



15 March 2022

Committee Chair: Councillor S Flanagan
Committee Vice-Chair: Alderman F Agnew
Committee Members: Aldermen – P Brett, T Campbell and J Smyth
Councillors – J Archibald-Brown, H Cushinan, R Lynch,
M Magill, N Ramsay, R Swann and B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Chamber, Mossley Mill on Monday 21 March 2022 at 6.00 pm.**

You are requested to attend.

Yours sincerely

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

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

For any queries please contact Member Services:

Tel: 028 9034 0048 / 028 9448 1301
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AGENDA FOR PLANNING COMMITTEE – March 2022

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 Report on business to be considered:

PART ONE - Decisions on Planning Applications

3.1 Planning Application No: LA03/2021/0367

The progression of quarry faces, within the approved planning boundary of the existing quarry site, in a westerly direction at lands at 140 Mallusk Road, Mallusk, Newtownabbey, lands directly east of 24 Bernice Road, Mallusk, Newtownabbey

3.2 Planning Application No: LA03/2021/0628/F

Proposed residential development comprising a mix of 76 no. dwellings and 35no. apartments with public open space, children play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Rathcoole Drive (111 units in total).

3.3 Planning Application No: LA03/2020/0843/F

Proposed social housing development comprising 37no units (14no semi-detached, 11no townhouses, 3no detached wheelchair accessible bungalows, 1no detached and 8no apartments), associated open space, landscaping, access from Doagh Road including reconfigured access to Aspen View, public footpath to Monkstown Road, car parking, foul pumping station and all ancillary site works. Lands 30 metres north of No. 1, No. 5 - 8 and No. 10 Aspen View, Doagh Road, and 20 metres southwest of No. 26 and No. 28 Monkstown Road, Newtownabbey

3.4 Planning Application No: LA03/2021/11110/F

Proposed alterations to Factory Outlet Centre to accommodate new Dobbies Garden Centre with associated restaurant/cafe, food hall, soft play area, and in-store concessions areas (including core gardening, cook shop, pet and bird care, gifting and seasonal products). Development to also include demolition of units 9-16 and 38-41 to facilitate new polytunnels and external garden

furniture/plant sales area, covering over of the existing external concourse area to provide new Atrium Mall and all other associated site works, Units 9 to 41, The Junction Retail and Leisure Park, 111 Ballymena Road, Antrim

- 3.5 Planning Application No: LA03/2020/0385/O
Tourist Accommodation at lands 40m West of 3b Lisglass Road Ballyclare BT39 9NH
- 3.6 Planning Application No: LA03/2020/0828/F
Erection of 1 no detached dwelling (& retention of existing dwelling), 34 Glebecoole Park, Newtownabbey, BT36 6HX
- 3.7 Planning Application No: LA03/2021/0662/F
Installation of a static concrete mixer and an additional cement silo in existing builder's merchant yard, rear of 397 Antrim Road, Glengormley, Newtownabbey
- 3.8 Planning Application No: LA03/2021/0972/F
Change of use of dwelling to religious meeting room with associated parking, 36 Ballyrobin Road, Templepatrick, BT39 0JH
- 3.9 Planning Application No: LA03/2021/0739/F
Demolition of existing shed on the site. Proposed residential development comprising of 10 x 2 storey semi-detached dwellings and 2 x 2 storey town houses, associated infrastructure, carparking and landscaping at site 10m East of 10 and 19 Glenabbey Drive 10m East of 20 and 23 Glenabbey Avenue 10m East of 26 and 53 Glenabbey Crescent Newtownabbey BT37 0YT
- 3.10 Planning Application No: LA03/2022/0034/O
Site for 1 no detached dwelling, 70m East of 49 Ballycraigy Road, Newtownabbey
- 3.11 Planning Application No: LA03/2021/0435/F
Below ground agricultural effluent storage tank, 130m North West of 8 Ballydonnelly Road, Toomebridge, Antrim
- 3.12 Planning Application No: LA03/2021/0743/F
Retrospective application for raised single storey sunroom extension, 21 Shore Road, Greenisland, Carrickfergus, BT38 8UA
- 3.13 Planning Application No: LA03/2021/1141/O
Site for dwelling and garage on a farm, 60m South West of 77 Irish Hill Road, Ballyclare
- 3.14 Planning Application No: LA03/2021/0885/F
Proposed Installation of a 20m High Telecoms street pole c/w wraparound cabinet, with Integrated Antenna, and 3 no. additional equipment cabinets and ancillary equipment close to 16 Mill Road, on a section of footpath approximately 10m north of the entrance to Jubilee Hall, Doagh

3.15 Planning Application No: LA03/2021/1189/F

Proposed internal alterations to include removal of stage including reducing the floor level in that area to match main FFL, removal of some internal walls to increase the footprint of the main space. Proposed external alterations including removal of existing fire escape steps, reconfiguration of existing opening and the provision of a new window at Muckamore Community Centre, Ballycraigy Road, Antrim

3.16 Planning Application No: LA03/2021/0577/DCA

Existing toilet block to be completely demolished. Removal of surrounding car parking or new layout, carpark to Castle Mall Shopping Centre 26 Market Square Antrim

PART TWO – Other Planning Matters

3.17 Delegated Planning Decisions and Appeals February 2022

3.18 Proposal of Application Notification for Major Developments

3.19 Local Development Plan – PAC Provisional Dates for Independent Examination

3.20 Local Development Plan: Metropolitan Area Spatial Working Group – Quarterly Update

3.21 Local Development Plan – Draft Plan Strategy, Draft Statements of Common Ground with Belfast City Council and Lisburn and Castlereagh City Council

4. Any Other Business

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 21 MARCH 2022**

PART ONE

PLANNING APPLICATIONS

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2021/0367/F
DEA	AIRPORT
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	The progression of quarry faces, within the approved planning boundary of the existing quarry site, in a westerly direction
SITE/LOCATION	Lands at 140 Mallusk Road, Mallusk, Newtownabbey, lands directly east of 24 Bernice Road, Mallusk, Newtownabbey.
APPLICANT	James Boyd & Sons (Carnmoney) Ltd
AGENT	Quarryplan Limited
LAST SITE VISIT	16 th June 2021
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site lies within the rural area and outside any settlement limit as defined within the Belfast Urban Area Plan (BUAP), draft Metropolitan Area Plan and (dBMAP 2004) and draft Newtownabbey Area Plan (dNAP).</p> <p>The application site is located within the existing quarry at 140 Mallusk Road and relates to an area of 1.66 hectares of land located within the wider 19.1-hectare site which is currently an active quarry. The wider site is occupied by Boyd's Quarry, which processes mineral extraction, the processing of aggregate, concrete and asphalt plants and landfill operations (Biffa). Access to the quarry will remain unchanged onto the Mallusk Road with access to the application site via existing internal haulage roads.</p> <p>A section of the lands within the application site falls outside the grant of planning permission under the previous core planning permissions for the wider quarry. These lands are largely despoiled through ancillary uses associated with the mineral undertakings to store indigenous waste (overburden) and stocks of building materials. Following a site inspection, it is evident that the application site includes a section of bare earth, mineral deposits, and a haulage road and storage area for overburden.</p> <p>The application site is bounded to the northwest, west and south by agricultural grassland. Low density rural housing is present mainly to the southwest of the application site. The wider Boyd's Quarry site defines the northeast and southeast boundaries whilst Biffa Waste Management Services (Biffa) occupy the northeastern section of the wider Boyd's Quarry site, FP McCann and Northstone also operate out of the existing site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2021/0751/F Location: Boyd's Quarry, 140 Mallusk Road, Newtownabbey</p>	

Proposal: Asphalt Plant (Removal of condition No. 5 from planning permission ref U/2000/0619/F to allow the existing asphalt plant to operate beyond the working lifespan of the adjacent quarry).

Decision: Permission Granted (29.11.2021)

Planning Reference: LA03/2017/1116/F

Location: Lands approx. 200m south of 24 Bernice Road extending to Sealstown Road, Mallusk, Newtownabbey.

Proposal: South westerly extension to existing hard rock quarry for continued extraction of basalt and on-site processing. Consequential increase in the height and size of the bund to contain the previously approved landfill site.

Decision: Invalid

Planning Reference: U/2008/0470/F

Location: Cottonmount Landfill, 140 Mallusk Road, Newtownabbey, BT36 4QN

Proposal: Electricity Substation and Switchgear Room in connection with the approved landfill gas utilisation compound.

Decision: Permission Granted (12.11.2008)

Planning Reference: U/2007/0189/F

Location: Cottonmount Landfill & Quarry, 140 Mallusk Road, Mallusk

Proposal: Application for landfilling of non-inert, non-hazardous wastes including revisions to phasing, restoration and surface water management schemes permitted in accordance with U/1995/0046.

Decision: Permission Granted (13.06.2008)

Planning Reference: U/2005/0309/F

Location: Boyd's Quarry, 140 Mallusk Road, Mallusk

Proposal: Ready mix concrete batching plant

Decision: Permission Granted (11.04.2007)

Planning Reference: U/2000/0619/F

Location: Boyd's Quarry, 140 Mallusk Road, Newtownabbey

Proposal: New asphalt plant.

Decision: Permission Granted (01.02.2001)

Planning Reference: U/1995/0046/F

Location: Cottonmount Quarry, 140 Mallusk Road, Mallusk, Newtownabbey, Co Antrim.

Proposal: Development of a Fully Engineered Landfill facility to receive non-hazardous municipal, commercial and industrial waste together with the restoration of the existing quarry at Cottonmount, Mallusk, Co Antrim.

Decision: Permission Granted (19.04.2005)

Planning Reference: U/1974/0393/F

Location: Continuation of the existing quarry and ancillary activities.

Proposal: Craigarogan, Mallusk, Co. Antrim

Decision: Permission Granted (22.07.1976)

Planning Reference: U/1974/0393/F

Location: Continuation of the existing quarry and ancillary activities.

Proposal: Craigarogan, Mallusk, Co. Antrim

Decision: Permission Granted (22.07.1976)

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 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 countryside and outside and settlement limit as defined by the Plan.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the countryside and outside and settlement limit as defined by the Plan.

Draft Belfast Metropolitan Area Plan: The application site is located within the countryside and outside and settlement limit as defined by the Plan.

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

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

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

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

PPS 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.

A Planning Strategy for Rural Northern Ireland (PRSNi): sets out the regional framework of policies for land use development throughout rural Northern Ireland. This document contains a number of mineral planning policies to be considered when determining an application of this nature.

In September 2015, the PRSNi was, in principle replaced with the publication of the SPSS for Northern Ireland. However, all of the strategic planning policies relating to minerals development within the PRSNi were retained and therefore remain a material consideration on the determination of this application.

CONSULTATION

Council Environmental Health Section – No objections subject to conditions

Northern Ireland Water – No objections

Department for Infrastructure Roads- No objections

Department for Communities Historic Environment Division – No objections

Department for Infrastructure Rivers – No objections

Health & Safety Executive NI – No objections subject to conditions

Department for Economy Geological Survey of NI – No objections

DAERA Water Management Unit – No objections

DAERA Regulation Unit Land & Groundwater – No objections subject to conditions

DAERA Natural Environment Division – No objections

REPRESENTATION

Ten (10) neighbouring properties were notified, and eighteen (18) letters of objection have been received from sixteen (16) properties. The full representations made regarding this proposal is available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Visual Impact from the quarry and from the removal of vegetation and storage of soil mounds;
- Impact from blasting on amenity and structural stability of neighbouring dwellings and new residential properties;
- Out of character with the existing residential area and new developments;
- Impact of dust and air pollution;
- Impact on livestock in adjacent agricultural lands;
- Devaluation of property;
- Noise pollution from blasting and quarry activities;

- Impact of this proposal on future applications;
- Loss of flora and fauna and impact on wildlife;
- Japanese Knotweed on the wider site;
- Safety and security of the site;
- Vehicular activity, increase in traffic and condition of roads;
- Smell and odours generating from the existing site;
- Flood risk;
- Distance of blasting from properties;
- Sensors placed on dwellings to enable monitoring is not agreed with residents.

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
- Layout and Impact on Character and Appearance of the Area
- Safety and Amenity
- Environmental Protection
- Access, Movement and Parking
- Restoration
- Other Matters

Preliminary Matters

Environmental Impact Assessment.

As the development is within Category 2 (a) and Category 13 (a) of Schedule 2 of the Planning (Environmental 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 Screening Determination was carried out and it was determined that the planning application does not require to be accompanied by an Environmental Statement

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 Regional Development Strategy (RDS) 2035 is the revised strategy for the future development of Northern Ireland to 2035. One of the key aims of the RDS 2035 is to support strong, sustainable growth for the benefit of all parts of Northern Ireland, it states that a growing regional economy will benefit from strong urban and rural areas and indicates that this needs a co-ordinated approach to the provision of services, jobs and infrastructure and a focus on co-operation between service providers. Another of the key aims is to protect and enhance the environment for its own sake emphasising that protecting the environment is essential for enhancing the quality of life of current and future generations

The purportedly adopted Belfast Metropolitan Area Plan 2015 (BMAP 2015) was for a period of time deemed to be the statutory development plan for this area, however the purported adoption of the Plan by the then Department of the Environment in 2014

was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) remains the statutory Local Development Plan (LDP) for the area. The provisions of draft Newtownabbey Area Plan (dNAP) and the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application.

The application site is located within the rural area within each of the aforementioned plans and within the greenbelt as identified within the BUAP which contains Policy GB5 – Minerals Workings. However, Planning Policy Statement 21 sets out planning policies for development in the countryside and as a consequence the policy provisions of PPS 21 take precedence over the policy provisions for greenbelt designations contained in existing statutory development plans in this case, the BUAP. Policy M1 of the dNAP indicates that mineral extraction in the Borough consists of two hard rock quarries including the subject quarry at Craigarogan which has considerable reserves approved and is likely to remain in production for many years and notes that both quarries supply not only the local markets but also markets in neighbouring districts. The dBMAP is silent in relation to policy provisions for minerals workings and indicates that the policy provisions within the Planning Strategy for Rural Strategy (PSRNI) will apply throughout the plan area. However, dBMAP indicates that mineral exploration and development provides employment and necessary materials for construction in localised areas, however, extraction and processing can have a significant impact on the countryside.

The existing quarry, known as 'Boyd's Quarry' is located on the Mallusk Road within the rural area. Planning permission for the quarry was granted under the core historic planning permissions U/1974/0393/F & U/1974/0394/F. The quarry has operated at this location for a long period of time. The lands associated with the current application site form part of the lands approved under the core permissions, however the proposal seeks to extend the final quarry face positions in a westerly direction beyond what was originally approved under the core permissions. A supporting statement (Document 01 date stamped 7th April 2021) indicates that the proposed works are for a one-year period and that natural resources at the site have been depleted. The proposal will allow for a short term remedy in terms of availability of resources.

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 recognises that growing a sustainable economy and investing in the future is a key strategic priority of the NI Executive. It aims to facilitate sustainable minerals development through balancing the need for specific minerals development against the need to safeguard the environment. The SPPS requires particular regard be given to the safety and amenity of occupants within close proximity to the minerals workings having regard to matters such as noise, vibration and dust arising through excavation and the processing and transporting of minerals. Additionally, the SPPS requires restoration proposals to form part of the overall proposal. Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21) and the Planning Strategy for Rural Northern Ireland – Mineral Policies (PSRNI) provide the relevant policy context for the assessment of the application.

Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered acceptable in the countryside and that will contribute to the aims of sustainable development. In respect of non-residential development Policy CTY 1

indicates that planning permission may be granted for minerals development in accordance with MIN Policies stipulated with the PSRNI. It therefore follows that if the proposed development is compliant with the provisions of the PSRNI then this would ensure support in respect of Policy CTY 1 of PPS 21.

Given the site is located within an established quarry site, the principle of this form of development has been established subject to the development complying with all other policy and environmental considerations.

Layout and Impact on Character and Appearance of the Area

The Strategic Planning Policy Statement indicates that visual intrusion is often the most significant environmental impact associated with minerals workings and particular regard should be paid to the preservation of skylines and to the proposed location of plant, stockpiles and overburden/waste within the development. Policy MIN 2 'Visual Implications' of the PSRNI reemphasises the importance of visual implications and requires that particular attention is given to the landscape implications of the proposal.

The proposed development involves the extraction of gravel from land within the northwestern corner of an existing quarry known as Boyd's Quarry and relates to an area of 1.66 hectares of land located within the wider 19.1-hectare site boundary. A section of the lands within the application site falls outside the grant of planning permission under the previous core planning permissions U/1974/0393/F & U/1974/0394/F for the wider quarry. Access to the site and the larger quarry will remain unchanged from its existing access onto the Mallusk Road with access to the application site being via existing internal haulage roads. The application seeks to extend the approved quarry face position so that mineral extraction can proceed into the northwestern corner of the site. The proposal includes the formation of 3 quarry shelves extending approximately 65 metres from the approved quarry face.

The aforementioned lands are currently largely despoiled through ancillary uses associated with the mineral undertakings to store indigenous waste (overburden) and stocks of building materials. Following a site inspection, it is evident that the application site includes a section of bare earth, mineral deposits, a haul road and storage area for overburden. The type of mineral extracted at the site is basalt with the method of extraction normally through drill and blasting (or open pit). The maximum depth of extraction is some 35 metres below the original ground level at a level of 132-131maOD. The processing of resultant aggregate is to be processed via the existing quarry crushing and screening plant located within the larger adjoining quarry site, no additional plant is required under the current proposal.

The NI Landscape Character Assessment 2000 identifies the site as being within Landscape Character Area (LCA) 114 'Three and Six Mile Water Valleys'. The key characteristics of the landscape include gently rolling ridges within the broad lowland valleys of the Three Mile Water and Six Mile Water. Large open pastures are divided by hedgerows with numerous hedgerow trees, densely settled, with many large farms and a variety of architectural styles. Widespread, prominent and large scale industrial development are scattered throughout the valleys, especially on the outskirts of Newtownabbey. The area includes dense transport infrastructure including the M2, A6, A57 and the Ballymena to Belfast railway line.

In relation to geology of the area the LCA identifies that lower basalt formation occurs in an extensive outcrop of the plateau of the LCA. They are extensively quarried for construction materials, especially roadstone. Ash-falls within the lower basalts are recorded and one such unit occurs in an arcuate outcrop between Dunadry and Templepatrick in the south of the LCA. Exposed in Craig Hill Quarry. The LCA notes that good exposures of lower basalt formation with a number of unusual features preserved within the basalt.

Letters of objection have raised concerns in relation to the visual impact, the loss of surrounding vegetation and the storage of overburden. Additionally, concerns were raised in relation to the proposal being out of character with the surrounding residential properties. The application site is located within an existing quarry site with the application boundary remaining as previously approved. It is considered that visual impacts of the proposal are limited as the existing quarry is part of the existing and long standing quarry/landfill within this area. The application site extends the works in a northwestern direction, however, these areas of lands form part of the wider Boyd's Quarry site and do not encroach further into the rural landscape, as such views are limited to within the quarry floor and adjoining landfill site. The proposed extension to the quarry will not have a significant adverse visual impact over and above the visual impact that currently arises from the ongoing operations. Mature vegetation is located along the north, northwestern and southwestern boundaries of the site and should planning permission be forthcoming a condition should be imposed that the vegetation along these boundaries should be retained.

Safety and Amenity

The SPSS and MIN 6 'Safety and Amenity' requires that particular regard is given to the safety and the amenity of occupants of developments in close proximity to minerals workings. Policy MIN 6 advises that permission will not normally be granted for mineral workings and other developments in close proximity where potential sources of nuisance are judged to be incompatible with standards of amenity acceptable to the Council and other relevant authorities.

It is accepted that due to the very nature of the development that there is a potential for pollution and nuisance to occur as a result of quarrying operations on the site, including but not limited to traffic noise/pollution, blasting, excavation & drilling noise, screening and crushing of aggregate, air overpressure and; air pollution. It is acknowledged that these activities have been ongoing at this location within the wider Boyd's Quarry site in excess of 20 years, however, the proposal moves the extraction in closer proximity to residential properties along the Bernice Road by approximately 65 metres. In this regard it is clear that those properties may experience an increase level of adverse impact over and above that which they currently experience from the existing quarrying activities, however, the adverse impacts, in terms of noise, dust and vibration are assessed later in this report and are not considered to be so significant as to warrant refusal. As indicated above the applicant has indicated that resources at the site have been depleted and the proposal is to allow for additional resources for a one-year period. It is also indicated that operations will be restricted to 0700 -1900 (Monday to Friday) 0700 -1300 (Saturday) with no operations on Sundays or Bank Holidays.

Blasting & Vibration

Excavation of the minerals material is via bench blasting which consists of drilling holes through the upper rock surface. The proposal moves the blasting in closer proximity to residential properties by approximately 65 metres, it has been indicated that blasting will be carried out fortnightly at most. Letters of objection have raised concerns in relation to the impact of blasting on the amenity of nearby properties and on the structural stability of nearby dwellings. A Blasting Assessment (BA) prepared by Ulster Industrial Explosives was submitted at Appendix 2 of the Planning Statement (Document 01 date stamped 7th April 2021). The BA refers to guidance produced by the Blasting Controls Working Group in 1995, which was subsequently reviewed in 2017 and published in 2018. These guidelines have been endorsed by the Mineral Products Association Northern Ireland (formerly the QPANI), the Health and Safety Executive for Northern Ireland, Environmental Health Northern Ireland and the Department for Infrastructure. A concern was raised in relation to separation distances of 100m of blasting, this distance relates to health and safety and is to do with potential fly rock from blasting activities and is referenced by Vibration and Blasting Guidelines (NI). The Blasting Control Working Group considers that a distance of at least 100m should normally be maintained between the blasting face of the quarry and any occupied property. It is noted that the curtilage and garage associated with No. 26 Bernice Road is located approximately 100 metres from the blasting area.

Consultation was carried out with Health & Safety Executive NI (HSENI) who advised that the topography of this site is such that the quarry face is being operated in a direction into the quarry and away from the neighbouring properties along Bernice Road. One property is within 100m of the blasting area (24 Bernice Road). It is understood that the property is under the ownership of the applicant, however, the property is currently rented out to a private tenant. The Environmental Health Section (EHS) and HSENI has indicated the need to protect the amenity and safety of the occupier of No. 24 Bernice Road and as such has requested confirmation that the property will be vacated during the progression of quarry faces. It is therefore considered that the impact will be significant, however, confirmation in the form of legal documentation and a copy of the tenancy agreement was requested from the applicant, the aforementioned information provides evidence of legal agreements between the landlord and the tenant which confirms that the premises will be vacated during blasting. If planning permission is forthcoming a condition should be imposed to ensure that No. 24 Bernice Road is vacated during blasting. In relation to No. 26 Bernice Road, no concerns were raised in relation to this property from HSENI, furthermore the guidance does not consider the curtilage of properties but rather occupied dwellings. Concerns were also raised on the impact of blasting on livestock grazing in adjacent agricultural lands. It is worth noting that blasting within the wider quarry site has been in existence over a number of years, however, it is noted that if planning permission is forthcoming a condition should be imposed requiring that all neighbours within 400m of the blast shall be notified at least 3 days in advance of any upcoming blasting dates and the relevant times. This condition may be extended to include landowners of adjoining agricultural lands also.

Noise

Noise associated with minerals workings can be generated from a number of sources including blasting, drilling, the winning and working of the minerals, associated internal vehicle and machinery, over air pressure, movement of overburden and restoration

works. Letters of objection raised concerns in relation to the impact of noise from blasting and machinery within the site.

The applicant submitted a Noise Impact Assessment (NIA) (Document 01 date stamped 7th April 2021) which examines the environmental noise implications of the proposal and proposes appropriate noise target levels, sets out the calculated noise levels arising from the continuation of the operations. Noise levels from quarrying activities are benchmarked against Planning Practice Guidance (PPG) for Minerals 2014. The guidance advises that account should be given to the prevailing acoustic environment and in doing so consideration of whether or not noise from the proposed operations would give rise to; a significant adverse effect; an adverse effect; or enable a good standard of amenity to be achieved.

The NIA indicates that noise levels associated with the proposal falls within the acceptable ranges. Noise associated from any crushing and screening of aggregate will be carried out via the existing plant on the wider quarry site. Consultation was carried out with the Council's Environmental Health Section (EHS) who raised no issues in relation to the noise levels specified within the report.

The PPG for Minerals 2014 allows for an increase in noise levels (within an acceptable range) for an eight-week window per year to facilitate essential preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site. EHS requested additional information to demonstrate that these works are achievable within the 8-week period per year. Subsequently additional information was submitted (Document 06 date stamped 23rd September 2021) and further consultation was carried out with EHS who raised no further objections in this regard. If planning permission is forthcoming, conditions should be imposed relating to noise levels, which should also include the increase in noise levels for an 8-week period which must be agreed in writing with the Council.

Air Quality

Quarry activities can give rise to levels of air pollution and dust arising as a consequence of the nature of the works, letters of objections raised concerns in relation to dust levels from the existing quarry activities and impact on air quality. The applicant submitted a Dust Management Plan (Document Number 05 date stamped 6th September 2021). The Dust Management Plan identifies the potential dust producing activities as well as dust control techniques and indicates that on receipt of a dust complaint the operator has a documented dust action plan to investigate and resolve any issues. Appendix C includes an Air Quality Assessment dated November 2018. This document was produced and submitted in support of a previous planning application LA03/2017/1116/F, the document is therefore not specific to the current application.

Given the Assessment was not project specific, EHS requested the applicant to review the Assessment and update it as necessary for the current proposal, in order to demonstrate that amenity can be suitably protected from dust at any nearby sensitive receptors. An updated Dust Impact Assessment (DIA) (Document 08 date stamped 3rd February 2022) was submitted. The DIA concludes that overall, the proposed extraction area is considered to have the potential for a slight adverse effect at the receptors in the surrounding area, with the potential for a moderate adverse effect at one receptor, with an overall effect considered to be 'not significant'. Having considered

the information submitted, EHS are of the opinion that the amenity of nearby sensitive receptors can be protected subject to specific conditions being attached to any grant of planning permission and on the basis that the proposed development is to operate for 1 year only. Letters of objection also raised concerns regarding an odour emanating from the quarry site, it is considered that this issue may relate to the adjacent landfill site and not specific to the current proposal and mineral activities do not generally create any lasting odour.

Safety

The proposed works will be subject to separate H & S Legislation and Quarries Regulation (NI) 2006. Excavation on site will be carried out via blasting, the operator will have to comply with such matters as defined within the Quarries (Explosives) Regulations (NI) 2006. There is a risk from associated fly rock which is the unexpected projection of blast debris beyond the designated danger zone as defined by the shot firer. Consultation was carried out with Health and Safety Executive (HSE) who raised no concerns in relation to the risk of accidents from flyrock with the exception of the risk to No 24 Bernice Road. However, this property is under the ownership of the applicant and as such evidence of a formal agreement to vacate the property with the applicant and tenant has been provided. Consultation was also carried out with Geological Survey of NI (GSNI) who raised no concerns in relation to the proposal. Letters of objection raised concerns in relation to security at the wider quarry site and the impact on safety. It is considered that the security of the site is a matter for the owner James Boyd & Sons Ltd and outside the remit of planning.

Environmental Protection

The SPPS and Policy MIN 1 of the PSRNI requires that the need for the mineral resource is assessed against the need to protect and conserve the environment. Policy MIN 1 goes on to advise that account should be taken of all relevant environmental, economic and other considerations.

The application site is not located within any designated protected environmental area, conservation area or areas of archaeological interest. Consultation was carried out with Shared Environmental Services (SES) which has confirmed that the application site has no viable environmental pathway to any European Sites or mobile features of those sites.

Antrim and Newtownabbey Borough Council in its role as the competent Authority and following consultation with SES accepts 'The potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended). The proposal would not have any likely significant effect on the features of any European Site.

Built Heritage

Policy MIN 1 indicates that mineral exploration and workings may damage the remains of historic and archaeological interest that are of importance and that the minerals industry should seek to ensure the physical preservation of important historic buildings and ancient monuments along with their settings. As indicated above the application site is an extension to an existing quarry to allow the progression of minerals extraction to the northwesterly corner of the larger quarry site. The subject lands in question do not extend beyond the red line of the previously approved quarry site under the core

permission U/1974/0393 and U/1974/0394 but rather, the current application seeks to extend the area of extraction within the approved site. There are no areas of constraint in relation to archaeology around the periphery of the site, however, given the scale of the application site, consultation was carried out with DfC Historic Environment Division (HED) who raised no objections to the application. As such it is considered that the extraction works proposed will not have any impact on ancient monuments or historic buildings therefore satisfying this element of MIN 1.

Natural Heritage

Both the SPPS and Policy MIN 1 indicates that decisions on minerals applications will be made with regard to the preservation of good quality agricultural land, tree and vegetation cover and wildlife habitats. Concerns were raised in relation to the loss of flora and the impact on wildlife. Supporting documentation was submitted with the application (Doc 03 date stamped 3rd June 2021) which indicated that no protected or priority species or habitats were discovered during surveys of the application site or the wider environment, namely, along the northern and western boundaries. The northern and northwestern boundary planting is to be retained, remedial planting within the lateral quarry extension area is proposed through the treatment of benches with the placement of soils and sowing of wildflower mixes. Consultation was carried out with DAERA's Natural Environment Division (NED) who are content with the ecologist's determination that the proposal will not result in direct impacts to any priority or protected species or habitats, and are therefore content with the proposal. As such it is considered that the impact to protected species and habitats is considered to be low.

Water Sources

Policy MIN 1 requires where applicable that measures designed to prevent pollution of rivers, watercourses and ground water should be included in applications for mineral extraction. There is a potential for quarrying operations to impact adversely on surface water and groundwater, therefore some level of assessment of this risk is expected. Additionally, there is a potential for water contamination from quarrying activities due to the increase sedimentation and potential to pollute nearby watercourses. Within the adjacent quarry void, groundwater seepages are collected in a shallow ditch network cut into the quarry floor. The ingress water is directed under gravity into large managed surfaced water collection and settlement ponds system. The water passes through a mechanical filter system prior to final pumped discharge. Consultation was carried out with DAERA's Regulation Unit, Land and Groundwater Team (RULGW) who assessed the submitted Groundwater and Surface Water Technical Note. RULGW has indicated that the applicant has provided sufficient information (Doc 04 'Ground and Surface Water Environment' date stamped 23rd June 2021) to assess the risks to the groundwater environment and are content subject to a condition requiring a monitoring plan is provided prior to commencement due to the proposed dewatering. Additionally, DAERA's Water Management Unit (WMU) notes that surface water drainage for this proposal will be via the existing quarry surface water management system and that there is a current consent in place for this site, namely TC225/09 for site drainage. SES has confirmed that there is no viable environmental pathway of any concern to any European Sites.

Access, Movement and Parking

Policy MIN 7 of PSRNI requires that the assessment of the planning merits of the proposed development must have particular regard to the safety and convenience of

road users and the amenity of persons living on roads close to the site of proposed operations.

In this instance the proposal is located within an existing operational quarry which is accessed via an existing direct access onto the Mallusk Road. Letters of objection raised concerns in relation to the increase in traffic accessing the site and the impact on road safety, additionally concerns were raised regarding the condition of the roads. The traffic information indicates that the existing quarry site is becoming exhausted of its resources so the extension is to allow for production of minerals to remain at the same level of output which has historically existed for the larger quarry site, that being one million tonnes per annum. As the application in essence represents a continuance of the existing operations at the site albeit in a different and new area, there will be no intensification in vehicular traffic serving the proposed quarry extension. The generated traffic is therefore assumed to be the same as traffic flows currently employing the existing site access which amounts to 31 arrivals and 26 departures during the AM peak hour and 15 arrivals and 53 departures during the PM peak hour.

Similarly, existing internal haul roads will be reutilised to provide access into the extended quarry area and it is accepted that there is sufficient space within the site to accommodate the turning and parking of all vehicles. Consultation has been carried out with DfI Roads who raised no objections to the proposal subject to conditions. It is therefore considered that in the particular circumstances of this application that the proposal does not conflict with the SPPS, Policy MIN 7 of the PSRNI or AMP 3 of PPS 3.

Restoration

The SPPS and Policy MIN 8 of the PSRNI requires that the minerals workings be restored at the earliest opportunity. The amplification to Policy MIN 8 states that restoration is required to make mineral workings fit for beneficial use and environmental acceptability following extractions.

The supporting statement (Document 01 date stamped 7th April 2021) indicates that restoration will take the form of the final faces tying in with the face positions and floor levels as approved under the core planning permissions. Visually this appears as a series of benches Document 03 date stamped 3rd June 2021 which indicates that the benches will include the placement of soils and sowing of wildflower mixes.

Other Matters

Flood Risk and Drainage

Planning Policy Statement 15 – Planning & Flood Risk (PPS 15) is the applicable policy in relation to potential flood risk and drainage issues. Letters of objection raised concerns relating to the potential for flood risk. The application site is not located within the 1 in 100-year fluvial floodplain and there are no designated watercourses within the site. As the development site is in excess of 1 hectare a Drainage Assessment is required by Policy FLD 3 of PPS 15. A Technical Note (Document 04 date stamped 23rd June 2021) was submitted and consultation was carried out with DfI Rivers who indicated that the provisions of FLD 3 have been satisfied and raised no concerns.

Economic Considerations

The applicant company is James Boyd & Sons Ltd, a well-established mineral product company which was founded in 1895. The applicant supplies aggregate, crusher run

materials, stone including drainage stone and binding to several local and regionally based customers. It is acknowledged that the works are time limited for one year and the applicant contends that the proposal will allow for a sustainable supply of rock whilst alternative arrangements are made by the company. It is accepted that not only are there direct jobs provided by the applicant but there are also further jobs created downstream of the supply chain of this development.

Areas of Constraint

The SPPS and Policy MIN 3 'Areas of Constraint' of the PSRNI indicates that areas required to be protected from minerals development will be identified as areas of constraint within the relevant development plans. Within these areas there will be a presumption against the extraction or processing of minerals. The application site is not wholly or partly located within an area of constraint and as such the proposal does not conflict with the SPPS or Policy MIN 3 of the PSRNI.

Valuable Minerals and Mineral Reserves

Occasionally minerals may be discovered which are particularly valuable to the economy. It is stated within Policy MIN 4 'Valuable Minerals' of PRSNI that applications to exploit minerals, limited in occurrence and with some uncommon or valuable property will be considered on their merits, oil, gas and lignite are such examples. In this case the type of mineral extracted is basalt which will provide aggregate for the construction industry. This resource is not considered to be uncommon, limited in occurrence or valuable property.

Policy MIN 5 'Mineral Reserves' of PRSNI also prevents surface development which would prejudice future exploitation of valuable mineral reserves. As indicated the mineral is basalt and is not found to be in the category of valuable and as such no surface development is proposed that would prejudice future exploitation of valuable mineral reserves.

Other concerns raised relate to the current application providing a 'gateway' to a larger application. The current application has been assessed on its own merits taking into consideration all relevant material considerations. Concerns were also raised regarding the presence of Japanese Knotweed on the larger site and along the Mallusk Road, this area is outside the application site, nevertheless the responsibility is on the land owner to ensure that regulations regarding the removal and spread of Japanese Knotweed are adhered to. Concerns were raised by objectors in relation to the devaluation of property in the area. The perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case no specific or verifiable evidence has been submitted to indicate what effect this proposal is likely to have on property values. As a result, there is no certainty that this would occur as a direct consequence of the proposed development, nor would there be any indication that such an effect in any case would be long lasting or disproportionate. Accordingly, it is considered that this issue should not be afforded determining weight in the determination of this application. Other concerns raised regard sensors being located on adjacent properties to provide monitoring, not being agreed with the owner/occupier beforehand, this agreement is outside the remit of

the planning section and is a civil matter between the applicant and owner/occupiers of the adjacent property.

CONCLUSION

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

- The principle of the development is acceptable;
- The visual impact on character and appearance of the area is considered acceptable;
- The impact on neighbour amenity is considered not to be so significant as to warrant refusal of the application;
- There are no natural heritage concerns with regard to the proposal;
- There no significant concerns in relation to access, movement or parking;
- There are no flood risk or drainage concerns associated with this development;
- There are no significant concerns in relation to archaeology or built heritage.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. Extraction of minerals shall be for a limited period only and shall cease on or before 1 year from the date of this permission.

Reason: To limit the duration of the development and provide the Council with the opportunity to review the permission in line with current legislation.

3. Within six months of the cessation of the approved quarrying operations or the exhaustion of permitted reserves, whichever occurs first, all quarry plant and machinery, structures, buildings, foundations, scrap metal, disused vehicles and other waste materials shall be removed from the site.

Reason: To facilitate the restoration of the site.

4. No extraction shall take place below the levels indicated on Drawing No 04 date stamped 7th April 2021.

Reason: To limit the extent of the site and to facilitate restoration of the site.

5. The height of the stockpiles associated with this development, shall not exceed five metres above the level of the extracted quarry floor, except with the prior written approval of the Council.

Reason: In the interests of visual amenity.

6. The hours of operation for the development hereby permitted development shall be:

07:00 to 19:00 hours Monday to Friday

07:00 to 13:00 hours Saturday

Closed Sunday & Bank Holidays

Reason: In order to preserve amenity at nearby sensitive receptors.

7. The noise level at nearby sensitive receptors shall not exceed the predicted noise level (dB LAeq, 1hr) detailed in the table below during the phases of quarry activities associated with this development.

Noise Sensitive Receptor	Excavation of Mineral-start of excavation	Excavation of Mineral-end of excavation
NSR 1 - 8 Bernice Rd	46.5	42.3
NSR 2 - 15 Bernice Rd	42.4	43.6
NSR 3 - 21 Bernice Rd	40.7	41.4
NSR 4 - 26 Bernice Rd	40.8	41.7
NSR 5 - 24 Bernice Rd	47.9	45.1

Reason: In order to protect amenity at nearby sensitive receptors.

8. All vehicles operating within the site shall be fitted with broadband reversing beepers.

Reason: In order to protect amenity at nearby sensitive receptors.

9. During essential site preparation works and restoration work, a day time limit of 70 dB LAeq, (1 hour) shall not be exceeded when measured adjacent to the curtilage of the nearest noise sensitive receptor. This temporary raised noise level shall only be availed of for essential work bringing about longer-term environmental benefits to the site or its environs and are limited to 8 weeks in any one-year period.

Reason: In order to protect amenity at nearby sensitive receptors.

10. The Council must be informed in writing of when working at a raised noise level of 70dB LAeq, 1h (as referred to in condition 9) will both commence and end. Temporary raised noise levels are limited to periods of up to 8 weeks in any one-year period.

Reason: In order to protect amenity at nearby sensitive receptors.

11. All noise complaints received by the developer must be investigated and monitoring undertaken to demonstrate compliance with the noise levels stated within this approval. The results of any monitoring undertaken shall be forwarded to the Council within 4 weeks of being requested.

Reason: In order to protect amenity at nearby sensitive receptors.

12. The operator shall, when requested in writing by Council, monitor levels of ground vibration and air over pressure at specified locations during blasting operations. The results of this monitoring together with any other details relating to the blast design, shall be made available to the Council. In the event that the levels specified in Condition 13 are exceeded at any blast then no further blasting shall

be permitted until the Council is satisfied that these standards will be met in future blasting operations.

Reason: In order to safeguard the amenity of residents in the area.

13. Each blasting charge shall be so balanced that a peak particle velocity of 10mm/second and an air over pressure of 128dB is not exceeded at any occupied dwelling which is not part of the quarry operations. to any blasting taking place the occupiers of No. 24 Bernice Road, Mallusk shall vacate the premises.

Reason: In order to safeguard the amenity of residents in the area.

14. Prior to any blasting taking place the quarry operator shall ensure that the occupiers of No. 24 Bernice Road, Mallusk have vacated the premises until the blasting has ceased.

Reason: In order to safeguard the amenity of the residents.

15. No blasting shall take place within 100 metres of any occupied dwelling which is outside the ownership or control of the operator.

Reason: In order to safeguard the amenity of residents in the area.

16. All neighbours within 400m of the blast and owners of adjacent agricultural lands shall be notified at least 3 days in advance of any upcoming blasting dates and times.

Reason: In order to protect amenity at nearby sensitive receptors.

17. During the operational lifespan of the quarry extension hereby permitted the operator shall implement the dust mitigation measures as outlined within the Dust Management Plan, Document No. 05, date stamped 6th September 2021 and the Section 1.6 of the Dust Impact Assessment, Document No. 03 date stamped 3rd February 2022.

Reason: In order to protect amenity as nearby sensitive receptors.

18. The operator shall respond to & investigate any dust complaints received in accordance with Section 6.0 'Dust Action Plan', within Document No. 05 date stamped 6th September 2021. The results of the investigation and the proposed mitigation measures will be agreed in writing with the Council and thereafter implemented.

Reason: In order to protect amenity at nearby sensitive receptors.

19. Within four weeks of the date of this decision notice a groundwater monitoring plan shall be provided in writing and agreed with the Council. The monitoring plan should include the monitoring locations on a plan of the site, the monitoring frequency and the parameters to be monitored (including groundwater level).

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

20. No material shall be imported onto the site for infilling without the prior written approval of the Council.

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

21. All final rock faces shall be left with a series of benches sowing out with soil and wildflower mix as indicated within Document 01 date stamped 7th April 2021.

Reason: To ensure the restoration of the site.

22. In the event of operations ceasing in advance of the exhaustion of approved reserves and there is no quarrying activity within the site for a continuous period of 6 months or upon the exhaustion of approved reserves, whichever is sooner, a restoration scheme shall be completed in accordance with the restoration scheme details stipulated within Document 01 date stamped 7th April 2021.

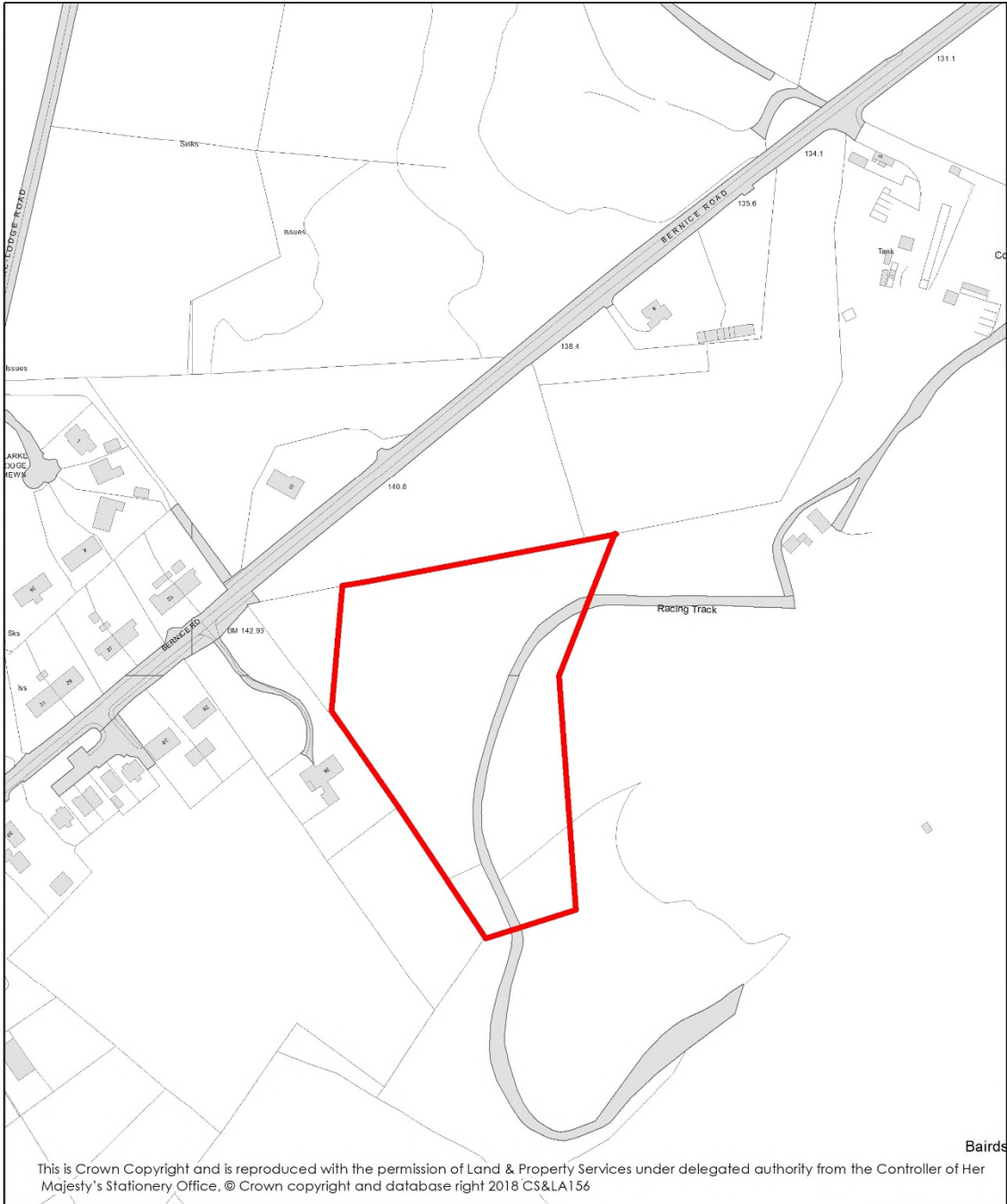
Reason: To ensure the restoration of the site.

23. The existing natural screenings of the site along the northern, northwestern and southern boundaries shall be retained at a minimum height of 6 metres for trees and 4 metres for hedgerow 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 residential amenity.

24. 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 Antrim and Newtownabbey Borough Council.

Reason: In the interests of residential amenity.

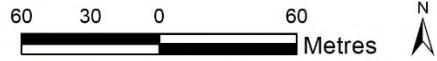


Site Location Plan

Application Reference: LA03/2021/0367/F

Lands at 140 Mallusk Road, Mallusk, Newtownabbey & lands directly east of 24 Bernice Road, Mallusk, Newtownabbey

The progression of quarry faces, within the approved planning boundary of the existing quarry site, in a westerly direction



 Site boundary



COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2021/0628/F
DEA	MACEDON
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed residential development comprising a mix of 76 no. dwellings and 35no. apartments with public open space, children play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Rathcoole Drive (111 units in total).
SITE/LOCATION	Former Newtownabbey High School, Rathcoole Drive Newtownabbey.
APPLICANT	Apex Housing Association Limited
AGENT	Turley
LAST SITE VISIT	08/10/2021
CASE OFFICER	Kieran O'Connell Tel: 028 9034 0423 Email: kieran.oconnell@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located with the settlement limit of Metropolitan Newtownabbey and is on lands associated with the former Newtownabbey High School, at Rathcoole Drive. The school building has been demolished and the site secured by 2-3m perimeter fencing, ball stop fencing, hedgerows (2m) and trees (8m). There are a number of mature trees within the application site adjacent to the eastern boundary which act as a buffer to the Shore Road. These trees are subject to a Tree Preservation Order. The application site falls gently from west to east towards the Shore Road.</p> <p>The area surrounding the application site consists of a mix of uses. On the northern side of the application site there is a primary school, while on the eastern side of the site is the A2 Shore Road with Abbey Leisure Caravans opposite. On the southern side, the application site abuts Rathcoole Drive and the residential developments of Rathcoole Gardens and Rathcoole Close. To the western side of the application site a number of dwellings at Ardlea Crescent face onto the application site, while there is also a public path around the external perimeter of this boundary.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2020/0491/PAN Location: Former Newtownabbey Community High School, Rathcoole Drive, Newtownabbey Proposal: Proposed residential development, public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Rathcoole Drive</p>	

Decision: PAN Acceptable. (04.08.2020)

PLANNING POLICY AND GUIDANCE

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

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

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

Belfast Urban Area Plan (BUAP): The application site is located within the settlement limit of Metropolitan Newtownabbey and is located on unzoned lands. 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 existing all weather and grass pitch within the application site are designated as 'Existing Open Space'. The plan indicates that the open space is circa 1.72ha of private playing pitches. The Plan offers no specific guidance on this proposal.

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

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section

No objection subject to noise and contamination conditions.

Northern Ireland Water

No objection subject to conditions.

Department for Infrastructure Roads

No objection subject to conditions and informatives.

Department for Infrastructure Rivers

No objection subject to informatives.

Department for Communities Historic Environment Division: HED (Historic Buildings)

No objection.

HED (Historic Monuments)

No objection subject to conditions and informatives.

NIEA Regulation Unit Land and Groundwater Team

No objection subject to conditions and informatives.

NIEA Natural Environment Division.

No objection subject to conditions and Informatives.

Northern Ireland Housing Executive

The development proposal is located in an area of housing need within Rathcoole and Rushpark Housing Needs Assessment Areas. Five year (2020-25) projected housing need for Rathcoole and Rushpark is 124 units. At September 2021, there were 419 applicants on the housing stress waiting list for these areas: single households (222) and family households with children (101) were the largest household groups

followed by older persons (69). There were 27 small and large adult households included on the housing stress waiting list. At that date there were 119 allocations to applicants: single households (67) received the highest proportion of allocations followed by family households with children (26) and older persons (21). There were 5 allocations to small adult applicants. On this basis, the Housing Executive has provided a support of need letter for the following social housing mix:

Needs Group: General Needs

Housing Mix:

- 8 x 2 person 1 bedroom apartments
 - 22 x 3 person 2 bedroom houses with pend
 - 22 x 3 person 2 bedroom houses
 - 14 x 5 person 3 bedroom houses
 - 2 x 6 person 4 bedroom houses
 - 2 x 3 person 2 bedroom generic wheelchair accessible apartments
 - 1 x 3 person 2 bedroom wheelchair accessible apartment (named applicant)
 - 1 x 5 person 3 bedroom wheelchair accessible house (named applicant)
 - 4 x 5 person 3 bedroom wheelchair accessible bungalows (named applicants)
 - 2 x 6 person 4 bedroom wheelchair accessible bungalows (named applicants)
 - 22 x 3 person 2 bedroom Cat 1 apartments
 - 2 x 3 person 2 bedroom wheelchair accessible Cat 1 apartments (1 named applicant)
- Total 102 units**

REPRESENTATION

Eighteen (18) neighbouring properties were notified and eight (8) letters of objection / support have been received from number seven (7) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Impact on boundary trees adjacent to Neills Court.
- Concerns that the access to Neills Court will be used for the site.
- Will the existing fencing be removed adjacent to Neills Court and what will it be replaced with.
- Space not being used to its full potential.
- No need for a play park.

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
- Density
- Neighbour Amenity
- Public and Private Amenity Space
- Parking and Road Safety
- Crime and Personal Safety
- Flood Risk
- Archaeology
- Built Heritage
- Natural Heritage

- Flood Risk
- Other matters
 - Impact on Trees
 - Contamination
 - Boundary Treatment
 - NIW infrastructure

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 settlement limit of Metropolitan Newtownabbey with dBMAP identifying part of the site (circa 40%) as 'Existing Open Space'. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The site previously operated as the buildings and land associated with Newtownabbey High School with the western side of the application site containing playing pitches which are identified as being 'Existing Open Space' within dBMAP. Notwithstanding the fact the Policy zoning with dBMAP are draft policies the former playing pitches are also offered protection under policy provisions of Policy OS1 (Protection of Open Space) of PPS 8. Policy OS 1 states that the Council 'will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance'.

Policy OS 1 does however offer exceptional circumstances to which development may be permitted that outweigh the loss of the open space. The applicant indicates the proposed community benefits in the Planning Supporting Statements Doc 01 & 08 and the Community Benefit document Doc 20 date stamped 17/02/2022. These are summarised below.

Community Benefit

The applicant considers that the proposed development will achieve substantial community benefit for the following reasons: -

- The delivery of social housing in an area of live and pressing social housing need is, in itself, a community benefit. The scheme as designed will deliver 103 social homes for those most in need as well as 8 affordable homes;

- The development will provide high quality open space provision and a children's play park costing approximately £64,500 to serve prospective residents and the wider community;
- A contribution of £35,000 is offered to support the enhancement of existing open space in the local area; and
- The Association have and will invest in the community in other ways such as supporting local sports clubs and apprenticeships during the construction phase of the development.

It is important to note that the monetary offer made by the developer (i.e. to make up for the loss of open space) will take the form of a legal agreement under Section 76 of the Planning Act 2011. Officers will finalise the agreement with the developer's legal advisors if the offer by the developer is agreed by Members and planning permission is to be forthcoming.

In addition to the community benefits outlined above the applicant has indicated that they propose to provide above the minimum threshold of open space for a development of this scale. PPS8 indicates that 10% open space is required, while the applicant proposes 20% open space as integral part of this development.

The Council's Preferred Options Paper (POP) for the Local Development Plan 2030, and in its Housing Investment Plan 2018, identifies a need for more social housing across the entire Borough while Paragraph 6.133 of the SPPS states that the planning system can play a positive and supportive role in the delivery of homes to meet the full range of housing needs of society. Paragraph 6.137 further states that planning authorities must deliver increased housing density without town cramming and points out that all new housing developments should demonstrate a high quality of design, layout and landscaping. The matters of detail are considered in detail below.

Furthermore, the existing open space associated with the former Newtownabbey High School is located on a brownfield site which is closed off to the public and is not accessible as a space for the public to benefit from in its present form and state. This proposal may reduce the overall level of open space within the development site, however, the trade-off is the opening up and enhancement of the space to the public and residents of both the development site and wider area as well as bringing a brownfield site back into use, something which is encouraged within the SPPS.

Overall, it is considered that the exceptional tests set out in PPS 8 Policy OS1 have been satisfied with the benefits offered in this instance outweighing the loss of the open space. The principle of development is therefore acceptable subject to 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.

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 (APPS7): 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.

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 states that development which would result in unacceptable damage to the local character, environmental quality or residential amenity of established residential areas will not be permitted and requires compliance with a number of listed criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The proposal comprises 111 residential units consisting of a mix of 76 No. dwellings and 35 No. apartments, public open space, children play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Rathcoole Drive. The applicant indicates that the mix of accommodation on offer is to address the current site requirements of those on the Northern Ireland Housing Executives social housing waiting list for this area of Newtownabbey as well as making a contribution to the affordable housing stock (8 units) in the area.

The site is arranged into two separate development parcels with category 1 active elderly apartments located towards the eastern extent of the site and orientated towards the Shore Road. These buildings are designed over three floors of accommodation and will create a strong urban form to the primary frontage along Shore Road. The balance of the site is proposed to comprise general and complex needs dwellings and apartments designed over one and two storeys in height.

The dwellings all benefit from a level of defensible space to the front and private garden space to the rear. In-curtilage car parking is provided for the majority of dwellings at a rate of two spaces per dwelling. A small number of dwellings are proposed to be served by one space per dwelling.

The apartments also benefit from a level of defensible space and communal amenity space around the buildings. Parking for the apartments is proposed to be

provided in the form of communal unassigned parking arranged around the buildings.

The site is laid out in a conventional arrangement which creates frontage onto the existing public roads adjacent to the site at Shore Road, Rathcoole Drive and Ardlea Crescent, and also to the internal road layout. The only dwellings which are orientated to back onto the site boundary are those along the northern boundary, adjacent to Whitehouse Primary School and Neills Court.

Access to the site is proposed to be taken from two existing vehicular access locations from Rathcoole Drive. One access, closest to Shore Road, serves only the section of the site comprising the Category 1 Elderly accommodation with the other serving the balance of the development.

Pedestrian connection to Ardlea Crescent is also provided through the proposed pocket of open space along the northern boundary of the site. The connections are designed with permeability in mind to connect with the existing public footpaths and roads adjacent to the site which builds on connections to the adjacent local retail and community uses.

Public open space is provided at a rate of 20% of the site area and is located both within and along the boundaries of the site to the north, south and east with a main area of open space located centrally within the site. The central open space comprises a landscaped area with a children's play park 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.

The proposed apartments are designed over two and three floors of accommodation and dwellings are all one and two storeys in height and are arranged in detached and semi-detached form and short terraces of three and four dwellings. The siting of the dwellings has been carefully considered alongside the scale of the buildings to ensure they reflect the local character and avoid creating a detrimental impact on the amenity of neighbouring residential properties.

The proposed dwellings are proposed to be finished in red brickwork with pitched roofs finished in concrete grey tiles. The proposed construction materials have been carefully selected in order to best reflect the character of the surrounding area. A number of the proposed house types and apartments are proposed to also include zinc dormers and/or off colour rendered projecting bays or surrounds to provide interest and variety in the streetscapes.

All windows and doors will be double-glazed grey uPVC and rainwater goods are proposed to be formed of powder coated aluminium gutters and dark grey uPVC downpipes.

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

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. Concerns have been raised by third parties that the space is not being used to its full potential, however, the proposed apartments and dwellings are reflective of the surrounding built context and the proposed density of development is compliant with the local context and is considered to comply with prevailing planning policy requirements and the site characteristics.

The overall scale and density (gross) of the development is 25 dwellings per hectare (dph), which is considered to be a low-medium density area and in keeping with the local character of the area. Given the layout and density of neighbouring residential development, it is considered that the density of the proposed development will not result in an adverse impact on the character of this area.

Public and Private Amenity Space

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. Amenity space for the apartments is proposed around the buildings in the form of hard and soft landscaped communal gardens. Private amenity space for the dwellings ranges from a minimum of 50sqm to a maximum of 373sqm. The average private garden size across the dwellings is approximately 73sqm. It is considered that adequate provision has made for private rear garden space within the individual dwellings. The communal garden area surrounding the Category 1 apartments extends to approximately 1930sqm in size which translates to an average of approximately 80.5sqm per apartment.

Third parties have raised concerns with regard to the necessity, amount and need for the open space and play park, however, 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 OS 2 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. Public open space is provided in the form of a central green area and a number of pockets of space located adjacent to the site boundaries some of this is not particularly usable space, however, it does offer an amenity value in creating a softer setting for the development and is welcomed. The total area of formal open space extends to approximately 8,500sqm and equates to almost 20% of the total site area. While this figure is above the minimum standard much of the open space provided is to ensure the protection to trees subject to a Tree Preservation Order as well as a number of larger trees along the sites perimeter and ensures for a higher quality residential environment.

The applicant proposes the following triggers for the delivery of open space.

- 50% of the open space within the main body of the site to be completed prior to the occupation of the 50th residential unit in the main body of the site;
- All open space to be completed prior to the occupation of the last residential unit on the site; and
- Open space immediately north and east of Units A1 – A20 (i.e. adjacent to the Shore Road) to be completed prior to the occupation of the last residential unit in this cul-de-sac.

The rationale behind the triggers to provide the open space areas is due to the practicalities around carrying out the construction works of a site of this size and configuration. The applicant has indicated that the construction compound during the construction phase of the development will be positioned on the proposed location of the central open space to allow the roads and dwellings to be constructed. The first trigger will require the construction and handover of 50% of the open space prior to the occupation of the 50th unit in the main body of the site. The balance of the open space will continue to be used as a construction compound to facilitate the completion of the remaining development. The applicant further indicates that the proposed timing of delivery of the open space seeks to minimise conflict between construction works and construction traffic and the use of the open space and pedestrian movement through the earlier phases of the scheme generally. Although the provision of open space is generally provided after 25 units, in this instance given the practicalities of delivering this scheme the triggers proposed are considered acceptable.

A landscape management plan has been submitted outlining that the long term management responsibilities for the development will be carried out by APEX Housing Association and is considered an acceptable response. In addition to the provision of communal open space Policy OS2 of PPS 8 also requires for residential development of 100 units or more, to provide an equipped children's play area. This has been provided in this instance within the central green as an integral feature of the development and it is therefore considered that that this policy requirement has been fulfilled.

Overall it is considered that the open space provided is designed in a comprehensive way and linked to the overall development site, it has 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. The design, location and appearance also takes into account the amenity of nearby residents and the needs of people with disabilities and It also retains the majority of trees within the site as important landscape features and incorporates and protects these in an appropriate fashion.

Neighbour Amenity

The proposed scheme has been designed to ensure 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 all properties will have in excess of the minimum rear garden depth of 10 metres while the apartments have in excess of the 20m separation distance required from first floor opposing windows to the adjacent properties. It is considered that the separation distances proposed should ensure that the proposed development will not have an adverse impact on the adjacent

properties by way of dominance, overshadowing, loss of light or overlooking of either existing or proposed properties.

Parking and Road Safety

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. Provision is made in the scheme for a total of 191 spaces to serve the proposed dwellings and apartments. The provision is arranged in a mix of in-curtilage spaces for the majority of dwellings with some on-street provision to also serve some of the dwellings as well as making provision for visitors, and communal parking courts serving the apartments.

A Transport Assessment, Scoping Study (Doc 14) has been prepared by Aecom which evaluates the potential traffic and transport matters associated with this scheme. The initial proposal saw a minor shortfall of parking spaces of four (4), however, this has increased to eight (8) following amendments to the layout in order to protect TPO trees within the site. This represents a shortfall (eight (8) no. spaces) from the normal standards to which the applicant indicates that 'it is widely acknowledged and is their experience from similar social housing schemes generally generate a much lower parking demand than an equivalent private housing development'. Given the minor shortfall of parking spaces are largely communal spaces interspersed throughout the development, the level of parking proposed is considered sufficient to meet the demand likely to be generated by this development.

Third parties raise concerns that the access to Neil's Court will be used by the occupants of this development, however there is no proposal by the applicant to open up this development site to Neil's Court with each of the dwellings and apartments being closed off to both Neil's Court and the adjacent Whitehouse Primary School by 1.8m high timber boarded fencing. Instead the applicant proposes to use both existing access points to the former Newtownabbey High School to provided access and egress through the site.

DfI Roads has been consulted in relation to the development and has no objections to the proposed access arrangements or the parking. 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.

The applicant has indicated that the proposed development has been designed to Secured by Design Standards with the site and individual properties adequately enclosed and defended by appropriate boundary treatments.

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 street lighting 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 include to seek 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.

With regard to flood risk associated with this development the applicant has provided Drainage Assessment (Doc 16) by 'McCloy's Consulting' date stamped 07/7/2021. DfI Rivers has been consulted with regard to this document and indicated no objection to the proposal.

With regard to the application site, the DfI River's Flood Maps (NI) do not indicate any designated watercourses within the site boundary. Policy FLD 1 'Development in Fluvial (River) and Coastal Flood Plains'. DfI Rivers Flood Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or T200 Tidal Floodplain. DfI Rivers advise that they would have no specific reason to object to the proposed development under this sub-policy FLD1.

Policy FLD 2 'Protection of Flood Defence and Drainage Infrastructure'. The layout drawing satisfies this policy FLD 2.

Policy FLD 3 'Development and Surface Water (Pluvial) Flood Risk' Outside Flood Plains. DfI Rivers advise that they have no objection under this policy. They indicated that within the Drainage Assessment, confirmation has been received from NI Water by their Pre Development Enquiry dated 2/7/2020 that a 375mm storm sewer is located in Rathcoole Drive to serve this development and the surface water discharge is to be greenfield run-off rate.

Evidence has been provided that the drainage will be installed to meet the standards of the NI Water Sewers for Adoption 1st Edition for a 30-year storm events including an allowance for climate change. For storm events greater than this exceedance flow paths have been identified showing that no properties will flood.

DfI Rivers further advise that while not being responsible for the preparation of the Drainage Assessment report accepts its logic and has no reason to disagree with its conclusions. Policy FLD 4 'Artificial Modification of Watercourses' is not applicable to

this site as no proposals have been submitted to culvert any watercourse while Policy FLD 5 – Development in Proximity to Reservoirs is not applicable.

Overall it is considered that there is no significant flood risk associated with this development.

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.

DfC Historic Environment Division (Historic Monuments) has reviewed the Archaeological and Cultural Heritage Assessment (Document 9) dated 08/06/2021, and concurs with its conclusion that there are no known cultural heritage assets within the red line boundary of the site. The report does acknowledge that it is possible that previously unknown assets, for which there are now no surface expressions could exist sub-surface within the development area. It was assessed that should such assets exist then these could be negatively impacted upon through development and a mitigation strategy has been proposed.

Historic Environment Division (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. It is considered that there are no archaeological concerns with this proposal subject to the stated conditions below.

Built Heritage

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 application LA03/2021/0628/F) on the setting of the listed building - Rantalard House (HB21/21/001 Grade B1) and advises that it has no comment to make as the proposal is sufficiently removed in situation and scale of development as to have negligible impact on the significance of the building or on the quality and character of its setting. It is therefore considered that the proposal is acceptable with regard to policy PPS6 BH11 and SPPS paragraph 6.12.

Natural Heritage

A Preliminary Ecological Appraisal (PEA) was carried out on the application site and submitted to the Council (Doc 07, date stamp received 14th June 2021) along with an Ecological Survey for Bats (Doc 06). These documents concluded that there was no significant impact on Designated Sites, Protected Species or their Habitats subject to mitigation measures including protection of trees, provision of appropriate lighting, bat boxes and additional compensatory planting. 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.

With regard to the impact on Designated Sites, the application site is approximately 200m from Glas Na Bradan River Site of Local Nature Conservation Importance (SLNCI), which flows into Inner Belfast Lough Area of Special Scientific Interest (ASSI) and Belfast Lough Special Protection Area (SPA), Ramsar site approximately 200m to the southeast of the site. NIEA Natural Environment Division (NED) is content that there will be no likely significant impact from the proposed development on the designated sites, due to the lack of hydrological link. The Council's Shared Environment Service also arrived at the same conclusion (following informal consultation) due to the lack of a pathway to the Protected Sites. It is therefore considered that there are no significant concerns with the impacts of the proposal on Designated Sites based on the information provided.

Regarding the potential impact on 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. In this instance NED agrees that the mitigation measures recommended in the Ecological Survey for Bats should be implemented. NED has recommended conditions (included below) relating to the supervision of tree felling by a qualified ecologist and the provision of a bat friendly lighting. The suggested conditions are considered reasonable.

NED notes from the Ecological Survey for Bats that a Preliminary Roost Assessment identified 10 trees with the potential to support roosting bats. These trees were then subject to a tree climbing and endoscope survey which confirmed that 3 of these trees, T29, T41, and T49 had confirmed potential roost features. T29 was assessed as having low bat roosting potential (BRP), T41 was assessed as having high BRP and T49 had moderate BRP, however, there was no evidence of bats roosting in these trees during the time of the survey. NED notes that these trees are going to be felled for this development however have no objection in principle

As the proposal is likely to require lighting, NED agrees with PEA and bat survey that the boundary trees and hedgerows on site provide suitable foraging and commuting habitat for bats and as previously stated the site has habitat linkage to Glas Na Bradan Glen which provides high quality foraging and commuting habitat for bats. Bats are nocturnal species and are highly sensitive to artificial lighting in their environments. NED advise that 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. Illumination of a bat roost can also prevent or delay emergence from the roost, reducing the time available for foraging and potentially leading to starvation and/or abandonment of the roost.

NED is in agreement with the ecologist's recommendations for a lighting plan and advises that a light spill of less than 1 lux is maintained on boundary hedgerows, trees and any bat boxes to mitigate impact on any potential foraging and commuting bat activity in these regions. NED recommends a wildlife friendly Lighting Plan is submitted showing light spill of less than 1 lux on retained trees, hedgerows and any bat boxes and conforms to Bat Conservation Trust guidelines. NED has recommended an appropriate condition that should be attached to any decision notice should planning permission be forthcoming.

NED is also agreement with the ecologist's recommendations that 6 bat boxes will be erected on existing trees as compensatory roosting habitat for the removal of trees 41 and 49 that have moderate-high BRP. NED notes that compensatory planting of a mix of woodland native and non-native species is proposed to offset the impact of tree felling. NED welcomes the additional planting and considers it provides sufficient compensation for the loss of existing trees and hedgerows.

Overall, it is therefore considered that the development proposal will have no detrimental impact on natural heritage interests subject to conditions and the proposal complies with PPS 2.

Other Matters

Impact on Trees

The applicant has provided a number of plans and documents assessing the impact the development may have on trees within the application site including, proposed protection measures and proposed compensatory landscaping:

- Drawing No 02/3 Proposed site plan (date stamped 22/02/2022).
- Drawing No 45/2 Tree Impacts and Protection Plan (date stamped 22/02/2022).
- Drawing No. 39/1 Planting plan (date stamped 14/02/2022).
- Doc 03/2 'Arboricultural Impact Assessment and Method Statement' (date stamped 22/02/2022).
- Doc 05 Tree Survey Report (date stamped 14/02/2022).
- Doc 18 - Supporting Information document (date stamped 03/08/2021)
- Doc 19/1 - Tree Schedule (date stamped 22/02/2022).

Doc 03/2 'Arboricultural Impact Assessment and Method Statement' (date stamped 22/02/2022). indicates that there are a total of one hundred and fifteen (115) trees (classified as one hundred eight (108) individual trees, six (6) groups of trees and one (1) hedge) within the application site. A number of the trees on the eastern side of the application site adjacent to the Shore Road form part of a Tree Preservation Order (TPO/2021/0006/LA03).

The Proposed Site Plan Drawing No. 02/3 (date stamped 22/02/2022) indicates that thirty-one (31) trees are to be removed from the application site which have been categorised as not suitable for retention. Eighteen (18) of these trees are within the Tree Preservation Order and thirteen (13) are not covered by the Tree Preservation Order.

Of the trees to be removed within the Tree Preservation Order, Doc 19/1 Tree Schedule) indicates that nine (9) trees have been classified as unsuitable for retention as the trees are dead or it is considered to be part of good arboricultural practice to do so (Doc 19/1 Tree Schedule) and nine (9) trees are to be removed to facilitate the development one of which is considered to be of low conservation value.

The Council's tree officer has been consulted on this application and is satisfied with the level of protection offered to trees covered by the TPO. With regard to the removal of TPO trees, the Tree Officer is largely content with what is proposed, however, concern has been expressed regarding the removal of tree No.111 in order to accommodate an internal estate road. As this tree is located on the outer edge

of the Tree Preservation Order and is to be replaced by extra heavy standard trees circa 4-6m in height, it is considered that the removal of one tree to facilitate bringing forward this social housing scheme is acceptable.

In terms of proposed planting Drawing No. 39/1 Planting Plan (date stamped 14/02/2022) indicates an extensive level of vegetation and tree planting will occur within the application site which will further enhance the character and quality of this area, including supporting the visual collective of the trees within the Tree Preservation Order. In terms of planting there is in excess of 2800 trees, 1502 shrubs, to be planted within the application site (among other types of vegetation). Circa 160 of the trees to be planted are heavy standard/extra heavy standard. The level of planting proposed is considered an acceptable level of compensation to offset the loss of trees as indicated above.

Concerns have been raised with regard to the impact the proposed development will have on trees adjacent to Neills Court. The applicant has provided a supporting statement Doc. 18 date stamped 03/08/2021 which addresses this matter. It outlines that with regard to the boundary to Neills Court and the existing trees, the arboricultural consultant for the project recommended that two semi-mature trees are removed as good arboricultural practice due to their position immediately on the boundary and the impact that their root structure will have on the existing low level boundary wall and fence as they mature. The arboricultural consultant recommends that these trees are replaced with trees of a suitable scale, this has been reflected on the landscape proposal plan (Drawing No. 39/1) with a significant number of trees being proposed throughout the scheme. The level of proposed landscaping throughout the development is such that it is considered sufficient to offset the impact of trees lost as part of this development. In addition, conditions have been recommended below to ensure the retention and protection of existing trees and to ensure that new planting is carried out as an integral part of the development.

Contamination

The applicant has provided a number of documents in order to satisfactorily understand and mitigate any contamination that may be on site. These include:

- Environmental Site Assessment and Generic Quantitative Risk Assessment, prepared by RSK, Document Number 12, stamped 'Planning Section Received 14 Jun 2021'
- Remedial Strategy, prepared by RSK, Document Number 10, stamped 'Planning Section Received 14 Jun 2021' and
- A letter from RSK regarding Testing of Stockpiles, Document Number 11, stamped 'Planning Section Received 14 Jun 2021'.

A Generic Quantitative Risk Assessment report has been provided by RSK Ireland Ltd in support of this planning application. The report is informed by site investigations and environmental monitoring data. No unacceptable risks to environmental receptors have been identified for the development. 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 (EHS) also considered the above documentation and are satisfied that amenity can be suitably controlled with

regards to contaminated land based on the information submitted and has recommend contaminated land conditions similar to the 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.

Boundary Treatment

Third parties have raised concerns that the existing fencing will be removed. Drawing No 02/2 (proposed site plan date stamped 14/02/2022) contains an annotation that the existing party fencing is to be retained while a close board timber fence will run along the inside of this boundary to each of the dwellings.

NI Water Infrastructure

NIW initially raised concerns with network and wastewater treatment capacity not being available to service the site. However, the applicant has subsequently went through the NIW Pre-Development Enquiry and Waste Water Impact Assessment Process and is in receipt of an engineered solution which will allow for this development to proceed subject to a condition that ensures 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 and a connection to the sewer has been granted under the Water and Sewerage Services Act (Northern Ireland) 2016. This condition is considered necessary to ensure adequate waste water treatment capacity is available to serve this development.

CONCLUSION

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

- The principle of the development is considered acceptable;
- The design, layout and appearance and density is considered acceptable;
- There are no significant neighbour amenity concerns;
- The proposal has been designed to achieve sufficient parking, a satisfactory road layout, and address promote personal safety;
- There is no significant flood risk associated with this development;
- The archaeological, natural or built heritage concerns with the proposal have been addressed;
- There are no significant Impact on Trees Protected by Tree Preservation Order.

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. Except as otherwise indicated on drawing No. 02/3 date stamped received 22/02/2022, a minimum of 103 of the dwellings hereby approved shall be occupied only by a person or persons who have been selected from the Northern Ireland Housing Executive waiting list and these properties will be owned by operated by a social housing provider.

Reason: The loss of open space is only acceptable due to the social housing need within this area.

3. Prior to occupation of any residential unit with the development, a 1.8-metre-high acoustic barrier shall be installed along the northern boundary of the site, as marked on Figure 10, within Document Number 17, stamped 'Planning Section Received 27 Jul 2021'. The barrier shall have a surface weight of not less than 12kg/m², be of solid construction (i.e. no holes or gaps for sound to pass through), and so if it is a fence it should be of the ship-lapped design.

Reason: In order to protect amenity at the permitted dwellings.

4. All habitable rooms to the dwellings marked Façade Zone A on Figure 9 within Document No. 17, stamped 'Planning Section Received 27 Jul 2021', shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least that detailed in Table 1 below, as shown within Table 13 of Document Number 17, stamped 'Planning Section Received 27 Jul 2021'.

Table 1

Specification	Sound Reduction Performance Requirements (dB) in Octave Frequency Bands (Hz)						Overall dB Rw
	125	250	500	1k	2k	4k	
Façade Zone A (Magenta in Fig 9)	25	22	33	40	43	44	36
All other Facades	24	20	25	35	38	35	31

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

5. All habitable rooms to the dwellings along Façade Zone A, as marked on Figure 9 within Document Number 17, stamped 'Planning Section Received 27 Jul 2021', shall be fitted with passive and/or mechanical ventilation, in addition to that provided by open windows, capable of achieving a minimum acoustic performance of 36 dB D_{n,e,w}, as detailed within paragraph 5.2.2.4 of Document Number 17.

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

6. The development hereby permitted shall not be occupied until the remediation measures as presented within the Remedial Strategy, Document Number 10, stamped 'Planning Section Received 14 Jun 2021' and RSK letter regarding Testing of Stockpiles, Document Number 11, stamped 'Planning Section Received 14 Jun 2021' have been fully implemented and verified to the satisfaction of the Council.

There shall be no amendments or deviations from, the remediation and verification recommendations contained within the Remedial Strategy without the prior written consent of the Council.

Reason: Protection of human health and other environmental receptors to ensure the site is suitable for use

7. 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: Protection of human health and other environmental receptors to ensure the site is suitable for use

8. 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's Planning Section shall be 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>.

Reason: Protection of human health and other environmental receptors to ensure the site is suitable for use

9. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing and subsequently implemented to its satisfaction.

Reason: Protection of human health and other environmental receptors to ensure the site is suitable for use

10. In the event that piling is required, no development or piling work shall commence on this site until a piling risk assessment has been submitted in writing and agreed with the Council. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at: Regulation Unit

<http://webarchive.nationalarchives.gov.uk/20140329082415/>
<http://cdn.environmentagency.gov.uk/scho0501bitt-e-e.pdf>

Reason: Protection of human health and other environmental receptors to ensure the site is suitable for use

11. If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land

Contamination: Risk Management (LCRM) guidance available 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 agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

Reason: Protection of human health and other environmental receptors to ensure the site is suitable for use

12. After completing any remediation works required, and prior to occupation of the development, a verification report shall be submitted in writing and agreed with the Council. This report shall be completed by competent persons in accordance with 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 waste materials and risks and in achieving the remedial objectives.

Reason: Protection of human health and other environmental receptors to ensure the site is suitable for use

13. The felling of tree as identified in the Ecological Survey for bats, date stamped 14 June 2021 by the Council, shall be carried out using soft-fell techniques, under the supervision of a competent ecologist, within the time periods 15th August to 15th October or 15th March to 15th May only. The ecologist shall write a report detailing the works carried out and the implementation of mitigation measures and this shall be submitted to the Council within 6 weeks of the completion of felling and arboricultural works on these trees.

Reason: to protect bats

14. Within two months prior to the felling of tree numbers 41 and 49, as identified in the Ecological Survey for Bats, date stamped 14 June 2021 by the Council, a check for bats shall be carried out by a competent ecologist. An appropriate Wildlife Licence must be obtained from NIEA in order to carry out these checks. The ecologist shall write a report detailing the works carried out and the implementation of mitigation measures and this shall be submitted to the Council within 6 weeks of the completion of felling works on these trees.

Reason: To protect bats.

15. There shall be no external lighting on the site until a Lighting Plan has been submitted to and approved in writing by the Council. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council. The Plan shall include the following:
- a) Specifications of lighting to be used across the site, including model of luminaires, location and height;
 - b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.

- c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site;
- d) Predicted illuminance on retained trees/hedgerows to be less than 1 lux.

Reason: To minimise the impact of the proposal on bats and other wildlife.

16. No dwelling shall be occupied until: -
- (1) a plan detailing the location of proposed bat boxes has been submitted to, and agreed in writing with, the Council, and
 - (2) the bat boxes have been installed. The bat boxes shall be permanently retained thereafter.

Reason: To minimise the impact of the proposal on bats.

17. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council. The POW shall provide for:
- a. The identification and evaluation of archaeological remains within the site;
 - b. Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
 - c. Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
 - d. Preparation of the digital, documentary and material archive for deposition.

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

18. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 17.

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

19. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 17. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

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

20. 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.

Reason: To ensure adequate waste water treatment capacity is available.

21. The existing natural screenings of this site as shown on approved Drawing Number 02/3 date stamped 22/02/2022 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal.

All existing vegetation not included within Tree Preservation Order (TPO/2021/0006/LA03) shall be retained 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.

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

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

22. No retained tree contained within Tree Preservation Order (TPO/2021/0006/LA03) as indicated on Drawing No. 02/3 date stamped 22/02/2022 shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the prior written consent of the Council.

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

23. A protective barrier no less than 2m in height comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts and securely supported weldmesh panels (as illustrated on Drawing No. 45/2 date stamped 22/02/2022) shall be erected in the location as identified in Drawing No. 45/2 date stamped 14/02/2022 prior to commencement of the development hereby approved and shall be permanently retained for the period of construction on the site. There shall be no stockpiling of materials or soil within this tree protection zone.

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

24. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no operational development other than that expressly authorised by this permission shall commence within the Root Protection Areas of trees protected under Tree Preservation Order TPO/2021/0006/LA03 as identified on Tree Impact and Protection Plan Drawing No. Drawing No. 45/2 date stamped 22/02/2022 without prior approval from the Council.

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

25. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no operational development other than that expressly authorised by this permission shall commence within the Root Protection Areas of tree No.90 to the rear of Sites B57 and B58 as identified on Tree Impact and Protection Plan Drawing No. 45/2 date stamped 22/02/2022 without prior approval from the Council.

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

26. The boundary treatments to be erected within the Root Protection Areas as identified on Drawing No. 45/2 date stamped 22/02/2022 shall be erected by hand digging only. Recommendations contained within paragraph 7.5.5 of BS5837:2012 (Trees in relation to design, demolition and construction – Recommendations) shall be adhered to.

Reason: To ensure that damage to tree roots of retained trees is minimal.

27. The area of 'no-dig' construction (permanent ground protection) as indicated on Drawing No. Drawing No. 45/2 date stamped 22/02/2022 shall be carried out in accordance with the details annotated on the same plan.

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

28. The proposed landscaping works as indicated on Drawing Number 39/1 date stamped 14/02/2022 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.

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

29. The open space and amenity areas indicated on Drawing 39/1 date stamped 14/02/2022 shall be managed and maintained in accordance with the Landscape Management Plan, DOC 04/2 date stamped received 24/02/2022 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.

30. The proposed open space associated with Units A1 – A20 shall be completed in accordance with the details on Drawing 39/1 date stamped 14/02/2022 prior to the occupation of the last residential unit in this cul-de-sac.

Reason: To ensure the delivery of open space.

31. Fifty percent of the proposed open space associated with units B1 - B87 (within the main body of the site) shall be completed prior to the occupation of the 50th residential unit in the main body of the site.

All open space areas are to be completed prior to the occupation of the last residential unit on the site in accordance with Drawing Number 39/1 date stamped 14/02/2022.

Reason: To ensure the delivery of open space.

32. Except as otherwise agreed in writing with the Council, the proposed equipped play area shall be completed prior to the occupation of the last residential unit in accordance with Drawing Number 39/1 date stamped 14/02/2022 and in accordance with the specification contained within DOC 04/2 date stamped received 24/02/2022.

Reason: To ensure the delivery of the equipped play area.

33. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 42/1 bearing the date stamp 14/02/2022, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter

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

34. 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 42/1 bearing the date stamped 14/02/2022.

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

35. 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.

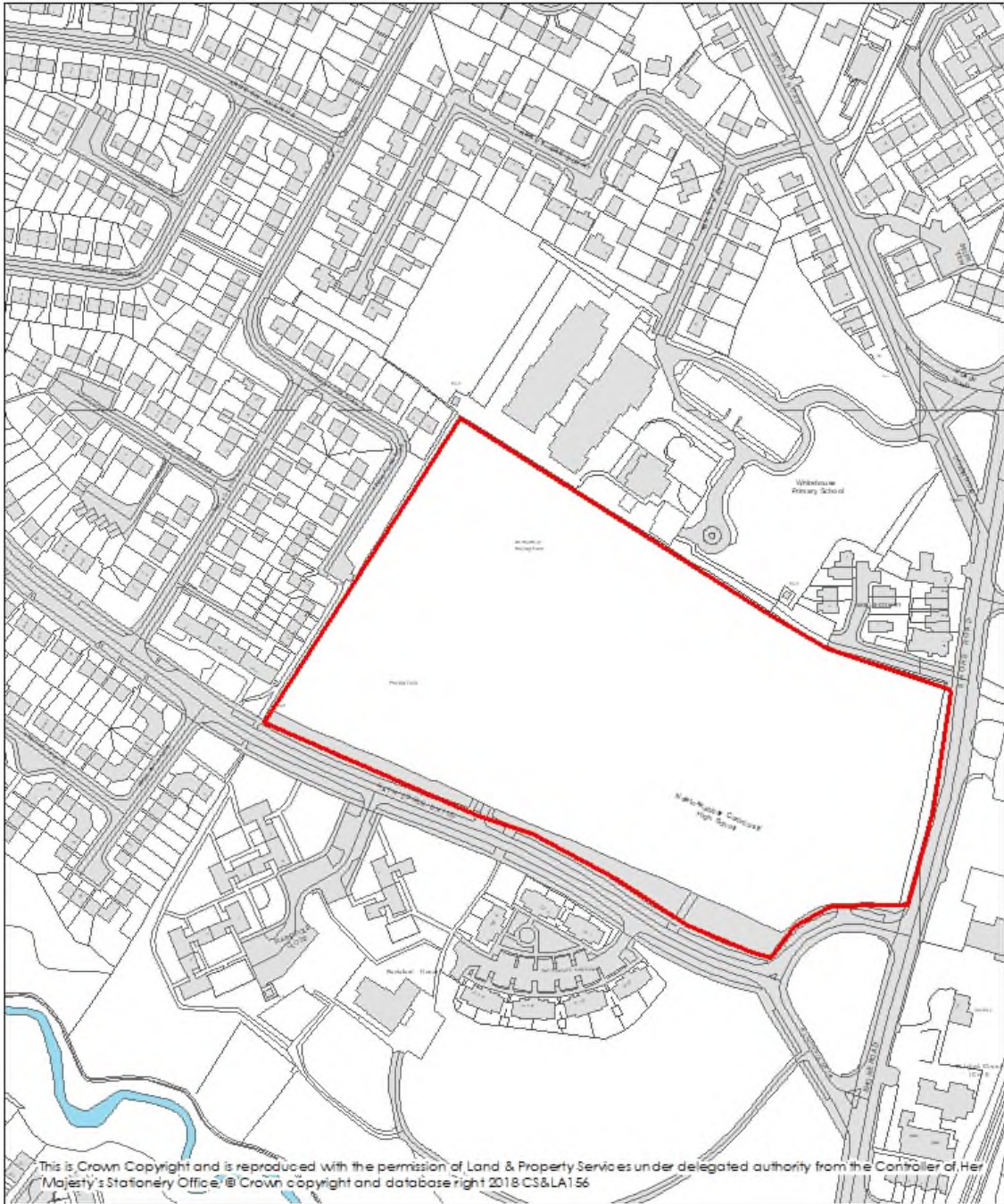
36. The development hereby permitted shall not be occupied until the works necessary for the improvement of a public road have been completed in

accordance with the details outlined blue on Drawing Number 42/1 bearing the date stamped 14/02/2022.

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

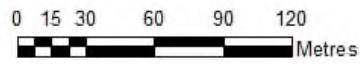
37. The development shall be carried out in accordance with the stamped approved Drawing Numbers 42/1, 43/1 & 44/1 bearing the date stamp 14/02/2022.

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




Site Location Plan

Application Reference: LA03/2021/0628/F



Proposed residential development (111 units in total).

 Site boundary

Former Newtownabbey High School
 Rathcoole Drive
 Newtownabbey



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2020/0843/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed social housing development comprising 37no units (14no semi-detached, 11no townhouses, 3no detached wheelchair accessible bungalows, 1no detached and 8no apartments), associated open space, landscaping, access from Doagh Road including reconfigured access to Aspen View, public footpath to Monkstown Road, car parking, foul pumping station and all ancillary site works
SITE/LOCATION	Lands 30 metres north of No. 1, No. 5 - 8 and No. 10 Aspen View, Doagh Road, and 20 metres southwest of No. 26 and No. 28 Monkstown Road, Newtownabbey
APPLICANT	Mr Paul Frazer
AGENT	Tetra Tech
LAST SITE VISIT	12th May 2021
CASE OFFICER	Sairead de Brún Tel: 028 903 Ext 40406 Email: Sairead.debrun@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limits of Metropolitan Newtownabbey as designated in the Belfast Urban Area Plan (BUAP), the draft Newtownabbey Area Plan (NAP) and the draft Belfast Metropolitan Area Plan (dBMAP 2004).</p> <p>The site is on an area of open space wedged between the Doagh Road to the west, and the Monkstown Road to the east. It is bounded to the south by existing residential properties in Aspen View, and to the northeast by Nos. 26 and 28 Monkstown Road. The eastern and western boundaries of the application site are defined by mature hedging, as is the southern boundary with Aspen View. The northern boundary is defined by a belt of well-established trees that run through the site from the northern to southern boundary.</p> <p>The surrounding area is a mix of land uses. Residential properties bound the site to the immediate south, with additional housing developments located to the southwest. Areas of open space exist to the northeast of the site at Monkstown Wood, and to the northwest at Three Mile Water Conservation Park. There are also a number of industrial, commercial, and retail units within the vicinity of the site, including a manufacturing facility opposite and west of the site, Monkstown Industrial Estate to the southeast, and Hillside Nursery Centre to the southwest.</p>	

RELEVANT PLANNING HISTORY

Planning Reference: U/1985/0410/O
Location: Monkstown Road, Newtownabbey
Proposal: Housing Development
Decision: Permission Granted 24.6.1986

Planning Reference: LA03/2019/0540/PAD
Location: Lands north of 5-8 Aspen View, Doagh Road and SW of 26 and 28 Monkstown Road, Newtownabbey
Proposal: Proposed residential housing development of 36 no. dwellings (8no apartments and 28no dwellings), associated open space, landscaping and all ancillary site works
Decision: PAD Concluded 17.09.2019

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 Belfast Urban Area settlement limit. The application site is within lands designated as 'Lands Reserved for Landscape, Amenity or Recreation Use'.

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, within an area of 'Existing open Space' and the Three Mile Water Local Landscape Policy Area (LLPA) under designation MNY 53.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material

considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

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

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

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

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

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

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.

Department for Infrastructure Roads- No objection subject to conditions.

Department for Infrastructure Rivers – No objection.

DAERA Water Management Unit – No objection subject to conditions.

DAERA Inland Fisheries – No objection.

DAERA Regulation Unit - No objection subject to conditions.

DAERA Natural Environment Division – No objection subject to conditions.

Shared Environmental Services – No objection subject to conditions.

REPRESENTATION

Twenty-eight (28) neighbouring properties were notified, and 15 letters of objection have been received from seven (7) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Impact on road safety;
- Overdevelopment of the site;
- The proposal is not in keeping with the character of the local area;
- Overlooking, overshadowing and loss of privacy;
- Water and sewerage services cannot accommodate the proposal;
- Impact on wildlife on the site and in the surrounding area;
- Potential of the development to cause flooding;
- A public right of way through the site should be maintained;
- Impact on the mental wellbeing of local residents from loss of open space and increased noise;
- The application site is not suitable for development as the ground is too soft;
- Devaluation of properties;
- Community benefit does not benefit the whole community.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Impact on Character and Appearance of the Area
- Density
- Design and Layout
- Neighbour Amenity
- Flood Risk
- Natural Heritage
- Access and Parking
- Other Matters

Policy Context and Principle of Development

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

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

The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans. It is also within an area designated as 'Lands Reserved for Landscape,

Amenity or Recreation Use' in BUAP; within an area of 'Existing open Space' in dBMAP and falls within the Three Mile Water Local Landscape Policy Area (LLPA) under designation MNY 53 of dBMAP.

As the application site is deemed to fall within the settlement limits of Metropolitan Newtownabbey, the principle of residential development is acceptable subject to the proposal creating a quality residential environment in accordance with Policy QD1 of PPS 7, and the Creating Places design guide as well as meeting other relevant policies. The site is designated as an area of existing open space in each relevant development plan, and therefore Policy OS 1 of PPS 8 'Open Space, Sport and Recreation' is a key policy consideration.

Policy OS 1 does not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The policy indicates that the presumption against the loss of existing open space applies irrespective of its physical condition and appearance. The policy indicates however, that an exception to the policy will be permitted where the proposed development would produce such community benefit that would decisively outweigh its loss. In such cases, the applicant will generally be expected to demonstrate that the benefit is supported by the local community. These proposed community benefits are set out in the Planning Supporting Statement and Design Concept Statement (DOC 04, date stamp received 26th November 2020), and the Community benefit document (DOC 09, 13th January 2022).

Community benefit

The applicant considers that the proposed development will achieve substantial community benefit for the following reasons;

- Supplying new pitch LED lighting with 5No. year warranty and 10No. year design life with projected energy savings of approx. 44%
- Delivering minimum light pollution into Monkstown Wood and local housing.
- A Complete LED refit to Monkstown Pavilion with 5No. year warranty commercial lighting, giving 43% energy savings.
- Fitting of new grid connected LED light heads erected on two existing poles in car park.
- Fitting of 6No solar powered IP65 sensor-controlled bollard lights in car park.
- Supply and fitting of 2No Solar Powered Motion Sensor Area lights with Integrated Phone Charging Points for player and visitor safety and security.

- The second project is at Monkstown Jubilee Centre and Jubilee Gardens, and it is proposed to fit the following;
 - Complete LED refit to Jubilee Building with 5No. year warranty commercial lighting, generating 55% energy savings.
 - 3No. new solar powered wall mounted flood lights on rear public access path.
 - 6No. solar powered directional light bollards, lighting main path into centre at the front.
 - 2No. solar powered directional light bollards sympathetically to the Holocaust memorial.
 - 1No. 3metre high solar area light in tree bed at Memorial Garden.
 - 3No. 3metre high solar area lights in central path between raised beds in Centenary Garden.

The applicant has indicated a total cost for the two schemes of £31,554 (including VAT) and has stated that the objectives of the proposed lighting schemes are to bring about better lighting performance and standards, achieve energy savings, and lower the carbon footprint of the two Council facilities.

As an alternative however, the applicant has offered to make a monetary contribution of the same value to the Council, to be used for the enhancement of an existing area of recreational use or open space land owned by the Council and within the Threemilewater District Electoral Area.

Objectors to the proposed development have raised concerns regarding the suggested offers of community benefits, stating that these offers should not influence the decision relating to whether planning permission should be granted or otherwise. Furthermore, the objectors have stated that the lighting improvements are of no benefit to local property owners in Aspen View and on the Monkstown Road and a different lighting improvement scheme for the vicinity of the Monkstown Road should be provided.

It is important to note that the monetary offer made by the developer (i.e. to make up for the loss of open space) will take the form of a legal agreement under section 76 of the Planning Act 2011. Officers will finalise the agreement with the developer's legal advisors if the planning application and the offer by the developer is agreed by Members.

In addition to the above, the applicant has also proposed a 'social clause' requiring the development to deliver two full time apprentice employment opportunities for the duration of the construction phase. This social element would be delivered by the applicant in conjunction with contractors/subcontractors.

The proposed development is for the erection of thirty-seven (37) social housing units, comprising a mix of semi-detached and detached dwellings, townhouses, and apartments. The applicant states that through the Council's Preferred Options Paper (POP) for the Local Development Plan 2030, and in its Housing Investment Plan 2018, the Council has identified a need for more social housing across the entire Borough. NIHE has substantiated this need, indicating that a total projected need of 302 units in the Newtownabbey area is required for the period 2019 – 2024. The applicant states that the proposed scheme can address this identified need for social housing in the area and provide 12 percent of the projected requisite unit numbers. The applicant argues that using this area of open space for social housing will be of a significantly more benefit to the local community than it currently is.

Overall, it is considered that the exceptional tests set out in PPS 8 Policy OS1 have been satisfied with the benefits offered in this instance outweighing the loss of the open space. The principle of development is therefore acceptable subject to 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, Layout and Appearance

Paragraph 6.137 of the SPPS refers to the need to deliver increased housing without town cramming and that, within established residential areas, it is imperative to

ensure that the proposed density of new housing development, together with its form, scale, massing, and layout will respect local character and environmental quality, as well as safeguarding the amenity of existing residents.

Policy QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposed will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to all of a number of criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

The proposed development takes the form of 37 residential units, comprising 14 semi-detached dwellings, one detached dwelling, three detached wheelchair accessible bungalows, 11 townhouses, and eight apartments. The development is laid out with a row of residential units sited along the northern boundary, a small cluster located centrally and to the west of the application site, and an area of open space opposite on the eastern boundary.

The 14 semi-detached dwellings are all two storeys high, with a ridge height of 8.3 metres to finished floor level. The dwellings on site numbers 2, 3, 23, 24, 31 and 32 have hipped rooves, while the dwellings on sites 21, 22, 33 and 34 have gabled rooves. They are all a similar design, with a rectangular footprint, two ground floor and three first floor windows to the front and rear elevation, and a centrally located front and back door. Only the dwellings on sites 21, 22, 33 and 34 have two ground floor gable windows serving a living room. All semi-detached dwellings have external finishes of red / brown clay brick external walls, a smooth rendered and painted plinth, cream coloured windows, and a concrete roof tile.

The one detached dwelling is located on Plot 1, at the entrance to the new development. It is also two storeys high, with a ridge height of 7.3 metres to finished floor level. As before, the footprint of the dwelling is rectangular, with a front and left side ground floor bay window. The external finishes to this dwelling match those of the proposed semi-detached units.

The three detached wheelchair accessible bungalows are located in the northeastern corner of the application site. All three are of the same design; they have a hipped roof, a ridge height of 5.4 metres to finished floor level and are accessed from the right side elevation. The external finishes are as noted above.

A row of three townhouses is proposed on plot numbers 4 – 6 and 16 – 18. These townhouses are two storeys high, measuring 7.9 metres to finished floor level, with a two storey front projection to each townhouse. The two end units are accessed from a gable door, with the middle townhouse accessed from a single door on the front elevation.

Two further sets of townhouses are proposed for plot numbers 7, 8, 19 and 20. These dwellings are two storeys high, with a hipped roof and a ridge height of 7.9 metres above finished floor level. A ground floor square bay window is shown to the front

elevation of each unit, with two first floor windows and the townhouses are accessed from the side elevation.

As with the other residential units, the finishes of the proposed townhouses are shown as red / brown clay brick external walls, a smooth rendered and painted plinth, cream coloured windows, and a concrete roof tile.

A two storey apartment block, with two apartments per floor, is proposed for site numbers 26 – 29, and this block is bounded to either side by a two storey townhouse. The apartment block sits slightly higher than the adjacent townhouse at 9.2 metres above finished floor level, and also slightly forward of the building line of the townhouses, by approximately 2.5 metres. All units in this row of development are two storeys, with a pitched roof and a pitched front gable. The apartment block has a small two storey rear return centrally located.

The final four apartments of the proposed development are located on site numbers 12 – 15. This apartment block has a general appearance of a detached dwelling; it is two storeys high with a ridge height of 9 metres to finished floor level, a hipped roof, and rectangular footprint. The external finishes match those proposed for the remainder of the development.

Each of the two apartment blocks are furnished with a bin store located to the rear of the building that is of an appropriate the size, scale, and design. A bike store to accommodate seven bikes is also shown adjacent to the bin store and again, the size, scale, and design is considered suitable for the site.

The overall layout of the proposed development is considered acceptable; each unit overlooks the parking areas to the front, providing natural surveillance, and the residential units are sited to front onto the internal estate road. The amount of hard surfacing in and around the development is of an acceptable scale, and its visual impact is offset by additional planting and small front gardens. Sufficiently sized private rear amenity areas are provided to each dwelling, with a communal area for each of the apartment blocks indicated to the rear. Existing vegetation along the northern and southern boundaries of the application is to be retained with additional planting proposed along the eastern and western boundaries.

As per the requirements of Policy OS 2 in PPS 8, a large area of open space is provided along the eastern boundary of the application site that fronts onto the Monkstown Road. This area equates to 10 percent of the total site area. Two further, smaller areas are indicated on the site layout (Drawing No. 26 date stamp received 14th July 2021) and add a further six percent to the overall provision of open public space.

In terms of design, the use of materials and general appearance, it is considered that the proposed development reflects these elements of the dwellings in Aspen View, and that the new development will almost appear as an extension of this existing development. On the whole, it is considered that the design, layout and appearance of the proposal is acceptable for the application site and the surrounding area.

Density

The application site comprises an area of approximately 1.47 hectare, and it is proposed to erect 37 residential units on the site, equating to a density of 25dph. In comparison, Aspen View to the southwest, contains nine dwellings on a 0.3-hectare site, resulting in a density of 30dph. The same density of development is found in Aspen Park, which has a total of 15 dwellings on a site size of 0.5 hectare. The density of the proposed development is not therefore, significantly higher than that found in the established residential area, and although being somewhat lower than existing densities, it is reflective of the surrounding context. The pattern of development is in keeping with the overall character and environmental quality of the established residential area, and all dwelling and apartment units meet with the minimum recommended size standards as set out in Annex A of the Addendum to PPS 7.

Impact on Character and Appearance of the Area

The adjacent development at Aspen View is quite a high density development characterised by two storey, red brick dwellings. It is considered that the overall layout, form, design, and use of similar external materials of the proposed development will reflect the character of the locality and will not result in a significant impact on the character and appearance of the area.

Neighbour Amenity

Criterion (h) of Policy QD1 states that the design and layout should not create conflict with adjacent land uses and there should be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise, or other disturbance.

Overlooking and overshadowing

The application site is bounded to the south by existing two storey dwellings in Aspen View. The internal estate road separates the proposed dwellings on site numbers 1 – 4 from the existing dwellings in Aspen View and there is an overall separation distance of 22 metres between the proposed front elevation and the side elevation of No. 1 Aspen View, and 24 metres between the proposed front elevation and the rear elevations of Nos. 5 – 8 Aspen View. It is considered that with this separation distance and the front to gable / rear elevation arrangement, the existing dwellings in Aspen View will not be detrimentally impacted on by overlooking or loss of privacy.

Nos. 26 and 28 Monkstown Road are two detached dwellings sited gable end to the northeastern corner boundary of the application site. They are located quite close to this boundary, however, the three detached bungalows proposed for this corner of the site are positioned approximately 17 metres from the common boundary. In addition, this boundary is defined by a row of well-established trees that will be retained, and a new 2.1-metre-high fence to the rear of the private amenity space. It is considered that given the separation distance to the common boundary, the positioning of single storey dwellings, together with the erection of a 2.1-metre-high timber fence and the retention of existing mature boundary vegetation, the residents of Nos. 26 and 28 Monkstown Road will not be detrimentally impacted on by overlooking or loss of privacy.

There are no existing dwellings to the rear of the remaining row of residential units along the northern boundary of the application site.

The small cluster of development proposed for the centre of the site has a back-to-back or rear-to-gable arrangement. Units 2 and 3 are back-to-back with units 12 – 15, with a separation distance between the opposing rear elevations of 23 metres. Units 7 and 8 back onto units 19 and 20 and are separated by a distance of approximately 33 metres. These separation distances are in excess of the recommended 10 metres set out in the Creating Places Design Guide.

Units 9 – 11 and 16 – 19 have a rear-to-gable arrangement with the apartment block on sites 12 – 15, and a separation distance of 11 metres. Given the distance and the suitable positioning of appropriately glazed windows, the privacy of future residents will be protected. Similarly, the townhouses on sites 4 – 6 are positioned rear elevation to gable elevation to the dwellings on site numbers 2 and 3, and a satisfactory separation distance has been proposed.

The detached dwelling on plot number one and the dwelling on plot number 2 are gable-to-gable and this arrangement tends not to give rise to issues of overlooking or overshadowing.

The application site is located to the north of Aspen View, and given the movement of the sun in an easterly to westerly direction, none of these existing dwellings should be unduly impacted upon by overshadowing and loss of light. The proposed development is sufficiently separated from the two dwellings on the Monkstown Road, and from other dwellings within the development site. A sufficient separation distance ensures no significant level of overshadowing will be experienced by these residential units.

Noise

The proposed development is located in close proximity to a large industrial unit to the northwest, as well as the Doagh and Monkstown road networks. As a result, there is the potential for future residents of the proposed scheme to be adversely affected by both industrial and commercial noise, and transportation noise, during daytime and night time hours. For this reason the Environmental Health Section requested a Noise Impact Assessment.

The applicant undertook a Noise Impact Assessment, the findings of which are presented within DOC 07, date stamp received 26th November 2020, and an addendum DOC 07/1, date stamp received 6th July 2021. The Environmental Health Section has considered both documents and is satisfied that the amenity of future occupants of the proposed development will be protected from industrial noise, transportation noise, and noise associated with the operation of the proposed foul pumping station. It has recommended a number of noise control conditions are attached to any forthcoming decision notice.

Artificial light

As noted above, the proposed development is located in close proximity to a large industrial unit to the northwest, and the artificial light emanating from this unit may affect future residents of the proposed development.

The applicant prepared an Artificial Light Assessment (DOC 05, date stamp received 26th November 2020) which has been considered by Environmental Health. The assessment concludes that the existing street lighting is the major light infringement on the proposed site, and that there is minimal light pollution from the existing

industrial unit to the northwest. Environmental Health are satisfied with this assessment and no further information in respect of this issue is required.

Flood Risk

Objectors to the application have raised concerns over the potential of the development to cause flooding.

Policy FLD 1 of PPS 15 is not applicable as the application site does not include any lands within the fluvial of coastal flood plains as indicated on the Flood Maps (NI).

Policy FLD 3 of PPS 15 requires the submission of a Drainage Assessment for all development proposals that exceed any of the following thresholds;

- A residential development comprising of ten or more dwelling units.
- A development site in excess of one hectare.
- A change of use involving new buildings and / or hard surfacing exceeding 1000 square metres in area.

In the case of this application, a Drainage Assessment is required as the proposal exceeds two thresholds; the application is for a residential development comprising a total of 37 dwelling units, and the development site is approximately 1.47 hectare.

In the submitted Drainage Assessment (DOC 02, date stamp received 26th November 2020), it is proposed to discharge a total of 13.5 l/s to the undesignated watercourse that runs along the northern boundary. This figure includes 0.5 l/s emergency overflow from the proposed pumping station. Following assessment of the drainage proposals, DfI Rivers is content that the proposal will not render the watercourse less effective for drainage capacity and is satisfied that the development meets with Policy FLD 3.

As detailed in the Drainage Assessment, the minor watercourse along the northern boundary will not be altered or affected by the proposed development. However, as the development proposal is located beside this watercourse, it is essential that an adjacent working strip is retained to facilitate future maintenance by DfI Rivers, other statutory undertakers, or the riparian landowners. The working strip should have a minimum width of 5 metres, and this can be provided within the proposed development, thereby meeting the requirements of Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure.

Policies FLD 4 Artificial Modification of Watercourses and FLD 5 Development in Proximity to Reservoirs is not applicable to the proposed development.

Natural Heritage

Policy NH 5 of PPS 2 does not allow for development which is likely to result in the unacceptable adverse impact on, or damage to, a range of protected habitats; and a number of objectors raised concerns regarding the impact of the development on wildlife within the application site and in the surrounding area. The application site is also hydrologically linked to two national, European, and international designated sites; Belfast Lough SPA, Outer Belfast Lough ASSI and Inner Belfast Lough ASSI.

A Preliminary Ecological Appraisal (PEA) was carried out on the application site and submitted to the Council (DOC 08, date stamp received 26th November 2020). It details the type and location of the main plant species within and around the site, and assesses the potential of the application site to contain habitats of protected fauna, including badger, otter, breeding birds, newts, invertebrates, and lizards. A Bat Use Potential and Bat Roost Potential survey is included in the Annex of the PEA.

With regards to flora habitats within the site, the PEA and landscaping details provided on Drawing No. 26 (date stamp received 14th July 2021) show approximately forty existing trees around the application site to be retained, with additional hedgerow planting consisting of a mix of native species, also proposed. In order to protect the ecological value of the developed site, a Root Protection Area (RPA) should be designated around the existing trees to be retained, and within the RPA, there should be no activities which would result in root disturbance, soil compaction, soil contamination, or damage to the tree itself.

Suitable nesting and feeding habitats for birds were noted on and around the site. The protection of nests in the breeding season, which runs from 1st March to 31st August, is a legal requirement under the Wildlife Order (NI) 1985, and any necessary vegetation clearance must be undertaken outside of these dates to eliminate the risk of illegally disturbing nests. The retention of boundary trees, and the additional planting proposed, will also reduce the potential impact on the local bird population.

The PEA found that the proposed development does not have the potential to negatively impact on newts, otters, lizards, invertebrates, or badgers, and no further mitigation measures relating to these species are required.

The habitats and vegetated features within and surrounding the application site were assessed as part of the PEA for their potential use by foraging and commuting bats. The principle feeding corridor for bats on the application site was identified as the heavy structural vegetation of the northern boundary that extends to the eastern roadside boundary. The PEA found that connectivity between this boundary, the mature gardens at No. 332 Doagh Road to the northeast, and the Carnmoney Hill woodlands is not ideal.

Of the forty trees remaining on the application site, six were considered to present only a 'moderate' Bat Roost Potential (BRP). The PEA notes that provided these trees are not removed, or subject to maintenance works, the risk to roosting bats on the application site does not warrant further investigation. However, if these group of trees were to be scheduled for removal, a further dusk and pre-dawn emergence / return survey would be required.

The PEA states that the watercourse along the northern boundary of the application site flows through Monkstown Wood and enters the Three Mile Water before flowing into Belfast Lough SPA. The total length of this hydrological connection is 3.2 km. It is acknowledged of the potential for polluting discharges during the construction phase entering this watercourse, and travelling along the hydrological connection to the SPA, thereby causing adverse effects on a number of different species within this aquatic environment.

To reduce the potential adverse impacts on the Belfast SPA complex, two mitigation measures are required;

1. A suitable buffer of at least 10 metres to be maintained between the locations of all construction refuelling, storage of oil / fuel, concrete mixing and washing areas, storage of machinery, materials, spoil, etc. and the adjacent watercourse on the northern boundary.
2. Storm drainage of the site during construction phase, must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of construction storm water on aquatic environments.

Both the Natural Environment Division (NED) of NIEA and Shared Environmental Services (SES) has reviewed the submitted PEA, and the proposed mitigation measures. Both consultees are satisfied that the information contained within the PEA is sufficient, and the mitigation measures appropriate, to ensure the proposed development would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. It is considered that the new development is unlikely to result in the unacceptable adverse impact on, or damage to, a range of protected habitats, and the proposal meets with the criteria of Policy NH 5 of PPS 2.

Access and Parking

The application site is to be accessed off the Doagh Road and via an existing access that currently serves Aspen View. The access will be altered on the right side exiting to achieve the required visibility splays of 4.5 metres by 70 metres. The shared surface onto Aspen View will also be upgraded to 2.5 metres by 33 metres. DfI Roads has assessed the technical aspects of the proposed access and is satisfied that a safe and convenient access to serve the new and existing developments can be achieved.

The Doagh Road onto which the proposed development will exit is a Protected Route. Under Policy AMP 3 Access to Protected Routes of PPS 3, development that involves the direct access or intensification of the use of an existing access will only be permitted where (a) access cannot reasonably be taken from an adjacent minor road; or (b) for residential applications, it has been demonstrated that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access.

As noted above, the applicant is proposing to use an existing access point and there are no concerns regarding the proliferation of accesses onto the Protected Route. It has been satisfactorily demonstrated to the Council and DfI Roads that the nature of the proposed access arrangements will assist in the creation of a quality environment without compromising standards of road safety. The proposal is compliant with Policy AMP 3.

The proposed application is seeking permission for a residential development of 37 units, comprising a mix of house types with either two or three bedrooms. As per the carparking schedule (Drawing No. 18/1 date stamp received 7th October 2021), a total of 53 incurtilage parking spaces are provided. A further 16 communal spaces

are annotated on this drawing, as are 16 on street parking spaces, giving a total of 85 parking spaces which is above the parking standard.

Other Matters

Impact on the water environment

Both the Water Management Unit (WMU) of NIEA, and some objectors raised concerns regarding sewerage disposal and the impact on the water environment.

The applicant has indicated that foul sewage will be disposed to a NI Water sewer. NI Water in their response dated 16th July 2021, has confirmed that there is sufficient capacity to accommodate the proposed development. In light of this, WMU has indicated that as NI Water are satisfied the sewer network has capacity for the additional load, it has no further objection to this aspect of the proposal.

Due to the proximity of the application site to a watercourse, WMU require a full Construction Environmental Management Plan (CEMP) from the appointed contractor at least eight weeks prior to the commencement of development. The CEMP should contain, amongst other details, specifics of mitigating measures to address the environmental impacts on the aquatic environment. The requirement to submit the CEMP can be conditioned on any forthcoming decision notice.

Inland Fisheries of the Department for Agriculture, Environment and Rural Affairs (DAERA) notes that the proposed development is adjacent to a watercourse and that the Three Mile Water flows along the eastern boundary. It advises of the potential for the release of deleterious materials, especially sediments, to the watercourse during the construction and land clearance phase of the development, and that aquatic ecology can be impacted not only in the immediate area of works, but also significant distances downstream unless comprehensive mitigation measures are applied. In this regard, Inland Fisheries recommends sufficient buffer zones to the watercourse, silt fences, and any pathways for drainage of surface water to the watercourse to have sufficient attenuation in line with SuDS principles, and these should be in place prior to the commencement of development.

As with the CEMP required by WMU, the details requested by Inland Fisheries can be conditioned on any forthcoming decision notice.

Contaminated land

Historical mapping provided by the applicant shows that the site has remained undeveloped since 1833. Two historical and potentially contaminative land uses were identified on the NIEA Historic Land Use database that were within a 300 metre radius of the application site. A Preliminary Risk Assessment (PRA) was carried out on the site, involving a site walk over and four inspection pits. The results of the PRA (DOC 03, date stamp received 26th November 2020), demonstrate that there are no current or historic sources of onsite contamination. The engineering works identified on the historical database are located downgradient of the site, and given this separation distance from the site, pose a considerably low risk. The PRA concludes that no potential pollutant linkages have been identified, and that the overall level of risk is low with respect of environmental receptors. It is recommended that no further investigation work is required, unless unforeseen contamination is encountered during development works.

The Regulation Unit (RU) of NIEA considered the PRA submitted by the applicant and are supportive of the conclusions and recommendations detailed within the report. RU has no objection to the development provided a number of suggested conditions and informatives are attached to any decision notice should planning permission be forthcoming.

The Council's Environmental Health Section has also reviewed the PRA and is satisfied with the assessment. Environmental Health require no further information in relation to this issue and have no objection to this aspect of the development.

Decrease in Value of Property

With respect to concerns regarding the devaluation of existing neighbouring properties, the perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case no verifiable evidence has been submitted to indicate what exact effect this proposal is likely to have on property values. Therefore, there is no certainty that this would occur as a direct consequence of the proposed development nor would any indication that such an effect in any case be long lasting or disproportionate. Accordingly, it is considered that that this issue should not be afforded determining weight in the determination of this application.

Impact on the mental wellbeing of existing residents

Local residents expressed concerns regarding the impact on their mental health resulting from the loss of this area of open space, however no verifiable evidence has been submitted to indicate the exact effect this proposal would have on the mental wellbeing of surrounding residents. It has been accepted by the Council that the applicant is able to offer a substantial community benefit that outweighs the loss of this relatively small area of open space. As noted above, the application site is adjacent to other areas of open space, namely Monkstown Wood and the Three Mile Water Conservation Park, and these areas of open space are also available to the surrounding local residents.

Public right of way

There is no indication of any public right of way that traverses the application site, and objectors that raised this issue did not provide any evidence to dispute that the ownership of the application site is solely within that of the applicant.

Suitability of the site for building

Objectors raised concern regarding the suitability of the application site for the proposed development as the ground beneath is too soft for construction. It is the responsibility of the applicant to employ a suitable engineered design, based on calculations of the proposed dwelling loads and the loadbearing capacity of the ground, for the construction of the foundations. The design, digging, and pouring of the foundations will also be assessed and inspected by the Councils Building Control Section to ensure they met with the appropriate standards.

CONCLUSION

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

- The principle of the development is acceptable;

- The design, layout and appearance are appropriate to the character and topography of the site and surrounding area;
- Sufficient amenity space is provided;
- The development respects the character of the surrounding area;
- There are no concerns in relation to neighbour amenity;
- The proposed development will not detrimentally impact on biodiversity of the site and surrounding area; and
- A safe and appropriate access arrangement has been demonstrated with adequate parking provision.

RECOMMENDATION	GRANT PLANNING PERMISSION
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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 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 19/5 date stamped 5th November 2021.

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

3. 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.

4. The existing natural screenings of this site as shown on approved Drawing Number 26 date stamped 14th July 2021 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal. Existing hedging shall be retained at a minimum height of 4 metres and existing trees as shown retained at a minimum height of 6 metres. If any retained tree or vegetation is removed, uprooted or destroyed or dies it shall be replaced within the next planting season by another tree, trees or vegetation in the same location of a species and size as specified by the Council.

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

5. The proposed landscaping works as indicated on Drawing Number 26 date stamped 14th July 2021 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.

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

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

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

7. 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 topped or lopped other than in accordance with the approved plans and particulars, without written consent from the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837: 2012.

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

8. No dwellings shall be occupied until a landscape management and maintenance plan has been submitted to and approved by the Council. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The landscape management plan shall be carried out as approved.

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

9. Glazing, including frames, to rooms within the development shall be capable of achieving the sound reductions, when measured from outdoors to indoors, of those detailed in table 1 to paragraph 4.3.7 and figure A of Document No. 07.

Reason: To ensure a suitable internal noise environment is achieved.

10. Passive and mechanical ventilation, in addition to that provided by open windows, shall be provided to rooms within the development and shall be capable of achieving the sound reductions, when measured from outdoors to indoors, of those detailed in table 1 to paragraph 4.3.7 and figure A of Document No. 07.

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

11. Dwellings to the development shall not be occupied until acoustic barriers are installed within the site as presented in figure K of Document No. 07. The barriers shall have a surface weight of not less than 8kg/m², be of solid construction (i.e. no holes or gaps for sound to pass through), and so if the barriers are a fence type construction, they should be of the ship-lapped design.

Reason: In order to protect amenity at the proposed dwellings.

12. The acoustic barriers as outlined within condition 11 shall be maintained during the lifetime of the development hereby approved.

Reason: In order to protect amenity at the proposed dwellings.

13. If during the development works, a new source of contamination and risks are found which had not previously been identified, works should cease and the Council shall be notified immediately. Any new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). Should an unacceptable risk to human health be identified, a remediation strategy shall be submitted and agreed with the Council and thereafter implemented in accordance with the agreed scheme.

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

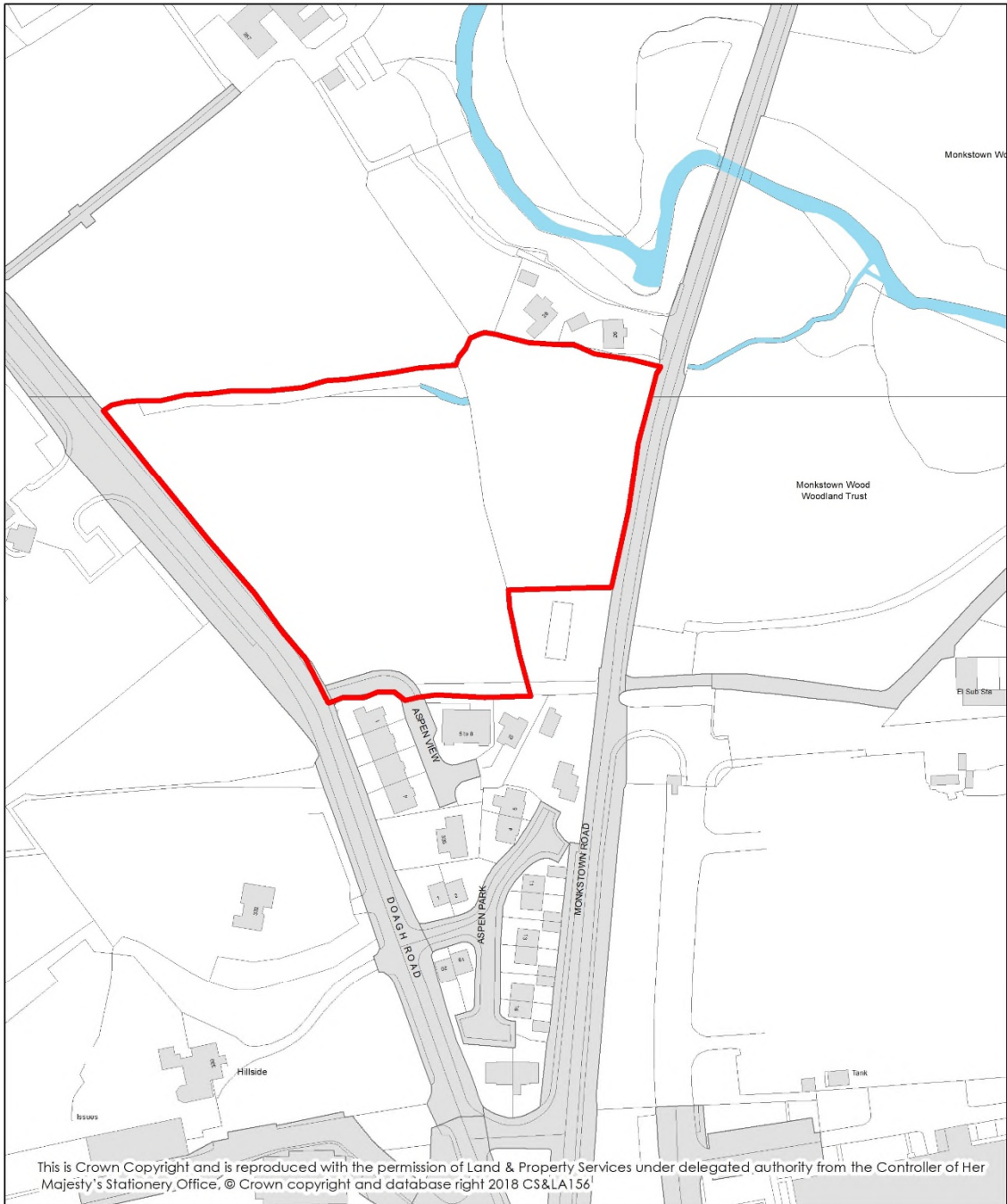
14. After completing all remediation works under Condition 13 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use

15. A suitable buffer of at least 10 metres to be maintained between the locations of all construction refuelling, storage of oil / fuel, concrete mixing and washing areas, storage of machinery, materials, spoil, etc. and the adjacent watercourse on the northern boundary.

Reason: To protect the features of connected European Sites from polluting discharges at construction phase.

16. Storm drainage of the site during construction phase, must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of construction storm water on aquatic environments.

Reason: To protect the features of connected European Sites from polluting discharges at construction phase.



Location Map

Lands north of Aspen View and southwest of No. 26 & No. 28 Monkstown Road, Newtownabbey
 Proposed social housing development comprising 37no units, associated open space, landscaping, access, foul pumping station & all ancillary site works

 Site Boundary



For Information Only



COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2021/1110/F
DEA	ANTRIM
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed alterations to Factory Outlet Centre to accommodate new Dobbies Garden Centre with associated restaurant/cafe, food hall, soft play area, and in-store concessions areas (including core gardening, cook shop, pet and bird care, gifting and seasonal products). Development to also include demolition of units 9-16 and 38-41 to facilitate new polytunnels and external garden furniture/plant sales area, covering over of the existing external concourse area to provide new Atrium Mall and all other associated site works.
SITE/LOCATION	Units 9 to 41 The Junction Retail and Leisure Park 111 Ballymena Road Antrim
APPLICANT	EPISO 4 Antrim s.a.r.l
AGENT	TSA Planning
LAST SITE VISIT	15/12/2022
CASE OFFICER	Kieran O'Connell Tel: 028 9034 0423 Email: Kieran.oconnell@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application lands form part of the Junction Retail & Leisure Park, within the settlement of Antrim. The Junction is in close proximity to 'Junction 1' of the M22 / M2 Motorway, c. 20 miles northwest of Belfast City Centre and c. 5 miles north of Belfast International Airport.</p> <p>The application site is located within the settlement limit of Antrim Town and outside of Antrim town centre as designated within the Antrim Area Plan 1984-2001. The application site includes multiple existing units within the Junction Retail and Leisure Park, no. 111 Ballymena Road, Antrim. The primary entrance and associated spine road are taken from Ballymena Road to the eastern boundary of the wider site. The application site is within the main retail area of the Junction Retail and Leisure Park. Each of the retail units have a primary frontage to the pedestrian street while there are a number of communal car parks associated with the overall junction site located on the eastern and southern side of the Junction Retail and Leisure Park. On the northern side the application site abuts Tesco distribution centre while on the western side it is adjacent to Kilbegs Business Park containing a variety of uses.</p>	

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2018/1005/RM

Location: The Junction Retail and Leisure Park, Ballymena Road, Antrim (Lands to the West of Stiles Way Roundabout),

Proposal: New gateway entrance road with reconfiguration of internal road network and car parking arrangement with environmental improvement scheme consisting of hard and soft landscaping and all associated site works

Decision: Permission Granted (20.02.2019)

Planning Reference: LA03/2017/0234/O

Location: Junction One Retail and Leisure Park, Ballymena Road, Antrim,

Proposal: Outline masterplan to facilitate the comprehensive regeneration of Junction One, including the Factory Outlet Centre, Retail and Leisure Park, and vacant lands. Proposals include demolition and reconfiguration of existing buildings; erection of new buildings to include provision of restaurants/coffee shops, bulky goods retail warehousing, retail kiosks, indoor leisure and factory outlet units; creation of new children's play area, outdoor multi-purpose recreational facility, new gateway entrance road and re-configuration of internal road network; reconfiguration of car parking; provision of environmental improvement scheme featuring hard/soft landscaping and all associated site works (Proposed Master Plan layout to also incorporate the re-configuration of existing car park and 2 No drive thru restaurants/cafes, 1 No ancillary external seating area and 1 No ancillary children's play area granted planning permission by LA03/2017/0014/F)

Decision: Permission Granted 18.12.2017

Planning Reference: LA03/2018/1049/DC

Location: Junction One Retail and Leisure Park, Ballymena Road, Antrim

Proposal: Outline masterplan to facilitate the comprehensive regeneration of Junction One, including the Factory Outlet Centre, Retail and Leisure Park, and vacant lands (Discharge of condition 3 from approval LA03/2017/0234/O relating to the submission of a phasing scheme of all aspects of the approved masterplan scheme)

Decision: Permission Granted: 24.1.2019

Planning Reference: LA03/2018/0505/LDE

Location: Unit 38 Junction One Factory Outlet Centre, Ballymena Road, Antrim

Proposal: Retention of retail unit (Non-compliance with Condition 5 of Planning approval T/1999/0340) to allow for continued sale of perfumes, colognes, aftershaves, skincare and body care products.

Decision: Permitted Development (03.08.2018)

Planning Reference: LA03/2016/0573/LDE

Location: Unit 41, Junction One, Ballymena Road, Antrim, BT41 4LL,

Proposal: Retail unit (falling outside the definition of "specialist retail unit" defined condition 5 of planning approval T/1999/0340/O) for the sale of books, toys, artist materials, craft materials, stationery, CD's, DVD's, audio books, greeting cards, wrapping paper, confectionery, children's activity and educational products, jigsaws, games, musical instruments, gifts and items ancillary.

Decision: Permitted Development (21.03.2017)

Planning Reference: LA03/2018/0580/LDE

Location: Card Factory, Unit 16 Junction Retail and Leisure Park, Antrim
Class A1 Retail Unit (falling out the definition of "specialist retail Unit" defined condition 5 of planning approval T/1999/340/O)

Decision: Permitted Development (7.07.2018)

Planning Reference: LA03/2018/0576/LDE

Location: Retail kiosk unit outside 49 Junction Retail and Leisure Park Antrim

Proposal: Retail kiosk unit

Decision: Permitted Development (16.07.2018)

Planning Reference: LA03/2018/0579/LDE

Location: Kiosk outside Unit 27 Junction Retail and Leisure Park Antrim

Proposal: Hot and Cold food Kiosk

Decision: Permitted Development (09.07.2018)

Planning Reference: LA03/2018/0580/LDE

Location: Card Factory, Unit 16 Junction Retail and Leisure Park Antrim

Proposal: Class A1 Retail Unit (falling out the definition of "specialist retail Unit" defined condition 5 of planning approval T/1999/340/O)

Decision: Permitted Development (17.07.2018)

Planning reference: T/1999/0340/O

Location: land north west of new roundabout at Ballymena road & stiles way
(bounded by Tesco distribution centre on north west and Enkalon site on south west)
Antrim

Proposal: Site of Retail & Leisure Park Including Factory Outlet Centre

Decision: 06.11.2001

Planning reference: T/2002/0222/RM

Location: Land West of Ballymena Road, Antrim

Proposal: Erection of Factory Outlet Centre, including management suite, non-food retail warehousing, 1No. restaurant, children's play area and adult rest rooms and associated internal access roads, car parking and landscaping

Decision: Permission Granted (22.01.2003)

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

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

and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 – 2001: The application site is located on unzoned land within the settlement limits of Antrim town.

Paragraph 2.3 (Aims and objectives of the plan) states that 'Town centre boundaries have been identified within the towns and commercial and entertainment uses will *generally* be required to be sited within them'. The plan further states that 'This will add to the vitality of the centres and also help to protect residential areas outside them from intrusive commercial uses'.

Paragraph 8.0-8.5 of the plan deals with the topic of commerce. This indicates that that it was the Departments policy to strengthen the dominance of the town centres.

Paragraph 16.6 deals with the topic of unzoned lands and states that proposals for development will be considered provided the uses are 'satisfactory for the locations proposed and that no physical or other problems are involved'.

Paragraph 16.14 states that the policy of the planning authority will be to consolidate the Central Area of Antrim as the main focus for shopping. It identifies that major shopping developments outside the Central Area will be resisted as being inconsistent with this policy but notes that 'roof-rack' type uses cannot easily be accommodated in an established town centre. Paragraph 16.14 concludes by saying that if it can be clearly demonstrated to the planning authority that sites suitable for these uses are not available in the Central Area, consideration will be given to locating them on unzoned land within the development limit.

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. The SPPS also sets out planning policies for town centres and retail developments and incorporates a town centre first approach for retail and main town centre uses.

PPS 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.

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

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

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.

Department for Infrastructure Roads

No objections subject to informatives

Department for Infrastructure Rivers

No objection subject to informatives.

DfC Historic Environment Division

HED (Historic Monuments) has no objections.

NIEA Regulation Unit (RU)

No objection to the development subject to conditions.

NIEA Water Management Unit

Water Management Unit has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment.

Water Management Unit is concerned that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to Antrim Milltown Waste Water Treatment Works (WWTW).

Water Management Unit recommend that the Council consult with Northern Ireland Water Limited (NIW) to determine if both the WWTW and associated sewer network will be able to cope with the additional load or whether they would need to be upgraded.

If NIW indicate that the WWTW and associated sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal.

Northern Ireland Water

No objections.

Although Antrim wastewater catchment is currently operating above capacity, this proposal can be approved on the basis of like for like development.

Shared Environmental Services

No objections.

NEXUS Planning

No objections subject to conditions governing the net sales area of the overall scheme and its core components, the goods to be sold from the unit, and the prohibition on concession space.

REPRESENTATION

Forty-Seven (47) neighbouring properties notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Retail Impact
- Design, Layout and Appearance
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Natural and Built Heritage
- Flood Risk
- Contamination
- Economic Impact

Policy Context and Principle of Development

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). In addition the SPPS also sets out planning policies for town centres and retail developments and incorporates a town centre first approach for retail and main town centre uses.

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

- PPS 2: Natural Heritage;
- PPS 3: Access, Movement and Parking
- PPS 6: Planning, Archaeology and the Built Heritage;
- PPS 15: Planning and Flood Risk.

In addition to the above planning policies and notwithstanding the town centre approach of the SPPS, the planning history of the site is a significant material consideration in this instance. Planning permission has been granted for a Factory Outlet Centre (FOC) and a variety of other retail and leisure uses within the wider site, this ensures that the applicant has a fall-back position in relation to the acceptability

of retail and leisure uses outside of the town centre. It is with this context that the redevelopment of 'The Junction Retail and Leisure Park' is considered.

The redevelopment of part of the larger 'Junction Retail and Leisure Park' to accommodate new Dobbies Garden Centre with associated restaurant/cafe, food hall, soft play area, and in-store concessions areas (including core gardening, cook shop, pet and bird care, gifting and seasonal products) will see the demolition of units 9-16 and 38-41 to facilitate new polytunnels and external garden furniture/plant sales area, covering over of the existing external concourse area to provide new Atrium Mall. The effect of this is essentially seeing a Garden Centre replacing 34 existing units within the main shopping area of 'The Junction Retail and Leisure Park'. A garden centre is also not normally considered to be a town centre use.

Within the stated policy context above, it is considered the principle of redeveloping 'The Junction Retail and Leisure Park' is supported by the planning history of the site and is considered acceptable subject to detailed consideration of the retail impact of the proposal on Antrim Town Centre as well as meeting other requirements in accordance with regional policy and guidance which are addressed in detail below.

Retail Impact

The Council has instructed NEXUS Planning to provide specialist retail policy advice in respect to this application. NEXUS Planning has reviewed the supporting retail documents (DOC 09 - Supporting Planning & Retail Impact Assessment' (SPRIA, November 2021 and DOC 12 - Supporting Planning and Retail Impact Assessment Addendum – February 2022). A summary of the potential impacts is outlined below.

The scope of the independent audit relates to:

- I. The methodology used and conclusions made relating to the impact of the development upon the vitality and viability of existing centres;
- II. The methodology used and conclusions reached in terms of the needs test;
- III. The methodology used and conclusions made in respect of the sequential test; and
- IV. The overall compliance of the proposed development against national and local retail planning policy.

NEXUS Planning has concluded positively with respect to points I – IV above.

The proposal seeks to create a new space for a Dobbies Garden Centre. In order to do so, it is proposed to demolish a number of existing units at a Factory Outlet Centre (FOC) known as The Junction, as well as to reconfigure and extend that floorspace.

The application site is located in an out-of-centre location, being well beyond 300m of the edge of Antrim Town Centre. It is therefore a requirement of the SPPS (2015) that the applicant consider the sequential test for alternative sites, the need for the proposals, and models the potential retail impact of the proposals. In terms of site sequential approach, the applicant has indicated that there are no available sites within Antrim town centre or surrounding centres that meet the operational requirements of the proposed garden centre. Officers and NEXUS Planning are content that there is no suitable, viable and available sequentially preferable site to accommodate the proposal.

The current Factory Outlet Centre (FOC) units which would be impacted by the proposals are Units 9-41. Section 3 of the SPRIA explains that these units total 7,609 sqm. Of these 34 units, only 11 were occupied at the time of the SPRIA. These units represent 2,273 sqm of floorspace (30%). The remaining 5,336 sqm (70%) of floorspace in these units is noted to be vacant at the time of the SPRIA. It is explained that, were the development to proceed, the existing occupants would be relocated to vacant floorspace elsewhere at The Junction. The applicant has confirmed that five retailers have already been, or shortly will be, relocated to other units within the FOC (Pavers, Mountain Warehouse, Hallmark, Denby and Golf Nation). A further two operators are currently in negotiations to do so (Claire's Accessories and The Works). Four retailers have vacated the FOC and will not be taking new space (Enkalon Foundation, Card Factory, Klass and Julian Charles).

The SPRIA explains in Section 5 that the use of all existing units is governed by Condition 5 of permission T/1999/0340, which restricts each unit to the purpose of 'specialised retailing', such as Factory Outlet use. The exception to this are Units 16, 38 and 41, each of which benefit from Certificate of Lawful Development/Uses outside of this purpose. These units total 438 sqm, meaning that the balance (7,171 sqm or 94%) is still governed by the 'specialised retailing' provision.

The proposed development seeks to relax this restriction across the entirety of the 7,609 sqm floorspace, as well as to wrap up a further 5,135 sqm of existing floorspace which is currently used as either external walkway or service yard. The total existing floorspace proposed to be redeveloped is therefore 12,744 sqm. In its place is proposed to be a Dobbies Garden Centre and associated development. Units 9 to 41 of the FOC will be amended, and works will include the demolition of Units 9 to 16 and 38 to 41. The proposal would result in a Dobbies unit with a total floorspace of 10,401 sqm.

Of the 10,401 sqm, it is proposed to dedicate 7,165 sqm to comparison goods sales, 838 sqm to convenience goods sales, 318 sqm to softplay, 1,105 sqm to restaurant/coffee shop/kitchens, and 975 sqm to ancillary functions such as toilets, till and staff areas. The net area uplift is therefore calculated as being 2,792 sqm. This is comprised of a 443 sqm reduction in comparison goods, alongside uplifts of 838 sqm of convenience goods, 318 sqm of leisure space, 1,105 sqm of food and beverage space and 975 sqm of ancillary floorspace.

The SPRIA concerns itself with the net 395 sqm increase in retail floorspace resulting from the increase in 838 sqm of convenience goods floorspace minus the reduction of 443 sqm of comparison goods floorspace. However, Paragraph 6.283 of the SPPS requires that all applications for retail or town centre type developments above a threshold of 1,000 sqm m gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need. This includes applications for an extension/s which would result in the overall development exceeding 1000 square metre gross external area.

The largest area of the proposed new floor area would be dedicated to food and beverage use (1,105 sqm), the applicant has provided a proportionate assessment of the likely impact of, and need for, the food and beverage component of the proposals and provided confirmation that Dobbies will run the food and beverage

offer, rather than there being any concession space. NEXUS Planning has advised that there will be some limited overlap of trade with other food and beverage providers elsewhere, but that the vast majority of that trade is likely to be 'like-for-like' with other garden centres, with very few customers making single purpose trips for the food and beverage offer.

Section 3 of the SPRIA explains that the retail component of the Dobbies proposal would offer a range of products and concessions including:

- plants and gardening products
- pet supplies
- cookware
- books, toys and gifts
- Seasonal items (a range of seasonal produce which is neither limited to convenience nor comparison goods. In practice, it is likely to be both).

It is assumed that gardening and DIY products comprise the 'core gardening', 'polytunnel' and 'uncovered plant display' spaces. These areas total 3,958 sqm, or 55% of the proposed comparison goods floorspace. The remaining comparison goods area, 3,207 sqm or 45% of the space, is proposed to be devoted to the range of non-bulky goods proposed. The NEXUS Planning 'need and impact assessment' is formulated on this basis, NEXUS Planning recommend the Council seek to condition the proposals such that a minimum of 3,958 sqm of comparison goods floorspace within the newly created unit should be dedicated to the sale of gardening and DIY products.

In terms of turnover, NEXUS Planning agree with the applicant that the turnover of the proposed unit (i.e. Dobbies) will be significantly less than the potential turnover of Units 9- 41 of the FOC if they were all occupied, it is relevant to note that the condition which governs 94% of the relevant FOC space restricts that space to 'specialised retailing'.

With regard to the impact on Antrim Town Centre the most the relevant question in this instance, is whether the impact of the Dobbies proposals would be greater than the impact of the current situation/the potential impact of the current situation. NEXUS Planning agree with the applicant, and conclude that it would not. Even if it were assumed that trade diversion from the current and proposed scenarios would be equal, and even if both the current and proposed schemes were to draw larger, equivalent amounts of trade from the 0-10-minute catchment area, then the overall turnover potential of the current scheme (£20.3m @ 2024) is significantly higher than the overall turnover potential of the proposed scheme (£8.3m @ 2024). The result is that it is considered very unlikely that the trade diversion to Dobbies would exceed the potential trade diversion to the existing scheme, particularly if all of its units were to be lawfully occupied.

Overall the independent retail audit provided by NEXUS Planning considers that the applicant has successfully demonstrated there are no sequentially preferable sites, that there is a demonstrable quantitative need for the convenience good element of the proposal and there was a likely qualitative need for the proposal. In addition NEXUS Planning are content that the proposals are unlikely to result in any significant adverse impact on Antrim Town Centre, or any other centre subject to conditions governing the net sales area of the overall scheme and its core components, the

goods to be sold from the unit, and the prohibition on concession space. Having regard to the information provided it is considered that there is no significant adverse retail impact as a result of this proposal.

Design, Layout and Appearance

This application proposes development works at Units 9-41 of The Junction. Units 9-16 and 38-41 are to be demolished, with the remaining units to be repurposed and amalgamated to create a typical departmental retail store open plan layout. The proposal also seeks to facilitate new external polytunnels and an external display area associated with the Garden Centre.

The central pedestrianised mall between the retail blocks is to be covered, forming a weatherproof concourse. Constructed from an ETFE roof system similar to that installed at The Boulevard, Banbridge, this does not sit incongruously with the established roof line of The Junction. The roof-design rises less than 2m above the existing flat roof. Given the nature of the material being translucent, this will allow additional natural light to permeate into the application site.

The overall format of the development is to be retained in terms of unit layout and configuration. The newly formed primary elevation has been designed as a focal point in full-height glazing, addressing the main carpark. The covered atrium walkway forms a central spine. The internal to external relationship has been intended to allow for ease of navigation for visitors. The existing servicing arrangement is to be retained and remains separate from all visitor entrances. There is no roof proposed to the external garden sales area. All plant has been sensitively located either to the rear of the proposal site or housed internally and hidden from public view.

All external materials are to be similar to those exhibited throughout The Junction, with some sensitively selected additions to the primary elevation. These include red/brown facing blockwork, silver micro-rib horizontal cladding and light grey Kingspan roofing. These materials are considered to draw on the established character of the Junction Retail & Leisure Park, as well as complement the forthcoming end-user brand. Given multiple existing units are to be amalgamated, various entrance points will become redundant and are therefore to be blocked up and closed. The proposed elevations seek to include additional timber cladding, in keeping with the Dobbie's format and branding.

Overall, it is considered that the design layout and appearance of the proposed development is acceptable and comparable to the existing building within the Junction Retail and Leisure Park.

Neighbour Amenity

With regard to potential noise impacts associated with this development the applicant has submitted a Noise Impact Assessment, prepared by RPS Group, Document Number 06, stamped 'Planning Section Received 09 Nov 2021'.

Noise monitoring was undertaken from 8th to 15th July 2021 adjacent to the service road to the north of the development site. The assessment has presented a daytime background sound level of 44dB LA90 and a night time background sound level of 34dB LA90. It is proposed to operate the development during daytime hours only and deliveries are also proposed during daytime hours only. Plant and equipment have not been finalised but are likely to be located to the rear of the development. The

nearest residential property is approximately 325m to the east of the development on the other side of the A26 Ballymena Road. The report concludes that the operation of the proposed development will not cause an adverse noise impact on the nearest residential property subject to adherence to noise threshold limits set out in Table 5 of the report. The Council's Environmental Health Section are satisfied that the separation distance and the existence of the A26 between the proposed development and the nearest residential property is sufficient to avoid conditioning the threshold limits provided within the report.

In terms of odour impacts the applicant has submitted an Odour Impact Assessment, prepared by RPS Group, Document Number 07, stamped 'Planning section Received 09 Nov 2021'. The odour impact assessment referenced guidance document EMAQ+ "Control of Odour and Noise from Commercial Kitchen Exhaust Systems", 2018 and the Institute of Air Quality Management (IAQM) Guidance on the assessment of odour for planning, 2018. The assessment uses worst case assumptions as details of the hot food and detailed drawings of the extraction duct were not available at the time of assessment. The overall risk score indicated that a high level of odour control would be required for the proposed development.

Having reviewed the information submitted, Environmental Health are of the opinion that the proposed development can operate without adverse impact on amenity at nearby sensitive receptors, subject to noise and odour control conditions being attached to any planning permission granted. These conditions are considered reasonable and will ensure there is no significant impact on the nearby residential properties.

Impact on Character and Appearance of the Area

The site is within the established Junction Retail and Leisure Park which forms a two-sided arrangement surrounding a central pedestrianised mall. The primary retail parade fronts onto a shared car park arrangement of c. 1,361 no. spaces, with the remainder units forming a broadly right-angled layout.

All units are connected to the site entrance and car park via footways and pedestrianised communal spaces. The overall design and appearance of The Junction Retail and Leisure Park is typical of a retail park. Active ground floor frontages consist of glazed shopfronts, with upper elevations finished in continuous metal cladding. An integrated weather canopy overhangs all units, with each benefitting from ground floor access to the pedestrianised mall. Servicing arrangements are separate from that of visitor entrance, with a large rear yard surrounding the western boundary of the site accessed via Enkalon Road/Randalstown Road.

It is considered that there will be no significant impact on the character and appearance of the area as a result of this redevelopment. It is considered that that the proposed development will complement the existing uses within the Junction Retail and Leisure Park both in terms of design and use.

Natural and Built Heritage

With regard to natural heritage matters, the application site is devoid of any natural features which would act as either a habitat or foraging grounds for wildlife.

Consequently it is considered that there is no significant impact on protected species as a result of this development.

Shared Environmental Services (SES) has also been consulted with regard to the impact on Designated Sites. SES advise that '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 Antrim and Newtownabbey Borough Council which is the competent authority responsible for authorising the project. SES advise that having considered the nature, scale, timing, duration and location of the project that it could not have any effect on a European site as there is no viable environmental pathway links from the proposal as detailed to any European Site or mobile feature from one.

In terms of impact on listed buildings, it is considered that the application site is sufficiently far removed from historic buildings to have any impact on them, while it is unlikely that there will be any significant impact on subsurface archaeology, this position is support by HED (Historic Monuments) who has assessed the application and concluded that due to the results of previous archaeological excavations, it is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Road Safety, Access and Parking

The application site is well located in relation to walking, cycling and public transport provisions. Access to the units is achievable from Ballymena Road, and surrounding residential neighbourhoods (Ferrard Meadows / Meadow Lands), via numerous footpaths with directional signage associated with The Junction. Throughout the shared on-site car parks, as well as along the central spine road, pedestrian crossing points ensure safe and efficient routing from public transport facilities within/adjacent to the site and the surface level car parking.

All floorspace remains at ground level with no alteration to existing ground levels. The finished floor levels will remain in keeping with adjacent units and there is no distinguishable variation which would preclude access of pedestrians or visitors with impaired mobility. The external layout has sought to include for dropped kerbs and tactile paving where not existing, along with ensuring that pedestrian navigation and desire lines from public realm spaces, public transport facilities and surface-level carparking is void of obstruction.

In terms of cycling there are numerous cycle-friendly routes leading to and from the application site, with traffic-free national Route 94 approximately 1.2km from the site and linking towards Antrim Town Centre. This is within an established 15-minute cycle isochrone, with the entire settlement of Antrim within a 4km cycle journey of the application site.

Sheltered bus-stops are situated within close proximity to the junction on Ballymena Road and Randalstown Road, as well as designated route terminus within the overall Retail & Leisure Park. These are connected via pedestrianised linkages to the site.

With regard to parking provision the proposal does not reduce the level of car parking currently serving the site. A breakdown of provision includes 1,256no.

standard spaces, 74no. mobility impaired spaces, 17no. parent and child spaces, 4no. electric charging spaces and 10no. coach parking spaces.

The applicant envisages that the proposal forms part of the wider Retail & Leisure Park, significant visitor numbers will be made up of shared trips to The Junction Retail & Leisure Park. Peak times for visiting The Junction were assessed by the applicant as part of the Transportation Statement, prepared by RPS in support of the application. This indicated spare capacity within the car park for visitors while the surrounding road network was assessed as having capacity to accommodate the proposed development without the requirement for offset highway works.

DfI Roads have been consulted on this application and advised that there are no significant concerns with the proposed development. It is therefore considered that there are no significant concerns with regard to access, parking and road safety as a result of this proposal.

Flood Risk

The applicant has provided a Drainage Assessment (DA) (Doc 08) by SHEEHY Consulting dated 9th November 2021 which concludes that there is no significant flood risk associated with the application site. The applicant has also provided a copy of their Schedule 6 consent to discharge to an adjacent water course (Doc 11). DfI Rivers has been consulted with these documents and offered no significant concern with regard to flood risk stating that the applicant has provided adequate drainage drawings and calculations to support their drainage proposals.

The applicant has received Schedule 6 Consent from DfI Rivers local area office to discharge 345.20 l/s of surface water runoff from the proposed site into the Enkalon stream watercourse. Therefore, DfI Rivers while not being responsible for the Drainage Assessment accepts the applicant's logic and has no reason to disagree with its conclusions. It is therefore considered that the proposal satisfied the policy requires of Policies FLD 1-3 of PPS 15.

The only matter raised by DfI Rivers relates to Development in Proximity to Reservoirs (Policy FLD 5 of PPS 15). DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Upper and Lower Potterswall Reservoir.

Rivers advise that it has not been demonstrated that the condition, management and maintenance regime of Upper and Lower Potterswall Reservoir is appropriate to provide sufficient assurance regarding reservoir safety, as required under Policy FLD 5, so as to enable the development to proceed. However, in relation to this site, DfI Rivers has carried out an assessment of flood risk to people (based on the Defra / Environment Agency's "Hazard to People Classification using Hazard Rating") for an uncontrolled release of water emanating from Upper and Lower Potterswall Reservoir. DfI Rivers has advised that the overall hazard rating at this site is considered low. However, in the event of an uncontrolled release of water there will be risk to some including children, the elderly and infirm; as these groups can be more vulnerable to risks associated with flood water. Nevertheless, as DfI Rivers consider the overall risk at this site to be low, it is considered to be an acceptable combination of depth and velocity, apart from development that involves the more vulnerable groups listed above. In planning terms it is unlikely that the

redevelopment of this site for the proposed garden centre will introduce and significantly greater risk than what is already present on this site and it is therefore considered that there is no significant flood risk associated with this development.

Contamination

The applicant has submitted a Contaminated Land Preliminary Risk Assessment, prepared by RSK, Document Number 05, stamped 'Planning Section Received 09 Nov 2021'.

The report presented an initial Conceptual Site Model (CSM) which identified the site as low risk and suitable for the proposed end use. No complete pollutant linkages were presented in the CSM and therefore no further risk assessment is required. The report recommended that should any excavations be required, and unexpected contamination be encountered during demolition, then the services of a competent Environmental Consultant should be engaged to fully investigate and complete a risk assessment in accordance with Land Contamination: Risk Management (LCRM) guidance in order to establish any remediation requirements and verification and validation that may be required as a result. Both the Council's Environmental Health Section (EHS) and NIEA Regulation Unit (RU) have reviewed the applicant's Preliminary Risk Assessment and agree with its conclusions. Both EHS and NIEA (RU) provide standard conditions should an unknown source of contamination be found during the development of the site. These conditions are considered necessary and reasonable. It is concluded that there are no significant contamination risks to nearby sensitive receptors as a result of this proposal.

Economic Impact

The applicant has provided Document 10 'Strategic, Economic and community Impact of the proposed Dobbies investment at the Junction Retail Park'. This document indicates that the proposed development represents a £7.1 Million investment in the Borough and aims to be operational in 2022 creating 150 new jobs.

CONCLUSION

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

- The principle of the development is considered acceptable.
- The retail impact associated with this development is unlikely to have a significant impact on Antrim town centre or other nearby centres.
- The design layout and appearance of the proposal is considered acceptable.
- There are no neighbour amenity concerns with the proposal.
- There is no natural or built heritage concerns with the proposal.
- There is no significant flood risk with the proposal.
- There is no access, parking or road safety concerns with the proposal.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

2. The permitted development shall not operate on anytime between 23:00 and 07:00 hours.

Reason: In order to protect night time amenity at nearby sensitive receptors.

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

Reason: In order to protect night time amenity at nearby noise sensitive receptors.

4. A 'high level of odour control', commensurate with the high level of odour control specified in EMAQ+ "Control of Odour and Noise from Commercial Kitchen Exhaust Systems' shall be installed into any commercial kitchen within the development.

Reason: In order to prevent any adverse odour impact on amenity at nearby sensitive receptors.

5. The extraction and ventilation systems must be cleaned and maintained in perpetuity with the lifetime of the development to ensure compliance with Condition 3.

Reason: In order to prevent any adverse odour impact on amenity at nearby sensitive receptors.

6. 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's Planning Section shall be 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>.

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

7. Should an unacceptable risks be identified, a remediation strategy shall be submitted to be agreed with the Planning Section and Environmental Health before being implemented. 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 and other environmental receptors arising from contamination and to ensure the site is suitable for use.

8. The gross (external) floorspace of the Garden Centre hereby permitted, as indicated in Drawing 06, date stamped received 9th November 2021, shall not exceed 10,620sqm when measured externally and no operations increasing the floorspace available for retail or any other use, including the installation of

mezzanine floors, shall be carried out without the express grant of planning permission by the Council.

Reason: To control the nature, range and scale of retailing to be carried out at this location so as not to prejudice the vitality and viability of existing retail centres.

9. The overall net retail floorspace of the Garden Centre hereby permitted, as indicated in Drawing 06, date stamped received 9th November 2021, shall not exceed 8,003sqm when measured internally.

Reason: To control the nature, range and scale of retailing to be carried out at this location so as not to prejudice the vitality and viability of existing retail centres.

10. The 8,003sqm net retail floorspace hereby approved shall be restricted to those uses limited hereunder and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order:

- Garden Centre and Garden Retail including Garden Furniture & DIY materials, Products and equipment.
- Pet and Birdcare
- Cookshop
- Gifting
- Seasonal Goods
- Food Hall

Reason: To control the nature, range and scale of retailing to be carried out at this location so as not to prejudice the vitality and viability of existing retail centres.

11. The net retail floorspace dedicated to the sale and display of convenience goods shall not exceed 838sqm when measured internally.

Convenience goods for this purpose are hereby defined as:

- a food, drink and alcoholic drink;
- b tobacco, newspapers, magazines and confectionary;
- c stationary and paper goods;
- d toilet requisites and cosmetics;
- e household cleaning materials;
- f other retail goods as may be determined in writing by the Department as generally falling within the category of 'Convenience goods'.

Reason: To control the nature, range and scale of retailing to be carried out at this location so as not to prejudice the vitality and viability of existing retail centres.

12. The net retail floorspace dedicated to 'Pet and Birdcare' shall not exceed 300sqm when measured internally.

Reason: To control the nature, range and scale of retailing to be carried out at this location so as not to prejudice the vitality and viability of existing retail centres.

13. The net retail floorspace dedicated to the 'Cookshop' shall not exceed 419sqm when measured internally.

Reason: To control the nature, range and scale of retailing to be carried out at this location so as not to prejudice the vitality and viability of existing retail centres.

14. The net retail floorspace dedicated to 'Gifting' shall not exceed 519sqm when measured internally.

Reason: To control the nature, range and scale of retailing to be carried out at this location so as not to prejudice the vitality and viability of existing retail centres.

15. The net retail floorspace dedicated to 'Seasonal Goods' shall not exceed 649sqm when measured internally.

Reason: To control the nature, range and scale of retailing to be carried out at this location so as not to prejudice the vitality and viability of existing retail centres.

16. The net floorspace of the coffee shop/restaurant as indicated on Drawing No. 06 date stamped received 9th November 2021, shall not exceed 1,105sqm when measured internally and shall be used only for the purpose of selling food or drink for consumption on or off the premises and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To control the nature, range and scale of retailing to be carried out at this location so as not to prejudice the vitality and viability of existing retail centres.

17. The net floorspace of the Soft Play Area as indicated on Drawing No. 06 date stamped received 9th November 2021, shall not exceed 318sqm when measured internally.

Reason: To control the nature, range and scale of retailing to be carried out at this location so as not to prejudice the vitality and viability of existing retail centres.

18. A minimum of 3,958 sqm of comparison goods floorspace shall be dedicated to the sale of gardening and DIY materials, Products and equipment.

Reason: To control the nature, range and scale of retailing to be carried out at this location so as not to prejudice the vitality and viability of existing retail centres.

19. The garden centre hereby approved shall not be subdivided or otherwise modified or amalgamated to create fewer units without the express grant of planning permission.

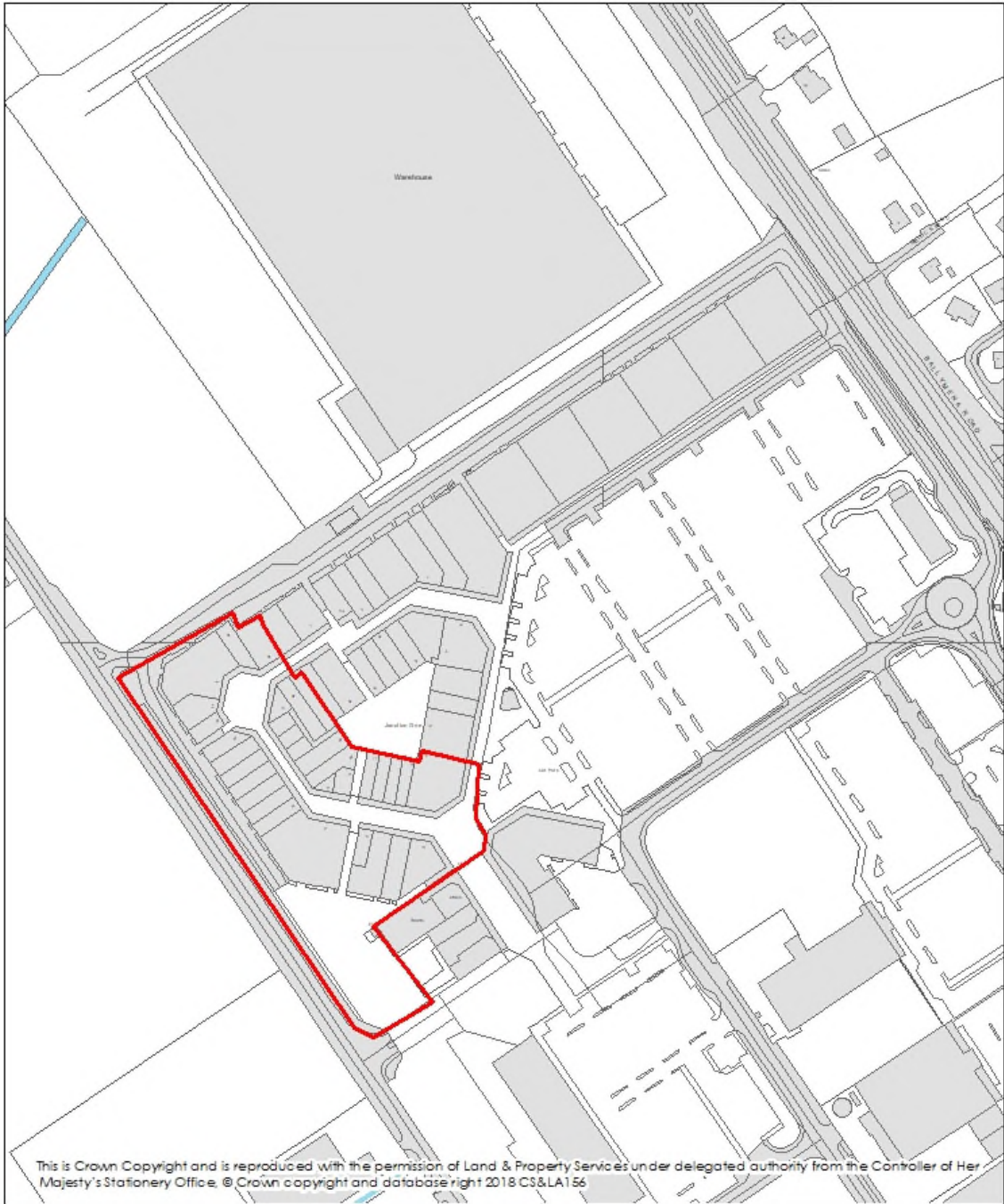
Reason: To control the nature, range and scale of retailing to be carried out at this location so as not to prejudice the vitality and viability of existing retail centres.

20. The garden centre including café/restaurant hereby approved shall be operated by Garden Centre operator only and not on a concession basis.

Reason: To control the nature, range and scale of retailing to be carried out at this location so as not to prejudice the vitality and viability of existing retail centres.

21. 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.

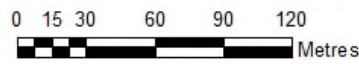



Site Location Plan

Application Reference: LA03/2021/1110/F

Dobbies Garden Centre

Units 9 to 41
 The Junction Retail and Leisure Park
 111 Ballymena Road
 Antrim



 Site boundary



COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2020/0385/O
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Tourist Accommodation
SITE/LOCATION	40m West of 3b Lisglass Road Ballyclare BT39 9NH
APPLICANT	Mr I McFall
AGENT	RJ Studio
LAST SITE VISIT	15th February 2022
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on lands 40m west of No.3B Lisglass Road, Ballyclare, within the countryside and outside the development limit of Metropolitan Newtownabbey as defined by the Belfast Urban Area Plan and the draft Belfast Metropolitan Area Plan (published 2004).</p> <p>The application site is located in close proximity to the junction of the Lisglass Road and the A8 Dual Carriageway, close to the settlement of Bruslee. The application site is irregularly shaped and comprises an agricultural field, the topographical levels of which rise by approximately 2 metres in a gentle and continuous fashion towards the southern boundary that is defined by Leylandii type hedging, approximately 2 metres in height.</p> <p>The western boundary is characterised by ranch style wooden fencing that continues along the northern edge of the field. The northern boundary of the application site extends beyond the field to include the laneway taken from the vehicular access point to the Lisglass Road approximately 90 metres to the north/northeast and which leads to the existing allotment area to the east of the application site. To the immediate north of the laneway is a watercourse and which is culverted when passing underneath the A8 Dual Carriageway.</p> <p>An existing single storey dwelling, known as No. 3B Lisglass Road, is located immediately south and east of the irregularly shaped application site. The vehicular access to this dwelling runs southwest to northeast across the application site. To the south of both No. 3B Lisglass Road and the application site is an additional dwelling known as No.3 Lisglass Road. This is a detached bungalow with living accommodation in the roof space. Immediately northeast and to the rear of this dwelling is a children's nursery.</p>	

The lands to the east of the application site and No's 3 and 3B Lisglass Road are used as a series of private allotments which appear to be let out to various individuals on a commercial basis.

RELEVANT PLANNING HISTORY

The application site has no previous planning history.

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 and Draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

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

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

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

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

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

Council Environmental Health Section – No objection.

Northern Ireland Water – No objection.

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

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
- Tourism Development
- Agricultural Diversification
- Development Quality and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Access, Movement and Parking
- Flood Risk
- Natural Heritage
- 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. Up until the publication of draft BMAP (dBMAP) in 2004 and its adoption in 2014, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

In these circumstances the provisions of both the dNAP and dBMAP are considered to be material considerations in the assessment of the current application. Given that the dNAP was never adopted, it is considered that the dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. Both of the relevant development plans identify the application site as being within the countryside outside any settlement limit. There are no specific operational

policies or other provisions relevant to the determination of the application contained in either of 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 is entitled "Sustainable Development in the Countryside" and sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY 1 indicates that tourism development proposals will be considered in the context of the 'TOU' policies contained within the Planning Strategy for Rural Northern Ireland (PSRNI). The PSRNI 'TOU' policies were however superseded by the provisions of PPS16 'Tourism' in June 2013.

Policy CTY 1 of PPS 21 is clear that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.

Subject to compliance with the relevant provisions of the SPPS, Policies CTY 1, 13 and 14 of PPS 21, the relevant TSM policies of PPS 16 'Tourism', the provisions of PPS 15 'Planning and Flood Risk' and also the relevant policies within PPS 3 'Access, Movement and Parking' the principle of the development can be established.

Tourism Development

The description of development proposed in this planning application for outline planning permission is for 'Tourism Accommodation'.

The agent has submitted several documents that seek to support the development proposal with respect to planning policy contained within the relevant provisions of the SPPS and PPS 16 'Tourism'. A conceptual layout has also been provided. Within his supporting documents the agent refers to several specific planning policies. These are:

- TSM 2: Tourist Amenities in the Countryside
- TSM 6: New and Extended Holiday Parks in the Countryside
- TSM 7: Criteria for Tourism Development
- TSM 8: Safeguarding of Tourism Assets

With reference to the supporting documents submitted by the agent a summary of his key arguments is as follows:

- The applicant wishes to provide a tourist facility to help encourage visitors to linger a while in this area.
- The application site is well located to provide a base for visitors to enjoy the attractions of the Borough and beyond.
- The application site is within easy reach of seaports and airports and is ideally located on the A8, which links Larne to Cork in one continuous corridor.
- Immediate attractions are fishing, hill walking, indoor and outdoor karting, indoor and outdoor leisure facilities (undefined), historic landmarks, many coffee shops and shopping facilities in the form of the Abbey Centre and Ballyclare.
- The Antrim Coast and Co. Down are good day trips from this location.

The agent goes on to state that the proposal will take advantage of all of the above matters and much more and it is intended to provide a short stay facility in the form of caravan pitches, glamping pods or chalets or a combination of these. It is also stated that tourists would use the tourist accommodation as an overnight stop or a few nights up to a maximum of one week.

The agent also advises that the applicant had been granted planning permission for a maximum of 6 pitches by the Caravan Club. The details of the planning permission referred to by the applicant have not been provided and a planning history search of the lands identified in the site location plan as being within the ownership or control of the applicant do not return a result to confirm this assertion.

The agent states that the application is for a small-scale tourist accommodation facility that would provide a stop-over or a base for visitors to explore the area and such facilities are in great demand. The agent concludes that when assessed against PPS 16 the proposal satisfies the criteria laid down for a small-scale tourist facility of this type and would provide something that doesn't exist in this area and would be a valuable asset for the Borough.

With reference to Policy TSM 2: Tourist Amenities in the Countryside, paragraph 7.5 of the justification and amplification and the Glossary of Terms contained within PPS16 note that a tourist amenity is defined by the Tourism (NI) Order 1992 as an amenity, facility or service provided primarily for tourists but does not include tourist accommodation. Given that this proposal seeks to provide tourist accommodation, albeit in varying forms and to include caravan pitches, glamping pods and holiday chalets as indicated in the concept layout, it is considered that Policy TSM 2 of PPS 16 is not applicable to the assessment of this proposal.

Policy TSM 8 of PPS 16 is entitled "Safeguarding of Tourism Assets". The Glossary of Terms within PPS 16 defines a tourism asset as any feature associated with the built or natural environment which is of intrinsic interest to tourists.

The policy headnote of Policy TSM 8 states that planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset such as to significantly compromise its tourism value. Additionally, criterion 'o' of Policy TSM 7 "Criteria for Tourism Development" of PPS 16 refers to the development proposal not extinguishing or significantly constraining an existing or planned access to the coastline or a tourism asset, unless a suitable alternative is provided. It is not

considered that this proposal lies in proximity to a Conservation Area in an urban area, an Area of Outstanding Natural Beauty, an Archaeological Site/Monument, a Site of Local Nature Conservation Importance or an Area of High Scenic Value. While this list of potential tourism assets is not exhaustive it is considered that this proposal is located such a distance from any of these potential or likely tourism assets that the proposal will not in itself, or in combination with existing and approved development in the locality, have an adverse impact on a tourism asset. It is therefore considered that Policy TSM 8 and criterion 'o' of Policy TSM 7 of PPS 16 are not applicable to the assessment of this proposal.

Policy TSM 6 of PPS 16 is entitled "New and Extended Holiday Parks in the Countryside." The Glossary of Terms of PPS 16 defines a holiday park as being a caravan site licensed under the Caravans Act (NI) 1963, which in addition to static caravans, may also contain holiday chalets or cabins, pitches for touring caravans, motor homes and tenting.

The policy headnote of Policy TSM 6 states that planning permission will be granted for a new holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development. The policy continues that the location, siting, size and design, layout and landscaping of the holiday park proposal must be based on an overall design. It finishes by stating that proposals for holiday park development must be accompanied by a layout and landscaping plan and will be subject to consideration relevant to seven (7) criterion-based tests.

Policy TSM 7 of PPS 16 is entitled "Criteria for Tourism Development" and states that a proposal for a tourism use, in addition to the other policy provisions of PPS 16, will be subject to both 'design' and 'general' criteria and includes fifteen (15) criterion-based tests.

The assessment of the quality of development proposed in this planning application and its impact to the character and appearance of the area is set out below and under the section entitled "Development Quality and Impact on Character and Appearance of the Area".

Agricultural Diversification

Within his supporting documents the agent makes passing reference to the applicant having an active farm business identification number and that the agricultural holding is undergoing diversification.

Policy CTY 11 "Farm Diversification" of PPS 21 states that planning permission will be granted for a farm diversification proposal where it is demonstrated that it is to be run in conjunction with the agricultural operations on the farm and subject to four (4) criteria.

Criterion (a) of Policy CTY 11 requires that the farm business is currently active or established. The agent has not provided a farm business identification number for verification nor has any other form of information been provided that would substantiate the assertion of the agent that there is an active and farm business present at this location. No explanation has been provided as to how the

development proposal is to be run in conjunction with the agricultural operations on the asserted agricultural holding as is required by Policy CTY 11.

As it has not been demonstrated the asserted farm business is active or established it is considered that the development proposal fails to comply with criterion (a) of Policy CTY 11 of PPS 21 and a draft refusal reason in this regard has been included at the end of this report.

Criteria (b) and (d) refer to the appropriateness of the development proposal to its location and residential amenity concerns. The consideration of these matters is set out in subsequent sections of this report.

The policy headnote of Policy CTY 11 of PPS 21 also makes reference to cases where new buildings are proposed as an exception to the requirement that proposals involve the re-use or adaptation of existing farm buildings. The policy headnote states that new buildings may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meet the requirements of other statutory agencies. Notwithstanding that the information required by Policy CTY 11 has not been provided for assessment it is noted that following two (2) visits to the application site it is considered that there are no available existing buildings on the asserted agricultural holding as all the existing buildings are currently being used for other purposes.

Criterion (c) of Policy CTY 11 refers to the development proposal not having an adverse impact on the natural or built heritage. This criterion is considered under the section entitled 'Natural Heritage' set out below.

The policy headnote finishes by stating that where a new building is justified it should be satisfactorily integrated with an existing group of buildings on the farm. This matter is discussed in more detail in the following section of this report.

Development Quality and Impact on Character and Appearance of the Area

As noted under 'Tourism Development' and 'Farm Diversification' there is a large number of criterion-based tests applicable to the assessment of the proposal with respect to its impact to the character and appearance of the area and other matters that are considered in the following paragraphs.

Criteria (a) and (b) of Policy TSM 6 of PPS 16 require that the application site is located in an area that has the capacity to absorb the holiday park development without adverse impact or visual amenity and rural character and that effective integration into the landscape must be secured primarily through their utilisation of existing natural or built features. Criterion (g) of Policy TSM 7 requires that the development proposal is compatible with surrounding and uses and neither the use nor built form will detract from the landscape quality and character of the surrounding area.

It is considered that on approach to the application site in either direction along the A8 that the application site is heavily exposed to public views. Planted elements along the eastern side of the A8 are considered to be a significant period of time

away from reaching a notable degree of maturity and do little to screen the application site from public views on approach in either direction along the A8.

When on a westerly approach towards the application site along the Lisglass Road significant tracts of mature planting including linear stands of trees that are not associated with the applicant's land ownership as indicated in the site location plan function to screen the application site. The site however is open to views from a distance of 40 - 50 metres from the entrance to the application site.

It is noted that the field in which the proposed development is to be sited has no natural/planted boundaries apart from the southern boundary abutting No. 3 Lisglass Road, and the topography of the application site rises by approximately 2 metres from north to south. No.3b Lisglass Road, the applicants dwelling, sits immediately adjacent to and east of the application site.

It is considered that the application site is heavily exposed to public views from critical viewpoints along the public road network and lacks long established natural boundaries to provide a suitable degree of enclosure for the proposed development. It is considered that the landscape does not have the capacity to adequately integrate the development. The development proposal is heavily reliant upon new landscaping to integrate or otherwise screen the development proposal. It is considered that soft landscaping works of the application site will take a significant period of time to reach maturity whereby the proposed development would read as a prominent feature in the landscape. It is considered that the dwellings at No.3b Lisglass Road, which is a single storey bungalow, and No.3 Lisglass Road, which is also a bungalow but with living accommodation in the roof space, would not assist in the integration of the proposed development or provide such a significant backdrop for the proposed development due to their limited height.

For the reasons set out above it is considered that the application site does not have the landscape capacity to absorb the proposed development, that the proposed development would have an adverse visual impact at this countryside location and would cause a detrimental change to the rural character of both the application site and surrounding local area. It is considered that the proposal fails to comply with criterion (a) and (b) of Policy TSM 6 and criterion (g) of Policy TSM 7 and a draft refusal in this regard has been provided at the end of this report.

Criterion (b) of Policy TSM 6 also requires that, where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist its integration with the surrounding area. Criterion (c) of Policy TSM 7 requires that appropriate boundary treatment and means of enclosure are provided. The conceptual layout provided by the agent indicates new planting along the western and northern edges of the field in which the proposed development is indicated as being located. While this would meet with the requirements of criterion (b) of Policy TSM 6 and criterion (c) of Policy TSM 7 it reinforces the case made above that the application site has no existing natural boundaries that would assist with the integration of the proposed development.

Policy CTY 13 of PPS 21 is entitled "Integration and Design of Buildings in the Countryside". The policy headnote states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding

landscape, and it is of an appropriate design. The policy also states that a new building in the countryside will be relevant to seven (7) criteria. Policy CTY 14 of PPS 21 is entitled "Rural Character". The policy headnote states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area, and sets out five (5) criteria whereby a new building will be unacceptable.

With respect to the proposed development and on the basis of the characteristics of the application site it is considered that new buildings and hardstanding areas associated with the range of buildings/accommodation that the development would be a prominent feature in the landscape, that the application site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the application site relies primarily on the use of new landscaping for integration and the proposal would fail to blend with the landform. The proposed development is therefore considered as likely to have a detrimental impact to and erode the character of the rural area. It is considered therefore, that the development proposal is contrary to the relevant policy provisions of the SPPS, criterion (a) and (b) of Policy TSM 6, criterion (g) of Policy TSM 7, criteria (a), (b), (c) and (f) of Policy CTY 13, criterion (a) of Policy CTY 14 and third paragraph of Policy CTY 1 of PPS 21 as the proposal has not been sited and designed to integrate sympathetically with its surroundings.

Criterion (d) of Policy TSM 6 requires that the layout of caravan pitches/motor homes is informal and characterised by discrete groupings or clusters of units separated through the use of soft landscaping. Criterion (e) of this policy requires that the design of the development, including internal roads, paths, car parking areas and walls and fences, is appropriate for the site and locality. Criterion (b) of Policy TSM 7 requires that the site layout is of high quality in accordance with published guidance and assist the promotion of sustainability and biodiversity.

Appendix 4 of PPS 16 is entitled "Landscape Design Considerations for Holiday Parks" and sets out a range of matters which need to be addressed in preparing a layout/landscaping plan. Paragraph 3 refers to an informal layout of caravan units'/motor homes/chalets characterised by the use of small informal clusters separated by appropriate landscaping and the avoidance of 'regimented' rows of units that typically results in a detrimental visual impact. Paragraph 4 refers to the avoidance of long straight lines for roads and paths with due regard to the protection of key views from the holiday park. An exception to this may arise where an avenue is an appropriate design element.

The agent has submitted a conceptual layout plan in accordance with the requirements of the policy headnote of Policy TSM 6 of PPS 16. With regard to the conceptual layout, it is considered that the model of development as proposed seeks to provide a formalised structure to the layout of the proposed development and which seeks to introduce rigid and regimented rows of development comprising glamping pod plots, touring caravan plots and holiday chalets. It is noted that these plots are focussed around and orientated towards a formal 'avenue' type road arrangement and located so as to facilitate the maximum number of pitches to be provided for and which results in notable regimented rows of development as opposed to discrete groupings or clusters of units. Additionally, there is no indication in the conceptual layout that soft landscaping works are proposed to soften the

relationship between the pitches, aside a general 'green' colouring to the spaces in the conceptual layout.

It is considered that the site layout, including its internal road network and landscaping arrangements (aside proposed landscaping at the edge of the field) are not appropriate for the site or locality and for this reason the proposal is contrary to criteria (d) and (e) of Policy TSM 6 and criterion (b) of Policy TSM 7 of PPS 16.

Criterion (c) of Policy TSM 6 requires that adequate provision (normally 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development. With reference to the conceptual layout of development it is noted that two (2) separate areas of open space have been identified: one to the northeastern corner of the application site and to the rear of the proposed amenity block and the second located between two banks of 'pitches' and positioned centrally on the application site.

Given the extent of the area of land offered for this function it is considered that an adequate provision of open space has been provided and that the requirements of criterion (c) of Policy TSM 6 has been complied with.

Criterion (e) of Policy TSM 7 of PPS 16 requires that the development is designed to deter crime and promote personal safety. It is considered that given the regimented layout of development focussed around and orientated towards an 'avenue' type development that informal surveillance of the application site is likely to occur and for this reason this criterion is considered as having been complied with.

Neighbour Amenity

The context of the receiving environment informing the assessment of the impact of the proposal to amenity considerations is characterised by the garden allotments to the east of the application site, the children's nursery to the rear of No. 3 Lisglass Road, a residential property, and lastly No. 3b Lisglass Road, the applicants dwelling. All of these land uses are contained within the blue line identified on the site location plan, which signals that these lands are either within the ownership or control of the applicant. It is considered therefore, that given the applicant either owns or controls the adjoining land uses that no unacceptable amenity impacts will be created by the proposed development. The proposal is therefore considered to be compliant with the relevant provisions of the SPPS, criterion (e) of Policy CTY 12 and criterion 'h' of Policy TSM 7 of PPS 16.

With reference to potential future users of the tourist accommodation the Council's Environmental Health Section has indicated that the applicant should consider appropriate acoustic design measures to mitigate against the impact of road traffic noise (from the A8 Dual Carriageway) on the use of the proposed development. This is in order to protect amenity and to ensure that a suitable internal noise environment within the proposed development is achieved. This matter has not been pursued further with the applicant as it is considered to be nugatory work that would cause additional expense for the applicant, and which would not overcome the objections in principle to this development proposal.

Access, Movement and Parking

This development proposal seeks to utilise the existing access from the application site, and which is shared with the allotments, children's nursery and the residential properties known as Nos. 3 and 3b Lisglass Road.

Planning Policy Statement 3 is entitled "Access, Movement and Parking" and sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. Within this planning policy statement Policy AMP 2 "Access to Public Roads" states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- (a) Such access will not prejudice or significantly inconvenience the flow of traffic:
and
- (b) The proposal does not conflict with Policy AMP 3 Access to Protected Routes.

Policy AMP 6 of PPS 3 is entitled "Transport Assessment" and states that in order to evaluate the transport implications of a development proposal the planning authority will, where appropriate, require developers to submit a Transport Assessment.

Policy AMP 7 of PPS 3 is entitled 'Car Parking and Servicing Arrangements.' The policy headnote states that 'development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.'

Policy TSM 7 of PPS 16 'Criteria for Tourism Development' contains several criterion-based tests associated with the potential impact to the local road network as a consequence of the increased volume of traffic that would be anticipated as being associated with this development proposal.

With reference to criterion (b) of Policy AMP 2 of PPS 3 and criterion (n) of Policy TSM 7 of PPS 16 it is noted that the Lisglass Road is not a protected route and for this reason these criterion are not applicable to the consideration of this development proposal.

In its consultation response, the Department for Infrastructure Roads (DfI Roads), the competent authority for such matters, has offered no objection to the development proposal and has provided a draft planning condition to be included in any potential grant of planning permission. Notwithstanding that DfI Roads does not object to the development proposal this does not overcome the Council's Planning Section objection in principle to this development proposal.

Flood Risk

There is a watercourse at the northern edge of the application site. The application site is recorded as lying within both the fluvial floodplain of that watercourse and is also subject to surface water flooding. The relevant policy provisions of the SPPS and

PPS 15 "Planning and Flood Risk" are therefore relevant to the assessment of this development proposal.

Policy FLD 3 of PPS 15 is entitled "Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains." The policy headnote states that a Drainage Assessment (DA) will be required for all development proposals that exceed any of a number of stated thresholds. With reference to the stated thresholds and the conceptual layout provided by the agent, it is considered that this proposal involves a change of use involving new buildings and hard surfacing exceeding 1,000 sqm and a DA is therefore required to support this development proposal. Additionally, the policy states that a DA will also be required for a proposal where it is located in an area where there is evidence of surface water flooding or where surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.

It is considered that a DA is required to support the development proposal given that the proposal seeks a change of use involving new buildings and hard surfaced areas exceeding 1,000 sqm and that there is evidence of surface water flooding. In the absence of a DA and in adopting the precautionary approach advocated by paragraph 3.9 of the SPPS, it is considered that the proposed development could potentially pose a significant risk to the environment as the drainage regime serving the development has not been addressed by the agent nor has it been demonstrated that surface water run-off will not impact water quality or natural heritage interests that may be present in or along the watercourse.

Policy FLD 1 of PPS 15 is entitled "Development in Fluvial (River) and Coastal Flood Plains" and states that development will not be permitted within the 1:100-year fluvial floodplain or the 1:200-year coastal floodplain unless the application can demonstrate that the proposal constitutes an exception to policy." The policy headnote continues by stating that where the principle of development is accepted by the planning authority through meeting the 'Exceptions Test', the applicant is required to submit a Flood Risk Assessment for all proposals and that planning permission will only be granted if the Flood Risk Assessment demonstrates that:

- (a) All sources of flood risk to and from the proposed development have been identified: and
- (b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.

With reference to the 'exceptions' identified in Policy FLD 1 it is considered that this proposal, which seeks to provide tourist accommodation on the application site, does not fall to be considered within any of the identified 'exception' categories.

Criterion (d) of Policy TSM 7 of PPS 16 refers to the proposal utilising sustainable drainage systems where feasible and practicable and in order to ensure that surface water run-off is managed in a sustainable way. It is considered that in the absence of a DA that it is not possible at this time to determine whether or not surface water run-off generated by this proposal will be managed in a sustainable way.

It has been noted in preceding sections of this report that the principle of providing tourist accommodation on the application site is not considered acceptable. Given

this conclusion it was considered that requesting a Flood Risk Assessment and a Drainage Assessment from the applicant would unnecessarily place the applicant at further expense, and which would not outweigh the objections in principle to introducing tourist accommodation onto the application site. Notwithstanding this point, it has not been demonstrated that the proposal would be subject to flooding or exacerbate flooding elsewhere.

Draft reasons for refusal with respect to the relevant provisions of the SPPS, Policies FLD 1 and FLD 3 of PPS 15 and criterion (d) of Policy TSM 7 of PPS 16 have been provided at the end of this report.

Natural Heritage

As noted under the consideration of Flood Risk, there is a watercourse located adjacent to a portion of the northwestern boundary of the substantive part of the application site. This watercourse may be used by either land or aquatic based animals which comprise natural heritage features.

Several of the planning policies associated with the assessment of this development proposal refer to the development proposal not adversely affecting natural heritage features. These include Policy CTY 11 of PPS 21 (criterion (c)), Policy TSM 6 (criterion (f)) and Policy TSM 7 (criterion (i)) of PPS 16 and also Policy FLD 3 of PPS 15. Additionally, Policy NH 2 of PPS 2, which is entitled 'Species Protected by Law' is also relevant.

With reference to these planning policies, it is noted that no information has been provided by the agent that identifies the presence, or not, of features of the natural heritage or how the development proposal may potentially impact upon them or what forms of mitigation could be adopted to offset the potential impact. The Council's Planning Section did not request such information from the agent given its objection in principle to introducing tourist accommodation on the application site and that it would be nugatory work. Notwithstanding this matter however, it has not been demonstrated that the proposal will protect species protected by law, their habitats and prevent deterioration and destruction of their breeding sites or resting places.

Policy NH 1 of PPS 2 is entitled 'European and Ramsar sites – International'. The policy headnote states that planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects is not likely to have a significant effect on:

- A European Site (Special Protection Area); or
- A listed Ramsar site.

As noted above, a watercourse flows adjacent to the northwestern boundary of the substantive part of the application site. This watercourse is hydrologically connected to Lough Neagh/Lough Beg SPA/Ramsar from the Sixmilewater. No information has been provided that demonstrates that the development, in either its formation or operation, will not have an adverse impact to water quality and in turn the SPA/Ramsar site.

In adopting the precautionary approach advocated by paragraph 3.9 of the SPPS, and in the absence of information to the contrary, it is considered that the proposed development could potentially pose a significant risk to the environment. It is considered therefore that the proposal is contrary to the relevant policy provisions of the SPPS, PPS 2, PPS 15, PPS 16 and PPS 21. A draft reason for refusal with regard this matter has been provided at the end of this report.

Other Matters

With reference to criterion (g) of Policy TSM 6 and criterion '(j)' of Policy TSM 7 of PPS 16 it is indicated in the P1 planning application form that a mains water supply and a septic tank for sewerage purposes are intended to be utilised for the purposes of the development proposal. Neither the Council's Environmental Health Section nor NI Water has offered any objections to this aspect of the proposal in their respective consultation responses. It is therefore considered that these criteria can be complied with should planning permission be granted.

Criterion (f) of Policy TSM 6 makes reference to trees and landscape features being identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout. It is noted that there are no trees or other notable landscape features present within the boundaries of the application site or upon them that would be impacted should planning permission be granted. It is therefore considered that this criterion is not applicable to the assessment of the development proposal.

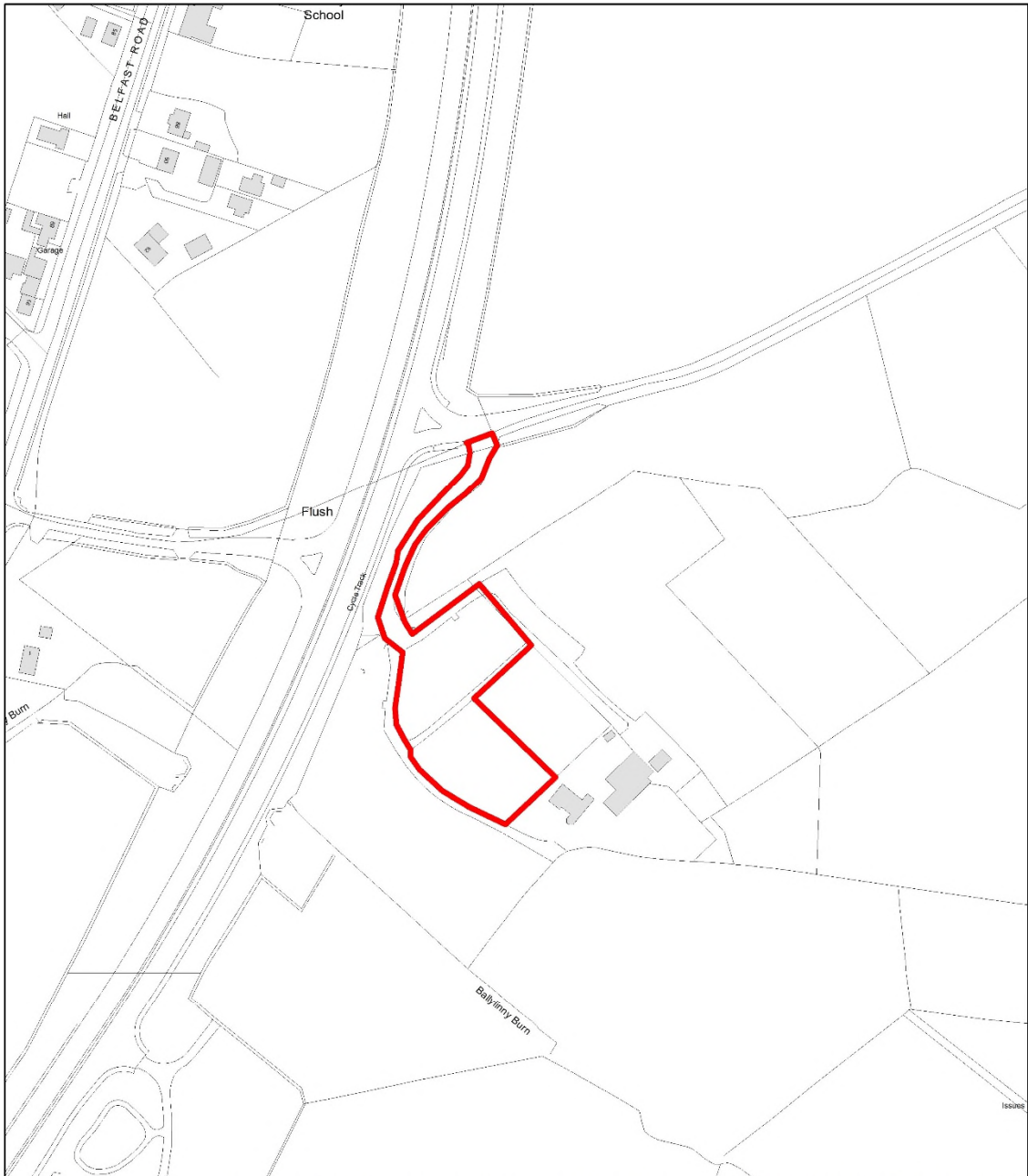
Criterion (f) of Policy TSM 7 relates to the provision of public art that is linked the tourism development. There is no indication that public art forms a part of this development proposal, and it is therefore considered that this criterion is not applicable to the assessment of the development proposal.

CONCLUSION

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

- The principle of the development is not acceptable;
- It has not been demonstrated that the applicant has an active and established farm business nor that the proposal is a genuine farm diversification proposal to be run in conjunction with the agricultural operations on the asserted farm business;
- The design and indicated layout of proposed development is not of an acceptable quality; the landscape does not have the capacity to absorb the development and the development will result in a detrimental change to the character of this rural area;
- It has not been demonstrated that all sources of flood risk to and from the proposed development have been identified or that adequate measures to manage and mitigate any increase in flood risk arising from the proposed development have been provided;
- It has not been demonstrated that the proposal will not have an adverse impact to Lough Neagh/Lough Beg SPA/Ramsar or Belfast Lough SPA/Ramsar or that the proposal will not have an adverse impact to species protected by law;
- There are no objections from interested third parties;
- There are no objections from consultees.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policies CTY 1 and CTY 11 of Planning Policy Statement 21, 'Sustainable Development in the Countryside', in that it has not been demonstrated that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement, that an active and established farm business operates from this location nor that this proposal for farm diversification is to be run in conjunction with the agricultural operations on the asserted farm business. 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy TSM 6 and Policy TSM 7 of PPS 16 'Tourism' and Policy CTY 1, Policy CTY 13 and Policy CTY 14 of Planning Policy Statement 21 'Sustainable Development in the Countryside' in that the proposed development: <ul style="list-style-type: none"> • Would be a prominent feature in the landscape; • The application site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the development to integrate into the landscape; • The proposed development relies primarily on the use of new landscaping; • The proposed development will fail to blend with the landform; • The application site does not have the capacity to absorb the proposed development; and • The development proposal will result in a detrimental impact to and will erode the character of the rural area. 3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy FLD 1 and FLD 3 of Planning Policy Statement 15 'Planning and Flood Risk' and Policy TSM 7 of Planning Policy Statement 16 'Tourism' as it has not been demonstrated that all sources of flood risk to and from the proposed development have been identified or that adequate measures to manage and mitigate any increase in flood risk arising from the proposed development have been provided or can be managed in a sustainable way. 4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies NH1 and NH 2 of Planning Policy Statement 2 'Natural Heritage', Policy CTY 11 of PPS 21 'Sustainable Development in the Countryside', Policies TSM 6 and TSM 7 of PPS 16 'Tourism' as it has not been demonstrated that the proposal will not have a significant environmental impact to European and Ramsar sites or species protected by law. 	



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Site Location Map


 Site Boundary

Reference: LA03/2020/0385/O

Location: 40 Metres West of 3B Lisglass Road, Ballyclare

Proposal: Tourist Accomodation



1:2,500 

COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2020/0828/F
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Erection of 1no detached dwelling (& retention of existing dwelling)
SITE/LOCATION	34 Glebecoole Park, Newtownabbey, BT36 6HX
APPLICANT	Stephen Heatley
AGENT	H R Jess Ltd
LAST SITE VISIT	2nd February 2021
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext 40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at lands at 34 Glebecoole Park, Newtownabbey, within the development limits of Metropolitan Newtownabbey as defined by the Belfast Urban Area Plan 2001 and draft Belfast Metropolitan Area Plan (published 2004).</p> <p>The application site comprises an existing semi-detached dwelling, with two domestic outbuildings and a smaller greenhouse situated to the rear. An existing gated driveway provides access to the current dwelling. Well established mature trees and hedging define the southern, eastern and western site boundaries and the northern roadside boundary is defined by a mature hedge, approximately two (2) metres in height. A wrought iron gate and two pillars on the northern boundary demarcate the vehicular access to the front of the dwelling, where there is a paved car parking area. To the east and extending to the south of the dwelling is a substantially sized garden area. The topography within the site is relatively flat.</p> <p>The application site is located within an existing residential area. The area is characterised mainly by two-storey, semi-detached, red-brick dwellings with some rendered properties. Lilian Bland Pavilion is to the northwest of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2019/0928/F Location: 34 Glebecoole Park, Newtownabbey, BT36 6HX Proposal: Erection of 2no. detached dwellings (& retention of existing dwelling) Decision: Application Withdrawn (20.07.2020)</p> <p>Planning Reference: LA03/2018/0843/F Location: 32 Glebecoole Park, Newtownabbey Proposal: 4no. residential apartments with parking, landscaping and associated site works</p>	

Decision: Permission Granted (08.01.2019)

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 remains at 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 development limit of the Belfast Urban Area. Policy H7 Infill Housing applies.

Draft Belfast Metropolitan Area Plan (published 2004): The application site is located on unzoned land within the settlement limit of Metropolitan Newtownabbey.

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

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

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

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

CONSULTATION

Council Environmental Health Section - No objection.

Northern Ireland Water - Sewer network at capacity.

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

DAERA: Water Management Unit - No objection subject to conditions.

DfI Rivers – No objection.

Shared Environmental Services – No objection.

REPRESENTATION

Sixteen (16) neighbouring properties were notified, and fourteen (14) letters of objection have been received from eight (8) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Overdevelopment
- Out of character with the area
- Inadequate parking
- Increase in traffic and impact on road safety
- Loss of privacy
- Flood risk
- Inadequate sewerage / drainage provision
- Loss of a view

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 Impact on the Character and Appearance of the Area
- Private Amenity
- Access and Parking
- Neighbour Amenity
- Flood Risk and Drainage
- Natural Heritage
- Other Matters

Preliminary Matters

This application was previously recommended to Planning Committee for refusal however, was withdrawn by officers as the agent submitted an amendment to their original scheme for two dwellings (and retention of the existing dwelling) to one dwelling (and the retention of the existing dwelling). The dwelling previously proposed to the front of the site has been removed. The proposed dwelling to the rear has been amended to remove any first floor windows on the front elevation other than three Velux windows in the roof. The gable windows on both sides of the proposed dwelling have also been removed.

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 purportedly adopted Belfast Metropolitan Area Plan 2015 (BMAP 2015) was for a period of time deemed to be the statutory development plan for this area, however the purported adoption of the Plan by the then Department of the Environment in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) remains the statutory 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.

Both of the relevant development plans identify the application site as being on unzoned land within the settlement limit of Metropolitan Newtownabbey. Policy H7 of BUAP Infill Housing is relevant and advises that proposals for infill housing, such as that proposed, may raise problems in relation to the amenity and character of existing residential areas. Since publication of this Plan regional policy for the consideration of such proposals has been brought forward through Planning Policy Statement 7.

Both Planning Policy Statement 7: Quality Residential Environments and the Regional Development Strategy encourage the reuse of urban land; however, this is caveated by stating that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas and that schemes should be sensitive in design terms to people living in the area and to local character. PPS7 reiterates the need for sensitivity and in Policy QD1 the test is expressed as a proposal not resulting in 'unacceptable damage to local character, environmental quality or residential amenity'.

As such, it is considered that the principle of residential development is acceptable subject to the proposal creating a quality residential environment in accordance with Policy QD1 of PPS 7 and taking account of the guidance set out in the design guide Creating Places.

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

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

Policy QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to all of a number of criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. Objection has been received that the proposal represents an overdevelopment of the site and is out of keeping with the character of the area.

The development proposal takes the form of backland development on a plot that has a depth of 58 metres and proposes the construction of one (1) detached dwelling with the retention of the existing semi-detached dwelling at No. 34 Glebecoole Park. The proposed dwelling is located to the rear of the site and is a 1 ½ storey dwelling with a ridge height of 6.1 metres. External finishes include dark grey/black concrete roof tiles, light brick with grey smooth render walls and Upvc windows. The existing driveway at No. 34 Glebecoole Park will be permanently closed and a new access is proposed from Glebecoole Park to the east of the existing dwelling. The existing and proposed dwellings are provided with two in-curtilage parking spaces.

The surrounding context is predominantly medium density housing of a spacious suburban nature but with parcels of higher density housing opposite and to the north of the site. The area is characterised by two storey semi-detached dwellings, the majority of which have a hipped roof, on medium to large scale plots and set back along linear access roads or around small cul-de-sacs, with a front garden and a back-to-back arrangement. Existing dwellings are finished in a mix of red/brown brick and some roughcast render.

Previously there were concerns that this form of backland development on a plot of this size is not typical of the character of this area and in accessing the dwelling to the rear there may be some disturbance to existing dwellings. However, given the significant amendment to the proposal it is considered that there is no 'harm' created as a result of the proposal and therefore it would be difficult to resist this form of development in this case.

Concerns were raised within a number of objection letters with regards to the design of the proposed dwellings being out of keeping with the existing 1920's style housing that dominates the surrounding area. The proposed dwelling is located behind the existing development and views from the main road will be limited. The proposed dwelling has a low ridge height of 6.1 metres and the scale and massing of the proposed dwelling is considered acceptable.

it is considered that the scheme sufficiently respects the surrounding context in relation to its layout, design, scale, massing and meets the criterion within Policy QD 1 of PPS 7 and Policy LC 1 of the Addendum.

Private Amenity

Criterion (c) of Policy QD 1 requires adequate provision for private amenity space. Supplementary planning guidance on amenity space is provided within 'Creating Place: Achieving Quality in Residential Developments' states that the appropriate level of provision should be determined by having regard to the particular context of the development; provision should be calculated as an average space standard for the development, and should be around 70sqm per house, or greater. Creating

Places goes on to state that 'for any individual house, an area of less than around 40sqm will generally be unacceptable'.

For this proposed development the garden areas indicated on the plans are 70 square metres and 161 square metres. A two (2) metre high close boarded fence is proposed to separate the two sites and will provide privacy from the ground floor windows in the front elevation of the proposed dwelling.

Criterion (c) also requires the adequate provision of landscaped areas as an integral part of the development. As noted above, the development indicates areas of garden extending to the road and proposed tree planting which helps to soften the visual impact of the development. The front boundary hedge is proposed to be cut back to accommodate visibility splays and it is proposed to erect a 1.2-metre-high post and rail fence behind the hedging to define the front boundary. It is considered that the proposal meets Criterion (c) in that the privacy of rear amenity areas is sufficient, as are landscaped areas as an integral part of the overall development scheme.

Access and Parking

Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total numbers of parking spaces to be provided for residents, visitors and other callers. It has been raised through letters of objection that the proposal provides inadequate parking. The proposal provides two in-curtilage parking spaces for each of the two residential units, giving a total of four parking spaces which is considered adequate. A number of points raised by the objectors relate to the access and potential impact on vehicular and pedestrian safety. DfI Roads has been consulted and has raised no objection to the proposal. It is considered the proposal complies with QD1 and PPS 3 with regards to access and parking.

Neighbour Amenity

Criterion (h) of Policy QD 1 states that the design and layout should not create conflict with adjacent land uses and there should be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

The application site is surrounded by existing residential development. A well-designed layout should seek to minimise overlooking and provide adequate space for privacy. The proposed dwelling has no first floor windows on the front elevation other than roof lights and therefore this significantly reduces the potential overlooking from this dwelling. A 2-metre-high close boarded fence is indicated along the boundary to the rear of the existing dwelling at No. 34 and No. 36 Glebecoole Park. The existing mature hedging along the site boundaries to the southeast and southwest boundaries of the site can be conditioned to be retained which will reduce any overlooking impact to the properties within St Quentin Park or to the rear of the site. The first floor dormer window in the rear elevation serves a bathroom and can be conditioned to have obscure glazing to ensure no overlooking to the rear.

The proposed dwelling is positioned with the gable to the common boundary with Nos. 1 and 3 St. Quentin Park to the east. There are no windows proposed in the gable ends of the proposed dwelling and hence a significant level of overlooking

from the proposed dwelling is not likely to occur. No. 36 Glebecoole Park to the north, should not be unduly affected by overshadowing or experience a significant reduction in the amount of daylight due to separation distances proposed and the path of the sun. It is considered that the existing properties on St Quentin Park would only be affected by overshadowing in the late evening, with just a small section of the garden potentially being overshadowed and separation distances are deemed sufficient to ensure that any loss of light is not a significant issue.

The proposed driveway is kept off the boundary with properties at St Quentin Park and although will run alongside the garden of No. 34, any future buyer would be aware of the arrangement.

Flood Risk and Drainage

The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

A watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and known to DfI Rivers as the 'Church Road Stream' is located adjacent to the western boundary of the site.

Letters of objection refer to concerns regarding the disposal of waste and surface water and the subsequent flood risk emanating from the development proposal. Following consultation NI Water has advised that there is a public foul sewer located within Glebecoole Park; however, due to the sewer network being at capacity in the Whitehouse catchment and sewer flows spilling from CSO's into the environment, NI Water is recommending that no further connections should be made to this network or a condition should be incorporated which requires an alternative drainage/treatment solution for the proposed site.

A Drainage Assessment has been submitted by O'Sullivan Macfarlane, date stamped 21st Sept 2021. DfI Rivers and DAERA Water Management Unit has raised no objection to the proposal. Foul sewage is proposed to be discharged to septic tank. Discharge will therefore be authorised by NIEA WMU under the Water (NI) Order 1999. Surface water is proposed to discharge to the storm drain. Discharge under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 has been granted by DfI Rivers to discharge 0.92l/s to Church Road Stream. It is applicant's responsibility to ensure the proposed works do not result in any obstruction to flow arising from a blockage, structural failure, poor workmanship and any other reason and that there is no restriction or reduction to the watercourse's capacity either during construction or upon completion of the works.

Under 6.32 of Policy PPS 15 FLD 2, an adjacent working strip along a watercourse must be retained to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5m, but up to 10m where considered necessary, and be provided with clear access and egress at all times.

Natural Heritage

Church Road stream is the nearest watercourse and located at the boundary of the proposal providing a hydrological connection to European designated sites in Belfast Lough SPA/ Ramsar site (c. 6.3 kms downstream). The proposal suggests connection

of all site surface water drainage infrastructure to Church Road Stream which is hydrologically connected to Belfast Lough Open Water SPA, Belfast Lough SPA/ Ramsar Site and East Coast (Northern Ireland) Marine Proposed SPA.

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 02/02/2022. This found that the project would not have an adverse effect on the integrity of any European site. Shared Environmental Services recommended a condition to ensure a 10 metre buffer is kept between any pollutants and the watercourse.

Other Matters

Loss of a View

Objectors raised a concern regarding the loss of a view from their property if this proposed development were to be permitted and built. The loss of a private view is, however, not generally considered to be a material consideration, unless there is a significant adverse impact on their amenity arising. The amenity impact of the scheme has been addressed above and accordingly no determining weight is therefore being given to this matter.

CONCLUSION

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

- The principle of the development is acceptable;
- The development respects the character of the surrounding area;
- There are no concerns in relation to neighbour amenity in terms of overlooking;
- It has been demonstrated that an adequate parking and turning arrangement can be provided;
- There is sufficient provision of private amenity areas; and
- It is considered the proposal will not have a significant impact in terms of flood risk or drainage.

RECOMMENDATION

GRANT PLANNING PERMISSION

CONDITIONS:

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

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

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02/3 bearing the date stamp 16th February 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. No other development hereby permitted shall be occupied until the existing access indicated on Drawing No 02/3 bearing the date stamp 16th February 2022 has been permanently closed and the carriageway / footway properly reinstated to DfI Roads satisfaction.

Reason: In order to minimize the number of access points on to the public road in the interests of road safety and the convenience of road users.

5. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No. 02/3 bearing date stamp 16th February 2022 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

6. Prior to and for the duration of the construction phase, a clearly defined of at least 10 m buffer shall be maintained between the location for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and watercourses within and adjacent to the red line boundary.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site

7. The existing natural screenings of the site, as indicated on approved Drawing Number 02/3 date stamped 16th February 2022 shall be retained at a minimum height of 2 metres 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.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

8. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread of 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.

9. 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.

10. The bathroom window on the first floor rear elevation as indicated in green on Drawing No. 05/2 date stamped 20th September 2021 shall be obscure glazing and shall be retained as such during the lifetime of the permission.

Reason: In the interest of privacy and amenity.

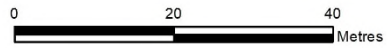


Location Map

Application Reference: LA03/2020/0828/F

Location: 34 Glebecoole Pk, Newtownabbey

Proposal: Erection of 2no detached dwellings (& retention of existing dwelling)



 Site Boundary



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2021/0662/F
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Installation of a static concrete mixer and an additional cement silo in existing builders merchant yard
SITE/LOCATION	Rear of 397 Antrim Road, Glengormley, Newtownabbey
APPLICANT	Samuel Kirk (Builders Merchant) Ltd
AGENT	Mr J W S Preston
LAST SITE VISIT	7th September 2021
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located along the Antrim Road, Glengormley, within the development limits of Newtownabbey as defined in the Belfast Urban Area Plan and draft Belfast Metropolitan Area Plan (published 2004). The site is Whiteland and not zoned for any particular purpose.</p> <p>The site forms part of an existing builder's merchants, Samuel Kirk (Builders Merchant) Ltd, and includes the existing access off Antrim Road and a large storage shed to the northernmost part of the site with a yard to the front. An existing cement silo of approximately 7.6 metres in height is located adjacent and to the south of the existing storage building. The builder's merchant site extends further west of the application site and is outlined in blue on the site location plan, Drawing No. 01, date stamped 30th June 2021.</p> <p>A two (2) metre high fence defines the boundary to the west with an entrance to No. 399 and 399A Antrim Road which abuts the site. To the eastern side is a one (1) metre high wall with fence extending to approximately 1.5 metres in height where the site abuts the existing properties in Braemar Court. This wall extends to 2 – 2.5 metres along the eastern boundary towards the rear of the site and conifer trees are also located to the east of the existing storage building.</p> <p>The area is primarily residential with existing residential properties abutting the existing builder's merchant site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2011/0375/F Location: Lands south of 399 Antrim Road, Glengormley, BT36 5ED, Proposal: Retention of car park area and construction of replacement wall to front of site Decision: Permission Granted (23.04.2012)</p>	

Planning Reference: U/2002/0263/F
Location: 397 Antrim Road Glengormley BT36 5ED
Proposal: Proposed alterations and extension to builder's merchant's premises.
Decision: Permission Granted (12.09.2002)

Planning Reference: U/2000/0001/F
Location: 397 Antrim Road, Glengormley
Proposal: Erection of single storey extension to builder's merchants building to form new sales area and store (amended proposal)
Decision: Permission Granted (23.05.2000)

Planning Reference: U/1998/0551/A
Location: 397 Antrim Road, Glengormley
Proposal: Retention of 7 No. wall mounted signs and 2 No. signs attached to the fence.
Decision: Permission Refused (04.03.1999)

Planning Reference: U/1993/0118/F
Location: 397 Antrim Road, Glengormley.
Proposal: Demolition of existing storage sheds and erection of new sales and storage buildings.
Decision: Permission Granted (15.06.1993)

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – Requested noise and dust assessment.

Department for Infrastructure Roads- No objection.

Department for Communities Historic Environment Division – No objection.

DAERA: Water Management Unit – No objection.

Belfast City Airport – No objection.

Northern Ireland Water – No objection

REPRESENTATION

Forty-four (44) neighbouring properties were notified, and eight (8) letters of objection have been received from five (5) properties and three (3) email addresses. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Health implications from cement dust
- Implications from dust on properties such as dirty windows, dust entering houses, affecting washing on the line, unable to enjoy amenity space etc;
- Noise;
- Odour;
- Unobstructed view from neighbouring homes;
- Pollution and impact on the environment from increase in vehicles to and from the site, from increased energy consumption and airborne emissions from additional machinery;
- Devaluation of properties;

- Hours of operation of the cement mixer;
- Out of character with the residential area;
- A similar installation in Belfast is causing problems to the local community;
- Requirement for further opportunity to provide comments once further information has been obtained;
- Overshadowing from large equipment;
- Insufficient room on the site to cope with an increase in footfall/customers which the additional equipment will encourage;
- Lack of parking available;
- Traffic impact from queues of vehicles at peak periods causing disruption on Antrim Road;
- Applicants should consider relocation to a larger and more appropriate site;
- No. 40 Kirkdale did not receive a neighbour notification letter.

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 Road Safety
- 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 settlement limit of Metropolitan Newtownabbey in both Plans. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

Policy PED 1 'Economic Development in settlements' of Planning Policy Statement 4 'Planning and Economic Development' states that a development proposal to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED 9. The planning history on the site indicates that the application site has been a builder's merchants in excess of 20 years. It is therefore considered that the principle of development for the additional equipment within the existing builder's merchants is acceptable, subject to meeting policy requirements.

Design and Appearance

Policy PED 9 requires that the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist in the promotion of sustainability and biodiversity.

The proposal includes one static cement mixer which is approximately 6.5 metres in width, 2.4 metres deep and 3.3 metres in height. The proposal also includes a cement silo with light grey painted matt finish which is approximately three (3) metres in width. It is worth noting that on Drawing No. 04 there is an anomaly in that the height of the proposed cement silo measures 8.7 metres in height but the note on the drawing indicates the height to be 9.5 metres. The proposed equipment is located within the existing yard. It involves no increase in the site area and is located to the side of the existing storage building adjacent to an existing cement silo. There is no record of planning permission for the existing silo however, the applicant's agent has advised that the silo was erected approximately ten years ago and although the appropriate method for determining the lawfulness of development is through a 'Certificate of Lawful Use or Development' application, this has not been requested as the proposal is considered unacceptable as discussed further below.

Views of the proposed equipment will be limited from the public road due to the set back of the equipment within the site and the surrounding development. Objections received state that the proposal is out of character for this residential area and that the applicants should consider the move to a larger and more appropriate site. In principle the builder's merchant currently exists and is in operation at this location and PPS 4 allows for the expansion of existing enterprises where a number of criteria are met which have been considered within this report.

Policy PED 9 requires that appropriate boundary treatment and means of enclosure are provided and any areas of outside storage are adequately screened from public view. The proposal is set within an existing builder's merchant's site and the existing boundary treatments are to remain with existing walls and fencing in place.

Neighbour Amenity

Policy PED 9 requires that the proposal will not harm the amenities of nearby residents. The SPPS, states that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

With regard to safeguarding residential and work environs, Paragraph 4.11 of the SPPS indicates that there 'are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when managing development'. It further states that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

Paragraph 4.12 further indicates that there are other amenity considerations arising from development that may have potential health and well-being implications.

These include design consideration, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

It has been raised through letters of objection that the visual impact of the proposal from surrounding properties will be unacceptable. The proposal will be visible to existing properties within the surrounding area including those within Rose Park, Braemar Court and Kirkdale. The closest properties to the proposal are Nos. 4 and 6 Rose Park as the property boundaries are some 13 metres from the proposed equipment and Nos. 36 and 38 Kirkdale which abut the concrete mixing area, with the property boundary of No. 38 Kirkdale located approximately five (5) metres from the proposed cement silo. From those properties within Kirkdale, the silo is positioned behind the existing cement store and although the proposal is higher, the additional visual impact is not likely to be significant. From No. 38 Kirkdale the proposal will be visible, however, the orientation of the dwelling is such that it will not be looking directly onto the equipment. It is considered that the views from neighbouring properties are not restricted by the proposed development, instead it is a change of view from that which exists at present, and it is not considered that the change of view is significantly detrimental to the outlook of the existing dwelling given the context of the application site which is currently used as a builder's merchant.

Objectors also raised concerns that the proposal would overshadow the existing residential properties. The proposed static mixer is 3.3 metres in height and therefore will have no significant overshadowing impact. The proposed cement silo is approximately 9.5 metres in height however, from the closest properties within Rose Park, the proposed silo will be set behind the existing cement store which is 7.5 metres in height and given the path of the sun, any additional overshadowing impact will be minimal. A separation distance of five (5) metres is proposed between the property boundary with No. 38 Kirkdale and the proposed cement silo. While some overshadowing impact may be experienced this will be in the morning only and given the proposal is set adjacent to an existing cement store, any additional impact is not likely to be to an unreasonable degree.

Objection has been received with regards to impact on residential amenity including from noise, dust and odour. These concerns relate to both the restriction on the enjoyment of the occupants' properties and also the impact on the occupants' health. The Environmental Health Section has been consulted and raised no concerns with regards to odour, however, they requested additional information with regards to dust and noise which was initially requested on 14th September 2021. It was highlighted what this would entail and that it should be undertaken by a competent person and should demonstrate how amenity at nearby sensitive receptors can be protected from the adverse impacts from noise and dust. No information was received and a further reminder letter was issued to the applicant's agent on 5th October 2021. Additional time to submit the information was requested by the agent and an extension to the time for the submission of the information was granted until 30th November 2021. No further information was received and a final reminder letter was issued on 10th January 2022.

On 30th January 2022 and 31st January 2022 emails were received from the agent with regards to noise stating that none of this type of equipment has as yet been erected in NI, however, it also stated that the electric motor produces a noise level of 63db and is contained in an insulated cabinet and that the noise level generated

would not be heard above the existing background noise in the area generated by the normal business activity of the yard and the sound of traffic on the nearby road. The email also set out that the applicant is not aware of any complaints with the business and that the site has been used for the sale of building supplies for well in excess of sixty years. This information is not considered to be sufficient to demonstrate that the proposed development will not have an adverse impact in terms of noise. No information was received with regards to dust.

In relation to possible impact on human health, no evidence has been presented to suggest human health will be adversely impacted by this proposal. In addition, the Environmental Health Section of the Council was consulted on the proposal and stated that the proposed development site will require a permit for the control of emissions into the air from the blending, packing, loading, unloading and use of bulk cement, issued under the provisions of the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013.

Access, Parking and Road Safety

Objectors raised concern that there is insufficient room on the site to cope with an increase in footfall/customers which the additional equipment will encourage and that there is a lack of parking available. The application form states that there will be no increase in staff, goods or customers. Objectors also raised concerns regarding the traffic impact from queues of vehicles at peak periods causing disruption on the existing road network. DfI Roads has been consulted and has been notified of the objections received and has raised no objection to the proposal in this regard. It is considered that the proposal complies with PPS 3 'Access, Movement and Parking'.

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

Drainage

The application proposes to dispose of foul sewage to a Northern Ireland Water (NIW) sewer. It is the developer's intention to discharge site drainage to NIW foul/combined sewer via an interceptor. NI Water has raised no objection to the proposal.

Cement, concrete and grouts are highly alkaline and corrosive and can cause serious and significant pollution to the ground and watercourses. Water wildlife, such as invertebrates and fish, are very sensitive to changes in pH (acid/alkaline) levels. Suitable arrangements to deal with the concrete contaminated washings and waste must always be in place to prevent pollution. Treated or untreated washings or wastes must never enter into any drain or surface water. Wash waters from concrete and cement works should never be discharged into the aquatic environment. DAERA Water Management Unit has been consulted and has raised no objection to the proposal.

Impact on the Environment/Pollution

Objectors raised concerns regarding pollution generated as a result of the proposal and the impact on the environment from an increase in vehicles to and from the site, from increased energy consumption and airborne emissions from additional machinery. The Council's Environmental Health Section and DAERA have been consulted with the proposal and the development site will require a permit for the control of emissions into the air from the blending, packing, loading, unloading and use of bulk cement, issued under the provisions of the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013.

Devaluation of Properties

The perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case no specific or verifiable evidence has been submitted to indicate what effect this proposal is likely to have on property values. As a consequence, there is no certainty that this would occur as a direct consequence of the proposed development nor would any indication that such an effect in any case be long lasting or disproportionate. Accordingly, it is considered that that this issue should not be afforded determining weight in the determination of this application.

Hours of Operation

Concerns have been raised through letters of objection regarding the hours of operation of the site. When considered appropriate, conditions can be applied restricting the hours of operation and provision of mitigation to reduce to a minimum adverse impact arising from noise in order to safeguard the amenities of neighbouring properties. As discussed above, insufficient information has been received in order to determine that the proposal will not have an unacceptable impact in terms of noise.

Similar installation in Belfast is causing problems to the local community

Objectors raised concerns that another similar installation in Belfast is causing problems to the local community and that this should be taken into consideration. No information was provided with regards to the location or specific details of the case however, it is difficult to compare applications like for like and no information has been supplied by the objectors as to why that decision and this application are comparable. In addition, every application is assessed on its own merits.

Neighbour notification

The occupants of No. 40 Kirkdale submitted a letter of objection, however, they pointed out that they did not receive a neighbour notification letter and found out through a neighbour. This property does not fall within the statutory requirements of Article 8 (1) (b) of The Planning (General Development Procedure) Order (Northern Ireland) 2015 in that the dwelling does not abut the application site boundary however, it is noted that the dwelling abuts the wider builder's merchant site. It is evident from receipt of the objection letter that the complainant was aware of the development proposal and not prejudiced in respect of not being made aware of the development proposal at an earlier stage.

CONCLUSION

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

- The principle of the development is considered acceptable;
- The design and impact on the character of the area is not considered to be significant;
- It has not been demonstrated that the proposal will not have an adverse impact on neighbour amenity by way of dust and noise impact;
- It is considered that the proposal will not have a detrimental impact on road safety.

RECOMMENDATION	REFUSE PLANNING PERMISSION
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PROPOSED REASON OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 4 'Planning and Economic Development', in that it has not been demonstrated that there will be no unacceptable adverse effects on the existing neighbouring residential properties in terms of noise disturbance and dust impact.




Site Location Plan

Application Reference: LA03/2021/0662/F

Installation of a static concrete mixer and an additional cement silo in existing builders merchant yard

Rear of 397 Antrim Road
 Glengormley
 Newtownabbey



 Site boundary



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2021/0972/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Change of use of dwelling to religious meeting room with associated parking
SITE/LOCATION	36 Ballyrobin Road, Templepatrick, BT39 0JH
APPLICANT	Neil Cooper (Trustee)
AGENT	Jackie Milliken
LAST SITE VISIT	11 th November 2021
CASE OFFICER	Name: Ashleigh Wilson Tel: 028 903 Ext 340429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the rural area, outside any settlement limits as defined within the Antrim Area Plan 1984 – 2001.</p> <p>The application site comprises a single storey bungalow with a pitched roof. The bungalow has a narrow and elongated floor plan with concrete interlocking roof tiles, pale coloured rough dash render and wooden window frames.</p> <p>The dwelling has been subject to several additions, which include a pitched roof and relatively shallow single storey projection running perpendicular to the floor plan at the front elevation and a two storey flat roofed extension at the southwestern gable. Permission was granted in 2017 for an upper storey and garage extension, including partial use of the dwelling as a Bed and Breakfast accommodation and increasing the curtilage of the dwelling to provide an access route to a proposed new garage in the rear garden.</p> <p>The dwelling is set back approximately 25 metres from the access road, which in turn is set back approximately 45 metres from the Ballyrobin Road and well screened from the road by a linear stand of mature trees at the edge of the public road.</p> <p>The northeastern boundary is defined by mature, deciduous trees abutting an agricultural lane. The southwestern boundary is physically undefined, however there are conifer trees marking the existing southwestern boundary of the dwelling curtilage. An area of hardstanding is located in front of the dwelling and a small garden area is located within the northern corner of the site. The northwestern boundary is defined by a dashed wall of approximately one (1) metre in height which is supplemented by mature hedging at approximately 12 metres in height.</p>	

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2017/0826/F

Location: 36 Ballyrobin Road, Templepatrick, Ballyclare, BT39 0JH

Proposal: Upper storey and garage extension, including partial use of the dwelling as Bed & Breakfast accommodation and increasing the curtilage of the dwelling to provide an access route to a proposed new garage in the rear garden

Decision: Permission Granted (05.03.2018)

Planning Reference: T/1989/0114

Location: 36 Ballyrobin Road, Templepatrick, Ballyclare, BT39 0JH

Proposal: Roofspace conversion

Decision: Permission Granted (08.05.1989)

Planning Reference: T/1985/0475

Location: 36 Ballyrobin Road, Templepatrick, Ballyclare, BT39 0JH

Proposal: Alterations and additions to dwelling

Decision: Permission Granted (05.12.1985)

Planning Reference: T/1979/0150

Location: Camwood 36 Airport Road, Templepatrick

Proposal: Alterations and additions to bungalow

Decision: Permission Granted (02.05.1979)

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection

NI Water – No objection

DfI Roads – No objection, subject to a condition.

REPRESENTATION

No neighbouring properties were notified as no properties abut the application site boundary, and eleven (11) letters of support have been received. The full representations made regarding this proposal are available to view online at the Planning Portal (www.planningni.gov.uk).

- Actively seeking to find suitable land/accommodation for some 8 years;
- 3 existing halls in Glengormley area have been sold as members of the congregation have moved to the rural area;
- There are too many at the nearest Loanends room to have collective worship;
- Location of meeting room is close by to the members of the congregation that would use it;
- No other properties in the area are suitable;
- The room would provide a quiet, secluded, central location with safe access and good parking where families could meet;
- The proposal would secure the upkeep and retention of the property;
- Church is an important and necessary part of life and a unique feature of the church is that all members of each family participate in communion and there is a constraint on numbers.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

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 outside any settlement limit defined in AAP and located within the countryside. 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. Amongst these is Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) and the Strategic Planning Policy Statement for Northern Ireland.

The SPPS and Policy CTY 1 of PPS 21 sets out the types of development that are considered to be acceptable in principle in the countryside and one of the accepted types of development within the SPPS and Policy CTY 4 of PPS 21 is the conversion and re-use of existing buildings for non-residential use. Policy CTY 4 states that 'planning permission will be granted to proposals for the sympathetic conversion of, with adaptation, if necessary, a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention.' Paragraph 6.73 of the SPPS states however that provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a 'locally important building'. The SPPS therefore introduces a change to what was previously accepted under Policy CTY 4, that being, the building to be converted has to be one of 'local importance'. The SPPS does not define 'locally important' but rather gives a list of examples such as former school houses, churches and older traditional barns and outbuildings. The existing building is a dwelling, and no evidence has been presented as to why this particular building is locally important and therefore the proposal does not meet this policy.

Policy CTY 1 also allows for a necessary community facility to serve the local rural population. The supporting text to Policy CTY 1 provides no definition of community facilities, however, a church can be considered to fall within the definition of community facilities. Policy PSU 1 'Community Needs' of 'The Planning Strategy for Rural Northern Ireland' allows for sufficient land to be allocated to meet community needs. The policy also states that should circumstances require that new sites are needed, land will be identified by individual site assessment or through the process of preparing a development plan.

The applicant's agent provided additional information throughout the processing of the application to seek to provide justification for the proposal. The applicant's concept statement outlines the requirement for the facility for the Brethren Christian Church to use the existing vacant dwelling as a meeting room for a congregation to use. The full congregation have a facility in Mallusk. The existing congregation then gather in small subdivision meeting rooms and use these rooms for the Lord's Supper on Sunday mornings and a prayer meeting on Monday evenings. The smaller halls / meeting rooms are considered by the congregation as essential as the maximum number that can come to the Lord's Supper and partake of the sacraments is approximately 40 – 50 persons. The congregation at the nearest hall at Loanends has outgrown the capacity (over 91) of that hall.

The supporting information indicates that members attend different halls such as Loanends, and some of the halls around Glengormley. These would have been their nearest halls when they lived in that area. Over the last few years the majority of the congregation have moved away from Glengormley/ Mallusk to more rural addresses. The congregation are a very private family orientated group and moving to rural settings helps with their privacy wishes.

A spreadsheet has been provided indicating the addresses of the families and the various halls they would eventually attend should this application be successful. The group have been trying to secure a premises for some years now. The supporting information states that they have looked at Loanends old schoolhouse but it was too close to the existing Loanends Hall. Properties were looked at within the development limits of Templepatrick adjacent to the roundabout but this was seen as too dangerous because it was so near the junction. They approached another hall in Templepatrick but it was not successful and not for sale. The requirement for the facility in the countryside location is to have it within close proximity to the majority of the congregation that use it.

A further supporting document was submitted on 22nd February 2022 highlighting the congregation's requirement for the halls in Belfast and surrounding areas:

1. The number of PBCC congregation in Belfast is approximately 300;
2. The Main City Hall is -9 Hydepark Road, Mallusk, BT36 4PY. This Meeting Hall is used nearly every day throughout the year. (Pre Covid);
3. Belfast PBCC has other smaller meeting halls (subdivisions) at the following addresses: -
 - Carnmoney -2 Ballyduff Road, Glengormley, BT36 6PA
 - Carwood -58 Carwood Park, Glengormley, BT36 5JR. Plans to sell this when other halls are obtained.
 - Hydepark -7 Hydepark Road, Newtownabbey, BT36 4PY
 - Sandyknowes -Antrim Road, Newtownabbey, BT36 7PP
 - Loanends -182 Seven Mile Straight, Muckamore, BT41 4QY. (Over full)
 - Lower Size Hill, Ballyclare- construction to commence soon
 - Antrim Road -723 Antrim Road, Templepatrick, BT39 0AR. (Temporary cabin)

During the past 12 years the PBCC congregation has slowly been moving out of the inner town areas of Glengormley and surrounding area and moving to Ballyclare, Ballynure, Templepatrick, Parkgate and Loanends areas.

The following meeting halls have therefore been sold:

- 75 Antrim Road Newtownabbey BT36 7PS
- 10 Ballyduff Road BT36 Carnmoney
- Glebecoole Park BT36 6HX

A fundamental principle the PPBC use is for the congregation members to go to their nearest meeting hall which they seek to ensure is not more than 2 miles from any church members house. This has not been able to be adhered to due to the congregation moving out to new areas. Some members have to travel considerable

distances from their homes to be able to have the Lord's Supper and assemble for prayer.

After searching the area for many years the congregation felt that the application site was the ideal location for the following reasons;

- It has planning permission for a very large extension for a bed and breakfast and it was concluded that permission should therefore be easily acquired for a small meeting hall.
- It is situated on a quiet, little used public road.
- Adjacent to commercial premises and close to a much larger meeting hall
- Is close to many of the local congregation
- Will relieve the overfull Loanends Hall.
- The property is virtually derelict and had been on the market a long time with no residential purchasers acquiring it.
- The whole site and road will be tidied and cleaned up which will improve the area for everyone's benefit

The supporting document also indicates a map showing the location of the congregation members who would use the facility. This highlights that members would be travelling through and past other existing settlement limits such as Parkgate and Templepatrick to access the facility. There is limited details with regards to availability of suitable sites within nearby settlement limits.

The supporting information demonstrates that there are a number of halls available however, congregation members are relocating and therefore existing facilities are being sold and new facilities are considered by the congregation to be required. While the supporting information identifies a local rural catchment area located within a short travel distance it does not demonstrate this is a necessary community facility to serve the local rural population. It is considered that it has not been demonstrated why this development is essential in the rural location and could not be located within a settlement.

Design and Appearance

It is proposed to remove some internal walls to create a large internal meeting room. The proposal involves refurbishment of the kitchen and bathrooms. The front door and step are to be replaced to provide disabled access. The front driveway and turning area will be re-surfaced to provide extra parking within the site. There will be no change to the external appearance of the dwelling and it is considered the small area of additional hardstanding will not have a significant visual impact due to the existing vegetation along the roadside (northwestern) boundary.

Neighbour Amenity

The site is located within a rural area, the site is not adjacent to any properties outside the ownership of the applicant and as such it is considered that the proposal will not result in an unacceptable impact on the amenity of any residential properties in the area. The Council's Environmental Health Section has been consulted and has advised that there are no objections to the proposal.

Impact on Character and Appearance of the Area

The SPPS paragraph. 6.70 states that all development in the countryside must integrate into its setting and respect rural character. Policy CTY 13 of PPS21 - Integration and Design of Buildings in the Countryside states that a new building will be unacceptable where the design of the building is inappropriate for the site and its locality. The Strategic Planning Policy Statement (SPPS) reinforces this and states that in all circumstances proposals for development in the countryside must not have an adverse impact on the rural character of the area.

The minimal changes to the dwelling along with established mature vegetation will ensure that the proposed development is well screened from view and will integrate on the site when approaching the site travelling on the laneway and main Ballyrobin Road. It is therefore considered that the proposed development will not have an adverse impact on the character and appearance of the area.

Access, Movement and Parking

The proposed access is to be taken off a minor road off Ballyrobin Road. 12no. parking spaces have been indicated to the front of the property and the majority of this area is currently hardstanding. DfI Roads has been consulted and has no objection to the proposal, subject to conditions.

CONCLUSION

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

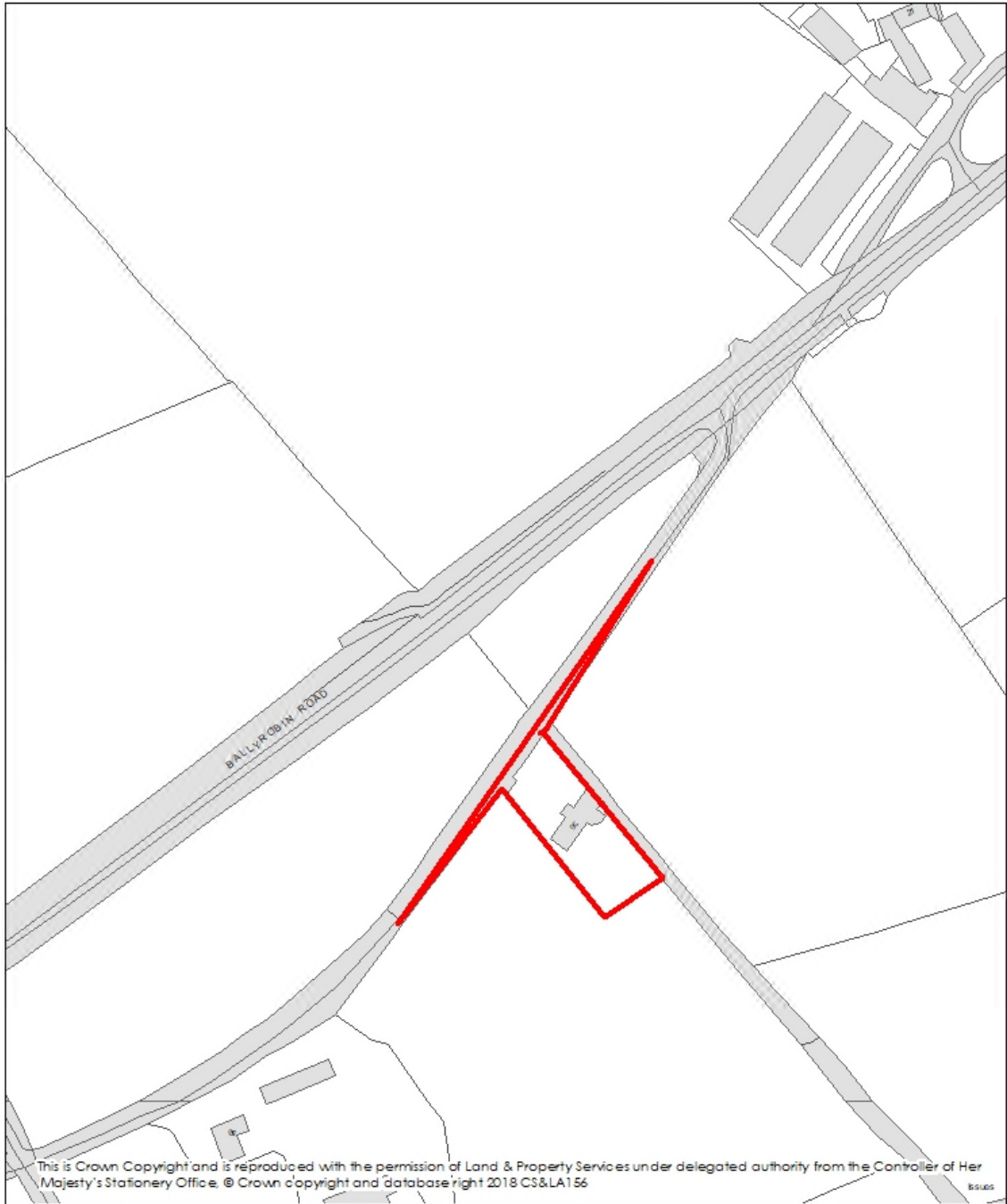
- The principle of development is considered unacceptable;
- It is considered a dwelling on this site will not have a detrimental impact on the character and appearance of the area; and
- The proposal is considered to result in adverse impacts on neighbouring properties as a result of the proposed access arrangements.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON OF REFUSAL

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside' in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.



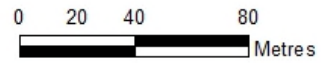
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Site Location Plan

Application Reference: LA03/2021/0972/F

Change of use of dwelling to religious meeting room with associated parking

36 Ballyrobin Road
 Templepatrick
 BT39 0JH



 Site boundary



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2021/0739/F
DEA	MACEDON
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Demolition of existing shed on the site. Proposed residential development comprising of 10 x 2 storey semi-detached dwellings and 2 x 2 storey town houses, associated infrastructure, carparking and landscaping.
SITE/LOCATION	Site 10m East of 10 and 19 Glenabbey Drive 10m East of 20 and 23 Glenabbey Avenue 10m East of 26 and 53 Glenabbey Crescent Newtownabbey BT37 0YT
APPLICANT	T A Downey Limited
AGENT	McGurk Architects
LAST SITE VISIT	19th October 2021
CASE OFFICER	Sairead de Brún Tel: 028 903 40406 Email: sairead.debrun@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located within the development limits of the Belfast Urban Area as designated in the Belfast Urban Area Plan (BUAP) and within the development limits of Metropolitan Newtownabbey as defined in the draft Belfast Metropolitan Area Plan (published 2004).</p> <p>The site is located off the Glenville Road in Newtownabbey, on a strip of relatively flat land wedged between the existing Glenabbey developments to the west, and the Belfast to Larne and Belfast to Londonderry railway tracks to the east. The application site is bounded on all sides by mature fir trees and hedging, with additional palisade fencing along the northern boundary, and a 2-metre-high close boarded fence along the western boundary where the site abuts existing properties in Glenabbey Drive, Avenue, and Crescent. There is an existing two storey barrel roofed building in the northeastern corner of the application site, and a NI Water combined sewer overflow located in the southeastern corner.</p> <p>The surrounding area is predominantly residential in character, defined by two storey detached and semi-detached dwellings to the south, east, and west. Opposite and north of the application site is a large commercial/industrial yard, with the railway line running the entire length of the eastern boundary of the site.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history.	

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 remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Belfast Urban Area Plan 2001 (BUAP): The application site is located within the settlement limit of Newtownabbey.

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – Objections raised.

Northern Ireland Water – Objections raised.

Department for Infrastructure Roads- Amendments required.

DfI Rivers – Amendments to Drainage Assessment required.

Belfast City Airport – No objection.

Northern Ireland Transport Holding Company – No objection.

REPRESENTATION

Twelve (12) neighbouring properties were notified with two (2) letters of objection received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

The key points of objection raised are summarised below:

- The proposed development will affect the value of existing properties in the area;
- The area is too close knit for further development;
- The application site should be used for a children's park as there are no suitable facilities in the area;
- Diversion of a watercourse through the existing developments has caused subsidence to properties;
- The watercourse has been diverted towards the application site.

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

Policy Context and Principle of Development

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

The purportedly adopted Belfast Metropolitan Area Plan 2015 (BMAP 2015) was for a period of time deemed to be the statutory development plan for this area, however the purported adoption of the Plan by the then Department of the Environment in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) remains the statutory 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.

Both of the relevant development plans identify the application site as being on unzoned land within the settlement limit of Metropolitan Newtownabbey and are silent on this type of development.

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).

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

- PPS 3: Parking and Movement;
- PPS 7: Quality Residential Environments; and
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas.

As the application site is deemed to fall within the development limits of Metropolitan Newtownabbey and on unzoned white lands, it is considered that the principle of residential development is acceptable subject to the proposal creating a quality residential environment in accordance with Policy QD1 of PPS 7 and the Creating Places design guide as well as meeting other relevant policies.

Design, Layout and Appearance

Both Planning Policy Statement 7: Quality Residential Environments and the Regional Development Strategy encourage the reuse of urban land however; this is caveated by stating that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas and that schemes should be sensitive in design terms to people living in the area and to local character. PPS7 reiterates the need for sensitivity and in Policy QD1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

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

Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposed development will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to all of a number of criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

The proposed development takes the form of ten semi-detached dwellings and two detached units. All dwellings are two storeys, with the semi-detached units having a

ridge height of 9.2 metres to finished floor level, two front groundfloor bay windows, and a flat roof single storey rear return. The two detached dwellings have a ridge height of 8 metres to finished floor level; they also have two front groundfloor bay windows, and a two storey rear return. External finishes for all units are shown as red brick cladding with smooth render surrounding the bay windows, anthracite grey windows, door frames and rainwater goods, with a blue/grey slate/tile roof covering.

It is proposed to access the new development through the existing Glenabbey developments; Plot 1 is accessed from an existing turning head in Glenabbey Drive, while Plots 2 to 8 inclusive will be accessed off Glenabbey Avenue and via a new internal estate road. Plots 10, 11, and 12 are accessed from Glenabbey Crescent.

The proportions, massing, and appearance of the proposed development are considered to respect the surrounding development in Glenabbey, which is comprised of two storey semi-detached and detached dwellings finished with a mix of red brick and white/cream coloured pebble dash.

The layout of the proposed development is largely mostly considered satisfactory, however there are some concerns which are addressed below. Existing building lines within the Glenabbey developments are largely maintained and respected, and the majority of dwellings occupy the traditional gable-to-gable and rear-to-rear arrangement as exhibited within the adjacent development. Incurtilage parking for the majority of the new development is provided to the side of the dwellings, and the overall level of hardstanding provided within the proposed development is considered acceptable.

There are concerns however, with the two proposed units on Plots 6 and 7. These plots occupy a central location within the application site and have a frontage to the new internal estate road, with Plot 6 taking up a corner site and is positioned gable end to this new road also. The proposed dwelling for this plot has not been appropriately designed for this corner site and the dwelling does not adequately address both frontages. In addition, the front boundary of Plots 6 and 7 is to be defined by a one-metre-high brickwork wall, with one-metre-high railings on top, while the entire length of the side boundary of Plot 6, which is just over 30 metres, is defined by 2-metre-high brickwork screen wall. Such a boundary treatment on a prominent corner site within the proposed development scheme is considered unacceptable in terms of its visual impact and the quality of the overall scheme. The layout of this section of the proposed development has failed to comply with Policy QD 1 as it does not create a quality and sustainable residential environment.

Private Amenity

Criterion (c) of Policy QD 1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided within 'Creating Places: Achieving Quality in Residential Developments'. This states that the appropriate level of provision should be determined by having regard to the particular context of the development; provision should be calculated as an average space standard for the development as a whole, and should be around 70sqm per house, or greater.

The proposed development comprises a mix of three and four bed dwellings, which suggests it is aimed at a family market, and there are on offer a variety of garden

sizes. While the majority of plots have a private amenity space of more than 70sqm the dwellings on Plots 4, 5, and 9 specifically have considerably less than the recommended 70sqm, with just 60sqm, 46sqm and 50sqm respectively. It is considered that this provision of private amenity space is not reflective of the surrounding developments which meet with the recommended private amenity levels.

Criterion (c) also requires the adequate provision of landscaped areas as an integral part of the development. The proposal is open plan with small, landscaped areas to the front of a number of proposed dwellings, which are considered sufficient in size and scale to assist in the integration of the development and to soften its visual impact.

Parking Provision

Criterion (f) of Policy QD1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total number of parking spaces to be provided for residents, visitors, and other callers. For the proposed development of ten three bed semi-detached dwellings, and two four bed detached units, a total of 31 parking spaces are required. Each dwelling is provided with two in-curtilage parking spaces, accounting for 24 of these spaces, with sufficient space along the internal estate road to allow for occasional parking by visitors and other callers. For these reasons therefore, the development can provide adequate and appropriate parking provision and meet with criterion (f).

Neighbour Amenity

Criterion (h) of Policy QD1 states that the design and layout should not create conflict with adjacent land uses and there should be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise, or other disturbance.

Noise disturbance may be an issue, however, this will be during the construction period only and on completion of the development, should cease to be a concern.

A well designed layout should seek to minimise overlooking between proposed and existing dwellings and provide adequate space for privacy. Creating Places advises that a sufficient separation distance and an appropriate boundary treatment should be provided to ensure privacy.

The application site is bounded along the western boundary by existing residential properties, and in this regard, it is considered that the proposed development will not create conflict with the adjacent land use. In addition, the new residential units are positioned a sufficient distance from the existing dwellings and there should be no unacceptable effect on these properties in terms of overlooking, loss of light, overshadowing, noise, or other disturbance.

However, as noted above, there are concerns with some elements of the layout of the proposed development, and it is considered that the future residents of dwellings on a number of plots within the new development could be affected by overlooking and loss of amenity.

Creating Places advises of a separation distance of greater than 20 metres where development abuts the private garden area of an adjacent dwelling, with a

minimum of around 10 metres between the rear of new dwellings and the common boundary. In the case of the dwelling on Plots 8 and 9, which abut the private garden area of Plot 10, there is a separation distance of only 8 metres between the rear elevation and the common boundary. This rear elevation has four, first floor bedroom windows, which together with the reduced separation distance, may give rise to issues of overlooking and impact on the level of privacy for the future occupants of the dwelling on Plot 10.

A reduced separation distance is also proposed to Plot 7, with a distance of approximately 5 metres between the rear elevation of the dwelling on this site and the private amenity space associated with the dwelling on Plot 5.

There are also concerns with the level of privacy afforded to the amenity space for the dwelling on Plot 6. The back garden area for this dwelling backs onto the side elevation of the dwelling on Plot 5, with this dwelling sitting forward of the building line for Plot 6, thereby giving rise to the potential for overlooking from the dwelling on site 5.

Based on this assessment, it is considered that the development does not meet with the criteria of Policy QD 1 in that it has not been satisfactorily demonstrated that there will be no unacceptable adverse effect on proposed properties in terms of overlooking, and loss of private amenity.

Criterion (i) of Policy QD1 of PPS 7 states that proposed residential development should be designed to deter crime and promote personal safety. It is considered that the proposed development meets this objective, by positioning the dwellings fronting onto the access road and having private amenity space to the rear.

The application site is located immediately west of the Belfast to Londonderry and Belfast to Larne railway lines (where 4 lines merge into 2), and the proposed residential development may be affected by noise and vibration associated with the use of the railway line. Part of the development site is adjacent to the Glenville Road and may be subject to high levels of road traffic noise. In addition, there are commercial / industrial premises to the north of the proposed development which may also have an impact on residential amenity. Consequently, the applicant was requested to undertake a Noise Impact Assessment to assess the daytime and night-time noise impact of the adjacent railway lines on the proposed development, and any noise arising from the commercial/industrial area to the north. Given the proximity to the railway line, an assessment of the potential for vibration impact was also requested.

The applicant submitted a Noise and Vibration Impact Assessment (DOC 04 date stamp received 4th October 2021), which following review by Environmental Health required a number of amendments. A second Assessment (DOC 06) was submitted in January 2022, and again was assessed by the Environmental Health Section. Neither of the Noise and Vibration Impact Assessment documents were found to adequately address the concerns raised by Environmental Health in terms of the potential adverse impact on future residents of the proposed development by reason of noise and vibration from the railway line, and noise from vehicular traffic along the Glenville Road and commercial activity adjacent to the site. Based on the information provided, it is considered that the amenity of the proposed residential

development will be significantly affected by reason of noise and vibration and as a consequence the proposal is contrary to the provisions of the SPPS and Policy QD 1 of PPS 7.

Impact on the Character and Appearance of the Area

The application site is located adjacent to and within an existing residential area, although there is a large commercial yard and buildings opposite the site on the Glenville Road. Nevertheless, extending the residential use into this application site will not have a detrimental impact on the character of the area. In addition, the existing dwellings in the Glenabbey developments are defined by detached and semi-detached two storey properties, with external finishes of red brick and pebble dash. It is considered that the overall design, form, and external materials of the proposed development will reflect the character and appearance of the locality, and the scheme will not result in a significant detrimental impact on the overall character and appearance of the area.

Other Matters

Access

DfI Roads was consulted in relation to the application and is largely satisfied within the information provided. Amendments to the PSD drawings were requested, to show no hatching in the red service strips, long sections and cross sections.

Contaminated land

Railway lines have historically been a source of contamination. In addition, the previous use(s) of the existing shed on site is unknown. Given the potential risks of land contamination resulting from the adjacent land use, the applicant was requested to provide a Preliminary Risk Assessment (PRA), identifying potential land contamination issues for the application site.

The PRA (DOC No. 05, date stamped received 4th October 2021) classifies the application site as CS2, based on ground gas data collected. As a result, a number of protection measures are required to be included within the construction of the dwellings. Environmental Health is satisfied with the contents of the report and recommend that these protection measures are conditioned on any forthcoming planning permission.

Devaluation of existing properties

With respect to concerns regarding the devaluation of existing neighbouring property, the perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case no verifiable evidence has been submitted to indicate what exact effect this proposal is likely to have on property values. As a consequence, there is no certainty that this would occur as a direct consequence of the proposed development nor would any indication that such an effect in any case be long lasting or disproportionate. Accordingly, it is considered that that this issue should not be afforded determining weight in the determination of this application.

Drainage

An objector has raised concerns regarding a culverted river which now flows towards the application site. DfI Rivers has confirmed there is a culverted river running along the eastern boundary of the site, of which they have no record.

In addition, DfI Rivers has reviewed the Drainage Assessment (DOC 02 date stamp received 21st July 2021) and found it to be incomplete as it is not supported by relevant correspondence from the DfI Rivers Local Area Office consenting to stormwater discharging to a watercourse, and NI Water in relation to a Pre-Application enquiry.

On the 20th October 2021, the applicant was requested to amend the Drainage Assessment accordingly, however, no updated assessment has been received to date.

Disposal of foul sewage

NI Water has recommended refusal of the proposed development due to a high level assessment having been carried out by NI Water that indicates potential network capacity issues in the Whitehouse Waste Water Treatment Works, which the applicant wants to serve this proposal. The capacity issues establish a significant risk of detrimental effect to the environment, and detrimental impact on existing properties. For these reasons, NI Water is recommending any new connections to the public sewerage system are curtailed. The applicant was advised of this issue and to date has failed to demonstrate an alternative and satisfactory means of dealing with the foul sewage from the proposed development, nor engaged with NIW through the engagement process regarding a solution.

Alternative use of the site for a children's play park

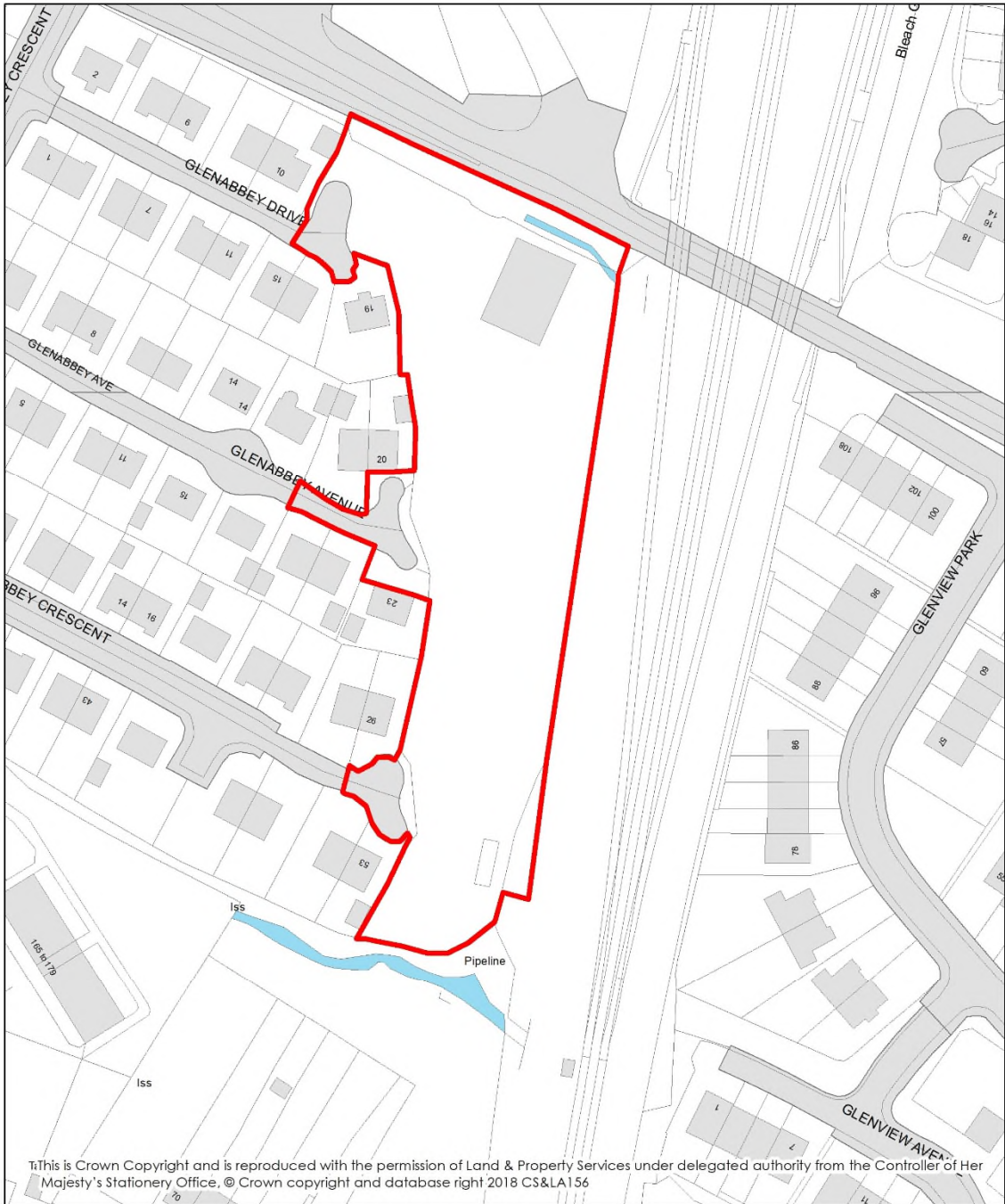
An objector stated that they felt a more appropriate use for this piece of land would be as a children's play park, however, the application site is located within the settlement limit for Metropolitan Newtownabbey, and as such the principle of a residential development on this site is acceptable, subject to the proposal creating a quality residential environment in accordance with Policy QD1 of PPS 7 and the Creating Places design guide as well as meeting other relevant policies.

CONCLUSION

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

- The principle of residential development is acceptable;
- The design, layout, and appearance of the dwellings on Plots 6 and 7 are considered inappropriate to the character and topography of the site and surrounding area;
- Sufficient amenity space is provided;
- Amendments are required to demonstrate a safe and appropriate access arrangement;
- The proposal will have a detrimental impact on the amenity of future residents of the proposed development in terms of noise and vibration.

RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL	
<ol style="list-style-type: none"> <li data-bbox="193 302 1442 593">1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' in that the proposed development; i) does not respect the surrounding context and is considered to be inappropriate to the character and appearance of the development in terms of the use of excessive amounts of boundary walls along the estate road; the layout will have an adverse impact on the amenity of proposed residents in terms of overlooking and there is inadequate provision of private amenity areas. <li data-bbox="193 627 1442 772">2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would cause harm to an interest of acknowledged importance, namely sewage disposal, as it has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development. <li data-bbox="193 806 1442 974">3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' in that it has not been demonstrated that there will be no unacceptable adverse effects on the proposed properties in terms of noise and vibration. 	



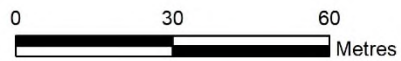
Location Map

Application Reference: LA03/2021/0739/F

East of Glenabbey Drive, Glenabbey Avenue and Glenabbey Crescent, Newtownabbey
 Proposed residential development comprising of 10 semi detached dwellings & 2 town houses, associated infrastructure, carparking and landscaping.

 Site Boundary

For Information Only



COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2022/0034/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for 1 no detached dwelling
SITE/LOCATION	70m East of 49 Ballycraigy Road, Newtownabbey
APPLICANT	Jason Reid
AGENT	David Mills Architect
LAST SITE VISIT	15 th February 2022
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located 70 metres to the east of 49 Ballycraigy Road, Newtownabbey. It lies outside of any development limit designated in the draft Belfast Metropolitan Area Plan (published September 2004) and is therefore within the countryside. The application site consists of a large agricultural field which fronts onto the Ballycraigy Road. The topography of the site falls away gradually from the Ballycraigy Road in northerly direction towards the rear of the application site. The sites northern boundary is defined with a low boundary hedge, the eastern and southern boundaries with hedging at a height in excess of 2 metres and the western boundary with a mixture of ranch style fencing and low hedging. The area is typically rural in character with a number of roadside dwellings, stables and a horse track apparent in the area. The entrance to the 'Sentry Hill' historic house also lies directly opposite to the application site.</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 polices 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.

Draft Newtownabbey Area Plan and draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection

Historic Environment Division – Additional information required

REPRESENTATION

Three (3) neighbouring properties were notified of the application and two (2) letters of representation has been received from one (1) property. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

The main points raised in these representation are outlined below-

- The lands on which the application site lies contains a soakaway for the neighbouring dwelling at No. 4 Kiln Road. The applicant should ensure this is not infringed upon;
- Recognition that the application site is large for one dwelling;
- Querying as to whether the application site falls within the green belt.

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
- Design, Layout and Appearance of the Area
- Other Matters

Policy Context and Principle of Development

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

The 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. Up until the publication of draft BMAP (dBMAP) in 2004, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

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

Both of the relevant development plans identify the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy 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. The agent/applicant has indicated

verbally that the policy they see as most fitting for the assessment of the application would be that provided under Policy CTY 8 of PPS 21 for an infill dwelling.

Whilst the main thrust of Policy CTY8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

- a) The gap site is within an otherwise substantial and continuously built up frontage;
- b) the gap site is small sufficient only to accommodate up to a maximum of two houses;
- c) the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size; and
- d) the proposal meets other planning and environmental requirements.

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

The first element of Policy CTY 8 requires that a substantial and continuously built up frontage exists. In this case, the application site comprises a large agricultural field that fronts onto the Ballycraigy Road. The site is located adjacent and to the west of the existing dwellings at No. 2 and No. 4 Kiln Road (it also extends beyond these neighbouring dwellings further to the north). A field exists immediately beyond the western boundary of the application site and then the access laneway for the dwelling at No. 49 lies adjacent to this field. Beyond the access laneway and further to the west there is a small building which appears to be used as a stable block. Beyond this stable building there is an old building/dwelling which lies with its side gable fronting on to the Ballycraigy Road. This building appears to be used for storage purposes and has a large horse walker located adjacent to it and to the west.

It is accepted that the dwelling at No. 2 Kiln Road (although not facing onto the Ballycraigy Road) has a frontage onto the Ballycraigy Road given that the plot on which it stands directly abuts the Ballycraigy Road. The dwelling at No. 49 would not be considered to have a frontage on to the Ballycraigy Road as it is considered that it is merely the access laneway to this dwelling that fronts onto the main road and that the site on which the dwelling is located is set to the rear of a grassed field area.

Therefore, the closest building with a frontage onto the road on the western side of the application site is the block of stables. The redundant building/dwelling further to the west of this stable block and the associated horse walker would also present a frontage onto the Ballycraigy Road. With all considered it is concluded that there are three buildings in proximity to the site that present a frontage onto the Ballycraigy Road. For the purposes of clarity these are the dwelling at No. 2 Kiln Road, the stable block (that sits forward of No. 49) and the building and horse walker to the west of the stables. Although there is a relatively substantial gap between the dwelling at No. 2 and the stables, the proposal is considered to generally comply with criteria (a) of Policy CTY 8.

Criteria (b) states that the gap site shall be small and sufficient only to accommodate up to a maximum of two houses, while criteria (c) goes on to require that the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size. While there is a built up frontage along the Ballycraigy Road, the exclusion of the dwelling at No. 49 (for not having its own frontage) means that the measurement of the gap is taken from the dwelling at No. 2 Kiln Road and the stable block to the west of the application site measures 140 metres. Based on the average plot size (approx. 35 metres) along this stretch the gap could facilitate up to 4 dwellings. It is therefore considered that the application site cannot comply with criterion (b) and (c) of Policy CTY 8 in that the gap site is not considered to be small gap and could accommodate more than two dwellings when taking into consideration the existing development pattern in the area.

Other planning and environmental considerations will be discussed below but given that the gap site would be able to accommodate more than two dwellings based on the existing development pattern in the area, the proposal is contrary to criteria (b) and (c) of Policy CTY 8. The principle of a new dwelling on the application site therefore cannot be established as there are no overriding reasons as to why this development is necessary in the rural area.

The proposal has been considered against other potential policy provisions such as Policy CTY 2a but fails to meet the policy criteria. The principle of a new dwelling on the application site therefore cannot be established as there are no overriding reasons as to why this development is necessary in the rural area.

Design, Layout and Appearance of the Area

All dwellings 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.

As the application seeks outline permission, full and proper details to include, scale, siting and design have not been provided. It is also noted that the red line of the application site is unusually large for an application for a single dwelling and there is no indication as to where on the site that a dwelling is to be located, which therefore makes it difficult to give specific consideration in relation to siting.

As noted above, the application site encompasses a large field which widens towards the northern portion of the site. It is defined on all sides by portions of hedging but it is considered that given the size, open nature of the site and the lack of any significant back drop a dwelling on the application site would be openly viewed when passing the site and when travelling along the Ballycraigy Road in an easterly direction. The limited height of the roadside and western boundary vegetation will mean that the site will also fail to achieve an adequate sense of enclosure and would therefore mean that the proposal is considered to be contrary to Policy CTY 13.

Policy CY14 advises that a new building in the countryside will not be acceptable where; it results in a suburban style build-up of development when viewed with existing and approved buildings or it creates or adds to a ribbon of development. In this case, given that the application site does not qualify to be considered as an infill site accepted under policy CTY 8 and does not meet any other potentially relevant policy criteria for a dwelling in the countryside, it is considered that a dwelling on the application site would result in an unnecessary suburban style build-up of development in this rural area. It is also considered that the infilling of this critical green gap along the road frontage at the Ballycraigy Road would create a ribbon of development. Both the suburban style build up and the creation of ribbon development would have a detrimental impact on the existing rural character of the area and thus the proposal is considered to be contrary to Policy CTY 14.

Neighbour Amenity

As the application seeks outline permission, limited details have been provided regarding the proposed siting and design, however, it is considered that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of the existing properties are not negatively impacted upon.

Other Matters

It is noted that there have been two representations received from the neighbouring dwelling at No. 4 Kiln Road. The first letter details that the occupant of this dwelling has no objections in principle to a new dwelling on the site but advises that the applicant should be made aware that a soakaway running from the septic tank on this neighbouring property lies within the application site. This is considered a civil matter that should be appropriately dealt within by the two involved parties. The second representation relates to the size of the application site and queries whether this land would be used for more than one dwelling and also whether the lands are located within the 'Greenbelt'. The current policy provisions no longer refer to 'Greenbelts' however, the application site is located outside of any development limit and therefore is within the rural area. Any development proposal must comply with the policy provisions for the rural area provided within Planning Policy Statement 21: Sustainable Development in the Countryside.

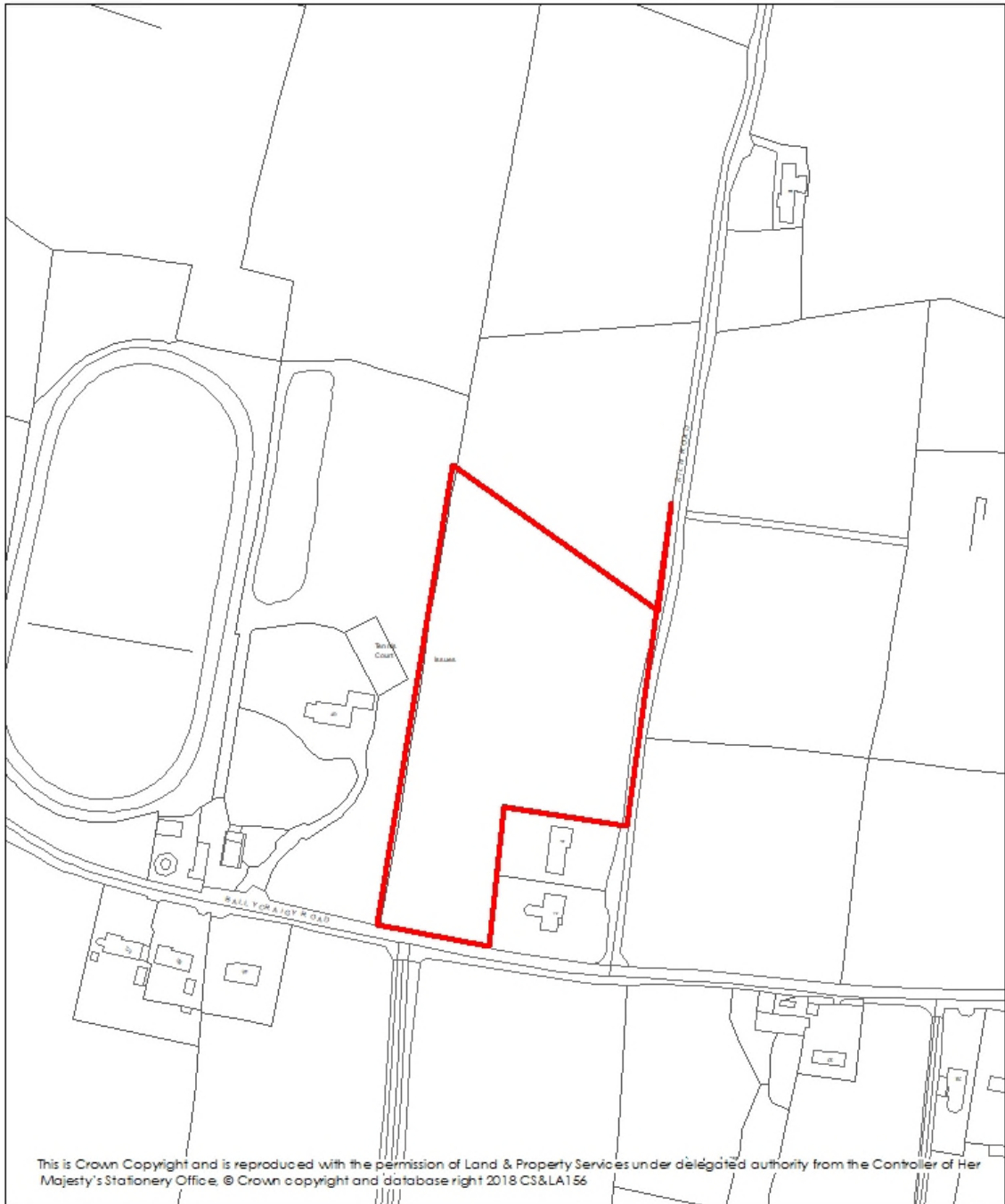
It is also noted that an Archaeological Evaluation has been requested by HED (Historic Monuments) given that aerial photography images identify a large semi-circular feature, bisected by the hedgerow and curving into the northwestern corner of the site. This information although requested during a PAD and prior to the submission of this application has not been formally requested from the applicant given that the principle of development has not been established. As a precautionary measure a refusal reason has been attached in relation to this matter.

CONCLUSION

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

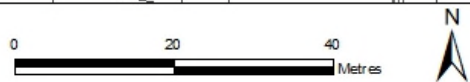
- The principle of the development is not acceptable;
- The proposal would not integrate into its surroundings;
- The proposal would result in a detrimental impact on the character of the area;
- An appropriately designed dwelling on the application site would not have any significant impact on neighbouring amenity.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL	
<ol style="list-style-type: none"> <li data-bbox="193 342 1442 629">1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement and it fails to meet with the provisions for an infill dwelling in accordance with CTY8 of PPS21 in that the application site does not comprise a small gap (sufficient only to accommodate a maximum of two dwellings) within a substantial and continuously built up frontage. <li data-bbox="193 667 1442 842">2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 & 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site would, if permitted, create a ribbon of development that will result in a detrimental change to, and erode, the rural character of the countryside. <li data-bbox="193 880 1442 987">3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, in that a new dwelling, if permitted, would fail to integrate into the landscape. <li data-bbox="193 1025 1442 1211">4. The proposal is contrary to the policy provisions of Policy BH 3 of Planning Policy Statement 6, Planning Archaeology and Built Heritage in that It has not been demonstrated through the submission of an Archaeological Evaluation that the proposal would not have any detrimental impacts upon potential archaeological remains at the application site. 	



Location Map

Application Reference: LA03/2022/0034/O
 Location: 70m East of 49 Ballycraigy Road
 Newtownabbey
 Proposal: Site for 1 no detached dwelling



 Site Boundary



COMMITTEE ITEM	3.11
APPLICATION NO	LA03/2021/0435/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Below ground agricultural effluent storage tank
SITE/LOCATION	130m North West of 8 Ballydonnelly Road, Toomebridge, Antrim
APPLICANT	Hugh O'Donnell
AGENT	Paul Mallon
LAST SITE VISIT	2 nd June 2021
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 130 metres northwest of No. 8 Ballydonnelly Road, Toomebridge and within the countryside as defined within the Antrim Area Plan 1984-2001 (AAP). The application site is located within an isolated location and there are no direct neighbouring properties to any site boundaries.</p> <p>The application site comprises part of a large agricultural field which is set approximately 270 metres north of Church Road and approximately 240 metres west of Ballydonnelly Road. The northern and eastern boundaries of the application site are defined by 1.5-metre-high hedging, the western boundary is defined by a post and wire fence and the remaining southern boundary is undefined as it is cut out of a larger agricultural field.</p> <p>The topography of the site rises significantly in a northerly direction away from the public road.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2005/0378/O Location: 270 metres south-west of 15 Ballydonnelly Road, Randalstown Proposal: Site of Dwelling & Garage Decision: Permission Refused (08.02.2006)</p> <p>Appeal Reference: 2006/A0886 Location: 270m south-west of 15 Ballydonnelly Road, Randalstown Proposal: Dwelling & garage Decision: Appeal Dismissed (26.02.2008)</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.

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

Shared Environmental Services- No response

Historic Environmental Division: No objections

Council Environmental Health Section – No objections

Northern Ireland Environmental Agency – No objections subject to recommendations on advice and guidance

DAERA Countryside Management Inspectorate Branch- Advise that the farm business identified on the PIC form has been in existence since 19/11/1991, is Category 1 and the business has claimed payments through the Basic Payment Scheme or Agri Environmental Scheme in each of the last 6 years.

REPRESENTATION

Two (2) neighbouring properties were notified and two (2) letters of objection have been received from one (1) property. The full representations made regarding this

proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- The proposal is contrary to CTY 12 of PPS 21 as there are no other buildings within the application site and there is no 'exceptional circumstances' for an alternative site away from existing buildings;
- A tank at the proposed location is not necessary for the efficient use of the agricultural holding and lands at the existing farm holding have not been considered;
- The odour and pollution arising from the proposal would have detrimental residential amenity impacts;
- The proposal would have an adverse impact on the natural environment as the proposal would rely on new landscaping and significant ground works.

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
- Access, Movement and Parking

Policy Context and Principle of Development

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for non-residential development. One of these is agricultural development in accordance with Policy CTY 12.

Policy CTY 12 outlined that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that;

- a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- b) in terms of character and scale it is appropriate to its location;
- c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- d) it will not have an adverse impact on the natural or built heritage; and
- e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

Firstly, for the proposed development to be considered appropriate it must relate to an active and established agricultural holding as noted in the policy headnote of CTY 12. The justification and amplification section of Policy CTY 12, states that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10.

In this regard, the Department for Agriculture Environment and Rural Affairs (DAERA) were consulted on the proposal with regards to the farm business ID submitted as part of the application. DAERA responded stating that the farm business ID identified on the P1C form has been in existence for more than 6 years (since 19th November 1991). DAERA also confirmed that the farm business is Category 1 and that the applicant has been claiming through the Basic Payment Scheme or Agri Environmental Scheme in each of the last 6 years. Therefore, the proposal is compliant with the policy provisions outlined under CTY10 with regards to demonstrating an active and established farm.

The agent has submitted a supporting statement under Document No. 01 date stamped the 16th July 2021. The document outlines that the required need for an underground slurry tank is due to a combination of economic and environmental considerations. The agent has outlined that the existing slurry storage facility at the main farm located at Loup Road is at full capacity for the quantity of cattle owned. It is accepted that a further slurry storage facility is necessary for the efficient use of the agricultural holding.

As outlined in Drawing No's 02/1 and 03/1 date stamped the 13th September 2021, the proposed slurry tank is to be sited underground and measures 10 metres by 4.5 metres and has a 2.4 metre depth below ground level. The application site is set some 240 metres west of Ballydonnelly Road and some 270 metres north of Church Road. The site would be accessed using an existing agricultural laneway and access located directly adjacent the neighbouring roadside residential property No. 135 Church Road. Land levels from Church Road rise drastically in a northern direction and therefore the application site is sited on ground levels much higher than the public road. The agent has stated in Document No. 01 date stamped 16th July 2021 that the slurry tank is to comprise a reinforced concrete structure that would be covered by solid concrete slabs and joints to prevent leakage into and out of the tank. The tank and covering slabs would collectively project 0.35 metres above ground level and the agent has stated that soil would be banked up around the tank to integrate the proposed tank into the site. Given that the majority of the proposed

tank is to be sited below ground level with the exception of a 0.35 metres projection above ground level, it is considered that the overall design, character and scale of the proposal is appropriate for this rural location.

The existing boundary treatments comprising 1.5-metre-high hedging defining the northern and eastern boundaries of the site provides a sufficient backdrop to the proposed development. The agent has also outlined additional landscaping to the southern boundary and a condition requiring the implementation of this planting would be imposed as a condition should planning permission be forthcoming. It is therefore considered that the application site would not rely on new landscaping to sufficiently integrate the proposal into the application site.

Northern Ireland Environmental Agency (NIEA) were consulted as part of the application and outlined that reducing ammonia emissions across Northern Ireland is a key priority, however, there are significant challenges regarding agricultural development, in areas where the critical loads at designated sites, are currently exceeded.

In line with DAERA's current operational protocol, NED will only accept an additional loading capacity of 10% of the Critical Level for designated sites that are located within 7.5 km of the proposal. This includes potential in combination impacts of other installations that could contribute to nitrogen emissions.

The applicant has submitted a SCAIL Assessment (Document No. 03 date stamped 09/12/2021). NED carried out an in-house SCAIL Assessment using the input figures from the applicant's assessment. SCAIL calculated the Process Contribution (PC), from the proposal at the following designated sites which are within 7.5km of the proposal; Lough Neagh and Lough Beg SPA, Lough Beg ASSI, Lough Neagh ASSI, Toome ASSI, Shane's Castle ASSI. For each of these sites the Process Contribution has been calculated as <1% of the Critical Level. This is in line with DAERA's operational protocol.

Using the information submitted, NED is content that the proposal is unlikely to have an unacceptable adverse impact on non-designated sites within the consultation area. The Air Quality Modelling Report indicates that the process contribution at this site is <50%, in line with the current policy for habitats outside designated sites.

The closest neighbouring property to the application site is No. 8 Ballydonnelly Road which is located approximately 130 metres to the southeast. Concerns have been raised by the occupier of this neighbouring property which have outlined the potential for odour and pollution risks that may arise from the tank which in turn would have a detrimental impact on the amenity of this neighbouring dwelling.

In this regard, the Council's Environmental Health Section (EHS) were consulted as part of the proposal and it was outlined within EHS's consultation responses that the nearest dwelling is over 100m away to the southeast of the proposed development. Information submitted on Form P1 states that there will be approximately 4 vehicle movements per day for 3-4 days per year. There are no other farm buildings at the proposed site and therefore, there no Environmental Health objections to this application.

Taking the above consultation responses into consideration it is considered that the objector concerns related to the potential odour or pollution impacts arising from proposed tank are not significant in this case given the separation distance and limited vehicular movements to the application site.

It has been demonstrated therefore that the proposal meets the essential criteria for development on a farm holding. However, as this is for a new building, the applicant must also provide sufficient information to confirm the following:

- There are no suitable existing buildings on the holding that can be used;
- The design and materials are sympathetic to the locality and adjacent buildings;
- The proposal is sited beside existing farm buildings.

The agent has stated in Document 01 date stamped the 16th July 2021 that the existing slurry storage facility at the main farm located at Loup Road is at full capacity for the quantity of cattle owned. It is accepted in this instance that given the nature of the proposed agricultural tank to provide storage for slurry, that this could not reasonably be accommodated within any standard agricultural building. Whilst the agent has confirmed that the existing slurry tank is at full capacity, no other information has been provided regarding the availability of other existing tanks on the holding.

The proposed slurry store is not sited beside any existing farm buildings on the holding. The agent has stated within Document No. 01 date stamped 16th July 2021 that the applicant's main farm holding includes approximately 16 acres of land and is located at Loup Road. The applicant also owns a further outfarm of approximately 55 acres of land at Ballydonnelly Road sited approximately 3 miles from the main farm holding.

Policy CTY 12 does allow for the exceptional consideration of an agricultural building away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

The agent has outlined within Document No. 01 date stamped the 16th July 2021 that the existing slurry storage facility at Loup Road is at capacity and instead of constructing a new tank at the existing farm holding and transporting the slurry over a 2/3-day period, that it is more practical to build a tank at the outfarm. The agent has stated that this will allow the applicant to transport slurry from the main farm to the outfarm, specifically over the less busy winter months thereby reducing and causing less annoyance to both road users and neighbours.

In this case, it is noted that the agent has relied on the need for the proposed tank at the application site in order to reduce the number of tractor/trailer journeys required between the main farm and the outfarm some three miles apart and thus resulting in a reduced impact on road users and neighbours. However, it is considered that the same amount of journeys would be required to fill the proposed tank as would be the case to carry out the spraying of fields during the relevant spraying season. Therefore, it is considered that the proposal would not reduce the amount of tractor/trailer movements required between both the main farm and the out farm.

It is therefore not considered that the proposal has provided an exceptional circumstance to demonstrate the need for an alternative site away from the main farm holding at Loup Road and therefore the proposal is considered to fail the policy requirements of CTY 12. Furthermore, no demonstrable health and safety concerns have been expressed by the agent/applicant to justify an alternative site away from the main farm holding.

Third party comments received in objection to the proposal from the closest neighbouring property have outlined that that the application does not comply with CTY 12 as it has not been demonstrated that a suitable site for the proposed tank exists at the main farm holding and that the proposed location provides merely a more convenient location rather than an exceptional circumstance. This view by the objector is sustained in this regard as outlined above.

Having taken the above into account it is considered that there are no exceptional reasons present as to why the proposed building is located away from existing farm buildings and therefore the proposed development fails the policy provisions of CTY 12 of PPS 21.

Impact on Appearance and Character of Area

All buildings in the countryside must integrate with its 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 new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. The application site is set approximately 270 metres from Church Road and is accessed via a long narrow agricultural laneway. In this case the application site is defined by existing vegetation to the northern and eastern boundaries by 1.5-metre-high hedging. In addition, the proposed tank is primarily underground with only 0.35 metres of built form is to project above ground level. Therefore, given the set back from the public road, a backdrop of existing vegetation and the relatively low level height of the proposal, it is considered that the proposed tank at this location would be sufficiently integrated into this rural setting and is therefore compliant with Policy CTY 13.

Policy CTY 14 of PPS 21 indicates that a new building will be unacceptable where it would be unduly prominent in the landscape, results in a suburban style build-up of development and does not respect the traditional pattern of development. The proposal is not considered to create or add to a ribbon of development given that there is no adjacent development to the application site. In addition, despite the rise in land levels towards the application site from the public road it is not considered that the proposed development would be unduly prominent in the landscape.

Third party objections have raised concern that the proposed development would have a detrimental impact on the environment as significant ground works are required and new tree planting is required along the application boundary closest to this neighbouring property. For the reasons outlined above it is not considered that the proposed development would have a detrimental impact on the rural environment and therefore these issues could not be sustained as reasons for refusal.

Access, Movement and Parking

The proposed underground agricultural tank is to be accessed using an existing agricultural access point and laneway off Church Road. Given that the access point and laneway is already utilised by the applicant to serve the out farm at Ballydonnelly Road and the number of journeys to the site are not intended to increase above the existing traffic movements, it was not considered necessary to consult DfI Roads. For the reasons outlined above it is considered that the access point to serve the site will not prejudice road safety or cause a significant inconvenience to traffic.

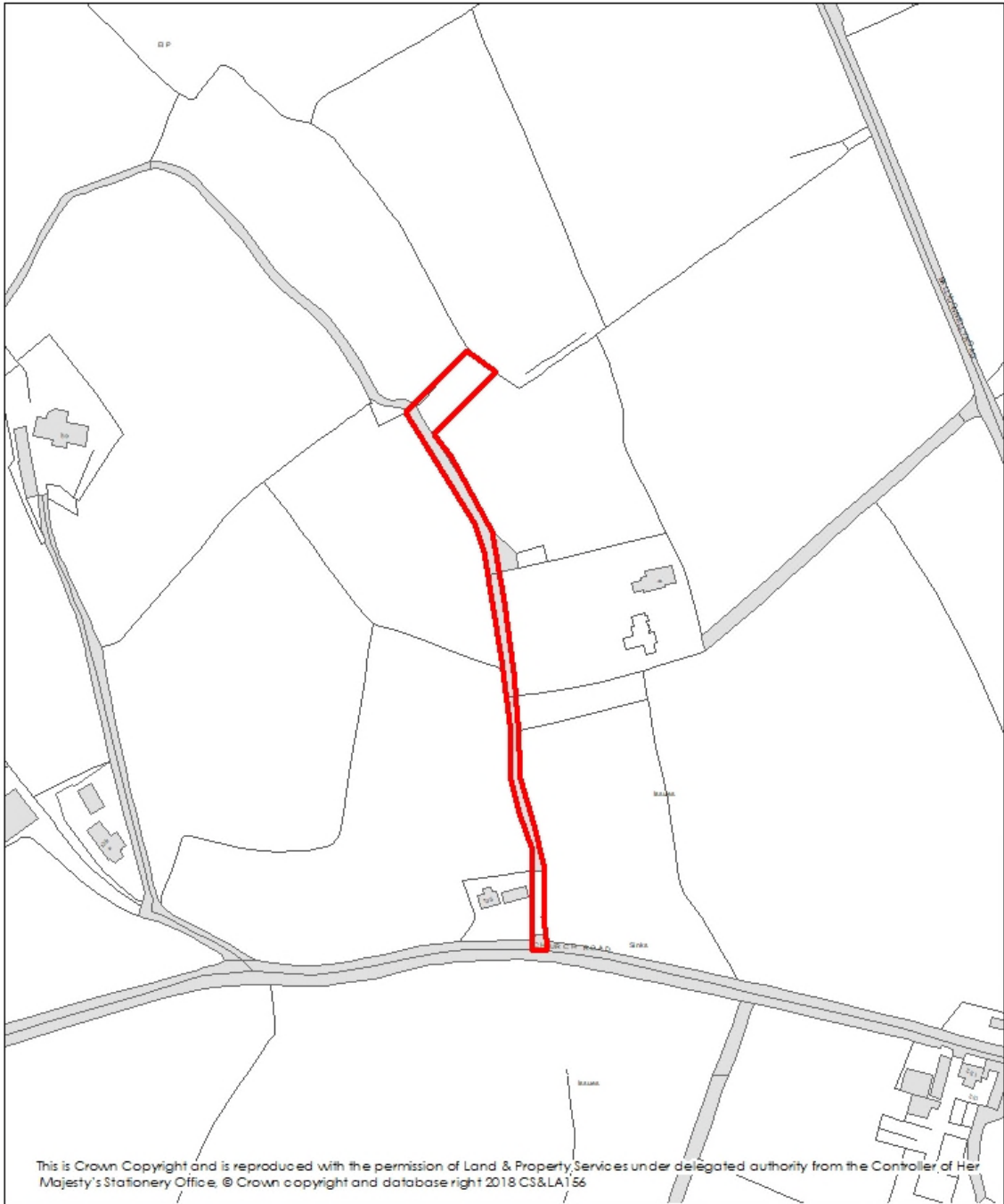
CONCLUSION

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 CTY 12 of PPS 21 in that, it has not been demonstrated that the proposed off site agricultural building provides an exceptional circumstance for an alternative site away from existing farm buildings;
- The application site is able to provide a suitable degree of integration in compliance with CTY 13 of PPS 21;
- The proposal will not result in a detrimental change to the rural character in accordance with CTY 14 of PPS 21;
- There are not considered to be any significant neighbour amenity impacts as a result of the proposal.
- There are no issues with the proposed access arrangement and road safety.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy statement and Policy CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposed development does not provide an exception for a farm building sited to an alternative site away from existing farm buildings.

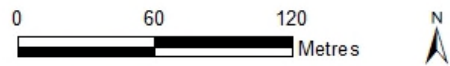


Site Location Plan

Application Reference: LA03/2021/0435/F

Below ground agricultural effluent storage tank

130m North West of 8 Ballydonnelly Road
Toomebridge, Antrim



 Site boundary



COMMITTEE ITEM	3.12
APPLICATION NO	LA03/2021/0743/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retrospective application for raised single storey sunroom extension to rear of existing dwelling.
SITE/LOCATION	21 Shore Road, Greenisland, Carrickfergus, BT38 8UA
APPLICANT	Rosie Brotherson
AGENT	da architects ltd
LAST SITE VISIT	01/09/2021
CASE OFFICER	Jordan Jenkins Tel: 028 903 Ext 40411 Email: jordan.jenkins@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at No. 21 Shore Road which is located within Greenisland as designated within the draft Belfast Metropolitan Area Plan published 2004 (dBMAP).</p> <p>The application site comprises of a two storey pebble dashed dwelling, that is set back from the Shore road, a predominantly residential road of different house types, styles and finishes. The dwelling has a large balcony area and sunroom (the subject of this application) present on the southeastern elevation at first floor.</p> <p>The site is located on a slope of approximately 10 degrees. It backs onto Belfast Lough and shares an entrance with No. 23 and 23a Shore Road, Greenisland. The northeastern boundary of the application site is defined by a stepped 2-metre-high cream render wall characterised by low laying landscape features and houses the entrance driveway to the property. The southwestern boundary is defined by a 2-metre-high wooden fence characterised by a 1.5-metre-high hedge, while the southern boundary is defined by a low lying concrete wall. The northwestern boundary fronting the Shore Road is defined by 2-metre-high wooden fence which then turns to a cream render wall leading to the entrance of the property.</p> <p>Within the curtilage of the property lies a pebble dashed single storey gable roof garage which abuts the northwestern boundary. A gateway runs along the southwestern boundary from the Shore Road to the Lough, but is closed off by 1.5-metre-high wooden/metal gate.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: V/1996/0242 Location: 21 Shore Road, Greenisland. Proposal: Garage. Decision: Permission Granted.</p>	

Planning Reference: V/1996/0112
Location: 21 Shore Road, Greenisland.
Proposal: Extension to dwelling and new garage.
Decision: Permission Granted.

Planning Reference: V/1991/0324
Location: 21 Shore Road, Greenisland.
Proposal: Conservatory and Balcony to rear of house.
Decision: Permission Granted.

Planning Reference: V/1982/0038
Location: 21 Shore Road, Greenisland.
Proposal: Car port and covered storage area.
Decision: Permission Granted.

RELEVANT ENFORCEMENT HISTORY

Planning Reference: LA03/2021/0207/CA
Location: 21 Shore Road, Greenisland.
Proposal: Alleged unauthorised rear two storey extension.
An enforcement case has been opened at the application site regarding the unauthorised construction of the sunroom which is the subject of this application.

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan and the Carrickfergus Area Plan). Account will also be taken of the 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 Greenisland. The Plan offers no specific guidance on this proposal.

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

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

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

Addendum to PPS 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.

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

CONSULTATION

Department for Infrastructure Rivers – No objection.

Department for Communities Historic Environment Division – No objection.

Northern Ireland Environment Agency – No objection.

REPRESENTATION

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

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

- Loss of privacy.
- Potential loss of house value.
- Work commenced before approval was sought.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Impact on Trees and Environmental Quality of this Area.
- Amenity Space, Parking and Manoeuvring

Policy Context

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

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

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

The 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 published 2004 (dBMAP). There are no specific operational policies relevant to the determination of the application in the plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements. Amongst these is the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS 7). Taking into account the transitional arrangements of the SPPS, retained APPS 7 provides the relevant policy context for consideration of the proposal.

Policy EXT 1 of APPS7 indicates that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

APPS7 also advises that the guidance set out in Annex A of the document will be taken into account when assessing proposals against the above criteria.

As noted above the planning application seeks retrospective permission for a raised single storey sunroom extension to the rear of the existing dwelling. The principle of a single storey sunroom extension in this urban area is acceptable subject to the proposal meeting the requirements of the policy noted above.

Scale, Massing, Design and Appearance

This application seeks retrospective planning permission for the retention of a raised rear extension which accommodates a raised sunroom. According to Drawing No. 03/1 the extension has a gable depth of 4.35 metres and 4.2 metres in width and sits 7.2 metres above ground level. Due to the sloped topography of the site, the sunroom had to be erected on supports so that it could be accessed internally at first floor. As a consequence of the sloped topography of the site, the extension sits well above the 1.8 metre common boundary wall which runs along the northeastern boundary between No. 23 Shore Road.

The proposed fenestration on the northeastern elevation of the extension (facing towards the neighbouring dwelling at No. 23) finished in 3 large temporary glazed

panels. This glazed elevation sits above the common boundary wall between No. 23 and the application site giving clear and open views to the balcony area and the rear private amenity space associated with No. 23.

On site the external finishes have not been completed, scaffolding was still erected and the windows were finished with temporary glazed panels. On drawing No. 03/1, the agent has indicated that the proposed finishes to the sunroom include rendered walls, roof tiles and the steel supports to match the existing dwelling.

Although imaginative and innovative forms of development are encouraged, this is qualified in existing residential areas with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS 7 reiterates the need for sensitivity and in Policy QD1, the test is expressed as 'unacceptable damage to local character, environmental quality and amenity.'

Policy requires that the extensions be subordinate in scale and similar in style to the existing dwelling, taking into account of materials, the local character and the level of visibility of the extension from surrounding views. The proposal is considered subordinate to the existing dwelling, and the proposed materials used are sympathetic with the built form and appearance of the existing dwelling. The agent has submitted a shore line survey (Document 01), to demonstrate that the proposal will not be out of context with the variety of design characteristics of the dwellings along this stretch of road.

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

Neighbour Amenity

As noted above this application is retrospective and therefore the subject sunroom has already been erected on site. The sunroom sits approximately five (5) metres from the boundary with No. 23 Shore Road.

Concerns were raised with the applicant in relation to this aspect and as a consequence amended plans were received (Drawing No. 03/1 dated stamped received 5 November 2021) which indicate the northeastern elevation to be fitted with solid louvres. However, it is considered that this design feature does not address concerns in relation to the impact on the amenity of the adjacent property as it is unclear if the aforementioned louvres are adjustable and would mitigate the impact of overlooking on the adjoining neighbour.

It is noted that prior to this extension being erected that there was an existing raised balcony apparent on this rear elevation (the remaining portion of this still exists on the application site). It is however considered that this balcony would have had only a minor impact on the neighbouring property of No. 23 Shore Road, due to the fact that the existing rear balcony only projected out from the rear wall by approximately 1 metre at the properties most southeasterly point. The balcony extended beyond the neighbouring building line by approximately 1 metre and was not an enclosed habitable space which could be utilized 24/7 and during all weather conditions. It is

considered that the sunroom which is the subject of this application would significantly intensify the overlooking impact which would not be acceptable.

Overall, it is considered that the proposal will have an unacceptable detrimental impact on the privacy and amenity experienced at the dwelling - No. 23 Shore Road. The proposal therefore cannot comply with Criteria (b) as set on in Policy EXT 1.

Impact on Trees and Environmental Quality of this Area

It is considered that the proposal will not cause any unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality as there is no significant vegetation close to the sunroom.

Amenity Space, Parking and Manoeuvring

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

Impact on Area of Townscape Character

The application site is located within an Area of Townscape Character as defined within the Greenisland designation within draft Belfast Metropolitan Area Plan. Within dBMAP, the site is designated within zone GD08 which states "The Shore Road Area of Townscape Character is located along the Shore Road and includes Victorian and Edwardian detached villas with large gardens and mature trees". It is considered that as the sunroom is located to the rear of the property that the sunroom will not have any significantly detrimental impact on this Area of Townscape Character.

Other Matters

This section of the report will go on to consider any matters raised through objections that have not yet been discussed in the main body of the report.

(a) Potential loss of house value

Both objectors from the neighbouring properties of No. 23 and 23A Shore Road raised issues that the proposal would devalue their properties, however, this issue is not a material planning consideration and therefore, cannot be given weight in the determination of the application.

(b) Work commenced before approval was sought

Both objectors from the neighbouring properties of Nos. 23 and 23A Shore Road had raised the issue that the proposal had been erected before any permission was granted. This application is related to an enforcement case (LA03/2021/0207/CA) and consequently the applicant has submitted this application in response to the enforcement case being opened.

There were a number of consultees for this application which included DfI Rivers, Historic Environment Division and NIEA. DfI Rivers were consulted on this matter as the application site lies in a 1 in 200-year coastal flood plain and have indicated that they have no objections to this matter.

NIEA were consulted on this proposal as the application site is located on the coast of Belfast Lough. NIEA have no objections to this proposal.

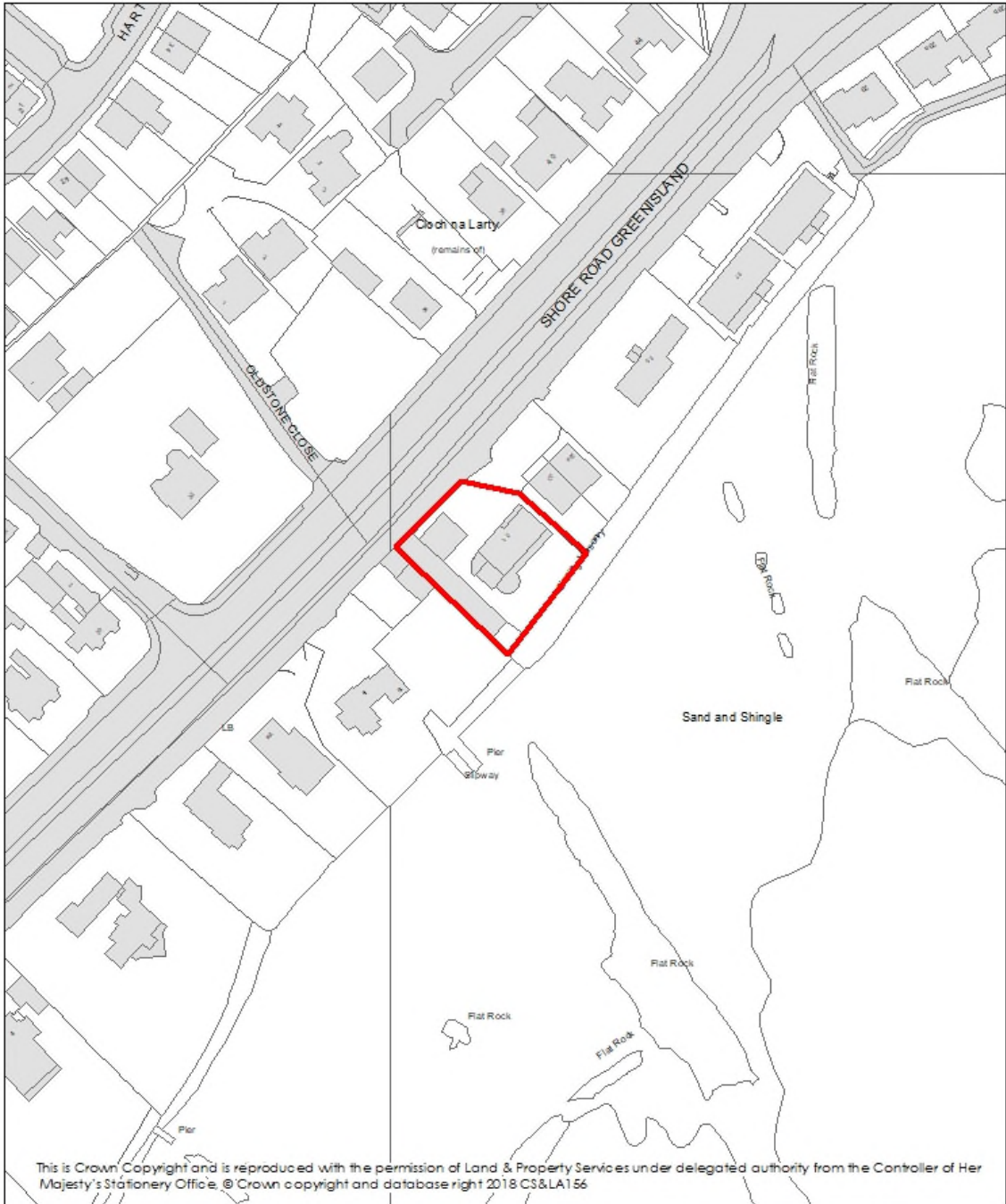
CONCLUSION

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 proposal is considered acceptable;
- There are significant concerns in relation to neighbour amenity;
- The proposal will not cause an unacceptable loss of or damage to trees or other landscape features;
- It is considered that sufficient amenity space remains within the curtilage of the dwelling.

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

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy EXT 1 of the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations, in that the sunroom extension if permitted would have an unacceptable impact on the privacy and amenity of neighbouring residents by way of overlooking.




Site Location Plan

Application Reference: LA03/2021 /0743/F

Retrospective application for raised single storey sunroom extension to rear of existing dwelling

21 Shore Road, Greenisland
Carrickfergus, BT38 8UA



 Site boundary



COMMITTEE ITEM	3.13
APPLICATION NO	LA03/2021/1141/O
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for dwelling and garage on a farm
SITE/LOCATION	60m South West of 77 Irish Hill Road, Ballyclare
APPLICANT	Mr J Jenkins
AGENT	RJ Studio
LAST SITE VISIT	19 th January 2022
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on lands 60 metres to the southwest of the dwelling at No. 77 Irish Hill Road, Ballyclare. The site lies outside of any settlement limits as defined in the draft Belfast Metropolitan Area Plan 2004. The site is made up of part of a larger agricultural field. A post and wire fence exists along the sites northeastern boundary in common with the dwelling at No. 77. The rear and northwestern site boundary is defined again with a post and wire fence with a number of trees planted inside the boundary. The roadside and southeastern boundary is defined with hedging and the southwestern boundary remains undefined. The site falls away quite substantially from the roadside in a northwesterly direction. The area is typically rural in character with a number of single storey roadside dwellings.</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> <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.

Draft Newtownabbey Area Plan and draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

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

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

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

CONSULTATION

Council Environmental Health Section –No Objection.

Department for Infrastructure Roads- Amendments required.

Department of Agriculture, Environment and Rural Affairs – No Objection.

Northern Ireland Water – No Objection.

REPRESENTATION

Five (5) neighbouring properties were notified of the application and one (1) letter of representation has been received.

The main points outlined in the objection are –

- Potential for other sites on the farm to be more suitable.
- The site clusters with the dwelling at No. 77 and not the buildings on the farm.
- Concerns in relation to ribbon development and impact on rural character.
- Proposed site does not comply with Policy CTY 10 in that it is not positioned sensitively with the established group of buildings on the farm and no appropriate and demonstrable evidence has been submitted to justify an alternative site.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

- Other matters

Policy Context and Principle of Development

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

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

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

Both of the relevant development plans identify the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy 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 a dwelling on a farm in accordance with Policy CTY 10 of PPS 21. This policy states that Planning Permission will be granted for a dwelling house on a farm where a number of criteria can be met. Criteria (a) states that the farm business should be currently active and has been established for at least 6 years. DAERA's Countryside Management Branch have been consulted on

the application and have responded to confirm that the farm business has been in existence for more than six years and that the Business ID provided has made claims for Single Farm Payment or the Basic Payment Scheme in each of the last six years. On the basis of the above, it can be considered that the criteria (a) of Policy CTY 10 can be met.

Criteria (b) of this policy states that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. The applicant has advised on Question 5 of the P1C Form that no dwellings or development opportunities have been sold off the farm since 25th November 2008. The Council has checked the records associated with the Farm Business ID provided and can find no records of any other approvals associated with this Business ID. The applicant has provided farm maps dated 2021 and the Council's records indicate that there are no lands within this holding that have been sold off within the last 10 years.

The third criteria laid out in Policy CTY 10 states that a new building should be visually linked or sited to cluster with an established group of buildings on the farm. The policy goes on to say that in exceptional circumstances consideration may be given to an alternative site provided that there are no other sites available at another group of buildings on the farm or out-farm and where there are either; demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group.

The application site for the proposed farm dwelling is located approximately 86 meters to the south of the applicant's current home address and from the closest of the existing farm buildings which lie directly adjacent to this existing dwelling. It is noted that there is 2 no. large pieces of equipment (horse walkers) and a sand arena present beyond these farm buildings and closer to the application site (but still separated from the application site by approx. 37 meters). The policy within CTY 10 however stipulates that any new development must be visually linked to buildings (emphasis added) on the farm and therefore the distance of approximately 86 meters would be more relevant for considering this matter. Given the separation distance and the location of the site being visually separated from the farm buildings, it is considered that the proposed dwelling on the application site would not be visually linked or sited to cluster with any established group of buildings on the farm.

The agent has submitted supporting information to advise that the applicant has chosen this site (away from the existing farm group) so as not to inhibit the future development of the farm. The applicant has provided a letter to detail the applicant's potential plans for future farm diversification. The applicant states that they currently provide a mobile remedial rehabilitation service to help speed up the recovery of injuries occurring in horse's, dogs and people. The applicant has advised in this letter that it is their intention to set up this service on a more permanent basis which would require the erection of new shed at the farm. The applicant has attached a quotation for this steel portal frame shed dated 20th July 2021.

While the justification and amplification text associated with CTY 10 does allow for an alternative site to allow for future farm expansion, it also requires that the applicant submits appropriate and demonstrable evidence to demonstrate that the expansion plans are imminent. Such evidence could include valid planning permissions or

building control approvals. In the absence of this official and verifiable evidence the Planning Section cannot accept this argument for an alternative site away from the farm group.

It is therefore concluded that the proposal cannot comply with the Policy criteria laid out under Policy CTY 10 of PPS 21, in that; the building if permitted, would not be visually linked or sited to cluster with an established group of buildings on the farm holding and the site is not considered an exception as it has not been demonstrated that there are any actual verifiable plans to expand the farm business at the existing building group.

For the reasons noted above, the principle of a new dwelling on the application site is not acceptable.

Impact on Character and Appearance of the Area

Policy CTY 10 states that the proposed site must also meet the requirements of Policies CTY 13 and CTY 14 in relation to integration and rural character.

Policy CTY 13 states that in order for a dwelling on a farm to be integrated into the surrounding landscape it should be visually linked or sited to cluster with an established group of buildings on a farm. As noted above the application site is located some 86 meters from the closest building on the existing farm group and is sited along the roadside at the Irish Hill Road. As previously discussed, the proposal is not considered to be an 'exceptional case' to allow for an alternative site and therefore it is also deemed that the proposal is contrary to CTY 13 in this regard.

The application site does not avail from any existing vegetation along the southern site boundary and that it is likely that the existing roadside hedging will have to be removed to achieve the appropriate visibility splays. It is considered that the application site also does not provide a suitable degree of enclosure and that there would be clear and open views of any new dwelling on the application site when travelling along the Irish Hill Road in a northeasterly direction.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. As noted above the application site is located along the roadside and directly adjacent to the dwellings at No. 77 Irish Hill Road and No. 45 Rushvale Road. The proposal and its bookend location would lead to ribbon development occurring along this stretch of the Irish Hill Road. As noted in Policy CTY 14 a new dwelling will be unacceptable where it creates or adds to a ribbon of development.

It is considered that the addition of a new dwelling on this site would result in a suburban style build up when viewed with the existing buildings in the locality and would add to a ribbon of development along the Irish Hill Road contrary to the policy provisions contained within Policies CTY 8 & 14.

Overall, it is concluded that a dwelling on this site would add to an existing ribbon of development expressed along the Irish Hill Road and, if permitted, would also create a suburban style build-up of development when viewed with existing buildings in this area that will result in a detrimental change to, and erode, the rural character of the

countryside. Furthermore, a new dwelling on the site would fail to integrate into the countryside due to the lack of enclosure and the building if permitted, would also not be visually linked or site to cluster with an established group of buildings on the farm. The proposed development therefore fails to comply with Policies CTY 13 and CTY 14 of PPS 21.

Neighbour Amenity

As this application seeks outline planning permission, no details have been provided regarding the proposed design or layout for the dwelling house. It is however considered that an appropriately designed dwelling on the application site would not compromise the amenity experienced at any nearby property.

Other Matters

DfI Roads have asked that notice be served on the third party at No. 77 Irish Hill Road as in order to achieve the appropriate visibility splays third party lands will be required. This was not requested given the recommendation to refuse outline planning permission. It should be noted however, that this neighbour is aware of the application and has received neighbour notification.

It is noted that a number of matters were raised within a representation by the occupants of the neighbouring dwelling at No. 77. It is considered that these issues have been addressed in the main body of the report.

CONCLUSION

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

- The principle of the development is considered unacceptable as the proposed dwelling is not visually linked with existing buildings on the farm;
- A dwelling on the application site will not integrate into the surrounding landscape;
- The proposal would not likely have a significant detrimental impact on neighbour amenity if designed appropriately;
- The proposal will result in the erosion of rural character through ribbon development.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. 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 building if permitted, would not be visually linked or sited to cluster with an established group of buildings on the farm holding.
 - This site is not considered an exception as it has not been demonstrated that there are demonstrable and verifiable plans to expand the farm business at the existing building group.
2. The proposal is contrary to the provisions contained in the Strategic Planning

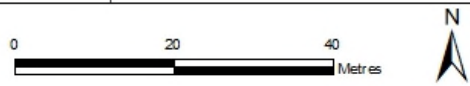
Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building, if permitted, would fail to integrate into the countryside due to the lack of enclosure.

3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 & 2w14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site would, if permitted, would add to a ribbon of development along the Irish Hill Road and also create a suburban style build-up of development when viewed with existing buildings in this area that will result in a detrimental change to, and erode, the rural character of the countryside.



Location Map

Application Reference: LA03/2021/1141/O
 Location: 60m South West of 77 Irish Hill Road
 Ballyclare
 Proposal: Site for Dwelling and Garage on a Farm



 Site Boundary



COMMITTEE ITEM	3.14
APPLICATION NO	LA03/2021/0885/F
DEA	BALLYCLARE
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed Installation of a 20m High Telecoms street pole c/w wraparound cabinet, with Integrated Antenna, and 3 no. additional equipment cabinets and ancillary equipment.
SITE/LOCATION	Close to 16 Mill Road, on a section of footpath approximately 10m north of the entrance to Jubilee Hall, Doagh
APPLICANT	CK Hutchison Networks (UK) Ltd
AGENT	Dot Surveying
LAST SITE VISIT	5 th November 2021
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The site is located on a section of footpath approximately 10m north of the entrance to Jubilee Hall, Doagh. The site is situated within the settlement limits of Doagh as defined within draft BMAP (2004).</p> <p>The western boundary of the site adjoins the metal estate railing which forms the eastern boundary of the Jubilee Hall residential development. The northern, eastern and southern boundaries of the site are undefined and form part of the public footpath.</p> <p>The surrounding area is defined by housing to the west and by an agricultural field to the east on the opposite side of the Mill Road. There is a group of mature trees protected by a Tree Preservation Order approximately 10-15m west of the site.</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</p>	

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. The Plan offers no specific guidance on this proposal.

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

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

PPS 10: 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

Arqiva – No objection

OFCOM – No response

Council Environmental Health Section – No objections

Department for Infrastructure Roads- Refuse

Belfast International Airport – No objection

REPRESENTATION

Seven (7) neighbouring properties were notified and one hundred and ten (110) letters of objection have been received from ninety-one (91) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Inaccuracies in report;
- Closeness to dwellings and schools;
- Health and safety;
- Impact upon wildlife;
- Visual impact;
- House value impacted;
- Road safety.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design, 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 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. Up until the publication of draft BMAP (dBMAP) in 2004 and its adoption in 2014, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP (2004) provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process.

Both of the relevant development plans identify the application site as being within the settlement limit of Doagh. 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 02 date stamped 3rd September 2021 which attempts to outline the need for this new telecommunications development at this location. The document explains that the cell search areas for 5G are very constrained with a typical cell radius of 50 metres. In this instance, a cell search area centred around the Mill Road area, a predominantly residential area. 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 has provided a list of discounted sites nearby. These sites were discounted due to unsatisfactory footpath widths to accommodate the telecommunications pole and ancillary equipment.

Figure No.2 within Document 02 shows the discounted sites alongside "Opt 1" which is the preferred option site. Interestingly, the site applied for under this application is noted as a discounted site, with the preferred site located close to the junction of Station Road and Kilbride Road approximately 350m northwest of the site. The agent was asked about this irregularity. On 12th October 2021, the agent responded confirming that the point annotated "Opt 1" was indeed the preferred site; with the site under consideration as part of the planning application a discounted site. Furthermore, on 29th October the agent recognised that there was an issue with figure No.2. It was put to the agent that further information would be required to remedy this issue and provide further details on discounted sites. The final request for information was sent to the agent on 2nd November 2021, with a final submission date given as 10th November 2021. No further correspondence was received from the agent until an update was requested by him on 1st February 2022. It was outlined that no requested information had been received and no further documentation was submitted at this point.

Given the inaccuracies within the supporting document and the failure to address these or offer a detailed account of discounted sites, it is considered that the proposal fails to meet criteria (a) of Policy TEL 1 of PPS 10. No overriding evidence has been provided that the application site offers environmental solutions above other options and therefore the proposal fails criteria (b) of this policy also. A number of objections have been received towards the development and within these objections note is made of the inaccuracies of Document no.02. It is considered that in this respect the objection has been upheld and considerable weight must be afforded to this in the final decision making process. It is therefore considered that the principle of development has not been established on the site.

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.

Notwithstanding the fact the principle of development has not been established on site, the design of the proposal will be considered. The proposed development involves the installation of a single 20-metre-high telecommunications pole, with a wraparound base cabinet and the construction of three (3) separate equipment cabinets positioned to the left hand side of the pole. The heights of the three (3) separate cabinets from finished ground level are 1 metre, 1.5 metres and 1.7 metres and together measure 3.2 metres in width. The height of the cabinet supporting the telecommunication pole is 1.5 metres and 2 metres in width. Both the telecommunications pole and equipment housing will be constructed in steel and finished in a grey colour powder coated finish. The chosen design for the mast is the most appropriate option to achieve the height required for the antennae. It is also a slim line design which ensures that the mast will integrate into the streetscape and blend with other street furniture.

The proposal is to be located along a footpath within an established urban area. The proposed pole and ancillary cabinets will be placed at the inner-most section of footpath close to the eastern fence associated with the Jubilee Hall housing development. Approximately 10-15m west of the site is a group of mature trees protected by a TPO which are approximately 15-20m in height. Undoubtedly, there will be an awareness to those travelling along Mill Road of a change in appearance with the introduction of a telecommunications pole. The trees to the west of the proposal however, offer a significant backcloth, being of a similar height to the proposal. Furthermore, the surrounding area is strongly urban, and it is considered that the proposed structures will not appear incongruous in the landscape nor will have a negligible impact on the visual amenity of the area.

A number of objectors have raised the issue of the visual impact of the proposal. However, for the reasons given above, it is considered that these points of objection cannot be sustained.

The design and appearance of the proposed telecommunication pole and associated equipment are considered typical of such developments and are acceptable within 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.

Impact on Environmental Quality of the Local Area

Policy TEL 1 of PPS 10 stipulates that development involving telecommunication equipment will be permitted where the proposed development will not result in harm to environmentally sensitive features or locations. The application site is not located within a nationally or internationally designated site, therefore, the application site is not considered to involve a sensitive location. In addition, it is considered that the proposal will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

An objection is raised in relation to the impact of bats and other wildlife around the site that use the existing trees to the west. However, it is considered that adding a new individual pole would neither harm the existing habitat, nor is there any removal of these existing trees with a significant separation of 10-15m. Therefore, little weight can be afforded to this objection point in the final decision making process.

Neighbour Amenity

A number of objections have been received stating that the proposal is too close to a number of residential properties and the local school. Concerns were raised as to the impact this proposal would have on the nearby residents and school children in terms of health.

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) Document 01 date stamped 3rd September 2021, 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.

As the proposal complies with ICNIRP Declarations, little weight can be afforded to the objection points in relation to impact upon the health of neighbours to the site.

The Council's Environmental Health Section has been consulted with respect to the development proposal and has raised no issues or objection with regards to potential noise from the new telecommunications column and equipment housing. Therefore, it is considered that the development proposal will not result in a detrimental impact on residential amenity.

Road Safety

DfI Roads was consulted with regards to the development proposal and have responded stating that the proposed mast and cabinets is within the approved 4.5m x 80m visibility splay for the Jubilee Hall development. DfI Roads request that the proposal is moved to a location where existing visibility is not detrimentally affected onto Mill Road. The agent was made aware of this issue, however, no amended plans were forthcoming. The agent advised on the 25th February 2022 that they will not be providing any further information on this application and therefore await the Local Planning Authority decision.

A number of objections were also submitted in relation to road safety. Given the response from DfI Roads outlined above, these concerns are substantiated and given significant weight in the final decision making process. Having considered the above, the proposal is deemed to fail the first policy objective of PPS 3 "promote road safety, in particular, for pedestrians, cyclists and other vulnerable road users" in that if approved, the proposal would prejudice the existing access associated with Jubilee Hall by creating a visible impediment within the visibility splays for the estate at its junction with Mill Road.

Other Matters

A number of objectors also raised concerns in relation to future value of their dwellings being affected by the proposal. However, no supporting evidence was received to this effect and therefore it cannot be afforded significant weight in the final decision making process.

CONCLUSION

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

- The principle of the development has not been established and therefore the proposal fails Policy TEL 1 of PPS 10;
- 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 a detrimental impact in terms of road safety, the proposal is contrary to PPS 3

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

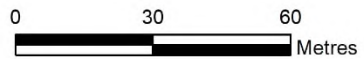
1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy TEL 1 of Planning Policy Statement 10; Telecommunications, in that insufficient evidence has been provided to show existing masts and other locations within the area have been investigated and are not feasible.

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, if approved, the proposal fails to promote road safety, for pedestrians, cyclists and other road users as the proposed pole and ancillary equipment will create a visual impediment within the visibility splays of the Jubilee Hall development.



Site Location Plan

Application Reference: LA03/2021/0885/F



Proposed Installation of a 20m High Telecoms street pole
c/w wraparound cabinet, with Integrated Antenna,
and 3 no. additional equipment cabinets and ancillary equipment.

Close to 16 Mill Road
on a section of footpath approximately 10m north of the entrance to Jubilee hall
Doagh



COMMITTEE ITEM	3.15
APPLICATION NO	LA03/2021/1189/F
DEA	ANTRIM
COMMITTEE INTEREST	COUNCIL APPLICATION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed internal alterations to include removal of stage including reducing the floor level in that area to match main FFL, removal of some internal walls to increase the footprint of the main space. Proposed external alterations including removal of existing fire escape steps, reconfiguration of existing opening and the provision of a new window
SITE/LOCATION	Muckamore Community Centre Ballycraigy Road Antrim
APPLICANT	Antrim and Newtownabbey Borough Council
AGENT	Robert Logan
LAST SITE VISIT	26 th January 2022
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located at Muckamore Community Centre, Antrim which is within the development limits of Antrim as defined within the Antrim Area Plan (1984-2001).</p> <p>The application site comprises Muckamore Community Centre which is characterised as a large linear building with a pitched roof, featuring two flat roofed single storey extensions to the southern elevation and finished in pebble dashed white render and slate tiles.</p> <p>The application site is surrounded by a 2-2.5-metre-high reinforced metal palisade type fence on all boundaries. The topography within the application site is relatively flat, however, the land rises in a northerly direction towards the adjacent properties beyond the northern elevation of the existing building.</p> <p>The surrounding area outside of the application site comprises a car park to the south and a large play park and playing pitches to the south and southwest. The application site is centred within an area of high density residential development comprising mainly two storey terraced housing.</p>	
RELEVANT PLANNING HISTORY	
Planning Reference: T/1976/0311 Location: Ballycraigy Road, Antrim	

Proposal: Community Hall
Decision: Permission Granted

Planning Reference: T/1995/4009
Location: Adjacent to Muckamore Community Centre, Antrim
Proposal: Council Play facility
Decision: Permitted development

Planning Reference: T/2009/0390/F
Location: Muckamore Community Centre, Antrim
Proposal: Retention of existing community centre building, replacement and upgrade of existing recreation facilities on reconfigured site, dedicated parking bays and upgrade of existing access
Decision: Permission Granted (01/10/2009)

Planning Reference: T/2009/0624/F
Location: Muckamore Community Centre, Ballycraigy Road, Antrim
Proposal: Provision of play area and multi-use games area (amended layout from previously approved application T/2009/0390/F)
Decision: Permission Granted (01/02/2010)

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

A Planning Strategy for Rural Northern Ireland: The Rural Strategy: The majority of the provisions outlined within the Rural Strategy have been superseded by PPS 21.

However, Policy PSU 1 of the Rural Strategy relevant to this proposal has not been superseded and is still a material consideration.

CONSULTATION

No consultations were carried out on this application

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

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 AAP identifies the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained within this Plan.

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

In this instance, the application proposes external alterations to an existing community building located within the settlement limits of Antrim. It is therefore considered that the land use and principle of development has been established on the site. The proposal will be considered under the SPPS and the Planning Strategy for Rural Northern Ireland – Policy PSU 1 Community Needs.

The SPPS highlights that the planning system operates in the public interest of local communities. The proposed development is considered to be in the interest of the local community as the works will not harm the amenity of neighbouring properties and will enhance the provision of the existing community hall by. Therefore the proposed works are considered acceptable in principle.

Design and Appearance

The application seeks full planning permission for some minor external alterations that include, the removal of fire escape steps, the reconfiguration of an existing entrance opening and the provision of a new window. All of the proposed works are to be carried out along the western elevation, all other elevations will remain as existing.

The existing fire escape door and external steps are to be removed and replaced with a set of glazed doors opening externally onto ground level. The existing entrance is to be reconfigured with the introduction of second ramp, creating a double ramp to access the building. Lastly, the application proposes a single high level elongated window at ground floor level, which would serve an open communal area.

The application also includes some internal works that include the removal of a stage to match finished floor level and the removal of some internal walls. As these works are internal they do not require planning permission and can be carried out without planning permission.

Neighbour Amenity

As stated above the proposed works are to take place along the western elevation only. The land adjacent to the western boundary comprises a large open area of maintained grass. The closest neighbouring properties to the application site are located at Limetree Avenue approximately 20 metres to the north of the application site. Given that there is no increase in floor space proposed and the works involved are minor in nature, it is not considered that the proposed external alterations would create any adverse neighbour amenity impacts to neighbouring properties.

Impact on Character and Appearance of the Area

The application site is located within a high density residential area and currently provides a community facility to the local population. The proposed works are minor in nature and would be considered to provide visual amenity improvements to the western elevation and provide a more accessible community building through the introduction of a second ramp.

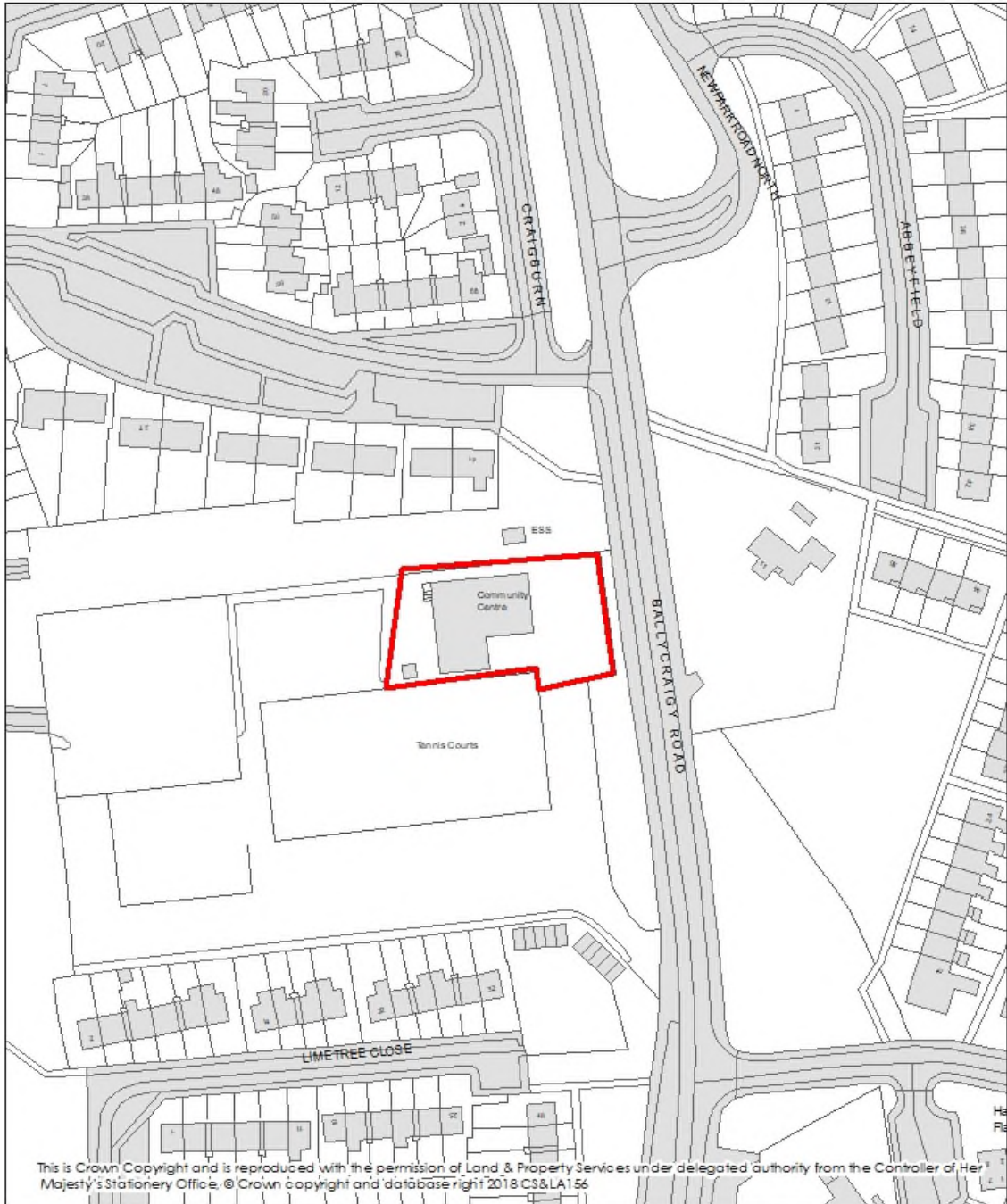
It is considered that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing building and will not detract from the appearance and character of the surrounding area.

CONCLUSION

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

- The principle of development has already been established on the site;
- The scale, massing, design and appearance of the proposed alterations are considered acceptable;
- The proposal will not unduly affect the privacy or amenity of neighbouring residents;
- The proposal will not detract from the character and appearance of the area.

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




Site Location Plan

Application Reference: LA03/2021/1189/F



Proposed internal alterations to include removal of stage including reducing the floor level in that area to match main FFL, removal of some internal walls to increase the footprint of the main space. Proposed external alterations including removal of existing fire escape steps, reconfiguration of existing opening and the provision of a new window

 Site boundary



Muckamore Community Centre, Ballycraigy Road, Antrim

COMMITTEE ITEM	3.16
APPLICATION NO	LA03/2021/0577/DCA
DEA	ANTRIM
COMMITTEE INTEREST	COUNCIL INTEREST
RECOMMENDATION	GRANT DEMOLITION CONSENT
PROPOSAL	Existing toilet block to be completely demolished. Removal of surrounding car parking or new layout
SITE/LOCATION	Carpark to Castle Mall Shopping Centre 26 Market Square Antrim
APPLICANT	Clear Partnership
AGENT	Mr Smyth Ltd
LAST SITE VISIT	5 TH November 2021
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the car park of Antrim Castle Mall, within the settlement limits of Antrim Town and the Town Centre Conservation Area as defined by the Antrim Area Plan (AAP) 1984-2001.</p> <p>The site includes a car park and specifically relates to the demolition of an existing toilet block. The topography of the site is relatively level and is set within a public carpark. The northern and western boundaries of the site are defined by a low 1m high stone wall. The southern and eastern boundaries of the site are undefined and lie within the existing car parking area.</p> <p>Castle Way road runs to the north of the site, the Dublin Road runs to the west and a large shopping complex is immediately south of the site.</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, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p>	

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

Antrim Area Plan 1984 - 2001: The application site is located within the settlement limits of Antrim Town. The application site is also within Antrim town centre, para 8.1 of the plan indicates that Antrim Town is the principle shopping town within the plan area. The plan states that Department's policy (at that time) was to strengthen the dominance of the central areas by concentrating future commercial development town centre limits.

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

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

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

CONSULTATION

Historic Environment Division- Historic Buildings – No Objection

Historic Monuments – No Objection

REPRESENTATION

No neighbour notification has been carried out as no occupied neighbouring properties abut the application site.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Principle of Development
- Impact on the Character and Appearance of the Area

The Planning Act (Northern Ireland) 2011 Planning (Control of Demolition in Conservation Areas) Direction 2015, stipulates that demolition consent is required as the subject building has a total cubic content exceeding 115 cubic metres, Section 105 (Control of demolition in Conservation Areas) of the Planning Act applies. Section 104 (11) of the Planning Act (Northern Ireland) 2011 states: "Where any area is for the time being designated as a conservation area, special regard must be had, in the exercise, with respect to any buildings or other land in that area, of any powers under this Act, to the desirability of-

- (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;

(b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.”

Policy BH 14 of PPS 6 states that demolition of an unlisted building in a conservation area will normally only be permitted where the building makes no material contribution to the character or appearance of the area.

The scheme proposes the demolition of an existing, disused detached toilet block within the Castle Mall car park. The existing building measures approximately 450m³, all to be demolished. The toilet block is relatively bland in design with brown brickwork and a flat roof.

The Historic Buildings Unit within the Department was consulted on the proposal and responded *“In consideration of this specific application, HED – (Historic Buildings) are content that the demolition of the existing structure and ancillary works is considered to be a betterment in respect of compliance with the policy requirements of SPPS (Para 6.12) and Policies BH11 of PPS6.”*

It is considered that the removal of the toilet block which offers little visual attraction to the area would be a betterment to the visual amenity and would pave the way for redevelopment of the wider site.

CONCLUSION

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

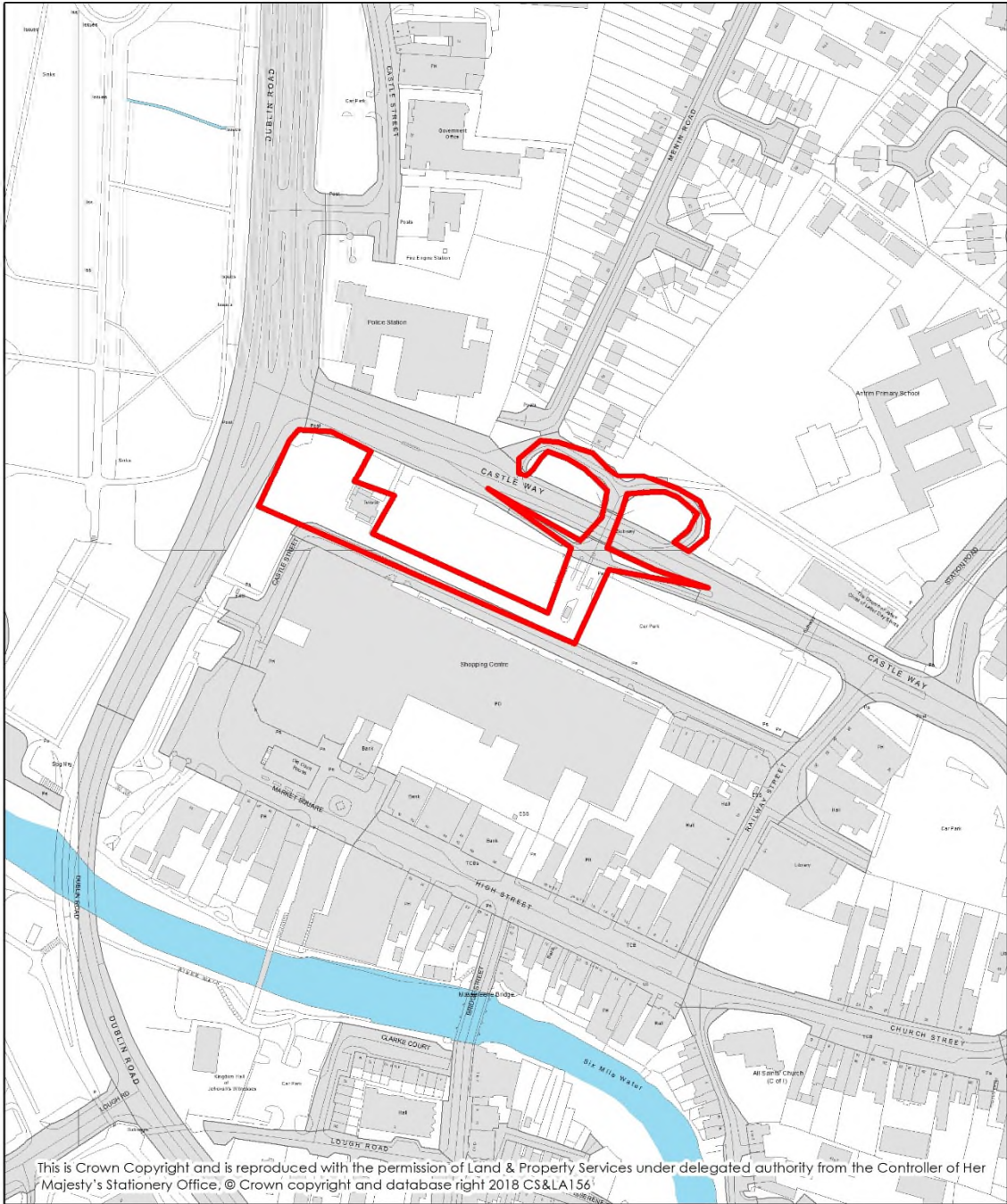
- The demolition of existing toilet block will not have a detrimental impact on the character and appearance of the Conservation Area.

RECOMMENDATION : **GRANT DEMOLITION CONSENT**

PROPOSED CONDITIONS

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

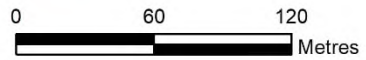
Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011.



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Site Location Plan

Application Reference: LA03/2021/0577/DCA



Existing toilet block to be completely demolished. Removal of surrounding car parking

Carpark to Castle Mall Shopping Centre
26 Market Square
Antrim



PART TWO

OTHER PLANNING MATTERS

ITEM 3.17

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during February 2022 under delegated powers together with information relating to planning appeals is **enclosed** for Members information.

Members will note that there were no planning appeal decisions for the Borough issued during February by the Planning Appeals Commission.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Interim Deputy Director and Head of Planning

Approved by: Majella McAlister, Deputy Chief Executive of Economic Development & Planning

ITEM 3.18

P/PLAN/1 PROPOSAL OF APPLICATION NOTICES FOR MAJOR DEVELOPMENT

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). Two PANs were registered recently the details of which are set out below.

PAN Reference:	LA03/2022/0099/PAN
Proposal:	Erection of coated roadstone plant and associated ancillary development to include Bitumen Storage tanks, aggregate storage bays, staff facilities, weighbridge and recycled asphalt pavement (RAP) processing and storage area
Location:	Lands at 20 Ballypalady Road, Doagh, Ballyclare BT39 0QY
Applicant:	Northstone (NI) Ltd
Date Received:	7 February 2022
12 week expiry:	2 May 2022

PAN Reference:	LA03/2022/0137/PAN
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
Location:	Land between Station Road and The Burn Road Doagh, BT39 0QT
Applicant:	Antrim Construction Company Ltd
Date Received:	22 February 2022
12 week expiry:	17 May 2022

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.

As part of its response to Coronavirus, the Department for Infrastructure (DfI) introduced an amendment to subordinate legislation to temporarily remove the requirement for a public event as part of the pre application community consultation (PACC). The initial Departmental Regulations were subsequently extended and given the ongoing pandemic The Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment No.2) Regulations (Northern Ireland) 2021 which came into effect on 1 October 2021, have

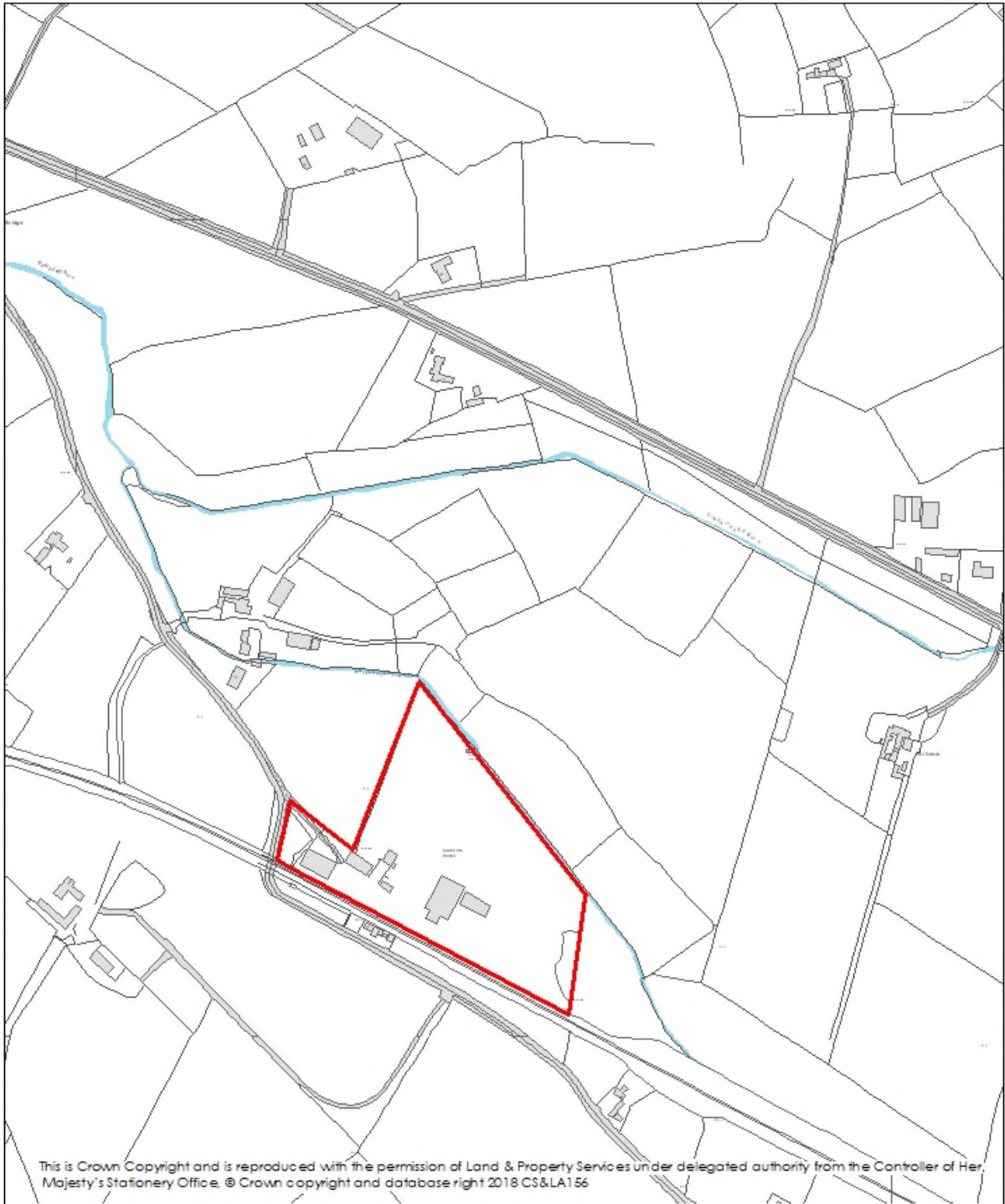
temporarily amended The Planning (Development Management) Regulations (Northern Ireland) 2015 and therefore the temporary relaxation of pre-application community consultation requirements during Coronavirus emergency period now apply until 31 March 2022. As with the previous Regulations applicants will still need to comply with other requirements to ensure communities are aware of and can input to major development proposals for their areas. However, this temporary change will allow major planning applications to continue to be submitted during the COVID-19 outbreak.

Guidance issued by the Department indicates that specific detail should be included in the PAN application indicating what consultation methods the prospective applicant is proposing to ensure that the local community is able to access, and comment on, information about a proposed development, despite the absence of a PACC public event.

RECOMMENDATION: that the report be noted.

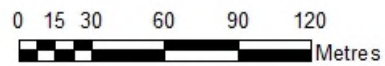
Prepared by: Sharon Mossman, Deputy Director of Planning

Approved by: Majella McAlister, Deputy Chief Executive of Economic Development & Planning



Site Location Plan

Application Reference: LA03/2022/0099/PAN

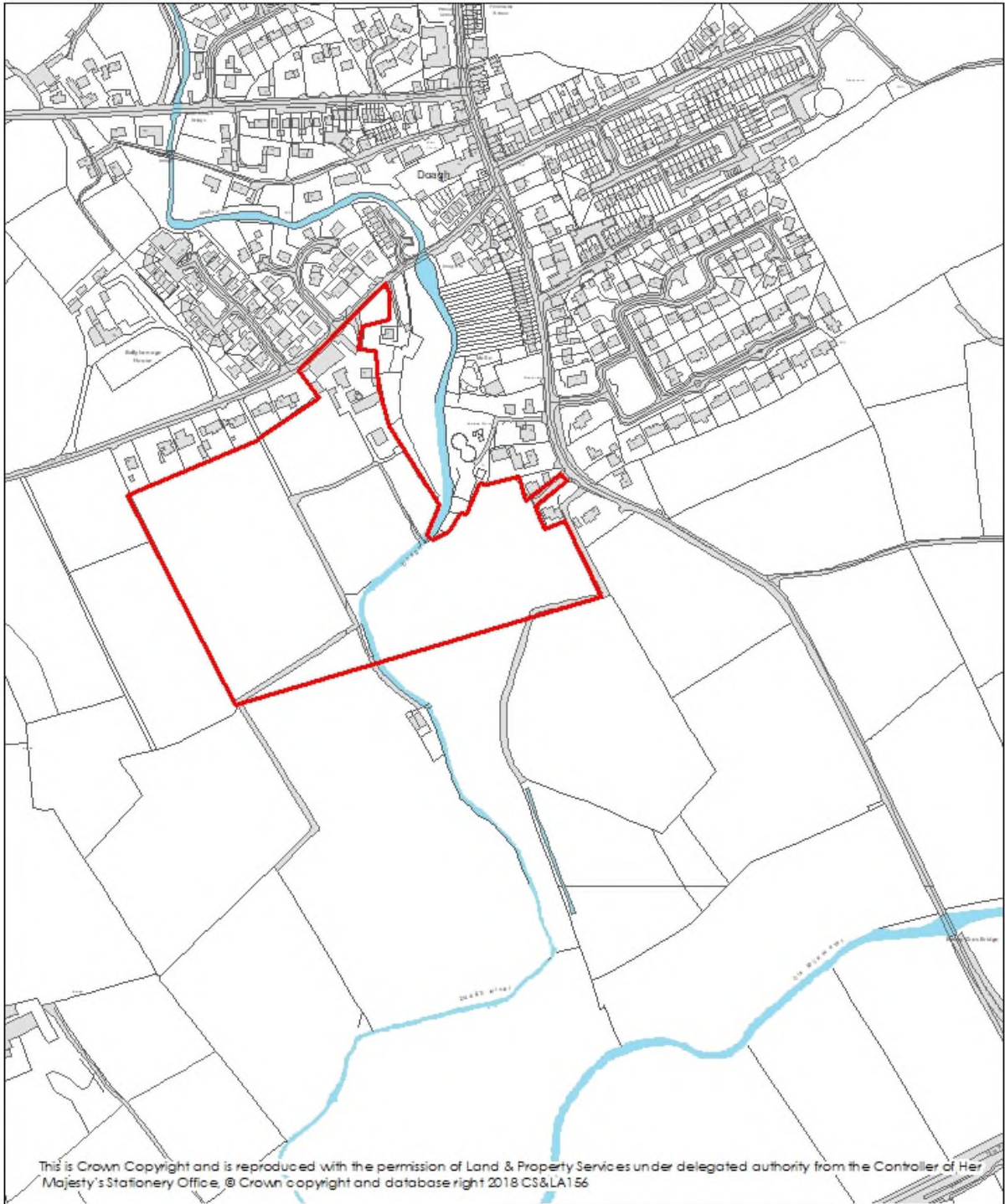


Erection of coated roadstone plant and associated ancillary development to include Bitumen Storage tanks, aggregate storage bays, staff facilities, weighbridge and recycled asphalt pavement (RAP) processing and storage area

 Site boundary

Location: Lands at 20 Ballypalady Road, Doagh
Ballyclare
BT39 0QY



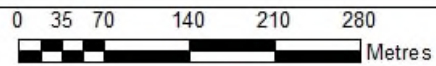



Site Location Plan

Application Reference: LA03/2022/0137/PAN

Proposal: Residential development comprising of 187 No. dwellings in 2 phases.

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



 Site boundary



ITEM 3.19

P/FP/LDP/62 LOCAL DEVELOPMENT PLAN PLANNING APPEALS COMMISSION – PROVISIONAL DATES FOR INDEPENDENT EXAMINATION

Members will be aware of the Local Development Plan update provided in June 2021 (Item 3.20 refers) regarding the Planning Appeals Commission (PAC) notification on 3 June 2021 to confirm that the Department for Infrastructure (DfI) caused an Independent Examination of the Council's Draft Plan Strategy.

The PAC has written (**enclosed**) to advise that following the Commissioners initial checks, the Independent is moving to the pre-hearing stage. The Commission will now organise the opening of the hearing sessions which will begin on Tuesday 3 May 2022 via remote hearing.

RECOMMENDATION: that the report be noted.

Prepared by: Simon Thompson, Principal Planning Officer (Interim)

Agreed by: Sharon Mossman, Deputy Director of Planning

Approved by: Majella McAlister, Deputy Chief Executive of Economic Development & Planning

ITEM 3.20

P/FP/LDP/112 LOCAL GOVERNMENT PLAN METROPOLITAN AREA SPATIAL WORKING GROUP – QUARTERLY UPDATE MEETING

An online meeting of the quarterly Belfast Metropolitan Area Spatial Working Group took place on 9 March 2022, hosted by Ards and Down Borough Council.

Items discussed included an update on progress from consultees and council's regarding their Local Development Plan, Draft Plan Strategy, including:

- Belfast City Council (BCC): Whilst BCC's Draft Plan Strategy Independent Examination (IE) completed on 8 March 2022, publication of the PAC Commissioners' report from the Department of Infrastructure IE report is imminent;
- Lisburn & Castlereagh City Council (LCCC): IE public hearing sessions are due to commence on 28 March 2022, lasting to 8 April 2022 inclusive. LCCC's IE hearing programme can be viewed at: <https://www.pacni.gov.uk/lisburn-castlereagh>

Members are advised that the draft minutes of the previous meeting of the working group, previously held on 21 November 2021 were also agreed at this meeting – copy **enclosed** for information.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Deputy Director of Planning

Approved by: Majella McAlister, Deputy Chief Executive of Economic Development & Planning

ITEM 3.21

P/FP/LDP/23 LOCAL DEVELOPMENT PLAN DRAFT PLAN STRATEGY, DRAFT STATEMENTS OF COMMON GROUND WITH BELFAST CITY COUNCIL AND LISBURN AND CASTLEREAGH CITY COUNCIL

Cross boundary considerations

Under the Planning (Local Development Plan Regulations) Regulations (Northern Ireland) 2015 neighbouring Councils are required to consult each other in the preparation of their respective Local Development Plans. Section 10 of the 2011 Planning Act states that the purpose of the Independent Examination into the LDP is to assess if it satisfies the legal requirements in the preparation of the plan and whether it is sound.

The tests of soundness are not legally defined. However, Development Plan Practice Note 6 (Version 2/May 2017) sets out guidance on soundness based upon 12 tests relating to procedure, consistency and coherence and effectiveness. Soundness Test CE 1 includes *"Has the plan had regard to other relevant plans, policies and strategies relating to the Council's district or to any adjoining Councils' district"*. CE1 includes that *"where cross boundary issues are relevant it is not in conflict with the DPDs (Development Plan Documents) of neighbouring Councils"*. All LDPs will be tests on these tests during the Independent Examination process.

Cross boundary engagement to date

All neighbouring Councils were consulted in the preparation of the Council's Preferred Options Paper and Draft Plan Strategy. Of note, Belfast City Council and Lisburn City Council made comments on strategic matters relating to a number of issues including retail and employment lands (enclosed).

Continued engagement – best practice

In the spirit of the legislative requirement to engage and work with neighbouring Councils in the preparation of plans, it is proposed that Antrim and Newtownabbey Borough Council consider Statements of Common Ground (SoCG) which are considered as a means of best practice in working together in relation to areas of agreement on particular issues, as is the case at this stage with Belfast City Council and Lisburn and Castlereagh City Council. Letters to respective Councils to establish engagement are enclosed for information.

The Department for Infrastructures (DfI) Development Plan Practice Note 10: Submitting Development Plan Documents for Independent Examination, paragraph 6.9 identifies that: *"Statements of Common Ground can be used to establish the main areas of agreement between two or more parties on a particular issue. These can be a useful way to evidence commitment and deliverability and can be refined as work on the Development Plan Document (DPD) progresses"*.

It is considered that a Statement of Common Ground would be beneficial in relation to the forthcoming Independent Examination and also as all plans progress to the Local Polices Plan Stage.

A draft Statement of Common Ground between Antrim and Newtownabbey Borough Council is enclosed for Planning Committee Members consideration before formal engagement with respective Councils Seeking agreement. Any amendments will be brought back to Planning Committee.

RECOMMENDATION: that draft Statements of Common Ground with Belfast City Council and Lisburn and Castlereagh City Council are agreed in principle before formal engagement.

Prepared by: Sharon Mossman, Deputy Director of Planning

Approved by: Majella McAlister, Deputy Chief Executive of Economic Development & Planning