



15 January 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 20 January 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](mailto:memberservices@antrimandnewtownabbey.gov.uk)

## **AGENDA FOR PLANNING COMMITTEE – January 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 December 2019
- 3.2 NI Planning Statistics 2019-20 Second Quarterly Bulletin July-Sept 2019
- 3.3 Annual Housing Monitor 2018-19
- 3.4 Development Plan Practice Note 10; Submitting Development Plan Documents for Independent Examination
- 3.5 LDP – Quarterly Update
- 3.6 LDP – Counter Representations Consultation
- 3.7 LDP – Coastal Forum Working Groups
- 3.8 LDP – Metropolitan Area Spatial Working Group Minutes - **In Confidence**
- 3.9 LDP – Steering Group Minutes - **In Confidence**
- 3.10 Planning Enforcement Report 2019-20 - Quarter 2 - **In Confidence**
4. Any Other Business

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

- 3.11 Planning Application No: LA03/2019/0667/F

Proposed residential development comprising construction of 162 no. dwellings, associated garages and car parking, open space and landscaping and all other associated site works on lands adjacent and west of Park Road (including existing dwelling at 9 Park Road) opposite and west of The Poplars residential development; adjacent and north of 1 & 2 Park Manor; north of 117-121 Mallusk Road and adjacent and west of 11 Park Road, Mallusk

- 3.12 Planning Application No: LA03/2019/0538/F

Retrospective change of use to gym at unit 9, Antrim Business Park, Antrim

3.13 Planning Application No: LA03/2019/0883/O

Site for dwelling (in a cluster, complying with policy CTY 2A of PPS 21) at lands 180m South West of 27 Umgall Road, Nutts Corner, Crumlin (Opposite 242 Seven Mile Straight).

3.14 Planning Application No: LA03/2019/0449/F

Dwelling on a farm at lands approximately 75 metres North West of No. 10 Ballypalady Road.

3.15 Planning Application No: LA03/2019/0923/O

Infill dwellings & garages at lands approx. 70m North West of 35 Clonkeen Road, Randalstown.

3.16 Planning Application No: LA03/2019/0822/F

Proposed dwelling and integral garage (Change of house type in substitution of approval LA03/2017/1027/RM) at lands 50m NE of 101 Oldstone Road, Killealy, Muckamore.

3.17 Planning Application No: LA03/2019/0823/F

Proposed conversion and reuse of existing stone barn to domestic dwelling with extension at 40m southeast of 27A Pipe Road, Randalstown

3.18 Planning Application No: LA03/2019/0904/F

Dwelling and garage (change of house type to that previously approved under LA03/2016/0388/F) at the walled garden at Castle Upton, Templepatrick.

3.19 Planning Application No: LA03/2019/0958/F

Conversion of integral garage to Living Room (retrospective) at 15 Hamlet Walk, Ballyclare.

3.20 Planning Application No: LA03/2019/0961/A

Community/Council notice board erected on 2no steel tubular pipes at lands approximately 12m NW of 8-10 Grove View, Killead Road, Killead (Between and existing Royal Mail post box and Ulsterbus Translink bus stop sign).

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 20 JANUARY 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 December 2019 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

### **P/PLAN/1 NORTHERN IRELAND PLANNING STATISTICS 2019/20 – SECOND QUARTERLY BULLETIN FOR THE PERIOD JULY – SEPTEMBER 2019**

The second quarterly provisional planning statistics for 2019/20 produced by the Analysis, Statistics and Research Branch of the Department for Infrastructure (DfI), a copy of which is **enclosed**, were released on 19 December 2019.

The figures show that during the period from July to September 2019, the total number of planning applications received in Northern Ireland was 2,944, marking a decrease of over 13% (some 450 applications) on the previous quarter (April – June), but similar to the number received during the same quarter in 2018/19. The total number of decisions issued during this period was 3,161, an increase on the previous period.

During the second quarter a total of 170 new applications were received by Antrim and Newtownabbey Borough Council. This represents a reduction of 57 applications (25%) from the first quarter which is above the NI trend. During the same period 227 decisions were issued.

In relation to performance against statutory targets the Department for Infrastructure (DfI) figures show that the Council took on average 26.2 weeks to process and decide **Major** planning applications up to and including the second quarter against the target of 30 weeks. This performance maintains last year's Major performance and ranks amongst the top three of the 11 Councils and also reflects well against the average processing time of 57.4 weeks across all Councils. However, Members should note that these figures continue to relate to a very small number of Major applications (only three applications by the end of the second quarter) and should therefore be interpreted with care. A more realistic performance figure will only become apparent towards the year end and Members should be aware there are still a number of Major applications over 12 months old that are likely to come forward to Committee over the coming months for determination. This could clearly impact on the Council's Major performance target by year end.

The DfI figures show that the Council took on average 9.8 weeks to process and decide **Local** planning applications up to and including the second quarter against the target of 15 weeks. This performance continues to mark an improvement over performance during 2018-19 and again ranks among the top three of the 11 Councils and reflects well against the average processing time of 13.8 weeks across all Councils. The figures also show that the Council is currently ranked first in the overall proportion of Local applications (82.3%) processed within 15 weeks for the year to date.

In relation to enforcement the DfI figures highlight that the Council's planning enforcement team is once again recording the shortest time taken, 6.8 weeks, to process 70% of enforcement cases to target conclusion which compares favourably with the average processing time of 21.8 weeks across all Councils. In addition the team's performance again is currently ranked first in relation to the proportion of cases brought to target conclusion within the performance target of 39 weeks.

**RECOMMENDATION: that the report be noted.**

Prepared by: John Linden, Head of Planning

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

### ITEM 3.3

#### **P/FP/LDP/19 PUBLICATION OF THE ANNUAL HOUSING MONITOR 2019**

Members will recall that the Annual Housing Monitor for the Borough is undertaken by the Forward Planning Team annually. It assists the Planning Section in understanding the amount of housing land supply that remains available within the 30 settlements of the Borough and is an important resource that helps to inform the Local Development Plan process.

The Housing Monitor takes account of all sites within settlements, where the principle of housing has been established. As a result, it includes details of the number of dwellings approved on unzoned sites (whether through extant or expired permissions), as well as information on the number of dwellings approved or that could be provided on zoned housing land. Information from Building Control commencements and completions is inputted into the survey and used to inform the results of the Monitor.

The results of the 2019 Monitor (**enclosed**) which covers the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019, indicate that there is potential for some 11,842 dwelling units and 503 hectares of housing land, remaining within the settlements of the Borough. Some 529 dwellings were completed during this period, which is illustrative of an annual housing build rate which continues to rise at a steady rate. Details for the individual sites are set out in a series of maps and associated tables. It is intended that the findings of the 2019 survey will now be made available to the public on the Council's website.

**RECOMMENDATION: that the Annual Housing Monitor 2019 be approved and published on the Council website.**

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

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



### ITEM 3.4

#### **P/FP/LDP/94 DEPARTMENT FOR INFRASTRUCTURE'S DEVELOPMENT PLAN PRACTICE NOTE 10: SUBMITTING DEVELOPMENT PLAN DOCUMENTS FOR INDEPENDENT EXAMINATION**

The Department for Infrastructure (DfI) has written to the Council (**enclosed**) advising that it has now published a new Development Plan Practice Note, DPPN 10 titled "Submitting Development Plan Documents for Independent Examination (IE)" (**enclosed**). This follows circulation of a draft of the DPPN forwarded to all Councils in July 2019 for comment.

As members may recall there is currently no legislative procedure to deal with any changes that a Council may wish to make to a draft Local Development Plan (LDP) document following public consultation before it is submitted to DfI requesting that the document go forward to IE to be tested for soundness. The guidance now set out in the new DPPN proposes to introduce a non-statutory option known as "focussed changes" which is explained below.

DPPN 10 advises that following receipt of representations to the LDP, Councils should consider the issues raised together with any new information/evidence and the implications these matters may have for the soundness of the LDP document. DPPN 10 advises that Councils may decide to revisit the evidence base and engage with relevant parties to determine how to address specific issues raised. Ultimately Councils should consider each issue raised and determine whether there should be:-

- (a) NO CHANGE – Note the issue but consider the LDP document as prepared is sound and does not need to be changed. The DPPN also advises that Councils may wish to submit supporting information to substantiate the position.
- (b) MINOR CHANGES – Note the issue in question and whilst considering that the LDP document as prepared is sound, propose a minor change(s) that would be acceptable, but that would not impact upon the overall soundness of the plan. The DPPN also advises that as part of a Council's submission to the Department, a list of proposed minor changes may be submitted that have not been subject to consultation. The guidance advises that whilst such minor changes will not be treated as part of the proposed LDP document to be examined at the IE, the examiner appointed may nevertheless consider it appropriate for these to be discussed at IE.
- (c) FOCUSSED CHANGES – In response to an unforeseen issue that has arisen the Council may consider that more substantive changes are required to the LDP document to ensure that any impact upon the soundness of the plan is addressed. Focussed changes are only likely to be made in exceptional circumstances and may introduce implications for documents such as the Plan Timetable and Statement of Community Involvement which may as a consequence require amendment. Examples of focussed changes include where there has been a sudden change in local circumstances; where new regional planning policy and/or guidance has been issued or following consideration of representations, the Council has identified an unforeseen issue.

The focussed changes should be set out and published as an addendum to the LDP document for a further 8 week public consultation along with a Sustainability Appraisal and other statutory assessments as required specific to the changes in question. Comments will only be invited to the matters set out in the focussed changes and not to the entirety of the original plan document. As with representations draft LDP document all responses made following consultation on the focussed changes should be made publicly available.

(d) FUNDAMENTAL CHANGES – Where a fundamental issue has arisen that is considered to go to the heart of the plan, the DPPN advises that the Council should consider withdrawal of the LDP document.

In addition to the above guidance, the DPPN also sets out the requirements to be met by Councils before submitting the plan to DfI for IE, the availability of submission documents, publicity for the IE and DfI's role at IE, intervention and default powers. It also provides information regarding the withdrawal of a LDP document (either by the Council or by direction of DfI).

**RECOMMENDATION: that the report is 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

## **ITEM 3.5**

### **P/FP/LDP/1 LOCAL DEVELOPMENT PLAN: QUARTERLY UPDATE OCTOBER 2019 TO DECEMBER 2019**

The Council's Local Development Plan LDP Timetable advises that progress reports will be submitted on a quarterly basis to the Planning Committee. This report covers the third quarter of the 2019 and 2020 business year (October 2019 to December 2019).

#### **Summary of Public Consultation**

Members are reminded that a total of 122 written representations were made in response to the formal public consultation (undertaken from 26 July to 30 September 2019) on the Council's Local Development Plan draft Plan Strategy. This included representations submitted by Government Departments, other statutory partners and developers as well as comments by residents and local groups.

The 122 written responses ranged from short, succinct letters to detailed technical documents and comprised of 13 responses from individual members of the public, 46 responses from organisations, including statutory consultees, and 63 responses from planning agents. They incorporated a large number of issues relating to the draft Plan Strategy and its associate documents. Most of the responses raised multiple issues.

Members should also note that the draft Plan Strategy 8-week formal counter representation period ran from 11 October 2019 to 6 December 2019. A counter representation provides an opportunity for the public to respond to 'site specific policy representations' received to the draft Plan Strategy. A total of 26 responses were received. All counter representations received will shortly be made available for inspection at the Council's main offices as well as on the Council's website.

In preparation for an Independent Examination of the draft Plan Strategy before the Planning Appeals Commission (PAC), the Council is required to prepare a full summary of the main issues identified as a result of the public consultation (including all counter representations received) and to provide a summary report to DfI/PAC.

#### **Housing Growth Indicators Refresh**

The Department recently published refreshed Housing Growth Indicators (HGI) for all Councils (as provided for in the Regional Development Strategy) to cover the period 2016 to 2030. The refreshed figure for Antrim and Newtownabbey Borough has been calculated as 4,200 units for the period 2016-2030, a significant reduction from the 7,200 units for the previous 2012-based figures previously published.

Due to the significant drop in the Council's HGI, Officers met with Departmental Officials on 5 November 2019. Following this meeting, Officers are currently working to update the Plan's evidence base in support of the Plan's published Housing Growth Figure and Allocation.

#### **Other Matters**

During this period, the Forward Planning Team also attended the following meetings where plan related matters and cross boundary issues were discussed:

- (a) Lisburn and Castlereagh City Council's LDP draft Plan Strategy public launch event took place on 11 October 2019 at Lagan Valley Island. The 8-week formal consultation period on the Plan ran from 8 November 2019 to 10 January 2020 and the Council has issued a formal response;
- (b) The Joint Department of Agriculture, Environment and Rural Affairs and Department for Infrastructure (DAERA/DfI) Coastal Planning Workshop Group met on 17 October 2019 at the National Trust property, Belmont Tower, Belfast. At this meeting, it was agreed to reconsider draft guidance prepared for coastal planning with a view to republishing in late 2019/early 2020 for further consideration;
- (c) The Council's LDP Steering Group met on 21 October 2019 in Mossley Mill;
- (d) The Joint DAERA/DfI Coastal Forum Working Group met on 23 October 2019 at Clarence Court, Belfast;
- (e) Legal training on Local Development Plans was facilitated by Mid Ulster District Council on 12 November 2019 in Magherafelt. Officers from the Council's Planning and Legal Sections attended this to gain a better understanding of the local plan making process in Great Britain, and how good practice could be applied to forthcoming Independent Examinations in Northern Ireland;
- (f) The Joint DAERA/DfI Coastal Forum met on 19 November 2019 at the National Trust property at Mount Stewart. Draft terms of reference and work programmes were tabled for both the Coastal Forum and the Coastal Working Group;
- (g) Officers attended the annual AgendaNI Planning Conference on 20 November 2019 at Titanic, Belfast. The conference was attended by a number of key-note speakers currently engaged in plan preparation including Phil Williams of the Office for the Future Generations Commissioner for Wales;
- (h) Further to the circulation of studies by the Belfast Metropolitan Transport Plan Project Board, Officers have responded to the drafts with a number of queries; and
- (i) The Belfast Metropolitan Area Spatial Working Group met on 10 December 2019, hosted by Mid and East Antrim Borough Council. A number of issues were discussed including an update from Mid and East Antrim Council.

**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

### ITEM 3.6

#### **P/FP/LDP/1 DRAFT PLAN STRATEGY- COUNTER REPRESENTATIONS UPDATE**

Members are reminded that the Council's Local Development Plan, draft Plan Strategy and its supporting documents were published on 28 June 2019 and the period for public consultation ended on 30 September 2019.

This first stage of the public consultation was followed by a further 8 week period of consultation, which ran from 11 October 2019 to 6 December 2019, to allow for counter representations.

In accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, anyone may make representations about a site specific policy representation received to the Council's draft Plan Strategy. A "site specific policy representation" means any representation which seeks to change a plan by adding a site specific policy to it or altering or deleting any site specific policy contained in the development plan document.

In response to the counter representation consultation, the Council received 26 responses from a range of sources. A list of all counter representations received with a brief summary is **enclosed**. Of the submissions made, a number contained counter representations to multiple draft Plan Strategy representations. A small number of responses did not specifically identify the draft Plan Strategy representations they were referring to by reference number.

In line with legislative requirements all the responses made to the counter representation consultation will shortly be made available for inspection at the Council's main offices as well as on the Council's website.

**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

### ITEM 3.7

#### **P/FP/LDP/113,114 & 115 COASTAL FORUM WORKING GROUPS**

##### Coastal Forum Working Group

A key action point from the DAERA/DfI Coastal Forum was the setting up of a Coastal Forum Working Group involving representatives from Central Government, Local Government and the National Trust to take forward actions from the Coastal Forum and to develop a draft work programme for consideration by the Coastal Forum to maintain momentum.

The second meeting of the Coastal Forum Working Group took place on 23 October 2019 hosted by DfI in Clarence Court, Belfast. Items for discussion included an update on the draft work programme and terms of reference.

A copy of the Minutes are **enclosed** for information.

##### Local Development Plan Coastal Focus Group

Members are also reminded that the first meeting of the LDP Coastal Focus Group took place on 14 August 2019, hosted by Newry, Mourne and Down District Council.

At this meeting DAERA/DfI tabled an early working draft document entitled 'Coastal Form – draft Best Practice Guidance to Facilitate Coastal Planning Decisions' and comments were sought by 27 September 2019. The document is intended to provide guidance in relation to the determination of planning applications and the preparation of Local Development Plans. As agreed at the September 2019 Planning Committee, Officers considered this document and furnished DAERA/DfI with a formal response outlining a number of clarification points (**enclosed**).

The second meeting of the LDP Focus Group took place on 17 October 2019 hosted by the National Trust at Belmont Clock Tower, Belfast. Items for discussion included collective responses to the working draft 'Coastal Forum – draft Best Practice Guidance to Facilitate Coastal Planning Decisions' and how to take forward the preparation of shared baseline data on coastal vulnerability. At the meeting, it was agreed DAERA/DfI would consider responses to the draft document and issue a revised version in late 2019/early 2020 for further review and comment.

A copy of the Minutes are **enclosed** for information.

**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**

<b>COMMITTEE ITEM</b>	<b>3.11</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0667/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed residential development comprising construction of 162 no. dwellings, associated garages and car parking, open space and landscaping and all other associated site works (including 2 no. temporary waste water treatment works, new bridge crossing Ballymartin River and new curtilage to retained dwelling at 9 Park Road) and new access/road improvement works to include:-2 no accesses onto Park Road with right hand turn provision at main site access (serving 129 no. dwellings); new right turn lane into The Poplars housing development; new footway provision with 2 no. associated pedestrian crossings along Park Road; and new signalised pedestrian crossing on Mallusk Road.
<b>SITE/LOCATION</b>	Lands adjacent and west of Park Road (including existing dwelling at 9 Park Road) opposite and west of The Poplars residential development; adjacent and north of 1 & 2 Park Manor; north of 117-121 Mallusk Road and adjacent and west of 11 Park Road, Mallusk
<b>APPLICANT</b>	Park Road Developments (NI) Ltd
<b>AGENT</b>	TSA Planning
<b>LAST SITE VISIT</b>	
<b>CASE OFFICER</b>	Johanne McKendry Tel: 028 903 Ext 40420 Email: <a href="mailto:johanne.mckendry@antrimandnewtownabbey.gov.uk">johanne.mckendry@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
The application site is approximately 11.55 hectares in area and is situated on relatively flat agricultural land adjacent and west of Park Road, Mallusk. The site's eastern boundary has a 460 metre frontage to Park Road. The Ballymartin River dissects the site. 'The Poplars' residential development is located opposite and east of the site. Adjacent and south of the site are a number of detached residential properties at Park Manor and Mallusk Road. Land zoned for industrial use is situated north of the site and the surrounding area adjacent and west of the site is predominantly agricultural.	
<b>RELEVANT PLANNING HISTORY</b>	
Planning Reference: LA03/2016/1136/F Location: Lands adjacent and west of Park Road Mallusk (opposite and west of The Poplars residential development; adjacent and north of Nos 1 & 2 Park Manor, Mallusk; north of Nos 117-121 Mallusk Road, Mallusk; and adjacent and west of No. 11 Park Road, Mallusk)	



Proposal: Proposed residential development of 181 no. dwelling units (comprising 53 no. detached dwellings, 110 no. semi-detached dwellings and 18 no. apartments), garages, car parking, site access, construction of bridge, open space and landscaping and all other associated site works  
Decision: Permission Refused (21.03.2019) Planning Appeal in Progress

Planning Reference: U/2000/0696/F

Location: Park Road, Mallusk Blackwater Drain (Bridge) to Mallusk Road

Proposal: Provision of 1.8 wide footpath to Park Road from bridge to Mallusk Road with improved entrance at bungalows and new entrance to proposed Housing Development

Decision: Permission Granted (17.09.2001)

### **PLANNING POLICY AND GUIDANCE**

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

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

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

Belfast Urban Area Plan: The application site is located outside 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 site is largely located within Metropolitan Newtownabbey within an area zoned for Industrial/Employment use (MNY 09). The remainder of the site is located outside the settlement limit and is a designated Site of Local Nature Conservation Importance and Area of Constraint on Mineral Developments (Park Road West SLNCI) (2r) and a Local Landscape Policy Area (LLPA), which extends along the Ballymartin Water (MNY 42).

Draft Belfast Metropolitan Area Plan (published 2014) (BMAP 2014): This version of BMAP identifies the application site located within the housing zoning MNY 04/26

'Land at Park Road'. A Local Landscape Policy Area (LLPA) extends along the Ballymartin River Corridor (MNY 34).

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

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

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

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

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

PPS 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.

## **CONSULTATION**

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

**Northern Ireland Water** – No objection subject to informatives

**Department for Infrastructure Roads** – No objection subject to conditions and informatives

**Northern Ireland Environment Agency: Water Management Unit** - No objection subject to conditions and informatives

**Northern Ireland Environment Agency: Waste Management, Land and Groundwater Team** - No objection subject to conditions and informatives

**Northern Ireland Environment Agency Natural Environment Division** – No objection subject to conditions and informatives

**Department for Infrastructure Rivers** – No objection subject to negative conditions and informatives

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

**Shared Environmental Service** – No objection subject to condition

## **REPRESENTATION**

Sixty-four (64) neighbouring properties were notified and four (4) objection letters from three (3) properties and thirty-six (36) pro-forma letters of objection have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Flood risk;
- Insufficient road width;
- Increase in traffic resulting in congestion and road safety concerns;
- Concern regarding the new bridge construction;
- Concern regarding the proposed associated garages and car parking;
- Increase in hardstanding for parking provision;
- Concern regarding the proposed temporary waste water treatment works;
- Increase in density;
- Development out of character with surroundings;
- Short time-frame in which neighbours can respond to neighbour notification letters;
- Inappropriate design;
- Impact on residential amenity;
- Devaluation of property; and
- Proximity to industrial land uses and a wind turbine.

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

### **Background**

As indicated in the planning history section of the report a previous application (Reference: LA03/2016/1136/F) for 181 residential units at his location was refused by the Planning Committee in March 2019 due to Member concerns over flood risk; the density of the development; and the capacity of the existing road network to accommodate the scheme.

The current proposal now seeks consent for 162 residential units, which marks a decrease of some 10%, and is being assessed on its own individual merits.

**Key Issues**

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

- Policy Context and Principle of Development
- Density
- Design and Impact on the Character and Appearance of the Area
- 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, 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.

Whilst the site is located within the countryside in the Belfast Urban Area Plan, its status changed through the emerging BMAP process as outlined below.

The most northern section of the application site, is partially located within the settlement limit of Metropolitan Newtownabbey as defined in the Draft Belfast Metropolitan Area Plan published in 2004 (dBMAP), in an area zoned for Industrial/Employment use (MNY 09). The remainder of the site is located outside the settlement limit with a small area identified as a Site of Local Nature Conservation Importance and Area of Constraint on Mineral Developments (Park Road West SLNCI – Designation 2r) whilst a Local Landscape Policy Area extends along the Ballymartin Water (MNY 42).

In the Belfast Metropolitan Area Plan published in 2014 (BMAP 2014) the application site in its entirety is located within the settlement limit of Metropolitan Newtownabbey and comprises a housing zoning MNY 04/26 'Land at Park Road'. A Local Landscape Policy Area (LLPA) extends along the Ballymartin River Corridor (MNY 34).

At the Public Inquiry into dBMAP three objections (Objection Nos. 0766, 2529 and 3498) were lodged seeking that a small section of land included within the employment zoning MNY 09, already partially occupied by dwellings and outbuildings, be rezoned for housing and that other adjacent lands onto Park Road

be included within the Settlement Limit of Metropolitan Newtownabbey and zoned for housing. These lands comprise the current application site. There were no counter objections lodged.

The Planning Appeals Commission report into the dBMAP proposals for the Newtownabbey area was published in June 2012 by the then Minister of the Environment in advance of the adoption of BMAP. The Commission recommended that objection sites Nos. 0766, 2529 and 3498 be included within the Metropolitan settlement limit and zoned (as a single zoning) for housing (Zoning MNY 04/26), subject to the following Key Site Requirements (KSR): the floodplain of the watercourses within the lands shall be identified prior to commencement of development; no built development shall take place within the identified area; and a Concept Masterplan to facilitate the comprehensive development of the zoning shall be submitted to, and agreed with, the Planning Authority.

Ultimately the application site was brought inside the settlement limit for Metropolitan Newtownabbey and zoned for housing in the version of BMAP adopted by the Department in 2014 (BMAP 2014).

Given that the Department indicated during the course of the Public Inquiry that the lands comprising the current application site (under objections 0766, 2529 and 3498) were suitable for inclusion within the settlement limits of Metropolitan Newtownabbey; and that the Commission recommended such a course of action, Officers consider it is highly likely that this zoning would be confirmed in a future adopted version of BMAP. Accordingly, and in line with the Council's stance that significant weight should be afforded to BMAP 2014, Officers are assessing the proposal on the basis that the site lies within the settlement limit of Metropolitan Newtownabbey and is zoned for housing.

As stated above housing zoning MNY 04/26 is subject to a number of KSRs, including that no built development shall take place within the floodplain. A small portion of the proposed access road serving the site is located within the Q100 year floodplain but due to the minor nature of the encroachment and the flood plain compensatory measures proposed it is considered that the proposal is an exception to Policy FLD 1 'Development in Fluvial and coastal Flood Plains' of PPS 15 and to KSR 2 of housing zoning MNY 04/26. As such it is considered the principle of housing development on this site is acceptable and the details of the scheme stand to be considered against prevailing regional planning policy addressed in the remainder of the report.

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

The Regional Development Strategy for Northern Ireland 2035 (RDS) sets out regional strategic objectives for housing in settlements, including: manage housing growth to achieve sustainable patterns of residential development; support urban and rural renaissance; and strengthen community cohesion. The RDS does not provide

operational planning policy for development management decisions and in this case the application falls to be considered under PPS7.

### **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 site is approximately 14 residential units per hectare, which is considered to be low density and is comparable to the neighbouring Park Manor development which has a density of 11 dwellings per hectare and is of a lower density than The Poplars development opposite the site which has an average of 25 dwellings per hectare. Given the context of the layout and density of the immediate neighbouring residential development at The Poplars and Park Manor, it is not considered that the density and layout of the proposed development will result in an adverse impact on the character and appearance of this area.

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

The current policy direction is to make more efficient use of urban land, but cautions that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas and that schemes should be sensitive in design terms to people living in the existing neighbourhood and to local character. Para 4.34 of the SPPS indicates that one of the keys to successful place-making is the relationship between different buildings and the relationship between buildings and streets and the compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area.

Although imaginative and innovative forms of housing are encouraged, this is qualified in existing residential areas with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS7 reiterates the need for sensitivity and in Policy QD1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity.'

The proposed scheme of 162 residential units comprises 55 detached dwellings and 98 semi-detached dwellings and consists of a mix of housing types. 9 apartments within a three storey building are also proposed. The site is divided into 4 distinct groupings of development (Areas 1, 2, 3 and 4 as indicated on Drawing No. 93/1 date stamped received 11th October 2019) all which have easy access to the proposed areas of open space. The development incorporates approximately 38,130sqm (3.81 ha) of public open space, which includes an equipped children's play area and landscaped open space areas, and equates to almost 33% of the total site area. The proposed areas of open space located to the centre of the site are divided into three defined areas by the Ballymartin River. Whilst the areas of proposed open space within the scheme are situated within the floodplain, the policy amplification of Policy FLD 1 states that where a proposal for residential development includes land adjacent to or partially within a flood plain, it will normally be acceptable to utilise the flood plain land for public open space associated with the housing. An informal pedestrian walkway through the open space area is

proposed, which creates an alternative pedestrian access from Park Road, as well as linking the amenity space with the wider residential development.

To ensure the proposed development integrates into its surrounding environs, a 5 metre wide planted landscape buffer is provided along the entirety of the site's western boundary with trees and vegetation retained throughout the site. The frontage of the site at Park Road is characterised by areas of proposed landscaping and tree planting.

The proposed access to the development will be taken from Park Road with a new bridge crossing over a section of the Ballymartin River. Concern was raised with regards to the construction of the proposed bridge. The bridge is designed as a span structure to ensure there is no impact upon the water flow of the river and to respect the landscape buffer along the Ballymartin River Corridor, which is also incorporated into the proposed scheme. The bridge will be required to be constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

The proposed scheme consists of a mix of fifteen house types. The design and finishes of the dwellings consist of a mix of smooth painted render and/or red facing brick, precast concrete copings, decorative fireclay chimney pots, painted hardwood/uPVC windows with precast concrete cills, painted hardwood/composite doors, dark grey slates or tiles with lead flat roofs and black uPVC/aluminium downpipes and gutters. 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 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 the majority of the proposed dwellings have over 70 sqm of private amenity space and the dwellings within the overall development have an average rear private amenity space of 89 sqm in addition to the provision of approximately 3.81 ha of communal open space.

The proposed apartment blocks are to be three storeys in height with a ridge height of up to 11.5 metres. Creating Places requires that 10 – 30 square metres of amenity space is provided per apartment. The apartment buildings are encircled by open space with at least 50 sqm metres per apartment. The apartments are also located adjacent to the equipped children's play area and have direct pedestrian access to the communal landscaped area in the eastern portion of the site. The apartments have an outlook onto the equipped play area and the proposed amenity space to ensure there are no isolated areas of communal space that could give rise to anti-social behaviour.

The development provides sufficient and appropriate space beside the apartment blocks for collection points for waste. Wheelie bins are used for containing and collecting refuse. The communal Euro Bins for the apartment buildings will be collected on a weekly basis as part of the Management Company works.

Overall it is considered that the design layout and appearance of the development is sympathetic to the character of the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard surfaced areas.

### **Neighbour Amenity**

The proposed scheme has been designed to ensure that there will be no detrimental impact on the amenity of existing adjacent properties. Concerns were raised in respect of potential overlooking of No. 3 Park Manor, which is located approximately 50 metres to the southwest of the closest proposed dwelling on Site No.1. It is considered that the proposed dwelling on Site No. 1 will have a minimal overlooking impact on the existing property due to the separation distance between the properties and the intermittent mature trees along a shared boundary between the properties, which are the subject of protection by way of a Tree Preservation Order.

The layout of the proposed dwellings has been designed and arranged to ensure all properties will have a minimum rear garden depth of 10 metres and all 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 have an adverse impact on the adjacent proposed properties by way of dominance, overshadowing, loss of light or overlooking.

Concerns were raised with regards to the proximity of the proposed development to the wind turbine. An Inward Sound Level Impact Assessment (Document 04 date stamped 7th August 2019) was undertaken in order to assess the impact of road traffic noise, commercial sound, industrial noise and wind turbine noise. The Council's Environmental Health Section (EHS) assessed the noise report and concluded that with the inclusion of an acoustic barrier and upgraded acoustic glazing and mechanical ventilation, no adverse impact to residential amenity will be suffered due to road traffic noise and industrial noise subject to conditions being attached to any planning permission granted.

### **Flood Risk**

Concerns were raised with regards to flood risk from the proposed development, including historic flooding at the site and an increase in hardstanding for parking provision. As stated above, the KSR of Policy MNY 04/26 states that the floodplain of the watercourses within the lands shall be identified prior to commencement of development and no built development shall take place within the identified area.

The NI Flood maps indicate that part of the development site is affected by the 1% Annual Exceedance Probability (AEP) fluvial flood plain.

Hydraulic modelling to the upstream section of the Ballymartin Water has been carried out to define the 1% AEP flood levels within the development site. The location of proposed housing units has been restricted to areas outside the 1% AEP fluvial flood plain and the area of proposed internal estate roads have also been restricted to areas outside the 1% AEP floodplain with one minor exception. Due to required road design standards and given the spacing and positioning of the accesses along the site frontage there is an extremely small encroachment of the access road to the northern portion of the development site serving Area 4 which falls within the 1% AEP floodplain. This minor encroachment represents 0.17% of the



overall site area and it is located in an area where depths are within the lowest NI Flood maps depth band of <0.3m and have been calculated using a hydraulic model to be approximately 0.1m. The estimated volume of 1% AEP flood plain storage which would be lost due to construction of the access road is 25 cubic metres. In order to mitigate the loss of this small area of flood plain storage, it is proposed to provide approximately 30 cubic metres of additional compensatory storage along the right bank immediately upstream of the access road and this storage area is not predicted to cause additional flooding elsewhere. This minor encroachment into the floodplain has been discussed and agreed in principle with DfI Rivers and a Schedule 6 application to undertake these works has been submitted. A minimum of 600mm freeboard will be provided for all developments above 1% AEP flood levels, while road levels have provided a minimum of 1m of freeboard above 1% AEP flood levels.

In addition, it is acknowledged that areas of the site have flooded in the past, most notably in August 2008. This event caused widespread flooding of a large portion of Northern Ireland including the Ballymartin River and Blackwater Drain catchment. This flood event resulted in significant localised flooding in a portion of the application site and at Park Road Bridge. The eastern portion of the site was most effected by the flooding, which was due to a rainfall event with a return period of an estimated 1 in 150 years.

Following the flood event, a feasibility study was commissioned by DfI Rivers to alleviate flooding in the affected areas. The study demonstrated that the bridge on Park Road, immediately adjacent to the site had insufficient capacity and a replacement bridge, with significantly increased capacity was installed in 2011. This new bridge forms part of the modelling for the flood risk assessment and the assessed 1% AEP fluvial flood plain. As such the historical flooding concerns associated with the site have been addressed and considered as part of the report reviewed by DfI Rivers for the current scheme.

Overall it is considered that there is no significant risk of the development being impacted by fluvial flooding during a 1% AEP event and as a consequence it is considered the proposal meets the provisions of Policy FLD1 of PPS 15.

The Pluvial flood maps indicate that surface water flooding is predicted within the site boundary during all assessed return periods. Although a portion of the application site sits within estimated pluvial flooding areas the Flood Risk Assessment submitted with the application indicates that through the introduction of a new storm drainage network to serve the development, it is considered that there is no significant risk of flooding associated with surface water run-off.

Any potential flooding from sewers and drains would flow to the low point of the adjacent road before entering the Black Water in proximity to its entry point to the site. Therefore there is a low risk of flooding to the proposed development associated with sewers and highway drains.

Geological data indicates that some areas of the site may be prone to groundwater flooding due to aquifer movements. It is likely that groundwater flooding that could occur will produce minimal flows and will flow towards the watercourse located at the low parts of the site. Finished floor levels will be suitably raised above ground

levels and it is considered that there is a low risk of flooding to the proposed development from ground water.

There are no bridges, culverts or other structures immediately downstream of the development site. A road bridge does exist approximately 500 metres downstream of the development and therefore it is considered that there is a low risk of flooding to the proposed development due to the infrastructure failure of bridges and culverts.

The existing site consists of agricultural lands with no hard surfacing. Whilst it is acknowledged that the proposed development will increase the impermeability of the existing site, a positive storm drainage network, including attenuation and flow control, will be installed to effectively convey and discharge surface water runoff at consented rates. As storm drainage discharge will be restricted to equivalent existing greenfield runoff rates, the proposed development will not have a negative impact on the local drainage environment.

DfI Rivers has been consulted with the amended Flood Risk Assessment (Document 10/1 date stamped received 11th October 2019 and has stated that it accepts the logic set out within the Assessment and has no reason to disagree with its conclusions. DfI Rivers has also confirmed that the proposed layout (Drawing Number 93/2 date stamped 23rd December 2019) shows suitable maintenance strips in place along the watercourses.

#### *Reservoir Flood Risk*

Policy for development in proximity to controlled reservoirs is set out in Policy FLD 5 of PPS 15 supplemented by a Technical Advice Note issued by DfI Rivers in August 2018. In effect this introduces a presumption against development in the inundation area of a controlled reservoir unless there is sufficient assurance regarding the condition, management and maintenance of the reservoir.

The application site is affected by the inundation zones of two nearby controlled reservoirs: Hydepark Dam and Boghill Dam. The applicant for the development scheme has control over both these dams.

Following works that were undertaken in recent years in the interests of public safety to lower the level of the Hydepark Dam an assessment has been carried out by an all panel reservoir engineer which resulted in a certificate being issued in late 2019. On this basis DfI Rivers has advised that it is content that the condition, management and maintenance regime of this reservoir is appropriate to provide sufficient assurance regarding reservoir safety and that it has no reason to object to the proposal from a reservoir flood risk perspective in relation to this dam.

In relation to potential reservoir flood risk associated with the Boghill Dam, temporary works were undertaken by the owners in 2018 to lower the water level in the interests of public safety. Notwithstanding these temporary works DfI Rivers has indicated there is currently not sufficient assurance regarding the condition, management and maintenance regime of this reservoir to allow the proposed development to proceed from a reservoir flood risk perspective. However, since the dam was lowered, the applicant has been in discussions with both the Council and DfI Rivers regarding his intention to undertake a scheme of remedial works to the structure to permanently

reduce the capacity of the dam and retain the lowered water level as well as bringing forward a management/maintenance regime that will provide condition assurance for this dam. The works proposed are intended to reduce the flood risk downstream from the dam, including the application site, to an acceptable level and they are deemed necessary in order to satisfy the requirements of Policy FLD 5 of PPS 15.

Given that (a) the applicant for the proposed development has control of the dam and (b) there is a reasonable prospect of the mitigation works being undertaken in the near future, it is considered that an appropriately worded negative condition could be applied to any planning approval that would preclude site works of any nature or development taking place until the necessary works proposed to the Boghill Dam are undertaken and condition assurance is satisfied. This would require a verification report prepared by a suitably qualified all reservoir panel engineer to be submitted to and approved in writing by the Council in consultation with DFI Rivers.

DFI Rivers has been consulted with the most recent Reservoir Safety Assurance Report and reservoir inundation modelling submitted by the applicant in October 2019 and has indicated that it has no reason to disagree with the mitigation measures proposed by the developer to reduce reservoir flood risk and bring forward a management and maintenance regime that would then provide sufficient assurance regarding reservoir safety. DFI Rivers has not objected to the use of negative planning conditions, an approach previously applied to a residential development approved under LA03/2016/1089/F located at Hydepark Road. It is considered in the particular circumstances of this case that such negative conditions are an acceptable approach in dealing with this matter.

### **Archaeology**

The application site is in close proximity to the remains of the medieval church site of St. John's, Mallusk. This is a monument of local importance and is protected by Policy BH2 of PPS6. There are also a number of archaeological sites and monuments recorded within the environs of the application site. There are a number of un-located medieval sites in the vicinity of Mallusk, and excavations prior to development along the Hightown Road revealed a cluster of Neolithic and Bronze Age structures. The site of a beetling mill (IHR 07299) is also located to the immediate south of the application site.

Historic Environment Division has reviewed the submitted archaeological impact assessment and agrees with the archaeological mitigation strategy proposed and 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, 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**

Two watercourses (Ballymartin Water and Black Water) run through the proposed site from the S/SE to the NW, converging near the northern site boundary. The site is therefore hydrologically connected to Lough Neagh and Lough Beg Ramsar/SPA, and Rea's Wood and Farr's Bay SAC, which is of international and national importance and is protected by Conservation (Natural Habitats etc) Regulations

(Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002.

DAERA Natural Environment Division (NED) acknowledges receipt of a Preliminary Ecological Appraisal (DOC 12 date stamped 16th August 2019) and a Letter of Clarification (DOC 14 dated 4th October 2019) uploaded to the Planning Portal on 11th October 2019. NED has considered the documents and 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.

DAERA Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is also content with the proposal subject to conditions, the applicant adhering to Standing Advice and any relevant statutory permissions being obtained.

DAERA Waste Management Unit notes that there are no records of previous potentially contaminating land uses on this application site or in the adjacent area and considers the proposed development to be a low risk to the water environment.

DAERA Land, Soil and Air, Industrial Pollution and Radiochemical Inspectorate (IPRI) has confirmed that the proposed development is located approximately 400-500 metres from the boundary of a number of Pollution and Prevention Control (PPC) Part B permitted sites in the Mallusk Road and Sealstown Road area, which are regulated by IPRI and therefore, there is the potential for the development to suffer periodic loss of amenity due to dust, noise, odour etc. However, DAERA Regulation Unit (RU) Land and Groundwater Team note that there are no significant records of previous potentially contaminating land uses on this application site or in the adjacent area and consequently would have no objection to the development proposal subject to conditions and informatives.

Shared Environmental Service (SES), considers there is potential for contaminants associated with construction and operational activities to enter the traversing watercourses and negatively impact features of connected European Sites downstream. In relation to Rea's Wood and Farr's Bay SAC, SES has confirmed that the SAC is approximately 20 kilometres downstream from the proposal and any potential contaminants would also have to travel through Lough Neagh before reaching the woodland edge. Given the massive dilution/dispersion factor of any contaminants associated with the proposal, SES has stated it is unlikely that contaminants would be released in large enough quantities to negatively impact the SAC site features. SES considers that the proposal will not have an adverse effect on site integrity of any European site subject to a negative condition being attached to any resulting planning permission, requiring a final Construction Environmental Management Plan (CEMP) be submitted detailing all mitigation measures, specified within the outline CEMP, to be employed to minimise the risk of pollution to the waterways in order to protect the downstream aquatic environment, ensuring that there is no adverse effect on site integrity of Lough Neagh and Lough Beg Ramsar/SPA.

SES considers that the proposal will not have an adverse effect on site integrity of any European site subject to a negative condition being attached to any resulting planning permission, requiring a final Construction Environmental Management Plan

(CEMP) be submitted detailing all mitigation measures specified within the outline CEMP to be undertaken to minimise the risk of pollution to the waterways in order to protect the downstream aquatic environment, ensuring that there is no adverse effect on site integrity of Lough Neagh and Lough Beg Ramsar/SPA.

### **Access and Parking**

Concerns were raised with regards to an increase in traffic resulting in congestion, and road safety concerns. A review of the pedestrian, cycling, public transport and private vehicle facilities in the vicinity of the site were considered within a submitted Transportation Assessment (TA) (DOC 07 date stamped 7th August 2019).

There are no external cycling facilities proposed as part of the development.

There are two accesses to the proposed development site from Park Road. The northern access will form a simple T-junction and will serve 33 dwellings. The southern access will serve 129 dwellings. A new bridge is also proposed, which crosses over a section of the Ballymartin River providing access to the 77 dwellings proposed on the western portion of the application site. There is no internal connectivity between the northern and southern accesses. The southern site access will also form a staggered crossroads with The Poplars and will incorporate ghost island right turn lanes for both accesses.

The site is well located in relation to existing public transport and walking routes to nearby amenities. The close proximity of the existing bus stops on the A6 Antrim Road (approximately 500 metres) and the B95 Mallusk Road (approximately 400 metres) is considered to help reduce the reliance on private car travel. A pedestrian footway is proposed along the site frontage and two pedestrian refuge islands with dropped kerbs and tactile paving are proposed within the right turn lanes on Park Road, which will link the proposed development footway with the existing footway to the east of the carriageway on Park Road;

A controlled pedestrian crossing point is proposed on the B95 Mallusk Road to the east of the junction with Park Road. It is considered that the crossing point, located adjacent to the existing public transport facilities, will benefit the existing wider community by providing a safe crossing point between the two bus stop facilities and significantly improve the connectivity to the existing public transport facilities. Travel cards (for a one year period) will be provided for each of the residential dwellings to encourage the use of public transport over private car journeys. The TA suggests that the presence of the controlled pedestrian crossing point at this location could assist with a potential shift to public transport from private car travel.

Concern was raised with regards to the proposed garages, car parking and the increase in hardstanding for parking provision. Adequate car parking is provided within the development for the proposed units and both the incurtilage and external car parking provision has been provided in accordance with current standards as set out in Creating Places.

Concerns were raised with regards to the insufficient road width of Park Road for existing traffic levels and the potential for additional traffic from the proposed development to exacerbate congestion along Park Road.

Traffic surveys and queue observations were undertaken to determine the existing volumes of traffic in the vicinity of the application site and it is predicted that the development will generate 105 two-way vehicle trips in the morning peak and 76 two-way vehicle trips in the evening peak hours.

Detailed junction capacity analysis was undertaken to ensure that the existing highway network can accommodate the traffic generation associated with the proposed development.

The report concludes that the additional traffic generated by the proposed development will not have a material impact on the operation of the surrounding road network during the proposed year of opening (2022).

The junction modelling does indicate that the A6/Park Road/Ballycraig Road South junction is predicted to operate at capacity in 2032 PM (future year) scenario. However, the Institution of Highway Engineers (IHE) Guidelines for Traffic Impact Assessments highlights that applying growth onto the surrounding network and then adding development traffic could result in some double counting and therefore an over estimation of traffic flows. This assessment assumes that National Road Traffic Forecasts (NRTF) Low Growth Rates will be achieved during the peak hour periods and that the improvements to the pedestrian and public transport facilities will not result in any additional modal split to non-car based modes. The 2032 assessment also assumes that existing through traffic on Park Road will not re-route due to the increased residential development.

Based on the information presented in the TA, the proposed development can be accommodated upon the surrounding highway network without the requirement for off-site mitigation measures as the proposed improvements to the non-car modes will offset the slight impact upon the existing road network.

DFI Roads has been consulted in relation to the development and has raised no objections to the proposed access arrangements. Overall it is considered that adequate provision has been made for movement within the site and parking to serve the proposed development, notwithstanding the proposed improvements on the surrounding highway network.

### **Other matters**

#### **Waste Water Treatment Works**

NI Water has been consulted in respect of the development proposal and confirms that connections from greenfield development to the wastewater network sub-catchment are not being approved due to operational issues within the downstream catchment. NI Water confirms that the applicant proposes to discharge foul sewage to a temporary Waste Water Treatment Works (WWTW), which is located below ground at the northwest section of the site. NI Water has raised no objection to the proposed WWTW but has confirmed that it would be subject to approval by the relevant statutory agencies and would not be adopted by NIW in the future.

#### **Devaluation of Property**

Concern was raised with respect to the devaluation of property. The perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a

planning application. In any case no specific or verifiable evidence has been submitted to indicate what 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 any indication that such an effect in any case be long lasting or disproportionate. Accordingly it is considered that that this issue should not be afforded determining weight in the determination of this application.

#### Insufficient Response Time to Neighbour Notification Letter

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. Article 8(2) (f) of the GDPO states that the notice should advise that and by which date they must be made. In this case the notified neighbour was advised that being a date not earlier than 14 days after the date on which the notice is sent, which is compliant with the legislation. The objector's comments have been received and considered in full in respect of the issued raised.

The proposal represents a significant investment of approximately £45 million from the private sector and during the construction phase will create approximately 60-80 construction jobs.

### CONCLUSION

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

- On the basis of significant weight being afforded to the provisions of BMAP 2014 the principle of housing on this site is considered to be acceptable;
- The density, design, layout and appearance of the proposed development is considered acceptable;
- There is no adverse effect on existing or proposed properties in terms of residential amenity, loss of light, overshadowing, noise or other disturbance;
- There is no significant risk of the development being impacted by fluvial flooding;
- There is no significant risk of the development being impacted by reservoir flooding subject to the imposition of negative conditions requiring that no development take place until such time as the condition, management and maintenance regime of the Boghill dam can be reasonably assured;
- The archaeological mitigation strategy proposed is considered satisfactory;
- The proposal is unlikely to significantly impact protected or priority species;
- The existing road network is considered satisfactory to accommodate the scheme; and
- there are no road safety concerns regarding the proposal.

### RECOMMENDATION

### GRANT PLANNING PERMISSION

### PROPOSED CONDITIONS

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

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

2. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in

consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

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

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

3. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 2.

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

4. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under Condition 2. These measures shall be implemented and a final archaeological report shall be submitted the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

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

5. A final Construction Method Statement, agreed with the appointed contractor, must be submitted to the Council at least eight weeks prior to any works commencing. This must identify all potential risks to the adjacent watercourses and designated sites and appropriate mitigation to eliminate these risks. Appropriate areas for the storage of construction machinery, fuels/oils, refuelling areas, must be identified. The Construction Method Statement shall include evidence of the appointment of an Ecological Clerk of Works (ECoW) on site throughout the construction phase and a section on proposed mitigation measures to be implemented during construction and the development shall be carried out in accordance with the mitigation measures, unless otherwise agreed in writing by the Council.

Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the integrity of Lough Neagh and Lough Beg SPA/Ramsar.

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



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

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

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

7. After completing any remediation works required under Condition 6 and prior to occupation of the development, a verification report shall be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination Land, Soil & Air (CLR11). 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: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

8. None of the dwellings hereby permitted within the following sites shall be occupied until 1.8m high acoustic barriers are installed as presented in figure L of Document 04 'Inward Sound Level Impact Assessment' date stamped 15th August 2019: Area 1: Site Numbers 1 - 7, 9 - 12, 22 - 26 and 35 - 43 inclusive; Area 2: Site Numbers 11 - 28, 31 - 43 and 45 inclusive; Area 3: Site Numbers 1 - 13 inclusive; and Area 4: Site Numbers 1 - 3, 6 - 9 and 11 - 26 inclusive. The barriers shall have a surface weight of not less than 15kg/m<sup>2</sup> and be of solid construction (i.e. no holes or gaps for sound to pass through) and if the acoustic barrier is a fence it should be of the ship-lapped design.

Reason: In order to preserve the amenity of the proposed dwellings.

9. The acoustic barriers as outlined within Condition 8 shall be maintained in perpetuity with the lifetime of the development in order to provide the sound reductions stated within section 4.1 of Document 04 'Inward Sound Level Impact Assessment' date stamped 15th August 2019.

Reason: In order to preserve the amenity of the proposed dwellings.

10. All glazing, including frames, to rooms within ones A and B of the development, as detailed within Figure K on page 25 of Document 04 'Inward Sound Level

Impact Assessment' shall be capable of achieving the following sound reductions when measured from outdoor to indoors:

- Zone A: 25dB R<sub>Tra</sub> and
- Zone B: 29 dB R<sub>rTa</sub>

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

11. Passive and mechanical ventilation, in addition to that provided by open windows, shall be provided to all rooms within Zones A and B of the development, as detailed within Figure K on page 25 of Document 04 'Inward Sound Level Impact Assessment' and shall be capable of achieving the following sound reductions when measured from outdoor to indoors:

- Zone A: 25dB R<sub>Tra</sub>; and
- Zone B: 29 dB R<sub>rTa</sub>

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

12. The two vehicular accesses serving the approved development from Park Road, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 98/3 date stamped 10th 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.

13. No dwelling hereby approved shall be occupied until the roadworks (2 no. accesses onto Park Road with right hand turn provision at the main site access (serving 129 no. dwellings); a new right turn lane into The Poplars housing development; a new footway provision with 2 no. associated pedestrian crossings along Park Road; and a new signalised pedestrian crossing on Mallusk Road) have been completed in accordance with the details indicated on Drawing Number 98/3 date stamped 10th December 2019 and in accordance with the details outlined blue on Drawing Number 108 date stamped 12th November 2019 and have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to serve the site are carried out at the appropriate time and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

14. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Number 98/3 date stamped 10th December 2019.

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

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

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

16. No site works of any nature or development shall take place until the works required to secure condition assurance, outlined in paragraph 4.1.3 of Document 11: Reservoir Safety Assurance Report date stamped 7th August 2019, are undertaken.

Reason: To ensure that the risk of reservoir flooding affecting the site and neighbouring land is satisfactorily addressed.

17. No site works of any nature or development shall take place until a report prepared by a suitably qualified all reservoirs panel engineer is submitted to and approved in writing by the Council, in consultation with the Rivers Agency of the Department for Infrastructure, that
- (a) confirms all the works to Boghill Dam outlined in Condition 16 have been completed; and
  - (b) provides detailed information on the condition, management and maintenance regime of the reservoir sufficient to demonstrate that the ongoing safety of the reservoir can be reasonably assured.

Reason: To ensure that the risk of reservoir flooding affecting the site and neighbouring land is satisfactorily addressed.

18. The open space and amenity areas indicated on approved Drawing No. 106/1 date stamped 23rd December 2019 shall be managed and maintained in accordance with the Landscape Management and Maintenance Plan, DOC 03 date stamped 7th August 2019 and any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

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

19. The waste management and bin collection arrangements for the apartments hereby approved shall be managed and maintained in accordance with the Landscape Management and Maintenance Plan, DOC 03 date stamped 7th August 2019 and any changes to the approved waste management arrangements shall be submitted to and agreed in writing by the Council.

Reason: To ensure appropriate waste management arrangements are in place for the apartments in the interests of residential amenity.

20. All hard and soft landscape works shall be carried out in accordance with the approved details on approved Drawing No 106/1 date stamped 23rd December 2019 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out in the first available planting season after the occupation of any part of the development.

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

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

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

22. Prior to the commencement of any part of the development hereby approved a scheme for the phasing and completion of all aspects of the hard and soft landscaping and open space provision as identified on the approved Landscape Masterplan, Drawing Number 106/1, date stamped 23rd December 2019, shall be submitted to and agreed in writing with the Council. All hard and soft landscape works shall be carried out in accordance with the appropriate British Standard or other recognised Codes of Practice.

Reason: To secure the orderly development of the site in line with the stated design objectives and to ensure the provision, establishment and maintenance of a high standard of landscape in the interests of visual amenity and the promotion of biodiversity.

23. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998, 1989 Recommendations for Tree Work.

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

24. A detailed specification of the equipment to be provided within the equipped play area as indicated on Drawing No. 109 date stamped 23rd December 2019 shall be submitted to and agreed in writing by the Council. The equipped play area shall be completed in accordance with these details prior to occupation of the 100th unit within the development hereby permitted.

Reason: To ensure provision of an appropriately equipped children's play area takes place concurrently with the development of the site.

<b>COMMITTEE ITEM</b>	<b>3.12</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0538/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Retrospective change of use to gym
<b>SITE/LOCATION</b>	Unit 9, Antrim Business Park, Antrim
<b>APPLICANT</b>	Evolve Health & Performance
<b>AGENT</b>	Park Design Associates
<b>LAST SITE VISIT</b>	23 <sup>rd</sup> July 2019
<b>CASE OFFICER</b>	Glenn Kelly Tel: 028 903 40415 Email: <a href="mailto:Glenn.Kelly@antrimandnewtownabbey.gov.uk">Glenn.Kelly@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at Unit 9, Antrim Business park. The site is located within the development limits of Antrim as defined by the Antrim Area Plan (AAP) 1984-2001 and is not zoned for any particular use.</p> <p>The site is located within a row of existing business properties. There are offices within Units 8 and 10 which adjoin the site to the north and south.</p> <p>A public car parking area is located to the front of the property on the western side. The front of the subject building has a glass shopfront appearance and a door while the rear has a roller door and bin storage. There is room for staff car parking to the rear and a service road which runs along the rear of all the units in the business park.</p> <p>Approximately 12m to the rear of the subject building is a 2m high metal paladin fence which separates the business park from a residential estate known as Coral Crescent. The closest residential property to the site is No.15 Narvik Drive which is approximately 30m to the northeast. The topography of the site and the surrounding area is relatively level.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/2004/0454/O Location: Lands adjacent to Coral Crescent, Antrim Proposal: Site of proposed business trade park Decision: Permission Granted (21.03.2005)</p> <p>Planning Reference: T/2005/0603/F Location: Lands adjacent to Coral Crescent, Antrim Proposal: Amendment to condition 3 of planning approval ref T/2004/0454 for Business Units for Light Industry (Class B2), Storage &amp; Distribution (Class B4), Call Centres (Class B1 (b), &amp; Research and Development (Class B1 (c)). Decision: Permission Granted (14.06.2006)</p>	

Planning Reference: T/2005/1023/RM

Location: Lands adjacent to Coral Crescent, Antrim

Proposal: Proposed Business/Trade Park.

Decision: Permission Granted (14.06.2006)

Planning Reference: T/2006/0543/RM

Location: Lands adjacent to Coral Crescent, Antrim

Proposal: Erection of 19 no. business trade units for light industry (Class B2) storage and distribution (Class B4) call centres (Class B1 (b) ) Research and development (Class B1 (c) )

Decision: Permission Granted (31.01.2007)

Planning Reference: T/2007/0948/RM

Location: Lands adjacent to Coral Crescent, Antrim

Proposal: Erection of 6 no. business units for light industry (Class B2, storage and Distribution (Class B4) call centres (Class B1 (b)) Research and development (Class B1 (c) )

Decision: Permission Granted (02.09.2008)

#### **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 lies within the settlement limits of Antrim Town. The site is currently unzoned.

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.

## CONSULTATION

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

**Northern Ireland Water** – No objections.

**Department for Infrastructure Roads**- No objections.

## REPRESENTATION

Four (4) neighbouring properties were notified and eleven (11) letters of objection have been received from ten (10) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Noise Impact
- Insufficient Parking

## 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
- Other Matters

### Policy Context and Principle of Development

Section 6(4) of the Planning Act (Northern Ireland) 2011 states that any determination under this act must be made in accordance with the Local Development Plan (LDP), unless material considerations indicate otherwise.

Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) sets out that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period, planning authorities will apply existing policy contained within retained planning policy documents together with the SPPS.

In respect of the proposed development, there is no conflict or change in policy direction between the provisions of the SPPS and that contained within Planning Policy Statement 4: Planning and Economic Development (PPS 4). PPS 4 and Planning Policy Statement 3: Access, Movement and Parking (PPS 3) remain the applicable policies to consider the proposed development under.

The Antrim Area Plan operates as the Local Development Plan for the application site. The proposal site is located within the development limits of Antrim on an area of unzoned land. Whilst unzoned, the site and surrounding units within Antrim Business Park were approved for light industry (Class B2, storage and distribution (Class B4) call centres (Class B1 (b)) research and development (Class B1 (c) uses. Policy PED 7 of PPS 4, refers to the Retention of Zoned Land and Economic Development Uses. In terms of unzoned land in settlements it states that a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, will only be permitted where one of a

number of criteria is demonstrated. One of these is criterion (c) which refers to a proposal for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location.

It is considered that a gym in the area would bring a number of health benefits to the people of the area in line with the SPPS which states that decision making should improve the health and well-being of people and communities. It is also considered that there is a significant number of units within the business park which are in compliance with the existing approved uses, therefore a change of this unit to a sui generis gym use would not substantially change the employment use character of the area.

It is considered that the principle of development is acceptable in this case and is seen to be compliant with the policy requirements laid out in Policy PED 7 of PPS 4. The main considerations will now be design, neighbour amenity, impact on the character of the area, parking, along with other matters raised within representations.

### **Design and Appearance**

There are no changes proposed to the external element of the proposal, therefore there will be no impact upon the visual amenity of the site and the proposal complies with the SPPS.

### **Neighbour Amenity**

A total of eleven objection letters have been received from ten nearby properties. These properties are all residential in nature and are located within the residential area to the northeast. The closest dwellings are approximately 30m away from the site to the northeast. These dwellings are separated from the site by the estate road for Coral Crescent, a grass verge, paladin fencing and the service road to the rear of the business park.

The main objection throughout the representations is the noise impact that the business currently has on the neighbouring residential properties. This noise is generated from the existing gym use and according to the objectors involves weights being dropped, loud music being played and shouting from the instructors. The Council's Environmental Health Section (EHS) was consulted and requested the submission of a Noise Report which was submitted on 25<sup>th</sup> September 2019. The report included a study to measure the impact of the gym use upon surrounding properties between the 16<sup>th</sup> and 21<sup>st</sup> August 2019. The report assessed noise levels at each of the nearest sensitive noise receptors against the British Standard and World Health Organisation levels. The report concluded that the development was likely to have a low impact upon nearby receptors in accordance with these guidelines and would not adversely affect the residents of these properties.

EHS were consulted with this report and responded stating that they were of the opinion that the development can operate without adverse impact on nearby sensitive properties with the attachment of certain noise conditions. These conditions include: -

- Roller door at rear to remain closed except for ingress and egress;
- Noise levels shall not exceed those shown in the report;



- Opening hours limited; these are in accordance with opening hours laid out within noise report;
- All amplified music isolated from the building structure.

Having reviewed the noise report and EHS' response, it is considered that the development can operate on the site without causing significant harm to the residents of nearby properties with the implementation of the proposed conditions.

Objectors also raised a lack of parking provision at the site. When carrying out a site visit, it was apparent that there was plentiful parking spaces available around the site. DfI Roads were consulted on the proposal and responded with no objections.

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

Given the lack of design changes to the external appearance of the building, it is considered that the use of the building as a gym will not be detrimental to the character or appearance of the area.

### **Other Matters**

NI Water was consulted on the application and has raised no objections to the proposal.

## **CONCLUSION**

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

- The principle of the development is considered acceptable;
- There are no external changes proposed to the building, therefore the design is considered acceptable;
- There will be no significant detrimental impact upon neighbouring properties provided appropriate conditions recommended by EHS are adhered to.
- There are no significant issues anticipated with access or parking at the site.

## **RECOMMENDATION**

## **GRANT PLANNING PERMISSION**

## **PROPOSED CONDITIONS**

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.  
  
Reason: This is a retrospective application.
2. All doors, including roller shutter doors, serving the building hereby approved shall remain in the closed position at all times, except for ingress and egress of patrons and staff.  
  
Reason: In order to protect amenity at nearby commercial and residential properties.
3. Noise from the permitted development shall not exceed the broadband or octave band sound pressure levels detailed below, when measured at 1.5m height at the centre floor area within the gym.

Octave Band Frequency													
Description	(Leq)	16	31.5	63	125	250	500	1k	2k	4k	8k	16k	Hz
Gym Noise	73.6	59.1	60.6	65.3	68.8	71.1	71.4	69.4	65.6	59.4	53.5	43.8	dB(A)

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

4. The premises shall not be open for business or private use outside the following hours:  
Monday to Friday 06:00 to 20:00 hours  
Saturday 09:30 to 10:30 hours  
Sunday Closed

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


5. All amplified music speakers shall be structurally independent/acoustically isolated from the building structure.

Reason: To prevent structure-borne noise and vibration transmission to adjoining premises.



### Location Map

Application Reference: LA03/2019/0538/F

 Site Boundary



Retrospective change of use to a gym

For Information Only

Unit 9 Antrim Business Park 25 Randalstown Road Antrim BT41 4LD



<b>COMMITTEE ITEM</b>	<b>3.13</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0883/O</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for dwelling (in a cluster, complying with policy CTY 2A of PPS 21)
<b>SITE/LOCATION</b>	180m South West of 27 Umgall Road, Nutts Corner, Crumlin (Opposite 242 Seven Mile Straight)
<b>APPLICANT</b>	Alistair McDonald
<b>AGENT</b>	Park Design Associates
<b>LAST SITE VISIT</b>	19 <sup>th</sup> November 2019
<b>CASE OFFICER</b>	Ashleigh Wilson Tel: 028 903 Ext40429 Email: <a href="mailto:ashleigh.wilson@antrimandnewtownabbey.gov.uk">ashleigh.wilson@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the countryside as defined in the Antrim Area Plan 1984 – 2001. The site is situated on the corner of the Umgall Road and the Seven Mile Straight and forms a corner portion of a larger agricultural field. The northwestern boundary is currently undefined and abuts the remainder of the field. Existing hedging of two metres in height forms the northeastern boundary. One (1) metre high hedging defines the roadside boundaries to the southeast and southwest.</p> <p>The area is rural in character with a number of dwellings within close proximity to the application site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>No relevant planning history on the application site.</p> <p><u>Planning history in surrounding area</u>  Planning Reference: LA03/2017/0682/F  Location: North East of 242 Seven Mile Straight and South West of 28 Umgall Road  Proposal: Proposed 2no. dwellings and garages  Decision: Permission Granted (07.11.2017)</p> <p>Planning Reference: LA03/2018/0352/O  Location: 25m North West of 242 Seven Mile Straight and South West of 28 Umgall Road, Ballymather Upper, Crumlin  Proposal: Proposed Dwelling and Garage  Decision: Permission Granted (06.08.2018)</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 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

**Council Environmental Health Section** – No objection

**Northern Ireland Water** – No objection

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

**Belfast International Airport** – No objection

## REPRESENTATION

Three (3) neighbouring properties were notified and one 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](http://www.planningni.gov.uk)).

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

- Road Safety.

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

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

- Policy Context and Principle of Development
- Design and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Access and Road Safety

##### **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.

Paragraph 6.73 of the SPPS and Policy CTY 2a PPS21 refer to 'new dwellings in existing clusters' and the policy states that provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

The first criteria of Policy CTY 2a requires that the cluster of development consists of four or more buildings (excluding ancillary buildings of which at least three are dwellings.) The applicants supporting statement refers to a previous outline approval opposite the application site (LA03/2018/0352/O) which accepts that there is a cluster of development at this crossroads. However, whilst there are a number of existing buildings and dwellings located at this crossroads the policy also requires that the identified site is bounded on at least two sides with other development in the cluster. The application site is bound to the northwest and northeast by agricultural fields. The application site abuts the existing road network to the southeast and southwest. The previously approved dwelling opposite the application site (which has not yet been constructed) was bound to the southeast by an existing dwelling (No. 242) and to the northeast by two approved infill sites (currently under construction). Given that the proposal is not bound on two sides with existing development in the cluster it is therefore considered that the proposal fails to meet the provisions of Policy CTY2a and the principle of development is unacceptable. In addition, the existing development pattern is constrained to the southeastern side of the Umgall Road and the Ballymather Road to the west. It is considered that development on the application site would not consolidate the existing development pattern, rather it would visually intrude into the open countryside, effectively extending the existing clustering which has taken place around this road junction.

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

The SPPS paragraph. 6.70 states that all development in the countryside must integrate into its setting and respect rural character. Policy CTY 13 requires that a new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. It is considered that the site has some degree of enclosure being bound on three sides by existing hedging however, this hedging is low and approximately only one metre on the southwestern and southeastern boundaries. In addition, due to the sight splays required to accommodate the necessary access some of the hedgerow along the Umgall Road will be required to be removed. It is accepted that a new hedgerow can be planted behind the sight splays, however, due to the highly visible nature of this road frontage site the proposal would rely on the use of new landscaping for integration which is contrary to the provisions of Policy CTY 13. Long views of the site are evident when travelling in a southeasterly direction along the Seven Mile Straight and views of the site are also apparent travelling in a southwesterly direction approaching the site from the Umgall Road. Views are also evident at the crossroads of the Ballymather Road and the Seven Mile Straight.

Policy CTY 14 of PPS21 emphasises that any proposal which causes a detrimental change to or further erodes the rural character of the area will be resisted. The application site does not meet the criteria set out within Policy CTY 2a of PPS 21 for a dwelling in a cluster. It is considered that a dwelling on the application site would be read with the existing development at 239 and 241 Seven Mile Straight and the two infill sites under construction to the northeast of No. 242. It is therefore considered that further development on this roadside site would result in an extension of the existing cluster of development leading to a build-up of development which would have a detrimental impact on the character and appearance of the area. Views of any dwelling on this site will be evident from the Seven Mile Straight and from the Umgall Road. It is concluded that the proposal is contrary to Policy CTY 14 of PPS 21 in that

the proposed development would have a detrimental impact on the character and appearance of this rural area.

### **Neighbour Amenity**

As the application seeks outline permission, no details have been provided regarding the proposed design of the dwelling. The application site is bound on two sides by agricultural fields to the northeast and northwest and is bound by the existing road network to the southwest and southeast. It is considered a dwelling could be accommodated on the site without adverse impact on neighbour amenity.

### **Access and Road Safety**

The application site is bound by both the Umgall Road and the Seven Mile Straight. DfI Roads has been consulted and has been advised of the objection received regarding road safety. DfI Roads has raised no objection to the proposal however, they have advised that an access would only be suitable off the Umgall Road.

## **CONCLUSION**

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

- The principle of the proposed development is not acceptable in the rural area and the proposal fails to comply with the requirements of the clustering policy CTY2a of PPS21;
- It is considered that the proposal would rely on the use of new landscaping for integration which is contrary to the provisions of Policy CTY 13 of PPS 21;
- The proposal will result in an unacceptable impact on the character and appearance of the area and therefore the proposal is contrary to Policy CTY 14 of PPS 21.

## **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 CTY1 of PPS 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 and it fails to meet the provisions for a dwelling within a cluster in accordance with Policy CTY2a of PPS21.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 13 and of Planning Policy Statement 21, in that the site lacks long established natural boundaries and relies on the use of new landscaping for integration.
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 would result in a detrimental change to the rural character of the countryside.






This is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office, © Crown copyright and database right 2018 CS&LA156

### Location Map

Application Reference: LA03/2019/0883/O  
 180m South West of 27 Umgall Road  
 Nutts Corner, Crumlin (Opposite 242 Seven Mile Straight)

Site for dwelling (in a cluster, complying with policy CTY 2A of PPS 21)

 Site Boundary  
 Scale: 1:1000



For Information Only

<b>COMMITTEE ITEM</b>	<b>3.14</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0449/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Dwelling on a farm
<b>SITE/LOCATION</b>	Approximately 75 metres North West of No. 10 Ballypalady Road
<b>APPLICANT</b>	Niall McConkey
<b>AGENT</b>	Arca Design
<b>LAST SITE VISIT</b>	26 <sup>th</sup> June 2019
<b>CASE OFFICER</b>	Orla Burns Tel: 028 903 40408 Email: <a href="mailto:orla.burns@antrimandnewtownabbey.gov.uk">orla.burns@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 75 metres northwest of No. 10 Ballypalady Road, Ballyclare. The site is located within the rural area and outside any designated settlement limits identified within the 2004 and 2014 draft Belfast Metropolitan Area Plans.</p> <p>The application site is an irregular “L” shape which is a portion cut out of a larger agricultural field. The northern boundary is defined by hedging and trees approximately 3 metres in height. The eastern and northwestern boundaries are physically undefined, whilst the southeastern boundary is defined by a 1 metre high wooden fence, and the southwestern boundary by a 1 metre high hedge, with sporadic trees.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, 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</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.

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans which offer 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 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 Objections**

**Northern Ireland Water – No Objections**

**Department of the Agriculture, Environment and Rural Affairs - Countryside Management Branch – No Objections**

**Department for Communities - Historic Environment Division – No Objections**

**Department for Infrastructure Rivers – Site lies within the 1 in 100 year Fluvial Flood Plan; Flood Risk Assessment required**

**Department for Infrastructure Roads- Amended sightlines required.**

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

Whilst there is currently no statutory development plan in place for the area where the development is proposed, the provisions of both the draft Newtownabbey Area Plan and the Draft Belfast Metropolitan Area Plan are considered to be material considerations in assessment of the current application. Both of these Plans identify the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). 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 CTY1 of PPS21 sets out the types of development that are considered acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY 10 which states that all of the following criteria must be met:

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

The Department for Agriculture Environment and Rural Affairs (DAERA) was consulted on the proposal with regards to the Farm ID submitted as part of the application. DAERA responded stating the farm Business ID identified on the P1D form had been in

existence for more than 6 years (since 19<sup>th</sup> November 1991) and has made claims in the form of Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes within the last 6 years. DAERA further confirmed the application site is located on land for which payments are currently being claimed for the farm business. It can be considered that the criteria (a) of Policy CTY 10 is met.

Criteria (b) of this policy states that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. A planning history search has been completed for all lands identified on the farm maps submitted with the application, indicated on Drawing No. 02 date stamped 28<sup>th</sup> May 2019, and the Council has no record to suggest that any other dwellings or development opportunities have been sold off from the farm holding in the last ten years. It is considered that criteria (b) of Policy CTY 10 is also met.

The third criteria laid out in Policy CTY 10 states that a new building should be visually linked or sited to cluster with an established group of buildings on the farm. The policy goes on to say that in exceptional circumstances consideration may be given to an alternative site provided that 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.

The proposed dwelling is shown to be located approximately 49 metres northwest of the farm complex. It is considered that the proposed dwelling would be visually linked with the existing farm buildings when viewed from the Ballypalady Road.

Given that the application site can be seen to fulfil criteria (a) – (c) of Policy CTY 10 it is considered that the principle of a dwelling on the application site is acceptable subject to the normal planning and environmental considerations and Policies CTY 13 and CTY 14 in relation to integration and rural character.

### **Integration and Design**

Policy CTY 13 of PPS21 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. Proposed buildings should blend sympathetically with their surroundings and should not appear incongruous in the landscape. The siting and design of new buildings are important to ensure they integrate harmoniously with their surroundings in order to protect the amenity and character of the countryside.

The determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site will blend in unobtrusively with its immediate and wider surroundings when judged from critical views along stretches of the public road network. Sustained views of the proposed dwelling will be achievable when travelling south along the Ballypalady Road, however, due to the backdrop formed by the existing farm buildings located to the southeast of the site it is considered that the proposed dwelling will still integrate with the existing buildings and will not be a prominent feature in the landscape.

The degree of visual impact will also be considered under the suitability of the proposed design of the dwelling for the site and its locality, including its form, scale and massing. The proposed dwelling will have a frontage of 18.3 metres and will have a height of 7.5 metres above ground level. The adjacent farm buildings are different heights and sizes, however, the largest building measures approximately 8 metres in height above existing ground level. It is considered the proposed dwelling is of an appropriate size and scale for the site and would integrate with the surrounding buildings. It is also noted that No. 10 Ballypalady Road which is located some 75 metres from the proposed dwelling, is approximately 8 metres in height.

New buildings should be sited to take advantage of the opportunities afforded by existing mature planting, hills, slopes or other natural features to provide suitable enclosure. These features can provide a visual backdrop to the development and equally where located in the foreground between the site and critical views can assist integration by filtering views of the new building. There is a belt of mature vegetation that defines the northern boundary of the wider agricultural field in which the application site is situated. It is considered that the mature vegetation will act as a backdrop and will aid the integration of the dwelling and also aid screening when viewed from The Longshot Road - which is some 330 metres to the north of the site.

Paragraph 5.67 of PPS21 indicates that the most successful rural designs are those which are based upon simple shapes and forms of traditional buildings however, there will also be opportunities for contemporary or innovative design which results in the provision of high quality environmentally friendly buildings provided the overall design and orientation are acceptable. The design of the dwelling is quite traditional, however, more modern and contemporary external materials have been proposed. The external materials will be render with vertical timber cladding and natural stone cladding where shown on Drawing No. 01/2, date stamped 9<sup>th</sup> September 2019. The supplementary guidance within Building on Tradition indicates contemporary materials that are appropriate within the rural area which include render, painted timber and basalt stone.

It is considered the proposed dwelling will visually integrate into the surrounding landscape and it is of an appropriate design which complies with Policy CTY13 of PPS21.

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

Policy CTY14 of PPS21 states 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.

There are a number of different ways in which new development in the countryside can impact detrimentally on rural character. One building by itself could have a significant effect on an area if it is poorly sited and would be unduly prominent. As mentioned above, the proposed dwelling benefits from a backdrop of mature vegetation to the north which would screen a dwelling from The Longshot Road located directly to the north of the application site.

The proposed natural stone, shown on Drawing No. 01/2, can be conditioned to ensure that it is locally sourced basalt which will ensure that the proposed dwelling is in keeping with the character of the local area.

In order to maintain and protect the rural character of an area any new building should respect the traditional pattern of settlement; that is, the disposition and visual appearance of land and buildings in the locality of the proposed development. Accordingly, to be considered acceptable, a new building in the countryside should integrate sensitively along with a group of existing buildings, such as a farm complex. It is considered that the proposed dwelling would cluster and be intervisible with the existing farm complex ensuring that there is no detriment caused to the rural character.

### **Neighbour Amenity**

The only neighbour within close proximity of the dwelling is No. 10 Ballypalady Road which is located some 75 metres from the proposed dwelling. Due to the separation distance, there are no concerns with regards to overshadowing, overlooking or dominance on No. 10 Ballypalady Road.

### **Flood Risk**

DfI Rivers were consulted on the application as two streams run along the western and northeastern boundaries. They responded stating that the Strategic Flood Map for Northern Ireland indicates that the application site lies on the periphery of the 1 in 100 year fluvial floodplain. DfI Rivers have indicated that the applicant should undertake a Flood Risk Assessment with river modelling to verify the extent of this floodplain.

At the time of writing, the applicant has not provided the Council with a FRA. In the absence of this information it cannot be established that the proposed development would not be at risk from flooding or would not increase the risk of flooding elsewhere. Based on the overall precautionary approach to flood risk within the SPPS and PPS 15 it is considered that a flood risk cannot be discounted and as a consequence the development is unacceptable.

### **Other Matters**

DfI Roads have requested amended drawings to show a triangulated visibility splay of 2.4m X 70m in both directions. The Council has not requested the amendments from the applicant due to the recommendation to refuse the application. However, it is considered that the visibility splays could be achieved if requested.

HED (Historic Monuments) has assessed the application on the basis of the information provided and is content that the proposal would not have an adverse impact on any archaeological monuments in the area.

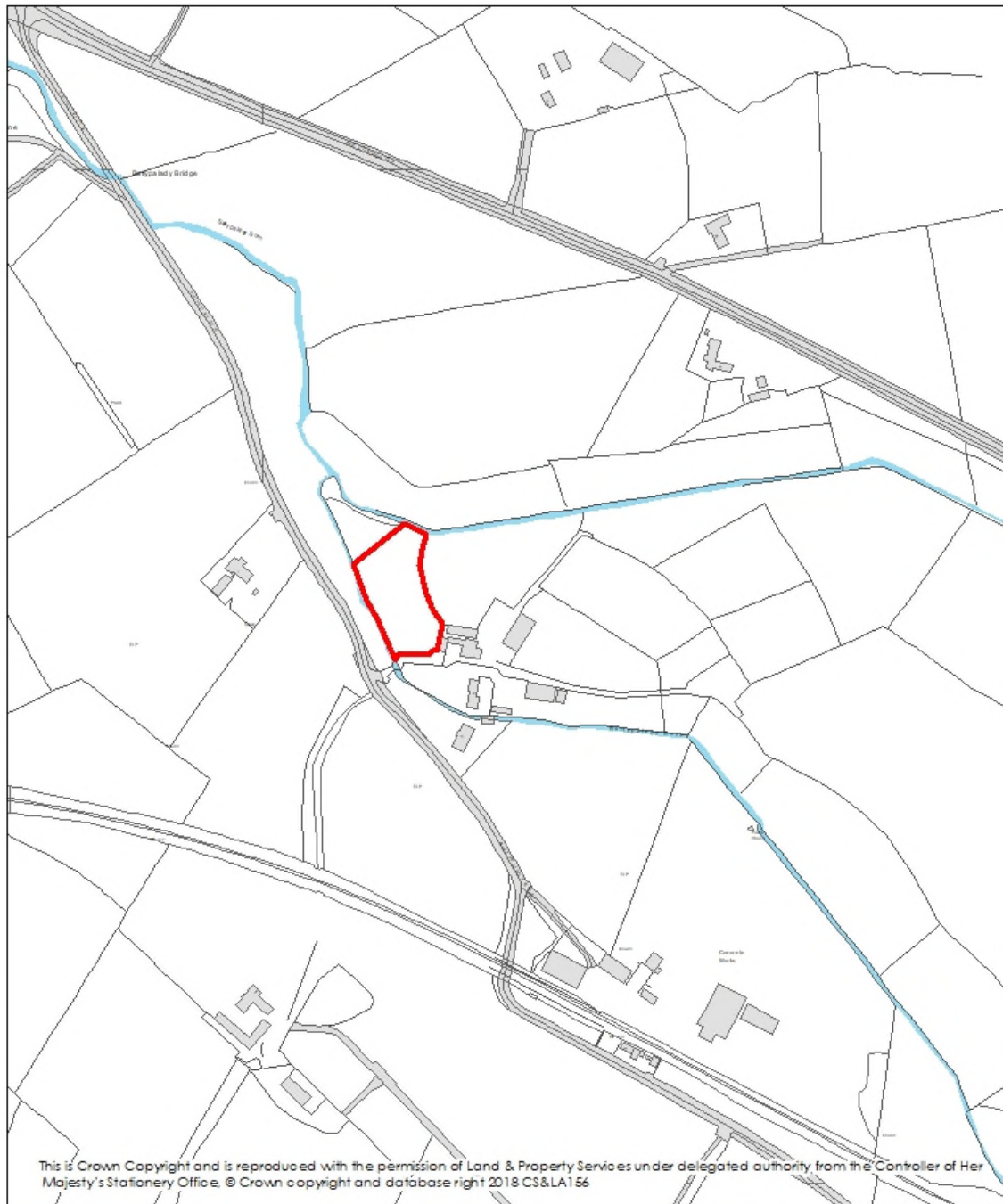
## **CONCLUSION**

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

- The principle of development is considered acceptable.
- The proposed scale, design and appearance is acceptable.
- Neighbouring residents will not be significantly impacted by the proposal.
- It has not been demonstrated that the development, if permitted, would not be at risk from flooding, or result in increased levels of flooding elsewhere.
- DfI Roads require amendments to show visibility splays of 2.4m X 70m in both directions.
- There are no archaeological impacts.

RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASON OF REFUSAL	
<p>1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy FLD 1 of PPS 15, Planning &amp; Flood Risk, in that it has not been demonstrated the development, if permitted, would not be at risk from flooding or result in increased levels of flooding elsewhere.</p>	





### Location Map

Application Reference: LA03/2019/0449/F

Lands approx 75m NW of 10 Ballypalady Road Newtownabbey

Proposed farm dwelling and garage

 Site Boundary



0 30 60  
Metres



For Information Only

<b>COMMITTEE ITEM</b>	<b>3.15</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0923/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Infill dwellings & garages
<b>SITE/LOCATION</b>	Approx. 70m North West of 35 Clonkeen Road, Randalstown
<b>APPLICANT</b>	Mr and Mrs M Cotton
<b>AGENT</b>	Ivan McClean
<b>LAST SITE VISIT</b>	21 <sup>st</sup> November 2019
<b>CASE OFFICER</b>	Lisa Stewart Tel: 028 903 40403 Email: <a href="mailto:lisa.stewart@antrimandnewtownabbey.gov.uk">lisa.stewart@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site lies outside of any development limits as defined within the Antrim Area Plan 1984-2001. The site is part of a larger agricultural field which is accessed from and lies directly adjacent to the Clonkeen Road. The site includes a number of agricultural outbuildings and a substantially complete dwelling located to the southeast. No. 38 Clonkeen Road lies approximately 228 metres to the southwest of the application site. There is a slight landfall in a southwesterly direction away from the Clonkeen Road.</p> <p>The northeastern boundary of the site is defined by 2-3 metre high vegetation, the northwestern boundary is defined by wire and post fencing, the southeastern boundary is defined by wire and post fencing supplemented by sporadic mature trees and the southwestern boundary is undefined.</p> <p>The application site is located within an area rural in character with residential dwellings in the surrounding area either single storey or two storey in height.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p>	

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

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

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

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

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 objection.

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

## **REPRESENTATION**

Six (6) 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, Appearance and impact on Character 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 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 the 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.

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

In this case the application site comprises a gap between existing farm outbuildings to the southeast and a laneway (leading to No. 38) to the northwest. To the southeast there is a group of farm outbuildings and a substantially complete dwelling which both are considered to have a frontage onto the road. No. 36 located to the rear of the farm outbuildings is located 84 metres from the Clonkeen Road and therefore does not have a frontage onto the Clonkeen Road. The dwelling at No. 38

is set back approximately 228 metres from the Clonkeen Road. Whilst it has an approximately 44 metre wide landscaped entrance along the road, the dwelling is positioned to the southwest of the landscaped area. This grassed area does not appear as part of the garden of No. 38 but rather the garden of No. 38 is located on the lands surrounding the dwelling. It is considered that the dwelling at No. 38 does not have a frontage onto the Clonkeen Road. It is therefore concluded that there are no buildings to the northwest of the application site which form a frontage onto the Clonkeen Road and therefore there is no gap site. As the proposal would not be a gap site within an otherwise substantial and continuously built-up frontage, the proposal fails to meet criteria 'a' of Policy CTY 8.

The amplification text within Paragraph 5.34 of Policy CTY 8 clearly states that the gap is between houses or other buildings. Even if the above argument was not accepted and No. 38 did have a frontage onto the road and not just an access then the assessment of the existing gap has to be considered. In this case there is a gap of approximately 170 metres between the development at No. 40 and farm outbuildings located adjacent to the southeastern boundary. It is noted that No. 38 is the next dwelling along the road however No. 40 is situated closer to the application site. Given the size of the gap it is apparent that more than two dwellings could be accommodated whilst respecting the plot frontages in the area.

Currently there is no development to the northwest of the application site owing to No's. 38, 40 and 44 being set back in excess of 170 metres from the Clonkeen Road. It is considered if planning permission was granted for the proposed development there would be no visual break in the developed appearance along this portion of the Clonkeen Road and therefore the development of the application site would result in the creation of ribbon development.

It is therefore considered that there is no substantial and continuously built up frontage and as such there is no infill opportunity. Furthermore the introduction of 2 no. dwellings and garages in the proposed location would create a ribbon of development along this stretch of the Clonkeen Road which is contrary to the provisions of Policy CTY 8.

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

Policy CTY 13 of PPS 21 states that planning permission may be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. This application is for outline planning permission and as such no details have been provided regarding the design of the proposed dwellings and garages.

Critical views of the site are experienced on approach to the site from the northwest and are fleeting when travelling from the southeast. The existing mature vegetation along the northeastern boundary would provide screening for dwellings with low ridge heights, notwithstanding the above noted concerns it is considered that two dwellings and garages with low ridge heights could be integrated on the site. However, in order to achieve visibility splays it is considered that a large portion of the existing boundary vegetation will be required to be removed, subsequently new landscaping would be required. As this is an outline application the design of the buildings will be assessed at reserved matters stage should outline permission be granted.

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. Criterion 'b' of policy CTY 14 states that the proposal should not result in a suburban style build-up of development when viewed with existing and approved buildings. If planning permission was forthcoming it is considered that the proposed development would read with buildings located to the southeast of the application site. It would create a ribbon of development when travelling in a northwestern direction along this section of the Clonkeen Road. At present the application site provides a visual break in the developed appearance of the locality and is significant in ensuring that the rural character of the area is not further eroded. Therefore if planning permission were to be granted for this proposal it is considered that the erection of 2 no. dwellings on the application site would result in a suburban built up appearance that would be detrimental to the character of this rural area. Therefore the proposal would be contrary to Policy CTY 14 of PPS 21.

### **Neighbour Amenity**

The nearest occupied dwelling is located on the opposite side of the Clonkeen Road (No. 37). As this application seeks outline planning permission, no details have been provided regarding the proposed design or layout. It is however considered that a dwelling could be designed for the site to ensure the privacy and amenity of neighbouring properties is retained.

### **CONCLUSION**

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

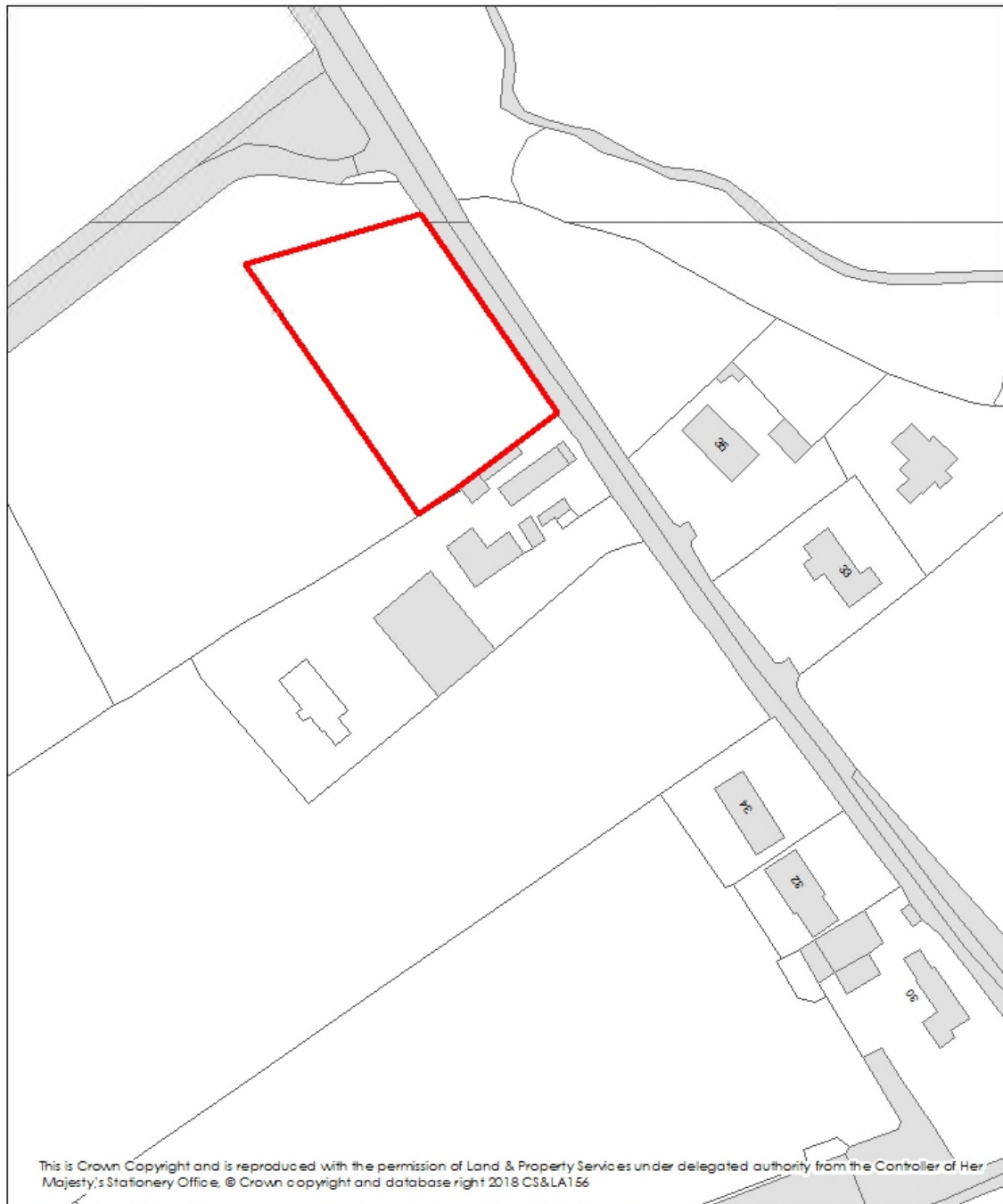
- The principle of the development is considered unacceptable as the proposal is not considered to be an infill opportunity and would result in ribbon development.
- The proposal fails to meet with the provisions of CTY 14 of PPS 21 as it will cause a detrimental change to and further erode the rural character of the area.
- The proposal has the potential to integrate into the rural landscape.

### **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, in that it;
  - (a) fails to meet the provisions for an infill opportunity as the site is to located within a substantial and continuous built up frontage; and
  - (b) would result in the loss of an important visual break in the developed appearance of the locality and the creation of a ribbon of development.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the buildings would, if permitted, create a suburban style of build-up, thereby resulting in a detrimental change to and further eroding the rural character of the area.



### Location Map

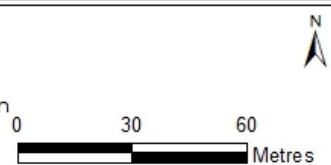
Application Reference: LA03/2019/0923/O

Approximately 70 metres northwest of 35 Clonkeen Road, Randalstown

Site for 2 no. dwellings and garages (infill)

 Site Boundary

For Information Only



<b>COMMITTEE ITEM</b>	<b>3.16</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0822/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed dwelling and integral garage (Change of house type in substitution of approval LA03/2017/1027/RM)
<b>SITE/LOCATION</b>	50m NE of 101 Oldstone Road, Killealy, Muckamore
<b>APPLICANT</b>	Miss Robyn McBride
<b>AGENT</b>	Robert Logan Chartered Architect
<b>LAST SITE VISIT</b>	29 <sup>th</sup> October 2019
<b>CASE OFFICER</b>	Ashleigh Wilson Tel: 028 903 Ext40429 Email: <a href="mailto:ashleigh.wilson@antrimandnewtownabbey.gov.uk">ashleigh.wilson@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the countryside and lies outside any development limits as defined in the Antrim Area Plan 1984 – 2001.</p> <p>The site is situated on the eastern side of the Oldstone Road on an extended part of the public road that serves a number of dwellings and outbuildings. The site is within the southeasterly corner of a larger agricultural field. The northeastern and southwestern boundaries of the application site are undefined. The northwest edge of the field is defined by mature hedging although the site boundary appears to be located approximately four (4) metres off this hedgerow. The southeastern boundary is partially defined by vegetation, the edge of an existing agricultural building and is partially undefined. An existing laneway is located along the southeastern edge of the site. The topography of the field rises from the northwest to the southeast.</p> <p>The surrounding lands are mainly agricultural although there is a grouping of dwellings, outbuildings and 'Oldstone Fireplaces' located immediately south of the site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2017/1027/RM Location: 50m NE of 101 Oldstone Road, Killealy, Muckamore, Antrim, BT41 4SP Proposal: Dwelling and Garage Decision: Permission Granted (29.01.2018)</p> <p>Planning Reference: T/2014/0418/O Location: Approx 50m NE of 101 Oldstone Road, Killealy, Muckamore, BT41 4SP Proposal: Proposed site of dwelling on a farm Decision: Permission Granted (16.12.2014)</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 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

**Department for Infrastructure Roads**: No objection, subject to conditions.

**Belfast International Airport**: No objection, subject to conditions.

## REPRESENTATION

Five (5) neighbouring properties were notified and no letters of representation have been received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Appearance
- Impact on 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.

The application site has the benefit of a previous grant of planning permission for a dwelling on a farm under Policy CTY 10 of PPS 21 under outline approval LA03/2014/0418/O. A subsequent reserved matters application was granted and therefore the principle of development is established on this site with the proposal seeking a change of house type to that previously approved permission.

### **Design and Appearance**

The original outline permission stipulated a ridge height restriction of 6.5 metres and while the proposal adheres to this restriction with a proposed ridge height of 6.49 metres, the design has significantly altered from the originally approved 1 ½ storey traditional rural dwelling which exhibited a pitched roof, windows largely having a vertical emphasis, chimneys located on the ridge, render finish with small projections highlighted in indigenously sourced stone and uPVC window frames.

The proposed dwelling has a larger footprint than that previously approved and the proposed dwelling is a suburban design with large front projections, varying roof forms including pitched, mono-pitched and flat rooves, box dormer windows, large areas of glazing with a horizontal emphasis, balconies, and the introduction of materials such as zinc and larch timber and synthetic roofing membrane.

The agent has provided supporting information (letter dated 6<sup>th</sup> October 2019 and email dated 3<sup>rd</sup> December 2019) which includes letters from the applicants Doctor

and Physiotherapy Physician. The supporting information sets out the applicant's personal circumstances and the results of a report carried out on the applicants existing family home highlighting shortfalls in providing suitable accommodation for the applicant including:

- The applicant not having full access to the entire ground floor within her home;
- Difficulties of external access, to the site, dwelling and rear garden;
- Lack of carer's facilities;
- Lack of utility room;
- Restrictive space in the kitchen area; and
- Lack of covered parking area/garage with protection from weather

The supporting information also highlights the requirement for this purpose built dwelling and states that the site has been chosen to allow accommodation for the applicant, her parents, two siblings and live-in carers. It is also stated that it would allow the applicant to remain within the catchment, three miles of Templepatrick GP Surgery, as the staff are familiar with her medical history. The location would also be within an acceptable distance of Ballyclare High School (attended by one of the applicant's carers), is on a level plot to allow wheelchair access and also incorporates a hydrotherapy pool. It is also stated that a single storey design would have created a footprint of excessive size and the proposed layout allows for accommodation arranged over two floors with a dedicated lift to allow access.

Whilst it is accepted that the existing property neither meets the applicant's current or future needs it is not accepted that the particular design of this dwelling is necessary. It is considered that a dwelling which exhibits traditional rural elements could provide a similar level of accommodation. Taking into consideration the reasons outlined above, it is considered that the option of a suitable design solution that could accommodate the applicant's current and future care needs has not been fully explored.

The applicant's supporting information points out that the particular design approach is similar to that used for LA03/2016/0658/RM which also had a 6.5m ridge height restriction. However, this does not set the context for the site nor does it set the context for this application. It is considered that one example would not set a precedent for similar design across the Borough.

As outlined above it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case. There are no concerns with the integration of a one and a half storey dwelling on the site rather the only concern is the external appearance of the dwelling. As a consequence, it is considered that this particular dwelling design is not a necessary response to the particular circumstances of the case and it has not been demonstrated that genuine hardship would be caused if planning permission were refused. The agent was afforded the opportunity to amend the design of the dwelling and did not take up this opportunity.

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

Policy CTY 13 of Planning Policy Statement 21 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. It further states that a new building will be unacceptable where the design of the building is inappropriate for

the site and its locality. The Strategic Planning Policy Statement (SPPS) reinforces this and states that in all circumstances proposals for development in the countryside must not have an adverse impact on the rural character of the area. Whilst it has been previously accepted that the application site provides a suitable level of integration as a dwelling on this site would read with existing buildings on a farm, as outlined above it is considered that the design of the building is inappropriate for the site and its locality.

The application site is located in the most elevated position within the agricultural field. Views of the dwelling when travelling in a northwesterly direction along Oldstone Road will be largely restricted due to existing buildings however, views will be apparent on approaching the site when travelling in a southeasterly direction from the end of the road some 220 metres northwest of the site.

The existing dwellings within this area are largely traditional rural dwellings with pitched roofs and rural vernacular design elements. The proposal is at odds with the typical design characteristics of this area and its characteristics are neither consistent with high quality design appropriate to this rural setting nor do they have regard for local distinctiveness.

It is therefore considered that the proposal fails Criteria (e) of Policy CTY 13 as the design of the building is inappropriate for the site and its locality and would therefore result in a detrimental impact on the character and appearance of this rural area.

### **Neighbour Amenity**

The closest buildings to the application site are agricultural buildings. Existing dwellings are located further south of this however, it is considered there is adequate separation to ensure no overlooking or overshadowing of neighbouring properties. In addition, the first floor windows on the southeastern elevation are narrow windows and do not serve habitable rooms serving en-suite, dressing rooms or a dedicated support area. It is therefore considered the proposal will have no significant detrimental impact on neighbour amenity.

### **Other Matters**

There are no concerns regarding aerodrome safeguarding associated with this development. Belfast International Airport has been consulted and has raised no objections to the proposal although conditions to control the development have been suggested.

The suggested conditions include controls over any external lighting, the proposal does not include any aspects of external lighting so this condition is not necessary although given the proximity to the airport can be included as an informative on any grant of planning permission.

Another condition suggested the use of cranes at the site; this is also not seen as necessary however it can be included as an informative on any decision notice should planning permission be forthcoming.

The final condition suggested relates to landscape proposals and ensuring that there are no berry producing trees or shrubs which would increase the bird population in the area and therefore the risk of bird strikes. The proposed landscaping includes

birch and beech species of planting which are non-berry producing and therefore will limit the attraction of birds. Again, this can be included as an informative on any grant of planning permission.

### **CONCLUSION**

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

- The principle of the development is acceptable due to the planning history of the site;
- The design of the dwelling is inappropriate for the site and its locality;
- No neighbouring properties will be detrimentally impacted by the development

### **RECOMMENDATION**

### **REFUSE PLANNING PERMISSION**


### **PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and criteria (e) of Policy CTY 13 of Planning Policy Statement 21 'Sustainable Development in the Countryside', in that the design of the proposed dwelling is inappropriate for the site and its locality.



### Location Map

Application Reference: LA03/2019/0822/F  
 50m NE of 101 Oldstone Road, Killealy,  
 Muckamore, Co Antrim

 Site Boundary  
 Scale: 1:1000



Proposed dwelling and integral garage (Change of house type  
 in substitution of approval LA03/2017/1027/RM)

For Information Only

<b>COMMITTEE ITEM</b>	<b>3.17</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0823/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed conversion and reuse of existing stone barn to domestic dwelling with extension
<b>SITE/LOCATION</b>	40m southeast of 27A Pipe Road, Randalstown.
<b>APPLICANT</b>	Robert and Olga O'Neill
<b>AGENT</b>	Slemish Design Studio
<b>LAST SITE VISIT</b>	24 <sup>th</sup> October 2019
<b>CASE OFFICER</b>	Glenn Kelly Tel: 028 903 40415 Email: <a href="mailto:Glenn.kelly@antrimandnewtownabbey.gov.uk">Glenn.kelly@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>This application was previously presented to the December 2019 Planning Committee meeting, where Members took the decision to accept the principle of converting the barn to a dwelling, however, they did not accept that the design of the proposed building would be acceptable.</p> <p>A deferral of two months was given to submit amendments to clarify the retention of basalt stone and to amend the design of the proposed extension to ensure it was sympathetic to the existing building and would not have a dominant effect.</p> <p>Amended plans were received by the Council on 17<sup>th</sup> December 2019. Firstly, detailing has been provided to the plans showing the existing basalt stonework to be retained with further basalt being used on the front and gable of the proposed side extension. The remainder of the converted building is to be completed in render. The height of the proposed extension has also been reduced to bring it in-line with the height of the existing building. This leaves the proposed height at 5.4m above ground level. Finally, the internal floorspace of the proposed extension has been reduced by approximately 10m<sup>2</sup>.</p> <p>Having reviewed the amended plans, it is considered that the proposed design maintains the existing architectural form and features of the existing building and the proposed extension is now sympathetic to the existing building in terms of scale.</p> <p>The principle of development has already been considered acceptable and given the changes proposed to the design of the building the recommendation is to approve planning permission.</p>	

## CONCLUSION

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

- The Committee has considered that the building to be converted is of local importance and therefore the principle of development has been established.
- Amended plans have been received which reduce the height and scale of the proposed extension and clarification has been provided on the drawings to show the retention of the existing basalt stone.

## RECOMMENDATION

## GRANT PLANNING PERMISSION

## PROPOSED CONDITIONS

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

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

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.01B bearing the date stamp 17<sup>th</sup> 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.

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

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

4. The existing natural screenings of this site as shown on approved drawing 01B date stamped received 17<sup>th</sup> December 2019 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal. Existing hedging shall be retained at a minimum height of 2m. If any retained tree or vegetation is removed, uprooted or destroyed or dies it shall be replaced within the next planting season by another tree, trees or vegetation in the same location of a species and size as specified by the Council.

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

5. The proposed planting shall be carried out in accordance with approved drawing No.01B date stamped 17<sup>th</sup> December 2019. Planting shall be carried out in the first available season after occupation of the dwelling 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.



### Location Map

Application Reference: LA03/2019/0823/F

40m SE of 27A Pipe Road Randalstown Antrim

Proposed conversion and reuse of existing stone barn to domestic dwelling with extension.

 Site Boundary

For Information Only



0 25 50  
Metres



<b>COMMITTEE ITEM</b>	<b>3.18</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0904/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>COUNCILLOR APPLICATION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Dwelling and garage (change of house type to that previously approved under LA03/2016/0388/F)
<b>SITE/LOCATION</b>	Walled Garden at Castle Upton, Templepatrick.
<b>APPLICANT</b>	Mr & Mrs D Kinahan
<b>AGENT</b>	Neill McCarten, Warwick Stewart Architects
<b>LAST SITE VISIT</b>	20/11/2019
<b>CASE OFFICER</b>	Sophie Burch Tel: 028 9034 0431 Email: <a href="mailto:sophie.burch@antrimandnewtownabbey.gov.uk">sophie.burch@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the Walled Garden at Castle Upton, Templepatrick. The site is located outside any development limit and lies in the countryside, as defined in the Antrim Area Plan 1984-2001.</p> <p>The application site is relatively flat throughout with a number of what would appear to be overgrown spoil heaps within the site. There is a shed measuring approximately three (3) metres in height located in the northwestern quadrant of the site running parallel to the northern boundary and another shed of similar size in the southwestern quadrant, running parallel to the southern boundary wall. There is overgrown vegetation throughout the site. The northern, southern and eastern most boundaries of the site are defined by four (4) metre high stone walls. The western boundary is defined by 1.5 metre high wire fencing and is adjacent to the Templeton Mausoleum and grave yard and also the Adams Yard residential development. There is an existing access to the site along the southern most boundary, connecting the site to the Belfast Road, Templepatrick.</p> <p>The immediate surrounding area comprises of the Castle Upton estate grounds and the Templeton Mausoleum which are located within close proximity to the site and are Grade A listed buildings. The wider surrounding area comprises of a mix of residential and commercial dwellings in the Templepatrick area.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2016/0388/F  Location: Walled garden at Castle Upton, Templepatrick, BT39 0AH  Proposal: Proposed dwelling and garage  Decision: Permission Granted (27/03/2017)</p> <p>Planning Reference: LA03/2018/1048/DC  Location: Walled Garden at Castle Upton, Templepatrick, BT39 0AH</p>	

Proposal: Discharge of Condition 2 (Archaeological Discharge of Condition 2 (Archaeological Programme of Works) of Planning Approval LA03/2016/0388/F for 'Proposed dwelling and garage'.  
Decision: Condition Discharged

## PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

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

## CONSULTATION

**Department for Communities Historic Environment Division** – No objection

**Northern Ireland Environment Agency: Water Management**- No objection

**National Trust**- No comment received

## REPRESENTATION

Thirteen (13) 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
- 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 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 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006);
- PPS 6: Planning, Archaeology and the Built Heritage;
- PPS21: Sustainable Development in the Countryside.

As the application site lies within the countryside, relevant policy context is provided by Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21). Policy CTY1 thereof allows for a dwelling on a farm in accordance with Policy CTY10. There is currently a live planning permission for a dwelling and garage (Planning Reference LA03/2016/0388/F) on the application site which expires on 24<sup>th</sup> March 2022. This application has been made by the same applicant for a change of house type, effectively a change in the house design to that previously approved and therefore it is considered that the principle of development is acceptable.

### Design and Appearance

The proposal is for a large 'T' shaped dwelling with detached garage, positioned in the northeastern quadrant of the application site, as previously approved. The overall length of the eastern block has been reduced by seven (7) metres. The height of this

eastern block remains as previously approved, however, the height steps down to 6.5 metres to the northern most side. The western block of the proposed dwelling has been increased in height by 0.7 metres. The small link between has been increased in height by 1.2 metres. The projections remain subordinate in size to the main block. Along the eastern side elevation there is a reduction in the height to 6.5 metres. The dimensions of the garage remain the same as that previously approved.

Proposed finishes include rendered cream/white walls with granite stone heads and cills and an imitation Bangor Blue slate roof. This differs from the previous approval in which the walls mainly consisted of natural stone. The new scheme also features smaller and fewer windows than the previous approval.

### **Neighbour Amenity**

There are no neighbour amenity concerns with the proposal given the existing boundary treatment and separation distances to the nearest third party properties.

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

The proposed dwelling is positioned in the northeastern quadrant of the application site and is visually linked to the shed in the northwestern quadrant, similar to the previous approval. The dwelling will share the existing laneway to Castle Upton and the Mausoleum, as previously approved. It is therefore considered that the proposal complies with the requirements of Policy CTY10 and will not have a significant detrimental impact on the character and appearance of the area.

### **Other Matters**

The application site is located within close proximity to a listed building, ancient woodland and a number of archaeological monuments of local importance. Historic Environment Division: Historic Monuments (HED) had previously attached conditions for the implementation of a programme of archaeological works. These conditions have subsequently been discharged and therefore do not need to be repeated on any new planning permission which may be issued. HED have however requested the addition of further conditions to avoid detrimental work to the walled garden. The applicant has submitted amended plans confirming that the wall will remain unchanged and HED has confirmed that this is acceptable and the conditions are therefore not necessary. It is considered that the revised layout is in accordance with the SPPS and PPS 6 archaeological policy requirements.

## **CONCLUSION**

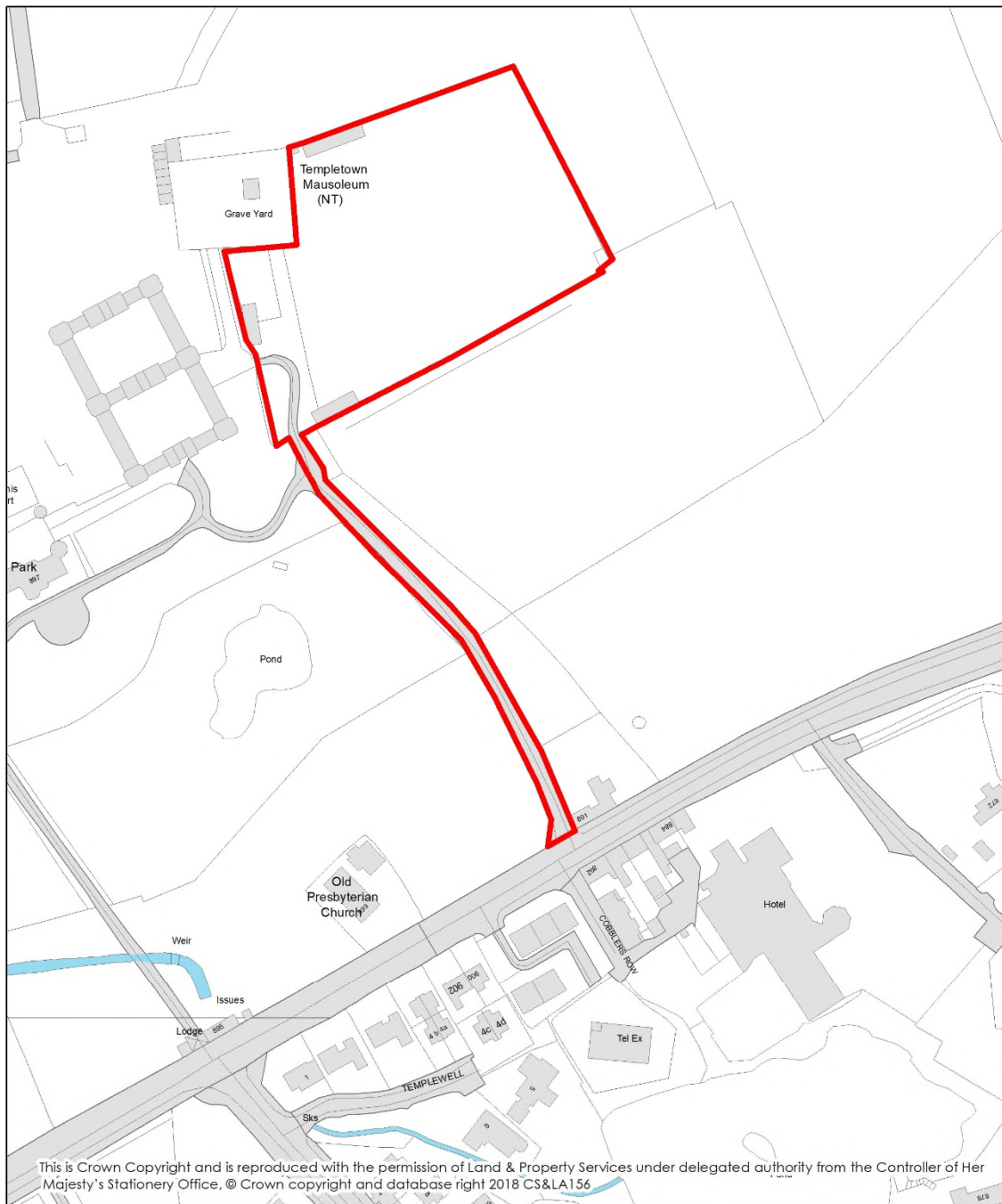
The following is a summary of the main reasons for the recommendation:

- The principle of the development is considered to be acceptable.
- The design, layout and appearance of the proposed dwelling is considered to be acceptable.
- There are no neighbour amenity concerns regarding this proposal.
- There is no significant impact on the character and appearance of the area as a result of this proposal.
- There are no historic buildings, monument or archaeology concerns with this proposal.

## **RECOMMENDATION**

## **GRANT PLANNING PERMISSION**


<b>PROPOSED CONDITION</b>
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>



### Location Map

Application Reference: LA03/2019/0904/F  
 Walled Garden at Castle Upton  
 Templepatrick  
 BT39 0AH

Dwelling and garage (change of house type  
 to that previously approved under LA03/2016/0388/F)

 Site Boundary  
 Scale: 1: 2500



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.19</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0958/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>COUNCIL EMPLOYEE</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Conversion of integral garage to Living Room (retrospective).
<b>SITE/LOCATION</b>	15 Hamlet Walk, Ballyclare
<b>APPLICANT</b>	Jennifer Close
<b>AGENT</b>	Jackie Milliken
<b>LAST SITE VISIT</b>	11 <sup>th</sup> December 2019
<b>CASE OFFICER</b>	Lisa Stewart Tel: 028 903 40403 Email: <a href="mailto:lisa.stewart@antrimandnewtownabbey.gov.uk">lisa.stewart@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at 15 Hamlet Walk, Ballyclare which is located within the development limit of Ballyclare as defined by the draft Belfast Metropolitan Area Plan (published September 2015).</p> <p>The site consists of a two storey detached dwelling with a small garden area to the front and a larger garden area to the rear. The finishes of the existing dwelling are dash render with a red brick plinth, brown rainwater goods, brown uPVC windows and a brown wooden door.</p> <p>The eastern boundary is defined by low level kerbing to differentiate the public footpath and the edge of the garden/tarmac driveway. The northern and southern boundaries are defined to the front of the dwelling by low level kerbing whilst the rear of the dwelling is defined by a 1.8 metre high close boarded wooden fence.</p> <p>It is noted that this application is retrospective and the new black uPVC window is in situ with the side window blocked up.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (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</p>	

Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

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

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 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**

Six (6) 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
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Impact on Trees and Environmental Quality of this Area.
- Amenity Space, Parking and Manoeuvring

### **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, however, the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. Up until the publication of draft BMAP (dBMAP) in 2004 and its adoption in 2014, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

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

Both of the relevant development plans identify the application site as being within the settlement limit of Ballyclare. 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 is for the conversion of an existing integral garage to a living room.

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

The proposed development does not increase the footprint of the existing dwelling. The external alterations include the closing up of an existing window along the northwestern elevation, the removal of the existing roller shutter door which is to be replaced by a window measuring 2.3 metres wide.

The finishes of the alterations as visible on site are a black uPVC window and dashed render. Overall, 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 as there presently is 1 no. window at ground floor level on the northeastern elevation. It is considered that the additional window will not increase the potential for overlooking given the separation distance of 17 metres between the dwelling on the application site and No. 1 Hamlet Walk combined with the orientation of the two dwellings.

### **Impact on Trees and Environmental Quality of this Area**

It is considered that the proposal will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality as there will be no increase in the dwelling footprint.

### **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. The remaining space within the curtilage of the dwelling for parking is approximately 70 square metres.

## **CONCLUSION**

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

- The scale, massing, design and appearance of the conversion is considered acceptable.
- The development will not unduly affect the privacy or amenity of neighbouring residents.
- There will not be a detrimental impact on trees or the environmental quality of this area.
- Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

## **RECOMMENDATION**

## **GRANT PLANNING PERMISSION**

PROPOSED CONDITION
<p>1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.</p> <p>Reason: This is a retrospective application.</p>



### Location Map

Application Reference: LA03/2019/0958/F

15 Hamlet Walk, Ballyclare

Conversion of integral garage to living room



Site Boundary



0 30 60  
Metres



For Information Only

<b>COMMITTEE ITEM</b>	<b>3.20</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0961/A</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>COUNCIL APPLICATION</b>
<b>RECOMMENDATION</b>	<b>GRANT ADVERTISEMENT CONSENT</b>
<b>PROPOSAL</b>	Community/Council notice board erected on 2no steel tubular pipes.
<b>SITE/LOCATION</b>	Approximately 12m NW of 8-10 Grove View, Killead Road, Killead (Between and existing Royal Mail post box and Ulsterbus Translink bus stop sign)
<b>APPLICANT</b>	Antrim and Newtownabbey Borough Council
<b>AGENT</b>	N/A
<b>LAST SITE VISIT</b>	17/12/2019
<b>CASE OFFICER</b>	Sophie Burch Tel: 028 9034 0431 Email: <a href="mailto:sophie.burch@antrimandnewtownabbey.gov.uk">sophie.burch@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limit of Killead, as defined in the Antrim Area Plan 1984-2001. The application site lies adjacent to the footpath between a Royal Mail post box and an Ulsterbus Translink bus stop. It is set back approximately 1.5 metres from the Killead Road and 12 metres from the terraced housing in Grove View.</p> <p>The immediate surrounding area comprises of residential properties within the hamlet of Killead. The wider surrounding area comprises of a mix of detached residential dwellings and agricultural buildings.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Regulation 3(1) of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 requires that the Council exercise its powers in relation to advertisement control only in the interests of amenity and public safety, taking into account the provisions of the local development plan, so far as they are material and any other relevant factors.</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 within the hamlet development limits of Killead. The Plan offers no specific policy or guidance pertinent to this proposal.

PPS 17: Control of Outdoor Advertisements: sets out planning policy and guidance for the control of outdoor advertisements.

## **CONSULTATION**

**Department for Infrastructure Roads** – No objections

## **REPRESENTATION**

Neighbour notification is not undertaken for applications for consent to display an advertisement. No letters of representation have been received.

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

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

- Policy Context
- Amenity
- Public Safety

### **Policy Context**

The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 is the relevant statutory rule for the control of advertisements, made under the provisions of Section 130 of the Planning Act (Northern Ireland) 2011. Regulation 3(1) of the Regulations requires that the Council exercise its powers only in the interests of amenity and public safety, taking into account the provisions of the local development plan, so far as they are material and any other relevant factors.

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the advertisement is proposed. The application site is located within the settlement limit of Killead as 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 (PPS). Amongst these is PPS 17: Control of Outdoor Advertisements. Taking into account the transitional arrangements of the SPPS, retained PPS 17 provides the relevant policy context for consideration of the proposal.

Policy AD1 of PPS 17: Control of Outdoor Advertisements states that consent will be given for the display of an advertisement where it respects amenity when assessed in the context of the general characteristics of the locality and does not prejudice



public safety. The policy further states that the guidance for different categories of outdoor advertisement set out in Annex A of the PPS will also be taken into account in assessing proposals.

The application seeks advertisement consent for a Community/Council notice board erected on two (2) steel tubular pipes. In principle it is considered that an appropriate level and type of signage would be acceptable at this location provided the signage complies with the criteria set out within Policy AD1 of PPS17.

### **Amenity**

The first criteria of Policy AD 1 of PPS 17 states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality.

The sign is proposed approximately twelve (12) metres northwest of 8-10 Grove View, between an existing Royal Mail post box and Ulsterbus Translink bus stop sign. The proposed sign will measure 1.6 metres in width and 0.9 metres in height, with the two (2) steel posts measuring 1.35 metres in height from ground level. The sign will feature galvanised steel with black powdercoated/painted finish with white logo and two (2) lockable poster cases. The backing panel will be composed of composite aluminium with a black finish. The sign will be mounted on two (2) galvanised steel posts and will not include any illumination.

The sign will be visible from both Grove View and the Killead Road when travelling in a northeasterly or southwesterly direction. It is considered that the proposed signage would not detract from the characteristics of the surrounding area given its style and informative nature. Although there are residential properties nearby, the sign does not feature any levels of illumination and is of modest proportions.

### **Public Safety**

The second criteria of Policy AD 1 of PPS 17 states that consent to display an advertisement will be given where public safety is not prejudiced. The positioning of the signage is set back from Grove View and the Killead Road and is considered not to obstruct sight lines. DfI Roads has been consulted on the proposal and has offered no objections. The proposal is therefore considered to have no significant impact on public safety and is in accordance with Policy AD 1 in this regard.

## **CONCLUSION**

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

- It is considered that the proposal respects amenity when assessed in the context of the locality.
- The proposal does not give rise to any public safety concerns.

## **RECOMMENDATION**

## **GRANT ADVERTISEMENT CONSENT**

## **PROPOSED CONDITION**

1. The sign shall be erected in the position shown on Drawing No. 01 and 02, date stamped 20th November 2019.

Reason: In the interests of road safety and the convenience of road users.



### Location Map

Application Reference: LA03/2019/0961/A

Approx 12m NW of 8-10 Grove View

Killead Road

Killead (Between and existing Royal Mail post box  
and Ulsterbus Translink bus stop sign)

Community/Council notice board erected on 2no steel tubular pipes

 Site Boundary



Scale: 1:1000



For Information Only