



12 February 2020

Committee Chair: Alderman P Brett

Committee Vice-Chair: Councillor R Lynch

Committee Members: Aldermen – F Agnew and T Campbell
Councillors – J Archibald, H Cushinan, S Flanagan,
R Kinnear, M Magill, S Ross, R Swann 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 February 2020 at 6.00pm.**

You are requested to attend.

Yours sincerely

A handwritten signature in black ink that reads "Jacqui Dixon".

Jacqui Dixon, BSc MBA
Chief Executive, Antrim & Newtownabbey Borough Council

For any queries please contact Member Services:

Tel: 028 9034 0098 / 028 9448 1301

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – February 2020

Part One - 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.

Part Two - 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.

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

PART ONE

- 3.1 Delegated planning decisions and appeals February 2020
- 3.2 LA03/2015/0234/F: Regionally Significant Planning Application – Kells Solar Farm
- 3.3 LDP – Coastal Forum Working Groups
- 3.4 LDP – Meeting with DfI – Strategic Planning Working Group - In Confidence
- 3.5 LDP – Metropolitan Area Spatial Working Group - In Confidence

PART TWO - Decisions on Enforcement Cases – In Confidence

- 3.6 Enforcement Case: LA03/2019/0405/CA

4. Any Other Business

PART TWO - Decisions on Planning Applications

- 3.7 Planning Application No: LA03/2019/0816/O

Site for residential development comprising 6no. detached dwellings and associated works Lands on lands at Neillsburn Plantation Antrim Road Templepatrick (located between the residential developments of Kingscourt and Knightswood)

- 3.8 Planning Application No: LA03/2018/1075/F

Proposed residential development with access off Farmhill Road, comprising 114 no. units (15 no. two-storey detached, 90 no. two storey semi-detached and 9 no. bungalows), internal roads, landscaping, public open space and associated site works and drainage. Includes road widening of Farmhill Road and Nutts Corner Road to provide right hand turn lane, site access and junction improvements. Drainage and pedestrian connection to Glendarragh Park. Existing cottages at 1-3 Farmhill Terrace to be retained at and west of the junction of Farmhill Road and Nutts Corner Road, Crumlin (including 1-3 Farmhill Terrace)

- 3.9 Planning Application No: LA03/2018/0950/F
Proposed 3G synthetic sports pitch, 3m wide path on three sides of pitch, fencing, floodlighting, drainage, earthworks and landscaping at Antrim Grammar School, 10 Steeple Road, Antrim
- 3.10 Planning Application No: LA03/2019/0444/F
Demolition of existing retail units, filling station and No.8 Station Road; and development of 2 no. replacement retail units and 1 no. hot food unit, bulk fuel, petrol canopy, ATM and bin store with associated car parking and site works at 8-10 Station Road, Doagh
- 3.11 Planning Application No: LA03/2019/0954/F
Proposed two storey extension to rear of existing dwelling. Proposed new blockwork and rendered walls to existing boundary to rear of dwelling with installation of pedestrian access gate at 47 Abbeyhill Park, Glenville Road, Jordanstown, Belfast
- 3.12 Planning Application No: LA03/2019/0521/F
Refurbishment, alterations and extensions to existing dwelling and adjacent outbuilding to provide office accommodation at Lloyds School of Motoring, 133 Ballyutoag, Belfast
- 3.13 Planning Application No: LA03/2019/0949/F
Change of use of former commercial vehicle body repair premises to premises for displaying beds, furniture and rugs (Retrospective) at 6 Crumlin Road, Crumlin
- 3.14 Planning Application No: LA03/2019/0905/O
Site for 2 bedroom bungalow (with rooms in the roofspace) at 103A Main Street, Crumlin
- 3.15 Planning Application No: LA03/2019/0516/F
Extension to curtilage of dwelling to provide garden at 67 Whitehouse Park, Whitehouse, Newtownabbey
- 3.16 Planning Application No: LA03/2019/0649/F
Proposed garden decking at 67 Whitehouse Park, Whitehouse, Newtownabbey
- 3.17 Planning Application No: LA03/2019/0824/O
Site for dwelling at 100m north of 73 Crosskennan Road, Antrim
- 3.18 Planning Application No: LA03/2019/0609/F
Erection of 2no semi-detached dwellings with associated access and works at Lands south of no 21 Abbeyville Place and west of no 12 Cambrai Park, Newtownabbey
- 3.19 Planning Application No: LA03/2019/0707/F
Proposed demolition of existing store and extension to rear of existing public house comprising store and 2no self-catering apartments at 2 Taylorstown Road, Moneyglass, Toomebridge

3.20 Planning Application No: LA03/2018/1097/F

New 2-storey dwelling attached as an end-terrace property in the same design and style of No. 108 at lands 10m east of beside No. 108 Glenview Park Whiteabbey Newtownabbey

3.21 Planning Application No: LA03/2019/1035/O

Proposed Infill dwelling and garage at lands between Nos. 9 and 11 Tavnaghmore Road, Antrim

3.22 Planning Application No: LA03/2019/0973/F

Erection of a sculpture approximately 6m high of steel lattice construction on land 30 metres south east of the mouth of the Sixmilewater River, Loughshore Park, Antrim

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 17 FEBRUARY 2020**

PART ONE

GENERAL PLANNING MATTERS

ITEM 3.1

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during January 2020 under delegated powers is **enclosed** for Members attention together with information received this month on planning appeals.

RECOMMENDATION: that the report be noted.

Prepared by: Kathryn Bradley, Executive Officer, Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

ITEM 3.2

REGIONALLY SIGNIFICANT PLANNING APPLICATION – KELLS SOLAR FARM (REFERENCE LA03/2015/0234/F)

The Planning Appeals Commission has written to the Council (**enclosed**) to advise that it has set a date of Tuesday 12th May 2020 for the hearing requested by the Council and Mid and East Antrim Council to discuss the Department for Infrastructure's Notice of Opinion (NOP) proposing that planning permission should be granted subject to conditions for the following regionally significant planning application.

Application Reference: LA03/2015/0234/F
Proposal: 50MW Solar Farm
Location: Lands located East and West of Whappstown Road and to the North of Doagh Road, Northwest of Kells, Co Antrim.
Applicant: Elgin Energy

Full details of the application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk

The proposed development site straddles the Council's boundary with Mid and East Antrim Borough Council with the larger portion of the site lying within the Antrim and Newtownabbey Borough Council area.

Background

Members will recall that a report was brought to the August 2019 meeting of the Planning Committee advising that the Department for Infrastructure had issued a Notice of Opinion (NOP) proposing that planning permission should be approved to a revised scheme at this site. Instructions were sought as to whether the Council wished to request an opportunity of appearing before and being heard by the Planning Appeals Commission on the application.

Following discussion at the August meeting of full Council, Members resolved that a request should be made to the Department to appear before and be heard by the Planning Appeals Commission, subject to legal advice, and a written request to this effect was subsequently made at the start of September (**enclosed**).

Current position

Whilst the Council, and Mid and East Antrim Council, has now been afforded this hearing before the Planning Appeals Commission, the Commission is now seeking submission of the Council's Statement of Case on the application, in effect what position it wishes to take on the proposal and its reasoned rationale for same.

To date the Council has not expressed a corporate view on the proposal. To progress the matter there are in effect only two options available to the Council in responding to the PAC:

1. Provide a corporate view opposing the development together with an indication of the proposed grounds on which Members consider planning permission should

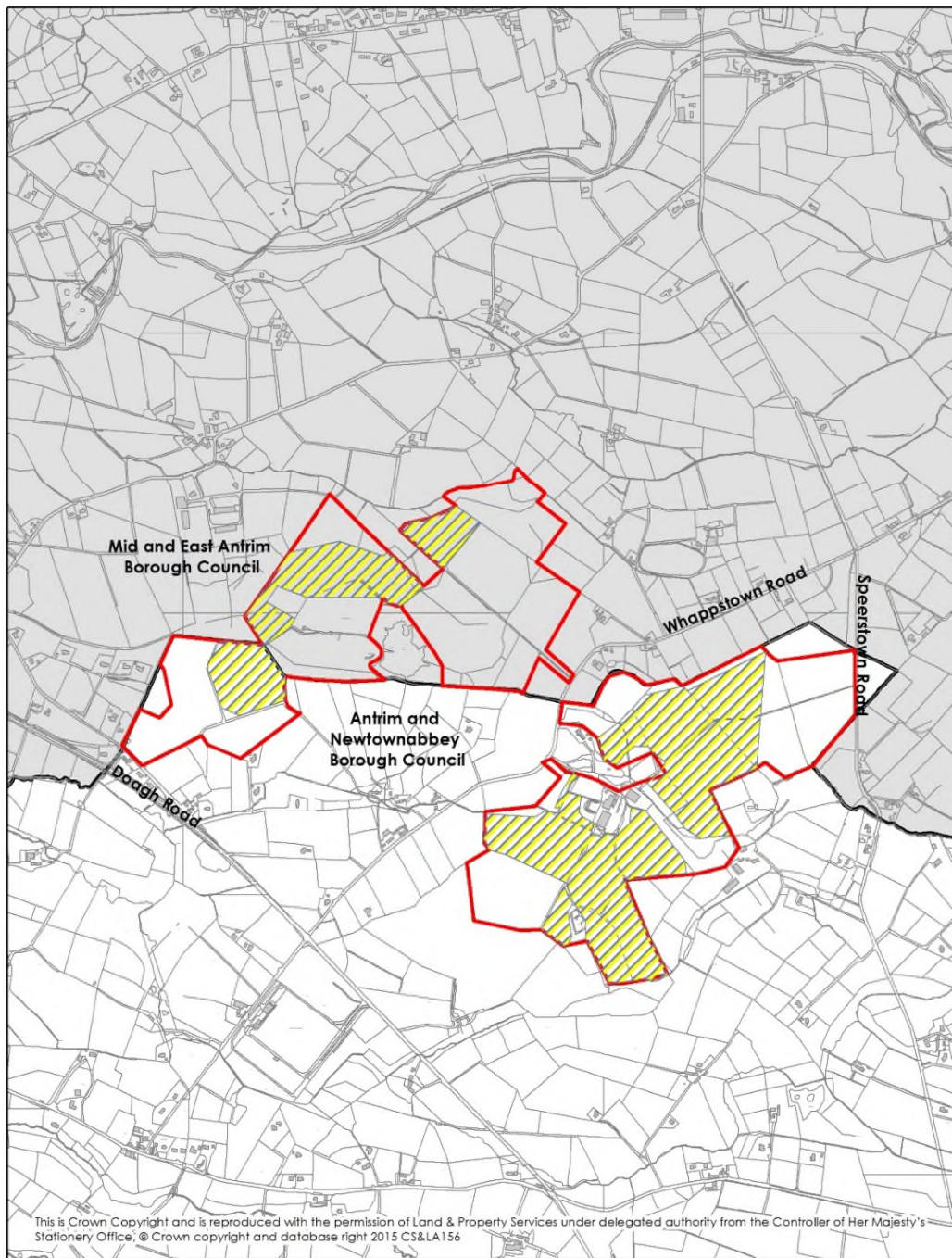
be refused. Officers will then need to present these in the Council's Statement of Case to be submitted to the Commission by 13 March 2020 and subsequently participate at the hearing scheduled for 12 May 2020 in support of the Council's corporate stance.

2. Provide no corporate view on the development. In this case Officers would advise the Commission that the Council is taking no stance on the proposal, rather that it has requested the hearing before the Commission to afford the local community opposed to the scheme the opportunity to represent their views before the Commission to help inform the final decision to be taken by the Minister for Infrastructure. In this case the Council would simply attend the PAC hearing as an observer.

Members' instructions are requested.

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning



Location Map

Application Reference: LA03/2015/0234/F

Proposed solar farm with total generating capacity of 50MW. Lands at Whappstown Road, Moorefields, Castlegore, Ballymena.

0 300 600
Metres



Site Boundary

Extent of Solar Panels in amended scheme



ITEM 3.3

P/FP/LDP/113, 114 & 115 DAERA/DEPARTMENT FOR INFRASTRUCTURE (Dfi) COASTAL FORUM AND WORKING GROUPS

Coastal Forum

The third meeting of the Coastal Forum took place on 19 November 2019 hosted by the National Trust at Mount Stewart House, Newtownards. Items for discussion included an update on the draft work programme and terms of reference. A copy of the Minutes are **enclosed** for information.

It was agreed that the next meeting of the Forum will be held in the Spring of 2020 with the date and venue to be confirmed.

Coastal Forum Working Group

The third meeting of the Coastal Forum Working Group took place on 28 January 2020 hosted by Dfi in Clarence Court, Belfast. Items for discussion included an update on the draft work programme and terms of reference. Minutes are to be circulated in due course.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

PART TWO

PLANNING APPLICATIONS

COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2019/0816/O
DEA	AIRPORT
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for residential development comprising 6no. detached dwellings and associated works
SITE/LOCATION	Lands at Neillsburn Plantation, Antrim Road, Templepatrick (located between the residential developments of Kingscourt and Knightswood)
APPLICANT	SVM Properties
AGENT	Gravis Planning
LAST SITE VISIT	22 ND January 2020
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on lands at Neillsburn Plantation, Antrim Road, Templepatrick. This is an area of land located in the countryside, as identified in the adopted Antrim Area Plan 1984 – 2001. The development limit of Templepatrick is located at the western, southern and eastern boundaries of the application site.</p> <p>The site is located to the rear of the walled southern boundary of what was originally part of the historic Castle Upton Estate. The Antrim Road (A6) is a protected route running through the village and abuts the southern boundary of the application site.</p> <p>The site is predominantly rectangular shaped and comprises approximately 3 hectares of land. An area of long established woodland comprising approximately 350 trees is located within the confines of the application site and which has been continuously wooded since at least 1830AD. A large number of the trees have existed from more than a century. Trees within the application site are protected by a Woodland Tree Preservation Order.</p> <p>The topography of the site falls from the Antrim Road at the southern boundary towards an undesignated watercourse at the northern boundary. Information submitted by the agent indicates the site falls by approximately 9 metres from south to north. An area of the application site adjacent to this watercourse, and in particular the northeastern corner, lies within the fluvial floodplain. A designated watercourse known as Neillsburn and Woodbrook Drain is located within and adjacent to the western boundary of the application site.</p> <p>An existing NI Water Waste Water Treatment Works/Pumping Station is located outside and adjacent to the application sites northwestern corner. This is accessed by an existing laneway adjacent to the western boundary of the application site.</p>	

To the north of the site is Templepatrick Golf Course. The existing residential developments of Knightswood and Kingswood are located to the west and east of the application site respectively. To the south of the application site and across the Antrim Road is the residential development of Castleton and a collection of varying local services and retail offers commonly referred to as the 12th Milestone. These provide a community service role.

RELEVANT PLANNING HISTORY

Planning Reference: T/1999/0336
 Location: Neillsburn Plantation
 Proposal: Site of Housing Development
 Decision: Application Withdrawn: 28.09.1999

Planning Reference: T/2000/0810/O
 Location: Neillsburn Plantation Site, between Knightswood and King's Court, Antrim Road, Templepatrick
 Proposal: Site of Housing Development
 Decision: Application Withdrawn: 25.04.2001

Planning Reference: T/2008/0024/O
 Location: Neillsburn Plantation, Kingscourt, Templepatrick
 Proposal: Erection of 50 apartments in 7 blocks and 20 semi-detached dwellings
 Decision: Permission Refused: 30.11.2010

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 in the countryside as identified in the Plan. Planning policy provisions for the management of residential development in the countryside as stated in the Plan have been superseded by the provisions of the Strategic Planning Policy Statement and the retained Planning Policy Statements as identified in that document.

The settlement development limit of the village of Templepatrick is located at the western, southern and eastern boundaries of the application site. As the statutory

development plan for the area, the provisions of the adopted AAP with respect to development proposals in Templepatrick remain in effect.

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

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

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

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

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

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 – Noise Impact and Odour Impact Assessments required.

Northern Ireland Water – Noise Impact and Odour Assessments required.

Department for Infrastructure Roads - Additional information requested.

Department for Infrastructure Rivers – Drainage Assessment required.

Department for Agriculture, Environment and Rural Affairs:

- **Natural Environment Division** – Objection.
- **Drainage and Water** – No objection.

Department for Communities Historic Environment Division – No objection subject to conditions.

REPRESENTATION

Forty two (42) neighbouring properties were notified and three (3) letters of objection have been received from two (2) addresses and one (1) planning consultant. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- The application site is outside the development limit of Templepatrick in the adopted Antrim Area Plan 2001.
- The site is an inappropriate location for new housing.
- There is no rationale to permit development which is contrary to the adopted development plan.
- The proposal will prejudice decisions which ought properly to be taken through the local development plan process.
- The agent's argument that there is a shortage of housing supply in Templepatrick is unconvincing.
- There is no demand for new housing given the number of planning approvals for residential development that have not been built out.
- There is no imperative to permit a new housing development in a rural area outside Templepatrick.
- The Councils emerging Local Development Plan: Strategic Settlement Analysis for Templepatrick identifies that the site is in an area of development constraint.
- The proposal will have a detrimental impact on landscape quality.
- Neillsburn Plantation has been in existence for many hundreds of years and is the last remaining unspoilt woodland in the village.
- The proposal will have a detrimental impact to the environment and landscape quality due to the loss of protected trees.
- The proposed development will have a detrimental impact on the established character of the village.
- The new vehicular access will negatively impact on road safety in the village and there are already 32 entry points within approximately 1 mile on a priority route; and
- Access to the Antrim Road would create an additional traffic hazard to an already dangerous situation.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Impact on Character and Appearance of the Area
- Natural Heritage
- Noise and Odour
- Access, Movement and Parking

- Flood Risk
- Development Layout

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 (LDP), 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 LDP for the area where the application site is located. While the AAP has passed its notional end date, it is still the relevant LDP for the area and is a material consideration in the determination of this development proposal. The application site is located within the countryside outside of the development limit of Templepatrick which is located at the western, southern and eastern boundaries of the application site.

Planning policy provisions for the management of residential development in the countryside as stated in the Plan have been superseded by the provisions of the Strategic Planning Policy Statement and the retained Planning Policy Statements referred to in that document. As the statutory development plan for the area, the provisions of the adopted AAP with respect to development proposals in Templepatrick remain in effect.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) was published in September 2015. The transitional arrangement set out at paragraph 1.10 indicates that until such times as a Plan Strategy for the whole of the Council area has been adopted, planning authorities will apply existing policy within the Planning Policy Statements that have not been cancelled. As residential development is proposed on land in the countryside Planning Policy Statement 21 'Sustainable Development in the Countryside' is applicable.

Policy CTY1 of PPS21 lists 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 CTY1 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 within a settlement.

It has not been argued by the agent that the proposal falls within either of the two specific circumstances identified in PPS21 where planning permission will be granted for groups of houses in the countryside; a small group of houses within a Dispersed Rural Community (CTY2) or the provision of up to 14 social and affordable houses (CTY5).

The agent seeks to rely upon other arguments to justify the principle of a group of houses in the countryside as overriding reasons why the development is essential and could not be located in a settlement. The agents core planning arguments as set out in the Design and Access Statement are that;

- The AAP is outdated.
- There is a lack of available housing land.
- It will take a significant time period to adopt a new Local Development Plan; and
- There is a policy requirement to maintain a five year land supply of housing land.

The agent concludes that given the above circumstances, there is a demonstrable need to release land for housing at this time and advises that the application site is available to be built up upon and represents a sustainable rounding off of the development limit.

While it is accepted that the AAP has surpassed its notional end date it remains as the statutory LDP for the area and is a material consideration in the determination of this development proposal. The adopted AAP describes Templepatrick as a settlement suitable for further limited growth and a suitable location for residential development but that in such a prime commuter location close to Belfast it is desirable to prevent development taking place to the extent of swamping the village by extensive suburban building.

The Plan comments that the development limit provides for the acceptable expansion of the village without prejudicing the existing character or form of the settlement. Paragraph 5.9 of the APP states that sufficient land has been identified inside the development limit of the settlement both to accommodate residential development and to allow adequate flexibility in the bringing forward of land for development. With respect to the 'Aims and Objectives' of the Plan, it is clearly stated that urban development needs will be met inside the development limits which are drawn around the settlements and that this will ensure, on the one hand, that adequate land for the purposes of, amongst other things, housing, is included and on the other hand that such urban developments do not sprawl unnecessarily into open countryside beyond.

The location of this development proposal, being wholly outside the settlement development limit of Templepatrick, is contrary to the AAP.

Although the AAP did not specifically zone lands in Templepatrick, it is evident a number of planning permissions for residential development have been granted and that undeveloped lands remain within the development limit. Notwithstanding this, the agent contends there is a need for additional land to be released for housing now as there are currently no available lands suitable for residential development within the settlement and that it is evident additional lands are required. In attempting to demonstrate this point the agent has provided a map (page 13 of the DAS) identifying three areas of land within the village that are either under construction, committed (extant planning permission for residential development) or are unavailable to build on.

The planning permission under construction is located at Lylehill to the southeast of the settlement and is known as Temple Hall. This provided for 105 residential units. The agent refers to this as site 2.

At the time of writing the Council has issued its revised Housing Monitor 2019. The Housing Monitor indicates that of the 105 units approved on that site, 44 units have been completed. The Council is on record as using building control completion certificates as the mechanism to determine that residential units are 'complete'.

The agent considers that 53 units have been built out and that 52 units remain to be constructed. No explanation has been provided as to what methodology or factors the agent has used to draw this conclusion.

Site 3, which is located on lands at No's 868 and 870 Antrim Road, has secured planning permission for 41 residential units in February 2018 via reference LA03/2017/0476/F. This planning permission has not been implemented at this time. An earlier planning permission for residential development comprising 54 units was granted on these lands via reference T/2006/0716/F in July 2008.

In combination, the two extant planning permissions provide a total yield of 146 residential units. Irrespective of there having been 44 or 52 units built out at Temple Hall, the 6 units the agent is seeking planning permission for represents a mere 4% of the overall yield of dwellings granted by these planning permissions within the settlement development limit of Templepatrick. If the total of 44 completed units is deducted from the overall yield of 146 units, the 6 dwellings proposed in this application represent a mere 6% of the remaining yield.

Site 1, which is located at No. 912 Antrim Road, 'Boulderstone', is referred to as being unavailable. No explanation or other form of information, investigation or evidence has been provided to support the assertion that the site is unavailable for assessment by the Council. It is noted that planning permission for residential development was granted on these lands via T/2001/0088/F in December 2003.

Given the above circumstances, the Council's Planning Section disagrees with the arguments of the agent that there is a significant shortfall of land remaining within the settlement limit to accommodate housing need.

For this reason, determining weight in the decision making process is not being attributed to the other arguments presented by the agent (AAP is outdated, the time period it will take to adopt the new Local Development Plan, 5 year land supply policy) as these are not considered to be justification for an exceptional release of alternative lands outside of the development limit. It is therefore considered that as a matter of principle the development limit in the extant statutory plan should not be set aside in this instance and the principle of development falls to be considered under the SPPS and PPS21 as the development is wholly located within the countryside.

It is considered therefore that the arguments presented by the agent are not persuasive and for this reason the proposal does not qualify to be considered as an exception of Policy CTY1 of PPS21 as it has not been demonstrated that there are overriding reasons that the proposed development is essential and could not be located in a settlement.

Development Quality and Impact on Character and Appearance of the Area

Policy CTY13 of PPS21 is entitled 'Integration and Design of Buildings in the Countryside'. CTY13 is generally a permissive planning policy but clearly states within the policy headnote that a new building will be unacceptable where it is a prominent feature in the landscape, ancillary works do not integrate with their surroundings, the design is inappropriate for the site and its locality or it fails to blend with the landform and existing trees.

For the purposes of the assessment of this development proposal, reference to 'building' within relevant planning policy of PPS21 is construed as 'buildings'.

As this development proposal seeks planning permission for a group of dwellings the policy provisions of PPS7: Quality Residential Environments' is also applicable. Policy QD1 of PPS7 is entitled 'Quality in New Residential Development'. It states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment and there are nine criteria that all such proposals will be expected to conform with.

The application site comprises an area of long established woodland containing approximately 350 trees, many of which have existed for more than 100 years. The entire application site is subject to a Woodland Tree Preservation Order. The development proposal seeks to remove 95 trees and carry out arboriculture works to a further 100.

The long established woodland which characterises the application site is highly prominent in the streetscene when travelling in either direction along the Antrim Road. This area of long established woodland offers high amenity value from the Antrim Road and it is the western, southern and eastern boundaries that offer greatest public amenity. It is considered that this area of long established woodland provides a strong landscape setting to the built up area of Templepatrick and makes a significant contribution to the local character and environmental quality of the village.

With reference to the Tree Survey and Report (Tree Constraints Plan) submitted in support of the development proposal, it is noted that the highest concentration of trees to be felled are located to the southwestern corner of the application site adjacent to the western and southern boundaries. There are also a large number of trees to be felled which are located within the main body of the application site and in proximity to the southern boundary.

Within the Design and Access Statement the agent comments that proposed dwellings have been positioned sensitively and are set back from existing trees such that the built form is located outside root protection areas of the trees on site.

DoE Planning guidance as set out in Annex D 'Operational Guidance: Development on application sites where there are existing trees' states that 'amenity distance' is the closest distance to the edge of the trees or woodland that development should be allowed to be constructed. Leaving a reasonable amenity distance has many benefits such as reducing the need for requests for tree surgery/tree removal due to either threat to public safety or nuisance factors. The guidance advises that the

amenity distance should be measured from the edge of the root protection area (RPA) or the crown spread of the tree, whichever is the greater, and that this should be a minimum of 6m to the front and rear elevations and 3m to the side gables. It also comments that consideration should be given to future growth, larger species of trees and more heavily shading trees such as Beech. In these cases amenity distance should be increased to 10m. Beech trees are one of the tree types that are present on the application site. DoE Planning guidance also comments that a Tree Protection Plan should be overlaid onto the site layout and that this should identify the precise location and type of protective fencing to be erected and marked as a Tree Protection Area on the plan. Information to this effect does not accompany the planning application.

It is evident that this development proposal will cause the removal of a very large swathe of protected trees in the southwestern corner adjacent to the western and southern boundaries of the application site. In addition, there will be a loss of a large number of trees which are located within the main body of this long established woodland and in proximity to the southern boundary.

Taking account of DoE Planning guidance with respect to amenity distances from existing trees it is considered that the proposed site layout is completely unrealistic with respect to the number of trees that are likely to be retained and that the impact of this development proposal is likely to be greater than commented upon by the agent. This relates to both the positioning of proposed dwellings and the laying out of internal vehicular circulation routes and private driveways.

With respect to the policy provisions of Policy CTY13 of PPS21 and criterion 'A' and 'B' of Policy QD1 of PPS7 it is considered that the indicative model of development is inappropriate to and fails to respect the character of the site and its locality. The overall layout fails to blend with, protect or integrate in a suitable manner the well-established and highly recognisable landscape feature of the long established woodland on the application site, which is protected by a Woodland Tree Preservation Order and is an interest of acknowledged importance.

Given the high public amenity value and the significant contribution that Neillsburn Plantation makes to the local character and environmental quality of the area it is desirable to retain a robust landscape buffer along the edges of the application site. With respect to the dwelling on Site 1 which is located adjacent to the public road, it is considered that the introduction of a dwelling in this location will read as a conspicuous feature in this part of the streetscene. This is given its location immediately opposite the access to the Castleton residential estate and in close proximity to a large swathe of car parking at the 12th Milestone, where critical views of the site are readily available.

For the above reasons it is considered that the proposal is contrary to the provisions of the SPPS, Policies CTY1 and CTY13 of PPS21 and Criterion 'A' and 'B' of Policy QD1 of PPS7.

Policy CTY14 of PPS21 entitled 'Rural Character' is also a generally permissive planning policy however, it clearly states within the policy headnote that a new building will be unacceptable where it is unduly prominent in the landscape, it results

in a suburban style build-up of development when viewed with existing and approved buildings or the impact of ancillary works would damage rural character.

It has been set out above that it is considered that Site 1 of the indicative model of development will be read as a conspicuous and therefore prominent feature in the streetscene. This is contrary to criterion 'A' of Policy CTY14 of PPS21. It has also been noted above that ancillary works (hardstanding areas) associated with the overall layout of proposed development will fail to integrate with the landscape. The failure of these necessary ancillary works to integrate with the landscape will have a detrimental impact to rural character. This is contrary to criterion 'E' of Policy CTY14.

It has been noted earlier in this report that the adopted AAP describes Templepatrick as a settlement suitable for further limited growth and a suitable location for residential development but that in such a prime commuter location close to Belfast it is desirable to prevent development taking place to the extent of swamping the village by extensive suburban building. The introduction of a multi-unit residential development in this countryside location lying next to the development limit of Templepatrick will clearly result in a suburban style build-up of development when viewed with existing buildings at Knightswood and Kingswood located to the west and east of the application site respectively. This is contrary to 'B' of Policy CTY14 of PPS21. For the above reasons it is considered that the proposal is contrary to the provisions of the SPPS and Policy CTY14 of PPS21.

Policy CTY15 of PPS21 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.

The justification and amplification section of the policy states that landscapes around settlements have a special role to play in maintaining the distinction between town and country in preventing coalescence between adjacent built up areas and in providing a rural setting to the built up area.

It has been set out above that the facilitation of the proposed model of development will have a significant adverse impact on the character and quality of Neillsburn Plantation, a legally protected area of long-established woodland (via a woodland Tre Preservation Order). Almost 100 of the 350 trees on the application site, which have been in existence in excess of a century, are proposed to be felled together with arboriculture works to an additional 100 trees. The removal of such a significant volume of trees and extensive arboriculture works to an additional 100 trees will have a significant adverse visual amenity impact to the overall character and quality of the long-established woodland, which plays an important role in maintaining the distinction between the rural setting of the countryside and the built up appearance of the village of Templepatrick.

The justification and amplification section of the policy also states that the principle of drawing a development limit is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the settlement and the countryside. It goes on to say that proposals that would mar this distinction or create urban sprawl will therefore be unacceptable.

As noted earlier in this report, the 'Aims and Objectives' of the Antrim Area Plan 1984 - 2001 (AAP) clearly state that urban development needs will be met inside the development limits which are drawn around the settlements and that this will ensure, amongst other things, that urban developments (housing) do not sprawl unnecessarily into open countryside beyond.

The Council's Planning Section contends the settlement development limit of Templepatrick has performed well in its role; Templepatrick Primary School is the only example of a development having occurred outwith and immediately adjacent to the development limit, all other urban development projects, including several residential planning permissions, have been met within the development limit and the arguments of the agent with respect the need for additional lands to be released for housing are not considered to represent compelling or exceptional reasons.

It is considered that the development proposed, which is located within the countryside and wholly outside the settlement development limit of Templepatrick represents unwarranted urban sprawl the effect of which will have a significant adverse visual amenity impact to Neillsburn Planation that in turn will mar the distinction between the settlement of Templepatrick and the adjoining countryside.

Natural Heritage

A Tree Survey Report, a Preliminary Ecological Appraisal and the results of a Badger Scoping Survey have been submitted in support of the planning application.

In its consultation response DAERA: Natural Heritage (NED) describes the application site as being a historical broadleaved woodland of local significance and which is listed on the Woodland Trusts Woodland Inventory of Northern Ireland, which means that this site has been continuously wooded since at least 1830. NED note that long-established woodland covers less than 1% of Northern Ireland's landscape.

NED has expressed serious concerns with this proposal, which in essence relate to the loss of long established woodland and the impact to bats and badgers and wild birds, all of which are protected under varying pieces of legislation.

Planning Policy NH5 of PPS2 is entitled 'Habitats, Species or Features of Natural Heritage Importance'. Long-established woodland is one of the listed examples where planning permission will only be granted for a development proposal which is not likely to result in an unacceptable adverse impact on, or damage to, this type of feature. This policy test is consistent with the relevant provisions of the Strategic Planning Policy Statement set out at paragraphs 6.192 and 6.193.

The Tree Survey Report recommends the felling of almost 100 trees due to their poor condition and significant arboriculture work such as crown cleaning and the removal of deadwood and ivy on more than 100 other trees. In its consultation response, NED comments that the statement made in the Design and Access Statement that trees are recommended for felling for good woodland management reasons is disingenuous as these trees are only likely to be felled if residential development is permitted on the application site.

NED also comments that the mature trees on site have significant bio-diversity value and that damage and decay on the trees is part of a natural woodland process and

significantly adds to their bio-diversity value. This is the case as the trees provide habitat and a source of food for a wide range of wildlife, including wild birds and bats. NED also notes that many of the trees on site contain multiple cavities and crevices which could provide potential roost features for bats or wild birds.

NED has expressed serious concern with the impact of proposed development on the nature conservation value of the woodland due to significant tree removal and that proposed arboriculture works will effectively sterilise these trees as wildlife habitat.

NED correctly points out that no compensation measures for the loss of trees and woodland habitat has been submitted in support of the development proposal.

For the reasons set out above it is considered that the proposal is contrary to the provisions of Policy NH5 of PPS2 and the corresponding policy provisions of the SPPS as the proposal will have an unacceptable adverse impact to long-established woodland and it has not been demonstrated that the proposed development would outweigh the value of the loss of this long-established woodland.

With reference to the Habitats Regulations, Bats are a European Protected Species and are subject to a strict level of protection.

As noted above, NED have commented that many of the trees on the application site contain multiple cavities and crevices which could provide potential roost features for several roosting bat species. The site and surroundings are described by NED as providing high quality foraging habitat.

With reference to the submitted Preliminary Ecological Appraisal (PEA) NED has expressed serious concerns with the adequacy of the assessment such that no firm conclusions can be drawn from it. NED comment firstly that the survey undertaken was a visual assessment from ground level only. Given that many of the trees have multiple cavities and crevices NED advise that these should be classified as having moderate or high roosting suitability and should be subject to further, more detailed surveys. NED strongly disagrees with the conclusion of the PEA that the overwhelming majority of trees on the application site have low or negligible suitability for roosting bats. NED highlights that many potential roost features are likely to be located higher up on the trees, which are impossible to see from ground level. NED comments that it considers that multiple bat roosts are present within the woodland and that any trees with bat roosting potential should be considered as part of a resource that will be used at one time or another by tree roosting bats.

NED correctly notes that no information on any proposed lighting has been submitted with the application, that lighting will likely be required and that artificial lighting of the site will likely have an additional impact as bats are nocturnal creatures that are sensitive to artificial lighting in their environment for reasons of foraging and commuting, which can cause disturbance and/or displacement. Illumination of the roost can lead to starvation and/or the abandonment of the roost. NED notes that lighting is likely to cause additional harm to protected species and the value to wildlife or retained trees within the woodland is likely to be significantly reduced.

NED concludes that insufficient survey information has been submitted to rule out adverse impacts on bats and that no appropriate mitigation or compensation measures have been proposed to address these impacts.

It is considered that the proposal is likely to have a significant impact on bats, a European Protected Species, and that given the absence of robust survey work and analysis the precautionary principle should be applied as this development proposal presents a threat of serious or irreversible damage to this protected species.

For the reasons set out above it is considered the proposal is contrary to the provisions of Policy NH2 of PPS2 and the corresponding provisions of the SPPS (paragraphs 6.179 – 6.182) as the proposal is likely to harm bats, a European Protected Species, through the destruction and/or disturbance of bat roosting sites and the loss of important foraging habitat.

Badgers and their places of refuge are protected under the Wildlife (Northern Ireland) Order 1985 (as amended) and irrespective of whether they are currently active or not. A site survey conducted by NED recorded several mammal holes and two badger setts within close proximity to one another and which are likely to be within the footprint of the proposed development. The setts were classified as a disused main sett and a disused annex. NED comments that it is unclear whether or not the badger setts and mammal holes recorded in the Preliminary Ecological Appraisal (PEA) are the same badger setts and mammal holes recorded by NED at its site visit.

From the information available NED is unable to determine the current status of badgers on the site, including the total number of setts and their status in the local social group. NED agrees with the conclusion of the PEA that a more detailed assessment of badger activity is required to determine the current status of badgers on the application site, including the total number of setts and their status in the local social group. NED agrees with the conclusion of the PEA that a more detailed assessment of badger activity is required to determine how badgers are using the site in order to allow classification of the status of all badger setts and to determine any appropriate mitigation measures.

NED concludes that, on the basis of the information available, the proposal is likely to cause significant harm to badgers through destruction of, and/or damage or disturbance to badger setts. Additionally, NED concludes the proposal will result in the significant loss of badger foraging habitat, which will cause disturbance to the badgers, potentially displacing them from the application site or severely restricting their foraging opportunities.

Given that current badger survey data is insufficient to properly quantify the magnitude of the impact of the development upon badgers the precautionary principle is being applied as there is the potential for serious or irreversible damage to occur to badgers, their resting places, foraging habitat and commuting corridors.

For the reasons set out above it is considered the proposal is contrary to the provisions of Policy NH2 of PPS2 and the corresponding policy provisions of the SPPS, as set out at paragraphs 6.179 – 6.182, in that the development is likely to cause harm to badgers, a nationally protected species, through the destruction of, and/or

damage or disturbance to badger setts and a significant loss of badger foraging habitat.

Wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended). NED advises the long established woodland is likely to be used by a variety of breeding birds, small mammals and invertebrates. NED comments that the proposal will result in a significant loss of habitat for wild birds, including potential nesting sites.

An existing large rookery is located at the southwestern corner of the application site. NED comments that this constitutes a very significant natural heritage feature in a local context and goes on to describe rookeries as large breeding sites for birds and which are returned to faithfully each year. NED also notes that this rookery has likely been present for many decades if not centuries.

As noted above, this development proposal will result in the loss of a large number of existing trees and is likely to result in the destruction of many bird nests. The precautionary principle is being applied as there is the potential for serious or irreversible damage to occur to wild birds and their nests.

It is considered that the proposal is contrary to the provisions of Policy NH5 of PPS2 and the corresponding policy provisions of the SPPS, specifically paragraphs 6.192 and 6.193, in that the development will have an unacceptable adverse impact on natural heritage features worthy of protection, particularly through a significant loss of nesting sites and foraging habitat for wild birds.

A summary of the serious concerns expressed by Natural Heritage is that the proposal is contrary to the Habitats Regulations, the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 2: Natural Heritage in that the proposal will;

- have an unacceptable impact on long established woodland;
- is likely to cause harm to bats, a European Protected Species;
- is likely to cause harm to Badgers, a Nationally Protected Species; and
- will have an unacceptable adverse impact on natural heritage features worthy of protection, particularly breeding birds, including a large rookery, which are protected under the Wildlife Order.

Noise and Odour

A Northern Ireland Water Waste Water Treatment Works/Pumping Station (WWTW) is located adjacent to and outside of the application sites northwestern boundary.

Paragraph 7.11 of PPS11: Planning and Waste Management states that due to their nature and scale many WWTWs have the potential to have a significant impact on the environment and on the amenity of local communities. It also states that as a result of this they are often located in the countryside away from residential development and that odour is one of several important considerations. Paragraph 10.2 of PPS11 states that the potential adverse impact of existing facilities upon neighbouring land uses will be a material consideration in the determination of planning applications for the development of that land. It states further that planning control must consider the acceptability of development in proximity to potential sources of pollution and that consideration will need to be given to the sensitivity of development proposed in the vicinity of WWTW's and in particular sensitive uses such

as residential development. Paragraph 10.4 of PPS11 comments that the potential adverse impact of existing infrastructure upon neighbouring land uses will be a material consideration in the determination of planning applications for the development of that land. It concludes by stating that planning applications involving land within the vicinity of WWTW's will not be approved where there would be a loss of amenity from odour nuisance. Criterion 'H' of Policy QD1 of Planning Policy Statement 7: 'Quality Residential Environments' refers to the design and layout of development not creating conflict with adjacent land uses and there being no adverse effect on proposed properties in terms of general disturbance. Policy CTY1 of PPS21: 'Sustainable Residential Development in the Countryside' requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations.

In its consultation response both NI Water and the Council's Environmental Health Section have commented that due to the close proximity of this facility to proposed development there is concern that occupiers of potential future development may be impacted upon by noise and odour from the facility.

Paragraph 6.317 of the Strategic Planning Policy Statement is clear in stating that particular attention should be given to the potential impacts of existing waste management facilities on neighbouring areas and the need to separate incompatible land uses. Paragraph 6.318 states that development in the vicinity of such facilities should only be permitted where it will not prejudice the operation of such facilities and will not give rise to unacceptable impact on people, transport, or the environment. Policy WM5 of PPS11: Planning and Waste Management states that proposals involving the development of land in the vicinity of existing WWTW will only be permitted where all of two criterion are met. The criterion are that;

- (a) it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility; and
- (b) it will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment.

Neither an Odour Assessment nor a Noise Assessment has been provided to the Council to assess these matters in more detail. On this basis it is considered that future occupiers of proposed development are likely to be unacceptably impacted upon by the operation of this existing facility and that the two competing land uses are incompatible with one another.

Access, Movement and Parking

An existing vehicular access point serving the application site is located approximately half way along the site frontage and opposite the Castleton residential development. This existing access is indicated in the development proposal as being permanently closed with a relocated and upgraded access point positioned approximately 75m to the northeast along the Antrim Road. The agent advises the relocation of the access and its upgrade is in order to avoid conflicting traffic and pedestrian manoeuvres with the existing accesses at Castleton and Upton Court as well as the existing pedestrian crossing point on the Antrim Road.

The relocated and upgraded access will be a shared surface with private driveways serving the proposed development with an initial section adjacent to the Antrim

Road designed to an adoptable standard. This is designed to facilitate refuse vehicles to enter and turn within the site such that they can exit in a forward gear.

The Antrim Road (A6) is a 'Protected Route'. Applicable planning policy for this type of road permits accesses to a protected route within settlement limits where access cannot reasonably be taken from an adjacent minor road and where it is demonstrated to the Council's satisfaction that the nature and level of access onto the protected route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

The only road serving the site is the Antrim Road (A6), a protected route. Within the submitted Transport Assessment Form (TAF) it is stated that two private laneways along the northeastern and southwestern boundaries of the application site are not of a suitable design standard to accommodate additional traffic associated with this development proposal. The southwestern lane serves the existing NI Water treatment facility and its utilisation is described as creating conflicting traffic movements with the petrol filling station at the 12th Milestone shopping area. The access road to the northeast is described as a private laneway serving four dwellings and which has not been designed to accommodate traffic associated with a further six dwellings. The TAF sets out that the utilisation and extension of either of these accesses would be detrimental to the trees on the application site. The TAF concludes by saying that being mindful of the protected nature of the Antrim Road (A6), and to ensure that there is not a proliferation of accesses being created as a result of this development proposal, the applicant intends to close the existing access to the application site, repositioning and upgrading it to improve road safety. The repositioned access is identified as being located some 75m to the northeast of the current access point.

In its consultation response DfI Roads has offered no objection in principle to the proposed vehicular access point.

With respect the arguments made in the TAF with respect to the acceptability of the proposals regarding Policy AMP3 of PPS3 it is accepted that there are no minor roads capable of serving the proposed development. While it is evident that there are multiple vehicular accesses serving varying forms of existing development along the Antrim Road within the development limit of Templepatrick, it is noted that the application site does have an existing, albeit unsuitable, vehicular access point. The proposed vehicular access is effectively a 'one-for-one' replacement access and it is noted that the existing access is to be permanently closed should planning permission be granted. As a 'one for one' replacement access, it is not considered that the new access can be construed as leading to a proliferation of access points as there is a 'zero' net gain of access points. Given that the new access has been deliberately placed in the identified location and that DfI Roads has no objections in principle to its location or design, it is considered that the new vehicular access point is capable of being designed so that it will not compromise standards of road safety.

Notwithstanding this conclusion however, it is noted that DfI Roads has requested further information with respect to the detailing of visibility splays, the removal of the ramp at the point of entry into the proposed development and details of the proposed works to the Antrim Road. For this reason it is considered that the applicant has failed to satisfactorily demonstrate that the new access will not compromise

standards of road safety or significantly inconvenience the flow of traffic. As such, it is considered that the proposal fails to comply with the provisions of Policies AMP2 and AMP3 of PPS3.

Flood Risk

The applicant has submitted a Flood Risk Assessment (FRA) to support this application.

An undesignated watercourse flows along the northern boundary in a westerly direction where it joins the designated watercourse Neillsburn/Woodbrook Drain. This watercourse flows along the western boundary in a northwesterly direction where it joins the Six Mile Water River some 720m approximately to the west.

The FRA indicates that an area of approximately 20% of land adjacent to the northern boundary of the application site, and in particular the northeastern corner, is situated within the fluvial floodplain. It is also indicated that the site has the potential to be affected by surface water flooding in this general area.

The FRA advises that attenuated and non-attenuated run-off from the application site will drain to the undesignated watercourse at the northern boundary via a new site drainage network and that there is no reliance on any NI Water storm sewer. The FRA indicates that it is intended to limit surface water run-off to green field run-off rates of 10 litres per second per hectare for the developed site area by means of a 'limiting rate' and attenuation is indicated as taking the form of a tank sewer located underneath a part of the internal carriageway serving the proposed development. The tank sewer is identified as draining to the undesignated watercourse at the northern boundary of the application site.

The FRA also comments that all built development, including private garden areas, will be located outside the floodplain, that a 5m maintenance strip for riparian landowners will be provided at each watercourse and that an easement will be provided for NI Water sewers as they exist or as realigned during the detailed design stage. With reference to finished floor levels, a minimum freeboard of 0.6m is to be added to the finished floor levels and the effect of climate change has been incorporated within the overall consideration of the scheme. The FRA notes that finished floor levels will be indicated at the Reserved Matters stage should outline planning permission be granted.

With respect to these matters DfI Rivers has commented that it accepts the logic of the FRA and has no reason to disagree with its conclusions.

Notwithstanding the position of DfI Rivers with respect to the FRA, a formal Drainage Assessment (DA) has been identified as necessary in its consultation response. This is the case as although the FRA contains some information consistent with a DA, there are comments made to the general effect that exceedance flows from the internal drainage regime will flow overland to the watercourse at the northern boundary of the application site. DfI Rivers comment that the redirection of exceedance flows to the watercourse during high rainfall events will breach the permitted discharge rate established in the Consent to Discharge (29 litres per second). For this reason DfI Rivers reject the argument made that information provided in the FRA complies with the provisions of Policy FLD3 of PPS15.

For the reason set out above it has not been demonstrated that the proposal has identified adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development nor exacerbate flooding elsewhere. The proposal therefore fails to comply with the provisions of Policy FLD3 of PPS15 and the relevant policy provisions of the SPPS.

The last sentence of the policy headnote of Policy FLD3 of PPS15 states that where the proposed development is located within a fluvial floodplain, then Policy FLD1 will take precedence. The policy headnote of Policy FLD1 of PPS15 comments states that planning permission will only be granted if the Flood Risk Assessment demonstrates that there are adequate measures to manage and mitigate any increase in the flood risk arising from the development. In this instance, given that a formal DA has been requested to support the development proposal and that it has been concluded by DfI Rivers that overland exceedance flows will surpass the consent to discharge output rate. It has not been demonstrated that there are adequate measures to manage and mitigate any increase in flood risk arising from the development.

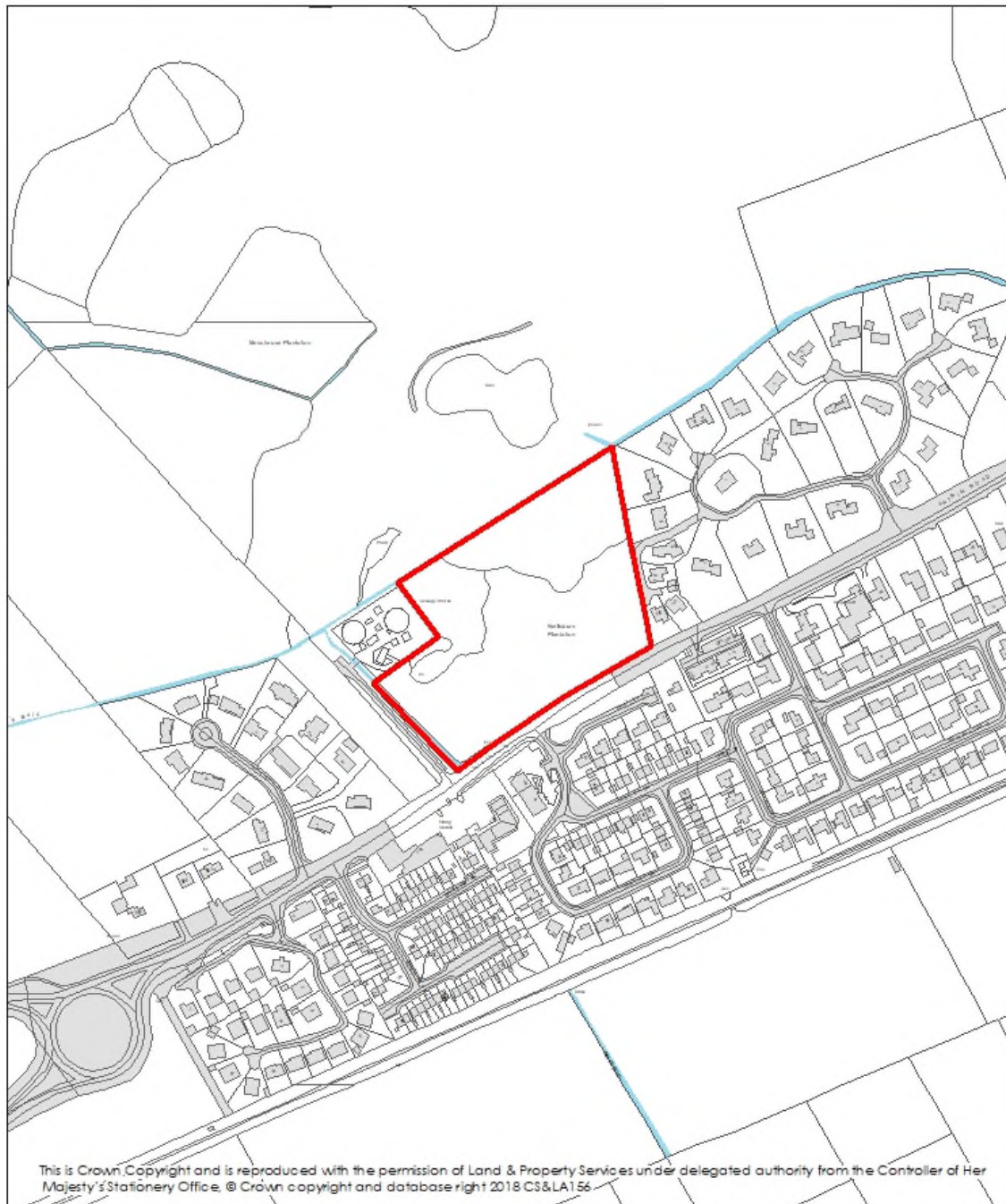
CONCLUSION

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

- It is considered that the principle of development on this site is contrary to the provisions of the Antrim Area Plan 1984 – 2001, the Strategic Planning Policy Statement and Planning Policy Statement 21 as the proposed residential development site lies outside the designated development limit of the village of Templepatrick and it has not been demonstrated that this proposal is essential and could not be located within a settlement.
- A residential development at this location will mar the distinction between the settlement of Templepatrick and the countryside and will have an unacceptable adverse impact on rural character.
- The proposed development will fail to integrate into the countryside.
- It is not considered that the proposal will result in a quality and sustainable residential environment.
- The proposed development will have an unacceptable adverse impact on an area of long-established woodland protected by a woodland Tree Preservation Order.
- The proposed development will result in the loss of natural heritage features worthy of protection particularly through a significant loss of nesting sites and foraging habitat for wild birds and it is likely to have an unacceptable impact on bats and badgers.
- Future occupiers of proposed development are likely to be unacceptably impacted upon by the operation of the adjacent Waste Water Treatment Works and the two competing land uses have not been demonstrated as being compatible with one another.
- It has not been demonstrated that the proposed new access will not compromise standards of road safety or significantly inconvenience the flow of traffic on the Antrim Road which is a Protected Route.
- A drainage regime has not been provided that addresses the drainage consequences of the proposed development and that demonstrates adequate measures to manage and mitigate any increase in flood risk arising from the development.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the Antrim Area Plan 1984-2001, the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this countryside location and could not be located within a settlement. 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policies CTY1 and CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, and Policy QD1 of Planning Policy Statement 7, Quality Residential Environments in that the development would, if permitted: <ul style="list-style-type: none"> • fail to integrate sympathetically with the context of the site in terms of its overall layout and ancillary works; and • fail to blend with landscape features in terms of the adverse impact arising to the long established woodland at Neillsburn Plantation which has not been suitably protected and integrated into the overall design. 3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the development would, if permitted, result in a detrimental change to the rural character of the countryside as: one of the proposed dwellings would be prominent in the landscape; the impact of ancillary works associated with the overall development would damage the protected landscape feature of Neillsburn Plantation; and the development would result in a suburban style build-up of development when viewed with existing development at Knightswood and Kingswood. 4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the development would, if permitted, mar the distinction between the settlement of Templepatrick and the surrounding countryside and result in unplanned urban sprawl. 5. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policies NH2 and NH5 of Planning Policy Statement 2, Natural Heritage, and Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, in that the proposal would, if permitted; <ol style="list-style-type: none"> (a) have an unacceptable adverse impact on the existing long established woodland at Neillsburn Plantation, which is protected by a woodland Tree Preservation Order; (b) likely cause harm to Bats (a European Protected Species) through the destruction and/or disturbance of bat roosting sites and the loss of important foraging habitat. (c) likely cause harm to badgers (a Nationally Protected Species) through the destruction of, and/or damage or disturbance to badger setts and a significant loss of badger foraging habitat; and (d) have an unacceptable adverse impact on natural heritage features worthy of protection due to the significant loss of resting sites and foraging habitats for wild birds. 	

6. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, and Policy WM5 of PPS11. Planning and Waste Management, as it has not been demonstrated:
 - that the proposed development respects the surrounding context.
 - that the development would not create conflict with adjacent land uses due to the presence of the NI Water Waste Water Treatment Works adjacent to the site.
 - that it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility; and
 - that it will not give rise to unacceptable adverse impacts in terms of people or the environment.
7. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies AMP2 and AMP3 of Planning Policy Statement 3, Access, Movement and Parking, as it has not been demonstrated that the vehicular access arrangement proposed to serve the development will not compromise standards of road safety or significantly inconvenience the flow of traffic.
8. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy FLD3 of Planning Policy Statement 15 (Revised), Planning and Flood Risk, as it has not been demonstrated that there are adequate drainage measures to accommodate the development and manage / mitigate any increased flood risk arising at the site or elsewhere.

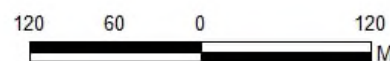


Location Map


Application Reference: LA03/2019/0816/O

For Information Only

Lands at Neillsburn Plantation
Antrim Road Templepatrick
(located between the residential
developments of Kingscourt and Knightswood)



Site for residential development comprising
6no. detached dwellings and associated works

 Site Boundary



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2018/1075/F
DEA	AIRPORT
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed residential development with access off Farmhill Road, comprising 114 no. units (15 no. two-storey detached, 90 no. two storey semi-detached and 9 no. bungalows), internal roads, landscaping, public open space and associated site works and drainage. Includes road widening of Farmhill Road and Nutts Corner Road to provide right hand turn lane, site access and junction improvements. Drainage and pedestrian connection to Glendarragh Park. Existing cottages at 1-3 Farmhill Terrace to be retained.
SITE/LOCATION	Lands west of the junction of Farmhill Road and Nutts Corner Road, Crumlin (including 1-3 Farmhill Terrace)
APPLICANT	Killultagh Properties Ltd
AGENT	Gravis Planning
LAST SITE VISIT	21st November 2019
CASE OFFICER	Johanne McKendry Tel: 028 903 Ext 40420 Email: johanne.mckendry@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located in the countryside immediately outside the settlement limit of Crumlin as designated in the Antrim Area Plan 1984-2001. The site abuts the current settlement limit along its southern and western boundaries.</p> <p>The 5.6 hectare site comprises two agricultural fields bounded by hedgerows. The two fields are of equal area and are divided by a north-south hedgerow through the centre of the site. The topography is sloping with an approximate rise of 10 metres in level from the southwest corner of the site to its highest point adjacent to Farmhill Road at the northeastern site boundary. In addition, there are a number of perimeter and internal drainage ditches within the site. There is a row of three terrace cottages on the corner of Farmhill/Nutts Corner Roads which are proposed to be retained as part of the development.</p> <p>The site is bounded to the north by agricultural grassland, to the east by the Farmhill Road and agricultural fields beyond, to the south by the residential estates of Parkfield and Glendarragh Park, and to the southeast by the Nutts Corner Road. There is a light industrial development use to the west of the site.</p>	
RELEVANT PLANNING HISTORY	
Planning Reference: LA03/2017/1007/PAD Location: Farmhill Road, Crumlin	

Proposal: Housing Development
Decision: Pad Concluded 04.10.2018

Planning Reference: LA03/2017/0774/PAN
Location: Lands bound on the eastern side by Farmhill Road in Crumlin
Proposal: Housing Development
Decision: PAN Acceptable 15.09.2017

PLANNING POLICY

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

Until the Council adopts its new Local Development Plan, 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 in the countryside. The Plan offers no specific guidance on this proposal.

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

PPS 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 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.

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

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

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

CONSULTATION

Council Environmental Health Section – No objection subject to conditions

NI Water – No objection subject to informatives

DfI Roads – No objection subject to conditions and informatives

Department of Agriculture, Environment and Rural Affairs: Natural Environment Division – No objection subject to conditions and informatives

Department of Agriculture, Environment and Rural Affairs: Land Soil & Air, Regulation Unit – No objection subject to conditions and informatives

Department of Agriculture, Environment and Rural Affairs: Water Management Unit – No objection subject to conditions and informatives

Department of Agriculture, Environment and Rural Affairs: Inland Fisheries - has highlighted that the storm/ surface water discharge will have a detrimental effect on inland fisheries interests but has suggested informatives to be placed on any decision

Department of Agriculture, Environment and Rural Affairs: Coastal Development, Marine and Fisheries/Sea Fisheries, Fisheries Inspectorate - Holds concerns that the proposed development has the potential to impact on an existing commercial fish farm on the Crumlin River but is satisfied that the mitigation measures listed in the CEMP should limit potential impact of construction and operational phases of both the proposed residential development and associated road works provided that the measures are implemented in full

Shared Environmental Services – No objection

Department for Communities: Historic Environment Division – No objection subject to conditions and informatives

DfI Rivers – No objection subject to informatives

Belfast International Airport – No safeguarding objection but suggested the development may be impacted by noise due to proximity of the application site to the runway

National Air Traffic Services – No objection

UK Crown Bodies DIO LMS – No objection

REPRESENTATION

Twenty-five (25) neighbouring properties were notified and sixteen (16) letters of objection have been received from nine (9) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- The necessity of developing the site in advance of progressing the Local Development Plan;
- The suitability of the application site in advance of any other site adjoining the settlement limit of Crumlin;
- Traffic generation, congestion and road safety concerns;
- Inadequate traffic survey;
- Details relating to the adjustments to junction of Farmhill Road and Nutts Corner Road are not clear;
- Lack of infrastructure;
- Pressure on schools and health services;
- Historic windmill within the site;
- Loss of agricultural land;
- High density development;
- Design of dwellings;
- Impact of kerb line along Nutts Corner Road on dwellings at Farmhill Terrace;
- Proximity of development to runway at Belfast International Airport;
- Noise;
- Proximity to existing property;
- Change in character of the rural area;
- Overlooking;
- Proposed open space will result in anti-social behaviour;
- Security risk to neighbouring dwellings due to pedestrian access link;
- Inadequate sewerage system;
- Pollution of Lough Neagh;
- Drainage concerns;
- Visual, noise and odour impact from the proposed pumping station;
- Water quality in Crumlin River;
- Detrimental impact on neighbouring fish farm and hatchery;
- The Planning Supporting Statement is misleading;
- Lack of integration;
- Visual impact;
- Urban sprawl;
- Loss of a view;
- Inadequate public transport services;

- Query relating to the tenure of the dwelling units;
- Failure to neighbour notify; and
- Failure to request an Environmental Statement.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Impact on Character and Appearance of the Area
- Density
- Design and Layout
- Neighbour Amenity
- Flood Risk
- Archaeology
- Natural Heritage
- 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 (LDP), so far as is material to the application, and to any other material considerations. Section 6 (4) of the Planning Act then states that, where, in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Antrim Area Plan 1984-2001 (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 outside the development limits of any settlement as designated in the AAP. Paragraph 5.10 of the AAP states that the approach of the planning authority will be to encourage orderly growth in the residential sectors of each settlement and that particular attention will be given to environmental considerations concerning the size, siting and layout of proposed residential developments.

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 PPS's which provide the relevant regional policy context for consideration of the proposal:

- PPS 2: Natural Heritage;
- PPS 3: Parking and Movement;
- PPS 6: Planning, Archaeology and the Built Heritage;
- PPS 7: Quality Residential Environments;

- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas;
- PPS 8: Open Space, Sport and Outdoor Recreation;
- PPS 15: Planning and Flood Risk; and
- PPS21: Sustainable Development in the Countryside.

As indicated above, the AAP is the relevant development plan to assess the proposal under and while it has passed its notional end date, it continues to serve as the relevant LDP and is a material consideration. Within the AAP, the site is located on the northern side of Crumlin in the countryside outside of the designated settlement limit. The AAP indicates that some 45 hectares of land were zoned for housing within the development limits of Crumlin.

The applicant contends within the submitted Planning Supporting Statement, Document 01 date stamped 26th November 2018, that the SPPS requires an adequate and available supply of housing land to be provided and the current LDP which was designed to accommodate for the housing needs of the settlement up to 2001 is outdated and the scale of housing land shortfall in Crumlin is unmatched in the Borough. The applicant has stated that the presence of undeveloped lands in Antrim is not a substitute for an adequate or practical supply to meet the requirements of the town of Crumlin prior to the release of the LDP. The applicant states that a choice and flexibility of sites within Crumlin must be retained and the proposed development provides this and can be provided without alteration or impact upon the overall projected housing requirements for Crumlin of 650 units over the LDP period to 2030 and 5 years beyond, as indicated in the Council's Preferred Options Paper. The applicant maintains that the proposed development is therefore essential and cannot be located in the settlement.

Concerns were raised by objectors that the applicant's Planning Supporting Statement contained misleading information. Concerns were also raised with regards to the necessity of developing the site in advance of progressing the LDP and the suitability of the application site in advance of any other site adjoining the settlement limit of Crumlin.

The applicant has acknowledged that there are still undeveloped lands available for housing in Crumlin which demonstrates that there is still some flexibility in the housing market. As such, the development proposal, being outside the planned limits for Crumlin, is contrary to the LDP. In addition, extensive residential land was zoned within the Antrim Town development limit to be released over two development phases to ensure the compact growth of the town. In this context it is considered that any discussion around housing land supply to serve Crumlin would properly be a matter for the emerging Local Development Plan to address.

It is important to note that since the submission of the Planning Supporting Statement by Gravis for this application, a number of new evidential considerations have been published by the Council in relation to housing, which are of relevance to the context of housing within the Borough and those arguments relied upon in the applicant's supporting statement.

On 28th June 2019 the Council published its draft Plan Strategy. This document took into consideration comments received during the public consultation process for the

Preferred Options Paper (POP) (published January 2017) and consequently revised the overall housing growth figure to 9,750 units for the Borough, from the 13,000 units identified in the earlier Preferred Options Paper. As a consequence the housing growth requirement for Crumlin was reduced proportionately, from the 650 units identified in the Preferred Options Paper, to 350 units.

It is anticipated that the Council's draft Plan Strategy will progress towards Independent Examination later in 2020, where the housing growth and allocation will be examined for soundness as part of the overall Plan. Notwithstanding, the Council considers that 350 units is a reasonable and appropriate housing growth figure for Crumlin. Further information on housing within the Borough is contained within Evidence Paper 6: Housing which supports the draft plan Strategy (available at <https://antrimandnewtownabbey.gov.uk/getmedia/ca113aab-c679-440d-abb6-2b2a318fd597/Evidence-Paper-6-Housing.pdf.aspx>). The updated allocation figure for Crumlin set out in the draft Plan Strategy is an important consideration within the context of the arguments identified within the applicant's Planning Supporting Statement.

The Council publishes a housing monitoring report each year which provides information on the level of new housing provision within the Borough. The Planning Supporting Statement seeks to update the figures provided in the 2018 Housing Monitor which dates from 1st April 2017 to 31st March 2018, following onsite inspection of development sites, together with an analysis of what 'Gravis Planning' (the applicant's agent) sees as the annual build rate for Crumlin. However, it is unclear how Gravis Planning has determined which homes are deemed 'complete', nevertheless, it states that 58 units have been built following the publication of Council's 2018 Housing Monitor.

It should be noted that rather than undertaking an onsite inspection, the Council uses Building Control Completion Certificates to identify homes that have been 'built'. As the Housing Monitor clearly states, there may also be a 'lag' period between a site appearing to be complete on the ground and being actually complete. Therefore, it is accepted that more sites may appear complete on the ground than are actually recorded as complete for the purposes of the Housing Monitor.

The Council has now published its 2019 Housing Monitor for the period 1st April 2018 to 31st March 2019, which indicates that 291 dwellings units remain on land within Crumlin where the principle of housing has already been established. It also indicates that 10 units were completed in the survey year (2018-19).

This is clearly at variance with the purported update of the 2018 Housing Monitor provided by Gravis. However, this may be put down to the 'lag' period as identified above, as well as how Gravis has determined a unit as being 'complete'. It is also important to realise that housing supply does not stand still as new housing units are continually approved throughout the year, thus increasing supply.

The Supporting Statement also identifies that housing within Crumlin has been built at a rate of around 51 units per year over the last 3 years. Consequently, when viewed in comparison with what it identifies as remaining housing potential there is only enough housing to meet the demand for housing in Crumlin for the next 4.75 years. This figure again differs significantly from the figures identified by the Council's

Planning Section. Appendix 5 of Evidence Paper 6: Housing of the draft Plan Strategy identifies that in the 3 years from 2015 to 2018, 99 residential units were built within Crumlin. When combined with the results of the 2019 Housing Monitor, which indicates that 10 units were built, the Council identifies that in the last 4 years, the average annual build rate for Crumlin is approximately 27 units per annum. This is almost half of the rate which Gravis has identified.

Gravis has also identified that only 2.8 ha of the 45 hectares of land zoned for housing in Crumlin through the Antrim Area Plan 1984-2001 remains undeveloped. As indicated in Appendix 4 of Evidence Paper 6: Housing, the Council deems that the remaining potential units on zoned housing land amount to 109 units. These units are located on 4.2 hectares of land. This has been updated through the figures from the 2019 Housing Monitor which now indicates that remaining potential still exists for 106 units on 4.1 hectares of zoned housing land.

The Supporting Statement highlights a number of issues around the housing land supply within Crumlin. As it rightly points out, the housing monitor includes all land where the principle of housing has been previously established through housing approvals or housing zonings. These are therefore deemed 'potentially suitable' for future housing development. It should firstly be noted that in terms of existing housing land supply and land remaining within Crumlin to meet housing need, that unlike the POP, the Council has not relied upon the raw annual monitor data in its entirety within the draft Plan Strategy.

For the draft Plan Strategy, the Council has undertaken a further examination of housing supply within settlements which is identified within Table 12 of Evidence Paper 6: Housing. Supply is derived from a number of sources, as outlined in the table, and it should be noted that the Council has estimated an overall potential housing supply of 431 units over the Plan period 2015-30 which is in excess of the 350 units identified in the housing allocation in the draft Plan Strategy. When dwellings completed up to 2019 as indicated in the most recent Housing Monitor are deducted combined with additional supply it is estimated this would still leave a potential housing yield in excess of 300 dwelling units within the settlement of Crumlin.

In its supporting statement, Gravis has identified 3 specific sites within Crumlin, which are included within the Housing Monitor by virtue of previous planning approvals, where it believes that significant constraints exist such that the sites are not actually deliverable in advance of the new LDP and therefore should not contribute to housing supply:

- Site A (The Mater Dei Church Lands, Glenavy Road - Housing Monitor Site 115143, 54 units): This site in its entirety is not included within Table 12 of Evidence Paper 6: Housing, as permission has expired and the majority of the site is fully utilised by existing uses. It is however estimated that an underutilised, cleared site exists which could potentially accommodate some 25 units. This is reflected in the urban capacity column for the settlement;
- Site B (Ballytromery Road Lands – Housing Monitor Site 103040, 50 units): This site is included within Table 12 as 'extant units- site commenced' as the Council deems the site is committed, through a site commencement in 2012 by the insertion of

foundations at adjacent site 113971 given that planning permission T/2005/0770/F encompasses both sites; and

- Site C (Lands at Crumlin Bridge, underneath the Railway Bridge – Housing Monitor Site 103052, 18 Units): This site is not specifically included within Table 12 as permission has expired and it is below the size threshold for potential designation as an urban capacity site. It is this type of site that may be developed through potential future 'windfall' provision.

It should be noted that whilst Table 12 of the Council's Housing Evidence Paper provides an estimation of housing supply for the draft Plan Strategy up to 2030, further detailed studies will be carried out as the plan process progresses to site specific considerations at the Local Policies Plan stage.

In addition, it should be noted that in order to inform the Local Development Plan process, the Northern Ireland Housing Executive (NIHE) undertakes a Housing Needs Assessment, to determine the level of additional accommodation required to meet social housing needs. A Housing Needs Assessment submitted by NIHE for the draft Plan Strategy indicates that within Crumlin 179 social housing units are required to meet social housing needs.

As part of the public consultation exercise for the draft Plan Strategy, four responses were received which specifically advocated various additional lands to be incorporated within a revised settlement for Crumlin, in order to meet anticipated housing need. The application site in question was not among these.

In summary, the Council has identified a housing growth allocation for Crumlin which is significantly reduced in comparison to the POP figure relied upon in the applicant's Supporting Statement; the Council's annual Housing Monitor indicates that there are more housing units remaining in Crumlin than that indicated in the applicant's Supporting Statement; the Council's figures point to an average build rate in Crumlin that is significantly below the rate identified in the applicant's Supporting Statement; and the Supporting Statement relies upon raw Housing Monitor data to identify what it sees as the Council position on land supply in Crumlin.

Table 12 of Evidence Paper 6: Housing identifies the up-to-date position, where it is estimated that there is an excess of potential provision over the 350 unit allocation for Crumlin identified in the Council's published draft Plan Strategy.

Ultimately, the housing need case put forward by the applicant is not considered sufficient at this time to justify a housing development of the scale proposed outside of the designated development limit of Crumlin. It is therefore considered that as a matter of principle, the statutory development limit in the extant plan should not be set aside in this instance and development falls to be considered under the SPPS and PPS 21 as the site is wholly located within the countryside.

The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS. The policy provisions of the SPPS for development in the rural

area are consistent with the policy provisions of PPS 21 for the assessment of this particular application.

Policy CTY 1 of PPS 21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. The policy goes on to list those types of development, which are considered to be acceptable in the rural area. Policy CTY 1 identifies two instances where housing development may be permitted in the countryside, namely a small group of houses in a Dispersed Rural Community and the provision of up to 14 social and affordable houses subject to certain criteria. There was no argument advanced on either of these two grounds and it is considered that there are no overriding reasons why the proposed housing development is essential and could not be located in a settlement. In addition, the appeal proposal does not fit into any of the specified categories in Policy CTY 1. The policy headnote states 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.

It is considered for the reasons outlined above that the arguments presented in this case by the agent are not persuasive and for this reason the proposal does not qualify to be considered as an exception of Policy CTY1 of PPS21 as it has not been demonstrated that there are overriding reasons that the proposed development is essential and could not be located in a settlement. Accordingly, the principle of development is considered unacceptable.

Ultimately it is considered the case for additional sites to accommodate the housing needs of Crumlin should be taken forward through the Local Development Plan process. In this regard Members may recall that a scheme for almost 100 dwellings, also on lands outside but abutting the settlement limit of Crumlin, at Ballytromery Road was refused by the Council in December 2015 (planning application ref: T/2015/0099/O) and dismissed by the Planning Appeals Commission at a subsequent appeal in October 2016 (appeal ref: 2016/A0019). At that time the Commissioner advised that:

"a balanced and transparent discussion of regional policy, settlement hierarchy, Housing Growth Indicators, housing supply including the likelihood of zoned sites coming forward, build and completion rates, housing need and demand and site selection that facilitates the orderly and sustainable development of Crumlin and the wider Council area are all matters for discussion within the development plan process rather than in the context of this single application for development."

Density

Policy LC 1 'Protecting Local Character, Environmental Quality and Residential Amenity' of the second addendum to PPS7 deals with the issue of density within residential areas. It states that the proposed density should not be significantly higher than that found in the established residential area. Generally, density is considered to be a calculation of dwellings per hectare. Based on this calculation, the density of the proposed development is approximately 20 residential units per hectare, which is considered to be low density. It is of a lower density than the neighbouring Parkfield development which has an average density of 35 dwellings per hectare and the

neighbouring Glendarragh Park development which has an average density of 63 dwellings per hectare, but has a comparable density to the Glenoak Grange development opposite the site which has an average of 19 dwellings per hectare. Given the context of the layout and density of the immediate neighbouring residential development it is not considered that the density and layout of the proposed development is out of keeping with the overall character of the adjacent established residential area.

Impact on Character and Appearance of the Area

The proposed housing development is situated immediately outside of the statutory development limit for Crumlin. The purpose of this limit is to promote and contain development within the limit and maintain a clear distinction between the built up area of the settlement and the surrounding countryside. Policy CTY 15 of PPS 21 indicates 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. Notwithstanding its proximity to the adjacent Glendarragh Park and Parkfield developments, the application site is clearly utilised for and appears as agricultural land in the landscape. The three dwellings at 1-3 Nutts Corner Road are too detached from the adjacent developments to contribute to the urban form of Crumlin. Concerns were raised by objectors with respect to the proposed upgrading of the Farmhill Road and the resultant change of character of the area resulting from the development. In this context, it is considered that the development, if permitted would mar the current distinction between the developed urban area of Crumlin and the surrounding rural countryside, which is marked by mature vegetation and agricultural land. The development would appear as a significant extension of the urban area northwards into the countryside that would erode the character of this rural area and result in unplanned urban sprawl. As a consequence, it is contrary to Policy CTY 15 of PPS 21.

Furthermore, it is considered that one hundred and fourteen (114) dwellings in the rural area will not visually integrate into this area of countryside and would result in a build-up of development detrimental to the rural character of the area. Policy CTY 13 of PPS21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The existing hedgerow along Farmhill Road is to be removed to facilitate the widening of Farmhill Road and to provide the proposed vehicular and pedestrian entrance to serve the proposed residential development, which will result in critical views into the site when travelling in both directions along Farmhill Road. The proposed development will rely primarily on the use of new landscaping for integration and the proposed landscaping along Farmhill Road will take a number of years to mature, resulting in the development being a prominent feature in the landscape. In addition, due to the removal of vegetation along the extent of the site boundary at Nutts Corner Road, the proposed dwellings fronting Farmhill Road as well as a number of dwellings fronting the internal estate roads will be viewed when travelling in both directions along Nutts Corner Road. It is therefore considered that the proposed residential development is contrary to Policy CTY 13 of PPS21.

Policy CTY 14 of PPS 21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. For the reasons stated above, this area of the

countryside will appear sub-urbanised and built-up and this will result in a detrimental change to the rural character of the area and consequently the proposed development is also considered to be contrary to Policy CTY 14 of PPS21.

The proposal therefore also fails to comply with paragraph 6.70 of the SPPS which states that all development in the countryside must integrate into its setting and respect rural character.

Design and Layout

PPS 7 deals with quality residential environments and sets out the criteria against which to assess a residential development should the principle of development be found acceptable.

PPS 7 emphasises that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Although imaginative and innovative forms of housing are encouraged, this is qualified in existing residential areas with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS7 reiterates the need for sensitivity and in Policy QD 1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity.' Although Policy QD1 lists 9 criteria to which developments are expected to conform, the issues in this case relate mainly to the impact on the character and quality of the area, provision of open space, and whether the design and layout will create conflict with adjacent properties and their amenity.

It has been highlighted by the applicant that this full planning application seeks to establish the principle for development of one hundred and fourteen (114) dwellings. A detailed site layout plan has been submitted for consideration of the proposed layout of the residential development. The site will be served by a single vehicular access from Farmhill Road, which will be widened as part of this proposal. It is also proposed to provide a right turn lane at the Nutts Corner and Farmhill Road junction.

The proposed scheme of 114 residential units comprises a mix of housing types consisting of 15 no. two-storey detached dwellings, 90 no. two storey semi-detached dwellings and 9 no. single storey dwellings. Seven (7) dwellings have a frontage onto the Farmhill Road. A number of dwellings have been provided with dual aspects in order to help turn the corners within the development and provide frontages to the internal estate road.

The development incorporates approximately 0.84 hectares of public open space, which at approximately 15% is well above the recommended 10% of landscaped public open space areas within the total site area. The proposed areas of open space are located to the front and rear of the site, with informal pedestrian walkways proposed through three areas of open space, which creates an alternative pedestrian access from Nutts Corner Road. All of the dwellings have easy access to the areas of open space and a number of dwellings are designed to provide passive supervision to the open spaces within the development.

The proposed scheme consists of a mix of fourteen house types. The design and finishes of the dwellings consist of a mix of light toned render or red brick with a mix of stone clad, red brick or light toned render bays, dark grey uPVC windows, painted

hardwood doors, grey slate tiles, uPVC half round guttering and uPVC downpipes. The design and finishes of the dwellings are considered acceptable and comparable to those in the wider area.

Creating Places requires that properties with three or more bedrooms have 70+sqm of private amenity space as an average across the development. In this case all of the proposed dwellings have over 70sqm of private amenity space in addition to the provision of approximately 0.84 ha of communal open space.

The site layout and dwelling arrangements have been designed predominantly to provide in-curtilage car parking to all dwelling plots and car parking provision has been designed in accordance with the standards set out in Creating Places. New parking bays are provided within the proposed layout for the three existing dwellings at Farmhill Terrace.

Concerns were raised by objectors with regards to the impact of proposed kerb line along Nutts Corner Road on the existing dwellings at Farmhill Terrace. The outer edge of the proposed kerb line is approximately 4 metres from the front door of the closest dwelling at No. 1 Farmhill Terrace. Given the separation distance and the fact that that Farmhill Terrace is owned by the applicant, if considered necessary, a condition could be placed on any planning decision requiring the front doors of the properties at Farmhill Terrace to open internally.

Notwithstanding the concern raised in relation to the principle of development it is considered that the design, layout and appearance of the development is acceptable in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard surfaced areas.

Neighbour Amenity

The proposed scheme has been designed to ensure that there will be no detrimental impact on the amenity of existing adjacent properties. Some objections were received regarding the proximity of the proposed dwellings to existing properties and specifically concerns regarding potential overlooking of Nos. 6 and 7 Parkfield, both of which are single storey dwellings.

The closest proposed dwelling to both these existing properties is the proposed single storey dwelling at Site No. 28, which has a gable-to-rear relationship with them. No. 6 Parkfield is located 25 metres from this proposed dwelling. Additionally, No. 6 Parkfield has a back-to-back relationship with 2 No. proposed two-storey dwellings on Sites Nos. 22 and 23 with a separation distance of approximately 32 metres between these dwellings.

There is a 22.5 metre gable-to-rear separation distance between the proposed single storey dwelling on Site 28 and the existing single storey dwelling at No. 7 Parkfield. There is a hedge (approximately 2 metres in height) along the shared boundaries of Nos. 6 and 7 Parkfield and the proposed dwellings at Sites No. 22, No. 23 and No. 28. It is considered that the proposed dwellings on Site Nos. 22, No. 23 and No. 28 will have a minimal overlooking impact on the existing properties due to the separation distance between the properties and the intermittent mature vegetation and additional proposed tree planting that would enhance the boundary definition and provide additional screening between these properties.

Objections were also received in respect of overlooking of the existing properties at Nos. 1–3 Farmhill Terrace. The closest dwelling to No. 3 Farmhill Terrace is a two-storey dwelling on Site No. 4 which has a gable to rear relationship with it. Although the proposed dwelling on Site No. 4 has a finished floor level 0.81 m higher than No. 3 Farmhill Terrace, the proposed dwelling at Site No. 4 has no first floor level windows on its gable. In addition, there is a 1.8 metre high stone wall proposed along its shared boundary and a separation distance of some 18 metres between the dwellings. As such, it is considered that the proposed development will not have an adverse impact on any of the three existing dwellings at Farmhill Terrace by way of overlooking.

The separation distance between all other proposed and existing dwellings is no less than 25 metres and therefore the recommended separation distance standard of greater than 20 metres to minimise overlooking has been provided in accordance with current standards as set out in Creating Places.

The layout of the proposed dwellings has been designed and arranged to ensure all but one of the properties will have a minimum rear garden depth of 10 metres (the dwelling on plot 79 has a rear garden depth of 9 metres) and all proposed dwellings that are positioned back-to-back have a minimal separation distance of at least 20 metres. These separation distances should ensure that the proposed development will not result in any adverse impact between adjacent proposed properties by way of dominance, overshadowing, loss of light or overlooking.

A number of objections raised concern in respect of construction noise and the day to day noise levels generated by the number of dwellings proposed. Whilst it is acknowledged that potential exists for some noise disturbance during the construction phase of the development, this should not however arise outside reasonable working hours and will be temporary in nature for the period of construction. Concerns were raised regarding the noise emanating from pedestrian traffic from the proposed development through Glendarragh Park. Given the context of the development some noise and disturbance is to be expected however this is likely to be at a low level associated with the daily living requirements of the dwellings and the likely noise level is not considered to be so excessive that it would impact significantly on adjacent residents or adjoining land uses.

Objections from neighbouring properties also raised the proximity of the proposed development to the flight path from Belfast International Airport. In a related matter Belfast International Airport within its consultation response dated 5th June 2019 raised concerns that the location of the proposed development is in close proximity to one of its runways and under its approach and take off climb surface and consequently may result in noise complaints from future residents. The Council's Environmental Health Section (EHS) confirmed the application site was within the 50-54dB LDEN contour and a Noise Impact Assessment (NIA), Document 16 date stamped 5th August 2019, was undertaken in order to monitor traffic noise, agricultural activities, nearby urban sources and day time and night time noise levels arising from aircraft emanating from the nearby airport, on the indoor and outdoor living spaces of the proposed dwellings and identify any mitigation measures required to reduce the noise impact to acceptable levels. The noise mitigation measures contained within the NIA were considered by EHS and it raised no

objection to the development proposal subject to the inclusion of a number of noise control conditions should planning permission be granted.

The potential visual, noise and odour impact arising from the proposed pumping station were also issues raised in objection letters. The agent clarified that the proposed pumping station will be underground and therefore there will be no visual impact from this aspect of the development proposal. The agent confirmed that the design of pumping stations for adoption must go through NI Water's Article 161 adoption process, post planning, which includes a detailed pumping station design to be in accordance with NI Water's 'Specification for the Construction of a Waste Water Pumping Station to Service a Development from 2 to 500 Properties for Adoption by Northern Ireland Water'. The agent also advised that this process includes strict design requirements to ensure that there is no impact upon residential amenity in terms of odour and noise. The Council's EHS was consulted in respect of the noise and odour concerns raised regarding the proposed pumping station including the information provided by the agent. Following consideration of the information, EHS advised that it is satisfied there will be no loss of residential amenity by way of noise and odour from the proposed pumping station.

At present, the application site has no linkages to the existing pedestrian network in this part of Crumlin. Although objections were received with respect to the lack of need for pedestrian linkages with the existing neighbouring development, it is considered that the proposed pedestrian facilities associated with the proposed residential development will significantly improve pedestrian amenity in this area. A pedestrian link is proposed to the north of the existing cottages at the corner of Farmhill and Nutts Corner Roads as well as a proposed footpath along the Nutts Corner Road and Farmhill Road site frontages. It is also proposed to provide a pedestrian link from the area of public open space proposed in the southwestern section of the site to connect through to Glendarragh Park, which will further enhance the pedestrian linkage between the site and Crumlin Town Centre. An objection was received from one neighbouring property in Glendarragh Park that the proposed pedestrian link would result in an increase in footfall creating a security risk to neighbouring dwellings. However, the guidance set out in Creating Places encourages provision for pedestrians to help reduce the use of cars and encourage walking and cycling. The guidance also states that pedestrian routes should be as direct as practicable to local facilities and bus stops. It is considered that the provision of the proposed pedestrian linkages within the layout of development will encourage more sustainable modes of travel.

Objections were also received that the proposed areas of open space will result in anti-social behaviour, however, the overall layout arrangement ensures that there are no isolated areas of communal open space within the site which are not overlooked and consequently this should reduce any potential for anti-social behaviour. This concern is therefore not considered to be determining.

Flood Risk

The Hydrological Risk Assessment Document Number 10 date stamped 26th November 2018 states that the application site is not considered to have any hydrological connectivity to the Crumlin River due to the distance, the lack of tributaries crossing the site, and minimal drainage identified on the site. The risk assessment states that having taken into account historical information dating from

1832 to 1986, it is determined that no surface water features have ever existed at the site, nor was there ever any artificial, manmade channels from the site to the nearby Crumlin River. The risk assessment concludes that no surface water is leaving the site through the on-site drainage system, there are no observed connections to the Crumlin River and no surface water bodies are located in close proximity to the site.

DfI Rivers has reviewed the Hydrological Risk Assessment and the Drainage Assessment (DA), Document 12 date stamped 26th November 2018 and has confirmed there are no watercourses within the application site which are designated under the terms of the Drainage (Northern Ireland) Order 1973, but acknowledges that the site may be affected by undesignated watercourses of which it has no record. DfI Rivers also confirms that the Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

Concerns were raised by some neighbouring properties with respect to potential flood risk at Glendarragh Park due to the drop in levels at the site in the southwestern section. The DA concluded that post-development storm discharge from the development will be limited to 22.8 l/s via flow control and attenuation and consequently, stormwater discharge from the development will not have an adverse impact upon other developments or features of importance. It also stated that both the development's foul and storm sewer networks will be designed and constructed to an adoptable standard in accordance with the latest edition of NI Water's Sewers for Adoption. The DA stated that the design and construction of the drainage system will be to an adoptable standard, which will ensure there is no flood risk to the proposed development during a 100 year return period storm event.

Objections were also received in respect of inaccuracies within the DA, in particular the existing drainage regime within the site. DfI Rivers acknowledged submission of the proposed drainage layout of the site, Drawing Number 09/2 date stamped 17th December 2019 and the letter from WYG Engineering, Document 12 ADD 1, date stamped 17th December 2019 which states, 'Amendment of the proposed development layout has reduced the development's impermeable surface area from 2.90ha to 2.82ha. Therefore, the findings of the original WYG Drainage Assessment dated October 2018 (Document 12) remain valid' and stated that it has no reason to disagree with the above statement. The DA deemed there to be no pluvial flood risk to the proposed development and no adverse impacts to other development or features of importance to nature conservation, archaeology or the built heritage and therefore the proposed development satisfies the requirements of Policy FLD 3 of the Revised PPS 15. DfI Rivers was consulted in respect of the concerns raised and stated that it accepts the logic of the DA and has no reason to disagree with the conclusions raised within it. DfI Rivers has presented no objection to the proposal from a drainage or flood risk perspective and has recommended that a number of informatives should be placed on any planning decision.

Archaeology

The application site is in an area of high archaeological potential, with a focus on the early medieval period, e.g. a scheduled rath is located 540 metres northeast of the site and a scheduled motte and church site is located 280 metres to the southeast of the site. The application site also includes the site of a windmill, which is marked on a

map from the 1830s and labelled on a map from the 1860s. From the cartographic evidence, it is possible that this windmill site may pre-date the 19th century.

The archaeological evaluation carried out in August 2019, as set out in the Archaeological Evaluation and Archaeological Programme of Works, Document 17 date stamped 2nd September 2019, uncovered the remains of the windmill base. DfC Historic Environment Division (HED) reviewed additional archaeological information contained within Document 17 Add 2 date stamped 17 December 2019 and considered the amended site layout as indicated on Drawing Number 04/2 date stamped 17th December 2019 and has stated that it is content that the remains of the monument will be preserved in situ within the development proposal.

HED is content that the proposal satisfies PPS 6 policy requirements, subject to conditions on any planning decision for the agreement and implementation of a developer-funded programme of archaeological works, in order to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

Natural Heritage

DAERA Natural Environment Division (NED) has considered the development proposal with regard to designated sites and other natural heritage considerations and has stated that the application site is likely to have a weak hydrological connection to Lough Neagh & Lough Beg SPA and Lough Neagh ASSI. NED has considered the contents of the Ecological Appraisal Report, Document 08 date stamped 26th November 2018 and the Site inspection Report, Document 09 stamp date stamped 26th November 2018. NED has considered the impacts of the proposal on the site and, on the basis of the information provided, is content with the proposal, subject to conditions and informatives being placed on any planning decision.

DAERA Water Management Unit (WMU) has considered the Construction Environmental Management Plan (CEMP), Document 15/1 date stamped 2nd September 2019 and the impacts of the proposal on the surface water environment and on the basis of the information provided, is content with the proposal subject to the applicant adhering to the published Standing Advice and any relevant statutory permissions being obtained. WMU advised that its comments were on the basis that foul sewage infrastructure from the development connects to the main Northern Ireland Water foul sewer which terminates at Antrim Milltown Waste Water Treatment Works. In relation to a proposed sewage pumping station, it advised that discharge consent under the terms of the Water (Northern Ireland) Order 1999 may be required for an 'emergency overflow' from the pumping station and recommended that concerns relating to the infrastructure being unable to cope should be directed to NI Water to comment on. NI Water in its consultation response dated 4th December 2018, has advised that, following an application to requisition foul and surface water sewer extensions, it is content that a scheme to provide the necessary infrastructure could be carried out within NI Water allowable expenditure limits and that there is available capacity within the waste water treatment works.

DAERA Land, Soil and Air, Regulation Unit, Land and Groundwater Team (RU) has considered the Preliminary Risk Assessment, Document 11 date stamped 26th November 2018, which confirms that there are no potential sources of on-site contamination on the site. RU are satisfied that no significant risks to environmental

receptors from the site have been identified and has stated that it has no objections to the proposed development provided conditions and informatives are placed on any planning decision notice.

DAERA Marine and Fisheries Division, Inland Fisheries (Inland Fisheries) has stated that it is aware of significant fisheries interests in the nearby Crumlin River. It states that the Crumlin River supports populations of resident and migratory salmonids and that eels and lamprey are also likely to be present. It advises that fish populations are sensitive to reductions in water quality and in particular the salmonid habitat is particularly susceptible to siltation. Inland Fisheries has stated that it has concerns that the storm/surface water discharge will have a detrimental effect on inland fisheries interests. It subsequently has recommended that the applicant must ensure that the construction methodology limits the release of pollutants, including suspended solids, to the aquatic environment during construction and operational phases, and that the mitigation measures outlined in the CEMP, Document 15/1 date stamped 2nd September 2019, are sufficient in nature to deal with extreme events. Inland Fisheries has stated that where risks are identified, that adequate pollution prevention measures should be applied to minimise potential harm. As stated above, WMU has considered the CEMP and the impacts of the proposal on the surface water environment and on the basis of the information provided, is content with the proposal subject to conditions being placed on any planning decision.

DAERA's Coastal Development Sea Fisheries Inspectorate advised that it held concerns that the proposed development has the potential to impact on an existing commercial fish farm on the Crumlin River. However, in its consultation response dated 22nd August 2019 the Coastal Development Sea Fisheries Inspectorate advised that it had no issues or concerns with the proposed residential development if all the mitigation measures presented within the CEMP were implemented, including the use of silt fences, a hydro-brake flow control system and an oil interceptor to safe guard the water courses.

DAERA's Coastal Development Marine and Fisheries Division of the Sea Fisheries Inspectorate had raised concerns with regards to the drainage plans and realignment of Farmhill Road and Nutts Corner Road. They stated that suitable mitigating factors would need to be in place to protect the watercourses during construction and to ensure any run-off, sediments and any potential contamination would have appropriate drainage and not be released directly into the Crumlin River above the water abstraction point for the fish farm. However, following further review of a revised CEMP, Document 15/1 date stamped 2nd September 2019, DAERA Coastal Development Marine and Fisheries Division Sea Fisheries Inspectorate advised it was satisfied that the mitigation measures listed should limit the potential impact of construction and operational phases of both the proposed residential development and associated road works, provided that they are implemented in full. It is considered that conditions could be attached to any planning approval to ensure the proposed mitigation measures set out in the CEMP are implemented during construction, and the development carried out in accordance with those mitigation measures.

Shared Environmental Services was consulted with respect to the development proposal and has confirmed that the potential impact of the development proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has

been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and subsequently would not be likely to have a significant effect on the features of any European site.

Access and Parking

A number of objections raised road safety concerns including: the accuracy of the information provided within the Transport Assessment (TA), Document 13 date stamped 22nd January 2019 and the TA Review, Document 13 Addendum 1 date stamped 8th May 2019; traffic generation and congestion on the surrounding road network; an inadequate traffic speed survey; insufficient visibility splays; details regarding adjustments to the junction of Farmhill Road and Nutts Corner Road and kerb lines are unclear; and a requirement for TAS approved structural calculations and designs to support the Farmhill Road.

No persuasive evidence was submitted to contradict the evidence submitted in the TA and TA Review or to validate the suggestion that infrastructure facilities would be unable to cope with the addition of the proposed dwellings. DfI Roads has considered the aforementioned road safety concerns and has raised no objection in respect of the matters raised or to the proposed access arrangements. DfI Roads has confirmed that any road layout and design, if approved, will comply with DCAN 15, DMRB and Creating Places and on the basis of the evidence submitted the objections are not determining. Overall it is considered that adequate provision has been made for movement within the site and parking to serve the proposed development as well as the proposed adjustments on the surrounding highway network.

Other Matters:

National Air Traffic Services (NATS)

The proposed residential development has been examined by NATS from a technical safeguarding aspect and has confirmed that the proposed residential development does not conflict with its safeguarding criteria and accordingly has no safeguarding objection to the proposal.

Belfast International Airport (BIA)

BIA advised that the proposed development has been examined from an aerodrome safeguarding aspect and has confirmed that the development proposal does not conflict with its safeguarding criteria and consequently has no safeguarding objection to the proposal.

Inadequate Public Transport Services

Concerns were raised by objectors regarding inadequate public transport serving Crumlin. However, this is a matter for Translink and is outside of the remit of this planning application.

Inadequate Drainage Infrastructure

DAERA and DfI Rivers has expressed no determining concerns in relation to the drainage of the proposed site.

Impact on existing infrastructure (Schools, medical facilities etc)

It is considered that the availability or demand on schools and medical services in the area is unlikely to be prejudiced by the development of an additional 114 dwellings. Furthermore, there are no objections from the local surgery or education authority. On this basis it is hard to conclude that the local school and medical services in the area would be unable to cope with the extra population and consequently this issue is not considered to be a determining concern.

Failure to Neighbour Notify a Property

Article 8(1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO) requires a planning authority, where a planning application is made to it, to notify any neighbouring occupiers. At the time of submission of the application, the P1 Form described the complainant's address as 'Commercial Premises 25m SE of 9 Crumlin Road, Crumlin' which is an imprecise address. The planning portal also failed to identify an exact address for this property and as a result, this property was highlighted as one that required a neighbour notification letter to be hand delivered at the time of the site inspection. The objection letter from the complainant was received prior to the first site inspection and therefore it was evident that the complainant was aware of the development proposal and not prejudiced in respect of not being notified of the development proposal at an earlier stage. The complainant was subsequently corresponded with throughout the following relevant stages of the planning process.

Loss of a View

The neighbours view is not restricted by the proposed development, instead it is a change of view from that which exists at present and it is not considered that the 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.

The tenure of the future dwellings

The Council has no remit in respect of the occupation of approved dwellings following construction unless there is a condition placed on any grant of planning permission restricting some or all of the residential units to comprise social or affordable housing units, which are usually managed by a registered social housing provider.

Environmental Statement not Requested

Objectors raised concern that an Environmental Statement was not requested to accompany the planning application. An Environmental Impact Assessment (EIA) determination was carried out on 3rd December 2018, which concluded that an Environmental Statement was not required to accompany the application as the site itself is not within a sensitive area and the environmental effects would be limited to the site and the immediate surrounding area. Additionally, a number of consultations had been carried out at the Pre-application Determination (PAD) stage under LA03/2017/1007/PAD. Following consideration of the information accompanying the current planning application and the responses received in respect of the PAD application, it was determined that no issues were raised by consultees that would merit requesting an Environmental Statement. It was however acknowledged at the

EIA determination stage that some additional environmental information may be required to assess the application fully.

CONCLUSION

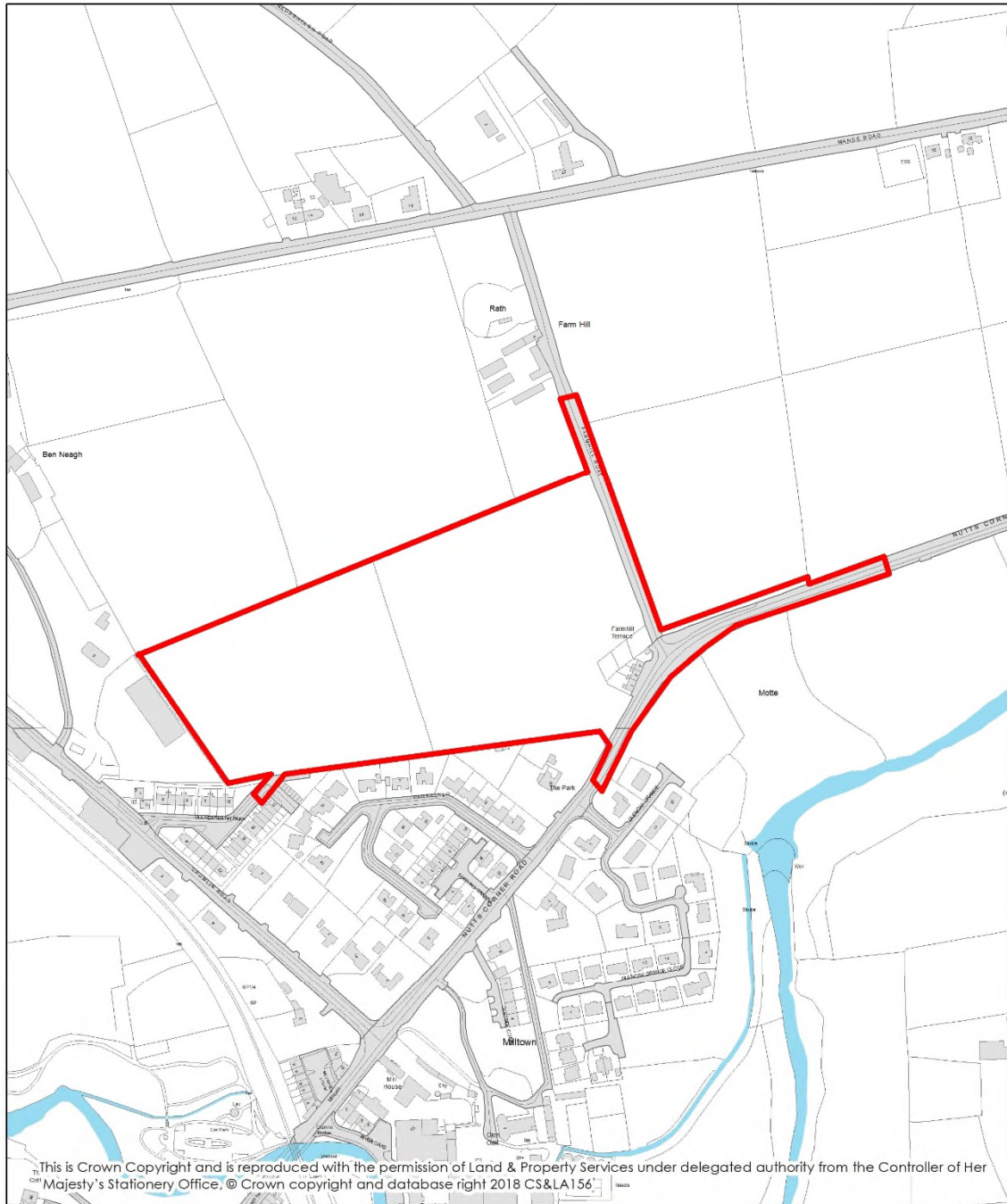
The following is a summary of the main reasons for the recommendation:

- It is considered that the principle of development on this site is contrary to the Antrim Area Plan 1984-2001, the SPPS and PPS 21 as the proposed housing development site lies outside of the settlement limit of Crumlin;
- A housing scheme at this location in the rural area is not provided for in the current statutory development plan and the proposed development will mar the current distinction between the settlement of Crumlin and the rural area resulting in urban sprawl and the erosion of rural character at this location;
- The proposed housing development will fail to integrate into the countryside; and
- The detailed layout of the proposed housing development is considered to meet with relevant policy and guidance.

RECOMMENDATION :	REFUSE PLANNING PERMISSION
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PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the Antrim Area Plan 1984-2001, the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed development would, if permitted, result in a prominent feature in the landscape that would not visually integrate into this area of countryside.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the development would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings and would not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the rural character of the countryside.
4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the development would, if permitted, mar the distinction between the settlement of Templepatrick and the surrounding countryside and result in unplanned urban sprawl.



Location Map

Application Reference: LA03/2018/1075/F
Lands west of the junction of Farmhill Road
and Nutts Corner Road Crumlin
(including 1-3 Farmhill Terrace)

 Site Boundary



Scale- 1:4000

Proposed residential development with access off
Farmhill Road, comprising 114 no. units
internal roads, landscaping, public open space and
associated site works and drainage.

For Information Only



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2018/0950/F
DEA	ANTRIM
COMMITTEE INTEREST	MAJOR DEVELOPMENT / COUNCIL APPLICATION
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	3G synthetic sports pitch, 3m wide path on three sides of pitch, fencing, floodlighting, drainage, earthworks and landscaping
SITE/LOCATION	Antrim Grammar School, 10 Steeple Road, Antrim, BT41 1AF
APPLICANT	Antrim & Newtownabbey Borough Council
AGENT	N/A
LAST SITE VISIT	31/01/2020
CASE OFFICER	Kieran O'Connell Tel: 028 9034 0423 Email: Kieran.oconnell@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limits of Antrim Town and is within the grounds of Antrim Grammar School, 10 Steeple Road, Antrim. The site is within the northern section of the school grounds and is presently used as an all-weather gravel pitch. The northern boundary of the application site runs parallel to Millhouse Dale estate, which consists of a mix of two storey-detached dwellings and a three-storey apartment block. Antrim Civic Centre is located to the northeast of the application site while the Antrim Round Tower is located east of the application site. A NI railway line is located to the west while the application site is bounded on the southern side by an existing grass rugby pitch and the school building. A standalone P.E. block and tennis court is located adjacent to the southeastern boundary of the application site.</p> <p>The northern boundary is defined by sparse hedging and trees with large gaps on the northeastern extent of the boundary. To the rear of the hedging the individual dwellings are largely defined by 2m close board fencing. There is a watercourse and a cluster of trees along the western boundary of the application site, while the southern boundary of the site is adjacent to the existing rugby pitches and is defined by a 1m post and wire fence. The eastern boundary is adjacent to a graded embankment. The existing pitch falls gently from east to west.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2018/0574/PAN Location: Antrim Grammar School, 10 Steeple Road, Antrim Proposal: Replacement of existing gravel pitch with 3G synthetic grass pitch (140m x 96m), 3m wide bitmac path along 3no sides and associated fencing and floodlighting.</p>	

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

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

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

CONSULTATION

Council Environmental Health Section – Refusal Recommended.

DfI Roads – No objection.

DfI Rivers – No objection.

DfC HED Historic Buildings – No objection.

DfC HED Historic Monuments – No objection.

Shared Environmental Service – The Council is required to carry out a HRA.

REPRESENTATION

Ninety Six (96) neighbouring properties were notified of the application and thirty three (33) letters of objection have been received from nineteen (19) properties plus an additional two from unknown addresses in the area. In addition, a petition of objection has been received against the proposed development and includes 112 signatures.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Adverse visual impact.
- Adverse noise impact.
- Potential detrimental impact of micro-plastics on the environment/human health.
- Light pollution.
- Detrimental visual impact of walls, lighting columns (scale).
- Impact on the Round Tower and its historic environment.
- Land ownership.
- Impact on property values.
- Waste management solutions not acceptable.
- Overuse of school facilities may cause sanitation and waste disposal issues.
- Impact on human health and well-being.
- Impact on wildlife.
- Impact on historic environment.
- Litter will attract vermin.
- Increase in traffic congestion and road safety concerns.
- Breach of human rights for private and family life.
- No provision for public toilets.
- The Council has not involved underrepresented groups ie ethnic minority groups.
- Failure to present applications T/2014/0385/O and T/2014/0386/O as joint applications with this one is in contravention of good governance and the Planning Section's ability to make a decision in an open and transparent manner.
- The Council requires an assessment of need under para 6.282 of SPPS.
- Antrim Area Plan indicates that Antrim Town is well stocked with outdoor facilities at Allen Park and Antrim Forum.
- The lack of impartiality of the Planning Section means that the applications should be called in by the Department of Infrastructure.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Neighbour Amenity
 - Noise
 - Floodlighting
 - Ball Stops and Fencing

- Design, Appearance and Layout
- Flood Risk
- Natural Heritage Interests
- Archaeology and Built heritage
- Access and Road Safety
- 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 application site is located within the settlement limit of Antrim Town as defined in the AAP and comprises lands, which form an all-weather pitch associated with Antrim Grammar School. 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).

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: Parking and Movement;
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 8: Open Space, Sport and Outdoor Recreation; and
- PPS 15: Planning and Flood Risk.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) has a subject policy entitled Open Space, Sport and Recreation, this policy is less prescriptive than the policy provisions in PPS8. In accordance with Paragraph 1.2 of the SPPS, the weight accorded to the retained policy (PPS8) should not be lessened in the transitional period.

The SPPS promotes the safeguarding of existing open space and any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of the open space will have no significant detrimental impact.

Both the SPPS (Paragraph 6.207) and Policy OS4 of PPS8 indicate that, the precise location of intensive sports facilities can be contentious, and by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity, and sustainability issues. These issues are discussed in further detail below. It is considered that the provision of a multi-purpose sports pitch falls within the definition of an intensive sports facility as defined in the SPPS and PPS8. In addition, both the SPPS and PPS 8 direct that such facilities shall be located within settlements in order to maximise the use of existing infrastructure.

Policy OS1 'Protection of Open Space' of Planning Policy Statement 8 'Open Space, Sport and Outdoor Recreation' (PPS 8) states that development will not be permitted which would result in the loss of existing open space or land zoned for the provision of open space. The application site is presently used as an all-weather gravel playing pitch in association with Antrim Grammar School.

The proposed development seeks to replace the existing all-weather gravel pitch with a 3G playing pitch. It is considered the redevelopment proposal will have no adverse effect on the sporting potential or overall amenity value of the open space and will enhance its usability. In addition, the provision of this sports facility will in principle assist in delivering one of the core principles of the SPPS of 'improving health and well-being by providing a quality open space for sports and outdoor recreation.

Given the existing recreational use of the site (i.e. the all-weather pitch) it is considered in principle, replacing the all-weather gravel pitch with a 3G playing surface is acceptable. Accordingly, it is considered the proposal does not conflict with this aspect of the SPPS or PPS 8, whilst the details of the scheme stand to be considered against prevailing regional planning policy addressed in the remainder of the report.

Neighbour Amenity

As noted above proposals for intensive sporting facilities can by their nature be contentious. Policy OS 4 'Intensive Sports Facilities' of PPS8 indicates that a range of facilities are considered acceptable within urban areas subject to there being no unacceptable impact on residential amenity by reason of its siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated.

The proposed 3G pitch is 140 metres in length and 96 metres in width and is located adjacent to the dwellings and apartments along Millhouse Dale (No's. 25-43). It is important to note that a number of properties within Millhouse Dale appear to have extended their rear gardens without the benefit of planning permission and come approximately 2m closer to the pitch than indicated on the ordnance survey maps. In general, the proposed pitch is located 8-10m from the rear boundary of the properties along the northern boundary of the application site. The lighting columns associated with the proposed floodlighting are located between 5.5-7.5m from the boundary of these dwellings.

Each of the lighting columns stands at 21.3m in height and 405mm in diameter with three lighting columns on either side of the pitch. Lighting column P1 is 9m to the common boundary of No. 26 Millhouse Dale and 17.8m to the rear boundary wall of No.26.

Lighting column P2 is located centrally along the pitch and is within 6m of the common boundary with No.'s 36&37 Millhouse Dale and is 12m from the rear returns to Nos. 36 & 37 respectively. Lighting column P3 is to the rear of No.40 Millhouse Dale and is 7.2m to the common boundary and 17m to the rear of No.40 and 16m to the rear return of No.41 Millhouse Dale. Lighting columns P4-P6 are located on the southern side of the pitch and are the furthest away from the residential properties at Millhouse Dale at approximately 102-105m.

A series of ball stop fences ranging from 6-9m in height and a 4.0m high acoustic fence are proposed between the proposed pitch and the common boundary of the adjacent residential properties.

Concerns have been raised by third parties regarding the proximity of the proposed pitch to existing dwellings, including the frequency and timing of the activities and the impact that the flood lighting and associated noise generated by the use of the pitch will have on their residential amenity.

From the outset it is important to acknowledge that the proposed facility will bring about an intensification of use when compared to the use of the existing school facility, however, it is also important to note that, the proposed pitch is not sited any closer to the third party dwellings than the existing gravel pitch. The existing pitch has no planning restrictions in terms of its hours of operations and accordingly its use is only restricted by the lack of flood lighting. As a consequence in the longer summer evenings, there is nothing to prevent the school from renting out this pitch for third party usage. This is a material consideration in this case.

In principle there is no concern with regard to the location of the pitch due to the presence of the existing gravel pitch which is to be replaced by a new 3G surface. The main areas of concern in this case centre on the following three key aspects: noise generation through increased usage of the pitch; the potential impact that the flood lighting may have on the amenity of the adjacent residential properties; and the impact that the acoustic barriers, fencing and ball stops may have on the residential amenity of the adjacent residential properties.

Noise and Flood Lighting

The Council's Environmental Health Section (EHS) has been consulted and has indicated that it has significant concerns about the proposal in relation to noise. The EHS consultation response also acknowledges that some potential exists for adverse noise and light intrusion arising from the proposed development to be experienced at nearby residential properties in Millhouse Dale and Millhouse Glen.

Noise

EHS having considered both the third party representations and information contained within the various Noise Impact Assessments has raised concern with the use of the pitch as a multi-use sporting facility, indicating that in its opinion a loss of amenity is likely to be experienced at residential properties in Millhouse Dale. EHS has further stated that in its opinion planning permission should be refused as it has not been demonstrated that the noise impact arising from the intended use of the sports pitches as outlined in Document 02/B, can be adequately mitigated to suitable levels. EHS state that residents within the neighbouring properties are likely to

experience disturbance due to noise arising from the proposed sports pitches which are intended to operate 7 days a week.

Frequency and Timing

Presently the site is used as a school facility and generally used for their own needs, however, there is no restriction that would preclude the renting of the current facilities to outside organisations or groups. With regard to concerns raised in relation to the frequency and timing of use, it is not disputed that where demand exists for a multi-use games pitch, the provision of the flood lighting will ensure that the use of the facility is intensified and can be used for longer periods of time particularly during the winter months.

The applicant in this case has indicated that the pitch may be used in the following scenarios:

- Two 11-a-side football pitches end-on to the neighbouring dwellings.
- Four 7-a-side football pitches side-on to the neighbouring dwellings and
- One 11-a-side football pitch end-on, and two 7-a-side pitches side-on to the neighbouring dwellings.

EHS has raised concerns with the noise likely to be generated from a multi-games pitch as indicated above and has also advised that this is likely to occur 7 days a week based on the typical operation of similar facilities (08:00 – 22:00 hours Monday to Friday; 08:00 – 17:00 hours Saturday; and 10:00 – 17:00 hours Sunday).

If the only area of concern relating to noise impact had been linked to the increased hours of operation of the proposed facility, compared to present circumstances, it is possible that the potential noise impacts could be mitigated by limiting its operating hours by way of planning condition. However, it is clear that the EHS concerns, indicated above, regarding noise impact relate to the overall potential usage of the 3G facility and as a consequence it has not been persuaded that the level of noise likely to arise can be satisfactorily mitigated simply by restricting the hours of operation.

Flood Lighting

Policy OS7 'Floodlighting of Sports and Outdoor Recreational Facilities' of PPS8 sets out three criteria which must be met if a proposal including floodlighting is to be acceptable. The first criterion states that there will be no unacceptable impact on the amenity of people living nearby. The proposal includes 6No. 21.3m high floodlighting columns positioned strategically to the lighting level requirements of the new pitches as well as reducing the levels of obtrusive light to the surrounding residential properties. The Flood Lighting Impact Assessment (Doc 04) indicates that the scheme will be in accordance with the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light 2011 and BS EN 12464-2 2-14.

In relation to concerns raised by third parties regarding light intrusion from floodlights, EHS has reviewed the Floodlighting Impact Assessment prepared by Semple & McKillop Consulting Engineers and is satisfied that, subject to the conditions suggested, the proposed lighting scheme would not adversely impact the amenity of residents at Millhouse Dale/Glen. EHS has further confirmed that the Flood Lighting Impact Assessment has been undertaken in accordance with the Institute of Lighting

Professionals Guidance Notes for the Reduction of Obtrusive Light and demonstrated that any light spill from the proposed development falls below the guideline values.

In addition, concerns have been raised regarding the visual impact the lighting columns may have on the residential amenity of the adjacent properties. Each of the lighting columns measures 21.3m in height and 405mm in diameter. It is accepted that there will be some awareness of the lighting columns immediately adjacent to the residential properties, however, given the separation distances to the properties (13-19m at lighting Columns P1-P3), taken in combination with the boundary fencing pertaining to each of the dwellings; the presence of adjacent garages; landscaping; the level differences between the application site and the existing properties; together with the scale of the lighting columns, it is not considered their impact would be so significant to result in a detrimental impact on the amenity of the adjacent properties by way of dominance or overshadowing.

The second criterion of Policy OS7 of PPS8 states that the proposed floodlighting should cause no adverse impact on the visual amenity of the area. The application site is located in an urban area, and within the grounds of Antrim Grammar School and is located in excess of 350m from the Steeple Road. Historic Environment Division has indicated that there will be negligible impact of the development on the existing historic environment assets nearby or their setting. Given that this site is located within an urban area and has limited public viewpoints it is considered that the proposed 3G pitch and its ancillary components will not have a detrimental impact on the character and quality of this area.

Concerned residents have indicated that this proposal and in turn it's frequency of use will alter the character of this area particularly at night when the flood lighting will be illuminated. It is accepted that there will be an awareness of a glow from the lighting at the rear of the adjacent properties, however, as the proposal falls within the parameters of the Institute of Lighting Engineers Standards for Intrusive Light (and verified by the Council's EHS) it is considered that while there will be an awareness of the facility during its hours of operations the impact is not considered to be so significant as to significantly alter the character and appearance of this area.

Impact of Fencing and Ball Stops

There are various heights of fencing around the perimeter of the proposed 3G pitch including 1.2m-3m high rigid weldmesh fence and a 4.0m high wooden acoustic barrier along the full extent of the northern and northeastern boundaries and northwestern sections of the eastern and western boundaries respectively. In addition to these boundaries there are a series of ball stops proposed around the perimeter of the pitch, these range in height from 3-12m in height and again are finished with a rigid weldmesh.

The fencing, acoustic barriers and ball stops along the eastern, southern and western boundaries are unlikely to have a detrimental impact on the amenity of the adjacent residential properties at Millhouse Glenn and Millhouse Dale owing to the separation distance from these properties (12m ball stop is circa 500m from the nearest façade of a dwelling).

However, it is likely that, the ball stops (6 and 9m respectively) and the acoustic barrier (4.0m) along the northern boundary would have an impact on the properties

that directly about the site at Millhouse Dale. The impact of these features is different at each of the individual properties owing to the variation in heights of the fencing and the presence of garages/sheds and landscaping at some of the properties.

No cross sections or levels have been provided from within the gardens of the properties or within a small strip of land between the property boundaries and the hedgerows in order to fully assess the impact of the fencing, ball stops or the acoustic barriers on the residential amenity of the adjacent properties, however, it is estimated that an acoustic barrier of 4.0m in height could protrude beyond the fence lines to the rear of some properties in the region of 1.0m in height (in the area around No.39 and 40 Millhouse Dale). It is considered that the properties located at Nos. 41-42 Millhouse Dale will not be significantly impacted upon by the acoustic barrier. The rear fence at these properties measures approximately 2.6m to ground level with the ground level estimated to be 1.5m higher than the existing pitch level. It is therefore estimated that the acoustic barrier at this location will be of a similar height to the existing fencing. In addition, No. 40 has a large tree at the rear of its boundary which will restrict views into the proposed pitch while No. 41 also has a garage which will reduce any significant awareness of the proposed acoustic barrier.

It is considered that all the properties along the northern boundary of the application site will have some awareness of the acoustic fence/barrier. It is also considered that the impact on the western side of the northern boundary adjacent to the apartments (No's 28-33, and No's 34-35 Millhouse Dale is unlikely to be significant due to the difference in levels between the properties and the proposed pitch. The greatest impact is estimated to occur to those properties between Nos. 36 - 44 Millhouse Dale. The existing vegetation cover mitigates a significant proportion of the 4m acoustic barrier as does the existing two metre high boundary fences along the rear garden boundaries.

Turning to the impact of the 6 and 9m high ball stop fences along the northern boundary of the 3G Pitch, there is no doubt that there will be an awareness and impact of these features on the outlook of the properties at Millhouse Dale. To what extent the ball stops have an impact on the amenity of the residential properties is difficult to determine conclusively, however, these ball stops are proposed to be made of a weld mesh fence and consequently will not result in any significant loss of light. Again, the hedgerows and trees and individual boundary fences between the pitch and the residential properties at Millhouse Dale mitigate the impact of these features to some degree, as will the separation distance of 8-10m between the ball stops and the common boundary with the properties at Millhouse Dale.

The three-storey apartment development at No. 28-33 Millhouse Dale will certainly have an awareness of the ball stops (6 and 9 metres), however, as these are elevated properties with the exception of those on the ground floor they will be looking down on the fences and ball stops and less likely to be dominated by them. In addition, there is a separation distance of 9m from the ball stop to the common boundary with these apartments with a total separation distance of 18.8m from the ball stop to the rear elevation of the apartments. The separation distance and the use of weld mesh in the ball stops means that they will not be viewed as solid block structures and should ensure that any potential dominance is mitigated to some extent. On balance it is marginally considered that the impact of the ballstops is acceptable at this location.

Nos. 27-34, and 38, 39, 40 Millhouse Dale back onto the 9m high ball stops. Whilst these properties are at a higher level than the pitch and ball stops, concerns have been expressed by the adjacent residents of the impact of the ball stops on their residential amenity and outlook. Having viewed the application site from some of the third party properties in the area, it is considered that a 9m high ball stop will have a detrimental impact on the adjacent residents and provide them with a feeling of being 'caged in', into their respective gardens. The ball stops are circa 8m-9m from the common boundaries with these properties which will do little to mitigate the overall size and scale of the ball stops.

It is considered that if these ball stops were replaced with something in the region of 4m in height similar to the acoustic barrier that this would sufficiently offset the visual impact and the dominance that the structures may have on individual residential properties. This would be due to the mitigation afforded by the separation distances involved; the difference in ground levels; and the rear boundary fences pertaining to the properties along with the existing vegetation and garages/sheds of the properties themselves.

Overall, it is considered, that as presented there will be a significant impact from the proposed ball stops, however, this impact could be lessened to an acceptable level by imposing a condition restricting the ball stop fencing to a height no greater than 4m where the site abuts Nos. 27-40 Millhouse Dale.

Public Safety

The final criterion of Policy OS 7 of PPS 8 states that floodlighting associated with sports and outdoor recreational facilities will only be permitted where public safety is not prejudiced. DfI Roads has been consulted on the application and has raised no concerns or objections to the proposal in terms of any floodlighting implications for transport users. In addition, it is considered that sufficient parking can be provided within the school grounds to facilitate the use of the playing pitch.

Design, Appearance and Layout

The facilities within the proposed development include a 3G playing pitch (140m x 96m), six floodlighting columns (three on each long side of the playing pitch). An asphalt footpath is proposed around three sides (east, south & west) of the pitch. Additional woodland boundary planting along the northeastern section of the northern boundary adjacent to the rear gardens of No's 41- 53 Millhouse Dale. It is worth noting that the proposed 3G pitch is smaller than the existing gravel pitch presently on site.

Two recesses are proposed along the eastern and western (short) sides of the pitch for team shelters while the pitch itself is capable of being split in two horizontally and vertically for soccer usage while provision has been made horizontally (east to west) for Rugby and Gaelic goals.

The pitch will be enclosed along the eastern, southern and western boundaries of the pitch by a 1.2m high fence. A series of fences are proposed around the perimeter of the pitch alongside a series of ball stops ranging in height from 3m-12m. The 12m high ball stops are proposed along central parts of the eastern and western sides. Two 9m high ball stops are proposed along the northern side of the pitch along with 6m ball stops, however as indicated above these have been considered

unacceptable at their current height owing to their impact on the adjacent properties. On the southern side of the pitch it is proposed to erect two 6m high ball stops and one 3m high ball stop, all of which are to be constructed in a weld mesh.

Notwithstanding the issues discussed above, it is considered that as far as the design and layout of the pitch and its ancillary features are concerned, they are of a reasonably standard design and appearance in keeping with other similar facilities and as such are considered acceptable in this case.

Flood Risk

The application site does not lie within the 1 in 100 year fluvial floodplain and Dfl Rivers has not objected to the proposed development from a drainage or flood risk perspective.

The applicant has obtained Schedule 6 Consent to Discharge into the adjacent watercourse. In this instance the applicant proposes to attenuate up to 399 cubic meters of surface water and limit/restrict the discharge rate (using a vortex to 24.58 l/s) and discharge this surface water to the Spring Farm tributary adjacent to the west of the site.

Dfl Rivers has indicated that while not being responsible for the preparation of the report, it accepts its logic and has no reason to disagree with its conclusions. Dfl Rivers has advised that it should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance and implementation of the proposed flood risk measures rests with the developer and their professional advisors.

Overall Dfl Rivers has indicated no determining concerns with this proposal and it is therefore considered to be acceptable from a drainage and flood risk perspective. There are no culverts proposed nor are there any concerns with regard to development in proximity to reservoirs.

Natural Heritage Interests

Third parties have raised concerns with regard to the impact this development may have on wildlife within and adjacent to the application site. As part of the processing of this application, the applicant has provided a series of bat surveys to consider the impact of this development. DAERA Natural Environment Division (NED) has been consulted with these reports and has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions and informatives.

Representations also queried the detail of one of the bat survey reports, which included the adjacent existing rugby pitch. However, the applicant has confirmed that this was simply part of an additional survey which enhanced the overall survey area and does not change the proposed location of the pitch.

The applicant has also carried out a Habitats Regulation Assessment (HRA) Stage one Screening (Test of Likely Significance) which has concluded that there is 'not likely' to be significant effects on any Natura 2000 sites from this proposal. Officers concur with the conclusion that there will be no significant detrimental impacts on any European Protected Site arising from the proposal.

Archaeology and Built Heritage

The application site is in close proximity to a number of archaeological monuments with a focus on the early medieval period, as well as the designed landscape of The Steeple. Third party concerns have also been raised as to the impact this development may have on Antrim Round Tower and the surrounding historic environment. The proposed development is considered having regard to Policies BH1, BH2 and BH6 of PPS6.

DfC Historic Environment Division: Historic Monuments (HED: HM) has been consulted and reviewed the floodlighting report and is content that there will be negligible impact on the existing historic environment assets or their setting.

HED: HM is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. Two conditions are suggested to be attached to any grant of any planning permission.

The application site is within the vicinity of HB20/09/002 The Steeple, Steeple Road, Antrim, Co Antrim a Grade B+ listed building of special architectural or historic interest. As part of the processing of this application, the Council has consulted with DfC Historic Environment Division Historic Buildings (HED: HB) Section. HED HB considers the proposal satisfies the policy provisions of the SPPS 6.12/Development proposals impacting on Setting of Listed Buildings and policy BH11/Development affecting the Setting of a Listed Building of the Department's PPS 6: Planning, Archaeology and the Built Heritage.

HED: HB notes that the proposals are for a pitch and lighting at the far side of a neighbouring site in a suburban area. They consider that there is no significant detrimental effect on the setting of the listed building. This view is accepted by Officers and who also consider there will be no significant impact on the listed building or its setting.

Access and Road Safety

DfI Roads has been consulted on the application and has considered the concerns raised within the third party objections regarding the possible impacts on road safety, parking and traffic generation at the site. DfI Roads has concluded that the road network can safely handle the traffic attracted to the application site and have indicated that satisfactory arrangements have been provided for site access, car parking, servicing and circulation within the site. Additionally, it is considered that the proposed flood lighting will not have any significant road safety implications given its setback from the public road.

The proposed development is unlikely to generate a significant level of traffic at peak times which would have a detrimental impact on the existing road infrastructure in this area. The proposed parking and access arrangements are more than capable of dealing with the proposed activities associated with the proposed development at the site.

Other Matters

Land Ownership.

Third party concerns have been submitted in relation to the ownership of the application site. Planning permission does not confer title and it is the responsibility of the developer to ensure that they control all the lands necessary to carry out the proposed development. In addition, planning permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Impact on Property Values.

Concern has been raised by objectors regarding the impact of the proposal on property values. 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 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 any significant weight in the determination of this application.

Breach of Human Rights for Private and Family Life.

Reference has been made in representations to the Human Rights Act (1998). Article 1 of the First Protocol, which provides for the protection of property and peaceful enjoyment of possessions and Article 8 of the Convention, provides a right of respect for private and family life. However, these are qualified rights and the legislation clearly envisages that a balance be struck between the interests of individuals and those of society as a whole. This requirement for balance is enshrined into planning legislation, which also requires the rights of individuals to be balanced with the public interest.

Paragraph 2.3 of the SPPS states that the planning system operates in the public interest of local communities and the region as a whole. It does not exist to protect the private interests of one person against the activities of another. In principle, there is the opportunity for a development of this nature within the urban area. Planning policy is developed, interpreted and applied in the public interest.

Planning applications often encounter competing and conflicting private interests. In this case the public have been afforded the right to make representations to the Council through the processing of the planning application, and ultimately through the consideration of the application by the Planning Committee. All key matters raised are addressed in this report and Officers are content that the Council's obligations under the Human Rights Act have been fulfilled. As a consequence, it is considered there is no unacceptable or disproportionate infringement of the various third parties human rights.

Impact on Human Health

A number of concerned residents have raised concerns regarding the impact the proposed development may have on their health. In relation to possible impact on

human health, no evidence has been presented that suggests human health will be adversely impacted by this proposal. In addition, the EHS has been consulted and has not indicated any health implications with the development.

Public Health and Waste Management

Objections have been raised in regard to waste management arrangements not being acceptable with concerns raised that the overuse of the school facilities may cause sanitation and waste disposal issues; that litter will arise attracting vermin; and that no provision has been made for public toilets.

The school facilities i.e. the PE block or main school building are connected to the main sewerage system and therefore like any other building require maintenance over time. There is no determining concerns that this proposal will lead to any sanitation issues.

The operator will be responsible for litter and waste disposal and the management and maintenance of the proposed development should planning permission be granted. In addition, it is considered that the proposed use in itself is unlikely to result in significant levels of waste or litter that will have a detrimental impact on the amenity of adjacent residents or attract vermin to the site. Pest control is a matter of management and maintenance and is not a determining planning consideration in this instance.

There is no requirement within planning legislation to provide outdoor toilet facilities for this development. In addition, there may be opportunity within the school building to use their facilities depending on how the facility is to be managed in the long term.

Contamination

Third parties raised concern regarding the detrimental impact on the environment from the use of micro-plastics. This matter is not considered to be determining in this instance with no concerns or objections raised by EHS or DAERA.

Publicity and Inclusivity

Third parties have raised concerns that the Council has not involved under represented groups i.e. ethnic minority groups. With regard to the planning application, this is a major planning application in which the applicant followed the necessary procedures for a development of this nature, this included the submission of a Proposal of Application Notice (PAN) and community consultation event prior to the submission of the application. During the processing of the application the Council has executed its duties in accordance with its normal procedures by neighbour notifying nearby properties and advertising the proposal in the local newspaper as well as carrying out site inspections at third party properties. It is considered that reasonable measures have been undertaken to involve and raise awareness of the proposal to the public in this instance.

Maladministration

Concerns have been raised about the impartiality of the Planning Section in respect to this application and are of the opinion that the application should be called in by the Department of Infrastructure to determine.

This application has been subject to the normal application procedures such as neighbourhood notification, consultation with statutory agencies, site inspection and will be subject to determination in a public forum by the Planning Committee. The processing of the application has taken place in an open and transparent manner having regard for all material planning considerations. This application is not of regional importance and does not fall within the requirements of Section 26 of the Planning Act (Northern Ireland) 2011 or the Schedule to the Planning (Development Management) Regulations (Northern Ireland 2015 (DM Regulations) which sets thresholds for what is considered to be a regionally significant development.

There is a general provision, which allows for any application to be called in by the Department for its determination, however, this is generally by exception and in this instance the Department has not indicated or otherwise notified the Council that it intends to call the application in.

In addition to the above, the third parties are of the opinion that the failure to present applications T/2014/0385/O and T/2014/0386/O (planning applications submitted by the legacy Antrim Borough Council for housing development at the Steeple which remain live) as joint applications with this application are in contravention of good governance and the Council's ability to make a decision in an open and transparent manner. Notwithstanding these comments, each planning application is treated on its own merits and the two stated applications are not dependent upon this application or vice versa. There is no policy or procedural requirement for the Council to deal with all three applications simultaneously nor is there any reason to prevent the Council from determining this standalone application.

Assessment of Need

Third party objectors have indicated that the Council requires an assessment of need under para 6.282 of SPPS. This paragraph relates to retailing and town centre uses and is not considered to be the appropriate policy context for the assessment of an intensive sports facility and therefore cannot be given determining weight in this instance. Although the SPPS makes reference to leisure uses in the town centre it does not qualify the nature of the leisure uses that would be acceptable in the town centre. It is difficult to imagine that the intention of the SPPS is to promote playing pitches in the town centre at the expense of retailing or other commercial activities. In addition, it is considered that this facility is not complementary to the role and function of the town centre and is therefore not considered to be a to main town centre use. The SPPS does however indicate intensive sports facilities should be located within settlements and are not specifically town centre uses.

Sufficient Facilities Available

Third party representations point to the Antrim Area Plan 1984-2001 (AAP) indicating that Antrim Town is well stocked with outdoor facilities at Allen Park and Antrim Forum in particular. The fact that Antrim has existing facilities does not in itself mean that further provision cannot or should not be provided within the town. In addition, the AAP is of some vintage and the text reflects the position at the time of publication and does not therefore take account of population or demographic changes in the intervening period. It is considered that there is no policy within the Plan that would preclude the redevelopment of an existing playing field to a 3G pitch.

Impact of proposed landscaping.

The applicant has indicated that they intend to landscape the undefined areas of the northern boundary of the application site in order to soften the impact of the proposed development. Third party concerns have been raised with the impact that additional landscaping may have on their properties and ongoing management and maintenance. This is a matter that could be dealt with by the imposition of appropriate planning conditions should permission be forthcoming.

Impact on views

Third parties have raised concerns relating to the impact of the proposal on their current view and outlook. 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.

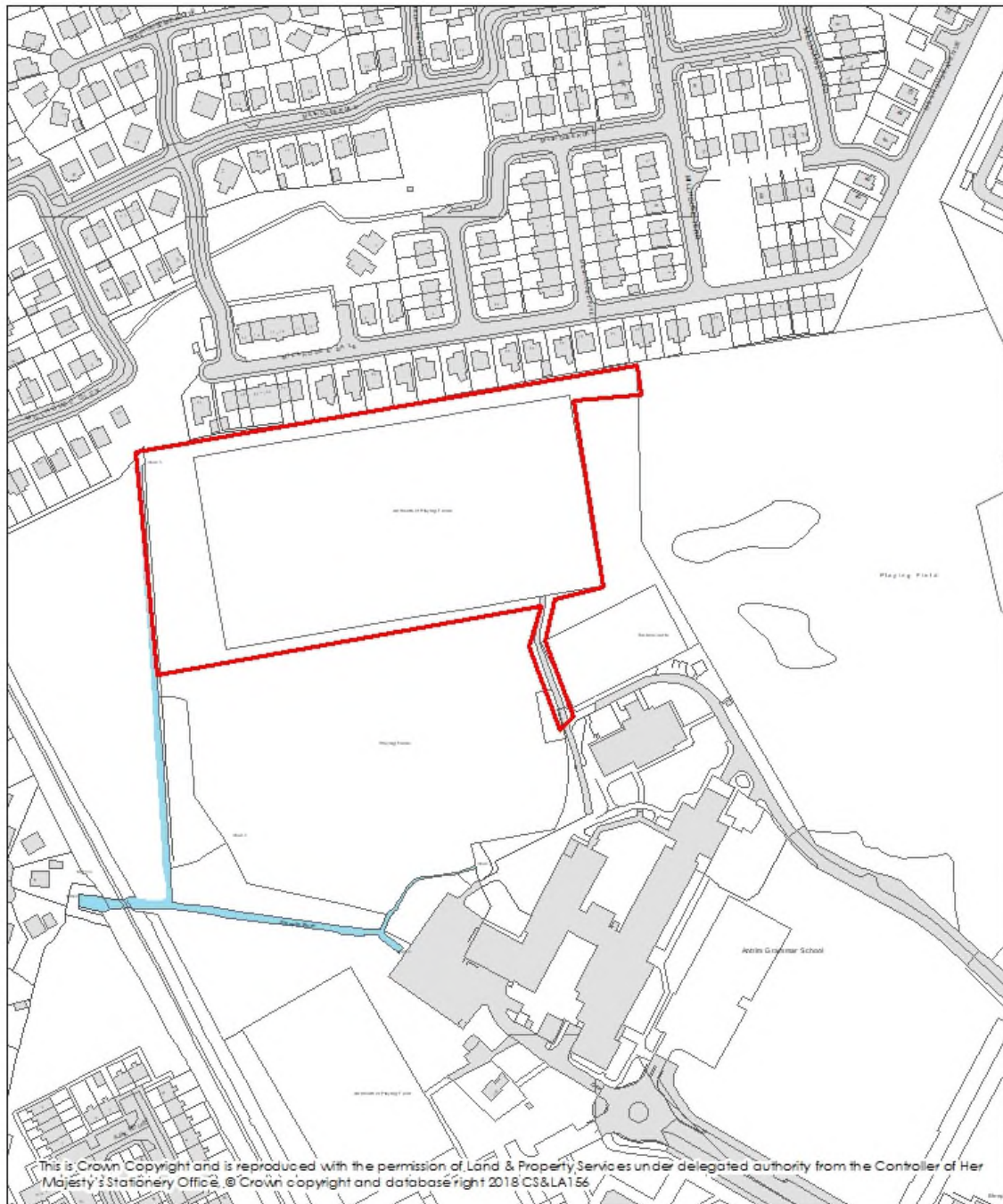
CONCLUSION

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

- The proposal will have a detrimental impact on the amenity of the adjacent residential properties as a result of the noise impact arising from the intended use of the pitches.
- The proposed fencing and ball stops are not of a scale appropriate to the local area and are likely to have a detrimental impact on the amenity of the adjacent residential properties.
- There will be no significant impact on the ecological and archaeological interests as a result of the development.
- The design and layout of the proposal is consistent with policy and guidance;
- There will be no significant drainage or flood risk concerns as a result of the proposed development; and
- There will be no significant access or road safety concerns as a result of the proposed development.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy OS 4 of Planning Policy Statement 8, Open Space, Sport and Recreation, in that, if permitted, it will result in an unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency and timing of the sporting activities proposed, including noise pollution likely to be generated. In addition, it has not been demonstrated that the fencing and ball stops proposed are of a scale appropriate to the local area.



Location Map

Application Reference: LA03/2019/0950/F

3G Pitch

Antrim Grammar School
10 Steeple Road
Antrim

0 15 30 60 90 120
Metres



Site Boundary

For Information Only



COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2019/0444/F
DEA	BALLYCLARE
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Demolition of existing retail units, filling station and No.8 Station Road; and development of 2 no. replacement retail units and 1 no. hot food unit, bulk fuel, petrol canopy, ATM and bin store with associated car parking and site works
SITE/LOCATION	8-10 Station Road, Doagh
APPLICANT	Henderson Group Property
AGENT	RPP Architects
LAST SITE VISIT	25 th June 2019
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>This addendum follows the Committee report which was presented at the December Planning Committee as a refusal.</p> <p>The following refusal reasons were recommended: -</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement in that insufficient evidence has been provided to demonstrate the proposal would not have a significant detrimental impact on nearby residential properties by reason of noise. 2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement in that, if approved, the design of the proposal would have a significant detrimental impact upon No.6 Station Road, Doagh, by reason of dominance and overlooking. <p>The application was deferred by the Committee for a period of two months to allow for the submission of additional information which has since been submitted.</p> <p>Representation</p> <p>A further letter of objection has been received from the existing residential dwelling, adjacent to the site, No.6 Station Road. This is the second letter from this property and brings the total number of objections to the development to two (2).</p> <p>The objection letter largely re-emphasises the points raised previously which are as noted below; -</p> <ul style="list-style-type: none"> • Scale of development is excessive. • The proposal is too close to No.6 Station Road. 	

- The boundary treatments between the site and No.6 Station Road are not sufficient to protect privacy.
- The proposal will cause overlooking.
- Increase in traffic.

Neighbour Amenity

Following the December Planning Committee meeting, a further noise report was received by the Planning Section, Document 06B, date stamped 23rd December 2019. This report was sent to the Council's Environmental Health Section (EHS) for review and a response was subsequently received on 28th January 2020. Having considered the report in its entirety, EHS are now satisfied that the proposed development is capable of operating without adversely affecting the amenity at neighbouring residential properties, subject to appropriate planning conditions being attached.

These proposed conditions (in relation to noise) restrict operational hours (including deliveries and use of the extraction system) to between 07:00 and 23:00 hours. A 1.2m high acoustic barrier is also to be placed around the roof-based extraction system. Further acoustic barriers are to be placed around the boundaries as per drawings with all boundaries maintained in perpetuity for the lifetime of the development.

As well as overcoming concerns in relation to noise, EHS are satisfied that impacts in relation to odour and artificial light can be dealt with through conditions.

The objector raises concern in relation to noise, odour and light impacting upon their amenity. However, having taken the above into account, it is considered that the proposed development will not significantly impact the amenity of any neighbouring property and therefore little weight is being afforded to these concerns in the decision making process.

The most recent letter of objection (dated 22nd January 2020) also raises concern about increased traffic and pedestrian movement around the site. DfL Roads was consulted throughout the application process and has responded with no objections subject to conditions.

Further points of objection in relation to dominance and overlooking upon No.6 will be dealt with in the section below discussing amendments to the design and appearance of the proposed scheme.

Design and Appearance

A second refusal reason was put forward to December's meeting which related to the detrimental impact upon No.6 Station Road in relation to dominance and overlooking. The objector from this property has re-emphasised these matters in their most recent objection letter.

Following December's Committee meeting, further plans were received, dated 23rd December 2019. These amended plans attempted to address the concerns raised in relation to the impact upon No.6 Station Road and also the existing properties to the rear along Exchange Avenue.

The amended plans have moved the proposed development a further 1.6m away from No.6. In addition, the height of the building adjacent to No.6 has been reduced from a maximum height of 10.5m above ground level to a maximum height of 7.8m above ground level. The eaves level facing towards No.6 will be 4m above ground level, a reduction in height of 1.2m from the previous plans submitted. The revised scheme will now result in a gap of 6.75m between the existing dwelling and the proposed building. It is considered that this will create a suitable gap between a residential and commercial use, particularly when read with the reduction in height of the proposal which will bring it closer to domestic scale.

Whilst there will be a change of view and character adjacent to the side and rear garden of No.6, it is considered that the amendments submitted (coupled with the proposed 2.2m high acoustic fence and proposed landscaping that will run between the site and the rear/side of No.6) will significantly reduce the impact of the building alleviating Officer concerns in relation to the potential dominance of the building form.

The southern portion of the proposed building that backs onto No.2 Exchange Avenue has also been reduced in height from 8.8m to 8m above ground level. This will bring the height of the proposal down to the height of No.2 and create a more suitable scale. Although the proposal will bring the building closer to No.2 than at present, the lack of existing side windows on the gable of No.2 and the existence of a 2m wall currently along the boundary will reduce the impact of any perceived dominance below a significant level.

The proposed layout of parking in the forecourt section has drawn concern from the objector in relation to a loss of privacy. Amended plans show that there is to be a 1.5m high wall between the front garden of No.6 and the forecourt. Additional landscaping is to be provided between this wall and the parking bays, reducing any potential of overlooking or dominance from parked vehicles. It is also recognised that there is a row of mature trees/hedging within the objector's property that will further screen views. Whilst it is acknowledged that the parking arrangement will come close to the objector's property and this will create a change of character for the objector, this must be weighed against the development as a whole which will revitalise this commercial area within the settlement limits of Doagh, bringing investment and job opportunities.

CONCLUSION

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

- A new noise report has been received by the Council. EHS offers no objections to the scheme subject to the imposition of conditions in relation to noise, odour, artificial light and contaminated land.
- Amendments have been received which have reduced the height of the proposed development and moved it 1.6m further away from No.6 Station Road. The design is now considered acceptable and the potential dominance of the proposal upon the rear garden of No.6 have been significantly reduced.
- Additional planting has been provided between the car park and boundary wall between the site and No.6 Station Road which will further buffer the private garden from interference and a perceived impact upon privacy.
- Although there will be a change of appearance of the site, particularly from the viewpoint of No.6, it must be acknowledged that the development will create job

opportunities and investment and provide a modern commercial outlet for the village of Doagh.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The proposed planting shall be carried out in accordance with approved drawing No.03B date stamped 23rd December 2019. Planting shall be carried out in the first available season after occupation of the premises hereby approved. If any tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
3. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 03B bearing date stamp 23rd December 2019 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.
4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.03B bearing the date stamp 23rd December 2019, 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.
5. The gradient(s) of the access road shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

6. The development shall not be operational anytime between 23:00 hours and 07:00 hours.

Reason: In order to protect amenity at nearby residential properties.

7. There shall be no deliveries to the development between 23:00 hours and 07:00 hours.

Reason: In order to protect amenity at nearby residential properties.

8. The extraction system to the development shall not be operational between 23:00 hours and 07:00 hours.

Reason: In order to protect amenity at nearby residential properties.

9. The development hereby approved shall not become operational until a 1.2 metre high (relative to roof height) acoustic barrier is installed around the rooftop external plant associated with the development as presented within drawing number 03B and date stamped 23rd December 2019. The barrier shall have a surface weight of not less than 25kg/m², be of solid construction (i.e. no holes or gaps for sound to pass through), and so if it is a fence shall be of ship-lapped design.

Reason: In order to protect amenity at nearby residential properties.

10. The development shall not become operational until acoustic barriers (including brick walls) are installed around the boundaries of the development, as presented within drawing number 03B and date stamped 23rd December 2019. The barriers shall have a surface weight of not less than 25kg/m², be of solid construction (i.e. no holes or gaps for sound to pass through), and so if it is a fence shall be of ship-lapped design.

Reason: In order to protect amenity at nearby residential properties.

11. The acoustic barriers (including brick walls) required under conditions 9 & 10 shall be maintained in perpetuity for the lifetime of the development.

Reason: In order to protect amenity at nearby residential properties.

12. A high level odour control system shall be installed to any commercial kitchen within the development as specified within DEFRA document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" (January 2005).

Reason: In order to protect amenity at nearby residential properties.

13. Light intrusion from the development into any window to any nearby sensitive property shall not exceed 10 Ev (lux) between the hours of 07:00 to 23:00hrs and 2 Ev (lux) between the hours of 23:00 and 07:00 hours.

Reason: In order to protect amenity at nearby residential properties.

14. Ground gas protective measures shall be installed to all buildings within the development as presented within Section 7.1 of Contaminated Land Preliminary & Generic Quantitative Risk Assessment, stamped "Document 04" and date stamped "Planning Section dated 20th May 2019."

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

15. After the installation of ground gas protective measures specified within condition 14, and prior to the occupation of the development, a verification report shall be submitted in writing and agreed with the Council. This report shall be completed by competent persons in accordance with Section 7.1.1 of Contaminated Land Preliminary & Generic Quantitative Risk Assessment, stamped "Document 04" and date stamped "Planning Section dated 20th May 2019"

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

16. Prior to development, all fuel tanks and associated infrastructure on the site shall be fully decommissioned in line with current pollution prevention guidance (PPG2 and PPG27) and the quality of the surrounding soils and groundwater has been verified. If during the development works, new contamination risks are encountered which has 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 Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available online at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> as applicable. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing and subsequently implemented to its satisfaction.

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

17. After completing any remediation works required under Condition 16, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available online at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> as applicable. The verification report shall 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.

18. No demolition of buildings or structures shall take place between 1 March and 1 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds.



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Location Map

Application Reference: LA03/2019/0444/F

8-10 Station Road, Doagh

Demolition of existing retail units, filling station and No.8 Station Road;
and development of 2 no. replacement retail units and 1 no. hot food unit,
bulk fuel, petrol canopy, parking and site works

 Site Boundary



For Information Only



COMMITTEE ITEM	3.11
APPLICATION NO	LA03/2019/0954/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed two storey extension to rear of existing dwelling. Proposed new blockwork and rendered walls to existing boundary to rear of dwelling with installation of pedestrian access gate
SITE/LOCATION	47 Abbeyhill Park, Glenville Road, Jordanstown, Belfast, BT37 0YQ
APPLICANT	Mr & Mrs D Martin
AGENT	B. Crawford
LAST SITE VISIT	17 th December 2019
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	

SITE DESCRIPTION
<p>The application site is located at 47 Abbeyhill Park, Newtownabbey and is within the development limits of Metropolitan Newtownabbey as defined within the Belfast Metropolitan Area Plan (both versions).</p> <p>The application site comprises a two storey semi-detached dwelling with an integrated garage to the northwestern gable, finished with red facing brick to the external walls on the ground floor façade and gable, with a partial cream render on the first floor and rear elevation. The roof is hipped and is finished in red clay interlocking tiles while the windows and guttering are white uPVC. The topography within the site is relatively flat and the front of the site accommodates a garden with an area of private amenity space to the rear which is currently under construction.</p> <p>The front (northwestern) boundary abuts the estate road with vehicular access taken from the northern roadside corner. The rear of the existing dwelling is defined by a stepped 2 metre high cement block wall on the northwestern and southeastern boundaries and a makeshift 2 metre high boundary consisting of timber poles and black all weather purpose material defines the rear boundary separating the site from Kings Parade cul-de-sac.</p> <p>The area is predominantly residential with Abbeyhill Park characterised by a mix of detached and semi-detached two storey dwellings. Kings Park adjacent is characterised by single story properties.</p>

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2015/0182/F

Location: 45 Abbeyhill Park, Whiteabbey,

Proposal: Retention of single storey extension to rear of dwelling (Retrospective Application)

Decision: Permission Granted 30/07/2015

Planning Reference: LA03/2015/0649/F

Location: 49 Abbeyhill Park, Newtownabbey, BT37 0YQ,

Proposal: 2 storey extension to side of dwelling

Decision: Permission Granted 17/02/2016

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 (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 settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey on a committed housing zoning (Reference: MNY 02/33 Abbeyhill and Abbeycroft development, Glenville Road).

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey on a committed housing zoning (Reference: MNY 02/52 Abbeyhill and Abbeycroft development, Glenville Road).

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.

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

CONSULTATION

Department for Infrastructure Rivers – No response

REPRESENTATION

Five (5) neighbouring properties were notified and ten (10) letters of objection have been received from eight (8) properties (7 properties signed a pro forma letter and 1 letter received pertaining to represent all the residents of Kings Parade). The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- The proposal will lead to an unacceptable impact on the residential amenity of neighbouring properties.
- There will be increased littering of neighbouring properties.
- An increase in noise levels to neighbouring properties.
- The proposal will lead to increased traffic and parking on Kings Parade.
- The totality of the application site is not within the applicant's ownership.
- Damage to vehicles from construction traffic within Kings Parade.

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 this Area.
- Amenity Space, Parking and Manoeuvring
- Other Matters

Policy Context

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

The 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. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

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. Amongst these is the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS 7). Taking into account the transitional arrangements of the SPPS, retained APPS 7 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 proposed development is for the erection of a two storey extension to the rear of the original dwelling. The rear extension creates a sunroom on the ground floor and an additional bedroom on the first floor, it projects 4.1 metres from the rear wall of the existing dwelling and has a width of 3.2 metres, providing an overall floorspace of approximately 26sqm over both floors. The proposed hipped roof has a ridge height of 6 metres from finished floor level.

Overall given the original dwelling has a current floor space of approximately 140sqm and the general height and width of the proposal are below that of the original dwelling, the extension is considered to be subordinate to the existing dwelling as required by Policy EXT1 of APPS7.

Windows are proposed on the ground floor of the northeastern and northwestern elevations and a single window is proposed to the northeastern elevation at first floor level. The proposed rear extension is to be finished in smooth render as indicated on

Drawing No. 02/1 date stamped 16th January 2020. The roof tiles, uPVC windows and rainwater goods are proposed to match the existing dwelling.

The proposal also includes the erection of a 2 metre high facing brick wall to the rear (southwestern) boundary with the installation of a pedestrian access gate which would give access onto Kings Parade cul-de-sac. The development of a 2 metre high facing brick wall to the rear would protect the amenity of the occupants of the existing dwelling and would be in keeping with the external finishes of the surrounding dwellings within Kings Parade. The proposed pedestrian gate is indicated to open inwards as demonstrated on Drawing No. 02/1, date stamped 16th January 2020.

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

Neighbour Amenity

It is considered that the proposal will not unduly affect the privacy or amenity of neighbouring residents' No. 45 and No. 49 Abbeyhill Park due to the existing 2 metre high stepped cement boundary wall that exists between the application site and the neighbouring dwellings. Furthermore, there will be no overlooking impacts to No. 45 and No. 49 Abbeyhill Park as there are no windows proposed on the first floor elevations of the proposed extension facing neighbouring properties. Beyond the rear boundary is Kings Parade cul-de-sac, therefore no private amenity space exists to be overlooked.

The two storey extension is not considered to create any significant loss of light to the first floor windows directly adjacent to the proposed extension to the neighbouring dwelling No. 49 Abbeyhill Park. Overshadowing impacts are not deemed to be significant due to the orientation of the sun.

The installation of a pedestrian gate to the rear boundary wall is not considered to have significant impacts to residents within Kings Parade cul-de-sac. The gate is to be used as pedestrian access only and would only serve the application dwelling and is therefore not deemed to have any significant adverse neighbour amenity impacts.

The proposal will not create any negative impacts on neighbouring properties in relation to overshadowing, overlooking or dominance to the neighbouring properties.

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 within the site to be impacted on.

Amenity Space, Parking and Manoeuvring

It is considered that sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Other Matters

The majority of the objections submitted are in regard to the proposed pedestrian gateway access onto Kings Parade and are not related to the two storey extension

element of the proposed development. The residents within Kings Parade state that the proposed pedestrian gate will have a detrimental impact upon their residential amenity.

The objection comments regarding potential for increased parking and traffic at Kings Parade are not considered to hold significant weight as the proposal is for a pedestrian access only which opens onto a public pavement. Any construction traffic during the development of the proposal to the rear of the site through Kings Parade is deemed as being temporary and would cease once the development at 47 Abbeyhill Park has been completed. Furthermore, any damage to vehicles within Kings Parade by construction traffic is not within the remit of planning and therefore no significant weight is attached to this point of objection.

Concerns relating to increased parking as a consequence of a pedestrian access gate cannot be heavily weighted in the consideration of this proposal as the road within Kings Parade cul-de-sac is deemed as a public road for turning and does not provide established parking spaces for any residents within the development. The application site has a separate vehicular access, driveway and garage at the front of the dwelling which provides dedicated parking for the subject dwelling.

Additionally, there was a challenge to the ownership of the lands forming part of the application site. In response to this the applicant submitted Land Registry maps which matched the site plan submitted with the application. Ongoing issues regarding the ownership of the land in question is considered to be a civil matter and therefore no significant weight has been attached to this point of objection.

The agent has supplied information to rebut objector comments within Document 01 date stamped 16th January 2020. In summary, the agent has stated that the pedestrian gate would not cause the following:

- There would be no invasion of privacy as the gate opens on to a public path.
- There is no potential for increased littering or increased noise levels through the creation of a pedestrian gate.
- The pedestrian gate will not affect parking on Kings Parade as the front of the house already has an established driveway and garage.
- A precedent has been set by a neighbouring dwelling on Abbeyhill Park which has formed a pedestrian gate to the rear onto Kings Way cul-de-sac.
- Submitted Land Registry documents outline the entire site to be within the ownership of the applicant.
- Medical documents were submitted to support the applicant's need for the pedestrian gate to provide better access to public transport and service provision close by.

Overall, the objections and supporting documentation have been considered within the assessment of this application. The pedestrian gate is not considered to cause significant neighbour amenity impacts or be detrimental to the residents of Kings Parade. The objections relating to land ownership are deemed to be a civil matter and as such have not been given any significant weight in the determination of this application.

CONCLUSION

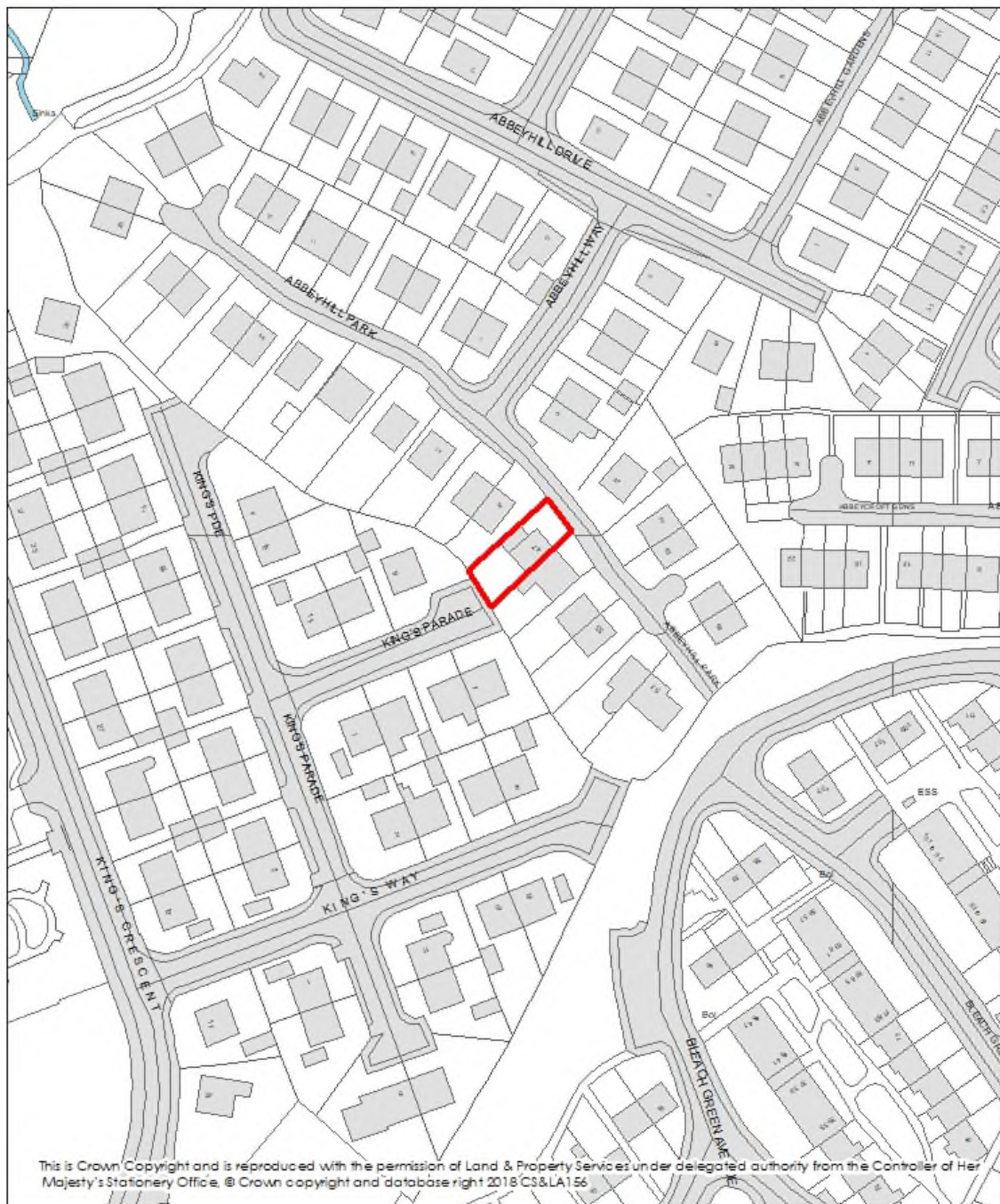
The following is a summary of the main reasons for the recommendation:

- The scale, massing, design and appearance of the proposed extension/alterations are considered acceptable.
- The proposal will not unduly affect the privacy or amenity of neighbouring residents.
- The proposal will not have a detrimental impact on trees or the environmental quality of this area.
- Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.
- Objections received from third parties have been considered within the assessment and none of the matters raised are considered determining in this case.

RECOMMENDATION**GRANT PLANNING PERMISSION****PROPOSED CONDITION**

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.



Location Map

Application Reference: LA03/2019/0954/F

 Site Boundary



Proposed two storey extension to rear of existing dwelling. Proposed new blockwork and rendered walls to existing boundary to rear of dwelling with installation of pedestrian access gate at 47 Abbeyhill Park, Jordanstown.

For Information Only



COMMITTEE ITEM	3.12
APPLICATION NO	LA03/2019/0521/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Refurbishment, alterations and extensions to existing dwelling and adjacent outbuilding to provide office accommodation
SITE/LOCATION	Lloyds School of Motoring, 133 Ballyutoag, Belfast
APPLICANT	Lloyds School of Motoring
AGENT	Dimensions Chartered Architects
LAST SITE VISIT	3 rd July 2019
CASE OFFICER	Sairead de Brún Tel: 028 903 40406 Email: sairead.debrun@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located outside any settlement limits as designated in the Antrim Area Plan 1984 – 2001 and is within the countryside. It is a roadside site located at No 133 Ballyutoag Road and is currently occupied by a detached, two storey dwelling and a number of associated outbuildings, a modular office building surrounded by wooden decking, a hardstanding parking area and a vehicular turning area. A brick wall, with pillars, defines the western boundary and part of the southern boundary, with the remaining boundary defined by a mature hedge and grassy roadside verge. A post and wire and wooden fence defines the eastern boundary. The surrounding area is rural countryside and characterised by dispersed single dwellings and farm complexes.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2018/0356/CA Location: 133 Ballyutoag Road, Belfast, Antrim, BT14 8ST, Proposal: Unauthorised change of use to motoring school, unauthorised extension of curtilage, unauthorised buildings and unauthorised means of enclosure. Decision: Ongoing enforcement case</p>	
PLANNING POLICY AND GUIDANCE	
<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 4: Planning and Economic Development: sets out planning policies for economic development uses.

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

Department for Infrastructure Roads- Recommend refusal based on intensification of access

Department for Communities Historic Environment Division – No objection

UK Crown Bodies: D.I.O – Outstanding

REPRESENTATION

No neighbours were notified of the application as no occupied properties abut the site. No letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Preliminary Matters

The erection of a pre-fabricated office building, an extension to the established curtilage at the southeast and northwest boundary and the change of use to a motoring school, all at this application site, is currently the subject of an enforcement case which is ongoing.

The full planning application as submitted is for the conversion and extension of an existing outbuilding to accommodate the motoring school business with the removal of the pre-fabricated building. The planning application does not address the extension to the curtilage which is part of the ongoing enforcement case.

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 is located within the countryside outside any settlement 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. There are a number of cases when planning permission will be granted for non-residential developments. One of these is the development of industry and business uses in accordance with Planning Policy Statement 4: Planning and Economic Development.

Policy PED 2: Economic Development in the Countryside of the above policy document allows for the development of economic development uses in accordance with the following policies;

- The Expansion of an Established Economic Development Use – Policy PED 3
- The Redevelopment of an Established Economic Development Use – Policy PED 4
- Major Industrial Development – Policy PED 5
- Small Rural Projects – Policy PED 6

The business operating from this address is a motoring school that offers practical and theory training for existing and potential car, bus and lorry drivers. The business does not currently benefit from planning permission or a certificate of lawfulness to demonstrate that it is an established business in the countryside.

In this regard, the proposal cannot be considered as the expansion of an established economic development use, nor does it involve the redevelopment of an established economic use. It is not a major industrial development nor does it fall within the description of a small rural project; i.e. a small community enterprise park/centre or a small rural industrial enterprise.

In support of the countryside location proposed for this business, the applicant has indicated that the site is geographically advantageous for the business client base with an immediate road network that offers an easy access and egress. A large area is needed for the business to operate effectively and efficiently and this is provided at the application site. The applicant also lives on site which offers extra security for the plant and machinery that is stored there. The applicant has stated that no alternative sites within a settlement limit in the vicinity are available that could offer similar conditions as the current site; and even if one were to become available, relocation of the business to it would render it financially unviable given the additional and unnecessary repayment costs and rental charges.

As this proposal is for the refurbishment, alteration and extension to the existing dwelling and adjacent outbuilding to provide office accommodation only, it does not include the storage of any plant and machinery and therefore the additional security as suggested by the applicant is not required. Paragraph 6.88 of the SPSS states that 'a small scale new build economic development proposal may be permissible outside a village or small settlement where there is no suitable site within the settlement'. The applicant contends that there is no alternative site available in surrounding settlements, however he has not submitted any documentation to substantiate this claim. It has not been demonstrated how relocation would render the business financially unviable as the possibility of an alternative site within a settlement limit has not been fully explored. In additionally, it is possible that a site that is still geographically advantageous in terms of the immediate road network could be available within a nearby settlement as the application site lies less than 12km east of the town of Crumlin and approximately the same distance west of Belfast City Centre.

The applicant has indicated that the business makes a 'positive use' of derelict and redundant former farm buildings and suggests this represents activity recognised as farm diversification. However, he has confirmed that this is not a farm diversification scheme and Policy CTY 11: Farm Diversification in PPS 21 is not therefore applicable.

As there is no support in policy for this business in the countryside, the principle of development is not considered acceptable.

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

The proposal is seeking full permission for office accommodation, to include a reception area and lobby, office space, board room, kitchen, dining area and a WC on the ground floor, with additional office space and a consultation room/store on the first floor. In order to provide this level of office accommodation, it is proposed to

extend and convert an existing outbuilding. This outbuilding is two storeys high, measuring 6m to finished floor level and currently has a floorspace of approximately 96.38sqm. The proposed extension measures 134.5sqm, thereby giving a total office accommodation floorspace of 230.95sqm. The existing dwelling is also two storeys high, and offers 342.64sqm of living accommodation. It will be refurbished and extended by 7.36sqm to allow the new office accommodation to be attached to the right side of the dwelling, with a secondary access through the main dwelling. The existing uses within this dwelling will remain, with the entire office accommodation being provided in the newly extended and converted outbuilding. Proposed finishes of the extended and converted outbuilding include rendered walls with timber and stone cladding, dark grey slate roof tiles and aluminium/painted timber/pvc windows and doors. The extension to the dwelling will be finished to match the existing building.

The use of materials to match the existing dwelling and reflect the current outbuildings on the application site is considered acceptable and allows for a certain level of integration of the proposal. However, the size, scale and massing of the proposed development is considered excessive when viewed with existing development on site and is not subordinate to the main dwelling. Furthermore, the proposal introduces a hipped roof element which does not reflect the existing buildings on the application site or in the surrounding area. In light of this, it is considered that the proposal cannot be accommodated and integrated on the application site without creating an adverse impact on the character and appearance of the site and surrounding area. In this regard, the proposal does not meet the criteria of Policy CTY 13.

Neighbour amenity

The application site is not bounded by any residential properties; the nearest dwelling is approximately 300m northeast. At this separation distance, the proposal will not have a detrimental impact on the neighbour's amenity.

Other Issues

Access to a Protected Route

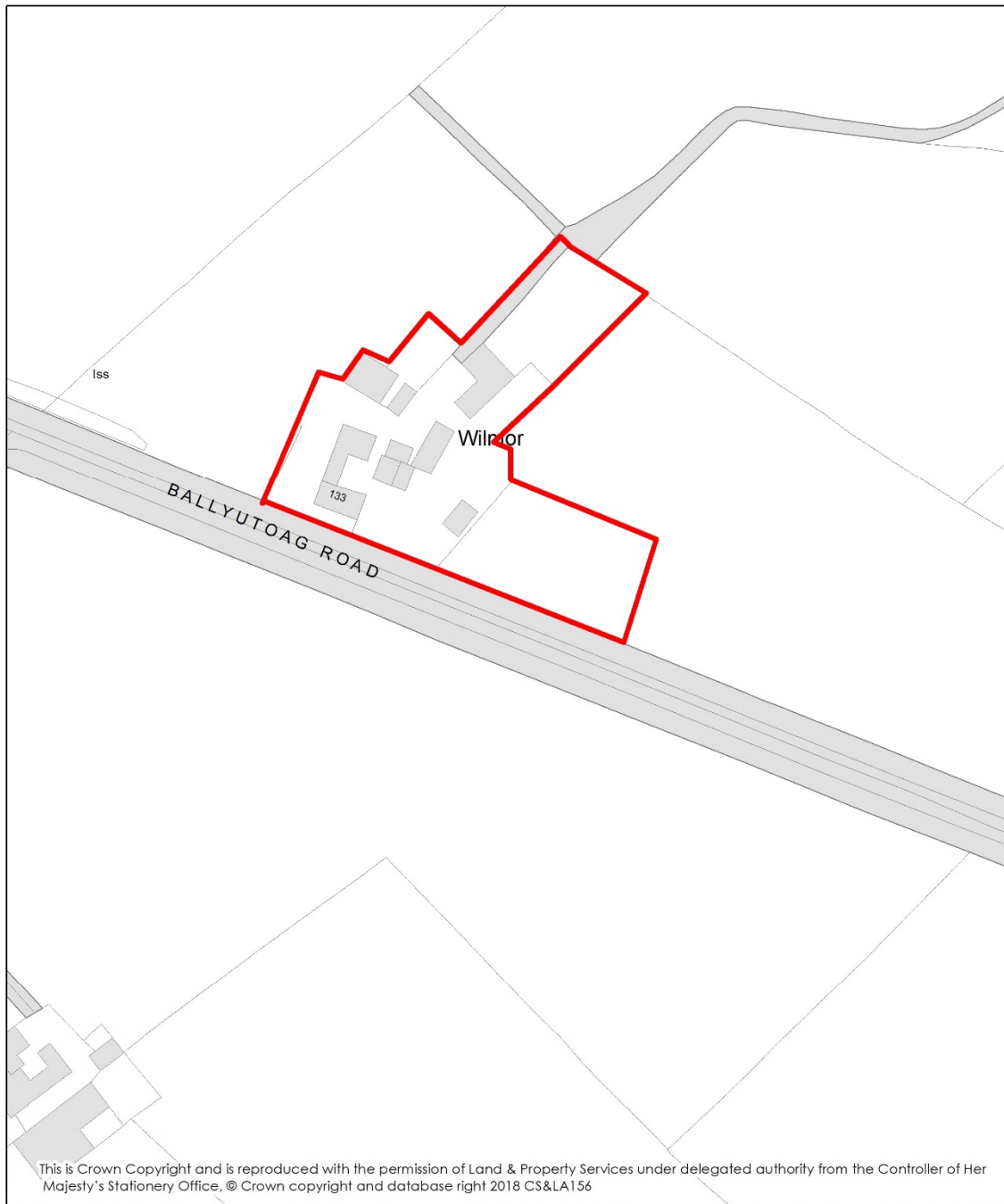
The application site is accessed off the Ballyutoag Road, which is a Protected Route. The consequential revision of Policy AMP 3 in PPS 21 states that permission to access on to a Protected Route will only be granted where the proposal meets the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. DfI Roads has indicated that an alternative access can be achieved from the application site onto the Lylehill Road northeast of the application site. As the proposal does not meet the criteria for development in the countryside, and an access can be obtained from an adjacent minor road, the proposal therefore fails to meet the provisions of Policy AMP 3.

CONCLUSION

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

- The principle of the development is not acceptable.
- The size, scale and massing of the proposal are not suitable, and the impact on the character and appearance of the surrounding area is unacceptable.
- There will be no detrimental impact on neighbouring amenity.
- The proposal is contrary to the Protected Routes Policy AMP 3.

RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, and Planning Policy Statement 4, Planning and Economic Development, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and the Consequential Revision to Policy AMP 3 set out in Annex 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the development would, if permitted, result in the intensification of use of an existing access onto a Protected Route thereby prejudicing the free flow of traffic and conditions of general safety, in circumstances where access to a minor road can reasonably be achieved. 3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the size, scale and massing of the proposed building is inappropriate for the site and its locality. 	



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Location Map

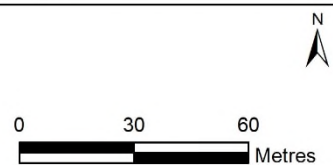
Application Reference: LA03/2019/0521/F

Lloyds School of Motoring, 133 Ballyutoag, Belfast

Extension to dwelling and alterations to outbuilding to provide office accommodation

 Site Boundary

For Information Only



COMMITTEE ITEM	3.13
APPLICATION NO	LA03/2019/0949/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Change of use of former commercial vehicle body repair premises to premises for displaying beds, furniture and rugs (Retrospective)
SITE/LOCATION	6 Crumlin Road, Crumlin
APPLICANT	Margaret & Tom Scott
AGENT	Park Design Associates
LAST SITE VISIT	6 th January 2020
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on unzoned lands outside the town centre boundary, within the settlement limit of Crumlin.</p> <p>The application site is located on the southern side of the Crumlin Road, the site comprises of the front section of an existing large building. The building is currently occupied by 'Kings Bedding & Sofa Centre'. The building is gable ended onto the Crumlin Road and has two distinct design features. The eastern (front) section of the building which is the subject of the application is finished in red brick and fronts onto the existing car parking area. The western (rear) section of the building is finished in render finish to the lower section with tin cladding to the upper section.</p> <p>An existing area of hardstanding for parking and turning is located to the east of the application site whilst a yard area is located to the west of the application site. Residential properties are located to the southeast and northeast of the site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2015/001/O Location: Beside 4a Crumlin Road, Crumlin (opposite Glendarragh Park), BT29 4AD Proposal: Site for residential development (1 Detached dwelling and 6 semidetached dwellings) Decision: Application Withdrawn (22.09.2015)</p> <p>Planning Reference: T/1993/0348 Location: 6 Crumlin Road, Crumlin Proposal: Alterations and extension to workshop to include replacement front wall and new porch Decision: Permission Granted (31.08.1993)</p>	

Planning Reference: T/1976/0013
Location: Crosshill Service Station, Crumlin
Proposal: Extension to vehicle repair workshop
Decision: Application Withdrawn (22.09.2015)

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 on unzoned lands within the settlement limits of Crumlin.

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

SPPS: Town Centres and Retailing: sets out planning policies for town centres and retail developments and incorporates a town centre first approach for retail and main town centre uses.

PPS 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.

CONSULTATION

Council Environmental Health Section – No objection.

Department for Infrastructure Roads- No objection.

Department for Communities Historic Environment Division – No objection.

REPRESENTATION

Four (4) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Layout, Design and Impact on Character and Appearance of the Area
- Neighbour Amenity

Policy Context and Principle of Development

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

The 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 settlement limit of Crumlin on unzoned lands outside of the town centre boundary. The application seeks retrospective permission for a change of use of a former commercial vehicle body repair premises to premises for displaying beds, furniture and rugs. Paragraph 18.7 of the AAP states that a town centre area has been defined in Crumlin within which planning policy will be to encourage shopping, commercial, entertainment/recreation uses, conversely such developments will be discouraged elsewhere in the town.

The Strategic Planning Policy Statement (SPPS) advises that planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.270 of the SPPS affirms that its aim is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location for retailing and other complementary functions, consistent with the Regional Development Strategy (RDS). Paragraph 6.280 advises that a sequential test should be applied to planning applications or main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Development Plan. Furthermore, the SPPS states that where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

As outlined above the application seeks permission for a change of use of part of an existing building from a sui generis use (vehicle repairs). The floor plan shows a section to the front of the existing building which is the subject area of the current change of use application. The floorspace is split over ground floor and first floor and measures a total of 168sqm. This area provides accommodation for a reception office, private office and kitchen on the ground floor and a display area for rugs, beds, sofas and

bedroom furniture and a kitchen on the first floor. Although the application seeks permission for the front section of the existing building, following a site inspection it is evident that the rear section of the building is currently in use for the storage of sofas and furniture which provides an additional 598sqm of floorspace. The two elements of the building appear to be interdependent with customers moving through both areas.

As the application site is located outside the town centre boundary, a supporting statement was requested from the applicant in accordance with the provisions of the AAP and SPPS. A supporting statement, Document 01 was received by the Council on 21st January 2020. This document outlines that a small part of the existing premises is used as 'King Bedding & Sofa Centre' and that the company also has retail premises in Belfast. The supporting statement indicates that the subject premises are mainly for storage of beds and sofas that have been purchased in the company's Belfast premises or online. The statement goes on to suggest that few customers visit the Crumlin premises and as such limited stock is on display with some 80% of the business indicated as 'wholesale' and 20% being 'retail'. The statement also suggests that as the proposal is for a change of use of an existing building the proposed use should be acceptable on this basis.

Whilst the supporting statement outlines that only a small percentage of the subject premises are used as a retail use with low customer numbers, the supporting statement fails to demonstrate the reasons why the business cannot operate from a town centre. The applicant has failed to carry out a sequential test in order to establish if any alternative sequentially preferable sites exist within the proposals catchment. If as the supporting statement suggests the proposal is for the sale of bulky goods in the form of sofas, beds and bedroom furniture, no details have been provided as to why the business cannot operate from other retail areas such as The Junction Retail Park in Antrim which would offer the unit type and infrastructure required to provide retailing of bulky goods along with areas of storage. Additionally, the supporting statement fails to make reference to or take into consideration the remainder of the premises which are evidently being utilized in conjunction with the current use of displaying beds, furniture and rugs.

Having taken the above into consideration, it is considered that insufficient evidence has been provided that would override the existing policy direction to locate retail development within a town centre location. No exceptional circumstances have been provided why the business must operate at an out of town centre location. It is therefore considered that the principle of retail development at this location is not acceptable and the proposal fails to satisfy the requirements of the AAP and SPPS.

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

As outlined above the application seeks retrospective change of use of an existing building. Details submitted with the application show no changes to the external fabric of the building. An area of hardstanding for parking is located to the southeast of the application site whilst a yard area is located to the rear of the application site.

As no changes are proposed to the external fabric of the building or boundary treatment, it is considered that the design of the building is acceptable and will not result in a detrimental impact upon the character and appearance of the area.

Neighbour Amenity

Residential properties are located to the southeast and northeast of the application site. It is considered that the retrospective change of use of a former commercial vehicle body repair premises to premises for displaying beds, furniture and rugs will not create any significant negative impacts in terms of noise or general disturbance on the adjacent residential properties. The Council's Environmental Health Section have been consulted on the application and have raised no significant concerns.

Other Matters

DfI Roads were consulted on the access, servicing and parking arrangements associated with the development and they have raised no objections. In addition, DfC Historic Environment Division have raised no concerns with the impact of the development on any historic building or monument.

CONCLUSION

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

- The principle of the development has not been established as it has not been demonstrated that a suitable site does not exist within the town centre boundary or other nearby retail centres.
- The layout, design and appearance is not changing from that which currently exists.
- The proposal will not create any significant negative impacts on adjacent residential properties.

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

1. The proposal is contrary to the Antrim Area Plan and the policy provisions of the Strategic Planning Policy Statement in that the development lies outside the designated town centre of Crumlin and it has not been demonstrated that a suitable site does not exist within the nearby town centre or other nearby retailing centres to accommodate the proposal.



Location Map

Application Reference: LA03/2019/0949/F

6 Crumlin Road, Crumlin

Change of use of former commercial vehicle
body repair premises to premises for
displaying beds, furniture and rugs (Retrospective)

 Site Boundary

0 30 60
Metres



For Information Only



COMMITTEE ITEM	3.14
APPLICATION NO	LA03/2019/0905/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for 2 bedroom bungalow (with rooms in the roofspace)
SITE/LOCATION	103A Main Street, Crumlin
APPLICANT	Patrick Campbell
AGENT	Park Design Associates
LAST SITE VISIT	25 th November 2019
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the town centre of Crumlin as defined within the Antrim Area Plan 1984-2001 (AAP). The site is a rectangular shaped site set back off the Main Street in Crumlin and accessed via a narrow lane. The site measures 10 metres in width with a depth of 12 metres. The site is occupied by a single storey detached building with a pitched tin roof and dash finish. The building is currently vacant with the most previous use being as a dry cleaners.</p> <p>The boundaries of the site are defined to the west by the front elevation of the building, to the south by timber fence panels approximately 2 metres in height, to the east by the rear elevation of the building and the north by the northern gable of the building.</p> <p>The application site is located within periphery of the town centre boundary with a mix of residential and commercial uses.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2011/0251/F Location: 103A Main Street, Crumlin Proposal: Redevelop existing commercial premises to construct a 2 bedroom dwelling Decision: Permission Refused (10.07.2012)</p> <p>Planning Reference: T/2005/0677/F Location: 103 Main Street, Crumlin Proposal: Change of use of existing shed and extension to shed to laundry and dry cleaning business. Decision: Permission Granted (20.10.2005)</p>	

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 settlement limits of Crumlin. The application site is located within Crumlin Town Centre.

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

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

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

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

CONSULTATION

Council Environmental Health Section – Additional information requested

Northern Ireland Water – No objections

Department for Infrastructure Roads- No objections

Department for Communities Historic Environment Division – No objections

Northern Ireland Environment Agency: Land and Groundwater – Response outstanding

REPRESENTATION

Seven (7) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Layout and Impact on Character and Appearance of the Area
- Neighbour 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 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. As outlined above the application site is located within the settlement limit of Crumlin and within the town centre. A mix of residential and commercial units are located adjacent to the site, as such the principle of housing on this site would be acceptable provided the proposed development complies with regional planning and environmental considerations.

The Strategic Planning Policy Statement (SPPS) indicates that sustainable development should be permitted having regard to material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS also promotes good design and seeks to make more efficient use of urban land without town cramming. Planning Policy Statement 3: Access, Movement and Parking and Planning Policy Statement 7: Quality Residential Environments (PPS 7) are retained policies under the SPPS and provide the appropriate policy context.

Layout and Impact on Character and Appearance of the Area

The Strategic Planning Policy Statement emphasises that within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Policy QD 1 goes on to state that all proposals for residential development will be expected to conform to nine criteria. Addendum to Planning Policy Statement 7 – Safeguarding The Character of Established Residential Areas is not applicable as the application site is located within

a town centre, which is listed as one of the exceptions within Annex E of Addendum to PPS 7.

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

As the application seeks outline permission, limited details have been provided regarding the proposed design, however, an indicative block plan, (Drawing No. 02) has been provided along with a supporting statement, Document 01. The block plan annotates the footprint of the proposed dwelling with an area of private amenity space. The footprint of the proposed dwelling measures approximately 55sqm, the supporting statement advises that it is envisaged that the proposed dwelling will have two bedrooms with rooms in the roofspace providing approximately 80sqm of floorspace. It is also detailed within the supporting document 01 that parking provision will be facilitated by on-street car parking along Main Street, Crumlin.

As the application seeks outline permission, there are limited details provided in relation to the design, scale and layout of the proposed dwelling. Taking into consideration the block plan and supporting statement, it is considered that the proposal is a contrived house design, in that, in order to provide sufficient space within the dwelling to meet specified internal space standards, rooms are required on the upper floor. However, in order to prevent overlooking to the adjacent properties, no windows are proposed on the upper floor with the exception of roof lights which demonstrates that a dwelling cannot be properly accommodated on this site. It is considered that the proposal is overdevelopment on a restricted site which results in town cramming.

Paragraph 5.20 of planning guidance 'Creating Places' states that in the case of one or two bedroom houses on small urban infill sites a minimum area ranging between 10 and 30sqm will be acceptable. The proposed block plan shows an area of private amenity of approximately 30sqm, which is considered acceptable. Although it is accepted that the provision of amenity space of 30sqm is acceptable, it is not clear if this area may have to be utilised for parking provision. The applicant has indicated that the proposed development will be served by on-street parking along Main Street Crumlin, however, no parking assessment has been submitted to the Council. DfI Roads has no objections to the proposal based on in-curtilage parking being provided in accordance with the DfI's 'Parking Standards'.

Neighbour Amenity

Criterion (h) of Policy QD 1 requires that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. In this case, as outlined above, the proposal is located adjacent to both commercial and residential properties. Two semi-detached dwellings are located directly to the north of the application site whilst residential dwellings are also located opposite and to the south of the site.

Information within the supporting statement indicates that the proposed dwelling is to be a two bedroom bungalow with rooms in the roofspace and that any overlooking

concerns could be mitigated through the use of roof lights, at a height which would prevent overlooking. Although it is acknowledged, that with the absence of upper floor windows the proposal will not lead to overlooking of the neighbouring residential properties, this further emphasises the contrived house design required in order to prevent significant negative impacts on neighbouring residential properties due to the cramped and restricted nature of the site.

As outlined above policy QD1 also requires that there is no unacceptable adverse effects on the amenity of the proposed property itself. The layout includes an area of amenity to the south of the proposed dwelling. A commercial and residential property is located directly to the south of the application site with a separation distance of 2.5 metres from the rear wall of the adjacent residential property and the common boundary, which will result in significant overlooking of the private amenity space of the proposed dwelling.

Access, Movement and Parking

The proposed site is located along a shared laneway of Main Street in Crumlin. Consultation was carried out with DfI Roads who raised no objections to the proposal subject to, parking in accordance with the Department of Infrastructure's document 'Parking Standards' at Reserved Matters stage. However, the applicant indicates that the proposal will be served by on-street parking along Main Street Crumlin. No parking assessment has been submitted to the Council to demonstrate that on-street parking is readily available and would be acceptable. A Parking Assessment has not been requested from the applicant as the proposed development is not considered to be acceptable form of development on this restricted site and therefore seeking additional information would only put the applicant to unnecessary expense.

Other Matters

The last former use of the existing building was as a dry cleaners. The Council's Environmental Health Section has requested a Preliminary Risk Assessment in order to identify any land contamination issues at the application site. Again, this information was not requested from the applicant as the proposed development is not considered acceptable and therefore seeking this assessment would only put the applicant to unnecessary expense.

CONCLUSION

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

- The principle of the development has been established.
- The proposed layout represents overdevelopment of the site, it has not been demonstrated that a quality residential environment can be achieved.
- The proposal will have a detrimental impact on the residential amenity of the proposed residential property in terms of overlooking.
- It has not been demonstrated that there will be no unacceptable adverse effects on the proposed property in terms of potential land contamination sources.

RECOMMENDATION

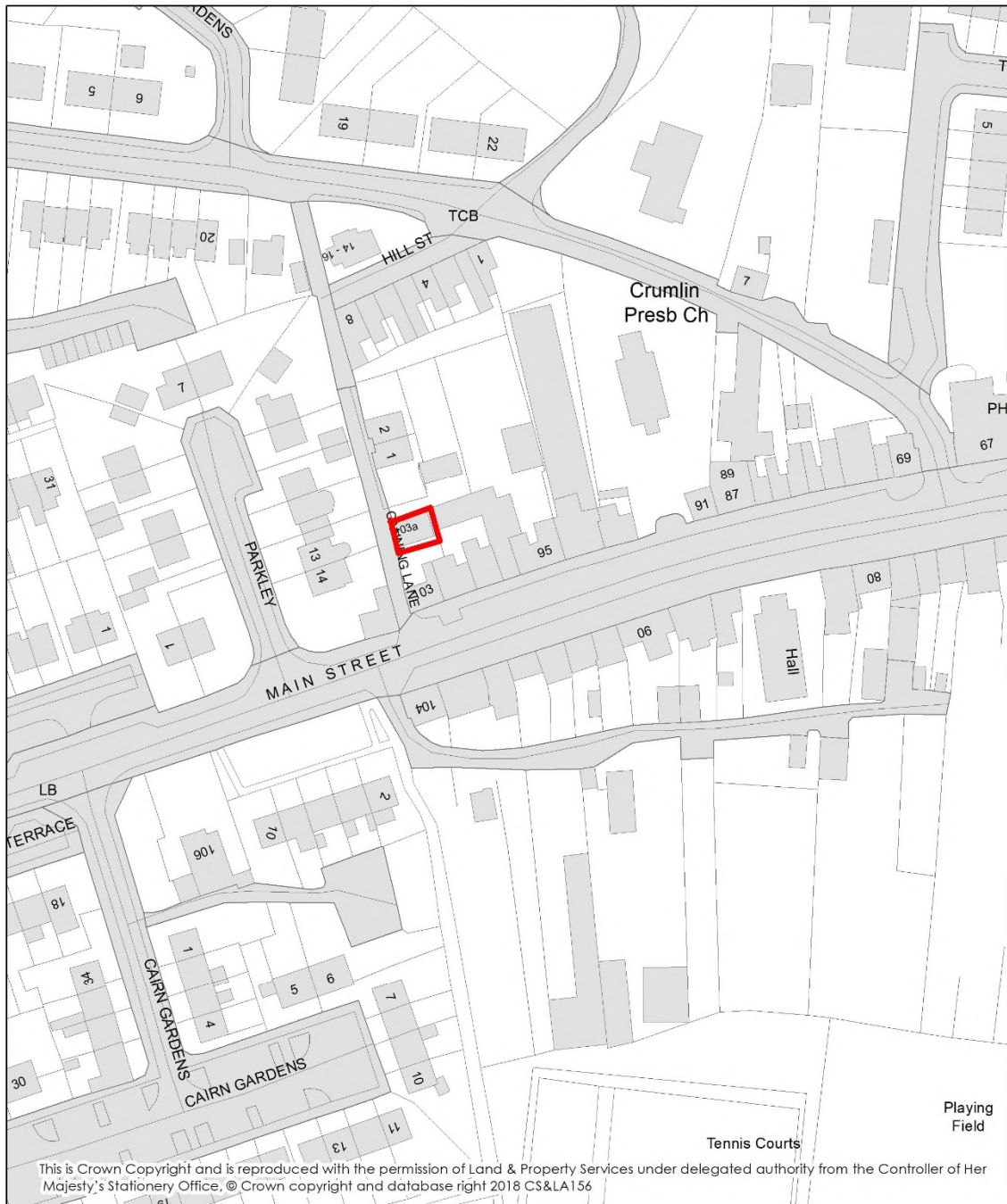
REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, in that, if permitted, it would result in overdevelopment of the site

and result in an unacceptable adverse effect on the proposed property in terms of overlooking.

2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy QD 1 of Planning Policy Statement 7, Quality Residential Environments, and Policy AMP 7 of Planning Policy Statement 3, Access, Movement and Parking, in that, it has not been demonstrated that adequate car parking arrangements can be provided.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 7, Quality Residential Environments, in that it has not been demonstrated that there will be no unacceptable adverse effects on the proposed or adjoining properties in terms of potential contamination sources.




Location Map

Application Reference: LA03/2019/0905/O

103A Main Street, Crumlin

Site for 2 bedroom bungalow
(with rooms in the roofspace)

 Site Boundary

0 30 60
Metres



For Information Only



COMMITTEE ITEM	3.15
APPLICATION NO	LA03/2019/0516/F
DEA	MACEDON
COMMITTEE INTEREST	HEAD OF PLANNING REFERRAL
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Extension to curtilage of dwelling to provide garden
SITE/LOCATION	67 Whitehouse Park, Whitehouse, Newtownabbey
APPLICANT	Mr & Mrs Robert McMitchell
AGENT	Tumelty Planning Services
LAST SITE VISIT	6 th November 2019
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limits of Metropolitan Newtownabbey as defined in draft Belfast Metropolitan Area Plan (published 2014).</p> <p>The site comprises an overgrown and unkept area of grassland which runs beyond the existing rear garden areas of a number of properties within Whitehouse Park including the applicants dwelling, No. 67 Whitehouse Park. The land extends eastwards and southeastwards beyond the approved curtilage of No. 67 Whitehouse Park to pathways running alongside the M5 Motorway embankment and the adjoining public open space, Gideons Green.</p> <p>The topography of the ground within the application site falls significantly from northwest to southeast and falls approximately nine (9) metres. Existing post and wire fencing and sparse hedging define the boundaries of the site to the southwest. The southeastern boundary is defined by a steel mesh fence. The northwestern boundary of the application site to the rear of No. 65 is defined by existing vegetation. The land beyond the southeastern boundary provides a subway underneath the M5 Motorway and beyond this is Gideon's Green which is an area of existing open space and the M5 Lagoon Local Landscape Policy Area.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2000/0008/CA Location: 67 Whitehouse Park, Newtownabbey Proposal: Operational Development Decision: Enforcement Case Closed (02/11/2000)</p> <p>Planning Reference: U/2000/0036/F Location: 67 Whitehouse Park, Newtownabbey Proposal: Front and rear extensions to dwelling Decision: Permission Granted (13/03/2000)</p>	

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Proposal: Detached double garage
Decision: Permission Refused (28/09/2000)

Planning Reference: U/2000/0466/F
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Wall and double gates to front of dwelling adjacent to road
Decision: Permission Granted (20.10.2000)

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Location: 67 Whitehouse Park, Newtownabbey
Proposal: Unpermitted Building
Decision: Enforcement Case Closed (18/06/2007)

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Proposal: Erection of detached double garage
Decision: Permission Refused (23/02/2005)

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Location: Land to rear of No. 67 Whitehouse Park, Newtownabbey
Proposal: Change of Use
Decision: Enforcement Case Closed (01/12/2009)

Planning Reference: U/2005/0622/F
Location: 67 Whitehouse Park, Belfast
Proposal: Alterations to elevations (retrospective)
Decision: Permission Granted (02/02/2006)

Planning Reference: U/2005/0679/F
Location: 67 Whitehouse Park, Newtownabbey, Belfast
Proposal: Retention and re-contouring using inert material and topsoiling to create garden
Decision: Permission Granted (07/09/2007)

Planning Reference: U/2006/0007/CA
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Unpermitted Building
Decision: Enforcement Case Closed (20/10/2008)

Planning Reference: U/2007/0047CA
Location: Rear of 67 Whitehouse Park Newtownabbey (Gideons Green)
Proposal: Change of Use
Decision: Enforcement Case Closed (28/01/2010)

Planning Reference: U/2008/0077/CA
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Unauthorised infilling of land
Decision: Enforcement Case Closed (11/03/2013)

Planning Reference: U/2008/0478/F
Location: 67 Whitehouse Park, Belfast, BT15
Proposal: Erection of detached double garage
Decision: Permission Granted (23/09/2009)

Planning Reference: LA03/2018/0230/CA (Appeal 2018/E0030)
Location: Land approximately 50 metres to the south east of 67 Whitehouse Park, Newtownabbey
Proposal: The unauthorised construction of a building, raised deck and associated steps and the unauthorised extension of the residential curtilage of 67 Whitehouse Park
Decision: Enforcement Notice Upheld (04/01/19)

Planning Reference: LA03/2018/0352/CA
Location: 67 Whitehouse Park, Newtownabbey, BT37 9SH
Proposal: Alleged unauthorised extension of residential curtilage
Decision: Enforcement Case Closed (17/04/2019)

Planning Reference: LA03/2018/1067/LDE
Location: Land to the rear of (and SE of) 67 Whitehouse Park, Newtownabbey,
Proposal: Extension to curtilage
Decision: Permitted Development

Planning Reference: LA03/2019/0516/F
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Extension to curtilage of dwelling to provide garden
Decision: Current Application

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 settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): 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 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 - Residential Extensions and Alterations: sets out planning policy and guidance for achieving quality in relation to proposals for residential extensions and alterations.

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.

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

CONSULTATION

No consultations were carried out on this application.

REPRESENTATION

Nine (9) neighbouring properties were notified and one (1) letter of objection has been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Part of the site is located within the floodplain.
- Land ownership query.

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
- Impact on Character and Appearance of the Area
- Neighbour Amenity
- Other Matters

Preliminary Matters

A number of previous planning permissions and a certificate of lawful use have been approved on part of the application site which allowed for an extension to the residential curtilage of No. 67 Whitehouse Park.

The red line of planning approval U/2005/0679/F extends some 22 metres south of the previously approved curtilage of No. 67 Whitehouse Park. The approval was granted 06 September 2007 and whilst it does not specifically make reference to an extension of the residential curtilage of No. 67 Whitehouse Park, it is described as being the retention and re-contouring using inert materials and top soiling to create a garden. This description and its retrospective nature has effectively granted an extension to the residential curtilage of No. 67.

A further planning permission was granted in November 2012 under planning application reference U/2008/0468/F at 67/69 Whitehouse Park for the re-contouring of land using existing in situ materials, top soiling using in situ top soil, all to form extended/raised gardens. These areas included lands immediately to the rear of Nos. 65 and 67 Whitehouse Park.

A Certificate of Existing Lawfulness (Ref: LA03/2018/1067/LDE) was also granted for the 'extension to curtilage' of No. 67 Whitehouse Park which includes the first 22 metres of the northern section of the application site similar to that approved under previous grant of planning permission U/2005/0679/F.

A concurrent planning application LA03/2019/0649/F seeks to erect an area of raised garden decking partially within the current application site and partially within the established garden area. This application will be decided separately.

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. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

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. Therefore, the principle of the extension to the residential curtilage is considered acceptable.

Impact on Character and Appearance of the Area

The topography of the application site is such that it slopes significantly from north to south and abuts the M5 Motorway and the Gideon's Green public walkway. The use of the application site for a private residential amenity area is not likely to have a significant visual impact. However, it is considered given the public views of the area that any new building in this exposed, sloped area would require careful consideration to safeguard visual amenity. It is therefore considered necessary to add a condition to remove permitted development rights to ensure that the visual impacts of any buildings or extensions within the area can be carefully assessed. The Planning Appeals Commission (PAC) also took this view in an enforcement appeal decision (Planning Reference LA03/2018/0230/CA and Appeal Reference 2018/E0030) for a small extension to the curtilage of this property which included a decked area where a condition was stipulated to remove permitted development rights for the same reason. Following this appeal decision, a Certificate of Lawfulness of Existing Use or Development was certified (dated 1st February 2019) to extend the curtilage of this property and included the northernmost 22 metres approximately of the application site. There is currently no restriction with regards to the removal of permitted development rights for this northern section of the site and it is considered it would not be reasonable to place a more onerous restriction on this section of the site. Therefore, the condition to remove permitted development rights will refer only to an area shaded orange on the site location plan within the southern area of the application site.

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 as the proposal is to be used as an amenity area. It is therefore considered that the proposal will not detract from the character or appearance of this residential area.

Neighbour Amenity

This current application site includes part of the previously approved extension to curtilage and an additional area to the south. It is considered that the proposed extension to the residential curtilage would not have a significant impact on the existing residential properties abutting the site. There are no buildings proposed, nor are there any proposals to alter the ground levels of the application site. It is therefore considered that the proposal will not unduly affect the privacy or amenity of neighbouring residents.

Other Matters

Land Ownership

Concerns have been raised through a letter of objection regarding land ownership within the site. Antrim and Newtownabbey Council retained a means of access to Gideons Green for other nearby dwellings and the applicant has amended the site location plan to reduce the red line omitting this access way along the eastern boundary of the site.

Given there would also appear to be a boundary dispute ongoing, the Planning Section raised the matter with the applicant's agent and requested an accurate site location plan outlining the land owned by the applicant only. The applicant's agent has since provided an updated site location plan (Drawing 01/1). Any land ownership disputes are a legal matter and outside the remit of planning. Therefore, while noting the objection, it is not a matter which planning can control or arbitrate upon. If permission is forthcoming, an informative can be stipulated on the decision notice advising that planning permission does not confer title and it is the responsibility of the developer to ensure that he/she controls all the lands necessary to carry out the proposed development.

Flood Risk

Concerns were also raised through letters of objection that the site is located within a floodplain. The Strategic Flood Map for Northern Ireland indicates that the site lies on the periphery of the 1 in 200-year coastal floodplain. Ponding within the application site is also indicated on the Surface Water Flood Map however, while this is accepted, there are no proposed building works within the application site and no proposed change to the ground levels within the site. In addition, the permitted development rights for the majority of the proposed new curtilage area (other than that previously certified through a Certificate of Lawful Use or Development application, Reference LA03/2018/1067/LDE) has been conditioned to be removed and therefore this will ensure any development within this area can be considered including any potential flood risk resulting from ancillary buildings.

CONCLUSION

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

- The principle of the development is considered acceptable;
- The extension to curtilage is not considered to have a significant visual impact;
- The proposal will not unduly affect the privacy or amenity of neighbouring residents;
- The proposal will not have a detrimental impact on trees or the environmental quality of this area.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

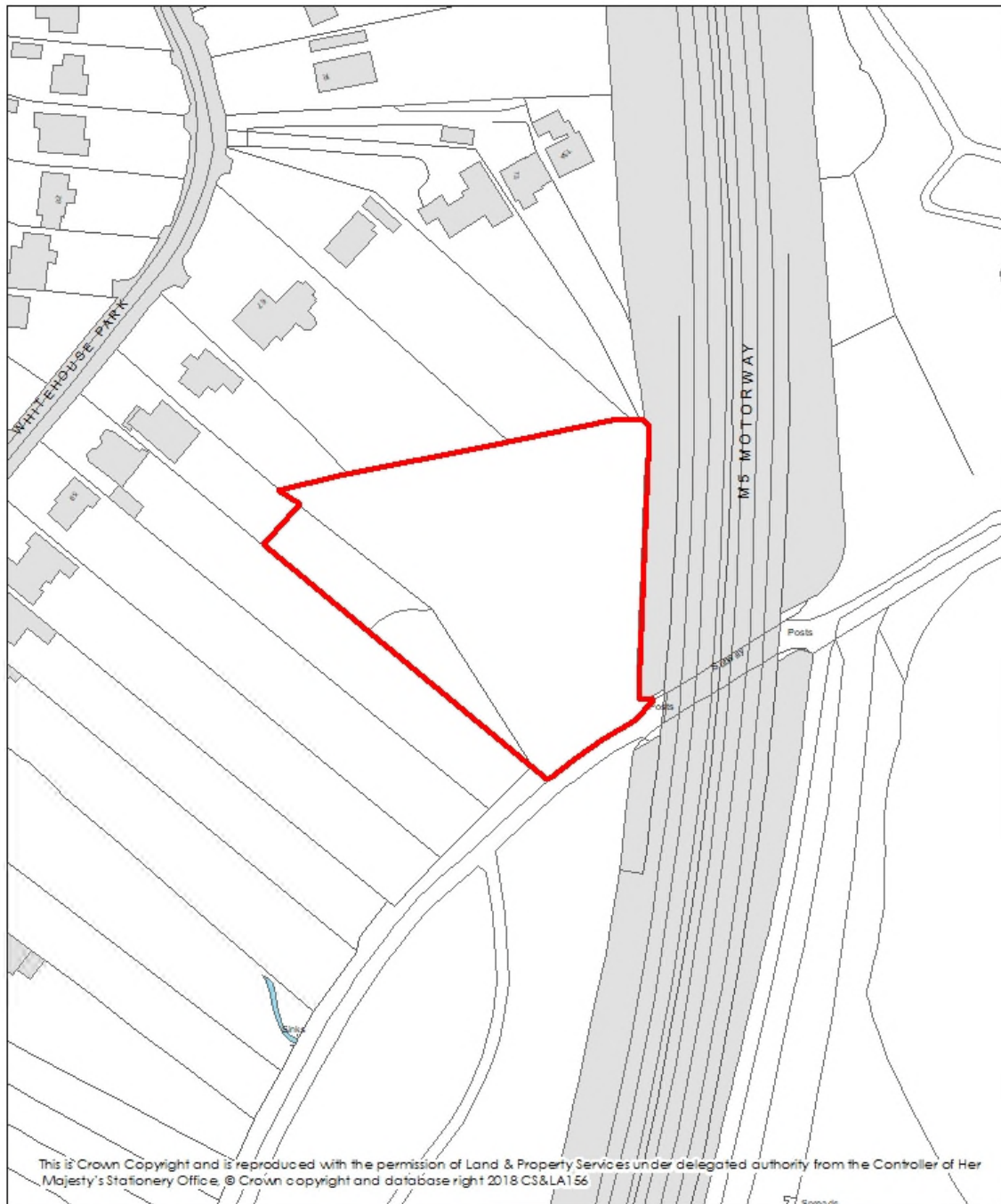
1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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

2. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order,

no building shall be erected within that part of the residential curtilage hereby approved and shaded orange on Drawing No 01 date stamped received 15 June 2019 without the express grant of planning permission.

Reason: The erection of buildings on this part of the site requires detailed consideration to safeguard the amenities of the surrounding area.



Location Map

Application Reference: LA03/2019/0516/F

Extension to curtilage of dwelling to provide garden
at 67 Whitehouse Park, Newtownabbey, BT37 9SH

 Site Boundary



For Information Only



COMMITTEE ITEM	3.16
APPLICATION NO	LA03/2019/0649/F
DEA	MACEDON
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed garden decking
SITE/LOCATION	67 Whitehouse Park, Whitehouse, Newtownabbey
APPLICANT	Mr & Mrs Robert McMitchell
AGENT	Tumelty Planning Services
LAST SITE VISIT	6 th November 2019
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limits of Metropolitan Newtownabbey as defined in draft Belfast Metropolitan Area Plan (published 2014).</p> <p>The site comprises an overgrown and unkept area of grassland which runs beyond the existing rear boundaries of a number of properties within Whitehouse Park including the applicant's dwelling, No. 67 Whitehouse Park. The land extends eastwards and southeastwards beyond the approved curtilage of No. 67 Whitehouse Park to pathways which run alongside the M5 Motorway embankment and adjoining the public open space, Gideons Green.</p> <p>The topography of the ground within the application site falls significantly from north to south and falls by approximately nine (9) metres. Post and wire fencing and sparse hedging define the boundaries of the site to the southwest while the southeastern boundary is defined by a steel mesh fence and the northwestern boundary of the site is defined by existing vegetation. The land beyond the southeastern boundary provides a subway underneath the M5 Motorway and beyond this lies Gideon's Green which is an area of existing open space and the M5 Lagoon Local Landscape Policy Area.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2000/0008/CA Location: 67 Whitehouse Park, Newtownabbey Proposal: Operational Development Decision: Enforcement Case Closed (02/11/2000)</p> <p>Planning Reference: U/2000/0036/F Location: 67 Whitehouse Park, Newtownabbey Proposal: Front and rear extensions to dwelling Decision: Permission Granted (13/03/2000)</p>	

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Decision: Enforcement Notice Upheld (04/01/19)

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Location: 67 Whitehouse Park, Newtownabbey, BT37 9SH
Proposal: Alleged unauthorised extension of residential curtilage
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Proposal: Extension to curtilage
Decision: Permitted Development

Planning Reference: LA03/2019/0516/F
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Extension to curtilage of dwelling to provide garden
Decision: Current Application

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.

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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 settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

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

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

CONSULTATION

No consultations were carried out on this application.

REPRESENTATION

Nine (9) neighbouring properties were notified and no letters of objection have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Neighbour Amenity
- Impact on Trees and Environmental Quality of this Area
- Amenity Space, Parking and Manoeuvring
- Other Matters

Preliminary Matters

A number of previous planning permissions and a certificate of lawful use have been approved on part of the application site which allowed for an extension to the residential curtilage of No. 67 Whitehouse Park.

The red line of planning approval U/2005/0679/F extends some 22 metres south of the previously approved curtilage of No. 67 Whitehouse Park. The approval was granted 06 September 2007 and whilst it does not specifically make reference to an extension of the residential curtilage of No. 67 Whitehouse Park, it is described as being the retention and re-contouring using inert materials and top soiling to create a garden. This description and its retrospective nature has effectively granted an extension to the residential curtilage of No. 67.

A further planning permission was granted in November 2012 under planning application reference U/2008/0468/F at 67/69 Whitehouse Park for the re-contouring of land using existing in situ materials, top soiling using in situ top soil, all to form extended/raised gardens. These areas included lands immediately to the rear of Nos. 65 and 67 Whitehouse Park.

A Certificate of Existing Lawfulness (Ref: LA03/2018/1067/LDE) was also granted for the 'extension to curtilage' of No. 67 Whitehouse Park which includes the first 22 metres of the northern section of the application site similar to that approved under previous grant of planning permission U/2005/0679/F.

A concurrent planning application LA03/2019/0516/F seeks to extend the curtilage of the garden effectively to the boundary of the M5 Motorway. This application will be decided separately.

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. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

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. Amongst these is the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS 7). Taking into account the transitional arrangements of the SPPS, retained APPS 7 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.

The proposed development which is the subject of this application is for proposed garden decking.

Design and Impact on the Character and Appearance of the Area

The proposed decked area is located some 41 metres from the rear of the existing dwelling at No. 67 Whitehouse Park. A small part of the decking is located within the original curtilage of No. 67 Whitehouse Park, however, the majority of the decking is located within an area which was certified under LA03/2018/1067/LDE as an extension to the original curtilage.

The Planning (General Permitted Development) Order (Northern Ireland) 2015 (GDPO), allows for some forms of development without the need for the formal grant of planning permission. Part 1, Class D is headed "The erection, construction or alteration of a deck or other raised platform within the curtilage of a dwelling house" and allows for a decked area provided it does not exceed 0.3 metres above ground level however, the proposal exceeds this threshold significantly.

The proposed decked area is 6.5 metres in width and angles in the middle with each side being 8.7 metres in length and the middle section being 6.5 metres in length giving the decked area an overall length of 15.2 metres.

The topography of the application site is such that it slopes significantly from the northeast to southwest. The proposed decking area is located at the top of the slope and overhangs where the land starts to fall significantly. The site layout drawing (02/1) indicates a level of 10.33 at the top of the decked area which falls to 7.35 at the bottom of the decked area. This is a level difference of approximately three (3) metres. Section B:B on Drawing No. 04 indicates the decked area to be

approximately three (3) metres above ground level with an additional one metre high fence located on top of the decking.

While the decking is indicated on the drawings as timber decking, there are no details with regards to the materials proposed for the underbuild/retaining structures underneath.

Views of the proposed decking would be evident from the M5 Motorway through a short gap in the roadside vegetation, however, extensive views of the structure would be available from the public path at the northern end of Gideon's Green.

Previously, a smaller decked area was erected in a similar location without the benefit of planning permission and was subject to enforcement proceedings including the service of an Enforcement Notice which was the subject of an appeal before the Planning Appeals Commission (PAC). One of the grounds of appeal was that planning permission ought to be granted for the unauthorised area of decking. The PAC report states that due to its size, materials and position at the top of the slope, the decking is an 'incongruous feature which detracts from the appearance and character of the surrounding area. Even when the structure weathers, it will still appear out of place' and the report concluded that 'The structure does not comply with Criterion (a) of Policy EXT 1'.

It is considered that the proposed structure which is significantly larger than that previously erected would have an even greater impact on the character and appearance of the area. The rear garden spaces that back onto Gideon's Green comprise extensive plots of lawn and vegetation and the introduction of this large raised platform is not in keeping with the existing character and appearance of the surrounding area.

It is considered that the proposal is contrary to Criterion (a) of Policy EXT 1 of the Addendum to PPS 7 in that the proposed development detracts from the character and appearance of the surrounding area.

Neighbour Amenity

It is considered that, when standing on the proposed decking, views across Belfast Lough will be achievable and it will also be possible to look back into the rear amenity spaces of neighbouring detached properties, particularly Nos. 63, 65 and 69 Whitehouse Park. The closest residential dwelling is located some 49 metres away from the proposed decking at No. 65 Whitehouse Park however, the decking is located some two (2) metres away from the neighbouring boundary with No. 69 Whitehouse Park at the most southwestern point of the garden associated with this property.

The decking is built above the existing garden slope and at the highest point is some three metres above the existing ground level, however, the proposed drawings indicate the northernmost area of decking to have quite a modest change in levels. The proposal is situated at the furthest end of each of the neighbouring gardens. Due to topography and vegetation it is considered that the immediate private amenity spaces of the neighbouring gardens, in this urban area where some degree of overlooking is to be expected, is not considered to be so significant as to warrant refusal.

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 the proposal does not involve the removal of trees within the site.

Amenity Space, Parking and Manoeuvring

It is considered that sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Flood Risk

The Strategic Flood Map for Northern Ireland indicates that the site lies on the periphery of the 1 in 200-year coastal flood plain.

DfI Rivers would advise against any development taking place within the extents of the coastal floodplain. However, the proposed deck is shown to be out-with the 1 in 200-year coastal floodplain and is itself elevated above ground level. DfI Rivers had recommended that a 600mm freeboard be added to the 1 in 200-year coastal flood level at the site (3.17mOD) to establish finished floor levels however, they have further clarified that they have no objection to the proposal given that it lies outside the 1 in 200-year coastal floodplain.

Other Matters

Although no objections were received to this application, there were concerns raised to the associated concurrent application for the extension to the curtilage of this property (Planning Reference LA03/2019/0516/F) with regards to an ongoing land ownership/boundary dispute. Any land ownership disputes are a legal matter and outside the remit of planning. Therefore, it is not a matter which planning can control or arbitrate upon.

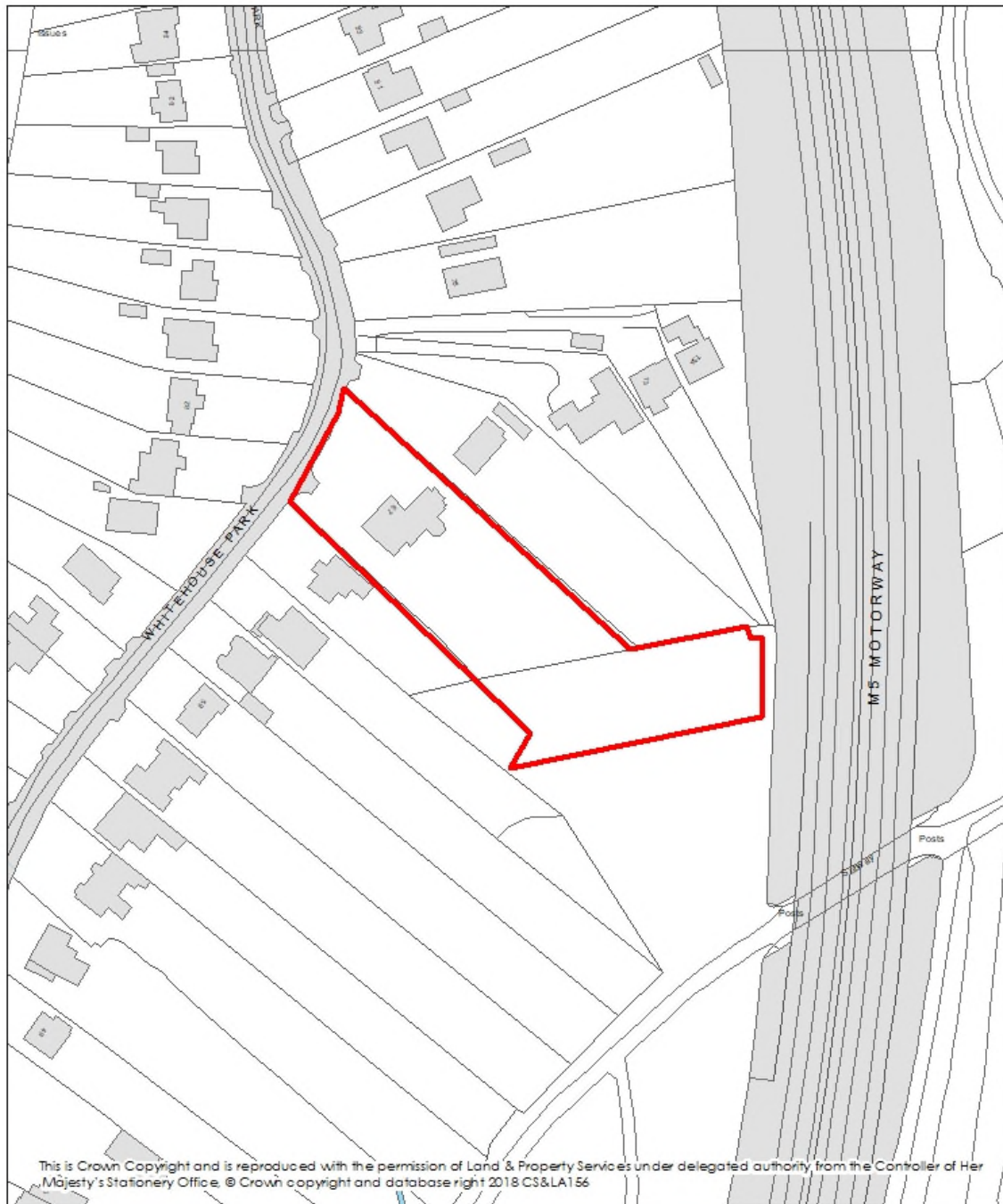
CONCLUSION

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

- It is considered the scale, massing, design and appearance of the proposed decking would have a detrimental impact on the character and appearance of the area;
- The proposal will not unduly affect the privacy or amenity of neighbouring residents; and
- Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Criterion (a) of Policy EXT1 of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, in that, the proposed development, if permitted, would result in a detrimental impact on the appearance and character of the surrounding area.



Location Map

Application Reference: LA03/2019/0649/F

Proposed garden decking at 67 Whitehouse Park,
Newtownabbey, BT37 9SH

 Site Boundary



For Information Only



COMMITTEE ITEM	3.17
APPLICATION NO	LA03/2019/0824/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED /APPLICANT DECLARED INTEREST
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for dwelling
SITE/LOCATION	100m north of 73 Crosskennan Road Antrim
APPLICANT	Norman Hannan
AGENT	Park Design Associates
LAST SITE VISIT	24 th October 2019
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 100 metres northeast of 73 Crosskennan Road. The application site lies within the rural area and outside of any designated settlement limits as defined by the Antrim Area Plan 1984-2001.</p> <p>The application site is a rectangular section of land that is cut out of a larger agricultural field. The northwestern and northeastern boundaries of the site are defined by a post and wire fence with hedging approximately 1.2 metres in height planted on the inside. The southwestern and southeastern boundaries are physically undefined as the site is a portion of a larger agricultural field. There is a group of mature coniferous trees located outside the application site just beyond the northeastern boundary that reach approximately 10-15 metres in height. The topography of the application site rises slightly from southwest to northeast.</p> <p>It is proposed to access the application site via a proposed laneway connecting to the Crosskennan Road. The proposed laneway will travel along the southwestern boundary and will turn direction to run along the northwestern boundary.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2018/1020/O Location: Land approx. 100m North East of 73 Crosskennan Road, Antrim Proposal: Single dwelling and garage on a farm Decision: Permission refused (23.01.2019)</p> <p>Appeal Reference: 2018/A0210 Location: Land approx. 100m North East of 73 Crosskennan Road, Antrim Proposal: Single dwelling and garage on a farm Decision: Appeal dismissed (19.07.2019)</p>	

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.

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 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.

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

Department for Infrastructure Roads- No objection

Department for Communities Historic Environment Division – Archaeological excavation report requested once license granted and survey ground works have been carried out

Department of Agriculture, Environment and Rural Affairs – No claimed payments within the last 6 years, farm business in existence for more than 6 years

REPRESENTATION

Six (6) neighbouring properties were notified of the proposal. No letters of objection have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Principle of Development
- Archaeological features
- Other Matters

Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, 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 settlement 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. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a dwelling on a farm in accordance with Policy CTY 10. 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.

Policy CTY 10 states that all of the following criteria must be met:

- (a) The farm business is currently active and has been established for at least 6 years;
- (b) No dwellings or development opportunities out-with the settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. 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).

The Department for Agriculture Environment and Rural Affairs – Countryside Management Branch Inspectorate (DAERA) were consulted as part of the application. DAERA responded confirming that the Farm Business ID identified on the P1C form has been in existence for more than 6 years, however, the business has not claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri-Environment schemes. DAERA clarified the Business ID identified on the P1C form was issued in 2011 and stated that there have been no claims submitted for any support payments. DAERA also stated the proposed site is located on land associated with another farm business. This is potentially due to the fact the land is taken in conacre according to the applicant.

To provide evidence of active farming, the applicant has submitted supporting evidence in the form of receipts of materials associated with maintaining the land; and a number of videos which show the applicant carrying out some maintenance works on the land. The receipts date from March 2012 to September 2019 and account for each year in between. Examples of materials include; -

- Sheep fencing
- Planting of hedging
- Barbwire fencing

- Posts
- Fertilisers and
- Water pipes

The videos submitted show the applicant carrying out some spot weeding, cutting of hedging and the clearing of drainage waterways.

Having acknowledged the existence of an active business ID on the site for a period of at least six years, the supporting evidence submitted confirms that a sufficient level of farming activity has been carried out on the farm lands by the applicant over a period of at least seven years. This is in conformity with the SPPS and PPS 21; and therefore part (a) of Policy CTY 10 of PPS 21 has been satisfied.

There is no evidence to suggest that any land belonging to this farm holding has been sold-off within the last ten years. It is therefore considered that the proposal does not conflict with part (b) of CTY 10 of PPS 21.

Criterion (c) of Policy CTY 10 states that the new building should be visually linked or sited to cluster with an established group of buildings on the farm. The applicant's existing dwelling and garage is the only established group of buildings within the farm holding. From the centre of the application site to the existing buildings, there is a separation distance of approximately 75m.

This centre section of the site is located approximately 100m northeast of the Crosskeenan Road, whereas the buildings on the farm are located approximately 25m back from the main road. Given the significant separation distance of 70 metres between the site and the existing buildings, coupled with the degree of set-back of the site from the existing building line, it is considered that a dwelling would not visually link nor cluster with the existing buildings on the farm.

Criterion (c) goes on to state that an alternative location may be acceptable elsewhere on the farm, provided there are no other sites available at a group of buildings on the farm or where there are either demonstrable health and safety reasons or verifiable plans to expand the farm. No reasoning has been presented as to why the site cannot be positioned adjacent to the buildings on the farm to create a visual link; nor has evidence been provided to demonstrable healthy and safety issues or expansion plans.

It is therefore considered that the proposal fails to comply with the SPPS and criterion (c) of Policy CTY 10 of PPS 21 in that the proposal is not visually linked or sited to cluster with a group of existing farm buildings.

Archaeological Features

DfC Historic Environment Division (HED) was consulted on the proposal, due to the potential impact upon archaeological features on/close to the site. HED responded seeking an archaeological evaluation to be carried out. A copy of an archaeological programme of works was submitted voluntarily and received by the Council on 17th January 2020. The report, carried out by Gahan and Long, concludes that no known cultural heritage assets exist within the red line of the site, however, there were two monuments identified adjacent to the site. It is acknowledged that further remains may exist within the site with no surface expressions (the above

ground remains may have been destroyed by agricultural practice). Therefore, further archaeological works would be required.

Following re-consultation HED has stated that it is content with the proposal to move to archaeological licensing subject to some amendments to the evaluation report. Once licensing is granted, excavation works are required on site in the form of trenching to uncover any sub-ground level remains. A further excavation report would then be due to detail what was found and any mitigation measures necessary to prevent unnecessary damage to any remains that are found.

HED has advised that this process may take a number of months to complete and that a negative condition would not suffice in this case. Therefore, given that the application is not considered acceptable in principle, the further archaeological works have not been requested from the applicant as it would be unreasonable to cause the applicant to undertake potentially nugatory work at this stage.

Other Matters

The proposed dwelling is to access onto the Crosskennan Road via a new laneway. DfI Roads was consulted on the proposal and has not raised any objections subject to the applicant being able to provide visibility splays of 2.4m x 120m. The Council's Environmental Health Section has raised no objections to the development.

CONCLUSION

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

- It has been demonstrated that the applicant meets the test for an active farmer;
- No development opportunity has been sold off from the holding within the last 10 years;
- The proposed site fails to visually link or cluster with the existing buildings on the farm in accordance with part (c) of Policy CTY 10 of PPS 21;
- The proposal is contrary to Policy BH 3 of PPS 6, in that, further archaeological survey works are necessary and it is not possible, on the basis of information provided, to assess whether the proposed development is likely to impact adversely upon archaeological remains;
- No letters of objection or other representation have been received for the proposal.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 1 and CTY 10 of PPS 21, Sustainable Development in the Countryside, in that, the proposed site for the dwelling is not visually linked or sited to cluster with an established group of buildings on the farm holding.
2. The Proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy BH 3 of PPS 6, Planning, Archaeology and the Built Heritage, in that, no archaeological excavation report has been carried out and it is not possible, on the basis of the information provided, to assess whether the proposed development is likely to adversely impact upon archaeological remains.



Location Map

Application Reference: LA03/2019/0824/O

Site for dwelling

100m north of 73 Crosskennan Road
Antrim



 Site Boundary

For Information Only



COMMITTEE ITEM	3.18
APPLICATION NO	LA03/2019/0609/F
DEA	MACEDON
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Erection of 2no semi-detached dwellings with associated access and works
SITE/LOCATION	Lands south of no 21 Abbeyville Place and west of no 12 Cambrai Park, Newtownabbey
APPLICANT	Lynwood Homes Ltd
AGENT	JPE Planning
LAST SITE VISIT	13 th September 2019
CASE OFFICER	Sairead de Brún Tel: 028 903 40406 Email: sairead.debrun@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limit for Metropolitan Newtownabbey as defined in the draft Belfast Metropolitan Area Plan (2004 and 2014). The site is to the south of No 21 Abbeyville Place, and is accessed via Abbeyville Place, however it is essentially the overgrown rear garden of No 12 Cambrai Park.</p> <p>Three boundaries of the application site (north, east and south) are defined by mature hedging and trees that range in height from 6m to 9m. The western boundary is not formally defined but is currently fenced off from the public road by temporary paladin fencing panels.</p> <p>The surrounding area is residential, characterised by a mix of two storey semi-detached dwellings and terraces of three bungalows, arranged in a cul-de-sac around areas of open space, with small front gardens and incurtilage parking spaces.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2017/0502/F Location: Lands at 6-36 Abbeyville Place, Newtownabbey, Proposal: Proposed residential development of 35 no. dwelling units (9 no. detached dwellings; 20 no. semi-detached and 6 no. apartments), garages, site access, open space, landscaping and all associated site works. Decision: Permission Granted (09.03.2018)</p>	
PLANNING POLICY AND GUIDANCE	
<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>	

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 settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey and forms part of a committed housing zone (reference MNY 02/08).

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey and forms part of a committed housing zone (reference MNY 02/18).

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.

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.

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas: sets out planning policy and guidance on the protection of local character,

environmental quality and residential amenity within established residential areas, villages and smaller settlements. It also sets out policy on the conversion of existing buildings to flats or apartments and contains policy to promote greater use of permeable paving within new residential developments.

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection subject to conditions

REPRESENTATION

Twenty (20) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Flood Risk
- 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. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

The application site lies within the settlement limit of Metropolitan Newtownabbey in both plans and forms part of a committed housing zone (reference MNY 02/08 and MNY 02/18).

As the application site falls within the development limits of Metropolitan Newtownabbey and within an established residential area, it is considered that the principle of residential development is acceptable subject to the proposal creating

a quality residential environment in accordance with Policy QD1 of PPS 7 and the Creating Places design guide.

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 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

Design, Layout and Appearance

Paragraph 6.137 of the SPPS refers to the need to deliver increased housing without town cramming and that, within established residential areas, it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality, as well as safeguarding the amenity of existing residents.

Policy QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to 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 proposal takes the form of two three-bed semi-detached dwellings, both of which are two storeys high, measuring 8.4m to finished floor level and with external finishes of red facing brick, white window and door frames and flat black roof tiles. Each unit has two in-curtilage parking spaces to the front, with vehicular and pedestrian access taken from Abbeyville Place. The existing trees and hedge along both side boundaries of the application site will be retained with crown lift carried out where necessary, one Goat Willow tree on the southwestern boundary will be felled due to its age and current condition.

The surrounding context is predominately medium-density housing, characterised by a mix of two storey semi-detached dwellings and terraced pensioner bungalows arranged in a cul-de-sac around areas of open space, with small front gardens and in-curtilage parking spaces. Existing dwellings are finished in red brick, white render or white pebble dash. In terms of the proposed design and use of materials, the development respects the wider context. However, it is considered that the layout, landscaping and amount of hardstanding does not reflect the context of the surrounding area. The existing dwellings along this eastern side of Abbeyville Place conform to a strong building line and have regularity in the depth of front garden, being positioned approximately 5m back from the public footpath. In order to accommodate this proposal however, the two dwellings are set back approximately 14m from the public footpath. Furthermore, the amount of hardstanding shown to the front of the dwellings in order to provide the required two in-curtilage parking spaces is quite substantial and does not reflect the amount of hardstanding of the

existing dwellings. A 2m green buffer either side of the parking spaces does not offset the visual impact of the parking and the level of hardstanding.

In this regard, it is considered that the proposal does not fully comply with Criterion (a) as it does not respect the surrounding context in terms of layout, landscaped and hard surfaced areas.

Private Amenity

Criterion (c) of Policy QD1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided within 'Creating Place: Achieving Quality in Residential Developments'. This states that the appropriate level of provision should be determined by having regard to the particular context of the development; provision should be calculated as an average space standard for the development as a whole, and should be around 70sqm per house, or greater. For this proposed development, the average private amenity space has been calculated at 96sqm, which is above the recommended level.

Criterion (c) also requires the adequate provision of landscaped areas as an integral part of the development. The boundaries of the application site are currently defined by hedging ranging from 6 – 8m in height, and a number of mature trees, the highest reaching 9m in height. From the Tree Survey Report carried out by the applicant, it has been demonstrated that all the trees, with the exception of one, and the boundary hedge can remain within the development site. Two strips of grass are proposed along the northern and southern boundaries, either side of the in-curtilage parking spaces. Taken in the context of the amount of soft landscaping currently provided in the surrounding area, it is considered that what is existing and proposed for the rear of this site is reflective of the level of the adjacent developments, however, the two green buffer strips at the front of the proposed dwellings do not match the current provision of the existing dwellings along this side of Abbeyville Place.

Parking Provision

Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total numbers of parking spaces to be provided for residents, visitors and other callers. Two semi-detached, three-bed units are provided with two in-curtilage parking spaces each. According to the Parking Standards document, a total of five spaces should be provided; the fifth space required to meet this standard can be accommodated through on street parking that is contiguous with the carriageway. As adequate provision is made, in terms of the number of spaces required and provided, it is considered that the proposal meets with criterion (f) of Policy QD 1.

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.

There are residential properties on two boundaries of the application site; No 21 Abbeyville Place and No 48 Abbeyville Street on the northern boundary and No 12 Cambrai Park on the eastern boundary.

A well designed layout should seek to minimise overlooking between these dwellings and provide adequate space for privacy. The building space required for privacy will normally ensure a satisfactory level of daylight and an acceptable minimum amount of sunlight. Creating Places advises that where the development abuts the private garden areas of existing properties, a separation distance of greater than 20m between the opposing rear first floor windows will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary.

The dwelling on Plot 1 abuts only the common boundary with No. 12 Cambrai Park and does not have any opposing rear first floor windows to this existing dwelling. The separation distance to the common boundary is 11m and is considered acceptable. The dwelling on Plot 2 is positioned approximately 9m from the common boundary with No. 12 Cambrai Park but has an overall separation distance of 21m between opposing first floor windows. As these separation distances meet with recommended standards, it is considered that the proposal will not give rise to an unacceptable level of overlooking and impact on privacy of existing residents to the east of the application site.

No. 48 Abbeyville Street sits to the northeast of the application site and is bounded only by the rear garden area of the proposed development. There is an overall separation distance of 9m from the existing dwelling to the common boundary with the proposed development. This is considered acceptable and there are no concerns regarding the potential for overlooking, loss of privacy and daylight.

The semi-detached dwellings are set back from the public road and footpath by approximately 14m and are positioned with the gable parallel to the rear private amenity area of No. 21 Abbeyville Place, sitting almost entirely behind the back building line of this existing dwelling. The proposed gable to this existing property is blank, therefore limiting the potential for overlooking and loss of privacy for existing residents, however giving rise instead to the issue of dominance. Dominance is the extent to which a new development impinges on the immediate aspect from an adjoining property. In this case it is created by the erection of a large blank gable and compounded by a separation distance to the common boundary of less than 2m.

Loss of light and overshadowing to the rear amenity area of No. 21 is a consequence of dominance and is further intensified by the fact that the application site lies to the south of the existing dwelling, and with the movement of the sun, will cast an unacceptable level of shadow to the private amenity area of No. 21.

Noise disturbance may be an issue but this will be during the construction period only and on completion of the development, should cease to be a concern. The proposal is found to be contrary to criterion (h) as the layout gives rise to an unacceptable adverse effect on existing properties in terms of loss of light, overshadowing and dominance.

Crime and Personal Safety

Criterion (i) of Policy QD1 states that proposed residential development should be designed to deter crime and promote personal safety. It is considered that the proposed development meets this objective, by positioning the dwellings fronting onto the access road and having private amenity space to the rear.

Impact on the Character and Appearance of the Area

The surrounding area is characterised by a mix of two storey semi-detached dwellings and terraces of bungalows arranged in a cul-de-sac around areas of open space, with small front gardens and in-curtilage parking spaces. Existing dwellings are finished in red brick, white render or white pebble dash. This proposal seeks to introduce two semi-detached dwellings, which reflect the surrounding area in terms of design and use of materials. However, as discussed above, it is considered that the resultant layout does not reflect, nor does it respect, the existing pattern of development in the area. It is considered that the proposal will adversely affect the strong residential character and appearance of the area.

Access and Road Safety

DfI Roads have advised that the site can be accessed safely and conveniently by vehicular traffic and that the development will not have a detrimental impact on road safety.

Other Issues*Need for Social Housing*

The agent has submitted confirmation from the Housing Executive and Connswater Housing Association that there is a need for two additional social housing units as an extension to Abbeyville. While Officers do not dispute that there may be a need for more social housing at this location, it cannot be met through the development of a scheme that is contrary to current planning policies.

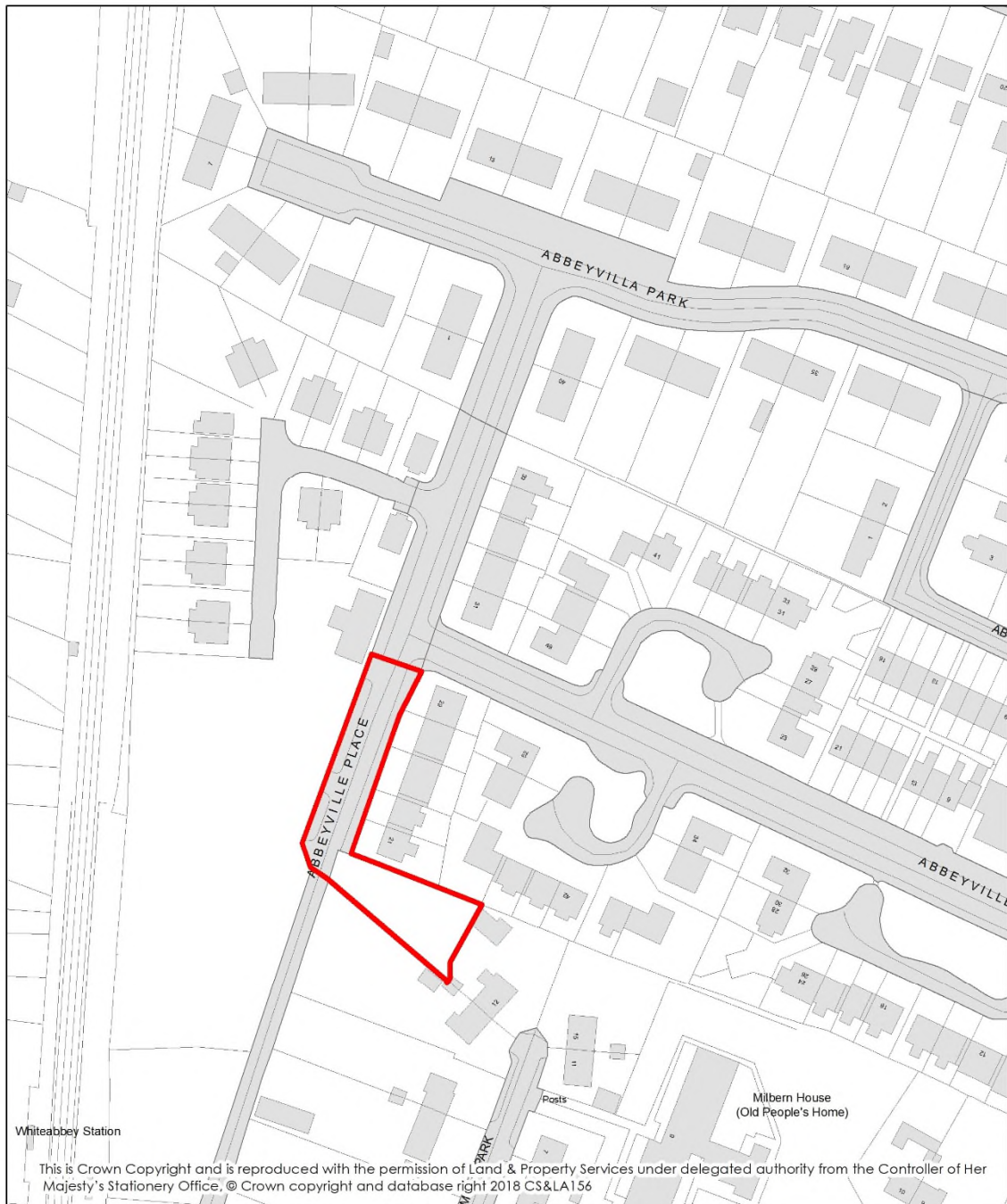
CONCLUSION

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

- The principle of residential development is acceptable within the urban settlement limit.
- The development does not respect the character of the surrounding area.
- There are concerns in relation to residential amenity.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7, Quality Residential Environments, in that the proposed development represents an overdevelopment of the site as:
 - (a) It does not respect the surrounding context and is considered to be inappropriate to the character of the site in terms of layout and the amount of hard standing being provided;
 - (b) The layout will have an adverse impact on the amenity of existing residents.



Whiteabbey Station

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Location Map

Application Reference: LA03/2019/00609/F

Lands south of no 21 Abbeyville Place
and west of no 12 Cambrai Park, Newtownabbey
Erection of 2no semi-detached dwellings with
associated access and works

 Site Boundary

0 30 60
Metres



For Information Only



COMMITTEE ITEM	3.19
APPLICATION NO	LA03/2019/0707/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed demolition of existing store and extension to rear of existing public house comprising store and 2no self-catering apartments
SITE/LOCATION	2 Taylorstown Road, Moneyglass, Toomebridge, BT41 3PU
APPLICANT	Colm McCoy
AGENT	Vision Design
LAST SITE VISIT	12 th September 2019
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: Alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site consists of an existing public house (The Tumbledown) with an outbuilding, enclosed yard area and car park to the rear. The site is located at a road junction and is within the settlement limits of Moneyglass as defined in the Antrim Area Plan 1984-2001 (Alteration No. 01). The public house building lies immediately adjacent to the Taylorstown Road and is surrounded by a number of residential dwellings together with a GAA playing field. The building has a quaint appearance and consists of a two storey and a single storey portion finished in a grey coloured dashed render with green coloured sash style windows and a slate roof. The outbuilding to the rear appears to be presently used as a store for the public house and takes the appearance of a traditional barn type building finished in a grey coloured rough render with slate roof tiles. The access to the car park is taken off the Taylorstown Road via an access road to the side of the public house and leading to a private car park to the rear of the main building.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2016/0529/F Location: Adjacent to No.2 Taylorstown Road, Toomebridge, Proposal: Residential development comprising 13 dwellings (Variation of conditions 3 and 10 from previous approval T/2012/0178/F to exclude construction of Site No.1 to sub-floor level from the conditions) Decision: Permission Granted - 06/01/2017</p> <p>Planning Reference: T/2012/0178/F Location: Adjacent to No.2 Taylorstown Road Toomebridge, Proposal: Residential development comprising of 8 No. semi-detached and 5 No. detached dwellings Decision: Permission Granted – 26/10/2012</p>	

Planning Reference: T/2000/0661/F

Location: Tumbledown Inn, 2 Taylorstown Road, Moneyglass

Proposal: Change of Use of Outhouse to Bar/Lounge Area

Decision: Permission Granted – 28/10/2000

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

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

CONSULTATION

Council Environmental Health Section – No Objection

Northern Ireland Water – No Objection

Department for Infrastructure Roads- No Objection

Department for Infrastructure Rivers – No Objection

Shared Environmental Services – No Objection

NIEA – Further information required

REPRESENTATION

Nine (9) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Flood Risk
- 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 settlement limit of Moneyglass as defined in the AAP and comprises land not zoned for any particular purpose.

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: Parking and Movement;
- PPS 15: Planning and Flood Risk;
- PPS 16: Tourism

Policy TSM 1 states that 'Planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site

context in terms of scale, size and design, and has regard to the specified provisions of a development plan.'

The proposal is for the demolition of the existing store and the development of an extension to the rear of the existing public house comprising a store and 2 no. self-catering apartments. The agent has confirmed that the self-catering apartments are to be used for tourism purposes with the aim of growing the tourism market in the local area. It is noted that the area is becoming increasingly desirable given its close proximity to one of the filming sets of the popular television series – Game of Thrones.

Given that the application site is located within the development limits of Moneyglass as designated in the Antrim Area Plan 1984-2001 it is considered that self-catering tourism units would be acceptable in principle subject to the proposal meeting all other planning considerations.

Scale, Size, Design and Impact on the Character of the Area

As noted above the proposal is for 2 no. self-catering tourist apartments together with a new store room. These proposed apartments are designed to extend from the rear elevation of the existing public house premises. In order to facilitate the extension an existing outbuilding used presently for the purposes of storage will be demolished.

The proposal consists of a single and a two storey element provided in two adjoining blocks. The single storey element will extend from the rear wall of the existing public house and provides a new store. It has a depth of 4.5 metres and also has a ridge height of 4.5 metres which means this part of the extension will sit just lower than the ridge height of the existing building. The extension then steps up in height to 7 metres in order to provide the two storey element of the proposal which is to be used as accommodation. This two storey portion of the development has a depth of 12.4 metres and a width of 7.5 metres. Although in general terms it would be considered more desirable that any proposed extension would be set below the ridgeline of the existing building, this extension is considered acceptable given the differing ridge levels already existing on the buildings on site and that the proposed extension is essentially replacing a building which was generally similar in height (albeit this new two storey block will now be connected to the main public house via the new single storey extension).

The extension is to be finished in a dashed and painted render with a flat profile tile or natural slate roof tiles, black upvc windows and hardwood (painted) doors. It is relatively simplistic in its design with a covered balcony and patio provided on the rear elevation to serve each of the tourist apartments.

It is considered that the proposed extension would not dominate or significantly alter the appearance of the existing building to be extended given the existing built form on the site and would not have a detrimental impact on the character of the area.

Neighbour Amenity

All windows are located on the front and rear elevations of the proposed extension. It is noted that there is a live planning permission on the site adjacent and directly to the north of the application site for 13 no. residential units. Although these are not constructed on site, the approved plans show that the layout arrangement will result in a number of private rear garden areas running parallel to the application site's

common northern boundary. In light of this, the proposal has been amended to ensure that no first floor windows are present on the side elevation of the proposal which would look onto the gardens of these approved houses should they be erected on site.

There are no other existing residential properties in proximity to the application site and it is considered that there would be no detrimental impact caused to amenity from the proposed development. It is noted that the Council's Environmental Health Section have raised no concerns with the proposal.

Natural Heritage

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 as the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided that mitigation measures to ensure the inclusion of a 10 metre buffer adjacent to the nearby watercourse and appropriate means of surface water treatment, are conditioned upon any planning approval, the proposal will not have an adverse effect on the integrity of any European site. The proposal can therefore comply with Policy NH1- European and Ramsar Sites – International.

Policy NH2 – Species Protected by Law states that 'Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.' Given the location of the application site, the nearby watercourse together with the presence of hedging, woodland and existing old buildings, DAERA's Natural Environment Division (NED) had initial concerns that the proposal may have an adverse impact on otters and bats.

Provided no work is carried out within 10m of the watercourse and no tree or vegetation removal takes place, NED has concluded that there is unlikely to be any significant impacts on otters. They did however request that the applicant undertake a Bat Roost Potential Survey of all buildings proposed to be demolished in order to establish if the building in question did in fact have a roosting potential.

A Preliminary Roost Assessment undertaken by Neo Environmental was submitted to the Council on 20th December 2019. This report concludes that the building to be demolished as part of the proposal has suitable roosting features and evidence that bats have previously occupied the building. The report recommends, in accordance with 'Bat Surveys' Good Practice Guidelines 3rd Edition', that an additional dusk emergence or dawn re-entry survey would be required in order to identify whether or not bats are present.

In order to be considered valid, these surveys can only be initiated during the active bat season which runs from May until September each year. NED have confirmed within their consultation response dated 30th January 2020 that an emergence or re-entry survey of the building assessed as having low suitability for roosting bats should be provided.

In addition, NED also require that a Bat Roost Potential Survey for the part of the building to be extended/modified also be submitted together with any subsequent bat survey work that is required following the findings of this report.

It should be noted that no ecological information was provided to the Council with the application at the time of submission (August 2019). The Planning Section considers it proper to provide a timescale for the submission of information and while it is acknowledged that the applicant feels that the application should be held in abeyance to allow the information requested to be made available in May or June, Officers do not share this view and consider that in order to make the best use of the resources available to it the application should be determined in a timely manner.

Given that it has not been satisfactorily demonstrated that the proposed development would not be likely to harm bats (a European protected species) Officers, in accordance with Policy NH 2 of PPS 2, consider they are obliged to recommend refusal on this basis.

Flood Risk

Dfl Rivers have been consulted on the application and have responded to advise that the application site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal floodplain. They have recommended an additional freeboard of 600 mm above the 1 in 100 year fluvial flood level and also that a 5 metre working strip be retained. The proposal can satisfy Policy FLD 1 and FLD 2 of PPS 15.

In relation to surface water runoff, although the applicant is not required by policy to submit a Drainage Assessment for the application site, Dfl Rivers have advised that it is the responsibility of the developer to assess the flood risk and drainage impact and to mitigate the risk to the development and beyond the site.

CONCLUSION

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

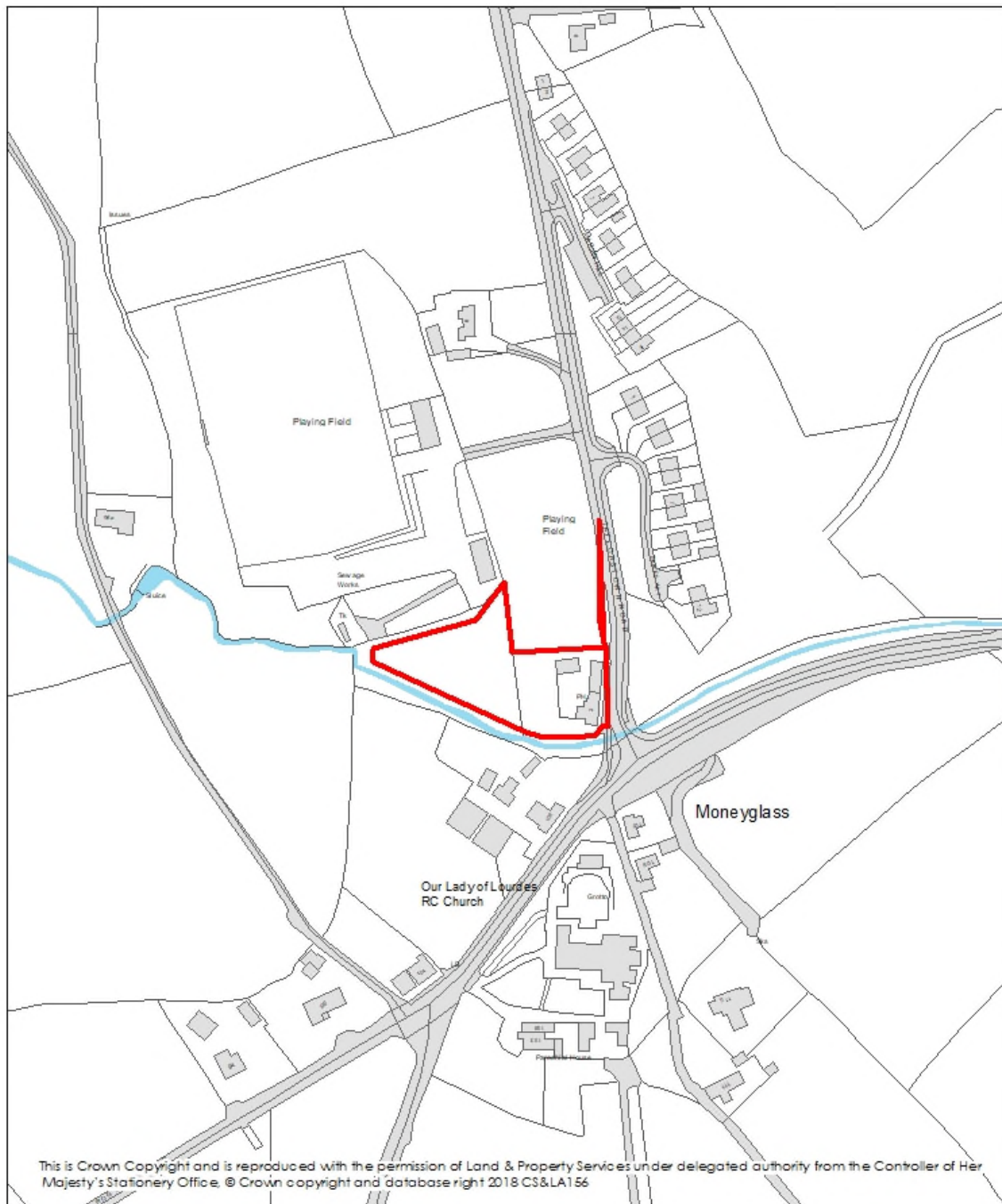
- The principle of the development is considered acceptable.
- The design and appearance of the proposal is considered acceptable.
- The proposal would not result in a detrimental impact upon neighbour amenity.
- It has not been demonstrated that the proposal will not be likely to harm bats (A European Protected Species)
- There are no overriding concerns with the proposal in relation to flood risk.

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 NH 2 of PPS 2, Natural Heritage, in that it has not been demonstrated the development, if permitted, would not be likely to cause harm to bats (a European protected species).



Location Map

Application Reference: LA03/2019/0707/F

Proposed demolition of existing store and extension to rear of existing public house comprising store and 2no self-catering apartments

2 Taylorstown Road
Moneyglass

0 60 120 Meters



Site Boundary

For Information Only



COMMITTEE ITEM	3.20
APPLICATION NO	LA03/2018/1097/F
DEA	MACEDON
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	New 2-storey dwelling attached as an end-terrace property in the same design and style of No. 108
SITE/LOCATION	Land 10m east of beside No. 108 Glenview Park Whiteabbey Newtownabbey Co. Antrim BT37 0TG
APPLICANT	Paul Cargill
AGENT	Paul Anderson Chartered Architect Ltd
LAST SITE VISIT	27 th June 2019
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and both versions of draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The application site is located adjacent to No 108 Glenview Park, Whiteabbey, the site is a triangular shaped site which currently forms part of the curtilage of No. 108 Glenview Park. The application site is defined by paladin fencing along the western boundary, whilst the gable wall of No. 108 Glenview Park defines the eastern boundary, the northern boundary is undefined whilst the southern boundary is defined by 108 metre close boarded timber fencing.</p> <p>A railway line is located immediately to the west of the application site on a raised embankment approximately 3 metres above the ground level of the application site. The site is located within an established residential area with predominately two storey terrace properties.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2003/0826/F Location: Lands at Glenville Road, Whiteabbey Proposal: Erection of housing development - Amendment to previously approved layout (ref nos U/2000/0699/F and U/2002/0747/F) Decision: Permission Granted (15.04.2005)</p>	
PLANNING POLICY AND GUIDANCE	
<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>	

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 settlement limit of Metropolitan Newtownabbey.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey on land zoned for housing MNY 02/17.

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey on land zoned for housing MNY 03/05.

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

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

Addendum to PPS 6: Areas of Townscape Character: sets out planning policy and guidance relating to Areas of Townscape Character, for demolition of buildings, new development and the control of advertisements.

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

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

CONSULTATION

Council Environmental Health Section – Objections raised

Northern Ireland Water – No objections

Department for Infrastructure Roads- No objections

Northern Ireland Environment Agency: Land and Groundwater Team – No objections

Belfast International Airport – No objections

Northern Ireland Railways – Response outstanding

REPRESENTATION

Three (3) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Flood Risk
- 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. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

The application site lies within the settlement limit of Metropolitan Newtownabbey as defined within BUAP and both versions of dBMAP, the application site is zoned for housing in both versions of dBMAP with no key site requirements. As unzoned land within the BUAP and on land zoned for housing within both versions of BMAP and within an established residential area, the principle of housing on this site would be

acceptable provided the proposed development complies with regional planning and other environmental considerations.

The Strategic Planning Policy Statement (SPPS) indicates that sustainable development should be permitted, having regard to material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS also promotes good design and seeks to make more efficient use of urban land without town cramming. Planning Policy Statement 7: Quality Residential Environments and PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas are retained policies under the SPPS and provide the appropriate policy context.

As the proposed dwelling is located within the settlement limits of Metropolitan Newtownabbey and is within an established residential area there are no objections to the principle of a dwelling subject to site specific issues.

Layout, Design and Appearance

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

The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and wider streetscape. The proposal is for the erection of one dwelling attached onto the end of an existing row of terraced dwellings. The dwelling is a two storey dwelling with a ridge height of 7.8 metres to ground level. Overall the design, scale and massing of the proposed dwelling matches that of the existing row of terraces.

Supplementary planning guidance on amenity space is provided in 'Creating Places: Achieving Quality in Residential Developments'. It states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40sqm for any individual house. In this case the proposal allows for approximately 47sqm of private amenity space which is an acceptable level of private amenity space. As the application site currently forms part of the curtilage of 108 Glenview Park, the proposed development will reduce the provision of private amenity space associated with this property. However, the level of private amenity for 108 Glenview Park measures 48sqm which is considered an acceptable level of private amenity space.

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

Residential Amenity

Criterion (h) of Policy QD 1 requires that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance on both existing and proposed properties. In this case as outlined above the proposal is an additional dwelling onto an existing row of terraced dwellings.

Paragraph 7.15 of supplementary planning guidance document 'Creating Places' advises that adequate spacing needs to be provided between buildings for privacy purposes and where the development abuts the private garden area of existing properties, a separation distance greater than 20 metres will generally be acceptable. No residential dwellings are located to the west or north of the application site. The dwelling at No. 108 Glenview Park is located immediately adjacent to the site, however, as the proposal is to attach a dwelling onto the end of an existing row of terraces it is considered that the proposal will not create any significant negative impacts on 108 Glenview Park. The private amenity space associated with No. 96 Glenview Park runs to the rear of the existing property, however, a separation distance of 10.2 metres exists from the rear wall of the existing dwelling and the common boundary, therefore a suitable separation distance exists in order to prevent any significant overlooking or the private amenity space associated with No.96 Glenview Park.

Noise and Vibration

Policy QD1 of PPS 7 also requires that there is no unacceptable adverse effects on the amenity of the proposed residential property. As outlined above the application site is located immediately to the east of the existing railway line which serves the Belfast to Larne and Belfast to Londonderry railway line. Consultation was carried out with the Councils Environmental Health Section (EHS) who requested a Noise and Vibration Assessment (NVA) be carried out due to the close proximity of the railway line. A NVA was submitted to the Council on 20th March 2019, and EHS were consulted and raised concerns that the report failed to take into consideration the Belfast to Londonderry/Londonderry to Belfast lines. A further opportunity was given to the agent to amend the report to include the above. Consequently, an amended NVA was submitted to the Council on 10th May 2019.

EHS again raised concerns regarding the accuracy of the amended NVA with EHS being of the opinion that over 100 train movements are active on the two lines over a 24 hour period during the weekdays, whereas the consultancy report stated 72 movements. EHS requested clarification regarding a number of inaccuracies within the report.

An amended NVA dated 1st July 2019 was also queried by EHS in relation to the accuracy of the report monitoring carried out and the worst case peak particle velocity. As a result of the inaccuracies raised within the various aforementioned reports, EHS carried out their own monitoring and their results differentiated from that supplied by the consultancy, therefore, EHS requested a review of the assessment with all vibration monitoring results obtained on site to be included.

Following this the applicant submitted a further updated NVA which included mitigation measures in relation to the vibration impacts. Again EHS queried the content of the report, the results and the mitigation measures proposed. EHS are of

the opinion that the vibration assessments submitted lack the level of detail and clarity required in terms of assigning the impact of vibration caused by passing trains on the adjacent railway line upon the residents of the proposed dwelling.

It is considered that the agent has been given ample opportunity (on 4 occasions) to accurately demonstrate the impact of noise and vibration from the adjacent railway lines on the proposed residential development. Furthermore, the agent has also failed to demonstrate that the proposed mitigation measures outlined within the most recent NVA will effectively reduce the vibration levels to an acceptable level.

Overall it is considered, given the information provided, that the amenity of the proposed dwelling will be significantly affected by reason of vibration from trains using the nearby railway line and as a consequence the development is contrary to the provisions of the SPPS and QD 1 of PPS 7.

Other Matters

The previous use of the land was as a spinning flax mill. As such, a Preliminary Risk Assessment was requested by the Council in order to identify any potential land contamination resulting from historic land uses. Consultation was carried out with DAERA's Land and Groundwater Team and the Council's Environmental Health Section who raised no objections to the proposal in relation to land contamination, subject to conditions.

CONCLUSION

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

- The principle of the development has been established.
- The design and layout is considered acceptable.
- The proposal will have a detrimental impact on the residential amenity of the proposed residential property in terms of vibration from the adjacent railway lines.
- The proposal will not create any unacceptable adverse effects on the proposed property in terms of potential land contaminations sources.

RECOMMENDATION	REFUSE PLANNING PERMISSION
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PROPOSED REASON OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7, Quality Residential Environments, in that it has not been demonstrated that there will be no unacceptable adverse effects on the proposed property in terms of vibration from trains using the adjacent railway lines.



Location Map

Application Reference: LA03/2018/1097/F

Land 10m east of beside No. 108 Glenview Park,
Whiteabbey, Newtownabbey, Co. Antrim BT37 0TG
New 2-storey dwelling attached as an end-terrace
property in the same design and style of No. 108

 Site Boundary

0 30 60
Metres



For Information Only



COMMITTEE ITEM	3.21
APPLICATION NO	LA03/2019/1035/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Proposed Infill dwelling and garage
SITE/LOCATION	Land between No's 9 and 11 Tavnaghmore Road, Antrim
APPLICANT	Mr M. McDonnell
AGENT	Gravis Planning
LAST SITE VISIT	8 th January 2020
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located on land between Nos. 9 and 11a Tavnaghmore Road which is within the rural area and outside of any settlement limits as defined by the Antrim Area Plan 1984-2001.</p> <p>The application site comprises a section of a larger agricultural field that is bounded by mature vegetation approximately 10 metres in height along the northwestern boundary that abuts the Tavnaghmore Road and northeastern boundary, the common boundary between the application site and No. 11a Tavnaghmore Road. The southwestern boundary is the common boundary between the application site and No. 9 Tavnaghmore Road and is bounded by a 1 metre high wooden fence whilst the remaining southeastern boundary is physically undefined.</p> <p>The surrounding land uses are a mix of rural residential properties and agricultural fields. The topography of the land rises from the southwest to the northeast.</p>	
RELEVANT PLANNING HISTORY	
Planning Reference: LA03/2019/0544/O Location: Lands between Nos 9 & 11A Tavnaghmore Road, Antrim, Proposal: 2no proposed new infill dwellings and detached garages Decision: Permission Refused (21.08.2019)	
PLANNING POLICY AND GUIDANCE	
<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</p>	

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.

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

Northern Ireland Water – No Objections

Department for Infrastructure Roads- No Objections

REPRESENTATION

Four (4) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Integration
- Impact on the Character and Appearance of the Area
- Neighbour Amenity
- 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 settlement 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. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. 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 CTY8 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 site 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.

Policy CTY 8 defines a substantial and built up frontage as including a line of three (3) 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. The policy requires "the development of a small gap site sufficient only to accommodate up to a maximum of two houses". The Justification and Amplification text at Paragraph 5.34 is clear that the gap site must be between houses or other buildings, therefore the gap is measured from building to building.

Outline planning permission was sought under planning ref: LA03/2019/0544 for 2 infills – which was subsequently refused due to the determination that there was not a substantial and built up frontage along the road, and that the gap was too large.

Drawing 03, and Document 01, date stamped 17th December 2019, explains that the triangular plots of land located on either side of No. 11, belong to and are part of the curtilage of No. 11. On this basis, the Council accepts this explanation and concludes there is a substantial and built up frontage which is made up of Nos. 9, 11a and 11 Tavnaghmore Road.

Drawing No. 02, date stamped 17th December 2019 indicates a side conservatory on No. 11a Tavnaghmore Road. Drawing 03 measures the gap between No. 9 and No. 11a Tavnaghmore Road as 135 metres, however, when the case officer measured the Drawing 03, the gap measures 139 metres.

Paragraph 5.34 of PPS21 states many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage.

The guidance within the 'Building on Tradition' Design guidance indicates that when the gap is more than twice the length of the average plot width, it is often unsuitable for infill for two new plots. The plot frontages along the Tavnaghmore Road vary in size and scale. For example, No. 9 Tavnaghmore Road's plot frontage measures 29 metres, whilst No. 11a Tavnaghmore Road measures 71 metres, and No. 11 Tavnaghmore Road measures 80 metres. Therefore the average plot width along this stretch of the Tavnaghmore Road is 60 metres, as the gap measures 135 metres building to building, it is more than twice the length of the average plot size (of 60 metres).

Furthermore, although the average plot size is 60 metres, this is due to the large plot frontages measured for Nos. 11 and 11a Tavnaghmore Road. However, No. 11's plot is somewhat unusual and is split into 3 parcels of land. Although the Council has accepted that this forms part of the substantial and continuous built up frontage it is considered that No 11's plot frontage is not indicative of this locality. Therefore, it is considered that the proposed plot (of 80 metres) would be out of character for the existing pattern of development when assessed on the ground.

As a consequence, it is considered that the existing gap of 139 metres is not a small gap site, nor does it respect the existing pattern of development. In these circumstances the proposed development cannot meet the policy criteria for an infill dwelling in accordance with Policy CTY 8.

Integration

Policy CTY13 - Integration and Design of Buildings in the Countryside; states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

Paragraph 5.57 of the Justification and Amplification states that new dwellings should

blend sympathetically with their surroundings and should not appear incongruous in the landscape,

The topography of the application site and the surrounding area is relatively flat, however, the land slopes slightly from the southeast to the northwest. The site has established mature vegetation that defines the northwestern and northeastern boundaries of the application site with other mature vegetation to the southeast defining the boundaries of the agricultural field in which the site is located which acts as a backdrop to the application site. It is considered that due to the mature vegetation that defines and surrounds the application site that a modest size dwelling would integrate into the surrounding area and would not be a prominent features in the landscape. As this is an outline application no detail has been provided of a specific design for the dwelling proposed at this location.

In relation to integration of the proposed dwelling, it is considered that the proposal complies with the criteria set out within CTY13 of PPS21.

Impact on Character and Appearance of the Area

Policy CTY14 - Rural Character (PPS21) indicates that new buildings will be unacceptable where they create or add to a ribbon of development. The words 'visual linkage' that are found in Paragraph 5.33 of the Justification and Amplification text, are used in reference to what can constitute a ribbon of development. Policy CTY14 points out that a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked. It is considered the infilling of this gap will be detrimental to the rural character of the area and would result in the creation of a linear form of ribbon development along this section of the Tavnaghmore Road, and will infill a visual break which would be detrimental to the character of the rural area.

The proposal is therefore contrary to Policy CTY 14 and would result in ribbon development and not respect the traditional pattern of settlement exhibited in this area.

Neighbour Amenity

As this application seeks outline planning permission, no details have been provided regarding the proposed design or layout. It is however considered a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of neighbouring properties is retained. Given the substantial size of the gap evidenced above, there is a significant separation distance between the application site and the neighbouring property No. 11a Tavnaghmore Road, however, additional landscaping may be needed along the southwestern boundary to ensure the privacy of No. 9 Tavnaghmore Road.

Other Matters

DfI Roads were consulted on the application and raised no issues of concern regarding road safety, subject to a condition requiring visibility splays to be provided being a requirement of any grant of planning permission. If appropriate visibility splays were in place, it is considered there would be no impact on public safety.

CONCLUSION

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

- The principle of the development has not been established as the gap is not a small gap site and does not respect the existing pattern of development.
- A dwelling would integrate into the landscape.
- The proposal would create a ribbon of development along the public road.

RECOMMENDATION**REFUSE OUTLINE PLANNING PERMISSION****PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it fails to meet with the provisions for an infill dwelling as the application site is not a small gap site and does not respect the existing pattern of development.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 14 of PPS 21, Sustainable Development in the Countryside, in that the proposed dwelling, if permitted, would result in the creation of ribbon development along the Tavnaghmore Road detrimental to the rural character of this area.



Location Map

Application Reference: LA03/2019/1035/O

Lands between 9 and 11a Tavnaghmore Road
Antrim

Site of single infill dwelling and garage

 Site Boundary

0 20 40 80 Metres



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COMMITTEE ITEM	3.22
APPLICATION NO	LA03/2019/0973/F
DEA	ANTRIM
COMMITTEE INTEREST	COUNCIL APPLICATION/INTEREST
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Erection of a sculpture approx. 6m high of steel lattice construction
SITE/LOCATION	30 metres south east of the mouth of the Sixmilewater River, Loughshore Park, Antrim
APPLICANT	Antrim and Newtownabbey Borough Council
AGENT	N/A
LAST SITE VISIT	17 th December 2019
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within Antrim's Loughshore Park. The application site lies within the development limits of Antrim as designated within the Antrim Area Plan 1984-2001. It lies adjacent to the public car park and adjacent to an existing viewing point facing out towards Lough Neagh. This area is presently laid out in concrete with a low wall and metal railings surrounding the viewing area, enclosing it from the car park. A stone wall exists between the application site and the Lough which lies immediately to the west. There is a telescope and tourist signage presently erected on site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2016/0914/NMC Location: Loughshore Park, Lough Road, Antrim, BT41 4DG Proposal: Non material change to planning permission T/2014/0323/F (replacement gateway visitor centre including café, restaurant, kitchen, multi-purpose room, public toilets and showers, equipment store, biomass boiler/store and public rescue service boat store) to incorporate a reduction in extent of external stone cladding to be replaced with render and the provision of a flat roof in lieu of clerestorey glazing and metal deck roof together with minor elevational changes Decision: Non-Material Change Granted – 1st December 2016</p> <p>Planning Reference: T/2014/0323/F Location: The Lough Shore Park, Lough Shore, Antrim Proposal: Replacement Gateway Visitor Centre, including cafe, restaurant, kitchen, multi-purpose room, public toilets and showers, equipment store, biomass boiler/store and public rescue service boat store Decision: Permission Granted – 3rd March 2015</p>	

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 settlement limits of Antrim.

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.

CONSULTATION

No consultations were carried out on this application.

REPRESENTATION

One (1) neighbouring property was notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Natural Heritage

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 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: Parking and Movement

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. It is noted that in this particular case the development plan does not make any specific reference to the application site or to the type of development proposed. It is, however, considered that the erection of a new piece of public art (the proposed sculpture) would result in a range of social and environmental improvements as well as local tourism benefit which can be considered as contributing to sustainable development.

Within this policy context, it is considered that the principle of a new 6 metre high sculpture on the site would be acceptable subject to the development complying with other requirements in accordance with regional policy and guidance which are addressed in detail below.

Design and Appearance

As noted above the application is for the erection of a sculpture, 6 metres in height and of steel lattice construction. This sculpture is to be named 'The Protector of the Lough' and will represent the silhouette of Finn McCool against the horizon at the lough side. This sculpture is to be mounted on a concrete slab. The existing platform on which the sculpture is to be located is to be infilled with hard-core with concrete paving slabs laid on top. The proposed ground levels will be consistent with the existing footpath and car park. The existing stone wall adjacent to the lough is to be retained.

It is considered that the design and appearance of the proposed sculpture is acceptable and would have a beneficial impact on the character or appearance of the area.

Neighbour Amenity

The closest neighbouring property to the application site is the Council's recently constructed Gateway Centre. This is a new and modern community visitor centre. The sculpture is located approximately 100 metres from this building.

Given the distance of the sculpture from any nearby properties, it is considered that there would be no detrimental impact on neighbour amenities.

Natural Heritage

Lough Neagh has a number of environmental designations including being classified as an Area of Special Scientific Interest, a Ramsar Site and Special Protection Area. Given the location of the application site immediately adjacent to the Lough a Habitats Regulations Assessment has been undertaken by the Council.

This indicates that the proposed works are small in nature and scale and that there will be no likely significant effects on any European site from the proposed project either alone or in combination with any other project.

It is therefore concluded that there will be no significant detrimental impacts on any European Protected Site or other natural heritage interests arising from the proposal.

CONCLUSION

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

- The principle of the development is considered acceptable.
- The design and appearance of the proposal is considered acceptable.
- There will be no impact on neighbour amenity.
- There will be no significant detrimental impacts on natural heritage or on any European Protected Site.

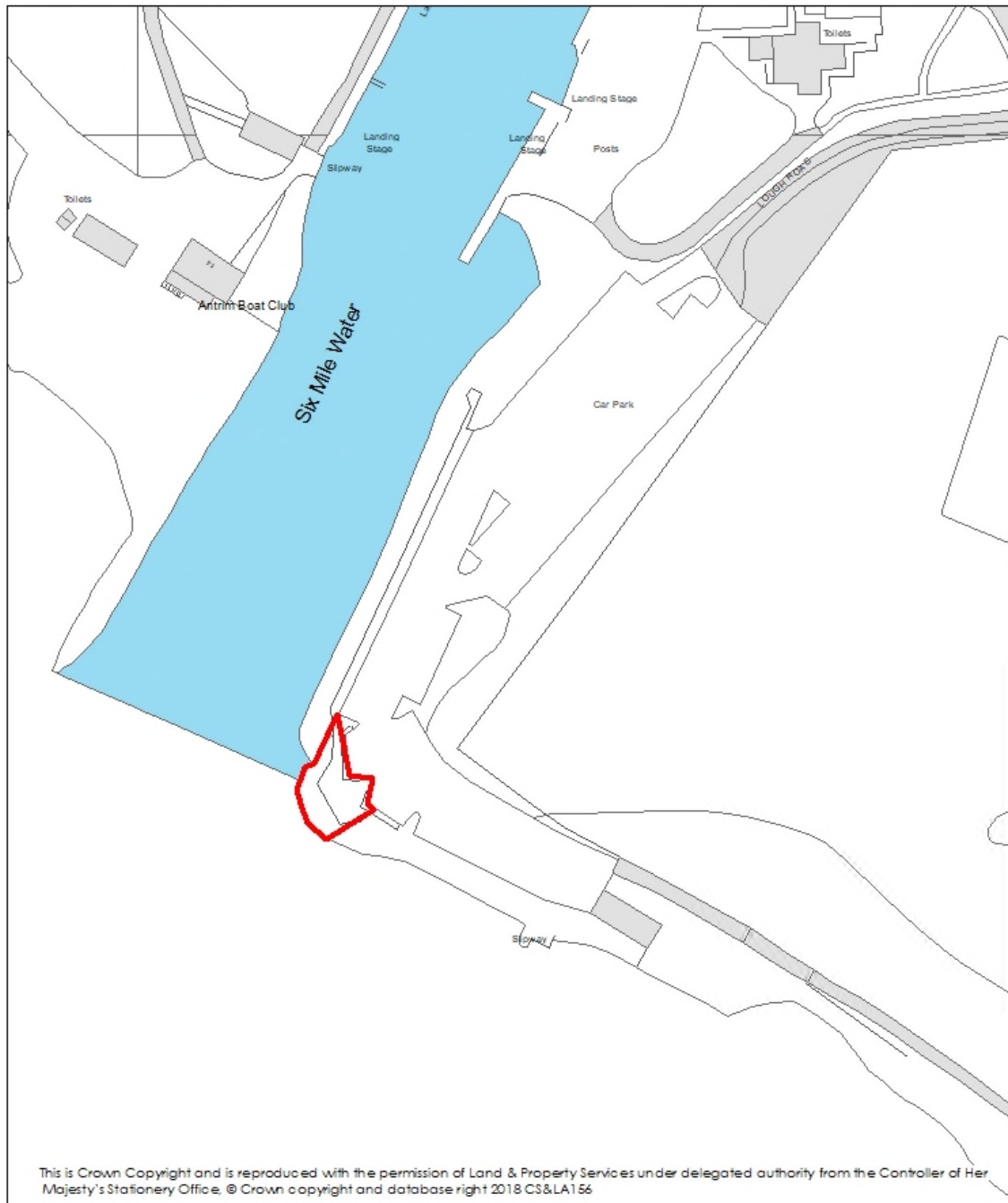
RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITION

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.



Location Map

Application Reference: LA03/2019/0973/F

30 metres south east of the mouth
of the Sixmilewater River
Loughshore Park Antrim BT41 4DQ

Erection of a sculpture approx. 6m
high of steel lattice construction

 Site Boundary



Scale- 1:1250



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