

<b>COMMITTEE ITEM</b>	<b>3.1 ADDENDUM</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0845/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed development of 14No. dwelling units consisting of 7No. apartments, and 7No. townhouses
<b>SITE/LOCATION</b>	51B Riverside, Antrim, BT1 4BL
<b>APPLICANT</b>	Gribbin Homes
<b>AGENT</b>	P J Carey Architecture
<b>LAST SITE VISIT</b>	24 <sup>th</sup> September 2021
<b>CASE OFFICER</b>	Ashleigh Wilson Tel: 028 903 Ext40429 Email: <a href="mailto:ashleigh.wilson@antrimandnewtownabbey.gov.uk">ashleigh.wilson@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 <a href="https://planningregister.planningssystemni.gov.uk">https://planningregister.planningssystemni.gov.uk</a> and the Council's website, under additional information.</b></p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>Since the preparation and publication of the Committee Report, an additional six (6) letters of objection has been received taking the total number of objections received to the proposal to one hundred and ninety-two (192).</p> <p>The new objections which were received raise matters that were previously addressed in the Committee Report. A summary of the previously considered issues raised has been provided below:</p> <ul style="list-style-type: none"> <li>• Impacts from construction traffic;</li> <li>• Inadequate parking and impact of overspill of parking on residents of Riverside;</li> <li>• Impact on pedestrian safety;</li> <li>• Riverside is a single carriage at the entrance road and width is decreased further into Riverside due to parked cars;</li> <li>• Increased traffic;</li> <li>• Alternative access should be used;</li> <li>• Cumulative impacts of existing and approved developments on road infrastructure;</li> <li>• Noise and disruption;</li> <li>• Flooding; and</li> <li>• Impact on biodiversity</li> </ul> <p>In addition, there is one new matter raised in the objection which is included below:</p> <ul style="list-style-type: none"> <li>• Absence of traffic impact report.</li> </ul> <p>It has been raised through the new letters of objection that a traffic impact report has not been provided for the development. Owing to the size of the proposed development, it is considered that sufficient information has been provided to enable an assessment of the traffic impacts of the proposed development. DfI Roads</p>	

were consulted on the application and has raised no concerns with regards to the impact from additional traffic.

Since the publication of the Planning Committee Report, the agent has submitted an email stating that the reasons for refusal are resolvable issues and that they have not been given the opportunity to respond to the most recent consultations including from the Tree Officer and from Natural Environment Division.

With regard to the impact on trees, this is a mature site with mature trees throughout which are protected given that the site is located within a Conservation Area. Adequate and appropriate assessment has not been provided justifying the loss of existing trees which provide a strong visual setting. The trees affected include peripheral boundary trees and trees within the application site. The trees were a known constraint to the development of the site from the outset of the processing of the application. However, no information accompanied the application with regards to the trees until 5<sup>th</sup> December 2022.

It is accepted that the applicant hasn't been afforded the opportunity to address the latest concerns from consultees. However, the Council has a duty to determine the planning application on the information before it in a timely manner and in this case the application was first received in August 2021. Repeated submissions to deal with individual issues within a planning application does not make for an efficient planning system or a comprehensive planning application. Nor does it take into account the needs or fairness to the objectors in the planning system.

Regarding the impacts on bats, the emergence and re-entry bat survey is time bound in that it can only be completed between May – September. Following this, further consultation would need to be carried out adding further to the time taken to assess the information. This is likely to lead to a significant delay in the processing of the application.

With regards to the Waste Water Impact Assessment, the agent has now forwarded a NI Water Solution Engineers Report, indicating that there is a potential solution for this development and as such it is considered that there is a prospect that the applicant will be able to carry out the development without detriment to NI Water infrastructure and will not create a potential pollution problem. A negative condition around no development commencing could be applied to overcome this concern and as such it is recommended that refusal reason No. 4 from the main report is dropped.

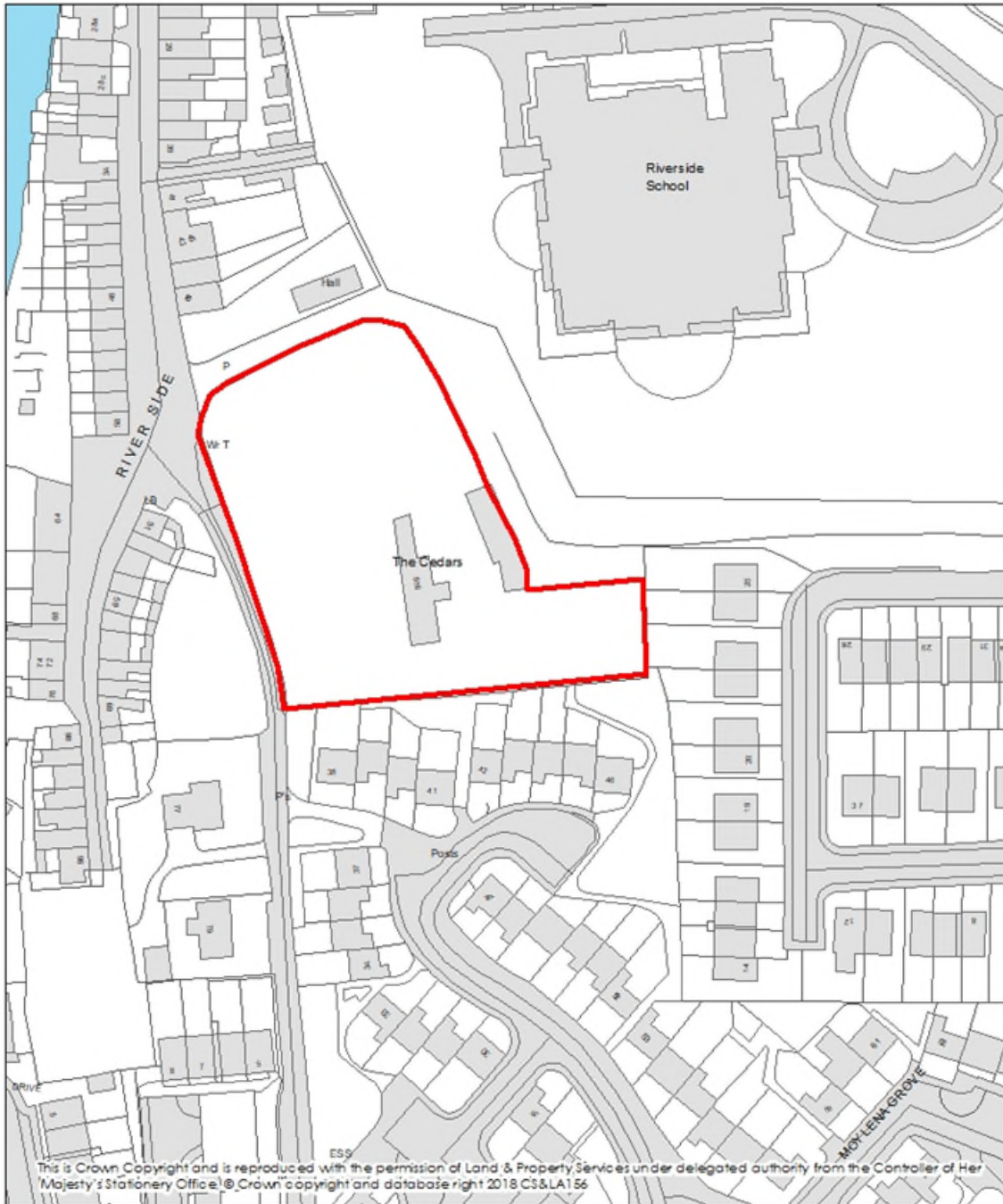
## **CONCLUSION**

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

- The matters raised in the objection have been considered and would not alter the previous recommendation to refuse planning permission.

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

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Planning Policy Statement 7, Policy QD 1 in that it has not been demonstrated that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout in that the proposed development would result in a detrimental impact on landscape features within the Conservation Area due to the impact on exist trees.
2. The proposal is contrary to the policy provisions contained within the Strategic Planning Policy Statement and Planning Policy Statement 6, Policy BH 12 'New Development in a Conservation Area' in that it has not been demonstrated that the proposed development preserves or enhances the character and appearance of the area or that the proposed development would not have an impact on protected trees within the application site.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy FLD 3 of PPS15 Planning & Flood Risk in that a complete Drainage Assessment has not been provided and the development, if permitted may increase the risk of flooding elsewhere through increased surface water runoff.
4. The development is contrary to Planning Policy Statement 2 Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland in that it would have an unacceptable adverse impact on bats and insufficient information has been submitted to establish otherwise.




### Site Location Plan

Application Reference: LA03/2021/0845/F

Proposed development of 14no. dwelling units consisting of 7no. apartments, and 7no. townhouses

51B Riverside, Antrim, BT41 4BL



 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.5 ADDENDUM</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0745/F</b>
<b>DEA</b>	<b>MACEDON</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Residential development comprising 33 no. units (19 no. Category 1, 3 Wheelchair Units and 11 no. General Needs), access, parking, landscaping and associated siteworks.
<b>SITE/LOCATION</b>	Lands at 285-291 Shore Road, Newtownabbey, Belfast, BT37 9RW
<b>APPLICANT</b>	Clanmill Housing/Littleoak Abbey SPV Ltd
<b>AGENT</b>	Rolston Architects
<b>LAST SITE VISIT</b>	31 <sup>st</sup> January 2023
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 90340416 Email: <a href="mailto:Alicia.leathem@antrimandnewtownabbey.gov.uk">Alicia.leathem@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 <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a> and the Council's website, under additional information.</b></p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>Since the preparation and publication of the Committee Report, a further nine (9) letters of objection have been received giving, a total of thirty-two (32). Additional concerns raised were raised in relation to the use of the development for social housing, anti-social behaviour and current ongoing roadworks.</p> <p>Concerns were raised in relation to traffic management along this stretch of the Shore Road which is currently compounded by development works at the former Newtownabbey High School. It is acknowledged that the current development works in the area have the potential to exacerbate the level of traffic on the road network, although this will be temporary in nature, the flow of traffic and temporary signals if required for road works should be addressed via control measures put in place by the developers and agreed with DfI Roads. Consultation was carried out with DfI Roads who raised no objections in relation to road safety along the road network.</p> <p>In relation to anti-social behaviour, the overall layout arrangement ensures that there are no isolated areas of communal open space within the site which are not overlooked, which should reduce any potential for anti-social behaviour. In regards to social housing, as part of the planning process the Council considers the principle of development which determines if a site is suitable for residential development and assesses the specific development proposals. The Council has no remit in respect of who occupies the residential units following construction unless it is considered necessary to control the tenure of the properties due to particular exceptional circumstances and there does not appear to be any exceptional case in this instance.</p> <p>The additional concerns raised, do not result in a change to the recommendation to grant planning permission.</p>	

RECOMMENDATION	GRANT PLANNING PERMISSION
<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: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 03/3 date stamp 4<sup>th</sup> July 2022 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.</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 gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.</p> <p>4. No development shall commence until a sample of the facing brick to be used in the construction of the external fabric of the buildings has been submitted and approved by the Council. Thereafter, the development shall be carried out in accordance with the approved external finishes.</p> <p>Reason: In the interests of visual amenity and to ensure the proposal is in keeping with the character of the area.</p> <p>5. A final Construction Environmental Management Plan (CEMP) and a Construction Method Statement (CMS), agreed with the appointed contractor, shall be submitted to and agreed by the Council at least eight weeks prior to any works commencing, including ground preparation or vegetation clearance. This shall identify all potential risks to the adjacent watercourses and designated sites and appropriate mitigation measures to be implemented during construction to eliminate these risks. The CEMP and CMS shall include the following:</p> <ul style="list-style-type: none"> <li>a) Construction methodology and timings of works;</li> <li>b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site.</li> </ul> <p>The approved CEMP and CMS shall be implemented in accordance with the approved details and the development shall be carried out in accordance with the mitigation measures, unless otherwise agreed in writing by the Council.</p>	

c) The CEMP will include the identification of any existing drainage network outlets from the site, and details on how they will be isolated.

Reason: To prevent effects on Inner Belfast Lough Area of Special Scientific Interest (ASSI), Belfast Lough Ramsar site and Belfast Lough Special Protection Area (SPA).

6. Prior to the development commencing a detailed remediation strategy and implementation plan, shall be submitted to and agreed in writing with the Council.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

7. Prior to occupation of any of the dwellings the mitigation measures as presented within the remediation strategy and implementation plan as required by Condition 7 above, have been fully implemented and verified to the satisfaction of the Council.

There shall be no amendments or deviations from the remediation measures and the validation and verification details contained within Document 09 without the prior written approval of the Council.

Verification documentation shall be submitted in the form of a verification report, to the Council. The report shall describe all the remediation and monitoring works undertaken and shall demonstrate the effectiveness of the works in managing and remediating all the risks posed by contamination.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

8. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Council. This Condition only applies if a piling foundation is being used at the site. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention".

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

9. If, during the development works, a new source of contamination and risks are found which had not previously been identified, works should cease and the

Council's Planning Section shall be notified immediately. Any new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

Should an unacceptable risk to human health be identified, a remediation strategy shall be submitted to be agreed with the Council before being implemented.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

10. The external wall surrounding the glazing and ventilation systems to habitable rooms shall be capable of achieving a sound reduction from outside to inside of at least 52 Rw as detailed within Document Number 08/1, date stamped 14<sup>th</sup> October 2022.

Reason: To safeguard the residential amenity of future occupants.

11. All habitable rooms to the northern, southern and western facades of Blocks C and D, shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least 42dB Rw as detailed within Document Number 08/1, date stamped 14<sup>th</sup> October 2022.

Reason: To safeguard the residential amenity of future occupants.

12. All habitable rooms to the eastern facade of Blocks C and D, shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least 31dB Rw as detailed within Document Number 08/1, date stamped 14<sup>th</sup> October 2022.

Reason: To safeguard the residential amenity of future occupants.

13. All habitable rooms to Blocks A and B, shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least 37dB Rw as detailed within Document Number 08/1, date stamped 14<sup>th</sup> October 2022.

Reason: To safeguard the residential amenity of future occupants.

14. All habitable rooms to the northern, southern and western facades of Blocks C and D, shall be fitted with passive or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 45dB Dn,e,w, as detailed within Document Number 08/1, date stamped 14<sup>th</sup> October 2022.

Reason: To safeguard the residential amenity of future occupants.

15. All habitable rooms to the eastern facades of Blocks C and D, shall be fitted with passive or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 34dB



Dn,e,w , as detailed within Document Number 08/1, date stamped 14<sup>th</sup> October 2022.

Reason: To safeguard the residential amenity of future occupants.

16. All habitable rooms to the facades of Blocks A and B, shall be fitted with passive or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 42dB Dn,e,w, as detailed within Document Number 08/1, date stamped 14<sup>th</sup> October 2022.

Reason: To safeguard the residential amenity of future occupants.

17. Prior to occupation of the development, a 2.1m high acoustic barrier shall be installed along the northern and southern boundaries as outlined within Drawing No. 03/3, date stamped 4<sup>th</sup> July 2022. The barrier shall have a surface weight density of not less than 10kg/m<sup>2</sup>, be of solid construction, (i.e. no holes or gaps present for sound to pass through) and so if it is a fence it shall be of the ship-lapped design and shall be retained for the lifetime of the development.

Reason: To safeguard the residential amenity of future occupants.

18. Prior to occupation of the development, a 2.4m high acoustic barrier shall be installed along the eastern boundary as outlined within Drawing No. 03/3, date stamped 4<sup>th</sup> July 2022 and within Section 9 of Document Number 08/1, date stamped 14<sup>th</sup> Oct 2022. The barrier shall have a surface weight density of not less than 10kg/m<sup>2</sup>, be of solid construction, (i.e. no holes or gaps present for sound to pass through) and so if it is a fence it shall be of the ship-lapped design and retained for the lifetime of the development.

Reason: To safeguard the residential amenity of future occupants.

19. The cumulative noise level from the operation of all new plant associated with the permitted development, shall not exceed the limits set out in Table 16 within Document Number 08/1, date stamped 14<sup>th</sup> October 2022, including any character corrections required and when measured in line with BS4142:2014 + A1:2019, at 1m from the façade of any nearby sensitive receptor.

**Table 16 Plant noise limits at 1m from the nearest noise sensitive premises.**

Time of Day	Maximum sound pressure level at 1m from noise sensitive premises, L <sub>Aeq,15min</sub> (dB)
Daytime (07:00-23:00)	49
Night-time (23:00-07:00)	29

The limits set out in Table 16 do not include any attention catching features. The penalty corrections for attention catching features may be significant, and will need to be considered as the building services design progresses.

Reason: To safeguard the residential amenity of future occupants.

20. Prior to the commencement of development, a landscaping scheme shall be submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

Trees or shrubs dying, removed or becoming seriously damaged within five years 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.

21. Prior to occupation of any of the units a landscape management and maintenance plan shall be submitted to and approved 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 (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

22. The existing natural screenings of the site, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

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

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

24. No development, including any acts of demolition of buildings, shall take place within 10 metres of the NIR boundary until a demolition plan and activity schedule, which takes account of railway line clearance distances, excavation works, protection measures and the operation of large machinery in close proximity to the railway embankment has been agreed in writing with the Council.

Reason: To protect the stability of the railway embankment.

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

Reason: To ensure an adequate means of sewage disposal is provided and to ensure protection of the aquatic environment.

<b>COMMITTEE ITEM</b>	<b>3.6 - ADDENDUM</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0662/F</b>
<b>DEA</b>	<b>MACEDON</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Retention of dwelling and garage (amended siting and access to dwelling and garage approved under LA03/2020/0123/F) and design change to garage.
<b>SITE/LOCATION</b>	27 Glebe Road (site 4 - 70m north of 7 Glebe Road Newtownabbey)
<b>APPLICANT</b>	Mr Stephen Flynn
<b>AGENT</b>	
<b>LAST SITE VISIT</b>	7 <sup>th</sup> February 2023
<b>CASE OFFICER</b>	Dani Sterling Tel: 028 903 40438 Email: <a href="mailto:dani.sterling@antrimandnewtownabbey.gov.uk">dani.sterling@antrimandnewtownabbey.gov.uk</a>
<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 <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a> and the Council's website, under additional information.</b>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>The Planning Committee report was prepared with the following refusal reasons being recommended:</p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments', in that, if permitted, it would result in an unacceptable adverse effect on an adjacent approved property in terms of overlooking and dominance.</li> </ol> <p>Following the publication of the Planning Committee Report the applicant has submitted a number of additional supporting letters pertaining to the above refusal reason which have been combined under Document 06 date stamped 14<sup>th</sup> February 2023, Document 07 date stamped 15<sup>th</sup> February 2023 and Document 08 date stamped 17<sup>th</sup> February 2023.</p> <p>The following issues have been raised by the applicant:</p> <ul style="list-style-type: none"> <li>• Context</li> <li>• Location of garage</li> <li>• Dominance</li> <li>• Loss of light</li> <li>• Overlooking and loss of privacy</li> <li>• Supporting information</li> <li>• Other matters</li> </ul> <p><u>Context</u></p>	

The applicant has outlined in Document 08 that the earthworks between Site 3 and Site 4 (application site) matches the same relationship approved and constructed between Site 1 and Site 2.

In this regard whilst the overall ground level changes between Site 1 and Site 2 are similar to the resulting relationship between Site 3 and Site 4, it is noted that there is a separation distance of approximately 11.5 metres between the gables of Site 1 and 2. This is significantly larger than the relationship created between Site 3 and 4 (5 metres) and was considered sufficient in offsetting any significant neighbour amenity impacts between the neighbouring sites.

#### Location of garage

The applicant has outlined that the respective garages associated with the dwellings approved under LA03/2020/0123/F did not indicate respective finished floor level (FFL) and it is assumed that these would be the same as the dwellings approved on each site.

In the absence of this detail on the LA03/2020/0123/F plans the Planning Section does not dispute that it would be the case that the FFL of each garage would match the FFL of each dwelling in each respective site.

The applicant has outlined that previous permissions (Ref's: LA03/2020/0123/F, LA03/2021/1075/NMC and LA03/2022/0521/F) placed the garage on Site 4 approximately 5.2 metres from the dwelling on Site 3 with an associated ridge height of 139.31 OD. The current application separates the dwellings within Site 3 and Site 4 by 5.208 metres with an associated ridge height of the dwelling to be retained on Site 4 at 138.90 OD. The applicant has queried how the dominant impact produced as a result of the dwelling within the site has created a more domineering impact given that the overall height of built form close to the boundary is less than originally approved.

To this effect, using the datum levels of the original planning application Ref: LA03/2020/0123/F approved the FFL of the dwelling on Site 4 (application site) at 133.00 OD with a ridge height of 5.2 metres above FFL. As correctly outlined above the garage approved within Site 4 was originally located approximately 5.2 metres from the dwelling approved on Site 3 during the assessment of planning application Ref: LA03/2020/0123/F. The overall ridge of the garage as previously approved under Ref: LA03/2020/0123/F on Site 4 was therefore 138.20 OD (FFL 133 OD + 5.2m garage ridge).

The current application has raised the FFL of the dwelling that is the subject of this application to 134.00 OD and the associated ridge of the dwelling extends to 6.5 metres above FFL. This gives an overall ridge of 140.5 OD which is located approximately 5 metres from the dwelling approved on Site 3 (FFL 134 OD + 6.5m dwelling ridge).

The applicant has provided a number of visuals included with Document 06 which provides cross sections of the wider site approved under LA03/2020/0123/F. The applicant has indicated that a domineering impact was already approved under the original LA03/2020/0123/F application for the following reasons;

- Difference of garage ridge heights between Site 1 and Site 2 was 3.1m over a distance of 3.9 metres.

- Difference of 1.26m between Site 2 garage ridge and Site 1 dwelling ridge over a distance of 8.1m
- Difference between Site 3 garage and Site 2 dwelling (soffit) is 0.6m over a distance of 2.8 metres.

The applicant has outlined that the previous location of the garage approved along the southern boundary under planning approval Ref: LA03/2020/0123/F was not considered to dominate Site 3 at that time and to this effect the policy has not changed.

The presence of a dwelling in proximity to the common boundary in contrast to that of a garage comprises a much greater level of built form in terms of depth and height and is situated on higher lands than the previously approved garage. The location of the garage previously approved within Site 4 allowed an appropriate level of amenity to be retained between Sites 3 and 4 as this acted as a form of screening. All of the dwellings approved under application Ref: LA03/2020/0123/F required a level of cut and fill to be carried out. If the dwelling within Site 4 had been carried out in accordance with the approved plans (LA03/2020/0123/F), the location and height of Site 4's garage would not have appeared so dominant towards Site 3 and would have provided a level of amenity protection for both properties. In addition, the occupation and use of a garage is limited and therefore the overall perception of a garage in comparison to a dwelling on higher lands would not be viewed as so significant to create an unacceptable domineering impact.

#### Dominance

The applicant has maintained that the policy context of dominance has not been provided by the Planning Section to enable the applicant to carry out an amended design. It is not the position of the Planning Section to provide relevant policy considerations to the applicant other than to highlight potential concerns with a proposal. The issue of dominance was highlighted to the applicant as a neighbour amenity concern during the processing of the application. In this case, the applicant has referred to the correct policy consideration QD1 of PPS 7 – Quality Residential Environments. The relevant policy consideration is criterion (h) of QD1 which states:

*(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and*

Whilst 'dominance' is not specifically referenced in QD1, the list is not prescriptive and the policy is clear that the design and layout of a proposal should not create conflict with adjacent land uses and no unacceptable adverse impact on existing/proposed properties. To this effect, the policy references 'other disturbances' and therefore the potential for dominance is considered that of a disturbance for neighbour amenity and is therefore a relevant consideration.

The applicant has outlined in Document 08 that the Council have not referred to dominance in the context of the design or scale of the dwelling, rather on the boundary treatment. There are no concerns with the design and scale of the dwelling given that the dwelling constructed on site is the same design and scale as that originally approved under planning application Ref: LA03/2020/0123/F. However, the issue in this case is the subsequent relocation of the previously approved dwelling and higher corresponding ground levels. In order to protect the amenity of Site 3, a 1.8 metre fence would be required, however, the concern as highlighted within the

Committee Report is the cumulative impact a 1.8 metre fence would have on top of significant ground level change coupled with the relocation of the dwelling.

#### Loss of light

The applicant has outlined that Site 3 is located to the south of Site 4 and as a result both the original approved dwelling and garage (Ref: LA03/2022/0521/F) and the and the current proposal created a loss of light to Site 3 during the day.

The applicant claims that the raised site levels have helped with the loss of light that would have been created otherwise.

It was acknowledged within the case officer's report associated with LA03/2022/0521/F (Site 3) that the dwelling may have some impact on the habitable windows located to Site 4's gable. However, it was considered that Site 4 was located on lands substantively higher and, there are approximately 8 windows serving the open plan kitchen area of Site 4 (3 of which face towards Site 3), therefore, any impact was not considered so significant.

#### Overlooking and Loss of Privacy

The applicant has outlined that the recent approval on Site 3 (Ref: LA03/2022/0521/F) included 3 dormers, which did not fully consider the impact that this would have on Site 4's amenity.

The 3 dormers approved under planning approval Ref: LA03/2022/0521/F were approved to the principle elevation of this neighbouring dwelling and it is therefore not considered that these dormers would have any potential views to Site 4's rear amenity given that these windows are front facing towards the public road.

Additionally, the applicant has outlined that the approval of Site 3 (Ref: LA03/2022/0521/F) included 10 dormers to the northern boundary, which is uncharacteristic of the area and should be kept to a minimum to avoid dominating the appearance of the roof. The 10 dormers referred to by the applicant are roof lights and are not comparative nor referred to as dormers. The purpose of roof lights are to provide natural light into a room and do not provide an opportunity for direct views to be achieved towards neighbouring properties. Additionally, roof light windows require limited roof modification and in most cases fall under permitted development for a dwelling. In any case the determination of the current application does not allow for any reassessment of the merits or otherwise of the dwelling previously approved on an adjoining site other than to assess the impacts of the current proposal on the adjoining site.

The applicant has outlined that the dwelling approved on Site 3 (LA03/2022/0521/F) is excessively large and overbearing which dominates all views from the windows located to the southern gable of Site 4. In this regard, views are not a material consideration and therefore are not heavily weighted in the determination of this application.

The applicant has outlined in Document 07 that the approval of Site 3 was approved in the context of the original LA03/2020/0123/F application, and the dwelling approved on Site 4 included a balcony window that would have the ability to overlook into Site 3. The applicant maintains that the dwelling constructed within Site 4 provides a betterment in terms of overlooking. Additionally, the applicant has outlined in Document 07 & 08 and provided supporting photographs that the

bedroom window to the southern gable of the dwelling is high level and as such a person could not achieve direct views across to the neighbouring dwelling.

In this regard, from viewing the plans associated with planning application Ref: LA03/2020/0123/F the dwelling within Site 4 does not appear to include any reference to a balcony window. It is accepted that any overlooking concerns from the first floor bedroom window to the southern gable could be sufficiently mitigated through the use of obscure glazing. The primary concern is the issue with overlooking from the external areas of Site 4 along the site boundary towards external areas of Site 3.

The applicant has stated that in order to protect the amenity of the dwelling on Site 4 that a 2m high fence is to be erected along the shared boundary. Whilst it is accepted that the applicant can erect a fence up to 2 metres high from ground level along this common boundary, protecting both the amenity of Site 3 and Site 4, the subsequent impact of this fence on-top of the already significant rise in ground levels between both sites results in a significant domineering impact to the external amenity areas of Site 3.

Lastly, the applicant has highlighted in Document 08 that the garage approved under planning application Ref: LA03/2020/0123/F within Site 4 included a window to the gable which would have offered unrestricted views over to Site 3's private amenity and the development on site subject to this application has improved this level of visibility.

To this effect, the location of the previously approved garage protected the most private section of Site 3's amenity by screening direct views from Site 4's external amenity area. Although a window was previously approved within the garage facing towards Site 3, a garage is not considered to comprise a habitable room and therefore significant levels of overlooking were not considered to be created.

#### Supporting Information

Document 07 date stamped 15<sup>th</sup> February 2023 includes a letter provided by 'David Strange D&L Contracts' who is identified as the digger driver during the construction of the dwelling. The letter notes that the decision to move the foundations of the building were required to accommodate a safe access. The letter outlines that the original approval did not provide adequate space for necessary access routes, which posed a significant risk to safety causing potential significant delays and costs. A recent email from David Strange D&L Contracts' on the 20<sup>th</sup> February 2023 disputes this assertion and that they were merely required to excavate the foundations and did not have any decision making role.

A second letter has also been provided by 'Ryan Mc Peake MEA Ltd' as the surveyor on the project. This letter outlines that the original location was not practical, safe or feasible for construction. The reason for the change in location related to the proximity to site boundaries, obtaining necessary access and complications with neighbouring access lanes. The location was not suitable for planned construction and could have resulted in issues or delays. The decision to relocate was to ensure that construction could proceed safely and the building would be structurally sound and stable.

The original approval (Ref: LA03/2020/0132/F) granted permission for a laneway to the southern boundary of the application site. The separation distance between the



southern elevation of the previously approved dwelling and the southern common boundary extended to approximately 6.5 metres which is considered a sufficient distance to provide necessary access arrangement. In addition, the dwelling under consideration within the application site has relocated 4.5 metres closer to the southern boundary and the garage re-located close to the northern boundary. Therefore, the decision to move the dwelling as it was too close to site boundaries is not well founded.

The applicant has outlined in Document 08 that the planning condition imposed on planning application Ref: LA03/2020/0123/F (condition 5) was not clear at specifying if the road gradient was to extend from a public road, local distributor or a residential access road. It is the applicants understanding that the condition applied from the boundary of Site 4's driveway and the shared road.

The Department for Infrastructure (DfI) Roads are responsible for the local road network and the egress and ingress of new vehicular accesses onto this road network for the purposes of road safety. The original approval (Ref: LA03/2020/0123/F) granted permission for 4 dwellings sharing one vehicular access point off the Glebe Road. The condition imposed a standard DfI Roads condition and relates to the first 5 metres of the access outside the road boundary. It is not considered that there is any ambiguity with the DfI Roads condition imposed. However, should there have been any confusion in this regard the applicant would have had an opportunity to seek clarity from both the Planning Section or directly from DfI Roads before commencing works.

The applicant has further highlighted that the agricultural laneway to the northern boundary was only constructed in 2020 and has provided google satellite imagery from 4/20/20 to demonstrate this matter. The agricultural access, which the applicant has referenced, has existed at this location from at least May 2010 (google street view) and has evidently been used as an access point for the farmer to serve the surrounding agricultural fields for a considerable period of time. The agricultural access point existed prior to the determination of original outline permission Ref: LA03/2019/0543/O and was not identified as a material concern at that time.

Overall, no substantive evidence has been provided to substantiate the relocation of the dwelling and garage which occurred without the necessary planning permissions in place.

#### Other Matters

The applicant has outlined that the recent approval on Site 3 Ref: LA03/2022/0521/F did not take account of garage amenity and the foundations pertaining to Site 4's garage would need to be dug 3m deeper at the expense of the applicant. The applicant has also outlined that there are health and safety concerns with a previously proposed retaining wall under Ref: LA03/2022/0521/F which was omitted from the plans and now the land on Site 3 has been undermined falling into Site 3 (image provided Doc 06).

The issue with the structural integrity of the boundary was considered during the processing of this application, which also originally included a similar gabion wall along this common boundary. The issue with a boundary wall is a civil matter and cannot be considered within the remit of a planning application.

The applicant has outlined that the dominance aspect has been present since the beginning and the Planning Section has failed to determine the planning application 9 months after submission resulting in hyper-inflation and high interest rates.

In this regard, the application was made valid on the 18<sup>th</sup> July 2022 and the timeframe to February Committee extends to a timeframe of approximately 7 months. Additionally, a number of additional requests for accurately scaled and additional plans/information were requested by the Planning Section over the period of the application, some of which the Planning Section received and others the applicant declined to submit. Due process was also carried out by the Planning Section to re-notify and re-advertise once it was in receipt of any amended plans to ensure that relevant persons would not be prejudiced by the proposal.

Despite the lengthy delay expressed by the applicant to process the application, works to continue constructing the dwelling have continued throughout this period.

Document 08 outlines that the Council raised concerns of dominance late into the processing of the application and sufficient time for the applicant to comment/make revisions has not been provided. The Planning Section had sought full contextualised cross sections (to include boundary treatments) from the applicant on the 21<sup>st</sup> December 2022 to allow a full understanding of the relationship created between Site 3 and Site 4. The applicant did not submit such plans until the 14<sup>th</sup> & 17<sup>th</sup> February 2023 (Drawing 12 and 15).

A letter of support from John Blair MLA was received seeking a consideration of the amended plans and a deferral of the application from the Planning Committee meeting. An assessment of the plans has been completed and it is not considered that a deferral of the application would lead to a resolution of the issues given that this is a retrospective application and the height, location or ground levels cannot be changed without the demolition of the dwelling.

Given that the development remains unacceptable with regards to Policy QD1 of PPS7, it is considered that the refusal reason outlined below has been sustained and a refusal is recommended.

<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
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<b>REFUSAL REASON</b>
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1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments', in that, if permitted, it would result in an unacceptable adverse effect on an adjacent approved property in terms of overlooking and dominance.

<b>COMMITTEE ITEM</b>	<b>3.10 - ADDENDUM</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0920/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Replacement dwelling and associated ancillary development
<b>SITE/LOCATION</b>	8 Ladyhill Road Antrim BT41 2RF
<b>APPLICANT</b>	Len Ireland
<b>AGENT</b>	Richard Burnside
<b>LAST SITE VISIT</b>	10th November 2022
<b>CASE OFFICER</b>	Dani Sterling Tel: 028 903 40438 Email: <a href="mailto:dani.sterling@antrimandnewtownabbey.gov.uk">dani.sterling@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 <https://planningregister.planningsystemni.gov.uk> and the Council's website, under additional information.**

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

The Planning Committee report was prepared with the following refusal reasons being recommended:

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new dwelling would have a significantly greater visual impact than the existing dwelling and the design of the replacement dwelling is not appropriate to its rural setting and does not have regard to local distinctiveness.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, the building would be a prominent feature in the landscape; the proposed site lacks long established natural boundaries and relies on new landscaping and the design of the replacement dwelling is inappropriate for the site and its locality.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, appear unduly prominent in the landscape.

Following the publication of the Planning Committee Report the agent has submitted a revised scheme, Drawing No. 03/3 date stamped 17<sup>th</sup> February 2023.

The revised plan has taken into consideration a number of different design elements to include the removal of corrugated metal sheeting from the side elevations, a drop in the overall ridge of the two storey front projection, a revised gable pitch to the both side elevations and a revision of the fenestration to the principle elevation fronting towards the Crosskennan Road.

It is accepted that the revised window arrangement to the principle elevation is a welcome change to the road frontage as the general window layout along this elevation achieves a vertical emphasis. Similarly, the drop in the ridge height of the two storey front projection is considered acceptable and is no longer considered to dominate the frontage of the proposed dwelling. The removal of metal corrugated sheeting and a re-design of both gable pitches are now considered to be reflective of rural design principles.

The proposed changes to the design are now considered to be compliant with Policies CTY 3, CTY 13 and CTY 14 of PPS 21, it is considered that those refusal reasons outlined above can be removed and the recommendation is now to grant planning permission subject to recommended conditions.

<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
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<b>RECOMMENDED 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: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing dwelling hatched pink on the approved plan, Drawing Number 02/1 date stamped 11<sup>th</sup> January 2023 is demolished, all rubble and foundations removed and the site restored in accordance with the details on the approved plans.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

3. The existing vegetation as indicated in hatched green on the approved Drawing No. 02/1 date stamped 11<sup>th</sup> January 2023 shall be retained at a minimum height of 2 metres for hedging/shrubs and 4 metres for trees and shall be allowed to grow on or as agreed in writing with the Council.

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

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

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

5. The proposed planting shall be carried out in accordance with approved Drawing No. 02/1 bearing the date stamp 11<sup>th</sup> January 2023. The planting shall be carried out within the first available season after occupation of the dwelling 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.

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

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

7. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 bearing the date stamp 24th October 2022, 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.

8. The gradient of the access road shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary.

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