



12 June 2024

Committee Chair: Councillor J Archibald-Brown

Committee Vice-Chair: Councillor S Cosgrove

Committee Members: Aldermen – T Campbell and M Magill

Councillors – A Bennington, H Cushinan, S Flanagan,  
R Foster, R Kinnear, AM Logue, R Lynch and B Webb

Dear Member

#### **MEETING OF THE PLANNING COMMITTEE**

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 17 June 2024 at 6.00 pm.**

You are requested to attend.

Yours sincerely

A handwritten signature in black ink, appearing to be "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:**

Tel: 028 9448 1301/ 028 9034 0107

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## **AGENDA FOR PLANNING COMMITTEE – 17 June 2024**

**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: LA03/2023/0524/F**

Proposed new business park to include 3 no. new storage and distribution warehouses with ancillary offices (Class B4); 5 no. new light industrial units (Class B2); 2 no. new retail showrooms with trade counter; 1 no. new research and design offices (Class B1c); and the refurbishment of and alterations to 4 no. existing storage and distribution units. Development includes roof mounted solar panels, 5 new access points onto Enkalon Road, new internal estate road (closing up existing access), HGV parking, car parking, cycle parking, new pedestrian crossing point at Randalstown Road and all associated site works at Lands at Enkalon Industrial Estate, including vacant lands to the north west. Located immediately north east of Plaskets Burn, 200m west of 150 Junction One (ASDA), 60m south east of 14 Plaskets Close and 60m north of 30 Castlewater Gardens, Antrim.

#### **3.2 Planning Application No: LA03/2023/0930/F**

Erection of 134 bed centre for mental health comprising of wards, staff and visitor facilities, management and operational spaces, health and well-being facilities, external landscaping and gardens, car parking, servicing facilities and associated ancillary works at Lands to south of Antrim Area Hospital and East of Bush Manor, Bush Road, Antrim

#### **3.3 Planning Application No: LA03/2023/0397/F**

Proposed demolition of 735-737 Shore Road and erection of 2 no. apartment buildings comprising of 14 no. apartments, car parking, cycle parking, landscaping and all associated work (Renewal of Planning Approval LA03/2017/0418/F) at 735-737 Shore Road, Newtownabbey, BT37 0PY

- 3.4 Planning Application No: LA03/2023/0861/F  
6 no. apartments at 415 Antrim Road, Newtownabbey, BT36 5ED
- 3.5 Planning Application No: LA03/2023/0277/F  
Demolition of existing buildings on site and erection of 12 No. apartments, including associated and ancillary works at 28 The Square Ballyclare, BT39 9BB
- 3.6 Planning Application No: LA03/2024/0094/F  
Erection of 4no retirement bungalows, parking, landscaping, and associated site works (in substitution for nursing home approved under LA03/2016/0902/RM) at Land 40 metres east of No. 1 Castle Lodge, Randalstown
- 3.7 Planning Application No: LA03/2023/0883/O  
Site for Dwelling and Garage at 159m East of 28 Tardree Road, Kells, Ballymena
- 3.8 Planning Application No: LA03/2024/0253/O  
Site for 2 No. dwellings at 100m SE of 111 Seven Mile Straight, Muckamore, Antrim, BT41 4QT
- 3.9 Planning Application No: LA03/2023/0890/F  
Expansion of curtilage and extension to dwelling at 3 Woodgreen, Antrim, BT41 1NN
- 3.10 Planning Application No: LA03/2024/0230/O  
Site for replacement dwelling at 110m NE of No. 25 Ballykennedy Road, Nutts Corner, Crumlin, BT29 4SU

## **PART TWO – Other Planning Matters**

- 3.11 Delegated Planning Decisions and Appeals May 2024
- 3.12 The Department for Infrastructure, Eastern Transport Plan Project Board Meeting
- 3.13 Planning Fees Update
- 3.14 Budget Report – Quarter 4 April 2023 to March 2024
- 3.15 Provisional Tree Preservation Order at Lands Immediately West of 15B and 17 Ballyvesey Road, and 92 Ballycraigy Road, Ballycraigy (Ref: TPO/2024/0009/LA03)

**PART TWO – Other Planning Matters – IN CONFIDENCE**

3.16 Planning Improvement Programme Update – In Confidence

3.17 Flood Inundation – In Confidence

**PART ONE - Decisions on Enforcement Cases – IN CONFIDENCE**

3.18 Enforcement Case LA03/2023/0261/CA – In Confidence

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 17 JUNE 2024**

**PART ONE**

**PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>3.1</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0524/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR APPLICATION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed new business park to include 3 no. new storage and distribution warehouses with ancillary offices (Class B4); 5 no. new light industrial units (Class B2); 2 no. new retail showrooms with trade counter; 1 no. new research and design offices (Class B1c); and the refurbishment of and alterations to 4 no. existing storage and distribution units. Development includes roof mounted solar panels, 5 new access points onto Enkalon Road, new internal estate road (closing up existing access), HGV parking, car parking, cycle parking, new pedestrian crossing point at Randalstown Road and all associated site works.
<b>SITE/LOCATION</b>	Lands at Enkalon Industrial Estate, including vacant lands to the north west. Located immediately north east of Plaskets Burn, 200m west of 150 Junction One (ASDA), 60m south east of 14 Plaskets Close and 60m north of 30 Castlewater Gardens, Antrim.
<b>APPLICANT</b>	Errigal Commercial Developments Ltd
<b>AGENT</b>	TSA Planning
<b>LAST SITE VISIT</b>	24 <sup>th</sup> November 2023
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 9034 0416 Email: <a href="mailto:alicia.leathem@antrimandnewtownabbey.gov.uk">alicia.leathem@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>.</b>	
<b>SITE DESCRIPTION</b>	<p>The application site lies within a number of different contexts within the Antrim Area Plan 1984-2001 (AAP). The southern section of the site is within the settlement limit and on unzoned white lands whilst a triangular parcel of lands to the northern section falls immediately outside the settlement limit and is within the countryside. This triangular parcel of lands represents a rural wedge within a wider urban setting with the lands to the north of the application site being zoned for industry as defined within AAP Alteration No.3 entitled 'Industry – Antrim Town including Technical Supplement' while the lands to the south are located within the settlement limit, however, they are not zoned for any particular use. The lands to the south, while unzoned do represent existing employment lands and were formerly known as British Enkalon.</p> <p>The application site encapsulates a large geographical area extending from and including the existing Enkalon Business Park, extending towards the Kilbegs Business Park located to the north of the site. The site has a number of existing buildings utilised for storage and distribution, along with industrial uses, most notably the former 'British Enkalon' factory building that is a significant building in terms of scale and massing. Access to the site can be achieved via the existing internal road network extending from the Randalstown Road to the south, Ballymena Road to the east and Kilbegs Road to the north. The topography of</p>

the lands is relatively flat with Plaskets Burn extending along the western boundary and Steeple Burn along the southern boundary.

The application site is located to the immediate east of Junction One, to the south of Kilbegs Business Park with Allen Park golf course and Castlewood residential development defining the western boundary, a mix of residential development and industrial buildings define the south-eastern boundary.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2023/0430/F

Location: Unit 3B, Norfill Business Park, Antrim, BT41 4LD

Proposal: Retention of upgraded extraction system to support the manufacturing of construction materials (retrospective)

Decision: Permission Refused (18/08/2023).

Planning Reference: LA03/2023/0001/PAN

Location: Lands bounded by Kilbegs Business Park to the north, Enkalon Industrial Road to the East, Castlewater residential development to the south west and Allen Park Sport Hub to the West, Antrim BT41 4LS.

Proposal: Proposed new business park to include 4 no. new storage and distribution warehouses with ancillary offices, 10 no. commercial units comprising a mix of light industry, trade counter with showroom, office, research & development, exhibition space, start up business units, roof mounted solar panels, refurbishment and extension of existing industrial warehouses, 3 new access points onto Enkalon Road, new internal estate road (closing up estate access), HGV parking, car parking and all associated site works.

Decision: PAN Acceptable (16/01/2023).

Planning Reference: LA03/2023/0261/F

Location: Lands at Unit 1 Enkalon Industrial Estate, Randalstown Road, Antrim.

Randalstown Road, to the north and east of Oriel Lodge / 29 Randalstown Road, north east of No. 28 Castlewater Gardens and south east of Steeple Burn, Antrim

Proposal: Erection of 11 no dwellings (comprising 7 no detached, 4 no semi-detached), including solar panels, garages, open space and landscaping, internal road network, and all associated site and access works

Decision: Permission Granted. (06/11/2023)

Planning Reference: LA03/2022/0642/F

Location: Lands at 1 Enkalon Industrial Estate

Randalstown Road, to the north and east of Oriel Lodge / 29 Randalstown Road, north east of No. 28 Castlewater Gardens and south east of Steeple Burn, Antrim

Proposal: Proposed residential development of 74 no. dwellings (comprising 31 no. detached, 36 no. semi-detached dwellings, 5 no. Chalet Bungalows and 2 no. apartments), including solar panels, garages, open space and landscaping, access, internal road network and all associated site and access works.

Decision: Permission Granted. (27/01/2022)

Planning Reference: LA03/2020/0589/F

Location: Rear of Unit J3 Enkalon Industrial Estate, Randalstown Road, Antrim.

Proposal: Proposed 8 no. mixed use development units comprising 4 no. Class B3 units (Light Industry) and 4 no. Class B4 units (Storage) with associated parking facilities.

Decision: Permission Granted (23.09.2021)

Planning Reference: LA03/2019/1062/F

Location: Lands adjacent and 80m west of no 14 Plaskett's Close, Kilbegs Business Park, Antrim.

Proposal: Proposed erection of 11 no. industrial units with ancillary office accommodation, access/parking provision and all other associated site works.

Decision: Permission Granted (28.07.2020)

Planning Reference: LA03/2018/0149/F

Location: Unit D6 Enkalon Industrial Estate, 16 Randalstown Road, Antrim, BT41 4LD

Proposal: Proposed car wash and valet facility with covered vehicle bays, storage containers, vehicle ramp, new access and all associated site works

Decision: Permission Granted (17.01.2019)

Planning Reference: LA03/2018/0361/F

Location: Land adjacent to Kilbegs Industrial Estate, 60 metres south of unit 22 Junction 1 25 Randalstown Road, Antrim.

Proposal: 66sqm infill extension between blocks C & D to light Industrial Warehouse Class B2 & change of front, rear and side elevations.

Decision: Permission Granted (28.09.2018)

Planning Reference: LA03/2018/0629/F

Location: Lands at the former Enkalon site to the NW of Enkalon Sports and Social Club and Steeple Burn watercourse SW of Enkalon Industrial Estate, NE of Plaskets Burn and North and NE of Nos 1 to 5 Umry Gardens, Randalstown Road, Antrim

Proposal: Proposed residential development of 123 no. dwellings (comprising 79 no. detached and 44 no. semi-detached dwellings) including garages, open space with equipped children's play area, landscaping and all associated site and access works.

Decision: Permission Granted (22.01.2019)

Planning Reference: LA03/2018/0840/F

Location: Land at former Enkalon Offices, Enkalon Industrial Estate, Randalstown Road, Antrim.

Proposal: Erection of building supplies merchants with trade counter, storage, security hut, access and all associated site works.

Decision: Permission Granted (10.01.2019)

Planning Reference: LA03/2016/0893/F

Location: Units F2 and F4, Enkalon Business Park, Randalstown Road, Antrim, BT41 4LJ.

Proposal: Retrospective change of use for to tyre depot and sale of fuels.

Decision: Permission Granted (20.03.2017)

Planning Reference: T/2008/0451/F

Location: Randalstown Road, Enkalon Industrial Estate, Antrim.

Proposal: Extension and alterations of existing distribution centre and associated site-works plus 17 new B4 storage and distribution units and associated site-works.

Decision: Permission Granted (02.12.2008).

Planning Reference: T/2008/0362/F

Location: Randalstown Road, Enkalon industrial Estate Antrim.

Proposal: The construction of a new service access road to existing industrial complex.

Decision: Permission Granted (11.09.2008).

Planning Reference: T/2006/0676/F

Location: Lands adjacent to Antrim Transformer Ltd, Enkalon Industrial Park, 25 Randalstown Road, Antrim, BT41 4LD.

Proposal: New light industrial warehouse- (class B2) new warehouse development, comprising 35 individual warehouse units with ancillary office accommodation.

Decision: Permission Granted (10.01.2007)

Planning Reference: T/2002/0136/F

Location: Antrim Business Park, Randalstown Road, Antrim.

Proposal: Single storey steel frame building with metal cladding panels for warehouse and distribution use.

Decision: Permission Granted (04.11.2002).

Planning Reference: T/1996/0023/F

Location: Antrim Business Park, Randalstown Road, Antrim.

Proposal: Single storey steel frame building with metal cladding panels for warehouse and distribution use.

Decision: Permission Granted (04.11.2002).

## **PLANNING POLICY**

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

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

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

Antrim Area Plan 1984-2001 (AAP): The site falls within a number of different contexts. The southern section of the application site is within the settlement limit, on un-zoned white lands whilst a triangular parcel of lands to the northern section falls outside the settlement limit and within the countryside. The southernmost section of the application site, although located within the settlement limit is not zoned for any particular use.

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

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

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

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

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

PPS 13: Transportation and Land Use: assists in the implementation of the RDS, the primary objective of PPS 13 is to integrate land use planning and transport by promoting sustainable transport choices.

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

PPS 18: Renewable Energy: sets out planning policy for development that generates energy from renewable resources. This PPS is supplemented by PPS18 Best Practice Guidance and the document Wind Energy Development in Northern Ireland's Landscapes. Supplementary planning guidance on Anaerobic Digestion is also available in draft form.

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

## **CONSULTATION**

**Council Environmental Health Section** – No objection, subject to conditions.

**NI Water** – Advice provided.

**HED (Historic Monuments)** - No objection subject to conditions.

**DAERA Regulation Unit** - No objection, subject to conditions.

**DAERA Water Management Unit** – No objection, subject to conditions.

**DAERA Natural Environment Division** – No objection, subject to conditions.

**Belfast International Airport** – No objection.

**Shared Environmental Service** – No objection, subject to conditions.

**DfI Roads** – No objection.

**DfI Rivers** – Concerns raised in relation to reservoir inundation.

## REPRESENTATION

Eighty five (85) neighbouring properties were notified, and thirty-three (33) objections were received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk>

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

- Increase in industrial activity and incompatibility with surrounding area;
- Uncertainty as to who the end users are within the units;
- Layout, density and boundary treatments are unacceptable;
- Air quality impacts;
- Visual impact and the impact on the wider landscape;
- Health issues;
- Light pollution;
- Noise impacts (location of plant, operating hours, construction noise);
- Acoustic boundary wall requested;
- Devaluation of property;
- Lack of green space and preservation of existing green space;
- Overlooking/loss of privacy;
- Impact on nature, conservation and ecology;
- Inadequate information relating to solar panels
- Inadequate information regarding trees/landscaping;
- Inadequate information on the proposed end users;
- Adverse impact on water quality;
- Additional traffic, including HGV's and adequacy of road infrastructure.

It is noteworthy that during the Pre-Application Community Consultation (PACC) a number of additional issues were highlighted which are summarised within the PACC report (Document 02).

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Legislative Matters
- Policy Context and Principle of Development
- Design, Layout and Appearance
- Impact on Character and Appearance of the Area
- Flood Risk and Drainage
- Neighbouring Amenity
- Traffic, Parking and Road Safety
- Natural Heritage
- Archaeology and Built Heritage
- Climate Change and Renewable Energy
- Other Matters

### Preliminary Matters

Additional information was required during the processing of the application in order to satisfy statutory consultees. On two occasions, the additional information constituted Further Environmental Information (FEI) (January 2024 & March 2024) and in accordance with the EIA Regulations 2017, this information was subject to the statutory publicity requirements. Additional information received in May 2024 was submitted which provided additional information for DfI Rivers, however, as this was detail elaborated upon the information

already included within the ES and FEI and was not requested by the Council, the information did not constitute FEI.

It is noteworthy that an element of information required for the assessment of the application relating to inundation areas from Potterswall Reservoir is to be treated 'in confidence' and will be available to Members prior to reaching a decision, this is expanded on below within the 'Flood Risk and Drainage' section.

### **Legislative Framework**

#### Environmental Statement

The application was accompanied by an Environmental Statement. The Council in consideration of the application is obliged under Regulation 24 (1) of the Planning (Environment Impact Assessment) Regulations (NI) 2017 to examine the environmental information; reach a reasoned conclusion on the significant effects of the proposed development on the environment and integrate that reasoned conclusion into the decision.

The effects of the proposal on the environment are considered within the body of this report and it is considered that the potential environmental impacts of this development are sufficiently well understood and provided that recommended mitigation measures are followed, then the development is not likely to have significant environmental effects.

#### Habitats Regulation Assessment

Regulation 23 (1) of the Planning (Environment Impact Assessment) Regulations (NI) 2017 requires in relation to EIA development there is also a requirement to carry out a Habitats Regulation Assessment (HRA). A shadow HRA (Appendix 14.A of the ES) was submitted by the applicant. In addition, 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 28<sup>th</sup> March 2024. The report found that the project would not have any adverse effect on the integrity of any European site.

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

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

The application site lies within a number of different contexts within the Antrim Area Plan 1984-2001 (AAP). The southern section of the site is within the settlement limit and on un-zoned white lands whilst a triangular parcel of lands to the northern section falls immediately outside the settlement limit and is within the countryside. This triangular parcel of lands represents a rural wedge within a wider urban setting with the lands to the north of the application site being zoned for industry as defined within AAP Alteration No.3 entitled 'Industry – Antrim Town including Technical Supplement' while the lands to the south are

located within the settlement limit, however, they are not zoned for any particular use. The lands to the south, while un-zoned do represent existing employment lands and were formerly known as British Enkalon.

The proposal seeks full planning permission for the erection of a proposed new business park to include three new storage and distribution warehouses with ancillary offices, five new light industrial units, two new retail showrooms with trade counter a new research and design offices and the refurbishment of and alterations to four existing storage and distribution units. The proposal also includes roof-mounted solar panels, five new access points onto Enkalon Road, a new internal estate road (closing up existing access), HGV parking, car parking, cycle parking and a new pedestrian crossing point at Randalstown Road. The application has been submitted by Errigal Commercial Development Ltd, however, given the nature of a business park, the units can be operated by a number of end users subject to the specified use class.

The AAP at paragraph 25.4 encourages large-scale industrial uses to locate in Antrim Town where there is already a supply of zoned available sites. However, Paragraph 16.5 of the AAP indicates that it is difficult to make an accurate assessment of the amount of land which will be required for industrial use during the Plan period, the plan goes on to state that while the availability of land will not generate industrial development, it is nevertheless essential that potential development is not constrained by a lack of zoned industrial land. Notably the Plan, which was intended to cover the period of 1984-2001 highlights that the need may arise during the plan period for other lands, the outdated nature of the plan further highlights this issue. In relation to the application site the plan goes on to state that consideration will be given to appropriate industrial uses on un-zoned lands provided proposals are compatible with existing adjoining land uses or proposed land uses with a specific example given of the then vacant British Enkalon.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS states that a key dimension of sustainable development for Northern Ireland is economic growth, which requires the planning system to continue to provide protection to our built and natural environment including our heritage assets while unlocking development potential, supporting job creation and aiding economic recovery. The SPPS also sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPS's). Therefore, Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) and Planning Policy Statement 4 'Planning and Economic Development' (PPS4) are applicable in this case. Policy CTY 1 of PPS 21 refers to a range of types of development considered to be acceptable within the countryside. One such development is industrial and business uses in accordance with PPS 4 which also deals with industrial units within development limits.

As indicated above the application site is subject to lands both within the development limit and a portion of lands outside the development limit including both un-zoned and zoned lands. As such the proposal does not fall neatly into one Policy context but rather is to be assessed under a number of policy provisions, Policy PED 1 of PPS 4 addresses economic development in settlement. As acknowledged by the AAP the southern section of the application site is occupied by the former British Enkalon which has been repurposed for storage and distribution uses over the intervening years. Consequently, the planning history of the site is considered an important material consideration in this instance.

Although not zoned within the AAP it is accepted that a storage and distribution use has been established on the southern section of the site.

The land to the immediate north and west of the existing Enkalon Estate is within the development limit, albeit the lands are un-zoned and undeveloped, however as highlighted above the development of this land for an employment use is not precluded by the AAP. Policy PED 1 of PPS 4 breaks down the proposal based on the individual use classes and highlights that the land use zoning within the plan context will be key to the overall acceptability of each of the uses. Notwithstanding this Policy PED 1 caveats this requirement by indicating that proposals may be acceptable outside zonings subject to a number of criteria being met. The overarching requirement collectively for each of the use classes proposed outside of zonings is the need for compatibility with surrounding land uses, the scale and massing of the proposal and the effect on surrounding industrial lands.

A section of the site is within the countryside, Policy PED 2 of PPS 4 states that proposals for economic development uses in the countryside will be permitted in accordance with the provisions of certain stated policies. Policy PED 5 deals with major industrial development in the countryside, the Policy does not define any thresholds for what constitutes a major application, however 'The Planning (Development Management) Regulations (Northern Ireland) 2015 defines for storage and distribution uses that the exceedance of 5000sqm is a major application. It is acknowledged that this is only applicable to a section of the site and therefore the proposal does not fall neatly into this policy provision. Nevertheless the proposal is for a major development in the countryside over the stipulated thresholds and therefore Policy PED 5 is applicable to a portion of the site. Policy PED 5 requires a countryside location to be necessary because of its size or site-specific requirements, the need for long-term sustainable economic benefits, the availability of alternative sites being explored and consideration of the environmental and transport impacts. Letters of objection raised concern regarding the end user and the increase in industrial use in the area. Any proposal for planning permission relates to the suitability of the use class in conjunction with all other material considerations and not to the individual occupiers of the units.

It is acknowledged that an element of the proposal includes two retail showrooms (DC08 & DC10), which would appear to result in 2593sqm of retail floor-space. The SPPS adopts a town centre first approach in relation to retail and paragraph 6.280 of the SPPS states that 'a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP.' Supporting documentation (Document 01) indicates that a trade counter will be provided within unit DC08 and that the showroom space is only meant to equate to a small amount of the overall floor-space with the majority being dedicated to storage of the product and some assembly. Unit DC10 is also indicated to be a retail showroom, the agent presented examples of these to include kitchen manufacture, tile stores or a builders merchants. These business types rely primarily on storage, where the public has access to a trade counter area or a small amount of showroom space where the sample product is on display as opposed to buying off the shelf. Given that the units have a form of retailing it would be appropriate to include a condition restricting the retail floor-space to be used only for the display of specific goods and not to be used for convenience retailing.

As acknowledged above the section of lands which are located within the countryside as defined in AAP, amount to a triangular parcel of land wedged between the wider settlement limit, with no rationale within the AAP or within Alteration No.3 entitled 'Industry – Antrim Town' as to why this parcel of land was excluded from the settlement limit. The

exclusion of these lands is especially difficult to comprehend given that the lands cannot be accessed other than through the settlement limit and the Plaskets Burn to the west would form a natural physical settlement limit. It is considered that the development of these lands would ultimately result in the rounding off and consolidation of the settlement limit, especially given that these lands are located between two industrial areas and are curtailed by The Junction Retail Park to the east and Plaskets Burn watercourse to the west. As such the development of these lands would not mar the distinction between the urban and rural areas, rather it would consolidate and round off the settlement limit.

Notwithstanding the rationale regarding the development of these lands, the adjoining lands are currently utilised by industrial uses, a level of suitable infrastructure already exists and the size and scale of the proposal limits the choice of sites within the wider area. In addition the proposal represents a new gross internal floor-space of 85,329sqm, the refurbishment of 77,555sqm of existing floor-space, creating a total floor-space of 165,23sqm. It is stated within the supporting statement (Document 01) that the proposal will result in 690 new jobs once operational, with 200 construction jobs created over a six year period with a total annual wage bill into the local economy estimated to be circa £45.8mn. It is also indicated that the proposal represents a significant capital investment of £150 million from the private sector and will provide numerous economic benefits to Antrim Town and the wider area.

Overall taking into consideration the plan context of the site, the need for the future growth and refurbishment of the Enkalon Estate, the level of existing infrastructure and the significant contribution to the local economy, the proposal is considered acceptable subject to all other policy and environmental considerations being met.

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

As indicated above the application site comprises of lands both within the settlement limit of Antrim Town and within the countryside. The SPPS states that all development in the countryside must integrate into its setting and respect the rural character of the area with both Policies PED 3 and PED 5 supporting this and requiring any economic development within the countryside not to undermine rural character. Additionally, Policy PED 9 of PPS 4 stipulates that the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and that any proposals are compatible with existing land uses. Letters of objection relate to the layout and density of the proposal and the lack of green space to be retained and to be proposed.

The proposal seeks permission for an extension to the Enkalon Business Park that entails both new built form and refurbishment and alterations to a number of the existing buildings, the inclusion of roof top solar panels, new access and roads layout, landscaping and other ancillary site works. The application site and the proposed development is extensive and provides a range of economic uses including the erection of three storage and distribution warehouses, five light industrial units, two retail showrooms with trade counters and one new research and design office.

For ease of reference, the below table sets out the proposed additional floor-space and intended uses.

<b>Use Type</b>	<b>Nett Area (sqm)</b>
Storage and Distribution	64,666sqm

Light Industrial	11,704sqm
Research and Design Offices	2,730sqm
Retail Showroom and Trade Counter	2,354sqm
Ancillary Officers	3,875sqm
<b>Total New Build Area</b>	<b>85,329sqm</b>

### New Development

The proposed new development consists of three storage and distribution warehouses, which are located to the north and north-western section of the site and are referred to as units DC01, DC03 and DC04. Unit DC01 is the largest unit within the development and is located within the most northern section of the site, and abuts the Kilbegs Business Park and runs perpendicular to the internal road network to the east and Plaskets Burn to the west. Unit DC01 is a significantly large building, measuring 311 metres in length, 105 metres in width, 18 metres from ground level to eaves with a total ridge height of 27 metres from ground level. This unit provides approximately 32,000sqm of storage and distribution floor-space, 1,000sqm of ancillary office space, creating a total of 33,000sqm of floor-space. The proposed ancillary office accommodation is located within an inlet along the eastern elevation and is split across two floors. The office accommodation includes a number of windows along this elevation with elements of glazing and timber cladding. The proposed unit is served by a new individual access arrangement taken from the Enkalon internal road network with an area for car parking located to the east of the building providing 130 car parking spaces and 32 cycle spaces. The building includes parking spaces for 106 Heavy Goods Vehicles (HGVs) within the periphery of this section of the site, the majority of spaces run along the southern elevation which also provides 20 dock levellers and a further 31 docking bays.

Unit DC03 is located to the north and west of existing development within the wider Enkalon area and is served by a new internal access road. The unit is located on a corner site and extends along both frontages. The building measures 150 metres in width and 81.4 metres in depth at its widest points with a height of 14 metres to the eaves and an overall ridge height of 19.5 metres from ground level. This unit provides approximately 9,900sqm of storage and distribution floor-space, 700sqm of ancillary office space giving a total of 10,600sqm of floor-space. The office element is accommodated within a two storey outshot located to eastern elevation. There is provision for 40 car parking space and 10 cycle spaces adjacent to the office accommodation with 32 HGV parking spaces along the western elevation which also provides 5 dock levellers and a further 18 docking bays.

Unit DC04 is located to the north of Castlewater Avenue residential development and takes a similar form and appearance of the other units with access taken off the new internal road. Parking provision for 40 HGV parking spaces and 21 docking bays, 100 car parking spaces and 22 cycle spaces. The unit measures 198 metres in width and 127.5 metres in depth at its widest point with a height 14 metres from eaves and an overall ridge height of 19.4 metres from ground level. Approximately 22,800sqm of storage and distribution floor-space is generated with 700sqm of associated office space giving a total of 23,500sqm of floor-space.

The proposal also includes two new light industrial buildings which are referred to as units DC02 and DC06B. Unit DC02 is located along the western boundary adjacent to Plasket's Burn and again takes a similar form and appearance to the other units. Unit DC02 measures 136 metres in width with a depth of 59.2 metres, 14 metres to the eaves with an overall ridge height of 19.3 metres. Unit DC02 has an industrial floor-space provision of approximately 7100sqm with 750sqm of associated office space giving a total of 7850sqm. A total of 154 car parking spaces and 12 HGV spaces are provided together with 15 cycle spaces. A pumping station is located to the south-western boundary of unit DC02.

Unit DC06B is located to the southeast of the application site adjacent to the existing internal road network and to the rear of Asda. Unit DC06B is subdivided to provide 4 separate light industrial units, each with an industrial floor-space of approximately 1225sqm and ancillary office space of approximately 144sqm spread across two floors. The overall building measures 101metres in width with a depth of 49.6 metres, 8 metres to the eaves with a ridge height of 9.2 metres.

Unit DC06A is located on a corner site adjacent to the existing roundabout to the rear of Asda and is to be used as a research and design office. The building measures 27.6 metres in depth, 34.2 metres in width with a flat roof measuring 10.2 metres in overall height. The building is spread out over three floors with a high level of glazing on each of the elevations. Given the prominent location which is open to a high level of critical views it is considered that the design of Unit DC06A is visually interesting and a focal building within the wider Enkalon Estate.

The remaining two buildings are indicated to be retail showrooms, one of the retail showrooms (Unit DC08) is located to the south of the site, immediately adjacent to the existing original high rise 'Enkalon factory' building. The showroom measures 39.4 metres in width, 20.6 metres in depth, the building has a flat roof with an overall ridge height of 6.7 metres. The building is split across two floors and includes a high level of glazing on the front and either side elevations. The second retail showroom (DC10) is located to the northeast of the site and fronts onto the existing internal road network. The building is gable ended onto the existing road with a height of 7 metres to the eaves and a ridge height of 9.9 metres, the building measures 29 metres in width with a depth of 33 metres. Notwithstanding the retail floor-space proposed, as outlined above if planning permission is forthcoming a condition restricting the retail floor-space area and types of goods should be imposed.

#### Existing Development

As indicated above the southern portion of the application site comprises existing storage distribution centres which are currently occupied and operated by a number of businesses. The proposal includes the refurbishment and alterations to the existing units. The most notable building being altered is the existing 'Enkalon Factory' building, located centrally within the site which has an existing ridge height of 34 metres. Alterations include the demolition of a link between two units (DC07 and DC08) new cladding and windows, dock levellers and roller shutter doors. Additionally the same alterations are to be carried out on the existing building DC07 with a new roof resulting in an increase of 3 metres from a ridge height of 9 metres to that of 12 metres. Unit DC05 is located along the western boundary of the site, adjacent to an existing residential development, Castlewater Avenue. The refurbishment of this building includes the removal of existing dock levellers and a canopy. Fundamentally no increase in either the floor-space or parking provision is proposed and the height and scale of the building is to remain as existing. Unit DC09 is located at the existing entrance to the Enkalon estate and fronts onto the existing road network. The

proposed refurbishment of this building includes the introduction of new cladding to the building elevations, new roller shutters, dock levellers, window openings and raising the ridge height of a portion of the building from 6 metres to 9 metres to match the existing higher section of the building.

It is acknowledged that the existing and proposed plans indicate an extraction unit located to the western elevation of Unit DC09, although it is noted that the extraction unit is subject to a separate planning application. It is considered that if planning permission is forthcoming that a condition should be imposed indicating that the proposal does not include the annotated extraction unit.

The materials of the proposed buildings are to include horizontal cladding which varies from dark blue at the base to light blue at the eaves. The roof material comprises light grey cladding panels. The main entrances to the units include horizontal timber effect cladding with glazing surrounded in light grey render. Refurbishment of the three existing units includes new light grey vertical ribbed cladding. A landscape plan (Figure 6.B of Volume II of the ES) has been provided as part of the proposal which shows areas of grass land associated with a number of the units, most notably to the west and south of Unit DC04 with pockets of tree planting between a number of the units with the proposal including tree lined avenues. A letter of objection raised concerns in relation to root spread, tree growth and details of the trees to be planted. While the number and species has been provided, a Landscape Maintenance Plan should be submitted prior to the development becoming operation to address any issues with the landscaping impacting upon neighbouring properties.

A concern was raised by a third party in relation to the proposed boundary treatments. It is indicated (Drawing 06/1) that boundary treatment in the form of a three metre high acoustic fence will be located along the western boundary. The proposed acoustic fence will run adjacent to the neighbouring properties and will extend from the gable of DC09 to the centre of the southern elevation of DC04. It is notable that these units have a relationship with the neighbouring properties. The remainder of the site boundaries are defined by 2.4 metre high security fencing.

It is accepted that the proposed development is of a significant scale and massing. The layout arrangement of the site has been somewhat dictated by the existing built form and road network. The appearance and style of the buildings are typical of standard industrial units with the use of colour and cladding helping to provide visual interest in the wider business park. It is considered that the appearance of the existing industrial park will be improved and modernised as a consequence of the proposed amendments. The new buildings within the site are designed to read as part of a wider industrial area with some of the design features complementing the nearby Junction Retail Park.

### **Impact on Character and Appearance**

The SPPS indicates that due consideration should be given to the design of any economic development proposal in order to ensure a high quality form of development. Policy PED 9 of PPS 4 stipulates that the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and that any proposal is compatible with existing land uses. In addition, as a section of the application site is located within the rural area, Policy CTY 13 and CTY 14 of PPS21 are also applicable and deal with the design and integration of buildings in the countryside with both Policies reiterating the need for new buildings to integrate. Letters of objection have raised concerns in relation to visual amenity to be impacted by the proposal and that the appearance of the development will not be

compatible with the surrounding area. Chapter 6 of the ES addresses landscape and visual impacts and includes a Townscape and Visual Impact Assessment (TVIA) and a series of viewpoints images (Volume II of the ES).

A total of six viewpoints have been assessed within the TVIA, for both construction and operational phases of the proposal. The TVIA concludes that no viewpoints have been assessed as having significant effects. Although the application site is not within Antrim Conservation Area or within the setting of a listed building, consideration has been given to the impacts of the proposed development on the setting of both the Conservation Area and Antrim Castle Gardens. It is concluded that given the spatial separation distances, the intervening built form and the presence of mature woodland that there will be no direct visual linkages.

The proposal encapsulates a large geographical area extending from and including the existing Enkalon Business Park to the Kilbegs Business Park located to the north of the site. The proposal is a significant development scheme in terms of scale and massing, however, the proposal is located in an area of significant built form within Antrim Town and is located between two existing business parks which helps blend the development into the townscape. The existing Enkalon Business Park currently includes a significant building that is approximately 8 storeys measuring 34 metres at its highest point and it could be argued that the building represents a landmark building within the area.

The element of the proposal relating to the refurbishment of existing buildings will improve the aesthetic quality of the existing buildings, provide a much needed modernisation of the area, thereby providing a wider benefit to the townscape. In relation to the proposed new built form, it is accepted that the proposal is of a significant size and scale, however, it will read with the existing built form. It is inevitable that the proposal will have a visual impact on the area and will ultimately change the existing landscape and critical views within the surrounding area. However, it is considered that the existing scale of development within the wider townscape has the ability to absorb a development of this scale and will not alter the character of the area. Overall, taking into account the existing character of the area, the landscape sensitivity together with the regeneration of this existing business park, the employment opportunities and the economic benefits, it is considered, on balance, that the visual impact of the proposal is acceptable.

### **Flood Risk and Drainage**

Policies PPS 15 and PPS 4 indicate that development will not be permitted where it is located in an area of flood risk or that the development would cause or exacerbate flooding. PPS 15 covers a number of aspects including; development in existing floodplains, defended floodplains, drainage requirements and pluvial flooding, culverting of watercourses and development within an area at risk from reservoir inundation.

The application site is bounded and traversed by a number of watercourses, Steeple Burn runs along the southern boundary, the Enkalon Stream is a culverted watercourse located to the northern boundary, while a watercourse known as Enkalon Stream Branch A traverses the site. All these watercourses feed into Plaskets Burn which runs along the western boundary of the site which then discharges into the Six Mile Water River which is located approximately 400 metres to the southeast of the site. DfI Rivers in their consultation response have also indicated that there may be other watercourses which traverse the site which they are not aware of at present.

The site is currently known to be affected by fluvial flooding from the culverted Enkalon Stream which runs along the northern boundary of the site and by flooding from Enkalon Stream Branch A which traverses the site. A portion of the site has previously been subject to flooding from the Hollywell Burn, however, this has been the subject of a flood alleviation scheme carried out by DfI Rivers. Policy FLD 1 of PPS 15, states that development will not be permitted within the 1 in 100 floodplain unless the proposed development meets one or more of the stipulated exceptions set out under the policy.

There are a limited number of exceptions to the policy with the only one relevant being development proposals of overriding regional or sub-regional economic importance and which meets both of the following criteria:

- demonstration of exceptional benefit to the regional or sub-regional economy;
- demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.

Where the principle of development is established through meeting the above criteria, the applicant is required to submit a Flood Risk Assessment (FRA) for all proposals. A FRA models the extent of the existing floodplain, it identifies suitable flood mitigation measures for the site which may include infilling of land and also includes compensatory flooding areas or flood alleviation measures. A FRA is assessed by DfI Rivers and is only acceptable provided it addresses the issue of flooding on site and does not increase the risk of flooding elsewhere.

Only a portion of the application site area is prone to fluvial flooding, however, in order for the Council to accept a FRA for the site, the Council had to first declare that the proposed development was an exception to the Policy, in this case that it is sub-regionally important. It was considered that a development proposal, comprising some 940,745sqft of storage and distribution space is likely to be at a sub-regional level. The redevelopment of the Enkalon site would represent a significant redevelopment of brownfield land and would generate employment for an estimated 690 people, providing a major catalyst for employment in Antrim Town and the Borough. It was therefore considered that the development proposal met the first part of the criteria referred to above.

The second part of the criteria, requires a demonstration as to why other sites outside the floodplain are unsuitable. The application site lies on the edge of the settlement limit of Antrim Town and development beyond the development limits would be restricted in accordance with Planning Policy Statement 21 Sustainable Development in the Countryside. Other nearby sites within the Junction area have been, or are in the process of being redeveloped for housing. Given the scale of the buildings proposed to accommodate storage and distribution uses, it was not considered that any other available sites exist to secure the quantum of floor-space required.

The development was therefore declared to meet the exceptions test for development in the floodplain and the applicant was permitted to submit a FRA. The issues of flooding and drainage have been considered within the ES at Chapter 13, Appendix 13.1, in the addendum to the Environmental Statement dated 20<sup>th</sup> March 2024 and the supplementary information of 16<sup>th</sup> May 2024 and a Flood Evacuation Plan dated 15<sup>th</sup> May 2024.

In order to address fluvial flooding the applicant proposed to culvert the Enkalon Stream Branch A with a 1500mm culvert. Whereas culverting is not normally permitted other than for access purposes, the existing stream is already primarily culverted with other sections of the watercourse culverted in part. It was considered that due to the limited stretches of

open stream remaining that these areas do not offer any significant flooding alleviation or ecological value. DfI Rivers considered that the culverting of this watercourse would address the existing flooding issues associated with this watercourse. The Enkalon Stream is fully culverted and runs along the northern boundary of the site, however, fluvial flooding is known to occur from two manholes presently. The applicant has surveyed the heights of these watercourses and proposes to seal the manhole covers to prevent out-of-culvert flooding. In all cases, riparian strips of between 5 to 10 metres should be left along watercourses to allow for maintenance, this can include culverted watercourses. Although there are areas of hardstanding proposed over culverted watercourses these can be accessed through proposed and existing manholes. DfI Rivers were consulted and have indicated that provided the mitigation measures are provided on the site that the proposed development would not be at risk from fluvial flooding and therefore meets with the requirements of Policies FLD 1, 2 and FLD 4 of PPS15.

In addition to fluvial flooding, the site is also affected by pluvial flooding (ponding) and will create a large expanse of hardstanding which will lead to increased surface water run-off which can lead to flooding of the application site and increase the risk of flooding on adjoining lands if it is not properly considered and mitigated against. Policy FLD 3 of PPS 15 requires the applicant to submit a Drainage Assessment in order to address these issues. The proposal will discharge into the existing watercourses through six different discharge points which have been collectively granted Schedule 6 Consent by DfI Rivers. The proposed drainage regime will encompass some 5400 cubic metres of on site attenuation which will be provided by a series of over sized pipes and attenuation chambers. The rate of discharge will be controlled by hydrobrakes and will discharge into the watercourses at greenfield run-off rates. DfI Rivers were consulted and have indicated that provided the mitigation measures are provided on the site that the proposed drainage regime would adequately address on site drainage and would not increase the risk of flooding elsewhere and therefore meets with the policy requirements of Policy FLD 3 of PPS15.

Policy FLD 5 of PPS 15 seeks to refuse development which would be at risk from flood inundation from a controlled reservoir. Since the publication of PPS15, DfI published Technical Guidance Note 25 (TGN25) 'The Practical Application of Strategic Planning Policy for Development in Proximity to Reservoirs' in 2020. The purpose of TGN25 is to explain the general approach DfI Rivers will follow when providing advice to Planning Authorities on all relevant applications for development within the potential flood inundation areas of controlled reservoirs as shown in Flood Maps (NI).

The application site is at risk from inundation from two reservoirs which are located approximately 3.84km to the north of the site. Upper Potterswall Reservoir is managed by the Northern Health & Social Care Trust. Works to discontinue this reservoir were recently completed and it is no longer considered to be a controlled reservoir. The Lower Potterswall Reservoir is managed by a Not For Profit organisation and poses a flood inundation risk. Policy FLD 5 states that new development will only be permitted within the potential flood inundation area of a "controlled reservoir" if:

- the applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, so as to enable the development to proceed;
- the application is accompanied by a Flood Risk Assessment which demonstrates an assessment of the downstream flood risk in the event of a controlled release of water and an uncontrolled release of water due to reservoir failure, a change in flow paths as a result of the proposed development and that there are suitable measures to

manage and mitigate the identified flood risk, including details of emergency evacuation procedures.

The Lower Potterswall Reservoir falls within the 'Insufficient Assurance on Condition, Management and Maintenance regime' category as described in the Technical Guidance Note, TGN 25. The applicant has no control over the reservoir and therefore has modelled the impact of a reservoir inundation event in accordance with the policy requirements. It should be noted that much of the information in relation to inundation areas has been redacted from the planning portal due to issues of national security relating to reservoir inundation areas. Whereas the applicant engaged a third party consultant to carry out the modelling, this information was provided directly to DfI Rivers and the applicant was only able to access the information relating to their particular application site. The full modelling information was provided to DfI Rivers only. In a similar vein only the information relating to reservoir inundation pertaining to the application site is available to the Council and is treated as 'Official Sensitive' and not available to members of the public. Additional information, including detailed mapping of the reservoir inundation area will be available to Members in advance of the Committee meeting.

The policy requires an assessment of the impact on the development from an uncontrolled release of water from the Lower Potterswall Reservoir and assumes catastrophic failure of the reservoir in a worst case scenario which includes a number of variables. A flood inundation model has been developed and this has been modelled onto the application site on a post construction scenario and includes mitigation proposed by the applicant which includes flood inundation storage areas. Based on the model the site in a pre-development scenario would be affected by some 5,891 cubic metres of water and therefore in a post development scenario the site needs to accommodate the same level of water, however, on the site has been designed to accommodate upto 6231 cubic metres, an increase in the overall storage capacity of 340 cubic metres.

Should there be a complete failure of the reservoir, no buildings will be impacted by the event and all flooding will be restricted to the external areas immediately surrounding unit DC 01. During the event the flood waters will enter the site from the north-eastern boundary and will travel in a north-westerly direction into a car park area which combines as a flood storage area.

DfI Rivers were consulted and have indicated that based on the model there would be an unacceptable risk to members of the public due to a combination of depth and velocity of flood waters entering the site. Details of depth and velocity will be provided to Members in a separate report prior to the Committee meeting.

Having assessed the data, the area which would be classified as an unacceptable hazard is limited and has been specifically designed to accommodate on site storage of the flood inundation waters so that the development does not increase the risk of flooding elsewhere. The velocity of the inundation water would also be at a rate significantly below the average walking speed and it is anticipated that any members of the public within the flood storage area could be able to seek safety on nearby areas of higher ground. The areas affected by flood waters relate to HGV turning areas to the front of building DC01 and an area of parking to the west and rear of the building. Provided that these areas are restricted to employees only and not members of the public, the risk to life would be mitigated due to the unlikely event that there would be anyone in the parking area if a failure of the dam would occur, other than if it occurred during an employee shift change.

The designation of the parking area for employees only can be controlled through the use of planning condition should planning permission be forthcoming. In addition, the applicant has provided a Flood Evacuation Plan which will apply to employees of unit DC 01 so that those that may be affected by any the flooding will have the knowledge and training on how to react in the unlikely event of a flood inundation occurring.

The details of the flood evacuation plan indicate that flood inundation waters would take up to two and a half hours to reach the application site with the possibility of early warnings being available to the occupants of the site and Antrim Town. Additionally, a high-level water alarm will be installed in the north-eastern corner of the carpark that will trigger when the depth of water reaches 100mm. It is estimated that this will provide approximately 50 minutes warning before the maximum flood depth of the car park is reached. The installation of an alarm on the site and the operation of a flood evacuation plan can be added as a planning condition to the grant of any planning permission, should it be forthcoming.

Overall it is considered that although a portion of the site is affected by flood inundation waters there are a number of factors to consider which are relevant when considering the application. While there is a risk that the Lower Potterswall Reservoir will fail, this is unlikely and the model is based on a complete catastrophic failure of the reservoir and the worst possible scenario occurring. In addition, the buildings on the site will be unaffected by an inundation event and employees in the area around building DC01 will have access to an evacuation plan and be provided with an early warning system which will provide time to escape the affected area. The velocity of the inundation water is also significantly below the average person walking speed and it would take up to 50 minutes for the full depth of the water to be realised. Lastly, the development of the site will not displace any of the inundation flood water to any other surrounding lands based on pre-construction and post construction modelling.

For the forgoing reasons it is considered on balance that an exception to the provisions of Policy FLD 5 of PPS 15 is justified in this case.

### **Neighbouring Amenity**

The SPPS requires that development proposals do not harm the amenity of nearby residents, that they should not create a noise nuisance and that they should be compatible with surrounding land uses, additionally Policy PED 9 of PPS4 requires that any proposal does not harm the amenities of nearby residents. Letters of objection have been received from adjacent residential properties which raise a number of concerns regarding the impact on neighbouring properties in relation to overlooking, loss of privacy, noise and general disturbance due to the location of plant, operating hours and construction noise.

In relation to the impact on nearby properties, residential properties are located to the southwest in Castlewood Avenue and Castlewood Gardens. The layout of existing residential developments results in the majority of the properties backing onto the existing industrial units, most notably Units DC05 and DC09 with a limited number of the existing dwellings having a gable relationship with the buildings. It is acknowledged that a limited separation distance of 18.4 metres is provided between the rear wall of Unit DC05 and the rear wall of the properties in Castlewood Avenue. However, it is important to note that the current relationship will not be changing as a result of the proposal, the use of DC05 is not changing with amendments relating to the removal of dock levellers and canopy only. The overall footprint of DC09 is to remain as existing with the amendments to include the raising

of a section of the roof from 6.2 metres to 9 metres to tie in with the remainder of the building. A minimum separation distance of 28.6 metres exists between the rear wall of DC09 and the rear wall of the properties in Castlewood Avenue. It is considered that the proposed changes to the elevations of the building will not create any additional significant impacts on the amenity of these properties. However, concerns have been raised regarding the impact on neighbouring properties from current ongoing operations with residents requesting an acoustic barrier in the form of a wall to be erected along this stretch of the common boundary. Drawing No. 27 indicates that a 3 metre high acoustic barrier is to be provided along the common boundary to the rear of units DC05 and DC09. It is therefore considered that although the proposal will not change the use of units DC05 or DC09 the introduction of an acoustic barrier is to be welcomed. It is also important to note that the existing and proposed plans indicate an extraction unit, located to the western elevation of unit DC09. Although it is noted that the extraction unit is subject to a separate planning application, it is considered that if planning permission is forthcoming that a condition should be imposed indicating that the proposal does not include the annotated extraction unit.

Existing residential properties to the northwest of Castlewood Avenue, back onto proposed unit DC04 which has an overall ridge height of 19.4 metres and is to be used for storage and distribution. There is a proposed separation distance ranging from 42 metres to 58 metres between the existing residential properties and unit DC04. A section of car parking is also located in close proximity to this boundary. Drawing No. 21 indicates that the proposed 3 metre high acoustic fence will extend past the car parking area and wrap around the corner section of the building. It is also indicated on the landscape plan (Figure 6.B ES) that grass and landscaping will be planted along the intervening land between the proposed +- unit and the common boundary with the existing residential properties. It is considered that despite the scale and massing of unit DC04, the separation distance, the introduction of an acoustic barrier and the intervening landscaping will limit any significant impact on the properties within Castlewood Avenue along this common boundary.

Additionally, recently approved residential developments (Ref's: LA03/2022/0642/F and LA03/2023/0261/F) are currently under construction to the southeast of the site, running adjacent to the existing unit DC08 and the proposed units DC6A and the retail showroom associated with unit DC08. Unit DC6A is a research and design office and fronts onto the Enkalon Road with a larger proportion of glazing on all elevations. However, the southern elevation, which has the relationship with the neighbouring properties designed with high level windows which will mitigate any overlooking. The neighbouring properties currently under construction will have a gable-to-gable relationship with a separation distance of 21 metres between gables. The approved plans associated with the housing development indicate a 1.8 metre acoustic fence along this common boundary. It is considered that the orientation of unit DC6A, the placement of high level windows together with the separation distance and the relationship between buildings will prevent any significant impact on the amenity of these properties. The remainder of the properties adjoining the application site other than those outlined above are a mix of industrial and storage and distribution uses which will not result in an unsuitable relationship with the proposed uses.

#### Noise

Policy PED 9 of PPS 4 requires that any proposal does not cause a noise nuisance, letters of objection have been received which raise concerns in relation to noise and general disturbance both from ongoing current operations on the site and additional concerns that

the proposal will further exacerbate the issue. However, it is worth noting that issues with the current operations on the site are outside the remit of this application. Given the nature of the proposal consideration was given to predicted Noise and Vibration levels within the ES (Chapter 8 and Appendices 8.A- 8.D) and consultation was carried out with the Councils Environmental Health Section (EHS). Further information was subsequently provided (Section 2 of FEI) to address issues with noise. It is indicated within the supporting information that the effect of construction and operational noises has been assessed with construction noise targets set out in full along with the assessment methodology and results of the construction noise predictions. Operational noise has been assessed and noise mitigation recommendations have been included. It is concluded that the predicted future ambient sound pressure levels measured at a location representative of closest noise sensitive receptor and the ambient environment is not predicted to change significantly. The supporting information goes on to state that an assessment of internal sound pressure levels at the closest properties indicated that the proposed development will have no significant impact on the amenity of nearby residents. EHS has reviewed the submitted information and based on the information provided EHS is satisfied that the amenity of nearby properties can be suitably protected subject to the inclusion of recommended conditions. EHS has not recommended that any opening or operating hours restrictions need to be applied to any of the proposed units. It is therefore not considered necessary to impose restrictions as there is no evidence to suggest that such conditions are necessary.

#### Air Quality

Letters of objection, included concerns in relation to health issues and air quality which is also addressed within the ES at Chapter 9. It is acknowledged that air quality can be impacted during the construction phase due to the generation of dust and traffic, from traffic arrivals, departures, and activities during the operational stage. It is indicated that pollutant concentrations are predicted to be within the relevant health-based air quality objectives at the nearby receptors surrounding the site, making it suitable for its proposed uses. It is further indicated that the development does not, in air quality terms, conflict with national or local policies. None of the consultees have raised any concerns with the air quality impacts arising from this development.

#### Artificial Lighting

Letters of objection also raised concerns regarding artificial lighting from the proposal. Information in relation to artificial lighting is detailed within the ES (Chapter 11 and Appendix 11.A) in support of the application and additional further information was subsequently provided (Section 3 of FEI) to address issues with noise and consultation was carried out with EHS. Supporting information indicates that two elements of artificial light will be included in the proposal, the first element is during the construction phase which is likely to be utilised during working hours in the winter months. Artificial lighting also forms part of the operations to the internal roads and car parks, building facades and working areas. It is indicated that the operational lighting scheme is designed to prevent nuisance, glare and minimise light trespass with mitigation measures incorporated into the scheme to achieve this. EHS has indicated that based on the information presented that they have no objections to the inclusion of artificial lighting subject to a recommended condition to control the lux levels in order to protect the amenity of nearby residents.

#### **Road Safety, Traffic and Parking**

The SPPS aims to secure improved integration with land-use planning, to facilitate safe and efficient access, movement and parking. The SPPS sets out a number of policy objectives for transportation. Additionally, PPS 3 seeks to ensure that there is no prejudice to road

safety as a result of development. Policy AMP 2 of PPS 3 requires that any proposal will not prejudice road safety or significantly inconvenience the flow of traffic. Policy AMP 6 of PPS 3 indicates that in particular circumstances a Transport Assessment (TA) may be required. In addition, Policy PED 9 requires that the existing road network can safely handle any extra vehicular traffic and adequate access arrangements, parking and manoeuvring areas are provided. Letters of objection raised concerns regarding the suitability of the existing road network, the junctions modelled and the cumulative impact of surrounding development, in relation to traffic congestion and road safety.

In relation to the changes to the existing road network, the proposal results in alterations to the existing Enkalon Industrial Road and the internal road network within the business park. The proposal also includes the upgrade of the existing priority controlled junction to a traffic signal controlled junction on the Randalstown Road. The proposed access arrangement is taken from the Enkalon Industrial Road and extends the existing internal road network to provide a full loop road back onto the Enkalon Industrial Road. The existing access to the estate road to the south of the site is to be closed off and an additional five new access points are to be provided along the Enkalon Industrial Road. One additional access point is located to the southeast of the site at the existing roundabout, which provides an additional branch to the roundabout, and access to the internal loop road. A second additional access is located to the north and provides access to the other end of the loop road, the remaining three additional access points are directly into car parking areas of the individual units. In relation to the internal estate road, this is extended in a north-eastern direction and provides six new access points to individual units.

A Transportation Statement (TS) (Document 04), A Transport Assessment Form (TAF) (Document 03) and other supporting transport information (Chapter 16 and Appendix 16.A of the ES) were submitted in support of the application which gives consideration to a number of elements. Detail with the TS includes an assessment of travel characteristics, measures to influence travel to the site and assessment of impacts. The assessment includes; impacts of existing traffic flows, traffic growth, committed development, distribution and assignment, collision history and an assessment of generated traffic. In relation to the figures of envisaged for; trip generation, trip distribution and forecast traffic flows, this information was garnered using the relevant transportation analysis for committed sites and TRICS database utilising the most applicable land use category (employment & industrial estate development) which actively reflects the proposal and traffic surveys.

The junction surveys were carried out on 12<sup>th</sup> April 2022 over two time slots (07:00 – 10:00 and 16:00- 19:00), at twelve locations (A26 Ballymena Road/Kilbegg Road; Kilbegg Road/Enkalon Industrial Road; Enkalon Industrial Road/Tesco Distribution Centre; Enkalon Industrial Road/Internal Junction; Enkalon Industrial Road/ASDA Roundabout; Enkalon Industrial Road/Existing Enkalon Business Park Access; Randalstown Road/Enkalon Industrial Road; A26 Ballymena Road/Randalstown Road/Oriel Road Roundabout; A26 Ballymena Road/Springfarm Industrial Estate/The Junction; The Junction internal roundabout; Stiles Way Roundabout and A26 Ballymena Road/Meadowlands). The TAF indicates that the proposal will generate 2703 car journeys, and 367 HGV journeys to the site daily.

The TS states that the junction modelling indicates that the surrounding highway network can accommodate the predicted traffic generations associated with the proposal without the requirement for any off-site highway mitigation measures. Despite the detail provided within the junction modelling, the proposed development includes the upgrade of the existing priority controlled junction to a traffic signal controlled junction on the Randalstown

Road as indicated on Drawing 73/1. Although the TS indicates that this signal junction is not required, it forms part of the overall proposal and DfL Roads has provided draft conditions requiring the implementation of the signalised junction being completed prior to the proposed development becoming operational, it is therefore considered that the proposed traffic signals are required. The TAF also indicates that given the land uses within the proposed development, the light industrial and research elements will peak at the same time as the surrounding peak hour periods whilst the storage and distribution elements will peak earlier than the traditional AM peak hour period.

The TS goes on to state, that further analysis was undertaken using approved traffic modelling software to ensure that the existing highway network can accommodate the traffic generations associated with the proposal. It is indicated that detailed modelling analysis demonstrates that the surrounding road network continues to operate within capacity when traffic growth is added to existing background traffic volumes, committed developments and the impacts of the proposal during the construction and operation phases. In relation to access provision and road safety it is indicated that the development can be accommodated utilising the existing road network. Consultation was carried out with DfL Roads who raised no objection to the proposal subject to recommended conditions.

Policy AMP7 of PPS 3 relates to car parking provision and servicing arrangements and requires that adequate and appropriate provision is made for parking. It is indicated within the TS that parking provision for the existing units on site will stay at their existing levels. Each of the proposed units have individual access points, parking provision for both HGVs and other operational vehicle types and car park provision. The overall parking provision is laid out within the TS and is based on the requirements of PPS3 and 'Parking Standards' guidance. The overall scheme provides a total of 717 non-operational parking spaces, with a further 201 operational parking spaces. The minimum parking provision for non operational parking spaces are generally been complied with, however a shortfall of operational parking spaces on a number of the units exist. Given the operational needs of each of the end users, it is envisaged that vehicles carrying out deliveries to and from the premises will be organised so as to enter and exit the site in as timely a manner as possible with the requirement for vehicles to be left for long periods of time being minimal.

Collectively Policies AMP 1, AMP 8 and AMP 9 deal with accessibility, car park design and cycle provision. As indicated above a TS was submitted with the proposal which summarises proposals for promoting sustainable transport modes, such as, cycling, walking and public transport for staff and visitors. The TS also considers the local environment and the needs of disabled access users with public footpaths, tactile paving and pedestrian crossing points. It is indicated that no alterations to the pedestrian and cycle network within the wider Enkalon site are required in order to accommodate the proposed end users of the site. It is acknowledged that whilst there is not a plethora of cycling facilities within the immediate vicinity, there is connection to the national cycle network which creates further connectivity. The proposal includes 114 cycle stands throughout the overall site and it is envisaged that staff will utilise those facilities. It is also indicated that the application site benefits from public transport within the adjacent Junction Retail Park.

With regards to road safety, traffic, parking and transport issues, DfL Roads has been consulted and has indicated that they have no concerns with the proposed development subject to standard conditions. It is therefore considered that the proposal will not have a

significant impact on the road network or road safety and as such the proposed development is considered acceptable in this regard.

### **Natural Heritage**

PPS 2 sets out the Executive's commitment to sustainable development, conserving, and where possible, enhancing and restoring natural heritage. Policy NH5 states that proposals which are likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. Policy PED 9 of PPS4 indicates that the proposal shall not result in an unacceptable adverse impact on features of natural heritage and is capable of dealing satisfactorily with any emission or effluent. The applicant has submitted Biodiversity (Chapter 14 of the ES), a Shadow HRA (Appendix 14.A of the ES) and an Outline Construction Environmental Management Plan (oCEMP) (Appendix 2.A of the ES) in support of their application. Letters of objection raised concerns regarding the impact of the proposal on ecology and nature conservation.

It is indicated that the ES takes into consideration the existing ecological environment within and surrounding the application site, identifies the potential impacts associated with the proposed development during construction, operational and decommissioning stages and evaluates the likely significance of effects on the ecological features and details of any mitigation required. Consultation was carried out with both DAERA's Natural Environment Division (NED) and Shared Environmental Service (SES).

### Designated Sites

The application site is hydrologically linked to Lough Neagh & Lough Beg Ramsar, which is designated under the Convention on Wetlands of International Importance, Ramsar; Lough Neagh & Lough Beg SPA and Rea's Wood & Farr's Bay SAC, which are designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended); Lough Neagh ASSI, which is declared under the Environment Order (Northern Ireland) 2002. Shared Environmental Services (SES) has been consulted with regard to the impact on Designated Sites. The western boundary of the site is defined by Plaskets Burn watercourse (also known as Holywell Burn), which flows from north to south into the Six Mile Water River. There are also three streams that flow from the site into Plaskets Burn including Steeple Burn along the southern boundary, the culverted Enkalon Stream along the northern boundary and the culverted Enkalon Stream Branch A which runs through the centre of the site. SES have 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.

One of the conditions recommended by SES relates to the submission of a Final Construction Environmental Management Plan (CEMP) to reflect the mitigation measures detailed within the submitted sHRA and details of drainage measures including the culvert, headwalls and outfalls. In addition, NED has considered the impacts of the proposal on designated sites and are in agreement with SES and the sHRA that provided the mitigation recommendations are included and implemented as agreed any adverse impacts to the designated sites can be minimised. It is therefore considered if planning permission is forthcoming that a condition requiring a final CEMP should be imposed.

### Protected Species

Chapter 14 of the ES includes details in relation to protected species, namely bats, badgers and otters with consideration also given to hedgehogs and birds. NED highlight the

importance of the Plaskets Burn and the woodland adjacent to it as a wildlife corridor. NED notes that a Bat Activity Survey was carried out and buildings that were identified are either not included within the boundaries of the development site or will be retained and that no other holts were found on the site. NED welcome plans detailed within the oCEMP and the Bat Survey to maintain the watercourse and 10m buffer as a dark corridor with little or no light spill to avoid disturbance to light sensitive nocturnal species. In addition, NED also welcome landscaping plans to augment the woodland corridor within native woodland planting which will reduce any light and other anthropogenic disturbance on the watercourse habitat. Supporting evidence also indicates that there was no badger setts present within the site, however the fCEMP should include mitigation measures to include coverage of all excavation in order to protect commuting species.

#### Priority Habitats

NED notes an area of previously recorded Open Mosaic Habitat which is Northern Ireland Priority Habitat (NIPH) and was subject to further investigations. It was determined not to correspond to criteria for a priority habitat and as such a Habitat Management Plan (HMP) is not required in this instance. However, NED considers this area to be of conservation value and welcomes the landscape plans for compensatory planting of flowering grassland mix. In addition to the above comments NED highlights that in order to protect hedgehogs and nesting birds that all vegetation clearance should be carried out with caution. Overall, NED has considered the impacts of the proposal on designated sites and other natural heritage interests (Habitats, and Protected Species) and, on the basis of the information provided, has no concerns subject to the stipulated mitigation measures and recommended conditions.

#### Water Contamination

Chapter 15 of the ES addresses water quality and the potential for water contamination, which includes an assessment of the significance of the impacts on water quality during the construction and operational phases, including the implementation of the mitigation measures proposed. The assessment indicated a negligible impact with no likely significant effects on the objectives of the water bodies affected. It is also indicated that there are no likely significant cumulative effects from the proposed development during the construction and operational phases. Consultation was carried out with DAERA's Water Management Unit (WMU,) who indicated that they considered the impacts of the proposal on the surface water environment, and based on the information provided, is content with the proposal subject to recommended conditions. WMU note that if the sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then WMU would have no objection to this aspect of the proposal. It is also worth noting that the WMU acknowledges that the applicant has obtained Schedule 6 approval for discharge into adjoining watercourses at 6 locations, which is a separate regulatory regime dealt with by DfI Rivers. Given the large number of parking spaces contained in the proposal, WMU also recommends that the applicant considers the installation of an oil / petrol interceptor on these drainage lines to prevent oil from vehicle parking areas leaving the site and entering into any watercourse. A letter of objection raised concerns regarding the proposed pollution interceptors, the pollution alert alarm which is to be fitted to the interceptors and the availability of records in relation to same being available for inspection by the residents from Castlewater. It is considered that if the alarm should sound it would be very periodic and would not give rise to a significant adverse impact on residential amenity. Ultimately the operator is responsible for any pollution discharges and is subject to investigation by DAERA should an incident occur. It is not within the remit of the Council to require a developer to make their records available

for assessment by a residents group, however, the residents group may discuss this issue separately with the developer outside of the planning process.

#### Contaminated Land

As indicated above a large portion of the application site comprises of the former British Enkalon factory, Chapter 5 of the ES provides details in relation to soil and land contamination in the form of a Preliminary Risk Assessment (PRA) (Appendix 5.A of the ES) and a Generic Quantitative Risk Assessment (GQRA) (Appendix 5.B of the ES). It is indicated within Chapter 5 that the former factory produced and processed nylon and polyester yarn and fibres. It is indicated that electricity was generated onsite by diesel oil boilers with the fuel stored in three above ground tanks. Previous site investigations noted evidence of leaks and spills around the tanks and floating free product to an estimated depth of 200 mm within earth bunds. Following the closure of the factory in 1982, some of the buildings were demolished and the fuel tanks were used for storage / disposal of waste oils.

Consultation was carried out with DAERA Regulation Unit (RU) and EHS who indicated that the GQRA is informed by data collected from fifteen boreholes which were progressed to a maximum depth of 6.0 metres below ground level and all were fitted with groundwater monitoring equipment. The GQRA is also informed by data collected from three surface water locations, fifteen trial pits located across the site and five grab samples taken from stockpiled material. Three soil samples were also submitted for leachability testing. RU and EHS have considered the information provided and support the conclusions and recommendations. RU note the significantly elevated concentrations of Manganese determined in a number of widely dispersed boreholes across the site and that no significant soil contamination has been identified at the site. RU and EHS have no objections to the development subject to recommended conditions. It is therefore considered that there is no significant contamination risk associated with this site.

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

The SPPS and PPS6 sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage. Policy BH 1 of PPS6 relates to the preservation of archaeological remains of regional importance and their settings. Policy BH2 states that proposals that would adversely affect archaeological sites or monuments that are of local importance or their settings will only be permitted where the importance of the proposed development or other material considerations outweigh the value of the remains in question. Additionally, Policy PED 9 indicates that any proposal should not adversely affect features of the built heritage.

The application site is in close proximity to a number of Bronze Age and early medieval archaeological sites. The recorded archaeological sites and monuments nearby are indicators of a high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site. Information in relation to the historic built environment has been addressed within the ES (Chapter 7) and consultation has been carried out with Historic Environment Division (HED).

HED (Historic Monuments) has reviewed the information within the ES (Chapter 7) and concurs with its conclusions and as such is content that the proposal satisfies the aforementioned Policy requirements. HED highlight that in order to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, that conditions are recommended for the agreement and implementation of a developer-funded programme of archaeological works.

### **Climate Change and Renewable Energy**

In relation to climate change and the proposed development it can be considered broadly in two domains, the impact of greenhouse gases caused directly or indirectly by the proposed development and the potential impact of changes from climate to the development, which could affect it directly or modify its other environmental impacts. Consideration has been given to the effects of the proposal in relation to these aspects within the ES (Chapter 10). It is concluded that with the design and mitigation measures proposed that the development is considered to be resilient to projected climate change. The proposal also includes solar panels on the roof of a number of the buildings (DC01, DC02, DC03, DC04, DC6A, DC6B DC09 and DC10) as indicated on Drawing 52 which will aid in reducing the carbon footprint.

The aim of PPS18 is to assist the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy. Policy RE1 of PPS18 states that development that generates energy from renewable sources will be permitted provided the proposal will not result in an unacceptable adverse impact. Policy RE1 stipulates five criterion that any proposal must take into consideration, including the impact on visual amenity and landscape character; the impact on public health, residential amenity and public safety; the impact on ecology and natural resources and public access to the countryside. In addition to the policy set out within PPS18, paragraph 6.225 of the SPPS states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted. A letter of objection raised queries in relation to the details of the proposed solar panels, all details regarding the angles of the panels, the location of the invertors and other information relating to solar panels is detailed within the supporting information.

Having regard to the location of the development and the nature of surrounding land uses and the design of the buildings it is anticipated that there will be no significant effects on the landscape from the development as a whole, including solar panels to the roof. Policy RE1 of PPS18 requires that there is no unacceptable adverse impact on public safety or human health. A Glint & Glare Assessment (Appendix 2.B of the ES21) examined the impacts from an aerodrome safeguarding aspect. Belfast International Airport (BIA) in their consultation response indicated that they have no objections to the proposed development. In relation to the remaining criterion HED or DAERA has not raised any objections in relation to the use of solar panels and the impact on the built heritage, biodiversity or the natural environment. The solar panels will generate a total of 5.83MW of electricity to serve the proposed buildings with any excess going to the grid. Overall it is considered that the proposed solar panels are acceptable, will help provide renewable energy, reduce reliance on fossil fuels and do not have a detrimental impact on the character of the development or impact on aviation safety.

### **Other Matters**

#### Economic Impact

The SPPS advises that in supporting sustainable economic growth, "large scale investment proposals with job creation potential should be given particular priority". The applicant indicates that the proposed development provides a new build gross floor-space of 87,768sqm, a refurbishment gross floor-space of 77,555sqm with an overall gross floor-space of 165,323sqm. It is indicated that the development will result in 690 new jobs once

operational, with 200 construction jobs created over a six year period and a total number of potential FT/PT employees once operational being in the region of 1,145. It is also highlighted that the total annual wages into the local economy is estimated to be circa £45.8mn with the proposal representing a significant capital investment of £150 million from the private sector and will provide numerous economic benefits to Antrim Town and the wider area.

### Objections

With respect to concerns regarding the devaluation of existing neighbouring property, the perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case, no specific or verifiable evidence has been submitted to indicate what exact effect this proposal is likely to have on property values. As a consequence there is no certainty that this would occur as a direct consequence of the proposed development nor would there be any indication that such an effect in any case would be long lasting or disproportionate. Accordingly it is considered that this issue should not be afforded determining weight in the determination of this application.

### **CONCLUSION**

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

- The principle of development is considered acceptable;
- The design and layout of the proposal is considered acceptable;
- The impact on character and appearance of the area on balance is considered acceptable;
- The impact on neighbour amenity by way of noise, light, airborne pollution and general disturbance, is not considered to be significant;
- There are no significant natural heritage concerns with regard to the proposal;
- There is no determining concern in relation to traffic generation or road safety;
- There are no drainage concerns associated with this development;
- There are no significant concerns in relation to flood risk;
- The development will not adversely affect, air quality, archaeology or climate change;
- The development will have a positive economic impact; and
- Third party objections have been considered.

### **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. No development of units DC01, DC02, DC03, DC04, DC06A, DC06B or DC10 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 adequate wastewater treatment capacity is available and to ensure the project will not have an adverse effect on the integrity of any European site.

3. Prior to any works commencing on units; DC05, DC04 or DC09, a 3.0 metre high acoustic barrier shall be erected along the south-eastern and south-western boundary's as outlined in purple on Drawing detailed on Masterplan Site Plan, Drawing Number 06/1 dated 20<sup>th</sup> March 2024. The barrier shall have a surface weight of not less than 15kg/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 and shall be retained for the lifetime of the development.

Reason: In order to protect external amenity of the permitted development.

4. The location of air source heat pumps and inverters shall be as detailed in Figures 8.D.4 through to 8.D.16 within Appendix B of Document Number 10, date stamped 7<sup>th</sup> December 2023.

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

5. The Sound Reduction Index values for cladding used in constructing the buildings shall achieve at least the values in the Table below, as detailed within Figure 8.D.18 at Appendix B of Document Number 10, date stamped 7<sup>th</sup> December 2023.

Sound Reduction Index, dB								
	63Hz	125Hz	250Hz	500Hz	1kHz	2Khz	4Khz	8kHz
Insulated Cladding	20	18	20	24	20	29	39	47

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

6. The sound power level of any individual plant equipment shall not exceed the following:
  - each air source heat pump: 83dB(A);
  - each inverter unit: 75dB(A);
  - each air conditioning unit for power stations: 76dB(A).

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

7. The container walls housing the inverter units as indicated on Drawing No 52, date stamped 10<sup>th</sup> July 2023 shall provide a sound reduction from inside to outside of at least 31dB Rw, as detailed in Figure 8.D.3 within Appendix B of Document Number 10, date stamped 7<sup>th</sup> December 2023.

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

8. The cumulative noise levels of all noise generating sources associated with the development, including any character corrections, shall not exceed the predicted daytime and night-time noise levels for Scenario 1, presented at Table 8.D.4 within Appendix B of Document Number 10, date stamped 7<sup>th</sup> December 2023. The receptor ID's are as shown in Figure 8.D.23 within the same Appendix B.

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

9. 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 operator of the building known to be generating the noise shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise arising from the permitted development at the complainant's property to determine compliance with the predicted levels for Scenario 1, presented at Table 8.D.4 within Appendix B of Document Number 10, date stamped 7<sup>th</sup> December 2023. 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: To control the noise levels from the development at noise sensitive locations.

10. The operator of the building known to be generating the noise shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Condition 9, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Council or otherwise extended in writing by the Council.

Reason: To control the noise levels from the development at noise sensitive locations.

11. If the results of the noise survey required by Condition 9, exceeds the noise rating levels detailed in Condition 8, the building known to be generating shall cease to operate until a programme of works to achieve these levels has been submitted to and approved in writing by the Council and implemented. A further noise survey shall be undertaken by an independent acoustic consultant within 4 weeks thereafter, and a report of such submitted to and agreed with the Council to demonstrate compliance with Condition 8.

Reason: To control the noise levels from the development at noise sensitive locations.

12. No excavation or demolition works shall commence until all fuel storage tanks (and associated infra-structure) are fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2 and GPP 27) and the quality of surrounding soils and groundwater verified.

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

13. In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full 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", has been submitted in writing and agreed with the Council.

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

14. The development units DC01, DC02, DC03, DC04, DC06A, DC06B or DC10, shall not commence until a surface water monitoring plan has been submitted in writing and

agreed with the Council. The plan should include detail on suitable sampling and contaminant assessment of surface waters at locations SW1, SW2 and SW3 as detailed in the GQRA report, Appendix 5.b of the Environmental Statement Volume III, date stamped 10<sup>th</sup> July 2023. Sampling and assessment should be completed prior to, during and upon completion of site works as a minimum. In the event that significantly elevated contaminant concentrations are determined, works should cease and the conditions for new contamination, as detailed, shall apply.

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

15. No construction, excavation or demolition works shall commence until the stockpiles of waste material which are located at the site are fully classified and assessed in accordance with Northern Ireland Waste Classification Technical Guidance WM3 v1.1.NI (19th January 2021)

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

16. No development works in the course of the erection of a building shall be undertaken until a detailed remediation strategy and implementation plan, has been agreed with the Council.

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

17. Units DC01, DC02, DC03, DC04, DC06A, DC06B or DC10 hereby permitted shall not be occupied until the mitigation measures as presented within the agreed remediation strategy and implementation plan have been fully implemented and verified to the satisfaction of the Council.

There shall be no amendments or deviations from the remediation and verification recommendations contained within the agreed detailed remediation strategy and implementation plan 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 risks posed by contamination.

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

18. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease, and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Department in writing, and subsequently implemented and verified to its satisfaction.

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

use.

19. After completing any remediation works required under Condition 18 and prior to operation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

20. Light intrusion from the development into windows at nearby sensitive properties shall not exceed 10 Ev (lux) on any time between 07:00 and 23:00 hrs, and 2 Ev (lux) on anytime between 23:00 and 07:00 hrs.

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

21. 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.

22. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 21.

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

23. 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 21. 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 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.

24. Units DC01, DC02, DC03, DC04, DC06A, DC06B or DC10 hereby permitted shall not become operational until the works necessary for the road improvements at the Randalstown Road as indicated on Drawing No. 73/1 date stamped 20<sup>th</sup> March 2024, have been fully completed in accordance with the approved plans. These works shall comply with the Design Manual for Roads and Bridges and all other relevant standards and technical guidance.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

25. Units DC01, DC02, DC03, DC04, DC06A, DC06B or DC10 hereby permitted shall not become operational until shall the traffic signal arrangements, as indicated on Drawing No. 73/1 date stamped 20<sup>th</sup> March 2024, have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

26. 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.

27. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Nos. 58/1, 59/1, 60/1, 61/1, 62/1 and 63/1 date stamped 20<sup>th</sup> March 2024 and 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.

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

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

29. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall

conform to the approved CEMP, unless otherwise agreed in writing by the Council. The CEMP shall include the following:

- a) Construction methodology and timings of works, including details of the culvert, headwalls, outfalls and other drainage features;
- 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 and/or the floodplain zones;
- c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d) Precautionary mitigation for protected and priority species and habitats, and the mitigation measures in Section 8.4 of the outline CEMP, within Appendix 2.A of the Environmental Statement, date stamped 10th July 2023.

Reason: To protect Northern Ireland priority habitats and species, to ensure implementation of mitigation measures identified within the Environmental Statement and to prevent likely significant effects on the Lough Neagh and Lough beg Ramsar/SPA/ASSI designated sites.

30. Units DC01, DC02, DC03, DC04, DC06A, DC06B or DC10 hereby permitted shall not become operational until the lighting plan is implemented and carried out in accordance with the Addendum to the Environmental Statement, Document 10, date stamped 7<sup>th</sup> December 2023, with a light spill of under 1 lux on the Plaskets Burn and 10m buffer.

31.

Reason: To protect Northern Ireland priority habitats and species.

32. 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: In the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

33. 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.

34. The proposed landscaping indicated on Drawing No. Figure 6.B of the Environmental Statement Volume II (Document 07) date stamped 10 July 2023 shall be carried out within the first planting season following the completion of the development hereby approved and shall be retained in thereafter at a minimum height of 3 metres for hedging and 6 metres for trees unless necessary to prevent danger to the public in

which case a full explanation shall be given to the Council in writing prior to their removal.

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

35. Notwithstanding the detail of the approved plans, the development hereby approved does not include the 'extraction unit' annotated in green on stamped approved drawing No. 06/01 dated 20<sup>th</sup> March 2024.

Reason: To safeguard the amenities of the nearby residents.

36. Prior to the occupation of unit DC01 as identified on stamped approved drawing No. 67/01 dated 24<sup>th</sup> March 2024 the operator shall prepare and maintain a flood evacuation plan which shall be reviewed annually by a qualified engineer and training shall be carried out with staff on an annual basis. This document shall be available for inspection by the Council if and when requested.

Reason: To ensure public safety.

37. The car park area identified in purple on drawing No. 67/01 dated 24<sup>th</sup> March 2024 shall only be open to employees of building DC01.

Reason: To ensure public safety.

38. A flood risk warning alarm shall be fitted to the south-western boundary adjacent to unit DC01 and Plaskets Burn at a height not more than 100mm above ground level as indicated in Document 14 dated 15<sup>th</sup> May 2024.

39. No development of units; DC01, DC02, DC03, DC04, DC06A, DC06B or DC10 shall take place until a landscaping maintenance plan has been submitted to and approved by the Council which will provide for the long term management and maintenance of the proposed and existing landscaping on the site, along with the details of who is responsible for the management maintenance during the lifetime of the development hereby approved.

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

40. The finished ground levels associated with the development hereby approved shall be as per drawing No. 67/01 dated 24<sup>th</sup> March 2024. The finished ground levels shall be retained at the levels shown for the lifetime of the development.

Reason: To ensure public safety.

41. The use of the buildings hereby approved shall be as annotated on stamped approved drawing No. 06/01 dated 20<sup>th</sup> March 2024 and shall not be used for any other purpose.

Reason: To control the use of the buildings.

42. The showroom and trade counter associated with unit DC08 shall not exceed 400sqm of net floor-space with the remaining floor-space to be used for storage purposes. The showroom and trade counter elements shall be used only for the display of sample products of the type listed hereunder and for no other purpose in Class 1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015;

(a) DIY materials, products and equipment;

(b) Tile store;

(c) Bathroom display; and

(d) Kitchen units.

Reason: To ensure that the nature, range and scale of the specialised retail activities to be carried out at this location are controlled in the interests of sustaining the vitality and viability of Antrim Town Centre.

43. The showroom associated with unit DC10 shall not exceed 400sqm of net floor-space with the remaining floor-space to be used for storage purposes. The showroom element shall be used only for the display of sample products of the type listed hereunder and for no other purpose in Class 1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015;

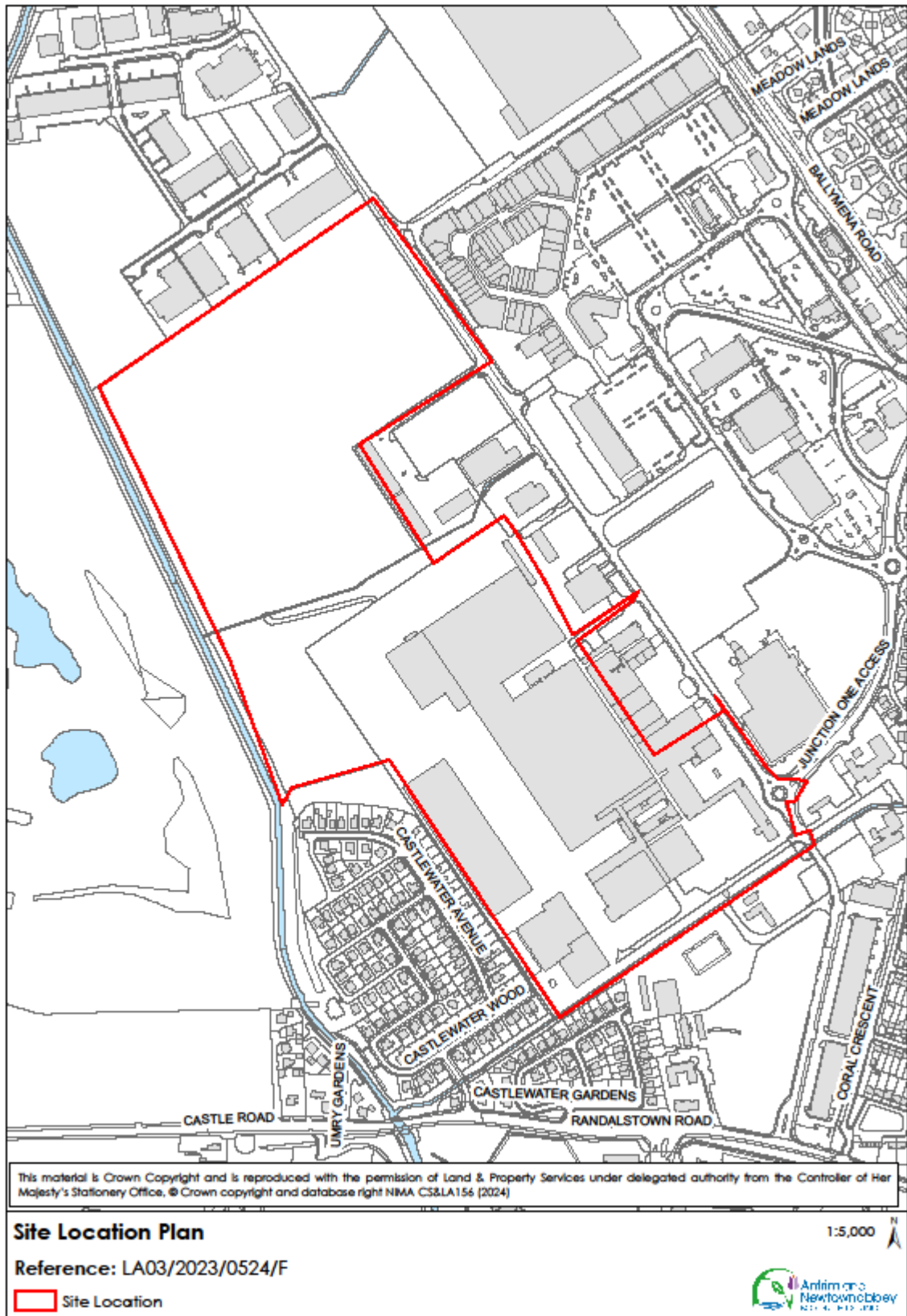
(e) DIY materials, products and equipment;

(f) Tile store;

(g) Bathroom display; and

(h) Kitchen units.

Reason: To ensure that the nature, range and scale of the specialised retail activities to be carried out at this location are controlled in the interests of sustaining the vitality and viability of Antrim Town Centre.



<b>COMMITTEE ITEM</b>	<b>3.2</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0930/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Erection of 134 bed centre for mental health comprising of wards, staff and visitor facilities, management and operational spaces, health and well-being facilities, external landscaping and gardens, car parking, servicing facilities and associated ancillary works
<b>SITE/LOCATION</b>	Lands to south of Antrim Area Hospital and East of Bush Manor, Bush Road, Antrim
<b>APPLICANT</b>	Northern Health & Social Care Trust
<b>AGENT</b>	Turley
<b>LAST SITE VISIT</b>	22/01/2024
<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>.</b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located on lands to the south of Antrim Area Hospital, Bush Road which is within the development limit of Antrim Town as defined by the Antrim Area Plan 1984-2001 (AAP).</p> <p>The site is located on greenfield lands with the northern boundary adjoining the hospital complex with the western boundary adjoins Bush Manor residential development and the southern and eastern boundaries running adjacent to the existing agricultural lands. The topography of the land is generally flat to the northern section with significant level changes to the southern section of the site. A watercourse (Plasketts Burn stream corridor) and existing vegetation run along the southern boundary of the site, with the remains of a dry stone wall, post and wire fencing and hedgerow defining the eastern boundary. The western boundary adjacent to Bush Manor is defined by post and wire fencing, young recent planting and a mix of mature vegetation and boundary treatments are located within the north-western section of the site.</p> <p>The immediate surrounding area is mainly characterised by healthcare facilities which are all under ownership of the Northern Health and Social Care Trust. However, to the south and southwest of the site lies medium density residential development in Bush Demense and Bush Manor.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2024/0297/F</p> <p>Location: Lands to west and south of Pine House and west and south of Fern House, Antrim Area Hospital.</p>	

Proposal: Proposed vehicular access road and erection of single storey storage building with associated yard within existing hospital estate.  
Decision: Pending

Planning Reference: LA03/2023/0693/PAN  
Location: Antrim Area Hospital, Bush Road, Antrim, BT41 2RL.  
Proposal: Erection of 134 bed centre for mental health comprising treatment wards, staff and visitor facilities, management and operational spaces, health and well-being facilities, external landscaping and gardens, car parking, servicing facilities and associated ancillary works.  
Decision: PAN Concluded

Planning Reference: LA03/2023/0830/F  
Location: Lands 100m to the north of Bush House Antrim Area Hospital, 45 Bush Road, Antrim, BT41 2RL.  
Proposal: Development of temporary site access for use by construction and blue light vehicles from Bush Road connecting to existing internal road network at Antrim Area Hospital.  
Decision: Permission Granted (19/01/2024)

Planning Reference: LA03/2023/0659/F  
Location: Lands approximately 300m southeast of the main hospital buildings, Antrim Area Hospital, Bush Road, BT41 2RL  
Proposal: Erection of single storey storage building.  
Decision: Permission Granted (27/10/2023)

Planning Reference: LA03/2023/0470/F  
Location: 45 Main Building, Mri Unit Bush Road, Antrim Hospital, Antrim, BT41 2RL  
Proposal: Erection of modular office building to be used in association with existing healthcare uses at Antrim Area Hospital.  
Decision: Permission Granted (01/08/2023)

Planning Reference: LA03/2022/0702/F  
Location: Antrim Area Hospital , Bush Road, Antrim  
Proposal: Single storey extension with new cold room and proposed accessible slope with barrier guarding to extension  
Decision: Permission Granted (16/09/2022)

Planning Reference: LA03/2022/0695/F  
Location: Lands approx. 150m S/W of Antrim Area Hospital, 45 Bush Road, Antrim  
Proposal: Clearance of existing hedgerow and erection of new mesh panel fence  
Decision: Permission Granted (08/11/2022)

Planning Reference: LA03/2021/0338/F  
Location: Lands approx. 150m S/W of Antrim Area Hospital, 45 Bush Road, Antrim  
Proposal: Proposed new temporary single storey modular urgent care unit and associated site works.  
Decision: Permission Granted (24/05/2021)

Planning Reference: LA03/2018/0519/F  
Location: Antrim Area Hospital, Bush Road, Antrim, BT41 2QB

Proposal: Additional 97 car parking spaces with associated lighting and CCTV. New pedestrian path beside existing road and traffic barriers on existing roads.  
Decision: Permission Granted (07/08/2018)

Planning Reference: LA03/2017/0550/F  
Location: Antrim Area Hospital, Bush Road, Antrim, BT41 2QB  
Proposal: Temporary office mobile accommodation  
Decision: Permission Granted (07/08/2017)

Planning Reference: T/2014/0186/F  
Location: Antrim Area Hospital, Bush Road, Antrim, BT41 2QB  
Proposal: Single storey surgery building for Hospital Dentistry Department accessed via existing glazed walkway link as well as its own dedicated main entrance  
Decision: Permission Granted (20/06/2014)

Planning Reference: T/2012/0373/F  
Location: Antrim Area Hospital, Bush Road, Antrim, BT41 2QB  
Proposal: Single storey surgery building for hospital dentistry department accessed via existing glazed link  
Decision: Permission Granted (25/01/2013)

Planning Reference: T/1999/0905/F  
Location: Antrim Area Hospital, Bush Road, Antrim, BT41 2QB  
Proposal: Refurbishment of Front Entrance and Extended Waiting Area  
Decision: Permission Granted (12/01/2000)

Planning Reference: T/1998/0476  
Location: Antrim Area Hospital, Bush Road, Antrim, BT41 2QB  
Proposal: Chemotherapy Unit  
Decision: Permission Granted (31/10/1998)

#### **PLANNING POLICY AND GUIDANCE**

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located within the development limit of Antrim as designated by the Plan which offers no specific policy or guidance pertinent to this proposal.

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

Planning Strategy of Rural Northern Ireland (PSRNI): The PSRNI incorporates regional policies and associated practice for the planning and control of development in rural areas.

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

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

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

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

## **CONSULTATION**

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

**Northern Ireland Water** - No objections.

**Belfast International Airport** - No objections.

**Department for Infrastructure Roads** - No objections, subject to conditions.

**Department for Infrastructure Rivers** – No objections.

**DAERA Natural Environment Division** – Substantive Response.

**DAERA Water Management Unit** - No objections, subject to condition.

**DAERA Regulation Unit** – No objections, subject to conditions.

**DAERA Industrial Pollution & Radiochemical Inspectorate** - No objections.

**HED (Historic Monuments)** – No objection, subject to conditions.

**HED (Historic Buildings)** – No objection

**Shared Environmental Services** – No objections, subject to a condition.

## **REPRESENTATION**

Twenty-nine (29) neighbouring properties notified and three (3) letters of representation have been received from two (2) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk>

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

- Issues with safety and security;
- Site selection;
- Overlooking/loss of privacy;
- Creation of construction waste;
- Loss of boundary treatments; and
- Increased risk of pollution.

It is noteworthy that during the Pre-Application Community Consultation (PACC) a number of additional issues were highlighted which are summarised within the PACC Report (Document 06).

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

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

- Legislative Framework
- Policy Context and Principle of Development
- Design, Layout and Impact on the Character and Appearance of the Area
- Neighbour Amenity
- Road Safety, Traffic and Parking
- Archaeology and Built Heritage
- Natural Heritage
- Other Matters

### **Legislative Framework**

#### 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 HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 13<sup>th</sup> March 2024. This found that the project would not have any adverse effect on the integrity of any European site.

#### Environmental Impact Assessment

As the development falls within Schedule 2, Category 2, 10 (b) Urban Development projects including the construction of shopping centres and car parks of the Planning (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 of development 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 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 PAN (Ref: LA03/2023/0693/PAN) was submitted to the Council and was deemed to be acceptable on 26<sup>th</sup> September 2023. The Pre-Application Community Consultation Report (PACC) (Document 06) submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

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

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

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to the determination of the proposal. The application site lies within the settlement limit of Antrim Town and within the grounds of Antrim Area Hospital. The AAP acknowledges the lands associated with Antrim Area Hospital of the Bush Road, however, it does not provide any specific policy context.

The proposal seeks full planning permission for the erection of 134 bed centre for Mental Health, comprising of wards, staff and visitor facilities, management and operational spaces, health and well-being facilities, external landscaping and gardens, car parking, servicing facilities and associated ancillary works. The proposed centre for mental health has been submitted by the Northern Health and Social Care Trust, supporting documentation indicates that the new 'Birch Hill Centre for Mental Health' will centralise trust mental health services in a modern purpose built centre. In relation to the proposed use, the proposal overlaps both Part C which consists of 'Class C4: Secure Residential Institutions' and Part D which consists of 'Class D1:Community and Cultural Uses' of The Planning (Use Classes) Order (Northern Ireland) 2015, both of the use classes include development relating to hospital and medical care.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications and its guiding principle in determining applications is that sustainable development should be permitted having regard to

the development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Notwithstanding the fact that the application site is located within the settlement limit, as indicated above the proposal albeit for a health facility falls under the definition of a community facility, the SPPS defines "town centre uses" as including community facilities and seeks to secure a 'town centre first' approach. The provisions of the SPPS require that an assessment of need should be carried out and a sequential assessment should be undertaken.

Notwithstanding the detail of the SPPS it is considered that the proposed use and function does not lend itself to a town centre location. Additionally the application site is within the settlement limit of Antrim Town and lies immediately adjacent to the existing Antrim Area Hospital which will help to aid a wraparound service in relation to both infrastructure and facilities. A letter of objection raised concern that the Trust has not given consideration to other sites. It is considered that given that the application site is located within the settlement limit and within the confines of the wider Antrim Area Hospital site that a sequential assessment is not required in this instance.

Although located within the settlement limit of Antrim Town, Policy PSU 1 of the Planning Strategy for Rural Northern Ireland (PSRNI) provides guidance on Community Needs and is therefore applicable. Policy PSU 1 acknowledges that changing circumstances determine the requirement of land to meet the needs of the community in terms of health, education and other public facilities. This policy indicates that emphasis will be placed upon making the best possible use of existing sites and where new sites are needed land may be identified through individual site assessment or through the development plan. The application site although a greenfield site is identified within the plan as the site for Antrim Area Hospital and is located directly to the southwest of the existing hospital facility. It is considered that the principle of the development at this location is acceptable subject to all other policy and environmental considerations being met.

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

The SPPS indicates that design involves shaping how elements of the built and natural environment relate to each other through the construction of new buildings and good design identifies and makes positive use of the assets of a site and the characteristics of its surroundings to determine the most appropriate form of development.

The proposal consists of the erection of a centre for mental health with a 134 bed capacity, the facility comprises of wards, health and wellbeing facilities staff and visitor facilities, management and operational spaces, external landscaping and gardens, car parking, servicing facilities and associated ancillary works. Access to the proposed development will be provided by way of the existing access road serving the hospital which will be extended in a southerly direction to the proposed centre for mental health site. The proposed development is set out centrally within the site with a central spine area the central focus with individual buildings extending from the spine around the periphery of the site. A turning circle, drop off area and provision for parking is located to the front elevation of the building.

The central spine area consists of the main entrance, facilities management area (to include a service yard), a staff zone, a gym hall, with areas for occupational therapy and physiotherapy. The front elevation is positioned to face in a northerly direction and includes the main entrance point which is defined by a double height atrium and external canopy with large expanses of glazing. The main entrance area includes a reception, café, courtyard, multi faith area and visitor rooms with associated gardens. The second element in the central spine area includes the staff zone, this section of the building is two storey with staff changing areas on the ground floor with areas for staff rest, training and administrative offices and other ancillary accommodation on the first floor. Extending from the first floor is an external covered staff terrace area located overlooking the central courtyard area. The facilities management area also forms part of the central spine which consists of both internal and external areas. The internal area extends from the existing staff area and internally provides an energy centre, waste handling zone and receipt and distribution centre.

The external service yard is accessed via a separate access arrangement which ensures public and service vehicles are segregated. The service yard is designed to facilitate a range of vehicle types and is enclosed by a high boundary wall with a separate entrance to the internal space. The final part of the central section is the facilitation of a gym hall which is a standalone building and a further building for physiotherapists and occupational therapists which is located to the rear of the staff area and within the central courtyard. The gym hall is a two storey building in order to accommodate different sports and sits within the central courtyard and is linked to the adjacent building for physiotherapists and occupational therapists by a low profile roof.

The main ward areas extend from the central spine, four pairs of single storey twinned wards are located around the periphery of the central area. Each of the eight wards are laid out in an individual courtyard arrangement with the communal areas (day spaces, dining) and facility management for the individual wards located in a linear pattern along the inner section of the ward areas. Extending from this the bedrooms are laid out in a courtyard arrangement around a central garden area. Plant room service walkways are located above the wards and are wrapped around the perimeter with external maintenance access points being provided, these areas are set back from the ground floor building edge and are kept low to minimise both the visual impact and natural sunlight entering the enclosed garden areas. A canopy on the inner edge of the wards provides a covered walkway within the internal arrangement of the site.

The topography of the lands allows for level access within the majority of the wards, with the exception of the southeastern section of the site, in which the topography results in an alternative design solution. In this case this ward area has been designed to include an undercroft area to a portion of the ward which will be utilised for storage and maintenance access. A mix of finishes are proposed within the overall facility, these include light coloured precast concrete panels or render on masonry paired with light buff brickwork. Gold/bronze aluminium cladding systems are included at ground floor level to help break up the render and facing brick and along the relevant first floor sections to help screen the plant rooms. Rust coloured cladding is utilised within the gym hall whilst pockets of dark limestone are incorporated at the entrance and other feature points. Glazing is included in a

uniform ribbon pattern along the external perimeter elevations and internal courtyards.

A key objective of the overall design theme is to allow as much natural daylight into the buildings and the central courtyard area with a focus on accessibility to outdoor space. The proposed landscaping is therefore fundamental to the overall arrangement a Landscape Masterplan (Drawing 31) and Landscape Management and Maintenance Plan (Document 07) was submitted with the proposal. The landscape masterplan indicates a number of pockets of open space within the overall layout. A central courtyard is provided between the public areas and the wards which provides a 'park' area and a 'square' area. These areas are planted out with landscaped areas, interlinked with walkways and seating areas to include permeable surfacing accessible from all zones within the facility. A rooftop garden is located above the building utilised for physiotherapists and occupational therapists. In addition, an outdoor pedestrian walk way is proposed along the outer edge of the wards to the south and east of the site which is interspersed with a mix of landscaping including screened gardens, reinforced grass, shrub and grass planting and pockets of wildflower gardens.

In addition to the above, each of the wards has separate individual courtyards planted out with grass and landscaping. Two areas of existing trees and vegetation are to be retained to the north of the site adjacent to the existing hospital. A section of land to the south-western corner of the site is indicated to be undisturbed and allowed to regenerate into scrub and woodland as part of the riparian buffer zone. Pockets of trees and ornamental shrubs are interspersed throughout the entire development including the car parking area and it is evident from the landscape masterplan that the overall landscaping has been a key focus for the proposal.

Boundaries to the perimeter of the site are defined by a mix of 1.8 metre and 2.1 metre high aluminium mesh fencing around the site perimeter which is supplemented in sections with a 1.2 metre high post and wire fence. As discussed in more detail below planting has previously been carried out along the western boundary of the site with mature planting to be retained in two distinct pockets to the north of the site, existing trees and vegetation to the south and east of the site are to be retained.

The scale of the proposal and the topography of the land results in pockets of cut and fill being required across the site. There is a significant cut required along the northern section of the site, however, the two pockets of existing trees are to be retained and incorporated into the development scheme. The areas of existing trees will be retained through the use of retaining structures with the land immediately adjacent being excavated up to a depth of 2 metres. The southern section of the site also has a notable level difference, with some level of infilling required to bring this section of land up to the required level, however, the natural topography of other sections remain as existing and are incorporated as wildflower and ecology areas. Critical views of the site will be achieved from Bush Manor and within the wider hospital ground itself with limited long distance views due to the intervening vegetation and natural undulating topography of the surrounding lands. Any views of the proposal will read as part of the wider Antrim Area Hospital complex and will appear as a visual entity in the landscape and as such will not significantly change the character of the area.

It is indicated within the supporting documentation (Document 11) that the design of the building is based on the village concept to help support the patient on their recovery pathway whilst providing a safe and uplifting environment. The balance between therapy and safety has been carefully considered with the building having a clear hierarchy of spaces from both public and private in relation to the wider facility and the individual wards. It is considered that the overall arrangement including the layout, design and appearance, the relationship with the public and private space and the landscaping is considered acceptable for the context of the site and the wider hospital setting.

It is acknowledged that critical views of the proposed development will be experienced, however, these will be long distance views which have the benefit of a backdrop of rising land. The proposed development over long distance views would read within the context of the existing built form of the wider hospital site. Taking these factors in combination and the low ridge height it is considered that the proposal will not have significant adverse impact on the character and appearance of this area.

### **Neighbour Amenity**

The SPPS requires that development proposals do not harm the amenity of nearby residents, that they should not create a noise nuisance and that they should be compatible with surrounding land uses. A letter of objection has been received from an adjacent neighbour which raises a number of concerns including the impact on neighbouring properties in relation to overlooking and loss of privacy.

In relation to the impact on nearby properties, Bush Manor residential development is located to the immediate west of the application site, the layout of Bush Manor results in a number of properties fronting onto the application site. A separation distance ranging between 38 metres and 51 metres has been provided from the dwellings in Bush Manor and the gable wall of the wards located to the west of the application site annotated as 'Hazel' and 'Larch'. As a result, the closest dwellings in Bush Manor will front onto these proposed wards with the intervening land being utilised by a service access road running along the western boundary and the remaining area set out as meadow grassland with wildflower.

In relation to the common boundary between Bush Manor and the application site, two previous planning applications (LA03/2022/0695/F & LA03/2023/0604/F) granted planning permission for a 1.8 metre high mesh fence inset with planting in the form of a hedge and whip planting, tree planting and ornamental shrub planting which has been carried out. The proposed development does not propose to introduce any further planting or boundary treatment along this western boundary. Concerns have been raised by third parties that the boundary treatment is inadequate and will not prevent overlooking or loss of privacy to the nearby residents in Bush Manor. It was also raised that the proposed construction works and the laying of the NIE cable zone will impact the health and longevity of the planting. Supporting information (Document 16) indicates that the applicant considers that the separation distances from the nearby properties, the single storey nature of the proposed wards and the 5 metre landscape buffer together with the allowance of time prior to the proposal being occupied will give sufficient time for the landscaping to mature (over 5 years) which will mitigate any negative impacts from overlooking.

Following recent site visits, it is considered that the proposed boundary treatment is sparse although it is accepted that the landscaping will mature with the benefit of time. However, it is considered that the existing landscaping in isolation would be unacceptable as a measure to avoid overlooking or a loss of privacy, this is further compounded by the proximity of the proposed works. It is acknowledged that the proposal satisfies the separation distances as set out in the former DoE's guidance 'Creating Places' document which relates to relationships between residential properties. It is considered that the proposed rooms within the wards could potentially be occupied for long periods of time during the day, that a more robust boundary treatment is required in order to protect the amenity of both the residents of Bush Manor and the patients within these wards. As such it is considered that if planning permission is forthcoming a negative condition should be imposed requiring details of proposed boundary treatments to be provided along the western boundary, the detail of which needs to be submitted and agreed with the Council prior to development commencing. This allows the applicant to look at options to provide a boundary treatment that will both mitigate against overlooking and loss of privacy and that will align with other legislative/policy requirements of the Health Trust.

Given the nature of the proposal a Noise Impact Assessment (Document 03/1) was submitted in support of the application and consultation was carried out with the Councils Environmental Health Section (EHS). EHS indicate that Document 03/1 includes a cumulative assessment with predicted rating levels at nearby sensitive receptors, these rating levels are shown to be below the existing measured background sound levels indicating a low impact. EHS highlight that the exception to this is one receptor (ER04), where the night-time rating level is shown to be +4dB over the background sound level. However, they further state that this is for night-time hours when receptors will be inside and that the receptor is identified as staff accommodation. As such based on the information provided, EHS has indicated that they are satisfied that the amenity of nearby properties can be suitably protected subject to the inclusion of recommended conditions.

In relation to artificial lighting, Drawing No. 33/1 provides details in relation to the proposed lighting and lux levels across the site. EHS has indicated that based on the figures presented they have no objections to the inclusion of artificial lighting subject to a recommended condition to control the lux levels in order to protect the amenity of nearby residents.

### **Road Safety, Traffic and Parking**

The SPPS aims to secure improved integration with land-use planning, to facilitate safe and efficient access, movement and parking. The SPPS sets out a number of policy objectives for transportation. Additionally, PPS 3 seeks to ensure that prejudice to road safety does not occur as a result of development. Policy AMP 2 of PPS 3 requires that any proposal will not prejudice road safety or significantly inconvenience the flow of traffic. Policy AMP 6 of PPS 3 indicates that in particular circumstances a Transport Assessment (TA) may be required.

A Transport Assessment (TA) (Document 12) and Travel Plan (TP) (Document 13) were submitted in support of the application. Access to the site is via the existing vehicular access serving the hospital, for the avoidance of doubt it is indicated within the TA that at a future stage of development, a permanent, additional access from Bush

Road may be proposed by the applicant, however, in relation to the current application all supporting statements are based on the assumption that all traffic associated with the proposal will utilise the existing hospital access at the roundabout. It is acknowledged that a recent application has been submitted to the Council (LA03/2024/0297/F) for a proposed internal loop road and consultation is ongoing with HED and DfI Roads in this regard.

The TA gives consideration to a number of elements including envisaged trip generation, trip distribution and assignment and forecast traffic flows, this information was garnered using the TRICS database and traffic surveys. The surveys were carried out at two locations (Niblock Road/Bush roundabout and Steeple Road/Bush Road junction) and over two time slots (07:30 to 09:30 and 16:30 to 18:30) on Wednesday 25<sup>th</sup> May 2022. The TA also includes the operational effectiveness of the relevant junctions including access arrangements and looks at road safety in the vicinity of the site.

The TA concludes that the proposal will not impact upon or increase road safety concerns along the road network or within the internal network of the site. All junctions can accommodate the predicted level of traffic generated and the proposal will not have a detrimental impact on the local road network. Consultation was carried out with DfI Roads who raised no objection to the proposal subject to a condition.

Policy AMP7 of PPS 3 relates to car parking provision and servicing arrangements and requires that adequate and appropriate provision is made for parking. The overall parking provision is laid out within the TP and is based on the requirements of PPS3 and the former DoE's guidance 'Parking Standards'. The overall scheme provides a total of 156 car parking spaces, it is indicated that a proposal of this nature requires 1 space per doctor, 1 space per 3 other staff and 1 space per 3 beds is required. In this case the parking provision includes 20 spaces for doctors, 55 spaces for other staff and 45 spaces per bed with a total of 120 spaces.

It is notable that the proposed site plan fails to integrate the proposed access with the existing service roads rather, some of the accesses are into existing car parks which will require some reconfiguration. It is envisaged that this has not be fully addressed as the applicant is awaiting the outcome of an application for an internal 'loop road' application which will link with a temporary access from the Bush Road which was approved under planning application ref: LA03/2023/0830/F. However, it is considered that as the site access point onto the internal road network of the hospital is not critical from a road safety perspective and there are no objections from DfI Roads that this matter can be addressed via a suitably worded condition.

It is also indicated that parking standards indicates that 4 spaces per outpatient consulting room is required, however, it is stated that there are no consulting/treatment rooms for outpatients given the nature of this facility and as such the car parking provision for this is not relevant. The TF goes on to outline that in order to prevent any exacerbation of the parking arrangements for the wider hospital that an uplift of 30% of the parking requirement has been provided for the facility which results in an overall provision of 156 car parking spaces.

Collectively Policies AMP 1, AMP 8 and AMP 9 deal with accessibility, car park design and cycle provision. As indicated above a TP was submitted with the proposal which summarises proposals for promoting sustainable transport modes, such as, cycling, walking and public transport for patients, staff and visitors. The TP also considers the local environment and the needs of disabled access users. It is indicated that the layout and design provide level access, being inclusive and catering for all users. All persons accessing the development will be able to utilise the same entrances, the main walking route to the site includes street lighting and dropped kerbs at adjacent access and crossing points, thereby, ensuring inclusive accessibility. The proposal includes the provision of 19 cycle stands and it is indicated that staff will be encouraged to utilise the Bike2Work scheme. It is also indicated that the application site benefits from a bus stop located within Antrim Area Hospital grounds with a direct connection to Antrim Bus Centre which is located adjacent to the train station.

With regards to road safety, traffic, parking and transport issues DfI Roads has been consulted and has indicated that they have no concerns with the proposed development subject to a standard condition. It is therefore considered that the proposal will not have a significant impact on the road network or road safety and as such the proposed development is considered acceptable in this regard.

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

Planning Policy Statement 6 (PPS 6) deals with archaeology and built heritage and requires that the proposed development has no adverse effect on the built heritage in relation to both archaeology and listed buildings. The application site is adjacent to a multi-period archaeological site uncovered during the development of Bush Manor between 2005 and 2009. Elements of this archaeological site extend into the current application area with the site being adjacent to Bush House which is a listed building.

In relation to archaeology, test-trenching was undertaken in November 2023 with an archaeological evaluation report (Document 02) being submitted in support of the application. The test trenching revealed a number of archaeological features, including the early medieval roadway uncovered during the adjacent archaeological investigations which extends across the site. Consultation was carried out with HED (Historic Monuments) who have advised that given the results of the archaeological evaluation, HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements. HED goes on to advise that in order to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, conditions are recommended should planning permission be forthcoming.

The application site is in close proximity to Bush House which is a Grade B1 Listed Building due to its architectural and historic interest, as such Policy BH11 which deals with development affecting the setting of a listed building is applicable. HED (Listed Buildings) note that existing trees and vegetation to the southeast of the walled garden to Bush House will be maintained and enhanced as part of the scheme. The retention and enhancement of these areas is welcomed and will help to screen the proposal from views of the listed building, as such, HED (Listed Buildings) have raised no objections to the proposal.

Both sections of HED (Historic Monuments and Listed Buildings section) note the annotation of a loop road on the proposal plans which is the subject of a separate planning application. HED advise that the development should seek to preserve the route-way of the medieval road across the site through differential surface treatment and recommend that this should be clearly displayed on a revised landscaping plan and that the comments are based on the proposal not relying on the aforementioned access road. Notwithstanding the detail on the landscaping plan or HED comments, any proposal for a loop road is subject to a separate planning application and does not form part of the current proposal. It is acknowledged that a recent application has been submitted to the Council (Ref: LA03/2024/0297/F) for the loop road and consultation is ongoing with HED in this regard. It is considered that a condition advising of the same will be included on any decision if planning permission is forthcoming.

### **Natural Heritage**

PPS 2 sets out the Executive's commitment to sustainable development, conserving, and where possible, enhancing and restoring natural heritage. Policy NH5 states that proposals which are likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or other features. The site is mostly a greenfield site containing agricultural grassland and areas of woodland. A watercourse runs along the eastern and southern boundaries of the site. The site has the potential to support roosting bats and nesting birds. The proposal has the potential to adversely impact on the adjacent NI Priority habitat river and on downstream designated sites.

The applicant has submitted a suite of ecological assessments in support of the application, these include an Outline Construction Environmental Plan (oCEMP) (Document 04), a Bat Report (Document 10), a Shadow Habitats Regulation Assessment (Document 14), a NI Biodiversity Checklist (Document 15). DAERA Natural Environment Division (NED) were consulted on the proposal and raised a number of initial queries, which resulted in further supporting information being submitted to address these concerns (Document 16). Following re-consultation NED note that works are required in close proximity to the watercourse along the southern site boundary and as such there are risks of disturbed sediment or other polluting materials entering the watercourse, during construction, which have not been shown to be adequately mitigated against. NED goes on to request that a further oCEMP is submitted to address this matter, notwithstanding the fact that SES require compliance with the oCEMP submitted, it is considered that this concern can be addressed via the imposition of a condition requiring an updated CEMP to be submitted prior to the commencement of development.

NED also raises concerns in relation to the loss of vegetation, and make particular reference to an area of vegetation annotated to be undisturbed and allowed to self-regenerate into scrub/woodland as part of Riparian Buffer Zone. NED recommends that as a compensatory measure for the removal of existing woodland habitat this area would be better planted with appropriate trees as natural rewilding into woodland habitat is likely to take several years before delivering significant benefits and could take decades to achieve the biodiversity value of established woodland. Additionally NED raises concerns in relation to the location and type of six bat boxes which are to be installed on retained trees. On this basis NED has

requested an amended planting plan to show the mitigation measures proposed to offset losses of existing woodland habitat, including details of any biodiversity measures, bat boxes and bird boxes. It is considered that the applicant has provided a substantial number of additional trees which aids bio-diversity although these are in a formalised landscaping setting. In addition, while the areas of woodland have been marginally reduced the loss of an area of woodland has to be balanced against the social need to provide safe, secure and fit for purpose health care facilities. The detail in relation to the design of the bat boxes has not been provided with NED having a preference for wood-crete as opposed to wood, the details on the design and layout of the bat boxes can be addressed by way of a condition requiring further detail to be submitted and agreed with the Council prior to the development becoming operational.

Consultation was also carried out with DAERA's Water Management Unit (WMU) which notes the intention to direct surface water run-off from the development through various separate drainage networks with attenuation tanks for final discharge to a nearby watercourse. WMU welcomes the inclusion of several interceptors to serve the waste/fuel storage area. Given the large number of parking spaces contained in the proposal, WMU also recommends that the applicant considers the installation of an oil / petrol interceptor on these drainage lines to prevent oil from vehicle parking areas leaving the site and entering into any watercourse. WMU note that if the sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then WMU would have no objection to this aspect of the proposal. It is also worth noting that the applicant will be required to be in ownership of a Consent to Discharge which is a separate regulatory regime dealt with by DAERA. NI Water has raised no objections to the proposal.

### **Other Matters**

#### **Safety and Security**

One of the concerns raised by a nearby resident relates to safety and security with reference to the potential for patients to abscond from the facility. A Trust Site Security Strategy (Document 17) was submitted in support of the application which indicates that security of the site has been a key design consideration. It is stated that the overall layout proposes that the lands directly adjacent to the western boundary are inaccessible to patients at all times. This zone is enclosed by 1.8 metre and 2.1 metre high fences and the ward buildings have 5.4 metre high parapets. The security strategy goes on to indicate that the gates between ward buildings are 4.2 metres high and restrict access to and from the large external spaces within the central courtyard.

In relation to the internal courtyards within each of the wards, it is indicated that these are dedicated, safe and secure external spaces where activity is supervised, managed and contained without adverse impact on other parts of the hospital or neighbouring boundaries. Patients are permitted to venture beyond the local ward environment only following a risk assessment and only when it is appropriate to do so. "The Square" and "The Park" located within the central courtyard provide the patients with semi-secure external spaces beyond the ward environment for patients to continue their rehabilitation journey, these spaces are enclosed by a 5.4-metre high ward building and 4.2-metre high gates.

It is also indicated that The Trust continues to develop CCTV surveillance strategies for both internal and external areas of the building in support of physical security measures outlined above. However it is also recognised that the Trust will have its own separate legislative/policy requirements which it is required to fulfil in the day-to-day operations of the facility in regards to safety and security which sit outside the planning framework.

#### Flood Risk

In relation to flood risk, PPS15 seeks to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere. Policy FLD 3 of Planning Policy Statement 15 'Planning and Flood Risk' (PPS15) requires any change of use involving new buildings and or hard-surfacing exceeding 1000 square metres in area to be accompanied by a Drainage Assessment.

A Drainage Assessment (Document 09) was submitted in support of the application and consultation was carried out with DfI Rivers, who have indicated that the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. DfI Rivers has reviewed the applicant's Drainage Assessment and advises that while not being responsible for the preparation of the Flood Risk Assessment, they accept its logic and have no reason to disagree with its conclusions.

#### Contaminated Land

The applicant has provided a Generic Quantitative Risk Assessment (GQRA) (Document 05/1) in support of the application. The GQRA is informed by site investigations and environmental monitoring data from 49 boreholes and 15 trial pits. It is indicated that investigations did detect hydrocarbons in groundwater in one location, however, in isolation this occurrence is not considered to present unacceptable risks to environmental receptors. No other significant contamination has been detected in the soils or groundwater at the site. The Council's EHS and NIEA Regulation Unit Land & Groundwater Team support the conclusions within the contamination reports and have no objection to the development subject to conditions relating to potential unknown contamination. It is therefore considered that there is no significant contamination risks associated with this site.

#### Pollution Prevention Control (PPC) Permit

Concerns were raised regarding air pollution emanating from the proposal. The planning and pollution control regimes are separate but complementary systems for the regulation of certain proposals, given the nature of the end use consultation was carried out with DAERA's Industrial Pollution and Radiochemical Inspectorate (IPRIP) who have indicated that they currently regulate these premises under the Radioactive Substances Act 1993. IPRIP go on to indicate that the current proposal is unlikely to impact on this activity. As such, IPRIP has no comment to make on this application.

#### Sustainability

It is indicated within supporting documentation (Document 11) that Birch Hill Centre for mental health is targeting an 'excellent' Building Research Establishment Environmental Assessment Method (BREEAM) rating which is a sustainability assessment method. It is indicated that the building has been designed around generous external landscape space including dedicated patient courtyards to maximise natural light and ventilation thus reducing the buildings energy

consumption. Air source heat pumps have been selected as the primary means of heating the building and hot water generation.

The design includes photovoltaic panels on top of plant rooms and staff administration blocks. Planning Policy RE 1 of PPS 18 indicates that development which generates energy from renewable sources will be permitted where there will not be an unacceptable adverse impact on visual amenity and landscape character. Having regard to the location of the development and the nature of surrounding land uses and the design of the building it is anticipated that there will be no significant effects on the landscape from the development as a whole, including solar panels on the roof. The proposed solar panels have been designed to sit close to flush with the roof pitch to reduce the overall visual impact and have been designed to mitigate glint and glare as the PV panels have been indicated to be dark in colour with non-reflective glass or non-reflective coating. The panels are not readily visible on the building. The use of solar panels can cause a distraction to aviation traffic, Policy RE 1 requires that there is no unacceptable adverse impact on public safety or human health. The proposal has been examined from an aerodrome safeguarding aspect and consultation was carried out with BIA who has no objection to the proposal.

## **CONCLUSION**

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

- The principle of the development has been established;
- The design, layout and appearance of the proposal is acceptable;
- There is no significant impact on the character or appearance of the area;
- There are no significant neighbour amenity concerns;
- There is no significant flood risk associated with this development;
- There are no significant natural and built heritage concerns;
- There are no significant access concerns and the parking provision within the context of the site considered acceptable; and
- There is no significant concern with regard to NI Water infrastructure.

## **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. No development shall commence until a detailed plan has been submitted and agreed with the Council showing the access points connected to the internal road network of the wider hospital site.

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

3. No development shall commence until a boundary treatment of not less than 2.0 metres in height along the western boundary has been submitted to and approved in writing with the Council.

Reason: In order to safeguard the amenity of nearby residential properties.

4. The building hereby permitted shall become operational until hard surfaced areas have been constructed and permanently marked in accordance with Drawing No 03 date stamped 18<sup>th</sup> December 2023 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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

Reason: Protection of environmental receptors including human health and to ensure the site is suitable for use.

6. After completing all remediation works under Condition 5 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

7. 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.

8. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 7.

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 7. 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. A final Construction Environmental Management Plan (CEMP) shall be submitted to 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. The mitigation measures stipulated within the CEMP will be carried out in full.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and to ensure the project will not have an adverse effect on the integrity of any European site.

11. The cumulative noise level of all noise generating sources associated with the development hereby approved, including any character corrections, shall not exceed the predicted daytime and night-time Rating levels within the Table below, as detailed within Table 5.3 of Document Number 03/1, date stamped 8<sup>th</sup> April 2024.

Receptor Location	Rating Levels dB L <sub>A</sub> r	
	Day (07:00-23:00 hrs)	Night (23:00-07:00hrs)
ER01 98 Bush Manor	26	26
ER02 181 Bush Manor	29	30
ER03 185 Bush Manor	30	31
ER04 Oak House Staff Accommodation	37	39
ER05 Fern House	32	33

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

12. 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 cumulative level of noise arising from the approved development, 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.

13. The site operator shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Condition 12, 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.

14. Should the cumulative level of noise arising from the approved development measured within Condition 12 exceed the levels stated within Condition 11, 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 1 are not exceeded.

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

15. Light intrusion from the development hereby approved, into windows at nearby sensitive properties shall not exceed 5 Ev (lux) at any time between 07:00 and 23:00 hours, and 1 Ev (lux) at anytime between 23:00 and 08:00 hours.

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

16. Prior to works commencing on site, all existing trees shown as being retained on Drawing No. 31/1 date stamped 8<sup>th</sup> April 2024, shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

No retained tree 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 other Natural Heritage than in accordance with the approved plans and particulars, without the written approval of the Council.

Reason: To protect the biodiversity value of the site, including protected species.

17. The existing natural screenings of the site, as indicated on Drawing No 31/1 date stamped 8<sup>th</sup> April 2024 shall be retained at a minimum height 3 metres for hedgerow and 6 metres for trees and shall be allowed to grow on

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 their removal.

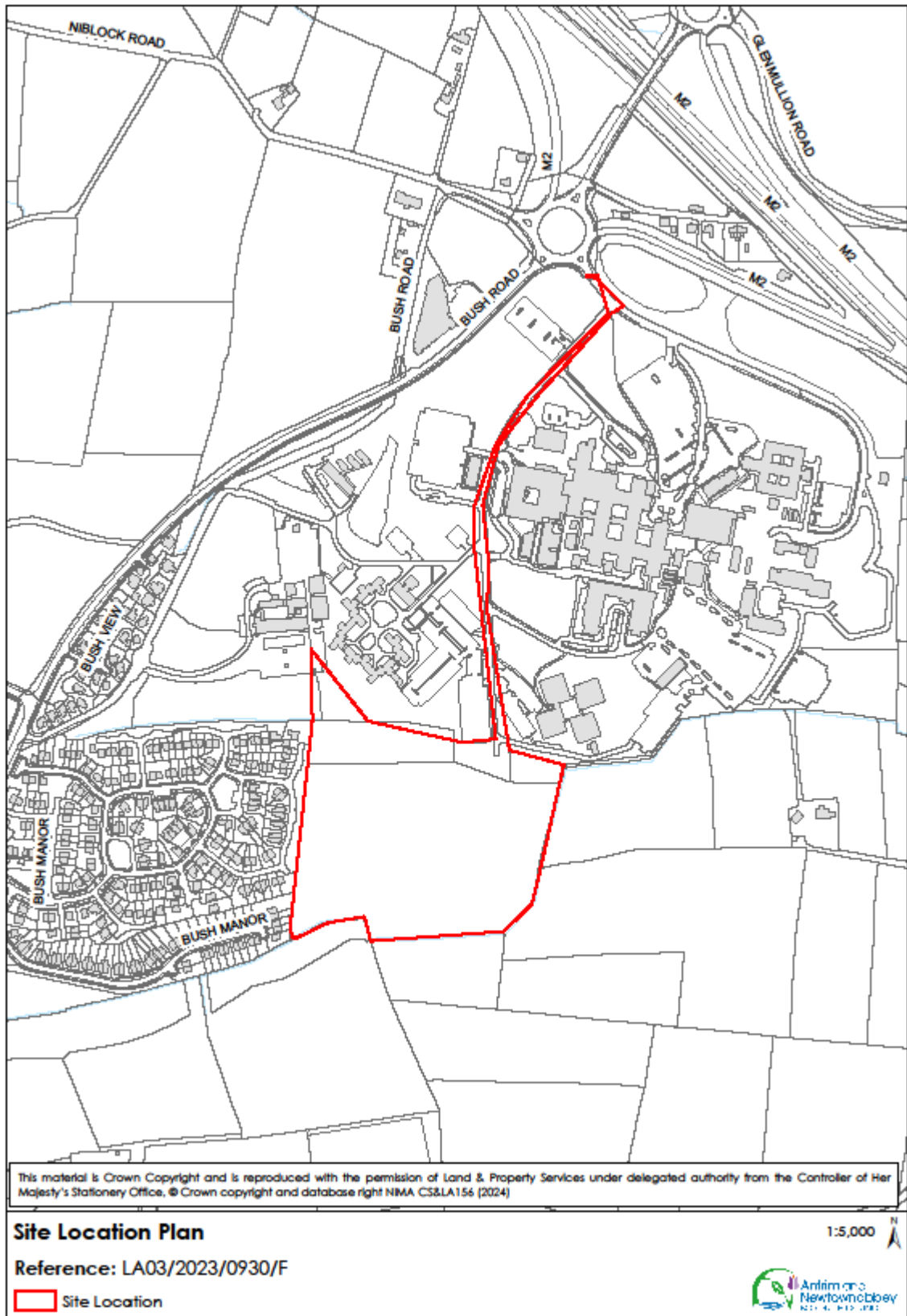
Reason: To ensure the maintenance of screening to the site.

18. The proposed landscaping as indicated on Drawing No. 31/1 date stamped 8<sup>th</sup> April 2024 shall be carried out within the first planting season following the occupation of the development hereby approved and shall be retained for the lifetime of the development at a minimum height of 3 metres for hedging and 6 metres for trees unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

19. Prior to the construction of development a detailed plan showing the location and design of at least 6 No. bat boxes shall be submitted to and agreed in writing with the Council. The bat boxes will be constructed in accordance with the agreed design and thereafter erected and maintained for the duration of the development hereby approved.

Reason: In order to ensure that the impact on bats on the site is appropriately mitigated.



<b>COMMITTEE ITEM</b>	<b>3.3</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0397/F</b>
<b>DEA</b>	<b>THREE MILE WATER</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed demolition of 735-737 Shore Road and erection of 2 no. apartment buildings comprising of 14 no. apartments, car parking, cycle parking, landscaping and all associated work (Renewal of Planning Approval LA03/2017/0418/F)
<b>SITE/LOCATION</b>	735-737 Shore Road, Newtownabbey, BT37 0PY
<b>APPLICANT</b>	McMeekin DIY Ltd
<b>AGENT</b>	JWA Design
<b>LAST SITE VISIT</b>	29th June 2023
<b>CASE OFFICER</b>	Leah Hingston Tel: 028 90340403 Email: <a href="mailto:leah.hingston@antrimandnewtownabbey.gov.uk">leah.hingston@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>.</b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at 735-737 Shore Road which is within the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan and draft Belfast Metropolitan Area Plan (published November 2004).</p> <p>The site is occupied by a two storey dwelling with an attached, two-storey, side projection which was approved as a HMO in 1986. The site is a 0.34ha roadside plot accessed off the A2 carriageway and backs onto the Outer Belfast Lough, a site of international protection. The site abuts Jordanstown Loughshore Park to the south-west and there are residential properties to the northeast. On the opposite side of the A2 road to the northwest of the application site is The Grange residential development and the Ulster University at Jordanstown main entrance.</p> <p>The site has a gentle south-eastern gradient, sloping toward the shoreline. The south-eastern site boundary is defined by a 2 metre high stone wall with a conical stone hut located in the southern corner of the site. The north-eastern boundary treatment consists of a 1.5 metre high concrete wall and mature vegetation. The north-western boundary is defined by a 2 metre high stone wall and the south-western boundary treatment consists of a post wire fence and mature vegetation.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2017/0418/F  Location: 735-737 Shore Road, Jordanstown, Newtownabbey, BT37 0PY  Proposal: Proposed demolition of Nos 735-737 Shore Road, Newtownabbey and erection of 2 no. apartment buildings comprising 14 no. apartments, car parking, cycle parking, landscaping and all associated site works  Decision: Permission Granted (19th June 2018)</p>	

Planning Reference: U/2003/0580/F  
Location: 737 Shore Road, Jordanstown  
Proposal: Change from flat roof to pitched roof and minor elevation alteration  
Decision: Permission Granted (9th January 2004)

Planning Reference: U/1986/0274/F  
Location: 735-737 Shore Road, Jordanstown  
Proposal: Conversion of premises from 7 to 11 flats  
Decision: Permission Granted (17th November 1986)

#### **PLANNING POLICY AND GUIDANCE**

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

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

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

Belfast Urban Area Plan (BUAP): The application site is located within the development limits 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.

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

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

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

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

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

#### **CONSULTATION**

**DfI Rivers** - Substantive response received

**DfI Roads** – No objection

**Environmental Health Section** – No objection

**DAERA Natural Environment Division** – No objection

**DAERA Marine and Fisheries Division** – Objection

**DAERA Water Management Unit** – No objection

**NI Water** – No objection

**Shared Environmental Services** – No objection

#### **REPRESENTATION**

Fifteen (15) neighbouring properties were notified and five (5) letters of representation have been received.

The full representations made regarding this proposal are available to view at <https://planningregister.planningsystemni.gov.uk> and on the Council's website, under additional information.

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

- Demolition of an historic building;
- Concern for safety of the existing sea wall;
- Impact on residential amenity;
- Loss of existing trees;
- Impact on character and appearance of the area;
- Increased traffic and road safety;
- Infrastructure and service capacity; and
- Loss of private views.

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

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

- Principle of Development
- Design and Impact on Character and Appearance of Area
- Neighbour Amenity
- Access, Movement and Parking
- Nature Conservation
- Flood Risk

**Principle of Development**

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application.

The principle of residential development on site was previously established under planning approval ref: LA03/2017/0418/F which granted full planning permission on 19th June 2018. The subject application was received by the Council on 25th May 2023 and made valid prior to the expiry of the original approval on 18th June 2023. Therefore, this is a valid renewal application. However, as the planning permission has now expired all matters must be reconsidered.

As the application site is located within the urban area within the defined development limits of Metropolitan Newtownabbey, it is considered that the principle of residential development is acceptable, subject to the proposal creating a quality residential environment in accordance with Policy QD 1 of PPS 7 and the Creating Places Design Guide.

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

A renewal of planning permission ref: LA03/2017/0418/F is sought for the development of 2 no. apartment blocks each with 7 no. units. It is noted that the submitted drawings do not differ from the drawings previously granted under planning permission ref: LA03/2017/0418/F.

The proposal involves the demolition of the existing building on site which currently provides 11 flats and includes the erection of two apartment blocks totalling 14 no. apartments. The increase in the number of units is relatively minor and does not amount to significant intensification. The application site is located adjacent to a main transport corridor and the density of the development is considered to be acceptable and does not have a detrimental impact on the character or appearance of the area.

Objectors have raised concern that the existing building is to be demolished rather than converted, however, the building is not listed and can be demolished without planning permission. The same objection was made to previous planning application ref: LA03/2017/0418/F to which the agent submitted supporting information highlighting structural issues with the building and why it would not be feasible for conversion. There is no policy requirement for the applicant to retain the

building, nor, can planning permission be refused on the basis that the existing building is to be demolished.

Policy QD1 'Quality in New Residential Development' of PPS 7 'Quality Residential Environments' sets out nine criteria that the proposal must satisfy for planning permission to be granted.

Criterion (a) requires the development to respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

Objectors have raised concern that the design of the development is dominant, out of scale and out of character with the surrounding area. The proposed apartment blocks have a slightly staggered siting with Block 2 set approximately 2.5 metres back from Block 1, which helps reduce the massing. The two apartment blocks share the same external appearance and internal layout. They have a maximum width of 19.3 metres, depth of 16.5 metres and ridge height of 10.4 metres. Whilst the proposed development has a greater height and depth than the extended annexes of the existing building to be demolished, the proposed development is sited further away from the north-eastern site boundary which abuts Nos. 739A and 741 Shore Road. Additionally, the proposed apartment blocks are lesser in height than the original dwelling on site. The hipped roof and chimney stacks of the original dwelling have been replicated within the proposed design to maintain its character. The apartment blocks have dual aspects providing a frontage to the Shore Road and also towards Belfast Lough with a large degree of fenestration proposed to optimise views to the Lough. The external finishes of the building include a natural slate roof with zinc clad half dormers, and rendered walls with a wet cast silver granite string course to the front elevation. The proposed finishes are considered acceptable given the mix of finishes observed in the locality. The existing mature vegetation provides a large degree of screening for the development limiting the public views of the proposed building when travelling in either direction along the Shore Road.

There is a landscaped car parking area to the front of the development, which sits at a lower level than the public road. The existing lawn area, stone wall of the rear site boundary and stone hut structure are to be retained at the rear of the proposed apartment blocks.

Creating Places states that 10sqm to 30sqm of private communal amenity space should be provided for each unit. Six of the units have a private balcony which ranges from approximately 3.5sqm to 8.8sqm. The rear lawn area provides approximately 970sqm private communal amenity space, which is well in excess of the standards set out in the guidance.

Therefore, it is considered that the proposed design and layout in terms of its form, materials and detailing is acceptable and will respect its surrounding context and is appropriate to the character and topography of the site in terms of scale, massing, appearance of buildings, landscape and hard surfaced areas.

### **Neighbour Amenity**

The closest neighbouring properties to the development include; the chalet bungalow located at Number 729A Shore Road which backs onto the application site opposing the proposed car park and Number 741 Shore Road which is a one and a half storey dwelling situated a minimum of 6.5 metres from proposed apartment Block 2. It is considered that the proposal will not have an unacceptable detrimental impact on the privacy of neighbouring residents given the separation distances involved, the internal layout of the apartments and the use of frosted glass on the north-eastern gable elevation of Block 2.

In relation to the potential for overshadowing, there may be some overshadowing to the dwelling located at Number 741 Shore Road in the late afternoon and evening time. As the overshadowing is only for part of the day and the rooms benefit from secondary windows as a source of light, the impact is not considered to be unacceptable.

Two objections received from residents of The Grange raise concerns of loss of privacy and overshadowing. The Grange development is located over 60 metres northwest of the proposed apartment blocks and at this separation distance the proposal is not considered to contribute significantly to such impacts. In relation to the unfavourable effect on the outlook of No. 9 The Grange, the proposal does not contribute to dominance and the change to private views are not normally a material planning consideration.

Concerns have been raised regarding the proposal's contribution to noise and disturbance in a quiet residential area. Any noise or disturbance during the construction phase is of a temporary nature and not considered to have a significant impact. There is likely to be increased activity from cars entering and leaving the site, which may result in increased noise. However, there is a separation distance of approximately 17 metres between the proposed car parking area and the nearest dwelling of 739A Shore Road. Furthermore, the intervening 2.25 metre high boundary wall to be retained acts as an acoustic barrier to help mitigate these concerns.

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

A Transport Assessment Form (TAF) has been submitted to support the application, Document 05 date stamped 25th May 2023. The submitted drawings show that the existing access is widened to 6 metres and a recessed area has been provided as a bin collection point. In terms of car parking, 21 car parking spaces are proposed to serve the 14no. 2 bedroom units which is adequate for unassigned car parking provision. Objection has been made to the application on the basis of traffic generation and road safety concerns with particular attention drawn to vehicles turning right and crossing two lanes on the A2 carriageway if travelling north towards Carrickfergus.

It is acknowledged that the proposal will lead to the intensification of the existing access onto the dual carriageway which would be contrary to the policy provisions of AMP3 of PPS 3, however, planning permission was previously granted for this same development in June 2018. There has been no change in policy since the previous grant of planning permission and on the grounds of administrative fairness it would be difficult to justify a refusal on the basis of intensification relating to the two additional residential units. DfI Roads has been consulted and has indicated that this has no objection to the proposal. Therefore, it is considered that the A2 carriageway can

cope with the additional traffic generated by the development and the access arrangements are acceptable and do not prejudice road safety. Overall, the proposal complies with PPS 3 'Access, Movement and Parking'.

### **Nature Conservation**

The application site abuts the Belfast Lough SPA, ASSI and Ramsar site which are sites of national and international importance. The site is also in close proximity to North Channel candidate Special Area of Conservation (cSAC).

The objections received raise concern of the loss of trees and damage to the natural environment by destroying habitats for foxes, birds and many other small animals. The submitted plans do not indicate a loss of trees and the proposal includes a landscaping scheme as shown on Drawing Number 07/1 date stamped 10th July 2023 which will add to the biodiversity of the site.

Marine and Fisheries Division (MFD) take a precautionary approach and recommend refusal of the application as the site is located directly adjacent to Newtownabbey coastline which is at high risk of coastal erosion according to the increase in scientific evidence. However, MFD also state that despite there being some one-off studies, there is currently insufficient baseline scientific information to inform coastal management decision making. MFD advise that there is no specific legislation to manage coastal erosion in Northern Ireland, however, MFD provide a number of marine environment policy documents and advise that planning decisions must be made in accordance with them.

In terms of site-specific issues MFD refer to the sea wall as suggesting the property has historically been at risk of coastal erosion and they raise concerns that the development may increase calls for coastal sea defences in order to protect the proposal.

The agent submitted Document 07 date stamped 24th October 2023 in response to the concerns raised by MFD. The agent states that the sea wall and rock armour located to either side of the jetty have been undisturbed for over 50 years. The mature trees along the coastline would also indicate that this area has been undisturbed for a long period. Aerial photographs from Google Earth dated 2001 and 2022 demonstrate that this part of the coastline is largely unchanged and does not appear to have suffered coastal erosion. In the consultation response MFD advise that areas identified as being at high risk of erosion may not necessarily be eroding and they should be regarded as areas for further study and where a precautionary approach should be adopted by the decision maker.

On considering both the consultation response from MFD and the supporting information from the agent, as well as comments from DfI Rivers it is considered that, there is no evidence to support a refusal on the basis of coastal erosion and this should not preclude development along the length of the Newtownabbey coastline. It is considered reasonable to include the information detailed within the consultation response as an informative.

NIEA and SES suggest a condition to create a suitable buffer between construction works/storage areas and the internationally designated sites which has been included within the proposed conditions at the end of this report.

**Flood Risk**

There are no designated watercourses within the site. Half of the application site is located within the 1 in 200 year coastal climate change flood plain (T200CC).

A Flood Risk Assessment (FRA), Document 03 date stamped 25th May 2023 and a Drainage Assessment (DA), Document 04 date stamped 25th May 2023, accompany the application.

The present day coastal flood level is 3.18mOD and the proposed plans indicate that the apartment building will have a finished floor level of 3.78mOD as annotated on Drawing Number 02 date stamped 25th May 2023 which equates to a 600mm freeboard above the flood level. The communal amenity space remains within the area at risk of flooding, which is below 3.0mOD, however, this area already serves multiple residential units on site at present and the amenity space forms an exception under policy FLD 1 of PPS 15. A Flood Management Plan, Document 08 date stamped 22<sup>nd</sup> May 2024, has been submitted as recommended by DfI Rivers.

An objector states that the sea wall is breaking up and calls for reinforcement in the interests of public safety. DfI Rivers has confirmed that this is not a flood wall and remains an undefended site. The boundary wall may offer some protection but is managed and maintained privately by the landowner who is responsible for it. The agent has submitted supporting information (Document 07 date stamped 24th October 2023) which demonstrates that the boundary wall is intact and that the coastline has not been affected by coastal erosion in recent times.

**CONCLUSION**

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

- The principle of development is acceptable;
- The proposed design is acceptable and does not detract from the character or appearance of the area;
- The proposal is not considered to have an unacceptable impact on residential amenity;
- Sufficient provision has been made for access and parking;
- The proposal is not considered to have a detrimental impact on natural heritage interests; and
- The proposal does not increase flood risk.

<b>RECOMMENDATION:</b>	<b>GRANT PLANNING PERMISSION</b>
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**PROPOSED CONDITIONS:**

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

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

2. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 date stamped 4th July 2023 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a

level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. No retained tree as indicated on Drawing No. 07/1 date stamped 10th July 2023 shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the prior written consent of the Council.

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

5. The proposed planting shall be carried out in accordance with details as identified on Drawing No. 07/1 date stamped 10th July 2023 within the first full planting season following the occupation of the first residential unit hereby approved. Plants dying within the lifetime of the development shall be replaced.

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

6. No units shall be occupied until a landscape management and maintenance plan has been 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.

7. A suitable buffer of at least 25m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/ spoil and the boundary of Belfast Lough SPA and Ramsar, Belfast Lough Open Water SPA and East Coast proposed Marine SPA which shares the red line boundary.

Reason: To protect the site selection features and conservation objectives of Belfast Lough SPA / Ramsar, Belfast Lough Open Water SPA and East Coast (NI) Marine proposed SPA.

8. All surface water run-off during the construction and operational phase shall be directed away from Belfast Lough SPA/Outer Belfast Lough ASSI.

Reason: To protect the site selection features and conservation objectives of Belfast Lough SPA / Outer Belfast Lough ASSI.

9. There must be no storage of construction equipment and/or materials within the Q200 tidal floodplain.

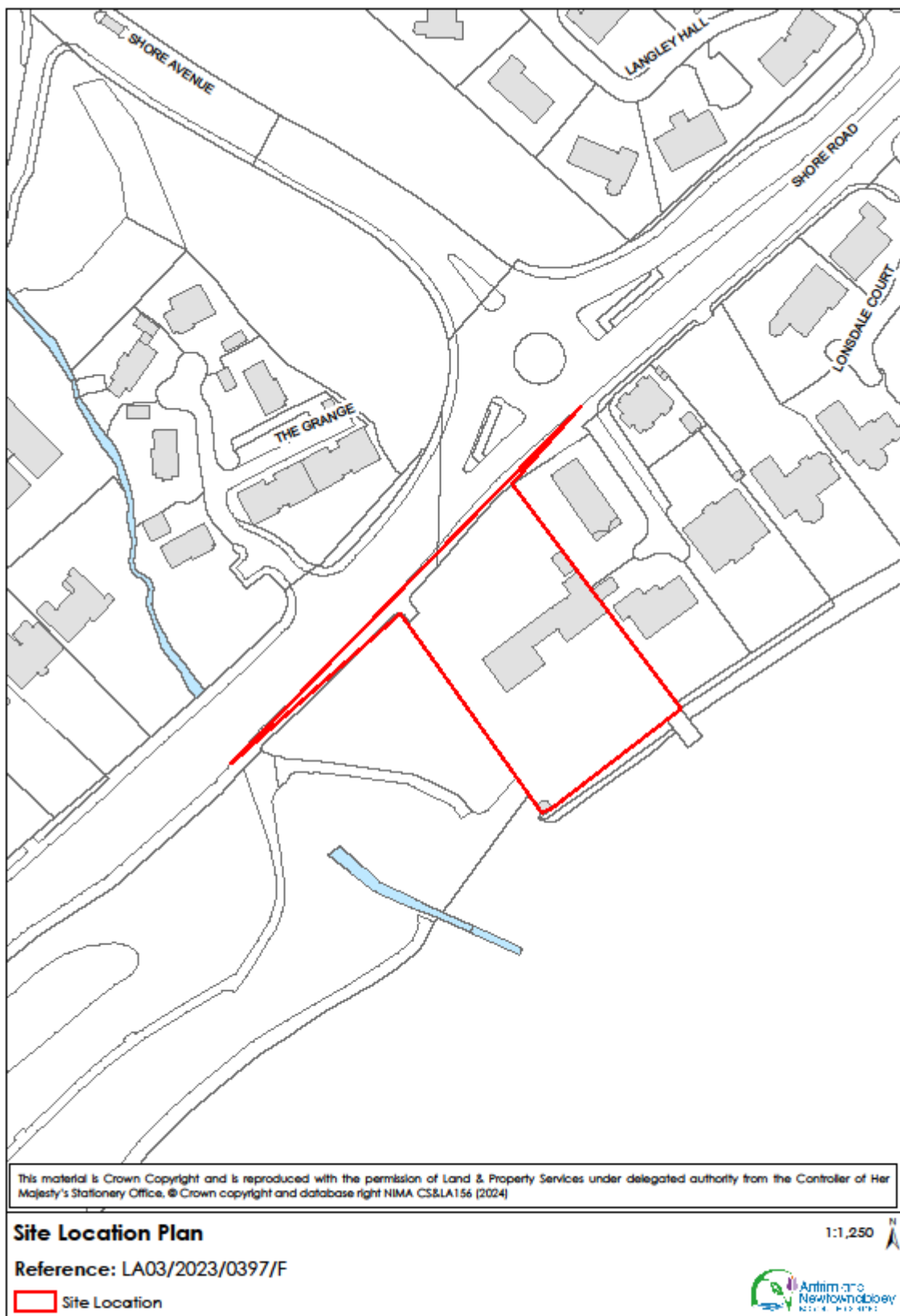
Reason: To protect the site selection features and conservation objectives of Belfast Lough SPA / Ramsar, Belfast Lough Open Water SPA and East Coast (NI) Marine proposed SPA should a coastal flooding event occur.

10. In the event that previously unknown contamination is discovered, development on the site shall cease pending submission and agreement of a written report detailing the proposed investigation, risk assessment and remediation strategy. Development works shall not resume until the agreed written report has been fully implemented to the satisfaction of the Council.

Reason: In the interest of public health.

11. 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 adequate wastewater treatment capacity is available and to ensure the project will not have an adverse effect on the integrity of any European site.



<b>COMMITTEE ITEM</b>	<b>3.4</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0861/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>RECOMMENDED REFUSAL</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	6 no. apartments
<b>SITE/LOCATION</b>	415 Antrim Road, Newtownabbey, BT36 5ED
<b>APPLICANT</b>	PF Creagh Residential Property Developments
<b>AGENT</b>	PF Creagh Residential Property Developments
<b>LAST SITE VISIT</b>	21 January 2024
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 90340406 Email: sairead.debrun@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>  <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 415 Antrim Road, Glengormley which is located within the development limit of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan and draft Belfast Metropolitan Area Plan (published 2004).</p> <p>The site currently contains a single storey, detached dwelling with a pitched roof and a flat roof, rear extension. The site has its own gated entrance located in the south-eastern most corner of the site, with a vehicular driveway running along the eastern boundary and accessing a detached garage in the eastern corner. There is a garden area to both the front and rear of the dwelling.</p> <p>A mature hedge defines the front (south-western) and roadside boundary of the site and a number of mature trees are located along the rear (north-eastern) boundary. The eastern boundary is defined partly by a low, yet mature hedge, with a small section of a 1.8 metre high wall, and the gable wall of the detached garage. Along the western boundary is a 1.6 -1.8 metre high brick wall, and a low hedge towards the front of the boundary.</p> <p>Residential properties are located either side of the application site; to the west is a two storey apartment block (No 417 Antrim Road), and to the east, a single storey detached dwelling (No. 413 Antrim Road).</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Application Number: U/2008/0263/F  Location: 417 Antrim Road, Newtownabbey  Decision: Permission Granted  Decision Date: 19 January 2009  Proposal: Demolition of existing house and erection of 6 No. new apartments and associated car parking.</p>	

Application Number: U/2009/0067/F

Location: 417 Antrim Road, Newtownabbey

Decision: Permission Granted

Decision Date: 17 July 2009

Proposal: Demolition of existing house and erection of 8no. apartments and associated car parking.

#### **PLANNING POLICY AND GUIDANCE**

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

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

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

Belfast Urban Area Plan: The site is located within the settlement limits. The plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (2004): The application site is located within the settlement limits of Metropolitan Newtownabbey as designated by these plans. These plans offers no specific guidance on this proposal.

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.

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

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

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

Places Design Guide.

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas: sets out planning policy and guidance on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements.

## **CONSULTATION**

**Environmental Health Section** – No objection

**DfI Roads** – No objection

**NI Water** – Recommend refusal

## **REPRESENTATION**

Twenty five (25) neighbouring properties were notified of the application and ten (10) objections have been received from five (5) addresses. The full representations made regarding this proposal are available to view online at the Planning Portal: (<http://www.planningregister.planningsystemni.gov.uk/simple-search>)

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

- Design of the development is not in keeping with the character of the area;
- Impact of the development on the character of the area;
- Overlooking, overshadowing, dominance of neighbouring properties;
- Higher density than the surrounding developments;
- Impact on property prices;
- Apartments will be sold to rent, and the impact of occupants on antisocial behaviour and use of bin facilities;
- Increased noise levels during construction and following occupation;
- Insufficient parking available; and
- Removal of trees and grass to the front of the site with insufficient details provided on the replanting scheme.

## **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 Impact on the Character of the Area
- Neighbour Amenity
- Private Amenity
- Access, Movement and Parking
- Other Matters

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

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application.

The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained in the following PPSs which provide the relevant regional policy context for consideration of the proposal:

- PPS 2: Natural Heritage;
- PPS 3: Access, Movement and Parking;
- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas; and
- DCAN 8 - Housing in Existing Urban Areas.

Within this policy context, it is considered the principle of housing development on the site is acceptable, subject to the development complying with the Plan's provisions for residential development, and the creation of a quality residential environment, as well as meeting other requirements in accordance with regional policy and guidance, which are addressed in detail below.

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

Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposed development will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to all of a number of criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing, and appearance of buildings, structures, and landscaped and hard surfaced areas.

The proposed development takes the form of a three storey apartment block, measuring 8.3 metres to finished floor level. The building has a mansard type roof, with three windows in the roof on the front and rear elevations. The building contains six apartments and has an overall rectangular footprint, split somewhat into three parts; two apartments are located on each floor, one in the front section and one to the rear, with a slightly recessed middle portion containing a

communal landing, stairs and lift. Each apartment provides an open plan living/kitchen/dining area and a bathroom, a separate store, and two bedrooms, one of which has an ensuite. External finishes are shown as clay facing brick with a white masonry rendered panel to the entrance section, dark grey aluminium windows, and standing seam, dark grey cladding to the roof.

The proposed apartment block will be accessed via a new vehicular entrance point onto the Antrim Road, with nine communal parking spaces to the front of the building, one of which is an ambulant space. An area of communal open space is shown to the rear of the apartment block, with a detached, single storey bike and bin store positioned along the eastern boundary. It is noted that the elevations and floorplan for this store (Drawing number 06, date stamp received 09 November 2023) do not appear to correlate with the elevations shown on the most recent drawing, No. 04B, received on 15 April 2024.

Although there are some commercial developments in the vicinity of the site, the application site is located in a predominately residential area along the Antrim Road. The existing development pattern in the area is dominated by single storey or two storey, detached and semi-detached houses. There is also a mix of gable and hipped rooves, with the prevalent material in the construction of these dwellings being red/brown facing brick; although there are some render and pebble dash external walls along this road. These existing buildings follow a strong building line, having been set back from the Antrim Road at the same distance. All these elements combine to give this section of the Antrim Road a well-defined sense of character, and the townscape 'grain' is clearly evident.

While the majority of the existing buildings are individual dwellings, there are some apartment developments within close proximity to the site; at No. 407 Antrim Road which is approximately 70 metres east of the site, and immediately adjacent to the site at No. 417 Antrim Road. It is acknowledged however, that both these apartment blocks are two storeys high.

Policy QD 1 of PPS 7 requires the development to respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing, and appearance of buildings, structures, and landscaped and hard surfaced areas. It is considered that the proposed development respects the surrounding context in terms of its density, position within the site, which follows existing building lines, and the use of clay facing brick and a small section of render as materials for the external walls. A substantial sized area of hardstanding is shown to the front of the building to accommodate parking, and although the surrounding dwellings mostly have a grass garden to the front, there are some sites in the locality where larger areas of hardstanding to the front have been provided. The proposal includes two small sections of soft landscaping in each corner of the site, and some new tree planting, which will help offset the visual impact of this expanse of hardstanding.

A concern of the objectors relates to this new proposed planting, highlighting that no details of these trees have been submitted. This assertion is correct, however, the submission of a landscaping scheme and management plan could be conditioned if any approval was to be forthcoming.

Nevertheless, despite the proposal meeting some of the criteria of Policy QD 1, it is considered that the development is inappropriate to the character of the surrounding area in terms of its scale, design and appearance, and this is a determining factor. As noted above, the Antrim Road is dominated by single storey and two storey buildings, whereas this proposal seeks to introduce a three storey building that is not characteristic of the area. Furthermore, the straight mansard type roof with windows in the roof is not a typical design feature of the surrounding area. The proposed dark grey cladding finishes of the upper section, are different to the remainder of the dwelling, which visually exaggerates the impact of the second floor. It is considered that this new apartment block is incompatible with its neighbouring development in terms of design, scale and appearance and will appear as being incongruous in the surrounding area. It is therefore considered that the development is contrary to criterion (a) of Policy QD 1 in PPS 7.

### **Neighbour Amenity**

Criterion (h) of Policy QD1 states that the design and layout should not create conflict with adjacent land uses and there should be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise, or other disturbance.

Objectors raised concerns regarding noise disturbance during the construction period, and it is acknowledged that there may be some noise resulting from construction works, however, construction noise is usually short term and such disturbance will cease to be a concern on completion of the development.

The area immediately surrounding the application site is residential, and as the proposed land use for this application site is also residential, the new development of 6no. apartments is not considered likely to create conflict with the adjacent land use. There is likely to be some increase in noise from cars and patrons within the site, however, given the number of units proposed this is not likely to be significant.

Well-designed layouts should, wherever possible, seek to minimise overlooking between dwellings and provide adequate space for privacy. To ensure there is no significant loss of amenity to adjoining dwellings, there must also be an adequate separation distance between new and existing developments. A number of objections have been received which state that the new apartment block will have an impact on their amenity by way of overlooking, overshadowing and dominance.

Creating Places advises that great care is needed when designing a new apartment scheme that includes living rooms or balconies on upper floors, as this can cause a significant loss of amenity to adjoining dwellings, particularly where they are close to the boundaries of existing properties. Good practice indicates that a separation distance of around 30 metres should be observed or, alternatively, consideration given to a modified design.

In this instance, the proposed development is sited close to the boundary of both the single storey dwelling at No. 413 Antrim Road, and the apartment block at No. 417 Antrim Road. A separation distance between the new development and No.

413 measures approximately 8.2 metres. This common boundary is currently defined by a mature hedge of around one metre in height, and the proposal seeks to retain this row of hedging. Windows on this side elevation facing No. 417 are high level and will serve the open plan kitchen/dining/living area. Views from these windows into the side and rear of No. 417 should be limited given their high level height, however, it is also along this eastern gable that the entrance door is located. The impact on the amenity of No. 417 from occupants and visitors accessing the apartment block could be mitigated by way of the erection of a 2 metre high boundary fence; however, in doing so, this may give rise to further concerns in terms of dominance of this fence and its impact on visual amenity.

The proposed apartment block is sited approximately 5.4 metres from the gable of No. 417 Antrim Road, a two storey apartment building. Again, the windows on this elevation are high level, and will serve only an en-suite. There are no concerns regarding the overlooking from this side gable.

Creating Places further advises that where an apartment development abuts the private garden areas of existing properties, a minimum distance of around 15 metres should be provided between the rear of the apartments and the common boundary. This development is located to the south of No. 21 Mossgrove Park, and abuts its private rear garden; although, the separation distance from the rear elevation of the new development to the common boundary is 19.5 metres, and in this instance, the potential for any significant detrimental impacts on the amenity of No. 21 is curtailed.

A further concern raised by an objector relates to the overshadowing of No. 413 Antrim Road. Given the movement of the sun, this property may experience some limited degree of overshadowing in the evening; however, it is considered that the building at No. 417 Antrim Road may already contribute to overshadowing at present, and any additional overshadowing by the proposed development would not give rise to a significant detrimental impact on the residential amenity of No. 413. However, due to the relatively small separation distance of 8.2 metres between this dwelling and the proposed three storey apartment building, there are concerns regarding dominance. Dominance is the extent to which a new development adversely impinges on the immediate aspect or outlook from an adjoining property, and neighbouring occupiers should not be adversely affected by a sense of being 'hemmed in' by the new development. In this case, a three storey building is proposed immediately adjacent to a single storey dwelling, and when viewed from this existing dwelling, it is considered that the apartment block will be dominant. There are a number of gable windows to No. 413 Antrim Road which serve a utility room, kitchen and living room. Outward views from these ground floor windows will be dominated by the proposed development, and it is considered that the proposal will appear excessively large and overbearing.

### **Private Amenity**

Supplementary guidance issued through the document Creating Places advises on the amount of private amenity space that should be provided for certain types of development. This document recommends that for apartment developments, private communal open space in the form of landscaped gardens, courtyards, or roof gardens, will be acceptable, with the amount of space ranging from 10 sqm

per unit to around 30 sqm per unit. The overall design concept and context of the proposed development should determine the level of private amenity space.

For this proposed development of six apartments, the amenity space is provided in the form of an area of communal open space to the rear. This area measures approximately 253.5 sqm, giving an average of 42.2 sqm per unit, which exceeds the upper level of open space recommended by Creating Places. The level of private open space being provided, therefore, is sufficient to meet with criterion (c) of Policy QD 1 of PPS 7.

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

Access to the proposed development is taken directly off the Antrim Road, via a new access point slightly northwest of the existing. DfI Roads has assessed this element of the proposal and is satisfied that the development can be safely accessed.

The objectors have raised concerns with the level of parking, stating that it is insufficient for the proposed development and will lead to parking on nearby residential streets. Table 7 in Section 20 of Creating Places sets out the required number of spaces for certain types of residential development. This proposal is for six, two-bedroom apartments with communal parking spaces. Calculations based on the above table would indicate that nine spaces are required. The proposed development is capable of providing this level of in-curtilage parking, with nine communal parking spaces shown to the front of the apartment block, one of which is an ambulant parking space. It is considered that an appropriate level of car parking is provided, and 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 for the development. It is considered the proposal complies with PPS 3 'Access, Movement and Parking'.

### **Other Matters**

#### *NI Water Capacity issues*

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.

#### *Decrease in Value of Property*

With respect to concerns regarding the devaluation of existing neighbouring properties, the perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case, no verifiable evidence has been submitted to indicate what exact effect this proposal is likely to have on property values. Therefore, there is no certainty that this would occur as a direct consequence of the proposed development, nor any indication that such an effect in any case would be long lasting or disproportionate. Accordingly, it is considered that this issue should not be afforded determining weight in the determination of this application.

#### *Future occupants of the development*

An objector has stated that the existing residential properties are owner occupier, and that the proposed development will be sold to rent, with no control over the behaviour of any future occupant. The applicant has given no indication of who the future residents of the proposed apartment block will be, however, whether the apartments are owner occupied or let out is not a material planning consideration.

### **CONCLUSION**

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

- The principle of development is acceptable;
- The design, layout and appearance of the proposed development is not acceptable;
- It is considered that the proposed development will have an adverse impact on the character and appearance of the area;
- The proposed development would have an unacceptable impact on the amenity of adjacent residential properties; and
- Adequate access and parking arrangements have been provided.

### **RECOMMENDATION | REFUSE PLANNING PERMISSION**

### **PROPOSED REASON OF 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 its design and would have a detrimental impact on neighbouring amenity by way of overlooking and dominance.



<b>COMMITTEE ITEM</b>	<b>3.5</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0277/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>RECOMMENDED REFUSAL</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Demolition of existing buildings on site and erection of 12 No. apartments, including associated and ancillary works.
<b>SITE/LOCATION</b>	28 The Square Ballyclare, BT39 9BB
<b>APPLICANT</b>	Colin Fletcher
<b>AGENT</b>	Gravis Planning
<b>LAST SITE VISIT</b>	8 <sup>th</sup> April 2024
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 90340406 Email: <a href="mailto:Sairead.debrun@antrimandnewtownabbey.gov.uk">Sairead.debrun@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">https://planningregister.planningsystemni.gov.uk</a></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 28 The Square, Ballyclare and extends eastwards towards Park Street. The site falls within the Town Centre of Ballyclare, and is within a draft Area of Townscape Character as defined within draft BMAP (published 2004).</p> <p>The site is located just past the northern edge of the Market Square at North End, and currently contains a two storey building that is sited right on the public footpath. This building demonstrates a number of vernacular architectural features, including vertical emphasis to the fenestration pattern and an archway allowing access to the rear of the property. The roof is simple 'A' type, pitching away from the street, with no chimneys. Externally, the building is smooth rendered and painted, with smooth plaster mouldings to the windows and detailing along the eaves. The building is currently vacant, however a shopfront has been inserted at ground floor level with vinyl film applied to the windows. A shop sign advertising a hair and beauty salon remains on the front of the building.</p> <p>The application site includes part of a grassed area of open space to the north of the existing building. This open space resulted from the demolition of two buildings that formed a terrace of properties and No. 6 North End. Access to the rear of the site is from Park Street.</p> <p>The built form of the area is generally two and three storey buildings, vernacular in appearance. Market Square forms the architectural centre piece of Ballyclare, with the Town Hall building as its focus. The remaining buildings which form Market Square tend to be much plainer in architectural style, so as not to compete with the Town Hall.</p>	

## RELEVANT PLANNING HISTORY

Planning Reference: LA03/2016/0694/F

Location: 2-4 North End Road and 28 The Square, Ballyclare, BT39 9BB

Proposal: Proposed 3 no. retail units to ground and first floors and proposed 4 no. 2 bed apartments to first and second floors

Decision: Permission Granted

Decision Date: 21 September 2017

Planning Reference: LA03/2022/0771/DC

Location: 2-4 North End Road and 28 The Square, Ballyclare, BT39 9BB

Proposal: Proposed 3 no. retail units to ground and first floors and proposed 4 no. 2 bed apartments to first and second floors (Amended Design) (Discharge of Condition 4 of planning approval LA03/2016/0694/F regarding the submission of a programme of archaeological works.)

Decision: Discharge Consent Refused

Decision Date: 27 September 2022

Planning Reference: LA03/2022/0791/F

Location: 2-4 North End Road and 28 The Square, Ballyclare, BT39 9BB

Proposal: Proposed 3 No. commercial units to ground floor and first floor and proposed 4 no. 2 bed apartments to first and second floors

Decision: Permission Granted

Decision Date: 04 November 2022

## PLANNING POLICY AND GUIDANCE

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

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

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

Draft Newtownabbey Area Plan 2005 (dNAP): The application site is located within the settlement limit of Ballyclare, within the town centre. The plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located in Ballyclare Town Centre (designation BE 22) and also within the

Ballyclare Area of Townscape Character (ATC) under zoning reference BE 15. The plan offers no other specific guidance on this proposal.

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.

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

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

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

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

## **CONSULTATION**

**Environmental Health Section** - No objection, subject to condition

**DfI Rivers** - No objection, subject to condition

**NI Water** - No objection

**DfI Roads** - No objection

**Historic Environment Division (HED)** - No objection

**Belfast International Airport** - No objection

**NIEA Regulation Unit** - No objection

## **REPRESENTATION**

Seven (7) neighbouring properties were notified of the application and one (1) representation has been received. The full representations made regarding this proposal are available to view online at the Planning Portal:

(<http://www.planningregister.planningsystemni.gov.uk/simple-search>)

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

- Potential for residents of the proposed development to raise future noise complaints regarding noise arising from the existing Asda store.

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

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

- Policy Context and Principle of Development
- Demolition in a draft Area of Townscape Character
- Design, Layout and Appearance
- Amenity Space
- Neighbour Amenity
- Impact of the Character and Appearance of the Conservation Area
- Access, Movement and Parking
- Impact on Natural Heritage
- Other Matters

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

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for 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 in this part of the Borough.

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

Both of the relevant development plans identify the application site as being within the settlement limit for Ballyclare. The site also falls within a draft Area of Townscape Character as defined within the draft Belfast Metropolitan Area Plan (dBMAP) published in 2004. This Plan states that development proposals within the Ballyclare ATC will be assessed against design criterion 4A and 5B as outlined in Policy UE3 in Part 3, Volume 1 of the Plan. The plan offers no other specific guidance on this proposal.

The SPPS sets out that planning authorities will operate a town centre first approach for retail and main town centre uses; that retailing will be directed to town centres, and that retail/town centre uses will be assessed in accordance with other normal planning criteria, such as transportation and access arrangements, design, environmental and amenity impacts.

While there is a predisposition towards promoting retailing and other complementary functions within the town centre, this does not preclude residential development. Policy HOU 4 'City and Town Centre Living' of draft BMAP indicates that planning permission will be granted for proposals that increase housing stock in designated city and town centres where they meet regional policies and are in accordance with the plan proposals. With reference to BMAP, there are no specific proposals relating to the application site.

This application site formed part of two previous planning applications (Ref's: LA03/2016/0694/F and LA03/2022/0791/F). Both these applications were approved for a mixed use development comprising residential and retail floorspace. The approved retail element has been omitted from this current application, nevertheless, the principle of residential development on this site has been previously established.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPS's).

In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and those contained in the following PPS's which provide the relevant regional policy context for consideration of the proposal:

- PPS 3: Parking and Movement;
- PPS 6: Planning, Archaeology, and the Built Heritage
- PPS 7: Quality Residential Environments; and
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas.

As the application site is within the settlement limits of Ballyclare, and there is previous planning history on the site, the principle of residential development is considered acceptable, subject to the proposal creating a quality residential environment in accordance with Policy QD1 of PPS 7 and the Creating Places design guide as well as meeting other relevant policies.

### **Demolition in an Area of Townscape Character**

Draft BMAP proposed a draft Area of Townscape Character (ATC) for Ballyclare (BE 15). It should be noted that neither the policy nor advice contained in draft BMAP, nor the provision of PPS 6 (Addendum) Areas of Townscape Character (APPS 6), can be applied to draft ATC designations in advance of the formal adoption of the Council's Local Development Plan. Nevertheless, the impact of development on the character and appearance of these draft ATC's remains a material consideration.

Whilst, as indicated above, neither the policy nor the advice contained in draft BMAP, nor the provisions of APPS 6 can be applied to the draft ATCs, there are nevertheless legislative provisions, that introduce control over demolition in these areas. With the exception of buildings under 115 cubic metres and certain means of enclosure, the demolition of a building within the proposed draft ATCs in dBMAP

require the express grant of permission. In this case, the demolition of the existing building on site forms part of this planning application, which seeks to redevelop the site.

Although not accompanying this application, a structural engineer's report was submitted alongside application Ref: LA03/2022/0791/F (Document 02, date stamped 2nd September 2022). This report concluded that adaptation works to the existing building would entail extensive and costly structural support work, due to the construction and layout of load bearing walls. These works would ultimately bring into question the commercial viability of the proposal.

While it is acknowledged that the evident character and typical built form of the subject building contributes to the overall character of the area, the materiality of its contribution is considered as below:

- The subject building sits just beyond the four corners of The Square to which it most directly relates to;
- It is located at the end of a sequence of buildings leading away from The Square;
- Its only adjoining neighbour is also of two storeys in height and demonstrates a vernacular appearance typical to the area; and
- Its presence in the streetscene and the visual contribution is limited to a relatively limited number of vistas when compared with more prominent buildings at the corners of The Square.

Overall, it is not considered that, in its own right, the demolition of the subject building and its typical vernacular character and plainer architectural style, would have a significant adverse impact on the quality of the wider context of the draft ATC. In light of this assessment, it is considered that the proposed demolition is acceptable.

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

Both Planning Policy Statement 7: Quality Residential Environments and the Regional Development Strategy encourage the reuse of urban land; however, this is caveated by stating that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas and that schemes should be sensitive in design terms to people living in the area and to local character. PPS7 reiterates the need for sensitivity and in Policy QD1 of PPS 7 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

Paragraph 6.137 of the SPPS refers to the need to deliver increased housing without town cramming. Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposed development will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to a number of criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard surfaced areas.

The proposed development takes the form of twelve (12) apartments which include seven (7) one bedroom and five (5) two bedroom apartments, arranged over three floors in a new, three storey high building, that has a ridge height of approximately 8.7 metres from finished floor level. The proposed apartment block appears as two separate buildings, with the northern portion stepped back behind the building line of the southern element. The two parts are linked internally by a communal hall. Access to the apartment block is from both the western elevation off North End, and at the eastern elevation from Park Street. External finishes are shown as white rendered walls with a render plinth and a white plaster horizontal band between the ground and first floor, and again at eaves height, aluminium windows surrounded by a white plaster banding, black roof slates with fibre cement board to the side and rear elevations, metal rainwater goods and timber doors. The dormer windows on the front elevation are shown as sheet metal (lead or zinc) with flat or standing seam joints.

Located to the rear of the building are two areas of communal open space, a covered bike stand, and two separate covered bin storage areas, surrounded by hard landscaping pavers. Small areas of new landscape planting are shown along the boundaries of the communal open space areas. Three parking spaces are also shown to the rear, and are accessed from Park Street.

The application site is located in close proximity to Ballyclare Town Hall, which sits to the south of the site, and is a Grade B2 Listed Building of special architectural and historic interest. The scale, proportions, massing, design and overall appearance of the new building are considered appropriate for its context, and reflect the traditional built form, proportion, and rhythm of openings in the wider setting of the Town Hall. The positioning of the proposed development respects the building line of the adjacent buildings, with the southern half of the building tying in with No. 26 The Square, and the northern part following the building line of No. 6 North End.

It is considered that the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures, and landscaped and hard surfaced areas, thereby meeting with criterion (a) of Policy QD 1 of PPS 7.

### **Private Amenity**

Supplementary guidance issued through the document Creating Places, advises that private communal open space in the form of landscaped gardens, courtyards, or roof gardens will be acceptable, with the amount of space ranging from 10 sqm per unit to around 30 sqm per unit. The overall design concept and context of the proposed development should determine the level of private amenity space.

For this proposed development of twelve apartments, the amenity space is provided in the form of individual balconies to a number of units, with communal open space to the rear. The total amount of amenity space for the whole development is measured at 161.41sqm, giving an average of 13.5sqm per unit. Apartments 1, 2, 5 and 6 are provided with an amenity area to the front of each

unit and accessed through the kitchen/dining/living area. These amenity areas range in size from 8.77sqm to 11.23 sqm. Apartments 7, 8, 9, and 12 are located to the rear of the new building and have balcony areas of around 2 sqm in size. The remaining private amenity space is located behind the building line of the new development. A wall of 2.4 metres in height is shown along the eastern boundary to ensure privacy from Park Street.

It is acknowledged that the level of private communal space for the apartments is at the lower end of the space standards for apartment development as per the Creating Places guidelines. While the level of amenity space is low, the application site is located west of the Six Mile Water Leisure Centre and its associated open space, which is accessible from the site via pedestrian footpaths. This area of open space is also linked via pedestrian paths to the western side of Six Mile Water Park.

It is considered that a development requiring a lower level of private amenity provision is acceptable on this application site given that it is located within the Town Centre boundary for Ballyclare. Furthermore, the level of public open space provision in close proximity to the application site, together with the level of private open space being provided, is considered sufficient to meet with criterion (c) of Policy QD 1 of PPS 7 and adequate provision is made for open space.

### **Neighbour Amenity**

Criteria (h) of Policy QD 1 in PPS 7 requires that the design and layout of the development will not create conflict with adjacent land uses and there is no unacceptable adverse impact on existing or proposed properties.

The application site is located within the Town Centre for Ballyclare, with the surrounding land use comprising a mix of development types. Immediately adjacent to the site on the northern boundary is an area of open space, and adjoining the site to the south is a vacant commercial building. There are no residential properties adjacent to the site, and in this regard, there will be no unacceptable impact on existing residential properties. Furthermore, it is considered that the proposed development has been appropriately designed to ensure that there will be no detrimental impact on the amenity of proposed residents from overlooking, loss of light or overshadowing.

The application was accompanied by Noise and Odour Impact Assessments, which were reviewed by the Council's Environmental Health Section (EHS) which indicated in their consultation response that they are satisfied that the amenity of the proposed development can be protected and has recommended suitable noise and odour control conditions to be attached to any grant of permission, should it be forthcoming.

One objection has been received from the Asda Superstore, which is located approximately 150 metres northeast of the application site. The concerns raised by the objector relate to noise complaints, and the potential for the prospective residents of the proposed development to raise noise complaints regarding the operations of this retail unit, with the possibility of the future operations of Asda being curtailed. Asda has been trading at this location since March 2008, and so there is an element of 'caveat emptor' in this instance, which largely translates to a 'buyer beware' circumstance. Any future residents of the proposed scheme will

be aware of the Asda superstore and the potential for noise arising from the supermarket. Nevertheless, EHS has assessed the proposal and raised no concerns with noise from Asda on the amenity of occupants of the proposed development.

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

Pedestrian access to the proposed apartment block is from both The Square and Park Street. Three unassigned parking spaces are shown to the rear of the proposed building, one of which is a disabled parking space. DfI Roads was consulted with the proposal, and in their most recent response dated 25 May 2023, no objection was raised in relation to the impact of the development on the means of access or road safety. DfI Roads however, did advise that the parking was 'substandard'.

In accordance with the Parking Standards document from DoE and reissued by DfI in October 2019, a total of 16.25 unassigned parking spaces should be provided for this development; 8.75 spaces for the seven, one-bedroom apartments, and 7.5 spaces for the five two-bedroom apartments. The applicant has only provided 3 spaces in total resulting in a shortfall of 13.25 spaces.

The applicant has presented a case in support of reduced parking for the new development, in a letter dated 18 September 2023. The case is centred around three points;

- The application site is located within the Town Centre of Ballyclare; it is within walking distance of local shops, services and public transport links, and there is sufficient on-street parking available within walking distance of the site.
- There is a low level of car ownership amongst potential end users of the site, and the 2011 Census data indicates a low level of car ownership in the area.
- Reduced parking was accepted for the previously approved scheme (Ref: LA03/2022/0791/F) on this application site, with reduced parking also considered acceptable for a similar scheme approximately 70 metres from the site (Ref: U/2014/0363/F).

The arguments put forward by the applicant have been considered and it is accepted that policy would allow for a reduced parking scheme for the proposed development due to the town centre location of the application site. There are nearby public transport links and there is an understanding that occupants of social housing schemes generally have a lower level of car ownership which would also contribute to a possible reduction in car parking. The Council also acknowledges that the previous scheme approved on this site offered a reduced level of parking.

However, while a reduction in parking would be acceptable, that does not mean that any reduction is acceptable, in this case the shortfall requested is 80% below the standard. It would appear that the developer is relying heavily upon on-street parking to make up the shortfall in parking provision. The applicant carried out parking surveys in the area of the application site on 16 February 2023 and 20

February 2023, the results of which are included within Appendix C of the Transport Assessment Form (TAF) (Document 04, date stamp received 31 March 2023). It is noted that these surveys were only carried out on two separate occasions, and on both dates only at one particular time in the evening when shops are likely to be closed. The agent argues that a residential parking survey only needs to be carried out during peak residential parking times, i.e. between 19:00 and 07:00. Outside of these times, the agent has stated that residents will be at work or out of their home, and so there will be less competition with customers of the retail units for any on street parking.

Through the parking surveys, the agent identified that at least 40 on-street parking spaces were available, which they claim could be used by future residents of the proposed development. These spaces are located along Park Street, around The Square, on the Rashee Road, Ballyeaston Road and the Ballycorr Road. Although the agent has demonstrated that there is on-street parking within the vicinity of the site, it has not been satisfactorily demonstrated that these parking spaces will be available to the future occupants of this development. Essentially, these are public parking spaces which serve the surrounding commercial and retail units, and the availability of these spaces to serve this residential development cannot be relied upon. Additionally, the photos in Appendix C of the TAF, as well as Google street view images, show cars parked in a number of these spaces, which would compound the view that not all the spaces identified in the parking survey are sitting vacant; these spaces are being used and therefore, will not always be readily available for the future residents of the proposed scheme. Even if the prospective occupants were to avail of these parking spaces, the developer has not provided any further details on where the displaced cars will then park. It is considered that relying on these public car parking spaces to serve the proposed development will only shift the parking issue to other areas of the town and could have an impact upon the viability of the town centre area.

Furthermore, a number of the spaces highlighted by the applicant are subject to parking restrictions, with a parking time of only 60 minutes allowed between 09:00 and 17:00, and no return within one hour. The Council contends that these spaces may not be suitable for potential residents who may require parking for their vehicle during these times of the day, and should be discounted from the parking survey. The agent disputes this however, reverting back to the claim that peak residential parking times are outside of the parking restriction times, and as such, parking restrictions are not an issue.

The applicant identified a radius of 200 metres from the application site and carried out their parking survey of streets within this radius, advising that this is the standard 'walking distance' referred to in Creating Places (paragraph 9.16). This paragraph of Creating Places deals specifically with bus stops, advising that the majority of residential units should be sited within 200 metres walking distance of a bus stop. No reference to parking provision is made within this paragraph, or indeed Section 9 of Creating Places, which only refers to bus routes.

One of the main objectives, as set out in Section 11, Parking Provision, of Creating Places, is to 'reduce risks of theft and vandalism, by providing informal surveillance of parking spaces'; and while these spaces may be within the identified 200

metres of the proposed apartments, they are located at a distance too far from the residential units to allow for any informal surveillance.

The applicant has referred to a previous planning approval on this site, Ref: LA03/2022/0791/F, drawing comparisons between the reduced parking provisions accepted for this development and the current proposed scheme. The preceding approval was for a mixed use development of three commercial units to ground floor and first floor, and four two-bed apartments to first and second floors, at Nos. 2-4 North End Road and No. 28 The Square. A total of 32 parking spaces were required for this development; made up of 26 spaces for the commercial floor-space and six spaces for the residential units. The Council accepted six parking spaces and one disabled space, on the basis that the 26 spaces required for the retail units could be provided by on-street parking as these parking requirements would be for short term visitors to the town centre which would likely visit a number of commercial premises during their trip, and that the parking provided for the apartments was on a ratio of 1:1, with one disabled space. Applying the same reasoning to this development would require 12 parking spaces for the apartments, and at least one additional disabled parking space. As noted above, the application proposes only three spaces in total.

With reference to this previous approval, the agent argues that there was no distinction set out between the parking spaces for the commercial element and those for the residential units, stating that the spaces approved under application ref: LA03/2022/0791/F are all 'unallocated' and can be used by either the residents or customers of the retail units. The Council did apply a distinction however, and although not explicitly stated in the case officers report for the previous application, it can be taken as read that parking for retail units can be accommodated through on street parking. The Council therefore allowed a reduced parking scheme, on the basis that one parking space was provided for each apartment. This new proposal does not provide the same ratio of parking to apartments.

The applicant also referred to application Ref: U/2014/0363/F which was approved in April 2016 for a mixed use development of community and residential uses at Nos. 8 – 14 The Square which proposed 39 apartments, which would require 55.25 parking spaces when assessed against the Parking Standards document. In this instance, the Council accepted a reduced parking provision of 14 spaces, which represents a significant reduction in parking spaces. Whilst acknowledging this shortfall, the Council must assess each application on its own merits, taking into account the relevant factors of each application at the time when the decision was made. A reduction in parking on one site does not automatically allow for a reduction in parking on all sites which propose a similar land use.

The arguments put forward by the agent in September 2023 were assessed, and the agent was subsequently advised that these arguments did not overcome the concerns of the Council regarding the level of parking provision for this development. The agent submitted a further letter in an attempt to provide some clarification to his previous arguments. This letter was received by the Council on 10 May 2024, and it does not raise any new information to be considered.

**Other Matters***Historic Built Environment*

The site is located within close proximity to Ballyclare Town Hall, a Grade B2 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. HED (Historic Buildings) was consulted on the proposal and in their response dated 3 October 2023 states that the proposal satisfies the requirements set out in paragraph 6.12 of the SPPS and Policy BH 11 of PPS 6, subject to relatively minor design changes. These changes have been carried out by the applicant.

HED (Historic Monuments) is also content that the proposal satisfies PPS 6 requirements, subject to a condition for the agreement and implementation of a developer-funded programme of archaeological works.

*Flooding*

The application was accompanied by a Drainage Assessment (DOC 09, date stamp received 11 May 2023), and a Pre-Development Enquiry (PDE) response from NI Water (DOC 10, date stamp received 18 May 2023). DfI Rivers reviewed both documents and has raised no objection to the proposed development from a flooding perspective.

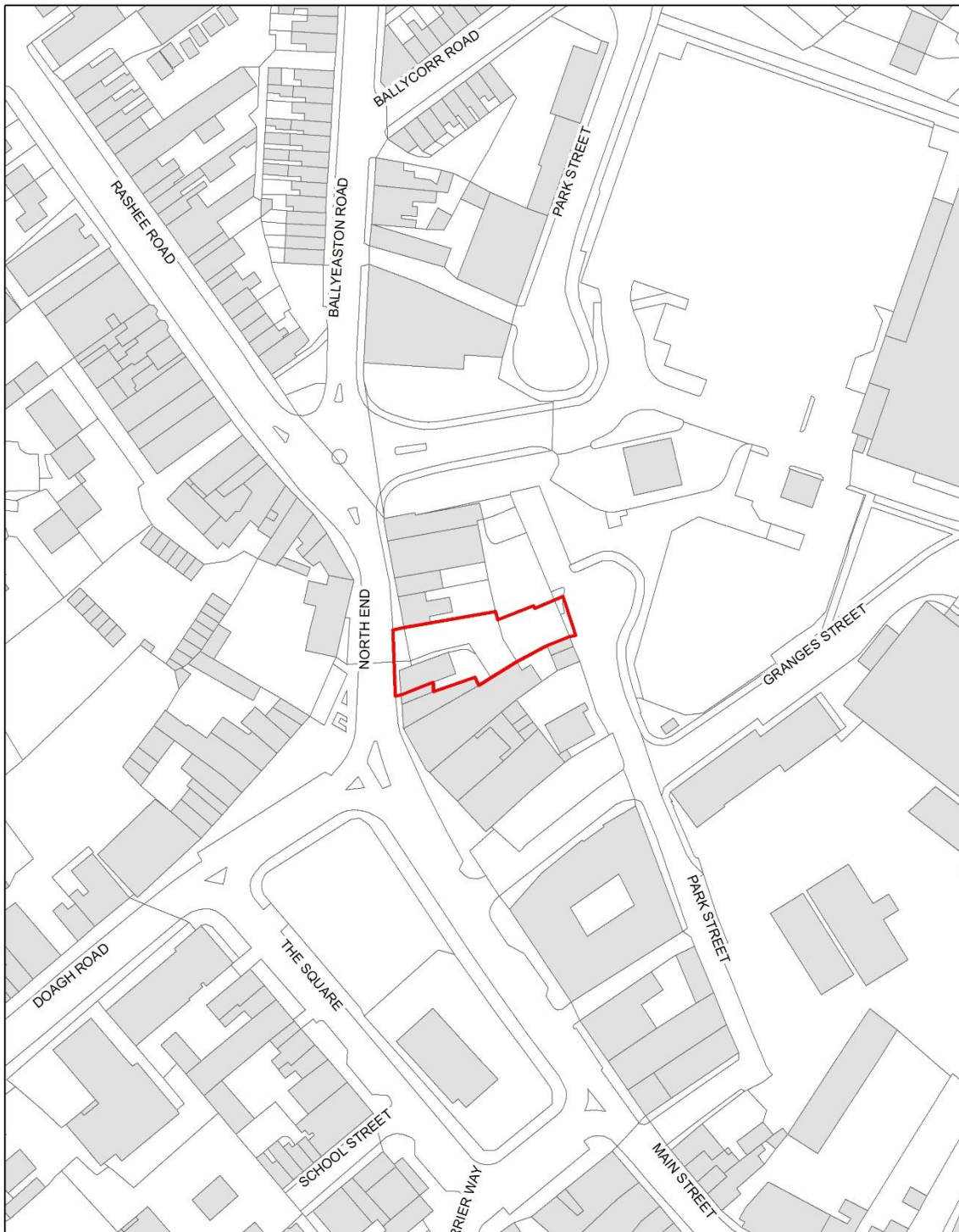
**CONCLUSION**

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

- The principle of the development is acceptable;
- The size, scale and massing of the proposal are suitable for the site and the surrounding area;
- There will not be unacceptable adverse impact on neighbouring amenity;
- It has not been demonstrated that appropriate provision has been made for car parking; and
- There will not be an unacceptable adverse impact on the historic built environment.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and criterion (f) of Policy QD 1 of Planning Policy Statement 7 Quality Residential Environments, in that adequate and appropriate provision has not been made for parking.



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## Site Location Plan

1:1,250 

**Reference:** LA03/2023/0277/F

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.6</b>
<b>APPLICATION NO</b>	<b>LA03/2024/0094/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Erection of 4no retirement bungalows, parking, landscaping, and associated site works (in substitution for nursing home approved under LA03/2016/0902/RM)
<b>SITE/LOCATION</b>	Land 40 metres east of No. 1 Castle Lodge, Randalstown
<b>APPLICANT</b>	JFM Construction
<b>AGENT</b>	Dermot Monaghan - MBA Planning
<b>LAST SITE VISIT</b>	9 <sup>th</sup> April 2024
<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">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located 40 metres to the east of No. 1 Castle Lodge, Randalstown which is located immediately outside of the development limit of Randalstown as defined by the Antrim Area Plan 1984-2001.</p> <p>The site has been cleared and appears readied for development. The application site's north-eastern and north-western boundaries are undefined. Mature hedgerows with interspersed trees are located along the site's south-eastern and south-western boundaries. The area immediately to the northwest of the application site is predominantly residential in character and consists of a number of recently constructed detached dwellings.</p> <p>The area beyond the application site to the east and the south is rural in character and consists of open countryside.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2021/1043/LDP  Proposal: Proposed completion of elderly persons nursing home in accordance with LA03/2016/0902/RM  Location: 30m SW 209 Castle Road, Randalstown  Decision: Appeal Allowed – June 2023</p> <p>Planning Reference: LA03/2016/0902/RM  Proposal: Proposed Elderly Persons Nursing Home  Location: 30m SW 209 Castle Road, Randalstown  Decision: Permission Granted -6<sup>th</sup> December 2016</p> <p>Planning Reference: T/2013/0289/O</p>	

Proposal: Proposed Elderly Persons Nursing Home (class C2 use)  
Location: 30m SW 209 Castle Road, Randalstown  
Decision: Permission Granted – 21<sup>st</sup> October 2013

Planning Reference: T/2010/0350/O  
Proposal: Proposed Elderly Persons Nursing Home (class C2 use)  
Location: 30m SW 209 Castle Road, Randalstown  
Decision: Permission Granted – 11<sup>th</sup> February 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.

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

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

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

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

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

PPS 21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

#### **CONSULTATION**

**Council's Environmental Health Section** – No objection

**Northern Ireland Water** – Refusal Recommended

**Department for Infrastructure Roads-** Additional information required.

#### **REPRESENTATION**

Seven (7) neighbouring properties were notified of the application and no objections have been received.

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

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

- Policy Context and Principle of Development
- Design, Layout and Appearance of the Area
- Neighbour Amenity
- Access and Parking
- Other Matters

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

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development.

In this case, the agent acknowledges that the proposal does not comply with the provisions of Policy CTY 1, and makes clear that the applicant is relying on other material considerations to justify the proposal, namely the site's planning history, the location of the site and the existing character of the area.

As noted above the application site avails of planning approval for a nursing home which was granted approval under planning application ref's: T/2013/0289/O and LA03/2021/0902/RM. Additionally, a certificate of lawfulness was granted at appeal under ref: LA03/2021/1043/LDP and appeal reference 2022/E0003. The approval of the certificate of lawfulness gives the applicant a lawful fall-back position in that the permission for the nursing home remains live and can be re-commenced at any time.

This application is for the erection of four (4) retirement dwellings and associated works. The agent for the application argues that the proposal is a more appropriate development for this edge of town site than the approved nursing home in that it would have a lesser visual impact, reduced floor space, a more attractive outlook and be less intensive in terms of traffic movements. The previous approval for the nursing home was granted by the former Department of the Environment and based on the comments found within the Case Officer Report for the application, a case was put forward by the agent at the time of the application to support the proposed location within the countryside.

The current proposal describes the dwelling units as 'retirement bungalows' and whilst it is acknowledged that they appear to have been designed to be accessible, they each contain two (2) bedrooms, a bathroom, an open plan kitchen and living space and a utility room and will function as independent dwelling units. No information to support the need for such 'retirement' dwellings outside of the development limit of Randalstown has been submitted with the application.

Whilst the points in relation to visual impact, reduced floor space, more favourable outlook and less traffic movements, raised by the agent may be valid and the site history is acknowledged, it is considered that the proposal does not provide any exceptional reason as to why this development of four (4) retirement dwellings is essential and could not be located within a settlement. The proposal is not a 'like for like' development and thus, the site's planning history alone is not considered to be an overriding material consideration that would justify a decision contrary to Policy CTY 1. PPS21 does not indicate that a grant of planning permission for a nursing home may be exchanged for a different form of residential development.

In conclusion, given that the proposal does not comply with the policy provisions of Policy CTY 1, the principle of four (4) retirement bungalows and the associated works cannot be established.

### **Design, Layout and Appearance of the Area**

All buildings in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

Policy CTY 13 requires that a new building in the countryside will not be prominent in the landscape and will integrate into its surroundings, whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area. Furthermore, Policy CTY 15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

In this case, the application site is located immediately adjacent to the settlement limits of Randalstown, which abuts the site's most western corner. The site's south-eastern boundary is defined by an existing hedgerow and mature trees. The south-western boundary also avails of partial definition with mature trees whilst the remaining two boundaries are presently undefined.

The four (4) proposed retirement dwellings are sited in the most south-western portion of the application site, leaving approximately one third of the site clear of development. The dwellings are sited to be accessed from a private driveway off the main Castle Gate Road (which is noted as an approved adopted roadway). Two (2) parking spaces are to be provided forward of each of the proposed dwelling houses.

The four (4) dwellings are to be single storey detached units. They are to be finished in smooth render with elements of facing brick. The roof is to be finished in black/grey tiles and windows in black uPVC. The dwellings on Sites 1 and 4 have also been designed to have a dual aspect onto the private driveway and Castle Lodge.

It is considered that the proposed dwellings are of an acceptable design that would be appropriate for the area in which the site is located. The site is also considered to provide a sufficient degree of enclosure whereby the existing boundary vegetation would permit the integration of the proposed dwelling units. The proposal is therefore considered to comply with the policy provisions of Policy CTY 13 of PPS 21.

As noted above the application site lies immediately adjacent to the development limit of Randalstown, which abuts the most western corner of the site. It is acknowledged that the newly constructed dwellings to the northwest of the site (Castle Gate) are also outside of the development limit. While the proposal would essentially result in an extension of built development breaking into the open countryside beyond the physical boundary of the Castle Gate road it is considered that the proposal would not appear anymore visually obtrusive than the previous grant of planning permission for a nursing home and would not result in a suburban style build-up of development or urban sprawl.

### **Neighbour Amenity**

As noted above the dwellings are each to be single storey. The design, siting, fenestration detailing and proposed boundary treatments will ensure that there will be no detrimental amenity impacts such as overshadowing, loss of light or dominance on any of the proposed dwellings or existing neighbouring dwelling units.

Overall, It is considered that the dwellings have been designed appropriately and would not compromise the amenity of any neighbouring occupiers (existing or proposed).

### **Access and Parking**

A new access is to be created onto the existing road at Castle Gate and each dwelling is to be served by two (2) parking spaces. DfI Roads has asked for a minor amendment to the proposal in relation to the provision of dropped kerbs. Overall, the access and parking arrangements appear generally acceptable.

**Other Matters**

NI Water was consulted on the proposal and has responded recommending 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.

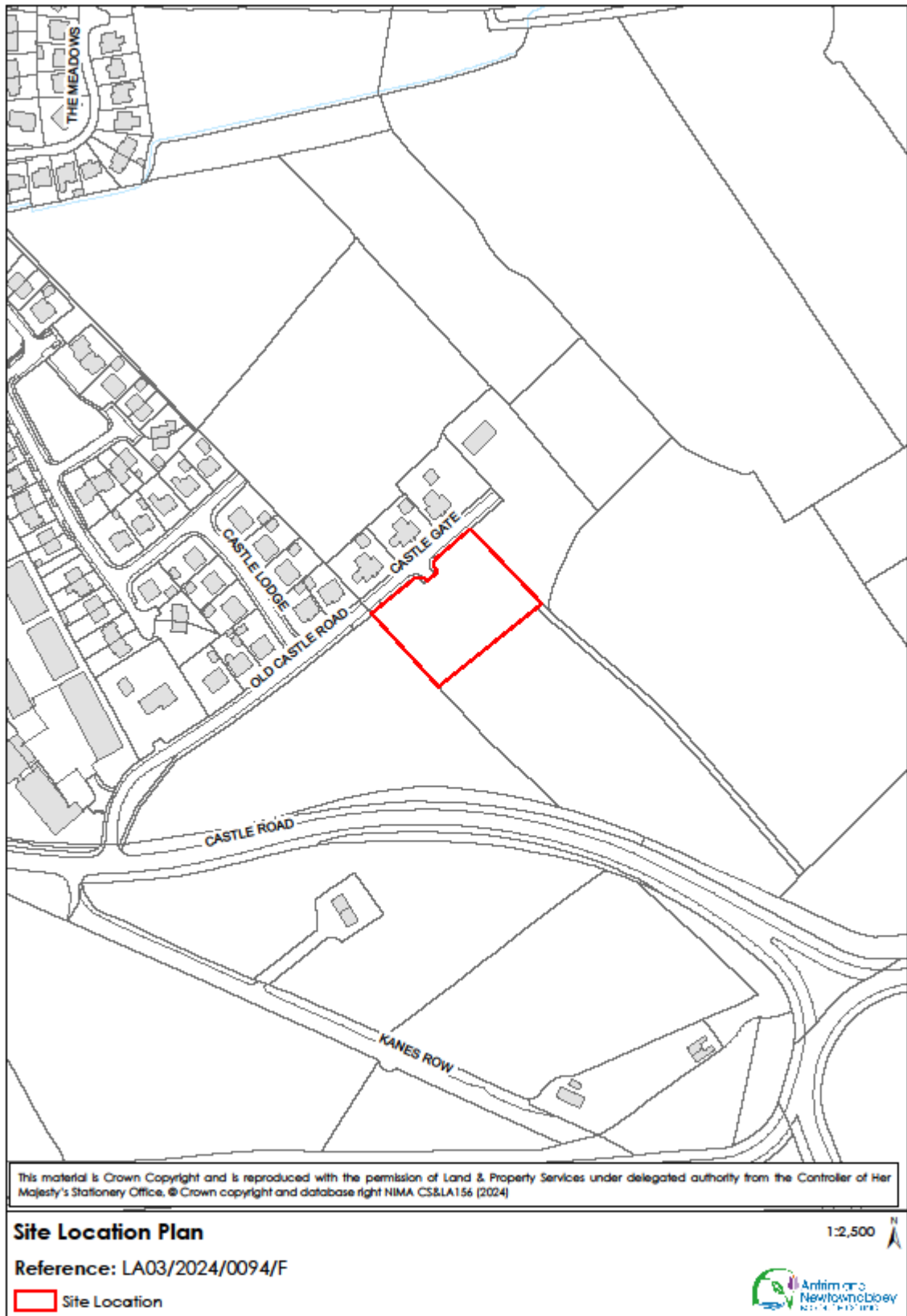
**CONCLUSION**

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

- The principle of the development has not been established in accordance with the policy provisions of Policy CTY 1;
- The design of the proposal is acceptable in accordance with Policy CTY 13;
- There would not be detrimental impact on amenity resultant from the proposal;
- The proposal would not create a suburban style build-up of development contrary to Policy CTY 14; and
- The proposal would not mar the distinction between the settlement of Randalstown and the countryside, contrary to Policy CTY 15.

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

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



<b>COMMITTEE ITEM</b>	<b>3.7</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0883/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for Dwelling and Garage
<b>SITE/LOCATION</b>	159m East of 28 Tardree Road, Kells, Ballymena
<b>APPLICANT</b>	Mr M Murphy
<b>AGENT</b>	Simpson Design (NI) Ltd
<b>LAST SITE VISIT</b>	9 <sup>th</sup> January 2024
<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">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located 159 metres east of No. 29 Tardree Road, Kells, which is within the countryside and outside any development limit as defined in the Antrim Area Plan 1984-2001.</p> <p>The application site comprises part of a larger agricultural field. The field abuts the roadside and its roadside boundary is presently defined by a 2 metre high hedge. The site's rear and south-westerly boundary is also defined with an existing hedgerow. The boundaries to the east and west remain undefined. The topography of the site sits slightly higher than road level immediately adjacent to the road but starts to fall away in a southerly direction towards the rear of the site.</p> <p>The area in which the application site is located is rural in character with distant views towards Tardree Forest to the west of the application site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984-2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p>	

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

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

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

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

PPS 21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

## **CONSULTATION**

**Council Environmental Health Section** – No objection

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads**- No objection, subject to condition

**DAERA Countryside Management Branch** – No objection

**Belfast International Airport** – No objection

## **REPRESENTATION**

Three (3) neighbouring properties were notified of the application and no objections 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
- Integration and Impact on the Character of the Area
- Neighbour Amenity
- Access and Parking
- Other Matters

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

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is a dwelling on a farm in accordance with Policy CTY 10.

Policy CTY 10 provides the appropriate policy context for the proposed development. It states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

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

The Department for Agriculture Environment and Rural Affairs – Countryside Management Branch Inspectorate (DAERA) was consulted as part of the assessment of the planning application. DAERA has confirmed that the farm business has been in existence in excess of 6 years and that the Farm Business ID was allocated on 13th August 2008, however, the applicant has only claimed Single Farm Payment in the years 2022 and 2023. In order to prove that the farm is active it was necessary to request further evidence to demonstrate active farming for the four years prior to 2022.

The agent has supplied a number of invoices for each of the required years. These are tied to the applicant's home address, which is the principle farm holding, and

included purchases such as calf feed, posts, gate hangers, livestock, livestock tags, stones and medication for animals. A copy of the applicant's herd book has also been submitted with movement dates noted in each year from 2017 – 2023. Taking into consideration the evidence provided, it is accepted that the farm business is currently active and has been established for at least 6 years in accordance with criteria (a) of Policy CTY 10.

Criteria (b) of Policy CTY 10 states that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. In this case, a history search has been completed for the lands identified on the farm maps submitted with the application. Based on our records, no other development opportunities appear to have been sold off in the last 10 years. It is also noted that the applicant has declared that no development opportunities have been sold off since November 2008 as per Q. 5 of the P1C Form. Given the above, it is considered that criteria (b) of Policy CTY 10 can also be met.

Criteria (c) of Policy CTY 10 states that the new building shall be visually linked or sited to cluster with an established group of buildings on the farm. In this case, the application site is located approximately 6 miles from the applicant's existing farm group at No. 15 Carnlea Road, Ballyclare. The policy does state that, exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either; demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s).

There are two fields immediately to the northwest of the existing farm buildings at No. 15 Carnlea Road, which are owned by the applicant and included within the farm holding. The applicant submitted a Planning Statement, Document 01 date stamped 23 November 2023 and supplied additional Supporting Information, Document 03 date stamped 18<sup>th</sup> April 2024 and Documents 04 and 05 date stamped 22<sup>nd</sup> May 2024, which provide the applicant's rationale for not visually linking with the buildings on the farm. This information advises that the lands are necessary for the efficient functioning of the farm business in that they are used to graze the applicant's pedigree sheep (which if grazed on lands elsewhere would be at risk from theft) and for keeping sick animals and pregnant cows.

It is also stated within Document 01 and further explained in Document 03 that the existing access at the farm is substandard and thus the intensification of this substandard access could lead to accidents and have an adverse impact on the health and safety of motorists. The applicant is arguing that this is a justifiable health and safety reason that would qualify the application as an exceptional case in accordance with Policy CTY 10. The applicant has referred to a 'precedent' for a similar case in a different Council area where a substandard access at an existing farm was considered as a demonstrable health and safety reason.

A letter from the Ulster Farmers Union (Document 05) has been submitted to support the application and advises that a dwelling is required at the applicant's lands at Tardree Road as these lands are used to keep suckler cows and sheep. It explains that during the spring the lands are used for outdoor calving and lambing and with no farm dwelling nearby the applicant has to travel from his home at Carnlea Road (approximately 6 miles from Tardree Road) to check on his animals which it advises

has the potential to impact the quality of stockmanship and therefore animal welfare.

The rationale provided in relation to animal safety and welfare would not correspond with the exceptional reasons laid out in the policy (i.e. health and safety or verifiable plans to expand the farm business) and thus are discounted. It is recognised that a dwelling at this location may be more convenient for the applicant in that there would be less travel involved but as stated above this does not meet with the exceptions tests stipulated under CTY10.

It is also considered that the existing farm access being substandard is not acceptable as a demonstrable health and safety reason for development to be located at an alternative site elsewhere on the farm. It is noted that no verifiable plans have been submitted to show that a safe access to lands adjacent to the farm buildings cannot be achieved. Furthermore, informal consultation with DfI Roads has indicated that an acceptable access could likely be provided to these lands adjacent to No. 15 Carnlea Road (the applicant's main farm holding).

Based on the information provided, it is considered that the proposal does not form an exceptional case, which would permit an alternative site elsewhere on the farm and therefore is contrary to criteria (c) of Policy CTY 10. The principle of development therefore cannot be established.

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

All dwellings in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

Policy CTY 13 requires that a dwelling in the countryside will not be prominent in the landscape and will integrate into its surroundings. Policy CTY 13 also makes specific reference to farm dwellings and states that a new building will be unacceptable where it is not visually linked or sited to cluster with an established group of buildings on a farm.

Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area. As the application seeks outline planning permission, full and proper details to include, scale, siting and design have not been provided. As noted above the application site is not visually linked or sited to cluster with an established group of buildings but is located at an isolated roadside plot some six (6) miles from the applicant's principle farm group at No. 15 Carnlea Road.

The application site has an existing hedge along the southern site boundary and the roadside boundary. It is anticipated that the most part of the roadside hedging would require removal for the provision of appropriate visibility splays. The topography of the site also sees lands rising up from the roadside before beginning to fall away again in a southerly direction. The land levels will emphasise the presence of a dwelling on the site when viewed from the Tardree Road. It is therefore considered that a dwelling on the application site would appear prominent in the landscape and would primarily rely on the use of new planting in order to integrate given the lack of any well-established boundaries or substantial back drop.

Owing to this and given that the building is not visually linked or sited to cluster with the applicant's established group of buildings on a farm, the proposal is considered contrary to Policies CTY 13 and CTY 14 of PPS 21.

### **Neighbour Amenity**

Given the site's distant proximity to any neighbouring dwellings, it is considered that an appropriately designed dwelling could be facilitated on the application site without any adverse impact on neighbour amenity.

### **Access and Parking**

Although full details have not been provided at this stage, the access is to be taken of the Tardree Road and Dfl Roads has responded to the consultation to advise that it has no objection subject to conditions being attached to any planning approval.

## **CONCLUSION**

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

- The principle of the development has not been established in accordance with the policy provisions of Policy CTY 10 in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm ;
- The proposal would fail to meet the policy provision of Policy CTY 13, as the proposal lacks long established boundaries and would rely on new planting;
- The proposal would result in a detrimental impact on the character of the area; and
- The proposal would not have a detrimental impact on neighbour amenity.

## **RECOMMENDATION : REFUSE OUTLINE PLANNING PERMISSION**

## **PROPOSED REASONS OF REFUSAL:**

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and fails to meet the provisions for a dwelling on a farm in accordance with Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site is not visually linked or sited to cluster with an established group of buildings on the farm and it has not be successfully demonstrated that there is any exceptional reason as to why an alternative site away from the farm would be permitted.
3. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would fail to integrate into the countryside as the site lacks long established natural boundaries or any substantial backdrop.

4. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policy CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a new dwelling on the site would be a prominent feature in the landscape.



<b>COMMITTEE ITEM</b>	<b>3.8</b>
<b>APPLICATION NO</b>	<b>LA03/2024/0253/O</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for 2 No. dwellings
<b>SITE/LOCATION</b>	100m SE of 111 Seven Mile Straight, Muckamore, Antrim, BT41 4QT
<b>APPLICANT</b>	Rosha O'Kane
<b>AGENT</b>	Place Lab
<b>LAST SITE VISIT</b>	1 <sup>ST</sup> May 2024
<b>CASE OFFICER</b>	Harry Russell Tel: 028 903 40408 Email: <a href="mailto:harry.russell@antrimandnewtownabbey.gov.uk">harry.russell@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">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at lands approximately 100m southeast of No. 111 Seven Mile Straight, Muckamore, Antrim which is within the countryside as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site is divided into two parcels of land by an existing laneway and each parcel of land is cut out of a wider agricultural field. The north-eastern (roadside) boundary is defined by a 1m high hedgerow and the south-eastern boundary is defined by a 1m high hedgerow and intermittent trees approximately 6-8m in height. The north-western boundary is undefined and the south-western boundary is undefined to the north-western end and defined by a 1m hedgerow and trees to the south-eastern end. The topography of the site slopes from the northwest to the southeast and from the southwest to the north-eastern (roadside) boundary.</p> <p>The surrounding location is open countryside with a number of dwellings and buildings of an agricultural appearance within the wider area.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Ref: LA03/2021/0781/O Location: Land between Nos. 111 and 131 Seven Mile Straight, Antrim Proposal: 1 no. detached dwelling Decision: Application withdrawn (10.11.21)</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account</p>	

will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

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

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

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

PPS 21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

## **CONSULTATION**

**Council Environmental Health Section** – No objection.

**Department for Infrastructure Roads**- Amendments required to visibility splays and P1 form.

**Northern Ireland Water**- No objection.

**DfC Historic Environment Division** – No objection.

## **REPRESENTATION**

Twelve (12) neighbouring properties were notified and eight (8) letters of representation have been received from seven (7) neighbour notified properties.

A summary of the key points raised in the objection are listed below:

- Road safety concerns;
- Erosion of rural character;
- Overdevelopment;
- Contributes to ribbon development;

- The gap is too large and there is no built up frontage;
- Loss of privacy/overlooking; and
- Loss of a view.

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

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

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

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

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is Policy CTY 8 which permits the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Whilst the main thrust of Policy CTY 8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

a) The gap is within an otherwise substantial and continuously built up frontage;

- b) The gap site is small sufficient only to accommodate up to a maximum of two houses;
- c) The proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size; and
- d) The proposal meets other planning and environmental requirements.

For the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. A building has a frontage to the road if the plot in which it stands abuts or shares a boundary with the road. A number of concerns were raised by objectors regarding the principle of development.

The first element of Policy CTY 8 requires that a substantial and continuously built up frontage exists. There are 4 dwellings to the southeast of the site with a road frontage onto Seven Mile Straight (Nos. 131, 133, 133b and 135 Seven Mile Straight) and it is considered that these dwellings form a continuous built up frontage onto the Seven Mile Straight. A dwelling at No. 111 Seven Mile Straight is situated adjacent to and northwest of the application site. Whilst it is acknowledged that this dwelling has a frontage onto the Seven Mile Straight, it is considered that the gap between it and the built up frontage to the southeast of approximately 214m is too large for it to be considered one continuous built up frontage. As such, the gap is not situated within a built up frontage and the principle of development is therefore unable to be established.

Notwithstanding that the principle of development is unable to be established, the second element of Policy CTY 8 requires there to be a small gap site sufficient only to accommodate a maximum of two dwellings. The site exhibits a roadside frontage of approximately 181m which, given the subdivision of the site divided into 78m to the north-eastern portion and 96m to the south-western portion. The total gap between the No. 111 Seven Mile Straight and No. 131 Seven Mile Straight is approximately 214m. The average plot frontage along the otherwise substantial and continuous built up frontage is approximately 49.5m. Consequently, it is considered the gap could comfortably accommodate more than two dwellings based on this plot width.

Therefore, the proposal is considered to fail the policy requirements of Policy CTY 8 of PPS 21.

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

All proposals in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires that a dwelling in the countryside will not be prominent in the landscape and will integrate into its surroundings, whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area. A number of concerns were raised by objectors with regards to the proposed development not being in keeping with the rural character of the area.

The application site abuts the Seven Mile Straight and views of the site will be achieved from the roadside. Mature trees to the southwest provide a backdrop to the south-eastern portion of the site only. Mature trees 6-8m in height define the south-eastern boundary of the site and trees approximately 3- 4m in height also

define the south-western boundary of the south-eastern parcel. Nonetheless, the remainder of the boundaries are either defined by 1m high hedgerows or undefined completely. The lack of existing boundary treatments is especially apparent within the north-western portion of the site whereby the site would require a significant element of new planting and landscaping to adequately define the new boundaries to provide a suitable degree of enclosure. This is exacerbated by the sheer size of the plots which results in longer views of the site and any dwelling would consequently appear more prominent in the landscape. It is considered that two (2) dwellings would not satisfactorily integrate into the surrounding environs and the proposal therefore does not comply with the criteria set out under Policy CTY13 of PPS 21.

The development of two dwellings at this location would visually link the proposed dwellings with the existing dwellings to the southeast of the application site with the buildings at No. 111 Seven Mile Straight to the northwest. The proposal would therefore add to an existing ribbon of development, adding two dwellings, as proposed, to the existing ribbon of development. Policy CTY 8 states that planning permission will be refused for a building, which adds to a ribbon of development, whilst Policy CTY 14 states a new building will be unacceptable where it adds to a ribbon of development. Accordingly, it is considered the proposal does not comply with the criteria set out under CTY 8 and CTY 14 of PPS 21.

### **Neighbour Amenity**

As this application seeks outline permission, no details have been provided regarding the siting, layout or proposed design. Whilst some objectors have raised concerns with regards to loss of privacy and overlooking, it is considered that a minimum separation distance of 30m from the nearest neighbouring property can be achieved which would not give rise to any significant impact of overlooking or loss of privacy. Additionally, given the separation distance between the application site and the existing neighbouring properties, it is considered that there will be no detrimental impact to neighbour amenity by way of overshadowing, loss of light or dominance.

An objector also raised concerns regarding the loss of a view. The neighbour's view is unlikely to be restricted by the proposed development, but rather it is a change of view from that which exists at present and it is not considered that the potential change of view is detrimental to the outlook of the existing dwellings. In any case the potential impact of a proposed development on private views is not generally viewed as a material planning consideration. Private individuals do not have a right to a view and even if a new development changes a view from a private property, this is not normally sufficient grounds to withhold planning permission.

### **Other Matters**

#### Archaeology

The application site lies within the zone of influence for an archaeological monument. DfC Historic Environment Division (HED) was consulted with regards to the development proposal and offered no objections stating it is content that the proposal is satisfactory with regards to the archaeological policy requirements of the SPPS and PPS 6.

### Access and Movement

A number of concerns were raised by objectors regarding the siting of the proposed access to the site and the impact on road safety. DfI Roads was consulted in relation to the proposed development and required both access points to be detailed on the site location plan as it appears that the visibility is not achievable on the vertical plane for both sites. DfI Roads also requested the red lines for both access points to include the 2.4m x 150m visibility splays in both directions, fully triangulated and for Certificate C of the application form to be completed with regards to the trimming back of the hedge at No. 131 Seven Mile Straight to achieve the required visibility splay. As the principle of development has not been established, the applicant was not requested to address this issue. Consequently, the proposal is contrary to Policy AMP 2 of PPS 3 as it has not been demonstrated that access to the site would not prejudice road safety.

### **CONCLUSION**

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

- The principle of the development has not been established in that the application site does not represent a gap site within an otherwise substantial and continuously built up frontage;
- The proposal would not integrate satisfactorily into the surrounding landscape;
- The proposal would add to an existing ribbon of development;
- The proposal is not considered to unduly result in adverse impacts on neighbouring properties;
- There are no archaeological concerns with this proposal; and
- It has not been demonstrated that access would not prejudice road safety.

### **RECOMMENDATION**

### **REFUSE OUTLINE PLANNING PERMISSION**

### **PROPOSED REASONS OF REFUSAL:**

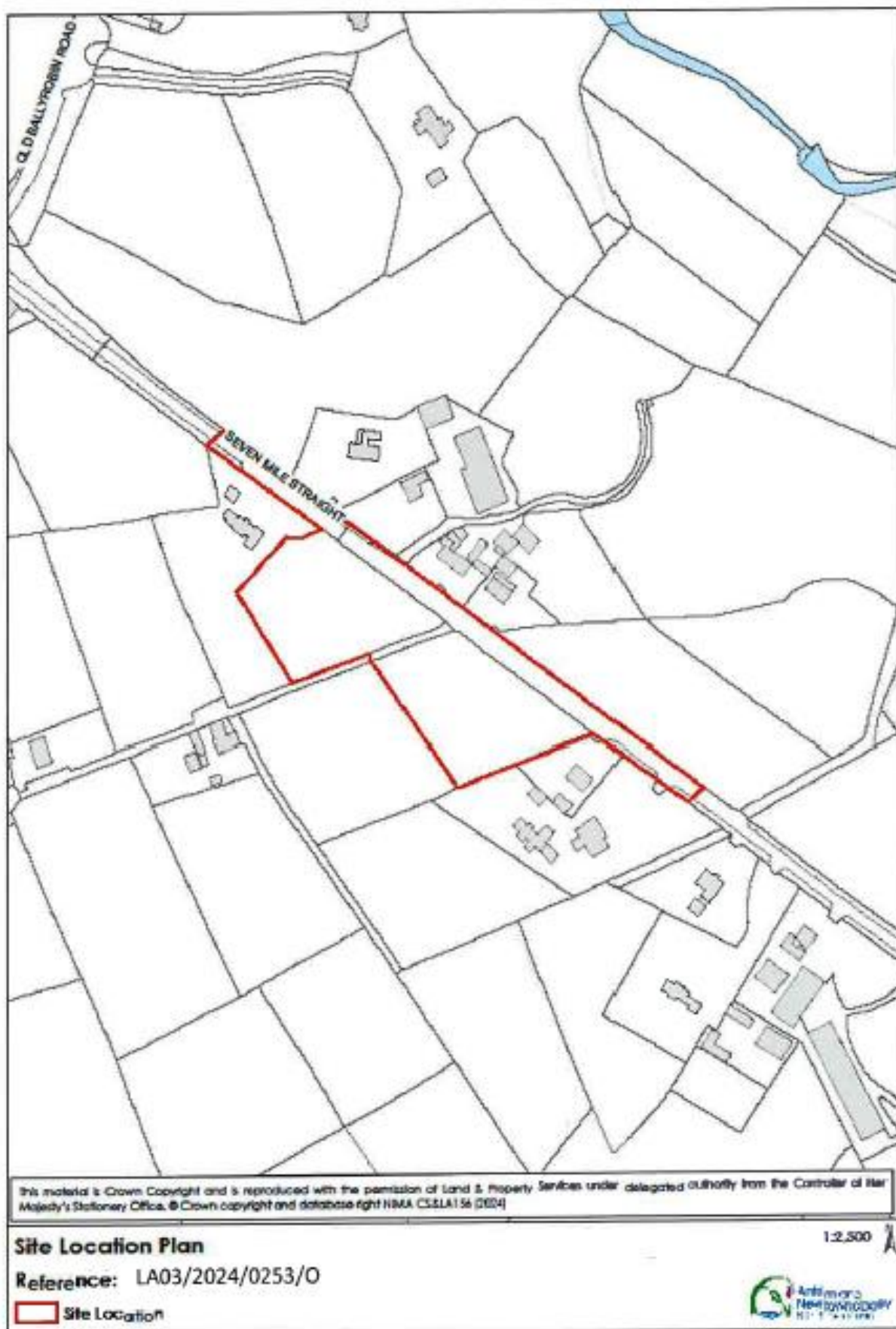
The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could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

The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not represent a gap site within an otherwise substantial and continuously built up frontage.

The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that two dwellings on this site, if permitted, would fail to integrate into the countryside.

The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the buildings would add to an existing ribbon of development within the countryside.

5. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policy AMP 2 of Planning Policy Statement 3, in that it has not been demonstrated that access to the site would not prejudice road safety.



<b>COMMITTEE ITEM</b>	<b>3.9</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0890/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE FULL PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Expansion of curtilage and extension to dwelling.
<b>SITE/LOCATION</b>	3 Woodgreen, Antrim, BT41 1NN
<b>APPLICANT</b>	Mr A McWilliams
<b>AGENT</b>	D&F Services
<b>LAST SITE VISIT</b>	19/12/23
<b>CASE OFFICER</b>	Eleanor McCann Tel: 02890340422 Email: <a href="mailto:eleanor.mccann@antrimandnewtownabbey.gov.uk">eleanor.mccann@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 Register <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 3 Woodgreen, which is within the development limit of Antrim Town as defined by the Antrim Area Plan 1984-2001.</p> <p>The application site comprises a semi-detached two storey dwelling with a single storey mono-pitched porch. A covered carport is located to the northern (side) elevation of the dwelling and a boiler room is situated to the rear of the carport. The dwelling is finished in a dashed render and red facing brick, white PVC windows and doors, white PVC rainwater goods and interlocking concrete roof tiles. The boiler room is finished in red facing brick, with a flat trocal roof. The covered carport is finished in a clear perspex roof and white PVC.</p> <p>The topography of the site gradually inclines to the north by approximately 0.3m. The dwelling sits at the same level as the neighbouring property at No. 1 Woodgreen and approximately 1m below the neighbouring property at No. 1 Farmhill. Amenity space is provided to the front (west) and to the rear (east). Parking provision is located to the northern side elevation of the dwelling and on-street parking is also available.</p> <p>The site boundaries are defined by close-boarded timber fencing ranging from 1.8metres to the rear to approximately 1m in height to the front of the dwelling. A brick wall approximately 2.6m in height extends from the rear building line to the site boundary, enclosing the rear garden.</p> <p>The surrounding area is predominantly residential, comprising of similar house types with areas of common open space.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No recent/relevant site history.	

## **PLANNING POLICY AND GUIDANCE**

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

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

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

Antrim Area Plan 1984-2001: The application site is located within the development limits of Antrim. The Plan offers no specific guidance on this proposal.

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.

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

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

## **CONSULTATION**

No consultations were carried out in respect of the development proposal.

## **REPRESENTATION**

Two (2) neighbouring properties were notified of the application and no letters of objection were received in respect of the development proposal.

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

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

- Policy Context
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Impact on Trees and Environmental Quality of the Area
- Amenity Space, Parking and Manoeuvring

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

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements. Amongst these is the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS7). Taking into account the transitional arrangements of the SPPS, retained APPS7 provides the relevant policy context for consideration of the proposal.

Policy EXT 1 of APPS7 indicates that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

APPS7 also advises that the guidance set out in Annex A of the document will be taken into account when assessing proposals against the above criteria.

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

The application seeks full planning permission for a proposed extension to the curtilage to facilitate an extension to the host dwelling by way of a proposed garage.

The proposed extension to the curtilage incorporates an existing area of open space to the north of the dwelling measuring 3.7m in width and 13.8m in length, which equates to an area of approximately 51sqm. The extended curtilage is proposed to facilitate a garage and access to the rear garden of the host property. A 1.8m high wall and gate is proposed to enclose the extended curtilage and the rear garden.

The proposed garage extension measures 5.3m in width, 6.4m in length and 5.6m in height and is subordinate to the existing dwelling. The proposed finishes include render with brick, white PVC windows and doors, white PVC rainwater goods and a black roller shutter door. The finishes match the existing dwelling. The proposed garage will be visible when travelling along Woodgreen and Farmhill, but will not detract from the character or appearance of the dwelling or the surrounding area and is considered acceptable.

In summary, it is considered that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.

### **Private Open Space Provision**

Policy OS 1 - Protection of Open Space of PPS 8 outlines that development will not be permitted that would result in the loss of existing open space. This presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

In this regard, Policy OS 1 allows an exception to this where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweighs the loss of the open space. An exception will also apply where it has been demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area, and where alternative provision is made by the developer.

The proposed extension to the curtilage at No. 3 Woodgreen will result in the loss of open space. Following a request to provide a case of justification for the loss of open space in relation to Policy OS 1 of PPS 8, the agent submitted a Supporting Statement, Document 01 date stamped 14th February 2024.

The agent stated that the area to be developed requires only a very small pocket of open space in relation to the large volume of open space remaining adjacent and that the construction of a garage on the small area of land will have no major effect on the open space area which remains.

In support of the development proposal the agent stated the following:

- The area of land for the purpose of the extension to the curtilage was purchased by the applicant from the Northern Ireland Housing Executive (NIHE);
- The area of open space required is 53sqm and the area of remaining open space is 305sqm;
- The land is required to build a garage because presently the applicant has to park his cars on the busy main road adjacent to his dwelling and this would enable him to secure his vehicles;
- When cars are parked on both sides of the road, visibility becomes a concern for road users accessing Farmhill onto Woodgreen and on a number of occasions the applicant has been asked to move his car;
- An elderly relative visits the property daily and finds it difficult to get from their car to the dwelling when parked on a slope particularly when conditions are icy;

- On-street parking by neighbouring properties can prevent through access by large vehicles e.g. bin lorries and results in road safety concerns; and

The agent concluded that for the above reasons the development proposal will not result in a precedent for loss of open space due to the amount of open space remaining within Woodgreen, Hollowburn Road and Craighill.

Following consideration of the above information the agent was advised to submit evidence to back up the statements made in their submission. Consequently, the agent submitted, Additional Supporting Information, Document 02 date stamped 21st February 2024, which included a series of five (5) photographs taken at 3:30pm. The submitted photographs show the following images:

- A view from Woodgreen up towards Craighill passing Nos. 1 and 3 Woodgreen with Farmhill on the right-hand side and showing vehicles parked on both sides of the road.  
It is noted that layby parking is available along this section of Woodgreen and the parking arrangement does not appear to promote or result in traffic congestion.
- A view from Craighill down to Woodgreen showing No. 3 Woodgreen on the left hand side with vehicles parked on both sides of the road.  
It is noted that layby parking is available along this section of Woodgreen and the parking arrangement does not appear to promote or result in traffic congestion.
- A view from the entrance to Farmhill looking down towards Woodgreen with vehicles parked both sides and a small vehicle passing between with No. 3 Woodgreen present on the left hand side.  
It is noted that layby parking is available along this section of Woodgreen and the parking arrangement does not appear to promote or result in traffic congestion. Additionally, this image indicates that through access can be obtained by vehicles.
- A view from Craighill down towards Woodgreen showing No. 3 Woodgreen on the left hand side with vehicles on both sides of the road and vehicle moving towards Craighill between parked cars either side.  
It is noted that layby parking is available along this section of Woodgreen and the parking arrangement does not appear to promote or result in traffic congestion. Additionally, this image indicates that through access can be obtained by vehicles.
- A view showing a garage at No. 2 Farmhill that has been constructed in a similar situation where an area of land was purchased from the NIHE and a garage has been constructed.  
The planning history suggests that a garage and porch at 2 Farmhill was approved on 7th November 1987 under planning application ref: T/1987/0524 by the former Department of the Environment prior to the publication of PPS 8 Open Space, Sport and Outdoor Recreation. Notwithstanding this, the description of development does not include an extension to the curtilage and in any case, no specific or verifiable evidence has been submitted to indicate that the proposal included utilising an area of open space.

In summary, the loss of open space which will occur as a result of the proposal is considered to be unacceptable. As stated above, Policy OS 1 of PPS 8 Open space, Sport and Outdoor Recreation states that development which results in the loss of an

existing open space or land zoned for the provision of open space will not be permitted unless it is clearly shown that the re-development will bring substantial community benefits or there will be no significant detrimental impact on the amenity character or biodiversity of an area.

The loss of open space, as a result of the extension of curtilage at No. 3 Woodgreen, does not meet any of the exceptional requirements outlined within Policy OS 1 of PPS 8 and the aforementioned supporting information does not provide adequate justification of how the loss of the open space will bring substantial community benefits or have no impact on amenity, character or biodiversity. Therefore, it is considered that the proposed extension of curtilage is contrary to Policy OS 1 of PPS 8.

### **Neighbour Amenity**

A roller shutter door is proposed on the front elevation of the garage, which is not considered to have any significant impact on overlooking as it faces onto a public road and there are existing windows and doors at this level. A door and window are proposed on the rear elevation of the garage, which are not considered to give rise to any significant overlooking concerns as they face onto the host dwelling's rear private amenity space and the existing boundary treatments offer a degree of screening.

In summary, it is considered that the proposal will not significantly impact on neighbouring properties by way of loss of light, dominance or overshadowing due to the location of the development and the single storey nature of the development.

### **Impact on Trees and Environmental Quality of this Area**

It is considered 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 because there are no trees or other landscape features present where the proposal will be located. However, the proposal results in the loss of protected open space, which enhances the quality of the neighbouring residential environment.

### **Amenity Space, Parking and Manoeuvring**

It is considered that sufficient space remains within the curtilage of the property for recreational and domestic purposes. The proposal does not impact upon parking provision.

## **CONCLUSION**

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

- The principle of development is unacceptable due to the loss of open space;
- The design and appearance of the proposal is considered acceptable;
- The proposal will not unduly affect the amenity of neighbouring properties by way of loss of light and overshadowing; and
- It is considered that sufficient amenity space remains within the curtilage of the dwelling.

<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
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<b>PROPOSED REASON FOR REFUSAL</b>
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1. The proposal is contrary to the provisions contained within Policy OS 1 of PPS 8: Open Space, Sport and Outdoor Recreation in that it has not been demonstrated that the redevelopment would bring substantial community benefits that outweighs the loss of open space or that the loss of open space will not have an impact the amenity, character or biodiversity of the area.



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## Site Location Plan

1:1,250 

**Reference:** LA03/2023/0890/F

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.10</b>
<b>APPLICATION NO</b>	<b>LA03/2024/0230/O</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Site for replacement dwelling
<b>SITE/LOCATION</b>	110m NE of No. 25 Ballykennedy Road, Nutts Corner, Crumlin, BT29 4SU
<b>APPLICANT</b>	Colum Mullan
<b>AGENT</b>	Park Design Associates
<b>LAST SITE VISIT</b>	26 <sup>th</sup> April 2024
<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>**

#### **SITE DESCRIPTION**

The application site is located 110m northeast of No. 25 Ballykennedy Road, which is within the countryside as defined within the Antrim Area Plan 1984-2001.

The site is part of a roadside agricultural field on the south-eastern side of the Ballykennedy Road. The site contains a small wooden structure located in the north-western corner of the site. The topography of the site is relatively flat, although it is noted that there is a slight downward slope from the roadside towards the south. The northern boundary is defined by mature trees approximately 5m in height. The eastern and southern boundaries are undefined, while the western boundary is defined by a post and wire fence, approximately 1.2m in height. It is noted that an access lane, which serves two dwellings and a number of buildings, abuts the western site boundary.

The site is located within the open countryside with dwellings and farm buildings situated intermittently throughout.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2018/0231/O  
Location: Site 110m east and 35m south of No. 30 Ballykennedy Road  
Proposal: Site for replacement dwelling.  
Decision: Application withdrawn (22/05/2018)

#### **PLANNING POLICY**

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

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

Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Antrim Area Plan 1984 – 2001: The Plan offers no specific guidance on this proposal.

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

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

PPS 21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

## **CONSULTATION**

**Belfast International Airport**- No objections

**NI Water** – No objections

**DFI Roads** – No objections

**Environmental Health**- Due 16/5/24

## **REPRESENTATION**

One (1) neighbouring property was notified of the development proposal and no letters of representation have been received.

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

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

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

**Preliminary Matters**

A planning application for a replacement dwelling on the application site under planning application Ref: LA03/2018/0231/O was due to be presented to the Planning Committee with a recommendation to refuse at the Planning Committee Meeting on 21<sup>st</sup> May 2018.

The Planning Committee report, which had been circulated to Members, stated that the development proposal was contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY1 of PPS21 in that the structure to be replaced did not exhibit the essential characteristics of a dwelling and all external structural walls were not substantially intact. However, at the Planning Committee Meeting on 21<sup>st</sup> May 2018 the Chairperson advised Members that the application had been withdrawn by the applicant (on 17<sup>th</sup> May 2018).

**Policy Context and Principle of Development**

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

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

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

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY 1 indicates that the development of a replacement dwelling in accordance with Policy CTY 3 would be an acceptable form of development. Policy CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

The existing building on the site is a single storey timber structure with felt roof tiling. The building has window openings, door openings and internal dividing walls. The building is approximately 3m in height and has a floor area of approximately 47.68sqm. Portions of the wall on the rear elevation are missing, therefore it is considered that the building to be replaced does not fulfil the policy requirement that as a minimum the building which is to be replaced should have all external structural walls substantially intact.

Supporting information in the form of a Planning Statement, Document 01 date stamped 5<sup>th</sup> April 2024, was submitted, which sets out how the subject building complies with the criteria set out in Policy CTY 3 of PPS 21. The Planning Statement contends that the external appearance of the building and the opening sizes of the windows are residential in appearance and the internal walls and rooms, timber flooring and the architraves on the door frames would all indicate the residential use of the building. Reference is also made to the presence of a flue for a stove, part of which projects through the roof, along with a concrete base where the stove would have been placed. The Planning Statement determines that all the above features would only have been found in a dwelling and never in an agricultural building. However, although these stated features are present in the building, there is no planning approval for a dwelling at this location.

The Planning Statement goes on to state that the external walls of the building are still intact, and some boards have recently been added to ensure the continued stability of the building. The agent also states that the building is in a better condition than some approved replacement dwellings, which do not have a roof. With respect to this matter, portions of the rear elevation wall are missing and as stated above it is considered that the building to be replaced does not fulfil the policy requirement that as a minimum the building which is to be replaced should have all external structural walls substantially intact. Additionally, each application received by the Council is assessed on its own merits, with a decision being made based on the development plan, prevailing planning policies and other material considerations and no evidence or other examples have been presented to the Council where a direct comparison could be made.

The Statement notes that the building has been on the application site for several decades and is therefore not a temporary structure. However, due to the materials used for its construction and its subsequent weathering, the building in this instance is not considered to be a permanent structure. The Statement contends that the building was previously used as a dwelling although it acknowledges that it is many decades since the building was last inhabited and was possibly built around the time of WW2 in order to accommodate evacuees from Belfast. The Planning Statement contains two (2) letters from two (2) elderly local gentlemen who state that they remember attending a local primary school with children who resided in the subject building, which was known as No. 33 Ballykennedy Road.

However, due to there being no previous grant of planning permission for a dwelling nor any Certificate of Lawful Development to establish the use of the structure as a dwelling it cannot be said that the building was ever used as a dwelling and as such the building to be replaced cannot be accepted as a dwelling. In summary, the principle of development is considered unacceptable and the proposal is contrary to the policy provisions of Policy CTY 3 of PPS 21.

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

All buildings in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires that a new building in the countryside will not be prominent in the landscape and will integrate into its surroundings, whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

The application site is located close to the edge of the public road with the structure to be replaced being of a small size and scale with a very small footprint which equates to approximately 47.68sqm. The proposed replacement dwelling is to be situated within an agricultural field adjacent to and to the west of the existing building. It is considered that a dwelling of an acceptable size, scale and design that was positioned in a suitable location could be integrated on the site given the limited critical views, particularly when travelling westwards along the Ballykenedy Road. The existing mature vegetation along the northern boundary and the neighbouring field boundaries to the east and north, will also provide a sufficient back drop to a modest single storey dwelling when travelling eastwards along Ballykenedy Road. Additional landscaping can also be conditioned to provide enclosure to the site and aid integration.

In this case, it is considered that a new dwelling on the site of a suitable design and layout would integrate into the surrounding landscape and not result in further erosion of the character of the area.

**Neighbour Amenity**

The proposal seeks outline planning permission and therefore no details of the proposed design have been submitted, however, given the significant separation distance from the site to any other existing neighbouring properties it is considered that the proposal would not negatively impact on the amenity of any neighbouring properties.

**Other Matters**

Belfast international Airport (BIA) was consulted regarding the proposal and responded stating that the proposed development has no conflict with the safeguarding criteria from an aerodrome safeguarding aspect. BIA stated the existing building falls within its protected surface but at present it is acceptable as there is higher ground which overshadows the application site. BIA states if a new replacement building is going to be the same height as the existing building then they have no objections provided they are consulted at Reserved Matters stage.

NI Water and the Council's Environmental Health Section were consulted regarding the proposal and responded with no objections. The proposal is to utilise the same access arrangement as the existing building. DfI Roads was consulted regarding the proposal and responded stating it had no objections to the development proposal.

**CONCLUSION**

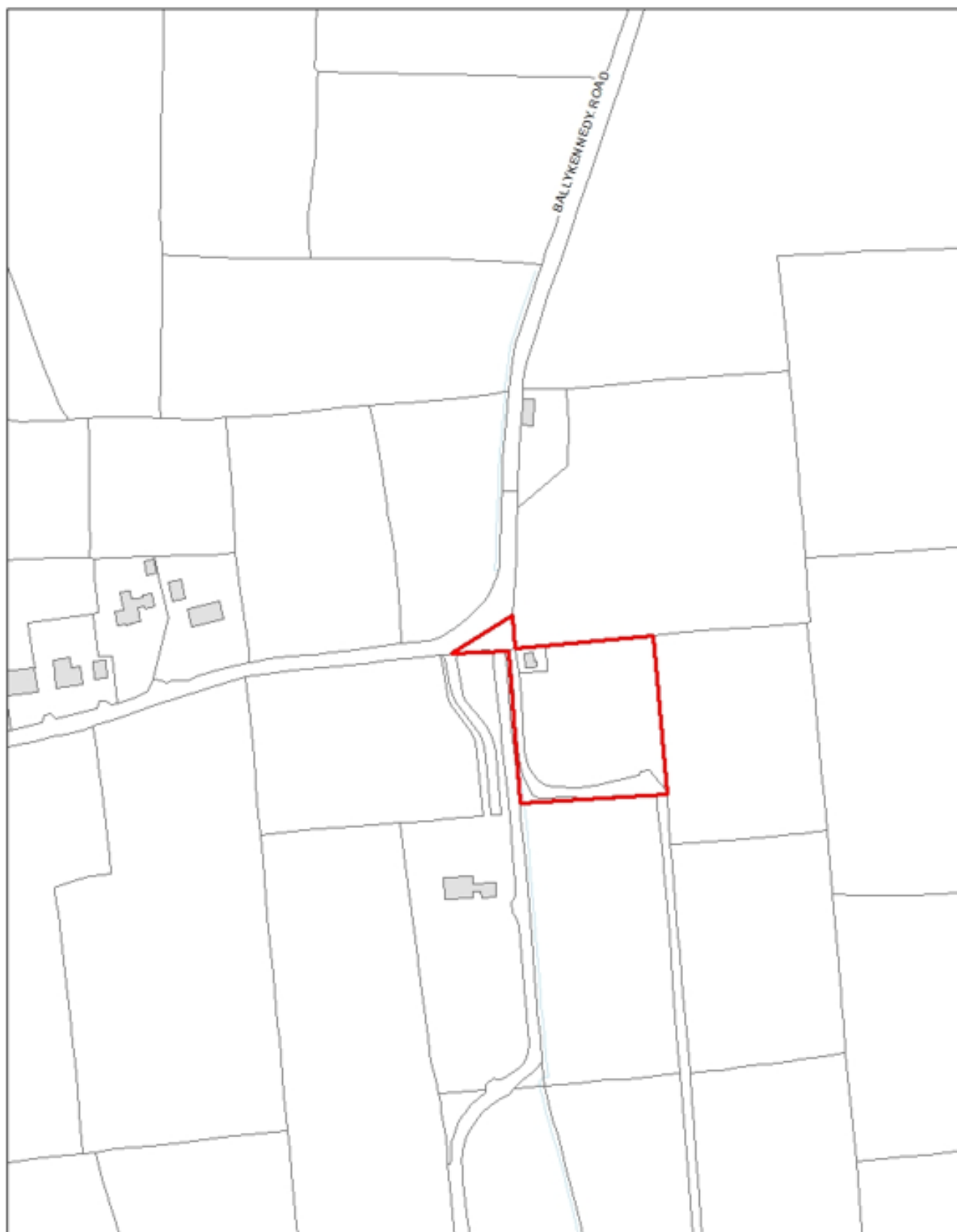
The following is a summary of the main reason(s) for the recommendation:

- The principle of the development is unacceptable as the proposal fails to meet the policy requirements for replacement dwellings as outlined in Policy CTY3 of PPS 21;
- A dwelling of a suitable design and layout could integrate on the site and would not result in further erosion of the character of the area; and
- The proposal would not impact on the amenity of any existing properties in the area.

**RECOMMENDATION :** REFUSE OUTLINE PLANNING PERMISSION

**PROPOSED REASONS FOR REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that there is no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 3 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the structure to be replaced does not exhibit the essential characteristics of a dwelling and all external structural walls are not substantially intact.



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## Site Location Plan

**Reference:** LA03/2024/0230/O

 Site Location

1:2350



**PART TWO**

**OTHER PLANNING MATTERS**

## ITEM 3.11

### P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS MAY 2024

#### 1. Purpose

**The purpose of this report is to update Members on the planning applications decided under delegated powers and decisions issued by the PAC in May 2024.**

#### 2. Delegated Decisions of Council

A list of planning decisions issued by Officers during May 2024 under delegated powers together with information relating to planning appeals is **enclosed** for Members' information.

#### 3. Planning Appeal Commission Decisions

One (1) appeal was dismissed during May 2024 by the Planning Appeals Commission (PAC).

Planning application:	LA03/2023/0316/F
PAC reference:	2023/A0088
Proposed Development:	Erection of stable and riding area for personal use
Location:	50m North West of 5C Ballyquillan Road, Crumlin
Date of Appeal Submission:	15/12/2023
Date of Appeal Decision:	29/05/2024

A copy of the decision is **enclosed**.

#### 4. Recommendation

**It is recommended that the report be noted.**

Prepared by: Kathryn Bradley, Planning & Economic Development Business Support Manager

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

## ITEM 3.12

### **P/PLAN/1 THE DEPARTMENT FOR INFRASTRUCTURE, EASTERN TRANSPORT PLAN PROJECT BOARD MEETING**

#### **1. Purpose**

**The purpose of this report is to update Members on recent progress concerning the Eastern Transport Plan (ETP) 2035.**

#### **2. Introduction/Background**

A meeting of the ETP (formerly Belfast Metropolitan Transport Plan) Project Board took place 'in person' at DfI Headquarters, Clarence Court, Belfast on 23 May 2024 with Council Officers in attendance. DfI Transport Planning Modelling Unit (TPMU) hosted the meeting and the focus of which was to review progress on the draft ETP 2035.

Members are reminded that the ETP 2035 aims to ensure that the transport network meets the needs of the people and businesses living, working and visiting the ETP area, both now and into the future. The ETP also supports the preparation of Local Development Plans for the five (5) Councils within the Belfast Metropolitan Area, as well as setting out the Department's proposals for the framework for transport policy and investment decisions up until 2023 in the ETP area. Members will recall that at the September 2023 Planning Committee a report was brought to Members attention to advise that a draft of the ETP had launched on 4 September 2023 for an 8-week public consultation period. At the time, Members agreed to respond on an individual or party political basis.

Officers from the Forward Planning Team continue to engage on an ongoing basis with representatives from TPMU and their consultants Atkins-Realis in the development of the ETP within the Borough.

#### **3. Key Issues**

At the meeting, board members were updated on progress on the ETP including a summary of the findings of the ETP public consultation phase. A copy of the ETP Launch Engagement Report (May 2024) is **enclosed** for Members' information, along with a copy of the agreed previous minutes held on 15 March 2023.

The Launch Engagement Report indicates that out of 518 public consultation responses, 60 responses were received from within Antrim and Newtownabbey Borough. This response rate is a slight underrepresentation of the Borough's population as a percentage of the entire population of the ETP area, a trend that was also seen in neighbouring Mid and East Antrim Council area. The report attributes this pattern to the more rural nature of these areas Council areas.

#### **4. Summary**

A meeting of the ETP took place on 23 May 2024 and a copy of the Launch Engagement Report is enclosed.

**5. Recommendation**

**It is recommended that the report be noted.**

Prepared by: Kathryn Bradley, Planning & Economic Development Business Support Manager

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

### ITEM 3.13

#### P/PLAN/1 PLANNING FEES UPDATE

##### 1. Purpose

**The purpose of this report is to update Members regarding a 4% increase to planning fees made by the Department of Infrastructure, effective from 31 May 2024.**

##### 2. Background

The Department for Infrastructure has informed the Council that they have made legislative changes to apply a one-year inflationary uplift to planning fees (enclosed).

##### 3. Key Issues

Planning Fees in Northern Ireland are set in Statutory Rule, The Planning (Fees) Regulations (Northern Ireland) 2015. Annually the Department for Infrastructure apply an inflationary uplift across all fee categories.

An inflationary uplift of approximately 4% has been applied across all planning fee categories. This was based on CPI as at January 2024.

To enable this the Department for Infrastructure has made a Statutory Rule entitled "The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024" (S.R. 2024 No. 108) which came into operation on 31 May 2024 (enclosed).

The planning portal was successfully updated to reflect the new fees with effect from 31 May 2024.

##### 4. Recommendation

**It is recommended that the report be noted.**

Prepared by: Sharon Mossman, Deputy Director of Planning and Building Control

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

## ITEM 3.14

### FI/FIN/4 BUDGET REPORT – QUARTER 4 APRIL 2023 TO MARCH 2024

#### 1. Purpose

**The purpose of this report is to provide financial performance information at quarter four (April 2023 – March 2024) for Planning and Building Control.**

#### 2. Introduction

As agreed at the August Council meeting, quarterly budget reports will be presented to the relevant Committee or Working Group. All financial reports will be available to all Members.

#### 3. Summary

The budget report for Period 12 does not include adjustments required to arrive at the final financial position of the Council for the 2023/24 financial year. These adjustments include final accruals of expenditure incurred and grants and debts invoiced after 31 March 2024, contributions to or from reserves, and prepayments of expenditure and income.

Budget reports for Planning and Building Control for Quarter 4 – April 2023 to March 2024 are **enclosed** for Members' information.

#### 4. Recommendation

**It is recommended that the report be noted.**

Prepared by: Richard Murray, Head of Finance

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

### ITEM 3.15

#### **F/FP/LDP30 PROVISIONAL TREE PRESERVATION ORDER AT LANDS IMMEDIATELY WEST OF 15B AND 17 BALLYVESSEY ROAD AND 92 BALLYCRAIGY ROAD, BALLYCRAIGY (TPO/2024/0009/LA03)**

##### **1. Purpose**

**The purpose of this report to advise Members that the Planning Section has served a Provisional Tree Preservation Order on 3 June 2024 at lands immediately west of 15B and 17 Ballyvesey Road, and 92 Ballycraigy Road, Ballycraigy under the Council's scheme of delegation.**

##### **2. Introduction/Background**

Members are reminded that Section 122 of the Planning Act (Northern Ireland) 2011 empowers the Council to make provision for the preservation of trees or woodlands where it appears that it is expedient in the interests of amenity through a Tree Preservation Order (TPO). The purpose of such an Order is to preserve the trees on a particular site and to prohibit the cutting down, lopping, uprooting, wilful damage or wilful destruction of the trees.

Officers have identified a notable band of mature trees (see enclosed map) in relation to an existing TPO that blankets the settlement of Ballycraigy. It is the view of Officers that this band of trees offer significant visual aesthetic to both the immediate and local area. They soften the transition between countryside and the built urban form of Ballycraigy, whilst providing privacy and shelter for the dwellings. The trees also reflect a tangible link to the historic past with the significance of this band of trees annotated on the Ordinance Survey (NI) 1<sup>st</sup> Edition Map, which was published in 1832. Officers consider that these trees may be under threat. Therefore, a new Provisional TPO was placed on the band of trees on 03 June 2024 to protect them. (A copy of the notice and relevant map is enclosed for information). Having taken effect on 03 June 2024, the Provisional TPO shall continue being in force by virtue of Section 123 of The Planning Act (NI) 2011 until the expiration of six (6) months (beginning on the date on which the Order was made or until the date on which the Order is confirmed by the Council, whichever occurs first).

Officers will continue to progress this Provisional TPO, and Members will be updated in due course as to whether this Provisional TPO has been confirmed or not.

##### **3. Recommendation**

**It is recommended that the report be noted.**

Prepared by: Simon Thompson, Local Development Plan & Enforcement Manager

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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