by DM 17.4, the affordable housing element of the proposed development has been designed in such a way as to ensure it is not easily distinguishable by means of its general design, materials or finishes from the general housing element.

Consultation has been carried out with NIHE, and their response indicates support for the provision of affordable housing within this application site and across the wider zoned site. It is stated within Document 09 that the proposal will provide intermediate housing units for sale, and the NIHE has advised that it would support the provision of intermediate housing, and that the developer should contact a registered housing provider for further advice.

Policy SP 1.15 of the ANPS indicates that where the necessary infrastructure or contributions can be secured satisfactorily by means of planning conditions this will be

the preferred option. However, if this cannot be achieved then a Section 76 Planning Agreement may be used. To secure the provision of affordable housing required under this policy and given that the proposed affordable housing is spread across a number of different application sites, a Section 76 agreement is necessary. The developer has agreed to enter into a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011.

Policy DM 17 of the ANPS also requires any residential scheme over the threshold of 20 units to be designed to take account of 'Lifetime Homes' with a minimum of 20% of the units designed within the scope of this approach. This proposal is only for 17no. units, therefore falling below the threshold required to trigger the lifetime homes design approach. However, when considered in combination with the other four concurrent applications, 20% of the total units proposed requires a minimum of 23no. residential units to take account of the lifetime homes approach. Drawing Number 64A indicates the provision of 6no. units taking account of the lifetime homes requirements within the confines of this particular site, which contribute to the required provision within the wider zoned site; and Drawing No. 68 shows the provision of the required 23no. units within the wider development.

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

Policy SP 4 of ANPS indicates that the Council will seek to ensure that new housing developments are designed in a sustainable fashion and to meet the evolving needs of residents over their lifetimes. Policy SP 4 also directs that the development of high-quality homes should adhere to the principles of placemaking and good design as required by Policy SP 6. The Strategic Planning Policy Statement (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.

Furthermore, the aim of Policy DM 17 is to promote the development of high quality, attractive and sustainable homes within settlements, which meet the present and future needs of all sections of the population within the Borough. DM 17.1 allows for the development of quality and sustainable residential schemes in settlements, where they do not contribute to town cramming, and can meet a number of criteria.

Criterion (a) of DM 17.1 requires the number of units proposed to respect the scale and size of the settlement. This proposal is for the erection of 17no. residential units on an application site measuring approximately 1.55ha, and is located in Ballyclare, which has been identified in the ANPS as a large town. The application site is relatively small in comparison to the settlement size of Ballyclare, and it is therefore considered that the number of units in this proposal respects the scale and size of the settlement. It is considered that the proposal does not represent or contribute to town cramming.

The density of the proposed development is 11 units/ha. The density of existing residential areas within close proximity to the site varies, for example the density at Craighill Park to the north of the application site is 21 units/ha; whilst at Rashee Park on the Ballyeaston Road, the density is 30 units/ha. Ballycorr Heights, to the east of the application site has a density of 16 units/ha. Residential houses within these developments comprise of both detached and semi-detached two storey dwellings. The density of the proposal is slightly lower than the average density found in the surrounding developments, however, it is

acknowledged that the adjacent quarry and the topography of the site has largely restricted the area of the site to be developed. Fundamentally the proposed density is not significantly higher than that found in the established residential area and the proposal does not represent town cramming.

Criterion (c) of DM 17.1 requires all new residential developments to provide a range of housing of different types and sizes, which are well integrated as part of the overall scheme whilst ensuring that the siting and design is appropriate to the location and does not conflict with the character of the area. In addition, criterion (a) of Policy DM 25 states that the proposal should make a positive contribution and relate well to the scale, density, massing, character, appearance and use of materials of the surrounding area whilst criteria (d) expands on this and requires that any proposal creates a sense of place by developing places with character, identity and local distinctiveness.

The proposed development takes the form of 17no. residential units, comprising of 13no. detached, and 4no. semi-detached dwellings. The proposal also includes a geocellular tank and all other associated site works. The majority of the residential units proposed are two storeys, with the exception of the house types BH4B and BH5, which are two and half storeys high, and the chalet house design which is a one and half storey high dwelling. The design of the proposed dwellings is largely similar to that previously approved on the wider development site and include design elements such as bay windows, two storey front porches and apex fronts. External finishes are indicated as either smooth rendered or facing brick walls, black concrete interlocking roof tiles, uPVC windows, composite / timber doors and UPVC / PPC aluminium rainwater goods. The proposal provides for housing of different sizes also, with the accommodation schedule comprising a mix of three and four bedroom, detached and semi-detached dwellings.

The site layout plan (Drawing 04D) shows the erection of a garden store within the curtilage of each proposed plot. The garden store is single storey, measuring 3.9 metres to finished ground level, with a footprint of 8.7sqm, and external finishes of concrete interlocking roof tiles, select facing brick walls with raised plaster bands, uPVC door openings and uPVC rainwater goods. As these garden stores are positioned largely to the rear of each dwelling, they will not readily be viewed from the internal estate road, or any other public viewpoint. The stores are relatively small in size and massing and have been designed to reflect the proposed dwellings on the wider scheme. Overall, the design, size, scale and massing of these stores are considered acceptable, and this element of the scheme will not have a detrimental impact on the visual amenity of the site or surrounding area.

The proposed development includes the erection of a number of different boundary treatments, including retaining walls, screen walls and fencing. Given the undulating nature of the application site, retaining walls are an inevitable consequence, however, the highest retaining wall will not exceed 1 metre in height, and such walls are shown along the side boundary between plots 107 and 108. A retaining wall of maximum 1 metre in height, with a 1.8-metre-high fence on top, is shown along the rear common boundary between plots 99, 100, 101, 102, 103 and between plots 107 and 108. Drawing 01C, which indicates the different boundary treatments, also shows the erection of a 2.5-metre-high acoustic fence along the northeastern boundary of the site and the common boundary with No. 105 Ballycorr Road. This fence was conditioned as part of the core permission, and included as a condition under the subsequent planning approval Ref: LA03/2022/0367/F. These retaining walls are not excessive in height and it is accepted that they are a necessary element due to the topography of the application site. Their

positioning, largely to the rear of dwellings, will not give rise to any detrimental impact on visual amenity.

Given the layout of the development, a corner plot has been created on proposed plot 88, and in order to provide an appropriate level of privacy to its rear amenity space, a screen wall along the common boundary of the plot with the public footpath, of no higher than 2.1 metres to finished ground level, with a painted render finish, will be erected. This screen wall will also be erected along the side boundary of plot 108, to provide privacy to this rear garden from the area of open space in front. The use of such a screen wall is considered acceptable in these instances, given its set back location from the public road and footpath and its external finish to match the proposed finishes of the dwellings.

The need to provide a local neighbourhood centre is set out in DM 17.7 at point (f), which states that adequate provision should be made for necessary local neighbourhood facilities, and these should be provided by the developer as an integral part of the development. The policy does not set a threshold in terms of the size of development, or the number of units proposed, which would trigger this requirement and it is considered that in applying this policy, the emphasis is placed on the provision of 'necessary' local neighbourhood facilities. The site is located within the settlement limit of Ballyclare and is close to a range of facilities that are currently provided within the town centre, with an ease of accessibility to these facilities. In addition, the Key Site Requirements for the entire zoning as set out in dBMAP did not require the provision of local neighbourhood facilities, and the PAC did not require such facilities when approving the previous scheme for 123 No. residential units. Consequently, it is considered that in this instance, the incorporation of local neighbourhood facilities is not required for this development.

DM 16.6, as well as criteria (f) of Policy DM 25, sets out that development proposals within settlements should include provision for new digital infrastructure. Document 10 (date stamp received 01 August 2025) states that the proposed development will incorporate robust telecommunications infrastructure designed to meet modern connectivity needs, in line with the Technical Building Manual (TBM) 2017. Each dwelling within the development will be equipped with a 20mm duct, installed in accordance with the specifications outlined in the TBM 2017. These ducts will provide individual network termination points, ensuring that every dwelling is future proofed for high-speed electronic communication networks.

Within Policy DM 25: Urban Design is a section referring to Landscape and Biodiversity. Under DM 25.1, criterion (l) sets out that development proposals should incorporate an appropriate hard and soft landscaping scheme, which includes proposals for the treatment and retention of existing trees and other landscape features. Additionally, DM 42: Trees and Development supports development that retains existing trees and introduces a net gain for trees lost.

Drawing No. 32C shows the proposed hard and soft landscaping for this application site. Each dwelling is provided with an in-curtilage driveway, which will be finished in a porous surface, with a small, grassed area to the front of most of the proposed dwellings. New tree planting is shown along the external boundaries of the site, as well as in the area of open space. It is also indicated on this drawing that existing trees will be retained on site and protected during construction. Document 06 is a Landscape Management Plan (date stamped received 17 February 2025) which outlines the strategy and approach for

the future long-term management and maintenance of the areas of open space. Overall, the landscaping for the site is considered acceptable.

Criterion (n) of DM 25 requires development proposals in settlements to integrate sustainable energy measures. Document 11 (date stamped received 07 August 2025) indicates that each dwelling will be constructed to achieve a high level of air tightness, with high performance thermal insulation materials and a robust building fabric being used to minimise heat loss. Each dwelling will be equipped with modern, high efficiency condensing boilers that optimise fuel use, reduce energy waste, and lower greenhouse gas emissions, ensuring compliance with energy performance standards, whilst also being fitted with low energy LED light fittings throughout.

Taking into account the previously approved layout on the site, along with the size, scale, design, layout, and general appearance of the proposed development, it is considered that the proposed development is acceptable.

### **Residential Amenity**

The SPPS indicates that the planning system has a role to play in minimising potential adverse impacts such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development with Policy DM 25 supporting this and requiring that there is no detrimental effect on the amenity or character of adjoining properties. Policy DM 28 of the ANPS sets out that the Council will only support development proposals where they will not result in an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties.

DM 28.2 refers to a number of issues which may result from the development including overlooking and/or loss of privacy, dominance or overshadowing, noise, vibration and other forms of disturbance and odour, fumes and other forms of environmental pollution. These issues will be a material consideration in the assessment of all proposals. In addition, Policy DM 50 indicates that the Council will only support development proposals with the potential to cause significant pollution in a number of areas including noise pollution where this has been addressed.

Furthermore, criterion (c) of DM 25.1 requires new development within settlements to be designed to be compatible with adjacent land uses and not have a detrimental effect on the amenity or character of any adjoining properties and the surrounding area. The application site is located within a larger residential development and is surrounded by residential uses. It is considered that the proposal is compatible with this adjacent land use.

'Creating Places' guidance advises that well-designed layouts should, wherever possible, seek to minimise overlooking between dwellings and provide adequate space for privacy, and recommends a separation distance on green field sites of around 20 metres, or greater, between opposing rear first floor windows of new houses. An enhanced separation distance may also be necessary for development on sloping sites. This document further advises that layouts and dwellings should be planned to provide acceptable levels of daylight into interiors. The building spacing required for privacy will normally ensure a satisfactory level of daylight and an acceptable minimum amount of sunlight.

The proposed dwellings on plots 98 – 106 (inclusive) back onto existing dwellings at Nos. 93 – 103 Ballycorr Road. The development exceeds the minimum separation distances between the rear elevation and the common boundary. It is noted that there is a difference in levels between the proposed dwellings and those existing, with the latter sitting approximately 3 metres below the level of the former. However, the separation distance between the two opposing rear elevations is greater than the recommended 20 metres and even with the difference in levels, the separation distance is considered acceptable and sufficient to ensure there are no detrimental impacts on existing or proposed residential amenity by way of overlooking, loss of privacy or loss of light.

As noted previously, the proposed development includes the erection of a number of different boundary treatments, including retaining walls, screen walls and fencing. These retaining walls are not excessive in height and it is accepted that they are a necessary element due to the topography of the application site. Their positioning, largely to the rear of dwellings, will not contribute to any unacceptable impact on residential amenity in terms of dominance or overshadowing.

### **Public and Private Open Space**

Policy DM 17.7 of the ANPS expects residential development proposals of 25 units or more, or on sites of 1 hectare or more, to provide well designed, safe and accessible public open space as an integral part of the overall scheme. Criterion (a) sets out that for a residential development of between 25 and 100 units, the development shall provide a minimum of 10% of the total site area.

Individually, this site occupies an area of approximately 1.55 ha and is shown to accommodate 17no. units. One area of open space is shown on drawing 04D, date stamp received 17 February 2025. It is located to the southeast of the residential units and includes an area of green open space with a footpath / cycleway linking the application site and wider development to the Ballycorr Road.

The application site however, forms part of a larger residential development, and rather than assessing the provision of open space for this section alone, the level of open space must be taken as a whole for the entire development site. As noted previously, there are four current applications within the wider development site (Ref: LA03/2023/0772/F, LA03/2023/0908/F, LA03/2023/0910/F and LA03/2023/0911/F). Two previous applications within the wider development site have also been approved (Ref's: LA03/2023/0072/F & LA03/2023/0301/F).

In total the number of residential units which could be constructed within the wider site masterplan is 164. Criterion (b) of DM 17.7 sets out that for a residential development of between 101 and 200 units a minimum of 15% of the total site area shall be provided as open space. In addition, for developments in excess of 100 units, an equipped children's play area needs to be provided.

Paragraph 7.42 refers to public open space as an intrinsic element of any housing development, not only for design quality but also for social and recreational purposes. Public open space can take the form of informal green amenity spaces, communal greenspaces, children's play spaces and sports pitches, as well as woodland or other natural or seminatural areas. According to the ANPS, public open space should be well located, easily accessible and designed to offer long-term benefits for the community, and all schemes will be required to bring forward suitable arrangements for the long-term

management of such areas. Criterion (i) of DM 25.1 seeks to ensure that any open space required is high quality, appropriate and well-integrated into the overall layout.

Two previous applications have already been approved within the wider site; LA03/2023/0072/F and LA03/2023/0301/F. The open space approved within these applications amounts to circa 0.351 ha. As part of this application, an overall open space masterplan (Drawing No. 43A date stamped 05 December 2024) and an open space delivery phasing diagram (Drawing No. 67 date stamped 27 February 2025) have been submitted. It is noted that the zoning (BE 04/02) site area amounts to 9.15ha and the total amount of open space being provided is 1.78ha, or 19.45% of the total site area. In addition, an equipped children's play area is provided within a separate phase of development, with a number of other areas of open space forming a series of pockets located throughout the wider development.

The open space delivery phasing drawing sets out when each area of open space will be delivered, as per the table below.

<b>Open Space Area</b>	<b>Completion Trigger (No of units occupied)</b>
Area A (0.3 ha)	10 <sup>th</sup> dwelling
Area B (0.52 ha) & C (0.03 ha)	40 <sup>th</sup> dwelling
Area D (0.05 ha)	50 <sup>th</sup> dwelling
Area E (0.88 ha)	90 <sup>th</sup> dwelling
Playground in B	100 <sup>th</sup> dwelling

As set out within the table above the children's play area which is located in open space Area B is to be delivered upon the occupation of the 100th dwelling. Details of the equipment is to be provided and agreed with the Council prior to the commencement of the 100th dwelling.

The public open space forming part of this application, and that being provided for the entire development site, is considered to be well located and is easily accessible. It is acknowledged that some of the alternative open space provision, particularly that set out within the associated application, Ref: LA03/2024/0772/F has a steep gradient with level differences in excess of 10 metres and is unusable in the traditional sense, however, open space can take many forms, including providing visual amenity benefits, and the provision of open space provided as a whole across the entire zoning is considered acceptable. The proposed areas of open space will contribute to the aesthetics of the overall scheme, and provide social, recreational and visual amenity benefits.

A Landscape Management Plan (Document 06C, date stamp received 17 February 2025) has been submitted and this outlines the strategy and approach for the future long-term management and maintenance of the areas of open space. As the wider housing development is formed by a patchwork of current and previously approved applications, it is considered necessary to use a Section 76 legal agreement to ensure that the areas of open space are delivered in a suitable manner and that sufficient open space is available for residents as the wider site develops. The use of a Section 76 legal agreement is considered as an appropriate means to ensure the delivery of the open space areas across the series of concurrent planning applications.

In terms of private amenity space, DM 17.9 sets out that the Council will take account of the guidance in relation to private open space provision for new residential development proposals as set out in the supplementary planning guidance document, Creating

Places: Achieving Quality in Residential Developments. Guidance within this document 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.

As illustrated on the proposed site layout drawing, Drawing No. 04D, front gardens are provided for each plot and private amenity space largely takes the form of private rear gardens. The average private amenity space is 156sqm per dwelling, which is above the average within Creating Places and is acceptable in this instance.

Overall, it is considered that the public open space provision within the proposed site and for the wider development area is easily accessible and it offers social, recreational and long-term benefits for the community. The level of private amenity space meets with the guidance set out in Creating Places and is also considered acceptable. On this basis, the proposed development meets with Policy DM 17.

### **Crime and Personal Safety**

Criterion (k) of DM 25.1 of the ANPS states that the proposed residential development should be designed to reduce the fear of crime and anti-social behaviour through the creation of active frontages and ensures that buildings front onto streets.

All dwellings proposed under this application front onto the internal estate road. Plot numbers 107 and 108 are located adjacent to the cycleway and area of open space, and again, these dwellings have adequate fenestration onto the open space areas. It is considered that by positioning active frontages of dwellings onto the estate road and with adequate fenestration onto the open space areas will reduce the fear of crime and anti-social behaviour. The proposal is compliant with criterion (k) of DM 25.1.

### **Access and Parking**

Strategic Policy 3.10 of the ANPS sets out that the Council will seek to ensure that all new development provides safe access arrangements that will not significantly inhibit the free flow of traffic, and that sufficient car and cycle parking is provided. SP 3 is supported by Policy DM 10.

Policy DM 10 gives support to development proposals where it is demonstrated that there is the capacity on the road network to accommodate the type and amount of traffic likely to be generated where access arrangements do not prejudice road safety or significantly inconvenience the flow of people or goods and adequate provision is made for car and cycle parking and any necessary servicing arrangements. Criterion (j) of DM 25.1 also requires development proposals to incorporate adequate and appropriate provision for parking.

Access to the development site is taken directly from the Ballycorr Road as per the previous approval. The internal estate road network has changed slightly due to the amended layout, however, DfI Roads has been consulted and has raised no objection to the proposal in terms of road safety matters that the development may create.

Policy DM 10.2 of the ANPS, advises that the Council will continue to take account of the supplementary guidance set out in Development Control Advice Note (DCAN) 15: Vehicular Access Standards, Creating Places and Parking Standards. Using the parking space requirements set out in the relevant documents, it has been calculated that of

49.5no. (rounded up to 50) car parking spaces are required. The layout of the proposal makes provision for 34no. in-curtilage parking spaces, with 15no. on-street parking spaces. The level of car parking falls short by one space, however, given the relatively accessible location of the application site as discussed below, this shortfall in parking is not considered to be a determining factor and in itself, would not warrant a refusal of the proposed development.

The aim of Policy DM 12 Active Travel (Walking and Cycling) is to promote measures in the design and layout of developments that will support increased walking and cycling. The site has direct pedestrian access to public roads, and this allows a variety of alternative modes of transport to be utilised by future residents. The site is also in a highly accessible location and is approximately 1km (c.10 minutes' walk) from Ballyclare Town Centre that contains a range of local retail outlets and services. In addition, the Ballyclare Bus Centre for Translink and Ulster bus is located off Mill Road to the south of Ballyclare, within 1 mile of the site. A number of bus services use the Ballycorr Road and various bus stops are located in close proximity to the site.

Given that the application site is located within the confines of the site granted planning permission by the PAC, (Ref: 2018/A0072) it is necessary to tie the previously required congestion alleviation measures to any further grant of planning permission on these lands in order to ensure that the ceiling of 50 dwelling units being occupied prior to the introduction of the congestion alleviation measures is not surpassed without these road works being provided and made operational.

Overall, the Council is satisfied with the parking and access arrangements, and the proposed development is in accordance with Policy DM 10 and Policy DM 12 of the ANPS.

### **Natural Heritage**

Strategic Policy 8: Natural Heritage (SPG8) seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features. Policy SP 8.3 requires appropriate weight to be afforded to the protection of designated sites, protected species and priority habitats and species together with other features of biodiversity and geological interest within the wider environment. Policy SP 8 is supported by Policies DM 37 – DM 39 and DM 42 of the ANPS. In addition, Policy DM 25 requires proposals to promote biodiversity.

Accompanying the application is an Ecological Addendum (Document 04, date stamp received 04 December 2023). This document is an update to the technical ecology reports that were submitted as part of application Ref: LA03/2017/0644/F on the wider development site.

As noted above, the lands associated with this development proposal have previously been granted planning permission by the PAC (Ref: 2018/A0072). It is noted that the presence of bats, a European protected species, has previously been recorded and this matter is reflected in the PAC's decision notice. Conditions 17-21 inclusive, refer to a range of requirements associated with the protection of bats, including the retention of trees, ecological enhancements and bat friendly lighting. It is considered necessary for these bat mitigation measures to be imposed on any further grant of planning permission on these lands in order to ensure protection of bats.

Criterion (m) of DM 25.1 states that development proposals should promote biodiversity by incorporating sites of wildlife interest and enhanced landscape measures such as the provision of bird boxes and nesting sites. Drawing 53C (date stamp received 17 February 2025) shows how the proposed development will promote biodiversity and includes indicative locations for bat and bird boxes across the site.

Policy DM 37 provides additional policy criteria for assessing developments which could impact upon designated sites. The application site is not situated within any nationally or internationally designated sites, and there is no hydrological linkage to any designated site, therefore, the proposed development will not have any impact in this regard.

Taking the above into consideration, it is considered that the proposal is unlikely to harm any protected species, and it is therefore compliant with the policies contained within SP 8 of the ANPS.

### **Archaeology and Built Heritage**

Strategic Policy 7 of the ANPS is entitled 'Historic Environment'. It states that the Council will work in partnership with DfC Historic Environment Division, heritage organisations and developers to protect, conserve and promote the enhancement of a number of heritage assets, including archaeological remains, and their settings. This Strategic Policy is supported by Policy DM 30: Archaeology.

A review of DAERA's Historic Environment Map Viewer reveals that the application site is not affected by any built heritage designations, however, is in close proximity to a souterrain (ANT 045:129) which is within the extent of the previous planning application site (Ref: LA03/2017/0644/F). Archaeological conditions were attached to this approval as part of PAC decision Ref: 2018/A0072, with condition 15 having since been partially discharged (Ref: LA03/2023/0780/DC). This matter has been covered through a recommended condition (Condition 7) requiring the implementation of the agreed Programme of Archaeological Works.

There has been no change to archaeological conditions since the granting of the previous planning permission, and it is considered that conditions requiring the agreement and implementation of a developer-funded programme of archaeological works, which would identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ should be attached to any forthcoming decision notice. In this regard, the Council considers the proposal to accord with the policy provisions of Strategic Policy SP 7; and Policy DM 30 of the ANPS.

### **Flood Risk and Drainage**

Strategic Policy 10: 'Environmental Resilience and Protection' of the ANPS seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. Policy DM 25 supports this and requires that all proposals should be designed to withstand predicted changes in local climate and to reduce the risk of flooding on site. In addition, Policy SP 10.3 requires the submission of a Drainage Assessment and promotes the use of Sustainable Urban Drainage Systems which is supported by Policies DM 25 and DM 47.

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200-year coastal floodplain. In this regard, Policy DM 46: 'The Control of Development in Flood Plains' is not

applicable. The site does not affect existing flood defence, does not propose any culverting of watercourses nor is it located within an area which is at risk from reservoir inundation.

The main aim of Policy DM 47 is to reduce flood risk for new developments from surface water (pluvial) sources. New development proposals can often exacerbate the problems of pluvial flooding, by accelerating and increasing surface water run-off. The Council recognises the potential harmful impacts of surface water flooding and through the ANPS, it will seek to promote a more sustainable approach to drainage and flood risk management.

A Drainage Assessment (DA) was submitted and reviewed under the core planning permission (Ref: LA03/2017/0644/F), with a second DA submitted as part of this application (Document 03, date stamp received 04 December 2023).

The DA demonstrates that the design and construction of a suitable drainage network is feasible. It indicates that the additional surface water run-off during a 1 in 100 year event, including an allowance for climate change (10%) and urban creep (10%), could be contained through the addition of an underground online attenuation system, which would then discharge at existing green field runoff rate and therefore there would be no exceedance flows during this event.

It is proposed to limit the discharge from the proposed storm network for the overall development, which has been agreed by DfI Rivers and NI Water, as 93.9l/s. This rate is achieved through use of a flow control device with approximately 1,624 cubic metres of storage provided within a geocellular storage tank and oversized drainage infrastructure. This geocellular tank and associated infrastructure were approved under a previous application (Ref: LA03/2023/0072/F); and also form part of this application. DfI Rivers has responded to LA03/2023/0072/F and this application, advising of no objection to this proposed drainage network. In addition, NIEA Water Management Unit has provided no objection to the drainage network through consultation.

The DA concludes that proposed drainage networks will successfully mitigate against the impacts of the new development on surface water flooding. This is based on the use of 'hard' Surface Water Drainage and Sustainable Drainage Systems (SuDS), and whilst the applicant has failed to consider the use of any 'soft' SuDS measures, e.g. green roofs; swales; soakaways; basins; ponds; wetlands; or rainwater recycling, DM 47.4 of the ANPS promotes the use of SuDS, both hard and soft, as the preferred means of treating surface water and managing flow rates for development proposals in locations where this is a feasible solution.

It is considered that as the DA indicates that the development will not lead to exceedance flows that the proposed drainage regime for the site is in accordance with the requirements of Policy DM 47.

DM 47.6 of the ANPS states that all SuDS schemes will need to be accompanied by an appropriate management plan (including arrangements for long term maintenance). The applicant has not submitted this information during the processing of the application; however, such a document could be submitted prior to the commencement of development and has been recommended as a negative condition on any forthcoming decision.

**Land Contamination**

Policy DM 52 of the ANPS states that the Council will only support development proposals on potentially contaminated land, where it can be demonstrated, through a site investigation and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment. The Council's section Environmental Health Section did not raise any concerns regarding the potential for the site to have contaminated land and it was previously concluded within a Preliminary Risk Assessment for the wider site, Ref: LA03/2017/0644/F that there are no obvious sources of contamination present either on, or close to the site and therefore there are no significant human health and/or environmental pollutant linkages.

**CONCLUSION**

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

- The principle of the development is considered acceptable;
- The size, scale, design, layout, and general appearance of the proposed development is acceptable, and the proposal will not have a detrimental impact on the character of the surrounding area;
- The proposal provides adequate provision for public and private amenity space;
- The proposal will not result in an unacceptable impact on neighbour amenity;
- There are no significant concerns relating to transport, traffic, parking and road safety matters;
- There are no significant concerns relating to natural heritage, archaeology or built heritage matters; and
- There is no significant flood risk associated with the site.

**RECOMMENDATION**

**GRANT PLANNING PERMISSION SUBJECT TO SECTION 76 THE  
DETAIL OF WHICH IS DELEGATED TO OFFICERS**

**PROPOSED CONDITIONS**

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

Reason: To comply with the requirements of Section 61 of the Planning Act (Northern Ireland) 2011.

2. No more than 50 residential units, within the lands edged red and blue on Drawing Number 31 date stamped 04 December 2023, shall be occupied until the traffic signals and road markings at the Rashee Road/Ballyeaston Road junction have been implemented in conformity with Drawings 01 to 09 inclusive date stamped 10 June 2020, approved by the Council under planning application LA03/2020/0413/DC.

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

3. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Number 46D date stamped 18 March 2025.

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. A detailed programme of works and any required / associated traffic management proposals shall be submitted to and agreed by the Council, prior to the commencement of any element of road works.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

5. No site works of any nature or development shall be carried out within the fenced area as shown on Drawing Number 01/2 of planning application LA03/2023/0805/DC. Any open space planting works as shown in Drawing Number 54B date stamped 17 February 2025 within the fenced area as shown on Drawing Number 01/2 of planning application LA03/2023/0805/DC, shall be undertaken by hand. No erection of huts or other structures, no storage of building materials, no dumping of spoil, topsoil or rubbish, no bonfires nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works, and development have been completed.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

6. The landscaping scheme, as indicated in Drawing Number 32C date stamped 17 February 2025 shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within the lifetime of the development of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

7. All existing planting indicated on Drawing Number 32C date stamped 17 February 2025 shall be allowed to grow and be permanently retained. No retained tree shown on Drawing No. 32C shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction recommendations.

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

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

Reason: In the interest of visual amenity and to ensure the continuity of the biodiversity value afforded by existing trees.

9. Except as otherwise agreed in the written scheme of works, no site works of any nature or development shall take place until the programme of archaeological work

has been implemented in accordance with Document 01/1, date stamped 29<sup>th</sup> November 2023, Ref: LA03/2023/0720/DC. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Council to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

10. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 9. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

11. All mature trees and/or buildings which require works shall be surveyed for the presence of bats by an experienced bat worker or surveyor within 48 hours prior to removal, felling, lopping or demolition. All survey work should be carried out according to the Bat Conservation Trust Good Practice Guidelines. A report outlining the findings of the survey shall be submitted to the Council. If evidence of bat activity is discovered, all works shall cease immediately, and further advice sought from the Department of Agriculture, Environment and Rural Affairs.

Reason: In order to protect bats, a European Species, and to comply with the provisions of PPS 2.

12. The ecological enhancements detailed in Drawing Number 03C date stamped 16<sup>th</sup> November 2023 shall be installed within the curtilage of the specified dwellings prior to their occupation and thereafter maintained and retained in perpetuity.

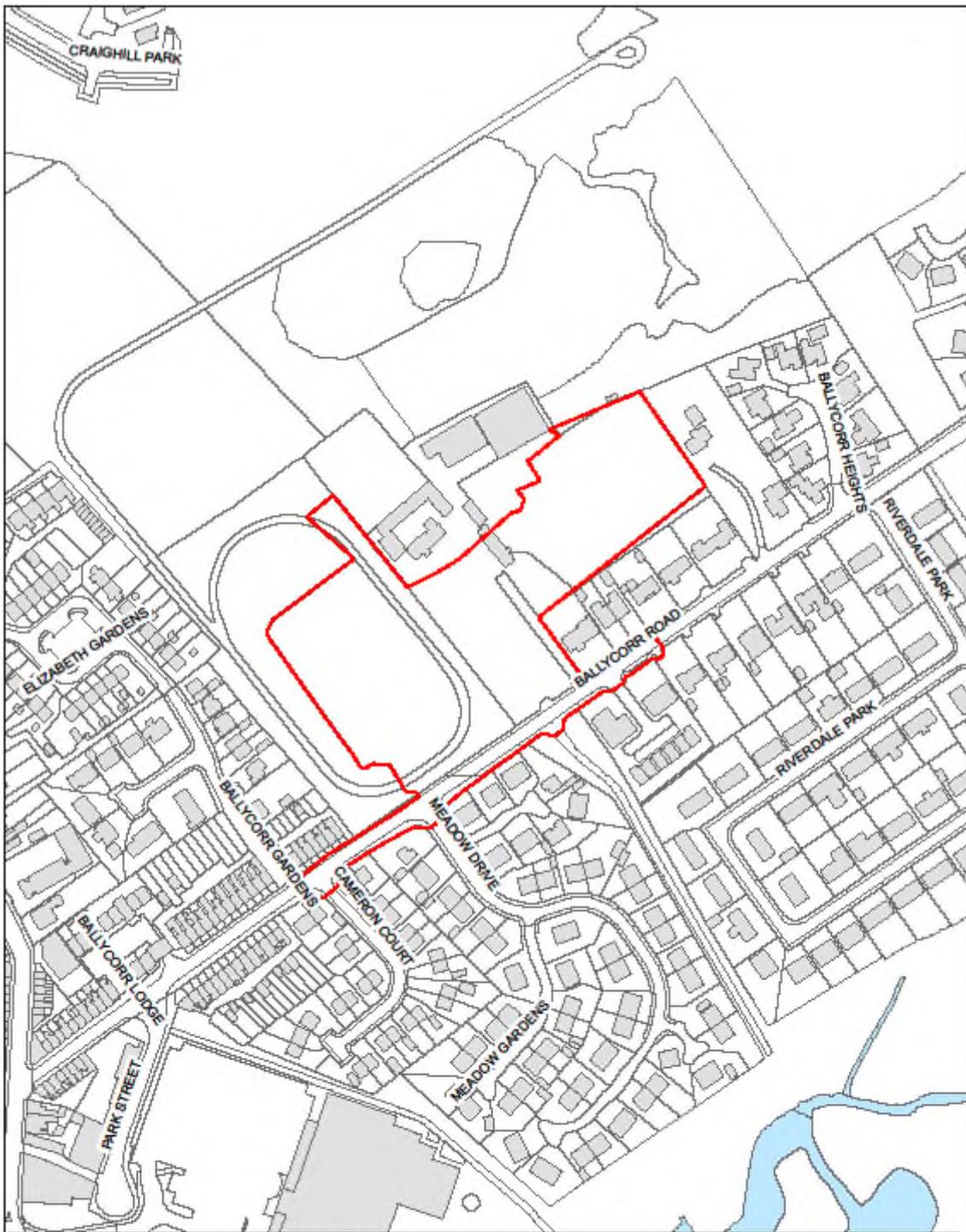
Reason: In order to protect bats, a European Species, and to comply with the provisions of PPS 2.

13. A SuDS management and maintenance plan, including long term management responsibilities and maintenance schedules shall be submitted to and approved by the Council prior to the commencement of the development.

Reason: To ensure there is an appropriate drainage system to reduce flood risk.

14. Prior to the occupation of each residential unit, a 2.5m high closed boarded acoustic fence of at least 20kg/m<sup>2</sup> density shall be erected along the site boundary as indicated by the green-dashed line on Drawing Number 04D date stamped received 17 February 2025. The fence shall be continuous and of solid construction with no gaps or holes. The acoustic barrier shall be maintained for the lifetime of the development.

Reason: In order to protect external amenity of the permitted development.



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**Site Location Plan**

1:2,500

Reference: LA03/2023/0909/F

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.6</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0910/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>PREVIOUS COMMITTEE DECISION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION SUBJECT TO SECTION 76 AGREEMENT</b>
<b>PROPOSAL</b>	Erection of 14no. dwellings (amendment to PAC approval reference 2018/A0072) and all other associated site works
<b>SITE/LOCATION</b>	Lands approximately 30m north of and adjoining the rear boundaries of No. 4 Cunningham Place and nos. 13 -23 Elizabeth Gardens (odd nos.) and approx. 20 metres northeast of 4 Cunningham Place, Ballycorr, Ballyclare, BT39 9BT
<b>APPLICANT</b>	Blue Horizon (Ballycorr) Ltd.
<b>AGENT</b>	Tony Hamilton
<b>LAST SITE VISIT</b>	22 February 2024
<b>CASE OFFICER</b>	Sairead McCarthy 028 9034 0406 Sairead.mccarthy@antrimandnewtownabbey.gov.uk
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal</b></p> <p><a href="https://planningregister.planningsystemni.gov.uk/application/680252">https://planningregister.planningsystemni.gov.uk/application/680252</a></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limit of Ballyclare, on an area zoned for housing (BE 04/02) as defined by the draft Belfast Metropolitan Area Plan (published 2004).</p> <p>The site is located on the northeastern side of Ballyclare Town Centre, is approximately 1.2 hectares in size and comprises of an open grassed field. The topography of the site rises in a northwesterly direction from the Ballycorr Road. Part of a gravel circular track is present within the site. The application site involves approved Phase 3 and the internal road network of Phase 2 of the residential development approved under PAC Ref: 2018/A0072 and shown on Drawing Number 06/1 date stamped 18<sup>th</sup> January 2018.</p> <p>Part of the southwestern boundary abuts the residential properties of Ballycorr Gardens and Cunningham Place and comprises a mix of timber fencing of approximately 1.8 metres in height and mature vegetation some 4-5 metres in height. The northwestern and northeastern boundaries are partially defined by mature vegetation and the southeastern boundary is defined by a line of trees within the site and includes the Ballycorr Road for the access point.</p> <p>Development to the southwest of the application site along Ballycorr Gardens and Elizabeth Gardens consists of a mixture of detached, semi-detached and terraced dwellings. Development to the northeast of the site is characterised by a lower density of development and consists of predominantly detached dwellings. Further north and northeast of the wider residential site is the former Craighill Quarry.</p>	
<b>RELEVANT PLANNING HISTORY</b>	

Application Number: LA03/2017/0644/F

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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.

Decision: Appeal Upheld

Decision Date: 10 February 2020

Application Number: LA03/2020/0230/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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. (Discharge of conditions 9 & 21 from PAC approval 2018/A0072 (See LA03/2017/0644/F) regarding omission of retaining wall on site 14 & 15 and omission of dwelling and garage at site 48).

Decision: Condition Discharged

Decision Date: 05 May 2020

Application Number: LA03/2020/0251/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Discharge of Condition 1 (Private Streets) of PAC approval 2018/A0072 (see LA03/2017/0644/F) for: 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 and secondary access from Ballyeaston Road, 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.

Decision: Condition Discharged

Decision Date: 19 June 2020

Application Number: LA03/2020/0413/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Residential development of 124 no dwellings (Discharge of condition 2 from LA03/2017/0644/F - PAC approval 2018/A0072 regarding submission of detailed scheme for the traffic signals and road markings at Rashee Road/Ballyeaston Road junction)

Decision: Condition Discharged

Decision Date: 30 September 2020

Application Number: LA03/2022/0367/F

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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 (Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F - No dwelling shall be occupied until either a main sewerage connection is agreed with NI Water or the development is served by a package sewage treatment plant site; The package plant shall be decommissioned and the development connected to a public sewer within six months of the planning authority notifying the appellant that the waste water treatment plant has been upgraded)

Decision: Permission Granted

Decision Date: 31 August 2022

Application Number: LA03/2022/0773/NMC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Non material change to LA03/2017/0644/F (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 and secondary access from Ballyeaston Road, 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.) Alterations to approved barn conversion (to apartment drawings). The proposed change is to demolish the existing walls rebuild/replace them as opposed to retaining the existing walls and altering them.

Decision: Consent Refused

Decision Date: 27 September 2022

Application Number: LA03/2023/0661/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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 (Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F - No dwelling shall be occupied until either a main sewerage connection is agreed with NI Water or the development is served by a package sewage treatment plant site; The package plant shall be decommissioned and the development connected to a public sewer within six months of the planning authority notifying the appellant that the waste water treatment plant has been upgraded) (Discharge of Condition 16 of Planning Approval LA03/2022/0367/F regarding the submission of a detailed lighting plan.)

Decision: Condition Discharged

Decision Date: 13 December 2023

Application Number: LA03/2023/0720/DC

Location: Lands to the north of 93 – 103 Ballycorr Road, Ballyclare

Proposal: Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F (124 dwellings) (Discharge of Condition 11 from approval LA03/2022/0367/F regarding submission of archaeological programme of works)  
Decision: Condition Partially Discharged  
Decision Date: 20 December 2023

Application Number: LA03/2023/0072/F  
Location: Land to the rear of Nos. 3-13 Ballycorr Road, Ballyclare  
Proposal: Erection of 29no. dwellings (change of house type to site nos.1-12a, 109-110 and 115-123 previously approved under PAC reference 2018/A0072 / Planning reference LA03/2017/0644/F), garden stores and all other associated site works (amended proposal & plans)  
Decision: Permission Granted  
Decision Date: 19 March 2024

Application Number: LA03/2023/0301/F  
Location: Land 100m Northeast of nos 1-13 (odd nos) Elizabeth Gardens, Ballyclare, BT39 9BT  
Proposal: Erection of 21no. dwellings (change of house type to sites 30-32, 41,42, 54-59, 63-68 & 70-74 previously approved under PAC ref: 2018/A0072), garages, changes to the road layout and all other associated site works  
Decision: Permission Granted  
Decision Date: 8 April 2024

Application Number: LA03/2023/0772/F  
Location: Lands to the East of no.92 Ballyeaston Road, Ballyclare, and to the Northeast of nos.13-27 Elizabeth Gardens, Ballyclare BT39 9BT  
Proposal: Proposed residential development comprising 37no. dwellings, garages, landscaping, open space and all associated site works  
Decision: Current application

Application Number: LA03/2023/0805/DC  
Location: Land to the north of 93 to 103 Ballycorr Road, northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road, Ballyclare  
Proposal: Residential housing development of 124 no. homes. (Discharge of Condition 12 from planning approval LA03/2022/0367/F regarding erection of fence around identified souterrain)  
Decision: Condition Partially Discharged  
Decision Date: 1 March 2024

Application Number: LA03/2023/0806/DC  
Location: Land to the north of 93 to 103 Ballycorr Road, northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road, Ballyclare  
Proposal: Residential housing development of 124 no. homes (Discharge of condition 13 of planning approval LA03/2022/0367/F Regarding the submission of a landscape plan).  
Decision: Condition Discharged  
Decision Date: 23 January 2024

Planning Reference: LA03/2025/0094/DC  
Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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 (Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F - No dwelling shall be occupied until either a main sewerage connection is agreed with NI Water or the development is served by a package sewage treatment plant site; The package plant shall be decommissioned and the development connected to a public sewer within six months of the planning authority notifying the appellant that the waste water treatment plant has been upgraded) (Discharge of Condition 11 of planning approval LA03/2022/0367/F regarding Archaeological reports.)

Decision: Condition not discharged

Decision date: 05 June 2025

Planning Reference: LA03/2024/0925/F

Location: Lands within the southwest portion of the former Craighill quarry, east of Ballyeaston Road and south of Craighill Park, Ballyclare

Proposal: Social housing development comprising 45 no. residential units with associated access, car parking, landscaping and ancillary works

Decision: Current application

Planning Reference: LA03/2023/0772/F

Location: Lands to the East of No. 92 Ballyeaston Road, Ballyclare and 135m to the northeast of nos. 13-27 Elizabeth Gardens, Ballyclare, BT39 9BT

Proposal: Proposed residential development comprising 33no. dwellings and 4 no. apartments, garages, landscaping, open space and all associated site works.

Decision: Current application

Planning Reference: LA03/2023/0908/F

Location: Lands 100m northwest of no. 93-103 (odd nos.) Ballycorr Road, Ballyclare, BT39 9DE

Proposal: Erection of 26no. dwellings (amendment to PAC approval reference 2018/A0072), electricity substation, open space, play area and all other associated site works.

Decision: Current application

Planning Reference: LA03/2023/0909/F

Location: Lands approximately 25m northwest of and adjoining the rear boundaries of Nos 93-103 (odd nos) Ballycorr Road, Ballyclare, BT39 9DE

Proposal: Erection of 17no. dwellings (amendment to PAC approval ref: 2018/A0072), geocellular tank and all other associated site works

Decision: Current application

Planning Reference: LA03/2023/0911/F

Location: Lands approximately 25 metres east of No 92 Ballyeaston Road and approximately 10 metres north of No. 88 Ballyeaston Road, Ballyclare, BT39 9BS

Proposal: Erection of 20no. dwellings (amendment to PAC approval ref: 2018/A0072) and all other associated site works

Decision: Current application

Planning Reference: LA03/2024/0845/NMC

Location: Lands to the rear of no's 3 - 13 Ballycorr Gardens Ballyclare.

Proposal: Non-material change to LA03/2023/0072/F (Erection of 29no. dwellings [change of house type to site nos.1-12a, 109-110 and 115-123 previously approved under PAC reference 2018/A0072 / Planning reference LA03/2017/0644/F], garden stores and all other associated site works). Handing of site no.7 to put sunroom and front door to the driveway side of the property.

Decision: Refusal

Decision Date: 13 March 2025

### **PLANNING POLICY AND GUIDANCE**

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

The Antrim and Newtownabbey Local Development Plan (ANLDP) will comprise of two parts; Part 1 is the Plan Strategy which contains strategic and operational policies and was adopted on 3<sup>rd</sup> July 2025. Part 2 is the Local Policies Plan which will identify the boundaries of settlement limits, local designations and zonings which has not yet been published. As such the settlement limits, local designations and zonings of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) remain applicable. Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the provisions of the draft Belfast Metropolitan Area Plan.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located inside the development limits of Ballyclare on unzoned land.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the development limits of Ballyclare within an area zoned for housing (Zoning BE 04/02). The zoning incorporates a series of Key Site Requirements.

- a) A Concept Statement to facilitate the comprehensive development of the site shall be submitted to and agreed with the Department;
- b) Housing development shall be a minimum gross density of 16 dwellings per hectare and a maximum gross density of 25 dwellings per hectare;
- c) Access shall be from Ballycorr Road;
- d) A comprehensive Transport Assessment (TA), agreed with Roads Service, DRD, shall be required, to analyse the overall impact of the proposed housing developments at Zonings BE 04/02, BE 04/03 and BE 04/04, and to identify any necessary improvements to the road / network / public transport / transportation facilities in the area. In addition to the need for a TA, and the requirements identified therein, the proposed Ballyclare Relief Road shall be provided and funded in whole through developer contributions;
- e) An Article 40 Agreement, approved by the Department, shall be required to ensure that the necessary local facilities and public infrastructure, including the road improvements, are provided;
- f) Housing layout shall be designed to ensure dwellings front onto Ballycorr Road;

- g) 3 metres wide landscape buffer of trees and hedges of native species shall be provided along the southeastern boundary of the site, to provide screening for the development;
- h) All existing trees, shrubs and hedgerows within the site and on the boundaries shall be retained unless the Department determines that such vegetation is not of a quality to merit retention or is required to be removed to facilitate a safe means of access to the site;
- i) Development shall be excluded from the northeastern section of the site which is included within Craig Hill Quarry SLNCI (Ref.BE 16/01), as identified on Map No. 3c-SLNCI;
- j) A full flora and fauna survey of the site shall be carried out to inform proposals outlined in the Concept Statement; and
- k) Retaining structures shall not be included. In exceptional circumstances, where retaining structures are necessary, they shall not exceed 1.5 metres in height.

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

Antrim and Newtownabbey Plan Strategy 2015-2030: sets out the relevant planning policies for assessing planning applications and other planning consents. The relevant strategic and operational policies for the assessment of the current proposal are listed below.

**Strategic Policy 1 – Sustainable Development (SP 1)**: sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable contained in the Strategic Planning Policy Statement (SPPS).

**Strategic Policy 3 – Transportation and Infrastructure (SP 3)**: aims to encourage the continued development and growth of high-quality transportation, communications and utilities infrastructure in a timely and co-ordinated fashion to meet the current and future needs of our Borough and support sustainable development in accordance with the Council's Spatial Growth Strategy. SP3 is supported by Policies:

- Policy DM 10 Access and Parking; and
- Policy DM 12 Active Travel (Walking and Cycling)

**Strategic Policy 4 - Homes (SP 4)**: sets out that the Council's aims of achieving quality in new residential development both within urban settlements and the countryside. SP4 is supported by Policy:

- Policy DM 17 Homes in Settlements

**Strategic Policy 6 - Placemaking and Good Design (SP6)**: sets out that positive placemaking and good design are key components in the delivery of high quality, attractive and sustainable places within our Borough. SP6 is supported by Policies:

- Policy DM 25 Urban Design; and

- Policy DM 28 Amenity Impact

**Strategic Policy 7 - Historic Environment (SPG7):** Indicates that careful management and ongoing investment in our historic environment will help to create unique, attractive and welcoming places to live, work and relax in and contribute significantly to our Borough's sense of place. SP 7 is supported by Policy:

- Policy DM 30 Archaeology

**Strategic Policy 8 - Natural Heritage (SPG8):** seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features. SP 8 is supported by the following Policies:

- Policy DM 38 Protected Species;
- Policy DM 39 Habitats, Species & Features of Natural Heritage Importance;
- Policy DM 40 Landscape Protection; and
- Policy DM 42 Trees and Development

**Strategic Policy 10 - Environmental Resilience and Protection (SPG10):** seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. SPG10 is supported by Policy:

- Policy DM 47 Surface Water Drainage & Sustainable Drainage Systems

## CONSULTATION

**Environmental Health Section:** No objection, subject to condition

**NI Electricity:** No objection

**NI Water:** No objection

**DfI Roads:** No objection, subject to condition

**DfI Rivers:** No objection

**DAERA Natural Environment Division (NED):** No objection, subject to condition

**DAERA Water Management Unit (WMU):** No objection

**Historic Environment Division (HED):** No objection, subject to condition

**Northern Ireland Housing Executive:** No objection

## REPRESENTATION

Forty-four (44) neighbouring properties were notified of the application, and no letters of representation have been received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Affordable Housing and Lifetime Homes
- Design, Layout and Appearance and Impact on Character of the Area

- Residential Amenity
- Public and Private Amenity Space
- Crime and Personal Safety
- Access and Parking
- Natural Heritage
- Archaeology and Built Heritage
- Flood Risk and Drainage
- Land Contamination

### **Preliminary Matters**

#### Environmental Impact Assessment

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

### **Policy Context and Principle of development**

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The Antrim and Newtownabbey Plan Strategy (ANPS) sets out the relevant planning policies for the determination of planning applications in the Borough. However, until such times as the Local Policies Plan (LPP) identifies the boundaries of settlement limits, local designations and zonings, the provisions of the current legacy plans, both adopted and in draft form will continue to apply.

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

However, the Newtownabbey Area Plan was never formally adopted and therefore following the Court of Appeal decision in May 2017 there is currently no adopted plan for Ballyclare. In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in determining all proposals in Ballyclare, including the current application.

In the interim period there have been a number of decisions taken by the Planning Appeals Commission that indicate, whilst the emerging policy provisions of BMAP remain material considerations in the determination of planning applications, reliance cannot be placed on specific policies of the draft Plan to refuse development proposals.

However, given the unique position of Ballyclare, that it is not covered by an extant and adopted plan, and given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for the town and should therefore be afforded greater weight than dNAP in the decision-making process.

In line with the transitional arrangements set out in the SPPS, dBMAP and the ANPS must be read together. Any conflict between the policies in the Plans must be resolved in favour of the ANPS.

The relevant development plans identify the application site as being within the settlement limit of Ballyclare. However, whilst the site was not specifically zoned in dNAP and was simply identified as white land, it forms part of a site zoned for housing in dBMAP (BE 04/02) which was subject to a range of Key Site Requirements (KSRs). A total of 11 KSRs formed part of the BE 04/02 zoning, however, the PAC dBMAP public enquiry removed 6 of these KSRs. In addition, PAC decision Ref: 2020/A0048 also indicated that the KSRs relating to the need for a Transport Assessment could be dealt with through the development management process, thereby the zoning is subject to 4 relevant KSRs which are addressed throughout the report.

The lands associated with this development proposal form part of a larger site in which full planning permission for 124 dwellings was granted at appeal on 10 February 2020 under appeal Ref: 2018/A0072 (Planning Ref: LA03/2017/0644/F). A number of subsequent applications have been submitted. Two change of house type applications have been approved (Refs: LA03/2023/0072/F and LA03/2023/0301/F) with a further five current applications inclusive of this application currently pending (Refs: LA03/2023/0772/F, LA03/2023/0908/F, LA03/2023/0909/F and LA03/2023/0911/F). Collectively these applications together with the two previous approvals seeks permission for the totality of 164 residential units across the entire zoning.

Given the site location within the settlement of Ballyclare, Strategic Policy SP 4.1 of the ANPS indicates that a presumption in favour of the development of new homes will be applied, provided the proposal meets the requirements of Strategic Policy SP 4 and other relevant policies applicable to the development type. Policy DM 17 of the ANPS indicates that the Council will support proposals for quality and sustainable residential development in settlements, where they do not contribute to town cramming, and where a number of other additional criteria are met.

In addition to Strategic Policy SP 4, Strategic Policy SP 6.4 places the onus on the developer to demonstrate that they have considered the core principles of placemaking and that the proposed scheme will deliver a high-quality development. As this proposal is for more than ten (10) residential units, a Design and Access Statement is required. The ANPS sets out that this should incorporate a detailed site analysis; a Concept Plan and / or Masterplan; and a written statement outlining how the key design criteria set out in Policy DM 25 have been addressed by the design and layout of the scheme.

The requirement to provide a Design and Access Statement is also set out at criterion (g) of DM 17.7. A Design and Access Statement (Document 01, date stamp received 04 December 2023) was submitted as part of the application. This document describes the application site and surrounding area and provides details on the proposed development in the surrounding context.

In addition, KSR (a) of dBMAP also requires that a Concept Master Plan is submitted to and agreed with the Planning Authority to facilitate the comprehensive development of the site. The DAS falls short of providing an overall concept masterplan, notwithstanding this, the agent has provided an overall open space masterplan (Drawing No. 55, date stamp received 15 March 2024) which shows existing and proposed development on the entire zoned site with the exception of an area to the northeast of the wider zoned site. This area has not been incorporated into the open space provision and is not proposed for housing, however, under an associated current application for this part of the site, Ref: LA03/2023/0772/F) a separate plan was submitted indicating that this area would be developed for a small apartment block which could reasonably be developed without undermining the proposed housing layout. In addition, a phasing plan (Drawing No. 65, date stamp received 17 February 2025) has been submitted which indicates when the commencement and completion of each phase of open space will be carried out for the wider development. Given the level of development approved within the zoning together with the open space masterplan, the concept for the development of the entire lands within the zoning is accepted.

### **Affordable Housing and Lifetime Homes**

Paragraph 7.20 of Strategic Policy 4 (SP 4) in the ANPS states that Council wishes to encourage an affordable and diverse choice of housing that will meet the needs of an ageing and changing population, whilst also encouraging the development of balanced communities and helping to strengthen community cohesion. Paragraph 7.38 of Policy DM 17 in the ANPS, highlights that historically, difficulties have been experienced by social housing providers in securing the land necessary for affordable housing provision. In this regard, and to assist the delivery of affordable housing and promote mixed tenure development, the Council will require all housing proposals of 40 or more units to provide at least 10% of the total units as affordable housing as part of the overall scheme. This requirement is set out in DM 17.3.

The current definition of affordable housing is contained in planning policy, specifically the SPPS. The ANPS indicates the current definition of affordable housing, is the same as the definition used in the SPPS. This definition includes 'social rented housing, intermediate housing for sale, or intermediate housing for rent that is provided outside of the general market, for those whose needs are not met by the market'. Affordable housing which is funded by the Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new or affordable housing.

Whilst this application proposes only 14no. residential units, therefore falling below the threshold of 40 as set out in DM 17.3, this application is one of four concurrent applications within the wider zoned site. There is also a current application to the north and northeast of this site, which proposes the erection of 37no. residential units. When taken in combination with the other four applications (Refs: LA03/2023/0772/F, LA03/2023/0908/F, LA03/2023/0909/F and LA03/2023/0911/F), a total of 114 residential units are proposed (excluding the two previously approved applications), thereby 10% results in 12 units required for affordable housing. The applicant has indicated the provision of 12no. units across the five sites; and within this particular application site, two semi-detached dwellings are shown as indicated on Drawing No. 37A. The proposal provides an adequate level of affordable housing thereby fulfilling this element of the policy. As required by DM 17.4, the affordable housing element of the proposed development has been designed in such a way as to ensure it is not easily distinguishable by means of its general design, materials or finishes from the general housing element.

Consultation has been carried out with NIHE, and their response indicates support for the provision of affordable housing within this application site and across the wider zoned site. It is stated within Document 09 that the proposal will provide intermediate housing units for sale, and the NIHE has advised that it would support the provision of intermediate housing and that the developer should contact a registered housing provider for further advice.

Policy SP 1.15 of the ANPS indicates that where the necessary infrastructure or contributions can be secured satisfactorily by means of planning conditions this will be the preferred option. However, if this cannot be achieved then a Section 76 Planning Agreement may be used. To secure the provision of affordable housing required under this policy and given that the proposed affordable housing is spread across a number of different application sites, a Section 76 agreement is necessary. The developer has agreed to enter into a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011.

Policy DM 17 of the ANPS also requires any residential scheme over the threshold of 20 units to be designed to take account of 'Lifetime Homes' with a minimum of 20% of the units designed within the scope of this approach. This proposal is only for 14no. units, therefore falling below the threshold required to trigger the lifetime homes design approach. However, when considered in combination with the other four concurrent applications, 20% of the total units proposed requires a minimum of 23no. residential units to take account of the lifetime homes approach. Drawing Number 37A indicates the provision of one unit as lifetime homes within the confines of this particular site, which contributes to the required provision within the wider zoned site; and Drawing No. 47 shows the provision of the required 23no. units within the wider development.

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

Policy SP 4 of ANPS indicates that the Council will seek to ensure that new housing developments are designed in a sustainable fashion and to meet the evolving needs of residents over their lifetimes. Policy SP 4 also directs that the development of high-quality homes should adhere to the principles of placemaking and good design as required by Policy SP 6. The Strategic Planning Policy Statement (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.

Furthermore, the aim of Policy DM 17 is to promote the development of high quality, attractive and sustainable homes within settlements, which meet the present and future needs of all sections of the population within the Borough. DM 17.1 allows for the development of quality and sustainable residential schemes in settlements, where they do not contribute to town cramming, and can meet a number of criteria.

Criterion (a) of DM 17.1 requires the number of units proposed to respect the scale and size of the settlement. This proposal is for the erection of 14no. residential units on an application site measuring approximately 1.2ha and is located in Ballyclare. The application site is relatively small in comparison to the settlement size of Ballyclare, and it is therefore considered that the number of units in this proposal respects the scale and size of the settlement. It is considered that the proposal does not represent or contribute to town cramming.

The density of the proposed development is 11 units/ha. The density of existing residential areas within close proximity to the site varies, for example the density at Craighill Park to the north of the application site is 21 units/ha; whilst at Rashee Park on the Ballyeaston Road, the density is 30 units/ha. Ballycorr Heights, to the east of the application site has a density of 16 units/ha. Residential houses within these developments comprise of both detached and semi-detached two storey dwellings. The density of the proposal is slightly lower than the average density found in the surrounding developments, however, it is acknowledged that the adjacent quarry and the topography of the site has largely restricted the area of the site to be developed. Fundamentally the proposed density is not significantly higher than that found in the established residential area and the proposal does not represent town cramming.

Criterion (c) of DM 17.1 requires all new residential developments to provide a range of housing of different types and sizes, which are well integrated as part of the overall scheme whilst ensuring that the siting and design is appropriate to the location and does not conflict with the character of the area. In addition, criterion (a) of Policy DM 25 states that the proposal should make a positive contribution and relate well to the scale, density, massing, character, appearance and use of materials of the surrounding area whilst criteria (d) expands on this and requires that any proposal creates a sense of place by developing places with character, identity and local distinctiveness.

The proposed development takes the form of 14no. residential units, comprising of 6no. detached, and 8no. semi-detached dwellings. The proposal is for a change of house type to approved plot numbers 16 to 29 inclusive, which are now annotated as 16 to 30 on the proposed site layout plan, with plot 23 having been omitted. The overall design of the proposed units is generally similar, with a number of units having a single storey rear return and a front bay window. The proposed dwellings are arranged in an almost 'U' shape around the internal estate road, fronting onto this road and opposing the dwellings approved under a previous planning application Ref: LA03/2023/0301/F. Plots 16 and 17 occupy a prominent corner site within the development and the dwellings have been designed to address this with their orientation to the corner of the internal road and the provision of dual frontages to provide a suitable frontage to both sides of the internal road. External finishes are indicated as either smooth rendered or facing brick walls, black concrete interlocking roof tiles, uPVC windows, composite / timber doors and UPVC / PPC aluminium rainwater goods.

Two dwellings benefit from a detached garage (those on plots 22 and 24) and garden stores are provided for the other twelve dwellings. The garden store is single storey, measuring 3.9 metres to finished ground level, with a footprint of 8.7sqm, and external finishes of concrete interlocking roof tiles, select facing brick walls with raised plaster bands, uPVC door openings and uPVC rainwater goods. As these garden stores are positioned largely to the rear of each dwelling, they will not readily be viewed from the internal estate road, or any other public viewpoint. Overall, the design, size, scale and massing of these stores are considered acceptable, and this element of the scheme will not have a detrimental impact on the visual amenity of the site or surrounding area.

The proposal provides for housing of different sizes also, with a mix of three- and four-bedroom dwellings of varying sizes. This range of housing is well integrated as part of the overall scheme and it considered that the siting and design is appropriate to the location and does not conflict with the character of the wider residential development and the surrounding area.

The proposed development includes the erection of a number of different boundary treatments, including retaining walls, screen walls and fencing. Given the undulating nature of the application site, retaining walls are an inevitable consequence. The highest retaining wall is between 1 and 2 metres in height with a 1.8-metre-high fence shown along only part of the boundary of plot 30. The remainder of this boundary will be defined by a retaining wall of no more than 1 metre in height with fencing on top. The latter boundary treatment will also be erected along the rear boundaries of plots 29 and 30, where it is indicated that the retaining wall will be 0.9 metres in height, and to the rear of plots 27 and 28 and along the common boundaries between plots 24, 25 and 26. The rear boundaries of plots 16 and 17, and between plots 17 and 18 will also have the same retaining wall and fence erected.

A 2.5-metre-high acoustic fence is shown along the boundary of the site with the existing development at Elizabeth Gardens which was conditioned as part of the core permission. It is considered that the retaining walls are not excessive in height and it is accepted that they are a necessary element due to the topography of the application site. Their positioning, largely to the rear of dwellings, will not give rise to any detrimental impact on visual amenity.

The need to provide a local neighbourhood centre is set out in DM 17.7 at point (f), which states that adequate provision should be made for necessary local neighbourhood facilities, and these should be provided by the developer as an integral part of the development. The policy does not set a threshold in terms of the size of development, or the number of units proposed, which would trigger this requirement and it is considered that in applying this policy, the emphasis is placed on the provision of 'necessary' local neighbourhood facilities. The site is located within the settlement limit of Ballyclare and is close to a range of facilities that are currently provided within the town centre, with an ease of accessibility to these facilities. In addition, the Key Site Requirements for the entire zoning as set out in dBMAP did not require the provision of local neighbourhood facilities, and the PAC did not require such facilities when approving the previous scheme for 123 No. residential units. Consequently, it is considered that in this instance, the incorporation of local neighbourhood facilities is not required for this development.

DM 16.6, as well as criteria (f) of Policy DM 25, sets out that development proposals within settlements should include provision for new digital infrastructure. Document 10 (date stamp received 01 August 2025) states that the proposed development will incorporate robust telecommunications infrastructure designed to meet modern connectivity needs, in line with the Technical Building Manual (TBM) 2017. Each dwelling within the development will be equipped with a 20mm duct, installed in accordance with the specifications outlined in the TBM 2017. These ducts will provide individual network termination points, ensuring that every dwelling is future proofed for high-speed electronic communication networks.

Within Policy DM 25: Urban Design is a section referring to Landscape and Biodiversity. Under DM 25.1, criterion (l) sets out that development proposals should incorporate an appropriate hard and soft landscaping scheme, which includes proposals for the treatment and retention of existing trees and other landscape features. Additionally, DM 42: Trees and Development supports development that retains existing trees and introduces a net gain for trees lost. Drawing No. 35/2 shows the proposed hard and soft landscaping for this application site. Each dwelling is provided with an in-curtilage driveway, which will be finished in a porous surface, with a grassed area to the rear. A number of units will also have a small grass area to the front. New tree and hedge

planting is shown along the eastern boundary. It is also indicated on this drawing that existing trees will be retained on site and protected during construction. Document 08/2 is a Landscape Management Plan (date stamped received 17 February 2025) which outlines the strategy and approach for the future long-term management and maintenance of the areas of open space. Overall, the landscaping for the site is considered acceptable.

Criterion (n) of DM 25 requires development proposals in settlements to integrate sustainable energy measures. Document 15 (date stamped received 07 August 2025) indicates that each dwelling will be constructed to achieve a high level of air tightness, with high performance thermal insulation materials and a robust building fabric being used to minimise heat loss. Each dwelling will be equipped with modern, high efficiency condensing boilers that optimise fuel use, reduce energy waste, and lower greenhouse gas emissions, ensuring compliance with energy performance standards, whilst also being fitted with low energy LED light fittings throughout.

To conclude, the Council considers the size, scale, design, layout, and general appearance of the proposed development to be acceptable; and taking into account the layout previously approved on the site, it is considered that the scheme is high quality and will make a positive contribution to the wider residential development and the surrounding area. The proposal is found to be in accordance with Policies DM 17 and DM 25 of the ANPS.

### **Residential Amenity**

The SPPS indicates that the planning system has a role to play in minimising potential adverse impacts such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development with Policy DM 25 supporting this and requiring that there is no detrimental effect on the amenity or character of adjoining properties. Policy DM 28 of the ANPS sets out that the Council will only support development proposals where they will not result in an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties.

DM 28.2 refers to a number of issues which may result from the development including overlooking and/or loss of privacy, dominance or overshadowing, noise, vibration and other forms of disturbance and odour, fumes and other forms of environmental pollution. These issues will be a material consideration in the assessment of all proposals. In addition, Policy DM 50 indicates that the Council will only support development proposals with the potential to cause significant pollution in a number of areas including noise pollution where this has been addressed.

Furthermore, criterion (c) of DM 25.1 requires new development within settlements to be designed to be compatible with adjacent land uses and not have a detrimental effect on the amenity or character of any adjoining properties and the surrounding area. The application site is located within a larger residential development and is surrounded by residential uses. It is considered that the proposal is compatible with this adjacent land use.

'Creating Places' guidance advises that well-designed layouts should, wherever possible, seek to minimise overlooking between dwellings and provide adequate space for privacy, and recommends a separation distance on green field sites of around 20 metres, or greater, between opposing rear first floor windows of new houses. An enhanced

separation distance may also be necessary for development on sloping sites. This document further advises that layouts and dwellings should be planned to provide acceptable levels of daylight into interiors. The building spacing required for privacy will normally ensure a satisfactory level of daylight and an acceptable minimum amount of sunlight.

The orientation of the proposed semi-detached dwellings on plots 16 and 17 mirror that approved on sites 14 and 15, and given their angle and position on the site, they do not contribute to significant overlooking of these neighbouring properties as the windows are not directly opposing. There is a level difference ranging between approximately 4 metres to 5.7 metres between these plots / dwellings as illustrated by the section Ma-Ma provided on Drawing Number 04/3 date stamped 06 May 2025. Creating Places advises that an enhanced separation distance may be necessary for development on sloping sites to minimise overlooking. The separation distance of 25 metres, particularly given the windows are not directly opposing, is considered acceptable.

The dwellings located along the southwestern site boundary maintain a separation distance of over 20 metres with the dwellings located along Elizabeth Gardens, with the exception of plot 27. There is approximately 16 metres between the dwelling on plot 27 and the gable wall of the single storey rear return of the dwelling at Number 4 Cunningham Place. The position of the proposed dwelling is approximately 3 metres closer to the southwestern site boundary than the previously approved dwelling, however, the separation distance in this instance is acceptable as there are no opposing first floor rear windows. House Type BH4B which is the detached dwelling proposed on plot 27, has two narrow first floor bedroom windows on the rear elevation. The dwellings of Cunningham Place all have single storey rear returns which provide some screening from overlooking into the small rear yards of these dwellings are already open to public views from the rear car park. The landscape drawing (Drawing number 35/2 date stamped 17 February 2025) shows the planting of new trees and hedging along this common boundary. In addition, a 2.5m high acoustic boundary fence will be erected along this common boundary, which was approved under the core permission (Ref: LA03/2017/0644/F). Taking account of the separation distance, the current levels of overlooking to the existing dwelling and the proposed boundary treatment, it is considered that the proposal will not have an unacceptable level of overlooking.

The proposed dwellings on plots 28 and 29 only have one first floor window on the rear elevation which serves a bedroom and is of a modest size. There are no first-floor windows serving habitable rooms on the rear elevation of the approved dwelling, house type 'Trummary b', on site 34. In relation to application Ref: LA03/2023/0911/F, which is under consideration, the proposed dwelling on plot 34 is only 14 metres from the proposed dwelling on plot 29, however, the dwelling proposed on site 34 is a 1.5 storey dwelling with only windows serving bathrooms on both the ground and first floor of the opposing elevation and it benefits from a large sized garden. Therefore, the proposal is not considered to have an unacceptable detrimental impact on proposed plot 34. The windows on the side elevation of the semi-detached dwellings on plots 28 and 29 serve landing or bathrooms which are not habitable rooms, they do not directly oppose the gables of plots 27 or 30, and do not contribute to significant overlooking of neighbouring properties. Likewise, the gable windows of the proposed dwellings on plots 27 and 30 do not serve rooms which would contribute to significant overlooking. There are two first floor bedroom windows on the rear elevation of the dwelling on plot 30, however, there is separation distance of over 20 metres between this dwelling and the approved dwelling on plot 33 of Ref: LA03/2017/0644/F and approximately 22 metres between this dwelling

and the proposed dwelling on plot 33 of Ref: LA03/2023/0911/F. Additionally, in both instances, these properties do not directly oppose each other and the potential for overlooking is reduced.

There are no windows serving habitable rooms which would contribute to overlooking on the gable elevation of the dwelling on plot 30 which opposes the rear elevation of the dwelling approved on plot 30 under Ref: LA03/2023/0301/F. Overall, it is considered that the proposed development will not have a detrimental impact on the residential amenity of the proposed, previously approved dwellings and existing dwelling. The proposed development is therefore compliant with Policy DM 28 and DM 25.1 of the ANPS.

### **Public and Private Open Space**

Policy DM 17.7 of the ANPS expects residential development proposals of 25 units or more, or on sites of 1 hectare or more, to provide well designed, safe and accessible public open space as an integral part of the overall scheme. Criterion (a) sets out that for a residential development of between 25 and 100 units, the development shall provide a minimum of 10% of the total site area.

Individually, this application site occupies an area of approximately 1.2 ha and is shown to accommodate 14no. units. This phase of the residential development does not involve any public amenity space; however, landscape buffer planting was provided to the rear of dwellings as shown on approved Drawing Number B11/2 date stamped 5th July 2018 of application LA03/2017/0644/F. The landscape buffers are set within private gardens and are not accessible, useable forms of open space. Therefore, the proposed loss or reduction of the approved landscape buffers does not result in a loss of open space where DM 17.1 of the ANPS would apply. Aside from this, the landscaping proposals as set out in Drawing Number 35/2 date stamped 17 February 2025 are largely similar to that of approved Drawing Number B11/2 date stamped 5<sup>th</sup> July 2018 in that it includes 4 no. street trees and tree planting along the southwestern site boundary.

The application site forms part of a larger residential development and rather than assessing the provision of open space for this section alone, the level of open space must be taken as a whole for the entire development site. As noted previously, there are four current applications within the wider development site (Ref: LA03/2023/0772/F, LA03/2023/0908/F, LA03/2023/0909/F and LA03/2023/0911/F). Two previous applications within the wider development site have also been approved (Refs: LA03/2023/0072/F & LA03/2023/0301/F).

In total the number of residential units which could be constructed within the wider site masterplan is 164 residential units. Criterion (b) of DM 17.7 sets out that for a residential development of between 101 and 200 units a minimum of 15% of the total site area shall be provided as open space. In addition, for developments in excess of 100 units, an equipped children's play area needs to be provided.

Paragraph 7.42 refers to public open space as an intrinsic element of any housing development, not only for design quality but also for social and recreational purposes. Public open space can take the form of informal green amenity spaces, communal greenspaces, children's play spaces and sports pitches, as well as woodland or other natural or seminatural areas. According to the ANPS, public open space should be well located, easily accessible and designed to offer long-term benefits for the community, and all schemes will be required to bring forward suitable arrangements for the long-term

management of such areas. Criterion (i) of DM 25.1 seeks to ensure that any open space required is high quality, appropriate and well-integrated into the overall layout.

Two previous applications have already been approved within the wider site; Refs: LA03/2023/0072/F and LA03/2023/0301/F. The open space approved within these applications amounts to circa 0.351 ha. As part of this application, an overall open space masterplan (Drawing Number 55C date stamped 17 February 2024) and an open space delivery phasing diagram (Drawing Number 65 date stamped 17 February 2025) have been submitted. It is noted that the zoning (BE 04/02) site area amounts to 9.15ha and the total amount of open space being provided is 1.78ha, or 19.45% of the total site area. In addition, an equipped children's play area is provided within this phase of development, with a number of other areas of open space forming a series of pockets located throughout the wider development. The open space delivery phasing drawing sets out when each area of open space will be delivered, as per the table below.

<b>Open Space Area</b>	<b>Completion Trigger (No of units occupied)</b>
Area A (0.3 ha)	10 <sup>th</sup> dwelling
Area B (0.52 ha) & C (0.03 ha)	40 <sup>th</sup> dwelling
Area D (0.05 ha)	50 <sup>th</sup> dwelling
Area E (0.88 ha)	90 <sup>th</sup> dwelling
Playground in B	100 <sup>th</sup> dwelling

As set out within the table above, the children's play area which is located in open space Area B is to be delivered upon the occupation of the 100<sup>th</sup> dwelling. Details of the equipment is to be provided and agreed with the Council prior to the commencement of the 100<sup>th</sup> dwelling.

The public open space for the entire development site, is considered to be well located and is easily accessible. It is acknowledged that some of the alternative open space provision, particularly that set out within the associated application, Ref: LA03/2024/0772/F has a steep gradient with level differences in excess of 10 metres and is unusable in the traditional sense, however, open space can take many forms, including providing visual amenity benefits, and the provision of open space provided as a whole across the entire zoning is considered acceptable. The proposed areas of open space will contribute to the aesthetics of the overall scheme, and provide social, recreational and visual amenity benefits.

A Landscape Management Plan (Document 08/2, date stamp received 17 February 2025) has also been submitted and this outlines the strategy and approach for the future long-term management and maintenance of the areas of open space. As the wider housing development is formed by a patchwork of current and previously approved applications, it is considered necessary to use a Section 76 legal agreement to ensure that the areas of open space areas are delivered in a suitable manner and that sufficient open space is available for residents as the wider site develops. The use of a Section 76 legal agreement is considered as an appropriate means to ensure the delivery of the open space areas across the series of concurrent planning applications.

In terms of private amenity space, DM 17.9 sets out that the Council will take account of the guidance in relation to private open space provision for new residential development proposals as set out in the supplementary planning guidance document, Creating Places: Achieving Quality in Residential Developments. Guidance within this document states that the appropriate level of provision should be determined by having regard to

the particular context of the development and indicates that development of this nature requires an average of 70sqm of private amenity space.

In terms of private amenity space, an average of 110sqm is provided across the development and all proposed dwellings retain a garden depth of at least 10 metres (includes landscape buffer where necessary). Therefore, the private amenity provision for the proposed dwellings is acceptable.

Overall, it is considered that the public open space provision within the proposed site and for the wider development area is easily accessible and it offers social, recreational and long-term benefits for the community.

### **Crime and Personal Safety**

Criterion (k) of DM 25.1 of the ANPS states that the proposed residential development should be designed to reduce the fear of crime and anti-social behaviour through the creation of active frontages and ensures that buildings front onto streets.

All dwellings proposed under this application front onto the internal estate road and have adequate fenestration. It is considered that by positioning active frontages of dwellings onto the estate road the proposal is compliant with criterion (k) of DM 25.1.

### **Access and Parking**

Strategic Policy 3.10 of the ANPS sets out that the Council will seek to ensure that all new development provides safe access arrangements that will not significantly inhibit the free flow of traffic, and that sufficient car and cycle parking is provided. SP 3 is supported by Policy DM 10.

Policy DM 10 gives support to development proposals where it is demonstrated that there is the capacity on the road network to accommodate the type and amount of traffic likely to be generated where access arrangements do not prejudice road safety or significantly inconvenience the flow of people or goods and adequate provision is made for car and cycle parking and any necessary servicing arrangements. Criterion (j) of DM 25.1 also requires development proposals to incorporate adequate and appropriate provision for parking.

Access to the development site is taken directly from the Ballycorr Road as per the previous approval. The internal estate road network has changed slightly due to the amended layout, however, DfI Roads has been consulted and has raised no objection to the proposal in terms of road safety matters that the development may create.

Policy DM 10.2 of the ANPS, advises that the Council will continue to take account of the supplementary guidance set out in Development Control Advice Note (DCAN) 15: Vehicular Access Standards, Creating Places and Parking Standards. Using the parking space requirements set out in the relevant documents, it has been calculated that 38.25 (rounded up to 39) car parking spaces are required. The layout of the proposal makes provision for 28 in-curtilage parking spaces, with 11 on street parking spaces. The level of car parking being provided is considered acceptable.

The aim of Policy DM 12 Active Travel (Walking and Cycling) is to promote measures in the design and layout of developments that will support increased walking and cycling. The site has direct pedestrian access to public roads, and this allows a variety of alternative modes of transport to be utilised by future residents. The site is also in a highly

accessible location and is approximately 1km (c.10 minutes' walk) from Ballyclare Town Centre that contains a range of local retail outlets and services. In addition, the Ballyclare Bus Centre for Translink and Ulster bus is located off Mill Road to the south of Ballyclare, within 1 mile of the site. A number of bus services use the Ballycorr Road and various bus stops are located in close proximity to the site.

Given that the application site is located within the confines of the site granted planning permission by the PAC, (Ref: 2018/A0072) it is necessary to tie the previously required congestion alleviation measures to any further grant of planning permission on these lands in order to ensure that the ceiling of 50 dwelling units being occupied prior to the introduction of the congestion alleviation measures is not surpassed without these road works being provided and made operational.

Overall, the Council is satisfied with the parking and access arrangements, and the proposed development is in accordance with Policy DM 10 and Policy DM 12 of the ANPS.

### **Natural Heritage**

Strategic Policy 8: Natural Heritage (SPG8) seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features. Policy SP 8.3 requires appropriate weight to be afforded to the protection of designated sites, protected species and priority habitats and species together with other features of biodiversity and geological interest within the wider environment. Policy SP 8 is supported by Policies DM 37 – DM 39 and DM 42 of the ANPS. In addition, Policy DM 25 requires proposals to promote biodiversity.

Accompanying the application is an Ecological Addendum (Document 05, date stamp received 04 December 2023). This document is an update to the technical ecology reports that were submitted as a part of application ref: LA03/2017/0644/F on the wider development site.

As noted above, the lands associated with this development proposal have previously been granted planning permission by the PAC (Ref: 2018/A0072). It is noted that the presence of bats, a European protected species, has previously been recorded and this matter is reflected in the PAC's decision notice. Conditions 17-21 inclusive, refer to a range of requirements associated with the protection of bats, including the retention of trees, ecological enhancements and bat friendly lighting. It is considered necessary for these bat mitigation measures to be imposed on any further grant of planning permission on these lands in order to ensure protection of bats.

Criterion (m) of DM 25.1 states that development proposals should promote biodiversity by incorporating sites of wildlife interest and enhanced landscape measures such as the provision of bird boxes and nesting sites. Drawing 34/2 (date stamp received 17 February 2025) shows how the proposed development will promote biodiversity and includes indicative locations for bat and bird boxes across the site.

Policy DM 37 provides additional policy criteria for assessing developments which could impact upon designated sites. The application site is not situated within any nationally or internationally designated sites, and there is no hydrological linkage to any designated site, therefore, the proposed development will not have any impact in this regard.

Taking the above into consideration, it is considered that the proposal is unlikely to harm any protected species, and it is therefore compliant with the policies contained within SP 8 of the ANPS.

### **Archaeology and Built Heritage**

Strategic Policy 7 of the ANPS is entitled 'Historic Environment'. It states that the Council will work in partnership with DfC Historic Environment Division, heritage organisations and developers to protect, conserve and promote the enhancement of a number of heritage assets, including archaeological remains, and their settings. This Strategic Policy is supported by Policy DM 30: Archaeology.

A review of DAERA's Historic Environment Map Viewer reveals that the application site is not affected by any built heritage designations, however, is in close proximity to a souterrain (ANT 045:129) which is within the extent of the previous planning application site (Ref: LA03/2017/0644/F). Archaeological conditions were attached to this approval as part of PAC decision Ref: 2018/A0072, with condition 15 having since been partially discharged (Ref: LA03/2023/0780/DC). This matter has been covered through a recommended condition (Condition 8) requiring the implementation of the agreed Programme of Archaeological Works.

Consultation with the Historic Environment Division (HED) was carried out on this application. In their consultation response, which predates the adoption of the ANPS, HED has advised that it is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer funded programme of archaeological works, which would identify and record any archaeological remains in advance of new construction, or to provide for their preservation in-situ. HED has provided two conditions that should be included on any forthcoming decision notice.

As no objection to the proposed development has been raised by HED, it is considered that the proposal accords with the policy provisions of SP 7 and DM 30 of the ANPS.

### **Flood Risk and Drainage**

Strategic Policy 10: 'Environmental Resilience and Protection' of the ANPS seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. Policy DM 25 supports this and requires that all proposals should be designed to withstand predicted changes in local climate and to reduce the risk of flooding on site. In addition, Policy SP 10.3 requires the submission of a Drainage Assessment and promotes the use of Sustainable Urban Drainage Systems which is supported by Policies DM 25 and DM 47.

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200-year coastal floodplain. In this regard, Policy DM 46: 'The Control of Development in Flood Plains' is not applicable. The site does not affect existing flood defence, does not propose any culverting of watercourses nor is it located within an area which is at risk from reservoir inundation.

The main aim of Policy DM 47 is to reduce flood risk for new developments from surface water (pluvial) sources. New development proposals can often exacerbate the problems of pluvial flooding, by accelerating and increasing surface water run-off. The Council

recognises the potential harmful impacts of surface water flooding and through the ANPS, it will seek to promote a more sustainable approach to drainage and flood risk management.

A Drainage Assessment (DA) was submitted and reviewed under the core planning permission (LA03/2017/0644/F), with a second DA submitted as part of this application (Document 04, date stamp received 04 December 2023). DfI Rivers has reviewed this most recent DA has accepted its logic and has no objection to the proposal.

The DA demonstrates that the design and construction of a suitable drainage network is feasible. It indicates that the additional surface water run-off during a 1 in 100-year event, including an allowance for climate change (10%) and urban creep (10%), could be contained through the addition of an underground online attenuation system, which would then discharge at existing green field runoff rate and therefore there would be no exceedance flows during this event.

It is proposed to limit the discharge from the proposed storm network for the overall development, which has been agreed by DfI Rivers and NI Water via the A154 process, as 93.9l/s. This rate is achieved through use of a flow control device with approximately 1,624 cubic metres of storage provided within a geocellular storage tank and oversized drainage infrastructure. This geocellular tank and associated infrastructure were approved under a previous application (ref: LA03/2023/0072/F); these elements also form part of application Ref: LA03/2023/0909/F. DfI Rivers has responded to previously approved applications, Ref: LA03/2023/0072/F and LA03/2023/0909/F advising of no objection to this proposed drainage network. In addition, NIEA Water Management Unit has provided no objection to the drainage network through consultation under Ref: LA03/2023/0909/F.

The DA concludes that proposed drainage networks will successfully mitigate against the impacts of the new development on surface water flooding. This is based on the use of 'hard' Surface Water Drainage and Sustainable Drainage Systems (SuDS), and whilst the applicant has failed to consider the use of any 'soft' SuDS measures, e.g. green roofs; swales; soakaways; basins; ponds; wetlands; or rainwater recycling, DM 47.4 of the ANPS promotes the use of SuDS, both hard and soft, as the preferred means of treating surface water and managing flow rates for development proposals in locations where this is a feasible solution.

It is considered that as the DA indicates that the development will not lead to exceedance flows that the proposed drainage regime for the site is in accordance with the requirements of Policy DM 47.

DM 47.6 of the ANPS states that all SuDS schemes will need to be accompanied by an appropriate management plan (including arrangements for long-term maintenance). The applicant has not submitted this information during the processing of the application, however, such a document could be submitted prior to the commencement of development and covered by a negative condition on any forthcoming decision.

### **Land Contamination**

Policy DM 52 of the ANPS states that the Council will only support development proposals on potentially contaminated land, where it can be demonstrated, through a site investigation and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment. The Council's

Environmental Health Section did not raise any concerns regarding the potential for the site to have contaminated land and it was previously concluded within a Preliminary Risk Assessment for the wider site, Ref: LA03/2017/0644/F that there are no obvious sources of contamination present either on, or close to the site and therefore there are no significant human health and/or environmental pollutant linkages.

### CONCLUSION

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

- The principle of the development is considered acceptable;
- The size, scale, design, layout, and general appearance of the proposed development is acceptable, and the proposal will not have a detrimental impact on the character of the surrounding area;
- The proposal provides adequate provision for public and private amenity space;
- The proposal will not result in an unacceptable impact on neighbour amenity;
- There are no significant concerns relating to transport, traffic, parking and road safety matters;
- There are no significant concerns relating to natural heritage, archaeology or built heritage matters; and
- There is no significant flood risk associated with the site.

### RECOMMENDATION

**GRANT PLANNING PERMISSION SUBJECT TO SECTION 76 THE  
DETAIL OF WHICH IS DELEGATED TO OFFICERS**

### PROPOSED CONDITIONS

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

Reason: To comply with the requirements of Section 61 of the Planning Act (Northern Ireland) 2011.

2. No more than 50 residential units, within the lands edged red and blue on Drawing Number 01 date stamped 04 December 2023, shall be occupied until the traffic signals and road markings at the Rashee Road/Ballyeaston Road junction have been implemented in conformity with Drawings 01 to 09 inclusive date stamped 10 June 2020, approved by the Council under planning application LA03/2020/0413/DC.

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

3. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Number 28/4 date stamped 18 March 2025.

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. A detailed programme of works and any required / associated traffic management proposals shall be submitted to and agreed by the Council, prior to the commencement of any element of road works.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

5. No site works of any nature or development shall be carried out within the fenced area as shown on Drawing Number 01/2 of planning application LA03/2023/0805/DC. Any open space planting works as shown in Drawing Number 54B date stamped 17 February 2025 within the fenced area as shown on Drawing Number 01/2 of planning application LA03/2023/0805/DC, shall be undertaken by hand. No erection of huts or other structures, no storage of building materials, no dumping of spoil, topsoil or rubbish, no bonfires nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works, and development have been completed.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

6. The landscaping scheme, as indicated in Drawing Number 35/2 date stamped 17 February 2025 shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within the lifetime of the development of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

7. All existing planting indicated on Drawing Number 35/2 date stamped 17 February 2025 shall be allowed to grow and be permanently retained. No retained tree shown on Drawing Number 35/2 shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction recommendations.

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

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

Reason: In the interest of visual amenity and to ensure the continuity of the biodiversity value afforded by existing trees.

9. Except as otherwise agreed in the written scheme of works, no site works of any nature or development shall take place until the programme of archaeological work has been implemented in accordance with Document 01/1, date stamped 29<sup>th</sup> November 2023, Ref: LA03/2023/0720/DC. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Council to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

10. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 9. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

11. All mature trees and/or buildings which require works shall be surveyed for the presence of bats by an experienced bat worker or surveyor within 48 hours prior to removal, felling, lopping or demolition. All survey work should be carried out according to the Bat Conservation Trust Good Practice Guidelines. A report outlining the findings of the survey shall be submitted to the Council. If evidence of bat activity is discovered, all works shall cease immediately, and further advice sought from the Department of Agriculture, Environment and Rural Affairs.

Reason: In order to protect bats, a European Species, and to comply with the provisions of PPS 2.

12. The ecological enhancements detailed in Drawing Number 34/2 date stamped 17 February 2025 shall be installed within the curtilage of the specified dwellings prior to their occupation and thereafter maintained and retained in perpetuity.

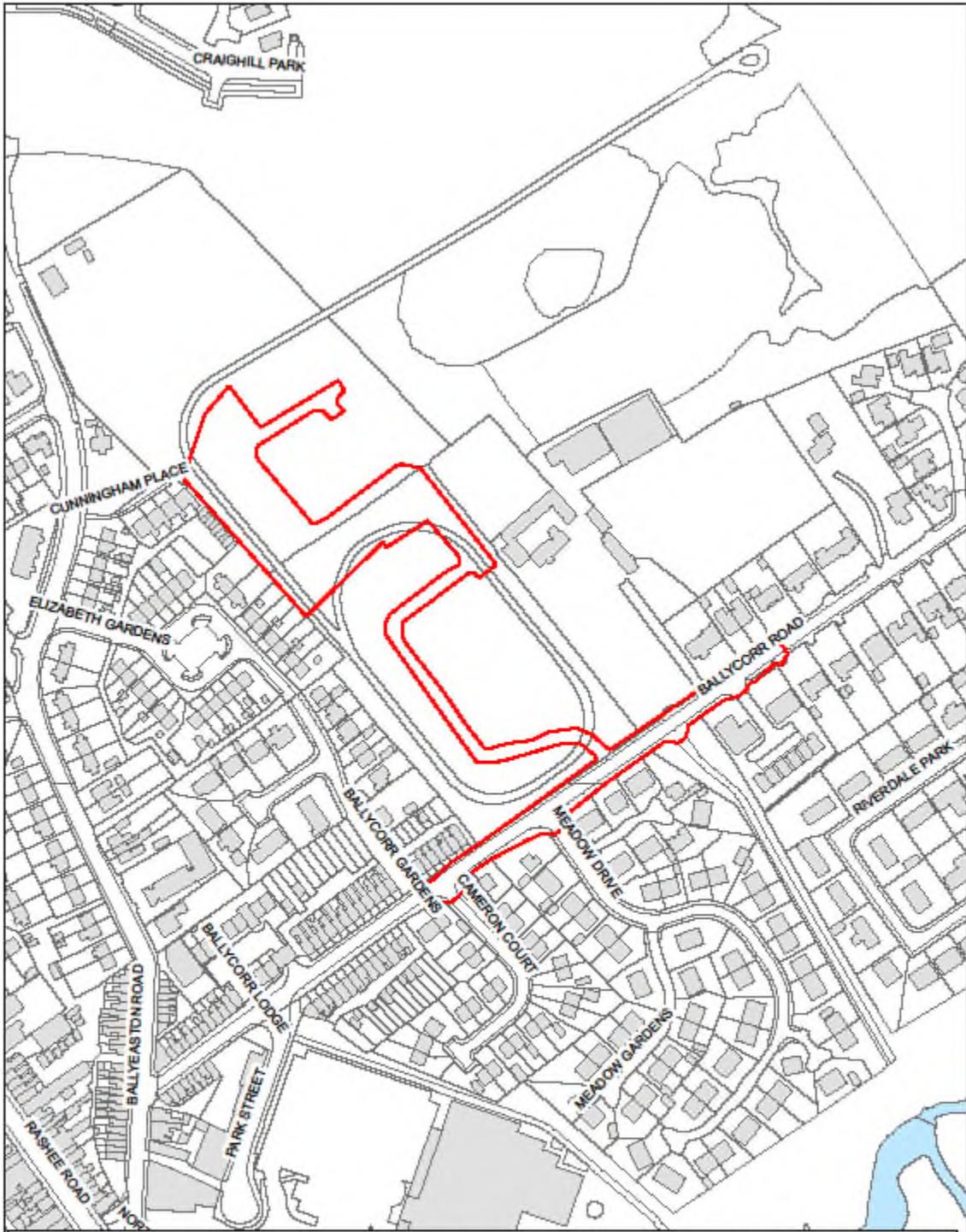
Reason: In order to protect bats, a European Species, and to comply with the provisions of PPS 2.

13. A SUDS management and maintenance plan, including long term management responsibilities and maintenance schedules shall be submitted to and approved by the Council prior to the commencement of the development.

Reason: To ensure there is an appropriate drainage system to reduce flood risk.

14. Prior to the occupation of each residential unit, a 2.5m high closed boarded acoustic fence of at least 20kg/m<sup>2</sup> density shall be erected along the site boundary as indicated by the green-dashed line on Drawing Number 02/2 date stamped received 17 February 2025. The fence shall be continuous and of solid construction with no gaps or holes. The acoustic barrier shall be maintained for the lifetime of the development.

Reason: In order to protect external amenity of the permitted development.



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**Site Location Plan**

1:2,500

Reference: LA03/2023/0910/F

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.7</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0911/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>PREVIOUS COMMITTEE DECISION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION SUBJECT TO SECTION 76 AGREEMENT</b>
<b>PROPOSAL</b>	Erection of 20no. dwellings (amendment to PAC approval ref: 2018/A0072) and all other associated site works
<b>SITE/LOCATION</b>	Lands approximately 25 metres east of No 92 Ballyeaston Road and approximately 10 metres north of No. 88 Ballyeaston Road, Ballyclare, BT39 9BS
<b>APPLICANT</b>	Blue Horizon (Ballycorr) Ltd.
<b>AGENT</b>	Tony Hamilton
<b>LAST SITE VISIT</b>	22 February 2024
<b>CASE OFFICER</b>	Sairead McCarthy 028 9034 0406 Sairead.mccarthy@antrimandnewtownabbey.gov.uk
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal</b></p> <p><a href="https://planningregister.planningsystemni.gov.uk/application/680267">https://planningregister.planningsystemni.gov.uk/application/680267</a></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the settlement limit of Ballyclare on an area zoned for housing (Zoning BE 04/02) as defined by the draft Belfast Metropolitan Area Plan (published 2004). The site forms part of a larger development site, approved by the Planning Appeals Commission (PAC), Ref: 2018/A0072, planning Ref: LA03/2017/0644/F).</p> <p>The site is located on the northeastern side of Ballyclare Town Centre, is approximately 1.1 hectares in size and comprises a portion of an open grassed field. The topography of the site rises in a northwesterly direction. The application site involves Phase 1 of the residential development as approved under PAC Ref: 2018/A0072.</p> <p>The southeastern site boundary predominantly is undefined and consists of the wider field however, a small part of the boundary abuts Cunningham Place, with a natural embankment, mature hedgerow and close boarded fencing intervening. The southwestern boundary abuts No's 88 and 92 Ballyeaston Road and includes part of the Ballyeaston Road where the access is proposed. If not forming part of the field, the northwestern and northeastern boundaries are defined by mature vegetation.</p> <p>An established residential area is located to the southwest of the site, which includes detached properties located on either side of the Ballyeaston Road. One of these dwellings is No. 92 Ballyeaston Road which is situated more northwest of the application site, and beyond which is a disused entrance to Craighill Quarry which is now largely overgrown with vegetation. Northeast of the site is the former Craighill Quarry and to the southeast is the larger area of field which is subject to PAC approval Ref: 2018/A0072. A portion of the field immediately southeast of the application site is subject to a current planning application, Ref: LA03/2023/0910/F for 14 dwellings and is under consideration.</p>	
<b>RELEVANT PLANNING HISTORY</b>	

Application Number: LA03/2017/0644/F

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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.

Decision: Appeal Allowed

Decision Date: 10 February 2020

Application Number: LA03/2020/0230/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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. (Discharge of conditions 9 & 21 from PAC approval 2018/A0072 (See LA03/2017/0644/F) regarding omission of retaining wall on site 14 & 15 and omission of dwelling and garage at site 48).

Decision: Condition Discharged

Decision Date: 05 May 2020

Planning Reference: LA03/2020/0240/F

Location: Lands 30 metres northeast of no. 92 Ballyeaston Road, Ballyclare

Proposal: Erection of 1 no. single detached dwelling with garage

Decision: Permission Granted

Decision Date: 02.06.2020

Application Number: LA03/2020/0251/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Discharge of Condition 1 (Private Streets) of PAC approval 2018/A0072 (see LA03/2017/0644/F) for: 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 and secondary access from Ballyeaston Road, 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.

Decision: Condition Discharged

Decision Date: 19 June 2020

Application Number: LA03/2020/0413/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Residential development of 124 no dwellings (Discharge of condition 2 from LA03/2017/0644/F - PAC approval 2018/A0072 regarding submission of detailed scheme for the traffic signals and road markings at Rashee Road/Ballyeaston Road junction)

Decision: Condition Discharged

Decision Date: 30 September 2020

Planning Reference: LA03/2020/0644/F

Location: Lands 30m southeast of 92 Ballyeaston Road Ballyclare

Proposal: Proposed erection of 5 no. dwellings (Boundary changes for sites 43 - 47 including change of house types to sites 45 and 46 as previously approved under LA03/2017/0644/F via PAC 2018/A0072), including relocation of access from Ballyeaston Road, garages and all other associated works.

Decision: Permission Granted

Decision Date: 20.09.2021

Application Number: LA03/2022/0367/F

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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 (Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F - No dwelling shall be occupied until either a main sewerage connection is agreed with NI Water or the development is served by a package sewage treatment plant site; The package plant shall be decommissioned and the development connected to a public sewer within six months of the planning authority notifying the appellant that the waste water treatment plant has been upgraded)

Decision: Permission Granted

Decision Date: 31 August 2022

Application Number: LA03/2022/0773/NMC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Non material change to LA03/2017/0644/F (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 and secondary access from Ballyeaston Road, 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.) Alterations to approved barn conversion (to apartment drawings). The proposed change is to demolish the existing walls rebuild/replace them as opposed to retaining the existing walls and altering them.

Decision: Consent Refused

Decision Date: 27 September 2022

Planning Reference: LA03/2023/0072/F

Location: Land to the rear of no.s 3-13 Ballycorr Gardens, Ballyclare

Proposal: Erection of 29no. dwellings (change of house type to sites 1-12a, 109-110 and 115-123 previously approved under PAC ref: 2018/A0072), garden stores and all other associated site works

Decision: Permission Granted

Decision Date: 19.03.2024

Planning Reference: LA03/2023/0301/F

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

Proposal: Erection of 21 no. dwellings (change of house type to sites 30-32, 41,42, 54-59, 63-68 & 70-74 previously approved under PAC ref: 2018/A0072), garages, changes to the road layout and all other associated site works

Decision: Permission Granted

Decision Date: 13.03.2024

Application Number: LA03/2023/0661/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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 (Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F - No dwelling shall be occupied until either a main sewerage connection is agreed with NI Water or the development is served by a package sewage treatment plant site; The package plant shall be decommissioned and the development connected to a public sewer within six months of the planning authority notifying the appellant that the waste water treatment plant has been upgraded) (Discharge of Condition 16 of Planning Approval LA03/2022/0367/F regarding the submission of a detailed lighting plan.)

Decision: Condition Discharged

Decision Date: 13 December 2023

Application Number: LA03/2023/0720/DC

Location: Lands to the north of 93 – 103 Ballycorr Road, Ballyclare

Proposal: Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F (124 dwellings) (Discharge of Condition 11 from approval LA03/2022/0367/F regarding submission of archaeological programme of works)

Decision: Condition Partially Discharged

Decision Date: 20 December 2023

Application Number: LA03/2023/0772/F

Location: Lands to the East of no.92 Ballyeaston Road, Ballyclare, and to the Northeast of nos.13-27 Elizabeth Gardens, Ballyclare BT39 9BT

Proposal: Proposed residential development comprising 37no. dwellings, garages, landscaping, open space and all associated site works

Decision: Current application

Application Number: LA03/2023/0805/DC

Location: Land to the north of 93 to 103 Ballycorr Road, northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road, Ballyclare

Proposal: Residential housing development of 124 no. homes. (Discharge of Condition 12 from planning approval LA03/2022/0367/F regarding erection of fence around identified souterrain)

Decision: Condition Partially Discharged

Decision Date: 1 March 2024

Application Number: LA03/2023/0806/DC

Location: Land to the north of 93 to 103 Ballycorr Road, northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road, Ballyclare

Proposal: Residential housing development of 124 no. homes (Discharge of condition 13 of planning approval LA03/2022/0367/F Regarding the submission of a landscape plan).

Decision: Condition Discharged

Decision Date: 23 January 2024

Planning Reference: LA03/2025/0094/DC

Location: Land to the north of 93 to 103 Ballycorr Road northeast of 13 to 27 Elizabeth Gardens and southeast of 92 Ballyeaston Road Ballyclare

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 and secondary access from Ballyeaston Road, 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 (Removal of Conditions 10 & 11 from planning approval LA03/2017/0644/F - No dwelling shall be occupied until either a main sewerage connection is agreed with NI Water or the development is served by a package sewage treatment plant site; The package plant shall be decommissioned and the development connected to a public sewer within six months of the planning authority notifying the appellant that the waste water treatment plant has been upgraded) (Discharge of Condition 11 of planning approval LA03/2022/0367/F regarding Archaeological reports.)

Decision: Condition not discharged

Decision date: 05 June 2025

Planning Reference: LA03/2024/0925/F

Location: Lands within the southwest portion of the former Craighill quarry, east of Ballyeaston Road and south of Craighill Park, Ballyclare

Proposal: Social housing development comprising 45 no. residential units with associated access, car parking, landscaping and ancillary works

Decision: Current application

Planning Reference: LA03/2023/0772/F

Location: Lands to the East of No. 92 Ballyeaston Road, Ballyclare and 135m to the Northeast of no.s 13-27 Elizabeth Gardens, Ballyclare, BT39 9BT

Proposal: Proposed residential development comprising 33no. dwellings and 4 no. apartments, garages, landscaping, open space and all associated site works.

Decision: Current application

Planning Reference: LA03/2023/0910/F

Location: Lands adjoining the rear boundaries of No. 4 Cunningham Place and nos. 13 - 27 Elizabeth Gardens (odd nos.) and approx. 20 metres northeast of 4 Cunningham Place, Ballycorr, Ballyclare, BT39 9BT

Proposal: Erection of 15no. dwellings (change of house type to sites 16-29 previously approved under PAC reference 2018/A0072) and all other associated site works

Decision: Current application

Planning Reference: LA03/2023/0909/F

Location: Lands approximately 25m northwest of and adjoining the rear boundaries of Nos 93-103 (odd nos) Ballycorr Road, Ballyclare, BT39 9DE

Proposal: Erection of 17no. dwellings (amendment to PAC approval ref: 2018/A0072), geocellular tank and all other associated site works  
Decision: Current application

Planning Reference: LA03/2023/0908/F

Location: Lands 100m northwest of no. 93-103 (odd nos.) Ballycorr Road, Ballyclare, BT39 9DE

Proposal: Erection of 26no. dwellings (amendment to PAC approval reference 2018/A0072), electricity substation, open space, play area and all other associated site works.

Decision: Current application

Planning Reference: LA03/2024/0845/NMC

Location: Lands to the rear of no.s 3 - 13 Ballycorr Gardens Ballyclare.

Proposal: Non-material change to LA03/2023/0072/F (Erection of 29no. dwellings [change of house type to site nos.1-12a, 109-110 and 115-123 previously approved under PAC reference 2018/A0072 / Planning reference LA03/2017/0644/F], garden stores and all other associated site works). Handing of site no.7 to put sunroom and front door to the driveway side of the property.

Decision: Refusal

Decision Date: 13 March 2025

#### **PLANNING POLICY AND GUIDANCE**

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

The Antrim and Newtownabbey Local Development Plan (ANLDP) will comprise of two parts; Part 1 is the Plan Strategy which contains strategic and operational policies and was adopted on 3<sup>rd</sup> July 2025. Part 2 is the Local Policies Plan which will identify the boundaries of settlement limits, local designations and zonings which has not yet been published. As such the settlement limits, local designations and zonings of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) remain applicable. Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the provisions of the draft Belfast Metropolitan Area Plan.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located inside the development limits of Ballyclare on unzoned land.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the development limits of Ballyclare within an area zoned for housing (Zoning BE 04/02). The zoning incorporates a series of Key Site Requirements.

- a) A Concept Statement to facilitate the comprehensive development of the site shall be submitted to and agreed with the Department;
- b) Housing development shall be a minimum gross density of 16 dwellings per hectare and a maximum gross density of 25 dwellings per hectare;
- c) Access shall be from Ballycorr Road;

- d) A comprehensive Transport Assessment (TA), agreed with Roads Service, DRD, shall be required, to analyse the overall impact of the proposed housing developments at Zonings BE 04/02, BE 04/03 and BE 04/04, and to identify any necessary improvements to the road / network / public transport / transportation facilities in the area. In addition to the need for a TA, and the requirements identified therein, the proposed Ballyclare Relief Road shall be provided and funded in whole through developer contributions;
- e) An Article 40 Agreement, approved by the Department, shall be required to ensure that the necessary local facilities and public infrastructure, including the road improvements, are provided;
- f) Housing layout shall be designed to ensure dwellings front onto Ballycorr Road;
- g) A 3 metres wide landscape buffer of trees and hedges of native species shall be provided along the southeastern boundary of the site, to provide screening for the development;
- h) All existing trees, shrubs and hedgerows within the site and on the boundaries shall be retained unless the Department determines that such vegetation is not of a quality to merit retention or is required to be removed to facilitate a safe means of access to the site;
- i) Development shall be excluded from the northeastern section of the site which is included within Craig Hill Quarry SLNCI (Ref.BE 16/01), as identified on Map No. 3c-SLNCI;
- j) A full flora and fauna survey of the site shall be carried out to inform proposals outlined in the Concept Statement; and
- k) Retaining structures shall not be included. In exceptional circumstances, where retaining structures are necessary, they shall not exceed 1.5 metres in height.

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

Antrim and Newtownabbey Plan Strategy 2015-2030: sets out the relevant planning policies for assessing planning applications and other planning consents. The relevant strategic and operational policies for the assessment of the current proposal are listed below.

**Strategic Policy 1 – Sustainable Development (SP 1)**: sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable contained in the Strategic Planning Policy Statement (SPPS).

**Strategic Policy 3 – Transportation and Infrastructure (SP 3)**: aims to encourage the continued development and growth of high-quality transportation, communications and utilities infrastructure in a timely and co-ordinated fashion to meet the current and future

needs of our Borough and support sustainable development in accordance with the Council's Spatial Growth Strategy. SP3 is supported by Policies:

- Policy DM 10 Access and Parking
- Policy DM 12 Active Travel (Walking and Cycling)
- Policy DM 16 Telecommunication Facilities and Digital Services

**Strategic Policy 4 - Homes (SP 4):** sets out that the Council's aims of achieving quality in new residential development both within urban settlements and the countryside. SP4 is supported by Policy:

- Policy DM 17 Homes in Settlements

**Strategic Policy 6 - Placemaking and Good Design (SP6):** sets out that positive placemaking and good design are key components in the delivery of high quality, attractive and sustainable places within our Borough. SP6 is supported by Policies:

- Policy DM 25 Urban Design
- Policy DM 28 Amenity Impact

**Strategic Policy 7 - Historic Environment (SPG7):** Indicates that careful management and ongoing investment in our historic environment will help to create unique, attractive and welcoming places to live, work and relax in and contribute significantly to our Borough's sense of place. SP 7 is supported by Policy:

- Policy DM 30 Archaeology

**Strategic Policy 8 - Natural Heritage (SPG8):** seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features. SP 8 is supported by the following Policies:

- Policy DM 38 Protected Species;
- Policy DM 39 Habitats, Species & Features of Natural Heritage Importance;
- Policy DM 40 Landscape Protection; and
- Policy DM 42 Trees and Development

**Strategic Policy 10 - Environmental Resilience and Protection (SPG10):** seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. SPG10 is supported by Policy:

- Policy DM 47 Surface Water Drainage & Sustainable Drainage Systems
- Policy DM 50 Pollution

## CONSULTATION

**Environmental Health:** No objection subject to condition

**NI Water** – No objection subject to condition

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

**Dfl Rivers** – No objection

**DAERA – Natural Environment Division (NED)** – No objection subject to condition

**DAERA – Water Management Unit (WMU)** – No objection

**Historic Environment Division (HED)** – No objection subject to condition

**Northern Ireland Housing Executive:** No objection

## **REPRESENTATION**

Eight (8) neighbouring properties were notified of the application, and no letters of representation have been received.

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

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

- Preliminary Matters
- Policy Context and Principle of Development
- Affordable Housing and Lifetime Homes
- Design, Layout and Appearance and Impact on Character of the Area
- Residential Amenity
- Public and Private Amenity Space
- Access and Parking
- Crime and Personal Safety
- Natural Heritage
- Archaeology and Built Heritage
- Flood Risk and Drainage
- Land Contamination

### **Preliminary Matters**

#### Environmental Impact Assessment

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

### **Policy Context and Principle of development**

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The Antrim and Newtownabbey Plan Strategy (ANPS) sets out the relevant planning policies for the determination of planning applications in the Borough. However, until such times as the Local Policies Plan (LPP) identifies the boundaries of settlement limits, local designations and zonings, the provisions of the current legacy plans, both adopted and in draft form will continue to apply.

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for Ballyclare, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. Up until the publication of draft BMAP (dBMAP) in 2004 and its adoption in 2014, the draft

Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions within Ballyclare.

However, the Newtownabbey Area Plan was never formally adopted and therefore following the Court of Appeal decision in May 2017 there is currently no adopted plan for Ballyclare. In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in determining all proposals in Ballyclare, including the current application.

In the interim period there have been a number of decisions taken by the Planning Appeals Commission that indicate, whilst the emerging policy provisions of BMAP remain material considerations in the determination of planning applications, reliance cannot be placed on specific policies of the draft Plan to refuse development proposals. However, given the unique position of Ballyclare, that it is not covered by an extant and adopted plan, and given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for the town and should therefore be afforded greater weight than dNAP in the decision-making process.

In line with the transitional arrangements set out in the SPPS, dBMAP and the ANPS must be read together. Any conflict between the policies in the Plans must be resolved in favour of the ANPS.

The relevant development plans identify the application site as being within the settlement limit of Ballyclare. However, whilst the site was not specifically zoned in dNAP and was simply identified as white land, it forms part of a site zoned for housing in dBMAP (BE 04/02) which was subject to a range of Key Site Requirements (KSRs). A total of 11 KSRs formed part of the BE 04/02 zoning, however, the PAC dBMAP public enquiry removed 6 of these KSRs. In addition, PAC decision 2020/A0048 also indicated that the KSRs relating to the need for a Transport Assessment could be dealt with through the development management process, thereby the zoning is subject to 4 relevant KSRs which are addressed throughout the report.

The lands associated with this development proposal form part of a larger site in which full planning permission for 124 dwellings was granted at appeal on 10 February 2020 under reference 2018/A0072 (Planning Reference LA03/2017/0644/F). A number of subsequent applications have been submitted. Two change of house type applications have been approved (Refs: LA03/2023/0072/F and LA03/2023/0301/F) with a further five current applications inclusive of this application currently pending (Refs: LA03/2023/0772/F, LA03/2023/0908/F, LA03/2023/0909/F and LA03/2023/0910/F). Collectively these applications together with the two previous approvals seeks permission for a total of 164 residential units across the entire zoning.

Given the sites location within the settlement limits of Ballyclare, Strategic Policy SP 4.1 of the ANPS indicates that a presumption in favour of the development of new homes will be applied, provided the proposal meets the requirements of Strategic Policy SP 4 and other relevant policies applicable to the development type. Policy DM 17 of the ANPS indicates that the Council will support proposals for quality and sustainable residential development in settlements, where they do not contribute to town cramming, and where a number of other additional criteria are met.

In addition to Strategic Policy SP 4, Strategic Policy SP 6.4 places the onus on the developer to demonstrate that they have considered the core principles of placemaking and that the proposed scheme will deliver a high-quality development. As this proposal is for more than ten (10) residential units, a Design and Access Statement is required. The ANPS sets out that this should incorporate a detailed site analysis; a Concept Plan and/or Masterplan; and a written statement outlining how the key design criteria set out in Policy DM 25 have been addressed by the design and layout of the scheme.

The requirement to provide a Design and Access Statement is also set out at criterion (g) of DM 17.7. A Design and Access Statement (Document 05, date stamp received 04 December 2023) was submitted as part of the application. This document describes the application site and provides details on the proposed development in the context of the surrounding area.

In addition, KSR (a) of dBMAP also requires that a Concept Master Plan is submitted to and agreed with the Planning Authority to facilitate the comprehensive development of the site. The DAS falls short of providing an overall concept masterplan, notwithstanding this, the agent has provided an overall open space masterplan (Drawing No. 55, date stamp received 15 March 2024) which shows existing and proposed development on the entire zoned site with the exception of an area to the northeast of the wider zoned site. This area has not been incorporated into the open space provision and is not proposed for housing, however, under an associated current application for this part of the site, Ref: LA03/2023/0772/F a separate plan was submitted indicating that this area would be developed for a small apartment block which could reasonably be developed without undermining the proposed housing layout. In addition, a phasing plan (Drawing No. 65, date stamp received 17 February 2025) has been submitted which indicates when the commencement and completion of each phase of open space will be carried out for the wider development. Given the level of development approved within the zoning together with the open space masterplan, the concept for the development of the entire lands within the zoning is accepted.

### **Affordable Housing and Lifetime Homes**

Paragraph 7.20 of Strategic Policy 4 (SP 4) in the ANPS states that Council wishes to encourage an affordable and diverse choice of housing that will meet the needs of an ageing and changing population, whilst also encouraging the development of balanced communities and helping to strengthen community cohesion. Paragraph 7.38 of Policy DM 17 in the ANPS, highlights that historically, difficulties have been experienced by social housing providers in securing the land necessary for affordable housing provision. In this regard, and to assist the delivery of affordable housing and promote mixed tenure development, the Council will require all housing proposals of 40 or more units to provide at least 10% of the total units as affordable housing as part of the overall scheme. This requirement is set out in DM 17.3.

The current definition of affordable housing is contained in planning policy, specifically the SPPS. The ANPS indicates the current definition of affordable housing, is the same as the definition used in the SPPS. This definition includes 'social rented housing, intermediate housing for sale, or intermediate housing for rent that is provided outside of the general market, for those whose needs are not met by the market'. Affordable housing which is funded by the Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new or affordable housing.

Whilst this application proposes only 20no. residential units, therefore falling below the threshold of 40 as set out in DM 17.3, it is one of four concurrent applications within the wider zoned site. There is also a current application to the north and northeast of this site, which proposes the erection of 37no. residential units. When taken in combination with the other four applications (Ref's: LA03/2023/0772/F, LA03/2023/0908/F, LA03/2023/0909/F and LA03/2023/0910/F), a total of 114 residential units are proposed (excluding the two previously approved applications), thereby 10% results in 12 units required for affordable housing. The applicant has indicated the provision of 12no. units across the five sites; and within this particular application site, 4no. semi-detached dwellings are shown as indicated on Drawing No. 56A. The proposal provides an adequate level of affordable housing thereby fulfilling this element of the policy. As required by DM 17.4, the affordable housing element of the proposed development has been designed in such a way as to ensure it is not easily distinguishable by means of its general design, materials or finishes from the general housing element.

Consultation has been carried out with NIHE, and their response indicates support for the provision of affordable housing within this application site and across the wider zoned site. It is stated within Document 09 that the proposal will provide intermediate housing units for sale, and NIHE has advised that it would support the provision of intermediate housing, and that the developer should contact a registered housing provider for further advice.

Policy SP 1.15 of the ANPS indicates that where the necessary infrastructure or contributions can be secured satisfactorily by means of planning conditions this will be the preferred option. However, if this cannot be achieved then a Section 76 Planning Agreement may be used. To secure the provision of affordable housing required under this policy and given that the proposed affordable housing is spread across a number of different application sites, a Section 76 agreement is necessary. The developer has agreed to enter into a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011.

Policy DM 17 of the ANPS also requires any residential scheme over the threshold of 20 units to be designed to take account of 'Lifetime Homes' with a minimum of 20% of the units designed within the scope of this approach. This proposal is only for 20no. units, therefore not exceeding the threshold required to trigger the lifetime homes design approach. However, when considered in combination with the other four concurrent applications, 20% of the total units proposed requires a minimum of 23no. residential units to take account of the lifetime homes approach. Drawing Number 56A indicates the provision of 4no. units as lifetime homes within the confines of this particular site, which contribute to the required provision within the wider zoned site; and Drawing No. 68 shows the provision of the required 23no. units within the wider development.

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

Policy SP 4 of ANPS indicates that the Council will seek to ensure that new housing developments are designed in a sustainable fashion and to meet the evolving needs of residents over their lifetimes. Policy SP 4 also directs that the development of high-quality homes should adhere to the principles of placemaking and good design as required by Policy SP 6. The Strategic Planning Policy Statement (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.

Furthermore, the aim of Policy DM 17 is to promote the development of high quality, attractive and sustainable homes within settlements, which meet the present and future needs of all sections of the population within the Borough. DM 17.1 allows for the development of quality and sustainable residential schemes in settlements, where they do not contribute to town cramming, and can meet a number of criteria.

Criterion (a) of DM 17.1 requires the number of units proposed to respect the scale and size of the settlement with higher density development being considered favourably at accessible locations within towns. DM 17.6 relates to established residential areas, in which the application site is located and requires that the density is not significantly higher than that found with the established residential area and that the pattern of development is in keeping with the overall character and environmental quality of the established residential area. In addition, Policy DM 25 supports this approach requiring proposals to relate well to the density of the surrounding area.

The density of the proposed development is 18 units/ha. The density of existing residential areas within close proximity to the site varies, for example the density at Craighill Park to the north of the application site is 21 units/ha; whilst at Rashee Park on the Ballyeaston Road, the density is 30 units/ha. Ballycorr Heights, to the east of the application site has a density of 16 units/ha. Residential houses within these developments comprise of both detached and semi-detached two storey dwellings. The density of the proposal is slightly lower than the average density found in the surrounding developments, however, it is acknowledged that the adjacent quarry and the topography of the site has largely restricted the area of the site to be developed. Fundamentally the proposed density is not significantly higher than that found in the established residential area and the proposal does not represent town cramming.

Criterion (c) of DM 17.1 requires all new residential developments to provide a range of housing of different types and sizes, which are well integrated as part of the overall scheme whilst ensuring that the siting and design is appropriate to the location and does not conflict with the character of the area. In addition, criterion (a) of Policy DM 25 states that the proposal should make a positive contribution and relate well to the scale, density, massing, character, appearance and use of materials of the surrounding area whilst criteria (d) expands on this and requires that any proposal creates a sense of place by developing places with character, identity and local distinctiveness.

The proposed development takes the form of 20no. residential units, comprising of 8no. detached, and 12no. semi-detached dwellings. Proposed plots 32 – 40 and 43 – 47 are located in the southern section of the application site and are arranged in a square shape; with plots 32 – 34 on one side of the estate road, and plots 35 – 40 on other side. The latter plots also back onto proposed plots 43 – 47, with these plots then fronting on to a different section of the internal estate road. Plots 48 – 53 are positioned to the north of the application site and follow the curve of the estate road.

The proposed dwellings on plots 34 and 48 are 1.5 storey, while all other proposed dwellings are two storeys, some with single or two storey rear returns and most having a front bay window or a two-storey front projection. External finishes are indicated as either smooth rendered or facing brick walls, black concrete interlocking roof tiles, uPVC windows, composite / timber doors and UPVC / PPC aluminium rainwater goods.

The proposed dwellings have garden stores to their rear with the exception of those on plots 36 and 37 that have a garage. The garden store is single storey, measuring 3.9 metres to finished ground level, with a footprint of 8.7sqm, and external finishes of concrete interlocking roof tiles, select facing brick walls with raised plaster bands, uPVC door openings and uPVC rainwater goods. The proposed garage for plots 36 and 37 is a single storey, twin garage, that measures approximately 4.8 metres to finished ground level and has external finishes of black concrete interlocking roof tiles, black hardwood timber soffits and barge boards, select facing brick or render, with white uPVC openings and black aluminium/uPVC rainwater goods. As these garden stores are positioned largely to the rear of each dwelling, they will not readily be viewed from the internal estate road and will not have a detrimental impact on the visual amenity of the site or surrounding area.

The proposal provides for housing of different sizes also, with a mix of three- and four-bedroom semi-detached and detached dwellings of varying sizes. This range of housing is well integrated as part of the overall scheme, and it is considered that the siting and design is appropriate to the location and does not conflict with the character of the wider residential development and the surrounding area.

The proposed development includes the erection of a number of different boundary treatments, including retaining walls, screen walls and fencing. Given the undulating nature of the application site, retaining walls are an inevitable consequence, however, the highest retaining wall is 1.2 metres; this wall, with a 1.8-metre-high fence is shown along the rear boundary of plot 32. A retaining wall ranging in height between 0.6 metres and 1 metre in height, with a 1.8-metre-high fence on top, will define most of the rear boundaries of the proposed plots. Drawing 02/2, which indicates the different boundary treatments, also shows the erection of a 2.5-metre-high acoustic fence along the outer northern and southern boundaries of the site. This fence was conditioned as part of the core permission. It is considered that these retaining walls are not excessive in height and it is accepted that they are a necessary element due to the topography of the application site. Their positioning, largely to the rear of dwellings, will not give rise to any detrimental impact on visual amenity.

The need to provide a local neighbourhood centre is set out in DM 17.7 at point (f), which states that adequate provision should be made for necessary local neighbourhood facilities, and these should be provided by the developer as an integral part of the development. The policy does not set a threshold in terms of the size of development, or the number of units proposed, which would trigger this requirement and it is considered that in applying this policy, the emphasis is placed on the provision of 'necessary' local neighbourhood facilities. The site is located within the settlement limit of Ballyclare and is close to a range of facilities that are currently provided within the town centre, with an ease of accessibility to these facilities. In addition, the Key Site Requirements for the entire zoning as set out in dBMAP did not require the provision of local neighbourhood facilities, and the PAC did not require such facilities when approving the previous scheme for 123 No. residential units. Consequently, it is considered that in this instance, the incorporation of local neighbourhood facilities is not required for this development.

DM 16.6, as well as criteria (f) of Policy DM 25, sets out that development proposals within settlements should include provision for new digital infrastructure. Document 10 (date stamp received 01 August 2025) states that the proposed development will incorporate robust telecommunications infrastructure designed to meet modern connectivity needs, in line with the Technical Building Manual (TBM) 2017. Each dwelling within the

development will be equipped with a 20mm duct, installed in accordance with the specifications outlined in the TBM 2017. These ducts will provide individual network termination points, ensuring that every dwelling is future proofed for high-speed electronic communication networks.

Within Policy DM 25: Urban Design is a section referring to Landscape and Biodiversity. Under DM 25.1, criterion (l) sets out that development proposals should incorporate an appropriate hard and soft landscaping scheme, which includes proposals for the treatment and retention of existing trees and other landscape features. Drawing No. 52/2 shows the proposed hard and soft landscaping for this application site. Each dwelling is provided with an in-curtilage driveway, which will be finished in a porous surface, with a small, grassed area to the front and a private, rear grassed garden. New tree planting is shown to the front of a number of plots and along the boundary of the area of open space to the west of the application site. Document 07/1 is a Landscape Management Plan (date stamped received 17 February 2025) outlines the strategy and approach for the future long-term management and maintenance of the areas of open space. Overall, the landscaping for the site is considered acceptable.

Criterion (n) of DM 25 requires development proposals in settlements to integrate sustainable energy measures. Document 12 (date stamp received 07 August 2025) indicates that each dwelling will be constructed to achieve a high level of air tightness, with high-performance thermal insulation materials and a robust building fabric being used to minimise heat loss. Each dwelling will be equipped with modern, high-efficiency condensing boilers that optimise fuel use, reduce energy waste, and lower greenhouse gas emissions, ensuring compliance with energy performance standards, whilst also being fitted with low-energy LED light fittings throughout.

### **Residential Amenity**

The SPPS indicates that the planning system has a role to play in minimising potential adverse impacts such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development with Policy DM 25 supporting this and requiring that there is no detrimental effect on the amenity or character of adjoining properties. Policy DM 28 of the ANPS sets out that the Council will only support development proposals where they will not result in an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties.

DM 28.2 refers to a number of issues which may result from the development including overlooking and/or loss of privacy, dominance or overshadowing, noise, vibration and other forms of disturbance and odour, fumes and other forms of environmental pollution. These issues will be a material consideration in the assessment of all proposals. In addition, Policy DM 50 indicates that the Council will only support development proposals with the potential to cause significant pollution in a number of areas including noise pollution where this has been addressed.

Furthermore, criterion (c) of DM 25.1 requires new development within settlements to be designed to be compatible with adjacent land uses and not have a detrimental effect on the amenity or character of any adjoining properties and the surrounding area. The application site is located within a larger residential development and is surrounded by residential uses. It is considered that the proposal is compatible with this adjacent land use.

'Creating Places' guidance advises that well-designed layouts should, wherever possible, seek to minimise overlooking between dwellings and provide adequate space for privacy, and recommends a separation distance on green field sites of around 20 metres, or greater, between opposing rear first floor windows of new houses. An enhanced separation distance may also be necessary for development on sloping sites. This document further advises that layouts and dwellings should be planned to provide acceptable levels of daylight into interiors. The building spacing required for privacy will normally ensure a satisfactory level of daylight and an acceptable minimum amount of sunlight.

Whilst a disused quarry currently sits to the north of the site, planning permission has been granted for the erection of 39no. dwellings by the PAC (Ref: 2025/A0033, application Ref: LA03/2022/0813/F). There is also a current non-determination appeal proposal (planning Ref: LA03/2024/0925/F, appeal Ref: 2025/A0033) for the erection of 45no. social housing on this same site. Proposed plots 48 to 50 back onto the approved dwellings on plots 16 to 21, with the dwelling on proposed plot 53 having a rear elevation to side elevation relationship with the dwelling on approved plot 22. The proposed finished floor levels of the dwellings on plots 48 to 50 are between 99 and 99.40, whilst the approved finished floor levels of the dwellings on plots 16 to 21 are higher, ranging between 101.425 and 104.475. It is considered that as the proposed dwellings are sitting at a lower level than the approved dwellings, the proposal will not give rise to any unacceptable amenity impacts by way of overlooking, or dominance. In addition, the proposed plots have adequate rear garden depths of over 10 metres to the rear boundary, inclusive of the landscaped buffers. The landscaped buffers benefit from tree planting as shown on Drawing Number 52/2 date stamped 17 February 2025. The proposed dwelling on plot 48 remains similar to that permitted under Ref: LA03/2020/0240/F, at 1.5 storey with no dormers on the southwestern elevation. There is a separation distance of approximately 25 metres between it and the bungalow located at No. 92 Ballyeaston Road, therefore it is considered that there is no significant impact on the residential amenity of this neighbouring dwelling.

Dwellings approved on plots 28 - 31 of planning Ref: LA03/2017/0644/F about the dwellings proposed on plots 32, 33 and 34. There is also a current planning application for the lands to the southeast of the application site with plots 28 - 31 currently under consideration (Ref: LA03/2023/0910/F). The proposed dwelling located on site 34 is a 1.5 storey dwelling which has a roof dormer window on the rear elevation which serves a bathroom and therefore there is no significant impact on the amenity of the approved dwelling on site 28 of Ref: LA03/2017/0644/F or the proposed dwellings on plots 28 and 29 of Ref: LA03/2023/0910/F. There are no first-floor windows serving habitable rooms located on the rear elevation of proposed dwellings 32 or 33 to overlook development to the southeast.

Overall, it is considered that the proposed development will not have a detrimental impact on the residential amenity of proposed and previously approved dwellings. The proposed development is therefore compliant with Policies DM 28 and DM 25.1 of the ANPS.

### **Public and Private Open Space**

Policy DM 17.7 of the ANPS expects residential development proposals of 25 units or more, or on sites of 1 hectare or more, to provide well designed, safe and accessible

public open space as an integral part of the overall scheme. Criterion (a) sets out that for a residential development of between 25 and 100 units, the development shall provide a minimum of 10% of the total site area.

Individually, this application site occupies an area of approximately 1.11 ha and is shown to accommodate 20no. units. The previously approved layout for this section of the overall development site, showed a small area of open space to the front of the access road serving plot numbers 45, 46 and 47. Due to the rearrangement of the layout of the development previously approved, the amount of open space provided within this section of the scheme under this proposal has increased in size and now measures approximately 0.05 ha. This is considered a betterment to the overall development. The proposal retains landscaped buffers along the northern and southern boundaries of the application site and between the proposed back-to-back dwellings.

The application site forms part of a larger residential development and rather than assessing the provision of open space for this section alone, the level of open space must be taken as a whole for the entire development site. As noted previously, there are four current applications within the wider development site (Ref: LA03/2023/0772/F, LA03/2023/0908/F, LA03/2023/0909/F and LA03/2023/0910/F). Two previous applications within the wider development site have also been approved (Refs: LA03/2023/0072/F & LA03/2023/0301/F).

In total the number of residential units which could be constructed within the wider site masterplan is 164 residential units. Criterion (b) of DM 17.7 sets out that for a residential development of between 101 and 200 units a minimum of 15% of the total site area shall be provided as open space. In addition, for developments in excess of 100 units, an equipped children's play area needs to be provided.

Paragraph 7.42 refers to public open space as an intrinsic element of any housing development, not only for design quality but also for social and recreational purposes. Public open space can take the form of informal green amenity spaces, communal greenspaces, children's play spaces and sports pitches, as well as woodland or other natural or seminatural areas. According to the ANPS, public open space should be well located, easily accessible and designed to offer long-term benefits for the community, and all schemes will be required to bring forward suitable arrangements for the long-term management of such areas. Criterion (i) of DM 25.1 seeks to ensure that any open space required is high quality, appropriate and well integrated into the overall layout.

Two previous applications have already been approved within the wider site; Refs: LA03/2023/0072/F and LA03/2023/0301/F. The open space approved within these applications amounts to circa 0.351 ha. As part of this application, an overall open space masterplan (Drawing Number 55C date stamped 17 February 2024) and an open space delivery phasing diagram (Drawing Number 65 date stamped 17 February 2025) have been submitted. It is noted that the zoning (BE 04/02) site area amounts to 9.15ha and the total amount of open space being provided is 1.78ha, or 19.45% of the total site area. In addition, an equipped children's play area is provided within this phase of development, with a number of other areas of open space forming a series of pockets located throughout the wider development. The open space delivery phasing drawing sets out when each area of open space will be delivered, as per the table below.

<b>Open Space Area</b>	<b>Completion Trigger (No of units occupied)</b>
Area A (0.3 ha)	10 <sup>th</sup> dwelling

Area B (0.52 ha) & C (0.03 ha)	40 <sup>th</sup> dwelling
Area D (0.05 ha)	50 <sup>th</sup> dwelling
Area E (0.88 ha)	90 <sup>th</sup> dwelling
Playground in B	100 <sup>th</sup> dwelling

As set out within the table above the children's play area which is located in open space Area B is to be delivered upon the occupation of the 100th dwelling. Details of the equipment is to be provided and agreed with the Council prior to the commencement of the 100th dwelling.

The public open space forming part of this application and that being provided for the entire development site, is considered to be well located and is easily accessible. It is acknowledged that some of the alternative open space provision, particularly that set out within the associated application, Ref: LA03/2024/0772/F has a steep gradient with level differences in excess of 10 metres and is unusable in the traditional sense, however, open space can take many forms, including providing visual amenity benefits, and the provision of open space provided as a whole across the entire zoning is considered acceptable. The proposed areas of open space will contribute to the aesthetics of the overall scheme, and provide social, recreational and visual amenity benefits.

A Landscape Management Plan (Document 07/1, date stamp received 17 February 2025) has also been submitted, and this outlines the strategy and approach for the future long-term management and maintenance of the areas of open space. As the wider housing development is formed by a patchwork of current and previously approved applications, it is considered necessary to use a Section 76 legal agreement to ensure that the areas of open space areas are delivered in a suitable manner and that sufficient open space is available for residents as the wider site develops. The use of a Section 76 legal agreement is considered as an appropriate means to ensure the delivery of the open space areas across the series of concurrent planning applications.

In terms of private amenity space, DM 17.9 sets out that the Council will take account of the guidance in relation to private open space provision for new residential development proposals as set out in the supplementary planning guidance document, Creating Places: Achieving Quality in Residential Developments. Guidance within this document states that the appropriate level of provision should on average be 70sqm.

Overall, it is considered that the public open space provision within the proposed site and for the wider development area is easily accessible and it offers social, recreational and long-term benefits for the community.

### **Crime and Personal Safety**

Criterion (k) of DM 25.1 of the ANPS states that the proposed residential development should be designed to reduce the fear of crime and anti-social behaviour through the creation of active frontages and ensures that buildings front onto streets.

All dwellings proposed under this application front onto the internal estate road and have adequate fenestration. It is considered that by positioning active frontages of dwellings onto the estate road the proposal is compliant with criterion (k) of DM 25.1.

### **Access and Parking**

Strategic Policy 3.10 of the ANPS sets out that the Council will seek to ensure that all new development provides safe access arrangements that will not significantly inhibit the free

flow of traffic, and that sufficient car and cycle parking is provided. SP 3 is supported by Policy DM 10.

Policy DM 10 gives support to development proposals where it is demonstrated that there is the capacity on the road network to accommodate the type and amount of traffic likely to be generated where access arrangements do not prejudice road safety or significantly inconvenience the flow of people or goods and adequate provision is made for car and cycle parking and any necessary servicing arrangements. Criterion (j) of DM 25.1 also requires development proposals to incorporate adequate and appropriate provision for parking.

Access to the development site is taken directly from the Ballycorr Road as per the previous approval. The internal estate road network has changed slightly due to the amended layout, however, DfI Roads has been consulted and has raised no objection to the proposal in terms of road safety matters that the development may create.

Policy DM 10.2 of the ANPS, advises that the Council will continue to take account of the supplementary guidance set out in Development Control Advice Note (DCAN) 15: Vehicular Access Standards, Creating Places and Parking Standards. Using the parking space requirements set out in the relevant documents, it has been calculated that 54.4 (rounded up to 55) car parking spaces are required. The layout of the proposal makes provision for 40 in-curtilage parking spaces, with 16 on street parking spaces. The level of car parking provision is considered acceptable.

The aim of Policy DM 12 Active Travel (Walking and Cycling) is to promote measures in the design and layout of developments that will support increased walking and cycling. The site has direct pedestrian access to public roads, and this allows a variety of alternative modes of transport to be utilised by future residents. The site is also in a highly accessible location and is approximately 1km (c.10 minutes' walk) from Ballyclare Town Centre that contains a range of local retail outlets and services. In addition, the Ballyclare Bus Centre for Translink and Ulster bus is located off Mill Road to the south of Ballyclare, within 1 mile of the site. A number of bus services use the Ballycorr Road and various bus stops are located in close proximity to the site.

Given that the application site is located within the confines of the site granted planning permission by the PAC, (Ref: 2018/A0072) it is necessary to tie the previously required congestion alleviation measures to any further grant of planning permission on these lands in order to ensure that the ceiling of 50 dwelling units being occupied prior to the introduction of the congestion alleviation measures is not surpassed without these road works being provided and made operational.

Overall, the Council is satisfied with the parking and access arrangements, and the proposed development is in accordance with Policy DM 10 and Policy DM 12 of the ANPS.

### **Natural Heritage**

Strategic Policy 8: Natural Heritage (SPG8) seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features. Policy SP 8.3 requires appropriate weight to be afforded to the protection of designated sites, protected species and priority habitats and species together with other features of biodiversity and geological interest within the wider environment. Policy SP 8 is supported

by Policies DM 37 – DM 39 and DM 42 of the ANPS. In addition, Policy DM 25 requires proposals to promote biodiversity.

Accompanying the application is an Ecological Addendum (Document 04, date stamped 05 December 2023). This document is an update to the technical ecology reports that were submitted as a part of application Ref: LA03/2017/0644/F on the wider development site.

As noted above, the lands associated with this development proposal have previously been granted planning permission by the PAC (Ref: 2018/A0072). It is noted that the presence of bats, a European protected species, has previously been recorded and this matter is reflected in the PAC's decision notice. Conditions 17-21 inclusive, refer to a range of requirements associated with the protection of bats, including the retention of trees, ecological enhancements and bat friendly lighting. It is considered necessary for these bat mitigation measures to be imposed on any further grant of planning permission on these lands in order to ensure protection of bats.

Criterion (m) of DM 25.1 states that development proposals should promote biodiversity by incorporating sites of wildlife interest and enhanced landscape measures such as the provision of bird boxes and nesting sites. Drawing No. 04/2 (date stamped 17 February 2025) shows how the proposed development will promote biodiversity and includes indicative locations for bat and bird boxes across the site.

Policy DM 37 provides additional policy criteria for assessing developments which could impact upon designated sites. The application site is not situated within any nationally or internationally designated sites and there is no hydrological linkage to any designated site, therefore, the proposed development will not have any impact in this regard. Taking the above into consideration, it is considered that the proposal is unlikely to harm any protected species, and it is therefore compliant with the policies contained within SP 8 of the ANPS.

### **Archaeology and Built Heritage**

Strategic Policy 7 of the ANPS is entitled 'Historic Environment'. It states that the Council will work in partnership with DfC Historic Environment Division, heritage organisations and developers to protect, conserve and promote the enhancement of a number of heritage assets, including archaeological remains, and their settings. This Strategic Policy is supported by Policy DM 30: Archaeology.

A review of DAERA's Historic Environment Map Viewer reveals that the application site is not affected by any built heritage designations, however, is in close proximity to a souterrain (ANT 045:129) which is within the extent of the previous planning application site (Ref: LA03/2017/0644/F). Archaeological conditions were attached to this approval as part of PAC decision Ref: 2018/A0072, with condition 15 having since been partially discharged (Ref: LA03/2023/0780/DC). This matter has been covered through a recommended condition (Condition 8) requiring the implementation of the agreed Programme of Archaeological Works.

Consultation with the Historic Environment Division (HED) was carried out on this application. In their consultation response, which predates the adoption of the ANPS, HED has advised that it is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer funded programme of archaeological works, which would identify and record any

archaeological remains in advance of new construction, or to provide for their preservation in-situ. HED has provided two conditions that should be included on any forthcoming decision notice.

As no objection to the proposed development has been raised by HED, it is considered that the proposal accords with the policy provisions of SP 7 and DM 30 of the ANPS.

### **Flood Risk and Drainage**

Strategic Policy 10: 'Environmental Resilience and Protection' of the ANPS seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. Policy DM 25 supports this and requires that all proposals should be designed to withstand predicted changes in local climate and to reduce the risk of flooding on site. In addition, Policy SP 10.3 requires the submission of a Drainage Assessment and promotes the use of Sustainable Urban Drainage Systems which is supported by Policies DM 25 and DM 47.

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200-year coastal floodplain. In this regard, Policy DM 46: 'The Control of Development in Flood Plains' is not applicable. The site does not affect existing flood defence, does not propose any culverting of watercourses nor is it located within an area which is at risk from reservoir inundation.

The main aim of Policy DM 47 is to reduce flood risk for new developments from surface water (pluvial) sources. New development proposals can often exacerbate the problems of pluvial flooding, by accelerating and increasing surface water run-off. The Council recognises the potential harmful impacts of surface water flooding and through the ANPS, it will seek to promote a more sustainable approach to drainage and flood risk management.

A Drainage Assessment (DA) was submitted and reviewed under the core planning permission (LA03/2017/0644/F), with a second Drainage Assessment submitted as part of this application (Document 03, date stamped 05 December 2023). DfI Rivers has reviewed this most recent DA has accepted its logic and make no objection to the proposal.

The DA demonstrates that the design and construction of a suitable drainage network is feasible. It indicates that the additional surface water run-off during a 1 in 100-year event, including an allowance for climate change (10%) and urban creep (10%), could be contained through the addition of an underground online attenuation system, which would then discharge at existing green field runoff rate and therefore there would be no exceedance flows during this event.

It is proposed to limit the discharge from the proposed storm network for the overall development, which has been agreed by DfI Rivers and NI Water via the A154 process, as 93.9l/s. This rate is achieved through use of a flow control device with approximately 1,624 cubic metres of storage provided within a geocellular storage tank and oversized drainage infrastructure. This geocellular tank and associated infrastructure were approved under a previous application (ref: LA03/2023/0072/F); these elements also form part of application Ref: LA03/2023/0909/F. DfI Rivers has responded to both LA03/2023/0072/F and LA03/2023/0909/F advising that they have no objections to this

proposed drainage network. In addition, NIEA Water Management Unit has provided no objection to the drainage network through consultation under Ref: LA03/2023/0909/F.

The DA concludes that proposed drainage networks will successfully mitigate against the impacts of the new development on surface water flooding. This is based on the use of 'hard' Surface Water Drainage and Sustainable Drainage Systems (SuDS), and whilst the applicant has failed to consider the use of any 'soft' SuDS measures, e.g. green roofs; swales; soakaways; basins; ponds; wetlands; or rainwater recycling, DM 47.4 of the ANPS promotes the use of SuDS, both hard and soft, as the preferred means of treating surface water and managing flow rates for development proposals in locations where this is a feasible solution.

It is considered that as the DA indicates that the development will not lead to exceedance flows that the proposed drainage regime for the site is in accordance with the requirements of Policy DM 47.

DM 47.6 of the ANPS states that all SuDS schemes will need to be accompanied by an appropriate management plan (including arrangements for long-term maintenance). The applicant has not submitted this information during the processing of the application, however, such a document could be submitted prior to the commencement of development and covered by a negative condition on any forthcoming decision.

#### **Land Contamination**

Policy DM 52 of the ANPS states that the Council will only support development proposals on potentially contaminated land, where it can be demonstrated, through a site investigation and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment. The Council's Environmental Health Section did not raise any concerns regarding the potential for the site to have contaminated land and it was previously concluded within a Preliminary Risk Assessment for the wider site, Ref: LA03/2017/0644/F that there are no obvious sources of contamination present either on, or close to the site and therefore there are no significant human health and/or environmental pollutant linkages.

#### **CONCLUSION**

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

- The principle of the development is considered acceptable.
- The size, scale, design, layout, and general appearance of the proposed development is acceptable, and the proposal will not have a detrimental impact on the character of the surrounding area.
- The proposal provides adequate provision for public and private amenity space.
- The proposal will not result in an unacceptable impact on neighbour amenity.
- There are no significant concerns relating to transport, traffic, parking and road safety matters.
- There are no significant concerns relating to natural heritage, archaeology or built heritage matters; and
- There is no significant flood risk associated with the site.

RECOMMENDATION	GRANT PLANNING PERMISSION SUBJECT TO SECTION 76 THE DETAIL OF WHICH IS DELEGATED TO OFFICERS
<b>PROPOSED CONDITIONS</b>	
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. No more than 50 residential units, within the lands edged red and blue on Drawing Number 01 date stamped 05 December 2024, shall be occupied until the traffic signals and road markings at the Rashee Road/Ballyeaston Road junction have been implemented in conformity with Drawings 01 to 09 inclusive date stamped 10 June 2020, approved by the Council under planning application LA03/2020/0413/DC.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>3. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Number 46D date stamped 18 March 2025.</p> <p>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.</p> <p>4. A detailed programme of works and any required / associated traffic management proposals shall be submitted to and agreed by the Council, prior to the commencement of any element of road works.</p> <p>Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.</p> <p>5. The landscaping scheme, as indicated in Drawing Number 52/2 date stamped 17 February 2025 shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within the lifetime of the development of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.</p> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>6. All existing planting indicated on Drawing Number 52/2 date stamped 17 February 2025 shall be allowed to grow and be permanently retained. If any retained tree is removed, uprooted, destroyed or dies within the lifetime of the development it shall be replaced within the next planting season by another tree or trees in the same location of a similar size and species as specified by the Council.</p>	

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

7. No site works of any nature or development shall be carried out within the fenced area as shown on Drawing Number 01/2 of application LA03/2023/0805/DC. Any open space planting works as shown in Drawing Number 54B date stamped 17 February 2025 within the fenced area as shown on Drawing Number 01/2 of application LA03/2023/0805/DC, shall be undertaken by hand. No erection of huts or other structures, no storage of building materials, no dumping of spoil, topsoil or rubbish, no bonfires nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works, and development have been completed.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

8. Except as otherwise agreed in the written scheme of works, no site works of any nature or development shall take place until the programme of archaeological work has been implemented in accordance with Document 01/1, date stamped 29<sup>th</sup> November 2023, Ref: LA03/2023/0720/DC. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Council to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

9. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 8. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

10. All mature trees and/or buildings which require works shall be surveyed for the presence of bats by an experienced bat worker or surveyor within 48 hours prior to removal, felling, lopping or demolition. All survey work should be carried out according to the Bat Conservation Trust Good Practice Guidelines. A report outlining the findings of the survey shall be submitted to the Council. If evidence of bat activity is discovered, all works shall cease immediately, and further advice sought from the Department of Agriculture, Environment and Rural Affairs.

Reason: In order to protect bats, a European Species, and to comply with the provisions of PPS 2.

11. The ecological enhancements detailed in Drawing Number 04/2 date stamped 17 February 2025 shall be installed within the curtilage of the specified dwellings prior to their occupation and thereafter maintained and retained in perpetuity.

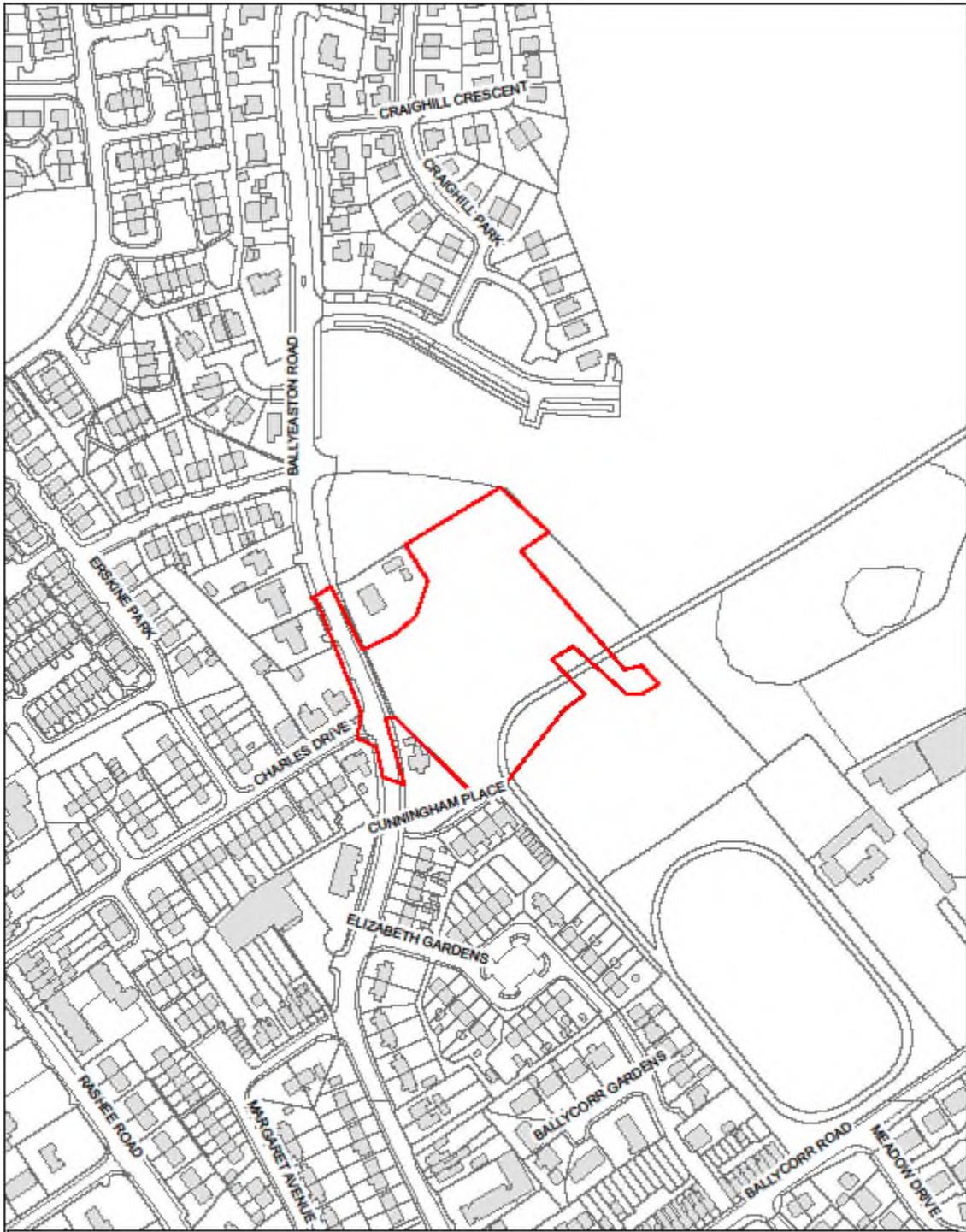
Reason: In order to protect bats, a European Species, and to comply with the provisions of PPS 2.

12. A SUDS management and maintenance plan, including long term management responsibilities and maintenance schedules shall be submitted to and approved by the Council prior to the commencement of the development.

Reason: To ensure there is an appropriate drainage system to reduce flood risk.

13. Prior to the occupation of each residential unit, a 2.5m high closed boarded acoustic fence of at least 20kg/m<sup>2</sup> density shall be erected along the site boundary as indicated by the green-dashed line on Drawing Number 05/2 date stamped received 17 February 2025. The fence shall be continuous and of solid construction with no gaps or holes. The acoustic barrier shall be maintained for the lifetime of the development.

Reason: In order to protect external amenity of the permitted development.



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### Site Location Plan

1:2,500

Reference: LA03/2023/0911/F

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.8</b>
<b>APPLICATION NO</b>	<b>LA03/2025/0271/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>	Dwelling and garage
<b>SITE/LOCATION</b>	Site 20m East of No. 41 Cherry Hill Road, Muckamore, Antrim, BT41 2HT
<b>APPLICANT</b>	Tommy Don
<b>AGENT</b>	Azman Khairuddin
<b>LAST SITE VISIT</b>	21st May 2025
<b>CASE OFFICER</b>	Eleanor McCann Tel: 028 90340422 Email: <a href="mailto:Eleanor.mccann@antrimandnewtownabbey.gov.uk">Eleanor.mccann@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 <https://planningregister.planningsystemni.gov.uk/application/698668>**

#### **SITE DESCRIPTION**

The application site is located approximately 20m east of No. 41 Cherry Hill Road, which is within the countryside and outside the development limits of any settlement as defined within the Antrim Area Plan 1984-2001.

The application site abuts the Cherry Hill Road to the north and there are a number of farm buildings which abut the site to the east. The northern roadside boundary is defined by a brick wall approximately 1m in height, brick pillars and a metal gate approximately 1.5m in height. The eastern boundary is partially defined by farm buildings approximately 3.5m in height and is partially undefined. The southern boundary is defined by mature hedgerow approximately 1.5m in height and the western boundary is undefined. The topography of the site slopes southwards from the Cherry Hill Road by approximately 3m and rises by approximately 1m to the west.

The surrounding area is open countryside with dwellings and agricultural buildings spaced intermittently.

#### **RELEVANT PLANNING HISTORY**

Planning Application: LA03/2015/0207/F  
Location: 41 Cherryhill Road, Donegore, Antrim, BT41 2HT  
Proposal: Proposed replacement dwelling  
Decision: Permission Granted (10/08/2015)

Planning Application: LA03/2018/1137/F  
Location: 41 Cherryhill Road, Donegore, Antrim, BT41 2HT  
Proposal: Replacement of existing two storey dwelling and existing agricultural outbuildings with new dwelling and garage.  
Decision: Permission Granted (08/03/2019)

Planning Application: LA03/2019/0001/F  
Location: 41 Cherryhill Road, Donegore, Antrim, BT41 2HT

Proposal: Conversion of and extension to outbuildings to form private dwelling  
Decision: Permission Granted (18/04/2019)

Planning Application: LA03/2022/0131/F

Location: 41 Cherry Hill Road, Donegore, Antrim BT41 2HT

Proposal: Replacement dwelling and garage (with additional out-building, change in access point and increase in site curtilage from that previously approved under LA03/20218/1137/O)

Decision: Permission Granted (29/04/2022)

## **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.

The Antrim and Newtownabbey Local Development Plan (ANLDP) will comprise of two parts; Part 1 is the Plan Strategy which contains strategic and operational policies and was adopted on 3rd July 2025. Part 2 is the Local Policies Plan which will identify the boundaries of settlement limits, local designations and zonings which has not yet been published. As such the settlement limits, local designations and zonings of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) remain applicable. Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the provisions of the draft Belfast Metropolitan Area Plan.

Antrim Area Plan 1984 – 2001: The application site is located within the open countryside as identified within the 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.

Antrim and Newtownabbey Plan Strategy 2015-2030 (ANPS): sets out the relevant planning policies for assessing planning applications and advertisement consents. The relevant strategic and operational policies for the assessment of the current proposal are listed below.

**Strategic Policy 1 – Sustainable Development (SP 1)**: sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Strategic Planning Policy Statement (SPPS).

**Strategic Policy 3 – Transportation and Infrastructure (SP 3)**: aims to encourage the continued development and growth of high-quality transportation, communications and utilities infrastructure in a timely and co-ordinated fashion to meet the current and future needs of our Borough and support sustainable development in accordance with the Council's Spatial Growth Strategy. SP3 is supported by Policies:

- Policy DM10 – Access and Parking;
- Policy DM 15 – Development Relying on Non-Mains Sewage.

**Strategic Policy 4 - Homes (SP 4):** sets out that the Councils aims of achieving quality in new residential development both within urban settlements and the countryside. SP4 is supported by Policies:

- Policy DM 18 – Homes in the Countryside; and
- Policy DM 18C – Dwellings within a built-up frontage.

**Strategic Policy 6 - Placemaking and Good Design (SP6):** sets out that positive placemaking and good design are key components in the delivery of high quality, attractive and sustainable places within our Borough. SP6 is supported by Policies:

- Policy DM 27 Rural Design and Character; and
- Policy DM 28 Amenity Impact.

**Strategic Policy 7 - Historic Environment (SPG7):** Indicates that careful management and ongoing investment in our historic environment will help to create unique, attractive and welcoming places to live, work and relax in and contribute significantly to our Borough's sense of place. SP 7 is supported by Policies:

- Policy DM 30 Archaeology.

**Strategic Policy 8 - Natural Heritage (SPG8):** seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features.

- Policy DM 39 Habitats, Species & Features of Natural Heritage Importance; and
- Policy DM 42 Trees and Development.

**Strategic Policy 10 - Environmental Resilience and Protection (SPG10):** seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. SPG10 is supported by Policies:

- Policy DM 47 Surface Water Drainage & Sustainable Drainage Systems.

Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside: sets out design principles for new dwellings in the countryside.

#### **CONSULTATION**

**DfC Historic Environment Division:** No objection

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

**Environmental Health:** Advice

**NI Water:** No objection subject to conditions

#### **REPRESENTATION**

No neighbouring properties were notified, and no letters of representation have been received.

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

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

- Preliminary Matters
- Policy Context and Principle of Development

- Design, Integration and Rural Character
- Neighbour Amenity
- Landscaping
- Access and Parking
- Sewerage & Drainage
- Historic Environment
- Natural Heritage
- Other Matters

### **Preliminary Matters**

- An email was sent to the agent on 9th July 2025 affording them the opportunity to submit a Planning Statement to indicate how the application meets with the policies contained in the Plan Strategy, as the application was submitted before its adoption.
- During a telephone phone call with the agent on 29th July 2025, they were informed of the concerns with the principle of development. During the call the agent advised that the applicant wished to have a meeting with the Head of Planning Development Management through a Councillor in relation to the concerns, however, the agent did not schedule this meeting.
- It is noted that there are a number of historic planning applications on and immediately adjacent to the application site, to the east and west.
- On 19th August 2025 the agent was requested to submit an amended drawing by 26th August 2025 to rectify an incorrect planning reference number notated on the Site Location Map, Drawing No. 01 date stamped 16th April 2025, however, no revised plan was submitted.
- An office meeting was held with the applicant and agent on 29th August 2025. The agent advised that they may submit supporting information, however, no information has been submitted to date.

### **Policy Context and Principle of Development**

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

The Antrim & Newtownabbey Plan Strategy (ANPS) sets out the relevant planning policies for the determination of planning applications in the Borough. However, until such times as the Local Policies Plan (LPP) identifies the boundaries of settlement limits, local designations and zonings, the provisions of the current legacy plans, both adopted and in draft form will continue to apply. The site is defined as being within the countryside in the Antrim Area Plan 1984-2001 (AAP). In line with the transitional arrangements set out in the SPPS, the AAP and the ANPS must be read together. Any conflict between the policies in with the Plans must be resolved in favour of the ANPS.

Strategic Policy SP1.11 of the ANPS indicates that development proposals in the countryside will be supported in principle provided that they accord with the relevant policies applicable to the development type otherwise it will not be permitted unless there are overriding reasons why it is essential in a countryside location and cannot be located within a settlement. Policy DM18.1 of the ANPS indicates that the Council will support the development of new homes in the countryside provided that it meets with the range of development types permitted by policy. One such development type is for an infill dwelling as provided for by Policy DM 18C which sets criteria for the assessment of dwellings within a built-up frontage.

DM 18.16 states the Council will support an application for the development of a small gap site, sufficient only to accommodate up to a maximum of two dwellings within an otherwise substantial and continuously built-up frontage where the five listed criteria can be met:

Criterion (a) indicates the frontage should comprise five or more substantial buildings consisting of at least three dwellings but excluding ancillary buildings such as garages, small outbuildings and open sided structures.

The agent has indicated the buildings he contends make up part of the otherwise substantial and continuously built-up frontage onto the Cherry Hill Road on the Site Location Map, Drawing No. 01 date stamped 16th April 2025, namely four (4) farm buildings to the east of the application site and a replacement dwelling and garage granted planning permission under application Ref: LA03/2022/0131/F, which the agent claims is substantially commenced.

It is accepted that three (3) of the four (4) farm buildings identified by the agent have a frontage onto the Cherry Hill Road, however, the replacement dwelling and garage referred to have only been constructed to base course height and as such it is not considered to form part of the otherwise substantial and continuously built-up frontage onto Cherry Hill Road.

As there are only considered to be three existing substantial buildings, none of which are dwellings, the proposal is considered to be contrary to criterion (a) of Policy DM 18C of the ANPS.

Criterion (b) further indicates that the frontage must appear as a visual entity in the landscape and all the existing buildings front directly onto a public road or private shared laneway. In this instance, as stated above, there are a number of existing farm buildings located to the east of the application site, however, none of these buildings are dwellings and as the replacement dwelling and garage to the west of the application site has not been constructed, the application site is not considered to represent a gap site in an otherwise substantial and continuously built up frontage. As such the development proposal is considered to be contrary to criterion (b) of Policy DM 18C.

Whilst notwithstanding that the proposal does not comply with criteria (a) and (b) of Policy DM 18C, criterion (c) states that as a general rule, the gap site for up to two dwellings is no greater than 60m between the existing buildings. Whilst it is considered that the application site does not represent a gap in a built up frontage, there is an approximate 44m separation distance between the dwelling approved under

planning application reference LA03/2022/0131/F (which is constructed to base course height) and the nearest farm building to the east of the application site. As such, if the approved dwelling was fully constructed the proposal would satisfy criterion (c) of Policy DM 18C in that the gap site is no greater than 60m between the two buildings.

Accordingly, the proposal is contrary to criterion (a) and (b) of Policy DM 18C in that the principle of development is unable to be established.

### **Design, Integration and Rural Character**

DM 18.2 of the Plan Strategy indicates that in all cases, the Council will expect proposals for new residential development to be sited and designed to integrate sympathetically with their surroundings and not to have an adverse impact on the landscape character or rural amenity of the countryside. DM 27.2 and DM 27.3 adds to the policy requirements for integration and the protection of rural character requiring any new building to have a suitable means of enclosure, must not be a prominent feature in the landscape and must not result in build up or a ribbon of development. In addition, Criteria (d) and (e) of DM 18C require the proposed site to have a suitable degree of enclosure and for the development to respect the existing development pattern and not significantly alter its existing character or visually intrude into the open countryside.

As the application seeks outline permission, no details have been provided regarding the proposed design or layout of the dwelling. However, it is considered that views of a dwelling and garage on the application site would be screened by the existing adjacent farm buildings when travelling westwards along the Cherry Hill Road. Long views of the proposal would currently be achievable when travelling eastwards along the Cherry Hill Road, although it is noted that the two-storey replacement dwelling and garage approved under application Ref: LA03/2022/0131/F would provide screening to the proposal when fully constructed.

The southern site boundary comprises a low hedgerow and two trees, and the western site boundary is undefined. The topography of the site drops from the roadside beyond the southern site boundary and the proposal lacks an adequate visual backdrop. As such it is considered that the proposal would not visually integrate into the surrounding landscape as the proposal cannot be absorbed into the site as there is no suitable degree of enclosure or backdrop to the proposal. Therefore, the proposal is contrary to criterion (d) Policy DM 18C.

In terms of rural character, the proposal is to be sited immediately to the west of a group of farm buildings. The existing farm buildings which front onto the Cherry Hill Road as noted on the Site Location Map, Drawing No. 01 date stamped 16th April 2025, form a ribbon of development. The proposed dwelling and garage would extend this ribbon of development in a westerly direction and visually intrude into the open countryside. Therefore, it is considered that the proposal is contrary to criterion (e) of Policy DM 18C and criterion (c) of DM 27.3

### **Neighbour Amenity**

Policy DM 28 deals with impact on amenity and states that the Council will only support development proposals where they will not result in an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby

properties by way of overlooking, loss of privacy, dominance, overshadowing, or other form of disturbance.

The application seeks outline planning permission for an infill dwelling and therefore no details of the proposed design have been submitted. It is noted that the dwelling approved under application Ref: LA03/2022/0131/F, which remains extant, is sited approximately 5.5m from the western boundary of the application site. However, it is considered that an appropriately designed dwelling would not negatively impact on the amenity of any neighbouring properties.

### **Landscaping**

Policy DM 27.5 requires all proposals for development in the countryside will be to address biodiversity impact and be accompanied by a detailed landscaping scheme, which retains or reinstates traditional boundaries and augments existing planting. The Council will only support new landscaping schemes which include native species or locally characteristic trees. In addition, Policy SP 8 and DM 42.1 to DM 42.5 also address the protection, retention and enhancement of trees within all development and fundamentally requires a net gain for any tree loss.

The application seeks outline planning approval only. Full landscaping details should be conditioned to be submitted at the Reserved Matters stage should planning approval be forthcoming.

### **Access and Parking**

Policies SP 3.10 and DM 10 state that any access for a dwelling must not prejudice road safety or significantly inconvenience the flow of traffic.

Access to the application site is to be gained from a new access onto the Cherry Hill Road. DfI Roads was consulted regarding the development proposal and responded with no objections to the proposed means of access, subject the submission of a 1:500 scale plan and an accurate site survey to be submitted at the Reserved Matters stage showing the access location to be constructed in accordance with the RS1 form.

### **Sewerage & Drainage**

Policy DM15 states that the Council will only support development proposals for non-mains sewerage where it is demonstrated that this will not create or add to a pollution problem. In addition, Policy DM 47 states that consideration of drainage issues is a requirement for all development proposals.

As the proposal is for outline planning permission it does not include any details of the location of the proposed septic tank. The site is not known to be located in an area known to be at risk from pollution. A septic tank would also require a Discharge Consent to be granted by DAERA Water Management Unit. Details of the location of the septic tank and the soakaways would be provided at the Reserved Matters stage.

Additionally, the application site is not proposed in an area where there is evidence of a history of surface water flooding, as per the DfI Flood Maps NI, and as such a Drainage Assessment (DA) is not required to be submitted.

NI Water was consulted in relation to the development proposal and responded stating it had no objection to the proposal subject to conditions being attached to any forthcoming approval.

### **Historic Environment**

Policy DM 30 states that the Council will operate a presumption in favour of the physical preservation in situ of all archaeological remains and their settings.

DfC Historic Environment Division (HED) was consulted in relation to the application and responded stating that based on the information provided, they are content that the proposal complies with the archaeological policy requirements of Policy DM 30.

### **Natural Heritage**

Policy SP 1.4 states that the Council will adopt a precautionary approach where there are significant risks of damage to the environment while Policy SP 8.3 requires that appropriate weight in the decision-making process is given to the protection of designated sites, priority habitats, protected species and other features of biodiversity interest. Specific policies for protected species are also provided under Policy DM 38 whilst Policy DM 39 addresses other Habitats, Species and Features of Natural Heritage Importance.

As the proposal will not result in the removal of over 30m of hedgerow and does not result in unacceptable damage to a priority habitat or priority species a biodiversity checklist was not requested to be submitted. It is considered that the proposal complies with Policies SP 1.4, SP 8.3, DM 38 and DM 39.

### **Other Matters**

The Council's Environmental Health Section (EH) was consulted in relation to the proposal and responded stating that it notes that the proposed application site is within 5m of a working farm, and that it is understood that the applicant is not associated with the working farm.

EH went on to state that given the close separation distance between the farm sheds and the proposed development site (less than 5m), along with no indication that future residents will be associated with the adjacent farm activities, they are of a view that amenity at the proposed residential dwelling may be adversely impacted by noise, odour, vermin and flies etc arising from the adjacent farm. If the proposal were to be approved an informative Could be attached to any forthcoming planning approval advising the applicant of the working farm located immediately adjacent to and east of the application site and the amenity issues which may arise in relation to the associated farming activities.

### **CONCLUSION**

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

- The principle of the development is unacceptable as the proposal fails to meet the policy requirements within Policy DM 18C in that the application site is not within a substantially and continuously built-up frontage;
- A dwelling of a suitable siting, design and layout could not integrate on the site and respect the rural character;

- The proposal appears as a prominent feature in the landscape and results in a build-up or ribbon of development;
- The proposal would not impact on the amenity of any existing properties in the area;
- The proposed access is not considered to prejudice road safety or significantly inconvenience the flow of traffic;
- The proposal is not considered to create or add to a pollution problem and no drainage issues are considered to occur as a result of the proposal; and
- The proposal is not considered to negatively impact priority habitats, protected species or any designated site.

<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
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<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
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<b>PROPOSED REASONS FOR REFUSAL</b>
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1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies SP4 and DM 18C of the Antrim and Newtownabbey Plan Strategy, as the proposal is not located within a gap site, sufficient only to accommodate up to a maximum of two dwellings within an otherwise substantial and continuously built-up frontage.
2. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies SP 6 and Policies DM 18C and DM 27 of the Antrim and Newtownabbey Plan Strategy, in that the proposal fails to visually integrate into the surrounding landscape.
3. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies SP 6 and Policies DM 18C and DM 27 of the Antrim and Newtownabbey Plan Strategy, in that the proposal detrimentally impacts rural character by extending an existing ribbon of development along the Cherry Hill Road and will visually intrude into the open countryside.



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### Site Location Plan

1:2,500

Reference: LA03/2025/0271/O

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.9</b>
<b>APPLICATION NO</b>	<b>LA03/2025/0291/F</b>
<b>DEA</b>	<b>MACEDON</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed outbuilding for garden equipment for vehicles
<b>SITE/LOCATION</b>	67 Whitehouse Park, Newtownabbey, BT37 9SH
<b>APPLICANT</b>	Robert McMitchell
<b>AGENT</b>	Robert Logan
<b>LAST SITE VISIT</b>	10/07/2025
<b>CASE OFFICER</b>	Micheal Glynn Tel: 028 9034 0411 Email: <a href="mailto:michael.glynn@antrimandnewtownabbey.gov.uk">michael.glynn@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal</b></p> <p><a href="https://planningregister.planningsystemni.gov.uk/application/698745">https://planningregister.planningsystemni.gov.uk/application/698745</a></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 67 Whitehouse Park and is situated within the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and the draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The application site comprises a two-storey detached dwelling, and a single storey detached garage, both finished in dashed render, concrete roof tiles and PVC windows. Parking provision is provided to the front (northwest) of the dwelling and amenity space is located to the rear (southeast). It is noted that under application Ref: LA03/2019/0516/F, planning permission was granted for an extension to the existing curtilage, incorporating a large area of land to the rear of No. 63 and No. 69 Whitehouse Park. The topography of the extended area of curtilage is at a significantly lower ground level in relation to the dwelling and the adjacent properties and sits approximately 9m lower. The area is currently planted out in grass and is accessed via an internal laneway.</p> <p>The proposed outbuilding is to be located within the extended curtilage of the dwelling and is to be positioned within the eastern corner of the site. With regards to boundary treatments to this area, the northern aspect is defined by a post and wire fence, the eastern and southern boundaries by 2m high palisade fencing, and there is a post and wire fence defining the southwestern/western boundary.</p> <p>The application site is located within a predominantly residential area comprising various house types and designs. The land beyond the southeastern boundary provides a subway under the M5 Motorway, with the Gideon's Green area of open space being located along this boundary. The M5 Lagoon Local Landscape Policy Area (LLPA) is also located nearby.</p>	
<b>PLANNING HISTORY</b>	
Planning Reference: LA03/2022/0824/F	

Location: 67 Whitehouse Park, Newtownabbey  
Proposal: Proposed shed for keeping of vintage vehicles and garden mowers and equipment.  
Decision: Permission Refused (18/08/2023)

Planning Reference: LA03/2019/0649/F  
Location: 67 Whitehouse Park, Newtownabbey  
Proposal: Proposed garden decking  
Decision: Permission Refused (18/03/2020)

Planning Reference: LA03/2019/0516/F  
Location: 67 Whitehouse Park, Newtownabbey  
Proposal: Extension to curtilage of dwelling to provide garden  
Decision: Permission Granted (27/01/2020)

Planning Reference: LA03/2018/1067/LDE  
Location: Land to the rear of (and SE of) 67 Whitehouse Park, Newtownabbey  
Proposal: Extension to curtilage  
Decision: Permitted Development (30/01/2019)

Planning Reference: U/2008/0478/F  
Location: 67 Whitehouse Park, Newtownabbey  
Proposal: Erection of detached double garage  
Decision: Permission Granted (23/09/2009)

#### **PLANNING POLICY AND GUIDANCE**

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

The Antrim and Newtownabbey Local Development Plan (ANLDP) will comprise of two parts; Part 1 is the Plan Strategy which contains strategic and operational policies and was adopted on 3rd July 2025. Part 2 is the Local Policies Plan which will identify the boundaries of settlement limits, local designations and zonings which has not yet been published. As such the settlement limits, local designations and zonings of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) remain applicable. Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the provisions of the draft Belfast Metropolitan Area Plan.

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

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

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

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.

Antrim and Newtownabbey Plan Strategy 2015-2030 (ANPS): sets out the relevant planning policies for assessing planning applications and other planning consents. The relevant strategic and operational policies for the assessment of the current proposal are listed below.

**Strategic Policy 1 – Sustainable Development (SP 1)**: sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Strategic Planning Policy Statement (SPPS).

**Strategic Policy 4 - Homes (SP 4)**: sets out that the Councils aims of achieving quality in new residential development both within urban settlements and the countryside. SP4 is supported by Policies:

- Policy DM 22 – Residential Extensions and Alterations.

**Strategic Policy 6 - Placemaking and Good Design (SP6)**: sets out that positive placemaking and good design are key components in the delivery of high quality, attractive and sustainable places within our Borough. SP6 is supported by Policies:

- Policy DM 28 - Amenity Impact.

**Strategic Policy 8 - Natural Heritage (SPG8)**: seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features.

- Policy DM 42 Trees and Development.

**Strategic Policy 10 - Environmental Resilience and Protection (SPG10)**: seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. SPG10 is supported by Policies:

- Policy DM 47 Surface Water Drainage & Sustainable Drainage Systems.

## CONSULTATION

**DfI Rivers** – Flood Risk Assessment (FRA) required

## REPRESENTATION

Five (5) neighbouring properties were notified, and no letters of representation have been received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

- Surface Water Drainage

### **Policy Context and Principle of Development**

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The Antrim & Newtownabbey Plan Strategy (ANPS) sets out the relevant planning policies for the determination of planning applications in the Borough. However, until such times as the Local Policies Plan (LPP) identifies the boundaries of settlement limits, local designations and zonings, the provisions of the current legacy plans, both adopted and in draft form will continue to apply. The site is defined as being within Metropolitan Newtownabbey in the Belfast Urban Area Plan (BUAP) and Draft Belfast Metropolitan Area Plan (dBMAP). In line with the transitional arrangements set out in the SPPS, the Belfast Urban Area Plan and draft Belfast Urban Area Plan and the ANPS must be read together. Any conflict between the policies in the Plans must be resolved in favour of the ANPS.

Policy DM 22: Residential Extensions and Alterations of the Plan Strategy sets out the planning policy context and guidance for achieving quality in relation to development proposals for residential extensions and alterations.

Policy DM 22 indicates that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- a) The scale, massing, design and external materials of the proposal are sympathetic to the existing property and do not detract from the appearance or character of the surrounding area;
- b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
- c) The proposal does not cause the unacceptable loss of, or damage to, trees or other landscape features; and
- d) Sufficient space is retained within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

It is considered that the principle of a residential extension is acceptable subject to the listed criteria being met. In addition, Policy DM 22 also advises that the guidance set out in Appendix B of the Plan Strategy will be taken into account when assessing proposals against the above criteria. Additionally, the ANPS states that consideration of drainage issues is a requirement for all development proposals. Policy DM 47: Surface Water Drainage and Sustainable Drainage Systems (SuDS) aims to reduce flood risk for new developments from surface water (pluvial) sources, which will be considered in more detail below.

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

Policy DM 22 indicates that the scale, massing, design, and external materials of the proposal are sympathetic to the existing property and do not detract from the appearance or character of the surrounding area.

This application seeks full planning permission for a proposed outbuilding for garden equipment and vehicles. The proposed outbuilding has an approximate length of 20m, a width of 15m and is 5m in height. The proposed outbuilding is approximately 300sqm and is to be located within the extended curtilage of No. 67 Whitehouse Park as approved under application Ref: LA03/2019/0516/F and is positioned within the easternmost corner of the site. The fenestration of the outbuilding includes a 4m high roller shutter door on the western elevation of the proposal, and a door on the southern and eastern elevations. The proposal is to be finished in a render base to match the existing dwelling and profiled cladding. The roof to be finished with profiled cladding and translucent panels as indicated, with grey PPC doors. Domestic buildings of this size, scale and design are not typically acceptable given that they are not subordinate to the existing dwelling, nor are the proposed external finishes in conformity with the existing dwelling.

The proposal is situated below the dwelling on the application site, and it is considered views of the proposal will be restricted from Whitehouse Park due to the intervening buildings within Whitehouse Park and the topography of the application site. There will be views of the proposal from the M5 Motorway, however, this will be limited given the speed of traffic on this motorway.

It is considered dwellings along the eastern side of Whitehouse Park back onto Gideons Green, most gardens have depths of over 100 metres and views into their rear amenity space are protected by mature landscaping and vegetation. However, the southeastern boundary of the application site abuts Gideons Green. Along this section, the intervening boundary is defined by a 2m high palisade fence which allows open views into the application site.

When viewed from Gideons Green there is a steep drop in levels of approximately 6 metres between the applicant's existing dwelling at No. 67 Whitehouse Park and the proposed building. In addition, there is a separation distance of 65 metres between the two buildings. As stated previously the other dwellings in Whitehouse Park have considerably large garden depths with limited development to the rear. When viewed from Gideons Green the proposed building would read as a separate entity to the other buildings in Whitehouse Park and would appear as a non-domestic building of significant scale close to the public paths in Gideons Green.

It is considered that the proposed building is of a significant size which is not domestic in scale, its design and scale has an industrial appearance which is uncharacteristic of the other existing outbuildings in Whitehouse Park which would fail to cluster sensitively with the applicant's dwelling. Overall, it is considered that the proposed development is unacceptable.

### **Neighbour Amenity**

Policy DM 22 and Policy DM 28 deals with the impact on amenity and states that the Council will only support development proposals where they will not result in an unacceptable adverse impact on the amenity of existing or future occupiers of

adjoining or nearby properties by way of overlooking, loss of privacy, dominance, overshadowing, or other form of disturbance.

It is considered that there will not be any detrimental impacts to neighbouring properties by way of overlooking, overshadowing, loss of light or dominance given the 67m separation distance to the nearest neighbouring dwelling. In addition, there is a significant level difference of approximately 9m between the finished floor level of the proposed building and the existing floor level of the neighbouring dwellings. In summary, the proposal is not considered to unduly affect the privacy and residential amenity of any neighbouring properties.

#### **Impact on Trees and Environmental Quality of this Area**

Criteria (c) of Policy DM 22 and Policy DM 42 requires that the proposal will not cause an unacceptable loss of, or damage to trees or other landscape features which contribute significantly to local environmental quality.

It is considered that the proposal will not cause unacceptable loss of, or damage to trees or other landscape features which contribute significantly to local environmental quality because there are no trees or other landscape features present where the proposal will be located.

#### **Amenity Space, Parking and Manoeuvring**

Criteria (d) of Policy DM 22 and criteria (c) of DM 10.1 requires that sufficient space is retained within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

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

#### **Surface Water Drainage**

Policy DM 47: Surface Water Drainage and Sustainable Drainage Systems (SuDS) aims to reduce flood risk for new developments from surface water (pluvial) sources. DM 47.1 states that consideration of drainage issues is a requirement for all development proposals and that this consideration should be initiated as part of any preliminary site assessment and should progressively inform the generation of schemes as they develop. Additionally, Policy DM 46: The Control of Development in Flood Plains aims to minimise the flood risk arising for new and existing development posed by the natural function of fluvial and coastal flood plains.

DfI Rivers was consulted with regards to the development proposal, as the Flood Maps (NI) indicate that the southern third of the site lies within the 1 in 200-year coastal flood plain. DfI Rivers responded stating that a Flood Risk Assessment (FRA) would be required. As the scale, massing, design and appearance of the proposed development was deemed to be unacceptable. A FRA was not requested to prevent any unnecessary expense to the applicant.

### **CONCLUSION**

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

- The principle of development is considered acceptable;

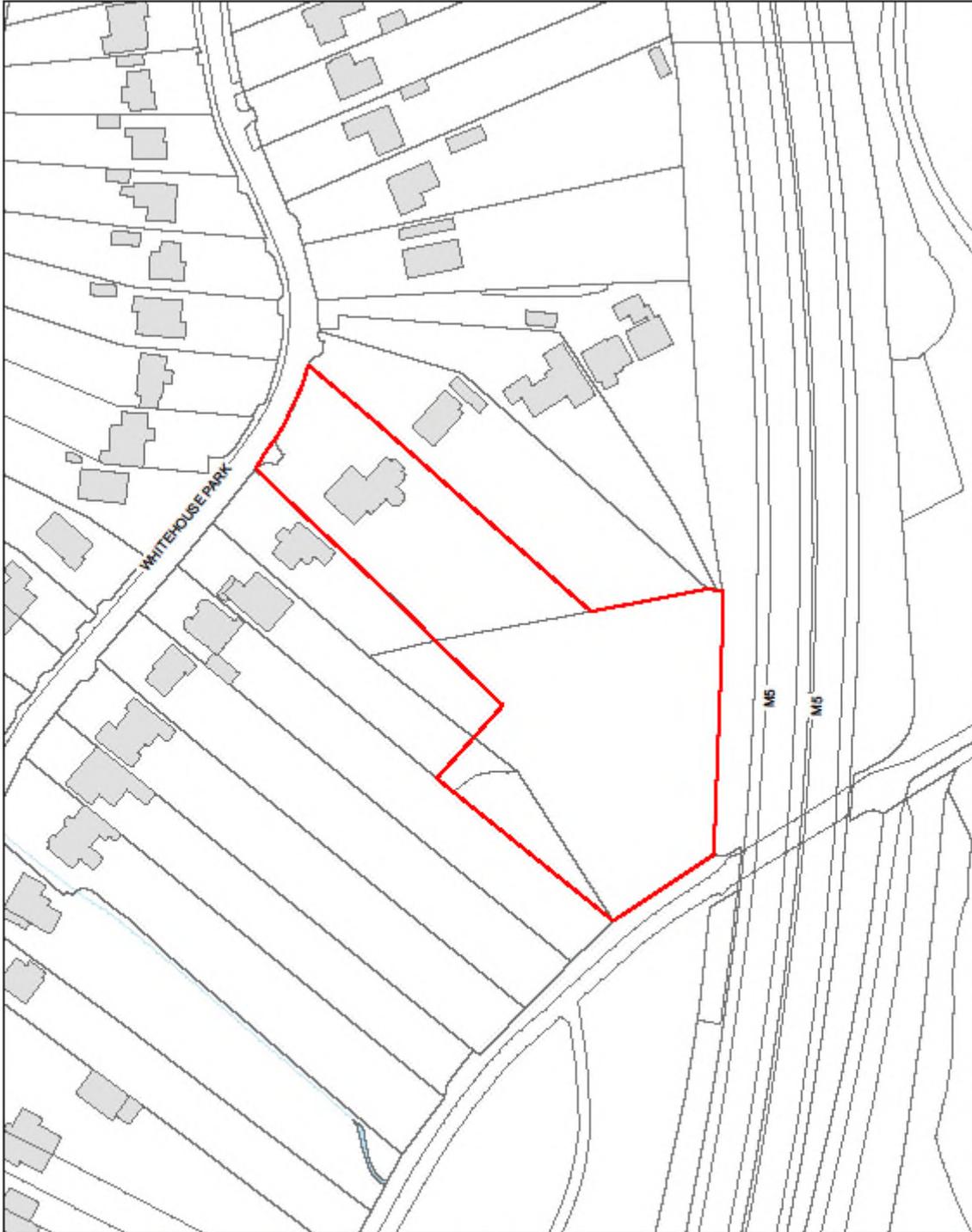
- The proposal is considered unacceptable in terms of scale, massing, design and appearance;
- The proposal is considered acceptable in terms of neighbour amenity;
- The proposal is not considered to result in adverse impacts on trees and environmental quality of this area;
- The proposal is not considered to negatively impact amenity space, parking and manoeuvring;
- The proposal may be affected by flooding and may increase the risk of flooding elsewhere.

<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
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<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
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<b>PROPOSED REASONS FOR REFUSAL</b>
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1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies SP 4 and DM 22 of the Antrim and Newtownabbey Plan Strategy, in that the siting of the building away from the existing dwelling, its scale, massing, design and external materials of the proposal are not sympathetic with the built form of the existing property and are uncharacteristic of the area.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies SP 10 and DM 46 of the Antrim and Newtownabbey Local Development Plan, in that it has not been demonstrated that the proposal will not be at risk from flooding or will increase the risk of flooding elsewhere.



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### Site Location Plan

1:1,250

Reference: LA03/2025/0291/F

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.10</b>
<b>APPLICATION NO</b>	<b>LA03/2025/0374/S54</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE SECTION 54 APPLICATION</b>
<b>PROPOSAL</b>	Extension to vehicle accident repair centre (Variation of condition 2 from approval LA03/2024/0507/F regarding completion of drainage)
<b>SITE/LOCATION</b>	40 Ballymena Road, Doagh, Ballyclare, BT39 0QR
<b>APPLICANT</b>	W J Blair Accident Repair
<b>AGENT</b>	HR Jess Ltd
<b>LAST SITE VISIT</b>	N/A
<b>CASE OFFICER</b>	Sairead McCarthy Tel: 028 90340406 Email: <a href="mailto:sairead.mccarthy@antrimandnewtownabbey.gov.uk">sairead.mccarthy@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal</b></p> <p><a href="https://planningregister.planningsystemni.gov.uk/application/699850">https://planningregister.planningsystemni.gov.uk/application/699850</a></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 40 Ballymena Road, Doagh and is within the development limit for Doagh as designated in the draft Newtownabbey Area Plan (dNAP) and the draft Belfast Metropolitan Area Plan (dBMAP) 2004.</p> <p>There are two buildings within the confines of the application site, however, on the ground, the application site visually appears as one site. The building on the western part is single storey, with a mono pitch roof, and on the front elevation, a roller shutter door, pedestrian door and a window, with a number of window openings to the rear elevation. To the east of this building, the new extension has been constructed, with the steel frame in place, as well as the side walls and roof. Immediately adjacent to this, is another single storey building which has a corrugated iron roof, a roller shutter door and a pedestrian door to the front. Sitting at an angle to this building, is a single storey prefabricated office building.</p> <p>The application site is accessed from a point off the Ballymena Road that is located centrally along the northern boundary of the site. To the east of the entrance point is a stone wall of less than one metre in height, with a 2.5-metre-high concrete post and wire fence to the west of the entrance. This fencing also defines the rear and southern boundary of the site. Along the eastern boundary is a wooden fence, beyond which is the Doagh River and some well-established and mature trees/hedging. An existing access that serves Nos. 42, 44 and 46 Doagh Road runs parallel to the western boundary.</p> <p>The surrounding area is predominately residential, with the existing development mostly occupying roadside plots.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Application Number: U/1983/0076 Location: 40 Ballymena Road, Doagh</p>	

Proposal: Erection of workshop and store  
Decision: Permission Granted  
Decision Date: 29 April 1983

Application Number: U/1988/0459  
Location: 40 Ballymena Road, Doagh  
Proposal: Extension to existing workshop/garage to provide office, canteen and toilet facility  
Decision: Permission Granted  
Decision Date: 29 November 1988

Application Number: U/1989/0319  
Location: 40 Ballymena Road, Doagh  
Proposal: Extension to workshop  
Decision: Permission Granted  
Decision Date: 03 August 1989

Application Number: U/1998/6009  
Location: 40 Ballymena Road, Doagh  
Proposal: Change of use to car repair workshop and car sales 40 Ballymena Road Doagh, Ballymena  
Decision: Permission Granted  
Decision Date: 29 April 1998

Application Number: LA03/2019/0866/F  
Location: 40 Ballymena Road, Doagh  
Proposal: Extension to vehicle accident repair centre  
Decision: Permission Granted  
Decision Date: 01 December 2020

Application Number: LA03/2024/0507/F  
Location: 40 Ballymena Road, Doagh  
Proposal: Extension to vehicle accident repair centre  
Decision: Permission Granted  
Decision Date: 19 March 2025

#### **PLANNING POLICY AND GUIDANCE**

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

The Antrim and Newtownabbey Local Development Plan (ANLDP) will comprise of two parts; Part 1 is the Plan Strategy which contains strategic and operational policies and was adopted on 3<sup>rd</sup> July 2025. Part 2 is the Local Policies Plan which will identify the boundaries of settlement limits, local designations and zonings which has not yet been published. As such the settlement limits, local designations and zonings of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) remain applicable. Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the provisions of the draft Belfast Metropolitan Area Plan.

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the development limit of Doagh.

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

Antrim and Newtownabbey Plan Strategy 2015-2030: sets out the relevant planning policies for assessing planning applications and other planning consents. The relevant strategic and operational policies for the assessment of the current proposal are listed below.

**Strategic Policy 1 – Sustainable Development (SP 1)**: sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Strategic Planning Policy Statement (SPPS).

**Strategic Policy 2 – Employment (SP 2)**: aims to encourage growth and investment to support enterprise and increase employment benefits. SP2 is supported by Policies:

- Policy DM 1 Economic Development – Zoned Sites and Settlements

**Strategic Policy 3 – Transportation and Infrastructure (SP 3)**: aims to encourage the continued development and growth of high-quality transportation, communications and utilities infrastructure in a timely and co-ordinated fashion to meet the current and future needs of our Borough and support sustainable development in accordance with the Council's Spatial Growth Strategy. SP3 is supported by Policy:

- Policy DM 10: Access and Parking.

**Strategic Policy 6 - Placemaking and Good Design (SP6)**: sets out that positive placemaking and good design are key components in the delivery of high quality, attractive and sustainable places within our Borough. SP6 is supported by Policy:

- Policy DM 25: Urban Design.
- Policy DM 28: Amenity Impact

**Strategic Policy 8 - Natural Heritage (SPG8)**: seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features. SP 8 is supported by the following Policies:

- Policy DM 37 Designated Sites of Nature Conservation Importance.

**Strategic Policy 10 - Environmental Resilience and Protection (SPG10)**: seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. SPG10 is supported by Policy.

- Policy DM 47 Surface Water Drainage & Sustainable Drainage Systems

**CONSULTATION**

None carried out

**REPRESENTATION**

Six (6) neighbouring properties were notified of the application, and no letters of representations have been received.

**ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

- Preliminary Matters
- Policy Context and Principle of Development
- Condition to be varied

**Preliminary Matters – Engagement with Agent / Applicant**

- Requests for further information in support of the application were sent to the agent on 04 July 2025, 10 July 2025, 05 August 2025 via email and 26<sup>th</sup> September 2025 via telephone.
- To date, no response has been received from the agent.

**Policy Context and Principle of Development**

Section 54 of the 2011 Act applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. On receipt of such an application, the Council may only consider the question of the conditions subject to which planning permission should be granted and it cannot revisit the principle of the development granted previously. The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the current application.

The principle of development has been established on the site, Ref: LA03/2024/0507/F, approved on 19 March 2025. As the current application seeks only a variation of Condition 02 attached to this permission, the principle of development cannot be revisited. Consideration will be given to the proposed variation of the conditions imposed on the previous approval and whether the variation is considered acceptable.

**Condition to be Varied**

The purpose of this application is to vary Condition 02 of planning approval Ref: LA03/2024/0507/F which requires the completion of the approved drainage works prior to the previously approved extension becoming operational.

Condition 02 of planning approval LA03/2024/0507/F states:

*Prior to the extension becoming operational, the site drainage shall be completed in accordance with the stamp approved drainage layout (Drawing 09B) incorporating all of the mitigation as detailed, unless otherwise agreed in writing with the Council.*

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

The applicant seeks to vary the wording of the condition to read as follows.

*Prior to the development completion, the site drainage shall be completed in accordance with the stamp approved drainage layout (Drawing 09B) incorporating all of the mitigation as detailed, unless otherwise agreed in writing with the Council.*

The Doagh River, along the eastern boundary of the application site, is hydrologically linked to Lough Neagh and Lough Beg Ramsar/SPA via the Six Mile Water. During the processing of the previous application for an extension to the vehicle accident repair centre, Shared Environmental Services (SES) considered the proposal in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) on behalf of the Council. SES advised that the development had the potential for both construction related contaminated runoff and operational related contaminated run off to enter the designated sites via this hydrological connection.

Following an Appropriate Assessment and having considered the nature, scale, timing, duration and location of the project, SES advised that whilst there is a watercourse along the eastern boundary of the application site, there are existing buildings on site between the area of the proposed extension and this watercourse, creating a buffer of more than 10 metres. Furthermore, given the scale and nature of the proposed works and the hydrological separation from connected European sites (more than 19km), it is considered that there will be no likely significant effects arising from the construction phase on any European sites.

With regards to the operational phase of the development, SES considered that there was the potential for polluting discharges to enter the adjacent watercourse and travel downstream to the SPA, impacting on designated sites. The mitigation measures as shown on the drainage layout (Drawing Number 09B, date stamp received 14 January 2025) were considered to be adequate in providing sufficient measures to protect the aquatic environment. Subsequently, mitigation measures were conditioned on the grant of planning permission to ensure they were in-situ prior to the extension becoming operational.

The applicant wishes to amend condition 02 to allow for the mitigation measures as shown on the drainage layout to be finished prior to the completion of the previously approved extension. However, there is no statutory timeframe for the completion of the approved extension, it could essentially be occupied and left 'almost' completed with the amended condition allowing the operational use of the unit without the mitigation measures ever being in place. The applicant has not indicated on the application form when they intend to finish the drainage works.

Requests for further information in support of the application were sent to the agent on 04 July 2025, 10 July 2025 and 05 August 2025 via email. To date, no response has been received from the agent.

Condition 02 of planning approval LA03/2024/0507/F was stipulated by SES, and to vary this condition would require a further response from them. No formal consultation with SES was carried out, however, due to the lack of information

from the applicant / agent. In light of this, the amendment to Condition 02 would have an adverse effect on the integrity of Lough Neagh and Lough Beg Ramsar/SPA, and it is recommended that permission to vary this condition is not granted.

### **CONCLUSION**

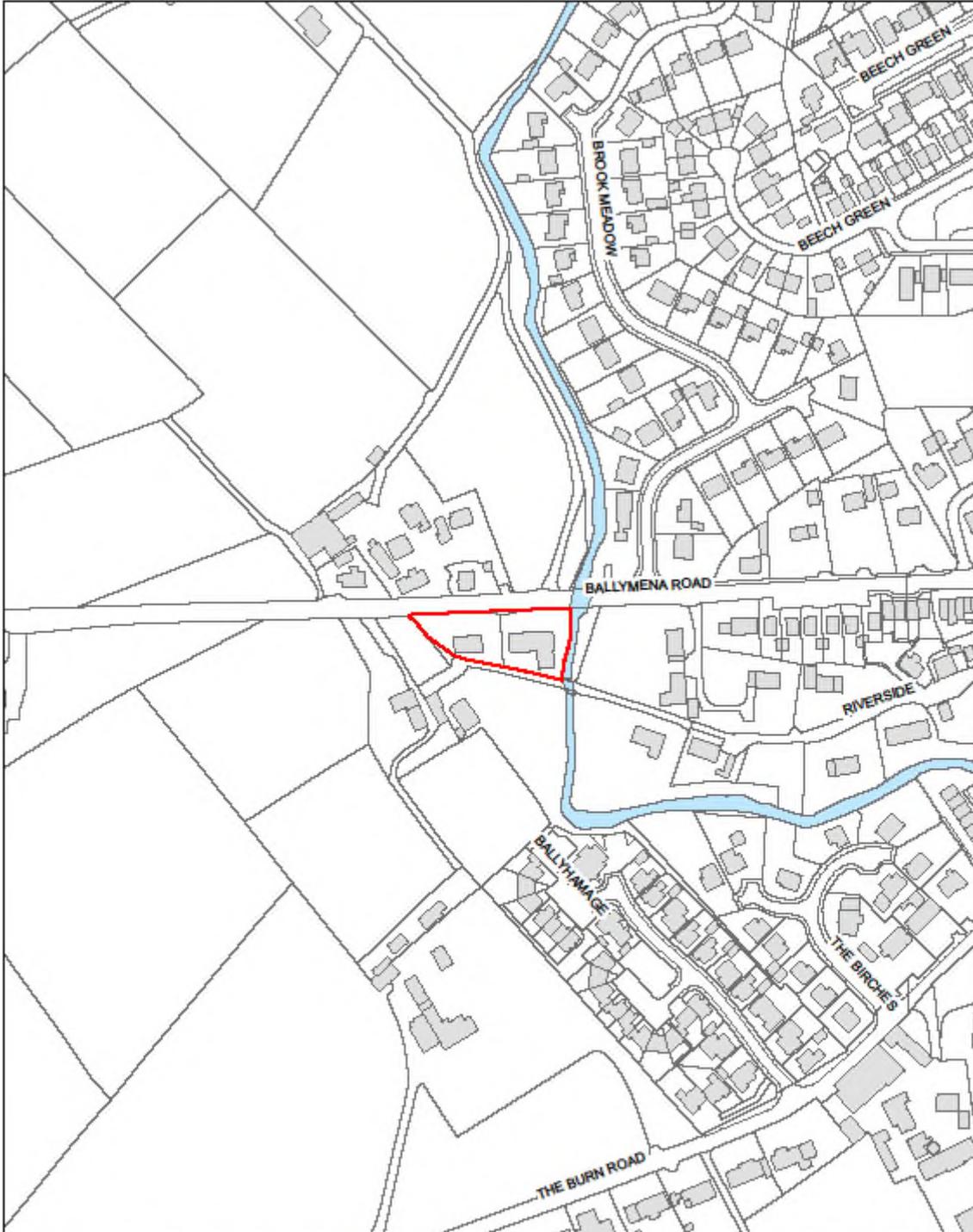
The following is a summary of the main reasons for the recommendation:

- The principle of development has previously been accepted; and
- The variation of condition 02 could result in an adverse effect on the integrity of Lough Neagh and Lough Beg Ramsar/SPA and is unacceptable.

### **RECOMMENDATION | REFUSE SECTION 54 APPLICATION**

### **PROPOSED REASON FOR REFUSAL**

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy DM 37 of the Council's Plan Strategy in that it has not been demonstrated that the proposal offers adequate protection to designated sites of nature conservation importance.



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**Site Location Plan**

1:2,500

Reference: LA03/2025/0374/S54

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.11</b>
<b>APPLICATION NO</b>	<b>LA03/2025/0196/F</b>
<b>DEA</b>	<b>MACEDON</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Erection of Dwelling with new access off Abbeyville Park
<b>SITE/LOCATION</b>	20 metres West of 2 Cambrai Park, Newtownabbey, BT37 0AL
<b>APPLICANT</b>	Joyceln Walker
<b>AGENT</b>	Joyceln Walker
<b>LAST SITE VISIT</b>	8th May 2025
<b>CASE OFFICER</b>	Alexandra Tipping Tel: 028 903 40216 Email: <a href="mailto:alexandra.tipping@antrimandnewtownabbey.gov.uk">alexandra.tipping@antrimandnewtownabbey.gov.uk</a>
<p><b>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 : <a href="https://planningregister.planningsystemni.gov.uk/application/697939">https://planningregister.planningsystemni.gov.uk/application/697939</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limits of Metropolitan Newtownabbey as designated in the draft Belfast Metropolitan Area Plan (2004).</p> <p>The site is located to the rear of an existing semi-detached dwelling at No. 2 Cambrai Park, Newtownabbey. The site was previously part of the garden for the dwelling at No. 2 Cambrai Park but is now fenced off and contains a brick-built outbuilding, with a caravan parked on the site and has an existing gated access onto Abbeyville Place.</p> <p>The site's eastern boundary in common with No. 2 Cambrai Park is defined by wooden fence approximately 2.5 metres in height. The site's southern and western boundaries are adjacent to Abbeyville Place (a private road) which is defined by a 1.8-metre-high close boarded wooden fencing, mature trees and a portion of 2-metre-high block wall. The northern site boundary with No. 4 Cambrai Park is defined mostly with mature hedging and in part by a 1.8-metre-high wall. Views into the site are limited from Abbeyville Place due to the boundary treatments and the topography of the site situated at a lower level than the surrounding road. There are short views towards the site achievable from the start of Cambrai Park.</p> <p>The area in which the site is located is predominantly residential, characterised mostly by semi-detached and detached dwellings. Whiteabbey Train Station and an associated park and ride facility is located just beyond the site to the west, and Millibern House (private independent living accommodation) is sited beyond the site to the southeast.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2020/0594/F  Location: Garden to the rear of 8 Cambrai Park, Whiteabbey BT37 0AL  Proposal: One and a half storey dwelling and integral garage  Decision: Permission Granted (19th February 2021)</p>	

Planning Reference: U/2008/0192/F

Location: 2 - 12 & 15 Cambrai Park, Whiteabbey, Newtownabbey, BT37 0AL

Proposal: Retention of no 15 Cambrai Park and demolition of Nos. 2, 4, 6, 8, 10 & 12 Cambrai Park and construction of 25 new units (3 blocks of 4 no.

terraced townhouses, 3 pairs of semi-detached and 7 no. detached dwellings) and associated works (amended description)

Decision: Permission Granted (7th March 2011)

## PLANNING POLICY AND GUIDANCE

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

The Antrim and Newtownabbey Local Development Plan (ANLDP) will comprise of two parts; Part 1 is the Plan Strategy which contains strategic and operational policies and was adopted on 3rd July 2025. Part 2 is the Local Policies Plan which will identify the boundaries of settlement limits, local designations and zonings which has not yet been published. As such the settlement limits, local designations and zonings of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) remain applicable. Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the provisions of the draft Belfast Metropolitan Area Plan.

Draft Belfast Metropolitan Area Plan (2004): The application site lies within the settlement development limits of Metropolitan Newtownabbey.

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

Antrim and Newtownabbey Plan Strategy 2015-2030: sets out the relevant planning policies for assessing planning applications and other planning consents. The relevant strategic and operational policies for the assessment of the current proposal are listed below.

**Strategic Policy 1 – Sustainable Development (SP 1)**: sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Strategic Planning Policy Statement (SPPS).

**Strategic Policy 3 – Transportation and Infrastructure (SP 3)**: aims to encourage the continued development and growth of high-quality transportation, communications and utilities infrastructure in a timely and co-ordinated fashion to meet the current and future needs of our Borough and support sustainable development in accordance with the Council's Spatial Growth Strategy. SP3 is supported by Policies:

- Policy DM 10 – Access and Parking;
- Policy DM 12- Active Travel (Walking and Cycling); and

- Policy DM 14 - Public Utilities.

**Strategic Policy 4 - Homes (SP 4):** sets out that the Council's aims of achieving quality in new residential development both within urban settlements and the countryside. SP4 is supported by Policies:

- Policy DM 17 – Homes in Settlements.

**Strategic Policy 6 - Placemaking and Good Design (SP6):** sets out that positive placemaking and good design are key components in the delivery of high quality, attractive and sustainable places within our Borough. SP6 is supported by Policies:

- Policy DM 25 – Urban Design; and
- Policy DM 28 - Amenity Impact.

**Strategic Policy 8 - Natural Heritage (SPG8):** seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features.

- Policy DM 37 Designated Sites of Nature Conservation Importance;
- Policy DM 38 Protected Species; and
- Policy DM 39 Habitats, Species & Features of Natural Heritage Importance.

**Strategic Policy 10 - Environmental Resilience and Protection (SPG10):** seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. SPG10 is supported by Policies:

- Policy DM 47 Surface Water Drainage & Sustainable Drainage Systems; and
- Policy DM 50 Pollution.

#### **CONSULTATION**

**Council's Environmental Health Section** – Additional Information required

**DfI Roads**- Advice provided

**Northern Ireland Water** – Refusal Recommended

#### **REPRESENTATION**

Two (2) neighbouring properties were notified of the application, and no letters of objection have been received.

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

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

- Preliminary Matters
- Principle of Development
- Density, Design, Layout and Character
- Private Open Space Provision
- Amenity
- Access and Parking
- Natural Heritage
- Other Matters

### **Preliminary Matters**

Additional information was requested from the applicant to address concerns raised by Officers in relation to a number of matters to include, road safety, impact from noise, private amenity space provision and design and character;

- An email was sent to the applicant on 2nd June 2025 making the applicant aware of concerns with the proposal in relation to access, siting and noise. Additionally, the applicant was advised that it would be beneficial to seek professional planning advice before submitting any amendments which were required before 18th June 2025.
- On 9th June 2025 the applicant requested that someone meet her on site in relation to the access arrangements and provided commentary in relation to the proposed access being used historically for access to the dwelling at No. 2 Cambrai Park.
- On 19th June 2025 the Case Officer spoke with the applicant in relation to the concerns previously raised and the applicant asked to speak with a Senior Officer in relation to these matters.
- On 26th June 2025 a Senior Officer spoke with the applicant and followed up the conversation with an email on the 30th June which also highlighted to the applicant that the adoption of the new plan and the removal of existing screening in order to achieve visibility splays will create further concerns with the proposal in relation to urban design and character. Amended submissions were requested by 11th July 2025.
- An extension for the submission of amended plans was agreed until 25th July 2025 as the applicant's architect was on holiday.
- A further extension was granted until 1st August 2025.
- Given the applicant's personal circumstances, a further extension was granted but no date was agreed with the applicant.
- On 16th August 2025 the applicant forwarded a new Site Layout Plan (Drawing No. 02/1) with a new access proposed and an amended siting.
- On 19th August 2025 the applicant confirmed via email that this was the final submission stating they have made the required changes to meet planning protocol.

### **Principle of Development**

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The Antrim & Newtownabbey Plan Strategy (ANPS) sets out the relevant planning policies for the determination of planning applications in the Borough. However, until such times as the Local Policies Plan (LPP) identifies the boundaries of settlement limits, local designations and zonings, the provisions of the current legacy plans, both adopted and in draft form will continue to apply. The site is defined as being within the settlement development limits of Metropolitan Newtownabbey as per the draft Belfast Metropolitan Plan (2004) (dBMAP). In line with the transitional arrangements set out in the SPPS, the dBMAP and the ANPS must be read together. Any conflict between the policies in the Plans must be resolved in favour of the ANPS.

Strategic Policy SP 1 advises that when considering individual development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Strategic Planning Policy Statement (SPPS). The Council will work with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in our Borough.

Strategic Policy SP 1.2 goes on to recommend that planning applications that accord with the provisions of the Local Development Plan (LDP) will be approved unless material considerations indicate otherwise. In assessing proposals all relevant policies will be considered.

Strategic Policy 4 deals with Homes, and is supported by SP 4.1 which indicates that in order to provide a choice of housing for people in socially balanced and inclusive communities across the Borough, the Council will apply a presumption in favour of the development of new homes provided applications meet the requirements of Policy SP 4 and other relevant policies and provisions of the LDP.

This application seeks full planning permission for a new dwelling and access to the rear of an existing dwelling at No. 2 Cambrai Park, Newtownabbey. Given that the application site lies within the development limit of Metropolitan Newtownabbey and is within an established residential area it is considered that the principle of a residential dwelling is acceptable subject to the proposal meeting the policy criteria laid out in Policy DM 17: Homes in Settlements and DM 17.6 Established Residential Areas.

#### **Density, Design, Layout and Character**

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.

SP 4 Homes is supported by Policy DM 17 Homes in Settlements. Criteria (a) of DM 17.1 requires that the number of units proposed respects the scale and size of the settlement, whilst criterion (c) of DM 17.1 requires that residential developments must ensure that the siting and design is appropriate to the location and does not conflict with the character of the area.

DM 17.6 indicates that in established residential areas the Council will only support proposals for the redevelopment of existing buildings to accommodate new housing where, the density proposed is not significantly higher than that found in the established residential area; and the pattern of development is in keeping with the overall character, environmental quality and residential amenity of the established residential area.

SP 6 Placemaking and Good Design is supported by Policy DM 25 Urban Design. DM 25.1 indicates that the Council will require development within settlements to demonstrate a clear understanding of the characteristics of the site, its wider context and how the proposal will connect with the surrounding area.

As noted above this proposal is for the erection of a dwelling and new access to the rear of No. 2 Cambrai Park. The site previously formed part of the elongated rear garden of No. 2 but it has been sectioned off in recent years and the garden at No. 2 has been made smaller and private with the erection of new fencing.

The proposed dwelling is to be sited in the northeastern corner of the site, fronting in a southerly direction towards Abbeyville Place. The proposed dwelling is modest in scale measuring 15.3 metres by 4.1 metres with a low ridge height of 3.2 metres and finished in cream coloured roughcast render with white corner stones, aluminium metrotile for the roof and white Upvc windows. The proposed dwelling appears to be a prefabricated modular building.

The access to the dwelling is proposed to be via a new vehicular access off the southern stretch of Abbeyville Place (just before the entrance to the Whiteabbey Park and Ride). The existing boundary fencing along the southern site boundary requires removal in order to facilitate the new access, which will leave more open views into the site from Abbeyville Place. The main garden areas are proposed to the front of the proposed dwelling, the existing shed is to remain and parking is to be provided in the northwestern corner of the site.

It is noted that the original garden sizes at the dwellings along Cambrai Park are uniquely large and there are examples of more dense forms of development located in close proximity to the application site. A recently constructed dwelling granted under application Ref: LA03/2020/0594/F is situated just beyond the application site to the north. This dwelling is located in what was the original garden area of No. 8 Cambrai Park. Overall, it is concluded that the proposed density would not be significantly higher than that found in the surrounding established residential area.

The application site is a corner plot and is bound to the south and west by Abbeyville Place. The siting of the proposed dwelling would result in a side-to-back arrangement with No. 2 Cambrai Park which is not a pattern of development or layout generally expressed in the area, where surrounding dwellings mostly have a back-to-back arrangement.

The siting of the proposed dwelling, as well as being inconsistent with the pattern of development in the area, also creates implications with regards to achieving suitable levels of private amenity space. Furthermore, the design and characteristics of the proposed dwelling are not considered to respect the local character of the area. The surrounding dwellings mostly consist of traditionally designed and constructed two storey semi-detached dwellings fronting outwards onto the road. As indicated by

a Council plaque erected along the roadside in close proximity to the application site, the residential development at Carmbrai Park was a land trust housing development constructed for war veterans in January 1924.

At present views into the site are very limited due to the existing 1.8-metre-high close boarded wooden fencing which bounds the site to the south and the west. The creation of the new vehicular access would require removal of a vast part of this existing boundary treatment. It is noted from the Site Layout Plan, (Drawing No. 02/1 date stamped 26th August 2025), that the replacement boundary details are not provided. Notwithstanding this, regardless of what suitable boundary treatment is put in place, public views would be achievable into the application site directly from Abbeyville Place and also from Station Road, which runs parallel to Abbeyville Place.

It is concluded that the proposal would be contrary to Policies DM 17 and DM 25 in that the proposal would fail to be in keeping or relate well to the existing character and appearance of the surrounding residential area.

### **Private Open Space Provision**

DM 17.9 indicates that the Council will take account of the guidance in relation to private open space provision for new residential development proposals as set out in the supplementary planning guidance document, *Creating Places – Achieving Quality in Residential Developments*, (DoE/DRD, 2000).

The planning guidance provided in 'Creating Places' states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates on average private open space provision should be 70m<sup>2</sup> and that an area of private open space less than 40m<sup>2</sup> will generally be unacceptable.

'Creating Places' also states that even the smallest back gardens and patios should seek to offer some privacy from overlooking and get the sun for a part of the day. It indicates that designs will generally need to accommodate a paved and/or grassed area that allows for sitting out, small children's play, drying clothes, space for garden storage and space for potential house extensions.

As noted above the dwelling is proposed to be located in the northeastern corner of the application site and is sited approximately 2.7 metres from the site's northern boundary, which leaves only a narrow strip of 'private' amenity space to the rear of the proposed dwelling. Although this strip equates to approximately 41.3 m<sup>2</sup> (just in excess of the minimum requirement), given the nature of the space which is long, narrow and sandwiched between the existing boundary treatment (hedge) and the rear elevation of the dwelling, it is not considered appropriate or useable.

It is noted that garden areas are also provided forward and to the side of the proposed dwelling. However, these areas would not be considered to be private as they would be open to public view from persons travelling along Abbeyville Place. Having regard to the above, it is considered that the proposal is contrary to the policy requirements laid out in DM 17.9 in that the proposed dwelling does not provide an acceptable and appropriate level of private open space.

### **Amenity**

Policy SP 6 Placemaking and Good Design is supported by Policy DM 28 Amenity Impact and indicates that the Council will only support development proposals where they will not result in an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties by way of overlooking, loss of privacy, dominance, overshadowing, or other forms of disturbance.

As noted above, the proposed dwelling is to be located in the previously large rear garden area that was associated with No. 2 Cambrai Park. No. 2 has now reduced its garden area and a new 2.5-metre-high fence has been erected, along the site's eastern boundary beyond an existing raised flowerbed. The proposed dwelling is located approximately 10.5 metres from the rear elevation of No. 2. The proposed dwelling has a gable to rear relationship with No. 2 Cambrai Park, however, there are no windows proposed on the side elevation facing towards No.2. Owing to the proposed dwelling's low ridge height, the separation distance employed, the existing boundary treatment and lack of fenestration on the side elevation, it is considered that the proposed dwelling would have no significant detrimental impact on the occupants of No. 2 Cambrai Park.

There will be views from the first-floor windows of No. 2 Cambrai Park towards the garden area of the proposed dwelling but given the urban context of the application site a degree of overlooking is to be expected and would not be dissimilar to views experienced between two semi-detached dwellings and their respective gardens.

No. 4 Cambria Park is located approximately 11 metres to the northeast of the proposed dwelling. An existing garage is positioned between the proposed dwelling and this neighbouring house. The boundary definition is mature hedging approximately 2.5 metres in height and a section of wall with an approximate height of 2 metres. Owing to the existing boundary treatment, the single storey nature of the proposed dwelling and the separation distance employed, it is considered that there would be no significant detrimental impact on the occupants of the dwelling at No. 4 Cambrai Park.

Given the site's proximity to the railway line, the Council's Environmental Health Section (EHS) has requested further information in relation to potential noise disturbance. EHS has requested that the applicant undertakes a Noise Impact Assessment to include the daytime and night-time noise impact of the nearby railway lines and associated car park and road traffic noise on the proposed development. This matter was raised with the applicant in May 2025, however, the applicant advised that it would not be necessary to carry out any assessment in relation to noise as she is already aware of the noise climate having lived in the area for a number of years.

Although the matter of impact from noise could potentially be dealt with by imposing an occupancy condition upon any forthcoming approval, this is not generally common practice, and in the absence of a Noise Impact Assessment there is no evidence to suggest that the amenity experienced at the proposed dwelling would not be compromised by noise associated with the nearby railway line, car park and associated traffic noise, particularly as the proposed dwelling appears to be a modular building with a different level of attenuation.

### **Access and Parking**

Policy SP 3 Transportation and Infrastructure is supported by Policy DM 10 Access and Parking which indicates that the Council will seek to ensure that all new development provides safe access arrangements that will not significantly inhibit the free flow of traffic, and that sufficient car and cycle parking is provided. Policy DM 25 requires that all proposals incorporate adequate and appropriate provision for parking.

With regards to the parking of vehicles, three (3) car parking spaces have been provided within the site curtilage as indicated on the Site Layout Plan, Drawing No. 02/1 date stamped 26th August 2025, which is considered both adequate and appropriate.

As noted above, the proposal involves the creation of a new access to serve the proposed dwelling which exits onto Abbeyville Place. DfI Roads in its original consultation response stated that the proposed vehicular access onto Abbeyville Place is a private road. It added that the access serving the dwelling is sub-standard and in the applicant's interests and that of other road users, measures should be taken to provide acceptable visibility. In its consultation response it also stated that visibility splays of 2 metres by 33 metres would be appropriate.

The access arrangements have been amended from the original submission and the Site Layout Plan, (Drawing No. 02/1 date stamped 26th August 2025), indicates visibility splays of 2 metres by 33 metres. However, the proposed visibility splays do not take into account the existing 90-degree bend approximately 11m to the west of the access and the existing shed that abuts the western site boundary. As such, the subsequent lack of visibility to the right-hand side exiting the application site remains a concern. Having considered the revised access proposal DfI Roads in its consultation response dated 9th September 2025 continue to advise that the access arrangement is substandard.

Due to the insufficient visibility splays, namely to the right-hand side exiting, the proposed development fails to comply with the policy requirements of Policy DM 10 in that the access arrangements are considered to prejudice road safety.

### **Natural Heritage**

Policy SP 1.4 states that the Council will adopt a precautionary approach where there are significant risks of damage to the environment and Policy SP 8: Natural Heritage seeks to protect, conserve and promote the enhancement and restoration of the diversity of our Borough's natural heritage comprised of its habitats, species, landscapes and earth science features. SP 8.3 requires appropriate weight to be afforded to the protection of designated sites, protected species and priority habitats and species together with other features of biodiversity and geological interest within the wider environment. Policy SP 8 is supported by Policies DM 37, DM 38, DM 39 and DM 42 of the ANPS.

The application site is not situated within any nationally or internationally designated sites. The site contains existing hedging along the northern boundary, which appears capable of retention, however, this is not indicated on the Site Layout Plan, (Drawing No. 02/1 date stamped 26th August 2025), although its retention could be conditioned in any forthcoming planning approval. Additionally, a number of existing trees in the southwestern corner of the site are not indicated on the Site Layout Plan, however, they would likely need to be removed to achieve the proposed visibility

splays and access arrangement. The trees are not considered to be high quality landscape features which contribute significantly to local environmental quality, however, no ecological information such as a Biodiversity Checklist/Ecological Statement have been submitted with the application in order to determine if there would be any adverse impact on biodiversity/protected species and no compensatory planting has been proposed.

As such, the proposal is considered contrary to the policy requirements of Policies DM 38, DM 39 and DM 42 as it has not been demonstrated that the proposal would not have an adverse impact upon protected species and their habitats.

### **Other Matters**

NI Water (NIW) was consulted with regards to the development proposal and has recommended a refusal within its consultation response, stating that the public foul sewer within 20m of the proposed development boundary has network capacity issues. The applicant has been advised to liaise directly with NIW as a Wastewater Impact Assessment requires to be submitted, following which NIW will assess the proposal to see if an alternative drainage or treatment solution can be agreed.

The issue of a connection to the public sewer is a matter controlled by separate legislation, namely, Article 161 of the Water (Northern Ireland) Order 1999. The role of the planning system is not to duplicate the regulatory controls of other statutory bodies and matters which lie outside the control of planning should not form part of the decision-making process unless it is demonstrated that the development would result in adverse impacts on the environment.

In this case the adverse impacts would arise from the development causing capacity issues to Waste Water Treatment Works resulting in an overloading of the system. NIW can make an assessment of whether the sewage infrastructure has sufficient capacity to cope with the development and then decide to grant or refuse consent to connect to the sewer.

Provided that no development could commence until such times as the necessary Article 161 agreement was obtained then no adverse impacts would arise. This is a matter which could be negatively conditioned should planning permission be forthcoming and therefore a reason for refusal on this issue could not be sustained.

### **CONCLUSION**

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

- The principle of the development is acceptable;
- The design and layout does not respect the character and appearance of the existing residential area;
- The proposal will not result in any significant adverse impacts on neighbour amenity;
- The amenity of the proposed dwelling may be compromised by way of noise;
- Inadequate useable private open space has been provided;
- Inadequate visibility splays have been provided;
- No ecological information has been submitted in relation to the proposed development; and

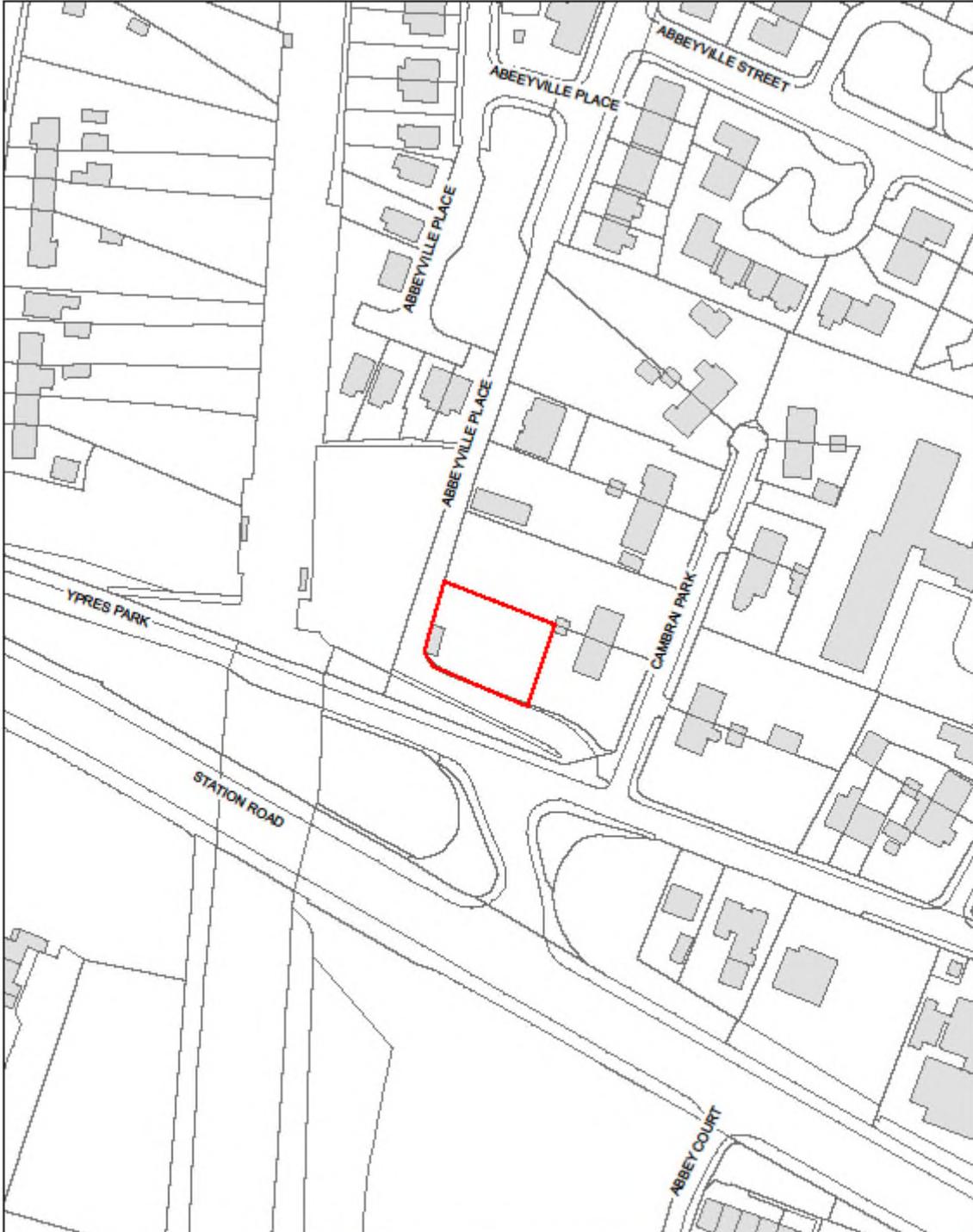
- Due to capacity issues in the network a Wastewater Impact Assessment should be submitted to NIW to determine if an alternative drainage or treatment solution can be agreed.

**RECOMMENDATION**

**REFUSE PLANNING PERMISSION**

**PROPOSED REASONS FOR REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy SP 4, Policy SP 6, DM 17.6 and DM 25.1 of the Antrim and Newtownabbey Plan Strategy, in that the proposal would fail to be in keeping or relate well to the existing character and appearance of the surrounding residential area.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy SP 4 and DM 17.9 of the Antrim and Newtownabbey Plan Strategy in that the proposed dwelling does not provide an acceptable and appropriate level of private open space.
3. The proposal is contrary to the policy provisions the Strategic Planning Policy Statement and Policies SP 8, DM 38, DM 39 and DM 42 of the Antrim and Newtownabbey Plan Strategy, in that insufficient information has been provided to demonstrate that the proposal would not negatively impact upon protected species and other features of biodiversity interest.
4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies SP 6 and DM 28 of the Antrim and Newtownabbey Plan Strategy in that it has not been sufficiently demonstrated that the amenity experienced at the proposed dwelling would not be detrimentally impacted by noise associated with the railway line and associated car park.
5. The proposal is contrary to the policy provisions the Strategic Planning Policy Statement and Policy SP 3 and Policy DM 10 of the Antrim and Newtownabbey Plan Strategy, in that it has not been demonstrated that the proposed development, if permitted, would not prejudice the safety and convenience of road users.



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### Site Location Plan

1:1,250

Reference: LA03/2025/0196/F

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.12</b>
<b>APPLICATION NO</b>	<b>LA03/2025/0397/S54</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>COUNCIL INTEREST</b>
<b>RECOMMENDATION</b>	<b>GRANT SECTION 54 APPLICATION</b>
<b>PROPOSAL</b>	Part change of use of Council building for extension to previously approved waste transfer station (T/2010/0078/F), to allow internal layout changes (Vary Condition 6 of planning approval T/2012/0225/F regarding European Waste Catalogue Codes listed in Appendix A).
<b>SITE/LOCATION</b>	6B Orchard Way (previously known as 6 Orchard Way), Antrim, BT41 2RU
<b>APPLICANT</b>	Natural World Products Ltd
<b>AGENT</b>	MBA Planning Ltd
<b>LAST SITE VISIT</b>	26 <sup>th</sup> August 2025
<b>CASE OFFICER</b>	Tierna Mc Veigh Tel: 028 903 40401 Email: <a href="mailto:tierna.mcveigh@antrimandnewtownabbey.gov.uk">tierna.mcveigh@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal</b>  <a href="https://planningregister.planningsystemni.gov.uk/application/700243">https://planningregister.planningsystemni.gov.uk/application/700243</a></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 6B Orchard Way which is within the development limits of Antrim Town as designated in the Antrim Area Plan 1984 - 2001 (AAP). The site is not zoned for any particular use within the AAP but adjoins Newpark industrial zoning.</p> <p>The proposal is located wholly within the curtilage of the Council's Services depot. This depot serves as a base for vehicles used for refuse collection, street cleansing, ground maintenance as well as other plant and equipment.</p> <p>The application site is the end unit in a row of three (3) adjoining industrial units that have a frontage along the northern elevation of the building. The subject unit has three (3) roller shutter doors on its northern elevation including fire exits. A further two (2) fire exits are provided along the western side elevation, however, the unit does not have a frontage on this elevation. The building is finished in bare concrete blocks and corrugated iron cladding. The flat roof has a metal guardrail surrounding its perimeter.</p> <p>The topography of the site slopes gently from east to west and the building is surrounded by areas of concrete hard standing and rough gravel. Access to the site is via an existing access gate and gravel access road off Orchard Way. The northern boundary is defined by a concrete post and wire mesh fence of approximately 2 metres in height and augmented by vegetation, approximately 5 metres in height. The western boundary is defined by 2-metre-high paladin fencing.</p>	

The site is bound by industrial/commercial premises including the Council's civic amenity site to the immediate south and west and SAM Mouldings adjoins the site to the north.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2025/0581/NMC

Location: 6a Orchard Way (formerly known as 6 Orchard Way) Antrim, BT41 2RU

Proposal: Non-material change to LA03/2022/1069/F (The site address given on the decision notice refers to 6b Council Depot, Orchard Way, Antrim, BT41 2RU and it should be corrected to read 6a Orchard Way, Antrim, BT41 2RU.

Decision: Under Consideration

Planning Reference: LA03/2025/0396/S54

Location: 6B Orchard Way, Antrim, BT41 2RU

Proposal: Part change of use of existing council building to a waste transfer station for kitchen and garden waste and other non-hazardous municipal solid waste (Vary Condition 6 of planning approval T/2010/0078/F regarding European Waste Catalogue codes listed in Appendix A)

Decision: Under Consideration

Planning Reference: LA03/2025/0237/S54

Location: 6A Orchard Way, Antrim, BT41 2RU

Proposal: Part change of use of council building for extension to previous approved adjoining waste transfer station (T/2012/0225/F). Internal layout changes, changes to the elevations, installation of 35m stack, leachate tank and other site works (Variation of Condition 2 from planning approval LA03/2022/1069/F regarding European Waste Catalogue Codes. Appendix A is proposed to be amended to include 1no. additional code - 20 03 99 - Municipal wastes not otherwise specified

Decision: Invalid Application

Planning Reference: LA03/2025/0153/CLOPUD

Location: 6A Orchard Way, Antrim, BT41 2RU

Proposal: Installation of an additional doorway and a 35m high stack

Decision: Application Required 02/10/2025

Planning Reference: LA03/2022/1069/F

Location: 6B Council Depot, Orchard Way, Newpark Industrial Estate, Antrim, Co. Antrim, BT41 2RU

Proposal: Part change of use of council building for extension to previous approved adjoining waste transfer station (T/2012/0225/F). Internal layout changes, changes to the elevations, installation of 35m stack, leachate tank and other site works

Decision: Permission Granted (24.07.2023)

Planning Reference: LA03/2021/0951/F

Location: 6B Council Depot, Orchard Way, Newpark Industrial Estate, Antrim, Co. Antrim, BT41 2RU

Proposal: Part change of use of council building to provide an extension to previously approved adjoining waste transfer station (T/2012/0225/F). Internal layout changes, changes to the elevation and other site works.

Decision: Permission granted (06.06.2022)

Planning Reference: LA03/2016/0465/LDE

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim, Co. Antrim, BT41 2RU  
Proposal: Re-location of both the existing roller shutter door and the proposed pedestrian exist door as shown on previously approved drawing No 03 planning ref; T/2012/0225/F.

Decision: Permission Granted (04.07.2016)

Planning Reference: LA03/2015/0481/DC

Location: 6 Orchard Way Newpark Industrial Estate Antrim BT41 2RU  
Proposal: Discharge of Condition 4-Odour control design

Decision: Condition Discharged 07/10/2015

Planning Reference: LA03/2015/0453/NMC

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim, Co. Antrim, BT41 2RU  
Proposal: In order to satisfy Condition No 4 of planning approval T/2012/0225/F, NWP propose to install a Light Extraction Ventilation (LEV) System together with high level Roof Fans. The 2No roof fans will be fitted to the outside of the existing roof surface and will extend not further than 500mm above the existing roof surface. The roof fans will not be visible, as the existing parapet wall extends above the ridge height of the building.

Decision: Non-material Change Granted (06.10.2015)

Planning Reference: LA03/2015/0397/NMC

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim, BT41 2RU  
Proposal: The proposed minor amendment relates to the operations within the facility, more specifically the removal of the proposed Transfer Area/Pit, referred to on the stamped approved planning drawing no 04 - Operational Plan Layout, dated 27th November 2012.

Decision: Non-material Change Granted (26.08.2015)

Planning Reference: T/2012/0225/F

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim, BT41 2RU  
Proposal: Part change of use of council building for extension to previous approved waste transfer station (T/2010/0078/F), to allow internal layout changes.

Decision: Permission Granted (03.01.2013)

Planning Reference: T/2010/0078/F

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim, BT41 2RU  
Proposal: Part change of use of existing council building to a waste transfer station for kitchen and garden waste and other non-hazardous municipal solid waste.

Decision: Permission Granted (26.05.2011)

Planning Reference: T/2009/0543/F

Location: 4 Orchard Way, Off Greystone Road, Antrim  
Proposal: New gated access and sub-division of existing unit to create separate site for sub-letting (retrospective)

Decision: Permission Granted (13.11.2009)

Planning Reference: T/2004/0807

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim (Townland of Newpark Parish)

Proposal: Change of use of part of existing building to receive & compost kitchen & garden wastes using an "in-vessel" composting system. Use of land to store & stabilise compost before dispatch & for ancillary uses - vehicle washing, bio-filtration system & staff car-parking.

Decision: Permission Refused (27.01.2006)

Planning Reference: T/2002/0853/F

Location: 6 Orchard Way, Antrim

Proposal: Operational Services Depot Facility (refuse collection, street cleansing, grounds maintenance and storage facility for associated plant, equipment and vehicles with ancillary office accommodation)

Decision: Permission Granted (05.12.2002)

Planning Reference: T/1995/0399

Location: Vanguard Logistics LTD, 6 Orchard Way, Newpark Industrial Estate, Antrim

Proposal: Change of use of part of industrial building to wastepaper baling plant and installation of external weighbridge

Decision: Permission Granted (27.10.1995)

#### **PLANNING POLICY AND GUIDANCE**

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

The Antrim and Newtownabbey Local Development Plan (ANLDP) will comprise of two parts; Part 1 is the Plan Strategy which contains strategic and operational policies and was adopted on 3rd July 2025. Part 2 is the Local Policies Plan which will identify the boundaries of settlement limits, local designations and zonings which has not yet been published. As such the settlement limits, local designations and zonings of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) remain applicable. Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the provisions of the draft Belfast Metropolitan Area Plan.

Antrim Area Plan 1984 – 2001: The application site is located within the settlement limits of Antrim Town. The site is not zoned for any particular use. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

Antrim and Newtownabbey Plan Strategy 2015-2030: sets out the relevant planning policies for assessing planning applications and other planning consents. The relevant strategic and operational policies for the assessment of the current proposal are listed below.

**Strategic Policy 1 – Sustainable Development (SP 1):** sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Strategic Planning Policy Statement (SPPS).

**Strategic Policy 6 - Placemaking and Good Design (SP6):** sets out that positive placemaking and good design are key components in the delivery of high quality, attractive and sustainable places within our Borough. SP6 is supported by Policy:

- Policy DM 28 Amenity Impact.

**Strategic Policy 10 - Environmental Resilience and Protection (SPG10):** seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. SPG10 is supported by Policy:

- Policy DM 53 Waste Management and Disposal Facilities.

#### **CONSULTATION**

**Council Environmental Health Section – Advice**  
**DAERA: Regulation Unit – No objection**

#### **REPRESENTATION**

Five (5) neighbouring properties were notified, and no letters of representation have been received.

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

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

- Policy Context and Principle of Development
- Conditions to be Varied
- Pollution and Contamination

##### **Policy Context and Principle of Development**

Section 54 of the 2011 Act applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. On receipt of such an application, the Council may only consider the question of the conditions subject to which planning permission should be granted and it cannot revisit the principle of the development granted previously. The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the current application.

The principle of development at this site was first established through planning permission, Ref: T/2010/0078/F, approved on 26 May 2011, which allowed a part change of use of the building to a waste transfer station. This was followed by approval, Ref: T/2012/0225/F on 27 November 2012 permitting internal layout alterations and additional floorspace to secure compliance with Condition 2 of the 2010 consent.

Two further applications were submitted to extend the business utilising an adjoining unit (Ref's: LA03/2021/0951/F and LA03/2022/1069/F) the address given at the time for these two approved applications was 6B, however, it was later indicated by the agent that this was an incorrect address and that it should have

read '6A Orchard Way'. A subsequent application and justification to amend the address is currently under consideration (Refs: LA03/2025/0581/NMC and LA03/2025/0153/CLOPUD). Notwithstanding, the subject application does not seek to amend the waste codes approved for this adjoining unit (now known as 6A Orchard Way).

As the current application relates solely to vary Condition 6 attached to permission, Ref: T/2012/0225/F, the principle of development is already established and is not for reconsideration. Assessment is therefore limited to the acceptability of the proposed variation of the condition.

### **Conditions to be Varied**

The purpose of this application is to vary Condition 6 of planning approval Ref: T/2012/0225/F regarding the approved European Waste Catalogue (EWC) Codes listed in Appendix A of the decision notice. The variation proposes to add an additional waste code to Appendix A, namely 20 03 99 – 'Municipal wastes not otherwise specified'.

Supplementing the application is a site location plan, Drawing Number 01 and a Supporting Statement, Document 01 both dated 3rd June 2025.

Condition 6 of planning approval T/2012/0225/F reads:

"The materials accepted at the waste transfer facility shall be restricted to those European Waste Catalogue codes listed in Appendix A.

Reason: To ensure protection of the environment."

The agent within the Supportive Statement states that the new EWC code is consistent with the 20 EWC codes already approved on site and requires no different or further methods of processing or treatment. It is a catch all municipal code; there is no additional tonnage proposed and that there is no material change to the operation of the site.

Appendix A below indicates all the waste codes proposed on site, including the proposed code. For reference, those in black writing are approved codes as per the condition, and the proposed new code is in blue writing, 'Municipal waste codes not otherwise specified. This includes items such as ceramic fibre, windscreen washer fluid, bric-a-brac, stone wool etc.

Appendix A - European Waste Catalogue Codes to be accepted at the site:

02 01 07	wastes from forestry
03 01 01	waste bark and cork
03 01 05	sawdust, shaving, cuttings, wood, particle board and veneer other than those mentioned in 03 01 04
03 03 01	waste bark and wood
03 03 07	mechanically separated rejects from pulping of wastepaper and cardboard
15 01 01	paper and cardboard packaging
15 01 02	plastic packaging
15 01 03	wooden packaging

15 01 04	metallic packaging
15 01 05	composite packaging
15 01 06	mixed packaging
15 01 09	textile packaging
17 04 02	aluminium
17 04 05	iron and steel
19 05 01	non-composted fraction of municipal and similar wastes
19 05 02	non-composted fraction of animal and vegetable waste
19 05 03	off-specification compost
19 12 01	paper and cardboard
20 01 01	paper and cardboard
20 01 08	biodegradable kitchen and canteen waste
20 01 10	clothes
20 01 11	textiles
20 01 38	wood other than that mentioned in 20 01 37
20 01 39	plastics
20 01 40	metals
20 02 01	biodegradable waste
20 02 02	soil and stones
20 03 01	mixed municipal waste
20 03 02	waste from markets
20 03 03	street-cleaning residues
20 03 07	bulky waste
20 03 99	Municipal wastes not otherwise specified.

Policy DM 28 deals with impact on amenity and states that the Council will only support development proposals where they will not result in an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties.

The Council's Environmental Health Section were consulted on the proposed variation and advised that the enforcing authority – Department of Agriculture, Environment and Rural Affairs (DAERA), should be consulted.

DAERA Regulation Unit were consulted and state that subject to approval, the applicant will be required to submit an updated Working Plan to Regulation Unit for approval prior to accepting the additional waste streams on site. DAERA Regulation Unit further advised that the updated Working Plan should include updated storage and handling procedures. The inclusion of the additional waste code will be subject to regulation under the appropriate licences and it is considered that the additional waste code to be accepted at the site will not result in any significant adverse impact on the surrounding area or neighbouring land uses.

Furthermore, the acceptance of this additional waste code is not expected to generate impacts beyond those already associated with the existing facility. Mitigation measures and operational controls have previously been secured through planning conditions to prevent unacceptable environmental effects. It is therefore recommended that these conditions be reimposed as part of any forthcoming decision. In addition, as the development is operational, condition one has been removed to take into account the commencement of

development of the previous permission which impacts on the numbering of the remaining conditions.

To conclude, the variation of Condition 6 (now condition 04) is considered acceptable.

### CONCLUSION

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

- The principle of the development has previously been established;
- The proposal will not pose any significant environmental impact; and
- The variation of Condition 6 of planning approval T/2012/0225/F is acceptable.

### RECOMMENDATION

### GRANT SECTION 54 APPLICATION

### PROPOSED CONDITIONS

1. The materials accepted at the waste transfer facility shall be restricted to those European Waste Catalogue codes listed in Appendix A.

Reason: To ensure protection of the environment.

2. All off-loading, deposition, storage and re-loading of waste shall be carried out within the waste facility hereby approved, as indicated on approved Drawing Number 03 (Rev A) date stamped the 2nd July 2012 of planning approval T/2012/0225/F.

Reason: To ensure protection of the environment and to ensure protection of the amenity of occupied properties in the surrounding area.

3. There shall be no shredding, crushing or screening operations associated with the facility hereby approved.

Reason: To ensure protection of the environment and to ensure protection of the amenity of occupied properties in the surrounding area.

4. The odour control/treatment unit as approved under planning reference LA03/2015/0481/DC shall be maintained in working order throughout the life of the facility hereby approved.

Reason: To ensure protection of the amenity of occupied properties in the surrounding area.

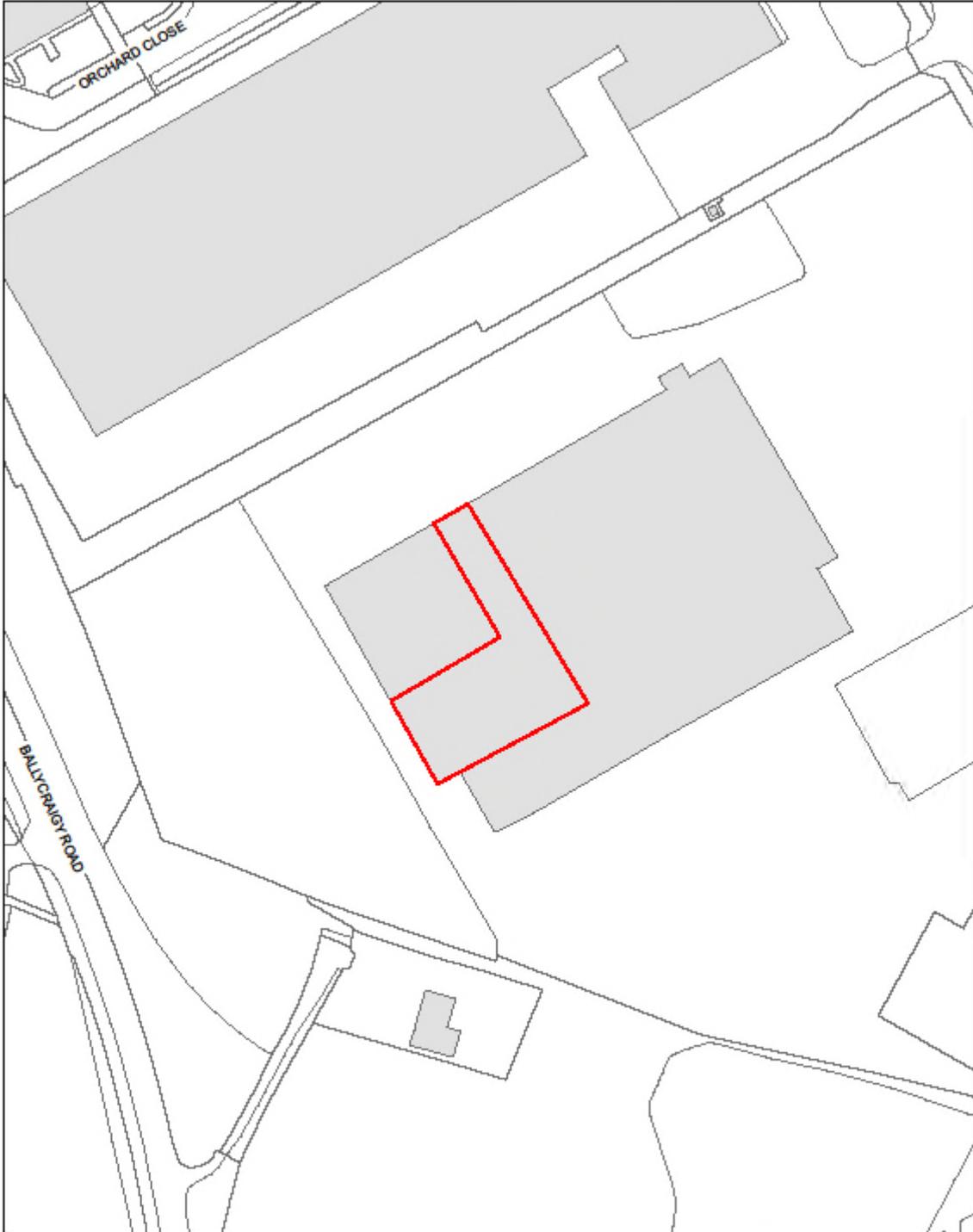
#### Appendix A

European Waste Catalogue Codes to be accepted at the site:

02 01	Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing
02 01 03	Plant tissue waste
02 01 07	Wastes from forestry
03 01	Wastes from wood processing and the production of panels and furniture
03 01 01	Waste bark and cork

03 01 05	Sawdust, shavings, cuttings, wood, particle board and veneer other than those mentioned in 03 01 04
03 03	Waste from pulp, paper and cardboard production and processing
03 03 01	Waste bark and wood
03 03 07	Mechanically separated rejects from pulping of wastepaper and cardboard
04 02	Wastes from the textile industry
04 02 10	Organic Matter from natural products (for example grease, wax)
15 01	Packaging (including separately collected municipal packaging waste)
15 01 01	Paper and cardboard packaging
15 01 02	Plastic packaging
15 01 03	Wooden packaging
15 01 04	Metallic packaging
15 01 05	Composite packaging
15 01 06	Mixed packaging
15 01 07	Glass Packaging
15 01 09	Textile packaging
17 02 02	Glass
17 04 02	Aluminium
17 04 05	Iron and steel
19 05	Wastes from aerobic treatment of solid wastes
19 05 01	Non-composted fraction of municipal and similar wastes
19 05 02	Non-composted fraction of animal and vegetable wastes
19 05 03	Off specification compost
19 06 04	Digestate from anaerobic treatment of municipal waste
19 06 06	Digestate from anaerobic treatment of animal and vegetable waste
19 09 02	Sludges from water clarification
19 12	Wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising)
19 12 01	Paper and Cardboard
19 12 10	Combustible waste (Refuse Derived Fuel RDF)
19 12 12	Other wastes (excluding mixtures of materials) from the mechanical treatment of wastes other than those mentioned in 19 12 11
19 13 06	Sludges from groundwater remediation other than those mentioned in 19 13 05
20 01	Separately collected fraction (except 15 01)
20 01 01	Paper and cardboard
20 01 02	Glass
20 01 08	Biodegradable kitchen and canteen waste
20 01 10	Clothes
20 01 11	Textiles
20 01 38	Wood other than that mentioned in 20 01 37
20 01 39	Plastics
20 01 40	Metals
20 02	Garden and parks waste (including cemetery waste)

20 02 01	Biodegradable waste	
20 02 02	Soil and stones	
20 03	Other municipal wastes	
20 03 01	Mixed municipal waste	
20 03 02	Waste from markets	
20 03 03	Street cleaning residues	
20 03 07	Bulky Waste	
20 03 99	Municipal wastes not otherwise specified.	



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**Site Location Plan**

1:1,250 

Reference: LA03/2025/0397/S54

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.13</b>
<b>APPLICATION NO</b>	<b>LA03/2025/0396/S54</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>COUNCIL INTEREST</b>
<b>RECOMMENDATION</b>	<b>GRANT SECTION 54 APPLICATION</b>
<b>PROPOSAL</b>	Part change of use of existing council building to a waste transfer station for kitchen and garden waste and other non-hazardous municipal solid waste (Vary Condition 6 of planning approval T/2010/0078/F regarding European Waste Catalogue codes listed in Appendix A)
<b>SITE/LOCATION</b>	6B Orchard Way (previously known as 6 Orchard Way), Antrim, BT41 2RU
<b>APPLICANT</b>	Natural World Products Ltd
<b>AGENT</b>	MBA Planning Ltd
<b>LAST SITE VISIT</b>	26 <sup>th</sup> August 2025
<b>CASE OFFICER</b>	Tierna Mc Veigh Tel: 028 903 40401 Email: <a href="mailto:tierna.mcveigh@antrimandnewtownabbey.gov.uk">tierna.mcveigh@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal</b>  <a href="https://planningregister.planningsystemni.gov.uk/application/700240">https://planningregister.planningsystemni.gov.uk/application/700240</a></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 6b Orchard Way, Antrim which is within the development limit of Antrim Town as designated in the Antrim Area Plan 1984 -2001. The site is not zoned for any particular use but adjoins an industrial zoning – Newpark.</p> <p>The proposal is located wholly within the curtilage of the Council's Services depot. This depot serves as a base for vehicles used for refuse collection, street cleansing, ground maintenance as well as other plant/equipment.</p> <p>The application site is the end unit in a row of three (3) adjoining industrial units that have a frontage along the northwestern elevation of the building. The subject unit has three (3) roller shutter door on its northern elevation including a fire exits. A further two (2) fire exits are provided along the western side elevation. The building is finished in bare concrete blocks and corrugated iron cladding.</p> <p>The building is surrounded by areas of concrete hard standing and rough gravel/stone. Access to the site is via an existing access gate and gravel access road off Orchard Way. The topography of the site is relatively flat but slopes gently from east to west. The northern boundary is defined by a 2-metre-high concrete post and wire mesh fence augmented by vegetation</p>	

approximately 5 metres in height whilst the western boundary is defined by 2-metre-high paladin fencing.

The site is bounded by industrial/commercial premises including the Council's civic amenity site to the immediate south and west and SAM Mouldings to the north.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2025/0581/NMC

Location: 6a Orchard Way (formerly known as 6 Orchard Way) Antrim, BT41 2RU

Proposal: Non-material change to LA03/2022/1069/F (The site address given on the decision notice refers to 6b Council Depot, Orchard Way, Antrim, BT41 2RU and it should be corrected to read 6a Orchard Way, Antrim, BT41 2RU.

Decision: Under Consideration

Planning Reference: LA03/2025/0237/S54

Location: 6A Orchard Way, Antrim, BT41 2RU

Proposal: Part change of use of Council building for extension to previously approved waste transfer station (T/2010/0078/F), to allow internal layout changes (Vary Condition 6 of planning approval T/2012/0225/F regarding European Waste Catalogue Codes listed in Appendix A)

Decision: Under Consideration

Planning Reference: LA03/2025/0153/CLOPUD

Location: 6A Orchard Way, Antrim, BT41 2RU

Proposal: Installation of an additional doorway and a 35m high stack

Decision: Application Required 02/10/2025

Planning Reference: LA03/2022/1069/F

Location: 6B Council Depot, Orchard Way, Newpark Industrial Estate, Antrim, Co. Antrim, BT41 2RU

Proposal: Part change of use of council building for extension to previous approved adjoining waste transfer station (T/2012/0225/F). Internal layout changes, changes to the elevations, installation of 35m stack, leachate tank and other site works

Decision: Permission Granted (24.07.2023)

Planning Reference: LA03/2021/0951/F

Location: 6B Council Depot, Orchard Way, Newpark Industrial Estate, Antrim, Co. Antrim, BT41 2RU

Proposal: Part change of use of council building to provide an extension to previously approved adjoining waste transfer station (T/2012/0225/F). Internal layout changes, changes to the elevation and other site works.

Decision: Permission Granted (06.06.2022)

Planning Reference: LA03/2016/0465/LDE

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim, Co. Antrim, BT41 2RU

Proposal: Re-location of both the existing roller shutter door and the proposed pedestrian exist door as shown on previously approved drawing no 03-planning ref; T/2012/0225/F.

Decision: Permission Granted (04.07.2016)

Planning Reference: LA03/2015/0481/DC

Location: 6 Orchard Way Newpark Industrial Estate Antrim BT41 2RU

Proposal: Discharge of Condition 4-Odour control design

Decision: Condition Discharged 07/10/2015

Planning Reference: LA03/2015/0453/NMC

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim, Co. Antrim, BT41 2RU

Proposal: In order to satisfy Condition No 4 of planning approval

T/2012/0225/F, NWP propose to install a Light Extraction Ventilation (LEV)

System together with high level Roof Fans. The 2No roof fans will be fitted to the outside of the existing roof surface and will extend not further than 500mm above the existing roof surface. The roof fans will not be visible, as the existing parapet wall extends above the ridge height of the building.

Decision: Non-material Change Granted (06.10.2015)

Planning Reference: LA03/2015/0397/NMC

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim, BT41 2RU

Proposal: The proposed minor amendment relates to the operations within the facility, more specifically the removal of the proposed Transfer Area/Pit, referred to on the stamped approved planning drawing no 04 - Operational Plan Layout, dated 27th November 2012.

Decision: Non-Material Change Granted (26.08.2015)

Planning Reference: T/2012/0225/F

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim, BT41 2RU

Proposal: Part change of use of council building for extension to previous approved waste transfer station (T/2010/0078/F), to allow internal layout changes.

Decision: Permission Granted (03.01.2013)

Planning Reference: T/2010/0078/F

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim, BT41 2RU

Proposal: Part change of use of existing council building to a waste transfer station for kitchen and garden waste and other non-hazardous municipal solid waste.

Decision: Permission Granted (26.05.2011)

Planning Reference: T/2009/0543/F

Location: 4 Orchard Way, Off Greystone Road, Antrim

Proposal: New gated access and sub-division of existing unit to create separate site for sub-letting (retrospective)

Decision: Permission granted (13.11.2009)

Planning Reference: T/2004/0807

Location: 6 Orchard Way, Newpark Industrial Estate, Antrim (Townland of Newpark Parish)

Proposal: Change of use of part of existing building to receive & compost kitchen & garden wastes using an "in-vessel" composting system. Use of land

to store & stabilise compost before dispatch & for ancillary uses - vehicle washing, bio-filtration system & staff car-parking.  
Decision: Permission Refused (27.01.2006)

Planning Reference: T/2002/0853/F

Location: 6 Orchard Way, Antrim

Proposal: Operational Services Depot Facility (refuse collection, street cleansing, grounds maintenance and storage facility for associated plant, equipment and vehicles with ancillary office accommodation)

Decision: Permission Granted (05.12.2002)

Planning Reference: T/1995/0399

Location: Vanguard Logistics LTD, 6 Orchard Way, Newpark Industrial Estate, Antrim

Proposal: Change of use of part of industrial building to wastepaper baling plant and installation of external weighbridge

Decision: Permission Granted (27.10.1995)

### **PLANNING POLICY AND GUIDANCE**

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

The Antrim and Newtownabbey Local Development Plan (ANLDP) will comprise of two parts; Part 1 is the Plan Strategy which contains strategic and operational policies and was adopted on 3rd July 2025. Part 2 is the Local Policies Plan which will identify the boundaries of settlement limits, local designations and zonings which has not yet been published. As such the settlement limits, local designations and zonings of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) remain applicable. Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the provisions of the draft Belfast Metropolitan Area Plan.

Antrim Area Plan 1984 – 2001: The application site is located within the settlement limits of Antrim Town. The site is not zoned for any particular use but adjoins an industrial zoning. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

Antrim and Newtownabbey Plan Strategy 2015-2030: sets out the relevant planning policies for assessing planning applications and other planning consents. The relevant strategic and operational policies for the assessment of the current proposal are listed below.

**Strategic Policy 1 – Sustainable Development (SP 1):** sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Strategic Planning Policy Statement (SPPS).

**Strategic Policy 6 - Placemaking and Good Design (SP6):** sets out that positive placemaking and good design are key components in the delivery of high quality, attractive and sustainable places within our Borough. SP6 is supported by Policy:

- Policy DM 28 Amenity Impact

**Strategic Policy 10 - Environmental Resilience and Protection (SPG10):** seeks to promote environmental resilience by mitigating and adapting to the harmful effects of climate change on our built and natural environment. SPG10 is supported by Policy:

- Policy DM 53 Waste Management and Disposal Facilities.

#### **CONSULTATION**

**Council Environmental Health Section –** No objection

**DAERA: Regulation Unit –** No objection

#### **REPRESENTATION**

Five (5) neighbouring properties were notified, and no letters of representation have been received.

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

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

- Policy Context and Principle of Development
- Conditions to be Varied
- Pollution and Contamination

##### **Policy Context and Principle of Development**

Section 54 of the 2011 Act applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. On receipt of such an application, the Council may only consider the question of the conditions subject to which planning permission should be granted and it cannot revisit the principle of the development granted previously. The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the current application.

The principle of development at this site was first established through planning permission, Ref: T/2010/0078/F, approved on 26 May 2011, which allowed a part change of use of the building to a waste transfer station. This was followed by approval Ref: T/2012/0225/F on 27 November 2012, permitting internal layout alterations and additional floorspace to secure compliance with Condition 2 of Ref: T/2010/0078/F. It is worth noting that an associated variation of condition application, Ref: LA03/2025/0397/S54 is currently under

consideration to vary the waste codes under the associated permission, Ref: T/2012/0225/F.

Two further applications were submitted to extend the business utilising an adjoining unit (Ref's: LA03/2021/0951/F and LA03/2022/1069/F) the address given at the time for these two approved applications was 6B Orchard Way, however, it was later indicated by the agent that this address was incorrect and that it should have read '6A Orchard Way'. Subsequent applications and justification for amending the address have been submitted (Refs: LA03/2025/0581/NMC and LA03/2025/0153/CLOPUD). Notwithstanding, the current application does not seek to amend the waste codes approved for the adjoining unit (now known as 6A Orchard Way).

As the current application relates solely to a variation of Condition 6 attached to permission Ref: T/2010/0078/F the principle of development is already established and is not for reconsideration.

### **Conditions to be Varied**

The purpose of this application is to vary Condition 6 of planning approval Ref: T/2010/0078/F regarding the approved European Waste Catalogue (EWC) Codes listed in Appendix A of the decision notice. The variation proposes to add an additional waste code to Appendix A, namely '20 03 99 – Municipal wastes not otherwise specified'.

Supplementing the application is a site location plan, Drawing Number 01 and a Supporting Statement, Document 01 both dated 3rd June 2025.

Condition 6 of planning approval T/2010/0078/F reads:

*"The materials accepted at the waste transfer facility shall be restricted to those European Waste Catalogue codes listed in Appendix A.*

*Reason: To ensure protection of the environment."*

The agent within the Supportive Statement (Document 01 dated 3rd June 2025) states that the new EWC code is consistent with the EWC 20 codes already approved on site and requires no different or further methods of processing to be treatment. It is a catch all municipal code; there is no additional tonnage proposed and that there is no material change to the operation of the site.

Appendix A below indicates all the waste codes proposed on site, including the proposed code. For reference, those in black writing are approved codes as per the condition, and the proposed new code is in blue writing.

'Municipal Waste not otherwise specified' includes items such as ceramic fibre, windscreen washer fluid, bric-a-brac, stone wool etc.

Appendix A - European Waste Catalogue Codes to be accepted at the site:

02 01 07	wastes from forestry
03 01 01	waste bark and cork
03 01 05	sawdust, shaving, cuttings, wood, particle board and veneer other than those mentioned in 03 01 04

03 03 01	waste bark and wood
03 03 07	mechanically separated rejects from pulping of wastepaper and cardboard
15 01 01	paper and cardboard packaging
15 01 02	plastic packaging
15 01 03	wooden packaging
15 01 04	metallic packaging
15 01 05	composite packaging
15 01 06	mixed packaging
15 01 09	textile packaging
17 04 02	aluminium
17 04 05	iron and steel
19 05 01	non-composted fraction of municipal and similar wastes
19 05 02	non-composted fraction of animal and vegetable waste
19 05 03	off-specification compost
19 12 01	paper and cardboard
20 01 01	paper and cardboard
20 01 08	biodegradable kitchen and canteen waste
20 01 10	clothes
20 01 11	textiles
20 01 38	wood other than that mentioned in 20 01 37
20 01 39	plastics
20 01 40	metals
20 02 01	biodegradable waste
20 02 02	soil and stones
20 03 01	mixed municipal waste
20 03 02	waste from markets
20 03 03	street-cleaning residues
20 03 07	bulky waste
20 03 99	Municipal wastes not otherwise specified.

Policy DM 28 deals with impact on amenity and states that the Council will only support development proposals where they will not result in an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties.

The Council's Environmental Health Section were consulted on the proposed variation and advised that the enforcing authority – Department of Agriculture, Environment and Rural Affairs (DAERA), should be consulted.

DAERA Regulation Unit were consulted and state that subject to approval, the applicant will be required to submit an updated Working Plan to Regulation Unit for approval prior to accepting the additional waste streams on site. DAERA Regulation Unit further advised that the updated Working Plan should include updated storage and handling procedures. The inclusion of the additional waste code will be subject to regulation under the appropriate licences and it is considered that the additional waste code to be accepted at the site will not result in any significant adverse impact on the surrounding area or neighbouring land uses.

Furthermore, the acceptance of this additional waste code is not expected to generate impacts beyond those already associated with the existing facility. Mitigation measures and operational controls have previously been secured through planning conditions to prevent unacceptable environmental effects. It is therefore recommended that these conditions be reimposed as part of any forthcoming decision. In addition, as the development is operational, condition one has been removed to take into account the commencement of development of the previous permission which impacts on the numbering of the remaining conditions.

To conclude, the variation of Condition 6 (now condition 04) is considered acceptable.

### **CONCLUSION**

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

- The principle of the development has previously been established;
- The proposal will not pose any significant environmental impact; and
- The variation of Condition 6 of planning approval T/2012/0225/F is acceptable.

### **RECOMMENDATION**

### **GRANT SECTION 54 APPLICATION**

### **PROPOSED CONDITIONS**

1. The materials accepted at the waste transfer facility shall be restricted to those European Waste Catalogue codes listed in Appendix A.

Reason: To ensure protection of the environment.

2. All off-loading, deposition, storage and re-loading of waste shall be carried out within the waste facility hereby approved, as indicated on approved Drawing Number 03 date stamped the 17th August 2010 of planning approval T/2010/0078/F.

Reason: To ensure protection of the environment and to ensure protection of the amenity of occupied properties in the surrounding area.

3. There shall be no shredding, crushing or screening operations associated with the facility hereby approved.

Reason: To ensure protection of the environment and to ensure protection of the amenity of occupied properties in the surrounding area.

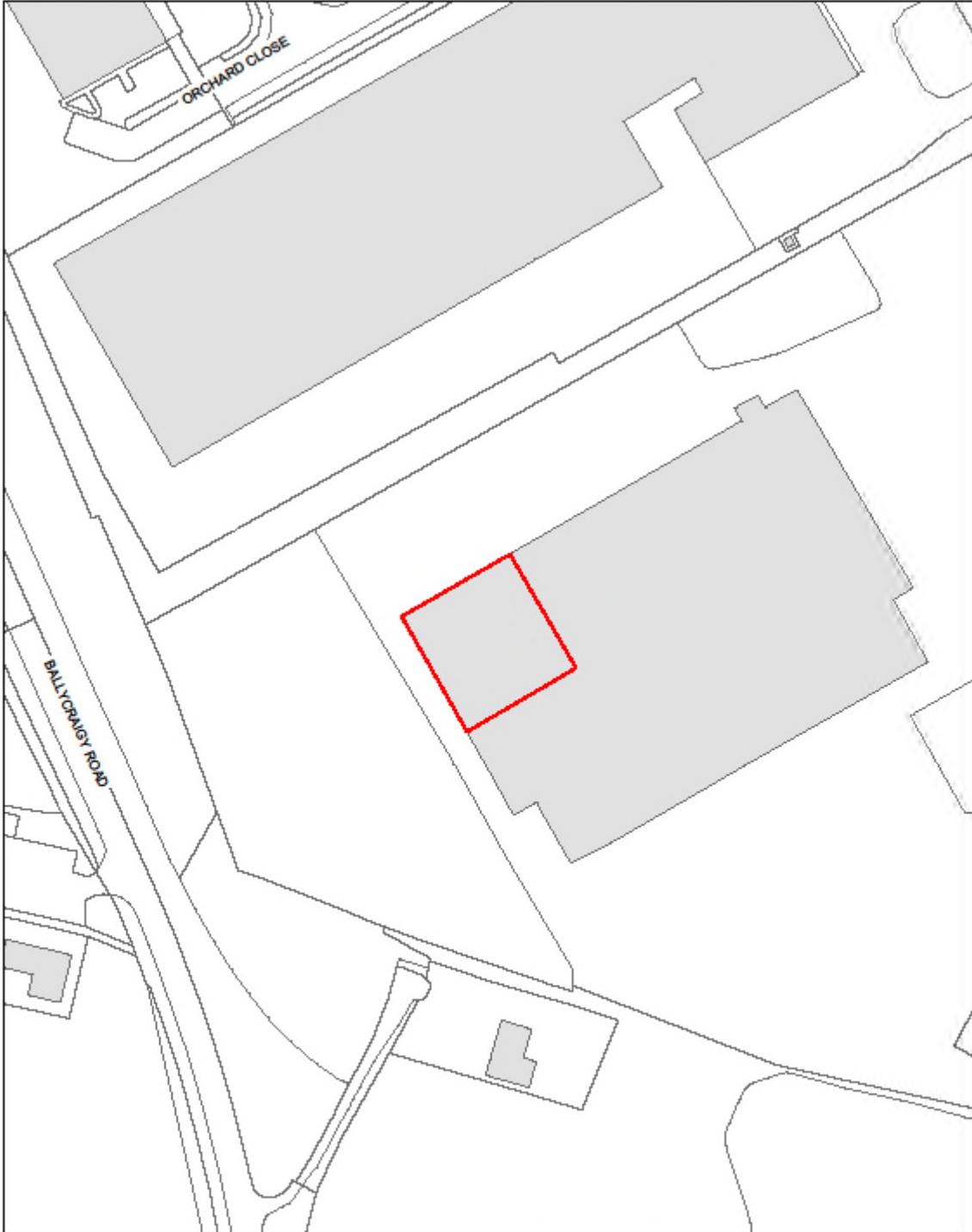
4. The odour control/treatment unit as approved under planning reference LA03/2015/0481/DC shall be maintained in working order throughout the life of the facility hereby approved.

Reason: To ensure protection of the amenity of occupied properties in the surrounding area.

**Appendix A:**

02 01	Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing
02 01 03	Plant tissue waste
02 01 07	Wastes from forestry
03 01	Wastes from wood processing and the production of panels and furniture
03 01 01	Waste bark and cork
03 01 05	Sawdust, shavings, cuttings, wood, particle board and veneer other than those mentioned in 03 01 04
03 03	Waste from pulp, paper and cardboard production and processing
03 03 01	Waste bark and wood
03 03 07	Mechanically separated rejects from pulping of wastepaper and cardboard
04 02	Wastes from the textile industry
04 02 10	Organic Matter from natural products (for example grease, wax)
15 01	Packaging (including separately collected municipal packaging waste)
15 01 01	Paper and cardboard packaging
15 01 02	Plastic packaging
15 01 03	Wooden packaging
15 01 04	Metallic packaging
15 01 05	Composite packaging
15 01 06	Mixed packaging
15 01 07	Glass Packaging
15 01 09	Textile packaging
17 02 02	Glass
17 04 02	Aluminium
17 04 05	Iron and steel
19 05	Wastes from aerobic treatment of solid wastes
19 05 01	Non-composted fraction of municipal and similar wastes
19 05 02	Non-composted fraction of animal and vegetable wastes
19 05 03	Off specification compost
19 06 04	Digestate from anaerobic treatment of municipal waste
19 06 06	Digestate from anaerobic treatment of animal and vegetable waste
19 09 02	Sludges from water clarification
19 12	Wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising)
19 12 01	Paper and Cardboard
19 12 10	Combustible waste (Refuse Derived Fuel RDF)
19 12 12	Other wastes (excluding mixtures of materials) from the mechanical treatment of wastes other than those mentioned in 19 12 11
19 13 06	Sludges from groundwater remediation other than those mentioned in 19 13 05
20 01	Separately collected fraction (except 15 01)

20 01 01	Paper and cardboard
20 01 02	Glass
20 01 08	Biodegradable kitchen and canteen waste
20 01 10	Clothes
20 01 11	Textiles
20 01 38	Wood other than that mentioned in 20 01 37
20 01 39	Plastics
20 01 40	Metals
20 02	Garden and parks waste (including cemetery waste)
20 02 01	Biodegradable waste
20 02 02	Soil and stones
20 03	Other municipal wastes
20 03 01	Mixed municipal waste
20 03 02	Waste from markets
20 03 03	Street cleaning residues
20 03 07	Bulky Waste
20 03 99	Municipal wastes not other specified.



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**Site Location Plan**

1:1,250 

Reference: LA03/2025/0396/S54

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.14</b>
<b>APPLICATION NO</b>	<b>LA03/2025/0539/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>COUNCIL APPLICATION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Roof mounted solar panels
<b>SITE/LOCATION</b>	Former PSNI Site, Glenwell Road, 244 Antrim Road, Glengormley, BT36 7QX
<b>APPLICANT</b>	Antrim and Newtownabbey Borough Council
<b>AGENT</b>	Antrim and Newtownabbey Borough Council
<b>LAST SITE VISIT</b>	24 <sup>th</sup> September 2025
<b>CASE OFFICER</b>	Alicia Leathem Tel: 02890 340416 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 Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk/application/695425">https://planningregister.planningsystemni.gov.uk/application/695425</a>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan and draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The site is situated on the corner of Antrim Road and Glenwell Road, Glengormley and was the site of the former PSNI building, which is currently, a 3-storey office block under construction (approved under application Ref: LA03/2022/0852/F).</p> <p>The application site is raised above the level of Antrim Road by approximately one metre. The land to the south of the site rises significantly with a steep gradient towards the residential properties located beyond the southern corner of the site.</p> <p>A varied range of uses surround the site including a McDonald's, Movie House Cinema, Sports Bowl, Gym and commercial and industrial uses to the southwest and northwest of the site. Residential properties are located to the south of the site and to the northeast on the opposite side of the Antrim Road. Abutting the site to the southeast is the former Telephone Exchange building.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning reference: LA03/2023/0692/S54 Location: Lands at former PSNI site, Glenwell Road, Glengormley Proposal: Proposed 3 storey office development comprising of flexible office accommodation, break-out space and meeting rooms along with associated site works, car parking and boundary treatments. (Variation of Condition 17 of Planning Approval LA03/2022/0852/F regarding wastewater and foul sewage.) Decision: Permission Granted (22/09/2023)</p> <p>Planning reference: LA03/2022/0852/F Location: Lands at former PSNI site, Glenwell Road, Glengormley</p>	

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

Decision: Permission Granted (24/02/2023)

Planning reference: LA03/2021/1181/PAD

Location: Former PSNI station, Glenwell Road, Glengormley

Proposal: Proposed development will comprise of a new office on the site of the former PSNI station. The development will provide workspace, communal collaborative space, meeting/conference facilities, catering, showering facilities over approx. 2000sqm over 3 storeys, along with associated parking and landscaping/site works.

Decision: PAD Declined

Planning reference: U/2010/0493/F

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

Proposal: Construction of 2no. new steel framed light weigh proprietary garages

Decision: Permission Granted (22/02/2011)

Planning reference: U/2002/0182/A

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

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

Decision: Permission Granted (20/05/2002)

## **PLANNING POLICY AND GUIDANCE**

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

The Antrim and Newtownabbey Local Development Plan (ANLDP) will comprise of two parts; Part 1 is the Plan Strategy which contains strategic and operational policies and was adopted on 3<sup>rd</sup> July 2025. Part 2 is the Local Policies Plan which will identify the boundaries of settlement limits, local designations and zonings has not yet been published. As such the settlement limits, local designations and zonings of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) remain applicable. Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the provisions of the draft Belfast Metropolitan Area Plan.

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of 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.

Antrim and Newtownabbey Plan Strategy 2015-2030 (ANPS): sets out the relevant planning policies for assessing planning applications and other planning consents. The relevant strategic and operational policies for the assessment of the current proposal are listed below.

**Strategic Policy 1 – Sustainable Development (SP 1)**: sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Strategic Planning Policy Statement (SPPS).

**Strategic Policy 6 - Placemaking and Good Design (SP6)**: sets out that positive placemaking and good design are key components in the delivery of high quality, attractive and sustainable places within our Borough. SP6 is supported by Policies:

- Policy DM 25 Urban Design
- Policy DM 28 Amenity Impact

**Strategic Policy 9 – Natural Resources (SP9)**: sets out that the Council will seek to ensure the sustainable use of our natural resources. SP 9 is supported by relevant operational policy:

- Policy DM 45 Renewable Energy Development

#### **CONSULTATION**

No consultation was carried out.

#### **REPRESENTATION**

Thirteen (13) neighboring properties were notified of the proposal, and no letters of representation were received.

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

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

- Policy Context and Principle of Development;
- Design, Appearance and Layout;
- Neighbour Amenity;

#### **Policy Context and Principle of Development**

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The Antrim & Newtownabbey Plan Strategy (ANPS) sets out the relevant planning policies for the determination of planning applications in the Borough. However, until such times as the Local Policies Plan (LPP) identifies the boundaries of settlement limits, local designations and

zonings, the provisions of the current legacy plans, both adopted and in draft form will continue to apply. The site is defined as being located on unzoned land within the settlement limit of the Belfast urban area (Newtownabbey) and within the settlement limit of Metropolitan Newtownabbey in the Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP). The plan offers no specific guidance on this proposal. In line with the transitional arrangements set out in the SPPS, the Belfast Urban Area Plan (BUAP) and the ANPS must be read together. Any conflict between the policies in the Plans must be resolved in favour of the ANPS.

The proposal seeks permission for roof mounted solar panels, Policy DM 45 of the ANPS 'Renewable Energy Development' outlines that the Council will support proposals that generate renewable energy subject to a number of criteria including landscape impact, residential amenity impact, public safety impact and impact on the natural environment and tourism. Given that this proposal is for solar panels to the roof of a building which has the benefit of planning permission it is considered that the principle of development is established subject to the proposal meeting all other policy and environmental considerations.

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

Policy DM 25 'Urban Design' of the ANPS requires development within settlements to demonstrate a clear understanding of the characteristics of the site, its wider context and how the proposal will connect with the surrounding area. It is noted that all development should deliver high quality design in its layout and appearance.

Policy DM 25 requires that proposals make a positive contribution and relate well to the scale, density, massing, character, appearance and use of materials are sympathetic to the local built form, appropriately integrate any heritage assets and/or landscape and biodiversity features of the site. In addition, Policy DM 45 also requires that any renewable energy project does not have an unacceptable adverse impact on both visual and landscape character of an area.

The proposal is to erect twenty-seven (27) roof-mounted solar panels as set out in Drawing 03, on the roof of an existing 3-storey office block. Each of the panels are indicated to provide 400w of output thereby achieving 10.8kw of electricity. The solar panels are angled so as not to protrude above the roof parapet of the front elevation of the building, however, given the angled nature of the roofscape, the solar panels will be partially visible to the rear of the building, although any views will be minimal and fleeting.

Given the location of the solar panels within the urban context, the overall design and appearance of the building, it is considered that the proposal will not have a significant impact on the visual amenity or character of the surrounding area and is considered to comply with Policy DM 25.

### **Neighbour Amenity**

Policy DM 28 of the ANPS considers the impact of proposals on neighbour amenity and states that the council will only support development proposals where they will not result in an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties. Both the individual and cumulative impacts of proposals on amenity will be considered in assessing their acceptability and Policy DM 28.2 details that consideration will be given to overlooking, loss of

privacy, dominance and overshadowing, noise and other disturbance as material considerations. Additionally, Policy DM 45 requires that there is no unacceptable adverse impact on residential amenity.

The proposal is located on the roof of a 3-storey office block which is currently under construction (approved under Ref: LA03/2022/0852/F). It is acknowledged that residential properties are located in close proximity to the site, however, given the location, scale and nature of the proposal, it is considered that the proposal will not result in an unacceptable detrimental impact to the amenity of surrounding residential properties or industrial units. Thereby, the proposal is considered to comply with Policy DM 28 of the ANPS.

### **Other Matters**

Policy DM 45 of ANPS requires a number of other considerations to be fulfilled including public safety and aviation safety, ecology and traffic impacts together with impacts on natural resources and tourism and recreational interests.

The scale of the proposed solar panels together with the design and layout within the roofscape helps to ensure that the proposal will not have an overall negative impact in relation to the above considerations. In order to ensure the public safety, it is considered that a condition should be imposed requiring the solar panels to be finished in low-reflectivity glass so as not to cause a distraction to aviation traffic.

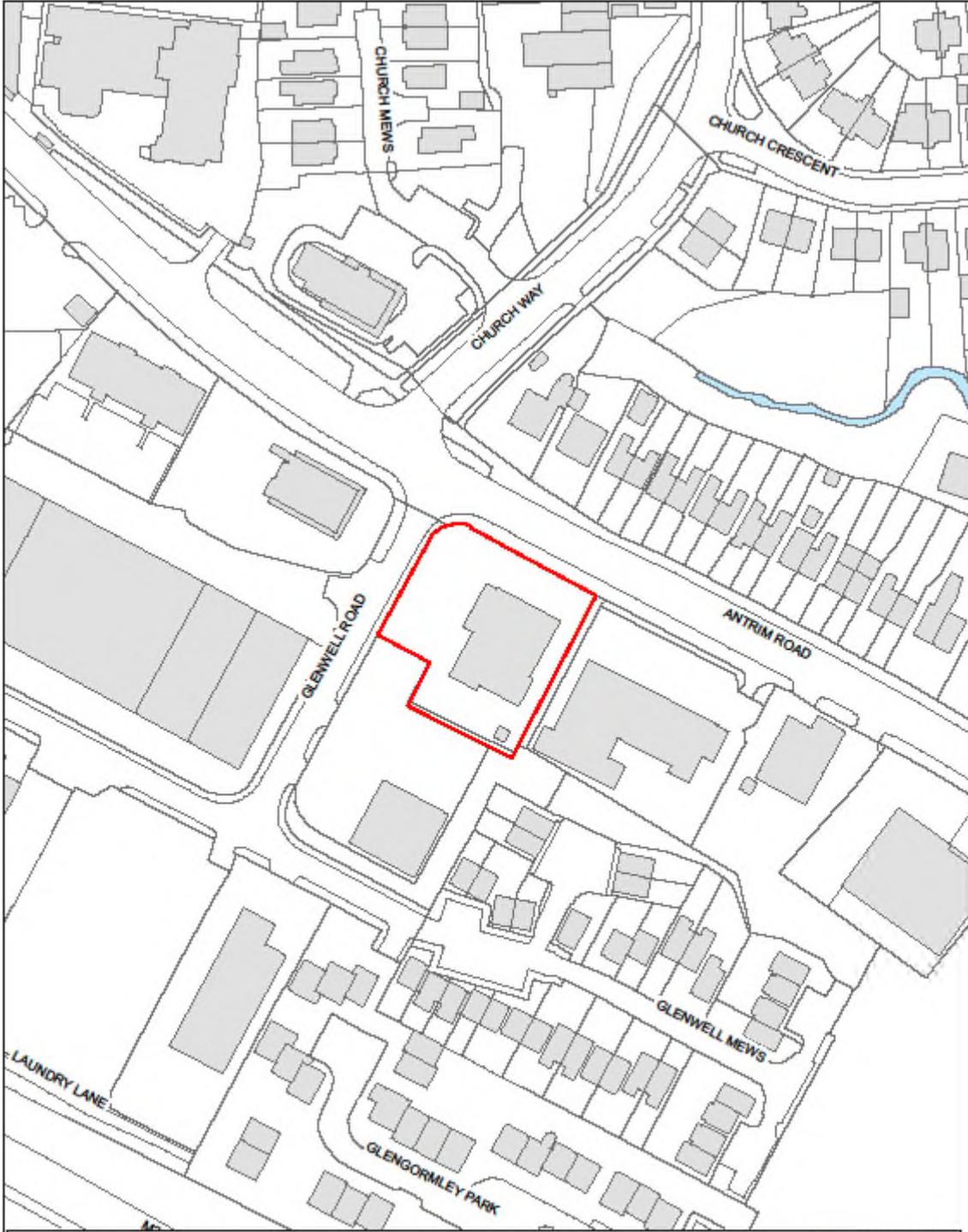
### **CONCLUSION**

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

- The principle of the development is acceptable;
- The visual impact on character and appearance of the area is considered acceptable;
- The impact on neighbour amenity is considered acceptable;
- There are no concerns in relation to public safety;
- There are no natural heritage concerns with regard to the proposal;
- There are no flood risk or drainage concerns associated with this development;
- There are no significant concerns in relation to archaeology or built heritage.

<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
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<b>PROPOSED CONDITIONS</b>	
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 proposed solar panels shall be finished with an anti-reflective glass surface.  Reason: In the interests of aviation safety.	



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**Site Location Plan**

1:1,250

Reference: LA03/2025/0539/F

 Site Location



## **PART TWO**

### **OTHER PLANNING MATTERS**

## ITEM 3.15

### P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS SEPTEMBER 2025

#### 1. Purpose

**The purpose of this report is to update Members on the planning applications decided under delegated powers and decisions issued by the Planning Appeals Commission (PAC) in September 2025.**

#### 2. Delegated Decisions of Council

A list of planning decisions issued by Officers during September 2025 under delegated powers together with information relating to planning appeals are **enclosed** for Members' information.

#### 3. Planning Appeal Commission Decisions

Two (2) appeals were dismissed during September 2025 by the PAC.

**Planning application:** LA03/2024/0487/F  
**PAC reference:** 2025/A0008  
**Proposed Development:** Change of use from garden room to hair salon (retrospective, temporary permission)  
**Location:** 14 Magheralane Road, Ballygrooby, Randalstown  
**Date of Appeal Submission:** 08/04/2025  
**Date of Appeal Decision:** 05/09/2025  
**Decision:** **Appeal Dismissed – Council Decision Upheld**

**Planning application:** LA03/2024/0709/O  
**PAC reference:** 2025/A0006  
**Proposed Development:** Site for a dwelling on a farm  
**Location:** Approx. 25m south of 27 Sallybush Road, Newtownabbey, BT36 4TS  
**Date of Appeal Submission:** 07/04/2025  
**Date of Appeal Decision:** 26/08/2025  
**Decision:** **Appeal Dismissed – Council Decision Upheld**

Copies of the decisions are **enclosed**.

#### 4. Recommendation

**It is recommended that the report be noted.**

Prepared by: Stephanie Boyd, Planning and Economic Development Business Support Supervisor

Agreed by: Barry Diamond, Head of Planning Development Management

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

## ITEM 3.16

### F/FP/LDP/1 LOCAL DEVELOPMENT PLAN – STEERING GROUP MINUTES

#### 1. Purpose

The purpose of this report is to provide a quarterly update to Members on the progress of the Council's Local Development Plan Steering Group. Members are advised that the most recent meeting of the Local Development Plan Steering Group took place on 10 October 2025. A copy of the minutes is **enclosed** for Members' information.

#### 2. Recommendation

**It is recommended that the report be noted.**

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

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

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

## ITEM 3.17

### **P/PLAN/079 THE DEPARTMENT FOR INFRASTRUCTURE, CONSULTATION ON REVIEW OF PLANNING FEES.**

#### **1. Purpose**

**The purpose of this report is to advise Members that the Department for Infrastructure has launched a Public Consultation on the review of planning fees and is seeking comments and views on potential changes to The Planning (Fees) Regulations (Northern Ireland) 2015.**

#### **2. Introduction/Background**

The Department has undertaken a Public Consultation exercise on the review of the planning fees (**enclosed**) to invite views on potential changes to The Planning (Fees) Regulations (Northern Ireland) 2015. This potential changes focus on the introduction of set fees for Non-Material Changes (NMCs) and Discharge of Conditions applications.

The consultation will be conducted over 12 weeks and it will close on 23 December 2025.

#### **3. Key Issues**

When planning functions transferred to the Council, no fee was introduced for certain types of applications. This decision was taken to allow the new two-tier planning system sufficient time to bed in. The application types that do not currently have an associated fee payable are Discharge of Conditions (specific requirements of a planning permission that must be discharged to the satisfaction of the Council, NMCs (a modification to a planning permission that is considered minor and does not significantly alter the substance or core nature of a permission) and works to protected trees (works impacting on trees protected by a Tree Preservation Order) .

The Department is proposing a standard fee of £115 for NMCs and Discharge of Conditions. The Department advises that charges have been in existence for a significant number of years in other jurisdictions and that fees range from £115 to £238 (with a reduced fee for householder applications discharge of conditions in England and Wales). However, the Department is of the view the lower fee should be applied in Northern Ireland due to this being the first time these charges will be introduced in Northern Ireland.

Antrim and Newtownabbey Borough Council has been processing NMCs and Discharge of Conditions since 2015. In 2024/25 the Council received the following applications without any fee payable:

128 Discharge of Conditions

20 Non-Material Changes

Based on the £115 fee, for the 2024/2025 period an income of £14,720 would have been generated for Discharge of Condition applications. Based on the upper fee of £238, an income of £30,464 would have been generated. Discharge of

Condition applications require staff resources and may also involve statutory consultation. It's the view of officers that Councils should not be penalised for the Northern Ireland system not bringing forward fees sooner and recommend that the £115 fee is brought forward with a phased increase to reach the same level as other jurisdictions.

Based on the £115, for the 2024/2025 period an income of £2,300 would have been generated for NMCs. Based on the upper fee of £238, an income of £4,760 would have been generated. NMCs, although minor in nature, they do require staff resources. It's the view of officers that Councils should not be penalised for the Northern Ireland system not bringing forward fees sooner and recommend that the £115 fee is brought forward with a phased increase to reach the same level as other jurisdictions.

In addition, the consultation also asks if there are any other planning application types or planning services which are not currently charged for which should attract a fee. This includes Tree Preservation Orders, Planning Advice Notices and Pre-Application Discussions. It is the view of officers that consideration should be given to Tree Preservation Work Requests, where consent is required to undertake works to trees protected by Tree Preservation Orders. In addition, consideration should also be given to a flat fee for the items listed as examples.

#### 4. Summary

A draft response is **enclosed** for Members' consideration and subject to agreement, it be submitted online to the Department's public consultation as the Council's formal response.

#### 5. Recommendation

**It is recommended the **enclosed** draft public consultation response is agreed and submitted to the Department as the Council's formal response consultation on the review of planning fees.**

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

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

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

## ITEM 3.18

### **P/PLAN/079 THE DEPARTMENT FOR INFRASTRUCTURE, CONSULTATION ON SUSTAINABLE DRAINAGE SYSTEMS (SuDS) IN NEW HOUSING DEVELOPMENTS.**

#### 1. Purpose

**The purpose of this report is to advise Members that the Department for Infrastructure has launched a Consultation Paper on Sustainable Drainage Systems (SuDS) in new housing developments and is seeking comments from the Council through an online public consultation response.**

#### 2. Introduction/Background

The Department has prepared a Consultation Paper on Sustainable Drainage Systems (SuDS) in new housing developments (**enclosed**) to seek views on the development of policy relating to future regulations. The consultation will be conducted over 12 weeks and feedback from all stakeholders will inform policy development, ensuring it is effective, practical and suited to the needs of local industry, communities and environment.

#### 3. Previous Decision of Council

Sustainable drainage to overcome flood risk is a Strategic Objective of the Council's Local Development Plan 2030 Plan Strategy.

#### **Strategic Objective 13**

**Tackle flood risk by making space for water and promote sustainable drainage systems.**

#### 4. Key Issues

The current drainage network in Northern Ireland is under growing pressure for a range of reasons including under investment, ageing infrastructure, urban expansion, population growth and climate change. Collectively these issues are contributing to increasing risk of flooding, pollution and network limitations.

The focus of the consultation is on developing and implementing new policies and regulatory arrangements to ensure nature-based SuDs are provided in new housing developments in the future.

The consultation poses 8 questions to establish if there is a need to make nature based SuDs a requirement for all new housing, proposing a management approach to deliver SuDs solutions and to establish where responsibility for costs of implementation and future maintenance should be.

The consultation process opened on 22 September 2025 and will be open for twelve (12) weeks until 19 December 2025.

#### 5. Summary

A draft response is **enclosed** for Members' consideration and subject to agreement, to be submitted online to the Department's public consultation as the Council's formal response.

## **6. Recommendation**

**It is recommended that the **enclosed** draft public consultation response is agreed and submitted to the Department as the Council's formal response to the Sustainable Drainage Systems (SuDS) in New Housing Developments Consultation.**

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

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

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

## ITEM 3.19

### P/FP/LDP/1 UPDATE ON THE LOCAL DEVELOPMENT PLAN

#### 1. Purpose

**The purpose of this report is to provide Planning Committee Members with an update on the Council's Local Development Plan**

#### 2. Introduction/Background

##### **(a) Revised Local Development Plan Timetable/Section 14 Amendment to the Plan Strategy/Statement of Community Involvement**

The Council adopted its Plan Strategy Local Development Plan on 3 July 2025. Upon adoption, officers re-engaged with Departmental officials regarding the anticipated Section 14 Direction regarding the Abbey Centre. Departmental officials agreed to meet Council officers on 29 September 2025 and subsequently advised that the Section 14 Direction will issue in October 2025. Following receipt of the Section 14 Direction, this will be brought to Elected Members for information, as the Council will be legally directed to make a change to its Plan Strategy including public consultation, an Independent Examination and plan amendment adoption. In addition, the Department has advised that the Council will be required to update its evidence base to support the Plan Amendment.

The Council had previously submitted its Timetable, as required by legislation, to the Department for agreement. A copy of their response is **enclosed** which recommends the Timetable should be updated to reflect the Section 14 Direction

Given that officials have updated Council officers on the timescale for the Section 14, Officers have now updated the Timetable (**enclosed**) to bring forward the Plan Strategy Amendment in early 2026 in advance of the Local Policies Plan publication.

Members are reminded that a report was presented to, and agreed at, the September 2025 Planning Committee regarding the appointment of retail consultants (Nexus Planning) to review and update the Council's current retail evidence base (Evidence Paper 4: Retail and Commercial Leisure Study, reference DPS-010) which was prepared in June 2019 to inform development of the Draft Plan Strategy, to include consideration of Whiteabbey Village which is now defined as a District Centre in the published Plan Strategy Retail Hierarchy (DPS, table 4, page 79).

Members are advised Officers from the Forward Planning Section met with Nexus Planning on 30 September 2025 to discuss the above and a timescale for delivery. A draft of the updated retail evidence is anticipated in November 2025 and will be the basis of a future Members workshop session. Updates regarding this will be presented to Members in due course and this information will be used to support the amendment to the Council's Plan Strategy in relation to the Abbey Centre.

Members also gave approval in August 2025, for a Revised Planning, Statement of Community Involvement (SCI) which was submitted to the Department for Infrastructure for approval as required by legislation.

The Department approved the draft Statement on 16 September 2025 without any amendments – a copy of their response is **enclosed** for Members information.

Copies of the updated Timetable and SCI will be published and advertised in due course.

## **(b) Formal 'Launch' of the Draft Local Policies Plan Stage/Public and Elected Members Local Development Plan Workshops**

### **Public Launch**

In compliance with the Council's revised SCI, a DLPP public launch 'breakfast event' is planned for 07 November, 08:30am to 09:30 am at Mossley Mill. Invitations have been sent to Members, statutory consultees, neighbouring councils and representative planning agents.

### **Public Engagement**

Following this event, a series of public engagement sessions will be held across the Borough in November 2025, to inform the public of the DLPP process and forthcoming CfS exercise. Dates and venues are being finalised and will be shared with Members in due course.

### **Members Engagement**

A series of planned Members DLPP-focused workshops are planned over the autumn/winter period, the first of which took place on 02 October 2025 at Mossley Mill, 'Towards a Draft Local Policies Plan'. Two further events are planned:

- 17 November 2025, 4:30pm to 5:15pm – Topic: S14 Direction Abbey Centre, and emerging retail study evidence update; and
- 08 December 2025, 4:30pm to 5:15pm – Topic: Townscape, Draft Areas of Townscape Character (ATC).

Draft agendas, relevant papers and meeting details to be issued to Members in due course. Further topic-led workshops tbc.

## **(c) Local Development Plan, Public Consultation on Supplementary Planning Guidance, Affordable Housing**

Members are reminded that the Council made a commitment in the Plan Strategy to prepare Supplementary Planning Guidance (SPG) to support the implementation of the LDP. As agreed at the July Planning Committee meeting, the Council published a SPG on Affordable Housing for an 8-week period of public consultation (from 11 August to 6 October 2025). Members are advised that five (5) responses were received, and the Forward Planning team are reviewing these,

upon which a summary of responses will be presented to Members in due course, and final version presented to Members for agreement.

#### **(d) Call for Sites, Employment and Housing Land**

Members are reminded that agreement in principle was sought, and agreed, at the April and May 2025 Planning Committee for a Call for Sites (CFS) for employment lands, and at the August 2025 Planning Committee, it was agreed that Members were given a detailed update on the Council's Evidence base in relation to housing. As such a briefing session has been held and it is proposed to launch a CFS exercise for employment and housing lands on our website in November 2025 for a period of twelve (12) weeks. In advance of this, Officers will undertake information sessions on the call for sites as part of the timing of the launch of the Local Policies plan.

#### 3. Previous Decision of Council

September 2025, Local Development Plan Timetable/Section 14 Amendment to the Plan Strategy, Housing Assessment emerging studies, Members LDO workshops – agreed.

August 2025 – Draft Local Policies Plan, formal public 'launch', targeted Call for Sites (housing) – agreed and once SCI agreed by DFI that it is published.

July 2025 – Draft Supplementary Planning Guidance for public consultation, Affordable Housing – agreed.

May and April 2025 – Targeted Call for Sites (employment) – agreed.

#### 4. Financial Position/Implication

None.

#### 5. Recommendation

**It is recommended that the report be noted and that the updated Plan Timetable is agreed for publication.**

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

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

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

### **3.20 ANY OTHER RELEVANT BUSINESS**

Any Other Relevant Business (AORB) may be taken at this point.