



11 October 2023

Committee Chair: Councillor R Foster

Committee Vice-Chair: Councillor H Cushinan

Committee Members: Aldermen - T Campbell, M Magill and J Smyth

Councillors – J Archibald-Brown, A Bennington,
S Cosgrove, S Flanagan, R Kinnear, AM Logue and
B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on 16 October 2023 at 6.00 pm.**

You are requested to attend.

Yours sincerely

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

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

PLEASE NOTE: Refreshments will be available from 5.00 pm

For any queries please contact Member Services:

Tel: 028 9448 1301

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – OCTOBER 2023

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

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

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

PART ONE - Decisions on Planning Applications

4.1 Planning Application No: LA03/2022/0641/F

Proposed residential development comprising of 187 no. dwellings in 2 phases (Phase 1 to deliver 48 no. dwellings & Phase 2 to deliver 139 no. dwellings) and associated garages, including provision of public open space, landscaping, new site access and all associated site works at lands between Station Road and Burn Road approx. 180m South East of 48 Burn Road, 160m South West of 24 Burn Road and 270m West of 53 Station Road, Doagh, BT39 0QT.

4.2 Planning Application No: LA03/2022/0942/F

Proposed residential development for 6 no. detached dwellings. Proposal includes garages, car parking, landscaping and all associated site works at 1 Circular Road, Jordanstown Newtownabbey BT37 0RA.

4.3 Planning Application No: LA03/2023/0383/F

Installation of up to 18m high slim-line monopole, supporting 6 no. antennas, 2 no. equipment cabinets, 1 no. electric metre cabinet, and ancillary development at land approximately 23m North West of 1 The Beeches, Newtownabbey.

4.4 Planning Application No: LA03/2022/1047/F

Proposed erection of 7 no. apartments to replace former dwelling and workshop, with associated parking, access and landscaping at 9 Nursery Park, Muckamore, Antrim, BT41 1QR.

4.5 Planning Application No: LA03/2022/0795/O

Proposed dwelling and garage in an existing cluster at 40m Northeast of 55 Hollybank Road, Parkgate, Ballyclare, BT39 0DL.

4.6 Planning Application No: **LA03/2023/0459/F**

Two storey extension (2,794 gross sqm external) to the existing Sports Centre to include: a gym; fitness suites; physio room; student sports clubhouse with bar; teaching/event space; extended reception area; internal café space; changing rooms; equipment stores; plant rooms and ancillary multipurpose rooms. Associated site development works include soft and hard landscaping, footpath provision, electrical substation and all services at Ulster University Jordanstown Sports Centre, land adjacent to UUJ Sports Centre, Shore Road, Newtownabbey, BT37 0JB.

4.7 Planning Application No: **LA03/2023/0014/F**

Erection of 2 storey building comprising 2no apartments, access and associated site works (in substitution for 1no detached dwelling as approved under LA03/2022/0008/F) at land 20 metres north-east of No. 1 Loughview Drive, Toomebridge, BT41 3UG.

4.8 Planning Application No: **LA03/2023/0012/F**

Erection of 2 No. semi-detached dwellings, access and associated site works (in substitution for 1no. detached dwelling on site 7 as approved under LA03/2022/0008/F) at land 30 metres north-west of No. 1 Loughview Drive, Toomebridge (access via new development, Bannfield Way).

4.9 Planning Application No: **LA03/2023/0442/F**

Change of use from a hairdressing salon to a restaurant with hot food takeaway at Units 4 & 5, 142 Doagh Road, Newtownabbey, BT36 6BA.

4.10 Planning Application No: **LA03/2023/0201/O**

2no semi-detached dwellings at land with outbuildings directly North of 122 Hydepark Road, Newtownabbey.

4.11 Planning Application No: **LA03/2023/0358/F**

5No. dwellings at land 3m west of 99 Portmore Hall, Crumlin.

4.12 Planning Application No: **LA03/2023/0546/S54**

41No. dwellings (Variation of Condition 2 from planning approval LA03/2021/0914/F) regarding mains sewer and Waste Water Treatment Works) at land 30m North East of no 146 and opposite Nos. 141-147 Staffordstown Road, Randalstown, BT41 3LH.

4.13 Planning Application No: **LA03/2023/0572/O**

Dwelling at 75m North East of 84 Ballymena Road, Doagh, Ballyclare, BT39 0RN.

4.14 Planning Application No: **LA03/2023/0488/O**

Dwelling and garage (Site 2) at 93m north east of 256 Seven Mile Straight, Crumlin, BT29 4YT.

4.15 Planning Application No: **LA03/2023/0487/O**

Site for proposed infill dwelling and garage (Site 1) at 34m north east of 256 Seven Mile Straight, Crumlin, BT29 4YT.

4.16 Planning Application No: **LA03/2023/0569/F**

Erection of ball catch net at Neillsbrook Pitches (approximately 20m south of No.6 Brackenburn, Randalstown).

4.17 Planning Application No: **LA03/2023/0545/F**

Proposed 3G training pitch, in place of an existing grass training pitch, with 2.4m high fence & gates, 5m high ball stop fencing, replacement of existing 2.4m high fencing & gates, new 8m high ball stop netting, floodlighting and associated site works at 81 Cloyne Crescent Monkstown Newtownabbey Antrim, BT37 0HH.

PART TWO – Other Planning Matters

4.18 Delegated Planning Decisions and Appeals September 2023

4.19 Proposal of Application Notices for Major Development September 2023

4.20 Publication of Planning Appeals Commission Report into the Draft Plan Strategy Independent Examination

4.21 Correspondence from the Department of Agriculture, Environment and Rural Affairs regarding Planning Consultations Update

4.22 Local Development Plan Steering Group Minutes October 2023

4.23 Review of the Planning (Local Development Plans) Regulations (NI) 2015

4.24 'Tree Protection: Strengthening Our Roots', An Overview Report by the Northern Ireland Public Services Ombudsman September 2023

4.25 Local Development Plan Quarterly Update July to September 2023

4.26 Telecoms Planning Applications

PART TWO – Other Planning Matters - In Confidence

4.27 Northern Ireland Water Engagement

PART ONE - Decisions on Enforcement Cases - In Confidence

4.28 Enforcement Case **LA03/2022/0360/CA** – In Confidence

4.29 Enforcement Case **LA03/2022/0177/CA** – In Confidence

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 16 OCTOBER 2023**

PART ONE

PLANNING APPLICATIONS

COMMITTEE ITEM	4.1
APPLICATION NO	LA03/2022/0641/F
DEA	BALLYCLARE
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed residential development comprising of 187 no. dwellings in 2 phases (Phase 1 to deliver 48 no. dwellings & Phase 2 to deliver 139 no. dwellings) and associated garages, including provision of public open space, landscaping, new site access and all associated site works.
SITE/LOCATION	Lands between Station Road and Burn Road approx. 180m South East of 48 Burn Road, 160m South West of 24 Burn Road and 270m West of 53 Station Road, Doagh, BT39 0QT.
APPLICANT	Antrim Construction Company Ltd
AGENT	TSA Planning
LAST SITE VISIT	21 September 2023
CASE OFFICER	Alicia Leathem Tel: 028 9034 0423 Email: alicia.leathem@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information	
SITE DESCRIPTION	
<p>The application site is located within the settlement limit of Doagh village situated between the Burn Road and Station Road, the application site falls within the settlement limit of Doagh on zoned housing lands as defined within the Draft Belfast Metropolitan Area Plan (dBMAP). The site also includes sections of the Doagh River Corridor LLPA (Ref. DH 07) and Doagh River, Morley Bridge SLNCI (Ref. DH 06).</p> <p>The application site extends to 8.6ha, which is presently agricultural lands; the topography of the site is undulating with the contours of the site falling towards the southern boundary of the site and towards the Doagh River, which runs through the application site. The Doagh Rivers essentially dissects the site into two phases one accessed from the Station Road and the other from the Burn Road. The site is bounded to the northwest and northeast existing residential developments comprising a mix of house types including detached and semi-detached. Whilst the western and southern boundaries are defined by existing hedgerow and bounded by existing agricultural lands.</p> <p>The site is located adjacent to Doagh Village central area which has a range of facilities including shops, cafe, take away food and petrol station. The village has its own schools including Doagh Pre-school and Doagh Primary School. The existing dwellings on Station Road are a mix of bungalows and new 2 storey dwellings. The finishes are predominantly dashed render with red brick.</p>	
RELEVANT PLANNING HISTORY	
Planning Reference: LA03/2022/0137/PAN Location: Land between Station Road and The Burn Road Doagh, BT39 0QT	

Proposal: Proposed residential development comprising of 187 No. dwellings in 2 phases (Phase 1 to deliver 48 no. dwellings and Phase 2 to deliver 139 no. dwellings) and associated garages, including provision of public open space, landscaping and all associated works

Decision: PAN Acceptable. (07.03.2022)

Planning: Reference: U/2011/0128/F

Location: Land between Station Road and Burn Road, Doagh, BT39 0QT

Proposal: Erection of residential development of 164 houses in 2 phases: Phase 1- 45 houses and associated garages. Phase 2 -119 houses and associated garages.

Decision: Permission Granted (16/06/2014)

Planning Reference: LA03/2020/0068/LDP

Location: Land between Station Road and The Burn Road, Doagh, BT39 0QT.

Proposal: Proposed completion of 1no. detached dwelling house in accordance with planning permission ref: LA03/2019/0331/F.

Decision: Certified (27/02/2020)

Planning: Reference: LA03/2019/0331/F

Location: Land between Station Road and The Burn Road, Doagh, BT39 0QT

Proposal: Erection of residential development of 164 houses (Variation of Condition 11 (Road embankments) and Condition 12 (Road restraint risk assessment process) of previous approval LA03/2018/0340/F)

Decision: Permission Granted (20/05/2019)

Planning Reference: LA03/2019/0974/LDP

Location: Land between Station Road and The Burn Road, Doagh, BT39 0QT

Proposal: Proposed completion of 1no. detached dwelling house in accordance with planning permission U/2011/0128/F

Decision: Certified (09/01/2020)

Planning Reference: LA03/2018/1066/NMC

Location: Land between Station Road and Burn Road, Doagh, Antrim, BT39 0QT

Proposal: Non-Material Change to Planning Approval U/2011/0128/F (Erection of residential development of 164 houses in 2 phases: Phase 1- 45 houses and associated garages. Phase 2 -119 houses and associated garages). House plot numbers re-ordered and corrected to 1-164, with an area of future development indicated.

Decision: Permission Granted 03/12/2018

Planning Reference: LA03/2018/0340/F

Location: Land between Station Road and Burn Road, Doagh, BT39 0QT

Proposal: Erection of residential development for 164 houses (variation of condition 02 in respect to archaeology, variation of condition 04 in respect to visibility splays, variation to conditions 05, 07, 10 and 11 in respect to construction of necessary road works, variation of condition 12 in respect to designers risk assessment or RRRAP Assessment (Road Restraint Risk Assessment Process), variation of condition 14 in respect to soft and hard landscape, and variation of condition 18 in respect to landscape management and maintenance plan of Planning Approval U/2011/0128/F.

Decision: Permission Granted 11/12/2018

PLANNING POLICY AND GUIDANCE

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

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

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

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Doagh and forms part of a larger site zoned for housing (policy designation DH 04/02 Housing Land Use Policy Area Land to the south of Burn Road). The site also includes sections of the Doagh River Corridor LLPA (Ref. DH 07) and Doagh River, Morley Bridge SLNCI (Ref. DH 06).

6.7 hectares of land are designated as a Housing Land Use Policy Area at Burn Road as identified on Map No. 8a – Doagh. This housing zoning contains a number of Key Site Requirements.

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

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

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section - No objections subject to conditions.

Northern Ireland Water - No objection subject to conditions.

Department for Infrastructure Roads - No objection subject to conditions.

Department for Infrastructure Rivers - No objection

DC HED (Historic Monuments) - No objections.

DfC HED (Historic Buildings) - No objections.

DAERA NIEA Water Management Unit - No objection.

DAERA NIEA Regulation Unit - No objection subject to conditions.

DAERA NIEA Natural Environment Division - No objection subject to conditions.

Shared Environmental Services - No objection subject to conditions.

Belfast International Airport – No objections

REPRESENTATION

Fifty-one (51) neighbouring properties notified and 15 letters of objection have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal

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

- Extensive depths of fill are proposed adjacent to the Doagh River;
- Detrimental impact on ecology and river corridor;
- Concerns with levels in the area surrounding units 120 and 121. The proposal does not indicate how steep the bank is to be stabilised;
- It seems that a crash barrier or the like is required for safety reasons;
- Impact on Otters Fig 5 of the ecology assessment;
- Unit 87 has a finished floor level of 55.0m and associated ground levels of 54.45 yet the river has been estimated to have levels of approximately 51.5m.
- Concern with the levels around Site 12a, which appears to have large amounts of fill and steeply banked slopes. The gradients will exceed gradients that are self-supporting;
- Anglers have rights to access the riverbanks for angling purposes. Accommodations should be made in the layout. Particular attention is drawn to the areas where rear gardens back onto the river. Keen to avoid scenarios where the anglers and home owners come into conflict;
- Important spawning areas for native wild trout, dollaghan and salmon need to be protected from light pollution;
- Objections to the principle of development;
- Road infrastructure cannot sustain the volume of traffic that will be generated.
- Road safety – no safe crossing points;
- Impact on wildlife;
- Urban sprawl/loss of green fields;
- Concern with on-street parking on the Burn Road;
- Impact on sewerage and drainage network;
- PACC report refers to a development in Strabane;
- No public event held and one should be;
- Elderly community members and those of limited technical capacity cannot use the portal to view the proposal or object to it and the portal is a cumbersome system to use at any age or level of ability;
- Impact on the character of the area/village owing to the size of the development.
- Lack of green pockets within the development/integrated play spaces for children;
- Pedestrian and cycle links should be provided over the river;
- Increased traffic noise.
- Impact on common law and human rights;
- Loss of agricultural lands;
- Pressure on local services such as schools, doctors surgeries, sewers;
- The proposal is contrary to Policies SP18/DES2 of the Planning Strategy for Rural Northern Ireland in that the proposal would have a detrimental impact on local character and the village's sense of place by reason of its scale, design, and relationship to existing developments;
- Proposal is contrary to PCP 1 of PPS12 Housing in Settlements as the scheme fails to take account of the local character, environmental quality, and amenity as the form, scale and layout of the proposed development does not respect that of adjacent housing;
- Conflicting data on the density is 21.8ha or 22.2 ha presented with the Design and Access Statement at pages 10 and 19;

- Limited public transport in the area;
- Flood risk will increase; and
- 2011 scheme relied on a travel voucher scheme to alleviate potential traffic problems.

It is noteworthy that during the Pre-Application Community Consultation (PACC) a number of issues were highlighted which are summarised within the PACC report (Document 03).

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Legislative Framework
- Policy Context and Principle of Development
- Design, Layout and Appearance
- Impact on Character and Appearance of the Area
- Solar Panels
- Public and Private Amenity Space
- Neighbour Amenity
- Parking and Road Safety
- Crime and Personal Safety
- Flood Risk
- Natural Heritage
- Built Heritage
- Other matters

Legislative Framework

Habitats Regulation Assessment

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council. The Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 25th May 2023. This found that the project would not have an adverse effect on the integrity of any European site.

Environmental Impact Assessment

The development falls within Category 2, 10 (B) (The carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks) of the Environmental Impact Assessment Regulations (Northern Ireland) 2017. The Council is therefore obliged under Regulation 12 (1) of these Regulations to make a determination as to whether an application is or is not EIA development. An EIA Screening Determination was carried out and it was determined that the planning application does not require to be accompanied by an Environmental Statement.

Pre-Application Notice

The application falls within the major category as prescribed in the Development Management Regulations. Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application. Section 27 also

requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted.

A PAN (Ref: LA03/2022/0137/PAN) was submitted to the Council and was deemed to be acceptable on 7th March 2023. The Pre-Application Community Consultation Report (PACC) (Document 03) submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application. The planning application was received following the expiration of the 12-week period following the submission of the PAN thus satisfying the requirements of Section 27 of the 2011 Act.

Policy Context and Principle of Development

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for Ballyclare, however, the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. Up until the publication of draft BMAP (dBMAP) in 2004 and its adoption in 2014, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions within Ballyclare.

However, the Newtownabbey Area Plan was never formally adopted and therefore following the Court of Appeal decision in May 2017 there is currently no adopted plan for Doagh village. In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in determining all proposals in Doagh village, including the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for the town and should therefore be afforded greater weight than dNAP in the decision-making process.

Letters of objection raised concerns regarding the principle of development. The application site forms part of a large area of land zoned as housing land (DH 04/02) within dBMAP, which is subject to a number of Key Site Requirements (KSR's). Compliance with each of the individual KSR's will be addressed under the relevant section within the body of the report. The first KSR requires a concept statement to facilitate the comprehensive development of the site. The application seeks full planning permission and extends to cover the entirety of the zoned housing lands and therefore it is considered that the detailed plans comprehensively address this issue. Additionally, the planning history is an important material consideration in this instance. The application site has the benefit of two certificates of lawful development (LA03/2020/0068/LDP & LA03/2019/0974/LDP) relating to the commencement of a previously approved housing scheme on the site (U/2011/0128/F).

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). The Strategic Planning Policy Statement (SPPS) indicates that sustainable development should be permitted, having regard to material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS also promotes good design and seeks to make more efficient use of urban land without town cramming. Planning Policy Statement 7 'Quality Residential Environments' and PPS 7 (Addendum) 'Safeguarding the Character of Established Residential Areas' are retained policies under the SPPS and provide the appropriate policy context in relation to housing.

Within this policy context the principle of a residential development is considered to be supported by dBMAP and the planning history for the site. The principle of a housing development on the site is therefore acceptable subject to the proposal complying with all other policy and environmental considerations.

Design, Layout and Appearance

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 QD 1 of PPS7 promotes a high quality of design, layout and landscaping in all new housing developments to ensure more attractive and sustainable residential environments for present and future generations. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider townscape. Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Policy QD1 goes on to state that all proposals for residential development will be expected to conform to nine criteria. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider streetscape.

The proposal comprises 187 no. dwellings including seventy-eight (78) detached, one hundred and two (102) semi-detached dwellings and seven (7) townhouses. The dwellings are all two storey in height and consist of three and four bedrooms. In addition, the development proposes a variety of house types that will provide variety and choice within the residential development. The proposed dwellings are indicated to be finished in a mix of render and brick with dark grey concrete roof tiles all of which are common within the locality. Dwellings located on corner sites have been designed to have dual frontages. The dwellings all benefit from a level of defensible space to the front and private gardens to the rear. In-curtilage car parking is provided for the majority of dwellings at a rate of two spaces per dwelling.

The 187 proposed dwellings are to be delivered in two phases. Phase 1 is to deliver 48 dwellings and is accessed from the Station Road while Phase 2 is to deliver 139 dwellings accessed from a new access onto the Burn Road which will also include the provision of a right-hand turning lane. Associated garages, car parking landscaping and open space are also proposed in both phases of the development. The Station Road access is already established under a prior planning approval (Ref: U/2004/0653/F).

The topography of the land is undulating throughout the entire site with the river corridor sitting within a low section of the site. Both phases of the development respond to the natural topography which results in significant level differences in some areas and the requirement for graded embankments and retaining structures. The housing layout for both Phase 1 and Phase 2 are laid out in a conventional arrangement which creates active frontages onto the existing public roads and also to the internal estate roads. Within the development, the dwellings have been arranged in a back-to-back and front-to-front relationship. Sites 183-187 within phase 1 front onto communal amenity space adjacent to the river corridor while site Nos. 14-17, 52-55, 136-139 and 120 – 121 within phase two also front onto the main amenity space again along the river corridor and the proposed play park. In addition, the streetscapes have been designed to ensure that there is no monotony in terms of repeated designs or similarity of material so that the composition of each area within the development is balanced and contributes to the creation of a quality residential environment.

Impact on Character and Appearance of the Area

Policy QD1 of PPS 7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale and proportions and massing. In addition, the Addendum to PPS 7 Safeguarding the Character of Established Residential Unit is applicable as the site is located within an established residential area and does not fall within any of the exceptions. Policy LC1 requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area.

Letters of objection raised concerns regarding urban sprawl and the loss of agricultural lands and the impact on the character of the village area due to the scale of the development. It is accepted that the application site is a greenfield site and will change the existing use of the agricultural lands to a residential use, however, as indicated above the application site is located within zoned housing lands within the development limit of Doagh as defined within dBMAP, furthermore, large scale housing has already been approved on the application site. The application site defines the southwestern inner edge of the settlement limit of Doagh and the surrounding rural countryside. Two of the KSR's relate to the level of landscaping around the southern and western site boundaries which are critical boundaries defining the rural landscape and the development limit. All existing trees, shrubs and hedgerows within the site and on the boundaries shall be retained unless that such vegetation is not of a quality to merit retention or is required to be removed to facilitate a safe means of access to the site and a 5-8 metres wide landscape buffer of trees and hedges of native species shall be provided entirely within and adjacent to the development limit, along the southern and western boundaries of the site and outside the curtilage of any dwelling. Landscape drawing (66/2)

indicates the retention of existing hedgerow along the south and southeastern boundaries and along the western boundary inset with proposed native screening and planting as a buffer measuring approximately 6 metres in width. The retention of the existing hedgerow together with the proposed planting buffer helps to assimilate and soften its impact on the countryside.

As indicated above the topography of the land is undulating throughout the entire site with the river corridor sitting within a low section of the site. Critical views of the site will be achieved when travelling along the Burn Road and Station Road, additionally long distance views of the site will be achieved when travelling along the Templepatrick Road to the south of the site. Although the perception of the land use will undoubtedly change from its current context of a greenfield site to a large residential development, it will be read within the context of the village setting and will appear as part of the overall development limit.

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. Additionally, one of the KSR's for the housing lands requires that the housing development shall be a minimum gross density of 15 dwellings per hectare and a maximum gross density of 25 dwellings per hectare. Letters of objections raised concerns in relation to the proposed density. The original approval for 164 dwellings (Refs: U/2011/0128/F, LA03/2018/0340/F & LA03/2019/0331/F) equated to a density of 20.1 dwellings per hectare, whereas the current proposal for 187 dwellings will have an overall density of 22.8 dwellings per hectare. The current proposal has a slightly higher density than that previously approved, however, the density is still considered to be in accordance with the KSR's of the housing zoning (Ref: DH 04/02) which seeks between 15 to 25 dwellings per hectare. Given the layout and density of neighbouring residential developments, it is considered that the density of the proposed development will not result in an adverse impact on the character of this area.

Solar Panels

The proposal also includes solar panels on the roof of each of the proposed dwellings. The panels are a source of electricity generation and can help reduce the carbon footprint of the dwellings construction and occupation. The use of renewable energy within developments is to be welcomed, however, it requires assessment in accordance with PPS 18 Renewable Energy. The aim of PPS18 is to assist the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy.

Policy RE1 Renewable Energy Development of PPS18 states that development that generates energy from renewable sources will be permitted provided the proposal will not result in an unacceptable adverse impact on five criterion. Further to policy set out by PPS18, paragraph 6.225 of the SPPS states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.

PPS 18 Policy RE 1 indicates that development that generates energy from

renewable sources will be permitted where there will not be an unacceptable adverse impact on visual amenity and landscape character. Having regard to the location of the development and the nature of surrounding land uses and the design of the building it is anticipated that there will be no significant effects on the landscape from the development as a whole, including solar panels to the roof. The proposed solar panels have been designed to sit close to flush with the roof pitch to reduce the overall visual impact and have been designed to mitigate glint and glare as the PV panels have been indicated to be dark in colour and with non-reflective glass or non-reflective coating.

The use of solar panels can cause a distraction to aviation traffic, Policy RE1 of PPS18 requires that there is no unacceptable adverse impact on public safety or human health. A Glint & Glare Assessment (Document 21) was submitted given that the development is within 14km of Belfast International Airport (BIA) which examined the impacts from an aerodrome safeguarding aspect. BIA in their consultation response indicated that they have no objections to the proposed development. In relation to the remaining criterion HED or DAERA has not raised any objections in relation to the use of solar panels and the impact on the built heritage, biodiversity or the natural environment. Overall it is considered that the proposed solar panels are acceptable, will help provide renewable energy, reduce reliance on fossil fuels and do not have a detrimental impact on the character of the development or impact on aviation safety.

Public and Private Amenity Space

Policy OS2 of PPS 8 requires residential developments in excess of 25 units, or on sites of one hectare or more to provide public open space as an integral part of the development. Both Policy OS2 of PPS 8 and Para 5.04 of Creating Places indicates that a normal expectation for new green-field development may be around 10% of the site area or greater. Letters of objection raised concerns regarding the lack of green pockets within the development and integrated play spaces for children and the need for pedestrian and cycle routes over the river. One of the KSR's requires a 3 metre wide landscape corridor of trees and hedges to be provided along both banks of the Doagh River Corridor LLPA and pedestrian access shall be provided to this corridor.

The landscape plan Drawing No 66/2 indicates that there will be a landscaped buffer along both sides of the river corridor, the area surrounding this is to be utilised for open space and therefore access to the area is available to residents. The overall site extends to 8.56 ha (85,600sqm) meaning that the proposed development requires 8,560 sqm to meet the 10% requirement. The proposed Site Plan (Drawing No.03/1) indicates that the development incorporates three main areas of open space within two phases of the development. The two main areas of open space are located on either side of the river corridor while a further area of open space is proposed adjacent to Site 8 (within phase 2). The applicant indicates that they are providing 9,410sqm of communal open space which is above the 10% requirement and which is also similar to the open space provision within the previously approved housing development on this site which remains extant. The open space comprises a landscaped area and benefits from a high level of passive surveillance from the surrounding dwellings which are orientated to look onto the space for the safety and security of the users.

In addition, housing developments in excess of 100 dwelling units or greater than 5 hectares requires an equipped children's play area as an integral part of the development in accordance with Policy OS2 OF PPS8. In this case the applicant seeks to provide a play park within the river corridor area of Phase 2 (139 dwellings).

Criterion (c) of Policy QD1 of PPS 7 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'. It states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40sqm for any individual house. Creating Places further indicates that development of this nature requires an average of 70sqm. Private amenity space will be provided for proposed dwellings in the form of private gardens. The applicant (Drawing No.05/3) indicates that the average private garden size across the dwellings is approximately 94 sqm. It is considered that adequate provision has been made for private rear garden space within the individual dwellings.

Overall it is considered that the open space provided is designed in a comprehensive and linked way to overall development site open space provided on both sides of the river. The open space proposed is considered to have both recreation and amenity value, and it is designed to be multi-functional. The open space provides easy and safe access for the residents of the dwellings that it is designed to serve.

Neighbour Amenity

Criterion (h) of Policy QD 1 requires that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. With regards to the impact on existing residential properties by way of overlooking, loss of light and dominance the applicant indicates that the southeastern boundary of this site abuts an agricultural access lane and rear garden of No. 53 Station Road which is gable ended towards the Station Road and is open from the Station Road. No. 51 Station Road is a new build dwelling approved as part of the planning history on this site. Site No.170 sits parallel to this dwelling and is unlikely to result in significant amenity impacts on this property.

Site Nos. 159 and 160 are orientated to sit at a 45 degree angle to the rear of No. 51 Station Road. These house types have 2 bedrooms each at first floor level and have a separation distance of 9metres to the rear of No. 51 Station Road. As the windows at first floor level serve bedrooms which are considered to be low occupancy windows it is unlikely that either No. 51 or No. 53 Station Road will be significantly impacted by overlooking loss of light or overshadowing.

In relation to the proposed properties, the scheme has been designed to ensure that there will be no detrimental impact on the amenity of adjacent properties. The layout of the proposed dwellings has been designed and arranged to ensure the proposed properties will generally have in excess of the minimum rear garden depth of 10 metres. As indicated above the topography of the site is undulating with significant level differences throughout the site. The level difference is most significant and evident through the relationship with dwellings on Sites 174-177 and Site 156 to the rear. Within this area there is a level difference of approximately 4 metres between

the proposed dwellings. The impact of this is offset by a 4.5m graded embankment in this area along with the rear-to-side relationship of the dwellings which ensures that there is no significant impact on amenity in this area or adverse visual impacts occurring from public vantage points.

There are level changes between Sites 56-60 and 47-51 in the region of 2 metres, at this location the dwellings have a back-to-back relationship with a separation distance in the region of 21 metres from principle elevations. In addition, in this area the applicant proposes 1-2 metres retaining wall and boundary fencing to ensure that the amenity of Sites 47-50 is adequately protected from overlooking and dominance. The relationship between Sites 93-95 and 100-103 has a level difference of approximately 3 metres with the proposed dwellings having a back-to-back relationship with a separation distance of 20 metres.

The overall layout includes areas of graded embankments and the requirement for retaining structures. The design guidance in Creating Places indicates that on sloping sites the separation distances between dwellings (back-to-back) should be greater than 20 metres. While the pockets of development referred to above meet the minimum separation distance of 20 metres the layout fails to take account of the level changes which would normally require an enhanced separation greater than 20 metres. It is noted that the previously approved layout (Ref: U/2011/0128/F) had separation distances less than 20 metres which also included areas where there was significant changes in levels between properties. It is considered that when comparing the previous grant of planning permission to the proposed layout that there is a betterment under the current proposal. As such, on balance the overall relationship between properties is considered to be acceptable due to the fall back position.

With regard to noise impact, the applicant has submitted a Noise Impact Assessment (Document No. 19) demonstrating that there will be no significant impact on amenity by way of noise. Issues raised from third parties included increased traffic noise. The Noise Impact Assessment considered LA_{max} levels and the potential impact upon future occupiers of the proposed development, and recommends mitigation measures related to glazing and ventilation to 18 no. properties to ensure that internal noise levels remain at an acceptable level. The Council's Environmental Health Section were consulted and have indicated that the amenity at the proposed dwellings can be protected subject to the attachment of noise control conditions. It is therefore considered that there is unlikely to be any significant noise concerns with this proposal.

Parking and Road Safety

Policy AMP 2 of Planning Policy Statement 3 'Access, Movement and Parking' (PPS 3) requires that any development should not prejudice the safety and convenience of road users. One of the KSR's requires that access arrangements shall be agreed with DfI Roads. Policy AMP7 of PPS 3 and Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total numbers of parking spaces to be provided for residents, visitors and other callers. Letters of objection raised concerns in relation to a number of road safety issues, these include the previous scheme relying on a travel voucher scheme to alleviate potential traffic problems, road infrastructure cannot sustain the volume of traffic that will be generated, the lack of safe crossing

points, on-street parking on the Burn Road, limited public transport provision within the area and concern that a crash barrier or the like is required for safety reasons.

Car parking provision is arranged in a mix of in-curtilage spaces (two 2) per dwelling with on-street parking provision for visitors. Within the entire development it is indicated that there are 374 in-curtilage parking spaces proposed with an additional 130 visitor parking spaces to satisfy the overall parking requirement of 504 parking spaces for this development.

A Traffic Statement (TS) (Doc 05) has been prepared on behalf of the applicant, which evaluates the potential traffic and transport matters associated with this scheme. The baseline for this assessment was the traffic information included within the Transport Assessment (TA) which was completed in 2012 for the extant 2014 planning permission (Ref: U/2011/0128/F). The statement notes that since the 2012 surveys were undertaken, that there has been 10 years of growth and additional housing constructed in the Doagh/Ballyclare area. It further indicates that there would be a normal expectation that the peak hour traffic would be higher in 2022 compared to 2012.

The TS indicates that a video traffic survey was carried out on the 9th June which captured the traffic movements at Ballyclare Road, Burn Road and Templepatrick Road. The most relevant traffic movements were along the Station Road.

Station Road	2- way traffic		
	2012	2022	Difference
AM peak	1034	749	-285
PM Peak	1098	821	-277

Table1: Changes in traffic on Station Road between 2012 and 2022. (extracted from Document 05 TAF)

The TS indicates that due to the opening of the Ballyclare Relief Road in December 2021, this created a link between the Templepatrick Road and Ballyclare Road which avoids Main street, Ballyclare. It is stated that traffic would previously have used Doagh to avoid some of the traffic queues in Ballyclare Town Centre. This traffic that formerly travelled through Doagh can now use the relief road and avoid both Doagh and Ballyclare. The TS indicates that traffic on the Station Road has reduced at peak times between Templepatrick Road and Ballyclare Road in the region of 25-33%. In terms of traffic numbers, the traffic passing the Station Road access has reduced by more than 250 vehicles and as such, indicates that there is capacity on the road network to accommodate the additional traffic associated with the uplift in 23 dwellings from that which was previously approved on this site.

Consultation has been carried out with DfI Roads who have raised no objections to the proposed access arrangements, parking or impact on the wider road network. It is considered that the proposed access and internal road network are safe and adequate and appropriate provision is made for parking within the development.

Crime and Personal Safety

Criterion (i) of Policy QD 1 of PPS 7 states that proposed residential development should be designed to deter crime and promote personal safety.

Consideration has also been given to the site layout to ensure that there are no isolated areas of communal open space which are not overlooked and that could give rise to anti-social behaviour. The dwellings have been arranged to overlook the areas of open space within the site to allow passive surveillance for the safety and security of those using the areas. The communal areas will be appropriately and adequately lit by streetlight at night.

Overall, it is considered that the proposed development has been designed to deter crime and promote personal safety with windows on gable elevations allowing for passive surveillance of the public open space.

Flood Risk

The main policy objectives of the Revised PPS 15 seeks to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere; to ensure that the most up to date information on flood risk is taken into account when determining planning applications; to adopt a precautionary approach to the determination of development proposals in those areas susceptible to flooding where there is a lack of precise information on present day flood risk or future uncertainties associated with flood estimation, climate change predictions and scientific evidence; to seek to protect development that is permitted within flood risk areas by ensuring that adequate and appropriate measures are employed to mitigate and manage the flood risks to the development and elsewhere. Additionally draft BMAP indicates a Key Site Requirement for any planning application for the housing zoning (DH 04/2) to include a detailed Flood Risk Assessment of the Doagh River. This requirement does not add to, rather it reinforces the policy provisions set out within Policy FLD 1 of PPS15.

With regard to flood risk associated with this development, the applicant has provided a Flood Risk and Drainage Assessment (FRDA), dated July 2022. DfI Rivers were consulted on the document and also on the content of a number of the objection letters which raised flood risk and impact on drainage as a concern.

DfI Rivers in their consultation responses acknowledge that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site, however, there is an undesignated watercourse known to DfI Rivers as the 'Doagh River' which traverses the central portion of the site. This river has an area of flood risk associated with it and the applicant has designed the development so that any development is located outside of the known floodplain which has been largely set aside as an area of open space as demonstrated on Drawing No. F01, Existing flood extents, contained within the FRDA. DfI Rivers have reviewed the FRDA and while not being responsible for the preparation of the document they accept its logic and have no reason to disagree with its conclusions. They go on to indicate that it should be a condition of the grant of any planning permission that the area of floodplain should not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions.

The proposed Site Plan (Drawing No. 03/2) shows the development to be suitably distanced from the watercourse with a riparian maintenance strip left along the riverbank and no modifications or culverting of the watercourse is proposed and therefore the proposal is acceptable in accordance with Policies FLD 2 and FLD 4 of PPS15.

As the proposed development will create a significant amount of hardstanding areas there will be an increase in the level of surface water run-off when compared to the existing greenfield run-off rate. The FRDA included matters to address the drainage of the site and required further information to be submitted, namely Drainage Assessment Addendum 2 dated July 2023 which demonstrated that the design and construction of a suitable drainage network is feasible. It indicated that the additional surface water run-off during a 1 in 100 year event, including an allowance for climate change (10%) and urban creep (10%), could be contained through the addition of an underground online attenuation system, which would then discharge at existing green field runoff rate and therefore there would be no exceedance flows during this event. It is acknowledged that further assessment of the drainage network would need to be made by NI Water prior to adoption, however, this is a separate consenting regime which lies outside the remit of planning and of this application. It is considered that as the FRDA and the subsequent addendums indicate that the development will not lead to exceedance flows that the proposed drainage regime for the site is in accordance with the requirements of Policy FLD 3 of PPS15. DfI Rivers have indicated that a final Drainage Assessment should be a condition of the grant of planning permission, however, it is considered that the proposed drainage proposals are sufficient for the purposes of planning and any detailed assessment of the drainage proposals for adoption purposes are a separate matter. Any deviation from the proposed drainage proposals may require the grant of planning permission should they not be suitable for adoption and under this circumstance an amended Drainage Assessment and Drainage Layout would be required. It is considered that a condition requiring a final Drainage Assessment is not required for this application.

It is acknowledged that the application site is subject to risk from reservoir inundation emanating from Tildarg Dam and therefore Policy FLD 5 of PPS 15 is engaged. DfI Rivers in its consultation response indicates that it has carried out an assessment of flood risk to people at this site (based on the Defra/ Environment Agency's "Hazard to People Classification using Hazard Rating") and has indicated that the overall hazard rating for the area of the site designated as open amenity space is within the hazard ratings classified as, 'Danger to most – includes the general public' & 'Danger for All - includes the emergency services'. These are the second highest & highest Hazard Rating on the Defra / EA scale and are considered by DfI Rivers to be unacceptable combinations of depth and velocity. It is acknowledged that the area of risk relates only to the area of open space and does not affect, the proposed dwellings, estate roads or areas of parking. While a risk does exist to the area of open space, it is acknowledged that no proposed development areas would be affected by the inundation event and the proposed development would not increase the risk of flooding to other areas currently not at risk.

It is considered that the development meets with the flooding and drainage requirements of Draft BMAP and PPS15.

Natural Heritage

Planning Policy Statement 2 'Natural Heritage' (PPS2) sets out the Executive's commitment to sustainable development, conserving, and where possible, enhancing and restoring natural heritage. Policy NH5 states that proposals which are likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed

development outweigh the value of the habitat, species or feature. Additionally Policy QD1 of PPS7 requires landscape features to be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the proposed housing development. The application site also includes sections of the Doagh River Corridor LLPA (Ref. DH 07) and Doagh River, Morley Bridge SLNCI (Ref. DH 06).

Furthermore, the requirement to carry out a full flora and fauna survey of the site is one of the KSR's for the site, in addition, letters of objection raised concerns regarding the impact of the proposal on ecology and wildlife. An Ecological Impact Assessment (Document 08) was submitted in support of the application. There are also concerns raised in regards to the river corridor, with specific concerns regarding the impact on otters and important spawning area for native wild trout, dollaghan and salmon and the importance of it being protected from light pollution. Additional concerns that were raised relate to anglers having rights to access the riverbanks for angling purposes and the need for avoidance of conflict between residents and anglers through an appropriate site layout.

Designated Sites

With regard to the impact on Designated Sites, a watercourse within the site (the Doagh River) is hydrologically linked to designated sites, i.e. Lough Neagh and Lough Beg SPA/Ramsar and Lough Neagh ASSI which are of international and national importance and protected by Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and the Environment (Northern Ireland) Order 2002.

The Doagh River is a tributary of the Six Mile Water River and the site is approximately 18.5km upstream of Lough Neagh. NED consider that provided appropriate pollution prevention measures are implemented during the construction and operational phases of the development, the proposal is unlikely to have a significant impact on Designated Sites. NED has recommended a condition regarding adhering to the mitigation measures included within the Construction Environmental Management Plan (Document 10/1). This condition is considered necessary to ensure the construction activities adjacent to the watercourse do not affect the Designated Sites downstream.

The Council's Shared Environment Service (SES) also concluded that there is unlikely to be significant effects on any Designated Site following an 'Appropriate Assessment'. In coming to this conclusion SES has considered the nature, scale, timing, duration and location of the project subject to conditions. It is therefore considered that there are no significant concerns with the impacts of the proposal on Designated Sites based on the information provided.

The Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service. This found that the project would not have an adverse effect on the integrity of any European site.

Protected Species

Bats

Bats are a European Protected Species under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and are subject to a strict level of protection. There are ten buildings within the site - an existing, extended farmhouse and nine outbuildings, and these have been subject to a Bat Roost Potential (BRP) survey by the ecologist. Three buildings were assessed as Low BRP (i.e. Building 1 – Farmhouse; Building 2 – Outbuilding/Workshop, and Building 7 - Barn), one assessed as Moderate BRP (i.e. Building 3 – old barn/cottage), and the remaining six buildings assessed as negligible BRP. Additionally, the site contains numerous mature trees and A Tree Survey Report was also submitted which analysed BRP which identified that no trees have a greater than low BRP.

Bats are a nocturnal species and are highly sensitive to artificial lighting in their environments. This can have a significant adverse effect on their natural behaviour such as foraging or commuting, causing disturbance and/or displacement and affecting their ability to survive. A lighting plan (Document 20) was submitted in support of the application, which NED has reviewed. It was noted that there is no light spill of greater than 1lux on boundary hedgerows, the wildlife corridor or the river corridor. NED have indicated that they are content that provided this lighting plan is adhered to, the proposal will not have a significant impact on bats and other wildlife.

Badgers

Badgers and their places of refuge are protected at all times under the Wildlife (NI) Order 1985 (as amended), the application site has been subject to a number of badger surveys (Document 18) with an extended survey at least 500 metres from the site also being carried out. NED highlight that any works within 25m of a badger sett requires a NIEA Wildlife Licence, given the tendency for badgers to re-excavate and reuse setts, all badger setts are protected at all times and any unoccupied sett within a territory is still classified as "in use". If disturbance or closure of a badger sett on the application site is proposed, the exact locations of the main sett and nearby alternative setts which are used by the same group of badgers must be identified.

NED note from the boundary and amenity plan (drawing 05/2) that a 25m buffer to all of the setts denoted in the report will not be possible. Sett O1 and sett DM1 are to be temporarily closed as they will be impacted by the proposed development. NED notes that a 25m buffer around sett O2 is possible, therefore NED indicate that the 25m buffer is maintained. The ecologist located the main sett for this local badger group outwith the red line boundary of the site. NED are content that the development is unlikely to have a significant impact on the local badger group provided the mitigation measures are implemented. NED highlight that no works may occur within 25m of a badger sett without a wildlife licence having been obtained from NIEA beforehand.

Otters

The ecological report included a survey for otter and it is noted that, while no evidence of this species was found, it is considered likely that this species uses the river corridor for foraging and commuting. An Outline Construction Environmental Management Plan (OCEMP) (Document 10/1) has been submitted indicating that the site and a surrounding buffer to 50m will be checked for otter holts and other refuges before the commencement of site works. The OCEMP indicates that any holts or other refuges within 50 m of the footprint of development must be identified with temporary fences and warning signs. NED has reviewed the amended OCEMP and

has indicated no objections with regard to impact on otter.

Priority Habitats

Consideration has also been given to the impact on priority habitats and the impact on the adjacent river and hedgerows. As noted, there is a wooded river corridor within and adjacent to the site which is part of the draft Doagh River/Morley Bridge Site of Local Nature Conservation Interest (SLNCI). All rivers and streams and their bankside vegetation are a priority habitat and provide a valuable wildlife corridor for a number of species. This provides important foraging and commuting habitat for bats and other wildlife. Any construction works adjacent to the watercourse have the potential to introduce contaminants/pollutants to the watercourse and designated sites downstream. An amended site plan and OCEMP has been provided indicating buffer zones to the river and associated protection measures to ensure that there is no significant adverse impact on the river. NED and WMU have no objection with regard to the impact on the river subject to adherence to the environmental protection measures contained within the OCEMP. A lighting plan (Document 20) was submitted in support of the application, which NED has reviewed. It was noted that there is no light spill of greater than 1lux on boundary hedgerows, the wildlife corridor or the river corridor.

With regard to biodiversity matters NED has noted the compensatory planting proposed along the north, west and southern boundary lines as well as the proposed additional planting of native and ornamental species around the site, including the area of open space next to the play area. NED welcomes the proposed native planting and are content that sufficient compensatory planting with native species is proposed to minimise the impact of the proposal on the biodiversity of the site. NED advises that a condition is necessary to ensure this compensatory planting is implemented and that trees and hedgerow shall be retained and protected as indicated on Drawing No. 66/1.

Invasive species

NED notes that a single stand of Giant Hogweed (*Heracleum mantegazzianum*) has been identified on site, which is a highly invasive plant and also poses a public health risk. As noted within the submitted reports, the applicant is advised that species such as Giant Hogweed are now considered under the Invasive Alien Species (Enforcement and Permitting) Order (NI) 2019. The submitted OCEMP notes that this stand will be fenced off by the appointed contractor and removed and destroyed in accordance with an invasive species management plan to be addressed in the Final CEMP. In addition, NED also notes that Snowberry (*Symphoricarpos albus*) was identified on site. Snowberry is a non-native plant which can be invasive and thus recommends removal of this species from the site.

In conclusion, the applicant has provided a Preliminary Ecological Appraisal (PEA) (Document No 08), a badger Mitigation Plan (BMP) (Document 18) and outline Construction Environmental Management Plan (oCEMP Doc 10/1 and a street lighting design plan (Doc 20). These documents conclude that there is unlikely to be significant impacts on Designated Sites, protected species or their habitats subject to adhering to the mitigation measures provided within these documents. NIEA, Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the

information provided, has no concerns subject to conditions.

Built Heritage

Listed Buildings

Policy BH11 of PPS6 is entitled 'Development affecting the Setting of a Listed Building'. It states that "The Department will not normally permit development which would adversely affect the setting of a listed building. HED (Historic Buildings) has considered the impact of the proposal on Ballyhamage House, a Grade B2 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. HED (Historic Buildings) states that it has no comment to make under the requirements of SPPS para 6.12 & PPS6 Policy BH11 as the listed building has sufficient presence and is screened by mature trees within its own curtilage. In addition, the intervening houses at Nos.36-48 Burn Road, will remain unaffected by the scale of the development proposed at this location and there has been a recent approval of a housing development to the front of Ballyhamage House (Ref: LA03/2020/0489/F) which will break any visual connection between the current application site and Ballyhamage House. .

Having regard to HED Historic Buildings comments, it is considered that the proposal is acceptable with regard to the relevant Policy provisions.

Archaeology

Policy BH 4 of PPS 6 is entitled 'Archaeological Mitigation'. It states that where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the Council will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences. HED (Historic Monuments) advise that this site was archaeologically excavated under application Ref: LA03/2018/0340/F (Ref: LA03/2019/0030/DC). The archaeological excavation reports for both phases of development have been classified as 'Final' by HED and consider the archaeological conditions of this permission to be discharged. Therefore, HED (Historic Monuments) has assessed the application and on the basis of the information previously provided and is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Other Matters

Contamination

The applicant has submitted a Preliminary Risk Assessment (PRA), (Document Number 10), a Generic Quantitative Risk Assessment (GQRA) (Document Number 11) and a Remedial Strategy (Document Number 13). NIEA Regulation Unit Land and Groundwater Team has no objections to the development provided that standard conditions and informatives are placed on any decision notice should planning permission be forthcoming. The Council's Environmental Health Section concludes that amenity can be suitably protected with regards to contaminated land based on the information submitted and has recommend contaminated land conditions similar to those proposed by NIEA Regulation Unit. It is therefore considered that there is unlikely to be any significant impacts on nearby receptors as a result of potential contamination.

NI Water Infrastructure

A KSR for the zoned land forming the application site indicates that the existing watermain infrastructure will require upgrading in order to develop this site with a letter of objection raising concerns regarding impact on the sewerage network. NI Water has been consulted on this application and has indicated no objection to this proposal from either water supply or mains sewerage. NI Water has further indicated that the Ballyclare Waste Water Treatment Works has capacity to serve this development.

Economic Impacts

The applicant has indicated that this proposal represents a significant investment of circa £35 million into the Doagh area and will support circa. 50 no. construction jobs and apprenticeships for the duration of the build.

Other third party concerns

An objection from anglers raised concern that anglers may come into conflict with home owners, however, the proposal does not restrict access to the river, with the river corridor being utilised as an area of open space which will not restrict access.

Concerns were raised regarding the impact on common law and human rights, Articles 1 and 8 of the Human Rights Act 1998 are substantive rights enabling those affected by the planning process to reinforce their objections by stating that to allow such a development to proceed would infringe upon their human rights. Paragraph 2.3 of the SPPS states that the planning system operates in the public interest of local communities and the region as a whole. It does not exist to protect the private interests of one person against the activities of another. Planning applications often encounter competing and conflicting private interests, in this case the various conflicting interests have both had rights to make representations to the Council, through the processing of the planning application and ultimately through the consideration of the application by the Planning Committee. It is considered that the recommendation to approve development is in compliance with planning policy, all parties to the application have been given a fair hearing, the points raised by them have been given proper consideration, the views of objectors can be considered by Committee and the objectors can make representations to the Planning Committee should they choose to do so. It is considered that the Councils obligations under the Human Rights Act have been fulfilled.

Other issues raised relate to the lack of a public event, Section 27 of the Planning Act (Northern Ireland) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application, if the development falls within the major category as prescribed in the Development Management Regulations.

Regulation 5(2) of the Development Management Regulations indicates that the prospective applicant must hold at least one public event in the locality in which the proposed development is situated where members of the public may make comments to the prospective applicant regarding the proposed development. However, this legislative process changed during the Covid-19 pandemic, and an in-person consultation event was not required. As such, the consultation process was conducted remotely through a dedicated consultation webpage which was live for a 4 week period. An advertisement was also placed within a local paper, an

information leaflet and proposal pack was delivered to all addresses within a 200-metre radius from the edge of the site along with details of how to contact the design team to address any queries. It is considered that the applicant fulfilled the temporary legislative pre-community consultation requirements.

Further concerns were raised in relation to the PACC report referring to a development in Strabane and the ability of the elderly community to use the Planning Portal. It is accepted that there may be a typographical error within the PACC Report, however, there is no indication that this materially affected the consultation process which was carried out and appears to just be a drafting error. While it is accepted that elderly residents may not have access to the Planning Portal or may find it difficult to navigate around, the Council does still make hard copies of the Planning Register available within the Council to facilitate those who experience issues with online information.

Other concerns raised relate to the availability and demand of schools and medical services in the area. There are no objections from the local surgery or education authority. It is hard to conclude that the local school and medical services in the area would be unable to cope with the extra population and consequently this issue is not considered to be a determining concern.

A number of concerns were raised regarding the proposed levels of the site and that insufficient information was provided. These concerns included: extensive depths of fill are proposed adjacent to the Doagh River; the proposal does not indicate how steep the bank is surrounding units 120 and 121; unit 187 has a finished floor level of 55.0m and associated ground levels of 54.45 yet the river has been estimated to have levels of approximately 51.5m; and concern with the levels around Site 12a, which appears to have large amounts of fill and steeply banked slopes.

It is accepted that across the development site for 187 dwellings it will be normal to have significant areas of cut and fill in order to accommodate, dwellings, estate roads and areas of open space. It is noted that the graded embankment to the rear of units 120 and 121 is referenced as having a gradient of 1:2, however the objector may just not have been aware of this annotation or perhaps it did not appear on an earlier drawing. The level of cut and fill for the area around the Doagh River was investigated and noted on Drawing No 63/2 dated 12th May 2023. The levels within this area were considered acceptable. While there was reference to the level difference between the Doagh River and unit 187 this accounts for the fact that no development or infilling of the floodplain is permitted and it is necessary to ensure that the finished floor levels of dwellings need to be above the Q100 floodplain. While the level difference between site 12a was indicated to result in steeply banked slopes this was considered acceptable having given consideration to the existing topographical levels and the planning history of the site.

Concerns were raised that the development was not in accordance with a number of planning policies. The application has been assessed and a consideration of the relevant issues, set against the relevant planning policies has been provided.

CONCLUSION

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

- The principle of the development is considered acceptable given the zoning for residential development and the planning history;

- The design, layout, appearance and density is considered acceptable;
- There are no significant neighbour amenity concerns;
- There are no significant parking, road, or personal safety concerns with this proposal;
- There is no significant flood risk associated with this development;
- There are no significant archaeological, natural or built heritage concerns with the proposal; and
- There are significant economic benefits associated with this 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 permitted development shall not be occupied until the remediation measures as presented within the Remedial Strategy, Document Number 13, date stamped 20th December 2022 have been fully implemented and verified to the satisfaction of the Council.

Reason: To control any risk to human health arising from land contamination and for the protection of environmental receptors to ensure the site is suitable for use.

3. There shall be no amendments or deviations from, the remediation and verification recommendations contained within the Remedial Strategy, Document No. 13 date stamped 20th December 2022 without the prior written approval of the Council.

Reason: To control any risk to human health arising from land contamination and for the protection of environmental receptors to ensure the site is suitable for use.

4. Verification documentation shall be submitted in the form of a verification report, to the Council. The report shall describe all the remediation and monitoring works undertaken and shall demonstrate the effectiveness of the works in managing and remediating all risks posed by contamination.

Reason: To control any risk to human health arising from land contamination and for the protection of environmental receptors to ensure the site is suitable for use.

5. If during the development works, a new source of contamination and risks are found, which had not been previously identified, works shall cease and the Council notified immediately. Any new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) Guidance, available online at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy

shall be submitted to be agreed with the Council before being implemented.

Reason: To control any risk to human health arising from land contamination and for the protection of environmental receptors to ensure the site is suitable for use.

6. After completing the remediation works under Condition 5; and prior to occupation of the development, a verification report shall be submitted in writing and agreed with Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

7. All fuel storage tanks (and associated infrastructure) must be fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater verified. Should contamination be identified during this process, Conditions 5 and 6 will apply.

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

8. The proposed landscaping works as indicated on Drawing No. 62/2 date stamped 28th September 2023 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice during the first planting season after the commencement of development.

The proposed landscaping shall be retained thereafter at a minimum height of 2 metres for shrubs/hedges and existing trees as shown shall be retained at a minimum height of 6 metres unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal.

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

9. Prior to the commencement of any part of the development hereby approved a scheme for the phasing and completion of all aspects of the hard and soft landscaping and open space provision shall be submitted to and agreed in writing with the Council. The open space and amenity areas hatched pink indicated on Drawing No. 03/3 date stamped 5th June 2023 shall be managed and maintained in accordance with the Landscape

Management Plan, Document No.17/2 date stamped received 12th May 2023 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.

10. A detailed specification of the equipment to be provided within the equipped play area as indicated on Drawing No. 03/3 date stamped 5th June 2023 shall be submitted to and agreed in writing by the Council. The equipped play area shall be completed in accordance with these details prior to occupation of the 100th unit within the development hereby permitted.

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

11. All habitable rooms to Sites numbered 9, 10, 11, 12, 12a, 155, 156, 157, 158, 159, 160, 167, 168, 169, 170, 171, 172 and 173, as marked on Drawing Number 03/3, date stamped 5th June 2023 shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least 31dB (Rw +Ctr), as detailed at Appendix B of Document Number 19 date stamped 23rd February 2023. The works shall be carried out prior to the occupation of the relevant dwelling and the glazing shall be maintained and retained for the lifetime of the development.

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

12. All habitable rooms to Sites numbered 9, 10, 11, 12, 12a, 155, 156, 157, 158, 159, 160, 167, 168, 169, 170, 171, 172 and 173, as marked on Drawing Number 03/3, date stamped 5th June 2023 shall be fitted with passive or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 31dB (Rw +Ctr), as detailed at Appendix B of Document Number 19, date stamped 23rd February 2023. The works shall be carried out prior to the occupation of the relevant dwelling and the ventilation shall be maintained and retained for the lifetime of the development.

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

13. The Badger Management Plan (BMP) (document 18) date stamped 22nd December 2022 shall be adhered to. All works on site shall conform to the approved BMP, unless otherwise approved in writing by the Council.

Reason: To protect badgers and their places of refuge.

14. No development shall be carried out, until a NIEA Wildlife licence has been obtained and evidence of this has been provided to the Council in writing, for the closure of badger setts on site which may be subject to further conditions.

Reason: To protect badgers and their places of refuge

15. During the construction phase the Construction Environment Management Plan (CEMP) (Document 10/1), date stamped 27th February 2023, shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the Council.

Reason: To protect/minimise the impact of the proposal on the biodiversity of the site including protected/priority species/habitats.

16. Prior to the commencement of any part of the development hereby approved a scheme for the phasing and completion of the Lighting Design Plan (Document 20), dated stamped 18th February 2023, which shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved lighting plan, unless as otherwise agreed in writing by the Council.

Reason: To minimise disturbance to bats and other wildlife

17. No retained tree, shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction- Recommendations.

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

18. 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 58/2 date stamped 12th May 2023.

Reason: To ensure there is a safe and convenient road system within the development.

19. 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 58/2 date stamped 12th May 2023.

Reason: To ensure there is a safe and convenient road system within the development.

20. 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

COMMITTEE ITEM	4.2
APPLICATION NO	LA03/2022/0942/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed residential development for 6 no. detached dwellings. Proposal includes garages, car parking, landscaping and all associated site works
SITE/LOCATION	1 Circular Road, Jordanstown Newtownabbey BT37 0RA
APPLICANT	O'Kane Group
AGENT	HERE Architects
LAST SITE VISIT	June 2023
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located on lands at No.1 Circular Road, Newtownabbey which is within the Belfast Urban Area Plan (BUAP) with no particular zoning. Within draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP) the application site is located within the development limit of Metropolitan Newtownabbey and is within the Whiteabbey draft Area of Townscape Character (MNY 36).</p> <p>The application site is an irregular shaped plot of land which has been sub-divided from the established curtilage of the dwelling at No.1 Circular Road, Jordanstown, which is located on the corner of Shore Road and Circular Road. The topography of the site rises from the Shore Road to the northern boundary of the site with a difference in levels of approximately six (6) metres.</p> <p>The northwestern boundary of the site abuts the remainder of the curtilage of No. 1 Circular Road and is physically undefined in the landscape. The southwestern and southeastern boundaries of the site are defined by a coursed random stone wall varying between one (1) metre in height along the front of the Shore Road and up to approximately two (2) metres in height along the Circular Road. The northeastern boundary of the site is defined by two (2) metre high wooden fencing where it abuts No. 1 Chestnut Hill and existing mature hedging to the rear of No. 2 Chestnut Hill. The topography of the land rises from the Shore Road to the northwestern boundary of the application site and beyond.</p> <p>The surrounding area is characterised by one and two storey residential dwellings which are a mix of both detached and semi-detached. The site is also in close proximity to Whiteabbey 'Village' where there are a mix of commercial and residential uses of varying building heights, sizes, scales and forms along with a broad range of uses to include residential and service based activities.</p>	
RELEVANT PLANNING HISTORY	

Planning Reference: LA03/2022/0623/LDP
Location: 1 Circular Road, Jordanstown, Newtownabbey, BT370RA
Proposal: Commencement of residential development for 3no. dwellings as approved under LA03/2016/0120/F
Decision: Permission Granted: 01/09/2022

Planning Reference: LA03/2016/0120/F
Location: Land North East & South East to No 1 Circular Road Jordanstown BT37 0RA
Proposal: 3no dwellings (alterations to access & site layout from previously approved U/2014/0288/F)
Decision: Permission Granted: 14.08.2017

Planning Reference: LA03/2015/0147/TPO
Location: 1 Circular Road, Jordanstown, Newtownabbey, BT370RA
Proposal: Cut down and remove trees from site
Decision: Consent Granted: 21.05.2015

Planning Reference: U/2014/0288/F
Location: Land south east and north east of 1 Circular Road Jordanstown
Proposal: Erection of 6no single storey dwellings
Decision: Permission Granted: 05.03.2015.

Planning Reference: U/2013/0224/F
Location: 1 Circular Road, Jordanstown, Newtownabbey, BT370RA
Proposal: Formation of 4no. driveways serving house plots 1, 2, 3 and existing house, proposed under previous approval U/2007/0814/F
Decision: Permission Refused: 11.02.2014

Planning Reference: U/2007/0814/F
Location: 1 Circular Road, Jordanstown, Newtownabbey, BT37 0RA
Proposal: Erection of 6no. single storey dwellings
Decision: Permission Granted: 19.01.2009

Planning Reference: U/2005/0717/F
Location: 1 Circular Road, Jordanstown, Newtownabbey
Proposal: Erection of 1no. private dwelling
Decision: Permission Granted: 05.04.2006

Planning Reference: U/2004/0336/RM
Location: Land adjacent to 1 Circular Road, Jordanstown, BT37 0RA
Proposal: Erection of 6 single storey dwellings
Decision: Permission Granted: 30.11.2005

Planning Reference: U/2000/0356/O
Location: 1 Circular road, Jordanstown, Newtownabbey
Proposal: Erection of 7no. dwellings
Decision: Permission Granted: 06.09.2002

PLANNING POLICY AND GUIDANCE

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

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

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

Belfast Urban Area Plan (BUAP): The application site is located within the development limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the development limit of Metropolitan Newtownabbey and is within a draft Area of Townscape Character – Whiteabbey (MNY 36).

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.

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

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

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas:

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

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

NI Water: No objection, subject to condition.

DFI Roads: No objection, subject to condition.

Environmental Health: No objection, subject to condition.

Historic Environment Division: No objection.

Department for Agriculture, the Environment and Rural Affairs (various teams)

Water Management Unit: No objection.

Marine and Fisheries Division: No objection.

Shared Environmental Services: No objection, subject to condition.

Belfast City Airport: No objection.

Tree Officer: No objection.

REPRESENTATION

Seventeen (17) neighbouring properties were notified and nine (9) letters of objection have been received from seven (7) different properties with one (1) objection being anonymous. The full representations made regarding this proposal are available for Members to view online at the Planning Portal

<https://planningregister.planningsystemni.gov.uk>.

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

- The proposed density is significantly higher than that found in the area and this development proposal is over developing the application site;
- Development is not in keeping with the character of the area or the historic building on the site;
- Three storey housing is too high for the area and the appearance of the houses are at variance with the existing area; flat roofs, Spanish style external terraces and inappropriate materials on narrow plots;
- The buildings will obscure the 100 year old Arts and Crafts house, which is a valuable asset to Whiteabbey. Historic landmarks and their gardens should be protected;
- The proposal fails to satisfy Policy ATC 2 of A.PPS 6;
- There is a lack of in-curtilage parking for households and for their visitors;
- Vehicular entrance on Shore Road is unsafe due to proximity to bus stop and

- the 'sweep' in the road and traffic may back up onto the Shore Road;
- The vehicular access will be hazardous for pedestrians;
 - The volume of traffic passing through the village is already concerning to objectors, with the construction of a new road perceived as exacerbating this problem;
 - Water infrastructure, drainage and sewer systems are not able to accommodate the load anticipated from this development;
 - The proposal will contribute to noise and air pollution and shall impact the health and well-being of the local community;
 - TPO trees are being removed;
 - Loss of vegetation, trees and natural heritage interests is contrary to the Council's bio-diversity action plan;
 - By 'cutting' into the site the dwelling adjacent to No.1 Chestnut Hill will result in the presentation of a full two storey gable to No.1 Chestnut Hill. The principle issue is that of the roof line and the introduction of a pitched roof;
 - No.1 Chestnut Hill considers that a change from the extant permission that provided a single storey bungalow changing to a split level/two storey house and the introduction of a detached garage adjacent to No.1 Chestnut Hill will cause unacceptable harm to the residential amenity of that property.
 - The four trees that are proposed along the boundary with No.1 Chestnut Hill are described as severely affecting the occupant's right to light and are described as causing a nuisance due to leaves falling into private garden;
 - A tree proposed as being planted on a mound in close proximity to No.1 Chestnut Hill will dominate that property's first floor bedroom and ground floor study;
 - The house proposed adjacent to No.1 Chestnut Hill will be overbearing and will cast a shadow over the external amenity area and conservatory, sun lounge and dining room. These areas shall become cold, dark and uninviting and affect the internal living spaces; and
 - The proposed garage adjacent to No.1 Chestnut Hill is directly facing the first floor bedroom and ground floor study of No.1 Chestnut Hill and will dominate and overshadow No.1 Chestnut Hill.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Density
- Design, Layout and Impact on the Character and Appearance of the Area
- Private Amenity Space
- Residential Amenity
- Access, Movement and Parking
- Flood Risk
- Natural Heritage and Water Quality
- Impact on Features of Archaeological Importance
- Other matters

Policy Context and Principle of Development

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

Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must

be made in accordance with the Plan unless material considerations indicate otherwise.

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

The application site lies within the development limit of Metropolitan Newtownabbey in both Plans. Within draft BMAP the site is located within the draft Whiteabbey Area of Townscape Character (ATC) (Designation reference MNY 36). One of the key features is the property located at No. 1 Circular Road, an Arts and Crafts dwelling which is set within generous grounds. The application site comprises part of the curtilage of that dwelling. The Planning Appeals Commission (PAC) in their report into objections to dBMAP recommends that 'The wall and the protected trees adjacent to No. 1 Circular Road are recognised as key features within MNY 36.' A Tree Preservation Order is in place which protects the trees on the application site and wider confines of No.1 Circular Road.

Unlike the position set out for existing ATCs it is clear from decisions taken by the PAC that neither the policy nor advice contained in draft BMAP (2004) nor the provisions PPS 6 (Addendum): Areas of Townscape Character can be applied to these proposed designations in advance of the formal adoption of the Plan. Nevertheless, the impact of development on the character and appearance of these proposed ATCs remains a material consideration and is therefore discussed in more detail below.

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

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

- PPS 2: Natural Heritage;
- PPS 3: Parking and Movement;
- PPS 6: Planning, Archaeology and the Built Heritage;
- PPS 7: Quality Residential Environments;
- Addendum to PPS 7: Safeguarding the Character of Established Residential Areas; and
- PPS 15: Planning and Flood Risk (Revised September 2014)

A number of planning approvals are associated with the lands comprising No. 1 Circular Road which traverses a large portion of the application site. Six (6) dwellings were originally approved via application Ref: U/2014/0288/F (now expired) and three (3) dwellings were approved under application Ref: LA03/2016/0120/F, with a

subsequent Certificate of Lawful Development for a Proposed Use or Development certified via application Ref: LA03/2022/0623/LDP. This decision determined that the foundations for one (1) of the three (3) permitted dwellings had been lawfully implemented and thus it is lawful for the applicant to continue the development in line with the planning permission on the land.

Regarding the principle of development, the application site is located within the development limits in both plans with previous and live planning permissions for residential development traversing the site. For these reasons the principle of development is acceptable subject to the other planning and environmental considerations being considered acceptable in accordance with the Planning Policy Statements noted above and the supplementary planning guidance 'Creating Places' design guide.

Density

Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity of the second addendum to PPS7 deals with the issue of density within residential areas. It states that the proposed density should not be significantly higher than that found in the established residential area. The first bullet point of paragraph 6.137 of the SPPS states that in residential areas of distinctive townscape character an increase in density should only be allowed in exceptional circumstances.

It is considered that the development proposal will result in an increase in density within the wider area of land associated with the draft ATC. With respect to the immediate area, it is considered that the identified plot sizes and shapes are comparable with No's 1 – 4 (inclusive) Circular Road and No's 37 – 45 (odd numbers only) and No's 2 – 14 (even numbers only) within Loughshore Courtyard. Although the density of development in the area will increase it is considered that the proposed density would not be significantly greater than the surrounding area. For these reasons the proposed plots would not be at odds with the character of the wider overall draft ATC or the context of the immediate receiving environment. The proposal is therefore acceptable in this regard.

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

This application seeks full planning permission for the erection of a residential development comprising six (6) detached dwellings, garages, car parking, landscaping, access from Shore Road and all other associated works.

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. Paragraph 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.

There is a range of five (5) different house types distributed across the application site and comprise of either two (2) or three (3) storey split level dwellings in a detached dwelling format. Five (5) of the six (6) dwellings are positioned at the front of the site towards the Shore Road and are set back from it by approximately 10 metres.

A detailed site layout plan has been submitted for consideration with respect to the proposed layout of the residential development. The main access to the development is proposed off Shore Road via a 'tree lined avenue' with four dwellings (Units 1 – 4) accessed via a private drive taken from the 'tree lined avenue'. This proposed private drive leads to the rear of units 1 – 4 to a 'courtyard' area with a garage/studio and a car port for each of the units which abuts the rear gardens of the properties.

Units 1 – 4 abut the Shore Road, with Unit 1 on the corner of Shore Road and Circular Road. These units are proposed to be three storey dwellings, however, the ridge of the proposed dwellings is 8.8 metres and will sit at a lower height than the existing three storey building on the opposite corner at the junction of the Shore Road and Circular Road. A recent approval has been granted for a three storey apartment block of modern design approximately 67 metres further along the Shore Road to the northeast (Planning Ref: LA03/2020/0822/F). Therefore, it is considered that the proposed height of Units 1 - 4 is acceptable within this context.

The proposal provides dual frontage elevations to the dwellings along the Shore Road and the proposed internal estate road. Dwellings on corner plots (1, 4 and 5) provide a dual aspect to both the Shore Road/Circular Road and the Shore Road/internal estate road.

The proposed Unit 5 is located on the corner of the proposed 'tree lined avenue' and the Shore Road. The proposed dwelling is two storeys in height and is split level with a two storey elevation facing the Shore Road and a single storey at the northwestern elevation. The gable elevation of this property faces the internal tree lined avenue and provides an adequate frontage to address this avenue.

The proposed Unit 6 is a two storey property. Given the level differences across the site the proposed ridge level is indicated as approximately 4.4 metres higher than that of the proposed dwelling referred to as Unit 5.

The design and appearance of the dwellings takes a modern architectural approach with flat roofs, varying window styles with balcony areas at first and second floor level. The palette of finishing materials is limited to a narrow range that includes dark grey/metal single ply flat roof covering, dark grey aluminium capping piece to the parapet wall, black natural slate or synthetic roof tile with a flat profile, smooth render walls painted white, contemporary linear facing brick, zinc standing seam cladding, dark grey horizontal fibre cement cladding with dark grey PPC aluminium windows and patio sliders. It is considered that the development proposal demonstrates the simple repetition of a limited range of architectural features and finishing materials which assist in creating an identifiable character for the development.

As previously stated, the application site is located within the draft ATC. The impact of the design on the character and appearance of the area is therefore an important consideration. Several objections refer to the design appearance of the dwellings being out of character with the area. It is considered that the immediate context of the receiving environment comprises dwellings at Chestnut Hill, buildings flanking either side of the Shore Road in close proximity to its junction with Circular

Road and lastly the residential properties on Circular Road and to include Loughshore Courtyard and No's 1 – 4 (inclusive) Circular Road.

Within this context it is noted that there is no one single or otherwise dominant architectural style of buildings. Properties in and around the junction of the Shore Road and Circular Road take many different styles and forms. They comprise, in part, of a terrace of two storey pitched roof Victorian style buildings on the southern side of the Shore Road which are used for business purposes and with the majority of those buildings having large ground floor shop windows. The building on the opposite side of the application site, at the junction of the Shore Road and Circular Road is three storeys in height and is of a more modern architectural appearance than the Victorian terrace on the opposite side of the Shore Road. Additionally, dwellings at No's 1 – 4 Circular Road are also at variance with the aforementioned buildings as are the dwellings within Loughshore Courtyard.

In light of each of the areas noted above, it is considered that there is no dominant architectural style in the area which provides an obvious 'cue' point for the proposed development. As the application site is set within the context of a widely varying range of building designs, heights and styles there is scope to introduce dwellings into this frontage which are at variance with the already varied character and appearance of the area without adversely impacting on the character of the area.

While it is accepted that the application site will be subject to alterations to topographical levels it is considered that this is required in order to attempt to create appropriate relationships with existing built development and is therefore acceptable in this instance. It is considered that the proposal would not represent an overdevelopment of this site as separation distances, plot sizes and private amenity spaces are adequate and the proposal complies with the provisions of Policy QD 1 of PPS 7 in this regard.

The application site and the wider curtilage of No.1 Circular Road are subject to a Tree Preservation Order. Several consents have been provided for the felling of trees within those confines. It is noted also that additional trees were removed, over and above what was permitted. The developer has returned to the Council a replanting scheme, which compensates for the trees that were removed without consent. The compensatory planting scheme is to be provided during the current planting season. It is noted also that trees within the confines of the curtilage of No.1 Circular Road are fenced off in order to avoid any potential adverse impacts associated with the construction process. While it is noted that several objections point to the loss of trees and the impact to natural heritage, it is considered that, notwithstanding the removal of protected trees, the replanting scheme compensates for the loss of those trees.

It is noted that services required for each dwelling are largely laid within the road network and that no service lines traverse through the root protection areas of trees on the application site. It is considered that the development proposal shall not have any further adverse impact to existing trees protected by a Tree Preservation Order and that significant compensatory planting is due to take place imminently.

For the reasons set out above it is considered that the range of dwellings and their architectural appearance and finishing materials are considered to be acceptable. It has also been set out that the removal of trees protected by a Tree Preservation

Order has been addressed through a compensatory replanting scheme. As such, it is considered that the development proposal meets with the relevant policy provisions of the SPPS, PPS 7 and its second addendum. The proposal is therefore acceptable in these regards.

Private Amenity Space

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'. It states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40sqm for any individual house. Creating Places further indicates that properties with 3 or more bedrooms require an average of 70sqm. In this case the private gardens are 92 square metres to 245 square metres and it is therefore considered that adequate provision has been made for private rear garden space within the individual dwellings.

A 1.8 metre wall is proposed to screen the rear amenity space for each of the dwellings at Units 1-4. Whilst this arrangement is not normally considered appropriate, in this case the courtyard and studio provide adequate screening to allow for private amenity space and allow a strong frontage and front garden area to the Shore Road elevation reducing the requirement for washing lines and ancillary buildings along the Shore Road. In addition, the open nature of the low stone wall, approximately one (1) metre in height will discourage the use of the grassed area for private amenity space.

For the reasons set out above it is considered that the development proposal shall provide appropriately sized and shaped areas of private amenity space consistent with the requirements of Policy QD 1 of PPS 7 and Creating Places. The proposal is therefore acceptable in this regard.

Residential Amenity

Policy QD 1 of PPS 7 states that new development should not create conflict with adjacent land uses and that there should be no adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

Potential Future Residents

With reference to potential future residents it is noted that a Noise Impact Assessment has been submitted in support of the development proposal. The report identifies that the dominant noise source is road traffic. In order to achieve suitable internal amenity standards, the report recommends mitigation measures to include sound reduction performance for windows and acoustically ventilated systems. For external areas the report notes that the location and positioning of the dwellings relevant to the public road system along with the provision of a 1.8m high wall enveloping the private amenity spaces to the rear of the dwellings is such that a suitable external amenity standard can be achieved. In its consultation response the Council's Environmental Health Section concluded that the development proposal can be suitably protected from adverse impacts associated with noise subject to the inclusion of suitably worded planning conditions should planning permission be forthcoming. For the reasons set out above it is considered that the development

proposal will provide a suitable residential environment for potential future residents.

Existing Residents

Three (3) objections have been received from No.1 Chestnut Hill, which lies immediately adjacent to the application site. No.1 Chestnut Hill has a very shallow private amenity space area set to the western side of that property and separating that dwelling from the application site. The larger area of amenity space associated with No.1 Chestnut Hill is set to its southern side, which is exposed to public view from road traffic and pedestrians passing the property on the Shore Road. Within the shallow private amenity space associated with No.1 Chestnut Hill it is noted that there is a sunroom and a conservatory. The objector points to the potential for an adverse residential amenity impact to occur to No.1 Chestnut Hill by reason of loss of light and dominance and points to the fact that the dwelling previously approved and adjacent to No.1 Chestnut Hill was a hipped roof bungalow. The objector also refers to the garage associated with the proposed dwelling.

With reference to the proposed garage it is noted that subsequent to the receipt of the objections the agent has re-positioned the garage associated with the proposed dwelling adjacent to No.1 Chestnut Hill such that it is now 8 metres from the common boundary and a total of 13 metres from No.1 Chestnut Hill itself. It is considered that the movement of the proposed garage removes the concerns of the objector. The garage is therefore acceptable and shall not result in an adverse impact to the residential amenity of No.1 Chestnut Hill.

With regards the relationship between No.1 Chestnut Hill, the previously permitted dwelling and the dwelling now proposed on the plot, House Type B, the following matters are noted. The dwelling previously approved on the plot adjacent to No.1 Chestnut Hill was a bungalow with a hipped roof and a higher finished floor level than that indicated for the proposed dwelling. Notwithstanding that the previously approved bungalow had a hipped roof, it is noted that the permitted dwelling effectively had a 'back-to-back' relationship with No.1 Chestnut Hill and that a part of that approved dwelling, spanning approximately 10 metres, was to be positioned approximately 4 metres from the common boundary with No.1 Chestnut Hill. The proposed dwelling is also separated from the common boundary with No.1 Chestnut Hill by the same distance (4 metres), however, the proposed dwelling is primarily orientated towards the Shore Road and has a narrow and elongated rectangular floor plan and narrow gable which measures 8 metres. The main body of the proposed dwelling is positioned 2 metres further forward than the previously approved dwelling.

While it is accepted that the proposed dwelling has a standard pitched roof, it is considered that given the proposed dwelling is orientated such that a lesser quantum of built form is presented to the common boundary. In addition, the proposed dwelling is effectively set two metres further forward than the previously approved dwelling and the proposed dwelling will only be very marginally higher than the approved dwelling due to the modification of the application sites topographical levels. Notwithstanding that the pitched roof may cause a slightly increased shadowing effect for part of the day, this is tempered by the reduced built form which will reduce its duration, whereas the bungalow and its hipped roof may have caused a notably longer period of overshadowing of No.1 Chestnut Hill. The objector notes that the proposed house type will present a two storey gable to

No.1 Chestnut Hill. This observation though fails to account for the fact that the application sites topographical levels are being modified to accommodate the proposed dwelling such that the proposed dwelling is only very marginally higher than the previously approved dwelling. Additionally, the objector does not account for the existing boundary treatment at No.1 Chestnut Hill, which is predominantly close boarded timber fencing in the region of 2m in height. This fencing will function to effectively screen a large portion of the gable of the proposed house type. It is also noted that there are no windows proposed on the first floor gable adjacent to No.1 Chestnut Hill. For this reason, there shall be no overlooking of the existing dwelling.

The objector points out that the trees that are proposed as being planted at the common boundary between plot 5 and No.1 Chestnut Hill will increasingly overshadow the narrow private amenity space of No.1 Chestnut Hill as those trees mature. In order to avoid that situation an appropriately worded planning condition to preclude the planting of any trees at this boundary. The hedgerow that is proposed is considered necessary and the planning condition can be worded so as the hedgerow is to be retained at a height of 2 metres for the lifetime of the development. Subject to the imposition of such a planning condition, it is considered that the residential amenity of No.1 Chestnut Hill will not be unacceptably impacted upon due to soft landscaping works.

Access, Movement and Parking

This development proposal seeks to rely upon the previously approved vehicular access associated with planning approval Ref: LA03/2016/0120/F for three dwellings and a revised access that was approved 14th August 2017. The vehicular access is detailed as providing 2.4 x 60m visibility splays on either side. Several letters of objection refer to the location of the vehicular access, its proximity to the junction of the Shore Road and the larger dual carriageway Shore Road and the impact to congestion and air quality.

With respect to car parking provision the development provides a minimum of 2 in-curtilage car parking spaces for all proposed dwellings and there is scope within the development to accommodate visitors attracted to the site.

With respect to pedestrian connectivity the proposal incorporates pedestrian walkways throughout the site which link to the existing footpath network on the Shore Road. Internal footpaths have dropped kerbs and tactile paving to assist those with impaired mobility. The provision of these features will assist to promote sustainable forms of transport to nearby services and amenities. A raised speed control ramp is identifiable on the site plan drawing.

In its consultation response DfI Roads offers no objections to the development proposal, subject to conditions. It is considered therefore that the proposal is unlikely to have a significant impact on the local road network, that the layout has been designed to modern standards in terms of vehicular access and is supported by internal footways designed to accommodate those with mobility issues while also supporting alternative forms of transport. With respect to air quality it is not considered that this development proposal shall in its own right cause air quality to fall below acceptable standards.

Flood Risk

A Drainage Assessment (DA) containing a Schedule 6 Consent has been submitted in support of the development proposal. The DA indicates that the drainage regime will attenuate up to 39.3 cubic metres of surface water. The DA states that given the proposed drainage regime, no out of sewer flooding will occur as the design is sufficiently robust to contain the most extreme rainfall event at 1:100 years plus 20 percent climate change.

In its consultation response, the DfI Rivers has indicated that the proposed development does not lie within the present day or climate change coastal 1:200-year coastal floodplain. DfI Rivers do recommend, however, that any new development be allowed an additional freeboard of 600 mm above the predicted 1:200-year coastal flood event. Additionally, DfI Rivers goes on to state that further assessment of the drainage network will be undertaken by NI Water and that, in order to ensure compliance with PPS 15, a planning condition is required to ensure there is no exceedance of the network in the 1:100-year event.

For the reasons set out above it is considered that the proposal will likely not be subject to flooding nor exacerbate flooding elsewhere. In summary, it is considered that the proposal is compliant with the relevant policy provisions of the SPPS and PPS15.

Natural Heritage and Water Quality

A Northern Ireland Bio-Diversity Checklist (NIBDC) has been submitted in support of the development proposal and has been completed by a qualified ecologist. Several letters of objection refer to the development proposal having an adverse impact upon natural heritage interests and water quality.

The application site is within 100 metres of Belfast Lough, which has a number of environmental designations including Outer Belfast Lough ASSI, Belfast Lough Ramsar and Belfast Lough SPA. This development proposal includes a separate drainage system for rainwater and foul drainage and therefore there are no predicted changes to the water quality of Belfast Lough. Additionally, it is stated that the site doesn't offer any habitats suitable for qualifying species at Belfast Lough SPA. For the reasons set out above it is concluded within the NIBDC that although the application site is within 100 metres of Belfast Lough and its associated environmental designations, there are no potential impacts on the designated sites.

The NIBDC states that there was no evidence of badger activity on the application site and that there were no obvious bat roosts in either the dwelling at No.1 Circular Road but also that there were no signs of bat activity at existing trees on the site. Additionally, the NIBDC states that as the trees shall be retained (they are currently fenced off) there shall be no impacts to any protected species such as bats or badgers.

In its consultation response the Department for Agriculture, Environment and Rural Affairs (DAERA): Water Management Unit (WMU) indicate that it has no objection to the development proposal subject to standing advice.

NI Water has offered no objections to the development proposal, subject to condition. By way of addressing any sewerage issues, NI Water and the developer

have agreed a downstream engineering solution to mitigate the foul capacity issue and allow connection for this development proposal. NI Water require an Article 161 agreement via the Water and Sewerage Services (NI) Order 2006. An appropriately worded planning condition has been provided to this effect at the end of this report.

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Services (SES) on behalf of the Council which is the competent authority responsible for authorising the project. Following an Appropriate Assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project. SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation, which requires to be controlled by planning condition, should planning permission be granted.

The Council in its role as the competent authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service. This found that the project would not have an adverse effect on the integrity of any European site.

Impact on Features of Archaeological Importance

The application site is located within close proximity to an archaeological monument. Historic Environment Division: Historic Monuments has assessed the application and on the basis of the information has no objection to the proposal. It is considered that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Other Matters

Aviation safety

The application site is located within a consultation zone for Belfast City Airport (BCA). BCA has been consulted and has raised no objection to the proposal.

Additional Matters

It is considered necessary to insert a condition to the grant of any planning permission to secure the retention of a TPO tree and also to seek a landscaping scheme to be implemented prior to the occupation of the first dwelling. In addition, the proposed trees forming part of the common boundary with No.1 Chestnut Hill are to be replaced with a hedgerow to be retained at a maximum height of two metres.

CONCLUSION

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

- The principle of development is considered acceptable;
- The proposed density of the development is in keeping with the character of this established residential area;
- The design, layout and appearance of the proposed development is considered to be acceptable;
- It is considered that the proposed development will not have an adverse impact on the character and quality of this area.

- There shall not be an unacceptable impact upon the remaining TPO trees and a compensatory scheme of planting is due to be planted imminently to mitigate the removal of TPO trees in the past;
- It is considered that there is no significant impact on the amenity of adjacent residential properties;
- Access, movement and parking issues are appropriately addressed;
- The proposal will likely not cause the site to be flooded or exacerbate flooding elsewhere;
- The proposal shall not have an adverse impact on natural heritage or protected sites;
- The proposal shall not have an adverse impact on archaeological interests;
- A planning condition is required to address foul sewerage capacity issues;
- There are no objections from consultees; and
- Matters raised within letters of objection have been considered within the main body of the report.

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 occupation of the dwellings hereby approved the existing stone wall along Shore Road as indicated in green on Drawing Number 01, date stamped 28th October 2022, shall be reinstated behind the required visibility splays using the existing random rubble black stone material, as indicated in the legend on Drawing Number 21/1, date stamped 23rd March 2023.

One reinstated the stone wall shall be retained for the lifetime of the development.

Reason: To maintain the local character and environmental quality of the area.

3. No development shall commence until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from the development. A connection to the public sewer will not be permitted until the Article 161 Agreement has been authorised.

Reason: To ensure an adequate means of sewage disposal is provided and to ensure protection of the aquatic environment.

4. 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 PSD 25/2, date stamped 2nd June 2023.

Reason: To ensure there is a safe and convenient road system within the development.

5. 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 PSD 25/2, date stamped 2nd June 2023.

Reason: To ensure there is a safe and convenient road system within the development.

6. No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees subject of a Tree Preservation Order and other planted elements to be retained have been protected by barriers identified in Drawing Number 23/1, date stamped 14th June 2023. The barriers shall be retained and maintained during the entire construction phase of the development.

The protective barriers shall be erected as indicated by the hatched red line and referred to in the 'Legend' as 'Tree Protection Detail.' The agreed measures shall be put in place before the commencement of the development and retained throughout the construction period.

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

7. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council.

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

8. If any retained tree or hedgerow is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree, trees or hedgerow in the same location of a species and size as specified by the Council.

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

9. With the exception of the area shaded red on Drawing Number 23/1, date stamped 14th June 2023, all proposed soft and hard landscaping works identified on that drawing shall be completed in accordance with that plan and the appropriate British Standard or other recognised Codes of Practice prior to the occupation of the first dwelling.

With respect to the area shaded red on Drawing Number 23/1, date stamped 14th June 2023 and notwithstanding the detail indicated, no tree planting shall occur. The hedgerow as indicated on that plan adjacent to the boundary of No.1 Chestnut Hill shall be planted at the same time as other soft landscaping works and the hedgerow shall be allowed to grow on, and retained at a height of 2 metres in height for the lifetime of the development.

Reason: To ensure the provision of a high standard of landscape and in order to protect the private amenity space areas of the dwellings.

10. From the date of planting and throughout the lifetime of the development if any tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

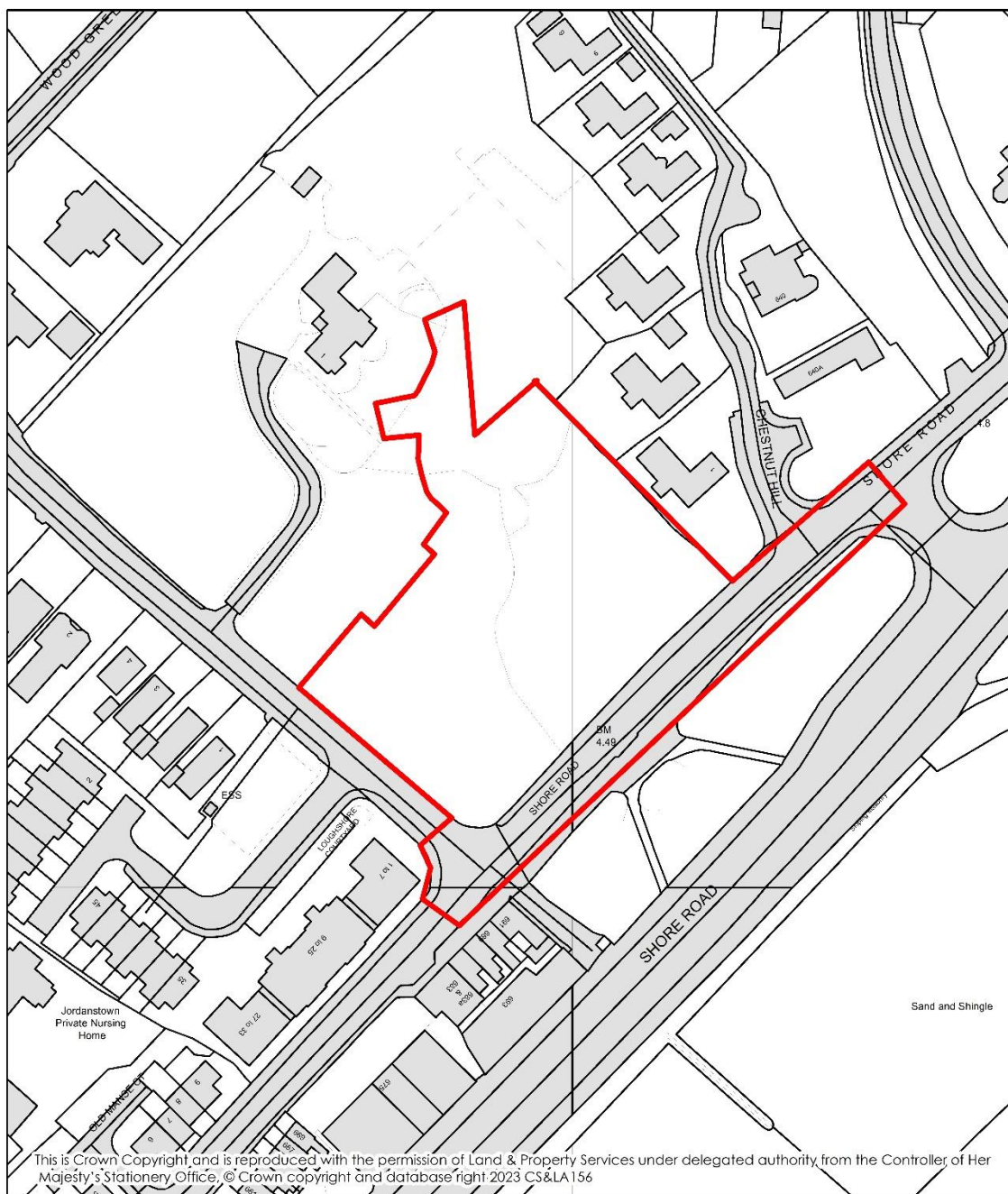
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

11. Prior to the occupation of any of the dwellings hereby approved habitable rooms to the dwellings shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least 29dB R_{Tra} (or R_w+C_{tr}), as detailed within Table 3 of Document 04 'Inward Sound Level Impact Assessment' date stamped 23rd March 2023. The glazing units shall be maintained and retained for the lifetime of the development.

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

12. Prior to the occupation of any of the dwellings hereby approved all habitable rooms to the dwellings shall be fitted with mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 29dB R_{Tra} (or R_w+C_{tr}). Such a ventilation system (if it creates any sound itself) will need to meet the BS8233:2014 internal noise requirements minus 10dB (i.e. 25dB(A) Daytime and 20dB(A) Night-time), or less.

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



Site Location Plan

Reference: LA03/2022/0942/F

Location: 1 Circular Road, Jordansdown, Newtownabbey

Proposal: 6no. detached dwellings with access to be taken from Shore Road, garages, car parking, landscaping and all associated site works



Site Location



Scale = 1:1250



COMMITTEE ITEM	4.3
APPLICATION NO	LA03/2023/0383/F
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Installation of up to 18m high slim-line monopole, supporting 6 no. antennas, 2 no. equipment cabinets, 1 no. electric metre cabinet, and ancillary development.
SITE/LOCATION	Land approximately 23m North West of 1 The Beeches, Newtownabbey
APPLICANT	CK Hutchison Networks (UK) Ltd.
AGENT	CK Hutchison Networks (UK) Ltd.
LAST SITE VISIT	4 July 2023
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@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 https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located within the development limit of the Belfast Urban Area as defined by the Belfast Urban Area Plan (BUAP) and within the development limit of Metropolitan Newtownabbey as defined by the draft Belfast Metropolitan Area Plan published 2004 (dBMAP).</p> <p>The site is located on land approximately 23m northwest of 1 The Beeches, Newtownabbey, on a grass verge between the Hightown Road and the footpath.</p> <p>The topography of the land rises rather steeply in an east to west direction. Dwellings within Mayfield Village are approximately 30m north of the site. There is a mature hedge approximately 5-8m in height between the site and these dwellings.</p>	
RELEVANT PLANNING HISTORY	
There is no relevant planning history relating to the site.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan Stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of</p>	

development proposals.

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

Belfast Urban Area Plan (BUAP): The application site is located within the settlement limit of the Belfast Urban Area. The Plan offers no specific guidance on this proposal.

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

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

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

Planning Policy Statement 3 (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.

Planning Policy Statement 10 (PPS10): Telecommunications: sets out planning policies for telecommunications development.

Development Control Advice Note 14 (DCAN 14): Siting and Design of Radio Telecommunications Equipment: provides non-statutory planning guidance to supplement PPS10.

CONSULTATION

The Joint Radio Company – No objection

George Best City Airport – No objection

PSNI – No objection

Council Environmental Health Section – No objections

Department for Infrastructure Roads- Requires the telecoms mast and cabinets to be relocated to a location that does not impact the existing visibility splays for the junction of Mayfield Gardens with Hightown Road.

Belfast International Airport – No objection

REPRESENTATION

Seventeen (17) neighbouring properties were notified, and four (4) letters of objections have been received. Three objections have been received from two (2) properties. One (1) objection letter has been received with no address attached. The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk>.

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

- Health and safety concerns;
- Visual impact;
- Road safety concerns;
- Neighbour amenity;
- No pre-application consultation with residents;
- Impact upon property values; and
- Other more appropriate sites.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design, Appearance and Impact on the Character of the Local Area
- Impact on Environmental Quality of the Area
- Neighbour Amenity
- Road Safety
- Other Matters

Policy Context and Principle of Development

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

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

The application site is located within the development limits of the Belfast Urban Area as defined within the Belfast Urban Area Plan (BUAP) and within the development limits of Metropolitan Newtownabbey as defined in the draft Belfast Metropolitan Area Plan (dBMAP) published in 2004. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement (SPPS) seeks to facilitate the development of telecommunications infrastructure. Paragraph 6.235 - 6.250 of the SPPS states that modern telecommunications are an essential and beneficial element of everyday living for the people of and visitors to this region and that it is important to continue to support investment in high quality communications infrastructure which plays a vital role in our social and economic well-being. The aim of the SPPS in this respect is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum.

PPS 10 'Telecommunications' sets out the planning policy on telecommunications development. Policy TEL 1 'Control of Telecommunications Development' states that such development will be permitted where it will not result in unacceptable

damage to visual amenity or harm to environmentally sensitive features or locations.

DCAN 14 'Siting and Design of Radio Telecommunications Equipment' sits below PPS 10 in the hierarchy of relevant documents; it provides complementary advice and advocates minimising the visual and environmental impact of equipment.

Proposals for the development of a new telecommunications mast will only be considered acceptable where the above requirements are met, and it is reasonably demonstrated that (a) the sharing of an existing mast or other structure has been investigated and is not feasible; or (b) a new mast represents a better environmental solution than other options.

The applicant has submitted a Supporting Statement, Document 01 date stamped 22nd May 2023, highlighting the need for a new telecommunications development at this location because the cell search areas for 5G are very constrained. Due to the operational parameters of 5G, moving the search area or seeking locations a long way from the target/search area is not operationally feasible. The applicant states that several alternative sites were investigated; however, this application site is most suitable as it will fill the gap in coverage in the target area and will ensure that the signal and coverage of existing mobile users will not be diminished. The applicant has advised that site sharing is not feasible as all existing sites are working to capacity and are located at a distance from the target area.

A number of objections have raised concerns about the proposed location, stating that potential alternative sites exist nearby; however, the applicant has indicated why nearby sites are not acceptable; due to insufficient widths of footpaths; or because it will not bring the desired improvement to the mobile coverage; or, it would impede existing road visibility splays. For the reasons discussed above, it is considered that the principle of development is acceptable.

Design, Appearance and Impact on the Character of the Area

DCAN 14 'Siting and Design of Radio Telecommunications Equipment' highlights the fundamental principle in siting and designing equipment is to minimise the contrast between the equipment and its surroundings.

The proposed development involves the installation of a single 18 metre high telecommunications pole, and the construction of three (3) separate equipment cabinets positioned adjacent to and on the eastern side of the pole. An Armco barrier is also proposed in front of all equipment to prevent traffic from crashing into the infrastructure. The heights of the three (3) separate cabinets from finished ground level range from 1 metre to 1.8 metres in height and collectively span a width of 3.7 metres. Both the telecommunications pole and equipment housing will be constructed in steel and finished in a green colour, powder coated finish. It is stated by the agent that the chosen design for the mast is the most appropriate option to achieve the height required for the antennae. The slim line design ensures that the mast will integrate best into the streetscape alongside other street furniture such as streetlight poles and signs.

A number of objectors have raised concerns in relation to the development proposal being out of keeping with the existing character of the area. The

development is located on a grass verge adjacent to a public footpath in a suburban area, approximately 1.1 metres back from the Hightown Road. As the proposal is set off of the footpath there remains plentiful space for pedestrians to pass on foot. Although views of the column will undoubtedly be clear to those travelling along the Hightown Road, it is considered that the nature of the equipment dictates the height required. New 5G masts will be significantly taller than their 3G and 4G predecessors, given the differing bandwidths that make it more difficult to transmit around structures.

There is a uniform lineage of existing lighting poles along this stretch of the Hightown Road, typical of street furniture found in such suburban areas, including the backdrop of grassland and trees. Whilst it is accepted that there will be a localised visual impact from the height of the proposed apparatus, it is considered that this will not overly detract from the character of the existing streetscape or indeed the wider area. Furthermore; it is considered that the proposed structures will not appear incongruous in the streetscape nor will they have a negative impact on the visual amenity of the area. The application site is not located within an environmentally sensitive location, nor is it positioned close to an environmentally sensitive feature. The verge on which it is placed, when combined with the adjacent footpath measures approximately 8m in width which helps to differentiate views of the mast and cabinets from dwellings to the north and south.

The design and appearance of the proposed telecommunication pole and associated equipment are considered typical of such development and are acceptable for this urban area. Given the appearance of the existing streetscape, the proposal will not result in unacceptable damage to visual amenity and will not have a detrimental impact on the character of the area.

Neighbour Amenity

Objectors also raised concerns about how the proposal will overlook their property and they do not wish to view the mast from within their houses. Given minimum separation distances of 23 metres (south) to 30 metres (north), it is considered that satisfactory separation distances are proposed to reduce the impact of the development upon neighbouring dwellings. There is no entitlement to a view from a property and therefore little weight can be afforded to this matter.

Road Safety

A number of concerns were raised by objectors in relation to road safety, specifically the fear of children having to step onto the main road to avoid the proposed mast and equipment. The mast will be located on a grass verge which will not obstruct the existing footpath.

DfI Roads was consulted with regards to the development proposal and stated that the proposal must be relocated to a location that does not impact the existing visibility splays for the junction of Mayfield Gardens with Hightown Road. The agent was requested to submit revised plans to address this matter on 26th June 2023 and to submit amendments by no later than 4th July 2023.

The agent responded to the email acknowledging receipt on 27th June 2023, stating that it would be highly unlikely they would meet the given timeframe, however, no extension or alternative date was requested. No further

correspondence has been received from the agent regarding this matter.

Having considered the above, the proposal is deemed to fail the first policy objective (Section 3.1) of PPS 3 which aims to promote road safety as the applicant has failed to demonstrate that there would not be a detrimental impact upon road users entering and exiting the Mayfield Gardens and Hightown Road junction.

Other Matters

Regulations

A number of objections were received in relation to the impact of the telecommunications mast on the health of people living nearby. Information on health issues relating to telecommunications development is set out in paragraphs 2.16 to 2.20 of PPS 10. The Government asked an independent expert group on mobile phones chaired by Sir William Stewart to report on the health effects of the use of mobile phones and from telecommunications development. Their report recommended a precautionary approach comprising a series of specific measures on the use of mobile phone technologies, which was adopted by the Government. One of the recommended measures was that emissions from mobile phone base stations should meet the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) for public exposure to electromagnetic fields.

Policy TEL 1 of PPS 10 requires that applications relating to the development of a mobile telecommunications base station when operational will meet ICNIRP guidelines. The role of the planning system regarding health considerations is set out in the justification and amplification of the policy at paragraphs 6.28 to 6.34 which states that the planning system is not the place for determining safeguards. It is for the Department of Health, Social Services and Public Safety that if a proposed telecommunications development meets the ICNIRP guidelines in all respects, it should not be necessary to consider this aspect further.

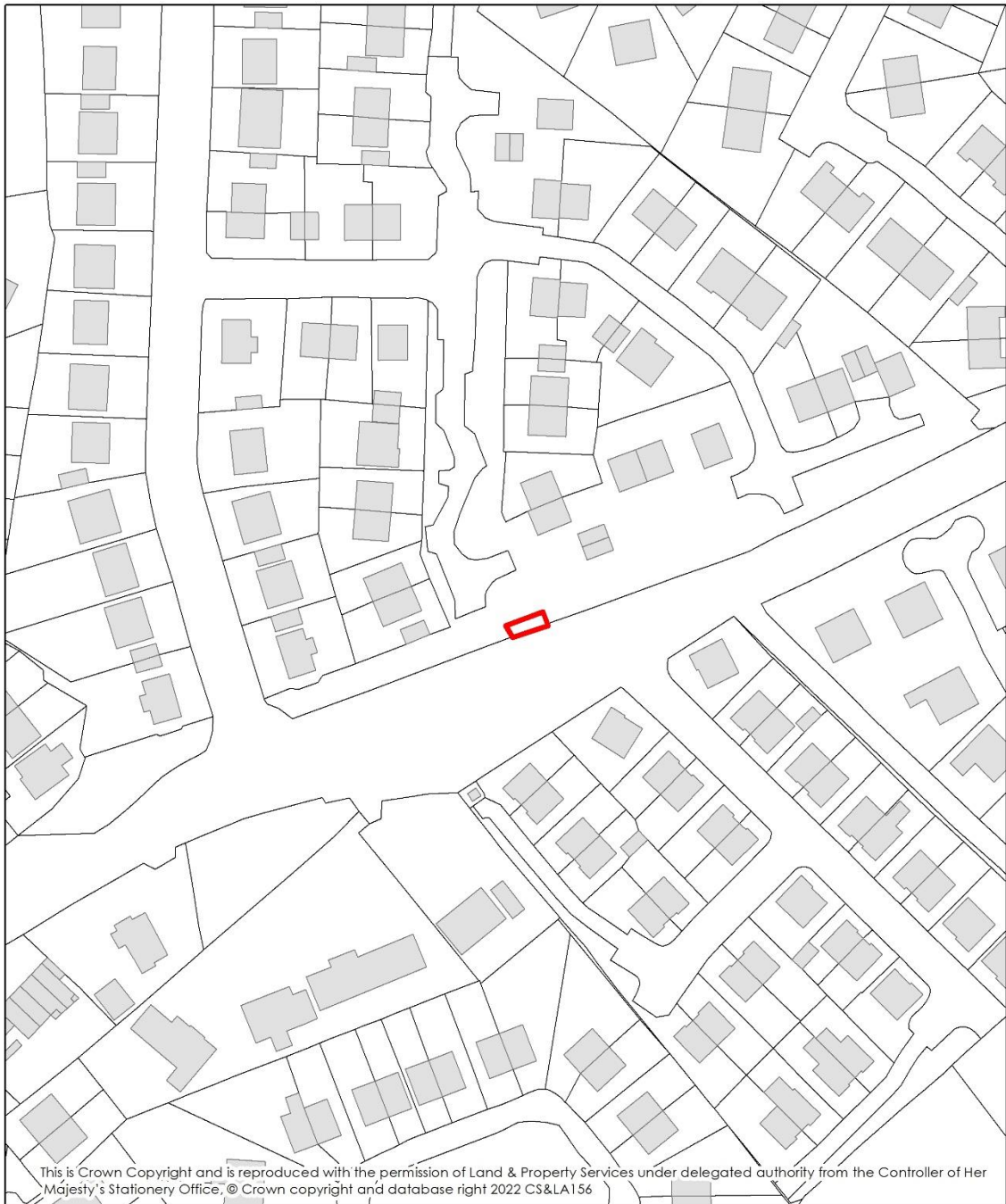
A Declaration of Conformity with ICNIRP Public Exposure Guidelines (ICNIRP Declaration, dated 30th March 2023, accompanied the planning application in relation to the proposed telecommunications installation. The ICNIRP Declaration certifies that the site is designed to be in full compliance with the requirements of the radio frequency guidelines of the International Commission on Non-Ionising Radiation Protection for public exposure as expressed in the EU Council recommendation of July 1999. The Environmental Health Section of the Council was consulted on the development and responded with no objections.

OFCOM Fixed Links

Utilising OFCOM's Spectrum Information System (SIS) the proposal has been identified as falling outside of the 200 metre Fixed Terrestrial Link consultation buffer. The proposal will therefore not affect other forms of radio telecommunication equipment.

Objections have raised concerns in relation to the impact upon the value of resident's properties if this development were to be approved. No supporting evidence has been received and this is not considered to be a material planning consideration. Therefore, the issue cannot be given determining weight in the decision making process of the application.

CONCLUSION	
<p>The following is a summary of the main reasons for the recommendation:</p> <ul style="list-style-type: none"> • The principle of the development is acceptable; • The design and appearance of the development is considered acceptable ; • The proposal does not harm the environmental quality or character of the local area; • There is no significant detrimental impact on residential amenity; and • The applicant has failed to provide sufficient information to demonstrate that there will be no detrimental safety risk to road users entering and exiting Mayfield Gardens at the junction with Hightown Road. 	
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASON FOR REFUSAL	
<p>1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement; and Planning Policy Statement 3, Access, Movement and Parking, in that it has not been demonstrated that the proposed development, if permitted, would not prejudice the safety and convenience of road users because it has not been demonstrated that the proposed development would not be located within the required visibility splays.</p>	



Planning Application Reference: LA03/2023/0383/F

Location: Land approx. 23m northwest of 1 The Beeches,
Newtownabbey.

Proposal: 18m Telecommunications monopole, with ancillary cabinets
and equipment

Scale: 1:2500



Site Location



COMMITTEE ITEM	4.4
APPLICATION NO	LA03/2022/1047/F
DEA	ANTRIM
COMMITTEE INTEREST	RECOMMENDED REFUSAL
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed erection of 7 no. apartments to replace former dwelling and workshop, with associated parking, access and landscaping
SITE/LOCATION	9 Nursery Park, Muckamore, Antrim, BT41 1QR
APPLICANT	Orsson Homes Ltd.
AGENT	Donaldson Planning Ltd.
LAST SITE VISIT	1 February 2023
CASE OFFICER	Leah Hingston Tel: 028 903 40403 Email: leah.hingston@antrimandnewtownabbey.gov.uk
<p>The full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information.</p>	
SITE DESCRIPTION	
<p>The application site is located at 9 Nursery Park, Muckamore which is within the settlement limits of Antrim Town as defined by the Antrim Area Plan 1984-2001 (AAP). The Six Mile Water River is located a minimum of approximately 20 metres from the western site boundary.</p> <p>The site is currently occupied by a two storey dwelling and an attached single storey workshop which was historically a beetling/paper mill. The building has suffered fire damage and is not habitable at present. The site is served by an existing access road which was approved under planning application Ref: LA03/2018/0785/F. There is a linear pattern of residential development to the north known as Kirbys Meadow and two newly constructed apartment blocks east of the site. At the time of the site visit the application site served as a storage area associated with the construction of the apartments. An area of priority habitat in the form of an ancient woodland is located adjacent to the eastern site boundary and there is a Tree Preservation Order (TPO) on trees within the site.</p> <p>The application site boundaries are predominantly undefined with the exception of an embankment of approximately 5 metres in height providing the eastern site boundary. The application site has a southwestern gradient sloping toward the river consequently, the neighbouring dwellings of Kirbys Meadow and two apartment blocks are sited at a higher land level with a height difference ranging from approximately 2 to 5 metres.</p> <p>The application site is located within a residential area to the west of Muckamore Cricket Grounds. Northeast of the site is Antrim Technology Park and to the south and west of the site, beyond Six Mile Water is agricultural land.</p>	

RELEVANT PLANNING HISTORY

Planning Reference: T/2005/1016/O

Location: Site 1, 9 Nursery Park, Moylinney, Antrim

Proposal: Site of dwelling (renewal of outline approval T/2002/0243)

Decision: Permission Granted (28.04.2006)

Planning Reference: T/2005/1017/O

Location: Site 4, 9 Nursery Park, Moylinney, Antrim

Proposal: Site of Dwelling (renewal of outline approval T/2002/0245)

Decision: Permission Granted (28.04.2006)

Planning Reference: T/2005/1018/O

Location: Site 2, 9 Nursery Park, Moylinney, Antrim

Proposal: Site of Dwelling (renewal of outline approval T/2002/0249)

Decision: Permission Granted (28.04.2006)

Planning Reference: T/2005/1019/O

Location: Site 3, 9 Nursery Park, Moylinney, Antrim

Proposal: Site of Dwelling (renewal of outline approval T/2002/0244)

Decision: Permission Granted (28.04.2006)

Planning Reference: T/2005/1061/RM

Location: Plot 2, Land south of 9 Nursery Park, Muckamore, Antrim

Proposal: New Dwelling and garage

Decision: Permission Granted (02.08.2006)

Planning Reference: T/2005/1062/RM

Location: Plot 3, Land south of 9 Nursery Park, Muckamore, Antrim

Proposal: New Dwelling and garage

Decision: Permission Granted (02.08.2006)

Planning Reference: T/2005/1063/RM

Location: Plot 1, Land south of 9 Nursery Park, Muckamore, Antrim

Proposal: New Dwelling and garage

Decision: Permission Granted (02.08.2006)

Planning Reference: T/2005/1064/RM

Location: Plot 4, Land south of 9 Nursery Park, Muckamore, Antrim

Proposal: New Dwelling and garage

Decision: Permission Granted (01.08.2006)

Planning Reference: LA03/2016/0270/F

Location: Plot no's 5-12 Moylinney Mill, Nursery Park, Muckamore, Antrim, BT41 1QR

Proposal: 8 no. Proposed new dwellings with associated roadway and parking

Decision: Permission Granted (23.02.2018)

Planning Reference: LA03/2018/0785/F

Location: Plots 13-17 Moylinney Mill, Nursery Park, Muckamore, Antrim, BT41 1QR

Proposal: 5 no. detached dwellings and associated access road (Minor amendment to road alignment from previous approval under LA03/2016/0270/F)

Decision: Permission Granted (14.11.2019)

Planning Reference: LA03/2020/0102/F

Location: Land 130m south of No. 7 Nursery Park, Moylinney Mill, Muckamore, Antrim
Proposal: Construction of 12 no. apartments in two 3 storey buildings with associated parking and access road (road already approved under LA03/2018/0785/F).

Provision of additional landscaping between approved housing and Six Mile Water River.

Decision: Permission Granted (02.02.2021)

Planning Reference: TPO/2023/0002/LA03

Location: Lands directly west of Kirbys Meadow and Muckamore Cricket Ground, Antrim

Proposal: Protection of Trees

Decision: TPO confirmed (27.04.2023)

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

the protection of transport routes and parking.

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

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

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

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

CONSULTATION

Belfast International Airport – No objection.

DfC Historic Environment Division – No objection, subject to a condition.

DfI Roads – No objection, subject to a condition.

DfI Rivers – Consultation response outstanding.

Environmental Health Section – No objection, subject to a condition.

DAERA: Drinking Water Inspectorate – No objection, subject to conditions.

DAERA: Water Management Unit – No objection.

DAERA: Regulation Unit – No objection, subject to conditions.

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

NI Water – No objection, subject to a condition.

Shared Environmental Services - No objection, subject to a condition.

REPRESENTATION

Five (5) neighbouring properties were notified of the application and no representations have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

- Neighbour Amenity
- Access, Movement and Parking
- Impact on Protected Trees
- Natural and Built Heritage
- Flood Risk
- Other Matters

Policy Context and Principle of Development

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

The Antrim Area Plan 1984-2001 (AAP) currently operates as the statutory local development plan for the area where the application site is located and regional planning policy is also material to the determination of the proposal.

The application site is within the development limits of Antrim Town as defined by the Plan. There are no specific operational policies relevant to the determination of the application in the Plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements. No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this proposal.

The application site is partially in the 1 in 100 fluvial floodplain of the Six Mile Water River. The proposal is considered to be an exception under Policy FLD 1 'Development in Fluvial and Coastal Floodplains' of PPS 15 'Planning and Flood Risk' as it is for the replacement of an existing building and does not involve bespoke accommodation for vulnerable groups.

Whilst there is no planning history specifically relating to No.9 Nursery Park, it is acknowledged that there are previous approvals for four dwellings to the south of the site and a total of 12no. dwelling houses and 2 no. apartment blocks, with a combined total of 12 no. units, immediately northeast of the site. PPS 7 promotes residential development within existing urban areas, however, it advises that the development must have regard to the site context and not result in town cramming.

The application site is considered to be within the development limits of Antrim Town, on an urban residential area and the principle of development is acceptable subject to satisfying other policy requirements.

Design, Layout and Appearance

Full planning permission is sought for the provision of 7 no. apartments (5 no. 3

bedroom apartments and 2 no. 2 bedroom apartments). Paragraph 6.137 of the SPPS refers to the need to deliver increased housing within urban areas without town cramming 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 'Quality in New Residential Development' of PPS 7 'Quality Residential Environments' sets out nine criteria that the proposal must satisfy for planning permission to be granted.

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

The proposed development retains the same spatial footprint as the dwelling and workshop to be replaced. In terms of scale and massing, the proposed apartment block is predominantly two storeys with one apartment located at second floor level. The proposed development has a pitched roof with a staggered ridge height across the three sections which reduces the bulk of the building, at its maximum height (excluding finials), it is approximately 12 metres from the proposed finished floor level as indicated on Drawing Number 07/2, date stamped 11th August 2023. The finished floor level is to be increased by approximately 1.3 metres from that of the existing dwelling. The proposal hosts half dormers on the principal (eastern) and western (rear) elevations, which are a design feature reflective of the urban area. The external finishes of the proposed apartments include dark grey roof slates/tiles and the use of red brick and stone cladding, with brick quoins and sandstone cills to the windows providing a cohesive and integrated visual appearance. The development hosts fenestration with a vertical emphasis finished in dark grey. The building has frontages which address all critical viewpoints on site and the design and appearance of the proposed building is considered to be acceptable and draws upon the local traditions of form, materials and detailing.

In terms of the layout of the development proposal, access to the two common entrances of the building is provided by a raised timber walkway, with a narrow width of approximately 1 metre, which connects to the parking area to the north. The proposed car parking is laid out in a fairly open fashion and appears to be removed from the development and forms the initial viewpoint on approaching the application site. The car parking is intersected by the existing laneway serving the four approved detached dwellings located to the south of the site. This aspect of the proposal is considered to be of poor design and not appropriate, giving rise to practical issues for residents. The timber walkway alone has a distance of approximately 26 metres, meaning that residents of units 35 and 36 would have to walk approximately 60 metres to get to their car if parking in one of the four northernmost spaces. This distance would reduce to approximately 45 metres for residents of units 30 to 34. The minimum walking distance possible would be approximately 21 metres for residents of units 30 to 34 if they parked closest to the building in the space marked No. 11 on Drawing Number 02/3, date stamped 8th September 2023. Therefore, in addition to the poor appearance of the car park, which impacts critical public views from the public road and the existing shared laneway, the parking provisions are not considered to be appropriate and do not satisfy criterion 'f' of Policy QD 1 of PPS 7.

Additionally, the bin compound serving the entire development is located on the raised deck with no set back causing residents to pass by it every time they enter or leave the building. Whilst the bin store is enclosed by a 1.8-metre-high timber fence with gate, this feature is considered to have a detrimental visual impact, it is considered to be poorly sited and does not contribute towards creating a high quality living environment.

Criterion 'c' requires adequate provision for public and private open space and landscaped areas as an integral part of the development. Each apartment has a balcony providing approximately 9.5sqm of private amenity space. The three ground floor units have a front garden area as annotated on Drawing Number 02/3, date stamped 8th September 2023. The depth of these front garden spaces is approximately 5 metres spanning marginally past the entrance steps of the western elevation. Given the slope of the land, the usability of these spaces is extremely limited and they are considered to form more of a buffer strip separating Units 30, 31 and 35 from the communal area of open space.

Creating Places indicates that the level of private communal amenity space should range from 10sqm to 30sqm per unit, with the lower end of the scale being accepted in inner urban locations and high density areas. With the context of this site, the higher level would be expected to be achieved, however, Creating Places advises that this may be reduced where some private open space is provided in the form of patios or balconies. The existing gravel yard is to be grassed over providing approximately 150sqm of communal amenity space which equates to approximately 21sqm per unit. However, this space is not considered to be private as the existing laneway, serving the four previously approved detached dwellings, runs adjacent to the area of open space. The agent has not provided any boundary definition for this communal amenity space in order to allow views from the development towards the river.

In terms of landscaping, tree planting is proposed predominantly to the east of the main car park and bin store, at a significantly higher land level which helps to screen the site and reduce the visual impact of the development. Overall, it is considered that the proposal constitutes overdevelopment of the site and its overall design, layout and appearance does not create a high quality residential environment and is contrary to criterion a, c and f of Policy QD1 of PPS7.

Impact on Character and Appearance of the Area

The residential area located to the northeast comprises two, three storey apartment blocks finished in red brick with areas of stone and black cladding, and a row of detached dwellings finished in red brick and black roof tiles. The proposal is of a more traditional design than the neighbouring apartments and dwellings, the external finishes include red brick, stone cladding and dark grey roof slates. The proposed apartment block is considered to be in keeping with the character and appearance of the area. However, the aforementioned layout considerations do not have a positive impact on the character and appearance of the area and would set a harmful precedent for the area.

Neighbour Amenity

Policy QD1 states that planning permission will only be granted where the design

and layout 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.

The proposed development is located at the end of a residential road with the nearest neighbouring property is the recently constructed apartment block. The proposed development is sited at the base of a sloping earth embankment which is approximately 3.5 to 4 metres lower than the neighbouring apartment block meaning that any adverse impact on residential amenity is unlikely. There is a minimum separation distance of approximately 24 metres increasing to a maximum of 30 metres between the proposed development and the neighbouring apartment block. The benchmark for separation distances associated with apartments is 30 metres as stipulated by the Creating Places design guide. Whilst at points the proposed development does not have sufficient separation, the proposal is considered acceptable given the differing land levels, the indirect spatial relationship and the arrangements of the fenestration proposed on this two-storey part of the development. The narrow windows are either obscure glazed serving bathrooms or bedrooms are considered to be low occupancy rooms which would not contribute to an unacceptable level of overlooking within the urban area.

Of the approved dwellings located to the south of the site, the closest is the dwelling on site 1 as approved under planning application Ref: T/2005/1063/RM. There is approximately 30 metres between the proposed development and this site which is sufficient to mitigate any concerns of overlooking or overshadowing. The proposed balconies, which typically can impact upon neighbour amenity, are located on the western elevation and do not contribute to any overlooking of neighbouring properties, therefore, the proposal satisfies criterion h of Policy QD1 of PPS7.

Access, Movement and Parking

It is considered that the proposed development provides an adequate access arrangement and a sufficient level of parking provision within the site. DfI Roads has been consulted and has raised no objection to the proposal.

The Creating Places guidance document sets out the parking standards, requiring a total of 12 unassigned parking spaces or 14 assigned spaces for a development of this size. The proposal includes 12 unassigned car parking spaces which is acceptable in terms of quantity, however, the parking provision has been deemed inappropriate given the aforementioned practical issues it creates for residents.

Policy QD 1 of PPS7 requires developments to provide adequate and appropriate parking provision, and a movement pattern that supports walking and cycling, meets the needs of people whose mobility is impaired. The proposed development supports increased walking, however, the raised walkway and distance between the car park and building entrances may not be suitable for those whose mobility is impaired, therefore, the proposal is not considered to comply with criteria 'e' and 'f' of Policy QD 1 of PPS7.

Impact on Protected Trees

Criterion 'b' of Policy QD1 requires landscape features to be identified and where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development scheme. The trees on site benefit from a Tree

Preservation Order (Ref: TPO/2023/0002/LA03). The agent has identified these features and a tree survey report (Documents 07, date stamped 17th July 2023 and 08, date stamped 8th September 2023) has been submitted, supported by a tree constraints plan (Drawing Number 11, date stamped 17th July 2023), a tree protection plan (Drawing Number 13, date stamped 8th September 2023) and a tree protection fence plan (Drawing 12/1, date stamped 8th September 2023).

The trees, which are located to the northwest and southeast of the proposed apartment block are to be protected by a 2.05-metre high protective fence during the construction phase as shown on Drawing Number 13, date stamped 8th September 2023. The erection of the temporary fence protecting the group of trees to the northwest of the building will offer sufficient protection with conditions applied.

In relation to the three trees located immediately to the southeast of the building, the two storey portion of the development encroaches into the root protection area which will cause damage to these trees. The tree survey advises that tree T8 is a poor beech and T9 is a fair beech, both recommended for crown clean and reduction. The agent has stated that the proposed building corresponds spatially to the existing building and their root systems are already slightly curtailed.

RPAs include stability roots and fine feeding roots, which are vital for absorption of water and minerals. Approximately 90% of a trees feeding roots are within the upper 6 to 12 inches of the soil. The existing building is the remaining shell of a single storey stone outbuilding which would have little by the way of foundations. It is possible that roots from these trees have spread underneath the existing building. In addition to the probability of the foundations required for the apartment block severing part of the root system, there will likely be compaction due to the weight of the development. Roots systems require space, air and water for trees to grow best and compaction tends to result in a tree starved of oxygen and nutrients which leads to disease.

A further concern is that these trees, which have a height of approximately 23 to 24 metres, are located on a slope and are exposed to wind. The potential for wind damage combined with the stability of the tree being undermined by the development, gives rise to concerns of a tree falling on the proposed development causing damage to property and to the future occupants. It is considered that the proposed development fails to secure sufficient protection to those trees which are the subject of a Tree Preservation Order and also fails to comply with criterion 'b' of PPS 7, Policy QD 1.

Natural and Built Heritage

Whilst the adjacent Six Mile Water River is hydrologically linked to Lough Neagh which is a site of international protection, there is a suitable buffer in excess of the recommended 10 metres distance between the development and the watercourse and therefore the proposal is not considered to have a significant impact.

Priority habitat, in the form of ancient and long-established woodland, lies immediately to the east of the application site. Policy NH 5 'Habitats, Species or Features of Natural Heritage Importance' of PPS 2 'Natural Heritage' states that planning permission will only be granted for a development proposal that is not likely

to result in the unacceptable adverse impact on, or damage to known priority habitats or species.

DAERA Natural Environment Division (NED) has reviewed the submitted Preliminary Ecological Appraisal (Document 04) and is content with the proposal subject to conditions. NED comments that if external lighting is proposed that it is wildlife friendly and that there is no direct illumination of boundary trees or the Six Mile Water River. NED also recommends the inclusion of native species of planting to enhance biodiversity on the site.

The Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 14th March 2023. This found that the project would not have an adverse effect on the integrity of any European site.

In relation to archaeology and built heritage, HED advises that the proposal satisfies PPS 6 subject to conditions for the agreement and implementation of a developer funded programme of archaeological works. This should include an Industrial Heritage Survey of the building in order to record extant historical remains prior to demolition.

Flood Risk

The updated data as set out in the revised Flood Risk Assessment, Document 01/1, date stamped 17th July 2023 advises that the application site is partially in the 1 in 100 fluvial floodplain of the Six Mile Water River.

The proposal alters the land levels and increases the finished floor levels to 25.60 AOD providing a freeboard in excess of the recommended 600mm for developments in floodplains. DfI Rivers were consulted on the updated FRA and their response, due 5th September 2023, remains outstanding. The extent of possible flood risk cannot be ascertained in the absence of the DfI Rivers response and therefore a refusal reason has been added in this regard as a precautionary approach.

Other Matters

There appears to be a foul pumping station located outside of the red line of the application site as shown on Drawing Number 02/3, date stamped 8th September 2023. Clarification was sought from the agent on its relevance to the application. The agent confirmed that foul sewage is to be disposed of by mains and the pumping station is required due to the level difference between the site and the mains. The agent stated that the pumping station was approved as part of planning application Ref: LA03/2018/0785/F and is yet to be adopted by NI Water. However, the approved plans of Ref: LA03/2018/0785/F and Ref: LA03/2016/0270/F under which a pumping station was approved to serve the dwellings, now known at Kirbys Meadow, granted a different location and orientation for the pumping station than is indicated on the plans.

CONCLUSION

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

- The principle of development is acceptable;

- The design, layout and appearance of the development is not acceptable;
- It is considered that the proposal detracts from the character and the appearance of the area;
- It is considered that the proposed development will not have a detrimental impact on neighbour amenity;
- The access, movement and parking arrangements are not acceptable;
- It is considered the proposal will not have a detrimental impact on features of the natural or built heritage;
- It is considered the proposal will have a detrimental impact on protected trees;
- The proposal's impact on flood risk is undetermined; and
- Matters of sewage disposal have not been addressed.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments, and Policy LC1 of the second Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, in that the proposed development represents an overdevelopment of the site as:
 - a) it does not respect the surrounding context and is considered to be inappropriate to the character of the site in terms of layout, structures and landscaped and hard surfaced areas;
 - b) inappropriate and insufficient levels of private amenity space have been proposed as an integral part of this development;
 - c) the layout of the proposed development will have a detrimental impact on the protected trees in the vicinity of the site; and
 - d) the movement pattern does not meet the needs of those whose mobility is impaired and the parking provision is inappropriate.
2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy FLD 1 of Planning Policy Statement 15 in that the proposed development would, if permitted, be located within the Q100 fluvial flood plain, and would be at risk from flooding and is likely to increase the risk of flooding elsewhere.
3. The proposal is contrary to the provisions of the Strategic Planning Policy in that the proposed development would, if permitted, not have a suitable means of sewerage disposal as the proposed pumping station which needs to be developed to service the development is located outside the application site.



Site Location Plan

Application Reference: LA03/2022/1047/F

Location: 9 Nursery Park, Muckamore, BT41 1QR

Proposal: Proposed erection of 7no. apartments to replace dwelling and workshop, with associated parking, access and landscaping.



Site boundary



COMMITTEE ITEM	4.5
APPLICATION NO	LA03/2022/0795/O
DEA	DUNSILLY
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	Proposed dwelling and garage in an existing cluster
SITE/LOCATION	40m Northeast of 55 Hollybank Road, Parkgate, Ballyclare, BT39 0DL
APPLICANT	Mr A G Scott
AGENT	Robert Logan - Chartered Architect
LAST SITE VISIT	5 October 2022
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located 40 metres to the northeast of No. 55 Hollybank Road, Parkgate which is located within the countryside and outside the development limits of any settlement designated in the Antrim Area Plan 1984-2001.</p> <p>The application site is a section of a larger agricultural field. The topography of the site is relatively flat in the western corner, rising sharply to the east. The site is undefined along its northeastern and southeastern boundaries. The southwestern boundary is defined by a mixed hedgerow approximately 3 metres in height, with interspersed trees up to 5 metres in height. The northwestern boundary is defined by post and wire fencing abutting a laneway.</p> <p>The application site is located within the countryside whereby dwellings and agricultural outbuildings are typically spread throughout intermittently; however this stretch of the Hollybank Road has a unique character whereby there is a clustering of dwellings located along the Hollybank Road.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2005/0060/O Location: 80m South East of 57 Hollybank Road, Parkgate. Proposal: Site of dwelling and garage. Decision: Permission Refused (09.11.2005) Appeal Dismissed (12.02.2007)</p> <p>Planning Reference: T/2005/0059/O Location: 90m South East of 57 Hollybank Road, Parkgate. Proposal: Site of dwelling and garage. Decision: Permission Refused (09.11.2005) Appeal Dismissed (14.02.2008)</p>	
PLANNING POLICY AND GUIDANCE	
Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.	

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

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

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

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

PPS 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.

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

CONSULTATION

Council Environmental Health Section – No objection.

Northern Ireland Water – Refusal due to nuisance caused by proximity to waste water treatment works.

Department for Infrastructure Roads – No objection, subject to condition.

DAERA: Natural Environment Division – No objection.

Shared Environmental Services – No objection.

REPRESENTATION

Eight (8) neighbouring properties were notified and eight (8) letters of objection have been received from three (3) neighbour notified properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (<https://planningregister.planningssystemni.gov.uk>).

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

- The location lacks a focal point or cross roads for a cluster to be associated with;
- Intrusion into the open countryside;
- Impact on residential amenity;
- Bounded only on one side by other development due to an abutting burn between the application site and other buildings;
- Increase in traffic activity in the area impacting upon amenity;
- Roads safety concerns;
- Potential prominence and domineering impact;
- Deviation from the existing character of the area;
- Further intensification of development;
- Lands form part of a farm and therefore cannot be linked to a cluster;
- The houses at Nos. 53, 55, 57 and 57a Hollybank Road are a ribbon of development and not a visual cluster;
- Insufficient screening to secure the privacy of neighbouring dwellings;
- Lack of integration;
- The proposed dwelling would be completely enclosed by other dwellings which is unprecedented in the surrounding location; and
- The topography of the site gives rise to increased overlooking.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in

document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of new dwellings in existing clusters in accordance with Policy CTY 2a. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

The application site is located within an agricultural field, set to the east of an existing ribbon of four (4) dwellings along a section of the Hollybank Road. The ribbon consists of Nos. 53, 55, 57 and 57a Hollybank Road, with Nos. 53, 55 and 57 having direct frontages onto the Hollybank Road. A further six (6) dwellings are located opposite and on the western side of the Hollybank Road. There is a cluster of dwellings along this section of the Hollybank Road, which appears as a visual entity in the local landscape. It is recognised that whilst Policy CTY 2a of PPS 21 lists a number of examples of what may constitute a focal point, this list is not prescriptive and depends largely on the context of the locality. In this case, the visibly built up nature of this section of the Hollybank Road provides a clear focal point, as it exhibits an uncharacteristically concentrated pattern of development in the countryside, which normally takes the form of interspersed dwellings and buildings. It is therefore considered that the focal point in this case is provided by the built-up arrangement of the buildings in this countryside location.

The application site has a mature hedgerow along its southwestern boundary, which provides a suitable degree of enclosure. Whilst it has been noted by an objector that a burn runs along the northwestern boundary with No. 57a Hollybank Road, the application site still abuts Nos. 55 and 57a Hollybank Road, which for the purpose of the policy means that the site is bounded on two (2) sides. However, the application site will be set to the east and to the rear of the ribbon of four (4) dwellings that front onto the Hollybank Road. The policy requires that the development can be absorbed into the existing cluster. In this case it is not considered that there would be a visual intrusion into the open countryside, but would sufficiently round off the existing cluster of development, by the development of the site. It is therefore considered that the proposal would consolidate the existing cluster, respecting the existing pattern of development exhibited in the area and therefore the principle of development has been established on the application site.

Impact on Character and Appearance of the Area

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is noted that the application seeks outline planning permission and therefore only a concept design for the siting of the dwelling and garage has been received. The application site is set to the east (rear) of an existing linear form of development along a section of the Hollybank Road. It is acknowledged that there is a visual clustering of dwellings within this location. It is considered that the development of the application site will consolidate the cluster

without resulting in the expansion of development further into the open countryside and would not appear as a prominent feature within the countryside.

It is acknowledged that the existing tree lined hedgerow along the southwestern boundary will reduce the visibility of a dwelling and garage; however, there will be a brief visible presence of the proposed buildings when travelling southwards along the Hollybank Road. In addition, a number of points have been raised by the objectors regarding the impact this proposal will have on the surrounding area. These include the intensification of dwellings along this section of the Hollybank Road, prominence and integration. It is accepted that the existing pattern of development will lead to a greater concentration of dwellings, however it is considered that the addition of a dwelling on the application site will round off the existing cluster and will not significantly intensify the dwellings along this section of the Hollybank Road.

Regarding the concerns raised by objectors with respect to prominence and the integration of the proposed dwelling, it is considered that the existing landscaping will provide sufficient screening for a carefully designed and sited dwelling. The topography of the land rises sharply to the east and in order to ensure that a dwelling within the application site would not be prominent, a siting condition and ridge height condition will be added to ensure a dwelling and garage within the application site will integrate into the landscape in this countryside location. It is considered that a suitably designed dwelling on the site will comply with Policies CTY 13 and CTY 14 of PPS 21.

Neighbour Amenity

A number of concerns were raised by objectors relating to the impact the proposal may have on residential amenity, including insufficient screening to secure the privacy of neighbouring dwellings and the complete enclosure of No. 55 Hollybank Road by other development should the development proposal be approved. It is acknowledged that the proposed relationship with both Nos. 55 and 57a Hollybank Road would need to be considered carefully in the design of a proposed dwelling and garage within the application site at Reserved Matters stage, to ensure that there are no inappropriate views towards the private amenity areas of these dwellings. The existing boundary vegetation is considered suitable to provide screening between the application site and No. 55 Hollybank Road. Furthermore, whilst No. 55 Hollybank Road is bounded on all sides by other development, it is considered that this should not have a significant impact on the amenity of the residents of this dwelling subject to an appropriately designed dwelling within the application site. The topography of the application site and the southwestern boundary with No. 55 Hollybank Road, if not fully considered could impact upon the residential amenity, privacy and perception of dominance experienced at this neighbouring dwelling.

The proposed Site Plan, Drawing Number 03 date stamped 1st February 2023 displays an indicative layout and orientation of the proposed dwelling and garage. Concerns were raised by an objector stating that the area in which the dwelling is proposed to be sited has rising ground levels. However, as stated above, a siting condition could be imposed to ensure a dwelling and garage within the application site will integrate into the landscape. In addition, the separation distance of 33m, in combination with the orientation of the proposal in relation to the neighbouring dwelling and existing boundary treatments, are considered sufficient mitigating factors to address

concerns relating to the amenity of neighbouring dwellings.

Overall, it is considered, that an appropriately designed dwelling and garage would ensure that there would be no significant impact on the amenity of neighbouring dwellings.

Road Safety

The application site seeks to take access directly off the Hollybank Road from a laneway to the north of No. 57 Hollybank Road. The Department for Infrastructure (DfI) Roads was consulted on the application and requested amendments to show visibility splays of 2.4 metres by 70 metres in both directions and Certificate C of the P1 form amended to show notice has been served on the third party land required for the provision of the visibility splays. It is noted that one of the objector's points relates to road safety and they state that the applicant cannot sufficiently demonstrate that access can be taken safely off the Hollybank Road.

An amended access arrangement was provided by the agent in a revised Site Location Plan, Drawing Number 01/1, date stamped 24th October 2022. Following re-consultation, DfI Roads has not provided any objection to the proposed access arrangement subject to the inclusion of two (2) planning conditions which can be attached to any grant of planning permission should it be forthcoming. Given that DfI Roads have no objections in relation to road safety, it is considered that the proposed access arrangements are acceptable.

Other Matters

NI Water

NI Water was consulted on this planning application and has provided an objection relating to the proximity of the application site to a waste water treatment works (WWTW) and the potential for nuisance and odour as a result. NI Water has stated that an assessment is required to determine whether the level of odour at the application site will be impacted by the nearby WWTW. As the relevant authority in determining the impact on health and wellbeing, the Council's Environmental Health Section was consulted and has provided no objection to the proposal regarding the potential impact of odour. It is considered that further surveys on odour are not required and therefore were not requested.

Ecology and Hydrology

The application site has a watercourse running along its northwestern boundary. Shared Environmental Services (SES) was consulted and has advised that the application site is hydrologically connected to Lough Neagh Ramsar and SPA and requested ecological surveys to be completed by a suitably qualified ecologist to establish the potential impact this proposal may have on the downstream environment. A NI Biodiversity Checklist, Document 01 date stamped 7th June 2023 was received and the Natural Environment Division within the Department of Agriculture, Environment and Rural Affairs (DAERA) was consulted and offered no objections to the proposal, but referred the applicant to the DAERA Standing Advice.

Objections

An objector stated that the application site is located within part of a wider farm and therefore cannot be considered under Policy CTY 2a of PPS 21. For clarification on this matter, the policy refers to buildings within a farm, which cannot form part of the

cluster; it does not refer to land within the farm holding. To do so would remove the ability for a dwelling to be approved in the countryside which is not the intent of the Policy.

An objector also raised concerns regarding a Right Of Way. Should the proposal be considered appropriate, an informative is to be attached which notes that the grant of planning permission does not alter or extinguish or otherwise affect any existing or valid Right Of Way crossing, impinging or otherwise pertaining to these lands.

CONCLUSION

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

- The principle of the development is acceptable on the application site;
- The proposal will not have a negative impact on the character and appearance of the area;
- A suitably designed dwelling will not significantly impact on the amenity of the neighbouring dwellings;
- It has not been demonstrated that the access will not prejudice the safety and convenience of other road users;
- DAERA and SES note that the proposal will not negatively impact on the Lough Neagh SPA and Ramsar site; and
- The points raised by the objectors have been considered.

RECOMMENDATION

GRANT OUTLINE PLANNING PERMISSION

PROPOSED CONDITIONS

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. The proposed dwelling and shall be sited in the area shaded orange on the approved plan Drawing 01/1, date stamped 24th October 2024.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

4. The proposed dwelling shall have a ridge height of less than or equal to 6.5

metres above finished floor level and a low angle of roof pitch not exceeding 45 degrees.

Reason: To ensure that the development is satisfactorily integrated into the landscape.

5. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

6. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access location to be constructed and other requirements in accordance with the attached RS1 form.

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

7. The existing natural screenings of the site including the retention of existing trees, hedgerow as indicated in green on Drawing Number 01/1, date stamped 24th October 2024, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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

8. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

9. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. The landscape plan shall include the retention of existing trees, hedgerow and scrub as indicated in green on Drawing Number 01/1, date stamped 24th October 2024.

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

10. 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.

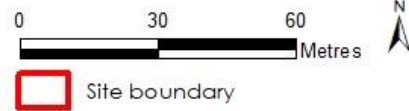


Site Location Plan

Application Reference: LA03/2022/0795/O

40m North East of 55 Hollybank Road, Parkgate, Ballyclare, BT39 0DL

Proposed dwelling and garage in an existing cluster



COMMITTEE ITEM	4.6
APPLICATION NO	LA03/2023/0459/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Two storey extension (2,794 gross sqm external) to the existing Sports Centre to include: a gym; fitness suites; physio room; student sports clubhouse with bar; teaching/event space; extended reception area; internal café space; changing rooms; equipment stores; plant rooms and ancillary multipurpose rooms. Associated site development works include soft and hard landscaping, footpath provision, electrical substation and all services.
SITE/LOCATION	Ulster University Jordanstown Sports Centre, land adjacent to UUJ Sports Centre, Shore Road, Newtownabbey, BT37 0JB
APPLICANT	Ulster University
AGENT	Braniff Associates
LAST SITE VISIT	18 August 2023
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: Alicia.leathem@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The site relates to an area of 2.86 hectares of land located within the Ulster University Campus at Jordanstown on lands adjacent to the existing Sports Centre. The lands fall within the settlement limit of Metropolitan Newtownabbey and on lands zoned as reserved for Landscape, Amenity or Recreation Use, as defined within the Belfast Urban Area Plan (BUAP) 2001. The draft Belfast Metropolitan Area Plan (dBMAP) also defines the site within the settlement limit of Metropolitan Newtownabbey and within a zoned LLPA (MNY 46) with a section of the lands to the northwest of the application site also zoned as open space.</p> <p>The application site is located within the wider Ulster University Campus and has been historically used for educational purposes. A Sports Centre of Excellence currently exists and operates from the site. The proposed extension is to the western gable of the existing high-performance centre which is located between the main campus and the sports pitches and consists of an area of hardstanding currently utilised for parking.</p> <p>It is noted that elements of the University buildings are currently not in use, however, ongoing educational and leisure uses still continue to operate from the site including the use of adjacent sport pitches. Additionally residential student accommodation is also located within the wider Campus site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2013/0147/O</p> <p>Location: University of Ulster Jordanstown Campus, Shore Road, Newtownabbey, BT37 0QB</p>	

Proposal: Redevelopment masterplan for a mixed-use scheme including 600 dwellings; village centre (providing local retail, office and services facilities); relocated playing pitches; a research and development park and retention of existing facilities (sport centre, student accommodation and FireSERT research building).

Decision: Appeal Dismissed (3/11/2016)

Planning Reference: U/2004/0576/F

Location: University of Ulster, Jordanstown Campus, Shore Road, Newtownabbey. BT37 0QB

Proposal: High performance sports building (HPC Building) resurfacing of pitches including floodlighting, with associated siteworks and parking.

Decision: Permission Granted (20/09/2005).

Planning Reference: U/2001/0486/F

Location: University of Ulster, Jordanstown Campus, Newtownabbey, BT37 0BQ

Proposal: Technology, Engineering and Innovation Centre. Research Laboratories and Information Technology Building to serve university activities plus extensions to existing car parks.

Decision: (Permission Granted (17/11/2001)

Planning Reference: LA03/2022/0718/PAN

Location: Lands approx. 190m NW of 44 Langley Hall Newtownabbey BT37 0FB and 275m NE of 46 Jordanstown Road Newtownabbey BT37 0QG adjacent to existing High Performance Sports Centre Ulster University, Jordanstown Campus, Shore Road Newtownabbey, BT37 0QB

Proposal: Two storey extension (circa 2,840 gross sqm) to the existing High Performance Sports Centre to include a gym, fitness suites, physio room, student sports clubhouse, teaching/event space, extended reception area, changing rooms, equipment stores and ancillary multipurpose rooms. Associated site development works include soft and hard landscaping, all services, plus part realignment of internal access road.

Decision: PAN Concluded (08/09/2022)

PLANNING POLICY AND GUIDANCE

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

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

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

with the provisions of the SPPS itself.

Belfast Urban Area Plan (BUAP): The application site is located within the settlement limit of the Belfast urban area. The plan designates the application site as being with an area as 'Lands Reserved for Landscape, Amenity or Recreation Use'. The Plan offers no specific guidance on this proposal.

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The Plan identifies a section of the application site as 'An Area of Existing Open Space'. The site is also within the University of Ulster Local Landscape Policy Area (MNY54).

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section: No objection subject to conditions.

Northern Ireland Water: No objection.

DfI Roads: No objection.

DfI Rivers: No objection.

DAERA NIEA Regulation Unit: No objection subject to conditions.

REPRESENTATION

No neighbouring properties were notified as no other properties about the application

site.

It is noteworthy that during the Pre-Application Community Consultation (PACC) no objections to the proposal were made, on the contrary there was broad support for it which is summarised within the PACC report (Document 03).

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Legislative Framework

Environmental Impact Assessment

As the development falls within Schedule 2, Category 2, 10 (b) (urban development projects) of the Environmental Impact Assessment Regulations (Northern Ireland) 2017, the Council is obliged under Regulation 12 (1) of these Regulations to make a determination as to whether an application is or is not EIA development. An EIA Screening Determination was carried out and it was determined that the planning application does not require to be accompanied by an Environmental Statement.

Pre-Application Notice

The application falls within the major category as prescribed in the Development Management Regulations. Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application. Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted.

A PAN (ref: LA03/2022/0718/PAN) was submitted to the Council and was deemed to be acceptable on 8th September 2023. The Pre-Application Community Consultation Report (PACC) (Document 03) submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

Policy Context and Principle of Development

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, however, the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a

consequence, the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application.

The lands fall within the settlement limit of Metropolitan Newtownabbey and on lands zoned for Landscape, Amenity or Recreation Use, as defined within the Belfast Urban Area Plan (BUAP) 2001. The Ulster University Jordanstown Campus forms part of the Greenisland Landscape Wedge under Policy L5 of the BUAP which indicates that wedges should be protected from development to the greatest possible extent and, where appropriate, used positively for amenity and recreation purposes. The draft Belfast Metropolitan Area Plan (dBMAP) also defines the site within the settlement limit of Metropolitan Newtownabbey and within a zoned LLPA (MNY 54) with a section of the lands to the northwest of the application site also zoned as existing open space.

The proposal seeks full planning permission for an extension to the western gable of the existing high-performance sports centre, which is located within Ulster University Campus between the main building and the existing sports pitches. The proposed building footprint currently comprises an area of hardstanding currently utilised for parking. Policy OS4 of Planning Policy Statement 8 'Sport and Outdoor Recreation' (PPS8) deals with Intensive Sports Facilities and by a general rule of thumb directs them to be situated within settlements, save for a number of exceptions. In this case the proposal is within the settlement of Metropolitan Newtownabbey, furthermore, the principle of a high performance sports centre at this location was previously accepted under an earlier grant of planning permission Ref: U/2004/0576/F. The facilities currently available within the existing centre include an indoor 3G pitch, a wellness and health suite, athletics area, sports hall, strength suite, gym and two squash courts with outdoor facilities including grass pitches, tennis courts, water based pitch and outdoor 3G pitch.

As the application site also incorporates a section of existing open space, Policies OS 1 of dBMAP and OS1 of PPS8 are also applicable. Policy OS1 of dBMAP states that planning permission will not be granted for alternative uses or inappropriate forms of development on land identified for the provision of open space. Furthermore, the SPPS and PPS8 also support the narrative that there will be a policy presumption against the loss of open space to competing land uses, irrespective of its physical condition and appearance. The section of lands identified as existing open space within the application site are utilised for existing sports pitches and will remain unaltered and unaffected by the current proposal. No part of the footprint of the proposed development is located on open space lands and therefore there is no loss of existing open space.

In conclusion, the principle of an extension to the existing high performance sports centre is acceptable subject to all other policy and environmental considerations being met.

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

Policy OS4 of PPS8 requires that all buildings or structures for intensive sports centres are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.

The proposed extension is to the western gable (front) of the existing high-performance centre which is located between the main campus and the sports pitches. The proposed extension is arranged as a 'u' shape and is interlinked with the main building via two linkways on the ground floor with one link path on the first floor. The new facilities will be part replacement of existing facilities, which are accommodated in the main campus building. The proposed extension extends along the majority of the existing frontage, measuring approximately 67 metres in width with a depth of approximately 36 metres at its widest point. The proposal has a flat roof with a ridge height of 8.8 metres at its highest point which sits lower than the existing centre therefore appearing subordinate. The proposed building has drops in the roof line due to differing ground levels which results in a varied roof line along the frontage which helps to break the appearance of an extensive solid roof massing.

The floorspace provided by the proposed extension measures some 2,794sqm gross external floorspace which is split across two floors. The ground floor provides accommodation for a clubhouse (bar and café), kitchen, reception area, hot desk provision, shower and changing facilities and ancillary storage areas. The first floor provides accommodation for a gym, spin studio, physio, communication and first aid rooms and a teaching theatre. The finishes of the proposal are notably typical of that found on educational buildings including brickwork, cement cladding, render and glazing. A section to the northern gable of the proposed extension refers to a graphic zone which will be subject to separate advertising consent. Should planning permission be forthcoming an informative will be placed on any decision notice to advise that a separate consent is needed for this matter.

The proposal will result in a loss of a small area of amenity landscaping and existing trees, which are located along the front and the edge of the existing parking area. The proposal includes the provision of hard and soft landscaping to the front (western) and side (northern) of the proposed extension. This takes the form of natural granite pavers to the entrance area, new grass surface areas and new tree planting. A number of walls and railings are included which range from 1.1 metres in height to 1.7 metres in height. The application site lies within the expansive TPO/2008/0003 of the Ulster University site, however, there are no protected trees located within the site itself. The Root Protection Area of the closest protected tree in the region of 14 metres from the proposed development. The Council's Tree Preservation Officer has indicated that there will be no detrimental impact upon the amenity of the nearby protected tree.

Policy OS4 of PPS 8 also requires any proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport. As the proposal is for an extension to an existing facility, the location is a foregone conclusion, however, the proximity to a strong public transport network is notable with Jordanstown railway halt located to the western periphery of the University campus. The current proposal includes a level surface access and new public footpaths defining the outer edge of the development with an internal lift shaft evident on the floorplans.

The main body of the application site is currently utilised for car parking associated with the Ulster University campus and the existing sports centre. The wider university campus buildings are located to the immediate northeast and southwest, with playing fields located to the northwest and parking provision to the west. Residential uses associated with the campus are located to the southwest with further residential

properties located further to the west and south of the site, outside the immediate periphery of the campus site. Given the vast scale of the wider site, visual impacts of the proposal are limited to within the Jordanstown Campus and playing fields. The style and appearance of the extension is reflective of standard educational style buildings with the extension remaining subordinate to the existing high performance centre. The visual impact on the character and appearance of the area is therefore not likely to be significant.

For the reasons outlined above it is considered that the design, layout, appearance and landscaping of the building including its scale and massing are considered acceptable within the context of the site and surrounding area.

Neighbour Amenity

Policy OS4 of PPS 8 requires that there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated. Residential properties associated with the university are located to the southwest, within the confines of the university campus. Other private residential properties are located in excess of 300 metres further to the west and south of the proposed building just outside the boundaries of the university campus. The proposal seeks permission for activities associated with the existing high performance sports centre. The existing sports centre opening times are 7am-10pm Monday – Friday and 8.30-5.30pm Saturday and Sunday. These opening hours are not controlled by way of any planning condition, rather, they are the normal operating hours of the facility. Taking into consideration the context of the wider site and the separation distance from any neighbouring properties it is considered that the proposed extension will have minimal impact on the amenity of nearby residents and it is not necessary to impose any restriction on the hours of operation for the facility. Consultation was carried out with the Council's Environmental Health Section who raised no objections to the proposal.

Road Safety, Traffic, and Parking

With regards to transportation the SPPS aims to secure improved integration with land-use planning, to facilitate safe and efficient access, movement and parking. Additionally Planning Policy Statement 3 Access, Movement and Parking PPS 3 seeks to ensure that prejudice to road safety does not occur as a result of development. Policy AMP 2 of PPS 3 requires that any proposal will not prejudice road safety or significantly inconvenience the flow of traffic. Furthermore Policy OS4 of PPS8 requires that the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access and car parking.

The application site can be accessed via two existing accesses one off the Shore Road and the other off the Jordanstown Road. The access on the Shore Road is off a signalised roundabout, the access off Jordanstown Road is via a priority T Junction. Both roads have well maintained footways in all directions which benefit from street lighting, dropped kerbs and tactile paving. A Transport Assessment Form (TAF) (Document 07) and Travel Plan (Document 06) were submitted in support of the application. It is indicated within the TAF that as the proposal is for an extension and upgrade to the existing facilities that all traffic associated with the site is already existing on the local and wider road network. Additionally, it is highlighted that there

has been a massive reduction in traffic already at the site since the relocation of the Jordanstown Campus to Belfast in September 2021. Notwithstanding the expected nil increase in traffic generation, it is acknowledged that the application site is located within close proximity to a range of public transport provisions with strong cycle and pedestrian routes. DfI Roads has no objection to the access arrangements as proposed, it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

Collectively Policies AMP 1, AMP 7 and AMP 9 of PPS 3 require that an accessible environment is created with adequate provision for car parking and appropriate service arrangements and the design of the car parking layout is to a high standard of design, layout and landscaping. The proposal results in the loss of approximately 90 car parking spaces, however, it is highlighted within the TAF that there is currently a large excess of parking onsite after the decanting of 8,654 students and 925 staff from Jordanstown to Belfast. A parking survey which was carried out in October 2022 supports this assertion and indicates that there is a daily excess of over 1,100 spaces. It is therefore considered that the loss of 90 parking spaces as part of this application will not have a significant impact on the parking provision. It is considered that sufficient onsite parking is provided to serve the development.

Natural Heritage

Planning Policy Statement 2 sets out the Executive's commitment to sustainable development, conserving, and where possible, enhancing and restoring natural heritage. Policy NH5 states that proposals which are likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. Additionally OS4 of PPS 8 requires that there is no adverse impact on features of importance to nature conservation.

The majority of the application site is located on land which has been previously developed and which is currently utilised for parking. There is a small area of amenity landscaping and existing trees within the application site which will be lost due to the proposal, however, supplementary tree planting and grass areas are proposed as part of the proposal. The applicant has submitted a Preliminary Ecological Appraisal (PEA) (Document 04) in support of their application. The PEA concluded that the application site is of low ecological value due to the largely urban landscape and there is no natural habitat within the application site.

The application site is located between two watercourses known as Meadowbank Stream and Silver Stream. It is considered that given the separation distances and the level of existing built form located between the development site and the existing watercourses that the proposal will not give rise to any significant impacts. The impacts on protected or priority species, habitats along the watercourses and the impact on the hydrology of nearby designated sites have all been considered and are not significant.

Local Landscape Policy Area (LLPA)

Additionally, the site is located within the draft University of Ulster Local Landscape Policy Area (LLPA) (MNY 54). The features that are noted within dBMAP include archaeological sites and monument and their surroundings; a listed building and its surrounding including Dalriada; an area of local amenity importance including

playing fields and tennis courts and planned open space within the University of Ulster grounds and playing fields adjacent to Jordanstown Special School; an area of local nature conservation interest which comprises of grass swathes associated with the University planned open space and the landscape buffer and wildlife corridor between Silver Stream and development at Meadowlands.

In accordance with PPS 6 Planning, Archaeology and the Built Heritage, LLPAs are designated to help protect those areas which are considered to be of greatest amenity value, landscape quality or significance and are therefore worthy of protection from undesirable or damaging development. Policy ENV 3 of dBMAP states that in designated LLPAs, planning permission will not be granted for development that would be liable to adversely affect those features, or combination of features, that contribute to environmental quality, integrity or character. The policy also states that where riverbanks are included within LLPA's, planning permission will only be granted where access is provided to the river corridor as part of the development proposals.

The application site is located entirely within LLPA (MNY 54) including the existing building and carpark area. It is considered that there will be no significant effect on the LLPA as a result of the expansion of this extension to the sports centre other than a small loss of hardstanding utilised for parking and amenity landscaping.

Other Matters

Archaeology

Planning Policy Statement 6 (PPS 6) deals with archaeology and built heritage whilst Policy OS4 of PPS 8 requires that the proposed development has no adverse effect on the built heritage. Additionally the Key Site Requirements (KSR's) of the draft LLPA includes the protection of nearby historic monuments and listed buildings. Given that the application site is a brownfield site which is currently used for parking, the significant separation distance from Dalriada and the application site not located within a buffer zone for any protected monument, it is considered that there will be no significant impacts upon the built heritage or archaeological remains.

Flood Risk

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

A Drainage Assessment (Document 02) was submitted in support of the application and consultation was carried out with DfI Rivers, who have indicated that the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. DfI Rivers has reviewed the applicant's Drainage Assessment and advises that while not being responsible for the preparation of the Flood Risk Assessment, they accept its logic and have no reason to disagree with its conclusions.

NI Water Infrastructure

NI Water have acknowledged that although this part of Whitehouse catchment is operating at capacity, this proposal can be approved on the basis of no additional loading. NI Water goes on to note that the vast majority of students attending the

University of Ulster campus at Jordanstown have now transferred to the University of Ulster at Belfast campus, thereby creating hydraulic headroom to enable the approval of this proposal, as such NIW has no objections to the proposal.

Land Contamination

A Preliminary Risk Assessment (Document 05) and Generic Quantitative Risk Assessment (GQRA) (Document 08) were submitted in support of the application in relation to the potential for land contamination and any mitigation required. The GQRA notes that the risk to the water environment is very low and no further action is required in terms of land contamination. Consultation was carried out with DAERA's Regulation Unit Land and Groundwater Team (RULGW) and the Council's Environmental Health Section who are of the opinion that the proposed development is considered to be a low risk to the water environment and as such have no objection to the proposed development subject to recommended conditions.

CONCLUSION

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

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

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

2. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. 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. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

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

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

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

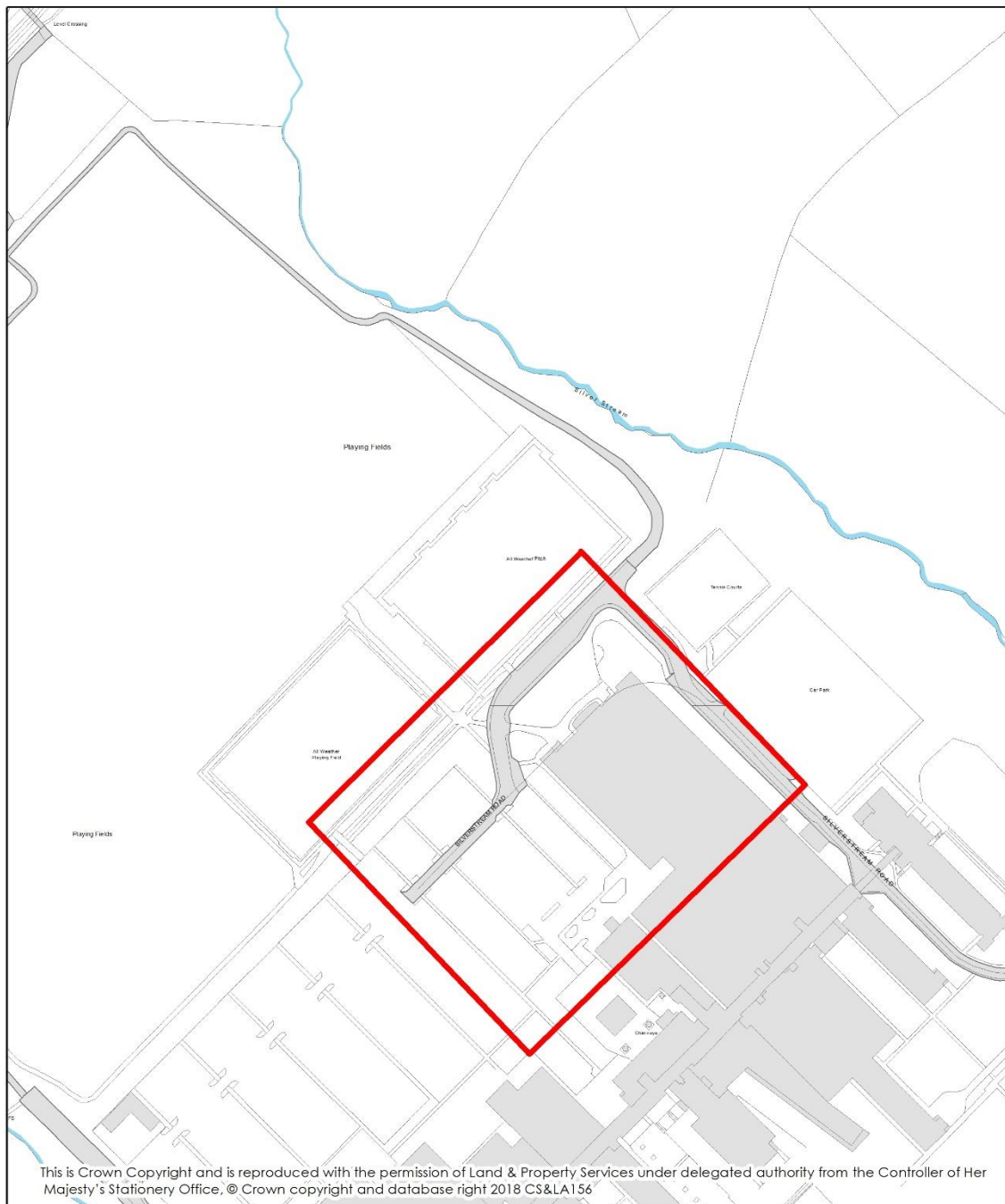
4. After completing the remediation works under Condition 2 and prior to occupation of the development, a Verification Report shall be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The Verification Report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

5. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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



Site Location Plan

Application Reference: LA03/2023/0459/F

Ulster University Jordanstown Sports Centre, Land adjacent to
UUJ Sports Centre, Shore Road, Newtownabbey, BT37 0JB

Two storey extension (2,794 gross sqm external) to the existing Sports Centre to include: a gym; fitness suites; physio room; student sports clubhouse with bar; teaching/event space; extended reception area; internal café space; changing rooms; equipment stores; plant rooms and ancillary multipurpose rooms. Associated site development works include soft and hard landscaping, footpath provision, electrical substation and all services.

0 60 120 Metres



COMMITTEE ITEM	4.7
APPLICATION NO	LA03/2023/0014/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Erection of 2 storey building comprising 2no apartments, access and associated site works (in substitution for 1no detached dwelling as approved under LA03/2022/0008/F)
SITE/LOCATION	Land 20 metres north-east of No. 1 Loughview Drive, Toomebridge, BT41 3UG
APPLICANT	JFM Construction
AGENT	MBA Planning
LAST SITE VISIT	June 2023
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
The full details of this application, including the application forms, relevant drawings, consultation responses and any representations made are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk.	
SITE DESCRIPTION	
<p>The application site is located on land 20 metres northeast of No. 1 Loughview Drive, Toomebridge. This is an area of land within the development limit of Toomebridge, as identified in the adopted Antrim Area Plan 1984 – 2001 and there are no designations or zonings applicable.</p> <p>More specifically, the application site relates to Site 11 as granted planning permission via Ref: LA03/2022/0008/F. As per the previous grant of planning permission, Site 11 accommodated a two storey detached dwelling (House Type D) along with its private amenity space and in-curtilage parking, which is provided in part via a separate single storey garage.</p> <p>At the most recent site visit in June 2023 no 'development' had commenced but existing landscaping at the western and eastern site boundaries of the lands associated with the core planning permission had been removed and the topography of the application site had been levelled.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2022/0008/F Location: Lands 20m south of 10 Railway Road and 20m West of 1-11 (odds) Loughview Drive, Toomebridge. Proposal: Erection of residential development comprising 7no detached dwellings and 4no semi detached dwellings, landscaping, access and associated site works (10no units access via development under construction 50m south west of 37 Main Street and 1no unit accessed from Loughview Drive). Decision: Permission Granted (31/10/2022)</p> <p>Planning Reference: LA03/2023/0012/F Location: Land 30 metres north-west of No. 1 Loughview Drive, Toomebridge (access via new development, Bannfield Way). Proposal: Erection of 2no semi detached dwellings, access and associated site works</p>	

(in substitution for 1no detached dwelling on site 7 as approved under LA03/2022/0008/F)

Decision: Current application

Planning Reference: LA03/2023/0013/F

Location: Land 20 metres west of Nos. 5-11 (odds) Loughview Drive, Toomebridge, (access via new development Bannfield Way).

Proposal: Erection of 2 storey building comprising 4no apartments, access and associated site works (in substitution for 2no detached dwellings as approved under LA03/2022/0008/F).

Decision: Current application

Planning Reference: LA03/2023/0113/F

Location: Lands to the south of No. 10 Railway Road and to the west of Nos 55 Main Street and nos 1-11 (odds), Loughview Drive, Toomebridge.

Proposal: Erection of residential development comprising 7no detached dwellings and 4no semi-detached dwellings - 10 units accessed via development under construction 50m SW of no 37 Main Street and 1no unit accessed from Loughview Drive (removal of conditions 9 & 10 and variation of condition 11 from planning approval LA03/2022/0008/F).

Decision: Current application

PLANNING POLICY AND GUIDANCE

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

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

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

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

Antrim Area Plan 1984 - 2001: The application site is located within the development limits of Toomebridge and there are no designations or zonings applicable. Paragraph 16.6 of the Plan is entitled "Unzoned Land" and states that within the development limit there are areas of undeveloped land which have not been zoned for a particular use. Some of these areas may be physically difficult to develop while some consist of small individual parcels. The planning authority will consider proposals

for development provided the uses are satisfactory for the locations proposed and that no physical or other problems are involved.

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection, subject to condition.

Northern Ireland Water – No objection.

Department for Infrastructure Roads- No objection.

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

REPRESENTATION

Thirteen (13) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

The application site is located within the development limit of Toomebridge in AAP and there are no designations or zonings applicable. Paragraph 16.6 of the Plan is entitled "Unzoned Land" and states that within the development limit there are areas of undeveloped land which have not been zoned for a particular use. Some of these areas may be physically difficult to develop while some consist of small individual parcels. The planning authority will consider proposals for development provided the uses are satisfactory for the locations proposed and that no physical or other problems are involved.

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

The application site forms a small portion of a larger residential development of some eleven (11) dwellings that has previously been granted planning permission via planning Ref: LA03/2022/0008/F, which was granted on the 31st October 2022. The earlier grant of planning permission is therefore extant and the developer has a valid fall-back position which is a significant material consideration in the assessment of the current development proposal. Notwithstanding that the developer has a valid fall-back position, the merit of the development proposal remains to be assessed.

In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained in the following PPSs which provide the relevant regional policy context for consideration of the proposal;

- PPS 7: Quality Residential Environments.
- PPS 3: Access, Movement and Parking.
- PPS 6: Planning, Archaeology and the Built Heritage; and
- PPS 15: Planning and Flood Risk.

The consideration of the merit of the development proposal in complying with the Plan's provisions for residential development, the creation of a quality residential environment and the requirements of regional policy and guidance are addressed in detail below.

Development Quality and Impact on Character and Appearance of the Area

This application seeks full planning permission for the erection of a 2 storey building

comprising 2no apartments, access and associated site works (in substitution for 1no detached dwelling as approved under Ref: LA03/2022/0008/F).

As part of the permitted residential development on the larger area of land which contains the application site, there was a range of seven (7) different house types in either a detached or semi-detached format. Several of the permitted house types appear elsewhere in the wider development known as 'Bannfield Way', which the development is to be accessed from, and which demonstrate the use of a limited range of building finishing materials. The range of permitted dwellings and their architectural appearance and finishing materials were considered to be acceptable in terms of their design and appearance and that they respected the context of the receiving environment.

The apartment building proposed in this application is 9 metres high to its peaked ridge, has a 7.5 metres frontage and is 12.4 metres deep for the main body of the building, extending to 14.5 metres deep when accounting for projections both front and rear. The palette of finishing materials comprises dark coloured roof tiles and buff coloured facing brick. These finishing materials are consistent with those of the other dwellings within the main body of the core planning permission.

It is considered that the gable wall of the proposed building will be visible for a distance of approximately 75 metres on Loughview Drive with the critical view beginning when adjacent to the front of the pharmacy building on Loughview Road and looking west towards the application site. Approaching the application site in a westerly direction from that point the proposed building will become increasingly apparent.

The proposed building is essentially 14.5 metres deep and 9 metres high to its peaked ridge. Given these characteristics and the length of the view towards the proposed building, it is considered that the proposed building will be unduly prominent and conspicuous in the streetscene with the otherwise flat and featureless elevation being broken up only by the presence of windows, one each on the ground and first floor.

Only the palisade fencing of the pharmacy car park provides any screening for the building, however, the effect of that screening is significantly decreased by the height of the fencing (approximately 2 metres) and that, as standard, there are gaps in between the vertical metal pieces of the fence.

It is noted that only two other dwellings permitted via the earlier grant of planning permission (Ref: LA03/2022/0008/F) have gable depths in excess of 10 metres. These are dwellings on plots 1 and 2. The dwelling on Plot 1 has a maximum depth of 13 metres, however the main body of the dwelling is only 10 metres deep. The extra 3m depth relates to a single storey rear return. This dwelling is placed between and in close proximity to one of the existing dwellings in Bannfield Way and the approved dwelling on Plot 2, which substantially reduces the visual impact of the overall depth of the dwelling on Plot 1.

The dwelling on Plot 2 is a double fronted house and has a maximum depth of 11 metres. It is debateable though as to whether this is the actual 'depth' of the gable in that the dwelling on Plot 2 is double fronted because it sits on a corner site within

the permitted layout of development for the core planning permission. It could be argued that the 11 metres measurement is the 'width' of the dwelling given its corner location and that its 'depth' is actually 6.8 metres. It is noted also that its proximity to the dwelling on Plot 1 mitigates the visual impact on approach to that plot moving northwards through the development. From this vantage point the 11 metres span of the wall is visible as one of the public faces of the building.

It is considered that there is no defined precedent for this form of development and the depth of the proposed building on Plot 11 fails to respect the site and surrounding context as the proposed building is visibly out of step with, and unrepresentative of, the character and appearance of other dwellings in the approved development. For the reasons set out above, it is considered that the proposed building will have an unacceptable impact on the local character and appearance of the area and this is contrary to the relevant policy provisions of the SPPS and PPS 7.

Neighbour Amenity

This development proposal seeks to introduce a building containing two apartments in substitution for a single two storey dwelling that was originally permitted on that area of land. There are two windows, one each at ground and first floor, serving the bathroom areas of each apartment. These windows are orientated westwards towards the dwelling permitted on Plot 7 of the earlier grant of planning permission or the two dwellings currently proposed in the concurrent planning application Ref: LA03/2023/0012/F on Plots 7a and 7b. Given that both apartment bathroom windows will be frosted, which is a matter that could be controlled by planning condition, it is considered that an acceptable relationship between the two areas of land would exist. It is not therefore considered that the development proposal will be subject to unacceptable overlooking from either the dwelling permitted on Plot 7 or the two dwellings now proposed on the same area of land as that associated with Plot 7.

With reference to the provision of amenity space it is noted that an area of 24 square metres is dedicated to the groundfloor apartment and set to its immediate rear with a 'green screen' separating this space out from the remainder of the communal amenity space, which equates to 100 square metres, which occupies the remainder of the rear of the plot. This space is communal and is for the use of both sets of potential future residents. With reference to guidance set out in 'Creating Places', it is considered that the development proposal provides for an acceptably sized and shaped communal amenity space to serve the proposed development. For the reasons set out above it is considered that the development proposal complies with the relevant policy provisions of the SPPS and PPS 7 and is therefore acceptable.

Other matters

Flood Risk: It is noted that the development proposal shall 'tie-in' with the drainage regime associated with the core planning permission, Ref: LA03/2022/0008/F, which has previously been determined as acceptable. For the reason set out above it is considered that the development proposal is compliant with the relevant policy provisions of the SPPS and PPS 15 and is therefore acceptable.

Access, Movement and Parking: The Department for Infrastructure Roads (DfI Roads) indicated in its consultation response that Private Streets Determination (PSD) drawings were required to inform the development proposal. Subsequent to that however, the agent suggested that a PSD was not required as the proposed building would be accessed from an existing adopted street (Loughview Drive) and no

alterations are proposed to that road. The agent also noted that the PSD associated with the core planning permission did not include the lands associated with the application currently being assessed. DfI Roads responded via e-mail stating that the site is not adopted at this time but that it has been 'determined.' DfI Roads finishes by indicating that an informative should be attached to any grant of planning permission stating that a Private Streets Determination is not required as the street has already been determined via Ref: LA03/2022/0008/F. It is considered that this development proposal does not fundamentally or otherwise significantly alter the road layout, which has previously been considered acceptable by DfI Roads. Additionally, an appropriate level of in-curtilage car parking has been provided. For the reasons set out above it is considered that the development proposal complies with the relevant policy provisions of the SPPS and PPS 3 and is therefore acceptable.

Natural Heritage and Water Quality: The application site forms a small section of a larger residential development that has been granted planning permission via Ref: LA03/2022/0008/F.

The lands associated with the previous planning permission are adjacent to the Toome Canal and hydrologically connected to Lough Neagh/Beg RAMSAR/SPA/ASSI. During the processing of the earlier grant of planning permission, the development proposal was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Services (SES) on behalf of Antrim and Newtownabbey Borough Council which is the Competent Authority responsible for authorising the project.

Following an Appropriate Assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advised the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching that conclusion, SES had assessed the manner in which the project is to be carried out including any mitigation, which requires to be controlled by planning condition, should planning permission be granted.

The Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, adopted the HRA report, and conclusions therein, prepared by SES. This found that the project would not have an adverse effect on the integrity of any European site. Given this conclusion it is considered that, subject to mitigation to be controlled via a planning condition, the development proposal can meet with the relevant policy provisions of the SPPS and PPS 2. The current proposal, forming a small portion of the larger area of land associated with the core permission, is considered therefore to be acceptable.

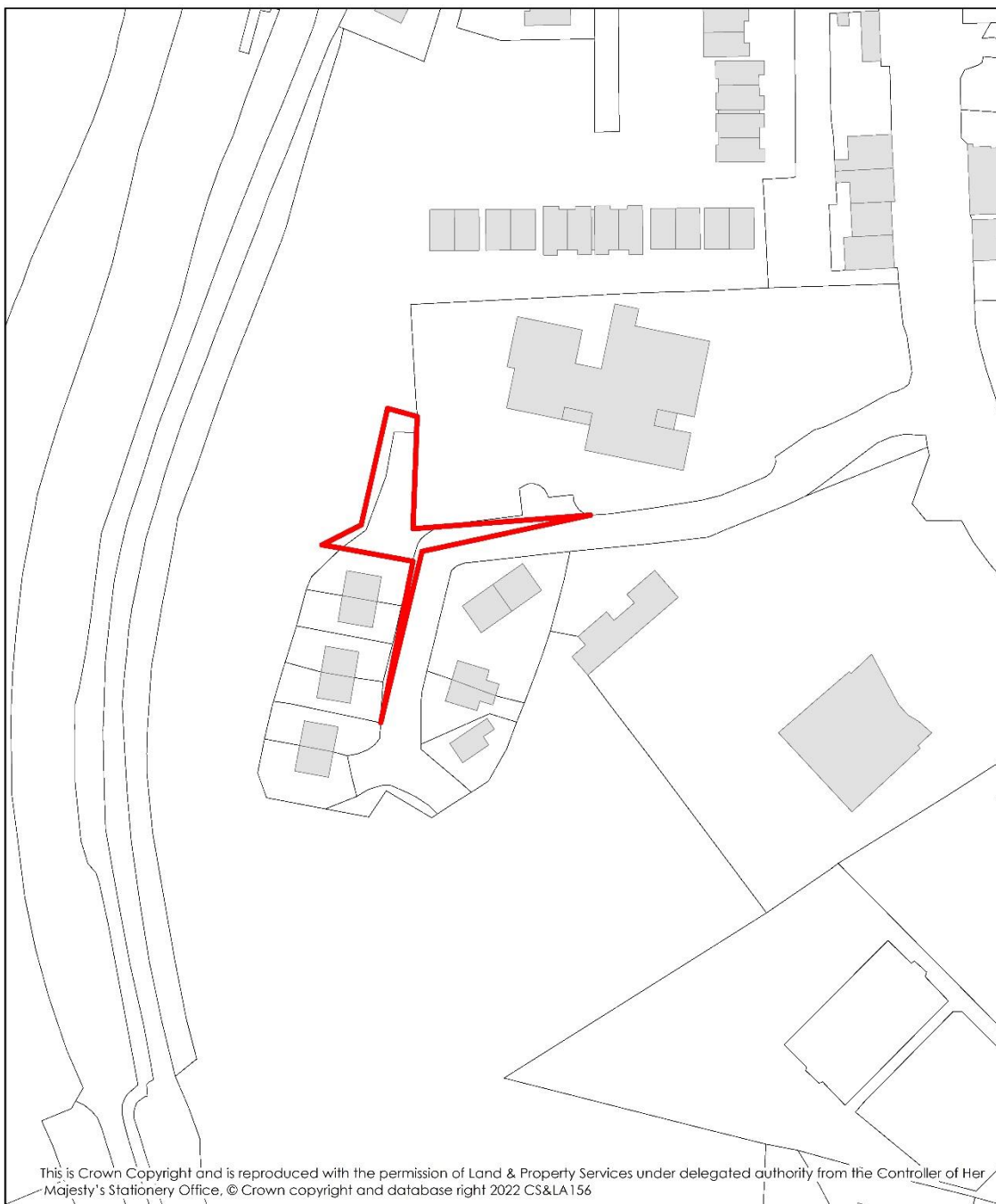
Contaminated Land

A Preliminary Risk Assessment and a Remedial Strategy were provided in support of the planning application that led to the previous planning permission being granted and which states that mitigation is required with respect to ground gas protection that may be harmful to human health. At that time, both the Council's Environmental Health Section and DAERA: Regulation Unit considered the relevant reports and both offered draft planning conditions in order to mitigate against unacceptable risks to human health and the environment respectively. Should planning permission be forthcoming, these conditions would require to be repeated.

CONCLUSION

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

<ul style="list-style-type: none"> • The principle of residential development upon the application site has previously been established and the core planning permission remains extant; • The design appearance of the development is unacceptable; • There shall be an unacceptable adverse impact to the character and appearance of the area; • There are no residential amenity concerns; and • There are no objections from consultees or interested third parties. 	
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASON FOR REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and criterion (a) of Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that the proposal fails to respect the site and surrounding context and the massing and appearance of the building will have an unacceptable impact on the character and environmental quality of the area. 	



Site Location Plan

Planning Reference: LA03/2023/0014/F

Location: Land 20m NE of 1 Loughview Drive, Toomebridge

Proposal: 2 storey building comprising 2no apartments, access and associated site works (in substitution for 1no detached dwelling approved under LA03/2022/0008/F)



Site Location



Scale: 1:2500



COMMITTEE ITEM	4.8
APPLICATION NO	LA03/2023/0012/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Erection of 2 No. semi-detached dwellings, access and associated site works (in substitution for 1no. detached dwelling on site 7 as approved under LA03/2022/0008/F)
SITE/LOCATION	Land 30 metres north-west of No. 1 Loughview Drive, Toomebridge (access via new development, Bannfield Way)
APPLICANT	JFM Construction
AGENT	MBA Planning
LAST SITE VISIT	June 2023
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
The full details of this application, including the application forms, relevant drawings, consultation responses and any representations made are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk.	
SITE DESCRIPTION	
<p>The application site is located on land 30 metres northwest of No. 1 Loughview Drive, Toomebridge (access via new development, Bannfield Way). This is an area of land within the development limits of Toomebridge, as identified in the adopted Antrim Area Plan 1984 – 2001 and there are no designations or zonings applicable to this site.</p> <p>More specifically, the application site relates to Site 7 as granted planning permission via Ref: -LA03/2022/0008/F. As granted planning permission, Site 7 accommodated a two storey detached dwelling (House Type A1) along with its private amenity space and in curtilage parking.</p> <p>At the most recent site visit in June 2023 no 'development' had commenced but existing landscaping at the western and eastern site boundaries of the lands associated with the core planning permission had been removed and the topography of the application site had been levelled.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2022/0008/F Location: Lands 20m south of 10 Railway Road and 20m West of 1-11 (odds) Loughview Drive, Toomebridge. Proposal: Erection of residential development comprising 7no detached dwellings and 4no semi detached dwellings, landscaping, access and associated site works (10no units access via development under construction 50m south west of 37 Main Street and 1no unit accessed from Loughview Drive). Decision: Permission Granted (31/10/2022)</p> <p>Planning Reference: LA03/2023/0013/F Location: Land 20 metres west of Nos. 5-11 (odds) Loughview Drive, Toomebridge, (access via new development Bannfield Way). Proposal: Erection of 2 storey building comprising 4no apartments, access and associated site works (in substitution for 2no detached dwellings as approved under</p>	

LA03/2022/0008/F).

Decision: Current application

Planning Reference: LA03/2023/0014/F

Location: Land 20 metres north-east of No. 1 Loughview Drive, Toomebridge.

Proposal: Erection of 2 storey building comprising 2no apartments, access and associated site works (in substitution for 1no detached dwelling as approved under LA03/2022/0008/F).

Decision: Current application

Planning Reference: LA03/2023/0113/F

Location: Lands to the south of No. 10 Railway Road and to the west of Nos 55 Main Street and nos 1-11 (odds), Loughview Drive, Toomebridge.

Proposal: Erection of residential development comprising 7no detached dwellings and 4no semi-detached dwellings - 10 units accessed via development under construction 50m SW of no 37 Main Street and 1no unit accessed from Loughview Drive (removal of conditions 9 & 10 and variation of condition 11 from planning approval LA03/2022/0008/F).

Decision: Current application

PLANNING POLICY AND GUIDANCE

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

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

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

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

Antrim Area Plan 1984 - 2001: The application site is located within the settlement development limits of Toomebridge and there are no designations or zonings applicable. Paragraph 16.6 of the Plan is entitled "Unzoned Land" and states that within the development limit there are areas of undeveloped land which have not been zoned for a particular use. Some of these areas may be physically difficult to develop while some consist of small individual parcels. The planning authority will consider proposals for development provided the uses are satisfactory for the locations proposed and that no physical or other problems are involved.

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection, subject to condition.

Northern Ireland Water – No objection.

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

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

REPRESENTATION

Forty one (41) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

The application site is located within the development limit of Toomebridge in AAP and there are no designations or zonings applicable. Paragraph 16.6 of the Plan is entitled “Unzoned Land” and states that within the development limit there are areas of undeveloped land which have not been zoned for a particular use. Some of these areas may be physically difficult to develop while some consist of small individual parcels. The planning authority will consider proposals for development provided the uses are satisfactory for the locations proposed and that no physical or other problems are involved.

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

The application site forms a small portion of a larger residential development of some eleven (11) dwellings that has previously been granted planning permission via planning Ref: LA03/2022/0008/F, which was granted on the 31st October 2022. The core planning permission is therefore extant and the developer has a valid fall-back position which is a significant material consideration in the assessment of the current development proposal. Notwithstanding that the developer has a valid fall-back position, the merit of the development proposal remains to be assessed.

In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained in the following PPSs which provide the relevant regional policy context for consideration of the proposal;

- PPS 7: Quality Residential Environments.
- PPS 3: Access, Movement and Parking.
- PPS 6: Planning, Archaeology and the Built Heritage; and
- PPS 15: Planning and Flood Risk.

The consideration of the merit of the development proposal in complying with the Plan's provisions for residential development, the creation of a quality residential environment and the requirements of regional policy and guidance are addressed in detail below.

Development Quality and Impact on Character and Appearance of the Area

This application seeks full planning permission for the erection of 2no. semi-detached dwellings, access and associated site works (in substitution for 1no. detached

dwelling on site 7 as approved under planning approval Ref: LA03/2022/0008/F).

As part of the permitted residential development on the larger area of land which contains the application site, there was a range of seven (7) different house types in either a detached or semi-detached format. Several of the permitted house types appear elsewhere in the wider development known as 'Bannfield Way', which the development is to be accessed from, and which demonstrate the use of a limited range of finishing materials. The range of permitted dwellings and their architectural appearance and finishing materials were considered to be acceptable in terms of their design and appearance and that they respected the context of the receiving environment.

The dwellings proposed in the application currently being assessed seek to mimic the design appearance, scale, form, massing and finishing materials of those dwellings permitted as part of the core planning permission (Ref: LA03/2022/0008/F). It is noted also that the proposed development has been informed by, and is consistent with, the core permission in terms of the layout of development as well as structures and landscaped and hard surfaced areas.

Overall, it is considered that the appearance of the development is acceptable and that the proposed development shall not result in an unacceptable impact on the character and appearance of the area. For the reasons set out above it is considered that the development proposal meets with the requirements of the relevant policy provisions of the Plan, the SPPS and PPS 7 in so far as referred to above and is therefore acceptable.

Neighbour Amenity

This development proposal seeks to introduce a pair of semi-detached dwellings onto Site 7 in substitution for the single detached dwelling that was originally granted planning permission on that specific site.

The dwelling as originally permitted was House Type A1 (HTA1). This house type superseded the house type that had previously been proposed on the Site 7, which was House Type E (HTE). The reason that HTE was superseded was that the Council's Planning Section signalled to the agent that it was concerned by the perceived overlooking of Site 11. This was due to the internal floorspace arrangement and positioning of window voids, which would provide for a direct and uninterrupted line of sight to the gable wall area of the house type proposed on Site 11, House Type D (HTD), which would be unacceptable.

The agent responded by proposing a bespoke house type, House Type A1 (HTA1), which did not include any windows at the first floor rear of the proposed dwelling, aside from a bathroom window which was to be finished in obscure glazing. This arrangement was considered to be acceptable as it entirely avoided overlooking of HTD on Site 11.

In this instance, the house type proposed on Site 7a and Site 7b (Site 7 for the purposes of the core permission) is House Type E (HTE), which is a pair of two storey semi-detached dwellings with two windows at first floor level serving two separate bedrooms in each unit. It is considered that the introduction of HTE on Sites 7a and 7b (as now proposed) would provide for a direct and uninterrupted line of sight to the

gable wall area of the house type permitted on Site 11, House Type D (HTD).

In correspondence dated 11th May 2023, the agent notes that of the two proposed semi-detached dwellings in Plots 7a and 7b, it will be the dwelling on Site 7a that will be closest to HTE on Site 11. The agent notes that there would be a separation distance of 17.5m between the houses and that the only window in the gable of HTD on Plot 11 serves a hallway, which is not a habitable room. The agent concludes that given these factors, he considers that there would not be an unacceptable adverse impact on the amenity of Site 11.

While it is noted that the gable wall of Plot 11 provides for a stairwell window, which is not a habitable room, it is nonetheless noted that potential future residents of that building will have to traverse the stairwell to gain access to the upper floor and could therefore view the dwellings proposed on Plots 7a and 7b with no mitigation or other intervening features that would prevent a direct and uninterrupted view to those bedrooms, or vice versa.

The separation distance between the rear first floor windows of the dwellings on Plots 7a and 7b is noted as being 17.5 metres. Paragraph 7.15 of Creating Places refers to a separation distance of 20 metres or greater between the opposing rear first floor windows of new houses being generally acceptable. Simply because the guidance does not specifically refer to a 'rear-to-gable' relationship this does not impact the identifiable tension in terms of the relationship between the buildings proposed as there are first floor windows opposing one another in this instance.

The identified relationship is considered to be an unacceptable arrangement as it will create conflict between the proposed dwellings on Plots 7a and 7b with the approved dwelling on Plot 11 by reason of overlooking and privacy intrusion and vice versa from Plot 11 towards Plots 7a and 7b.

A concurrent application (LA03/2023/0014/F) proposes to alter the house type on site 11, which if acceptable would resolve the matter of overlooking. The ability to control the dwellings built on both sites was previously raised with the agent. The agent has indicated that this matter is a non-issue and has signalled that the description of development for this application and application reference LA03/2023/0014/F specifically refers to 'in substitution'. It is considered, however, that reference to 'in substitution for' is not sufficient to adequately control the situation as it is possible that, should planning permission be granted for this application and application Ref: LA03/2023/0014/F, that the developer would be free to pick and choose whichever development they wish to implement irrespective of whether or not an unacceptable relationship will result.

For the reasons set out above it is considered that the development proposal fails to respect the site and surrounding context and would create conflict with the adjoining plot, Plot 11, by reason of overlooking and privacy intrusion. This is contrary to the relevant policy provisions of the SPPS and criteria (a) and (h) of Policy QD 1 of PPS 7.

Other matters

Flood Risk: It is noted that the development proposal shall 'tie-in' with the drainage regime associated with the core planning permission, Ref: LA03/2022/0008/F, which

has previously been determined as acceptable. For the reason set out above it is considered that the development proposal is compliant with the relevant policy provisions of the SPPS and PPS 15 and is therefore acceptable.

Access, Movement and Parking: It is noted that a Private Streets Determination Drawing has been endorsed by the Department for Infrastructure Roads (DfI Roads) and which has also provided planning conditions, should planning permission be granted. It is considered that this development proposal does not fundamentally or otherwise significantly alter the road layout, which has previously been considered acceptable by DfI Roads (Ref: LA03/2022/0008/F). Additionally, an appropriate level of in-curtilage car parking has been provided. The proposal is considered to comply with the relevant policy provisions of the SPPS and PPS 3 and is therefore acceptable.

Natural Heritage and Water Quality: The application site forms a small section of a larger residential development that has been granted planning permission via Ref: LA03/2022/0008/F.

The lands associated with the previous planning permission are adjacent to the Toome Canal and hydrologically connected to Lough Neagh/Beg RAMSAR/SPA/ASSI. During the processing of the earlier grant of planning permission, the development proposal was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Services (SES) on behalf of Antrim and Newtownabbey Borough Council which is the Competent Authority responsible for authorising the project.

Following an Appropriate Assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advised the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching that conclusion, SES had assessed the manner in which the project is to be carried out including any mitigation, which requires to be controlled by planning condition, should planning permission be granted.

The Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, adopted the HRA report, and conclusions therein, prepared by SES. This found that the project would not have an adverse effect on the integrity of any European site. Given this conclusion it is considered that, subject to mitigation to be controlled via a planning condition, the development proposal can meet with the relevant policy provisions of the SPPS and PPS 2. The current proposal, forming a small portion of the larger area of land associated with the core permission, is considered therefore to be acceptable.

Contaminated Land

A Preliminary Risk Assessment and a Remedial Strategy were provided in support of the planning application that led to the previous planning permission being granted and which states that mitigation is required with respect to ground gas protection that may be harmful to human health. At that time, both the Council's Environmental Health Section and DAERA: Regulation Unit considered the relevant reports and both offered draft planning conditions in order to mitigate against unacceptable risks to

human health and the environment respectively. Should planning permission be forthcoming, these conditions would require to be repeated.

CONCLUSION

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

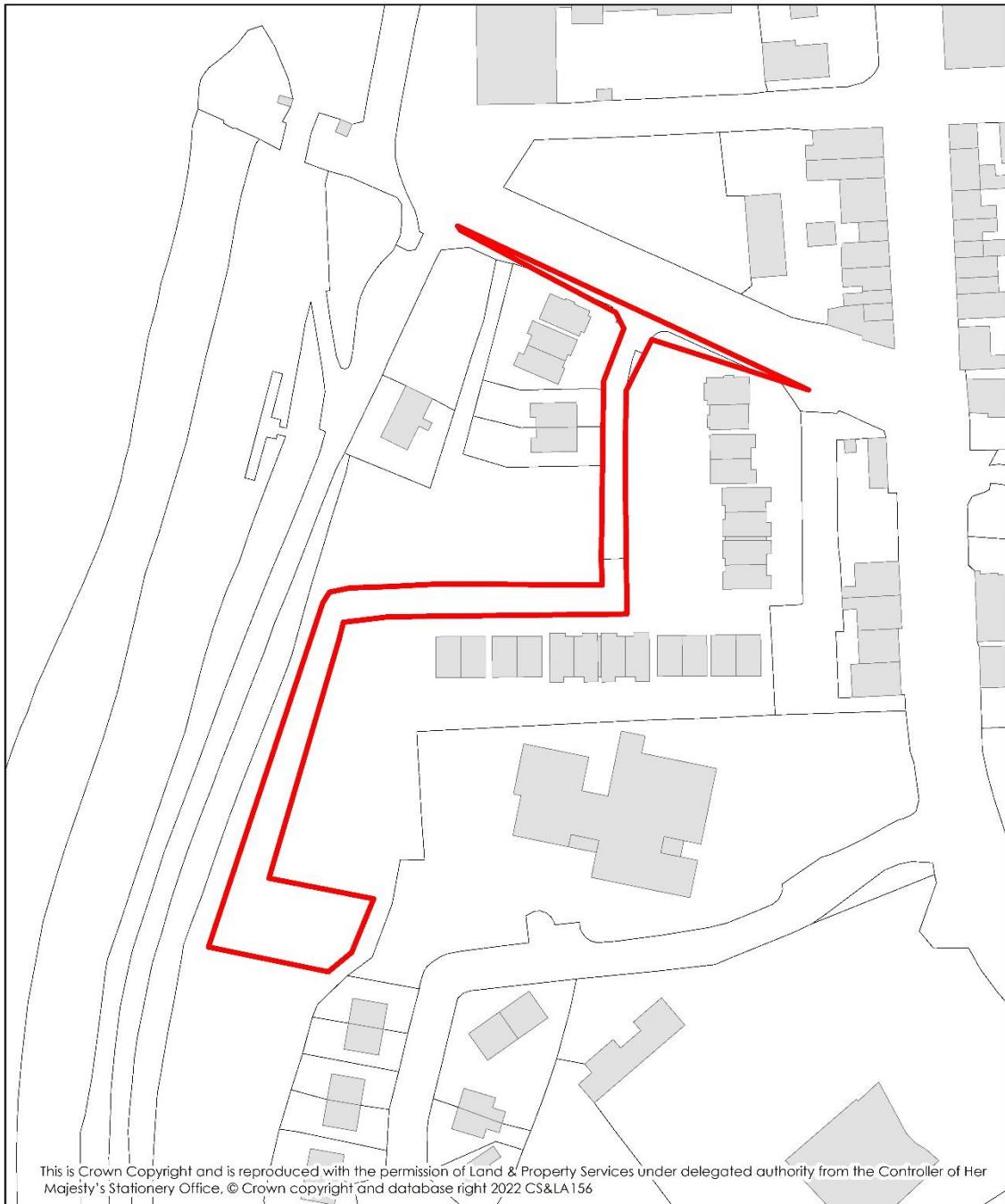
- The principle of the development has previously been established and the core planning permission remains extant;
- The design and appearance of the development is acceptable;
- There shall be no adverse impact on the character and appearance of the area;
- The proposal will result in unacceptable overlooking and privacy intrusion of potential future residents of the dwelling on Site 11 of planning permission reference LA03/2022/0008/F; and
- There are no objections from consultees or interested third parties.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that the proposal fails to respect the site and the surrounding context that would be created with the erection of development pursuant to planning permission reference LA03/2022/0008/F (criterion 'a') and that the design and layout will create conflict with the permitted dwelling on Plot 11 of planning permission reference LA03/2022/0008/F by reason of overlooking and privacy intrusion (criterion 'h').



Site Location Plan

Planning Reference: LA03/2023/0012/F

Location: Land 30m NW of 1 Loughview Drive, Toomebridge

Proposal: 2no. Semi-detached dwellings, access and associated site works (in substitution for 1no detached dwelling on site 7 approved under LA03/2022/0008/F)



Site Location



Scale: 1:1250



COMMITTEE ITEM	4.9
APPLICATION NO	LA03/2023/0442/F
DEA	MACEDON
COMMITTEE INTEREST	LEVEL OF OBJECTION/REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Change of use from a hairdressing salon to a restaurant with hot food takeaway
SITE/LOCATION	Units 4 & 5, 142 Doagh Road, Newtownabbey, BT36 6BA
APPLICANT	Hegan & Co. Ltd
AGENT	Noteman McKee Architects
LAST SITE VISIT	26 June 2023
CASE OFFICER	Morgan Poots Tel: 028 90340419 Email: morgan.poots@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk .	
SITE DESCRIPTION	
<p>The application site is located at Units 4 and 5 at No.142 Doagh Road, Newtownabbey, which is within the development limits of Metropolitan Newtownabbey as defined in the draft Belfast Metropolitan Area Plan 2015.</p> <p>The unit which is the subject of this application, forms part of a small retail and service-based complex accessed from the Doagh Road, including a Tesco Express, and two (2) hot food takeaways. The existing unit, previously a hairdressing salon, is currently vacant.</p> <p>To the south of the subject building, there are private residential properties within Heather Drive. To the north of the subject building is a number of other commercial/retail units. To the east of the application site is an area of parking which fronts on to the Doagh Road which provides staff and visitor parking for the commercial units.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2006/0663/F Location: 142 Doagh Road and 2 Old Irish Highway, Whiteabbey, Newtownabbey, BT37 9QR Proposal: Erection of new bank, 2 no retail units, 2 no office units, an apartment tower consisting of 14 no apartments and an apartment block consisting of 4 no apartments. (amended plans) Decision: Permission Granted (22/04/2008)</p> <p>Planning Reference: U/2010/0129/F Location: 142 Doagh Road, Cloughfern, Newtownabbey, BT37 9QR and 2 Old Irish Highway, Newtownabbey, BT37 9LF. Proposal: 5no. retail units comprising of 1 hot food units and 4 retail units with associated car parking and atm. Amended plans (Proposed hot food unit relocated)</p>	

Decision: Permission Granted (15/11/2010)

Planning Reference: U/2011/0311/F

Location: 142 Doagh Road, Cloughfern, Newtownabbey, BT37 9QR and 2 Old Irish Highway, Newtownabbey, BT37 9LF.

Proposal: Application to combine two separate smaller retail units (01 & 02) into 1 larger combined retail unit

Decision: Permission Granted (23/11/2011)

Planning Reference: U/2011/0312/F

Location: 142 Doagh Road, Cloughfern, Newtownabbey, BT37 9QR and 2 Old Irish Highway, Newtownabbey, BT37 9LF.

Proposal: Change of use to unit 3 from retail to hot food.

Decision: Permission Granted (25/06/2012)

PLANNING POLICY AND GUIDANCE

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

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

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

Belfast Urban Area Plan (BUAP): The application site is located on unzoned land within the settlement limit of the Belfast urban area (Newtownabbey). The Plan offers no specific guidance on this proposal.

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

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

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006):

sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

Development Control Advice Note 4- Restaurants, Cafes and Fast Food Outlets: provides general guidance relating to restaurants, cafes and fast food outlets.

CONSULTATION

Council's Environmental Health Section- Further information required

DfI Roads- No objection

Northern Ireland Water- Approve with standard planning conditions

REPRESENTATION

Four (4) neighbouring properties were notified of the application and a total of six (6) letters of objection have been received. Out of these, four (4) letters of representation have been received from three (3) notified properties and two (2) letters of representation have been received from two (2) non-notified properties.

The full representations made regarding the proposal are available to view on the Planning Portal (<https://planningregister.planningsystemni.gov.uk/simple-search>). The issues raised in the representations have been considered as part of the assessment of this application.

A summary of key points of objection raised are provided below:

- Impact on existing businesses in area;
- Anti-social behaviour;
- Access gate remains open;
- Congestion on Doagh Road;
- Insufficient parking to serve the proposal;
- Liquor licensing;
- Litter;
- Increase noise; and
- Fumes from the kitchen flues.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Access, Traffic and Manoeuvring
- Other Matters

Policy Context and Principle of Development

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

The application site is located within the development limits of the Belfast Urban

Area as defined within the Belfast Urban Area Plan (BUAP) and within the development limits of Metropolitan Newtownabbey as defined in the draft Belfast Metropolitan Area Plan (dBMAP) published in 2004. The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements.

The proposal seeks full planning permission for the change of use from a hairdressing salon to a restaurant with hot food takeaway. Paragraph 5.1 of DCAN 4 states that applications for restaurants, cafes and fast-food outlets generally give rise to a number of issues and objections which are specific to these particular categories of land use. As a result, the likely impact of such proposals on the character and amenity of the adjoining or surrounding area will be an important concern when determining applications. It goes on to state that in assessing this impact, a number of factors need to be taken into account, including noise disturbance and smells and fumes. Paragraph 5.2 of DCAN 4 states that the use of planning conditions is often paramount to the control of restaurants, cafes and hot food outlets, particularly in relation to the above considerations. The impact of many proposals which would otherwise be rejected, may be mitigated by the imposition of such conditions.

One (1) letter of objection raised concerns relating to the impact of the proposal on existing businesses in the area. Each planning application received by the Council is assessed on its own merits, with a decision being made based on the development plan, prevailing planning policies and other material considerations. In any case no specific or verifiable evidence has been submitted to indicate what exact effect this proposal is likely to have on existing businesses. As a consequence there is no certainty that this would occur as a direct consequence of the proposed development nor is there any indication that such an effect would be long lasting or disproportionate. Accordingly, it is considered that this issue should not be afforded determining weight in the determination of this application.

The use of the site and surrounding area as retail and service units has been established through various planning approvals. Additionally, hot food takeaway uses within this complex have previously been considered acceptable in principle. The proposed restaurant and hot food takeaway falls under a 'Sui Generis' use class as defined by the Planning (Use Classes) Order (NI) 2015. It is considered that the principle of a change of use of the existing building from a hairdressing salon to a restaurant and hot food takeaway on the application site is acceptable, subject to all other material considerations being met.

Design and Appearance

The proposal seeks permission for change of use from a vacant hairdressing unit to a restaurant and hot food takeaway. There are no alterations to the scale of the building. Internally, the layout of the unit will be altered to accommodate the restaurant with internal sub-division of the unit to provide a restaurant, kitchen and a carry out area.

A proposed flue is indicated on the rear elevation which terminates 1.1 metres above the roofline and a 450 x 450 intake unit is also indicated on the rear

elevation. Given the proposed flue projects above the existing flat roof, this will be visible from the Doagh Road, however, given its positioning and setback to the rear of the building and the existing vegetation, it is not considered the visual impact will be significant.

It is therefore considered that the general appearance of the building will not be significantly altered and therefore will not unacceptably impact on the character and appearance of the area.

Neighbour Amenity

Given the type of development proposed it is anticipated that there may be issues with noise and odours and the general impact these may have on neighbour amenity. It is noted that a number of sensitive receptors are located approximately 15 metres south of the application site in a residential cul-de-sac named 'Heather Drive' and approximately 17 metres southeast of the site is No.140 Doagh Road.

Concerns were raised through six (6) letters of objection that the fumes from the kitchen flues and noise levels would have a detrimental impact on the amenity of nearby dwellings. An amended Noise and Odour Impact Assessment (Document 02, date stamped 4th September 2023) indicated that a high level of odour control would be required for the proposed development.

The Noise and Odour Impact Assessment (Document 01, date stamped 3rd July 2023) was forwarded to the Council's Environmental Health Section, which requested that further information be provided. This information was sought and an amended Noise and Odour Impact Assessment (Document 02, date stamped 4th September 2023) was submitted. This was forwarded to the Council's Environmental Health Section which requested a further amendment. The applicant was requested to undertake the Noise Impact Assessment in line with BS4142 standards, however, this has not been submitted to date. Four (4) consultation responses have been received by the Council's Environmental Health Section, however, on each occasion further information has been requested regarding noise. As the applicant has not been able to demonstrate that the proposed development will not have an adverse noise impact, then the application should be refused.

With regards to odour, The Council's Environmental Health Section have indicated that conditions could be added to any grant of planning permission to monitor and control odour.

Further concerns were raised by objectors regarding anti-social behaviour at the site. No evidence has been submitted to show that the proposal would lead to increased levels of anti-social behaviour, however, if at any time it is considered that anti-social behaviour is taking place at the site this should be reported to the business operator or the PSNI who can investigate.

Access, Traffic and Manoeuvring

Policy AMP 7 of PPS 3 indicates that all development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. Objectors have raised concerns over a lack of parking to serve the proposal, however, DfI Roads in their consultation response has raised no concern with regards to the level of parking for the complex.

There is a car parking area to the front of the site with 42 spaces which serves the application site and the adjoining retail and service based units. Parking Standards would indicate that the existing use as a hairdressing salon required approximately seven (7) car parking spaces. The proposed use of a restaurant would require approximately twenty (20) spaces, an increase of thirteen (13). Although the proposed use of the unit would require 13 additional spaces, none have been provided and no information has been provided by the agent to justify how the additional parking demand can be accommodated. When examining the opening hours of the adjoining units in the parade, they include Subway which is open until 8pm, Tesco which is open until 11pm and the chippy which is open until 9.30pm. All units appear to be operating at similar times which means that there is a high demand for parking during the period when the proposed premises will be operation. It is considered that insufficient parking is available to service the facility it is considered that the proposal is contrary to Policy AMP 7 of PPS3.

Further concerns were raised through letters of objection relating to existing congestion on the Doagh Road with concerns that this will be exacerbated by the proposal. No evidence has been submitted to show that the proposal would lead to an increase in congestion along this stretch of the Doagh Road. DfI Roads offered no objection to the proposal; it is considered that the existing road network can safely handle any extra vehicular traffic generated by the proposal and that adequate access arrangements, parking and manoeuvring areas exist.

Other Matters

Consultation

Northern Ireland Water (NIW) was consulted on the proposal due to a perceived increased sewerage load from the site, however, NIW advised there is available capacity to serve the development.

Litter and Vermin

The proposal seeks permission for a change of use from a hairdressing salon to a restaurant with hot food takeaway. Every business has a legal duty of care to dispose of waste through a licensed waste carrier. If the owner/occupier fails to take adequate measures to stop the property becoming infested with rats or mice, statutory action can be taken against them. Given the scale and use of the proposal, it is not considered that this is likely to have a significant unacceptable impact. The Council's Environmental Health Section was consulted with regards to the development proposal and raised no objection.

Liquor Licensing

No details regarding a liquor license have been submitted as part of this application. If the applicant seeks to obtain a liquor license, this is a separate process which will be dealt with by the Council's Environmental Health Section.

Access Gate

Concerns were raised regarding the access gate located to the side of the unit which remains open and not locked. The objector raised concerns that the PSNI had requested that this gate should have restricted access. This matter is outside the remit of planning and as such is not considered to be a material consideration.

CONCLUSION

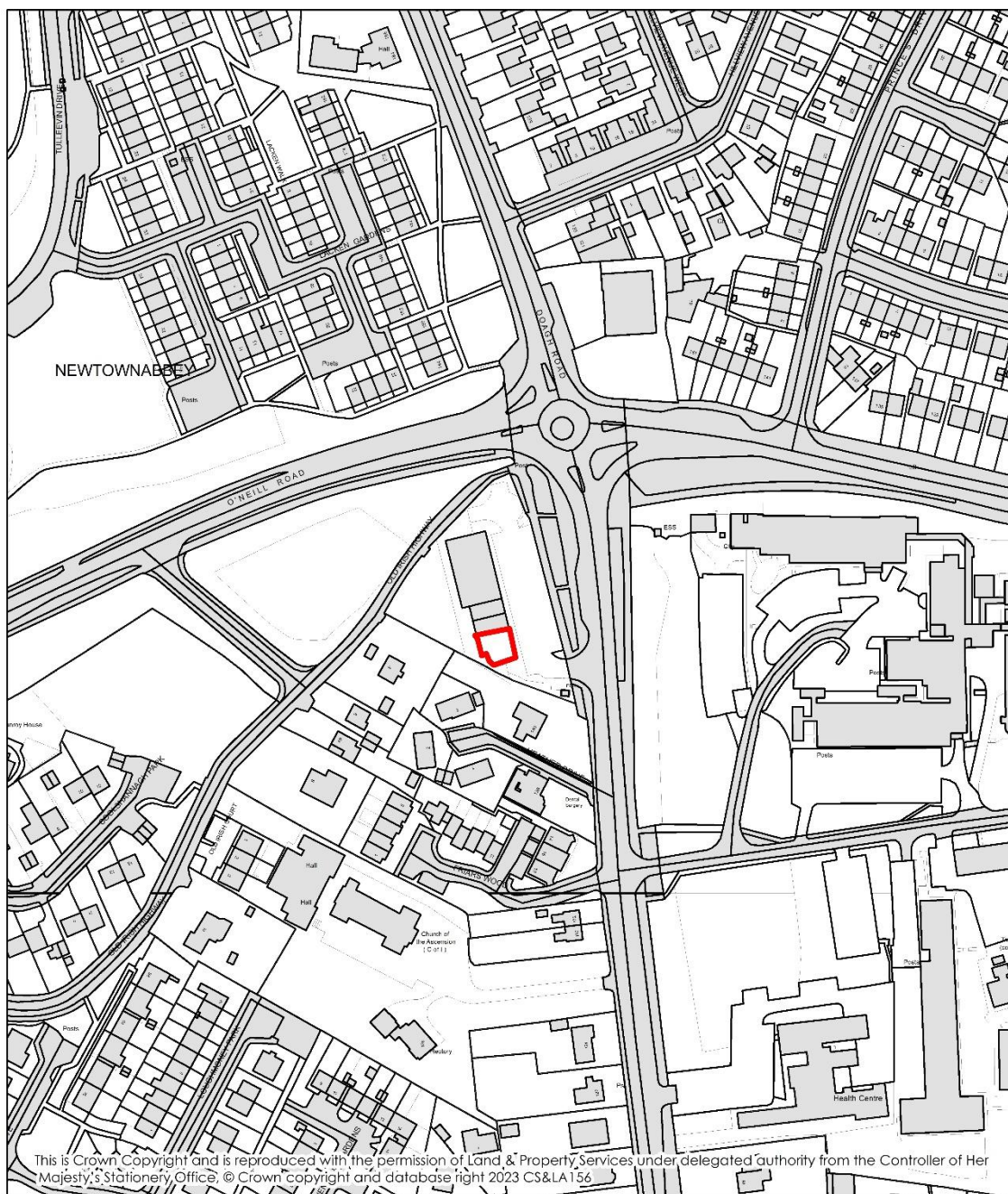
- The principle of the proposed change of use is considered acceptable;

- The design and appearance is acceptable;
- It is has not demonstrated that the proposal will not unduly affect the amenity of neighbouring residents in terms of noise; and
- Insufficient parking is available to serve the development.

RECOMMENDATION	REFUSE PLANNING PERMISSION
-----------------------	-----------------------------------

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 7, Quality Residential Environments, in that it has not been demonstrated that the development, if permitted, would not have a detrimental impact on neighbour amenity by way of noise.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 3, Access, Movement and Parking in that it has not been demonstrated that there is sufficient parking spaces to service the facility.



Site Location Plan

Reference: LA03/2023/0442/F

Location: Units 4 and 5, 142 Doagh Road, Newtownabbey, BT36 6BA

Proposal: Change of use from hairdressing salon to a restaurant with hot food takeaway



Site Location



Scale: 1:1250



COMMITTEE ITEM	4.10
APPLICATION NO	LA03/2023/0201/O
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	2no semi-detached dwellings
SITE/LOCATION	Land with outbuildings directly North of 122 Hydepark Road, Newtownabbey, BT36 4PZ
APPLICANT	Gary Aiken
AGENT	Arca Design
LAST SITE VISIT	13 April 2023
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@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 https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located within the inner Green Belt of the Belfast Urban Area as defined by the Belfast Urban Area Plan (BUAP) and within the development limit of Metropolitan Newtownabbey as defined by the draft Belfast Metropolitan Area Plan published 2004 (dBMAP).</p> <p>The site currently comprises a number of intact outbuildings adjacent to No 122 Hydepark Road and is accessed via a shared private laneway which serves Nos 118, 120, 122a, 122; and 124 which lies beyond the site to the north. The topography of the site is relatively flat and there is no significant vegetation associated with the application site.</p> <p>A modern residential development (Anna's Grove) lies approximately 20m to the east of the site. Agricultural lands lie immediately to the west of the site.</p>	
RELEVANT PLANNING HISTORY	
There is no relevant planning history relating to the site.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan Stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of</p>	

development proposals.

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

Belfast Urban Area Plan (BUAP): The application site is located within the Green Belt limit of the Belfast Urban Area. The Plan offers no specific guidance on this proposal.

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objections

Department for Infrastructure Roads- No objection subject to conditions

Norther Ireland Water – Objection in relation to capacity issues, applicant has amended scheme to include septic tank.

Historic Monument Section – No objections

REPRESENTATION

Nine (9) neighbouring properties were notified, and five (5) letters of objections have been received from three (3) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk> and the Council's website, under additional information.

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

- NI Water issues
- Unknown height of buildings
- Increase in traffic
- Ownership of laneway issues

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

The application site is located within the Green Belt limits of the Belfast Urban Area as defined within the Belfast Urban Area Plan (BUAP) and within the development limits of Metropolitan Newtownabbey as defined in the draft Belfast Metropolitan Area Plan (dBMAP) published in 2004. The site is zoned for housing under MNY 02/14 "Anna's Grove". There are no other specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The proposal is for the erection of two semi-detached dwellings to replace the existing outbuildings on the site which is located within a predominantly residential environment.

Having taken the location of the site into consideration and the relevant housing zoning stipulated in draft BMAP, it is considered that the principle of development is acceptable on this site in accordance with Policy QD1 of Planning Policy Statement 7, and the Creating Places design guide, subject to design and amenity considerations.

Design, Appearance and Impact on the Character of the Area

Given that the application seeks outline permission only, there are no floor plans or elevations provided with the submission. However, an indicative layout has been provided showing how the two semi-detached dwellings could be arranged on the site in place of the existing outbuildings.

Drawings show that the dwellings would be accessed off a shared laneway, with parking spaces for two cars provided to the front of the dwellings along with a front garden area. Rear garden space for each dwelling is shown at 85sqm per unit which meets the minimum space requirements outlined in Creating Places.

Some concern has been raised by objectors in relation to the height of the buildings. As there is evidence of both single storey and two storey dwellings immediately surrounding the site, it would not be out of character to have two

storey dwellings on the site. Whilst, the majority of dwellings along the shared laneway are detached, there are a high number of semi-detached dwellings 20m away to the east within the Anna's Grove development. These are highly visible from the site and therefore it would not be possible to refuse based on lack of semi-detached properties in the immediate surrounding area.

Further design considerations could be successfully dealt with at Reserved Matters stage. It is considered therefore, that the proposed layout is acceptable.

Neighbour Amenity

It is not considered that there will be any undue impact upon neighbouring property by way of this development. As stated above, some concerns were raised by objectors in relation to the proposal having a potential impact upon existing dwellings. The proposal will sit directly adjacent to No.122 (applicant's dwelling) and it is considered that given the gable-to-gable relationship that there will not be any overbearing impact for the occupiers of that dwelling, when using their private rear amenity space. With regards any potential overlooking issues the only dwelling which would be affected would be No. 122, however this can be controlled by ensuring that the proposed dwellings would not have any south facing windows at first floor level. This matter can be addressed at Reserved Matters stage. There would be no overlooking issues directly to the rear, with an agricultural field beyond the rear boundary. There is a 37 metre separation distance between the proposed dwellings and the existing dwelling (No. 124) to the north. Given the separation distance it is not considered that there would be any detrimental impact on the amenity of that property by way of overlooking or overshadowing.

Road Safety

A number of concerns were raised by objectors in relation to road safety, specifically in terms of overuse of the existing laneway and increased traffic entering and exiting the site. The site is to be accessed via an existing laneway and has two No. in-curtilage parking spaces. DfI Roads was consulted on the application and has responded with no objection subject to a standard condition. There is no evidence that the development will lead to a significant detrimental impact upon road safety at the site.

Other Matters

NI Water

NI Water responded to a consultation request, stating that the sewerage system in the area is currently at capacity and therefore could not accept any more units, a number of objectors also raised these concerns. The agent was advised and provided an amended scheme to show the use of septic tanks to the front of the property within the red line of the application site and the associated soakaways would be provided within adjoining land within the applicant's control.

As septic tanks were proposed as a waste treatment solution and connection to the mains sewer is no longer required, the concerns raised by NI Water are no longer relevant. A separate Water Act Consent will be required from DAERA to install a septic tank, however, this is a separate consenting regime which falls outwith planning responsibilities. In conclusion the waste treatment solution is deemed acceptable in planning terms.

Historic Monument Unit (HMU)

HMU was consulted on the proposal due to the location of a nearby protected mound in a field adjacent to the site. HMU has responded with no objections to the proposed development.

Ownership Issue

An objection letter was received representing the owners of No.120 Hydepark Road. The objector stated that they were owners of the access to the laneway to the site and had not agreed to any further Rights Of Way being approved. The agent for the application was notified and claimed that the applicant was in control showing the red line of the site running to the main road. The applicant has served notice on No.118 Hydepark Road in relation to providing sight splays. It is considered at this stage that all parties are aware of the application and that any dispute over the laneway access or the ownership of sight splays is a civil matter between the relevant parties and lies outside the remit of planning. Should planning permission be forthcoming a condition should be imposed requiring the proposed visibility splays to be provided prior to any other form of development on the site.

CONCLUSION

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

- The principle of the development is acceptable;
- The design and appearance of the development can be fully considered at Reserved Matters stage, the proposed layout is deemed acceptable;
- The proposal does not harm the environmental quality or character of the local area;
- There is no detrimental impact on residential amenity; and
- NIW concerns are no longer deemed applicable given the proposed use of septic tanks on site.

RECOMMENDATION

GRANT OUTLINE PLANNING PERMISSION

PROPOSED CONDITIONS

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. Full particulars, detailed plans and sections of the Reserved Matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

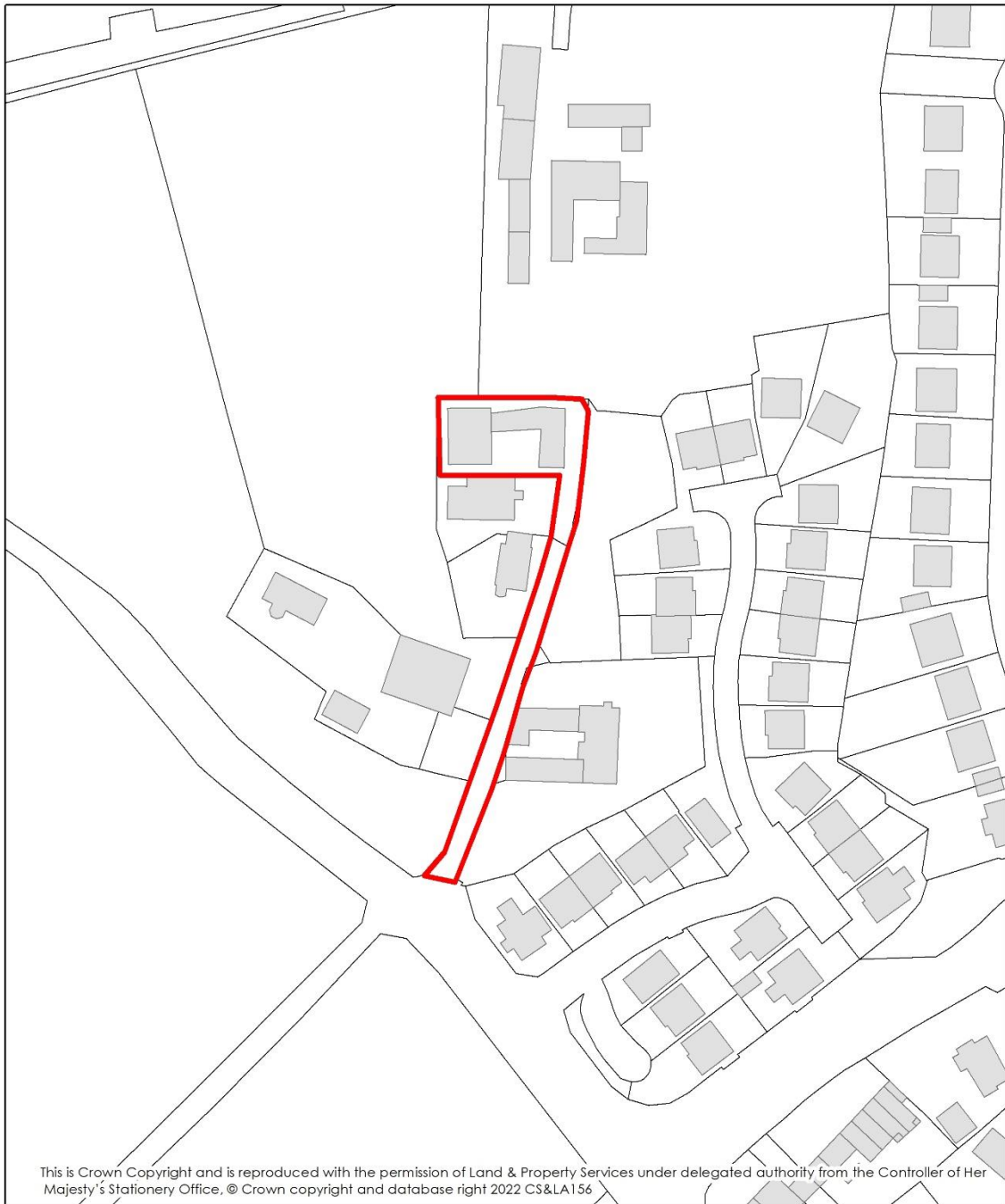
Reason: To enable the Council to consider in detail the proposed development of the site.

4. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access location to be constructed and other requirements in accordance with the attached RS1 form.

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

5. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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



Planning Application Reference: LA03/2023/0201/O
 Location: 2m north of 122 Hydepark Road, Newtownabbey
 Proposal: 2no. semi-detached dwellings

Scale: 1:2500



 Site Location



COMMITTEE ITEM	4.11
APPLICATION NO	LA03/2023/0358/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	5No. dwellings
SITE/LOCATION	Land 3m west of 99 Portmore Hall, Crumlin
APPLICANT	Bill Porter
AGENT	HERE Architects
LAST SITE VISIT	4 July 2023
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@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 https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located on lands 3m west of 99 Portmore Hall, Crumlin. The site is located within the settlement limits of Crumlin as defined by the Antrim Area Plan (AAP) 1984-2001. The site is zoned as "Development land primarily residential" within the AAP.</p> <p>The topography of the site falls gradually in an east to west direction. The site is currently defined as a disused yard area, with large areas of hardstanding with a large disused shed on the western end of the site.</p> <p>The southern and southwestern boundaries of the site are defined by 2 metre high close boarded timber fence with hedging of similar height set in behind. Beyond these boundaries are dwellings within the Weaver's Meadow development. The western and northern boundaries of the site adjoin a large shed.</p> <p>Access to the site will be taken through the Portmore Hall development east of the site. The surrounding area is largely distinguished by residential properties.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2008/0210/F Location: East of 5 Ballydonaghy Road, Crumlin. Development: Residential housing development of 110 dwellings. Decision: PAC Approval.</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the</p>	

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until 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 site is located within the settlement limits of Crumlin as defined within the plan. The site is zoned as "Development Land Primarily Residential" within the plan. There are no Key Site Requirements (KSR) on the site.

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

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

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

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

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas:

sets out planning policy and guidance on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements.

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.

Department for Infrastructure Roads – No objection subject to conditions.

Norther Ireland Water – Recommend refusal.

Department for Infrastructure Rivers – No objection subject to maintenance strip being provided.

REPRESENTATION

Forty-seven (47) neighbouring properties were notified, and two (2) letters of objections have been received from two (2) properties, one of which the address is undefined. The full representations made regarding this proposal are available for Members to view online at the Planning Portal

<https://planningregister.planningsystemni.gov.uk>.

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

- Traffic concerns;
- Neighbour amenity (loss of light, overlooking);
- Loss of design and character; and
- Loss of property value.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

The application site is located within the development limit of Crumlin as defined in the AAP 1984-2001. The site is zoned as "Development Land Primarily Residential" within the plan. There are no Key Site Requirements (KSR) on the site.

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

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

- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APP57): Safeguarding the Character of

Established Residential Areas;

- PPS 2: Natural Heritage;
- PPS 3: Parking and Movement;
- PPS 8: Open Space, Sport and Outdoor Recreation; and
- PPS 15: Planning and Flood Risk.

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

Design, Appearance and Impact on the Character of the Area

The application proposes a housing development consisting of five dwelling units, comprising a detached dwelling and two pairs of semi-detached dwellings.

The dwelling on site 1 can be considered to be a change of house type as a dwelling was previously approved on this location under the wider Portmore Hall grant of planning permission Ref: T/2008/0210/F. This dwelling could be implemented under its original guise given that application has been implemented for the development of Portmore Hall. The other proposed dwellings (Units 2-5) do not benefit from any other grant of planning permission.

The proposed properties have their own identity, without offending the character of the surrounding area. The design features reflect the character of the adjacent Portmore Hall development with similar detailing around doorways and window to void ratios. The dwellings proposed are two storey with ridge heights of 9 metres above ground level which is similar to the surrounding development. Finishes include red brick to external walls and dark grey/black slates to the roof.

Private amenity space is provided which averages of almost 115sqm in accordance with the Creating Places design guide. Given the scale of the development, there is no requirement made within the policy for the provision of public open space.

Most of the rear private garden areas are defined by a 1.8 metre high close boarded timber fence, with other boundary definition comprising 1.8 metre high walls or hedging on areas of high visual interest at the end of driveways. Hedging is also proposed to soften front gardens as well as 1.1m high estate railing.

Whilst the individual dwellings are designed to a satisfactory standard there are issues with regards to the proposed layout. Site Nos. 2 and 3 are somewhat "tucked" to the rear (southwestern) side of Site 1, leaving the impression that the pair of semi-detached dwellings have been squeezed into a portion of land that cannot accommodate two dwellings. This amounts to overdevelopment of the site and is contradictory to part (a) of Policy QD 1 of PPS 7. There are no other examples of this form of development within the adjacent development. The agent was contacted via email on 6th July 2023, highlighting this concern

and was made aware of the potential necessity to reduce the scheme in unit numbers. The agent responded with a letter dated 25th July 2023, disagreeing with the Planning Section's findings but amending the scheme nonetheless. Site Nos. 2 and 3 were moved forward by 1 metre, with the agent claiming this would bring them in line with the building line of Sites 1, 4 and 5. However, having assessed these amendments it is considered that sufficient amendments have not been made to address the concerns. There is no defined building line present between all five of the dwellings proposed, and one cannot be created, without losing the parking provision for the proposed dwellings.

Objections have been received in relation to the impact on the character and design of the nearby area. This can be partially sustained, given that the proposed layout does not replicate the layout within the existing surrounding residential areas. Overall, it is considered that the design and appearance of the individual dwellings are acceptable, however, the layout is unacceptable and fails to comply with part (a) of Policy QD 1 of PPS 7.

Neighbour Amenity

Concerns have been raised by objectors in relation to neighbour amenity, specifically the perceived impact of overlooking and loss of light upon their property.

It is considered that the proposed development would not have a detrimental impact upon the amenity of the other existing properties. The proposed dwellings will be located twenty (20) metres from existing dwellings (when measured back-to-back) within Portmore Hall and Weavers Meadow, to the south and east, which is the minimum standard separation distance as set out within the Creating Places design guide. Given the separation distance, it is considered that there will not be a significant loss of sunlight impacting upon the dwellings or their gardens within, therefore, little weight can be afforded to objections in this regard.

However, the recessed nature of site Nos. 2 and 3, leaves a problematic arrangement, which is likely to impact negatively upon the rear private amenity space of the proposed dwelling on Site 1.

The front façade of Site 2 lies only 8 metres from the western boundary of Site 1's rear garden. This boundary is listed as being a 1.8 metre screen wall. The upper floor windows of Site 2 include a bathroom and bedroom window to the front façade. Although, the bathroom window on Site 2 is to be obscurely glazed, views from the bedroom would be possible. There would be an undoubted perception of those enjoying their private rear amenity space on Site 1 of being significantly overlooked.

Overall, it is considered that the proposal fails to comply with part (h) of Policy QD 1 of PPS 7 in that, if approved, the dwelling on Site 1 would be overlooked by the proposed dwelling on Site 2.

Road Safety

Objections have been raised in relation to the traffic impact of the proposal upon Portmore Hall (which the proposal is accessed through) and also

subsequently the Ballydonaghy Road, which it is felt by objectors cannot sustain another increase in traffic.

DfI Roads were consulted on the proposal and have responded with no objections to the development proposal subject to conditions being attached to any planning decision should planning permission be forthcoming. Given that DfI Roads expressed no concerns with the proposed access or parking arrangements the issues raised by objectors cannot be sustained.

Other Matters

NI Water Capacity issues

NI Water was consulted on the proposal and has responded recommending a refusal as the receiving foul sewer network in the area has reached capacity. The agent has advised on 25th July 2023 that a Waste Water Impact Assessment (WWIA) has been submitted and is currently being processed by Sheehy Consulting in conjunction with NI Water. This can be a time consuming process and is likely to take a number of months to complete. There is nothing to indicate that a solution to the issue will not be found and it is considered that this matter should not delay the processing of the application which is considered to be unacceptable.

House Values

An objection has been raised in relation to the detrimental impact upon house values in the area if an approval were to be forthcoming. No evidence has been provided that house values would be impacted and therefore little weight can be afforded on this matter in the final decision making process.

CONCLUSION

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

- The principle of the development is acceptable;
- The design of the individual dwellings is considered appropriate, however, the proposed layout is considered to be unacceptable and represents overdevelopment of the site;
- There will be no significant detrimental impact upon any existing neighbouring properties to the site, but there will be a detrimental impact upon the rear amenity space of proposed site 1 from first floor windows of Site 2;
- There are no road safety concerns expressed by DfI Roads; and
- There is insufficient capacity for the removal of foul sewage from the site into existing sewer network. Insufficient evidence has been provided to illustrate how this issue can be overcome.

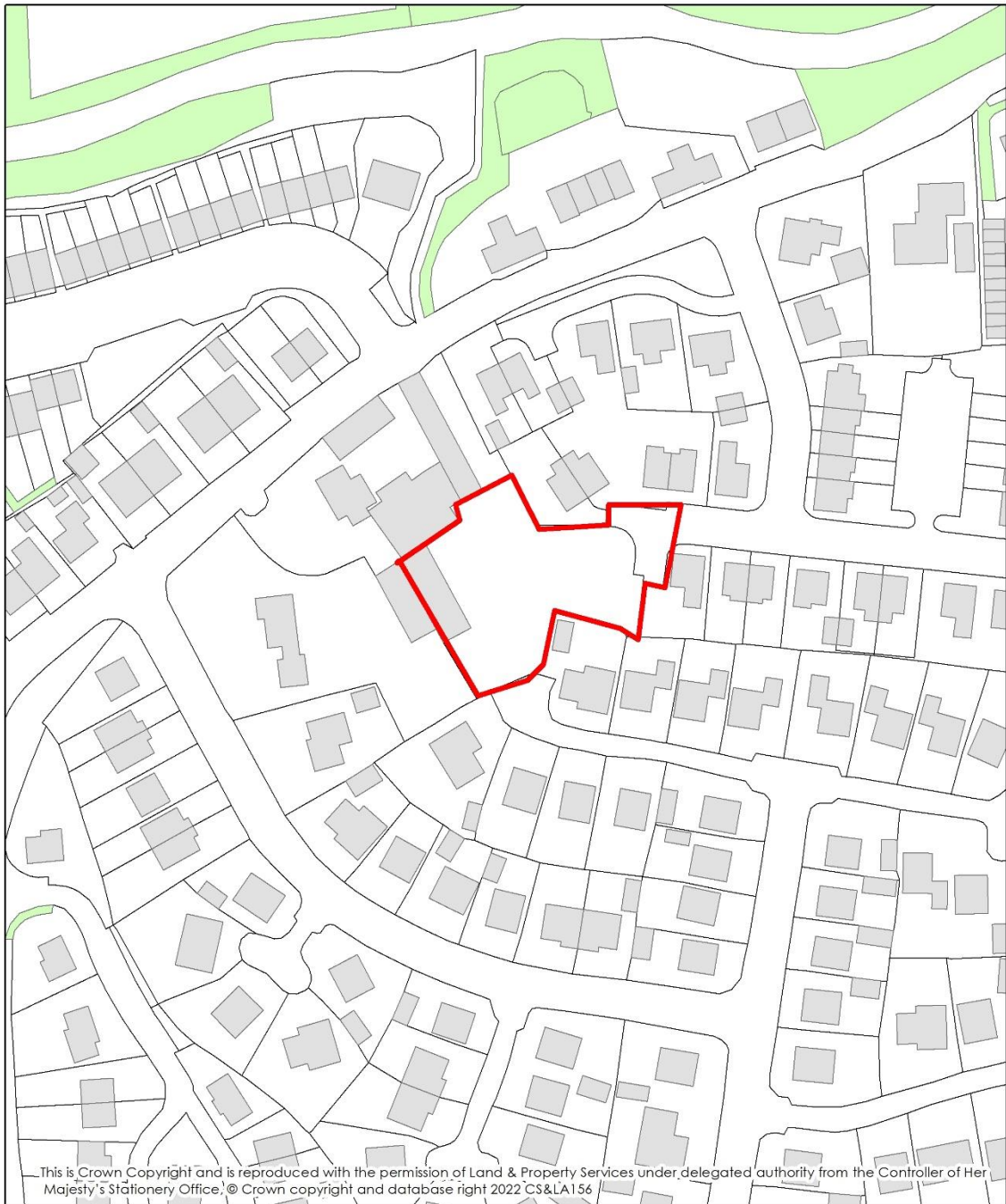
RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Planning Policy Statement 7, Policy QD 1, in that it has not been demonstrated that the development respects the site in terms of layout. The proposed development, if approved, would result in overdevelopment of the site.
2. The proposal is contrary to the policy provisions contained in the Strategic

Planning Policy Statement and Planning Policy Statement 7, Policy QD 1, in that, if approved the design and layout would have a detrimental impact upon the neighbour amenity of another proposed dwelling on the site, specifically in terms of overlooking.



Planning Application Reference: LA03/2023/0358/F

Location: Lands 3m west of 99 Portmore Hall

Proposal: Residential Development

Scale: 1:1250



 Site Location



COMMITTEE ITEM	4.12
APPLICATION NO	LA03/2023/0546/S54
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	41No. dwellings (Variation of Condition 2 from planning approval LA03/2021/0914/F) regarding mains sewer and Waste Water Treatment Works)
SITE/LOCATION	Land 30m North East of no 146 and opposite Nos. 141-147 Staffordstown Road, Randalstown, BT41 3LH
APPLICANT	Creeve Construction Ltd
AGENT	Doherty Architectural Services
LAST SITE VISIT	N/A
CASE OFFICER	Tierna McVeigh Tel: 028 90340401 Email: tierna.mcveigh@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information.	
SITE DESCRIPTION	
<p>The application site is located on lands at Staffordstown Road, northeast of No. 146 and opposite Nos. 141-147 Staffordstown Road, Randalstown, within the development limits of Creggan-Cranfield as designated in the Antrim Area Plan 1984 – 2001.</p> <p>The application site comprises a roadside field, the boundaries of which are defined by hedgerows, between 2 and 3 metres in height. The topographical levels of the application site fall gently 1-2 metres and in a southwesterly direction for the entire site frontage, which extends for approximately 170 metres. The northeastern boundary is contiguous with the archaeological monument 'Cranfield Cross'. A hard landscaped public seating area is located immediately north of the cross and is accessed from the Staffordstown Road. To the west and opposite the application site are six (6) detached dwellings, the majority of which are accessed directly from the Staffordstown Road. To the east of the application site is a former playing field associated with Kickham's Gaelic Athletic Club. To the south of the application site the land use is agricultural. A dwelling and garage at No. 146 Staffordstown Road, is located adjacent to the southwestern boundary of the application site and is separated from it by a laneway, which also provides access to a dwelling and a series of agricultural buildings at No. 148 Staffordstown Road.</p>	
RELEVANT PLANNING HISTORY	
Planning Reference: LA03/2021/0914/F Location: Lands at Staffordstown Road, Northeast of No.146 and opposite No's 141 – 147, Staffordstown Road, Randalstown Proposal: Residential development comprising 41 No. units (14 house types) including associated road layout, car parking and landscaping Decision: Permission Granted (11/01/2023)	

Planning Reference: LA03/2019/0256/RM

Location: Lands 120m SE of 141 Staffordstown Road, Creggan, Randalstown

Proposal: Proposed residential development comprising 24 units (semi-detached and detached), public and private amenity space, private sewage treatment plant, landscaping, access and ancillary site works.

Decision: Permission Granted (09/03/2020)

Planning Reference: LA03/2016/0090/O

Location: Lands 120 metres southeast of No. 141 Staffordstown Road, Randalstown

Proposal: Proposed residential development comprising 24 units (semi-detached and detached), public and private amenity space, private sewage treatment plant, landscaping, access and ancillary site works.

Decision: Permission Granted (01/08/2016)

Planning Reference: T/2005/0582/F

Location: Lands at Staffordstown Road, Creeve, Randalstown; North East of 146 and Opposite No 141-147 Staffordstown Road.

Proposal: Proposed residential housing development consisting of 3 No. detached 14 semi-detached & 29 No. Duplex apartments and 4 no. apartments. Total 50 No. Units.

Decision: Permission Granted (17/07/2007)

Planning Reference: T/2001/0957/F

Location: 144 Staffordstown Road, Randalstown

Proposal: Site of Housing Development

Decision: Permission Granted (07/01/2003)

PLANNING POLICY AND GUIDANCE

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

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

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

Antrim Area Plan 1984 - 2001: The application site is located within the development limits of Creggan-Cranfield. There are no designations or zonings applicable. The Plan offers no specific guidance on this proposal.

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

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

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

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

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

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

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

CONSULTATION

No consultations were carried out for the proposal.

REPRESENTATION

Thirteen (13) neighbouring properties were notified of the application and no representations have been received in respect of the proposal.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Policy Context and Principle of Development

Section 54 of the 2011 Act applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. On receipt of such an application, the Council may only consider the question of the conditions subject to which planning permission should be granted and it cannot revisit the principle of the development granted previously. The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the current application.

The principle of development was established on the site under planning application Ref: LA03/2021/0914/F which was approved on 11th January 2023. The purpose of this application is to amend the wording of Condition 2 of the approval. Supplementing the application is a Site Location Plan referenced as Drawing Number 01. Upon request a supportive statement, Document 01 date stamped 8th August 2023 was submitted by the agent from Sheehy Consulting.

Condition 2 relates to the capacity of the main sewers and receiving Waste Water Treatment Works and reads:

"No development shall commence until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from the development. A connection to the public sewer will not be permitted until the Article 161 Agreement has been authorised.

Reason: To ensure an adequate means of sewage disposal is provided and to ensure protection of the aquatic environment."

This condition was added initially as NI Water (NIW) raised concerns with the network and wastewater treatment capacity not being available to service the development. The applicant went through the Waste Water Impact Assessment (WWIA) process and responded with a Solution Engineering Report. The selected mitigation option at the time of processing the application (LA03/2021/0914/F) was to upgrade the existing Waste Water Treatment Works (WWTW). This solution was described as being a collaborative solution between other developers in the area and only those contributing to the costs and development of WWTW can benefit from it.

NIW had agreed to the condition to ensure no development takes place until the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from this development and a connection to the sewer has been granted under the Water and Sewerage Services Act (Northern Ireland) 2016. This condition was considered necessary to ensure adequate waste water treatment capacity is available to serve this development.

The application is seeking permission to amend the wording of Condition 2 to read:

"No dwellings shall be occupied until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from the development. A connection to the public sewer will not be permitted until the Article 161 Agreement has been authorised.

Reason: To ensure an adequate means of sewage disposal is provided and to ensure protection of the aquatic environment."

The Supportive Statement, Document 01 indicates that Sheehy Consulting has been in continuous dialogue with NI Water since December 2020 about the

sewage disposal in respect of this proposal. The WWIA was lodged with NI Water on the 16th July 2017 and despite constant communication with NI Water a solution has not yet been agreed. It is the understanding of Sheehy Consulting and the applicant that the process of identifying and agreeing a solution is still some time away, however, no timescale has been specified. Therefore, this application has been submitted to vary Condition 2 to allow the developer to commence works on site.

Policy QD 1 of Planning Policy Statement 7 requires that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

If the condition was to be varied, this would allow the development of 41 no. dwellings to be commenced and fully constructed by way of erecting the dwellings without an agreed solution. This could potentially result in the dwellings being constructed and left unoccupied or the development being unfinished or incomplete for an unknown period of time until the solution is agreed.

Having reviewed the Supportive Statement, Document 01, it is considered that as no timeframe is known, insufficient justification has been provided to allow the dwellings to be fully constructed before it is known whether or when a connection can be achieved. The erection of the dwellings being potentially left unoccupied or the development being unfinished or incomplete for an unknown period of time until the solution is agreed would be contrary to Planning Policy Statement 7, Policy QD 1 resulting in unacceptable damage to the local character, environmental quality and amenity of the area.

The application was approved on 11th January 2023 and is set to expire 11th January 2028. This timeframe gives the applicant almost 4 years remaining on the grant of planning permission to agree a solution with NI Water, prior to development having to be commenced. Furthermore, the applicant has the opportunity to submit an application to renew the permission if a solution is not agreed by this date.

It is therefore considered that the variation of condition 2 would not be appropriate and in the absence of an authorised Article 161 Agreement from NI Water it is considered that the variation of Condition 2 of LA03/2021/0914/F is not acceptable in this instance.

CONCLUSION

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

- The principle of the development has been established through planning permission LA03/2021/0914/F; and
- It is considered that a variation of the wording of condition 2 of LA03/2021/0914/F is unacceptable.

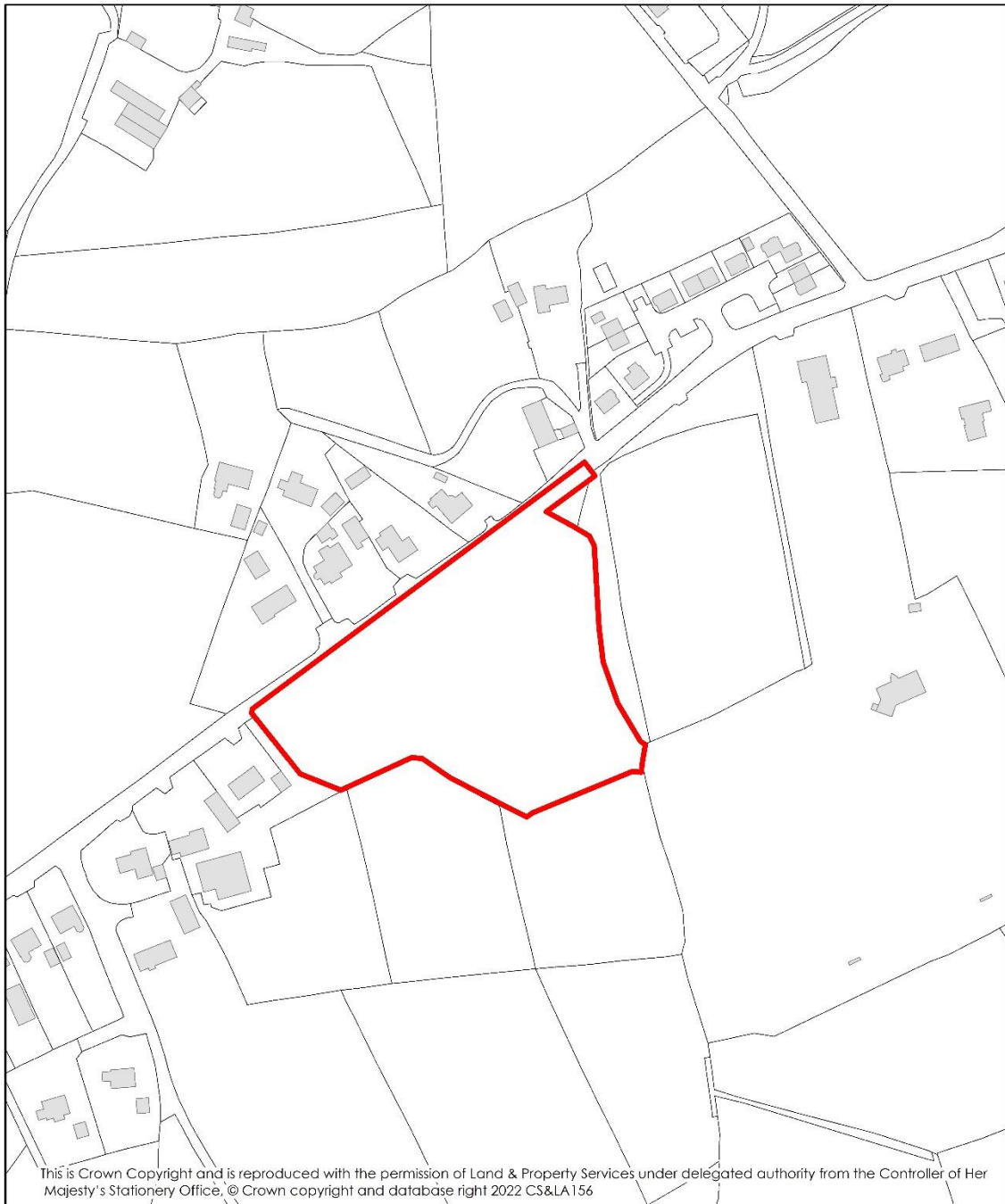
RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 7 (PPS 7) 'Quality

Residential Environments' in that the proposed development, if approved, would lead to an unfinished and incomplete residential scheme resulting in unacceptable damage to the local character, environmental quality and residential amenity of the area.



Site Location Plan

Planning Application Reference: LA03/2023/0546/S54

Location: Lands 30 northeast of No.146 and opposite Nos. 141-147 Staffordstown Road, Randalstown, BT41 3LH

Proposal: 41 no. dwellings (Variation of Condition 2 from planning approval LA03/2021/0914/F regarding mains sewer and Waste Water Treatment Works).



Site Location



Scale: 1:2500



COMMITTEE ITEM	4.13
APPLICATION NO	LA03/2023/0572/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Dwelling
SITE/LOCATION	75m North East of 84 Ballymena Road, Doagh, Ballyclare, BT39 0RN
APPLICANT	Owen Kirk
AGENT	Susan Purdy
LAST SITE VISIT	13 September 2023
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located 75m northeast of No. 84 Ballymena Road, Doagh, which is a countryside location beyond any development limits as defined within the Draft Belfast Metropolitan Area Plan 2004.</p> <p>The application site is setback approximately 90m from the Ballymena Road and forms a rectangular shape cut out of a wider agricultural field. An existing laneway currently provides access to No. 84 Ballymena Road and the wider farm complex is being utilised to provide access to the proposed development. The northern boundary is partially defined by a 1.5m high concrete wall, with the remainder of the boundary defined by a 1.5m high hedgerow. The eastern boundary is defined by a mature hedgerow measuring 2-3m in height. The southern and western boundaries are undefined. The site topography levels fall gently in a northeasterly direction.</p> <p>The surrounding character is open countryside, with dwellings and outbuildings spread throughout intermittently.</p>	
RELEVANT PLANNING HISTORY	
No recent relevant planning history.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p> <p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in</p>	

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): The application site is located outside any development limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

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

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

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

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

CONSULTATION

Council's Environmental Health Section – No objection.

Northern Ireland Water – No objection.

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

Department for Infrastructure Rivers- No objection

DAERA- The Farm Business ID was allocated in May 2005. The business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last six years. DAERA also states that the proposed site is located on land associated with another farm business. The farm business is also noted as being dormant, as it has had no agricultural activity within the last five years.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. The application site lies within the countryside. There are no specific operational policies or other provisions relevant to the determination of the application contained in these plans.

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

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

The Department for Agriculture, Environment and Rural Affairs (DAERA) advised in a consultation response dated 8th September 2023 that the associated farm has been in existence for more than 6 years and the Farm Business ID having been allocated in May 2005. Its response also confirms that the farm business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years.

The DAERA response also states that the proposed site is located on land associated with another farm business. The farm business is also noted as being dormant, as it has had no agricultural activity within the last five years. Consequently, the agent was contacted and requested to provide evidence which displayed farming activity by the applicant over the six year requisite period. The agent responded via email dated 19th September 2023 that the applicant 'rents the lands' and that the farm 'is running as rental ground'. The agent was again contacted and asked if the applicant maintained the land. The agent responded that the applicant 'does all the hedge cutting and maintenance', and provided a number of invoices and a rental

agreement.

For the purposes of the SPPS, 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013 which states agricultural activity means production, rearing or growing agricultural products, including harvesting, milking, breeding animals, and keeping animals for agricultural purposes whilst paragraph 5.39 of PPS 21 adds 'or maintaining the land in good agricultural and environmental condition' to that definition.

As in most situations which involve conacre arrangements, it will generally be the case that it is the conacre tenant who carries out the main agricultural activity on the conacre land and enjoys the decision-making power, benefits and financial risks in relation to this agricultural activity. Therefore, the key issue is whether the submitted evidence displays that the applicant has maintained the land in good agricultural and environmental condition over the requisite six year period.

The agent notes in an email dated 12th September 2023 that the registered land owner changed in July 2023 from Mrs Ann Maree Lorimer, the addressee of the invoices referred to below, to Ms Josephine Alwyn Lorimer, an in-law of the applicant.

Model Conacre Licence Agreement

A conacre agreement was submitted, stating the landowner as Ann Marie Lorimer and the person taking the land in conacre named as Leslie and Ken Wilson for the period 01/04/2018 - 01/11/2018. The agreement notes the Farm Survey Number, i.e., the lands covered by the agreement, corresponds with the Field Number on the submitted DAERA Farm Maps, Drawing 02 date stamped 1st August 2023.

It is noted on the last page of the agreement, the terms list: 'tenant to claim payments being active farmer, tenant to abide with current cross compliance rules, cutting & grazing to 01/11/2018, tenant to maintain fences, tenant to pay water charges'. This document appears to display the conacre tenant carrying out the main agricultural activity on the conacre land and enjoying the decision-making power, benefits and financial risks in relation to this agricultural activity for the 2018 period stated.

An affidavit from the person taking the land in conacre was also submitted, confirming they have rented the land, however it does not specifically state the rental time period.

Gillespie Agriculture Contractors

An invoice from Gillespie Agriculture Contractors was submitted dated March 2017 for 'hedge cutting 4.5 hours'. The invoice is addressed to 'A. Lorimer'. No address as to where the works were carried out has been provided, therefore this information is not recorded as being specific to the applicant's farm holding.

An additional invoice from Gillespie Agriculture Contractors was submitted dated May 2022 for 'hedge cutting 5 hours, fixing gate in paddock'. The invoice is addressed to 'Holestone Farm'. No address as to where the works were carried out has been provided, therefore this information is not recorded as being specific to the applicant's holding.

Stephen Coleman Building & Joinery Services

An invoice from Stephen Coleman Building and Joinery Services was submitted dated August 2018 for 'works carried out to farm outbuildings at No. 86 Ballymena Road as follows: roof repairs, repairs to guttering, general maintenance'. The invoice is addressed to 'A M Lorimer'. As outlined in the above description of agricultural activity, the maintenance and upkeep of outbuildings is not referenced, and is therefore not considered to demonstrate farming activity. It is also noted that the invoice refers to repairs at 'No. 86 Ballymena Road' and not the farm holding at No. 84 Ballymena Road.

NI Water

Five half yearly water and sewerage charge bills were submitted from NI Water addressed to 'Mrs Ann-Maree Lorimer' dated October 2020, April 2021, October 2021, April 2022 and October 2022. The agent notes that the NI Water meter is to provide water for cattle using the field, however it is not considered that water charges are sufficient evidence to display farming activity, and it is not mentioned in the definition of agricultural activity.

Of the submitted invoices, none are specific to the subject farmlands. Furthermore, no invoices were submitted to demonstrate farming activity for the year 2019. Therefore, the applicant has not demonstrated farming activity over the required six year period. As outlined above, a number of the invoices are not considered to demonstrate farming activity and as such the proposal is considered to be contrary to Policy CTY 10 (a).

A site history check has been carried out on the lands identified on the site location plan, Drawing Number 01 date stamped 1st August 2023, as well as those shown on the farm maps and there does not appear to have been any development opportunities sold off from the farm holding. This is further confirmed by the answer to Q5 of Form P1C which states that there have been no dwellings or development opportunities sold off from the farm holding within the last 10 years. The proposal is therefore considered to comply with Policy CTY 10 (b).

The application site is located 30m southeast of an established group of buildings on the farm. It is considered that a proposed dwelling on the plot would visually link and cluster with the existing buildings. Access is to be gained off an existing laneway which serves No. 84 Ballymena Road and the farm holding. The proposal is considered to comply with Policy CTY 10 (c).

Impact on Character and Appearance of the Area

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

The application site is set back approximately 90m from the Ballymena Road. Given the setback distance, the intervening boundary treatments and structures, and the site being situated at a land level lower than the road, minimal views of the proposed site will be achieved when travelling eastwards along the Ballymena Road. Whilst it is accepted that long views will be achieved when travelling westwards along the

Ballymena Road, the existing built form of the established group of farm buildings will provide an adequate backdrop for the development. Short sideward views of the scheme will be achieved, however, these are considered minimal and are not considered detrimental to the application.

As this application seeks outline permission only, the design and layout of the proposal have not been provided at this stage, however, it is considered that a suitably designed dwelling would be acceptable on the application site given the opportunity to set it back from the roadside, in line with the existing built form, whereby it will not appear as a prominent feature within the landscape. If approved, a ridge height condition is to be attached to ensure the building integrates appropriately and respects the adjacent built form. The proposal is considered to meet the policy requirements of Policy CTY 13.

The proposal is considered to respect the traditional pattern of development exhibited in the surrounding area, with a plot area and depth similar to those in the immediate context. The development of the site will extend the existing built form when read in conjunction with No. 84 Ballymena Road and its associated outbuildings further extending the built form into the countryside and resulting in a 120m stretch of development within the countryside. This would result in a suburban build-up of development when viewed with the existing buildings, therefore having a detrimental impact on the rural character of the area. The proposal therefore is not considered to comply with the policy provisions of Policy CTY 14.

Neighbour Amenity

No impact to neighbouring amenity by way of overlooking, overshadowing, loss of privacy, loss of light, or dominance is expected to occur given the approximate 90m separation distance to the nearest neighbouring dwelling, and intervening boundary treatments which filter views into the application site.

Access and Movement

DfI Roads was consulted regarding the proposal which is to be accessed via an existing laneway which currently serves No. 84 Ballymena Road and the adjacent farm complex. DfI Roads responded with no objections to the proposed access arrangement subject to compliance with the attached RS1 Form. The proposal is considered to comply with PPS 3.

Other Matters

The Council's Environmental Health Section was consulted regarding the proposal and responded with no objections.

DfI Rivers was consulted regarding the proposal and responded with no objections, subject to a number of informatives. It is also noted within its response that a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, and states that it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. This will involve acquiring consent to discharge storm water run-off from the site.

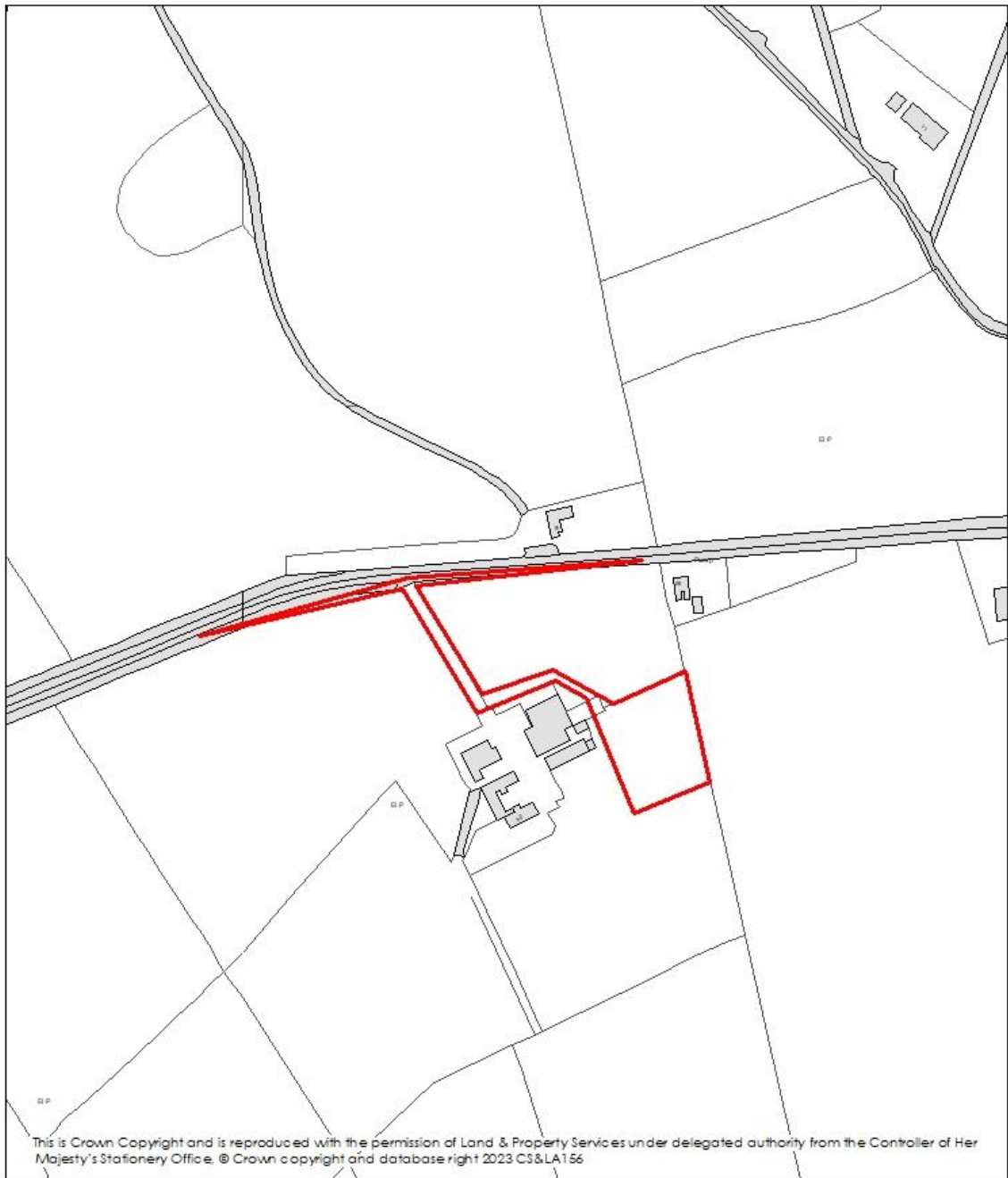
CONCLUSION

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

- The principle of the development cannot be established as the proposal fails

- to fulfil the policy requirements of Policy CTY 1 and Policy CTY 10 of PPS 21;
- The proposal would not appear as a prominent feature in the landscape;
- The proposal would lead to a build-up of development resulting in a detrimental impact on the character and appearance of the area;
- There would not be a significant impact on any neighbouring properties; and
- There are no concerns from statutory consultees.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASONS FOR REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the farm business has not been active for at least 6 years. 3. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal will result in the suburban style build-up of development when viewed with existing buildings. 	



Site Location Plan

Reference: LA03/2023/0572/O

Location: 75m North East of 84 Ballymena Road, Doagh, Ballyclare, BT39 0RN

Proposal: Dwelling



Site Location



Scale: 1:2,500



COMMITTEE ITEM	4.14
APPLICATION NO	LA03/2023/0488/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Dwelling and garage (Site 2)
SITE/LOCATION	93m north east of 256 Seven Mile Straight, Crumlin, BT29 4YT
APPLICANT	Steven Harrison
AGENT	Elaine McEldowney
LAST SITE VISIT	13 September 2023
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located on lands approximately 93m northeast of 256 Seven Mile Straight, Crumlin. This is a countryside location as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site forms a rectangular plot cut out of a wider agricultural field, with an approximate area of 0.37 hectares. The northwestern boundary is defined by a post and wire fence with interspersed trees measuring 4-6m in height. The northeastern boundary is defined by a 2m high hedgerow and interspersed trees measuring 4-6m in height. The southeastern and southwestern boundaries are undefined. A sheugh is located along the northwestern site boundary. No.258 Seven Mile Straight is located immediately adjacent to and northeast of the application site.</p> <p>Site 1, which is a concurrent planning application for an infill dwelling under planning application Ref:LA03/2023/0487/O is located immediately adjacent to and southwest of the application site. The topography of the land is generally flat.</p> <p>The surrounding location is countryside with a number of dwellings and buildings of an agricultural appearance within the wider area.</p>	
RELEVANT PLANNING HISTORY	
No recent/relevant planning history.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p> <p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in</p>	

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

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

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

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

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

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

CONSULTATION

Belfast International Airport- No objection.

Belfast City Airport- No objection.

Council Environmental Health Section – No objection.

Department for Infrastructure Roads- No objection, subject to compliance with attached RS1 Form.

Department for Infrastructure Rivers- No objections, subject to informatives.

Northern Ireland Water- No objections.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an

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

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

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

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

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

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

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

Both Site 2, the current application and Site 1 (Ref:LA03/2023/0487/O) will be assessed in conjunction as both are proposed as two adjoining infill development opportunities. The two proposed sites are positioned along the Seven Mile Straight;

Site 1 bounds No. 256 Seven Mile Straight to the southwest, and Site 2 bounds No. 258 Seven Mile Straight to the northeast.

It is noted that No. 256 and No. 258 Seven Mile Straight are both served by private individual laneways which adjoin the shared laneway which is also proposed to serve the two application sites. It is considered that both the existing dwellings do not have a frontage onto the shared laneway but are setback almost 80m from it, and are connected via their own individual private access. It is not considered that the individual private access roads represent a frontage onto any public road or shared laneway. Therefore, the proposal is contrary to the policy requirement in that the two sites are not located along a substantial and continuously built up frontage.

The second element of Policy CTY 8 requires the gap to be a small gap site sufficient only to accommodate a maximum of two dwellings. Additionally, the third element of Policy CTY 8 states that the proposal should respect the existing pattern along the frontage in terms of size, scale, siting and plot size. As the gap is not within a substantial and continuously built up frontage, the principle of development is unable to be established, however, assessment will be given to the remaining aspects of the policy.

As stated above, No. 256 and No. 258 Seven Mile Straight are set back a considerable distance from the shared laneway, each having a private laneway to the individual properties off the shared laneway. Given that neither of the buildings has a frontage onto the laneway, a measurement in terms of frontages is unable to be taken. Therefore, it is considered that the site frontage does not respect the existing pattern exhibited in the area.

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

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

The application site is setback approximately 390m from the Seven Mile Straight. Given the separation distance, intervening buildings and boundary treatments, it is considered that limited views of the application site will be achieved. As this application is for outline planning permission only, the design and layout of the proposal have not been provided at this stage. However, it is considered that a suitably designed dwelling would be acceptable on the subject site given the opportunity to set it back from the roadside and in line with the existing built form, where it will not appear as a prominent feature within the landscape. The proposal is considered to meet the policy requirements of Policy CTY 13.

The proposal is considered to respect the traditional pattern of development exhibited in the surrounding area, with a plot area and depth similar to those in the immediate context.

The development of the site and the proposal for a dwelling adjacent on Site 1 will result in the creation of a ribbon of development when read in conjunction with Nos.

256 and 258 Seven Mile Straight. The proposal will also result in the suburban build-up of development when viewed with the existing buildings, therefore having a detrimental impact on the rural character of the area. The proposal, if approved, would result in a line of four dwellings and ancillary buildings, creating a sense of build up within the open countryside. The proposal is considered to fail the policy provisions of Policy CTY 14.

Neighbour Amenity

The application site bounds No. 258 Seven Mile Straight to the northeast. Given that this is an outline application, limited details of the proposal have been provided. It is considered that with appropriate siting, orientation and layout of the proposal, in combination with proposed new landscaping and separation distances, a dwelling could be accommodated within the lands without negatively impacting upon the neighbouring amenity.

As stated above, a proposal for a second infill dwelling under planning application Ref:LA03/2023/0487/O is positioned directly southwest of the application site and forms Site 1. If the principle of development can be established under both applications, it is considered that with the appropriate siting, orientation, and layout of both proposals at Reserved Matters stage, no negative impact upon neighbouring amenity will be experienced.

It is considered that there will be no detrimental impact to neighbour amenity by way of overshadowing, loss of light or dominance with the appropriate design, siting and layout at Reserved Matters stage if the application is considered acceptable.

Access and Movement

DfI Roads was consulted regarding the proposal and responded with no objections, subject to the compliance with the attached RS1 Form. The proposal is considered to meet the policy requirements of PPS 3.

Other Matters

The Council's Environmental Health Section was consulted regarding the application and responded with no objections. Belfast International Airport and Belfast City Airport were consulted regarding the application and responded with no objections.

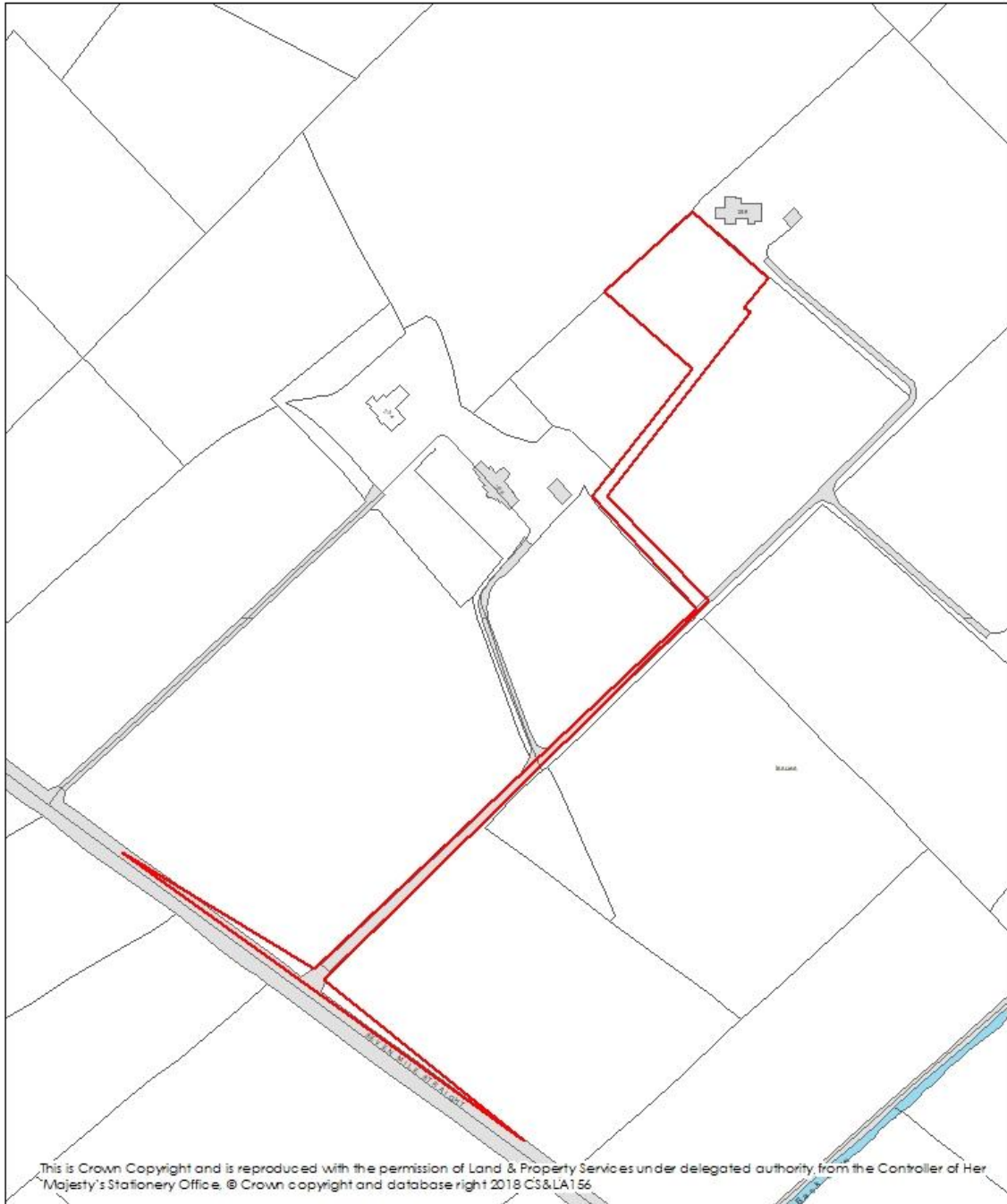
DfI Rivers was consulted regarding the proposal and responded stating that an undesignated watercourse is located on the southwestern boundary of the site and notes that a working strip with a minimum width of 5m is required in order to facilitate future maintenance.

CONCLUSION

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

- The principle of the development has not been established in accordance with the policy provisions of Policy CTY 8;
- It is considered that a proposal of appropriate design and layout could integrate appropriately with the surrounding landscape;
- It is considered that the proposal will create a ribbon of development and result in the suburban build-up of development when viewed with existing buildings, contrary to CTY 14;
- There are no concerns in relation to neighbour amenity; and
- There are no concerns in relation to road safety.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASONS FOR REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not represent a gap site within an otherwise substantial and continuously built up frontage. 3. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal will create a ribbon of development and result in the suburban style build-up of development when viewed with existing buildings. 	

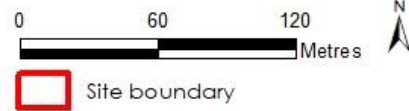


Site Location Plan

Application Reference: LA03/2023/0488/O

93m North East of 256 Seven Mile Straight, Crumlin, BT29 4YT

Dwelling and garage (site 2)



COMMITTEE ITEM	4.15
APPLICATION NO	LA03/2023/0487/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for proposed infill dwelling and garage (Site 1)
SITE/LOCATION	34m north east of 256 Seven Mile Straight, Crumlin, BT29 4YT
APPLICANT	Steven Harrison
AGENT	Elaine McEldowney
LAST SITE VISIT	13 September 2023
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is on lands approximately 34m northeast of 256 Seven Mile Straight, Crumlin. This is a countryside location as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site forms a rectangular plot cut out of a wider agricultural field, with an approximate area of 0.33 hectares. The northeastern and southeastern boundaries are undefined, with the southwestern boundary defined by a post and wire fence. The northwestern boundary is defined by a post and wire fence with interspersed trees measuring 4-6m in height. There is a sheugh located along the northwestern boundary. No. 256 Seven Mile Straight is located immediately adjacent to and southwest of the application site. Site 2, which relates to a concurrent planning application for an infill dwelling under planning application Ref:LA03/2023/0488/O is located immediately adjacent to and northeast of the application site. The topography of the land is generally flat.</p> <p>The surrounding location is countryside with a number of dwellings and buildings of an agricultural appearance within the wider area.</p>	
RELEVANT PLANNING HISTORY	
No recent/relevant planning history.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p> <p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy</p>	

and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

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

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

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

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

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

CONSULTATION

Belfast International Airport- No objection.

Belfast City Airport- No objection.

Council Environmental Health Section – No objection.

Department for Infrastructure Roads- No objection.

Department for Infrastructure Rivers- No objection.

Northern Ireland Water- No objection.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

Section 6 (4) of the Act then states that, where, in making any determination under

the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

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

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

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

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

- e) The gap is within an otherwise substantial and continuously built up frontage;
- f) The gap site is small sufficient only to accommodate up to a maximum of two houses;
- g) The proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size; and
- h) The proposal meets other planning and environmental requirements.

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

Both Site 1, the current application, and Site 2 (Ref:LA03/2023/0488/O) will be assessed in conjunction as both are proposed as two adjoining infill development opportunities. The two proposed sites are positioned along the Seven Mile Straight; Site 1 bounds No. 256 Seven Mile Straight to the southwest, and Site 2 bounds No. 258 Seven Mile Straight to the northeast.

It is noted that No. 256 and No. 258 Seven Mile Straight are both served by private individual laneways which adjoin the shared laneway which is also proposed to serve the two application sites. It is considered that both the existing dwellings do not have a frontage onto the shared laneway but are setback almost 80m from it, and are connected via their own individual private access. It is not considered that the individual private access roads represent a frontage onto any public road or shared laneway. Therefore, the proposal is contrary to the policy requirement in that the two sites are not located along a substantial and continuously built up frontage.

The second element of Policy CTY 8 requires the gap to be a small gap site sufficient only to accommodate a maximum of two dwellings. Additionally, the third element of Policy CTY 8 states that the proposal should respect the existing pattern along the frontage in terms of size, scale, siting and plot size. As the gap is not within a substantial and continuously built up frontage, the principle of development is unable to be established, however, assessment will be given to the remaining aspects of the policy.

As stated above, No. 256 and No. 258 Seven Mile Straight are set back a considerable distance from the shared laneway, each having a private laneway to the individual properties off the shared laneway. Given that neither of the buildings has a frontage onto the laneway, a measurement in terms of frontages is unable to be taken. Therefore, it is considered that the site frontage does not respect the existing pattern exhibited in the area.

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

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

The application site is set back approximately 290m from the Seven Mile Straight. Given the separation distance, intervening buildings and boundary treatments, it is considered that limited views of the application site will be achieved. As this application is for outline planning permission only, the design and layout of the proposal have not been provided at this stage. However, it is considered that a suitably designed dwelling would be acceptable on the subject site given the opportunity to set it back from the roadside and in line with the existing built form, where it will not appear as a prominent feature within the landscape. The proposal is considered to meet the policy requirements of Policy CTY 13.

The proposal is considered to respect the traditional pattern of development exhibited in the surrounding area, with a plot area and depth similar to those in the immediate context.

The development of the site and proposal for a dwelling adjacent on Site 2 will result in the creation of a ribbon of development when read in conjunction with Nos. 256 and 258 Seven Mile Straight. The proposal will also result in the suburban build-up of development when viewed with the existing buildings, therefore having a detrimental impact on the rural character of the area. The proposal, if approved, would result in

a line of four dwellings along with ancillary buildings, creating a sense of build up within the open countryside. The proposal is not considered to comply with the policy provisions of Policy CTY 14.

Neighbour Amenity

The application site bounds No. 256 Seven Mile Straight to the southwest. Given that this is an outline planning application, limited details of the proposal have been provided. It is considered that with appropriate siting, orientation and layout of the proposal, in combination with proposed new landscaping and separation distances, a dwelling could be accommodated within the lands without negatively impacting upon the neighbouring amenity.

As stated above, a proposal for a second infill dwelling under planning application reference LA03/2023/0488/O is positioned directly northeast of the application site and forms Site 2. If the principle of development can be established under both applications, it is considered that with the appropriate siting, orientation, and layout of both proposals at Reserved Matters stage, no negative impact upon neighbouring amenity will be experienced.

It is considered that there will be no detrimental impact to neighbour amenity by way of overshadowing, loss of light or dominance with an appropriate design, siting and layout at Reserved Matters stage if the application is considered acceptable.

Access and Movement

DfI Roads was consulted regarding the proposal and responded with no objections, subject to the compliance with the attached RS1 Form. The proposal is considered to meet the policy requirements of PPS 3.

Other Matters

The Council's Environmental Health Section was consulted regarding the application and responded with no objections. Belfast International Airport and Belfast City Airport were consulted regarding the application and responded with no objections.

DfI Rivers was consulted regarding the proposal and responded stating that there is an undesignated watercourse located adjacent to the access lane along the southwestern site boundary, and note that a working strip with a minimum width of 5m is required in order to facilitate future maintenance.

CONCLUSION

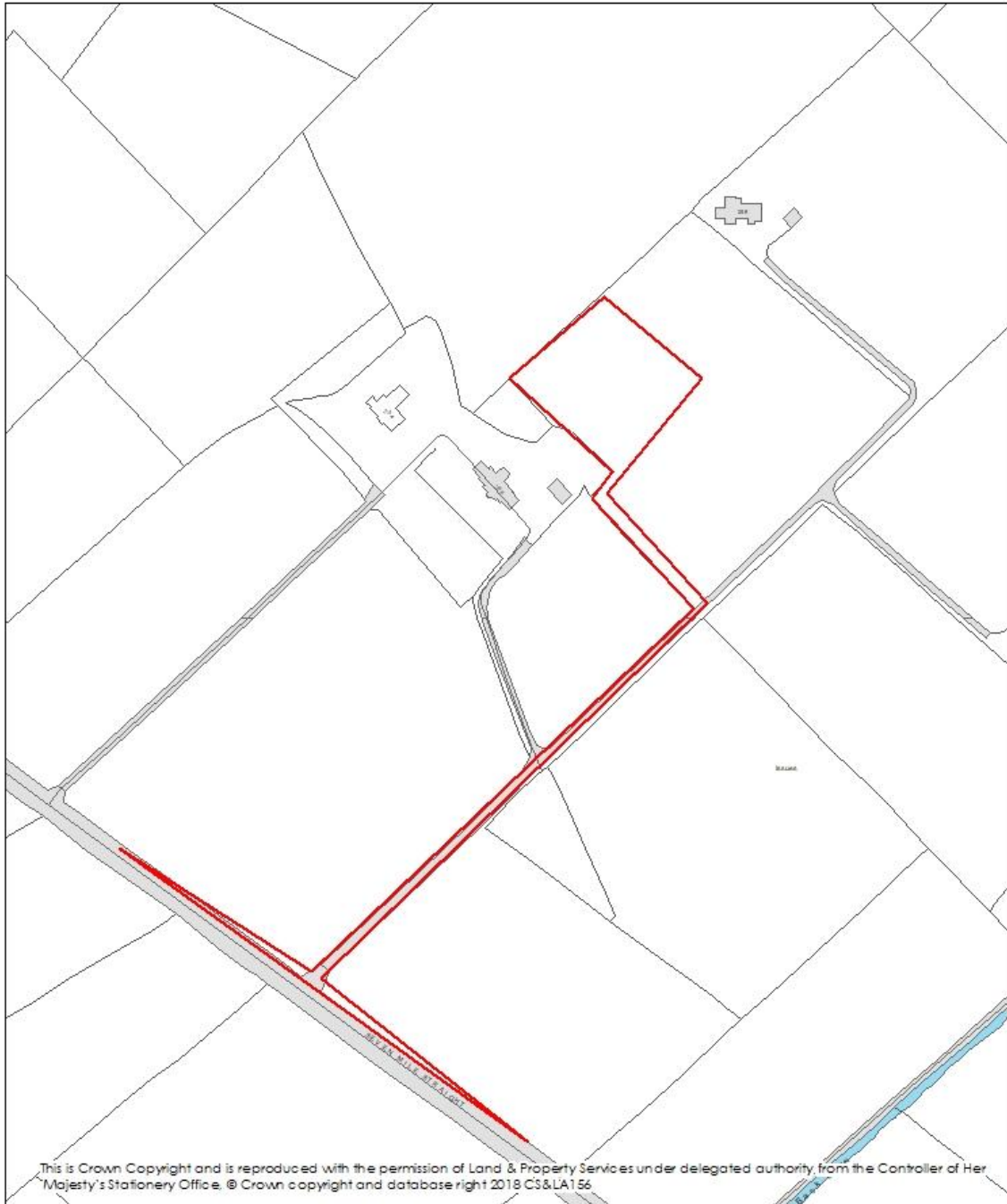
The following is a summary of the main reasons for the recommendation:

- The principle of the development has not been established in accordance with the policy provisions of Policy CTY 8;
- It is considered that a proposal of appropriate design and layout could integrate appropriately with the surrounding landscape;
- It is considered that the proposal will create a ribbon of development and result in the suburban build-up of development when viewed with existing buildings, contrary to Policy CTY 14;
- There are no concerns in relation to neighbour amenity; and
- There are no concerns in relation to road safety.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
-----------------------	---

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not represent a gap site within an otherwise substantial and continuously built up frontage.
3. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal will create a ribbon of development and result in the suburban style build-up of development when viewed with existing buildings.

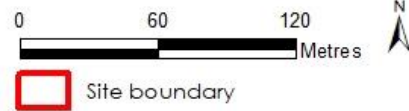


Site Location Plan

Application Reference: LA03/2023/0487/O

34m north east of 256 Seven Mile Straight, Crumlin, BT29 4YT

Site for proposed infill dwelling and garage (site 1)



COMMITTEE ITEM	4.16
APPLICATION NO	LA03/2023/0569/F
DEA	DUNSILLY
COMMITTEE INTEREST	COUNCIL APPLICATION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Erection of ball catch net
SITE/LOCATION	Neillsbrook Pitches (approximately 20m south of No.6 Brackenburn, Randalstown)
APPLICANT	Antrim and Newtownabbey Borough Council
AGENT	Antrim and Newtownabbey Borough Council
LAST SITE VISIT	11 September 2023
CASE OFFICER	Morgan Poots Tel: 028 90340419 Email: morgan.poots@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk .	
SITE DESCRIPTION	
<p>The application site is located at the existing Neillsbrook Pitches which are approximately 20m south of No.6 Brackenburn, Randalstown, within the development limits of Randalstown, as designated in the Antrim Area Plan 1984-2001 (AAP).</p> <p>The application site consists of one end of an existing football pitch. The area consists of an area of grass surrounded by dense mature trees to the north and east. The southern boundary remains open to the existing pitch and the western boundary remains open to Neillsbrook Road with four (4) dispersed mature trees.</p> <p>The land uses in close proximity to the application site consist of similar sporting activities and residential properties located to the south within Brackenburn.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p>	

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

Antrim Area Plan 1984-2001 (AAP): The application site is located within the development limit of Randalstown.

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

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

CONSULTATION

Environmental Health Section: No objection

REPRESENTATION

Five (5) neighbouring properties were notified, and no letters of representations have been submitted in respect of the proposal.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development;
- Design and Appearance;
- Neighbour Amenity;
- Access, Parking and Manoeuvring;

Policy Context and Principle of Development

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

The Antrim Area Plan 1984 - 2001 (AAP) currently operates as the statutory local development plan for the area where the application site is located, and regional planning policy is also material to determination of the proposal. The application site is located within the development limit of Randalstown.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). In this case, the relevant policy document is PPS 8: Open Space, Sport and Outdoor Recreation.

The SPPS and Policy OS1 of PPS8 operates a policy presumption against the loss of existing open space irrespective of its physical condition or appearance. No conflict arises between the provisions of the SPPS and PPS8.

Policy OS1 of PPS8 states that development will not be permitted where it would result in the loss of open space. The existing area of open space will be retained and enhanced through the erection of a ball catch net. In this respect it is considered that the use of the land for open space will not be prejudiced by the proposed development. The principle of development is considered to be established in terms of policy context and the proposal is acceptable, subject to all other material considerations being met.

Design and Appearance

The application site is located at the existing Neillsbrook football pitch. The ball catch net is proposed along the northern side of the football pitch, approximately 20m south of No. 6 Brackenburn. The net measures a height of approximately 8m with a length of 30m and consists of two (2) supporting steel poles either side with supporting wires.

The proposal will be visible to road users and pedestrians travelling along Neillsbrook Road. However, it is not considered that the proposal will visually detract from these views or the visual amenity of the area which consists of existing rugby posts and football nets. The proposal is considered to be of an appropriate design and appearance when viewed in the context of the surrounding area.

Neighbour Amenity

The proposal is located in close proximity to residential properties, approximately 20m north of the application site, in Brackenburn. The erection of a ball catch net is considered to improve public safety and amenity in this area by reducing the number of balls entering neighbouring properties. Although the proposal will be visible from the residential properties, there are existing rugby posts and football nets on the pitch. The proposed ball stop is not considered to lead to any significant neighbour amenity concerns. The Council's Environmental Health Section were consulted on the application and raised no concerns to neighbour amenity.

Access, Parking and Manoeuvring

With respect to access, movement and parking, no changes are proposed to the existing access or parking provision and the proposal will not lead to any intensification of the existing facility. Neillsbrook Community Centre offers a car park to serve the development along with on-street parking being available in this area.

CONCLUSION

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

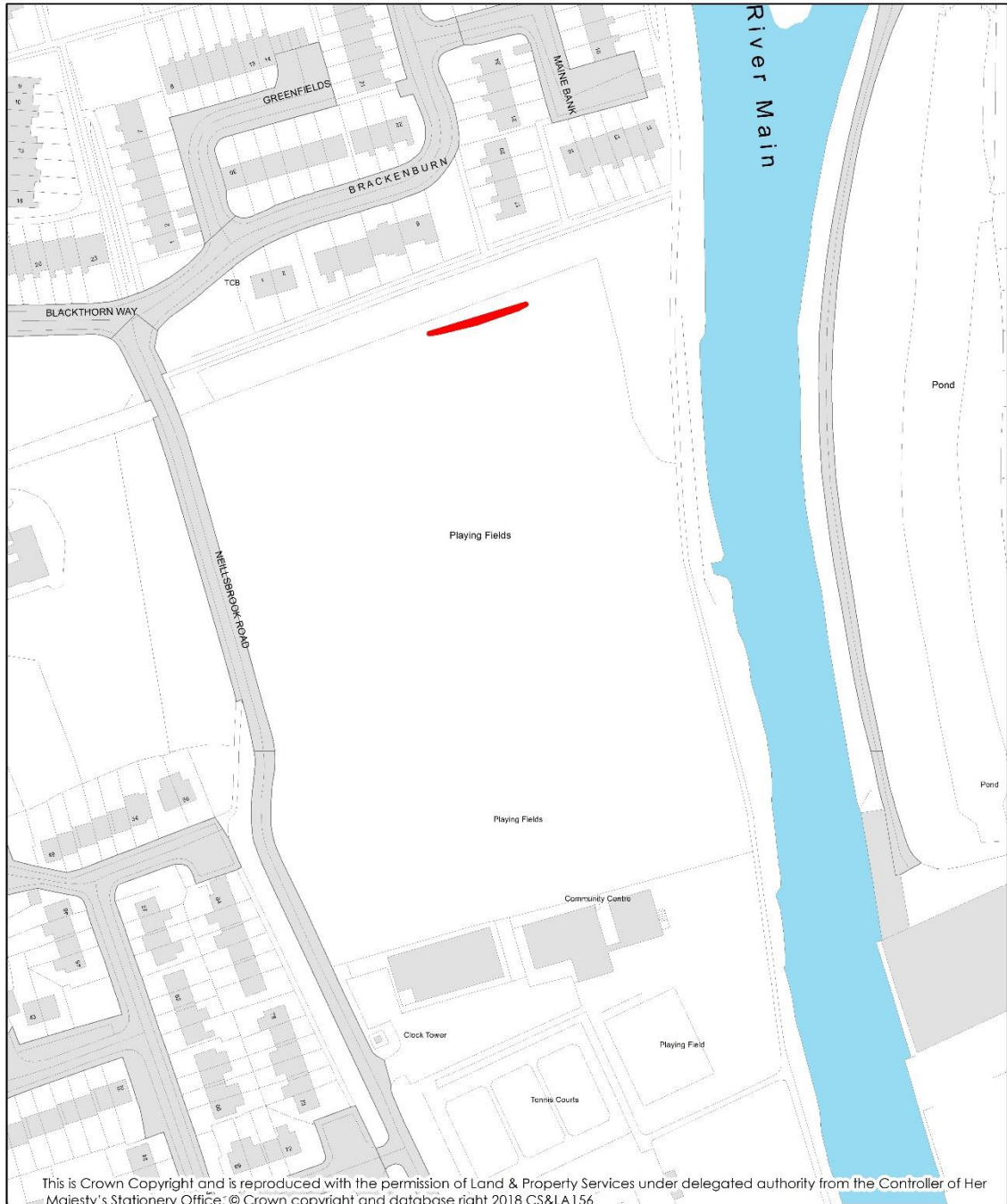
- The principle of the development is considered acceptable with respect to the relevant policy provisions of the SPPS, AAP and PPS8;
- The design and appearance of the proposed development is considered acceptable; and
- The proposal will not unduly affect the amenity of neighbouring premises

RECOMMENDATION	GRANT PLANNING PERMISSION
-----------------------	----------------------------------

PROPOSED CONDITION

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

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



Site Location Plan

Application Reference: LA03/2023/0569/F

Location: Nellsbrook Pitches, Randalstown,
approximately 20m south of No. 6 Brackenburn, Randalstown

Proposal: Erection of ball catch net



 Site boundary



COMMITTEE ITEM	4.17
APPLICATION NO	LA03/2023/0545/F
DEA	THREE MILE WATER
COMMITTEE INTEREST	COUNCIL APPLICATION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	3G training pitch in place of grasspitch, 2.4m high fence & gates, 5m high ball stop fencing, replacement of existing 2.4m high fencing & gates, 8m high ball stop netting and floodlighting
SITE/LOCATION	Lands immediately south of 81 and approx. 22m south of 38-46 Cloyne Crescent, Newtownabbey
APPLICANT	Antrim and Newtownabbey Borough Council
AGENT	Collins Rolston Architects
LAST SITE VISIT	12 September 2023
CASE OFFICER	Tierna McVeigh Tel: 028 90340401 Email: tierna.mcveigh@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located on lands immediately south of 81 and approximately 22 metres south of 38-46 Cloyne Crescent, Newtownabbey and within the development limit of the Belfast Urban Area as defined by the Belfast Urban Area Plan (BUAP) and within the development limit of Metropolitan Newtownabbey as defined by the draft Belfast Metropolitan Area Plan published 2004 (dBMAP).</p> <p>Within dBMAP the site is located within the draft Three Mile Water Local Landscape Policy Area (LLPA) (Designation MNY 53) and abutting the site along the southern boundary is the Three Mile Water Site of Local Nature Conservation Importance (SLNCI) (Designation 39/08).</p> <p>The site is known as Monkstown Pavilion and comprises a main pitch, training pitch, a changing pavilion building and associated car parking. Floodlighting and spectator seats/stands are also positioned around the boundaries of the pitches. Separating the two (2) pitches is a 1 metre high mesh fence. Access to the site is to the northwest from Cloyne Crescent.</p> <p>The site is relatively flat and the boundaries of the site comprise of 2 metre high green palisade fencing with the exception of the southern boundary which comprises of mature woodland, trees and hedgerows and the northwestern boundary which is lined sporadically with young trees. The Three Mile Water River also runs parallels with the site's southern boundary and is hydrologically linked to Outer Belfast Lough Area of Special Scientific Interest (ASSI), Belfast Lough RAMSAR site, Belfast Lough Special Protection Area (SPA) and Belfast Lough Open Water SPA. The surrounding land uses include open space,</p>	

residential and community uses including Monstown Social Club and Monstown Community Centre to the north.

RELEVANT PLANNING HISTORY

Planning reference: U/2003/0741/F

Location: Land adjoining Cloyne Crescent, Monkstown

Proposal: Erection of changing pavilion

Decision: Permission Granted 16/02/2004

Planning reference: U/2003/0208/F

Location: Land adjoining Cloyne Crescent, Monkstown

Proposal: Erection of a sports changing room pavilion.

Decision: Permission Granted 06/09/2003

Planning reference: U/2000/0249/F

Location: Land adjoining Cloyne Crescent, Monkstown

Proposal: Changing pavilion, car park, playing pitch and training pitch

Decision: Permission Granted 26/04/2001

PLANNING POLICY AND GUIDANCE

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

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

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

Belfast Urban Area Plan (BUAP): The application site is located within the settlement limit of the Belfast Urban Area. The Plan offers no specific guidance on this proposal.

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey and within the Three Mile Water Local Landscape Policy Area (LLPA) (Designation MNY 53). Policy ENV 3 'LLPA' as set out in Part 3 Volume 1 of the Plan states that planning permission will not be granted for development that would be liable to

adversely affect those features, or combination of features, that contribute to environmental quality, integrity or character. Abutting the site to the south lies the Three Mile Water Site of Local Nature Conservation Importance (SLNCI) (Designation 39/08). The Plan offers no other specific guidance on this proposal.

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

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

Planning Policy Statement 3 (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 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

Councils Environmental Health Section – Approve subject to a condition

DfI Roads – Approve subject to a condition

DfI Rivers – No objection

DAERA Natural Environment Division (NED) – No objection

DAERA Water Management Unit (WMU) – Approve subject to a condition

Shared Environmental Services (SES) – Response pending

REPRESENTATION

Twelve (11) neighbouring properties were notified, and one (1) representation has been received from a notified neighbour. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (<https://planningregister.planningsystemni.gov.uk>).

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

- Supports the proposal for the betterment of local children; and
- Parking concerns.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development

- Design, Layout and Appearance
- Neighbour Amenity
- Natural Heritage Interests and Impact on Environmental Quality
- Access, Movement and Road Safety
- Flood Risk and Drainage

Preliminary Matters

Environmental Impact Assessment

As the development is within Category 10 (B) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (NI) 2017 the Council is obliged under Regulation 12 (1) of these Regulations to make a determination as to whether the application is or is not EIA development. An EIA Determination was carried out and it is determined that the planning application does not require to be accompanied by an Environmental Statement.

Habitats Regulation Assessment

The planning application must be considered in light of the assessment requirement of Regulation 43 (1) of the Conservation (Natural Habits, etc.) Regulations (Northern Ireland) 1995 (as amended). Shared Environmental Services have been asked to undertake an assessment of the environmental effects of the project on any European site, either alone or in combination with any other plan or project on behalf of the Council. This will require a consideration of the nature, scale, timing, duration and location of the project. The grant of planning permission is recommended subject to SES confirming that the development will not have any adverse impact on any designated site.

Policy Context and Principle of Development

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

The application site is located within the development limits of the Belfast Urban Area as defined within the Belfast Urban Area Plan (BUAP) and within the development limits of Metropolitan Newtownabbey as defined in the draft Belfast Metropolitan Area Plan (dBMAP) published in 2004. The site is located within the draft Three Mile Water Local Landscape Policy Area (MNY 53) and abuts the Three Mile Water Site of Local Nature Conservation Importance (SLNCI).

There have been a large number of decisions taken by the Planning Appeals Commission (PAC) that indicate, whilst the emerging policy provisions of draft BMAP remain material considerations in the determination of planning applications, reliance on specific policies, designations or zonings of the purportedly adopted BMAP to refuse development proposals is misplaced (e.g. Appeal Reference 2019/A0113).

Notwithstanding the above, the policy for the control of development in Local Landscape Policy Areas is contained in Policy ENV 3 of Part 3, Volume 1 of the Plan which states that in designated LLPAs, planning permission will not be granted for development that would be liable to adversely affect those features, or combination of features, that contribute to environmental quality, integrity or character. The policy also states that where riverbanks are included within LLPA's, planning permission will only be granted where access is provided to the river corridor as part of the development proposals.

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

The SPPS promotes the safeguarding of existing open space as does Policy OS 1 'Protection of Open Space' of PPS 8. Policy OS 1 states that development will not be permitted which would result in the loss of existing open space or land zoned for the provision of open space. In this case, the proposal is for 3G pitch to replace the existing grass pitch which was previously granted in 2001 under planning approval Ref: U/2000/0249. At present the site is being used as a training pitch associated with Monsktown Pavilion and local football clubs. The proposed development seeks to replace the existing grass training pitch with a 3G training pitch. The other elements of the proposal remain ancillary and complimentary to the replacement pitch and include floodlighting, ball stop netting and perimeter fencing/gates. It is considered that the redevelopment proposal will not result in a loss of open space or have any adverse effect on the quality or amenity value of the open space and instead will promote its usability. Accordingly, it is considered that the proposal does not conflict with this aspect of PPS 8.

Given the planning history, the location of the application site within the urban area and the consideration of the above, it is considered that the principle of development is acceptable.

Design, Layout and Appearance

The proposed development includes a 3G training pitch in place of the existing grass pitch, the erection of four (4) floodlighting columns, a 5 metre high ball stop netting and 2.4 metre high fencing/gates. The proposal also seeks to replace an existing 2.4 metre high fencing/gates and erect an 8 metre high ball stop netting associated with the larger playing pitch directly to the east.

The proposed 3G Pitch measures approximately 53 metres in length and 32 metres in width and includes a run-off area which encompasses the perimeter of the pitch. The proposed pitch will sit some 1.3 metre below the existing public road level surface and will be raised slightly along the southern boundary by some 1.2 metres. To facilitate the change in topography the proposal seeks to erect two (2) types of retaining wall structures along the northern roadside boundary and the rear southern boundary, details of which are shown on Drawing Number 03 and 07 date stamped 29th May 2023.

A 5 metre high ball stop net is proposed along the eastern (36.2 metres), southern (59.7 metres) and western (36.2 metres) boundaries of the site. A new 2.4 metre high Palladin fencing and pedestrian gate is proposed which is 59.7 metres along the northwestern boundary with the existing chain link fence to be retained along the roadside. Access to the 3G pitch from the existing car park will be taken from the northeastern corner and facilitated by a 3 metre wide concrete access ramp.

The proposal also seeks to replace the existing 2.4 metre high fencing/gates defining the larger playing pitch to the east with palladin fencing and the erection of an 8 metre high ball stop netting to the south which measures 20 metres in length.

The proposal includes replacement floodlighting to the 3G pitch. The existing 4No. floodlights are to be replaced by 4No. 10 metre high floodlight columns. Policy OS 7 of PPS 8, requires that there is no adverse impact on the visual amenity or character of the locality. There are existing 7 metre high floodlighting columns around the perimeter of this pitch at the approximate positioning of the columns is changing only slightly, it is considered the proposed new floodlights will not have any significant visual impact.

Overall, it is considered that given the existing use of the application site and that all elements are contained within the existing pitch site, that the design and appearance of the proposal is considered acceptable and will not have an adverse impact on the character and appearance of the surrounding area.

Neighbour Amenity

Policy OS 7 of PPS8 requires that there is no unacceptable impact on the amenities of people living nearby. It goes on to advise that care must be taken to ensure that floodlighting will not cause unacceptable harm to amenity and where floodlighting is proposed to an existing facility, a number of issues need to be considered. This includes the potential for increased use of the facility, light pollution and increased traffic and noise generation. Such issues are particularly relevant where the proposed floodlighting is close to residential properties. (Para 5.52, pg. 35).

The applicant submitted an External Lighting Impact Assessment Report, Document Number 21, date stamped 14th February 2023. The report identifies that there will be a number of dwellings on Cloyne Crescent namely No's 26-30 and No's 38-46 which could be impacted on the proposed floodlighting. It should be noted that floodlighting already exists on the site and that the proposed floodlighting seeks to replace the existing floodlighting.

Although the floodlights proposed on the southern side of the pitch will shine in the direction of the aforementioned properties they have a separation distance of 80 metres. This distance is considered sufficient to ensure that there will be little or no adverse impact from light spill entering those properties directly. The Council's Environmental Health Section was consulted and has no objections to the floodlighting proposal subject to a condition being attached to any decision notice should planning permission be forthcoming.

It is considered that the proposal is compatible with the surrounding residential properties and open space uses within the immediate area.

Natural Heritage Interests and Impact on Environmental Quality

The site is located within the draft Three Mile Water Local Landscape Policy Area (LLPA) (Designation MNY 53) and abutting the site along the southern boundary is the Three Mile Water Site of Local Nature Conservation Importance (SLNCI) (Designation 39/08). The site's southern boundary comprises mature woodland and hedgerows which are a Northern Ireland Priority Habitats (NIPH) and are within close proximity to the Three Mile Water river.

The site is also some 1.7km northwest and hydrologically linked to Outer Belfast Lough Area of Special Scientific Interest (ASSI), Belfast Lough RAMSAR site, Belfast Lough Special Protection Area (SPA) and Belfast Lough Open Water SPA, which are of international importance and protected by the Habitats Regulations and hereafter referred to as designated sites, which are of international and/or national importance and are protected by the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and/or the Environment (Northern Ireland) Order 2002 (as amended).

Policy ENV 3 of dBMAP (2004) states that planning permission will not be granted for development that would be liable to adversely affect those features, or combination of features, that contribute to environmental quality, integrity or character.

Policies NH 1, NH 2, NH 3, NH 4 and NH 5 of PPS 2 are of particular relevance in this assessment. Policy NH 1 deals with the SPA and Ramsar designations; Policy NH 2 deals with European Protected Species i.e. bats; Policy NH 3 deals with the ASSI designation; Policy NH 4 deals with Sites of Local Nature Conservation Importance (SLNCI) and Policy NH 5 itself with Habitats, Species or Features of Natural Heritage Importance. The crux of each policy is that planning permission will only be granted for a development proposal were it is not likely to have a significant adverse effect on the above designations, species or the integrity of the site.

As detailed on Drawing Number 03 date stamped 29th May 2023, some eleven (11) trees along the southern boundary are required to be removed to facilitate the proposal whilst others are to be retained. At present there are no Tree Preservation Orders on the site. An Arboricultural Impact Assessment Report, Document 01 date stamped 29th May 2023 accompanies the application and indicates that the Root Protection Areas of the retained trees should include the installation of tree protective barriers prior to the start of any demolition or construction works on site. The RPAs provide for sufficient rooting volume to ensure that trees are successfully retained during and after the completed development.

Floodlighting is proposed to the 3G pitch on the northwestern and southern side of the application site. A Bat Survey Document 03 date stamped 29th May 2023 was submitted along with a Lighting Report Document 05 and proposed lighting plans, Drawing Numbers 08, 10, 11 dated 12th June 2023. A Preliminary

Ecological Appraisal (PEA), Document 04 date stamped 29th May 2023. The PEA notes that Hopkirk and Russ Bat Ecology undertook Bat Roost Potential (BRP) and Bat activity surveys in 2022 on the site for replacement floodlighting around the pitch and found no trees with bat roosting potential. As part of the PEA a further Bat Roost Survey was conducted and indicated that no trees with bat roost potential will be required to be removed and thus no bat emergence return surveys would need to be conducted. DAERA Natural Environment Division has been consulted and has raised no objection to the proposal subject to a condition being attached to any forthcoming decision notice. It is therefore considered that the proposed development would not have a detrimental impact on protected species, priority habitats or designated sites and is in accordance with PPS 2 'Natural Heritage' in this regard.

It is considered that, while it is accepted that the proposal will introduce a change to the area, this must be balanced with the demonstrated community benefit which would be derived from the proposal and the limited weight that could be given to any designations within the draft plan. It is considered any impacts are outweighed by the proposed enhancement of the existing sports facilities and wider community benefit.

Access, Movement and Road Safety

With regards to transportation the SPPS aims to secure improved integration with land-use planning, to facilitate safe and efficient access, movement and parking. The SPPS sets out a number of policy objectives for transportation.

Policy AMP 2 of PPS 3 deals with access to the public roads and requires that any development should not prejudice the safety and convenience of road users. The proposal seeks to utilise the existing vehicular/pedestrian access and car parking arrangement. The representation received has raised concerns regarding the provision of car parking. Although the P1 Form indicates there is to be 35No. vehicles and 57no. persons attending the site, it is considered that these figures are akin to visitors attending the premises on match days as opposed to daily visitors. Based on the persons attending the site (including employees) and in accordance with DOE Parking Standards, 19No.spaces are required for the proposal. At present the site currently hosts 15No.car parking spaces. It is considered that the surrounding area benefits from ample off-street parking to serve the overspill of visitors. DfI Roads was consulted and offered no objections in respect to vehicle parking.

The Chronically Sick and Disabled Person (Northern Ireland) Act 1978; and the Code of Practice for Access for the Disabled to buildings, The Disability Discrimination Act (DDA) 1995 and Disability Discrimination (NI) Order 2006 (DDO) creates provision for people with disabilities, rights in the areas of access to goods, facilities and services and larger private clubs and transport services. The proposal takes into account the needs of people with disabilities and proposes level surfaced areas around the pitch and a new 3 metre wide ramped access is proposed from the existing car park to the pitch. The development is also located so as to be accessible to the catchment population giving priority to walking, cycling and public transport. DfI Roads was consulted on the proposal and offer no objections to the proposal subject to a condition being attached to any forthcoming decision notice.

On balance, it is considered that the proposed access and internal road network are safe and adequate provision is made for parking for a development of this nature.

Flood Risk and Drainage

DfI Rivers in its consultation response of 7th September 2023 indicates that the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal floodplain. Given the scale of the development a Drainage Assessment, Document 02 date stamped 29th May 2023 was submitted for consideration. DfI Rivers reviewed the Drainage Assessment and states that while not being responsible for the preparation of the assessment accepts its logic and has no reason to disagree with its conclusions. DfI Rivers further advises that it is the applicant's responsibility for the accuracy of the assessment and that implementation of the proposed flood risk and drainage measures rests with the developer and their professional advisors.

With respect to Policy FLD 5 DfI Rivers reservoir inundation maps indicate that the site is in a potential area of inundation emanating from Mossley Mill Reservoir. DfI Rivers indicate that they are in possession of information confirming that Mossley Mill Reservoir has 'Condition Assurance; and consequently has no reason to object to the proposal from a reservoir flood risk perspective.

DAERA Water Management Unit (WMU) was consulted on the submitted Drainage Assessment and the updated Drainage Assessment, Document 02/1 date stamped 2nd October 2023. WMU in its response dated 5th November 2023 offers no objection to the proposal subject to a condition should planning permission be forthcoming.

CONCLUSION

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

- The principle of the development has been established and is acceptable;
- The design and appearance of the development is considered acceptable;
- No significant harm will result to neighbouring amenity as a result of the development;
- There will be no significant impact on the ecological interests as a result of the development;
- The proposal does not harm the environmental quality or character of the local area;
- There will be no significant drainage or flood risk concerns as a result of the development; and
- There will be no significant access or road safety concerns as a result of the 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. During the lifetime of the development the artificial lighting from the proposed flood light columns shall not exceed 10 Lux between 7am and 11pm, and 2 Lux between 11pm and 7am.

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

3. The drainage for the site must be constructed in line with the agreed Drainage Layout Plan as detailed in Figure 4 of the Drainage Assessment, Document 02/1 date stamped 2nd October 2023.

Reason: In order to decrease the risk of the incorrect diversion of contaminated water to drains carrying rain/surface water to a waterway.

4. Prior to commencement of the development hereby approved a protective barrier no less than 2 metres in height comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts and securely supported weldmesh panels (as illustrated in Appendix 4 'Tree Protective Barrier Specification' of Document 01 date stamped 29th May 2023) shall be erected at least the distance from the protected trees as identified in Appendix 5 'Tree Protection Plan (TPP)' of Document 01 date stamped 29th May 2023. The protective barrier shall be permanently retained for the period of construction on the site. There shall be no machinery or stockpiling of materials or soil within this tree protection zone.

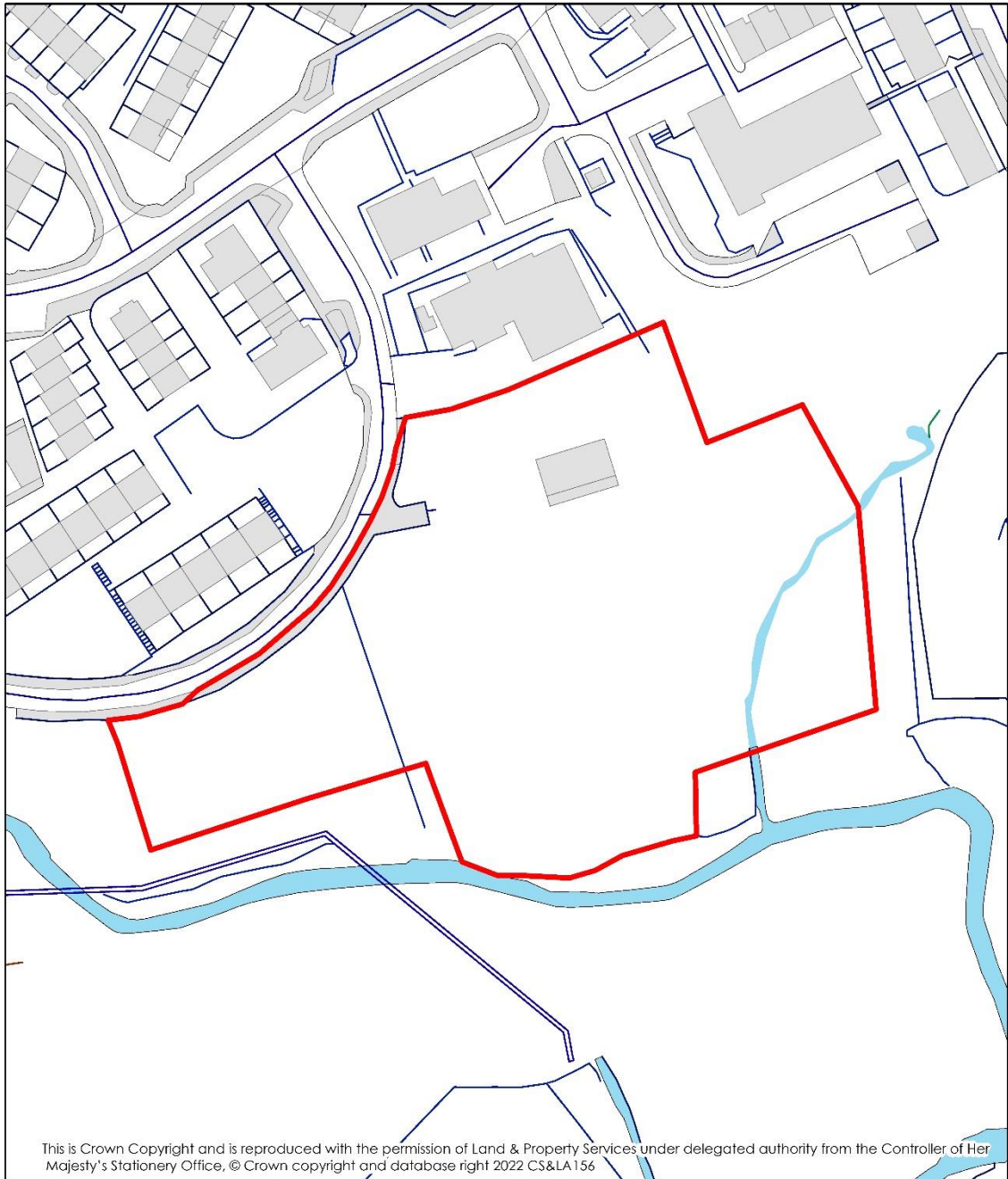
Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

5. If within the lifetime of the development, any retained 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 that the development integrates into its surroundings in the interests of visual amenity.

6. The existing natural screening along the southern and western boundaries of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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



Site Location Plan

Planning Reference: LA03/2023/0545/F

Location: Lands immediately south of 81 and approx.
22m south of 38-46 Cloyne Crescent, Newtownabbey

Proposal: 3G training pitch, in place of an existing grass training pitch,
with 2.4m high fence & gates, 5m high ball stop fencing, replacement
of existing 2.4m high fencing & gates, new 8m high ball stop netting,
floodlighting and associated site works.



Site Location



Scale: 1:1250



PART TWO

OTHER PLANNING MATTERS

ITEM 4.18

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS SEPTEMBER 2023

A list of planning decisions issued by Officers during September 2023 under delegated powers together with information relating to planning appeals is **to follow** for Members' information.

One (1) appeal was dismissed during September 2023 by the Planning Appeals Commission (PAC).

Planning application:	LA03/2021/0993/O
PAC reference:	2021/A0216
Proposed Development:	Infill Dwelling and domestic garage
Location:	40m east of 9a Creggan Road, Cranfield Randalstown

A copy of the decision is **enclosed**.

One (1) appeal was allowed by the PAC in September.

Planning application:	LA03/2020/0551/O
PAC reference:	2022/A0112
Proposed Development:	Detached dwelling and garage
Location:	Lands 40m SE of 96 Jordanstown Road, Jordanstown, Newtownabbey

A copy of the decision is also **enclosed**.

RECOMMENDATION: that the report be noted.

Prepared by: Kathryn Bradley, Planning and Economic Development Business Support

Agreed by: Sharon Mossman, Deputy Director of Planning & Building Control

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

ITEM 4.19

P/PLAN/1 PROPOSAL OF APPLICATION NOTICES FOR MAJOR DEVELOPMENT SEPTEMBER 2023

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 (1) PAN was registered during September 2023 the details of which are set out below.

PAN Reference:	LA03/2023/0693/PAN
Proposal:	Erection of 134 bed centre for mental health comprising treatment wards, staff and visitor facilities, management and operational spaces, health and well-being facilities, external landscaping and gardens, car parking, servicing facilities and associated ancillary works.
Location:	Antrim Area Hospital, Bush Road, Antrim, BT41 2RL.
Applicant:	Northern Health and Social Care Trust, Bretten Hall, Bush Road, Antrim BT41 2RL.
Date Received:	22 September 2023.
12 week expiry:	15 December 2023.

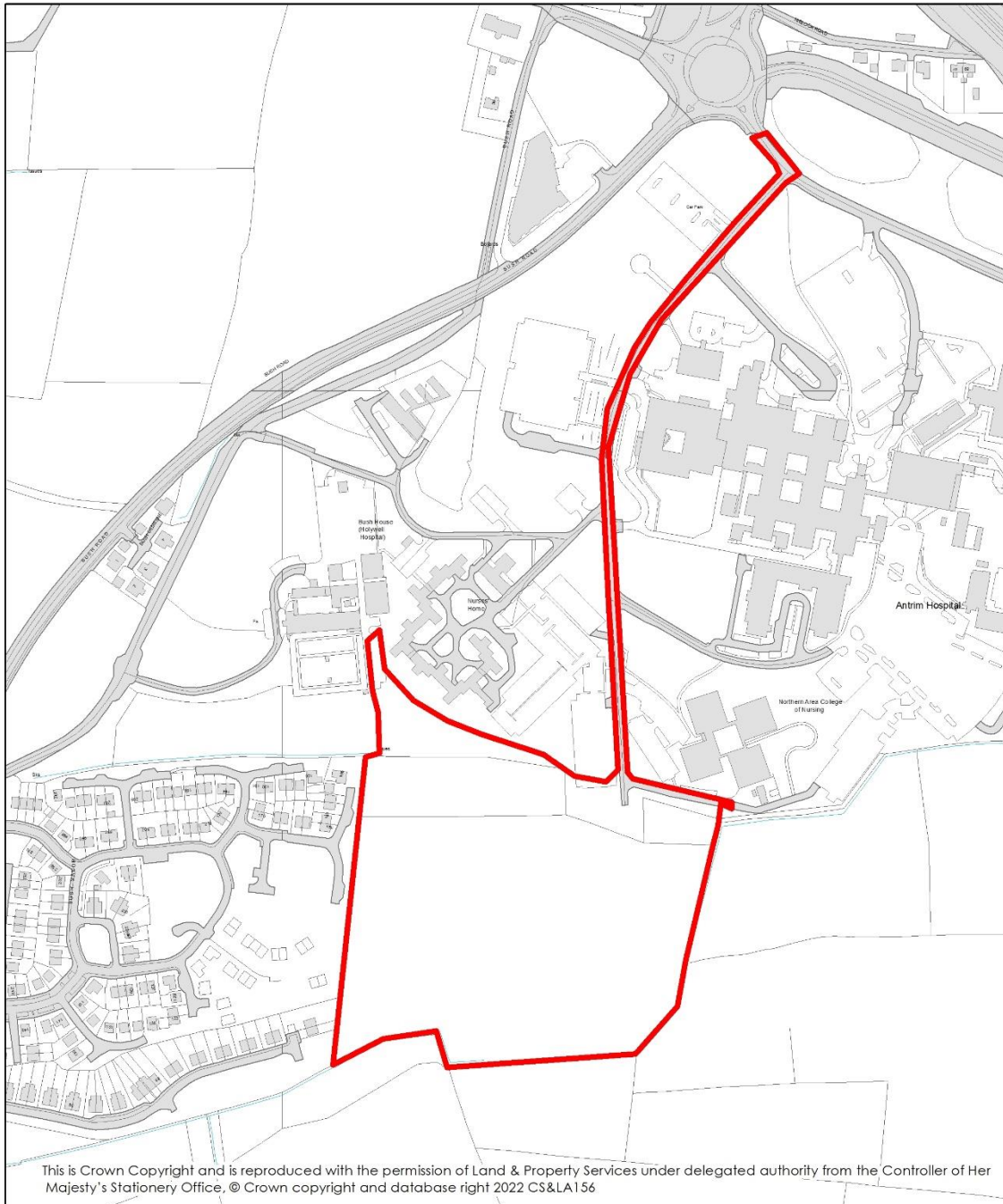
Under Section 27 of the 2011 Planning Act obligations are placed on the prospective developer to consult the community in advance of submitting a Major development planning application. Where, following the 12-week period set down in statute, an application is submitted this must be accompanied by a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

RECOMMENDATION: that the report be noted.

Prepared by: Kathryn Bradley, Planning and Economic Development Business Support

Agreed by: Sharon Mossman, Deputy Director of Planning & Building Control

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



Planning Application Reference: LA03/2023/0693/PAN

Location: Lands at Antrim Area Hospital, Bush Road, Antrim, BT41 2RL

Proposal: Erection of 134 bed centre for mental health comprising treatment wards, staff and visitor facilities, management and operational spaces, health and well-being facilities, external landscaping and gardens, car parking, servicing facilities and associated ancillary works.

Scale: 1:4000



 Site Location



ITEM 4.20

P/FP/LDP1 PUBLICATION OF THE PLANNING APPEALS COMMISSION REPORT INTO THE DRAFT PLAN STRATEGY INDEPENDENT EXAMINATION

On 4 October 2023, the Council's Planning Section received notification from the Planning Appeals Commission (PAC) that the Antrim and Newtownabbey Independent Examination (IE) Report has now been forwarded to the Department for Infrastructure (DfI). The PAC also indicated that the release of the Report is solely a matter for DfI to consider.

Members will be aware that DfI has previously indicated that it is expected to take approximately 10-weeks to consider the content of the Report, before it is released to the Council, alongside the Departmental Direction concerning the adoption. Members will also be aware that it was agreed at the September 2023 Planning Committee that the Chairman writes to the DfI Permanent Secretary to again call for the sharing of the report with the Council directly upon its receipt by DfI.

Preparedness for Plan Strategy Adoption

Members are advised that in advance of the receipt of the Report, the Council's Forward Plan Team has prepared a draft work programme in relation to the Plan Strategy adoption process. Once the Council is in receipt of the Report, the timetable for adoption can then be finalised. The main elements of the work programme are set below:

- Forwarding of PAC IE Report to DfI and their consideration;
- 2 week 'fact checking' exercise by the Council's Planning/Legal team;
- Receipt of Departmental Direction;
- Consideration of Report and modifications made in Direction;
- Prepare final draft of SA/EQIA/HRA/Rural Needs;
- Prepare web text and letters for consultation;
- Make Report and Departmental Direction public;
- Public consultation on revised SA/EQIA/HRA/Rural Needs;
- Consider reps to SA/EQIA/HRA/Rural Needs and prepare final;
- Graphic design work on Plan Text;
- Prepare web text and consultation letters, and advertisements;
- Capacity building event with Elected Members and Planning Officers;
- Adoption by Resolution of Full Council;
- Final Plan to Printers for publication; and
- Adoption of Plan – Notification letters: Belfast Gazette, local papers, website text, and DfI.

RECOMMENDATION: that the report be noted.

Prepared by: Simon Thompson, Local Development Plan and Enforcement Manager

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 4.21

P/FP/1 CORRESPONDENCE FROM DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS REGARDING PLANNING CONSULTATIONS UPDATE

As agreed at the September 2023 Planning Committee meeting, the Chairman of the Planning Committee wrote to the DAERA Permanent seeking a meeting to discuss the current situation regarding planning consultations and response times.

The Planning Section have received an acknowledgement of the correspondence from DAERA, advising they are considering the request and will respond in due course.

RECOMMENDATION: that the report be noted.

Prepared by: Kathryn Bradley, Planning and Economic Development Business Support

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 4.22

P/FP/LDP1 LOCAL DEVELOPMENT PLAN – STEERING GROUP MINUTES OCTOBER 2023

The most recent meeting of the Local Development Plan Steering Group took place on 6 October 2023. A copy of the minutes is **enclosed**.

RECOMMENDATION: that the report be noted.

Prepared by: Simon Thompson, Local Development Plan and Enforcement Manager

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 4.23

P/FP/LDP8 REVIEW OF THE PLANNING (LOCAL DEVELOPMENT PLAN) REGULATIONS (NORTHERN IRELAND) 2015

On 1 September 2023, the Council received notification from Mr Alistair Beggs, Chief Planner and Director of Regional Planning Policy and Casework with regard to the Department for Infrastructure, Strategic Planning's ('the Department') review of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 – **enclosed** for information.

Members are reminded that one of the agreed legislative actions following the Review of the Implementation of the Planning Act (NI) 2011, and the recommendations made in the NI Audit Report on Planning in Northern Ireland, is a review of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 S.R 2015 No. 62) (The Regulations). The review is considering key areas of the Local Development Plan process including: (1) the legislative requirements surrounding consultation, (2) the preparation of Timetables, (3) publicity and notification, and (4) submission of documentation.

The Department has provided a pro-forma questionnaire response table and requested that feedback from individual Councils is directed in the first instance to Ms. Sandra Adams, Local Development Plan – Principal Planning Officer, Mid and East Antrim Borough Council, and Planning Improvement Programme, Local Government lead.

The matter was discussed at the quarterly Development Plan Working Group meeting which was held on 14 September 2023, hosted by Fermanagh and Omagh District Council. Officers within the group have drafted a combined response to the questionnaire table – **to follow**. In addition to this, Officers within the Council's Forward Plan team will now consider this draft report and draft an individual response to the Department. A copy of the response will be circulated to Members in advance of submission.

Following the review, the Department intends to consult with the public and wider stakeholders on any proposed revisions to the Regulations. It is anticipated that this public consultation exercise will take place early in 2024.

RECOMMENDATION: that

- (a) the report be noted; and**
- (b) Officers from the Forward Plan Team draft a response to the review on behalf of the Council for submission on/before 27 October 2023.**

Prepared by: Simon Thompson, Local Development Plan and Enforcement Manager

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 4.24

P/FP/LDP28 'TREE PROTECTION: STRENGTHENING OUR ROOTS', AN OVERVIEW REPORT BY THE NORTHERN IRELAND PUBLIC SERVICES OMBUDSMAN SEPTEMBER 2023

On 29 September 2023, the Council received notification from Ms. Margaret Kelly, the Northern Ireland Public Services Ombudsman (NIPSO) with regard to their report 'Tree Protection: Strengthening our Roots'; an overview report with recommendations to the Department for Infrastructure (DfI) and Local Councils for improvement – enclosed for information.

Members are reminded that in July 2022, NIPSO wrote to all Councils and DfI proposing an 'Own Initiative investigation', under Section 8 of the Public Services Ombudsman Act (NI) 2016, into how public bodies effectively, administer and enforce the statutory protection of trees i.e. Tree Preservation Orders (TPOs). At the time, the Council's Planning Section provided NIPSO with considerable information in relation to how the Council manages the promotion and control of protected TPOs across the Borough.

NIPSO has advised that after careful consideration and having regard to published criteria, they have chosen not to proceed to full investigation at this time. However, in account of the information gathered during the proposal stage, NIPSO has set out their observations and recommendations of the process in an overview report 'Tree Protection: Strengthening Our Roots' – enclosed for information.

NIPSO has requested that the Council's Planning Section consider the list of recommendations made, check for factual accuracy, with a view to ensuring implementation of same. Members are advised that Officers within the Enforcement Section have reviewed the report and in principle, support the range of recommendations suggested.

RECOMMENDATION: that Officers from the Planning Enforcement Section respond to NIPSO noting general acceptance of the recommendations made within the report.

Prepared by: Simon Thompson, Local Development Plan and Enforcement Manager

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 4.25

P/FP/LDP1 LOCAL DEVELOPMENT PLAN, QUARTERLY UPDATE (Q2) JULY TO SEPTEMBER 2023

A progress report is provided on a quarterly basis to the Planning Committee on the progress of the Council's Local Development Plan. This report covers the second quarter (Q2) of the 2023-24 business year (July to September 2023).

Procurement

Members are reminded that at the September 2023 Planning Committee, an item was presented which sought agreement in principle to launch a procurement exercise to engage professional consultants to develop an evidence base for 'Homes' and 'Employment', in support of the Local Policies Plan (LPP).

As Members are aware, the new LDP process is heavily evidence driven and now includes various legislative tests including the requirement for the LPP to be consistent with the Plan Strategy and to take account of the Regional Development Strategy, the Strategic Planning Policy Statement and the Council's Community Plan. These tests will help determine whether the Plan is 'Sound' through the Independent Examination process. The decisions which the Council makes through its LPP will therefore require the development of a robust evidence base.

As a consequence, agreement is now being sought in principle to launch a procurement exercise in relation to the topic of 'Landscape' to secure the services of a Chartered Landscape Architect. This exercise will provide a basis for discussion with Members and ultimately support the identification, mapping and designation of Strategic Landscape Policy Areas; Local Landscape Policy Areas; and Coastal Policy Areas in the LPP. The Planning Section had previously sought the professional input of a Chartered Landscape Architect with two separate procurement processes, however were unsuccessful in attracting any bids at that time.

A successful procurement exercise was undertaken in August 2023 to seek the professional input of an Ecologist to assist the Forward Plan team undertake a bespoke element of Strategic Landscape work; consideration of Sites of Local Nature Conservation Importance (SLNCIs).

Local Development Plan, Draft Plan Strategy, Independent Examination

Members are reminded that at the September 2023 Planning Committee, it was agreed that the Chairman of the Planning Committee would correspond with the Department for Infrastructure (DfI) Permanent Secretary to outline the Council's dissatisfaction regarding the ongoing issues around the very unfortunate delay in the Local Development Plan process, and to request the sharing of the Planning Appeals Commissions (PAC) Independent Examination (IE) Report with the Council directly upon its receipt by DfI.

Correspondence was issued to Mr Denis McMahon on 25 September 2023, the recently appointed DfI Permanent Secretary – **enclosed** for information. A holding response was received on 6 October 2023 and reply will follow in due course.

Members are advised that on 4 October 2023, the Council's Planning Section received notification from the PAC that the Antrim and Newtownabbey IE Report has now been forwarded to DfI, and that the release of that report is solely a matter for the Department.

Local Development Plan, Planning Improvement Programme

Members are also reminded of the 'Joint Planning Improvement Work Programme' which is currently being rolled out by DfI and the eleven (11) councils. The Council hosted a workshop event on 11 October 2023 in Mossley Mill to consider the provision of training for statutory consultees involved in the Local Development Plan process, focusing on their role in the plan-making process at Plan Strategy and Local Policies Plan stage, including the need to adequately resource roles.

The workshop event was attended by xxx representatives from both the eleven (11) councils and a range of statutory consultees. A summary report of the event with recommended actions is currently being drafted by the Department and will be shared with Members in due course.

Lisburn & Castlereagh City Council, Local Development Plan – Update

Members are advised that the Council received notification on 4 October 2023 (**enclosed**) that as of 26 September 2023, Lisburn & Castlereagh City Council (LCCC) has adopted its Local Development Plan 2032.

The Plan Strategy and all associated documents are available to view at:
www.lisburncastlereagh.gov.uk/LDP

RECOMMENDATION: that

- (a) the procurement exercise associated with the Landscape work stream be progressed;**
- (b) the update from the Planning Appeals Commission on the release of the Antrim and Newtownabbey Draft Plan Strategy, Independent Examination Report to DfI be noted;**
- (c) the correspondence from the Chair of the Planning Committee to the DfI Permanent Secretary be noted;**
- (d) the update on the Joint DfI/Council, Local Development Plan, Performance Improvement workshop event be noted; and**
- (e) the update on the publication of LCC's Draft Plan Strategy be noted.**

Prepared by: Simon Thompson, Local Development Plan and Enforcement Manager

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 4.26

P/FP/LDP/059 TELECOMS PLANNING APPLICATIONS

Following calls from the industry for dedicated plans to identify barriers and measures to assist the deployment of essential mobile networks, a new Mobile Action Plan (MAP) for Northern Ireland was published in 2022. This included a number of actions including a programme of work to explore where the planning system can further support digital connectivity and to consider updates to planning guidance and best practice documentation. As part of the proposal, a Northern Ireland Barrier Busting Taskforce has been established, including one representative from each Council as well as a planning representative from Belfast City Council. Mobile UK's Director of Policy and Communications, the trade body for the UK's mobile network operators (EE, Three, Virgin Media O2, and Vodafone) is also directly involved in this work.

The Council's Planning Committee has considered a number of applications for Telecommunications Installations over recent months which have resulted in a refusal. A number of common themes have been identified by Officers including proposals to locate masts within visibility splays which are unacceptable. Despite the number of refusals, such proposals continue to come forward to the Planning Committee, therefore it is recommended that the Chair of the Planning Committee writes to Gareth Elliott, Director of Policy and Communications for Mobile UK to outline a summary of the main issues that result in a refusal from a planning perspective, a list of applications including operator/refusal reasons and additionally seeks an update on engagement with operators in relation to planning.

RECOMMENDATION: that the Chair of the Planning Committee writes to Mobile UK to raise the issue of telecoms applications within the Borough.

Prepared by: Sharon Mossman, Deputy Director of Planning and Building Control

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