

COMMITTEE ITEM	
APPLICATION NO	LA03/2022/0734/F
DEA	AIRPORT
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	APPROVE PLANNING PERMISSION SUBJECT TO POSITIVE CONSULTATION RESPONSE

PROPOSAL	Proposed dwelling
SITE/LOCATION	Approx 40m SW of 43 Clady Road, Dunadry
APPLICANT	Leonard Wilson
AGENT	MQD Architecture
LAST SITE VISIT	25 th September 2022
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@antrimandnewtownabbey.gov.uk

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Following the publication of the Planning Committee Report the agent has submitted additional supporting information pertaining to the draft refusal reasons within the original Committee Report.

It was accepted that the previous proposal was compliant with the majority of the criteria in Policy CTY 8 with the exception of the third element which required that the proposed dwelling should be sited so as to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.

The agent has submitted an additional block plan, Document 02/1 date stamped 8th November 2022 which demonstrates that the location of the proposed dwelling has now been sited approximately 20 metres back from the roadside edge. The relocation of the proposed dwelling adjacent to neighbouring dwelling No. 45 is considered to be in keeping with the pattern of development expressed along the substantial and continuously built up frontage and is therefore considered acceptable in accordance with Policy CTY 8 of PPS 21.

Given the new location of the dwelling, there has been a subsequent reduction in the length of the laneway required to serve the proposed dwelling. Although the proposed access point would still be adjacent to an existing access serving No. 43 the overall amount of ancillary work required to serve the dwelling has now been drastically reduced given the roadside location of the proposed dwelling. The proposed ancillary works are now considered to comply with Policies CTY 13 and CTY 14 of PPS 21.

The proposed design of the dwelling was previously a prefabricated modular building which was considered incongruous in this rural location as it did not display the essential characteristics of a traditional dwelling that are evident in the countryside. The agent has subsequently submitted revised elevations and floor plans under Document 03/1 date stamped 8th November 2022. The proposed dwelling is now to be finished in render and a projected porch feature is proposed to the principle elevation providing some architectural interest when viewed from the public road. It is therefore accepted that the proposed dwelling does not comprise that of a pre-fabricated building and instead resembles a small bungalow of permanent construction and is therefore considered to be acceptable.

In response to the fourth and final reason for refusal on ecology matters, which was imposed as a precautionary measure, a Biodiversity Checklist and Protected Species Survey under Documents 02 and 03 date stamped 8th November 2022, has now been submitted. Formal consultation will be carried out with Northern Ireland Environmental Agency: Natural Environment Division, however, some time may be required to receive a consultation response.

Given that the proposal is now considered to be compliant with PPS21 it is considered that refusal reasons 1-3 can be removed. The removal of the last refusal reason relating to NH 2 and NH 8 of PPS 2 is subject to consultation with NIEA, however, should the submitted information be considered acceptable then delegated authority is sought to grant planning permission subject to the conditions outlined below.

CONCLUSION

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

- The principle of development is acceptable;
- Consultation with DAERA Natural Heritage is necessary.

RECOMMENDATION

GRANT PLANNING PERMISSION SUBJECT TO DAERA POSITIVE RESPONSE

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 existing hedgerow as indicated on approved Drawing No. 02/1 date stamped 8th December 2022 shall be retained at a minimum height of 2 metres for hedging/shrubs and 4 metres for trees and shall be allowed to grow on or as agreed in writing with the Council.

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

3. If any retained tree is removed, uprooted or destroyed or dies within 5 years

from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a] species and size as specified by the Council.

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

4. The proposed planting shall be carried out in accordance with approved Drawing No. 02/1 date stamped 8th December 2022. The planting shall be carried out in the first available season after occupation of the dwelling hereby

approved. Hedging shall be allowed to grow on and retained at a minimum height of 2m thereafter, trees shall be allowed to grow on and retained at a minimum height of 4m thereafter.

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

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

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

6. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02/1 bearing the date stamp 8th December 2022, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

7. The gradient(s) of the access road shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

8. 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.

9. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition L15a. Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded. 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 L15a. These measures shall be implemented and a final archaeological report shall be submitted to [THE COUNCIL] within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

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

10. The curtilage of the dwelling shall be restricted to the area outlined in blue on Drawing No. 02/1 bearing the date stamp 8th December 2022.

Reason: To ensure that the curtilage of the site is in accordance with the plot sizes of the other buildings along the road frontage and to control the size of any outbuildings that may be constructed to the rear of the proposed dwelling.

11. Ecological conditions, the detail of which is delegated to Officers following consultation response from DAERA – NED.

COMMITTEE ITEM	
APPLICATION NO	LA03/2022/0418/O
DEA	AIRPORT
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION

PROPOSAL	Site for detached farm dwelling and garage with associated site works
SITE/LOCATION	Lands approx. 50m South East of 15 Crosshill Road, Crumlin, BT29 4BQ
APPLICANT	Mr McKavanagh
AGENT	NI Planning Permission
LAST SITE VISIT	26 th May 2022
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@antrimandnewtownabbey.gov.uk

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Following the publication of the Planning Committee Reports, the agent for the application has submitted additional information in an attempt to address the reasons for refusal as previously recommended: -

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it has not been demonstrated that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 10 and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building if permitted, would not be visually linked with an established group of farm buildings on the farm holding.

The agent has provided a tenancy agreement between the applicant and the landowner of the relevant agricultural fields. This tenancy agreement includes a map

that outlines the area which is the subject of this agreement to include the application site, a section of extended agricultural fields and the associated farm buildings. The lease agreement confirms that the lands have been transferred over to the applicant (Mr McKavanagh) over a 25-year lease period with the Mrs Hagan (landowner) which began on the 1st November 2011 and is extending to the 1st November 2036.

It is considered that the evidence provided by the agent is sufficient to establish that the farm buildings adjacent to the application site are let out in conacre to the applicant and can therefore be considered to comprise part of the applicant's wider farm holding. As a result, the third reason for refusal may be removed as a dwelling within the application site would be visually linked with an established group of farm buildings on the agricultural holding and is therefore in compliance with criterion (c) of CTY 10 and CTY 13 of PPS 21.

The agent has also outlined within email correspondence received on the 9th December 2022 (Document 02 date stamped 9th December 2022) that the applicant has not engaged in the selling off of a 'development opportunity' from the farm holding. The information submitted outlines that a transfer of land occurred within the family in 2014 and this did not comprise a development opportunity as the land was transferred with no development potential or useable planning permission. The applicant has outlined that this permission could not have commenced due to issues with ownership and visibility splays and therefore there was never a development opportunity available.

As previously outlined in the earlier Committee Report presented to the October Planning Committee meeting, a land registry check was carried out to demonstrate that land was sold off from the applicant's farm holding to a family member before 31st July 2014. This date predates the expiration of planning permission T/2009/0418/F which expired on the 28th September 2014. Therefore, an extant permission for a dwelling existed on the relevant farm lands and it is considered that the proposal is contrary to criterion (b) of CTY 10, as a development opportunity has been disposed of from the lands within the last 10 years.

Given that the principle of development still remains unacceptable with regards to policy CTY 1 and CTY 10 of PPS21, it is considered that refusal reasons 1-2 outlined below have been sustained and a refusal is recommended.

CONCLUSION

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

- Sufficient evidence has been provided to remove the third refusal reason as the application site is considered to visually link with farm buildings associated with the agricultural holding.
- The principle of development remains unacceptable as the proposal is contrary to CTY 10 and CTY 1 of PPS 21 and the reasons for refusal outlined below are sustained.

RECOMMENDATION :	REFUSE PLANNING PERMISSION
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REFUSAL REASONS

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it has not been demonstrated that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application.

Case Officer Signature:**Date:****Appointed Officer Signature:****Date:**

COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2022/0934/F
DEA	MACEDON
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE FULL PLANNING PERMISSION
PROPOSAL	Proposed boundary fence
SITE/LOCATION	105 Station Road, Newtownabbey, BT37 0BU
APPLICANT	Mr & Mrs Jackson
AGENT	ARCA Design
LAST SITE VISIT	15 th November 2022
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Following the publication of the Planning Committee Report the agent has submitted an amended proposal which is materially different to the original submission.</p> <p>Drawing 01/1 was submitted on the 9th December 2022 which includes a number of proposed changes to the height of the existing fence. The front section of the fence along the roadside boundary with Station Road and its junction with Princes Avenue, is to be stepped down from 1.2m to 1m in height, for an approximate 7.6 m long section of the fence.</p> <p>Along Princes Avenue the fence is to be reduced from 1.5m to 1.2m for the first 8.9 metres, then reduced from 1.8 metres to 1.5 metres for the next 8.2 metres with the final 9.3 metres of fence being maintained at a height of 1.8m.</p> <p>The proposed reductions in the height of the fence are intended to mitigate the visual impact from the critical viewpoints, when travelling in either direction along Station Road and when entering and exiting Princes Avenue. Having assessed the amended scheme, it is considered that the fence appears visually intrusive and, if approved, would detract from the appearance and character of the site and surrounding area by way of scale, massing, design and inappropriate use of materials.</p>	
CONCLUSION	
<p>The following is a summary of the main reasons for the recommendation:</p> <ul style="list-style-type: none"> • The principle of the development is considered acceptable; • The scale, massing, design and appearance of the fence is considered unacceptable; • There will be no detrimental impact upon neighbouring properties; • The proposal has resulted in the acceptable loss of a portion of hedgerow; and • Sufficient space remains within the curtilage for parking and recreation purposes. 	

RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL	
<p>1. The proposal is contrary to the Policy provisions of the Strategic Planning Policy Statement for Northern Ireland and Policy EXT 1 of Addendum to Planning Policy Statement 7 "Residential Extensions and Alterations in that if the development were approved, it would detract from the appearance and character of the site and surrounding area by way of scale, massing, design and inappropriate use of materials.</p>	