



16 May 2018

Chairman: Councillor P Brett

Vice Chairman: Councillor J Bingham

Committee Members: Aldermen – F Agnew, T Campbell, J Smyth and R Swann  
Councillors - H Cushinan, B Duffin, T Hogg, D Hollis, M Magill  
and W 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 21 May 2018 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)

**Part One** - The Planning Committee has the full delegated authority of the Council to make decisions on planning applications and related development management and enforcement matters. Therefore the decisions of the Planning Committee in relation to Part One of the Planning Committee agenda do not require ratification by the full Council.

**Part Two** - Any matter brought before the Committee included in Part Two of the Planning Committee agenda, including decisions relating to the Local Development Plan, will require ratification by the full Council.

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

## **PART TWO – IN CONFIDENCE**

### **Other Planning Matters**

- 3.1 Lough Neagh Forum – Quarterly Update – **In Confidence**
- 3.2 Local Development Plan Quarterly Update – **In Confidence**

## **PART ONE**

### **Decisions on Planning Applications**

- 3.3 Planning Application No: LA03/2016/1141/F  
Caravan park (110 No. static caravan pitches, 52 No. touring caravan or motorhome pitches and 10 No. camping cabins) with amenity building, shower and toilet pods, associated access (including road improvements) and landscaping on lands southeast of 12 Castle Road, Antrim
- 3.4 Planning Application No: LA03/2018/0171/LBC  
Demolition and reconstruction (on a new alignment) of a section of boundary wall on lands south east of 12 Castle Road, Antrim
- 3.5 Planning Application No: LA03/2015/0173/F  
Housing development comprising 44 No. dwellings and associated site works, landscaping with access from Trench Lane, Mallusk on lands at Trench Lane to the east of Ballymartin Water adjacent and west of housing developments at Parkmount Road, Tudor Park and Hyde Park Manor, Mallusk, Newtownabbey
- 3.6 Planning Application No: LA03/2017/0942/F  
Proposed demolition of existing building and construction of 2 No. drive-thru restaurants with associated car parking and landscaping at former Lidl site, 263 Antrim Road, Glengormley

- 3.7 Planning Application No: LA03/ 2017/0313/F  
Proposed demolition of existing building and construction of 9 No. residential units comprising of 5 No. detached, 4 No. semi-detached with associated car parking and landscaping and a drive-thru restaurant at former Lidl site, 263 Antrim Road, Glengormley
- 3.8 Planning Application No: LA03/2018/0203/F  
Storage and distribution warehousing, ancillary office and staff welfare accommodation associated access and parking arrangements, sprinkler tanks and associated plant on land at 1-17 Hightown Avenue, Mallusk, Newtownabbey.
- 3.9 Planning Application No: LA03/2018/0078/F  
Proposed 2 No. semi-detached dwellings and 4 No. townhouses on land south west of 102 Ballynure Road
- 3.10 Planning Application No: LA03/2017/0707/F  
Change of use from car sales showroom to charity shop and distribution warehouse at 60 Greystone Road, Antrim
- 3.11 Planning Application No: LA03/2017/0681/F  
Proposed change of use of an existing agricultural shed to commercial storage at 10 Eskylane Road, Antrim
- 3.12 Planning Application No: LA03/2018/0231/O  
Site for replacement dwelling on land 110m east and 35m south of No.30 Ballykennedy Road, Nutts Corner
- 3.13 Planning Application No: LA03/2018/0081/F  
Proposed dwelling and detached garage on land 70m North West of 23 Ballylurgan Road, Randalstown
- 3.14 Planning Application No: LA03/2018/0082/F  
Proposed dwelling and detached garage on land 20m South of 27 Ballylurgan Road, Randalstown

## **PART TWO**

### **Other Planning Matters**

- 3.15 Delegated planning decisions and appeals April 2018
- 3.16 Proposal of Application Notice
- 3.17 Local Development Plan: Metropolitan Area Spatial Working Group
- 3.18 NI Marine Plan – Public Consultation Draft

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 21 MAY 2018**

## PART ONE – DECISIONS ON PLANNING APPLICATIONS

|                           |                                  |
|---------------------------|----------------------------------|
| <b>COMMITTEE ITEM</b>     | <b>3.3</b>                       |
| <b>APPLICATION NO</b>     | <b>LA03/2016/1141/F</b>          |
| <b>DEA</b>                | <b>ANTRIM</b>                    |
| <b>COMMITTEE INTEREST</b> | <b>MAJOR DEVELOPMENT</b>         |
| <b>RECOMMENDATION</b>     | <b>GRANT PLANNING PERMISSION</b> |

|                        |  |
|------------------------|--|
| <b>PROPOSAL</b>        | Caravan park (110 No. static caravan pitches, 52 No. touring caravan or motorhome pitches and 10 No. camping cabins) with amenity building, shower and toilet pods, associated access (including road improvements) and landscaping. |
| <b>SITE/LOCATION</b>   | Lands southeast of 12 Castle Road, Antrim, BT41 4NA  |
| <b>APPLICANT</b>       | Blair's Caravans Ltd   |
| <b>AGENT</b>           | David Dalzell  |
| <b>LAST SITE VISIT</b> | 11/02/2018   |
| <b>CASE OFFICER</b>    | Kieran O'Connell<br>Tel: 028 9034 0423<br>Email: Kieran.oconnell@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](http://www.planningni.gov.uk)**

### SITE DESCRIPTION

The application site is located outside of the development limit of Antrim Town and is located in the countryside on the eastern edge of the Shane's Castle Estate which is registered as a historic park garden and demesne. The Shane's Castle Estate extends to some 800 acres of farmland and 1000 acres of forestry/woodland. The application site consists of approximately 7 acres of the overall estate. The Antrim Gate Lodge has been afforded a Grade A listing and is immediately to the northwest of the application site and currently is the access point to the boat club, a martial arts club and the woodland site. The main entrance gates railings and stone piers to the Antrim Gate Lodge, also benefit from the listing.

The application site is located opposite Clanaboy Lane and to the west of Plasket's Burn and the Six Mile Water River, which runs along the eastern boundary. Beyond the eastern boundary is the former Massereene Barracks and to the southeast is the Loughshore Park and the Council owned Six Mile Water Caravan Park.

The central portion of the application site is largely cleared of vegetation with the exception of two large trees located on the northern part of the application site, while a small cluster of trees exist within the central area of the site. The perimeter of the application site is enclosed by mature trees (predominantly pine). A concrete laneway runs along the eastern boundary of the site and is the access to the boat club located beyond the southern most point of the application site.

### RELEVANT PLANNING HISTORY

No relevant planning history.

## PLANNING POLICY

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located within the countryside. The Plan offers no specific guidance on this proposal.

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

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

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

PPS 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 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.

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

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.

**DfI Rivers** – No objection subject to conditions

**DfI Roads** – No objection.

**NI Water** – No objection.

**Shared Environmental Services (SES)** – No objections.

**Northern Ireland Environment Agency: Natural Heritage Division**  
No concerns subject to conditions.

**Northern Ireland Environment Agency: Water Management unit**  
No objections subject to conditions.

**Northern Ireland Environment Agency: Waste Management, Land and Ground Water Unit.**  
No objection subject to conditions.

**Historic Environment Division** – Recommend refusal as they consider the application is contrary to Policy BH 11 development affecting the setting of a listed building and Policy BH 6 of PPS 6.

**Belfast International Airport** – No objection.

### **REPRESENTATION**

Fourteen (14) neighbouring properties were notified and five (5) 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:

- Road safety matters
- Increased congestion
- Impact on amenity of adjacent residential properties by way of impact on privacy, noise and disturbance
- Anti-social behaviour and concerns over personal safety
- Adverse impact on the character of the area
- Detrimental impact on areas of historical and archaeological importance.

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

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

- Principle of Development

- Tourism
- Integration
- Open Space
- Design Layout and Appearance
- Impact on Character of Area/Compatibility with Surrounding Land Uses
- Impact on Archaeological and Built Heritage
  - Archaeology
  - Shanes Castle Demesnes
  - Historic Buildings
- Natural Heritage
  - Trees
- Impact on Residential Amenity.
- Flooding and Drainage
- Mains Water Supply and Sewerage
- Road Safety
- Economic Case For The Development
- Summary

### **Principle of Development**

The application site is located outside any defined settlement limit and lies within the countryside as defined in the Antrim Area Plan 1984-2001 (AAP). The AAP provides an overarching strategy for the Borough however; it does not provide specific operational policy in terms of the assessment of an application of this nature. The AAP merely states that there is potential for future development of tourism in Antrim and at Paragraph 6.6 states that it aims to:

- i. Encourage the development of tourist facilities in the area while conserving and enhancing the quality of the natural landscape and protecting wildlife habitats.
- ii. Facilitate an increase in accommodation available in the district provided it is compatible in terms of location, type and scale.

The SPPS also contains policies dealing with tourism, however, these do not conflict with any retained policies and consequently the relevant policy context in respect of tourist development is provided by Planning Policy Statement 16 – Tourism, and Planning Policy Statement 21- Sustainable Development in the Countryside.

Planning Policy Statement 21, Policy CTY 1 indicates that planning permission will be granted for non-residential development in the countryside for tourism development in accordance with the TOU policies of the Planning Strategy for Rural Northern Ireland (PSRNI), however as PPS16 has been adopted in its final form, it supersedes those policies. PPS21 still contains general policies regarding the setting of settlements, the siting of development, the need to protect rural character and promotes the integration of development in the countryside. Many of these matters are duplicated under Policy TSM 6 of PPS 16.

PPS 16 'Tourism' sets out the planning policy for tourism development and for the safeguarding of tourism assets. It seeks to facilitate economic growth and social well-being through tourism in ways, which are sustainable and compatible with environmental welfare and the conservation of important environmental assets.

Taken in the round therefore, planning policy as expressed in the AAP, SPPS and PPS 16, is supportive of tourism development, such as that proposed, provided it would not unacceptably impact upon the character of the area or amenities that ought to be protected in the public interest.

### **Tourism**

The most relevant policy in PPS 16 in reference to the application being assessed is Policy TSM 6 New and Extended Holiday Parks in the Countryside which recognises that holiday parks are important for the domestic tourism market in terms of the volume of rural tourism bed spaces they provide and the economic benefits that flow from this scale of tourism activity. Also relevant is Policy TSM 7 Criteria for Tourism Development.

Annex 1 of PPS 16 defines a holiday park as a caravan site licensed under the Caravans Act (NI) 1963, which in addition to static caravans may also contain holiday chalets or cabins, pitches for touring caravans, motor homes and tenting. Therefore this proposal would be considered as a Holiday Park as defined in PPS 16. Policy TSM 6 states that planning permission will be granted for a new holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development. Policy TSM 6 of PPS 16 requires that all proposals must meet a set list of criteria (a-g).

### **Integration**

Criterion (a) and (b) of Policy TSM 6 relate to the integration and capacity to absorb development on the application site. The proposed caravan park is located within the countryside adjacent to the settlement limit of Antrim Town. The site is presently part of the wider Shane's Castle Estate and is not readily visible from public vantage points due to the presence of mature trees surrounding the perimeter of the site and a basalt stonewall adjacent to Castle Road. Policy TSM 6 encourages effective integration into the landscape through the utilisation of existing natural or built features. In this case it is considered that due to the level of integration afforded to the application site, this site has the capacity to absorb the holiday park without significant adverse impact on the visual amenity and rural character of this area. In addition to the existing vegetation surrounding the application site being largely retained with the exception of the access point, the applicant has indicated on drawing 02/1 & 03/1 (site layout) that additional landscaping will be carried out in order to further soften the approach upon entering the caravan park. The existing stonewall is also to be taken down and reconstructed behind the visibility splays. Overall it is considered that the proposal is well integrated into the landform and satisfies criterion (a) and (b) of Policy TSM 6.

### **Open Space**

Criterion (c) of Policy TSM 6 requires that adequate provision of open space be provided for communal open space including recreational areas and landscaped areas as an integral part of the development. The applicant has indicated they are providing in the region of 16% usable open space throughout the development, this excludes verges and grass margins between the caravan pitches. The applicant indicates a further 29% of site is to be reserved for conservation of existing woodland. (PPS8 indicates at Annex A: Definition of Open Space (vi) natural and semi-natural urban green spaces – including woodlands and urban forestry are considered to be open space). In light of this, it is considered that sufficient open space has been

provided as an integral part of the development. Furthermore the application site is within short walking distance of Antrim Castle Gardens and the variety of amenities and open space contained within it.

### **Design Layout and Appearance**

With regard to the layout of the caravan park (Criterion (d) of Policy TSM 6) the applicant utilises the surrounding landscape setting and is defined and influenced by the retention of existing tree belts and clusters. The road layout has been made informal through the avoidance of long vistas and straight lines. The caravans are grouped to form distinct clusters within the central and southern most part of the site. Camping cabins are located within the existing deciduous woodland while the proposed touring caravans are located in an additional cluster to the northeast of the application site adjacent to the proposed amenity block and the Castle Road.

Overall it is considered that the caravan pitches (static and touring) and camping cabins are laid out in discrete clusters of various sizes within the overall site and have been softened by the introduction of additional landscaping and retention of existing vegetation. In addition, it is considered that a movement pattern is provided that supports walking and cycling, it respects the existing rights of way relating to the boat club and provides a pedestrian link to the gate lodge building and martial arts club.

With regard to the design, layout and appearance of buildings (criterion (e) of policy TSM 6 and Criterion (b) of Policy TSM 7) it is considered that the scale, design and massing of the amenity building is acceptable. The internal roads, paths, car parking areas, walls and fencing associated with this development are considered acceptable. The applicant has indicated that the existing basalt wall along Castle Road is to be set back behind the visibility splays to facilitate a new access for the proposed development. The reconstruction of the wall is fundamental to the setting of the development and the wider area and a condition is therefore required to ensure the wall is appropriately reinstated.

### **Impact on Character of Area/Compatibility with Surrounding Land Uses**

Third party concerns have been raised in relation to the impact that the proposed development will have on the character and quality of this area. Policies TSM 6 & 7 of PPS 16 deal with matters pertaining to impact on the character of the area and associated compatibility on the surrounding land uses. It is considered that, given the level of enclosure of the site, the associated integration and the retention of the existing mature trees along the perimeters of the site, there will be a limited awareness of the proposed caravan park at this location. Given the limited visibility of the development it would be difficult to argue that this proposal will have a detrimental impact on the landscape quality from a visual stand point alone. In this regard, the proposal is considered acceptable. In land use terms the proposed caravan park may be different to the rural landscape which exists presently, however, it is considered that it is not necessary to replicate what exists in the area in order to respect the overarching character. Given the integration and enclosure of this site as outlined above it is considered that the proposed caravan park will not have a detrimental impact on the character and quality of this area.

With regard to the impact on adjacent land uses, the application site is adjacent to Radox Laboratories but separated from it by the Six Mile Water River and Plasket's

Burn. The Enkalon industrial estate is approximately 300 metres from the application site and separated from the application site by the Castle Road and agricultural lands. Given the separation distances involved and the lack of permeability from the application site to these developments, it is considered that this proposal is unlikely to have a detrimental impact on Radox or on the Enkalon Industrial Estate. With regard to the compatibility with the residential development at Clanaboy Lane and Umary Gardens it is considered that the proposed caravan park is compatible with this development. Further consideration is given to the impact that the proposed development may have on residential amenity is considered below.

### **Impact on Archaeological and Built Heritage**

Policy BH 6 of PPS 6 and Paragraphs 6.16-6.17 of the Strategic Planning Policy Statement (SPPS) alongside Criterion (f) of TSM 6 of PPS 16 requires that consideration be given to environmental assets including features of archaeological and built heritage, natural habitats, trees and landscaped features area identified and where appropriate retained and integrated in a suitable manner into the overall design and layout.

### **Archaeology**

The applicant has undertaken an archaeological impact assessment/ programme of works for a predevelopment evaluation (test trenching) of the proposed caravan park. The applicant's archaeological report indicates that the planned development area is potentially archaeologically sensitive in terms of below ground remains. However, given that the planned development area was also subject to a conifer plantation it is thought that this would have had a significant impact on any subsurface archaeology. Para 9.9 of the Archaeological Impact Assessment states that each of the methods employed in the initial planting (weather mounding, ripping, ploughing or pit planting) causes significant ground disturbances to subsoil and subsoil archaeological features. It further indicates that the methods employed in carrying out the plantation of trees would have had a significant adverse impact on subsurface archaeology through the use of heavy machinery.

Following the establishment of the plantation, the root systems will have had an impact on the subsurface archaeology. The roots of trees can penetrate soil particles and will invade any buried archaeology deposits encountered. Further damage is likely to have occurred to subsurface archaeology during thinning and harvesting of the crop, with the proposed development area appearing to have undergone several cycles of all of these change processes.

The applicant proposes to undertake a programme of archaeological evaluations through test trenching under licence by HED:HMU. This is to:

1. identify any previously unrecorded archaeological remains which may survive in situ within the site, and;
2. to provide an assessment of the likely impact of proposed development works on any such remains and;
3. to inform the developer of mitigation measures to allow for the preservation (either in situ or by record) of any archaeological remains which may survive within the proposed development area and to ensure full compliance with all statutory obligations.

HED while having concerns with this development in principle (the perceived impact on Shane's Castle Demesne) are, however, satisfied that the applicant's archaeological impact assessment presents an acceptable archaeological mitigation strategy which can be used as a basis for discharging the archaeological conditions contained below. In light of HED comments regarding the applicant's archaeological evaluation, it is considered that sufficient mitigation measures can be put in place to ensure that sub-surface archaeology can be protected appropriately.

Overall it is concluded that the proposed development will not significantly impact upon archaeological interests.

### **Shanes Castle Demesne**

DfC Historic Environment Division (HED) has indicated that the Shane's Castle demesne is included on the Register of Historic Parks, Gardens and Demesnes of Special Historic Interest maintained by DfC's HED. As such the proposed caravan park falls to be considered within the policy provisions of PPS 6 Policy BH 6 and Paragraphs 6.16-6.17 of the Strategic Planning Policy Statement (SPPS) alongside Criterion (f) of TSM 6 of PPS 16.

HED has indicated that the Shane's Castle Estate is an outstanding example of a late 18<sup>th</sup>-19<sup>th</sup> century 'Picturesque' style designed landscape, which has survived remarkably intact. The application site lies on the eastern edge of the landscape park and is bounded to the north by the demesne wall, constructed of basalt rubble and basalt rock copings, and on the east by the Six Mile Water River. HED further advise that nineteenth-century maps show the application site as an area of open parkland with a shelterbelt of trees running beside the river. This area of the demesne was accessed off the Castle Road via the Antrim Lodge, and the original designed approach would have been through a controlled open vista, leading to woodland.

Notwithstanding how Shane's Castle Estate may have been originally designed, HED further indicates that the application site was then planted with trees and associated pleasure walks. They also refer to 'later enhancements' to the designed landscape occurring in the 1840's which included a new entrance off Castle Road via the Antrim Gate Lodge and a new access road running through parkland and a controlled open vista, subsequently leading into woodland. Alterations to the area of the application site from the later 19<sup>th</sup> century onwards include various iterations of coniferous forest planting and, more recently, the addition of the buildings, hardstanding and related infrastructure associated with the Shane's Castle railway in the area close to Antrim Gate Lodge in the later 20<sup>th</sup> century. HED has chosen not to consider the introduction of the boat club and its associated access infrastructure. All of these elements have had an impact on the originally designed landscape, these impacts are not felt elsewhere within the Shane's Castle Estate and it is therefore considered this distinguishes the site from other areas within the demesne.

HED states the proposed development is fundamentally at odds with the original design concept, overall quality and setting of the designed landscape at this location. It represents the introduction of large-scale development and associated infrastructure into areas with no precedent for development of this nature. Despite later cropped tree planting, HED indicates that opportunities exist to respect the original design concept for the demesne at this location, which have not been

reflected in the proposed layout. HED feel that the proposed development will adversely affect the visual experience of the designed routeway into the demesne, whilst adding an additional entrance that will fundamentally alter the function of this part of the designed landscape.

It is acknowledged that this is a major development located at the outer edge of Shane's Castle demesne and it will have an impact on the area as it was originally designed, however, this needs to be balanced with all other material considerations including how this part of the estate has evolved over time. The applicant has made some amendments to their original proposal to take on board some of the concerns raised by HED. While HED may feel that the amended scheme is still unacceptable, it is worth noting that the applicant has increased the level of green space on the northern part of the site by finishing the touring caravan pitches in grass to increase the impression of a larger area of open space for when the site is not at full capacity.

The applicant has also replaced a number of the static caravans along the western boundary of the site with touring caravans to increase the impression of spaciousness within the development site. It has been indicated that this area will largely be used for overflow caravans and this is considered to be a reasonable adjustment by the applicant in spite of HED's preference to have no caravans in this area. Additional landscaping has been provided within the development site and along the western boundary, which offsets any loss of vegetation resulting from the proposed access and assists in reinforcing the woodland feature which is one of the key elements of the originally designed landscape. Additional amendments made by the applicant include the introduction of exposed aggregate paving with a natural gravel finish on the touring site, access road and caravan pitches. This is to give the appearance of an informal gravel paving throughout the application site and is considered compatible to the original designed landscape of having a series of walkways meandering through the open and controlled vista towards the larger parkland/woodland.

HED Monuments have suggested that a more appropriate location for the development would be the area to the northwest around the existing entrance to the gate lodge, martial arts club, the railway buildings and associated hard standing. This suggested alternative location is not without its own difficulties. This area is outside the redline of the application site and will bring the proposed development closer to the listed gate lodge on what is a much more prominent site than that currently under consideration. Given that HED Buildings has concerns regarding the impact on the setting of the Antrim Gate Lodge building it is somewhat surprising that the applicant is being encouraged by another part of HED to locate closer to it.

HED has further indicated concerns with demolishing a section of the existing estate wall to create a new access to the caravan park. While there is an impact on the wall it is somewhat mitigated by the applicant who has indicated a willingness to reconstruct the wall behind the required visibility splays by reinstating the original wall detailing associated with the Shane's Castle Estate. HED has indicated that they are unhappy with the wall being removed in principle however, HED Buildings has indicated that the boundary wall reconstruction methodology is acceptable to them should a listed building consent application be approved. The applicant's justification for the new entrance is to ensure that the appropriate road safety standards are put in place. They also indicate that the new access will facilitate the

provision of a right hand turning lane, which will not have a detrimental impact on the listed Antrim Gate Lodge, listed gateway, flanking pillars and adjacent Milestone. As a consequence the new access may alter the original design concept for Shane's Castle Estate in so far as it creates a competing entrance. However as this new access will preserve the existing listed gates and pillars and screens associated with the Antrim Gate Lodge and will be further set back from the current wall position, it will be somewhat subservient to the listed features including the Antrim Gate Lodge. The benefits of the development and the new access are to be weighted and balanced against all other material considerations including the protection of the demesne and listed features within the vicinity of the application site and public/road safety matters. It is considered that the new access is a reasonable adjustment to ensure the protection of the Listed Antrim Gate Lodge, Milestone and existing gateway features.

Overall, it is acknowledged that the proposed development will have some impact upon the original planned estate, however, all development has an impact. This landscape like all landscapes are continually evolving and this landscape is not the unspoilt landscape that HED have implied exists in their responses to date, rather it has evolved over time. To its benefit, the development site will be contained within a compartment of existing trees, with no significant views into or out of the application site. There will be no significant impact on the woodland setting, the existing estate road, Antrim Gate Lodge, railway site or the wider Shanes Castle Estate other than how it may have originally been planned. If anything, it is considered that the proposed caravan park will bring the application site into a functional use that will not significantly impact on the overall quality, setting and designed concept associated with Shane's Castle and will in some ways complement its former use as a parkland.

### **Historic Buildings**

There is a statutory requirement under Section 80 of the Planning Act (Northern Ireland) 2011 for the decision maker to have special regard to the desirability of preserving the setting of a listed building when considering whether to grant planning permission for development that affects its setting. The SPPS and Policy BH11 of PPS6 set the relevant policy context.

Policy BH11 of PPS 6 states that the Planning Authority will not normally permit development, which would adversely affect the setting of a listed building. Paragraph 6.28 in the Justification and Amplification of the policy indicates that the setting of a listed building is often an essential part of its character, particularly where a landscaped parkland, garden or grounds have been laid out to complement the design or function of the building. It goes on to say that the economic viability as well as the character of listed buildings within such planned settings may suffer where inappropriate development degrades their landscape setting. Section 80 (7) of the Planning Act (Northern Ireland) 2011 confers that any object or structure within the curtilage of or fixed to shall be treated as part of the listed building. With the foregoing in mind, HED has indicated its view that the proposal fails para 6.12: Development proposals impacting on Setting of Listed Buildings of the SPPS and with respect to Policy BH11: Development affecting the Setting of a Listed Building of PPS6.

The DfC Historic Environment Division (HED) has advised that there are a number of structures that are likely to be affected by this application.

- HB20/04/042C Shane's Castle ruins Shane's Castle Park Antrim Grade A
- HB20/04/042A Shane's Castle Camellia House Grade A
- HB20/04/042J Antrim Gate Lodge, Shane's Castle Grade B1
- HB20/04/062 Milestone, adjacent to 12 Castle Road/gateway to Shane's Castle Park Grade B2
- Ref: 07202:000:00 Plaskets' Bridge is of industrial heritage interest.

HED indicate throughout their responses that the assessment of harm to heritage assets can be appreciated by two key considerations: The visual appreciation of the listed building within its context and the historical understanding of the site.

The Milestone, adjacent to No.12 Castle Road/gateway to Shane's Castle Park, has a Grade B2 listing. Following reassessment of the amended plans and confirmation by the applicant that the Milestone will not be impacted upon, HED has indicated no further concerns in relation to this aspect of the development.

It is considered that Plasket's Bridge will not be impacted by the proposed development as it is outside of the application site and no development works are proposed to the bridge.

Turning to the impact on the Shane's Castle Estate, the castle ruins and Camellia House, HED feel that the proposed development will have an adverse impact on the setting of these buildings and the wider estate as the application site borders one of the principle approaches of the estate.

Shane's Castle and Camellia House are almost 2km west of the application site and they have a Grade A listing. Annex C to PPS6 indicates that a Grade A listed building is of greatest importance to Northern Ireland including both outstanding architectural set-pieces and the least altered examples of each representative style, period and type. Notwithstanding HED's concerns in relation to the impact on the Camellia House and Shane's Castle ruins, these buildings are some 2km west of the application site and are not intervisible with the application site. HED are at pains to point out that the impact on the setting of the estate and the designed landscape is much more than a visual assessment. However, the facts of the matter are there are no views into or out of this site towards the Camellia House or the castle ruins. This is how this area was once designed and in HED's own rationale was part of the planned designed approach where one would pass through a controlled open vista leading to a woodland, which would then open a dramatic reveal of the various estate buildings. It is therefore considered that this aspect of the original designed landscape has been maintained to some extent while the impact on the Camellia House, Shane's Castle ruins and other buildings is not considered to be significant.

The Antrim Gate Lodge to the northwest of the application site is a Grade B1 listed building of special architectural/historic interest. HED do not accept the applicant's contention that there will be no impact on the Antrim Gate Lodge and merely state that the proposal will adversely affect the setting of the Antrim Gate Lodge and the wider area of Shane's Castle estate as the site borders one of the principle approaches to the estate. This statement has not been qualified to any significant extent or understanding provided as to how the proposed development will adversely affect the setting to the Antrim Gate Lodge.

It is accepted that there will be some impact to Antrim Gate Lodge by virtue of setting back the estate wall behind the required visibility splays and the provision of a new entrance. However, as there are a number of trees obstructing clear and direct views of the Antrim Gate Lodge at present the rebuilding of the wall will not significantly impact upon the Antrim Gate Lodge from a visual standpoint. In addition, the applicant has indicated the existing trees are to be retained further reducing the impact that may be experienced upon the Antrim Gate Lodge and its setting. Likewise the built form of this development is hidden from view when travelling along the Castle Road by the existing vegetation as are views from within the site towards Antrim Gate Lodge by the mature vegetation along the western boundary and the buildings associated with the steam group and martial arts club. The proposed amenity block and touring caravan pitches are set back from the public road behind existing vegetation. Antrim Gate Lodge is still retained as the most prominent building on this stretch of Castle Road. In light of this it is considered that while there is some impact on the setting of Antrim Gate Lodge it is unlikely to be significant in this instance.

With regard to the historical understanding of this site, it is accepted that a caravan park is an alternative form of development; however, it must also be balanced by the present day functioning of the estate. The Antrim Gate Lodge entrance is not normally used for traffic accessing the estate except for events such as the steam rally, Antrim Show and the Irish Game Fair. There is nothing within this proposal that would prevent this current arrangement from continuing. The access is normally closed with a black painted timber gate. The iron gates are however usually open and provide access to the martial arts club, the boat club and the steam club. None of these clubs or associated uses would have formed part of the planned estate and potentially give rise to a greater threat to the listed Gate Lodge and entrance given the size of vehicles that would pass through these gates. The new access provides for an alternative access, which in some way helps, assist in protecting the listed entrance gates by removing larger vehicles from the area of concern. In addition to this the applicant intends to create a pedestrian linkage from the Antrim Gate Lodge to the proposed caravan park by using the existing concrete path presently used by the boat club. It is therefore considered that all historically controlled vistas, access and walkways will be maintained as part of this proposal.

### **Natural Heritage**

Planning Policy Statement 2 deals with natural heritage interests as does Policy TSM 6 & 7 (Criteria for Tourism Development) of PPS 6. In this regard, DAERA Natural Environment Division has considered the impacts of the proposed development on designated sites and other natural heritage interests and has indicated that they have no concerns with the proposal subject to conditions. In addition, Shared Environmental Services has considered the proposed development in light of the requirements of Regulation 43 (1) of the Conservation (Natural Habitats) Regulations (Northern Ireland) 1995 as amended and has indicated that they have no objections in relation to these matters. In light of the above consultation responses, it is considered that there are no natural heritage concerns relating to this proposal.

### **Trees**

The site is located at the edge of the Shane's Castle estate which is characterised by mature trees. The Council's Tree Officer has carried out a visual inspection from Loughshore Park and has identified the mature trees along the southeast boundary

as key site assets while the conifers around the remaining perimeters of the site have much less biodiversity value and amenity value but should still be retained to assist the integration of the site. The retention of trees can be controlled by way of condition.

Drawing No. 08/1 indicates a number of tree protection measures including the siting of the proposed development to areas outside of the Root Protection Areas of these trees and the erection of protective fencing. It is considered that so long as the proposed mitigation measures are carried out in accordance with the relevant British Standards that there will not be an adverse impact on the amenity afforded by the existing trees. It is recommended that any approval is conditioned to take account of the following information:

- Retention of existing vegetation, with specific restriction on any works being carried out to the trees along the southwestern boundary,
- Protective fencing to be provided outside the Root Protection Area (RPA) of significant trees,
- Any boundary treatments within the RPAs should not come within 1m of any tree and foundations shall not exceed 400mm in diameter. Ideally these shall be carried out by hand digging, however, given the length of fence, this seems impracticable.
- New paths within RPA's to be constructed using non-dig construction method as per details on the submitted plan.
- Camping cabins within the RPA's shall have timber pile foundations only. If heavy machinery is required within the RPAs, ideally the soil should be temporarily prepared to accommodate this extra weight.

### **Impact on Residential Amenity**

Paragraph 3.8 of the SPPS sets out the guiding principle for planning authorities in determining planning applications. It states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Criterion (h) of TSM 7 also refers to the consideration of harm on the amenities of nearby residents. The Council's Environmental Health Section has been consulted and has raised no objections on amenity grounds to this proposal. Given the large mature trees that encompass the application site and the separation distance (85m+) to the residential properties at Clanaboy Lane and Umary Gardens, it is considered that the proposed caravan park will not result in any significant impact on the residential amenity of these dwellings by way of noise or disturbance. Third parties have raised concerns in relation to the impact the right hand turning lane will have on the amenity of the residential properties above, however, DfI Roads have indicated that they have no road safety concerns with this proposal and as such it is considered that there are no significant residential amenity concerns with this proposal.

### **Flooding and Drainage**

The applicant has submitted a Flood Risk and Drainage Assessment and DfI Rivers were consulted on this report. DfI Rivers has confirmed that the application site does not lie within the 1 in 100-year flood plain or in the 1 in 200 year coastal flood plain.

In relation to Policy *FLD2 - Protection of Flood Defence and Drainage Infrastructure* DfI Rivers has advised that a working strip of appropriate width is retained to enable riparian landowners to fulfil their statutory obligations/responsibilities. It would appear that this has been provided, as the proposed development is not likely to impact on Plaskets Burn or Six Mile Water River. A condition has been proposed by DfI Rivers to ensure that there is no adverse impact with regard to this issue and is considered acceptable to officers.

*FLD3 - Development and Surface Water - NI Waters Sewers for Adoption Northern Ireland 1st Edition* states: 'The system should be designed not to flood any part of the site in a 1 in 30 year return design storm and to ensure a free-board of 300mm'. 'The designer should carry out checks for the 1 in 100 year return period to ensure an adequate level of protection against flooding'

A Drainage Assessment has been submitted by the applicant (Doc 04 & Doc 04/1) and DfI Rivers as the competent authority has indicated that while they are not responsible for the assessment, it does however, accept its logic and has no reason to disagree with its conclusions. DfI Rivers has, however, indicated that they require additional information to ensure that the site is safe from a drainage and a flood risk perspective. They have indicated that this matter can be dealt with by way of planning condition and as such it is considered that the proposed development will not result in increased flood risk.

In addition to the above DfI Rivers has granted Schedule 6 consent under the terms the Drainage (NI) Order 1973.

### **Mains Water Supply and Sewerage**

Policies TSM 6 & 7 requires that mains sewerage supply and sewerage service must be utilised where available and practicable. The applicant has indicated that the site can be connected to the existing water mains and sewerage systems, while storm water can be discharged to the adjacent watercourses. DfI Rivers have already granted Schedule 6 consent to discharge in this instance. It is considered that the proposed development adequately deals with matters relating to safeguarding of water quality through adequate means of sewerage disposal.

### **Road Safety**

Third parties have raised concerns relating to congestion and road safety given the anticipated level of traffic attracted to the application site and the provision of a right hand turning lane. DfI Roads as the appropriate authority on these matters has been consulted and have indicated that they have no determining road safety concerns with this proposal subject to conditioning of the visibility splays. As such it is considered that this aspect of the proposal is acceptable.

### **Economic Case For The Development**

The applicant has provided an economic impact assessment for the proposed caravan park. It's conclusions indicate that in overall terms the tourism contribution of the Shane's Castle Estate Caravan Park is estimated to add, on a per annum basis up to:

- 1.5m in direct spend in the local area.
- £2.1m in direct and indirect spend in the local area.
- £1.1m in added value (GVA) to the local economy.

- Will support 39 additional full time equivalent jobs in the local area (including 4 FTE jobs for those directly employed at the Park)
- The rates income will be in the order of £30k per annum

This means that over the period of a decade the applicant estimates that the impact could represent somewhere in the region of £21 Million in total spend in the local area and up to £11m in gross value added at today's values.

The applicant further indicates that their estimates do not take account of the development cost of the project which is expected to be in the region of £3m – a portion of which they indicate would benefit local building contractors and suppliers.

### **Summary**

Whilst the views of the HED Buildings on the principle and detail of the proposal are acknowledged, the weight to be attributed to this is a matter of judgment for the decision maker when considering what the impact may be on the setting of the listed buildings and Shane's Castle demesne. It is accepted that there will be an impact with having a caravan park within the demesne, however it is considered that the perceived impact will not be to an unreasonable extent. It is considered, in light of all material considerations and in particular the permissive nature of the tourism policies contained in PPS16, that the concerns of a statutory consultee (HED), while relevant cannot be sustained in this instance.

Determining weight may be attributed to the fact that this site and other areas within the estate have been subject to degradation through a series of forest plantations, hard standings, the erection of the steam train buildings, the boat club and associated infrastructure. The application site lies on the outer edge of the estate and it is considered the development will not have a significant impact on the overall estate. It is further considered that this site is unique within the demesne owing to: its level of integration and the retention of the existing vegetation, having a location adjacent to the development limit of Antrim Town, is adjacent to the Loughshore Park and a variety of tourist attractions including Antrim Castle Gardens. From a locational position the development of a caravan park is considered acceptable.

With regard to the visual perspective, the main area of concern relates to the reconstruction of the estate wall, however, given that an acceptable methodology has been provided as to how this may be carried out it is considered the impact will be mitigated to an acceptable level. In addition, there are significant economic benefits to the Borough and the town of Antrim as a result of this proposal which may assist in regenerating the town centre, increase footfall to The Junction, Castle Gardens and may assist in maintaining the remainder of the Shane's Castle Estate through the revenues generated from long term leasing arrangements.

The proposed development is considered, on balance to be acceptable and will not have a significant adverse impact on the character and quality of this area or the wider Shane's Castle demesne and associated listed buildings.

### **CONCLUSION**

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

- The principle of the development on balance is considered to be acceptable.

- There will be some impact on interests of archaeological and built heritage importance, however, these are considered to be offset by other material planning considerations.
- The design, layout and appearance of the proposed development is considered acceptable.
- There are no natural heritage concerns with this proposal.
- There is no significant impact on the residential amenity of adjacent properties.
- There are no flooding or drainage concerns with this proposal.
- There are no road safety concerns with the proposal.
- There is significant economic case for this development.

**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 02/1, date stamped 08 Jan 2018 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 environmental mitigation measures contained within the Shane's Castle Caravan Park Construction Environment Management Plan (Doc 09) date stamped 01/09/2017 shall be adhered to in full unless otherwise agreed in writing with the Council prior to the commencement of development.

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

4. No retained tree as indicated on Drawing No. 02/1 & 03/1, date stamped 08 Jan 2018 shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the prior written consent of the Council.

Reason: To ensure the continuity of amenity afforded by existing trees To protect the grey heron selection feature of Lough Neagh ASSI.

5. A protective barrier no less than 2m in height comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts and securely supported weldmesh panels (as illustrated and detailed on Drawing No. 09 date stamped 22 August 2017) shall be erected at least the distance away from retained trees as defined on drawing No. 08/1 date stamped 11/01/2018 prior to commencement of the development hereby approved and shall be permanently retained for the

period of construction on the site. There shall be no stockpiling of materials or soil within this tree protection zone.

Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

6. The proposed landscaping indicated on Drawing No. 02/1 & 03/1, date stamped 08 Jan 2018 shall be carried out in the first planning season prior to the site becoming operational. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

7. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, shall be submitted to the Council, at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

8. A suitable buffer of at least 10 metres must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and the Plaskets Burn and Six Mile Water River.

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

9. There shall be no storage of oil/fuel, materials or equipment within Lough Neagh and Lough Beg SPA/Lough Neagh ASSI or in areas within the 200 year floodplain.

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

10. The finalised site drainage plan must be submitted to the Council prior to construction works. This Plan must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual – Construction Industry Research and Information Association (CIRIA) Report C753 (2015).

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

11. Except as otherwise agreed in writing with the Council, construction works shall only take place during the hours of daylight. If a bat roost or evidence of a bat roost is discovered, all works must cease and the applicant/contractor must contact the NIEA Wildlife Team.

Reason: To protect the bat assemblage selection feature of Shane's Castle ASSI.

12. The Development Landscape Management Plan (as detailed within the Design and Access Statement, Section 5.2), which details the method of control and management of the Himalayan Balsam, shall be submitted to the Council prior to construction works. This should ensure that there is adequate protection of the watercourses from chemicals and dispersing seeds e.g. only non-chemical control shall be employed before flowering (i.e. in early spring).

Reason: To reduce the spread of invasive flora across the site.

13. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

14. After completing any remediation works required under Condition 14 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

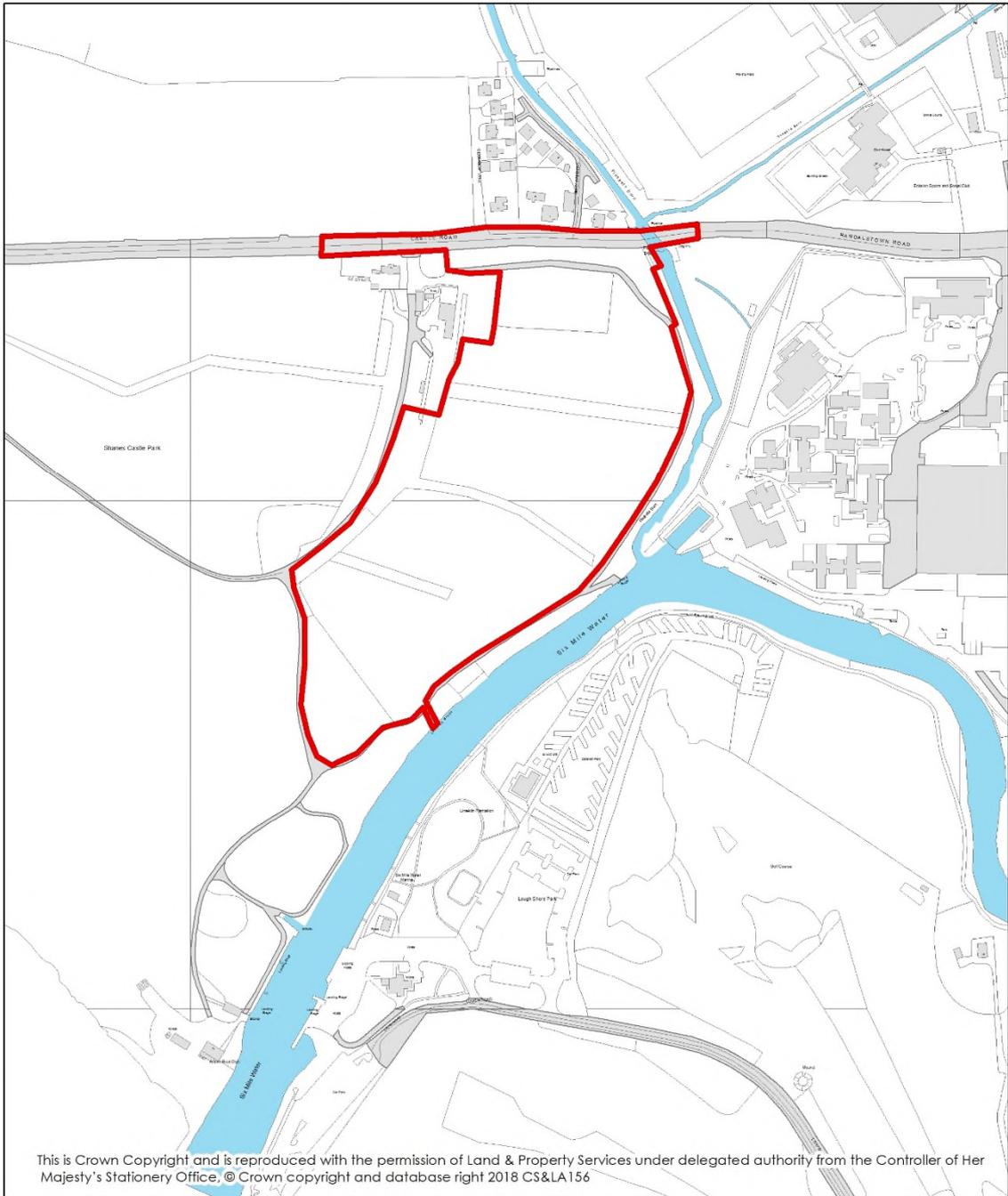
Reason: Protection of environmental receptors to ensure the site is suitable for use.

15. The caravan park hereby permitted shall be used solely for holiday letting accommodation and shall not be used for permanent residences.

Reason: The site is located within the rural area where current planning policy restricts residential development and this consent is hereby granted solely because of its proposed holiday use.

16. The development hereby permitted shall not be commenced until the existing Shane's Castle estate wall has been reinstated behind the required visibility splays in accordance with Doc 02 entitled 'Shane's Castle Caravan Park, Boundary Wall reconstruction Methodology' date stamped 22/02/2018.

Reason: To provide an appropriate access for the development and ensure that the listed wall is reinstated to an appropriate standard in keeping with the character and appearance of the area.



**Location Map**

**Application Reference: LA03/2016/1141/F**

Lands south east of 12 Castle Road, Antrim, BT41 4NA

100 0 100 Metres



Caravan park (110 no. static caravan pitches, 52 no. touring caravan or motorhome pitches and 10 no. camping cabins) with amenity building, shower and toilet pods, associated access (including road improvements) and landscaping.

For Information Only

 Site Boundary



|                           |  |
|---------------------------|--|
| <b>COMMITTEE ITEM</b>     | <b>3.4</b>   |
| <b>APPLICATION NO</b>     | <b>LA03/2018/0171/LBC</b>                            |
| <b>DEA</b>                | <b>ANTRIM</b>  |
| <b>COMMITTEE INTEREST</b> | <b>CONCURRENT APPLICATION TO A MAJOR APPLICATION</b> |
| <b>RECOMMENDATION</b>     | <b>GRANT LISTED BUILDING CONSENT</b>                 |

|                        |   |
|------------------------|---|
| <b>PROPOSAL</b>        | Demolition and reconstruction (on a new alignment) of a section of boundary wall              |
| <b>SITE/LOCATION</b>   | Lands south east of 12 Castle Road, Antrim, BT41 4NA  |
| <b>APPLICANT</b>       | Blair's Caravans Ltd  |
| <b>AGENT</b>           | David Dalzell   |
| <b>LAST SITE VISIT</b> | 30/04/2018  |
| <b>CASE OFFICER</b>    | Kieran O'Connell<br>Tel: 028 9034 0423<br>Email: Kieran.oconnell@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](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located outside of the development limit of Antrim Town and is located in the countryside, on the eastern edge of the Shane's Castle Estate which is registered as a historic park garden and demesne. The Shane's Castle Estate extends to some 800 acres of farmland and 1000 acres of forestry/woodland. The application site comprises a small section of the boundary wall to the estate which runs along Castle Road. The relevant section of the estate wall is located opposite Clanaboy Lane and to the west of Plasket's Burn and the Antrim Gate lodge on the western side.

The Antrim Gate Lodge has been afforded a Grade A listing and is immediately to the northwest of the application site and currently is the access point to the boat club, a martial arts club and the woodland site. The main entrance gates railings and stone piers to the Antrim Gate Lodge, also benefit from the listing.

#### **RELEVANT PLANNING HISTOR**

No relevant planning history

#### **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban Area

Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Antrim Area Plan 1984 – 2001: The application site is located within the countryside. The Plan offers no specific guidance on this proposal.

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

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

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

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

## CONSULTATION

**DfC HED Historic Buildings** considers the proposal as presented fails to satisfy the following policy requirements of PPS 6 Planning, Archaeology and the Built Heritage namely; Policy BH12/Development proposals impacting on Setting of Listed Buildings, Policy BH13/Change of Use, Extension or Alteration of a Listed Building of SPPS, Policy BH8/Extension or Alteration of a Listed Building and Policy BH11/Development affecting the Setting of a Listed Building.

**DfC HED Historic Monuments** refers to the response to the Listed Building Consent as issued by Historic Environment Division: Historic Buildings (HED: HB). HED: Historic Monuments repeats their previous advice which they gave on application LA03/2016/1141/F.

## REPRESENTATION

Fourteen (14) neighbouring properties were notified. No letters of objection have been received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issue to consider in the determination of this application is the principle of development.

Under Section 80 (7) of the Planning Act (Northern-Ireland) 2011 a listed building is defined as a building included in a list compiled under that section and also:

(a) Any object or structure within the curtilage of the building and fixed to the building.

(b) Any object or structure within the curtilage of the building which, although not fixed to the building forms part of the land and has done so since before 1st October 1973.

The Shane's Castle Estate boundary wall is not listed in its own right, however, Listed Building Consent is required as the estate wall is protected under the listing of the castle (HB20/04/042C) and is also attached to the listed gate screen associated with the Antrim Gate Lodge (HB20/04/042J) and is therefore protected under that listing. In addition, the estate wall is also a structure in the setting of a number of listed buildings within the Shane's Castle Estate.

The main issue for this application is whether the demolition and reconstruction of 166m of the Shane's Castle Estate wall will detract from the appearance and character of the listed buildings and gate screen and result in a loss of its architectural integrity contrary to the SPPS (para 6.12 & 6.13) and Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS6).

DfC Historic Environment Division (HED) has raised objections to the concurrent application (LA03/2016/1141/F) for a caravan park and is fundamentally opposed to this development. HED feel that the demolition and reconstruction of the boundary wall is substantial and cannot be assessed in isolation as the only reason the section of wall is proposed for demolition is as a direct result of the proposals for the caravan park (LA03/2016/1141/F). HED considers the application for the proposed caravan park to be, in its view, contrary to policy. HED considers the substantial loss of historic fabric is not justified as the proposed overall development, which the demolition of the protected wall will facilitate, will have an adverse effect on the setting of the listed buildings within the estate.

HED further indicates that the realignment of the boundary wall and the breach in the wall to create a new access will adversely affect its essential character. They argue that the estate boundary wall is a feature that encloses the estate: this is an essential part of its character. Realigning the wall from its historic alignment and forming an additional access through the wall reduces the significance of the historic access at the listed Antrim Gate Lodge which is located approximately 100m away.

The applicant contends that HED's position is untenable and argues that the estate boundary wall runs along the south of Castle Road for approximately 4.5km from the former Massereene Barracks to the M22, where a section of the wall has previously been removed for the M22/A6 Junction 2 roundabout and then continues for another 1.2km into Randalstown. The estate wall has further been altered adjacent to the former Massereene Barracks where it was lowered for security purposes during the 'Troubles'.

HED contends that these alterations and the removal of part of the estate wall were carried out for exceptional security reasons. This point is accepted by officers and cannot be compared to the removal and replacement of the wall proposed under this application. That said the applicant points out that only 166m out of an overall total of 5.6km will be removed and rebuilt to a specification acceptable to HED. They contend that the proposed works are not significant in the overall context of the wider Shane's Castle Estate or at this particular location given the adjacent land uses and the alterations that have occurred in this area generally. The applicant further indicates that the creation of this access will also reduce the traffic to Antrim Boat Club which presently utilises the access at the Antrim Gate Lodge which reduces the potential for accidental damage to the listed gate screen. The applicant's point is accepted by officers and ensures the protection and upkeep of the existing access point, which has also undergone some alterations since it was originally built.

HED considers that the setting back and reconstruction of the estate wall cannot be looked at in isolation from the caravan park proposal. It is considered, however that should the boat club or the O'Neill Estate require an additional access at this point to divert traffic away from the listed building and gate screen, it may prove difficult to arrive at the conclusion that the stepping back of the estate wall is so significant that it would result in a significant impact upon the estate, the gate lodge, the gate screen or the milestone. It is accepted that there may be some impact on the historic access to the Antrim Gate Lodge and Gate Screen however; this must be balanced by the level of protection that a new access would subsequently afford the existing access through the removal of large vehicles and boats that would utilise the existing boat club access. Whilst it is accepted that there may be some impact on the historic access to the Antrim Gate Lodge, it is not however considered to be as significant as implied by the Historic Environment Division. The result of the stepping back of the estate wall is likely to make the existing listed Gate Screen and Antrim Gate Lodge a more prominent feature in the landscape which may reinforce its importance when viewed in transit towards Randalstown.

It is considered that the provision of an additional access for the caravan park will not have a significantly detrimental impact on the character and quality of this area or the Shane's Castle Estate. Nor is it considered to have a significant impact on the setting of the Antrim Gate Lodge or the associated listed Gate Screens, Milestone, the Castle Ruins, the Camellia House and other buildings within the estate. The proposed works to the wall will not have an adverse impact on bridges or industrial archaeological interest within the estate, nor is it considered that there will be any significant loss or harm to the overall character or components of the setting of Shanes Castle Estate.

It is accepted that the taking down and reconstruction of this section of wall will result in a wall that appears somewhat differently than it does presently. However being different to how it was originally designed and constructed does not necessarily correspond with causing harm and the policy allows for a listed structure to be modified. In this case a small section (166m) of the estate wall (4-5km) is to be taken down and then reconstructed with a marginal set back. Overall, it is considered that these works to the estate wall are not significant and that it can be reinstated to a specification acceptable to the Historic Environment Division.

## **CONCLUSION**

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

- The principle of taking down and reinstating this section of the existing Shane's Castle Estate wall with a set back is considered to be acceptable.

**RECOMMENDATION :** GRANT LISTED BUILDING CONSENT

**PROPOSED CONDITIONS**

1. The proposed works must be begun not later than the expiration of 5 years beginning with the date on which this consent is granted

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.

2. No work shall commence on site until a full detailed survey of the wall, both written and photographic, has been submitted to and agreed in writing with the Council.

Reason: To ensure the historic details of the estate wall are not lost.

3. The proposed demolition and reinstatement of the Shane's Castle Estate wall shall be carried out in accordance with Doc 02 entitled 'Shane's Castle Caravan Park, Boundary Wall reconstruction Methodology' date stamped 22/02/2018.

Reason: To ensure the wall is reconstructed to an appropriate standard and to prevent an adverse impact on the character and appearance of the area.

4. No work shall commence on site until a method statement, detailing how the demolition of the wall will be carried out, how the stones will be recorded for accurate reconstruction and detailing how the new wall will be constructed, has been submitted to and agreed in writing with the Council, and all work shall conform to the agreed method statement.

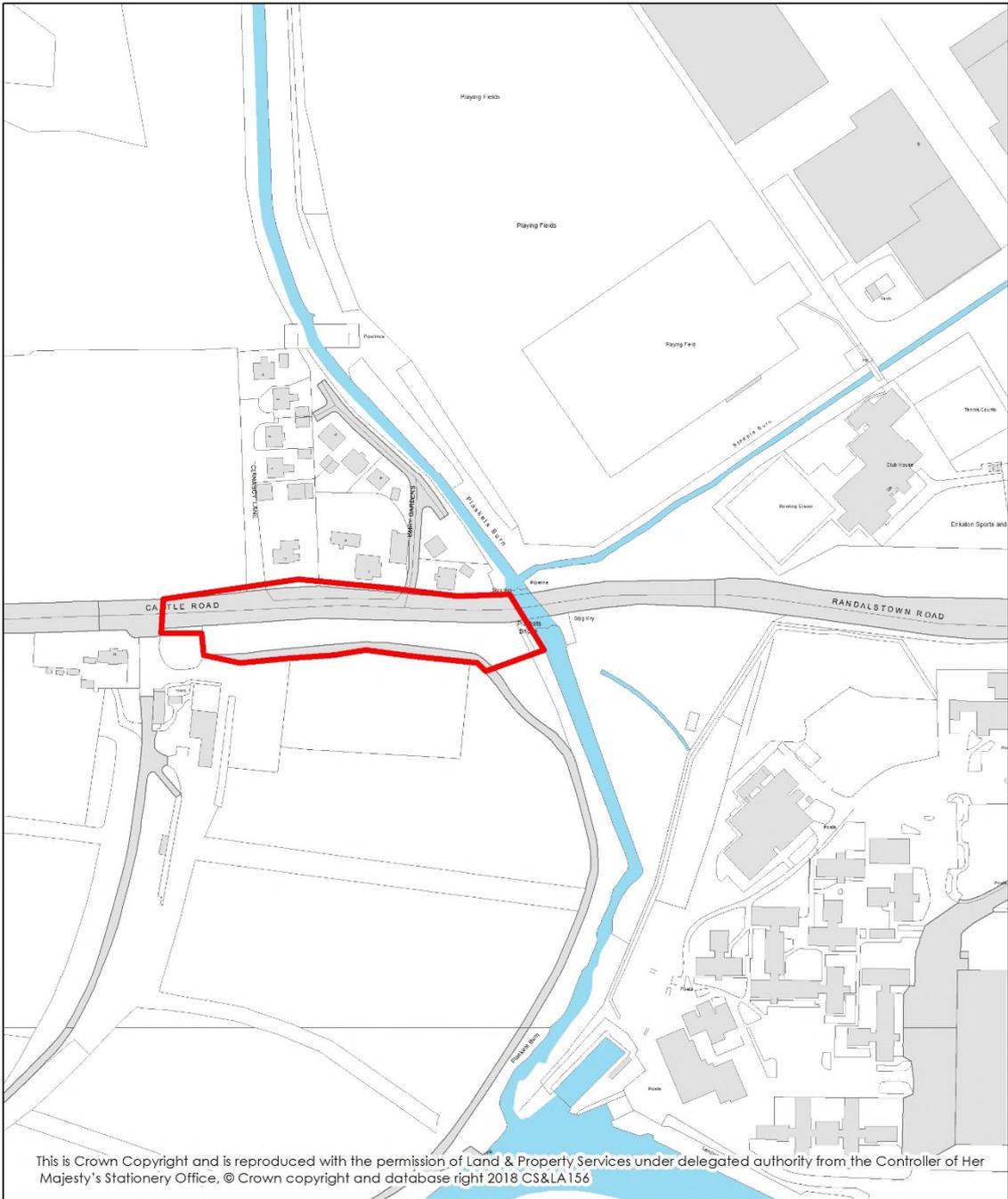
Reason: To ensure the wall is reconstructed to an appropriate standard and to prevent an adverse impact on the character and appearance of the area.

5. No work shall commence on site until a 2.0m<sup>2</sup> sample panel of the stonework demonstrating appropriate coursing, bedding, pointing etc. has been constructed and agreed in writing with the Council and all work shall conform to the agreed sample panel. If the initial sample panel is not of the appropriate quality, further 2.0m<sup>2</sup> sample panels will be required until a sample panel is acceptable.

Reason: To ensure the wall is reconstructed to an appropriate standard and to prevent an adverse impact on the character and appearance of the area.

6. No part of the Shane's Castle estate wall shall be demolished until planning permission has been granted for works of reconstruction and a contract for the carrying out of the works has been submitted to and agreed in writing by the Council.

Reason: To ensure that the Shane's Castle estate wall is not demolished prior to an acceptable redevelopment scheme being granted planning permission and a contract for the works agreed



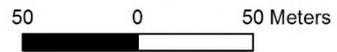
**Location Map**

**Application Reference: LA03/2018/0171/LBC**

Lands south east of 12 Castle Road, Antrim, BT41 4NA

Demolition and reconstruction (on a new alignment) of a section of boundary wall.

 Site Boundary



For Information Only



|                           |                                  |
|---------------------------|----------------------------------|
| <b>COMMITTEE ITEM</b>     | <b>3.5</b>                       |
| <b>APPLICATION NO</b>     | <b>LA03/2015/0173/F</b>          |
| <b>DEA</b>                | <b>AIRPORT</b>                   |
| <b>COMMITTEE INTEREST</b> | <b>MAJOR DEVELOPMENT</b>         |
| <b>RECOMMENDATION</b>     | <b>GRANT PLANNING PERMISSION</b> |

|                        |  |
|------------------------|--|
| <b>PROPOSAL</b>        | Housing development comprising 44 No. dwellings and associated site works, landscaping with access from Trench Lane, Mallusk   |
| <b>SITE/LOCATION</b>   | Lands at Trench Lane to the east of Ballymartin Water adjacent and west of housing developments at Parkmount Road, Tudor Park and Hyde Park Manor, Mallusk, Newtownabbey, BT36 4PA |
| <b>APPLICANT</b>       | Galanta No 2 Ltd   |
| <b>AGENT</b>           | TSA Planning   |
| <b>LAST SITE VISIT</b> | 10 <sup>th</sup> June 2017   |
| <b>CASE OFFICER</b>    | Ashleigh Wilson<br>Tel: 028 903 Ext40429<br>Email: <a href="mailto:ashleigh.wilson@antrimandnewtownabbey.gov.uk">ashleigh.wilson@antrimandnewtownabbey.gov.uk</a>                  |

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The 2.83 hectare application site is located at Trench Lane, Mallusk. The Ballymartin Water/Flush River passes along the western side of the site and defines the western boundary. Extending the full length of the eastern boundary is Trench Lane, which is a public Right of Way. The land rises some 7m from the northern end to the southern end and also falls away gradually from east to west. Further north and south of the application site are residential properties and to the east are existing housing developments including Hydepark Manor, Tudor Park and Parkmount Road which back onto the site. Access to the site is to be taken from Hydepark Manor, which is located to the east of Trench Lane.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: U/2013/0002/F  
Location: 104 Mallusk Road, 3a, 10 and 10a Trench Lane  
Proposal: Demolition of existing dwelling and outbuildings for site for 8 no. dwellings and 6 no. apartments  
Decision: Permission granted (03.11.2014)

Planning Reference: U/2011/0331/F  
Location: Land adjacent to Trench Lane with entrance from Hydebank Manor  
Proposal: Application to vary condition 10 of previous approval U/2003/0800/f (under article 28 of planning (NI) Order 1991, as amended)  
Decision: Permission granted (03.02.2012)

Planning Reference: U/2007/0656/F  
Location: Development of land adjacent to and accessed via Hydepark Manor

Proposal: A residential scheme comprising of 22 detached houses, 28 semi detached houses and 13 apartments giving a total of 63 units  
Decision: Permission refused (24.05.2013)

Planning Reference: U/2003/0800/F  
Location: Land adjacent to Trench Lane, with entrance from Hydepark Manor  
Proposal: Erection of housing development containing 35 houses and 18 apartment  
Decision: Permission granted (19.02.2007)

Planning Reference: U/2003/0599/F  
Location: Land adjacent to Trench Lane, Mallusk, Newtownabbey with entrance from Hydepark Manor  
Proposal: Erection of housing development consisting of 32 No. houses and 12 No. apartments  
Decision: Application withdrawn (18.12.2003)

### **PLANNING POLICY**

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

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

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

Belfast Urban Area Plan: The application site is located within the development limits of the Belfast Urban Area.

Draft Belfast Metropolitan Area Plan (Published 2004): The application site is located within the development limits of Metropolitan Newtownabbey.

Draft Belfast Metropolitan Area Plan (Published 2014): The site is located within the development limits of Metropolitan Newtownabbey and the site is zoned for housing under MNY 03/10 'Land at Hydepark Road, east of Ballymartin Water'. This is a 'Committed Housing Site' for which there are no Key Site Requirements. The western portion of the site is located within a Local Landscape Policy Area under Designation MNY 34 - Ballymartin Water Local Landscape Policy Area. Policy for the control of development in Local Landscape Policy Areas is contained in Policy ENV 1 of the Plan.

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

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

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

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

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

### **NI Water**

No objection

### **Transport NI**

No objection subject to conditions

### **Northern Ireland Environment Agency: Archaeology and Built Heritage**

No objection

### **Northern Ireland Environment Agency: Drainage and Water**

No objection subject to condition

### **Northern Ireland Environment Agency: Waste Management Unit**

No objection

**Northern Ireland Environment Agency: Natural Heritage and Conservation Areas**

No objection subject to conditions

**Northern Ireland Environment Agency: Industrial Pollution and Radiochemical Inspectorate**

No objection

**DfI - Rivers Agency**

Objection raised in relation to flood risk from nearby reservoirs – see core report.

**Shared Environmental Services**

No objection

**DAERA Fisheries**

No objection

**REPRESENTATION**

265 neighbouring properties notified and 217 letters of objection and a petition with 167 signatures were received to the original proposal. This proposal was subsequently revised. Neighbours and objectors were re-notified and a further 23 letters of objection from 18 properties have been received. During the processing of the application, 152 letters of support were also 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:

- Flooding concerns including video evidence, newspaper cuttings and photographs of previous flooding events on the application site;
- Overdevelopment of the site and too much development generally in the area;
- Impact on wildlife/flora and fauna including protected species;
- Impact on aquatic life;
- Loss of existing open space – land would be better used for the community;
- Depreciation of house values;
- Increase in traffic;
- Impact on residents in terms of noise, loss of privacy and safety of children as the proposed access is through existing Hyde Park Manor;
- Redevelopment of Trench Lane and Parkmount Road to provide access;
- Lack of Environmental Impact Assessment – hydrological link to Lough Neagh SPA, RAMSAR, ASSI and precedent set by LA03/2015/0014/F
- Cumulative impacts on Six Mile Water and its Catchments
- Inadequate Neighbour Notification

The following is a summary of the key points of support to the revised proposal:

- Current waste ground will be redeveloped;
- Quality housing is needed in the area;
- The amended scheme overcomes concerns;
- Will attract more children to the area and keep the school open;
- Suitable road in place for families beyond the site; and
- Better community facilities.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Principle of Development
- Density
- Design and Impact on the Character and Appearance of the Area
- Neighbour Amenity
- Nature Conservation
- Loss of Open Space
- Flood Risk
- Access, Movement and Parking
- Other matters

### **Principle of Development**

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with a planning application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Planning Act further requires that the determination of an application must be made in accordance with the local development plan unless material considerations indicate otherwise.

Following the decision by the Court of Appeal in May 2017 to declare the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) unlawful, the Belfast Urban Area Plan 2001 (BUAP) now operates as the LDP for the area in which the application site is located. The BUAP identifies the site as white land within the development limit of the Belfast Urban Area. As such there would be a presumption in favour of the principle of development such as that proposed in this application subject to any site specific or technical issues being resolved and the detail of the scheme being found acceptable.

BMAP is also an important consideration in relation to this application. The Draft BMAP (2004) carried forward inclusion of the application site within the development limits of Metropolitan Newtownabbey, whilst the previously adopted version of BMAP (published in 2014) also incorporated the site within an expanded development limit for Metropolitan Newtownabbey at this location and in addition zoned much of the site for housing (MNY 03/10) as a 'Committed Housing Site' owing to the planning history for residential development on the site (see below).

Part of the site was also designated as a Local Landscape Policy Area (LLPA) in the 2014 version of BMAP where the provisions of Policy ENV 1 apply. This states that in designated LLPAs planning permission will not be granted for development that would be likely to have a significant adverse effect on those features, or combination of features, that contribute to the environmental quality, integrity or character. Those features include an area of local amenity importance with local nature conservation interest along the Ballymartin Water corridor comprising riverside vegetation. The policy states that where riverbanks are included within LLPAs, any access should not have an unacceptable adverse impact on the flora and fauna of the river corridor and where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA. The current proposal incorporates a landscape buffer and conservation strip along the Ballymartin Water and the proposal is not considered likely to have an adverse impact on the LLPA.

The planning history of the site is also a critical material consideration with respect to the principle of development. Planning permission was previously granted on the site by

DOE Planning in February 2007 (planning reference U/2003/0800/F) for fifty three (53) residential units in the form of 35 houses and 18 apartments. A letter was subsequently issued by DOE Planning in 2012 confirming the commencement of development on site prior to the expiration of this permission. On the basis of this letter of confirmation by DOE Planning and a review of the planning history, it is considered that the applicant has a lawful fallback position and could therefore, at any time, build out the residential development of 53 units previously approved at this site. The scheme now proposed seeks permission for forty four (44) residential units, which is a reduction of nine (9) units from the previously approved and enacted permission on the site.

In view of the following matters:

- the location of the site within the Metropolitan development limit in both BUAP and BMAP;
- the zoning of the site for residential purposes in the 2014 version of BMAP; and
- critically the planning history of the site where planning permission for a larger number of units was granted and commenced

it is considered that the principle of housing development on this site is acceptable and the detail of the scheme and technical aspects therefore stand to be considered on their individual merits against regional planning policy. These matters are addressed below.

### **Density**

Paragraph 6.137 of the Strategic Planning Policy Statement emphasises that within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. Policy 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. Given the layout and density of the adjacent residential development on all sides, it is considered that the density of the proposed development is broadly in keeping with its surroundings and will not result in an adverse impact on the character 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 consists of forty four (44) residential units comprising 10 detached dwellings, 26 semi detached dwellings and 8 apartments. All dwellings will be accessed from the existing Hydepark Manor road onto Trench Lane. On approaching the site from Hydepark Manor, the proposed apartment block will provide a focal building, which is two storey with hipped roof and front pitched projection and communal car parking to the rear. The size of the apartments meets the space standards set out within Policy LC 1 of Addendum to Planning Policy Statement 7 'Safeguarding the Character of Established Residential Areas'. The dwelling types include a mix of eight (8) house types and with the exception of a single storey dwelling (House Type B1) in the western corner of the site the remainder are all two storey in height. No garages are proposed within the development.

Policy OS 2 of PPS 8 states that open space for public use is required for new residential developments of 25 or more units or on sites of one hectare or more. As the site is approximately 2.83 hectares in area and a total of 44 dwelling units are proposed there is a requirement for shared open space to accompany the development. The development incorporates a significant area of communal land for conservation and amenity purposes (approximately 9250 sqm) along the Ballymartin Water as well as smaller communal areas in front of units 7-10 (some 375 square metres) and between units 31 and 32 (some 170 square metres). Overall the communal amenity space provided within the site equates to more than 25% of the total site area and is well above the required 10% threshold set out within PPS 8. Five pedestrian link accesses have been indicated throughout the site to allow entry to this area.

Guidance in Creating Places recommends that each dwelling should have an average of 70sqm of private amenity provision, behind the building line. The provision of rear private amenity space ranges greatly between sites from 64 square metres to 318 square metres. The scheme proposes a range of sizes of private amenity area for each plot which is consistent with guidance set out in Creating Places. Overall it is considered the ratio of built form to private amenity space area respects the existing context and the dwellings proposed are carefully sited to ensure appropriate spacing between one another and the existing adjoining residential properties.

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 on Sites 1, 3, 14, 15, 33, 34, 40 and 41, which aim to provide an attractive outlook to the development when viewed from the internal estate roads and pedestrian footpath links. The finishes to the dwellings include off white render or rustic clay facing brick with facing charcoal grey stone cladding to external walls and dark grey reconstituted slate or flat profile roof tiles, black rainwater goods and aluminium or painted timber uPVC window frames. The proposed dwellings utilise a limited range of high quality architectural features and finishing materials, which are simply and effectively repeated to create a strong character for the proposed development.

Adequate and appropriate provision is made for parking within the development with a total of 106 spaces. Of these, 84 are provided as assigned in curtilage spaces and 22 are provided as unassigned visitor spaces.

Paragraph 4.11 of Development Control Advice Note (DCAN) 8 advises that new development should respect the architectural, streetscape and landscape character of the area, and follow the established character in terms of the landscape structure and

the presence of trees. The development proposes the retention of vegetation within the conservation and landscape zone adjacent the Ballymartin Water and also includes the retention of the existing mature hedging along the boundary between Trench Lane and the rear of the dwellings within HydePark Manor.

Tree and shrub planting is proposed within the front gardens and throughout the internal layout of the proposed development, which helps to soften the visual impact of the development.

Boundary treatments include the existing hedging along Trench Lane to the rear of the dwellings within HydePark Manor to be retained, the rear boundary of the site which abuts the conservation and landscape zone is to be largely defined by 1.2 metre high railings with hedgerows planted on the inside. This will define the rear boundaries for the proposed dwellings, whilst enabling an outlook across the Riverside Landscape buffer.

Ten (10) of the properties require stretches of 2 metre high walls along the frontage where the site abuts Trench Lane to ensure screening to their proposed private amenity areas. While this is not generally encouraged, the proposed walls are broken up across the frontage of the site and garden hedging is to be planted in front of the walls which will soften the visual impact. Boundaries between dwellings include 1.8m fencing which is behind the building line.

The overall layout arrangement also ensures that the main area of open space will be adjacent to the apartments, which are dual frontage to ensure this area of communal open space within the site is overlooked and to not give rise to anti-social behaviour.

Overall, it is considered that the proposed scheme demonstrates a quality residential environment which respects the established pattern of development found in the immediate context in particular within Parkmount Road. It is considered therefore that the development proposed will result in a sustainable residential environment compliant with planning policy set out in the development plan, the SPPS and PPS7. It is not considered the proposal will cause unacceptable damage to the local character or environmental quality of the area.

### **Neighbour Amenity**

With regard to the impact that the proposed development may have on the amenity of adjacent properties, the existing dwellings within HydePark Manor, Tudor Park and Parkmount Road all largely back onto or sit gable onto Trench Lane. The proposed dwellings front onto Trench Lane with approximately 12.5m from the front elevation to the common boundary of existing properties. An existing mature hedge is to be retained along this boundary. It is considered that there is adequate separation distances which will prevent any significant impact in terms of overlooking, dominance, overshadowing or loss of light.

Immediately to the west of the site is an existing two storey dwelling, adjacent to the Grange Lane bridge which sits gable end to the application site. A single storey dwelling (Site 01, House Type B1) is proposed next to this which has a bay window at ground floor level on this western side. The proposed boundary treatment is a 1.8metre high fence and therefore there is no concern regarding overlooking. Two car parking spaces are proposed abutting the boundary, which should not give rise to unacceptable impact on residential amenity.

To the east of the site are existing disused buildings accessed off Trench Lane and No 8 Sealstown Road, which is a private property. Adequate separation distances will ensure there is no significant impact on the amenity of these properties.

In terms of the design and layout, the proposed development will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. It is considered that the proposal respects both the existing and approved development within the area and will not have a detrimental impact in terms of neighbour amenity and therefore complies with Policy QD 1 of PPS 7 'Quality Residential Environments'

### **Nature Conservation**

The western portion of the site is located within a Local Landscape Policy Area under BMAP Designation MNY 34 - Ballymartin Water LLPA. The features that are considered to contribute to the environmental quality, integrity or character of this area are the archaeological sites and monument including an unscheduled and unnamed fortified house with earthwork defences and an area of local amenity importance with local nature conservation interest including the Ballymartin River Corridor comprising riverside vegetation. This river corridor and riverside vegetation is to be retained and an amenity area provided adjacent to this. It is considered that the proposal therefore complies with Policy ENV 3 of BMAP.

An objection has criticised the lack of an environmental statement in support of the application. An EIA determination was undertaken by the Planning Section and it was considered the proposal was not likely to have such significant impacts that would warrant an environmental statement. The site is hydrologically linked to Lough Neagh Area of Special Scientific Interest (ASSI), Lough Neagh and Lough Beg RAMSAR site and Lough Neagh and Lough Beg Special Area of Conservation (SAC) which are of international and national importance and protected by the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended). The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). This concluded that the proposal would not be likely to have a significant effect on any of the features of these sites.

The site contains mature trees and hedgerows, rough grassland and is adjacent to Ballymartin Water. The site has high potential for supporting protected species. Natural Environment Division has visited the site to assess the issues raised in letters of objection and has no further concerns. A condition regarding retention of the existing vegetation within the buffer zone is recommended to afford protection to local biodiversity interest.

Objections have raised concerns regarding the potential impact of the development on aquatic life and the potential cumulative impacts of development on Six Mile Water and its Catchments. Ballymartin Water does support significant salmonoid fisheries in the area. DAERA Fisheries Inspectorate has been consulted and has raised no issue with the proposal. An informative will be added to the decision notice to advise that 'it is an offence under Article 47 of the Fisheries Act (NI) 1996 to cause pollution which is

subsequently shown to have a deleterious effect on fish stocks'. In addition a condition is proposed to ensure a construction method statement is submitted prior to commencement of development which will mitigate potential impacts from construction works.

### **Loss of Open Space**

Objections have raised concerns that the proposal would result in the loss of an area of existing open space and that the land would be better used for the community. It has also been noted that the area in question is also the location of a bonfire on 11<sup>th</sup> July. Whilst it is acknowledged the area is currently vacant and open to the public, the planning history on the site and lawful commencement of development of the previous permission would allow for the development of the site at any time for housing without the need for any further planning permissions. For this reason, it would be difficult to resist the proposal in principle given the proposed reduction in the number of residential units combined with the proposed retention of a conservation and landscape buffer zone which also provides an amenity area with public access paths. It is considered for these reasons that a refusal based on loss of open space could not be sustained.

### **Flood Risk**

Video evidence submitted shows that the site has been subject to flooding in previous years and concerns have been raised in objections, with regards to the implications of the development on potential flood risk including cumulative effects of flooding on downstream communities. The aforementioned video evidence can be viewed at the following links:

[https://www.dropbox.com/sh/wezx5qqzh8r1xg7/AACM9AD\\_QQ4QwSSnd4zOHut1a?dl=0](https://www.dropbox.com/sh/wezx5qqzh8r1xg7/AACM9AD_QQ4QwSSnd4zOHut1a?dl=0)

<https://youtu.be/ycrc1u13fpE>

The Flood Risk Assessment submitted on behalf of the developer indicates that the area to be developed has been determined as being outside the 1 in 100 year fluvial floodplain (Q100 floodplain). However, due to the previous history of flooding at this location the developer's consultant has also recommended that all finished floor levels should be placed at a minimum of 1200mm above the 1 in 100 year fluvial floodplain in order to give an additional level of protection above the 600mm freeboard that would normally be applied. Furthermore all development is proposed to be sited outside the consultant's established interpretation of the area recorded as having been flooded in the October 2011 flood event which went beyond the predicted Q100 floodplain. For this reason it is considered that the proposal is compliant with Policy FLD 1 'Development in Fluvial Flood Plains' of PPS 15.

Policy FLD 2 provides policy for the Protection of Flood Defence and Drainage Infrastructure. It is considered that the proposal is acceptable in this regard as the consultant has proposed a working strip within the "Conservation and Landscape Zone" along the bank of the river. An agreed Schedule 6 consent exists to attenuate and limit the rate of discharge of surface water to pre-development greenfield runoff rate and therefore the proposal is also considered to comply with Policy FLD 3 – Development and Surface Water. There are no modifications to the watercourse proposed and therefore Policy FLD 4 is not applicable.

A further flood risk issue is the proximity of the site to existing nearby reservoirs and assessment against Policy FLD 5 of PPS 15. The initial DfI Rivers consultation response

dated 1 July 2015 confirmed that the application site lies in an area of potential inundation emanating from the Hydepark and Boghill Dams (both privately owned) and the Hydepark North Service Reservoir Dam (owned by NI Water). The response advised as an initial step that the applicant should contact the reservoir owner(s) as a means of gathering information that would demonstrate the condition, management and maintenance regime of the reservoirs is appropriate to provide sufficient assurance regarding reservoir safety and thus enable the development to proceed to the FRA stage of Policy FLD 5.

The Rivers Agency in its consultation response has raised no issue with regards to the development judged against Policies FLD 1 – 4 of PPS 15, however, it has maintained concerns regarding reservoir flood risk and indicated that the development is contrary to Policy FLD5 of revised PPS 15. The Rivers Agency commented that in respect of the condition, management and maintenance regime of the two privately owned reservoirs nearby, the applicant has not provided sufficient assurance regarding reservoir safety. In addition concerns have been raised regarding the lack of evidence submitted to substantiate certain statements made in the applicant's Flood Risk Assessment. Finally the Rivers Agency also highlight concern that buildings proposed on parts of the development site may be subject to partial structural damage in the event of a reservoir failure and consider these areas should be avoided.

As indicated above, the site in question has been previously approved for a housing development under application reference: U/2003/0800/F. This granted permission for a greater number of units than the current proposal (53 units compared to the 44 units now proposed). The developer has also advised that this development was commenced in February 2012 prior to the expiry of the consent. The site was also zoned as a committed housing site in the version of the Belfast Metropolitan Area Plan published in 2014.

Clearly, Policy FLD 5 of revised PPS 15, which was introduced in September 2014, is a material consideration and the critical issue is whether this revised policy provision should outweigh the zoning of the site for housing indicated in the 2014 version of BMAP. In balancing these competing material considerations and assessing the weight that should be attributed to Policy FLD 5 as against the beneficial zoning in the BMAP a critical consideration must also be that the site has a current live unimplemented planning permission, which can be built without further consideration of the reservoir/dam flood risk matter.

Given that the extant permission at the site would allow 35 houses and 18 apartments to be constructed (53 No. units in total), it is considered that it would be unreasonable to apply the provisions of Policy FLD 5 to the current development scheme for a revised number and arrangement of houses provided the new proposal does not materially increase the level of risk that would arise at the site in relation to a potential breach of any of the aforementioned reservoirs.

In the case in question, the proposal seeks permission for 44 No. units and as such it is considered that the level of risk that would arise with the revised development would actually be less than that which would exist were the current live permission to be implemented. The area of hard landscaping approved within the site equates to some 10,280 square metres whereas the total area in the current proposal is some 9,850 square metres (a reduction of circa 400 square metres). As a consequence and in the particular circumstances of this case, it is considered unnecessary for the applicant to

fulfil the requirements of Policy FLD 5. As such the Rivers Agency objection is not considered to be determining on this occasion.

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

Objections raised concerns regarding the increased traffic the proposal will create. It has been pointed out that the site is in close proximity to a large industrial area and landfill site that is already heavily trafficked. The access is to be taken from the existing Hydepark Manor, which is an existing housing development. Concern has also been raised in relation to the impact that additional traffic would have on the existing residents and it was also highlighted that tractors and farm machinery often use the existing lane and they will be forced to use the new access through housing estates. It must be noted that the site is zoned for residential development and the applicant's fallback position is for a larger number of residential units than the proposed scheme with an entrance from Hydepark Manor. DfI Roads has considered the proposal and has raised no objection with regards to road safety, traffic or parking matters. Notwithstanding the objections raised, it is considered that the proposal complies with the provisions of Planning Policy Statement 3: Access, Movement and Parking.

### **Other Matters**

The proposed development is located 400 metres east of an active Non-hazardous Landfill site and a Waste Materials recycling facility. NIEA Waste Management Unit and Industrial Pollution and Radiochemical Inspectorate has considered the proposal and neither unit has raised any objection.

An existing monument is located within close proximity to the site. The Historic Environment Division's Monuments Unit has been consulted and on the basis of the information provided is content with the proposal. As such, the proposal is considered to comply with Planning Policy Statement 6: 'Planning, Archaeology and the Built Heritage'.

Concerns have been raised that the proposal will undermine property values. It should be noted that the impact of a development on the value of property is not generally considered to be a material planning consideration. In any case no evidence has been adduced to support this concern and given the lack of evidence it would be difficult to attribute any significant weight to the issue.

All neighbours falling within the statutory neighbour notification criteria have been notified.

## **CONCLUSION**

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

- The principle of development for housing at this location is acceptable;
- The density of the proposal is acceptable and it is considered that the layout will create a quality sustainable residential environment;
- There will be no adverse residential amenity impact to existing neighbours;
- Flood risk matters have been satisfactorily addressed;
- The proposal will not have an adverse effect on site integrity of any designated sites and other natural heritage interests;
- The proposal will not have a detrimental impact on features of archaeological importance; and
- There are no road safety concerns regarding the proposal.

|                         |                                  |
|-------------------------|----------------------------------|
| <b>RECOMMENDATION :</b> | <b>GRANT PLANNING PERMISSION</b> |
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| <b>PROPOSED CONDITIONS</b> |
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1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  
  
Reason: As required by Article 61 of the Planning Act (Northern Ireland) 2011.
2. A Construction Method Statement, agreed with the appointed contractor, shall be submitted to the Council at least eight weeks prior to any works commencing on site. This should 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 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 wildlife and nature conservation interests associated with the Ballymartin Water
3. None of the dwellings hereby permitted shall be occupied until all of the remediation measures detailed within the Flood Risk Assessments (Document 02/2 and Document 05 date stamped received 14<sup>th</sup> February 2018) have been fully implemented and verified to the satisfaction of the Council.  
  
Reason: To mitigate flood risk at the site.
4. The existing trees within the conservation and landscape zone as indicated on the approved plan No. 44/1 bearing the date stamp 14<sup>th</sup> February 2018 shall be retained and allowed to grow on.  
  
Reason: To protect the amenity afforded by the existing trees and to minimise the impact of the proposal on the local bat population and wider nature conservation interests.
5. There shall be no storage of construction materials and/or any excavated materials within the conservation and landscape zone as shown on Drawing No. 02/6 date stamped 3<sup>rd</sup> May 2018.  
  
Reason: To protect existing trees and their roots.
6. All hard and soft landscape works shall be carried out in accordance with the approved drawing No. 44/1 bearing the date stamp 14<sup>th</sup> February 2018 and the appropriate British Standard or other recognized Codes of Practice. The works shall be carried out during the first planting season following the occupation of the first dwelling hereby approved.

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

7. 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.

8. The open space and amenity areas indicated on the stamped approved Drawing No. 46 date stamped 14<sup>th</sup> February 2018 shall be managed and maintained in accordance with the Landscape Management Plan, Document 04 received on 2<sup>nd</sup> November 2017 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.

9. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992

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 39/4 date stamped 3<sup>rd</sup> May 2018.

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.

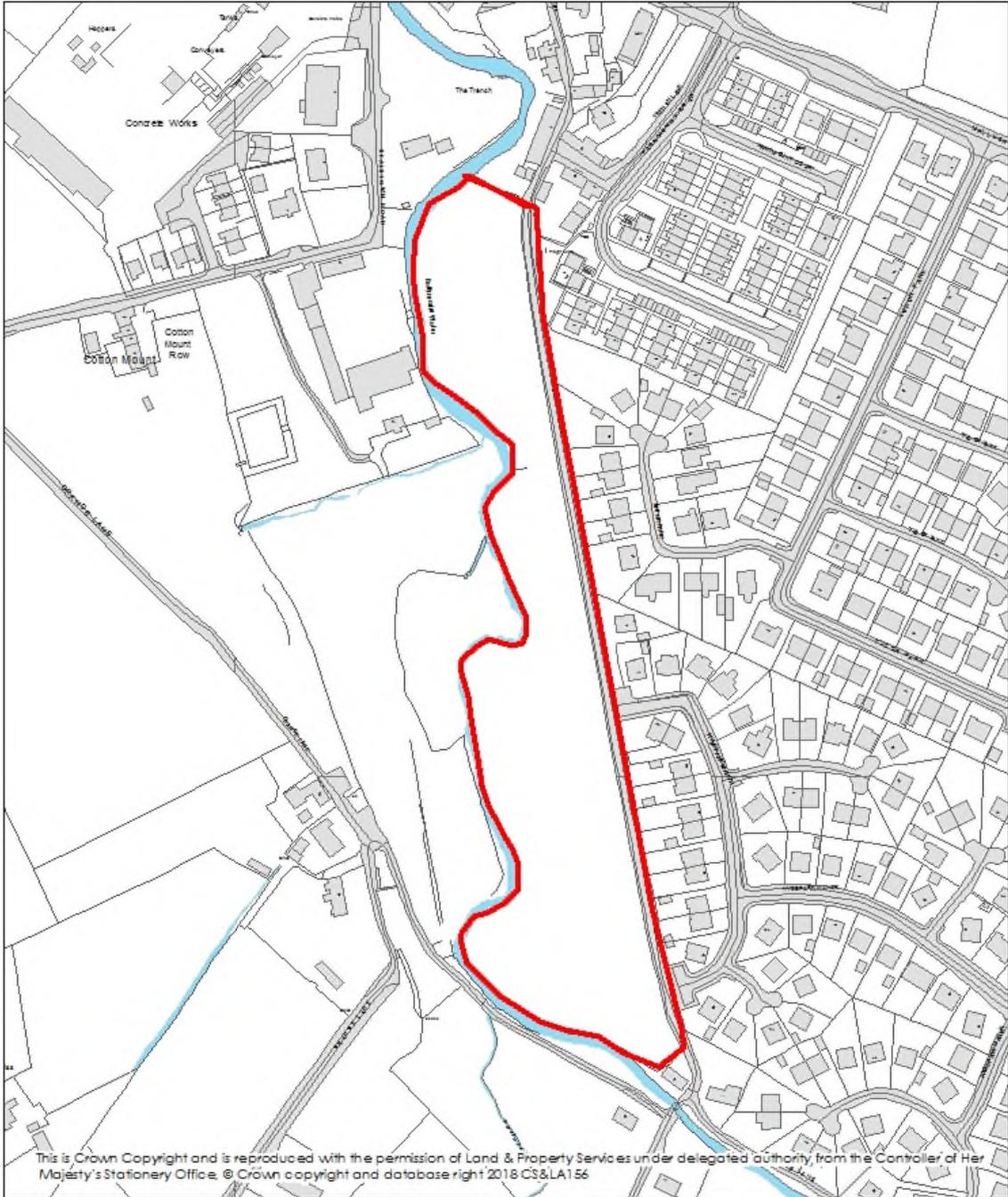
10. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992

No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 39/4 date stamped 3<sup>rd</sup> May 2018.

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.

11. No dwellings 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.



**Location Map**

**Application Reference: LA03/2015/0173/F**



Lands at Trench Lane to the east of Ballymartin Water

44 No. dwellings with access from Trench Lane Mallusk (with additional access onto Trench Lane from Hydepark Manor)

 Site Boundary

For Information Only



|                           |                                  |
|---------------------------|----------------------------------|
| <b>COMMITTEE ITEM</b>     | <b>3.6</b>                       |
| <b>APPLICATION NO</b>     | <b>LA03/2017/0942/F</b>          |
| <b>DEA</b>                | <b>GLENGORMLEY URBAN</b>         |
| <b>COMMITTEE INTEREST</b> | <b>LEVEL OF OBJECTION</b>        |
| <b>RECOMMENDATION</b>     | <b>GRANT PLANNING PERMISSION</b> |

|                        |   |
|------------------------|---|
| <b>PROPOSAL</b>        | Proposed demolition of existing building and construction of 2 No. drive-thru restaurants with associated car parking and landscaping                             |
| <b>SITE/LOCATION</b>   | Former Lidl Site, 263 Antrim Road, Glengormley, BT36 7QN  |
| <b>APPLICANT</b>       | Kirk Bryson & Co Ltd  |
| <b>AGENT</b>           | Coogan & Co Architects Ltd  |
| <b>LAST SITE VISIT</b> | 15 <sup>th</sup> February 2018  |
| <b>CASE OFFICER</b>    | Ashleigh Wilson<br>Tel: 028 903 Ext40429<br>Email: <a href="mailto:ashleigh.wilson@antrimandnewtownabbey.gov.uk">ashleigh.wilson@antrimandnewtownabbey.gov.uk</a> |

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

This application site, at No. 263 Antrim Road, occupies a corner location at the junction of the Antrim Road and Church Way. The site is located within the development limits for Metropolitan Newtownabbey but is outside the designated local centre boundary for Glengormley as defined in draft Belfast Metropolitan Area Plan.

Currently on site is a vacant retail building, previously occupied by Lidl, positioned in the northwestern corner with car parking located to the front of this building and extending to the southern boundary of the site where it abuts the Antrim Road. The car parking area is broken up by a number of existing mature trees, hedging and small shrubs, with this vegetation extending along the southern, eastern and western boundaries of the application site.

The immediate area comprises an eclectic mix of uses including Glengormley Presbyterian Church immediately to the west, Glengormley Primary School to the north, with a car mechanics business to the northeast. The surrounding area also exhibits a mixture of uses, including residential properties, retail units, fast food takeaway/drive thru restaurant (McDonalds) and leisure uses.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2017/0313/F  
Location: Former Lidl site, 263 Antrim Road Glengormley  
Proposal: Proposed demolition of existing building and construction of 9 no. residential units comprising of 5 no. detached, 4 no. semi-detached with associated car parking and landscaping and a drive-thru restaurant  
Decision: Current application

Planning Reference: LA03/2017/0126/F

Location: Former Lidl site, 263 Antrim Road, Glengormley

Proposal: Proposed demolition of existing building and construction of 17 No. residential units comprising of 7 No. detached, 4 No. semi-detached, and 6 No. apartments with associated car parking and landscaping.

Decision: Current application

Planning Reference: U/2000/0294/F

Location: 261-263 Antrim Road, Glengormley

Proposal: Retention of food retail unit and provision of associated car parking without compliance with condition number 10 from planning permission application number U/98/0229 issued on 14th May 1999.

Decision: Permission Granted 04.10.2001

## **PLANNING POLICY**

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

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

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

Belfast Urban Area Plan: The site is located within the development limits of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan: The site is located within the development limits of Metropolitan Newtownabbey and is not zoned for any particular purpose. The Plan offers no specific guidance on this proposal.

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

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

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

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

Supplementary Planning Guidance: Development Control Advice Note 4: Restaurants, Cafes and Fast Food Outlets: is to give general guidance to intending developers, their professional advisors and agents in relation to proposals for restaurants, cafes and fast food outlets. It should be stressed that this Note is not a specific statement for Departmental policy but rather one of advice and guidance.

## **CONSULTATION**

**Council Environmental Health Section** - No objection

**NI Water** - No objection

**DfI Roads** - No objection subject to conditions

**DfI Rivers** - No objection

**Belfast City Airport** - No objection

**Council Tree Officer** - No objection subject to conditions

## **REPRESENTATION**

Forty one (41) neighbouring properties were notified and eight (8) letters of representation 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:

- No need for further fast food outlets in the area
- Potential nuisances for occupants of existing properties from two fast food outlets such as litter, smells, antisocial behaviour and lights
- Impact on health and wellbeing, particularly of school children adjacent due to the number of fast food outlets
- Traffic and road safety implications
- Glengormley requires more housing
- Many elderly residents live within close proximity to the site
- Impact on the character of the area

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

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

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Neighbour Amenity
- Flood Risk
- Impact on Trees
- Other Matters

### **Principle of Development**

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with a planning application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Planning Act further requires that the determination of an application must be made in accordance with the local development plan unless material considerations indicate otherwise.

Following the decision by the Court of Appeal in May 2017 to declare the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) unlawful, the Belfast Urban Area Plan 2001 (BUAP) now operates as the LDP for the area in which the application site is located. The BUAP identifies the site as white land within the development limit of the Belfast Urban Area. BMAP is also a material consideration in relation to this application. In both the Draft BMAP (2004) and the previously adopted version of BMAP (published in 2014) the site comprises an area of unzoned land within Metropolitan Newtownabbey located outside, however, near to, the defined boundary of the designated local centre of Glengormley. The draft plan does not zone the land at this location for any specific use and thus any potential development will be assessed against its location.

Objections have been received with regards to the need for two further fast food outlets at this location. It has been stated that there are more than eighty (80) hot food uses within Glengormley and the Chairperson of Glengormley School adjacent to the site has concerns regarding the health and wellbeing of pupils, asserting that a further two drive-thru restaurants on this site is considered too many. However, planning policy does not require a 'needs test' for such development, rather the Town Centres and Retailing policies within the Strategic Planning Policy Statement (SPPS) (para. 6.267 – 6.292) provide a sequential test for 'town centre uses' and generally preclude any such proposal that would cause unacceptable harm to any protected centre. It should also be noted that the Planning Appeals Commission has, in the past, taken the view that a drive-thru restaurant is not considered to be a town centre use (PAC Reference 2014/A0192, dated 17<sup>th</sup> February 2016). The SPPS defines 'town centre uses' as including "cultural and community facilities, retail, leisure, entertainment and businesses".

Although the existing Lidl building on the site is no longer in use, the site's former and current lawful use is for a 'retail' use (Class A1). It is therefore material to the consideration of the application and weight has been attached to the fact that a lawful retailing use could resume on the application site without the need for planning permission.

Notwithstanding the above, the SPPS requires a sequential assessment (ranked in order of sequential preference) for town centre uses in the following order: primary retail core, town centres, edge of centre and out of centre locations where sites are accessible by a choice of good public transport. Such an assessment has been submitted by the applicant (Document 02) seeking to demonstrate why alternative sites are not suitable, available or viable for either of the proposed drive-thru restaurants as required by the SPPS.

The catchment area in undertaking the assessment included a two (2) mile radius of the site and incorporated two (2) local centres including Northcott and Glengormley. The assessment identified potential sites within the catchment and concluded that there were no suitable sites within the local centres. The assessment points out the view of the PAC that the term suitable could only be read as requiring an assessment of sites suitable for the development proposed by the applicant and not suitable from the perspective of the planning authority in addressing a deficiency in the retail provision of a centre. The report states that the southern portion of the catchment area was not suitable as it overlapped with existing stores, KFC Church Road, Newtownabbey and KFC at Abbeycentre. From the remaining area, the report identified potential sites which were available and only one of these was in the local centre (321 Antrim Road, Glengormley). The report states that this site was physically constrained in terms of size to accommodate the proposed drive-thru restaurants and there is no opportunity to extend the site.

A number of potential sites were identified outside the local centre boundaries, with the application site being the most sequentially preferable location for the two drive-thru restaurants. The remaining sites identified were further away from the centre than the proposed site. The application site is approximately 150 metres from the defined boundary of Glengormley Local Centre.

It is considered that the proposed development will not undermine the existing local centre uses and is considered compatible with the surrounding land uses in the immediate locale. It is noted that there is a similar drive-thru restaurant (McDonalds) to the southwest of the application site, which is also located outside the local centre boundary. It is considered that the principle of this development is acceptable at this location subject to compliance with other planning criteria, which are discussed below.

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

A concept statement has been submitted detailing the thought behind the design seeking to ensure the two buildings complement each other. An assortment of high quality, modern materials and the sensitive use of appropriate colour and texture adds a variety of architectural detail to the scheme whilst maintaining the corporate branding style.

The materials of building one include PPC aluminium glazed curtain walling with aluminium projecting roof fascia. Timber cladding is also proposed with red, grey and off white aluminium composite cladding panels and a stone cladding panel in charcoal is proposed along the elevation facing the Antrim Road. The elevation to the Antrim Road has a high, sloped feature element that adds interest to the façade, which will be visible from the main road and screens the odour abatement system (which is required to terminate one metre above the roof). Building two proposes similar materials in colours purple, dark grey and red/brown. Again, the proposed odour abatement system and duct will be screened within the design of the building.

Although the majority of the buildings within the immediate area are a mixture of red brick and render, there are some elements within buildings adjacent which provide variety in design including the Church building adjacent which exhibits a large glazed window on the front elevation. Although the proposed design of the drive-thru restaurant along the Antrim Road is unusual, it will provide visual interest and

provide screening to the proposed flue from the main road. It is considered the building will not have a significant detrimental impact on the character and appearance of the area.

### **Neighbour Amenity**

Residential properties are located within close proximity to the application site as well as a range of other uses abutting the site. Objections have indicated that there are many elderly people living in this area. Drive-thru restaurants have the potential to have an impact on amenity in terms of smells, fumes, noise and disturbance etc and given the proposal is for two drive-thru restaurants, the cumulative impact has been considered. Development Control Advice Note 4 'Restaurants, Café's and Fast Food Outlets' provides guidance on such matters. Objections have been received from properties within the area regarding potential nuisances from fast food outlets such as noise, litter, smells, antisocial behaviour, and lights.

The potential for noise from two drive-thru restaurants has been considered and a Noise Impact Assessment was submitted (Document 06/1) which sets out the background sound level, including all noise emanating from all existing commercial sites, and provides an assessment of noise level from the proposal. The Environmental Health Section of the Council has advised that it has considered the report and is content with its findings subject to planning conditions to restrict the total noise level associated with the drive-thru restaurants including noise from plant. The opening times will be restricted and the drive-thru restaurant will only be open between 7am and 11pm and no deliveries will take place outside these operational hours.

Details regarding the proposed high level odour control system for the drive-thru restaurants has been submitted (Document 07) and again the Environmental Health Section has been consulted and has raised no objections subject to a condition to ensure there will be no unacceptable odour from the proposed drive-thru restaurants. A bin store is also proposed which will ensure the bins are stored out of sight and within an enclosed area to reduce potential smells. The bin store is to be located off the boundary between two groups of trees and therefore visual impact will be minimal.

A Light Impact Assessment was submitted (Document 09) which details lighting levels and mitigation measures to ensure there would be no significant adverse impact on nearby properties with regards to light nuisance.

Concerns have been raised by objectors with the potential for anti-social behaviour, which would compound the anti-social behaviour, which they advise already exists on this site given that the site is vacant. The proposal will bring the site into use with increased surveillance from customers during operational hours. In addition, given the condition regarding restricted opening times, the site will not attract visitors late at night. The Environmental Health Section has been forwarded copies of the objections received and they have raised no issues with nuisance from lights or other potential disturbance. Overall, it is considered that the proposal will not have a significant adverse impact on neighbouring amenity.

### **Flood Risk**

The site is affected by the designated watercourse known as the Glas-na-Bradden stream, which is culverted and flows immediately to the south of the site. The applicant provided a Drainage Assessment and DfI Rivers has advised that it accepts its logic and has no reason to disagree with its conclusions. The Flood Maps (NI)

indicates the application site lies within the periphery of the 1 in 100 year strategic flood plain and a Flood Risk Assessment was submitted. The finished levels have a 600mm freeboard above the Q100 flood level and DfI Rivers has no objection subject to informatives. With regards to surface water flooding, the Drainage Assessment concludes that the site is unlikely to be at risk from flooding. DfI Rivers and NIEA Water Management Unit therefore has not raised an objection to the proposed development from a drainage or flood risk perspective and it is considered the proposal complies with Planning Policy Statement 15.

**Impact on Trees**

The site is affected by a Tree Preservation Order dated 9<sup>th</sup> February 1999. A Tree Survey and Report was submitted as part of this application (Documents 04 and 05). The Council's Tree Officer was consulted with the application and considered the site as a poor example of a TPO site, in terms of the amenity value afforded by the trees, nonetheless they play an important role in softening the impact of the hard surfaced car parking area to the front of the site. The Tree Officer has been consulted with the proposal and has raised no objection, although they have recommended a number of conditions including the retention of existing trees, protective barriers to be erected to protect existing trees during construction and the proposed planting of additional trees within the site.

**Other Matters**

The Council's Environmental Health Section has indicated that the proposed development site lies close to some existing business units, one of which is a car repair business. It is also noted that the building within the site may have asbestos containing materials and therefore a condition is recommended in the instance that contamination is found within the site.

**CONCLUSION**

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

- The principle of two drive-thru restaurants is considered acceptable;
- The 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, odour, lighting or other disturbance;
- There is no flood risk associated with this development;
- The proposed new planting of trees to compensate the previous loss of some protected trees is considered acceptable; 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. Neither of the drive-thru restaurants hereby permitted shall become operational until the mitigation measures detailed within section 1.7.2 of the report titled "Light Impact Assessment – Former Lidl Site, 263 Antrim Road, Glengormley," date

stamped 23<sup>rd</sup> April 2018, and stamped Document 09 have been fully implemented.

Reason: In order to preserve amenity at nearby residential dwellings.

3. As specified within Document 06/1 and date stamped 9<sup>th</sup> March 2018, the cumulative noise level from all activities associated with the 2 No. restaurants shall not exceed a rating level of 54 dB  $L_{Aeq,1hr}$  during any period between 07:00 and 23:00hrs when measured within the external amenity area of any nearby noise sensitive receptor and assessed in accordance with British Standard 4142:2014.

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

4. As specified within Document 06/1 and date stamped 9<sup>th</sup> March 2018, the cumulative noise level from all plant associated with the 2 No. restaurants shall not exceed a rating level of 45 dB  $L_{Aeq,15min}$  during any period between 23:00 and 07:00hrs when measured within the external amenity area of any nearby noise sensitive receptor and assessed in accordance with British Standard 4142:2014.

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

5. The 2 No. restaurants shall not be operational nor receive deliveries at anytime between 23:00-07:00hrs.

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

6. Neither of the drive-thru restaurants hereby permitted shall become operational until a high level odour control system for each restaurant is installed as specified within the DEFRA 2005 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' document and drawing no. 06/2 date stamped 13<sup>th</sup> December 2017 and drawing no. 07/1 date stamped 13<sup>th</sup> December 2017.

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

7. Prior to the operation of each of the 2 No. restaurants hereby permitted an odour report shall be submitted to the Council demonstrating compliance with condition 6.

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

8. If, during the development works, a new source of contamination and risks are found which had not previously been identified, works should cease and 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). In the event of unacceptable risks being identified, a remediation strategy shall be presented to the Council for approval and subsequently implemented and verified to their satisfaction.

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

9. The development hereby permitted shall not become operational until the road works indicated on Drawing No 02/2 bearing the date stamp 18<sup>th</sup> January 2018 have been fully completed in accordance with the approved plans.

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

10. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02/2 bearing the date stamp 18<sup>th</sup> January 2018, 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.

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

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

12. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02/2 bearing date stamp 18<sup>th</sup> January 2018 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

13. No retained tree (as indicated on Drawing No. 03/3 date stamped 23<sup>rd</sup> April 2018 shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the prior written consent of the Council.

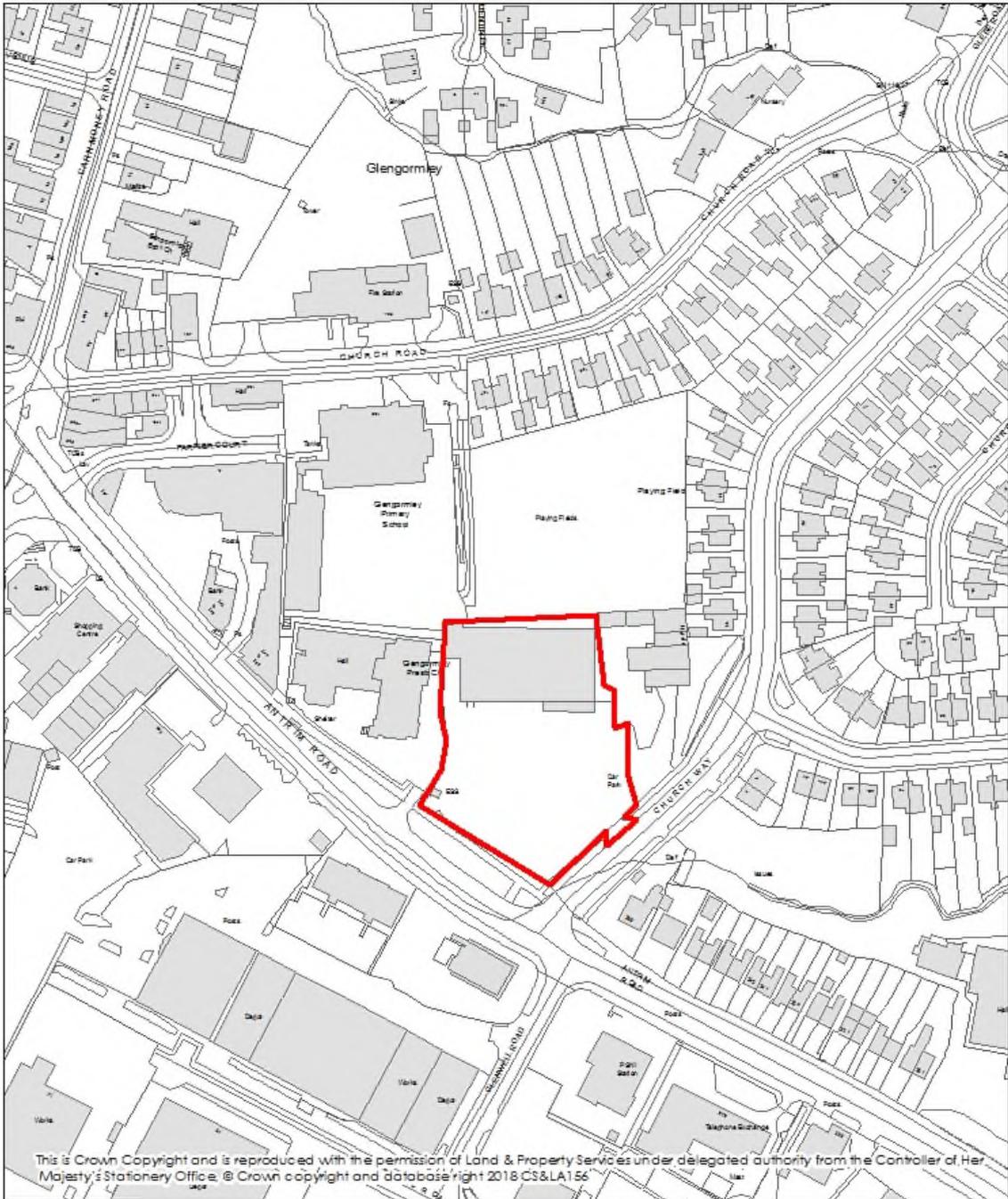
Reason: To ensure the continuity of amenity afforded by existing trees.

14. A protective barrier no less than 2m in height comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts and securely supported weldmesh panels (as illustrated and detailed on Drawing 03/3 date stamped 23<sup>rd</sup> April 2018) shall be erected at least the distance away from retained trees as defined in the same plan prior to commencement of the development hereby approved and shall be permanently retained for the period of construction on the site. There shall be no stockpiling of materials or soil within this tree protection zone.

Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

15. The proposed planting shall be carried out in accordance with details as identified on Drawing No. 03/3 date stamped 23<sup>rd</sup> April 2018 within the first full planting season following the operation of the first restaurant hereby approved. For clarity, the planting season is defined as 1<sup>st</sup> September – 31<sup>st</sup> March.

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



**Location Map**

**Application Reference: LA03/2017/0942/F**



Two drive-thru restaurants at 263 Antrim Road, Glengormley.

For Information Only

 Site Boundary



|                           |                                  |
|---------------------------|----------------------------------|
| <b>COMMITTEE ITEM</b>     | <b>3.7</b>                       |
| <b>APPLICATION NO</b>     | <b>LA03/2017/0313/F</b>          |
| <b>DEA</b>                | <b>GLENGORMLEY URBAN</b>         |
| <b>COMMITTEE INTEREST</b> | <b>LEVEL OF OBJECTION</b>        |
| <b>RECOMMENDATION</b>     | <b>GRANT PLANNING PERMISSION</b> |

|                        |  |
|------------------------|--|
| <b>PROPOSAL</b>        | Proposed demolition of existing building and construction of 9 No. residential units comprising of 5 No. detached, 4 No. semi-detached with associated car parking and landscaping and a drive-thru restaurant |
| <b>SITE/LOCATION</b>   | Former Lidl site, 263 Antrim Road, Glengormley, BT36 7QN   |
| <b>APPLICANT</b>       | Kirk Bryson & Co. Ltd  |
| <b>AGENT</b>           | Coogan & Co Architects Ltd   |
| <b>LAST SITE VISIT</b> | 15 <sup>th</sup> February 2018   |
| <b>CASE OFFICER</b>    | Ashleigh Wilson<br>Tel: 028 903 Ext40429<br>Email: <a href="mailto:ashleigh.wilson@antrimandnewtownabbey.gov.uk">ashleigh.wilson@antrimandnewtownabbey.gov.uk</a>  |

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

This application site, at No. 263 Antrim Road, occupies a corner location at the junction of the Antrim Road and Church Way. The site is located within the development limits for Metropolitan Newtownabbey but is outside the designated local centre boundary for Glengormley as defined in draft Belfast Metropolitan Area Plan.

Currently on site is a vacant retail building, previously occupied by Lidl, positioned in the northwestern corner with car parking located to the front of this building and extending to the southern boundary of the site where it abuts the Antrim Road. The car parking area is broken up by a number of existing mature trees, hedging and small shrubs, with this vegetation extending along the southern, eastern and western boundaries of the application site.

The immediate area comprises an eclectic mix of uses including Glengormley Presbyterian Church immediately to the west, Glengormley Primary School to the north, with a car mechanics business to the northeast. The surrounding area also exhibits a mixture of uses, including residential properties, retail units, fast food takeaway/drive thru restaurant (McDonalds) and leisure uses.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2017/0942/F  
Location: Former Lidl site, 263 Antrim Road Glengormley  
Proposal: Proposed demolition of existing building and construction of 2no drive-thru restaurants with associated car parking and landscaping  
Decision: Current application

Planning Reference: LA03/2017/0126/F

Location: Former Lidl site, 263 Antrim Road, Glengormley

Proposal: Proposed demolition of existing building and construction of 17 no. residential units comprising of 7 no. detached, 4 no. semi-detached, and 6 no. apartments with associated car parking and landscaping.

Decision: Current application

Planning Reference: U/2000/0294/F

Location: 261-263 Antrim Road, Glengormley

Proposal: Retention of food retail unit and provision of associated car parking without compliance with condition number 10 from planning permission application number U/98/0229 issued on 14th May 1999.

Decision: Permission Granted 04.10.2001

### **PLANNING POLICY**

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

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

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

Belfast Urban Area Plan: The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan: 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.

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

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

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

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

Supplementary Planning Guidance: Development Control Advice Note 4: Restaurants, Cafes and Fast Food Outlets: is to give general guidance to intending developers, their professional advisors and agents in relation to proposals for restaurants, cafes and fast food outlets. It should be stressed that this Note is not a specific statement for Departmental policy but rather one of advice and guidance.

### **CONSULTATION**

**Council Environmental Health Section** – No objection, subject to informatives

**NI Water** – No objection, subject to informatives

**DfI Roads** – No objection, subject to conditions

**DfI Rivers** – No objection

### **REPRESENTATION**

Forty-one (41) neighbouring properties were notified and seven (7) letters of representation 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:

- No need for further fast food outlets in the area
- Potential nuisances from fast food outlet such as litter, smells, antisocial behaviour, and lights
- Impact on health and wellbeing, particularly of school children adjacent due to the number of fast food outlets
- Traffic and road safety implications
- Glengormley requires more housing
- Many elderly residents live within close proximity to the site
- Impact on the character of the area
- Objection to any 'social housing' in this private residential area
- Privacy fence requested by Presbyterian Church along western boundary.

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

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

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Amenity
- Flood Risk

- Road Safety
- Other Matters

### **Principle of Development**

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with a planning application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Planning Act further requires that the determination of an application must be made in accordance with the local development plan unless material considerations indicate otherwise.

Following the decision by the Court of Appeal in May 2017 to declare the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) unlawful, the Belfast Urban Area Plan 2001 (BUAP) now operates as the LDP for the area in which the application site is located. The BUAP identifies the site as white land within the development limit of the Belfast Urban Area. BMAP is also a material consideration in relation to this application. In both the Draft BMAP (2004) and the previously adopted version of BMAP (published in 2014) the site comprises an area of unzoned land within Metropolitan Newtownabbey located outside, however, near to, the defined boundary of the designated local centre of Glengormley. The draft plan does not zone the land at this location for any specific use and thus any potential development will be assessed against its location.

Objections have been received with regards to the need for a further fast food outlet at this location. However, planning policy does not require a 'needs test' for such development, rather the Town Centres and Retailing policies within the Strategic Planning Policy Statement (SPPS) (para. 6.267 – 6.292) provide a sequential test for 'town centre uses' and generally preclude any such proposal that would cause unacceptable harm to any protected centre. The Planning Appeals Commission has, in the past, taken the view (PAC Reference 2014/A0192, dated 17<sup>th</sup> February 2016) that a drive through restaurant is not considered to be a town centre use. The SPPS defines 'town centre uses' as including "cultural and community facilities, retail, leisure, entertainment and businesses".

Although the existing Lidl building on the site is no longer in use, the site's former and current lawful use is for a 'retail' use (Class A1). It is therefore material to the consideration of the application and weight has been attached to the fact that a lawful retailing use could resume on the application site without the need for planning permission.

Notwithstanding the above, the SPPS requires a sequential assessment (ranked in order of sequential preference) for town centre uses in the following order: primary retail core, town centres, edge of centre and out of centre locations where sites are accessible by a choice of good public transport. Such an assessment has been submitted by the applicant (Document 02) seeking to demonstrate why alternative sites are not suitable, available or viable for either of the proposed drive-thru restaurants as required by the SPPS.

The catchment area in undertaking the assessment included a two (2) mile radius of the site and incorporated two (2) local centres including Northcott and Glengormley. The assessment identified potential sites within the catchment and concluded that

there were no suitable sites within the local centres. The Statement points out the view of the PAC that the term suitable could only be read as requiring an assessment of sites suitable for the development proposed by the applicant and not suitable from the perspective of the planning authority in addressing a deficiency in the retail provision of a centre. The report states that the southern portion of the catchment area was not suitable as it overlapped with existing stores (KFC Church Road, Newtownabbey and KFC at Abbeycentre). From the remaining area the report identified potential sites which were available and only one of these was in the local centre (321 Antrim Road, Glengormley). The report states that this site was physically constrained in terms of size to accommodate the proposed drive thru restaurant and there is no opportunity to extend the site.

A number of potential sites were identified outside the local centre boundaries, with the application site being the most sequentially preferable location. The remaining sites identified were further away from the centre than the proposed site. The application site is approximately 150 metres from the defined boundary of Glengormley Local Centre.

It is considered that the proposed development will not undermine the existing local centre uses and is considered compatible with the surrounding land uses in the immediate locale. It is noted that there is a similar Drive-Thru restaurant (McDonalds) to the southwest of the application site, which also resides outside the local centre boundary. It is considered that the principle of this development is acceptable at this location subject to compliance with other planning criteria, which are discussed below.

With regards to the residential element of the proposal, the application site comprises an area of unzoned land within Metropolitan Newtownabbey and the principle of housing development on this site therefore stands to be considered on its individual merits against regional planning policy. An objection was received regarding the principle of social housing on the site however, there is no indication that the proposal is for social housing. The Strategic Planning Policy Statement (SPSS) 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 SPSS also promotes good design and seeks to make more efficient use of urban land without town cramming. These matters are addressed below.

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

A concept statement has been submitted detailing the rationale behind the design of the proposed drive-thru restaurant located within the southwestern portion of the site closest to the Antrim Road. The statement contends that an assortment of high quality, modern materials and the sensitive use of appropriate colour and texture adds a variety of detail to the scheme whilst maintaining the corporate branding style. The elevation to the Antrim Road has a high, sloped feature element that adds interest to the facade, which will be visible from the main road and screens the odour abatement system (which is required to terminate one metre above the roof) from view. The materials include PPC aluminium glazed curtain walling with aluminium projecting roof fascia. Timber cladding is also proposed with red, grey and off white aluminium composite cladding panels and a stone cladding panel in charcoal is proposed on the Antrim Road elevation. Although the majority of the buildings within

the immediate area are a mixture of red brick and render, there are some elements within buildings adjacent which provide variety in design including the Church building adjacent which exhibits a large glazed window on the front elevation. Although the proposed design is unusual, it will provide visual interest and provide screening to the proposed flue from the main road. It is considered the building will not have a significant detrimental impact on the character and appearance of the area.

It is considered that given the site's location abutting the Antrim Road, which is a key link transport corridor, the application site is considered to be outside the definition of an 'Established residential area' as defined within Annex E of PPS 7 Addendum. For this reason, Policy LC 1 is not considered to be applicable to this proposal.

The layout of the residential element of the proposal is considered to be acceptable. The properties back onto the existing Church and industrial units with adequate private amenity space located to the rear of each property. Guidance in Creating Places recommends that each dwelling should have an average of 70sqm of private amenity provision, behind the building line and provision of rear private amenity space ranges between 74 square metres to 152 square metres. It is therefore considered that this aspect of the scheme is acceptable and will provide a variety of garden sizes throughout the development.

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 on House Types A and C, which aim to provide an attractive outlook to the development when viewed from the internal estate roads. The finishes to the dwellings include render and brick, concrete roof tiles, white PVC windows and black painted hardwood doors which is considered to be acceptable and will not be out of keeping with the character and appearance of the area.

In-curtilage parking provision has been made for cars with three visitor spaces indicated on the proposed estate road. The existing trees located between the proposed drive-thru and the proposed residential units are to be retained which will provide a buffer between the two uses.

Despite an existing drive-thru restaurant opposite the site, due to the previous and current lawful 'retail' use of the site, it is considered that the proposed drive-thru restaurant will not have a detrimental impact on the character of the area. There is currently no policy restricting the number of fast food outlets within close proximity to a school and while the point raised by objectors regarding the cumulative impact of fast food uses so close to the existing school has been considered, it is considered this should not be afforded such weight as to warrant refusal of the application.

### **Impact on Amenity**

Residential properties are located within close proximity to the application site as well as a range of other uses abutting the site. Objections have indicated that there are many elderly people living in this area. Drive-thru restaurants have the potential to have an impact on amenity in terms of smells, fumes, noise and disturbance etc. Development Control Advice Note 4 'Restaurants, Cafés and Fast Food Outlets' provides guidance on such matters. Objections have been received from properties

within the area regarding potential nuisances from fast food outlets such as litter, smells, antisocial behaviour, and lights.

A Noise Impact Assessment was submitted (Document 08) which sets out the background sound level, including all noise emanating from all existing commercial sites, and provides an assessment of noise level from the proposal. The Environmental Health Section of the Council has advised that they have considered the report and are content with its findings (albeit the Section has noted that the 10dB screening attenuation for the intervening barrier will give 47 to 53 dB LAEQ within the garden areas and not the 37 to 43 dB LAEQ stated within the assessment). Despite this, planning conditions are recommended to restrict the total noise level from plant associated with the drive-thru restaurant and to ensure the plant is at least 27metres from any noise sensitive property. The opening times will be restricted and the drive-thru restaurant will only be open between 7am and 11pm and no deliveries will take place outside these operational hours. Conditions are also recommended to ensure glazing, ventilation and acoustic barriers are in place to ensure the amenity of the proposed dwellings (which are the closest to the proposed drive thru restaurant) is preserved and a further noise report is to be submitted to the Council to demonstrate compliance with a number of conditions relating to noise.

An Odour Assessment was also submitted (Document 05) which provides details on the proposed high level odour control system for the drive-thru restaurant and again the Environmental Health Section has been consulted and has raised no objections subject to a condition to ensure this system is installed in order to protect amenity at nearby residential properties. A bin store is also proposed which will ensure the bins are stored out of sight and within an enclosed area to reduce potential smells. The bin store is to be located off the boundary between two groups of trees and therefore visual impact will be minimal.

Concerns have been raised by objectors with the potential for anti-social behaviour, which would compound the anti-social behaviour which they advise already exists on this site given that the site is vacant. The proposal will bring the site into use with increased surveillance from customers and residents of the dwellings. In addition, given the condition regarding restricted opening times, the site will not attract visitors late at night. The Environmental Health Section has been forwarded copies of the objections received and they have raised no issues with nuisance from lights or other potential disturbance. Overall, it is considered that the proposal will not have a significant adverse impact on neighbouring amenity.

With regards to the residential element of the application, the proposed dwellings back onto Glengormley Presbyterian Church to the west with 8.6m separation distance from the proposed rear elevation of the dwellings to the boundary. The dwellings also back onto industrial premises to the east with over nine (9) metres from the rear elevation of the proposed dwellings to the boundary. To the north are existing playing fields associated with Glengormley Primary School and first floor windows facing the playing fields are landing windows or bathroom windows. It is considered there will be no detrimental impact in terms of amenity. Adequate separation distance is indicated between the proposed units.

An objection was received from Glengormley Presbyterian Church stating that although they were content in principle, they had concerns regarding having views of the bins associated with the drive-thru restaurant. The car park of the church

abuts the application site and a low maintenance common boundary treatment was requested through the letter of objection. An amended site layout drawing (Drawing 04/2) indicates a two metre high fence between the proposed drive-thru restaurant and the Church which is considered acceptable.

### **Flood Risk**

The applicant provided a drainage assessment and DfI Rivers has advised that it accepts its logic and has no reason to disagree with its conclusions. DfI Rivers therefore has not raised an objection to the proposed development from a drainage or flood risk perspective and it is considered the proposal complies with Planning Policy Statement 15 (Revised).

### **Road Safety**

Objections were received regarding the potential impact the proposal would have on traffic and road safety. DfI Roads has been consulted on the application and has raised no objections to the proposed access arrangements. Adequate movement and parking is provided within the development for the proposed residential units and drive-thru restaurant. It is considered the proposal complies with Planning Policy Statement 3, 'Access, Movement and Parking'.

### **Impact on Trees**

The site is affected by a Tree Preservation Order dated 9<sup>th</sup> February 1999. A Tree Survey and Report was submitted as part of this application (Document 02). The Council's Tree Officer was consulted about the application and considers the site as a poor example of a TPO site, in terms of the amenity value afforded by the trees. Nonetheless it is considered the trees play an important role in softening the impact of the hard surfaced car parking area to the front of the site. The Map ('Map B') of the TPO is not consistent with what is on the site at present and a number of trees have previously been removed and some replanting has taken place. The Tree Officer has been consulted with the proposal and has raised no objection. The Tree Officer has recommended a number of conditions including that the existing trees as noted on drawings are retained, protective barriers are erected to protect trees and that planting of additional trees takes place within the site.

### **Other Matters**

The application site is in close proximity to an existing car repair business and given the potential risks of land contamination resulting from historic land uses and seepage from such works, an Environmental Site Assessment and Generic Quantitative Risk Assessment was submitted. It concluded that the site does not pose an unacceptable risk to human health receptors or controlled water receptors. The Environmental Health Section has recommended a condition in this regard.

## **CONCLUSION**

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

- The principle of the drive-thru restaurant is considered acceptable;
- The principle of residential development is considered acceptable;
- The 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, odour or other disturbance;
- There is no flood risk associated with this development;

- The proposed new planting of trees to compensate the previous loss of some protected trees is considered acceptable; 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. Glazing, including frames, capable of providing a sound reduction index of at least 32dB R<sub>Tra</sub> shall be fitted to all dwellings within the site prior to the operation of the drive-thru restaurant hereby approved.

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

3. Passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction index of at least 32dB R<sub>Tra</sub> shall be provided to all dwellings within the site prior to the operation of the drive-thru restaurant hereby approved.

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

4. No dwelling hereby permitted shall be occupied until 2.0 metre high acoustic barriers are installed within the site as indicated on Drawing No. 04/3 date stamped 5<sup>th</sup> April 2018. The barriers shall have a surface weight of not less than 25kg/m<sup>2</sup>, be of solid construction (i.e. no holes or gaps for sound to pass through), and so if it is a fence it should be of the ship-lapped design.

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

5. The total noise level from plant associated with the drive thru-restaurant shall not exceed a rating level of 54 dB LA<sub>eq,1hr</sub> when measured in any direction at 10m unshielded of the drive-thru restaurant and assessed in accordance with British Standard 4142:2014.

Reason: In order to preserve the amenity of the proposed dwellings and at nearby residential properties.

6. Plant associated with the drive-thru restaurant shall be located at a distance of at least 27m from any noise sensitive property.

Reason: In order to preserve the amenity of the proposed dwellings and at nearby residential properties.

7. The drive-thru restaurant shall not be operational shall nor receive deliveries at anytime between 23:00-07:00hrs.

Reason: In order to preserve the amenity of the proposed dwellings and at nearby residential properties.

8. Prior to the occupation of any dwelling on the site a noise report shall be submitted to the Council demonstrating compliance with conditions 2-6.

Reason: In order to preserve the amenity of the proposed dwellings and at nearby residential properties.

9. The drive-thru restaurant hereby permitted shall not become operational until a high level odour control system is installed as specified within the DEFRA 2005 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' document and Document 05, date stamped 16th June 2017.

Reason: In order to preserve the amenity of the proposed dwellings and at nearby residential properties.

10. If, during the development works, a new source of contamination and risks are found which had not previously been identified, works should cease and 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). In the event of unacceptable risks being identified, a remediation strategy shall be presented to the Council for approval and subsequently implemented and verified to their satisfaction.

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.

11. No other development hereby permitted shall become operational until the road works indicated on Drawing 02/3 bearing the date stamp 5<sup>th</sup> April 2018 have been fully completed in accordance with the approved plans.

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

12. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02/3 bearing the date stamp 5<sup>th</sup> April 2018 prior to the (commencement/ occupation/ operation) 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. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

14. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No. 02/3 bearing the date stamp 5<sup>th</sup> April 2018 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

15. No retained tree (as indicated on Drawing No. 03/3 date stamped 5th April 2018 shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the prior written consent of the Council.

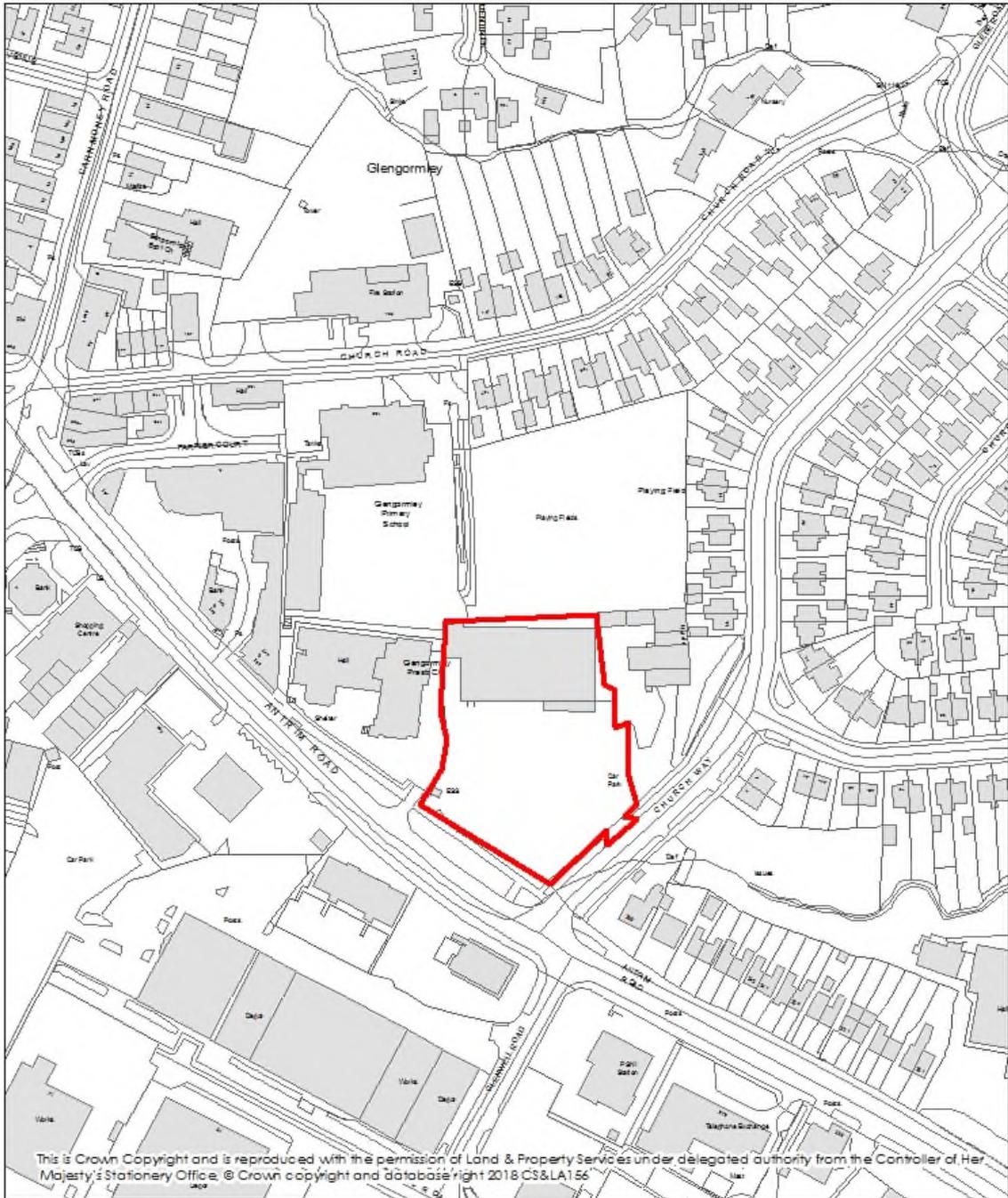
Reason: To ensure the continuity of amenity afforded by existing trees.

16. A protective barrier no less than 2m in height comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts and securely supported weldmesh panels (as illustrated and detailed on Drawing 03/3 date stamped 5th April 2018) shall be erected at least the distance away from retained trees as defined in the same plan prior to commencement of the development hereby approved and shall be permanently retained for the period of construction on the site. There shall be no stockpiling of materials or soil within this tree protection zone.

Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

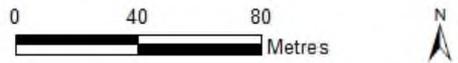
17. The proposed planting shall be carried out in accordance with details as identified on Drawing No. 03/3 date stamped 23<sup>rd</sup> April 2018 within the first full planting season following the operation of the first restaurant hereby approved. For clarity, the planting season is defined as 1<sup>st</sup> September – 31<sup>st</sup> March.

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



**Location Map**

**Application Reference: LA03/2017/0313/F**



9no. Residential dwellings and a drive-thru restaurant at 263 Antrim Road, Glengormley.

For Information Only

 Site Boundary



|                           |                                  |
|---------------------------|----------------------------------|
| <b>COMMITTEE ITEM</b>     | <b>3.8</b>                       |
| <b>APPLICATION NO</b>     | <b>LA03/2018/0203/F</b>          |
| <b>DEA</b>                | <b>AIRPORT</b>                   |
| <b>COMMITTEE INTEREST</b> | <b>MAJOR DEVELOPMENT</b>         |
| <b>RECOMMENDATION</b>     | <b>GRANT PLANNING PERMISSION</b> |

|                        |  |
|------------------------|--|
| <b>PROPOSAL</b>        | Storage and distribution warehousing, ancillary office and staff welfare accommodation associated access and parking arrangements, sprinkler tanks and associated plant. The development will be part refurbishment of warehousing (retention of floor plates and steel structures with re-cladding), part demolition and rebuild and part new build extension. The development will include the construction of a new roof with a new raised roof-line over the main warehouse. |
| <b>SITE/LOCATION</b>   | 1-17 Hightown Avenue, Mallusk, Newtownabbey, BT36 4RT  |
| <b>APPLICANT</b>       | John Henderson (Mallusk) Ltd   |
| <b>AGENT</b>           | KMG Partnership  |
| <b>LAST SITE VISIT</b> | 4 <sup>th</sup> May 2018   |
| <b>CASE OFFICER</b>    | Michael O'Reilly<br>Tel: 028 90340424<br>Email: <a href="mailto:michael.oreilly@antrimandnewtownabbey.gov.uk">michael.oreilly@antrimandnewtownabbey.gov.uk</a>   |

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is an urban location within the settlement limit of Metropolitan Newtownabbey and upon lands designated as 'Existing Employment' via reference MNY15 'Mallusk Industrial Estate' of the Belfast Metropolitan Area Plan 2015.

The application site comprises the existing Henderson's (SPAR and Vivo) regional distribution centre and occupies approximately 9.5 hectares of land upon which there are a series of 4 existing warehouses, associated offices, car parking areas and associated hardstanding and vehicular accesses.

The M2 Motorway and Sandyknowes roundabout abut the application site to the northeast and north with Hightown Avenue and the Mallusk Road defining the western and southern boundaries of the application site. Aside several gated entrance terminals on Hightown Avenue and one on Mallusk Road palisade fencing approximately 2.5 metre tall defines the perimeter of the complex.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: U/2009/0326/F  
Location: 9 Hightown Avenue, Newtownabbey, BT36 4RT.  
Proposal: Multi temperature distribution warehousing and associated office accommodation, new access, car parking and associated site reorganisation.  
Decision: Permission Granted 12.11.2009

Planning Reference: U/2013/0082/F

Location: 9 Hightown Avenue, Mallusk, Newtownabbey, BT36 4RT,

Proposal: Erection of new offices, extension to warehouse B, new raised roof to warehouse D, repositioning of lorry wash, fuel point and car / lorry parking and associated site works (amendment to previous approval U/2009/0326/F)

Decision: Permission Granted 19.07.2013

Planning Reference: LA03/2015/0138/F

Location: 9 Hightown Avenue, Mallusk, Newtownabbey, BT36 4RT,

Proposal: Extension and alterations to office building, including design changes to the external appearance, amendment to layout of lorry wash, fuel point and parking area and associated site works (amendments to previous approval U/2013/0082/F)

Decision: Permission Granted 22.09.2015

## **PLANNING POLICY**

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

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

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

Belfast Urban Area Plan 2001: The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan 2004: The site is zoned as Existing Employment under MNY19 Mallusk Industrial Estate, Lands South of Antrim Road. The Plan offers no specific guidance on this proposal.

Belfast Metropolitan Area Plan 2015: The site is zoned as Existing Employment under MNY 15 Mallusk Industrial Estate, Lands South of Antrim Road. The plan offers no specific guidance on this particular proposal.

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

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

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

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

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

### **CONSULTATION**

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

**NI Water** – No objection.

**DfI Roads** – Approval subject to conditions.

**Historic Environment Division** – No objection.

**DfI Rivers** – No objection.

**Belfast International Airport** – No objection.

**George Best Belfast City Airport** – No objection.

### **REPRESENTATION**

Twenty Six (26) 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:

- Principle of Development
- Compatibility with Surrounding Land Uses
- Scale of Development
- Design and Appearance
- Neighbour Amenity
- Flood Risk
- Access and Road Safety

#### **Principle of Development**

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires that regard is had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Following the decision by the Court of Appeal in May 2017 to declare the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) unlawful, the Belfast Urban Area Plan 2001 (BUAP) now operates as the LDP for the area in which the application site is located. The BUAP identifies the site as white land within the development limit of the Belfast Urban Area. BMAP is also a material consideration in relation to this application and following a report presented to Committee in November 2017 it was agreed that the provisions of the version of BMAP published in September 2014 be afforded significant weight in the planning process pending clarification by the Department for Infrastructure on how it intends to progress this matter.

The application site is located within the development limits of Metropolitan Newtownabbey and within lands zoned as Existing Employment (MNY15) as defined in BMAP which advises that applications for planning permission within these sites will be determined in accordance with prevailing regional planning policy. The site does not have any key site requirements.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) was published in September 2015 and is a material consideration in determining this application. At paragraph 1.10 it states that, until such times as a Plan Strategy for the whole of the council area has been adopted, Local Planning Authorities will apply existing policies within the Planning Policy Statements (PPS's) that have not been cancelled, together with the SPPS. PPS4 'Planning and Economic Development' is one such retained policy document and provides the appropriate policy context for the proposed development.

Policy PED 1 'Economic Development in Settlements' states that a development proposal for a Class B4 storage or distribution use will be permitted within an existing or employment area or zoned employment area subject to certain criterion. Policy PED9 'General Criteria for Economic Development' is also relevant.

The application site is currently used for storage and distribution warehousing by the Henderson Group. The proposal seeks permission for storage and distribution warehousing, ancillary office and staff welfare accommodation associated access and parking arrangements, sprinkler tanks and associated plant to replace some of the existing warehousing and offices. Accordingly, the proposed use is already established on the application site and the principle of development is established.

In addition, a series of extant planning permissions already permit the refurbishment and extension of the existing storage and distribution warehouses and the re-organisation of vehicular accesses, internal parking provision and vehicular circulation. These remain as a valid fall back position for the applicant.

For the reasons set out above the principle of storage and distribution use on this site is considered to be acceptable subject to the development complying with other relevant policy and environmental considerations.

### **Compatibility with Surrounding Land Uses**

The existing use of the site is a storage and distribution depot for The Henderson Group. The depot is located adjacent to Northern Ireland Trucks to the southeast and Haulage Services to the west and across Hightown Avenue. Further to the north of Hightown Avenue is a lorry washing facility and a fuel depot. It is considered that the

proposed development is complimentary to the existing and adjoining uses and will not have any adverse impact on the surrounding businesses.

Given the proposal is sited within the confines of the existing complex and no additional lands are required to facilitate development it is considered the proposal will not lead to the diminution of the industrial/employment resource in the locality or plan area generally.

### **Scale of Development**

The proposal seeks full planning permission for the reconstruction of Warehouse A and co-joining it with Warehouse B by way of a multi dock 'link' extension. The proposal includes the relocation of the ancillary offices within the link warehouse and a two storey office extension to Warehouse B. In addition, a small area of car parking is to be provided adjacent to the Mallusk Road access and a revised parking layout is proposed in Car Park B between the linked Warehouses A and B and the separate Warehouse C approximately 30 metres to the south.

Given the series of extant planning permissions on the application site, the proposal seeks an increase of 58 square metres in storage and distribution floorspace from 18,626 square metres to 18,684 square metres. This amounts to an increase of 58sqm or a 0.003 percent increase in the existing floorspace. With reference to the provision of office space the proposal seeks a reduction in floorspace from 5696 square metres to 5532 square metres. This is a reduction of 164 square metres overall.

### **Design and Appearance**

Warehouse A is a collection of circa 1970's portal framed pitched roof buildings. A 'High Bay' extension was erected in approximately 1988 and is taller than the original Warehouse A units. The applicant describes the existing 'multi-ridge and valley' roof profile of Warehouse A as having reached the end of its lifespan and requires replacement.

Warehouse A is to be reconstructed on the same footprint with a curved roof commencing at the height of the existing eaves. As a result of retaining the structural frame of the 'High Bay' part of Warehouse A the proposed curved roof will be approximately 18 metres above ground level at its highest point. This is an increase of approximately 2 metres over the height of both the existing building and the modern version of the same 'multi-ridge and valley' roof profile permitted via extant planning permissions.

The roofing system utilises continuous outer steel sheets extending over the full roof width. Joints are restricted to the longitudinal direction only. Walls are to be clad in 'Prisma' coated horizontal half round profile cladding and will be a silver metallic colour at low level and grey aluminium at high level.

Notwithstanding the increase in the roof height it is considered the continuous curvature and simplicity of detailing and material finishes shall minimise the visual mass of the roof structure and the enlarged building footprint. In the context of the enlarged building footprint, the curved roof is considered to be of proportionate size and the new combined warehouse shall provide for a more unified appearance to the current disparate warehouse complex.

A new two-storey office building is proposed to the western side of Warehouse B facing towards Hightown Avenue. The building will be approximately 8 metres high, 11m deep at its deepest point and 20 metres wide. The proposed ridge height does not exceed the existing ridge height of Warehouse B. The external finishes are indicated as being identical to those of Warehouse A; half round metallic silver ARC 50 cladding with complimentary powder coated aluminium glazing. This office extension is considered as being subservient to the combined Warehouses A and B alongside and when viewed from the car park entry on Hightown Avenue the office extension will serve to unify the two warehouses.

The number of loading docks will increase from 18 to 45 with the vast majority set to the eastern side of the combined warehouses and adjacent to the M2 Motorway. The loading dock wall on the eastern elevation is proposed to be rebuilt in insulated precast concrete. The loading doors are prefinished sectional insulated doors with vision panels, finished in 'Grey Aluminium'. All other personnel doors and frames are to be prefinished steel and the windows are proposed to be 'Grey Aluminium' polyester powder coated aluminium framed double glazing.

Two new sprinkler tanks are proposed as being located to the northern side of Warehouse A and adjacent to the sprinkler pump room on one side and retained loading bays to the other. The sprinkler tanks have a height of approximately 9.5 metres and a diameter of approximately 4.5 metres. All tanks are to be painted 'Grey Aluminium' in colour.

Overall, it is considered that the new combined warehouse and offices shall provide for a more unified appearance to the current disparate warehouse complex. In addition the appearance of the proposed buildings and structures will not read as appearing out of character within this industrial area from critical views on Hightown Avenue, the Mallusk Road or the M2 Motorway. The scale of proposed development, its design and appearance are considered acceptable.

### **Neighbour Amenity**

The nearest residential properties are located to the northeast of the application site at Sandyknowes Avenue, Garden, Grove and Drive. The separation distance between the application site and these areas of existing residential development is 100 metres approximately. The M2 Motorway is located between the application site and the existing residential area. It is not considered that there will be any significant additional impact upon the residential amenity of these properties by way of noise, disturbance, loss of light or dominance as a result of the proposed development.

### **Flood Risk**

The application site lies within the fluvial flood plain of the Blackwater Tributary, an undesignated and culverted watercourse, which traverses the building complex over a distance of 300 metres. The application site is also subject to pluvial (surface water) flooding in a limited number of areas. A Drainage Assessment accompanies the planning application.

The application site currently discharges storm and foul water to existing infrastructure within Hightown Avenue. Although a significant portion of this existing infrastructure will be retained, a separate surface water run-off regime will be constructed to serve part of the development. This will discharge surface water run-off to the existing NI

Water public storm sewer infrastructure surrounding the site. Ground levels will be re-profiled to optimise the collection of surface water run-off and the freeboard of the proposed buildings is identified as being in excess of the minimum standard recommended by DfI Rivers. At the eastern edge of the application site, that abutting the M2 Motorway, the proposal seeks to introduce drainage gullies and slot drains to prevent surface water run-off leaving the application site.

Given these mitigation techniques along with the proposed new landscaping it is considered that the permeable areas of the site will increase. The Drainage Assessment indicates that post-development run-off rates shall be lower than pre-development run-off rates and proposed development shall not cause increased stress on the adopted surface water run-off network.

DfI Rivers have offered no objection to the methodology or logic of the Drainage Assessment. It is concluded therefore that the development proposal shall not be subject to either fluvial or pluvial flooding nor shall it exacerbate flooding elsewhere.

### **Access and Road Safety**

The Design and Access Statement advises the proposal seeks to provide 388 car parking spaces and that this is 93 percent of the recommended parking standards. Mitigating factors identified by the agent include the Travel Plan in operation at the complex, which encourages car sharing, that the complex is well served by public transport and that shift working patterns decreases peak demand. In addition to parking spaces for cars there are 146 lorry spaces provided within the application site to facilitate the storage and distribution business. The proposal also involves the revision of the existing access arrangements to one of the car parks and the closure of one spur road. DfI Roads were consulted with regard to these matters and offered no objections to the development proposal. The access arrangements, circulation routes and provision of parking for cars and lorries is considered acceptable.

### **CONCLUSION**

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

- It is considered that the principle of re-development of this site is supported by its current use, extant planning permissions and current planning policy.
- The proposal will not impact upon any adjacent land uses or buildings.
- The site layout, building design, associated infrastructure and landscaping arrangements will not have a detrimental visual impact on any adjacent buildings or land uses.
- It is considered that there will be no significant impact on the amenity of residential properties.
- It is not anticipated that there will be any associated flood risk.
- There are no road safety or access concerns.

**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. Prior to the commencement of any other development approved herein, the vehicular accesses shall be constructed in accordance with the details identified in Drawing Ref: 02, date stamped received 2<sup>nd</sup> March 2018.

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

3. The development approved herein shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with Drawing Ref: 02, date stamped received 2<sup>nd</sup> March 2018, to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

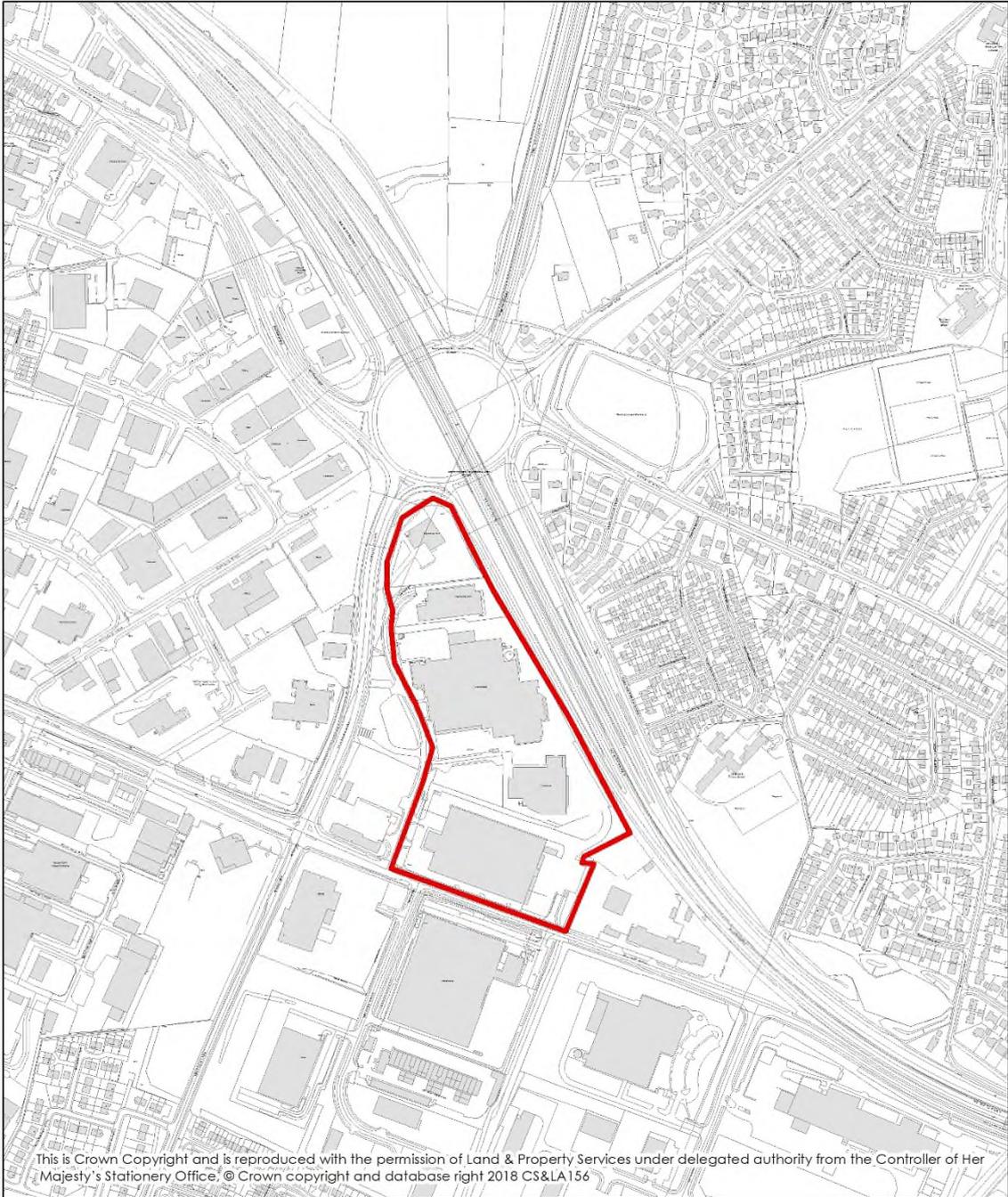
Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

4. The landscape scheme indicated in Drawing Ref: 10 'Landscape Proposals', date stamped received 2<sup>nd</sup> March 2018, shall be carried out during the first available planting season after the occupation of any part of the development or in accordance with a programme to be in agreed in writing with the Council.

Reason: In the interest of visual amenity and to ensure the provision 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.

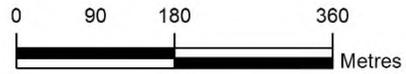
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.



**Location Map**

**Application Reference: LA03/2018/0203/F**

1-17 Hightown Avenue  
Mallusk  
Newtownabbey



For Information Only

 Site Boundary



|                           |                                   |
|---------------------------|-----------------------------------|
| <b>COMMITTEE ITEM</b>     | <b>3.9</b>                        |
| <b>APPLICATION NO</b>     | <b>LA03/2018/0078/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>        | Proposed 2No. semi-detached dwellings and 4 No. townhouses  |
| <b>SITE/LOCATION</b>   | Land south west of 102 Ballynure Road, BT39 9AQ   |
| <b>APPLICANT</b>       | Mr Mark Kenny   |
| <b>AGENT</b>           | ARC ID  |
| <b>LAST SITE VISIT</b> | 14 <sup>th</sup> February 2018  |
| <b>CASE OFFICER</b>    | Alexandra Cooney<br>Tel: 028 903 40216<br>Email: <a href="mailto:alexandra.cooney@antrimandnewtownabbey.gov.uk">alexandra.cooney@antrimandnewtownabbey.gov.uk</a> |

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located within the settlement limits of Ballyclare as defined in the draft Belfast Metropolitan Area Plan (draft BMAP). The site is currently vacant land which fronts directly onto the Ballynure Road, Ballyclare and rises in an easterly direction. The site is bound to the northwest with a grey rendered wall at approximately 1 metre in height. The site shares its northeastern boundary with No. 102. This land is within the ownership of the applicant and at present lacks any consistent definition along the boundary. The eastern boundary of the site is defined with an approximately 3 metre high close board wooden fence with residential development behind. It is noted that these dwellings sit at a higher level than the application site. The site is bound with this same close boarded wooden fencing along the southwestern boundary of the site which it shares with the neighbouring builders merchants- WJ- Scarlett and Sons. Ballyclare Gospel Hall lies opposite the application site on the other side of the Ballynure Road.

The surrounding area is predominantly residential, with varying uses to include retail, churches and recreational found further along the Ballynure Road towards Ballyclare Town Centre.

#### **RELEVANT PLANNING HISTORY**

No relevant planning history.

#### **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban Area

Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Draft Belfast Metropolitan Area Plan(2004) and Belfast Metropolitan Area Plan 2015 (published September 2014): The site is located within the settlement development limit of Ballyclare.

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 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** – Requirement for Noise Assessment to be undertaken.

**NI Water** – No Objection.

**DfI Roads** – Topographical survey requested and submitted- awaiting response.

## REPRESENTATION

Seventeen (17) neighbouring properties were notified and two (2) letters of objection have been received from number two (2) properties. The full representations made regarding this proposal are available 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:

- The proposal would lead to further congestion/traffic disruption in the area.
- Concerns in relation to the safety of motorists and other road users.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Principle of Development
- Design, Layout and Impact on Character and Appearance of the Area
- Neighbour Amenity and Impact on Adjacent Land Uses.
- Archaeology and Built Heritage
- Flood Risk
- Other Matters

### Principle of Development

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires that regard is had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the 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) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. Following a report presented to Committee in November 2017 it was agreed that the provisions of the version of BMAP published in September 2014 be afforded significant weight in the planning process pending clarification by the Department for Infrastructure on how it intends to progress this matter.

The application site lies within the settlement development limits of Ballyclare as defined in the draft Belfast Metropolitan Area Plan (2004) and the version of the BMAP published in 2014. The land is not zoned for any particular use, however, the area in which it is located is mainly residential. There is however, a church immediately opposite to the application site and a builders merchant located to the southwest on lands zoned as existing employment.

Given the location of the site within the urban area of Ballyclare and also noting the predominant surrounding residential use it is considered that the principle of residential development is acceptable on the site with the details of the scheme to be considered against the prevailing regional policy as outlined below.

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

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) refers at paragraph 6.137 to the need to deliver increased housing without town cramming and that within established residential areas it is imperative to ensure that the proposed density of new housing development,

together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.

Policy QD1 of Planning Policy Statement 7 (PPS 7) states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

The applicant has proposed a development comprising 4 no. townhouses and 2 No. semi-detached dwellings. The 4 No. townhouses are to be located along the northern boundary of the site facing into the site and backing onto the existing dwelling at No. 102 which is under the ownership of the applicant. The semi-detached dwellings face forward and onto the Ballynure Road and are set in the centre of the site allowing the provision of a garden area to the rear and access and parking spaces to the front.

The 4 No. townhouses are two storey and comprise an open plan kitchen and living area with WC at ground floor level and 3 no. bedrooms and a bathroom on the first floor. The 2 No. semi-detached dwellings are also two storey and comprise a similar internal layout with open plan living space and WC at ground floor and 3 No. bedrooms, an en-suite and bathroom at first floor level.

The dwellings are to be finished in painted render, with blue/black slate tiles, PVC windows PVC composite doors, with chimneys expressed on the ridgeline. It is considered that the design, scale and massing of the proposed dwellings are generally acceptable in the context of the surrounding area. The concern in relation to the proposal lies mostly with the proposed layout.

There is no in-curtilage parking proposed on the site, rather unassigned parking spaces are set forward of the semi-detached dwellings fronting immediately onto the public footpath at the Ballynure Road. Parking is also forward of the 4 No. townhouse and 2 No. spaces are provided to the rear of the site along the eastern boundary. Overall the layout to include 12 No. car parking spaces to the front of the dwelling houses is considered inappropriate and indicative of cramming and over development given the amount of hardstanding that would be present which would be visible from the Ballynure Road.

PPS 7 and Creating Places specifically make reference to orientation of buildings in relation to public roads and the importance of appropriately designed buildings on corner sites. Paragraph 4.16 of Creating Places specifically states that 'All buildings should be located and orientated to front onto existing and proposed roads to present an attractive outlook' and PPS 7 highlights that particular care should be given to the treatment of corner sites within layouts and these should contain specifically designed buildings.

It is considered that the proposed layout fails to provide an appropriate frontage onto the Ballynure Road. Although an amended scheme was submitted which included a bay window on Unit 3 it is still considered that the wall bounding the rear garden area and the side elevation would not present an attractive outlook to those travelling along the Ballynure Road and would detract from the character of the surrounding area.

As noted above the proposal consists of 4 No. townhouses which are to be erected along the sites northern boundary. The proposed layout also gives concern in relation to overlooking from unit No. 6 towards the rear garden areas at unit Nos. 1 and 2 which are located directly opposite the front elevation of No. 6. Excessive overlooking and amenity issues are considered to be another indication that the site is overdeveloped and would benefit from a reduction in the number of units proposed.

Overall it is considered that whilst the general design of dwellings and materials are acceptable on site, the layout does not respect its surrounding context. The level of hardstanding areas forward of the dwelling houses together with the lack of frontage provided to the Ballynure Road has resulted in a poorly designed layout which does not respect the existing character of the area, meaning the proposal fails to comply with Policy QD 1 and Policy LC 1.

### **Private Amenity**

Criterion (c) of Policy QD1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided in 'Creating Places: Achieving Quality in Residential Developments' which states an average of 70sqm private amenity space should be provided per house throughout the development as a whole. Creating Places does, however, go on to state that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40sqm for any individual house. All the proposed dwellings have private amenity space with an area greater than 40sqm and the agent has submitted written and visual material to demonstrate that the application site is within close proximity to public open spaces to include, Six Mile Water River Park, playing pitches and the War Memorial Park.

Notwithstanding this argument it is considered that the low level of private amenity space provided within the proposal further demonstrates overdevelopment and represents a cramped layout on site.

### **Parking**

Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total number of parking spaces to be provided for residents, visitors and other callers. The layout of the proposal makes provision for 12 No. parking spaces and is considered acceptable in relation to the number provided on site. However, it is also noted that in an attempt to achieve the appropriate level of parking on site the applicant has compromised the overall quality on the development.

Dfl Roads have requested further information in the form of a topographical survey. Although that information has been submitted, no response has yet been received from Dfl Roads and therefore no comment has been provided in relation to parking and road safety for the proposed development.

### **Neighbour Amenity and Impact on Adjacent Land Uses.**

To the north of the site there is a row of 4 No. terraced dwellings 102- 108. The dwelling at No. 102 is in closest proximity to the application site is under the ownership of the applicant. These existing neighbouring dwellings are orientated to

face northwest and are offset at an angle in relation to the application site. A 1.8-metre wall is proposed to define the sites common boundary with No. 102 where there is a minimum separation distance of 11 metres from building to building. The rear elevation of No.102 has two windows at first floor level, one of which is obscured. It is however considered given the boundary treatment and separation distance from the closest proposed dwellings at units 5 and 6 that there would be no significant adverse impact in terms of overlooking or overshadowing at No. 102. Given the orientation of the other dwellings within this terrace block it is considered that there would be no detrimental impact experienced at that dwelling.

To the east of the site and sitting at a higher level than the application site is the relatively recently developed River Hall development. The garden of the detached dwelling at No. 7 Riverhall Manor directly adjoins the application site. As noted previously this neighbouring dwelling sits approximately 1 metre higher than the proposed semi-detached dwellings which abut its boundary which is presently defined by a 1.8 metre high closed board timber fence which will remain as part of the proposal. This dwelling sits at a higher level than the proposed dwellings ,it is orientated to face north and the side elevation has only one obscured glass window on the elevation facing the application site. There is a separation distance of 13 metres between the dwellings and there are no concerns in relation to neighbour amenity in relation to this dwelling.

A builders supply yard bounds the site to the south. Although there are no concerns in relation to overlooking or overshadowing at this property, the Environmental Health Section has however, requested that a noise assessment be undertaken as this neighbouring use has the potential to generate high levels of noise. To date this report has not been submitted to the Council and therefore in the absence of this further information there can be no further comment made in relation to the impact that noise may have on the proposed development.

Notwithstanding the issue above in relation to noise, it is considered that the proposed dwellings will not have an adverse impact on the amenity of any existing dwellings within the immediate surroundings of the application site. However, as noted previously, the proposed layout does give concern in relation to overlooking from unit No. 6 towards the rear garden areas at unit Nos. 1 and 2 which are located directly opposite to the front elevation of No. 6 therefore indicating that the proposal is not compliant with criteria (h) of QD 1.

### **Archaeology and Built Heritage**

There are no perceived archaeological or built heritage concerns in relation to this proposal.

### **Flood Risk**

There are no perceived flood risk or drainage problems with the proposed development.

### **Other Matters**

There were 2 No. objections received in relation to the application which raised concerns regarding road safety and traffic congestion/disruption. DfI Roads have been consulted in relation to traffic and road safety but have yet to respond to this consultation following a previous request for further information to be provided.

However, it is considered that the development of 6 No. dwelling houses is not likely to cause a significant increase to the level of traffic travelling on the Ballynure Road.

### **CONCLUSION**

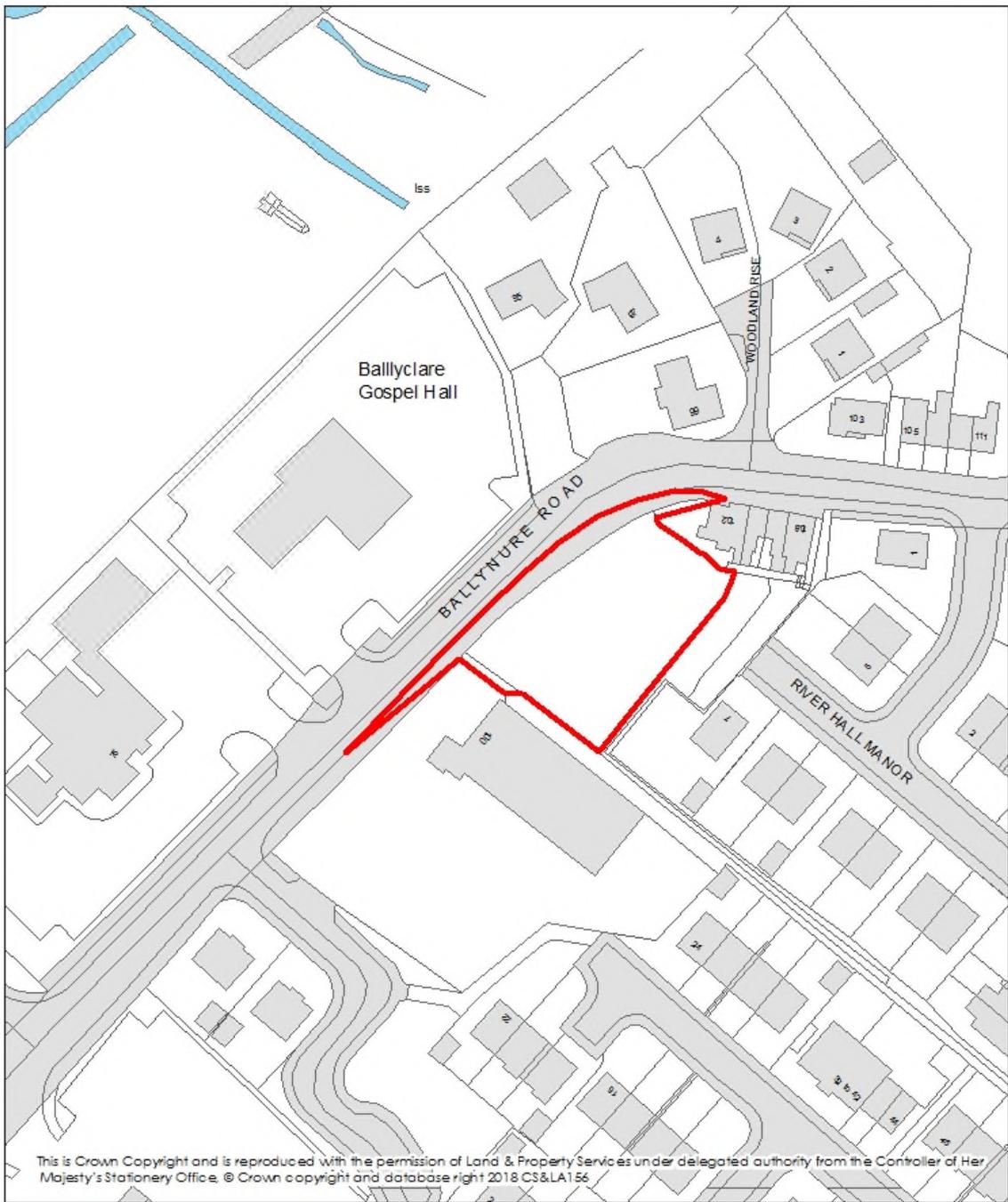
The following is a summary of the main reason for the recommendation:

- The principle of development is acceptable on site.
- The design and materials proposed are considered acceptable.
- The proposed layout is considered unacceptable and would lead to over development of the site.
- It is considered that there is no significant impact on the amenity of adjacent existing residential properties, however, the proposal does cause concern in relation to overlooking of private rear garden areas at 2 No. proposed residential units.
- The proposed development does not respect its surrounding context and the lack of frontage onto the Ballynure Road does not present an attractive outlook.
- There is no archaeology or built heritage concerns with this proposal.
- There is no flood risk associated with this site.

**RECOMMENDATION :**    **REFUSE PLANNING PERMISSION**

### **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' and Policy LC 1 of Addendum to PPS 7 'Safeguarding the Character of Established Residential Areas' in that, it does not respect the surrounding context, and it has not been demonstrated that the proposed development can achieve a quality and sustainable residential environment in keeping with the character and pattern of development in the locality.
2. The proposal is contrary to criteria (c) of Policy QD1 of Planning Policy Statement 7: Quality Residential Environments in that it would, if permitted, result in overdevelopment of the site resulting in inadequate provision of private open space.
3. The proposal is contrary to criteria (h) of Policy QD1 of Planning Policy Statement 7: Quality Residential Environments in that it would, if permitted, result in overlooking of the private garden areas of a number of proposed properties.



**Location Map**

**Application Reference: LA03/2018/0078/F**

Land south west of 102 Ballynure Road, BT39 9AQ

Proposed 2no. semi-detached dwellings and 4 no. townhouses

 Site Boundary



For Information Only



|                           |                                   |
|---------------------------|-----------------------------------|
| <b>COMMITTEE ITEM</b>     | <b>3.10</b>                       |
| <b>APPLICATION NO</b>     | <b>LA03/2017/0707/F</b>           |
| <b>DEA</b>                | <b>ANTRIM</b>                     |
| <b>COMMITTEE INTEREST</b> | <b>REFUSAL RECOMMENDED</b>        |
| <b>RECOMMENDATION</b>     | <b>REFUSE PLANNING PERMISSION</b> |

|                        |   |
|------------------------|---|
| <b>PROPOSAL</b>        | Change of use from car sales showroom to charity shop and distribution warehouse.   |
| <b>SITE/LOCATION</b>   | 60 Greystone Road, Antrim   |
| <b>APPLICANT</b>       | Blythswood Ireland Ltd  |
| <b>AGENT</b>           | Ivan McClean  |
| <b>LAST SITE VISIT</b> | 10 January 2018   |
| <b>CASE OFFICER</b>    | James Cairns<br>Tel: 028 903 40403<br>Email: <a href="mailto:james.cairns@antrimandnewtownabbey.gov.uk">james.cairns@antrimandnewtownabbey.gov.uk</a> |

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located at 60 Greystone Road, which is within the development limits of Antrim Town as defined in the Antrim Area Plan 1984 – 2001. There are no designations or zonings identified for the application site.

With regard to topography, the application site is relatively level. Boundaries are defined on all sides by a wire mesh fence, which extends to approximately 2.5 metres in height.

This retrospective application relates to part of the existing building, which was previously used for the sale of motor vehicles. The remaining parts of the building are used as a gym (Gym AnTrim), and as a beauty salon (Allure).

Existing uses of buildings in close proximity to the site range from that of business, to light industrial and general industrial uses. The application site is located in an area where there is a mix of uses.

#### **RELEVANT PLANNING HISTORY**

No relevant planning history

#### **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban Area

Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Antrim Area Plan 1984 – 2001: The Plan sets out at Paragraph 16.6 that proposals for development on unzoned land will be considered, provided the uses are acceptable for the locations proposed and that no physical or other problems are involved.

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

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

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

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

#### **CONSULTATION**

No consultations were carried out on this application.

#### **REPRESENTATION**

Two (2) neighbouring properties 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:

- Principle of Development;
- Design and Appearance; and,
- Impact upon the Character and Appearance of the Area.

#### **Principle of Development**

Whilst there is no relevant planning history associated with the buildings on the site, the previous use of the site was for the sale and display of motor vehicles, however, there is no Certificate of Lawful Development to establish the lawfulness of that

previous use. According to Section 3(4)(h) of the Planning (Use Classes) Order (Northern Ireland) 2015, motor sales is considered to be sui generis, in that it is not specified within any of the Use Classes within the Schedule to the aforementioned Order. Therefore, whilst the application site is located in an area characterised by economic development uses, it is considered that the land, which is not currently zoned, was not previously used as an existing economic development use as stated in Planning Policy Statement 4: Planning and Economic Development (PPS 4). This application, which proposes the use of part of the existing building for retail purposes (in the form of a Charity Shop), together with an associated warehouse/storage area falls to be considered in accordance with the Strategic Planning Policy Statement (SPPS), with particular regard to Retailing and Town Centres.

The Strategic Planning Policy Statement (SPPS) advises that planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.270 of the SPPS affirms that its aim is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the Regional Development Strategy (RDS).

The SPPS further directs that Planning Authorities must adopt a town centre first approach for retail and main town centre uses, and Paragraph 6.280 advises that a sequential test should be applied to planning applications or main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Development Plan. Furthermore, the SPPS states that where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

The proposed floorplan submitted in support of the application, outlines that the gross (external) floorspace of the proposal amounts to approximately 720sqm. The gross internal floorspace associated with the warehouse/goods reception element of the proposal extends to 321sqm. In terms of retail floorspace, the proposed development comprises 304sqm gross retail floorspace (inclusive of associated storage), with the net retail floorspace amounting to 251sqm.

Initial observations during the site visit noted that there was a significant proportion of floorspace, within the charity shop, dedicated to the sale of non-bulky comparison goods. Concerns exist regarding the introduction of retail floorspace at this location and particularly the proposed level of non-bulky comparison sales proposed. This issue was raised with the agent on 4 January 2018. The possible requirement for justification in the form of a retail supporting statement was also highlighted.

Drawing No. 02/1 highlights that the proportion of net retail floorspace dedicated to the sale and display of bulky comparison and non-bulky comparison sales was 80% and 20% respectively. Whilst this drawing illustrates that the proposed development would be capable of complying with a potential condition designed to manage the floorspace used for the sale of non-bulky comparison goods, it does not however, address concerns relating to the introduction of retail floorspace at this location, or the need for such provision at this location.

With regard to the gross internal floorspace of the proposed development, the aforementioned drawing indicates that the retail (and associated storage) element of the proposal accounts for 48.7% of the overall gross internal floorspace, whilst the warehouse element accounts for 51.3%. Whilst this is finely balanced, no individual component of this proposal can be considered to be ancillary to the other. It is therefore considered that the nature, scale and range of the retail operations proposed at this location are such that it should be directed to a town centre in the first instance in accordance with the approach detailed within the SPPS. In accordance with the policy provisions within the SPPS, an assessment of the availability of alternative sequentially preferable sites within the catchment area would be required, together with an assessment of need, which is proportionate to support the application.

The applicant/agent has neither provided an assessment of alternative sequentially preferable sites for the proposed development, nor has a retail supporting statement been submitted to demonstrate the need for the development at this location.

Owing to the location of the application site approximately 2.4km to the east of Antrim's Town Core, and 2.1km to the east of Antrim Town Centre it is considered that there are likely to be a number of alternative sequentially preferable sites available within either the Town Core or Town Centre that would be suitable for use as a charity shop. Furthermore, there are a number of charity shops in Antrim Town Centre (such as Re:Store), that are considered to be trading well, with ample storage floorspace and nearby parking provision for customers.

As no assessment of alternative sequentially preferable sites has been carried out, and a retail supporting statement relating to the need for the proposed development has not been submitted, it is considered that the principle of retail development at this location is unacceptable.

### **Design and Appearance**

According to the drawings submitted in support of the application, it is apparent that the external appearance of the building will not change from its current form. It is therefore considered that the design and appearance of the proposed development is acceptable.

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

The application site is located within an area characterised by economic development uses, including Antrim Enterprise Park and the Camden Group. Owing to the previous use of the site, and in light of no changes to the external appearance of the building, it is considered that the proposed development would not result in a detrimental impact upon the character and appearance of the area.

### **CONCLUSION**

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

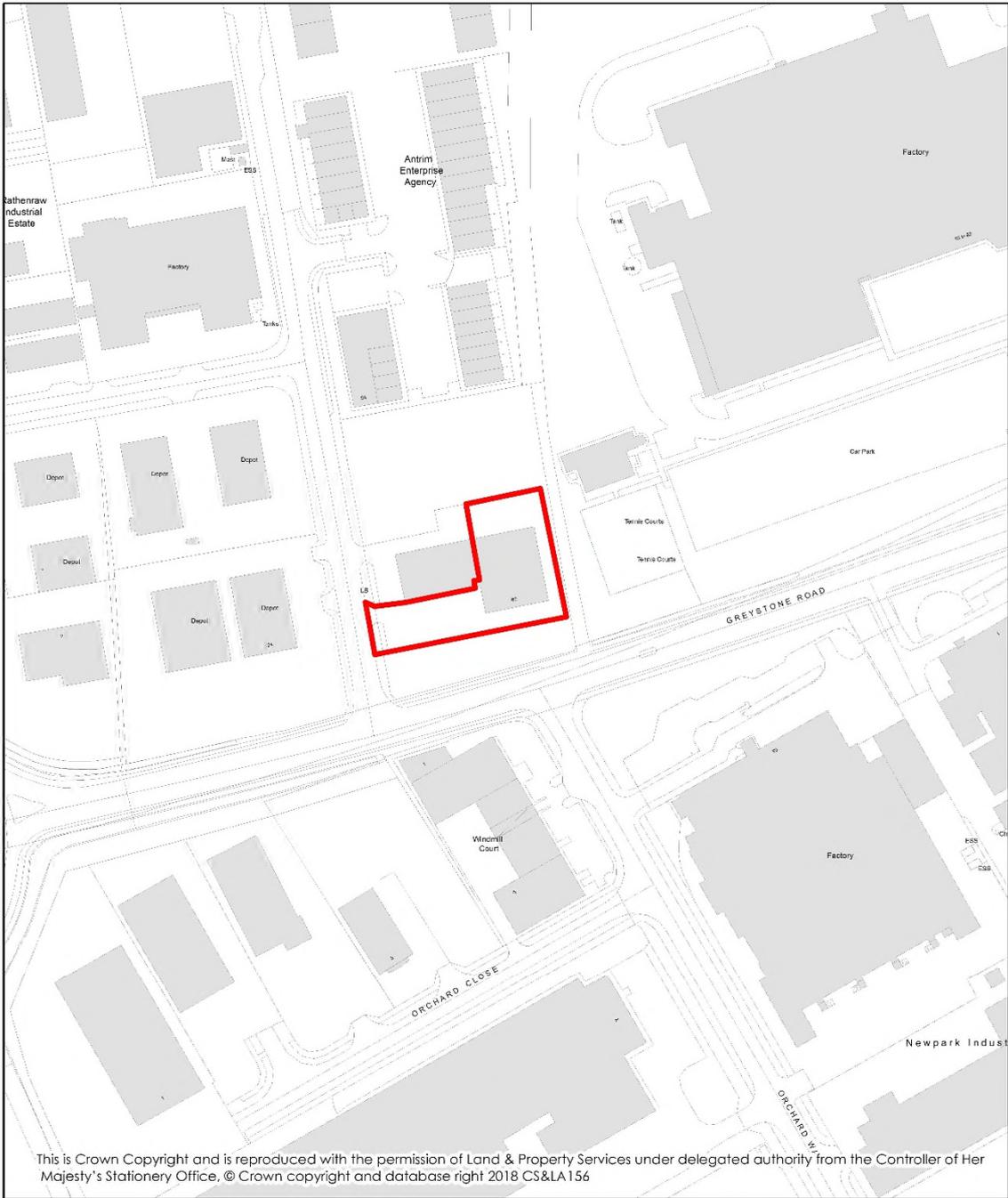
- The principle of retail development at this location is considered to be unacceptable as it has not been established that alternative sequentially preferable sites are available within the proposal's catchment area.
- The design and appearance of the proposed development is considered to be acceptable.

- It is considered that the proposed development will not result in a detrimental impact upon the character and appearance of the area.

**RECOMMENDATION :** REFUSE PLANNING PERMISSION

**PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the Strategic Planning Policy Statement in that no assessment of need has been carried out for this retail proposal at an out of town centre location nor has an assessment of retail impact of the proposal been carried out in relation to its impact on Antrim Town Centre.



**Location Map**

**Application Reference: LA03/2017/0707/F**

60 Greystone Road, Antrim.

Retrospective Change of Use from Car Sales Showroom to Charity Shop and Distribution Warehouse.

 Site Boundary



For Information Only



|                           |                                   |
|---------------------------|-----------------------------------|
| <b>COMMITTEE ITEM</b>     | <b>3.11</b>                       |
| <b>APPLICATION NO</b>     | <b>LA03/2017/0681/F</b>           |
| <b>DEA</b>                | <b>DUNSILLY</b>                   |
| <b>COMMITTEE INTEREST</b> | <b>REFUSAL RECOMMENDED</b>        |
| <b>RECOMMENDATION</b>     | <b>REFUSE PLANNING PERMISSION</b> |

|                        |   |
|------------------------|---|
| <b>PROPOSAL</b>        | Proposed change of use of an existing agricultural shed to commercial storage.  |
| <b>SITE/LOCATION</b>   | 10 Eskylane Road, Antrim, BT41 2LL.   |
| <b>APPLICANT</b>       | Ms Karen Murdock  |
| <b>AGENT</b>           | N/A   |
| <b>LAST SITE VISIT</b> | 12 April 2018   |
| <b>CASE OFFICER</b>    | James Cairns<br>Tel: 028 903 40403<br>Email: <a href="mailto:james.cairns@antrimandnewtownabbey.gov.uk">james.cairns@antrimandnewtownabbey.gov.uk</a> |

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located immediately to the south of No. 10 Eskylane Road, which is within the countryside, beyond any settlement limit as defined in the Antrim Area Plan. The application site comprises an existing portal frame shed measuring approximately 20 metres by 30 metres, which is accessed via an existing laneway from Eskylane Road.

The surrounding lands are under the ownership of the applicant and these comprise a dwelling and associated garage, a number of buildings (previously used for agricultural use) including sheds and stables. A sand arena (equestrian manège) is located to the northwest of the site.

The surrounding area is typically rural in character, with established farm groupings located along the Eskylane Road. There are also a number of detached dwellings sited along the Eskylane Road, with the closest (No. 12 Eskylane Road) located immediately to the south-west of the proposed development site.

#### **RELEVANT PLANNING HISTORY**

No relevant planning history on the application site.

##### Adjacent Planning History

Planning Reference: LA03/2016/0964/F

Location: 10 Eskylane Road, Antrim, BT41 2LL.

Proposal: Retrospective planning for 8 no horse walker to have galvanised steel frame panels, covered roof with hydraulic drive mechanism.

Decision: Permission Granted (21.03.2017)

Planning Reference: T/2010/0304/F

Location: 10 Eskylane Road, Antrim.

Proposal: Replacement dwelling & detached garage with games room above.

Decision: Permission Granted (27.07.2010)

## **PLANNING POLICY**

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

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

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

Antrim Area Plan 1984 – 2001: The Plan offers no specific guidance on this proposal.

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

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

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

## **CONSULTATION**

No consultations were carried out on this application.

## **REPRESENTATION**

One (1) neighbouring property was notified and one (1) letter of objection has been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- The Eskylane Road is a quiet country road with no approved commercial premises. It is unsuitable for use by large vans or commercial vehicles to have regular access on a daily basis.
- Potential for damage to the new shared private laneway (leading to Nos. 4 – 12 Eskylane Road which currently adjoins the means of access to No. 10. There is a requirement to replace water drums currently in place with a permanent division.

- Potential impact upon the safety of families, children, and pets who use the shared private laneway.
- Impact of the development upon the established character of the area, and the loss of amenity.

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

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

- Principle of Development;
- Impact of the Character and Appearance of the Area; and,
- Neighbour Amenity.

#### **Principle of Development**

Policy CTY 1 of Planning Policy Statement 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside. The policy further advises that planning permission for non-residential development in the countryside will only be granted in specific cases, which includes industry and business uses in accordance with Planning Policy Statement 4: Planning and Economic Development.

Policy PED 2: Economic Development in the Countryside states that proposals for economic development uses in the countryside will only be permitted where an application relates to the expansion of established economic development use; the redevelopment of an established economic development use; major industrial development; or, small rural projects.

Paragraph 6.87 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) states, 'The guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economic and support rural communities, while protecting and enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS'. The SPPS further outlines that farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside.

The application seeks to change the use of part of the existing former agricultural building (a portal framed shed) to allow the storage of horse supplements in connection with the applicant's online business (Comfort Gut). The applicant has advised that storage floorspace is currently rented in Springfarm Industrial Estate and that this proposal will increase the storage capacity of the business. Furthermore, the applicant has informed the Planning Section that, whilst the business operates on an online basis from her place of residence at this site, no retailing operations take place at this location.

The subject building is currently used for storage associated with the residential use of the property, with a lean-to section being used as a stable block to accommodate the applicant's horses. Drawing No. 03 bearing the date stamp 18 July 2017 indicates the gross floorspace within the existing building that will be used for storage purposes amounts to approximately 416 square metres.

In the context of acceptable uses outlined within Policy PED 2 of PPS 4, it is considered that this proposal does not relate to the expansion or redevelopment of an established economic development use, nor is it considered to be a major industrial development or small rural project. As the proposed development does not fall within any of the acceptable uses outlined by Policy PED 2, it is considered that, in this case, the principle of development has not been established, and is therefore unacceptable.

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

The application proposes to use the existing shed for storage purposes in association with the applicant's online horse supplement business, and does not involve any construction works on the site. The appearance of the site will not change as a consequence of this application, and it is considered that the proposed development will not have an impact upon the overall appearance of the area.

The objection letter received in relation to the application expresses concern that the proposal would change the "established character of the area ... beyond recognition". It is understood that these concerns are associated with a potential increase in daily traffic movements to and from the site, particularly by large vans and commercial vehicles.

With regard to traffic movements in relation to the proposed development, the applicant has advised that deliveries to the site will be monthly or bi-monthly, and that outgoing traffic is likely to occur once per fortnight. The applicant has also confirmed that the circulation space within the existing yard would prohibit access by larger commercial vehicles, and that commercial traffic to and from the site will most likely be large vans.

It is considered that given the clarification provided by the applicant, the increase in vehicular movements associated with the proposal is likely to be minimal. Such an increase would be unlikely to result in a detrimental impact upon the character of the area. Overall it is considered that the proposed development will not result in a detrimental impact upon the character and appearance of the area.

### **Neighbour Amenity**

The objection letter received in relation to the application states that the proposed development would result in the loss of neighbour amenity by way of noise and nuisance associated with traffic movements to and from the site. In addition, the objection expresses concern about the potential for damage to arise to the shared private laneway (used to access Nos. 4 – 12 Eskylane Road).

In relation to noise and nuisance, the applicant has outlined that the proposed development will be for storage purposes only; no retailing operations will take place from the site; and, the increase in traffic movements is anticipated to be minimal, with outbound movements at "a rate on average of one pallet per fortnight being distributed" from the premises. Furthermore, inbound traffic movements to the proposed development will be "monthly/bi monthly". Owing to the level of increase with regard to traffic movements attributed to the proposed development, it is considered that the proposal will not significantly impact upon neighbour amenity by way of noise or nuisance.

Regarding the potential risk of damage to the shared private laneway associated with Nos. 4 – 12 Eskylane Road by commercial vehicles travelling to and from the proposed development site. The applicant has advised that any commercial traffic will not be travelling on the tarmac lane which serves the other residential properties accessed from this shared laneway and will not be in close proximity to any of these houses, pets or children.

Owing to the minimal increase in traffic movements to and from the application site, together with the confirmed use of the existing concrete hardstanding to access the yard, it is considered that the proposed development is unlikely to result in a detrimental impact upon the amenity of nearby residential properties.

#### **CONCLUSION**

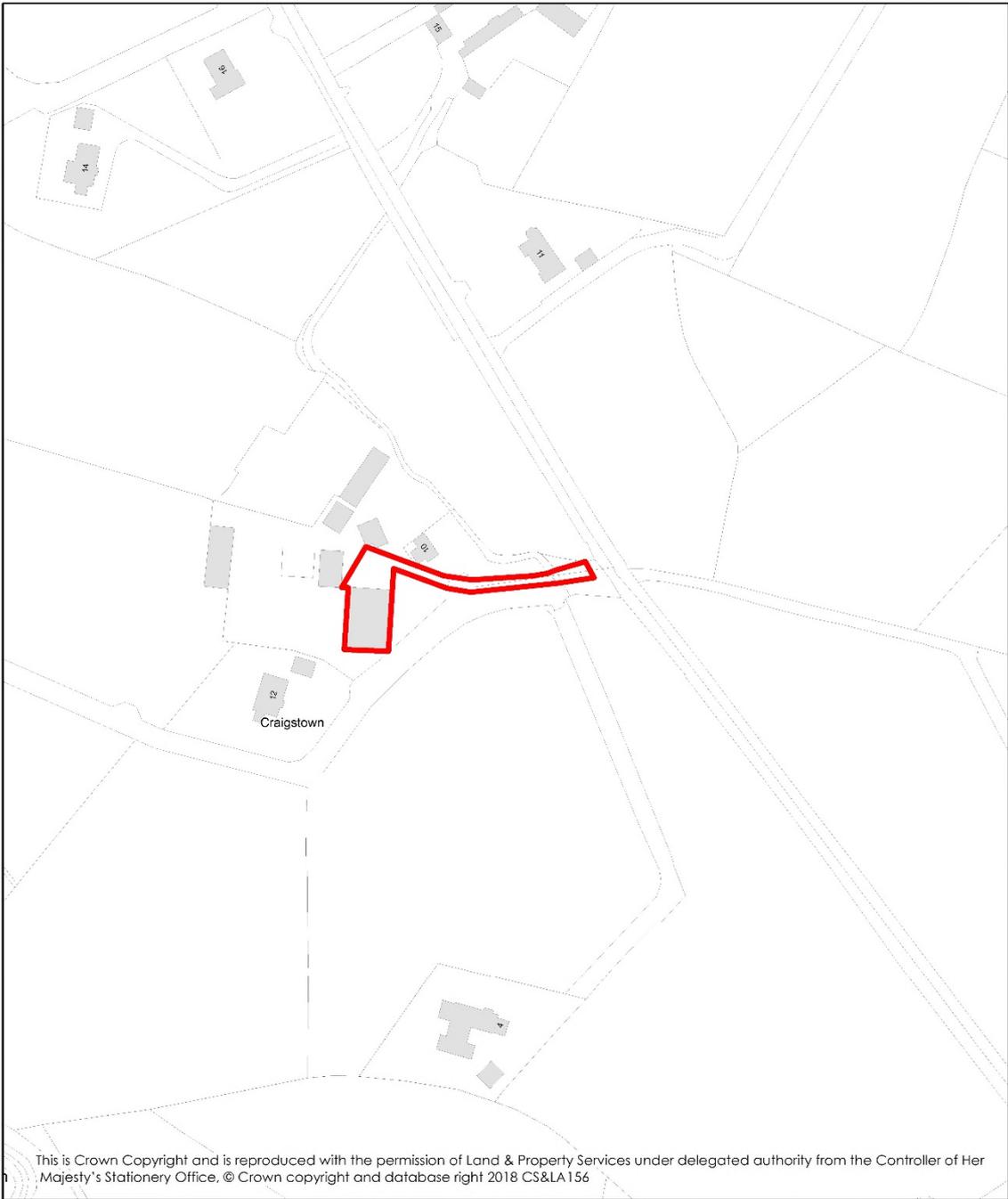
The following is a summary of the main reason(s) for the recommendation:

- The principle of development at this location is considered to be unacceptable;
- It is considered that the proposed development will not have a detrimental impact upon the character and appearance of the area and will not have an adverse impact upon neighbour amenity.

**RECOMMENDATION :**    **REFUSE PLANNING PERMISSION**

#### **PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement, Policy CTY 1 of Planning Policy Statement 21: Sustainable Development in the Countryside, and Policy PED 2 of Planning Policy Statement 4: Planning and Economic Development, in that it is considered to be an unacceptable form of economic development in the countryside.



**Location Map**

**Application Reference: LA03/2017/0681/F**

10 Eskylane Road, Antrim.

Change of Use of Existing Shed to Commercial Storage.



For Information Only

 Site Boundary



|                           |   |
|---------------------------|---|
| <b>COMMITTEE ITEM</b>     | <b>3.12</b>                               |
| <b>APPLICATION NO</b>     | <b>LA03/2018/0231/O</b>                   |
| <b>DEA</b>                | <b>AIRPORT</b>                            |
| <b>COMMITTEE INTEREST</b> | <b>REFUSAL RECOMMENDED</b>                |
| <b>RECOMMENDATION</b>     | <b>REFUSE OUTLINE PLANNING PERMISSION</b> |

|                        |  |
|------------------------|--|
| <b>PROPOSAL</b>        | Site for replacement dwelling.   |
| <b>SITE/LOCATION</b>   | Site 110m east and 35m south of No.30 Ballykennedy Road, Nutts Corner, Co.Antrim.  |
| <b>APPLICANT</b>       | Colum Mullan   |
| <b>AGENT</b>           | Jim Austin   |
| <b>LAST SITE VISIT</b> | 27 <sup>th</sup> April 2018  |
| <b>CASE OFFICER</b>    | Wayne Donaldson<br>Tel: 028 903 40431<br>Email: <a href="mailto:wayne.donaldson@antrimandnewtownabbey.gov.uk">wayne.donaldson@antrimandnewtownabbey.gov.uk</a> |

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located 130m east of No. 30 Ballykennedy Road and is within a rural area as defined within the Antrim Area Plan 1984-2001. The site is an agricultural field adjacent to the public road which slopes towards the south. The site contains a small run down wooden structure located in the northwestern corner of the site. The structure is in a very bad condition with sections collapsing, one end wall is missing along with sections of the front and rear walls. At the time of inspection there were no clear signs that this structure was once used as a dwelling, there are a few window and door openings within the structure but this does not clearly show that the structure was once an occupied dwelling at this location.

The northern and eastern boundaries of the site are defined by mature trees with the southern and western boundaries defined by a post and wire fence with an access lane also running along the southern and western boundaries.

The site is within a rural area with several existing dwellings in the proximity of the site.

#### **RELEVANT PLANNING HISTORY**

No relevant planning history.

#### **PLANNING POLICY**

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its

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

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

Antrim Area Plan 1984 – 2001: The Plan offers no specific guidance on this proposal.

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

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

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

**NI Water** – No objections

**DFI Roads** – No objections

#### **REPRESENTATION**

Two (2) neighbouring properties 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:

- Principle of Development
- Integration
- Impact on Character and Appearance of the Area
- Neighbour Amenity

#### **Principle of Development**

Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY1 indicates that the development of a replacement dwelling in accordance with Policy CTY3 would be an acceptable form of development. Policy CTY3 states that planning permission will be granted for a

replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

It is considered that the structure it is proposed to replace does not exhibit the essential characteristics of a dwelling. Given the poor structural state of the building only the remains of window and door openings are visible, but this evidence alone is not considered sufficient to ascertain that the building was built and occupied as a dwelling at this location. No defining features such as an external chimney or internal fireplace were evident at the site and there was no form of supporting information provided as part of the application. The building does not benefit from any previous grant of planning permission for a dwelling nor is there any Certificate of Lawful Development to establish the lawful use of the structure as a dwelling.

The structure on the site is very run down with sections either missing or collapsing. Given the missing gable wall and portions of other walls also missing it is considered the structure does not fulfil the policy requirement that as a minimum the building to be replaced should have all external structural walls substantially intact.

Given that the structure to be replaced does not exhibit the essential characteristics of a dwelling and also that all external structural walls are not substantially intact the principle of development is considered unacceptable and the proposal is contrary to Policy CTY3 of PPS21 as outlined above.

### **Integration**

Policy CTY1 states that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings. The SPPS also states at paragraph 6.70 that all development in the countryside must integrate. The application site is located close to the edge of the public road with the structure to be replaced being of a small size and scale with a very small footprint. As the application is for outline permission no detailed drawings have been submitted at this time. It is considered that a dwelling of an acceptable size, scale and design that was positioned in a suitable location could be integrated on the site given the limited critical views and existing mature vegetation on some site boundaries.

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

Policy CTY14 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. It identifies that a new building will be unacceptable where, it results in a suburban style build-up of development when viewed with existing and approved buildings. In this case an existing building is to be replaced by a new dwelling, it is considered that a new dwelling on the site of a suitable design and layout would not result in a further erosion of the character of the area.

### **Neighbour Amenity**

As the application is for an outline proposal there are no details provided regarding the proposed design, however, given the distance from the site to the other existing dwellings it is considered that the proposal would not result in an unacceptable impact on the amenity of any existing properties.

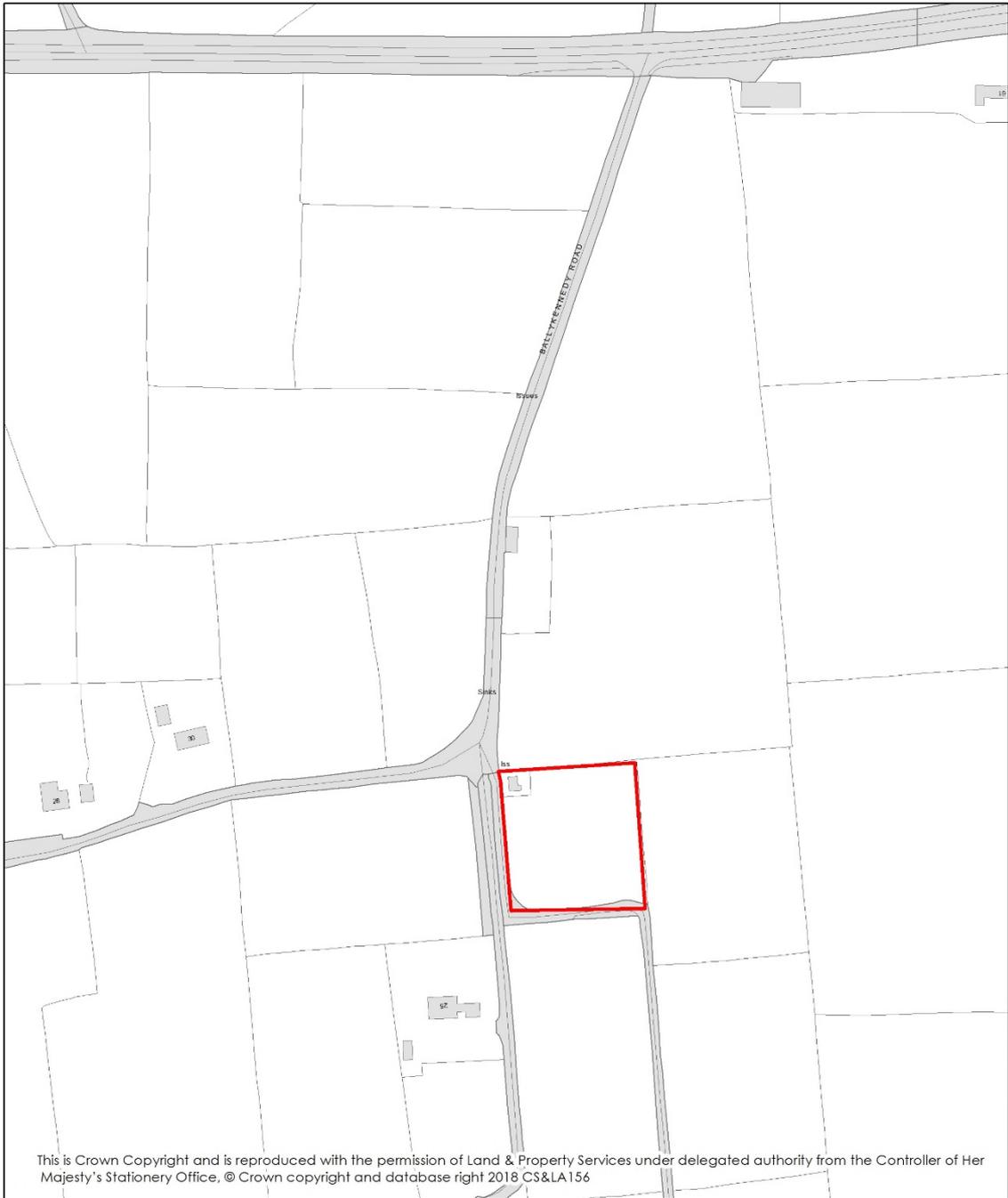
**CONCLUSION**

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

- The principle of the development is seen as unacceptable as the proposal fails to meet policy requirements for replacement dwellings outlined in Policy CTY3 of PPS21.
- A dwelling of a suitable design and layout could integrate on the site and would not result in further erosion of the character of the area.
- The proposal would not impact on the amenity of any existing properties in the area.

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

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21; Sustainable Development in the Countryside, in that there is no overriding reasons why this development is essential in this rural location and could not be located within a settlement and it fails to meet the provisions for a replacement dwelling in accordance with Policy CTY3 of PPS21 in that the structure to be replaced does not exhibit the essential characteristics of a dwelling and all external structural walls are not substantially intact.



**Location Map**

**Application Reference: LA03/2018/0231/O**

110m East of 30 Ballykennedy Road, Nutts Corner

Site for replacement dwelling

Scale: 1:2500



 Site Boundary



|                           |                                    |
|---------------------------|------------------------------------|
| <b>COMMITTEE ITEM</b>     | <b>3.13</b>                        |
| <b>APPLICATION NO</b>     | <b>LA03/2018/0081/F</b>            |
| <b>DEA</b>                | <b>DUNSILLY</b>                    |
| <b>COMMITTEE INTEREST</b> | <b>APPLICANT DECLARED INTEREST</b> |
| <b>RECOMMENDATION</b>     | <b>GRANT PLANNING PERMISSION</b>   |

|                        |   |
|------------------------|---|
| <b>PROPOSAL</b>        | Proposed dwelling and detached garage   |
| <b>SITE/LOCATION</b>   | 70m North West of 23 Ballylurgan Road, Randalstown  |
| <b>APPLICANT</b>       | David McCaughey   |
| <b>AGENT</b>           | Versatile Consultancy   |
| <b>LAST SITE VISIT</b> | 14 <sup>th</sup> February 2018  |
| <b>CASE OFFICER</b>    | Alexandra Cooney<br>Tel: 028 903 40216<br>Email: <a href="mailto:alexandra.cooney@antrimandnewtownabbey.gov.uk">alexandra.cooney@antrimandnewtownabbey.gov.uk</a> |

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site lies 70 metres north of the dwelling at No. 23 Ballylurgan Road. It lies outside of any settlement limit defined in the Antrim Area Plan. The site lies approximately 1 metre below road level and fronts directly onto the Ballylurgan Road. The western boundary along the road frontage is defined with a post and wire fence, so to is the rear boundary located to the east. A private laneway leading to No. 25 runs adjacent to the northeastern boundary while the northern boundary remains undefined.

The current application site abuts another concurrent application site for a dwelling located to the north (LA03/2018/0082/F). The two sites have been previously granted planning permission for dwellings (two in total) under T/2012/0019/O, T/2014/0455/RM and T/2012/0363/RM. The two sites has been scraped back, recent ground works appear to have been under taken and trenches appear to have been excavated on site. An access also appears to have been created in the location previously approved.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2018/0082/F  
Location: 20m South of 27 Ballylurgan Road, Randalstown  
Proposal: Proposed dwelling and detached garage  
Decision: Under consideration

Planning Reference: T/2014/0455/RM  
Location: Site 2 infill site between 25 and 27 Ballylurgan Road, Randalstown  
Proposal: Proposed dwelling and detached garage  
Decision: Permission Granted (16.02.2015)

Planning Reference: T/2012/0363/RM

Location: Site 2, infill site between 25 and 27 Ballylurgan Road, Randalstown

Proposal: Proposed dwelling and detached garage

Decision: Permission Granted (20.02.2013)

Planning Reference: T/2012/0019/O

Location: Infill site between 25 and 27 Ballylurgan Road, Randalstown

Proposal: Proposed infill site for 2no. dwellings and detached garages

Decision: Permission Granted (21.03.2012)

## **PLANNING POLICY**

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

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

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

Antrim Area Plan 1984 – 2001: The Plan offers no specific guidance on this proposal.

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

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

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

**NI Water** – No Objection

**DfI Roads – No Objection**

**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:

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

**Principle of Development**

Policy CTY 1 of PPS 21 sets out a range of development types which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY 1 indicates that the development of a small gap site within an otherwise substantially and continuously built up frontage is such a form of acceptable development in accordance with Policy CTY 8.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. It does however state that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental considerations

It is considered that the principle of development can be established on the site given the previous approval under T/2012/0019/O and its respective reserved matters T/2012/0363/RM which were approved under this policy. The previous grant of planning permission expired on 20<sup>th</sup> March 2017.

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

The proposal is for a detached dwelling house together with a detached garage. The proposed dwelling is the same as previously approved under T/2012/0363/RM and has a ridge height of 6 metres. The dwelling is mainly rectangular in shape with a small porch area to the front, stepped side returns to both gable ends and a rear return. It has a pitched roof with chimneys expressed on the ridge line.

The main body of the dwelling is to be finished in grey dash with the porch, sunroom side return and the rear return to be cladded with basalt stone. The windows are to be uPVC sliding sash units and doors to be timber. The roof will be finished in black non-profiled concrete interlocking roof tiles

The double garage is to be located behind the dwelling house and will have a ridge height of 5.8 metres and will be finished with materials to match the proposed dwelling house. The garage has a ground floor WC with a store area above at first floor level. It is to be orientated so that the front elevation is facing towards the dwelling.

New post and wire fencing is to be erected along all new boundaries of the site where new natural species hedging will be planted behind the fencing as indicated on Drawing No. 04 bearing the date stamp 4<sup>th</sup> April 2018.

It is considered that the proposal can be visually integrated into its surrounding landscape. The design is appropriate for the site and its locality and is compliant with Policy CTY 13 of PPS 21. It is also considered that policy criteria set out in Policy CTY14 of PPS 21 can be met as the dwelling and garage if granted would not cause a detrimental change to or further erode the rural character of the area.

### **Neighbour Amenity**

Given that the closest existing neighbouring dwelling is located 82 metres from the proposed dwelling, there are no concerns with regards to neighbour amenity.

It is also noted that a separate application has been submitted to the Council under planning reference LA03/2018/0082/F for a dwelling and garage directly adjacent and to the north of the application site. It is considered that given the distance and proposed boundary treatment that there would be no detrimental impact on neighbour amenity caused by this proposal on the proposed dwelling which is the subject of a concurrent application (LA03/2018/0082/F).

### **CONCLUSION**

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

- The principle of the development can be considered established on site.
- The design and appearance of the dwelling is appropriate given the sites rural location.
- The proposal will not have a detrimental impact on the character and appearance of the area.
- There will be no detrimental impact caused to neighbour amenity as a result of 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. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.04 bearing the date stamp 04<sup>th</sup> April 2018, 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 of the access road shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

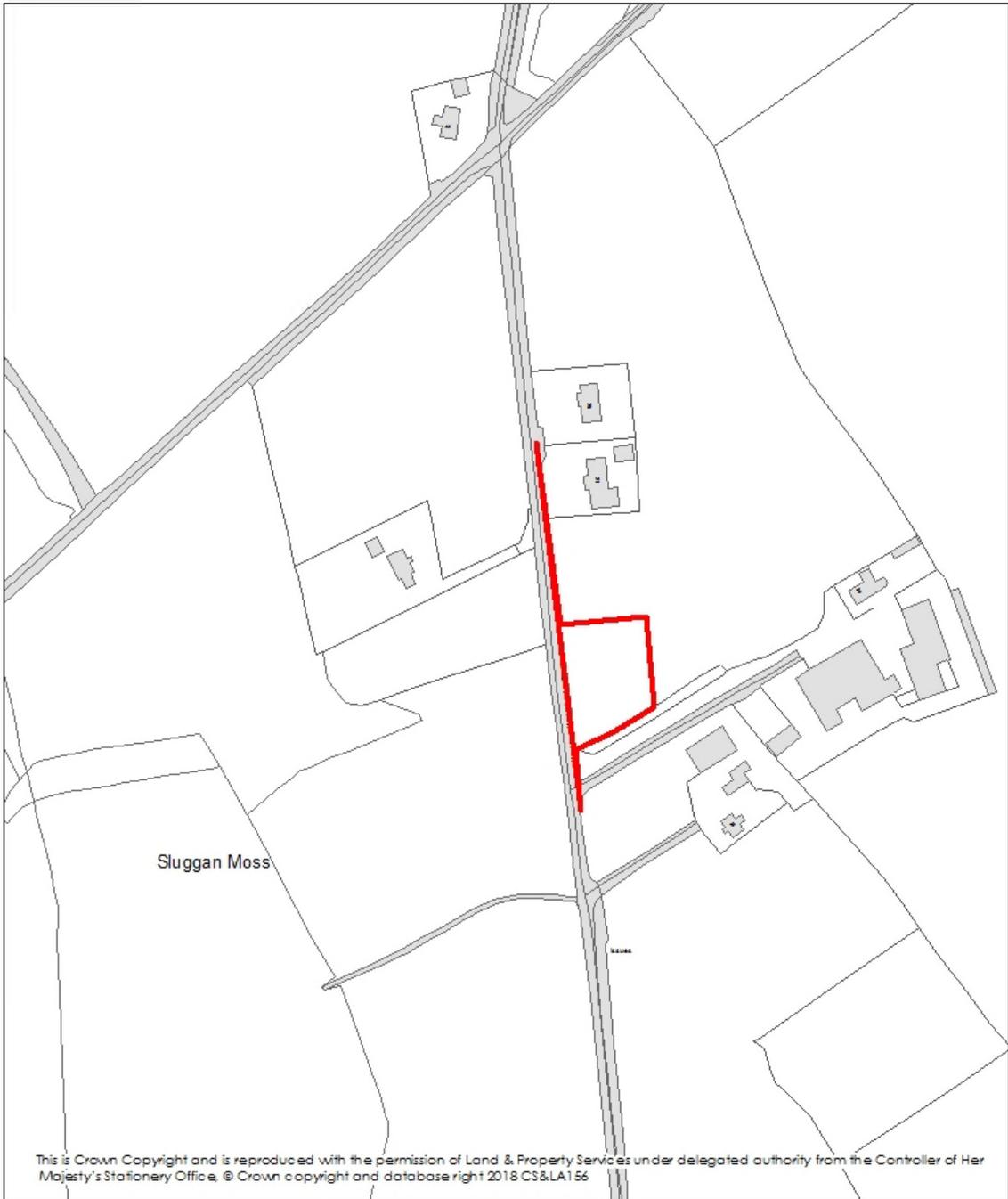
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.

4. All hard and soft landscape works shall be carried out in accordance with the approved details shown on Drawing No. 04 bearing the date stamp 4th April 2018 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling or in accordance with a programme to be agreed with the Council.

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.



**Location Map**

**Application Reference: LA03/2018/0081/F**

70m North West of 23 Ballylurgan Road  
Randalstown

Proposed dwelling and detached garage

 Site Boundary



For Information Only



|                           |                                    |
|---------------------------|------------------------------------|
| <b>COMMITTEE ITEM</b>     | <b>3.14</b>                        |
| <b>APPLICATION NO</b>     | <b>LA03/2018/0082/F</b>            |
| <b>DEA</b>                | <b>DUNSILLY</b>                    |
| <b>COMMITTEE INTEREST</b> | <b>APPLICANT DECLARED INTEREST</b> |
| <b>RECOMMENDATION</b>     | <b>GRANT PLANNING PERMISSION</b>   |

|                        |   |
|------------------------|---|
| <b>PROPOSAL</b>        | Proposed dwelling and detached garage   |
| <b>SITE/LOCATION</b>   | 20m South of 27 Ballylurgan Road, Randalstown   |
| <b>APPLICANT</b>       | William McCaughey   |
| <b>AGENT</b>           | Versatile Consultancy   |
| <b>LAST SITE VISIT</b> | 14 <sup>th</sup> February 2018  |
| <b>CASE OFFICER</b>    | Alexandra Cooney<br>Tel: 028 903 40216<br>Email: <a href="mailto:alexandra.cooney@antrimandnewtownabbey.gov.uk">alexandra.cooney@antrimandnewtownabbey.gov.uk</a> |

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site lies 20 metres south of No. 27 Ballylurgan Road and lies in the rural area outside of any settlement limit defined in the Antrim Area Plan. The site lies approximately 1 metre below road level and fronts directly onto the Ballylurgan Road.

The western boundary along the road frontage is defined with a post and wire fence, as is the rear boundary to the east. A mature hedge defines the site's northern boundary where the site is directly adjacent to an existing dwelling (No. 27).

The current application site abuts another concurrent application site for a dwelling located to the south (LA03/2018/0081/F). The two sites have been previously granted planning permission for dwellings (two in total) under T/2012/0019/O, T/2014/0455/RM and T/2012/0363/RM. The two sites has been scraped back, recent ground works appear to have been under taken and trenches appear to have been excavated on site. An access also appears to have been created in the location previously approved.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2018/0081/F  
Location: 70m North West of 23 Ballylurgan Road, Randalstown  
Proposal: Proposed dwelling and detached garage  
Decision: Under consideration

Planning Reference: T/2014/0455/RM  
Location: Site 2 infill site between 25 and 27 Ballylurgan Road, Randalstown  
Proposal: Proposed dwelling and detached garage  
Decision: Permission Granted (16.02.2015)

Planning Reference: T/2012/0363/RM  
Location: Site 2, infill site between 25 and 27 Ballylurgan Road, Randalstown

Proposal: Proposed dwelling and detached garage  
Decision: Permission Granted (20.02.2013)

Planning Reference: T/2012/0019/O  
Location: Infill site between 25 and 27 Ballylurgan Road, Randalstown  
Proposal: Proposed infill site for 2no. dwellings and detached garages  
Decision: Permission Granted (21.03.2012)

### **PLANNING POLICY**

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

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

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

Antrim Area Plan 1984 – 2001: The Plan offers no specific guidance on this proposal.

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

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

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

**NI Water** – No Objection

**DfI Roads** – No Objection

## 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:

- Principle of Development
- Design, Appearance and Impact on Character of the area the Area
- Neighbour Amenity

### Principle of development

Policy CTY 1 of PPS 21 sets out a range of development types which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY 1 indicates that the development of a small gap site within an otherwise substantially and continuously built up frontage is such a form of acceptable development in accordance with Policy CTY 8.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. It does however state that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental considerations.

It is considered that the principle of development can be established on site given the previous approval under T/2012/0019/O and its respective reserved matters T/2014/0455/RM which were approved under this policy. The previous grant of planning permission expired on 20<sup>th</sup> March 2017.

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

The proposal is for a detached dwelling together with a detached double garage. The dwelling is the same as that previously approved under T/2014/0455/RM and has a ridge height of 6 metres above finished floor level. The dwelling is mainly rectangular in shape with a small porch area to the front, stepped side returns to both gable ends and a rear return. The dwelling house has a pitched roof with chimneys on the ridge, windows have a vertical emphasis and the design demonstrates a good solid to void ratio.

The main body of the dwelling is to be finished in grey granite dash with the porch and side return to be cladded with basalt as indicated on Drawing No. 02 bearing the date stamp 19th January 2018. The windows are to be black uPVC and doors to be panelled black composite. The roof will be finished with black, flat concrete tiles.

The double garage is to be located to the south behind the dwelling house. It is to have a ridge height of 5 metres and will be finished to match the dwelling house. The garage is to be orientated so the front elevation is facing towards the Ballylurgan Road.

Post and wire fencing is to be erected along all new boundaries of the site where new natural species hedging will be planted behind the fencing as indicated on Drawing No. 05 bearing the date stamp 4th April 2018.

It is considered that the proposal can be visually integrated into its surrounding landscape. The design is appropriate for the site and its locality and is compliant with Policy CTY 13 of PPS 21. It is further considered that policy criteria set out in Policy CTY14 of PPS 21 can be met as the dwelling and garage if granted would not cause a detrimental change to or further erode the rural character of the area.

### **Neighbour Amenity**

The closest existing dwelling at No. 27 is located approximately 14 metres from the closest point of the proposed dwelling house. There is an existing four metre high mature hedge separating the two sites which mitigates any potential issues with overlooking or loss of privacy to the existing dwelling.

It is noted that a separate application has been submitted to the Council under planning reference LA03/2018/0081/F for a dwelling and garage directly adjacent and to the south of the application site. It is considered that given the distance and proposed boundary treatment that there would be no detrimental impact on neighbour amenity caused by this proposal on the proposed dwelling which is the subject of a concurrent application (LA03/2018/0081/F).

### **CONCLUSION**

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

- The principle of the development can be considered established on site.
- The design and appearance of the dwelling is appropriate given the site's rural location.
- The proposal will not have a detrimental impact on the character and appearance of the area.
- There will be no detrimental impact caused to neighbour amenity as a result of 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. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 05 bearing the date stamp 05th April 2018, 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 of the access road shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

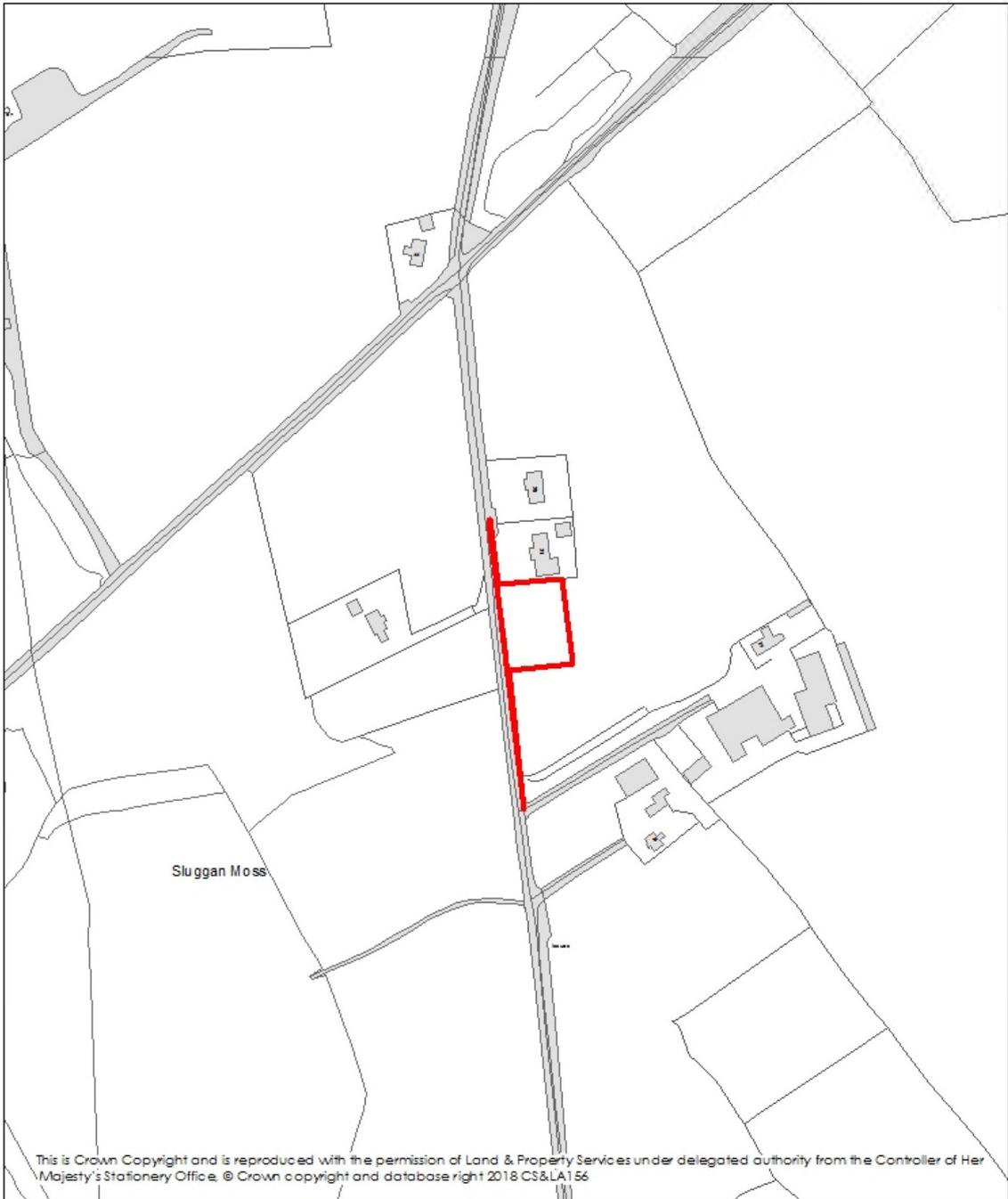
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.

4. All hard and soft landscape works shall be carried out in accordance with the approved details shown on Drawing No. 05 bearing the date stamp 4<sup>th</sup> April 2018 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the dwelling or in accordance with a programme to be agreed with the Council.

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.



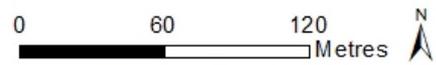
### Location Map

**Application Reference: LA03/2018/0082/F**

20m South of 27 Ballylurgan Road  
Randalstown

Proposed dwelling and detached garage

 Site Boundary



For Information Only



## **PART 2    OTHER PLANNING MATTERS**

### **ITEM 3.15**

#### **P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS**

A list of planning decisions issued by Officers during April 2018 under delegated powers is **enclosed** for Members attention together with information received this month on planning appeals.

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

### ITEM 3.16

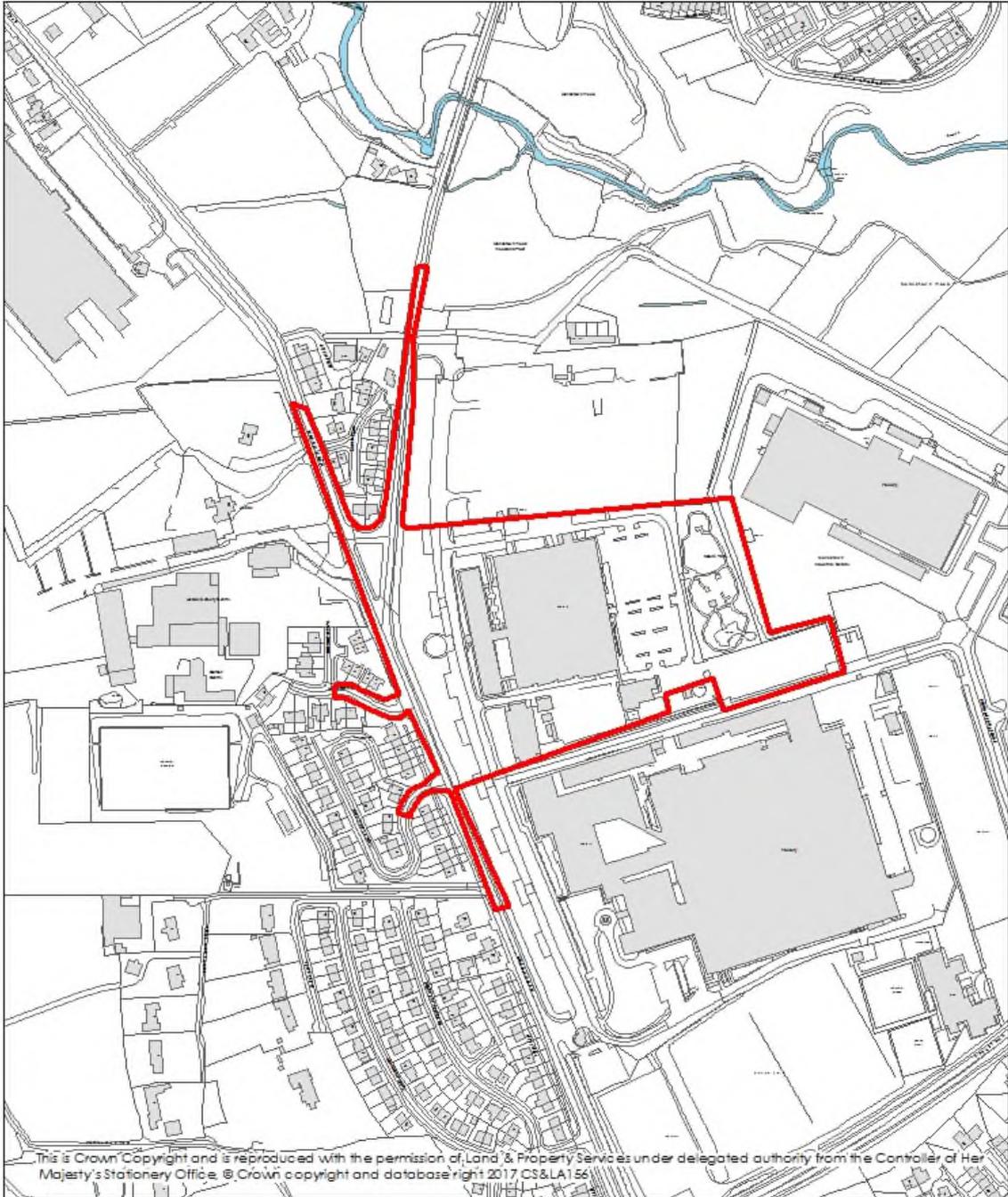
#### **P/PLAN/1 PROPOSAL OF APPLICATION NOTIFICATIONS FOR MAJOR DEVELOPMENT**

Members will be aware that prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). One PAN was registered during April 2018 the details are set out below.

|                        |   |
|------------------------|---|
| <b>PAN Reference:</b>  | LA03/2018/0300/PAN  |
| <b>Proposal:</b>       | Demolition of existing building and replacement with 6598sqm foodstore and associated eight bay petrol filling station, and associated works including car parking, access from Doagh Road, click and collect facility, plant equipment and landscaping |
| <b>Location:</b>       | 229-233 Monkstown Industrial Estate Doagh Road<br>BT36 6XA  |
| <b>Applicant:</b>      | Asda Stores Ltd and McLagan Investments Ltd   |
| <b>Date Received:</b>  | 06 April 2018   |
| <b>12 week expiry:</b> | 29 June 2018  |

Members will recall that under Section 27 of the 2011 Planning Act obligations are placed on the prospective developer to consult the community in advance of submitting a Major development planning application. Where, following the 12 week period set down in statute, an application is submitted this must be accompanied by a Pre-Application Community consultation report outlining what consultation has been undertaken regarding the application and detailing how this has influenced the proposal submitted.

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



**Location Map**

 Site Boundary

**Application Reference: LA03/2018/0300/PAN**

Demolition of existing building and replacement with 6598sqm foodstore and associated eight bay petrol filling station, and associated works including car parking, access from Doagh Road, click and collect facility, plant equipment and landscaping



For Information Only

229-233 Monkstown Industrial Estate Doagh Road  
BT36 6XA



### **ITEM 3.17**

#### **P/FP/LDP/112 LOCAL DEVELOPMENT PLAN: METROPOLITAN AREA SPATIAL WORKING GROUP**

Members are reminded that a cross-boundary working group has been established in relation to the metropolitan area and involves Antrim and Newtownabbey Borough Council, Ards and North Down Borough Council, Belfast City Council, Lisburn and Castlereagh City Council and Mid and East Antrim Borough Council

The third meeting of this Working Group took place on 26 January 2018 at Lagan Valley Island, Lisburn and Castlereagh Borough City Council; chaired by Councillor Uel Mackin. Officers and Members from other representative Council's also attended this meeting, as did representatives from Invest NI, the Department for the Economy, the Department of Agriculture, Environment and Rural Affairs, and Translink. Minutes of the meeting are **enclosed** for Members information along with correspondence from DfI relating to proposed the transport strategy for the Borough and its relationship to the Local Development Plan.

The fourth Metropolitan Area Spatial Working Group took place on 13 April 2018 hosted by Ards and North Down Borough Council. A copy of these meeting minutes will be presented to Members once they are agreed. The next Metropolitan Area Spatial Working Group is due to take place in July 2018, the date and venue of which are still to be determined.

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

### ITEM 3.18

#### **P/FP/LDP/85 MARINE PLAN FOR NORTHERN IRELAND – PUBLIC CONSULTATION DRAFT**

The Department of Agriculture, Environment and Rural Affairs (DAERA) has published the draft Marine Plan for Northern Ireland for public consultation with a closing date of 15 June 2018. A copy of the letter issued to the Forward Plan Team on 18 April 2018 is enclosed. The full draft of the Marine Plan can be viewed at <https://www.daera-ni.gov.uk/sites/default/files/consultations/daera/Marine%20Plan%20for%20NI%20final%2016%2004%2018.PDF>

The draft Marine Plan sets out the policy for the marine area which comprises all marine waters including sea bed, subsoil, sea loughs and tidal rivers, so far as the tide flows at Mean High Water Spring Tidal Mark (Intertidal area- refer to Annex A attached with Committee report). The Draft Marine Plan will be used by public authorities in taking decisions, which may affect the marine area, including authorisation of enforcement decisions, and decisions that relate to the exercise of any function capable of affecting the marine area.

The draft Marine Plan Vision is to establish, “A healthy marine area which is managed sustainably for the economic, environmental and social prosperity of present and future generations.” These are underpinned by eight objectives that are tailored to the unique character of the Northern Ireland Marine area and the needs of its user. The Vision and objectives are achieved through a series of Core Policies and Key Activity Policies.

The Core Policies within the Draft Marine Plan are stakeholder engagement, air quality, climate change, coastal processes, co-existence, cumulative impacts, heritage assets, invasive alien species, land and sea interaction, marine litter, marine noise, natural heritage, seascape, use of evidence and water quality. Key Activity Policies include tourism and recreation and telecommunications cabling.

#### Implication for Antrim and Newtownabbey Borough Council

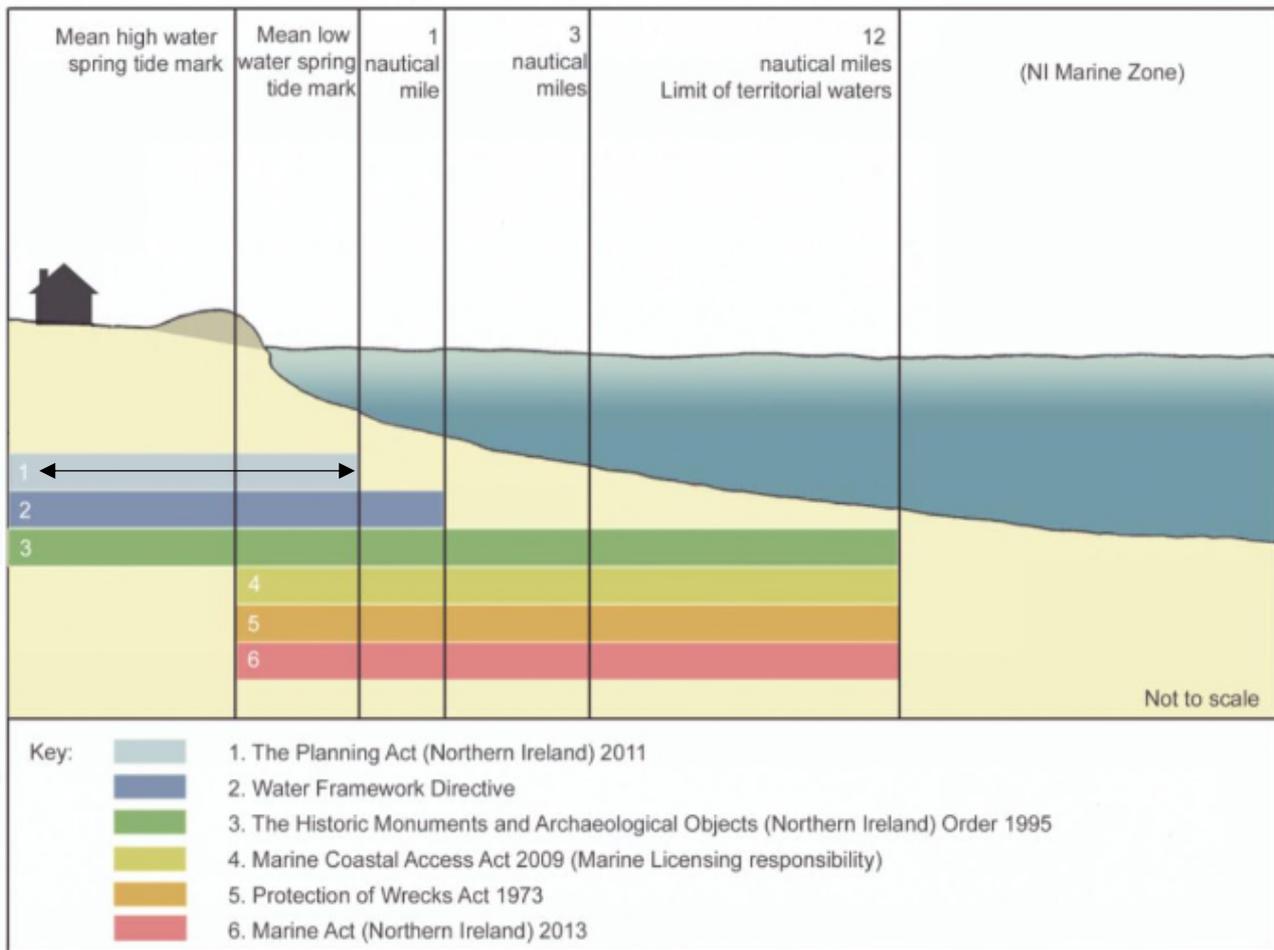
The Marine Plan when published will be a material consideration in the determination of planning applications within the inter-tidal area, between the jurisdiction of the Marine Plan and the Local Development Plan. Such applications will require terrestrial planning permission and/or a marine licence.

As the Council has a relatively short shoreline area, with the majority already protected for open space and recreational use, it is anticipated that the draft Marine Plan will have limited impact on the Council's coastal area.

A copy of the Council's draft response to the Draft Marine Plan for Northern Ireland public consultation is enclosed.

**RECOMMENDATION: that the report be noted and the Council's draft response to DAERA is approved.**

## Annex A- Geographical Overlap between the Terrestrial and Marine Environment.



(Source: DoE (now DAERA), 2015)