



15 February 2023

Committee Chair: Alderman F Agnew
Committee Vice-Chair: Councillor J Archibald-Brown

Committee Members: Aldermen – T Campbell and J Smyth

Councillors – A Bennington, H Cushinan, S Flanagan,
R Kinnear, R Lynch, M Magill, R Swann and B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 20 February at 6.00 pm.**

You are requested to attend.

Yours sincerely

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

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

PLEASE NOTE: Refreshments will be available from 5.00 pm

For any queries please contact Member Services:

Tel: 028 9448 1301/ 028 9034 0107

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AGENDA FOR PLANNING COMMITTEE – FEBRUARY 2023

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

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

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

PART ONE - Decisions on Planning Applications

3.1 Planning Application No: LA03/2021/0845/F

Proposed development of 14no dwelling units consisting of 7no. apartments, and 7no. townhouses at 51B Riverside, Antrim, BT1 4BL.

3.2 Planning Application No: LA03/2021/0848/DCA

Demolition of dwelling and outbuildings at 51B Riverside, Antrim, BT1 4BL

3.3 Planning Application No: LA03/2021/0237/F

1no replacement dwelling and 2no additional dwellings and site works at 48 Circular Road, Jordanstown, Newtownabbey.

3.4 Planning Application No: LA03/2022/0852/F

Proposed 3 storey office development comprising of flexible office accommodation, break-out space and meeting rooms along with associated site works, car parking and boundary treatments at lands at former PSNI site, Glenwell Road, Glengormley

3.5 Planning Application No: LA03/2021/0745/F

Residential development comprising 33 no. units (19 no. Category 1, 3 Wheelchair Units and 11 no. General Needs), access, parking, landscaping and associated site works at lands at 285-291 Shore Road, Newtownabbey, Belfast, BT37 9RW.

3.6 Planning Application No: LA03/2022/0662/F

Retention of dwelling and garage (amended siting and access to dwelling and garage approved under LA03/2020/0123/F) and design change to garage at 27 Glebe Road (site 4 - 70m north of 7 Glebe Road, Newtownabbey).

3.7 Planning Application No: LA03/2020/0506/F

Part-demolition of existing buildings to rear of 19-21 Market Square and proposed residential development comprising 15no. apartments at lands to the rear of 19, 20, 21 & 21 A-F Market Square, Antrim

3.8 Planning Application No: LA03/2021/0666/O

Site for one infill dwelling at lands between 591 Doagh Road and No. 1 Ashley Park, Newtownabbey.

3.9 Planning Application No: LA03/2022/1043/O

Dwelling and detached garage at site approx. 35m north east of No. 34 Ballymather Road, Nutts Corner, Crumlin, BT29 4UL.

3.10 Planning Application No: LA03/2022/0920/F

Replacement dwelling and associated ancillary development at 8 Ladyhill Road, Antrim, BT41 2RF.

3.11 Planning Application No: LA03/2022/1040/O

Dwelling (within an infill site) at lands 20m south east of 20 Umgall Road, Crumlin, BT29 4UJ.

3.12 Planning Application No: LA03/2022/0931/O

Dwelling and domestic garage on a farm at lands 60m south of 68 Church Road, Randalstown, BT41 3JW.

3.13 Planning Application No: LA03/2022/0738/F

Retrospective application for extension to existing balcony with access/fire escape staircase, retention of garage and first floor living space (kitchen, dining & living room) at 33 Bernice Road, Newtownabbey, BT36 4QZ.

3.14 Planning Application No: LA03/2022/0787/F

Construction of a new access ramp to the rear of the building at 55-59 High Street, Antrim, BT41 4AY.

PART TWO – Other Planning Matters

- 3.15 Delegated Planning Decisions and Appeals
- 3.16 Proposal of Application Notices for Major Development
- 3.17 Planning Portal Update
- 3.18 Planning Improvement Programme
- 3.19 Engagement with DfI Strategic Planning Division, Planning Improvement Workshop
- 3.20 Local Development Plan, Independent Examination Update

PART TWO – Other Planning Matters - In Confidence

- 3.21 Planning Protocol and Scheme of Delegation – In Confidence

PART ONE - Decisions on Enforcement Cases - In Confidence

- 3.22 Enforcement Case LA03/2019/0334/CA – In Confidence
- 3.23 Enforcement Case LA03/2022/0353/CA – In Confidence
- 3.24 Enforcement Case LA03/2022/0172/CA – In Confidence
- 3.25 Update on Enforcement Notice for Unauthorised Vehicle Sales – In Confidence

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 20 FEBRUARY 2023**

PART ONE

PLANNING APPLICATIONS

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2021/0845/F
DEA	ANTRIM
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed development of 14No. dwelling units consisting of 7No. apartments, and 7No. townhouses
SITE/LOCATION	51B Riverside, Antrim, BT1 4BL
APPLICANT	Gribbin Homes
AGENT	P J Carey Architecture
LAST SITE VISIT	24 th 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 https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at Riverside, Antrim. The site lies within the development limit of Antrim Town and is within the Town Centre Conservation Area as designated by the Antrim Area Plan 1984-2001 (AAP).</p> <p>The site consists of a large rectangular derelict dwelling and extensive associated amenity space. The site has been derelict and unused for some time; slates have been removed from the roof, all openings have been boarded up and landscaping has overgrown within the site as a whole. The site is defined on all sides by mature landscaping, comprising mainly of trees. Aerial photography would suggest there is a rear yard with an outbuilding, however, this was not accessible during inspection due to the overgrowing nature of the site.</p> <p>The dwelling is 2 storey of plain architectural detailing with a pitched roof, painted rough render walls and cast iron rainwater goods. The building exhibits a classic solid to void ratio and balanced fenestration pattern with a vertical emphasis. There is an existing vehicular access with gates from Riverside, however, due to the overgrown nature of the site, it is clear the vehicular access has not been used for some time.</p> <p>The site is located in the 'Riverside' Sector of Antrim Town Centre Conservation Area, which is an area of residential development south of the town centre, historically associated with the former mill complex.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2002/0320/O Location: Adjacent 51b Riverside, Antrim Proposal: Dwelling Decision: Permission Granted (01.07.2002)</p>	

Planning Reference: LA03/2020/0258/DCA
Location: 51b Riverside Antrim, BT41 4BL
Proposal: Demolition of dwelling and outbuildings
Decision: Withdrawal (20.07.2020)

Planning Reference: LA03/2021/0848/DCA
Location: 51B Riverside, Antrim, BT41 4BL
Proposal: Demolition of dwelling and outbuildings
Decision: Current Application

PLANNING POLICY AND GUIDANCE

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

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

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

Antrim Area Plan 1984 - 2001: The application site is located within the settlement limit of Antrim and is located within the Antrim Conservation Area.

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 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.

Supplementary Planning Guidance - Antrim Town Conservation Area Guide

CONSULTATION

Environmental Health Section: No objection

Forward Plan Team: No objection

Historic Environment Division (Built Heritage): No objection, subject to condition

DFI Roads: No objection, 7no. copies of PSD required for approval.

NI Water: Refusal recommended

NIEA: Water Management Unit: Further information requested

NIEA: Natural Environment Division: Further information requested

DfI Rivers: Further information requested

Shared Environmental Services: No objection

REPRESENTATION

Forty (40) neighbouring properties were notified and one hundred and eighty-nine (189) letters of objection have been received. The full representations made regarding this proposal are available to view online at the Planning Portal (<https://planningregister.planningsystemni.gov.uk>).

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

- The existing buildings should not be demolished;
- Lack of need for further apartments in the area;
- The land should be used for an alternative use;
- Overdevelopment of the site;
- Not a quality residential environment;
- Impact on privacy / overlooking;
- Obstruction of sunlight / overshadowing;
- Noise / disturbance / nuisance;
- Outlook onto a blank gable wall for residents within Moylena;
- Neighbouring properties suffering subsidence in their gardens;
- Loss of views;
- Dominance;
- Impact on protected trees;
- Impact on the character of the Conservation Area;
- Destruction of nature and greenery;
- Additional traffic including construction traffic;

- Road safety;
- Safety of disabled children and pedestrians using Highway to Health Trail using Riverside;
- Lack of parking;
- Knock on effect of widening of entrance on the existing sparse parking available to residents;
- Limited pavements in the area;
- Sewerage / excess surface water / drainage issues;
- Flooding;
- Impact on wildlife / flora / fauna;
- The site should not be described as overgrown as it provides homes for wildlife;
- Impacts from construction;
- State of repair of the road will worsen;
- Alternative accesses have not been investigated;
- 20 – 25 The Cedars are not indicated on the plans;
- The developer did not meet with the Planning office prior to submission ;
- No neighbour notification for No. 31 Riverside;
- Restrictive area for emergency services;
- Cumulative impacts with other developments in the local area;
- Adverse effect on the river and aquatic life;
- Retaining walls required;
- Rise of antisocial behaviour;
- Devaluation of property;
- Impact on Human Rights to peaceful enjoyment of properties; and
- Impact on climate change.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Preliminary Matters

The proposal was initially for 20no. dwellings consisting of 13no. apartments, 4no. semi-detached dwellings and 3no. townhouses. The proposal was subsequently revised and the number of units was reduced to 14 units consisting of 7no. apartments and 7no. townhouses.

Principle of Development

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

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

In respect of the proposed development, there is no conflict or change in policy direction between the provisions of the SPPS and that contained Planning Policy Statement 7 – Quality Residential Environments and the 2nd Addendum to the Addendum to PPS7 – Safeguarding the Character of Established Residential Areas (APPS7) and PPS 8 'Open Space, Sport and Outdoor Recreation. PPS7, APPS7, Planning Policy Statement 3, Access, Movement and Parking (PPS 3) and PPS 8 remain the applicable policies to consider the proposed development under.

Concerns have been raised regarding the demolition of the buildings on site however, a separate demotion consent application is running concurrently (Planning Application LA03/2021/0848/DCA) as the application is located within the Conservation Area. Therefore, the proposed demolition of the existing buildings on the site is considered under concurrent application LA03/2021/0848/DCA.

Concerns were also raised that the site should be used for an alternative use and that there is no need for further apartments in the area. However, each application must be considered on its own merits and policy for residential development does not require a needs test. Owing to the sites location within the development limits of Antrim Town it is considered that the principle of residential development is acceptable on this site subject to the proposal complying with other relevant planning policy and guidance.

Design, Layout and Appearance

The core legal test for development proposals within a Conservation Area is set out at Section 104 of the Planning Act (NI) 2011. This indicates that in exercising its planning powers the Council must have special regard, with respect to any buildings or land in the conservation area, to the desirability of;

- a) preserving the character or appearance of that area 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.

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

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

'unacceptable damage to local character, environmental quality or residential amenity.'

The proposed layout indicates 7 no. apartments in the northern end of the application site with a linear row of terraced properties adjacent. A proposed access road is indicated from Riverside and sweeps across the fronts of the dwellings with a mixture of in-curtilage car parking spaces and communal parking on the opposite side of the internal access road. The proposal for the redevelopment of the site is quite different to what has gone before. The site is presently home to one large dwelling (although in a poor state of repair), to a scheme which involves a mix of apartments and terrace properties. It is nevertheless the case that any redevelopment scheme does not have to match that which went before.

The redevelopment scheme takes the form of a 2 storey terrace of dwellings, of similar scale to those found at this end of Riverside. The proposal would bring the area back into an appropriate land use for its location and reintroduce additional housing close to the town centre. The sympathetic redevelopment of the site is to be welcomed, as it provides an opportunity to enhance the Conservation Area at this location.

The characteristic built form of the area is two storey terrace type buildings of human scale. In general, there is a strong building line and linear narrow street pattern, with the buildings exhibiting a range of finishes from smooth and rough plaster painted, to red brick. Windows in the area are generally small openings and vertical in emphasis, with slate roof coverings and red brick chimneys of ridge lines. A number of dwellings in the vicinity also exhibit archways to the rear of the properties.

It is considered that the proposal has taken this characteristic built form into account in its design and layout. The front elevation of the proposal reflects the terrace layout, solid to void ratio, vertical emphasis and architectural detailing of the area. It is considered that the apartment block reflects the scaling of 'The Cedars' to be demolished on the site, and that it is proposed to reuse the front door surround from the Cedars on the main front door to the property.

Private garden sizes range from 95 square metres to 123 square metres and are considered sufficient in the context of the application site and surrounding area indicating sufficient levels of amenity space for the dwellings proposed as per Creating Places guidance. Areas of communal open space are also provided as part of the development. An area of approximately 105 square metres is proposed to the rear of apartments 6 and 7. A further area of approximately 165 square metres is proposed to the west of apartments 1 – 5 and a larger area between the access road and the existing pathway of Riverside to the west of the site measuring approximately 345 square metres is also proposed. It is considered the level of open space provided for the apartment blocks is acceptable and a further area is provided to the rear of the apartments for bin storage. Overall, it is considered that adequate provision has made for private amenity space for the development.

Impact on the Character and Appearance of the Area

Set to the southeastern edge of the Conservation Area, the application site contains in excess of 50 protected trees. Under Regulation 127 of the Planning (NI) Act 2011 trees in a Conservation Area are automatically protected as if a Tree Preservation

Order (TPO) was in place with the presumption that such trees will be retained. Generally, and in this instance, consent is required from the Council to undertake works to trees within a Conservation Area, including felling. In order to accommodate the proposed development, the majority of the existing protected trees within the site are required to be removed. Objections from neighbouring properties raises concerns with regard to the destruction of the trees, nature and greenery within this site and the impact on the character of the Conservation Area.

The Conservation Officer previously commented on the application site that the existing vegetation on the site gives an impression of greater quality, than is actually the case however, following this additional information has been received with regards to the trees within the site. An 'Existing Tree Survey' Drawing (Drawing No. 20, date stamped 5th December 2022) has been submitted along with a 'Landscape Plan and Boundary Treatments' drawing (Drawing No.14/2, date stamped 5th December 2022) has been submitted in order to provide clarification with regards trees within the site. A Tree Survey and Report (Document No. 7, date stamped 5th December 2022) has also been submitted.

In the Tree Survey Report that supplements the application, arborist Dr. Philip Blackstock makes a point of noting the distinctive feature of the trees within the local landscape. The survey estimates that the majority of the trees on the application site are around 50 years old, with some being more than one hundred years old. The trees are undoubtedly a significant asset to the character and landscape of Riverside. In addition, there are numerous wider public views of the trees dominating the skyline, forming a backdrop to nearby high-density residential developments. This creates a welcome visual break when entering the Conservation Area; a contrasting rich green lung in the busy built-up form of this edge-of-centre location.

These trees are well spread throughout the extent of the site, not solely defining the boundaries of the site. The trees offer a rich variety of visual and biodiversity interest throughout all seasons, with species such as Ash, Elder, Hawthorn, Alder, Scots Pine, Black Pine, Cedar of Lebanon, Rowan, Wych Elm, Himalayan Birch, Holly, Yew, Horse Chestnut, and Sycamore. SPPS 6.19 states that in the interests of preserving or enhancing the character or appearance of a Conservation Area, development proposals should, amongst other criteria, protect trees contributing to the character or appearance of the area. PPS 6, Policy BH 12 '*New Development in a Conservation Area*', states that proposals for development in a Conservation Area will normally only be permitted where all of a number of stated criteria are met. Criterion (f) requires that trees and other landscape features contributing to the character or appearance of the area are protected.

Drawing No.14/2 (date stamped 05 December 2022) is reflective of the Tree Survey (Document No.07). Trees illustrated on these documents can be identified using this cross reference. It is noted that over 35 trees are proposed to be felled (26 individual protected trees, 2 hedges, and 4 groups of protected trees, T1, H2, H3, T4, T5, T6, T7, T8, T9, T10, T18, G20, G21, T23, T24, T25, G26, T27, T28, T31, G33, T34, T35, T36, T43, T44, T45, T46, T47, T48, T49, and T50). However, according to the arboriculturalist assessment, only two of these (Nos. G20 and T46) require felling due to declining condition. Alternatively, arborist Dr Blackstock recommends remedial works, such as crown cleans for most of the trees to promote their overall condition, and to maintain site safety.

The applicant offers no justification for the removal of the trees, other than to accommodate the proposed residential development and associated access and parking arrangements. The removal of trees to facilitate an access and those within the centre of the site are considered acceptable, however the removal of swathes of protected trees to develop a site is not considered good planning practice. No justification has been provided as to why the grouping of trees directly east of the access point cannot be retained and incorporated into the design proposal.

In terms of clearance between the proposed residential development and the retained existing trees, guidance on good practice can be taken from the former Department's Development Control Manual, Annex D. This document outlines acceptable amenity distances to ensure usable garden space and reduce the need for requests for tree surgery/felling due to public safety or nuisance. As a rule of thumb the amenity distance should be a minimum of 6m to front and rear elevations, and 3m to side gables. Annex D notes that consideration should be given for future growth potential of trees. For larger and more heavily shading tree species, the guidance recommends that the amenity distance is increased to 10 or more metres.

However, according to Drawing No.14/2, it appears that the crown spreads of Tree No. T15 Horse Chestnut is only 3m from the rear of site No.8, and Tree No.T17 Sycamore is 3.5m from the rear of site No.8, and 2m from the rear of site No.9. Both these tree species have naturally dense crowns. These proposed distances between dwellings and retained protected trees already contradict Annex D guidance, and it is a further concern that no consideration has been given for the future growth of the trees. Undoubtedly, this would result in residents of the proposed dwellings seeking to ultimately remove the trees due to potential risk to persons and property. Indeed, even British Standard BS 5837:2012 cautions that the shading of buildings by tree canopies, and below-ground incremental root growth, can create problems. Continuous remedial trimming of branch-ends growing too close to buildings can affect the shape and structure of retained trees.

Trees in close proximity to dwellings create seasonal nuisances, such as loss of light when in full leaf, and leaves blocking gutters and gullies. Falling flowers, fruit, and accumulation of honeydew can cause surfaces to become slippery and cause damage to painted surfaces. This can create conflict between retained protected trees and potential residents. Accordingly, it is considered dwellings are located too close to retained trees. The plan indicates walls through the RPAs of protected trees. This is considered unacceptable as it will have a detrimental impact on the RPAs of protected trees. Fencing would be considered acceptable on the condition it is constructed using hand digging methods.

Text on Drawing No.14/2 suggests that a blockwork wall is to be constructed to the eastern boundary, but this does not appear to be illustrated on the site layout drawing. Such matters would require clarification and consistency. It is unclear from Drawing No.14/2 if the implementation of temporary or permanent services/drains/soakaways will encroach on RPA's.

The RPA's of Tree Nos. T38 Yew, T32 Sycamore, T30 Horse Chestnut, T11 Ash, G12 Rowan, T13 Alder and T14 Yew appear to be impacted by highway, pedestrian footpaths, and car parking spaces. In addition, the group of English Elm and Hawthorn at H37, are illustrated on Drawing No.14/2 as being retained, yet a pedestrian access point appears to run directly through main stems.

Document No.7 notes that the construction of hard surfaces within the RPA should comply with specifications outlined in British Standard BS 5837:2012, which includes manual excavation and the use of hand-held tools. This is welcomed and should be conditioned should planning permission be forthcoming. However, as guidance document Annex D suggests, DfL Roads will not adopt roads of footpaths which have been constructed using no-dig methods. It is considered the access road will have detrimental impact on the retained trees.

To avoid unacceptable disturbance to the roots of protected trees, British Standard BS 5837:2012 advises that existing ground levels within RPA's should be retained. There appears to be some differences in existing and proposed ground levels within the proposed development (Drawing No. 13/2) but without this data being overlaid with RPA locations, as given on Drawing No.14/2, it is difficult to ascertain if level variances would impact the existing protected trees.

The applicant proposes replacement planting to mitigate the loss of over 35 protected trees. One part of the explanatory text of Drawing No. 14/2 notes that "*All planting removed to be replaced at a ratio of 1:1 min*", yet another section of text on this same Drawing only specifies a total of 26 trees to be planted; however, neither of these written descriptions seem to correlate with the proposed site layout on the same document, where only 19 replacement trees and a replacement boundary hedge are illustrated. The proposed trees are to be of mixed native species, however, the applicant has failed to provide assurances as to the maturity and girth of these mitigatory trees. In addition, these would take years to mature and would not compensate for the loss of the mature trees within this Conservation Area.

Document No.07 assures that protective barriers shall be erected around the base of protected trees during construction, in line with British Standard BS 5837:2012 specifications. This practice is welcomed however, the location of this protective fencing is not detailed on Drawing No. 14/2. In general, the proposed redevelopment of this site is considered contrary to prevailing planning policy. The proposed scheme is unacceptable in terms of protecting Conservation Area trees from adverse impact of development and it is considered that the loss of these trees would have a significant detrimental impact on the character and appearance of the Conservation Area.

It has not been demonstrated that retained trees will be afforded the warranted protection both during and post construction. Nor has it been satisfactorily demonstrated that mitigatory planting will compensate for the felling of more than 35 established trees. No justification has been offered for the removal of these protected trees, other than what appears to be over-developing the site in terms of tree protection. It is considered that such a disturbance and loss would be

detrimental to the local distinctiveness and biodiversity value that these established protected trees bring to this town centre Conservation Area.

Neighbour Amenity and Impact on Adjacent Land Uses

It has been raised through letters of objection that the proposal would have a detrimental impact on neighbour amenity by way of overlooking, overshadowing, noise nuisance and disturbance, poor outlook for residents within Moylena, subsidence is likely to occur as a result of the proposal and dominance. These matters are considered below.

The proposed development backs onto Riverside School and Cedar housing development with the terrace dwellings (units 8 – 14) achieving the minimum garden depths of 10 metres recommended by Creating Places guidance. Approximately 55 metres back-to-back separation distance is proposed between the proposed units and the rear of dwellings within The Cedars which is considered sufficient to ensure no detrimental impact on these properties.

Unit 14 is positioned gable onto the rear gardens of the existing dwellings within Moylena Grove. It has been raised through letters of objection that these properties at 42 – 45 Moylena Grove have their living rooms at the back of the house along with bedrooms which will face onto the proposed units. The proposed dwellings sit on a lower level as some cutting into the site is proposed to accommodate the new dwellings. Approximately 14.5 metres is proposed between the gable of Unit 14 and No. 42 Moylena Grove. There are no gable windows in Unit 14 facing towards the dwellings within Moylena Grove. It is considered that given the separation distances and no windows in the gable that overlooking and overshadowing is not likely to be significant.

A point of objection from occupants of neighbouring properties relates to the loss of a views and impact on outlook for existing properties. It is considered that views 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 detrimental to the outlook of the existing dwellings.

The apartment blocks are 'L' shaped buildings. An existing hall lies to the northwest of the application site. The gable end indicates six windows in this side elevation including a bedroom, bathroom and stairwell window on the ground floor and the first floor. Some 16 metres is indicated between the side elevation and the closest residential dwelling at No. 49 Riverside. Riverside School is located to the northeast of the application site. It is considered that the apartment blocks will not create an unacceptable impact on neighbouring amenity.

The existing dwellings along Riverside (Nos. 51 – 71) back onto the proposed development and are on a lower level than the proposed units. A distance of approximately 34 metres is indicated between the front elevation of the proposed development and the edge of the existing garden areas. Nos. 56 and 58 Riverside have rear amenity areas on the western side of the dwelling and therefore overlooking will be minimal. In addition, approximately 36 metres distance is between the sites and it is therefore considered that there will not be a significant impact in terms of overlooking or overshadowing.

A pathway and the proposed car parking areas for the development are located between the buildings. Proposed planting is indicated between the car parking spaces and the edge of the site. It is considered there is sufficient separation distances between the proposed units and the existing dwellings along Riverside so as to ensure there is no significant impact on neighbouring amenity arising as a result of noise and disturbance from the parking areas.

Due to the nature of the proposal, noise will be generated through the construction phase of the development from plant and machinery and from vehicular traffic attracted to the development site. Traffic noise and disturbance can be expected with a development of this size during the construction phase of the development however, this is unlikely to be to be long lasting or to a significant extent. Environmental Health Section (EHS) has been consulted and has raised no objection to the proposal.

The proposed scheme has been designed to ensure that there will be no detrimental impact on the amenity of existing adjacent properties. As stated above the proposed layout complies with the recommended standards set out in the Creating Places Design Guide, which states where new development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking and recommends a minimum of around 10 metres between the rear of new houses and the common boundary. With regards to the development proposal the recommended separation distance standards have been adhered to.

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

Overall, it is considered that the proposal will not have a detrimental impact on the residential amenity of the existing dwellings within the surrounding area.

Archaeology and Built Heritage

The application site is located within the bounds of the historic settlement of Antrim Town. It is also located in proximity to the location of a number of mill sites and a brewery. These monuments are included in the Industrial Heritage Register. Historic Environment Division (Historic Monuments) has been consulted and considered the Structural Engineers Report submitted under associated application LA03/2021/0848/DCA for the Demolition Consent on the application site and accepts the conclusions that it is not possible to retain the buildings due to the extent of structural deterioration. Therefore, HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions. It is therefore considered that the proposal complies with PPS 6 'Planning, Archaeology and the Built Heritage'.

Natural Heritage

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. Due to the legal protection afforded to bats, the planning

authority must take a precautionary approach when assessing plans or projects likely to have an impact on bats.

NED note the Bat Survey that throughout the survey period, no species of bat were observed emerging from the onsite structures. NED notes from the previously submitted Preliminary Ecological Appraisal (PEA) that the 5 trees assessed as holding moderate bat roosting potential could be felled according to the newly submitted tree survey. Trees G20, G21, G33, T46 have been proposed for felling according to the tree survey, however it appears that most trees on site will be subject to some form of pruning, crown cleaning and ivy removal. An Emergence and Re-Entry survey is therefore required to be carried out on the 5 trees mentioned in the PEA to full NIEA specifications and following current BCT guidelines with surveys taking place May to September with at least one of the surveys between May and August:

- Tree 1 - Large Ash Tree at current entrance
- Trees 2&3 – Pollarded at the western end of the of trees that mark the eastern edge of the redline
- Tree 4 – Large Scots Pine at the southern edge of the site
- Tree 5 – Sycamore along the western boundary

This required information has not been requested as the proposed development is being recommended for refusal and to seek this information would put the applicant to nugatory work and expense.

With boundary vegetation having the potential to support roosting, foraging and commuting bats, these habitat features will need to be protected post-construction from any excessive proposed external lighting, which has been shown to have a significant negative impact on bats. It is known that bats avoid well lit areas which could deter them from utilising these habitats on the site in the future, however, this matter can be addressed through the imposition of a planning condition should planning permission be forthcoming.

Third party objections raised concerns stating that the site should not be described as overgrown as it provides homes for wildlife. The impact of wildlife within the site including from the removal of vegetation has been considered and NED has raised no concerns in this regard. The vegetation on site may support breeding birds. In the event that planning permission is granted an informative can be added to advise that all wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), known as the Wildlife Order.

It has been raised through letters of objection that the proposal would have an adverse effect on the river's aquatic life. This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council which is the Competent Authority responsible for authorising the project. The assessment which informed this response is attached at Annex A. Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.

Access, Movement 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. The layout of the proposal makes provision for in curtilage spaces and layby parking.

It has been raised through letters of objection regarding the impact of the proposal on road safety and lack of parking. Riverside is a particularly narrow street and is used frequently. In addition, there are parts of the road that have no footpath however, DfI Roads has been consulted with regards to the objections and has returned a response indicating they are content with the proposal and has requested PSD drawings. These additional drawings have not been requested so as to not put the applicant to unnecessary expense.

The potential for lack of parking and impact on amenity due to cars parking outside existing residents' dwellings was raised as an issue through letters of objection. In addition, the knock on effect of widening of the entrance on the existing sparse parking available to residents was also raised as a matter of concern. It is accepted that this area of Riverside is particularly busy with on street parking however, DfI Roads has been consulted and are content that the 19no. on street parking spaces within the development and further 6no. in curtilage spaces proposed are sufficient for the development as a whole and therefore the proposal should not significantly affect the existing level of on street parking within Riverside.

Concerns were raised by objectors with respect to traffic generation from the proposed scheme and the subsequent detrimental impact the additional vehicular movements will have on the quality of the surrounding roads. No verifiable evidence has been submitted to indicate to what exact effect this proposal is likely to have on the quality of the roads and there is no certainty that this would occur as a direct consequence of the proposed development. A Private Streets Determination drawing is required for the development and therefore the roads within the development would be adopted should permission be granted. It is therefore considered that this issue should not be afforded determining weight in the determination of this application.

It has been raised through letters of objection submitted to the application that there is a restrictive area for emergency services to be able to access along Riverside's narrow road. Riverside is an existing road and although additional traffic will be using it, the level of traffic using the road is not considered to be significant in this regard. With regards to the issues raised within letters of objection, many relate to the cumulative impacts resulting from this development coupled with existing developments and issues within the immediate area.

A further third party objection queried whether the possibility of an entrance from the back had been investigated. The proposed access is taken from the existing access point to the site off Riverside and it is considered the access is appropriate for the development.

Flood Risk

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by

undesigned watercourses. A watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973, and known to DfI Rivers as the 'Sixmilewater', is located approximately 50 meters to the west of the site. 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 floodplain.

DfI Rivers considers the Drainage Assessment (Document 03, date stamped to be incomplete as it is not supported by relevant correspondence from NIW indicating how runoff from the site will be disposed of safely. Revised Policy PPS 15 Annex D17 bullet point 8 states – "The likely impact of any displaced water or increased run-off from the development site should be estimated and the consequences for neighbouring or other locations assessed".

Due to the topography of the proposed site and the location of the existing dwellings to the west of the site, DfI Rivers requires details of how the increased run-off from the development will be adequately managed within the site. Revised Policy PPS 15 Annex D17 bullet point 4 states – Indication as to whether the local area has past flooding problems, which may limit site discharge to the local drainage and watercourses to pre-development run-off rates. DfI Rivers requires confirmation of whether or not there are past flooding events in the local area.

The applicant was requested to provide this information, however, DfI Rivers provided a further response on 21st November 2022 stating that the previous issues had not been overcome. Objectors have pointed out that there have been previous flooding issues within the area. It is therefore considered that insufficient information has been provided in order to demonstrate that the proposal complies with the provisions contained in the Strategic Planning Policy Statement and Policy FLD 3 of PPS15 Planning & Flood Risk in that a complete Drainage Assessment has not been provided and the development, if permitted may increase the risk of flooding elsewhere through increased surface water runoff.

NI Water has been consulted and has advised that due to the sewer network being at capacity in the Antrim catchment and sewer flows spilling from CSO's into the environment no further connections should be made to the network or a condition should be incorporated which requires an alternative drainage / treatment solution for the site. This is due to the risk of NIEA prosecution, should NI Water breach its Water Order Consent or contravention of the Water Order should the company cause detrimental impacts to existing customers, i.e. sewer flooding of properties. The applicant has advised that a Waste Water Impact Assessment has been submitted to NI Water, however, to date no Solutions Engineers Report has been received.

Therefore, it is considered that 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.

DAERA Water Management Unit has also been consulted and has advised that if NIW indicate that the Waste Water Treatment Works (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. If NIW advise it is not possible to connect the proposed development to mains sewer, then alternative arrangements will be required and a Discharge Consent issued under the terms of the Water (NI) Order 1999 will be required for the discharge of sewage effluent from the proposed development.

Devaluation of property

The perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case no specific or verifiable evidence has been submitted to indicate what 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.

Human Rights

Paragraph 2.3 of the SPPS states that the planning system operates in the public interest of local communities and the region as a whole. It does not exist to protect the private interests of one person against the activities of another. In principle there is the opportunity for residential development within the urban area.

The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.

The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

The Council is satisfied that its processes and practices are compatible with the ECHR. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Council to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed. In carrying out this balancing exercise the Council will of course wish to be satisfied that it has acted proportionately.

In this case, the objectors have exercised their right to make representations to the Council through the processing of the planning application and all amenity impacts that have been fully assessed during the processing of this planning application.

Climate Change

It has been raised through letters of objection that the proposal will have a detrimental impact on climate change. However, it is considered that as the

development site is modest and is located on a previously developed site within the development limits of Antrim Town, the development is not likely to have a significant impact on climate change.

Neighbour notification

It has been raised through a third party objection that no neighbour notification letter was received for No. 31 Riverside. Neighbouring land" means land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20 metres in width. This property falls outside the statutory neighbour notification procedures as set out within Article 8 (1) (b) of The Planning (General Development Procedure) Order (Northern Ireland) 2015. It was also evident from receipt of the objection letter that the complainant was aware of the development proposal and not prejudiced.

Lack of information

Third party objectors to the application raised concerns that the developer did not meet with the Council prior to submission of the application. However, while this is encouraged, it is not a requirement for a local planning application. It was also highlighted that Nos. 20 – 25 The Cedars are not indicated on the plans however; the plans have been updated to include these dwellings.

CONCLUSION

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

- The principle of residential development is considered to be acceptable;
- It is considered that the proposal, if permitted, would result in damaging a significant number of trees within the Conservation Area;
- It is considered that the loss of the trees within the site would have a significant detrimental impact on the character and appearance of the Conservation Area;
- A complete Drainage Assessment has not been provided and the development, if permitted may increase the risk of flooding elsewhere through increased surface water runoff;
- It has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development; and
- Insufficient information has been submitted to demonstrate that the proposal would not have an unacceptable adverse impact on bats.

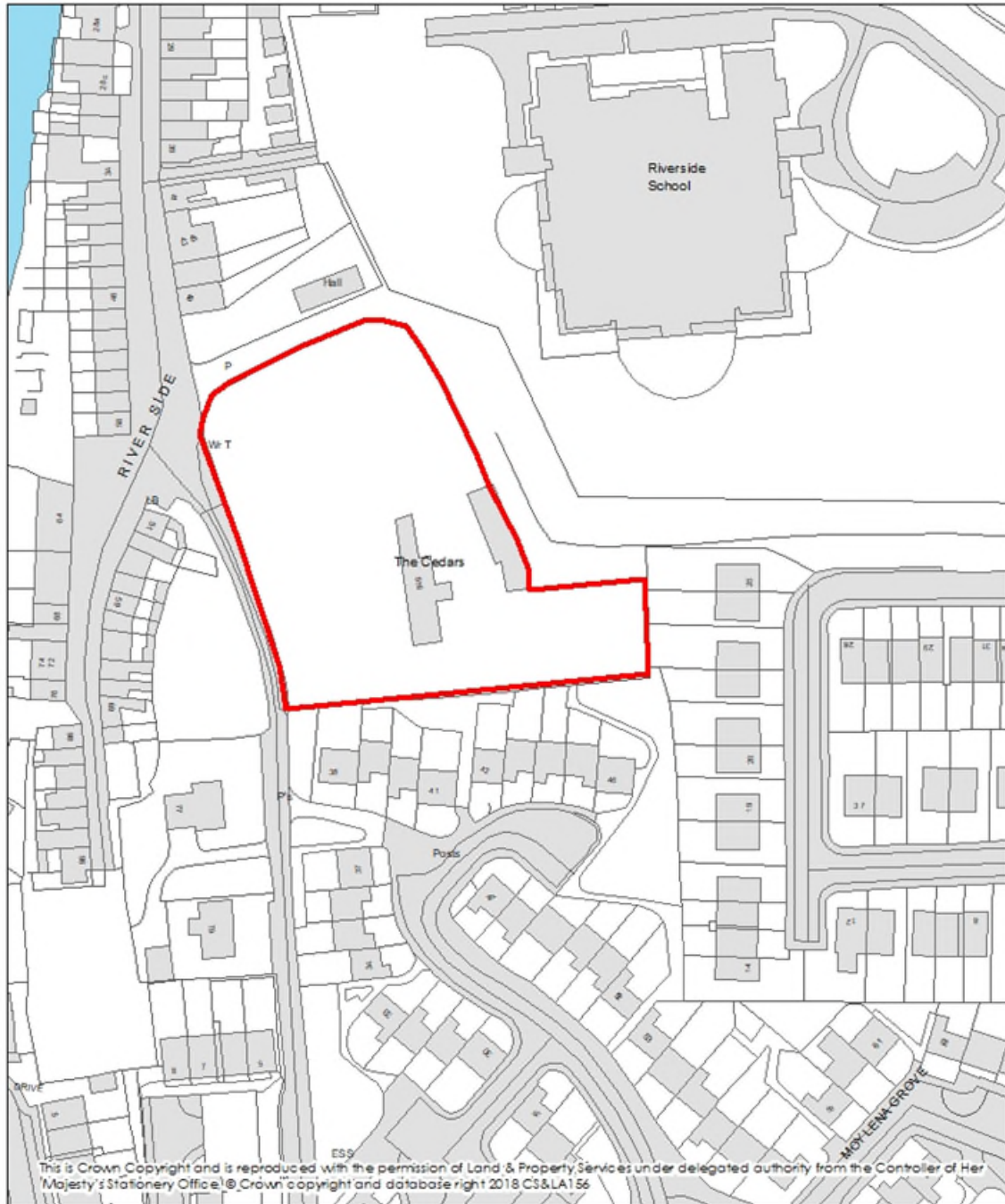
RECOMMENDATION REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Planning Policy Statement 7, Policy QD 1 in that it has not been demonstrated that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout in that the proposed development would result in a detrimental impact on landscape features within the Conservation Area due to the impact on exist trees.
2. The proposal is contrary to the policy provisions contained within the Strategic Planning Policy Statement and Planning Policy Statement 6, Policy BH 12 'New Development in a Conservation Area' in that it has not been demonstrated that the proposed development preserves or enhances the character and

appearance of the area or that the proposed development would not have an impact on protected trees within the application site.

3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy FLD 3 of PPS15 Planning & Flood Risk in that a complete Drainage Assessment has not been provided and the development, if permitted may increase the risk of flooding elsewhere through increased surface water runoff.
4. 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.
5. The development is contrary to Planning Policy Statement 2 Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland in that it would have an unacceptable adverse impact on bats and insufficient information has been submitted to establish otherwise.




Site Location Plan

Application Reference: LA03/2021/0845/F

Proposed development of 14no. dwelling units consisting of 7no. apartments, and 7no. townhouses

51B Riverside, Antrim, BT41 4BL



 Site boundary



COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2021/0848/DCA
DEA	ANTRIM
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE CONSERVATION AREA CONSENT
PROPOSAL	Demolition of dwelling and outbuildings
SITE/LOCATION	51B Riverside, Antrim, BT1 4BL
APPLICANT	Mr John Gribbin
AGENT	P J Carey Architecture
LAST SITE VISIT	24 th 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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information.</p>	
SITE DESCRIPTION	
<p>The application site is located at Riverside, Antrim which lies within the development limits of Antrim Town and within the Conservation Area as designated by the Antrim Area Plan 1984-2001 (AAP).</p> <p>The site consists of a large rectangular derelict dwelling and extensive associated amenity space. The site has been derelict and vacant for some time; slates have been removed from the roof, all openings have been boarded up and landscaping has overgrown the site as a whole. The site is defined on all sides by mature landscaping, comprising mainly of trees. Aerial photography would suggest there is a rear yard with an outbuilding, however this was not accessible during inspection due to the overgrowing nature of the site.</p> <p>The dwelling is two storey of plain architectural detailing with a pitched roof, painted rough render walls and cast iron rainwater goods. The building exhibits a classic solid to void ratio and balanced fenestration pattern with a vertical emphasis. There is an existing vehicular access with gates from Riverside, however due to the overgrown nature of the site, it is clear the access has not been used for vehicles for some time.</p> <p>The site is located in the 'Riverside' Sector of Antrim Town Conservation Area, which is an area of residential development south of the town centre historically associated with the former mill complex.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2002/0320/O Location: Adjacent 51b Riverside, Antrim Proposal: Dwelling Decision: Permission Granted (01.07.2002)</p>	

Planning Reference: LA03/2020/0258/DCA
Location: 51b Riverside Antrim, BT41 4BL
Proposal: Demolition of dwelling and outbuildings
Decision: Withdrawal (20.07.2020)

Planning Reference: LA03/2021/0845/F
Location: 51B Riverside, Antrim, BT41 4BL
Proposal: Proposed development of 14no dwelling units consisting of 7no apartments, and 7no townhouses
Decision: Current Application

PLANNING POLICY AND GUIDANCE

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

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

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

Antrim Area Plan 1984 - 2001: The application site is located within the settlement limits of Antrim and is located within the Antrim Conservation Area.

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 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.

Supplementary Planning Guidance - Antrim Town Conservation Area Guide

CONSULTATION

Conservation Officer: No objection

Historic Environment Division (Built Heritage): No objection, subject to conditions

REPRESENTATION

No neighbours were notified of the application as it relates to Conservation Area/Demolition Consent, however, five (5) letters of representation have been received from four (4) properties. One hundred and eighty-nine (189) letters of objection have also been received to the associated full application (LA03/2021/0845/F) and raise concern with regards to the demolition of the building. The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk>, and the Council's website, under additional information.

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

- Objection to demolition within a Conservation Area;
- The site contributes strongly to the history and vernacular character;
- Neighbours properties are suffering subsidence so construction work risks damage and issues to other homes in the area;
- Impact on carbon footprints;
- Out of character with Riverside and the Conservation Area;
- Contrary to current urban planning policies which seeks to create more open spaces;
- Flooding issues;
- Parking issues in the area;
- Increase in traffic within Riverside;
- Too many houses within the Riverside area; and
- Invasion of privacy.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Principle of Development
- Other Matters

As indicated by the Department of the Environment Planning Act (Northern Ireland) 2011 Planning (Control of Demolition in Conservation Areas) Direction 2015, 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.'

This current demolition consent application seeks to demolish the dwelling and all outbuildings on site. 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 Strategic Planning Policy Statement for Northern Ireland (SPPS) advises that, in the interests of preserving or enhancing the character or appearance of a Conservation

Area, development proposals should comply with a range of stipulated criteria. One of the stated criterion mirrors the requirement by Policy BH 14 of PPS 6 to only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character and appearance of the area. Furthermore, the SPPS states that the development proposal should protect important views within, into and out of the area.

This building is likely to have been a grand and important building in the early 1800's with a clear relationship with the former paper mill complex. In general, Riverside is considered to retain a strong character of its history and the subject building forms an element of this character and is potentially reflective of the hierarchical social pattern of development at that time. It is considered that the dwelling makes a material contribution to the character and appearance of the Conservation Area, despite it being vacant for some time and missing its roof covering. The building is considered to be an important element in the history of the area and would appear to be in its original form with little alteration over the years.

It is acknowledged that the existing building has an historic value and a classic vernacular appearance (form, materials and finishes) exhibited by the subject building (No. 51b Riverside) which makes a material contribution to the Conservation (if brought back to life). It is however, noted that views from public vantage points of the building are essentially non-existent due to existing mature trees around the site.

A previous application on this site for Demolition Consent (LA03/2020/0258/DCA) was withdrawn prior to determination. The applicant has submitted evidence in support of this current application for Demolition Consent in the form of a structural report from EDS Consulting (Document 01, date stamped 30th November 2021). This report notes 'significant fire damage' to internal flooring of the dwelling, damage to masonry from vegetation and structural cracks resulting in the structural failure of a gable. The report also indicates that it is assumed that there has been ivy damage to the foundations of the building. The report concludes that the overall condition of The Cedars is poor and attempts at restoration would lead to significant damage and collapse, impacting on the health and safety of contractors. The report recommends that the building be demolished and replaced.

Historic Environment Division has been consulted and has no objection to the proposal. The Forward Plan Team of the Planning Section has reviewed the report and on balance agrees with the conclusions. The Forward Plan Team states that the condition of the dwelling appears to be beyond repair and is of the opinion that the proposal to demolish accords with the provisions of Policy BH 14 of PPS 6 and it therefore falls to the consideration of an appropriate scheme for the redevelopment of the site.

Under Section 91(6) of The Planning Act (Northern Ireland) 2011 (referred by Section 105(6)), states consent may be granted subject to a condition that the building should not be demolished before a contract for the carrying out of works of redevelopment of the site has been made, and planning permission has been granted for the redevelopment. Policy BH 14 also states where demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.

An acceptable redevelopment proposal would bring the area back into an appropriate land use for its location and reintroduce additional housing close to the town centre. The Forward Plan Team has advised that the sympathetic redevelopment of the site is to be welcomed, as it provides an opportunity to enhance the Conservation Area at this location. A scheme under LA03/2021/0845/F is with the Council for the redevelopment of this site.

The associated full application, Ref: LA03/2021/0845/F has been considered and is recommended for refusal as it would not result in an enhancement of the character and appearance of the Conservation Area.

For this reason, it is considered appropriate to recommend refusal for the demolition of the existing building on the site given the absence of an acceptable redevelopment scheme.

Other Matters

An objection received stated that neighbours' properties are suffering subsidence so construction work risks damage and issues to other homes in the area. The onus is on the developer to ensure the works do not damage adjacent properties.

A number of the objections received to the Demolition Consent raised concerns with regards to the redevelopment scheme being out of character with Riverside Conservation Area and contrary to current urban planning which seeks to create more open spaces; flooding; parking issues; Increase in traffic; too many houses, impact on carbon footprint and invasion of privacy. These matters relate to the proposed redevelopment application (Ref: LA03/2021/0845/F), and it is considered that the demolition of the buildings on the site would not have a significant detrimental impact pertaining to these matters.

CONCLUSION

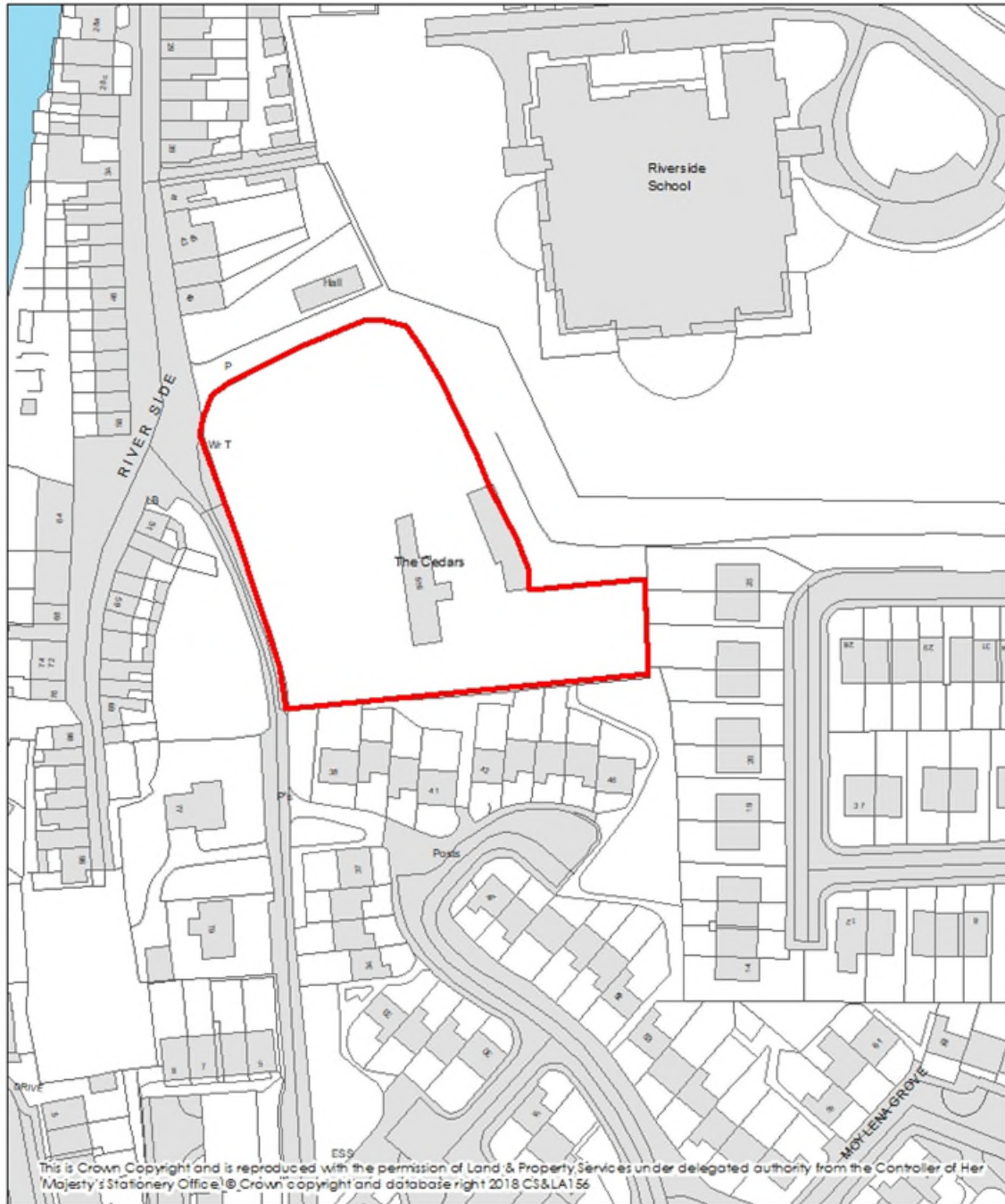
The following is a summary of the main reason for the recommendation:

- The principle of the development is considered to be unacceptable as it has not been demonstrated that an appropriate and suitable redevelopment scheme is proposed under the associated full planning application LA03/2021/0845/F.

RECOMMENDATION	REFUSE CONSERVATION AREA CONSENT
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PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy BH14 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that it has not been demonstrated that a suitable redevelopment scheme has been approved that would justify the buildings demolition.




Site Location Plan

Application Reference: LA03/2021/0848/DCA

Demolition of dwelling and outbuildings

51B Riverside, Antrim, BT41 4BL



 Site boundary



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2021/0237/F
DEA	MACEDON
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	1 no replacement dwelling and 2 no additional dwellings and site works
SITE/LOCATION	48 Circular Road, Jordanstown, Newtownabbey
APPLICANT	Christine Jennings
AGENT	H R Jess Ltd
LAST SITE VISIT	5 th August 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 https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at No. 48 Circular Road, Jordanstown and is situated within the settlement limit of Metropolitan Newtownabbey as defined in the Belfast Urban Area Plan (BUAP). Within the draft Belfast Metropolitan Area Plan (published 2004) (dBMAP) the site is located within the settlement limit of Metropolitan Newtownabbey and within the draft Old Manse Road Area of Townscape Character (designation MNY 34).</p> <p>The site comprises a large, two storey dwelling set in the northwestern corner of the application site and is set within mature grounds. The dwelling is vacant and derelict and is overgrown with vegetation. The dwelling is finished in roughcast render and red brick with wooden windows. A small, single storey garden shed and a single storey garage are located adjacent to the dwelling.</p> <p>An existing gated driveway off Circular Road provides access to the existing dwelling. The access is bound to the northwest by an existing 1.5-metre-high post and wire fence. The southeastern boundary of the access road is partially undefined with a number of trees interspersed and overgrown with vegetation separating the site from No. 44 Circular Road. The driveway then sweeps behind the rear garden areas of Nos. 50 – 54 Circular Road with these properties separated from the application site by hedging and trees of varying heights along the sites northeastern boundary. The northwestern boundary abuts the rear garden area of No. 63 Old Manse Road and is defined by an existing 1.8-metre-high closed boarded fence along with existing vegetation. The southwestern boundary where it abuts the gable of No. 61 Old Manse Road is defined by an old beech hedge of approximately 16 metres in height and a large Austrian pine single stemmed tree in the northwestern corner which is approximately 18 metres in height and overgrown with ivy.</p> <p>The immediate area is primarily residential in character. A number of new dwellings have been constructed within the surrounding area in recent years.</p>	

RELEVANT PLANNING HISTORY

Planning Reference: U/2004/0800/F

Location: 48 Circular Road, Jordanstown, Newtownabbey

Proposal: Erection of two storey dwelling.

Decision: Permission Granted (08.06.2005)

Planning Reference: U/2005/0497/F

Location: 48 Circular Road, Jordanstown, Newtownabbey, Northern Ireland, BT37 0RG

Proposal: Erection of two storey dwelling, detached garage and store (change of house type)

Decision: Permission Granted (05.12.2005)

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. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey and within Old Manse Road Area of Townscape Character (designation MNY 34).

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

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

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

PPS 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.

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – Sewer network at capacity

Department for Infrastructure Roads- No objection, subject to conditions

Department for Communities Historic Environment Division – No objection

Northern Ireland Environment Agency: Natural Environment Division – No objection

REPRESENTATION

Twenty-three (23) neighbouring properties notified and sixteen (16) 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 <https://planningregister.planningsystemni.gov.uk>.

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

- The existing Victorian dwelling is a key feature of the Area of Townscape Character (ATC) which was the Manse in the 19th Century and should be retained;
- 'Dereliction' unacceptable as a reason for demolition and could set a precedent;
- The proposal would harm the Old Manse Road ATC;
- Trees should be retained for privacy;
- Overdevelopment;
- Harm to residential amenity including overlooking;
- Dominance / overbearing nature of the proposal;
- Concern that footprint of existing dwelling is not indicated in the correct position;
- Harmful impact to trees;
- Impact on ecology including bats;
- Plan refers to maintenance of trees but not clear what this entails;
- Drainage;
- Impacts from access;
- Road safety;
- NI Water capacity issues;
- Land ownership dispute;
- Disruption to services as no reference to drain pipes traversing the site and BT cables; and
- Assurance requested that the development will be built as per the plans.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Density
- Design, Appearance and Impact on Character and Appearance of the Area
- Neighbour Amenity
- 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 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 NAP and the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application.

The application site is located within the settlement limit of Metropolitan Newtownabbey within all relevant plans and is within a draft Area of Townscape Character Old Manse Road (ATC) under Zoning MNY 34 as designated within the draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP).

Unlike the position set out for existing ATCs it is clear from decisions taken by the Planning Appeals Commission that neither the policy or advice contained in draft BMAP (2004) nor the provisions PPS 6 (Addendum): Areas of Townscape Character can be applied to these proposed designations in advance of the formal adoption of the Plan. Nevertheless, the impact of development on the character and appearance of these proposed ATCs remains a material consideration and is therefore discussed in more detail below. Regarding the principle of development, the application site is located within the settlement limits in both plans and therefore the principle of development is acceptable subject to the other planning and material considerations in accordance the Planning Policy Statements stated above and the Creating Places Design Guide.

Density

Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity of the second addendum to PPS7 deals with the issue of density within residential areas. It states that the proposed density should not be significantly higher than that found in the established residential area. The SPPS at page 69 states that in residential areas of distinctive townscape character an increase in density should only be allowed in exceptional circumstances.

A number of objection letters raised concerns with regards to the density of the proposed scheme. The objectors state that the proposal would not be in keeping with the character of the draft ATC which makes reference to 'six late nineteenth century Victorian detached dwellings and one pair of Victorian semi-detached houses, located in a mature landscape setting on generous and well established plots.' Objectors contend that the eight detached dwellings referred to in the draft ATC have plot sizes ranging from 2,150 square metres to 4,125 square metres with the average plot being 2,800 square metres.

The curtilage of the dwelling on the application site (No. 48 Circular Road) was previously subdivided in June 2005 when permission was granted for a two storey dwelling separating the most northwestern section of the curtilage abutting Old Manse Road. This subdivided plot (No. 63 Old Manse Road) is approximately 1,081 square metres and establishes the principle of the subdivision of plots within this draft ATC and local context. No. 50 Circular Road abutting the application site and also within the draft ATC measures approximately 900 square metres. In addition to this Nos. 49 and 51 Old Manse Road are approximately 1,550 square metres.

The proposed plots measure approximately 1,200 square metres and 672 square metres. The proposal will result in an increase in density within the immediate area, however, having regard to the character of the wider draft ATC, it is considered that the proposed density would not be significantly greater, nor would the proposed density have a detrimental impact on the character or appearance of this area as there are limited public views of the application site. Therefore, when taken as a whole, the proposed plots would not be at odds with the character of the wider overall draft ATC.

Demolition

The proposed development includes the demolition of the existing dwelling on the site and the replacement with 3no. detached dwellings. The application site is located within a draft Area of Townscape Character Old Manse Road (ATC) under Zoning MNY 34 as designated within the draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP).

As noted above, it is clear from decisions taken by the Planning Appeals Commission that neither the policy or advice contained in draft BMAP (2004) nor the provisions PPS 6 (Addendum): Areas of Townscape Character can be applied to these proposed designations in advance of the formal adoption of the Plan. Nevertheless, the impact of development on the character and appearance of these proposed ATCs remains a material consideration insofar as it relates to the impact on the character and appearance of the area.

The proposal involves the demolition of the existing building on the site. Whilst, as indicated above, neither the policy or advice contained in draft BMAP nor the provisions PPS 6 (Addendum): Areas of Townscape Character can be applied to the proposed ATCs and AVCs in draft BMAP (2004), there are nevertheless legislative provisions, as follows, that introduce control over demolition in these areas. Notwithstanding certain exceptions, the demolition of a building within the Areas of Townscape or Village Character proposed in BMAP (2004) requires the express grant of planning permission. The description of development includes the demolition of the existing building on the site.

It has been raised through letters of objection that the proposal is contrary to the Old Manse Road ATC featuring dwellings 'located in a mature landscape setting on generous

and well established plot's. ATCs exhibit a distinct character normally based on their historic built form or layout. For the most part this derives from the cumulative impact of the area's buildings, their setting, landscape and other locally important features. Demolition of a building in an ATC can significantly erode the character, appearance and integrity of such areas and can be particularly damaging in cases where there are no proposals for the redevelopment of the site and for that reason, there is a presumption in favour of retaining any building which makes a positive contribution to the character of the area.

In this case, the proposal includes both the demolition of the existing dwelling and the proposed redevelopment of the site. The supporting information submitted by the applicant states that the character of an area is defined by the public viewpoints from which the proposal may be visible and contends that the existing dwelling does not make a material contribution to the character of the area.

It is accepted that the existing dwelling has architectural merit and is referred to within draft BMAP as one of eight dwellings defining the character of the ATC. However, the dwelling is set back off the public road and mature vegetation surrounds the site screening it from public viewpoints. It is currently in a state of dereliction and is overgrown with vegetation. A structural survey (Document 07) has been submitted to demonstrate the structural defects with the existing dwelling and the significant works that would be required to renovate the dwelling and bring it back into use. Further justification has been submitted (Document 11, date stamped 26th January 2023) to set out the costings involved in bringing the property up to habitable standards. The report indicates that there is a difference of approximately £179,144 difference in the renovation of the existing dwelling over its replacement. It is also highlighted by the applicant's agent that there is a significant difference in the energy performance of a new build against a retro-fit in terms of sustainable development.

Taking the above into consideration, it is concluded that the contribution of the building to the character of this area is limited and it would be difficult to argue that the demolition of the existing building would have a significant impact on the character and appearance of the area.

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

PPS 7 deals with quality residential environments and sets out the criteria against which to assess a residential development should the principle of development be found acceptable. PPS 7 emphasises 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. Although imaginative and innovative forms of housing are encouraged; this is qualified in existing residential areas with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS 7 reiterates the need for sensitivity and in Policy QD 1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity.'

Policy LC 1 'Protecting Local Character, Environmental Quality and Residential Amenity' of APPS 7 is an amplification of Policy QD 1 and is intended to strengthen existing policy criteria to ensure that the quality of these areas is maintained, if not enhanced.

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

A detailed site layout plan has been submitted for consideration with respect to the proposed layout of the residential development, which is to be served by a single vehicular access taken from the existing access point at Circular Road, branching into three separate driveways providing access and in curtilage parking for each of the three dwellings.

The proposed scheme includes one replacement dwelling, largely on the footprint of the existing dwelling to be demolished, and an additional two dwellings. The proposed dwellings are located in a linear form and are orientated to face a northeasterly direction towards the proposed internal shared lane and towards the rear of Nos. 50, 52 and 54 Circular Road. An objection has been received which raises concerns that the proposal represents an overdevelopment of the site. House Type 1 is proposed on the footprint of the existing dwelling which is proposed to be a two storey dwelling at a height of 8.6 metres. A two storey front projection accommodating a garage on the ground floor and bedroom of the first floor projects some 5.8 metres forward of the building line. The other two proposed dwellings (House Type 2) are similar in style, however, have a smaller front projection and do not include an attached garage, rather a detached garage is provided at the end of the proposed driveways.

The heights, scale and massing of the proposed house types are considered acceptable within the context of this area where a range of house types, designs, heights and styles are evident. Proposed finishes for the dwellings include red brick on the groundfloor with first floor smooth render wet dash painted white. It is considered that the design and finishes of the proposed dwellings are acceptable within the context of this area.

Policy QD1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided in 'Creating Places: Achieving Quality in Residential Developments'. It states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40sqm for any individual house. Creating Places further indicates that properties with 3 or more bedrooms require an average of 70sqm. In this case the private areas are 113sqm, 258sqm and 292sqm. It is considered that adequate provision has been made for private rear garden space within the individual dwellings.

The application site is not covered by a Tree Preservation Order (TPO), but it is noted that the site is greatly enhanced by the existing trees. Objections have been received that raise concerns that the proposal is harmful to the existing trees. The proposed layout has been designed to enable the retention of the majority of the mature trees within the site particularly along the boundaries and the submitted plans indicate the mature hedging along the boundaries of the site will be retained and augmented to assist in

maintaining privacy and promoting integration of the development into the surrounding area.

The proposal involves the removal of 9no. trees from within the site and the impact on the character of the area from this has been raised through letters of objection to the proposal. A Tree Survey Report (Document 03, date stamped 12th March 2021) has been submitted as part of the application. Out of these trees, 1no. tree is recommended within the tree survey to be removed due to large decaying cavity at the base and a poor unbalanced crown (T033), and 4no. trees have been categorised as unremarkable trees of limited merit, small growing which have a relatively low potential amenity value and low landscape benefits. The remaining 5no. trees to be removed include a Lawson Cypress at approximately 12 metres (T008), an 18m high Silver Birch (T011), an 8-metre-high Silver Birch (T018a), a 6-metre-high Western Red Cedar (T036) and a 12m high Silver Birch (T037). The removal of these trees are to accommodate the development of the site.

Proposed soft landscaping in the form of 6no. trees including silver birch, common beech, Lawson cypress and western red cedar are to be planted to have a stem girth of 10-15cm and a further 12no. whips, 1 – 1.5 metres in height, are also to be planted. Although these will take time to mature, taken in the context of the mature vegetation to be retained and the setback off the road, it is considered that the replanting is sufficient to compensate for the loss of the trees.

The Creating Places Design Guide recommends in order to avoid damage to the root systems and drainage of existing trees, development should be kept outside the crown spread to help ensure their long-term retention, and to help prevent potential amenity problems that may arise for residents of properties, such as loss of light or leaf fall due to proximity to trees. Due to the distances of the proposed dwellings to the existing trees it is considered necessary to remove permitted development rights for the proposed dwellings to ensure that any proposed extensions can be considered in full. Boundary fencing is proposed and a condition is also recommended to restrict construction methods to hand digging only to ensure the impact from the proposed fence on the tree roots is minimal.

It has been raised through letters of objection that the drawings refer to the maintenance of trees but that it is not clear what this entails. The trees do not have a Tree Preservation Order and therefore tree maintenance can be carried out without the requirement for planning permission. The retention of the trees as indicated on Drawing No. 10, date stamped 20th July 2022 can be controlled through the use of condition should planning permission be forthcoming.

The impact of the proposal and the loss of the vegetation on the site has been considered in the context of the impact on the character of this draft Area of Townscape Character. The dwellings in the surrounding area are detached dwellings on large plots. The dwellings to the south of the Circular Road, adjacent to the application site, are set back from the Circular Road, while the dwellings opposite to the north have a closer relationship to the Circular Road. The dwellings within the area are generally well landscaped with a level of mature vegetation. It is considered that the proposed development respects the character of the surrounding area given the set back of the dwellings from the Circular Road and there are limited public viewpoints. The level of additional landscaping proposed will compensate for the loss of any vegetation removal

and it is considered that the proposal will maintain the overall character and environmental quality of the established residential area.

Overall, it is considered that the design and layout of the proposed dwellings in terms of their form, materials and detailing are acceptable and will respect the surrounding context and are appropriate to the character and topography of the site in terms of scale, massing appearance of buildings, landscaped and hard surfaced areas. It is considered that the proposal would not represent an overdevelopment of this site as separation distances, plot sizes and private amenity spaces are adequate and the proposal complies with the provisions of Policy QD 1 of PPS 7.

Neighbour Amenity

Policy QD 1 requires that there are no unacceptable adverse effects on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

With regards to the potential for overlooking, within an urban setting some degree of overlooking is usually unavoidable however, the house types have been amended during the processing of the application so as to minimise any potential overlooking resulting from the proposal. The relative degree of overlooking and the impact on privacy however, will be dependent on the relationship between residential properties and their plot layout, the number of windows, type of glazing, distance, angles, intervening vegetation and intensity of overlooking. It is considered that the existing and proposed boundary treatments are sufficient to ensure no significant overlooking from ground floor windows in the proposed house types.

Creating Places states that where properties are located "back-to-back" a separation distance of 20 metres will generally be appropriate to minimise overlooking with a minimum of 10 metres between the rear of new houses and the common boundary. The layout of the house types is such that the front of the dwellings are positioned to face towards the rear of Nos. 50, 52 and 54 Circular Road and there are existing dwellings on all sides of the application site therefore potential impact on amenity has been carefully considered.

House Type 1 is largely on the footprint of the existing dwelling on the site. The front elevation of the proposed dwelling faces the rear of No. 54 Circular Road with a distance of 17 metres from the proposed front projection to the common boundary and an overall separation distance of approximately 35 metres between the front elevation of the dwelling and the rear elevation of No. 54 Circular Road. First floor windows in this elevation include bedroom and landing windows only which are low occupancy rooms. Existing hedging is to be retained and supplemented and trees are to be retained to aid privacy. Taking the above in consideration, it is concluded that there will not be a significant impact in terms of overlooking to No. 54 Circular Road.

The side elevation of the proposed House Type 1 dwelling faces the rear of No. 63 Old Manse Road. Two bedroom windows and one en-suite window are proposed in this side elevation however, ten metres has been retained between the side elevation of the proposed dwelling and the common boundary hedging between the two properties. It is also noted that the elevation of the existing dwelling on the application site, No. 48 Circular Road, presently has 3no. existing windows oriented toward No. 63 Old Manse

Road. Taking the above into consideration it is considered that overlooking impact would not be significant.

The rear elevation of the proposed dwelling (House Type 1) faces the immediate rear garden area of No. 61 Old Manse Road. It is considered there will not be a significant overlooking impact to this property as one obscure glazed bathroom window is located on the upper floor of this proposed property at a distance of 7.3 metres from the common boundary. The northwestern elevation of proposed House Type 1 is positioned so as not to have any direct overlooking to the rear of No. 61 and these windows include two bedroom windows which are low occupancy rooms and an en-suite window. In addition, the existing trees (T004 and T005) in the northwestern corner of the application site are to be retained which will continue to provide a buffer. Although the dwelling at No. 61 Old Manse Road has a large number of glazed windows, it is considered that overlooking to this existing property will not be created to an unreasonable degree as a result of the proposal.

No. 49 Circular Road and its associated rear garden abuts the application site with the rear elevations of both House Type 2's facing towards No. 49 at the point of its rear garden area. On the first floor of both proposed dwellings, first floor windows are located a minimum of approximately ten (10) metres from the common boundary with No. 49 Circular Road and include one large bedroom window in each dwelling with one smaller bedroom window set further back at approximately sixteen (16) metres from the boundary. Bedroom windows are considered to be low occupancy rooms. Additional planting is also proposed along the common boundary with No. 49 Circular Road to further mitigate against any overlooking impact. It is therefore considered that overlooking to this property is not likely to be significant.

The proposed dwelling in the middle of the site (House Type 2) fronts towards the rear of No. 52 Old Manse Road. Four (4) upper floor bedroom windows and one proposed landing window are proposed in the front elevation on the first floor, however, these are at a distance of 18 metres from the boundary and a total separation distance of approximately 35.4 metres between opposing windows. This, coupled with the existing and proposed boundary treatments are considered sufficient to ensure that there is no significant overlooking as a result of the proposal.

The proposed dwelling in the southeastern side of the application site is positioned fronting towards No. 50 Circular Road. Four (4) first floor bedroom windows are proposed in this elevation along with a landing window at a distance of 18.6 metres from the common boundary and 25.8 metres from the rear elevation of No. 50 Circular Road. It is considered that given the intervening vegetation and separation distances proposed that the development would not have a significant overlooking impact to No. 50 Circular Road. The side elevation of this proposed property is located some thirteen (13) metres from the boundary with No. 44 Circular Road and there are no first floor proposed windows in this side elevation. Therefore, it is considered there will be no detrimental overlooking impact.

Overall, adequate separation distances and boundary treatments are considered to sufficiently mitigate against any significant overlooking impact to neighbouring properties. A condition has been recommended with regards to obscure glazing (Condition 12). The majority of the trees within the site are to be retained which, coupled

with the proposed planting to compensate for any loss, is considered sufficient to ensure adequate privacy is retained for neighbouring properties.

With regards to noise and disturbance from the proposed development particularly for the dwellings immediately abutting the site, it is noted that although there is potential for noise nuisances during the construction phase of development, this should not arise outside reasonable times and would be temporary in nature. The proposed additional traffic using the access will also create some additional noise and disturbance, particularly to Nos. 44 and 50 Circular Road and to a lesser extent Nos. 52 and 54 Circular Road. Nos. 49, 51, 61 and 63 Old Manse Road also abut the site. Objection has been raised from occupants of neighbouring properties with regards to impacts on amenity from the proposed access. However, boundary treatments include the existing hedging to be retained and supplemented. A further close boarded fence is proposed along the boundaries of Nos. 44, 50, 52 (partial), Nos. 49 and 51 and No. 61. The existing hedging is to be retained and supplemented at No. 54 where car lights are not likely to be directly shining into this property due to the positioning of the access road. It is therefore considered that any additional impact from car headlights will not be significant. Overall, the potential noise and disturbance from two additional dwellings on the site is not considered to be significant.

It is considered that the separation distances are sufficient so as to ensure the proposal would not result in an overshadowing impact. The proposed dwelling heights at 8.4 metres and eight (8) metres from finished floor level is not considered excessive in comparison to the scale and massing of the surrounding dwellings. Coupled with adequate separation distances, it is considered the proposed dwellings would not result in a dominant or overbearing impact on neighbouring dwellings, nor would the dwellings create an unacceptable overshadowing impact to neighbouring properties.

Given the context of development some noise and disturbance is to be expected, however, this is likely to be at a low level associated with the daily living requirements of the occupants of dwellings and as such is not a determining factor with regards to the development proposal.

It is considered that the design and layout will not create conflict with neighbouring properties and will not give rise to any significant negative impacts in relation to overlooking, overshadowing, noise or disturbance.

Features of Archaeological importance

The application site lies within close proximity to a Grade B1 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011 (HB21 08 009 Fernville, 57 Old Manse Road, Jordanstown). Historic Environment Division has been consulted and has raised no objection to the proposal. It is considered that the proposal satisfies the policy requirements of SPPS 6.12 and BH11 PPS6, subject to conditions. The first condition relates to the development being carried out in accordance with the details on the drawings, however, it is considered this condition is not necessary as the development is required to be carried out in accordance with the drawings. The second condition relates to landscaping. Conditions 6 – 9 have been recommended to stipulate the requirements with regards to existing and proposed landscaping.

Natural Heritage

A Bat Survey has been submitted in support of the application (Document 08, date stamped 20th July 2022) and NIEA Natural Environment Division were consulted. Three additional trees were determined to need further activity surveying due to their potential to be used for roosting. Based on the surveying completed, NED are content that no bats were found to be roosting in the three trees (T08, T11 & T30) identified as having low roosting potential. NED recommend as a matter of best practice that trees T08, T11 and T30 are removed from the site using a soft-felling technique, in that limbs and branches are left in situ overnight after arboricultural works in order to allow any bats within to escape before off-site disposal. In addition, no works must take place on the existing dwelling, previously assessed as hosting roosts for bats, before the granting of a NIEA Wildlife Licence and these matters have been recommended as conditions to be attached to any future decision notice.

NED acknowledge Drawing No.10 Tree Constraints Plan, date stamped 20/07/2022, that shows the incorporation of the three bat boxes and suitable locations as requested in NEDs first consultation response. A recommended condition in relation to the incorporation of this mitigation has also been included below.

Objectors raised concerns that there is further wildlife other than bats in the area including hedgehogs and a variety of birdlife and that the proposal would have a detrimental impact on such species. Objectors also raised concerns that the flora and fauna should be treated sympathetically. These matters have been considered and subject to the conditions and informatives added below, the proposal is considered acceptable in this regard.

Access and Road Safety

Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking which is set out in Section 20 of Creating Places. Each of the proposed dwellings has in-curtilage parking. With regards to visibility splays, measured speed survey data and TRICS were submitted by the applicant (email received 12th October 2022) and DfI Roads has considered the information submitted and accepts that the visibility splays indicated at 2.4m x 33m are sufficient. It has been raised through letters of objection that the proposal would have a detrimental impact on road safety, however, DfI Roads has been consulted and has raised no objection in this regard. It is therefore considered that the proposal would not have an unacceptable impact on road safety, subject to conditions.

Other Matters

Sewer Network

There is a public foul sewer located within Circular Road; However, due to the sewer network being at capacity in the Whitehouse catchment and sewer flows spilling from CSOs into the environment, NI Water is recommending to Council Planners 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. NI Water can consider connections where the applicant can demonstrate (including calculations), (a) like for like development, (b) extant previously approved development.

Amended plans have been received which indicate that foul sewage is to be disposed of via a mini treatment plant. NIEA are the regulatory body responsible for granting consent to discharge. NIEA Water Management Unit has been consulted and has raised no objection to the proposal, subject to informatives.

Drainage

Concerns have been raised through letters of objection regarding drainage. This development does not exceed the thresholds as outlined in Policy FLD 3 and subsequently a Drainage Assessment is not required, however it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Accuracy of Drawings

It has been raised through letters of objection that the drawings submitted do not accurately reflect the buildings and details within the site, particularly that footprint of existing dwelling is not indicated in the correct position. The agent was made aware of this and provided further drawings that were reflective of the topographical survey.

Land Ownership

One objection raised a land ownership dispute, dated 29th September 2021 and the drawing which was referenced was the Access Drawing 08 date stamped 7th May 2021 depicting visibility splays of 2.4m x 60m in either direction. The revised Access Drawing 08/1 date stamped 16th December 2021 depicted 2.4m x 33m was deemed acceptable, as it did not require any 3rd party land. Generally, if a third party is making a land ownership challenge, they are required to substantiate it with a folio land map. In this instance it is an assumption based on the previous splays of 2.4m x 60m rather than the 2.4m x 33m. Following receipt of Drawing No. 08/1 further neighbour notification letters were issued and no further objection was received in this regard.

Disruption to services and assurances that development will be built as per the plans

It has been raised through letters of objection that the proposal may result in disruption to services as there is no reference to drain pipes or BT cables traversing the site. The developer is responsible for the construction of the development and ensuring no disruption to services. With regards to the point made through objection letters requiring assurances that the development will be built as per the plans, again this is the responsibility of the developer and the Planning Enforcement Section can be contacted to investigate should there be a breach of planning.

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 proposed development is acceptable;
- It is considered that the proposed development will not have an adverse impact on the character and quality of this Area of Townscape Character;
- There is no significant impact on the amenity of adjacent residential properties; and
- Adequate access and parking arrangements have been provided.

RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSED CONDITIONS	
1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.	
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.	
2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Nos. 08/1 & 09 bearing the date stamp 16th December 2021, 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 works shall be carried out on the existing dwelling identified as hosting roosting bats, as per Bat Authority report (date stamped 12/03/2021), until a NIEA Wildlife Licence has been obtained and evidence of this has been provided to the Council in writing.	
Reason: In order for the protection of bats.	
5. Bat mitigation in the form of the proposed bat boxes, as shown on Drawing No.10Tree Constraints Plan, date stamped 20/07/2022, shall be installed on site prior to the demolition/construction works associated with the existing dwelling.	
Reason: To compensate for the loss of roosting opportunities on site.	
6. The existing natural screenings within the approved site as indicated on Drawing No. 10, date stamped 20 th July 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. Existing boundary hedging shall be retained at a minimum height of 2 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 maintenance of screening to the site in the interests of visual amenity and to safeguard the amenities of neighbouring occupiers and to	

ensure that the proposed development does not prejudice the appearance of the locality.

7. No retained tree, shown as retained on Drawing No.10 Tree Constraints Plan, date stamped 20/07/2022, shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

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

8. All hard and soft landscape works shall be carried out in accordance with the approved drawing No. 10 bearing the date stamp 20th July 2022 and the appropriate British Standard or other recognized Codes of Practice. The works shall be carried out during the first planting season following the occupation of the first dwelling hereby approved.

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

9. 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.

10. The boundary fencing indicated on Drawing Number 09, date stamped 16th December 2021 shall be erected prior to the commencement of development hereby approved and by hand digging only, using the method recommended within paragraph 7.5.5 of BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.

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

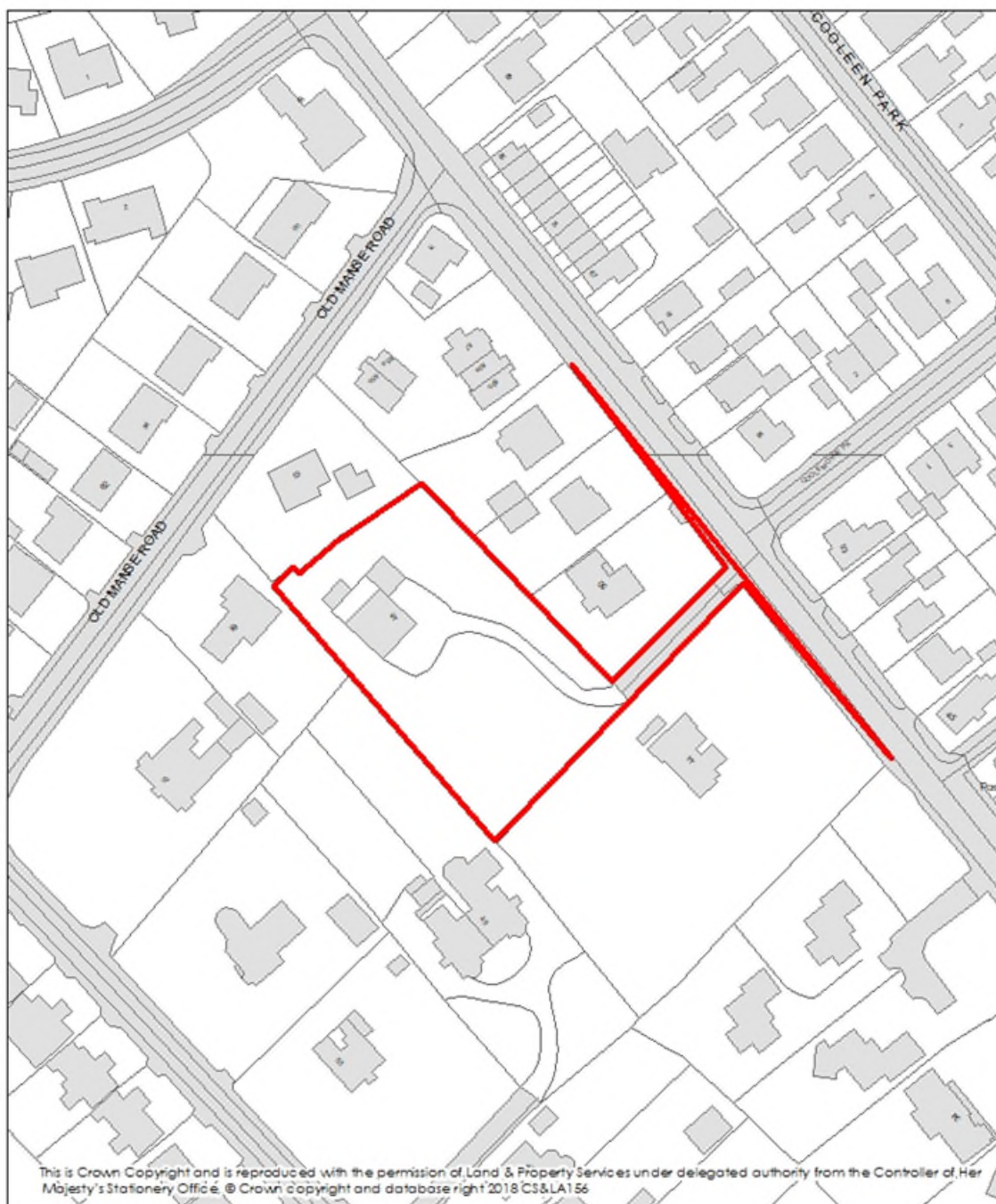
11. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no extension or enlargement (including alterations to roofs) shall be made to the dwelling/houses hereby permitted, and no buildings or structures shall be erected within their curtilages without the further grant of planning permission by the Council.

Reason: The further extension of these dwellings, or the erection of buildings or structures within their curtilages, requires detailed consideration to safeguard the residential amenity of neighbouring properties and to ensure the continuity of

amenity afforded by existing trees.

12. The windows coloured orange on stamped approved drawing Nos. 04/2 and 05/2 date stamped 19th December 2022 shall be finished with obscure glazing prior to the occupation of any of the dwellings hereby approved and the glazing shall remain obscured throughout the lifetime of the development.

Reason: To prevent any overlooking of neighbouring residential properties.




Site Location Plan

Application Reference: LA03/2021/0237/F

1no. replacement dwelling and 2no. additional dwellings
and site works

48 Circular Road, Jordantown, Newtownabbey



 Site boundary



COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2022/0852/F
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	COUNCIL APPLICATION/INTEREST
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed 3 storey office development comprising of flexible office accommodation, break-out space and meeting rooms along with associated site works, car parking and boundary treatments.
SITE/LOCATION	Lands at former Police Station site, Glenwell Road, Glengormley
APPLICANT	Antrim and Newtownabbey Borough Council
AGENT	Rolston Architects
LAST SITE VISIT	1 st December 2022
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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information.</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan and draft Belfast Metropolitan Area Plan (published 2004) (dBMAP).</p> <p>The site is situated on the corner of the Antrim Road and Glenwell Road, Glengormley. The building on the site was previously the Police Station building however, the site has been cleared and is bound to the southeast and southwest by existing walls and fencing of varying heights. The front of the site is open to the road with a low barrier defining the northeastern boundary where it abuts the Antrim Road.</p> <p>The application site is raised above the level of the Antrim Road by approximately one metre. The land to the south of the application site rises significantly with a steep gradient towards the residential properties beyond the southern corner of the site.</p> <p>A varied range of uses surround the site including a McDonalds, Movie House, Sports Bowl, gym and commercial and industrial uses to the southwest and northwest of the application site including a tile shop. Residential properties are located to the south of the application site and to the northeast on the opposite side of the Antrim Road. Abutting the site to the southeast is the former Telephone Exchange building.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2021/1181/PAD Location: Former PSNI station, Glenwell Road, Glengormley,</p>	

Proposal: Proposed development will comprise of a new office on the site of the former PSNI station. The development will provide workspace, communal collaborative space, meeting/conference facilities, catering, showering facilities over approx. 2000sqm over 3 storeys, along with associated parking and landscaping/site works.

Decision: PAD Declined

Planning Reference: U/2010/0493/F

Location: Glengormley PSNI Station, 244 Antrim Road, Glengormley, Newtownabbey, BT36 7QX.

Proposal: Construction of 2no. new steel framed light weight proprietary garages

Decision: Permission Granted (22.02.2011)

Planning Reference: U/2002/0182/A

Location: Glengormley Police Station, 244 Antrim Road, Glengormley, BT36 7QX.

Proposal: 50mm (max) projecting steel police service identification crest.

Decision: Permission Granted (20.05.2002)

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

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

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

PPS 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

NI Water

No objection, subject to condition

DfI Roads

No objection, subject to conditions

Belfast City Airport

No objection

NIEA: Regulation Unit

No objection, subject to conditions

NIEA: Water Management Unit

No objection

DfI Rivers

No objection, subject to condition

REPRESENTATION

Eighteen (18) neighbouring properties were notified, and one (1) letter of objection has been received on behalf of two (2) property addresses. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (<https://planningregister.planningsystemni.gov.uk>)

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

- Structural damage to properties within Glenwell Mews;
- Impact on privacy; and
- Parking and congestion in the area.

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 Area
- Neighbour Amenity
- Flood Risk
- Natural Heritage
- Access and Parking
- Crime and Personal 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. 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 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 2: Natural Heritage;
- PPS 3: Parking and Movement;
- PPS 4 Planning and Economic Development and
- PPS 15: Planning and Flood Risk.

The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans. The proposal seeks full planning permission for an office development with a gross floorspace of 2052 square metres over 3 storeys. BUAP and dBMAP direct office development to town centres. The closest Town Centre to the application site is Belfast City Centre. Metropolitan Newtownabbey is unique in that it does not have a defined town centre but is served by two district centres Abbeycentre and Northcott (draft centres as identified in dBMAP). The application site is located outside the local centre boundary of Glengormley but is considered to be an edge of centre location within close proximity to the local centre of Glengormley (draft local centre as identified in dBMAP), at approximately 188 metres away.

The SPPS provides a policy context for Class A2 'financial or professional' office use development. It is considered that this policy is not applicable as this proposal is for a new multi-purpose office hub supporting local businesses and entrepreneurs and youth programmes for skills development and is therefore considered to fall within Class B1 Business Use. The appropriate policy context to be applied to this proposal is Planning Policy Statement 4, Policy PED 1 'Economic Development in Settlements'.

PED 1 requires that outside a town centre a development proposal for a Class B1 business use will only be permitted where certain criteria are met. This includes there being no suitable site within the town centre or other location specified for such a use in the development plan. The SPPS defines 'town centre uses' as including "cultural and community facilities, retail, leisure, entertainment and businesses". Although the previous building on the site is no longer in use and has been demolished, the previous building on the site was used as a Police Station which is a cultural and community facility and therefore defined within the SPPS as a town centre use. The application site therefore historically has a longstanding town centre use and the proposal replaces one town centre use for another. It is therefore considered that the application site is a suitable location for this proposed use.

In addition, the application site is located within an area of mixed use development with a wide variety of uses within close proximity to the site which are also outside the draft local centre of Glengormley. The surrounding uses include McDonalds, Movie House, Sports Bowl, gym and commercial and industrial uses to the southwest and northwest of the application site including a tile shop. Abutting the site to the southeast is the previous Telephone Exchange building. Tim Hortons drive-thru restaurant is also located on the opposite corner of the Antrim Road. All of these varying uses are outside the main local centre boundary of Glengormley. Having regard to the above, it is considered that replacing one town centre use for another on this site is acceptable in principle and does not require a sequential site based assessment.

The second criteria within PED 1 requires the proposed use to be a firm proposal rather than speculative. The proposal forms part of the UK Government's Levelling Up Fund and will provide a new multi-purpose office hub supporting local businesses and entrepreneurs and youth programmes for skills development. It is therefore considered this is a firm proposal.

The final criteria within PED 1 requires that the proposal would make a substantial contribution to the economy of the urban area. The proposal will result in a £7.1m investment in the Borough, which is considered to make a substantial economic contribution to Glengormley and its wider hinterland. Given the historic use of the application site and the wide variety of uses within the immediate area, it is considered that the proposed development will not undermine the viability or vitality of Glengormley local centre and the variety of uses contained within the area. The proposed office development is considered to be a compatible use within the area especially given the former use of the site. The site is accessible by good public transport with bus stops located on the main Antrim Road. In addition, the proposal will bring back into use a longstanding vacant site within Glengormley. Therefore, it is considered that the principle of the proposed office development on the site is acceptable.

Design, Appearance and Impact on the Character of the Area

Criterion (j) of Policy PED 9 requires the applicant to ensure the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity.

The proposed office building comprises collaborative workspace/hot desks, enclosed four and two person offices, print rooms, coffee dock, meeting rooms, toilets and a main lobby and reception area on the ground floor. On the first and second floors are two, four and six person offices, static workstations, hot desk and breakout spaces, a kitchen/dining area, comms room and toilets.

The proposed office building is located in the northwestern corner of the application site and is three storeys in height measuring 13.5 metres at the highest point. The footprint of the proposed building measures approximately 30.5 metres by 22 metres. The layout of the site indicates the access to be taken off Glenwell Road with 27no. car parking spaces on the periphery of the site. Proposed steps, on the corner and abutting the Antrim Road, lead to the building which sits on a higher level than the Antrim Road. The building exhibits large areas of glazing on the ground floor on both the Antrim Road elevation and the Glenwell Road elevation. The building therefore provides a strong aspect to both roads. Curtain wall glazing is also proposed in the first and second floors and is partially covered by multi-coloured aluminium slat screens in part. The main walls are to be finished in white rendered block with reconstituted stone colonnades.

The proposed building sits within the context of a prominent corner site on the busy Antrim Road. The buildings surrounding the site are of varying heights from single storey (including a McDonalds adjacent on the opposite side of Glenwell Road and car repair premises to the southwest) to two storey (Telephone Exchange building) abutting the site to the southeast and also three storey buildings are within close proximity including a residential apartment block located approximately 85 metres northwest of the site on the Antrim Road. The residential properties opposite the site on the Antrim Road are a mixture of single storey and two storey heights. However, the residential properties within Glenwell Mews to the rear of the building sit on a significantly higher level than the application site and are currently visible behind the site from this aspect along the Antrim Road.

It is accepted that the proposed building will have an increased presence in the street scene, however, as a standalone building within the context of a range of building heights and designs within the immediate area, including the recently constructed Tim Hortons drive-thru also exhibiting large areas of glazing and bespoke design. The location of the site on the corner of the main Antrim Road and Glenwell Road lends itself to accommodating a focal or landmark building. It is therefore considered that the building's height, scale, massing and design is acceptable within its context and would not have a significant visual impact on the character and appearance of the area.

Although signage is indicated on the building, an informative can be placed on any future decision notice, should planning permission be forthcoming to advise the applicant that signage will require separate consent. The proposed boundary treatments to the site include stepped retaining kerbs with landscaping along the Antrim Road and wrapping around to the corner of the Glenwell Road. Proposed 1.1-

metre-high MS railings are indicated in front of the building elevations. A 1.8-metre-high paladin fence is also proposed abutting the Antrim Road in front of the car parking and hardstanding area adjacent to the proposed building. The proposed southeastern boundary is indicated as a 2.5-metre-high green wall on proposed 2.5-metre-high rendered block retaining wall. The proposed southwestern boundary is indicated as a 2.5 metre venetian style timber screen fence on a proposed rendered block retaining wall with inbuilt planter. The boundary treatments are considered acceptable given the level differences between the site and surrounding topography of land and are an improvement on the previous boundary treatments from the former PSNI station.

Overall, it is considered that the proposal will create a landmark three storey building on the site with a distinctive design which is considered acceptable within the context of the surrounding buildings of varying heights and designs. The overall visual impact of the proposal would not result in a detrimental impact on the character and appearance of the area.

Neighbour Amenity

Criterion (b) of Policy PED 9 of PPS 4 requires development proposals not to harm the amenity of nearby residents. While criterion (e) states that proposals should not create a noise nuisance. These matters are discussed further below.

The proposed office block abuts the vacant telephone exchange to the southeast of the site, a McDonalds restaurant, leisure and commercial complex to the northwest and existing car workshops to the southwest. It is considered that the office development is compatible with these surrounding landuses.

In addition to the above uses, residential development is located opposite the site to the northeast at Antrim Road. Numbers 255 and 253 directly opposite the site are single storey, detached dwellings and adjacent to these are a row of two storey, semi-detached properties. The Antrim Road is a wide, main, heavily trafficked arterial route and separates the application site with the residential properties by approximately 16 metres. It is considered this separation is sufficient to ensure the proposed development does not have a significant impact on the residential amenity of these properties. Although their outlook will be altered and the building is three storeys in height, it is considered overlooking and overshadowing will not be created to an unreasonable degree.

Dwellings to the south of the application site within Glenwell Mews are located on a higher level than the application site. Objection has been received with regards to overlooking and loss of privacy from the office development to dwellings within Glenwell Mews. A distance of approximately 28 metres is proposed between the proposed office building and the nearest occupied dwelling. The proposed elevation drawing (Drawing No. 05/1, date stamped 6th January 2023) provides a contextual elevation drawing along Glenwell Road detailing the level differences between the proposed building and the dwellings within Glenwell Mews which sits approximately 7.7 metres higher. Therefore, the 2nd floor windows in the proposed building are level with the ground floor windows within the properties at Glenwell Mews. Existing vegetation and fencing as well as the proposed separation distance of approximately 28 metres from the proposed building to the closest dwelling at Glenwell Mews (No. 12 Glenwell Mews) is considered to provide adequate mitigation

for any potential for overlooking. In addition, this property is positioned gable onto the application site and is offset from the rear elevation of the proposed building which sits at an angle from the existing dwellings. The proposed aluminium slat screens proposed in front of the first and second floor windows on the south (rear) elevation will further act so as to direct any line of sight away from these residential properties. For the reasons detailed above, it is considered that the proposed development will not have an unacceptable impact on residential amenity by way of overlooking or overshadowing.

Noise

Environmental Health had raised concerns of noise from the proposed development impacting the amenity of the nearby sensitive receptors and had requested the applicant to undertake a Noise Impact Assessment (NIA). As a result, the applicant has submitted a NIA prepared by Sandy Brown Consultants, Document Number 09, date stamped 19 Dec 2022. The report states that design drawings for the building are not available, but that it is understood there is an intention to provide Air Source Heat Pumps on the roof of the building to service the development. It is noted that ground level of residential dwellings at Glenwell Mews is higher than the ground level of the proposed development.

The proposed bin store is approximately 20m from the façade of the nearest dwelling at Glenwell Mews and is located at a lower level than the nearest dwelling. Sound survey daytime noise monitoring was undertaken on Monday 5th December 2022, between 13:30 hours and 16:00 hours at 3 locations for 15 minutes at a time. The monitoring locations are identified at Figure 1 of the report. Night time noise monitoring was undertaken on Wednesday 14th December 2022 from 23:00 hours to 00:50 hours at 2 locations to represent the nearest dwellings, for 15 minutes at a time. The consultant also refers to third party noise measurements undertaken in the area previously. The consultant acknowledges that they have only been able to measure sample noise measurements rather than undertake long term monitoring and has chosen conservative background noise levels as a result. The assessment presents a daytime background sound level of 51dB LA90 and a night-time background sound level of 45db LA90.

With regards to plant noise, as design drawings for the building services are not available, the consultant has set external plant noise limits for any plant and equipment at the proposed development, based on the existing background sound levels. At Section 6.2 of the assessment, the report states that there is a desire to use Air Source Heat Pumps (ASHPs) to service the development and that these units, although more efficient, are often very noisy. The report goes on to say that given the close proximity of residential receptors, in order to comply with the recommended limits proposed by the assessment, that significant mitigation measures will be required, such as solid noise barriers around the plant area as well as bespoke attenuation packages to each of the ASHPs. The report notes that the attenuation requirements will need detailed design input as the services strategy is developed.

With regards to traffic attracted to the site, the proposed asphalt shared surface is to be taken from Glenwell Road, however, the proposed 2.5-metre-high retaining wall and 2.5-metre-high venetian timber style fence above is likely to act as a buffer between the road and parking spaces and the neighbouring buildings on the

southern and eastern boundaries where the car parking spaces and access road are proposed.

Taking the above into account, EHS has raised no objection to the proposal with regards to noise. It is considered that the proposed development can operate without adverse impact on amenity at nearby sensitive receptors, subject to the attachment of the following conditions to any approval granted.

Odour

It is noted that no catering facilities requiring extraction plant, other than that typically associated with offices is to be provided as part of the proposal. EHS had made comment in consultation response dated 17th October 2022 regarding the bin area being located in close proximity to existing residential properties.

In response, the agent submitted a letter, stamped 23rd November 2022. The letter advises that the ground level of the proposed bin store will be 7 metres lower than the adjacent properties and that there is approximately 13 metres separation distance between the closest property in Glenwell Mews and the proposed bin store boundary.

The boundary to the proposed bin store will consist of a 2.5-metre-high retaining wall with a further 2.5-metre-high 'living wall' to the eastern boundary and a 2.5 metre horizontal timber fence above to the southern boundary. EHS has been consulted and has raised no objection to the proposed bin store location, subject to conditions. The conditions (Nos. 8 and 9) include the times of use of the bin area restricted to the hours of 07:00 to 19:00, including use by contractors for the removal of waste and also all waste to be stored in closed receptacles. Subject to the conditions attached it is considered that the impact from the proposed bin stores on residential amenity will not be significant.

Artificial Lighting

Floodlighting associated with security of premises can cause artificial light intrusion and has the potential to adversely impact upon amenity at nearby sensitive receptors. An informative can be placed on any future decision notice to advise that the applicant should have reference to the Institution of Lighting Professionals, Guidance Note 01/21, The Reduction of Obtrusive Light, in the fitting and operation of any external lighting, to ensure amenity is not adversely impacted at neighbouring dwellings by artificial light.

Flood Risk and Drainage

PED 9 (d) of PPS 4 requires that development it is not located in an area at flood risk and will not cause or exacerbate flooding. PPS15 reinforces this position with a series of Policies for the applicant to adhere to. DfI Flood Maps (NI) indicates that the development does not lie within the 1 in 100-year fluvial or 1 in 200-year coastal floodplain. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. It is considered the proposal complies with Policy FLD 1 and 2 of Planning Policy 15.

A Drainage Assessment (Document 07, date stamped 31st October 2022) has been received and DfI Rivers has been consulted. DfI Rivers, while not being responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to

disagree with its conclusions. The applicant can be advised by way of an informative that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to section 5.1 of Revised Planning Policy Statement 15).

The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100-year event could be contained through the addition of an online attenuation system, when discharging at existing green field runoff rate and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NIW prior to adoption. However, in order ensure compliance with PPS 15, a condition has been recommended by DfI Rivers with regards to the detailed drainage design, requesting that the potential flood risk from exceedance of the network, in the 1 in 100 year event, is managed by way of a condition (No.16).

Policy FLD 4 Artificial Modification of watercourses and Policy FLD 5 – Development in proximity to reservoirs are not applicable to this site. DfI Rivers has been consulted and has raised no objection to the proposal, subject to condition. It is therefore considered that the proposal complies with Planning Policy Statement 15 and that the proposal will not increase this risk of flooding.

Northern Ireland Water (NI Water) were previously consulted and stated that there is available capacity at the Waste Water Treatment Works and that there is a public foul sewer within 20m of the proposed development boundary. They also advise that the receiving foul sewerage network has reached capacity and that the public system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties.

Following the submission of a 'Wastewater Impact Assessment' to NI Water, a solution engineer's report has been provided where by NI Water and the applicant have agreed an engineering solution to mitigate the foul capacity issue and allow connection for this development proposal. This solution is to be fully funded and delivered by the applicant and is solely for the application site. The solution requires the offsetting of the stormwater at housing at Glengormley Park. The storm water from the development site is also being diverted to a dedicated outlet within the NIW network and is currently at design stage. The applicant's consultants further confirmed that, *'Following a meeting with NIW, the proposed connection point is no longer a DfI Rivers agency culvert, but a NIW storm sewer – for which a schedule 6 consent to discharge is not required'*.

NIW has recommended two conditions stating:

1. No development shall be commenced until the developer has entered into an agreement with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.
2. That no development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution as shown on solution design drawing to mitigate the downstream foul capacity issue as agreed with NI Water is provided by the developer to the satisfaction of NI Water. The

development shall not be occupied until the developer has complied with all of the requirements set out in the agreement entered into with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.

With foregoing in mind, it is considered that the condition proposed does not meet the lawful tests of a planning condition and as such it is considered reasonable to amend the wording of the condition to:

'No works in the erection of the proposed building 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 that part of the development'.

This will ensure that the works within this site can commence without detriment to both NI Water infrastructure and facilitate the development of the wider site. NIEA Water Management Unit has been consulted and has raised no objection to the proposal, subject to conditions. The suggested conditions are considered more appropriate to be added as informatives.

In conclusion the proposal adequately deals with the issues of flood risk and drainage and the imposition of the recommended planning conditions will ensure the proposed development has no unacceptable impact on flood risk and complies with Planning Policy Statement 15.

Natural Heritage

PED 9 criterion (c) requires development proposals to not adversely affect features of the natural or built heritage. PPS 2 sets out the Executive's commitment to sustainable development, conserving, and where possible, enhancing and restoring natural heritage. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states proposals which are likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

A Biodiversity Checklist and Ecological Statement (Document 02, date stamped 26th September 2022) has been submitted and concludes that the site is not in or adjacent to any designated site. There does not appear to be any potential for a hydrological link between the site and any designated site. There are no records of NI priority habitats or protected species at the site of the proposed development and the proposed development will not result in unacceptable adverse impact on or damage to a known NI priority habitat or protected species.

Shared Environmental Service (SES) has advised that the Council, as the Competent Authority, should carry out a Shadow Habitats Regulation Assessment. The application form and subsequent correspondence with the consultancy team confirms that it is the intention to discharge to the NI Water mains network and not a watercourse. As there is no pathway to a protected site it is considered that as presented this proposal would not require a Habitats Regulation Assessment. Overall it is considered that the proposal accords with the provisions of PPS 2 and PPS 4.

Access and Parking

Policy PED 9 (g) of PPS 4 requires that the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified. While Criterion (h) requires that adequate access arrangements, parking and manoeuvring areas are provided. Planning Policy Statement 3 Access, Movement and Parking also seeks to ensure that prejudice to road safety does not occur as a result of development.

An estimated 210 vehicles (according to the P1 application form) are expected to attend the premises daily. A 'Transport Assessment Form' (Document 03, date stamped 6th October 2022) and a Travel Plan (Document 04, date stamped 6th October 2022) has been submitted. It has been raised through a letter of objection that parking and congestion in the area are currently an issue within this area and that the proposal would exacerbate this issue both during construction and operation of the proposed office building.

Policy AMP 7 of PPS 3 requires that adequate car parking is provided. For office use the parking standards are 1 car parking space per 20sqm GFA up to 500sqm, then 1 space per 30sqm + 10% for visitors. The spaces required generally for an office development of this size are therefore 85 spaces in total. However, the site is located within 800 metres of the town centre, and is close to multiple public car parks which are provided for town centre users. Policy AMP 7 sets out in the justification and amplification that to help reduce reliance on the private car that in certain instances it will no longer be appropriate or desirable for developers to fully meet demand for car parking generated by their developments and is especially the case where alternative modes of transport exist. The layout plan indicates 28 car parking spaces. DfI Roads has been consulted with regards to the car parking provided and has raised no objection and it is considered that on this edge of centre location situated on the main Antrim Road that car parking provision is acceptable.

Access to the site is to be taken from Glenwell Road. The proposed internal footways will link with the existing footways on Antrim Road and Glenwell Road. Internally a footpath is proposed around the building to improve pedestrian safety. DfI Roads has been notified of the objections received. DfI Roads have considered the objection and has raised no objection to the proposal, subject to conditions.

It is therefore considered that the proposal is acceptable in terms of access, parking and manoeuvring within the site and complies with Planning Policy Statement 3 'Access, Movement and Parking'.

Crime and Personal Safety

Criterion (L) of Policy PED 9 of PPS 4 requires that the site is designed to deter crime and promote personal safety. The site is bounded by two existing roads, Antrim Road and Glenwell Road. To the east is a vacant site, previously used as the Telephone Exchange and to the south is existing car repair and other businesses. The design of the proposed development with significant levels of glazing and an enclosed site to the boundaries ensures that the proposed development has been design to prevent crime and ensure personal safety.

Other matters

Contaminated Land

The applicant has submitted a Contaminated Land Risk Assessment prepared by McCloy Consulting, Document Number 05, stamped received 10 Oct 2022. The report combines a Preliminary Risk Assessment (PRA) and Generic Quantitative Risk Assessment (GQRA).

The PRA identified potential complete pollutant linkages ranging from 'low' to 'moderate', and a GQRA was therefore required to further assess the risk posed by the identified pollutant linkages.

An intrusive investigation was undertaken comprising 3no. boreholes and subsequent 3no. monitoring wells, 8no. trial pits, laboratory analysis of 7no. soil samples, laboratory analysis of 2no. ground water samples and the monitoring of ground gas and ground water levels at the 3no. monitoring wells. Gas monitoring was undertaken on four separate occasions aiming to monitor under different atmospheric conditions. Made ground (tarmac and hardcore fill) was encountered at all boreholes and trial pit locations.

7no. soil samples were screened against generic assessment criteria for 'commercial end use' with results below the generic assessment criteria recorded across all parameters tested. Laboratory certificates were presented within the Appendices. No asbestos was detected in the 2no. samples tested at a depth of 0.5 metres.

4 rounds of gas monitoring were undertaken between October and November 2020 at 3no. boreholes. The site was classed as falling within Characteristic Situation 1 (CS1), very low risk. The report found no risk to human health via ingress of ground gas to the proposed development. The revised conceptual site model found no complete pollutant linkages exist and therefore no risk posed to human health or controlled water and the site is deemed suitable for use for the proposed office development and no further investigation is required in line with Land Contamination Risk Management (LCRM) guidance.

The report recommends that should evidence of contamination be found during development, that works should cease and the contamination investigated and a condition is recommended with regards to this. Environmental Health Section and NIEA Regulation Unit has been consulted and has raised no objection to the proposal subject to conditions.

Belfast City Airport

The application site falls within a consultation zone for Belfast City Airport (BCA). BCA has therefore been consulted and has raised no objection to the proposal. It is therefore considered that the proposal would not have a significant impact on aerodrome safety.

Structural damage

Concern regarding structural damage and possible subsidence to the properties within Glenwell Mews has been raised through a letter of objection to the proposal. The concerns relate to the fact these properties are on highly elevated plot with a tree lined slope just outside their boundary fencing. This is likely to be a matter for the contractor and is outside the remit of the planning process, however it is likely that

sufficient construction measures/practices can be put in place to ensure there is no adverse impact on adjacent properties.

CONCLUSION

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

- The principle of the development is acceptable;
- It is considered the application site can accommodate the proposed height, scale and massing of the proposed development without having a significant adverse impact on the character and appearance of the area;
- It is considered the proposal will not have an unacceptable impact on amenity;
- The proposal is not considered to result in an increased flood risk.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

2. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02, bearing the date stamp 26th September 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. No operation in or from the building hereby granted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No 02 bearing date stamp 26th September 2022. to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

4. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contaminationhow-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 and verified to its satisfaction.

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

5. After completing the remediation works under Condition 4; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

6. The proposed landscaping indicated on Drawing No. 09, date stamped 28th November 2022 shall be carried out within the first planting season following the completion of the development hereby approved.

The proposed landscaping shall be retained thereafter.

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

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

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

8. Use of the area marked 'Bins' on Drawing Number 02/1, date stamped 06 Jan 2023, is restricted to the hours of 07:00 to 19:00, including use by contractors for the removal of waste.

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

9. During the lifetime of the permission, all waste in the area marked 'Bins' on Drawing Number 02/1, date stamped 06 Jan 2023 shall be stored in lidded and closed receptacles.

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

10. The building there shall be no deliveries to the site at any time between 23.00 to 07:00 hours.

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

11. The cumulative noise level from all activities associated with the development (including external plant) shall not exceed a Rating Level of 51dB LAr,1hr between 07:00-23:00 hours and a Rating Level of 45 dB LAr,15min between 23:00-07:00 hours, when measured at 1m from the façade of any noise sensitive receptor in accordance with British Standard 4142:2014 + A1:2019.

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

12. Prior to the occupation of the development hereby approved (and at any other time requested by the Council), a noise survey shall be undertaken, submitted to and agreed in writing with Council demonstrating compliance with noise levels detailed within Condition 11 above.

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

13. The northeastern, northwestern and southeastern facades of the permitted development shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside of at least 31dB Rw +Ctr.

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

14. The northeastern, northwestern and southeastern facades of the development hereby approved shall be fitted with passive or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 31dB Rw +Ctr.

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

15. During the lifetime of the permission hereby granted the external light fixtures are to be positioned/directed to ensure amenity is not adversely impacted at neighbouring dwellings by artificial light.

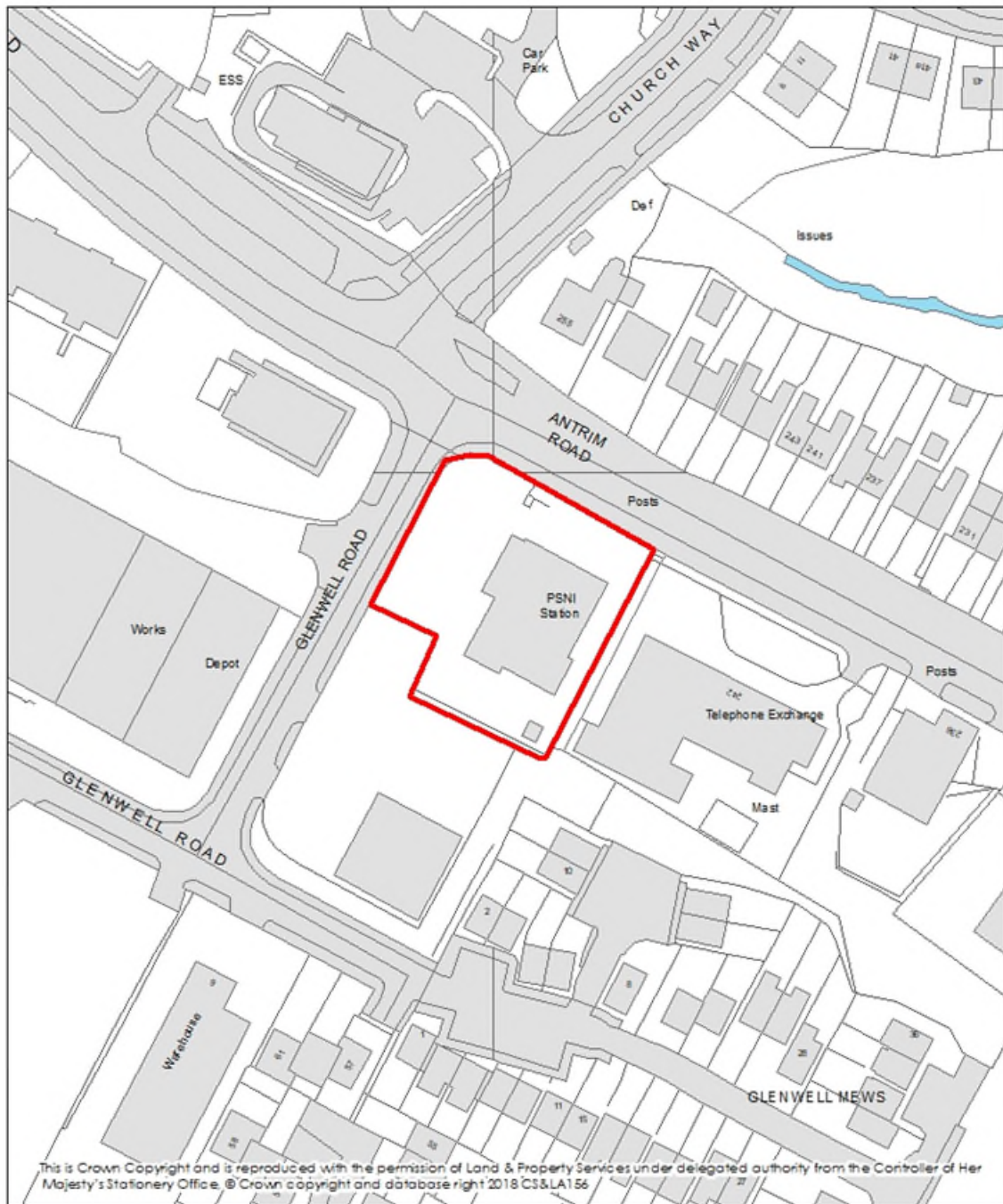
Reason: To protect amenity at nearby dwellings from artificial light intrusion.

16. Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.

Reason: In order to safeguard against surface water flood risk.

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

Reason: To ensure adequate wastewater treatment capacity is available and to ensure the project will not have an adverse effect on the integrity of any European site.




Site Location Plan

Application Reference: LA03/2022/0852/F

0 25 50 Metres



Proposed 3 storey office development comprising of flexible office accommodation, break-out space and meeting rooms along with associated site works, car parking and boundary treatments.

 Site boundary

Lands at former PSNI site, Glenwell Road, Glengormley



COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2021/0745/F
DEA	MACEDON
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Residential development comprising 33 no. units (19 no. Category 1, 3 Wheelchair Units and 11 no. General Needs), access, parking, landscaping and associated site works.
SITE/LOCATION	Lands at 285-291 Shore Road, Newtownabbey, Belfast, BT37 9RW
APPLICANT	Clanmill Housing/Littleoak Abbey SPV Ltd
AGENT	Rolston Architects
LAST SITE VISIT	31 st January 2023
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is a road frontage site, located along the Shore Road, on unzoned lands within the settlement limit of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The application site currently comprises a caravan dealership, which comprises of a two storey flat roof building located in the southeastern corner of the site and an area of hardstanding for the parking of caravans/campervans utilising the remainder of the site. The topography of the site is flat with the boundaries defined by, a mix of metal railing to the front, with block walls and vegetation defining the remainder of the boundaries. Access to the site is achieved directly from the Shore Road.</p> <p>A petrol filling station is located to the immediate north of the application site whilst St John's Church and rectory lies to the immediate south of the application site. The existing railway line lies to the east of the site between the application site and Whitehouse Park. The former Newtownabbey High School site is located opposite the site, while Glas Na Bradan is located to the southwest of the application site as is Merville Garden Village.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2009/0019/F Location: 285-291 Shore Road, Belfast, BT37 9RW Proposal: Mixed use development comprising a 90 bed hotel with ancillary accommodation, 36 apartments, retail space and parking. Decision: Permission Refused (14/01/2011)</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, 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 2001 (BUAP): The application site is located on unzoned land within the settlement limit designated by the plan which offer no specific policy or guidance pertinent to this proposal.

Draft Belfast Metropolitan Area Plan: The application site is located within the settlement limit of Metropolitan Newtownabbey as designated by the plan 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 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,

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

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

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas: sets out planning policy and guidance on the protection of local character,

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

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

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

CONSULTATION

Council Environmental Health Section – No objection subject to conditions

Northern Ireland Water – Substantive Response

Department for Infrastructure Roads- No objection subject to conditions

Department for Infrastructure Rivers – No objection subject to conditions

DAERA – Natural Environment Division – No objection

Regulation Unit, Land & Groundwater – No objection subject to conditions

Marine & Fisheries Division – No objection

Water Management Unit – No objection subject to conditions

NI Railways -No objection subject to condition

Shared Environmental Services – No objection subject to condition

REPRESENTATION

Eighteen (18) neighbouring properties were notified and twenty-three (23) letters of objection have been received from fourteen (14) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk>

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

- Overshadowing/loss of light to neighbouring dwellings and gardens;
- Overlooking/loss of privacy to neighbouring dwellings and gardens;
- Difference in land levels and subsequent impact from dominance;
- Noise and general disturbance;
- Nuisance from light intrusion;
- Loss of air quality;
- Loss of view;
- Impact on the setting of nearby listed buildings and Merville Conservation Area;
- Road safety concerns;
- Scale, massing and dominance of the proposed buildings;
- Increase in housing density;
- Out of character;
- Insufficient separation distances between the proposed buildings and the existing dwellings;
- Sewerage infrastructure;
- Lack of a housing need.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Design, Layout and Appearance
- Impact on Character and Appearance of the Area
- Residential Amenity
- Other Matters

Preliminary Matters

Habitats Regulation Assessment

Antrim and Newtownabbey 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 Habitats Regulations Assessment (HRA) report and conclusions therein, prepared on behalf of the Council by Shared Environmental Services.

Shared Environmental Services having considered the nature, scale, timing duration, and location of the project, advises that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to two conditions regarding drainage network and the method of sewerage disposal.

Environmental Impact Assessment.

The development type falls within Category 10 (B) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (NI) 2017, however the threshold for this Category requiring an EIA determination is lands greater than 0.5 hectares. The application site measures 0.45 hectares and therefore does not exceed this threshold. Additionally, the application site is not located within a designated sensitive area, as such the Council is not obliged to carry out an EIA determination in this instance.

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 unzoned lands within the settlement limit of Metropolitan Newtownabbey as defined within the BUAP and dBMAP. The application site is a brownfield site which currently comprises a commercial use in the

form of a caravan sales outlet. The proposal seeks full planning permission for a residential development consisting of 33 residential units, access, parking, landscaping and associated site works. The housing strategy of the BUAP promotes the use of suitable land for housing, particularly within the inner city whilst dBMAP aims to secure higher density development within urban area while protecting the quality of the urban environment. The application site is located within a predominately residential area, albeit with neighbouring, commercial, leisure and religious uses in the immediate vicinity, however, Whitehouse Park is located to the rear with residential uses in nearby Merville Garden Village, Rathcoole and a recently approved residential development at the former Newtownabbey High School. Letters of objection raised concerns in relation to the level of need for housing at this location, however, given the unzoned land, the context of the site and the surrounding area, the proposal for the redevelopment of the site with a residential use accords with the above plans. The principle of residential development is therefore acceptable subject to the development complying with the all other policy and environmental considerations and as such no need is required to be demonstrated.

The Strategic Planning Policy Statement (SPPS) indicates that sustainable development should be permitted, having regard to material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS also promotes good design and seeks to make more efficient use of urban land without town cramming. Planning Policy Statement 7: Quality Residential Environments and PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas are retained policies under the SPPS and provide the appropriate policy context.

Design, Layout and Appearance

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Policy QD1 goes on to state that all proposals for residential development will be expected to conform to nine criteria. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider streetscape.

The proposal is for a residential development consisting of 33 residential units, access, parking, landscaping and associated site works. The general arrangement takes the form of four individual buildings set out in a courtyard format defining a central area of open space. Two of the buildings provide a frontage onto the Shore Road, with a break in the centre which provides views into the central area of open space with the remaining two buildings set to the rear of the site. Access to the site is achieved directly from the Shore Road, parking and turning is achieved around the periphery of the site with pockets of landscaping and a linkage of pedestrian footpaths within the site. The proposed residential units are a mix of one (1) and two (2) bedroom units, the two bedroom units' account for 28 of the overall totality with five (5) one bedroom units.

The courtyard layout results in two of the buildings having a frontage onto the Shore Road, (buildings C and D), both buildings are two storey with a ridge height of 7 metres above the ground level. Building D, the smaller of the buildings is located to

the northwest of the site and takes the form of a rectangular shape measuring 16.4 metres in length along the frontage whilst building C, located to the southwest takes the form of an L shape measuring 29.7 metres along the road frontage. The aforementioned buildings are set back 6.2 metres from the Shore Road, a pedestrian footpath, metal railing, formal landscaped areas and pedestrian walkways define the area between the public road and the front of the buildings. The active frontage allows for a break in the buildings which opens up views into the site and enables the open space and landscaped area to read as part of the development scheme.

The remaining two buildings are located to the rear of the site, building A, is located to the northeast of the site and is reflective of building C, that being an L shape which measures 31.8 metres along the rear. Building B is located to the southeast, is rectangular in shape and measures 16.3 metres at its widest point, both buildings are three storey and measure 10 metres in ridge height from ground level. Individual access points are provided for each of the apartments on the ground floor with four communal access points for the remainder of the apartments (one per building). Individual areas are provided for scooter charging, bicycle storage, two areas for bin storage and two areas for drying are also provided along the southern section of the site.

The boundaries to the site are defined by 1.2 metre estate railing along the western (roadside) boundary, 2.1-metre-high acoustic fencing along the northern and southern boundary with acoustic fencing inset with a low level vehicle guardrail along the eastern (rear) boundary. Open space and landscaped areas are located within the central courtyard area and also around the periphery of the individual buildings. The proposal introduces a mix of finishes into the development scheme including red brick with cement render in sections and zinc clad canopies projections over entrances. The prominent finish to the buildings is red brick and the applicant indicates within supporting documentation that the use of brick has been key to the overall design with the building to the front of Merville Garden Village being the key design context. Given the road frontage nature of the site, it is considered that a condition should be imposed if planning permission is forthcoming requiring that a sample of the facing brick be submitted and agreed with the Council prior to development commencing.

Policy QD 1 of PPS 7 states that proposed residential development should be designed to deter crime and promote personal safety. The courtyard arrangement lends itself to permitting informal surveillance, whilst at the same time maximising daylight and passive solar gain to the residential units. All of the communal and parking areas are open to views from the apartment buildings. Overall, it is considered that the proposed development has been designed to deter crime and promote personal safety. Policy LC1 requires that all dwelling units and apartments are built to a size not less than those stipulated within Annex A of Addendum to PPS 7, in this case all of the proposed residential units conform to the size requirements as stipulated.

Concerns were raised by objectors in relation to the scale, massing and dominance of the buildings. During the processing of the application buildings C and D were reduced from 3 storey to 2 storey. It is accepted that the frontage of the buildings results in the built form encroaching closer to the Shore Road than what currently exists on site. Paragraph 7.10 of planning guidance 'Creating Places' indicates that

larger dwellings and blocks more than two storey in height should be located to provide focal points in the layout and will generally suit the scale of spaces that have to be provided along local distributor roads and other important streets and avenues. Although the buildings located along the frontage are not more than two storey, this section of the Shore Road is a principal thoroughfare within this area with smaller streets and avenues running off it. It is considered the reduced scale of the road frontage buildings to two storey will provide a focal point while not appearing overly dominant or excessive in scale.

Overall it is considered that the design and layout of the proposed residential scheme responds positively to the context of site in terms of scale, massing appearance of buildings, landscaped and hard surfaced areas.

Impact on the Character and Appearance of the Area

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

As outlined above the application site is located along the Shore Road and currently comprises of an existing flat roof building serving as a caravan sales and an existing area of hardstanding utilised for parking of caravans/campervans. A petrol filling station is located to the immediate north of the application site whilst St Johns Church and rectory lies to the immediate south of the application site. The existing railway line lies to the east of the site between the application site and Whitehouse Park. The former Newtownabbey High School was located opposite the site, while planning permission for residential units has recently been granted on these lands which are currently under construction. A three storey apartment building is located along this same stretch of the Shore Road at Whitehouse Court which also backs onto Whitehouse Park. Glas Na Bradan is located to the southwest of the application site as is Merville Garden Village.

Letters of objection raised concerns that the proposal would be out of character with the context of the surrounding area. It is accepted that this section of the Shore Road has a range of land uses including residential, commercial, community and religious buildings. The buildings in the immediate vicinity have an eclectic style with no strong individual design type with the exception of Merville Garden Village located to the southwest of the application site. Additionally, no uniform building line is evident along this stretch of the Shore Road with a number of developments located in close proximity to the road frontage. It is notable that the immediate vicinity is characterised by mature and dense landscaping, the application site promotes heavily vegetated site boundaries which shall be conditioned to be retained should planning permission be forthcoming. In addition, it is considered that the proposal would benefit from additional landscaping along the front elevation of the buildings to further enhance and promote the rich landscaping found in the immediate vicinity, therefore it is considered that a negative condition should be imposed requiring a landscaping plan to be submitted and approved by the Council prior to development commencing.

Policy LC 1 also requires that the proposed density is not significantly higher than that found in the established residential area, concerns were raised by third parties in relation to the increase in density. As outlined above the area is defined by a mix of commercial and residential properties. The character of the existing residential area comprises a mix of detached, semi-detached properties and apartment buildings set in a range of plot sizes. The application site has a density of approximately 72 dwellings per hectare (dph). Martin Park to the northeast of the application site has a density of approximately 37dph, whilst Merville Mews to the southwest of the application site has a density of approximately 46dph. The existing pattern of development to the southeast of the application site along Whitehouse Park exhibits that of an urban character with a much lower density of development. However, at the other end of the density scale, residential units within Whitehouse Court, which includes three storey apartment building with a density of 68dph while there are areas of much higher density with the residential units above Merville Garden Village shops equating to a much higher density of development at around 130dph. Like many residential areas, it is evident that there are a range of housing densities present in the local area, in this instance, the context of the site reads with development along the Shore Road and does not readily read with the lower density evident in Whitehouse Park to the rear which sits on a lower ground level and separated by the existing railway line. The application site falls within a range of densities within the local area, albeit towards the upper end, it is however considered appropriate due to the sites location on a main thoroughfare along this stretch of the Shore Road and the proximity to main public transportations nodes. Although the development has a higher urban grain than some of the surrounding developments, the overall density remains within the range found within the area and fundamentally as required by LC1, the proposed density is not significantly higher than that found in the established residential area.

Letters of objection also raised concerns relating to the proposal detracting from the setting of the nearby Listed Buildings in particular St John's Church and Merville Garden Village Conservation Area. Policy BH11 of Planning Policy Statement 6 'Planning, Archaeology and the Built Heritage (PPS 6) deals with development affecting a listed building. Consultation was carried out with Department for Communities, Historic Environment Division (HED) who indicated that the proposal is sufficiently removed in situation and scale, as to have negligible impact on the significance of the listed building. HED go on to indicated that St John's Church is also screened by existing mature trees from the application site to the extent that the quality and character of its setting will not be impacted adversely by the proposed development. HED has assessed the application and on the basis of the information and proportions of the proposed development they consider that it will respect the surrounding context and will be in keeping with the overall character and environmental quality of the established residential area.

Open Space

Criterion (c) of Policy QD 1 requires that adequate provision is made for private and landscaped areas as an integral part of that development. Paragraph 4.31 of the justification and amplification states that developers should make adequate provision for private open space in the form of gardens, patios, balconies or terraces. It adds that for apartment developments, private open space may be provided in the form of communal gardens, where appropriate management arrangements are

agreed. Paragraph 5.20 of supplementary planning guidance document 'Creating Places' advises that in the case of apartment developments private communal open space should range from a minimum of 10 square metres to 30 square metres per unit.

Policy OS 2 of Planning Policy Statement 8 'Open Space, Sport and Outdoor Recreation (PPS 8) relates to open space in new residential development and requires for more than 25 units that open space is provided as an integral part of the development with the normal expectation being at least 10%. Policy OS 2 indicates that an exception to the requirement of providing open space will be permitted in the case of apartments developments, as such the provision of 10% of the total site area is not applicable to this scheme.

However as required by Policy QD1 and indicated above, private communal amenity space is required. The proposal indicates an area of private communal amenity space in the form of a courtyard area which amounts to 1,047sqm, which equates to approximately 31sqm per apartment to the rear and southwest of the application site. In addition to this, a landscaped and small garden area amounting to approximately 414sqm are located around the periphery of the buildings. While this space is open to public views and is therefore not counted towards the private communal amenity provision, it does provide for further areas of open space within the overall development. The level of private open space provided is adequate and meets with the guidance set out within 'Creating Places'.

Residential Amenity

Criterion (h) of Policy QD 1 requires that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. In this case the development proposal is bound by a petrol filling station to the north and St John's Church to the south, the application site is, however, located in close proximity to residential dwellings to the rear along Whitehouse Park. Concerns were raised by objectors in relation to the impact of the proposal on neighbouring properties in terms of overlooking and loss of privacy, overshadowing and loss of light to neighbouring properties and their associated gardens.

Paragraph 7.21 of supplementary planning guidance document 'Creating Places' advises that adequate spacing needs to be provided between buildings for privacy purposes and in the case of apartment developments on greenfield sites a separation distance of 30 metres should be observed with a minimum distance of 15 metres from the rear wall of the development and the common boundary. However, paragraph 7.18 of 'Creating Places' goes on to state that greater flexibility will be appropriate in assessing the separation distance for apartments in urban locations or other higher density areas. Neighbouring properties raised concerns in relation to the insufficient separation distances.

Residential properties located to the rear of the site along Whitehouse Park sit on a lower ground level by approximately 3 metres and are separated from the site by the existing NI Railway line. The separation distance from the rear wall of the apartments and the rear boundary measures between 13 metres and 14.2 metres. The presence of the railway line to the rear of the site acts as a buffer between the common boundaries between the rear of the proposed buildings and the existing dwellings in

Whitehouse Park. The separation distance between the rear of the apartments and the neighbouring boundaries along Whitehouse Park measures between 27 metres and 30 metres whilst the overall separation distance from the rear wall of the apartments and the rear wall of the dwellings measures in excess of 45 metres. Concerns were also raised in relation to the level difference and the impact of a three storey property sitting at a higher level to the properties in Whitehouse Park and the subsequent domineering impact. Paragraph 7.16 of Creating Places indicates that an enhanced separation distance may be necessary for sloping sites, although the topography of the application site is flat it is acknowledged that there is a level difference between the application site and the neighbouring properties at Whitehouse Park. However, as indicated above the overall separation distance from the rear wall of the apartments and the rear wall of the properties in Whitehouse Park is in excess of 45 metres, this separation distance is well above the recommended provision and is considered acceptable in minimising any significant domineering impact.

Given the separation distances, the buffer of the railway line, and the boundary treatment it is considered, on balance, that the proposal will not create any significant negative impacts on the neighbouring properties, in relation to overlooking and loss of privacy, overshadowing and loss of light and dominance to the neighbouring properties in Whitehouse Park and their associated gardens. St John's Church and associated rectory is located adjacent to the application site. The existing rectory fronts out onto the Shore Road and as such the northern gable of the rectory will have the closest relationship with proposed buildings C and B with an overall separation distance of 27.4 metres. The proposed boundary treatment along the southern boundary is a mix of a 2.1 high timber acoustic fence, with the retention of existing planting and supplementation with new planting, in addition a mature landscape buffer is located to the northern boundary of the rectory. It is accepted that the proposal will extend the built form closer to the rectory, however adequate separation distance has been provided together with the existing and proposed boundary treatment, which will mitigate against any significant negative impacts on the rectory.

Objections were received regarding noise, nuisance and general disturbance as issues, additionally as indicated above the proposal lies adjacent to an existing petrol filling station and an existing NI Railway line. A Noise and Vibration Assessment (NVA) (Document 08/1, date stamped 14th October 2022) has been received which states that the NVA should be read in conjunction with a Technical Memo (Document 10, date stamped 18th February 2022). EHS were consulted and a review has been undertaken of the technical supporting documentation, EHS latest response indicates that adverse noise maybe experienced in the shared central courtyard of the private amenity space serving the apartments due the absence of the boundary fence not extending fully to the Shore Road. The limitation of the fence line is restricted to the rear of the front building line in order to protect the quality of the streetscape and the character of the area. EHS has not raised any concerns in relation to the internal noise or vibration levels of the apartments, it is considered that the courtyard layout and the location of the buildings will act as a buffer in protecting the noise levels within the courtyard communal open space area.

External lighting emanating from the apartments towards neighbouring properties at Whitehouse Park was a further issue raised. An Evaluation of Obtrusive Lighting Report

(Document 12/1 dated 7th October 2022) was submitted to assess the impact on the proposed apartments from the adjacent petrol filling station and it was concluded and accepted by EHS that the proposed development will not be adversely impacted by artificial lighting. It is considered that the apartment scheme will not generate any significant impact through light intrusion above and beyond that found with the existing urban environment and will not create a significant negative impact on the amenity of the neighbouring properties.

Overall EHS has not raised any objections to the proposal in relation to the impact on neighbouring properties with the sole concern relation to the noise levels within the communal open space area, EHS has recommended a number of conditions in relation to noise.

Natural Environment

Designated Sites

The application site may be hydrologically linked and is located approximately 310 metres to the west of Inner Belfast Lough Area of Special Scientific Interest (ASSI), Belfast Lough Ramsar site and Belfast lough Special Protection Area (SPA), which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). As outlined above consultation was carried out with Shared Environmental Services (SES) who on behalf of the Council considered the application in light of the Regulations. SES has concluded that the development proposal is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European Site.

Additionally, given the proximity to Belfast Lough, consultation was carried out with DAERA's Marine and Fisheries Division (MFD). MFD indicated that the proposal is unlikely to have a significant impact on the marine environment provided appropriate pollution prevention measures are implemented during construction and operation. If planning permission is forthcoming a condition shall be imposed requiring a final Construction Environmental Management Plan (CEMP) and a Construction Method Statement (CMS), to be submitted to and agreed by the Council at least eight weeks prior to any works commencing, including ground preparation or vegetation clearance. This shall identify all potential risks to the adjacent watercourses and designated sites and appropriate mitigation measures to be implemented during construction to eliminate these risks.

Other Natural Heritage Interests

The site contains a building, hardstanding, hedgerows, trees and is adjacent to a railway line. Following initial consultation with DAERA's Natural Environment Division (NED) further information was requested, in relation to the potential of protected species, that is bats and badgers being prevalent on the site. A number of documents relating to natural heritage were submitted in support of the application (Document 10, NI Biodiversity Checklist dated 23rd February 2022, Document 11, Bat Roost Potential Survey dated 6th June 2022 and Document 13, Habitats Statement, dated 22nd September 2022.

Following the submission of the additional supporting documentation, further consultation was carried out with NED which indicated that they completed a site visit on 9th November 2022 to corroborate the ecologists' findings presented in

Document 11 (Bat Roost Potential (BRP) Survey, dated 6th June 2022). In this report the ecologist classified the building as having moderate bat roosting potential based on the potential roost features recorded. NED have assessed the potential roost features and the overall bat roosting potential of the building has been reclassified as negligible. Consequently, no further surveys are required. NED also checked for evidence of badgers and their setts within the site boundary and 25m beyond the site boundary. No evidence of badgers or their setts was recorded. NED, have confirmed that they are satisfied that the building is of negligible bat roosting potential and that badgers are not present within or adjacent to the site as such NED have raised no objections to the proposal.

Given the development type, consultation was also carried out with DAERA's Water Management Unit (WMU) who have considered the impacts of the proposal on the water environment and have advised that the proposal has the potential to adversely affect the surface water environment if connection to the mains sewerage is not achievable. In this instance, the proposal is for connection to the mains outlet and development, however, given the potential for pollution to occur it is considered necessary to apply a condition restricting the commencement of development until a sewerage agreement has been obtained from Northern Ireland Water. This will therefore satisfy the concerns raised by WMU.

Given the existing use on the site of a caravan dealership, the proximity of the petrol filling station to the north of the site and the presence of the railway line to the east, supporting documentation in relation to land contamination was submitted with the application (Document 04, Ground Investigation, dated 27th September 2022 and Document 05, Generic Quantitative Risk Assessment, dated 27th September 2022). Consultation was carried out with DAERA's Regulation Unit Land and Groundwater Team (RULGW) and EHS who acknowledges receipt of the supporting documents and are of the opinion that contamination at the site can be suitably controlled and mitigated by way of conditions imposed on the grant of any planning permission should it be forthcoming.

Access, Movement and Parking

Policy AMP 2 of Planning Policy Statement 3 'Access, Movement and Parking' (PPS 3) requires that any development should not prejudice the safety and convenience of road users. Access to the site is achieved directly from the Shore Road and runs along the northern site boundary wrapping around the rear of the site. Letters of objection raised concerns regarding the potential increase in road accidents. Consultation was carried out with DfI Roads who raised no objections in relation to the proposed access arrangement onto the Shore Road. While it is acknowledged that the Shore Road is a busy thoroughfare, the additional traffic created by this development would not lead to any significant intensification of the traffic flowing along Shore Road.

Policy AMP 7 of PPS 3 and Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. DfI Roads commented on the substandard parking provided within the development. A total of thirty-three (33) inclusive of three (3) disabled parking spaces which results in a ratio of one (1) parking space per apartment has been provided around the periphery of the site. Planning guidance 'Creating Places' provides a breakdown of the number of car parking spaces required for each development type, in this case a total of 49 car parking spaces are

required, therefore a shortfall of 16 spaces exists. Creating Places indicates that lesser provision may be acceptable in inner urban locations and other higher density areas. Policy AMP 3 of PPS 7 states that a reduced level of car parking provision may be acceptable in a number of circumstances which include; where a Transport Assessment is submitted which indicates a package of measures to promote alternative transport modes; where the development is in a highly accessible location well served by public transport; or where the development would benefit from spare capacity available in nearby public car parks or adjacent on-street car parking and where shared car parking is a viable option.

A Parking Report and Transport Assessment Form (TAF) (Document 07 dated 16th November 2021) was submitted in support of the application which details a breakdown of alternative travel modes which include walking and the high accessibility by foot, the cycle accessibility from the development and the public transport connectivity. Document 07 indicates that the application site is situated directly on the Metro 2 Corridor with stops within a 200 metre radius which provides services to Belfast City Centre, Larne, Carrickfergus and Whitehead, Monkstown and the nearby Abbeycentre.

It is considered given the highly accessible location, the public transport options, the acceptability of cycle and pedestrian routes, the inclusion of cycle storage and the provision for scooters within the development scheme that the lower provision of parking is considered acceptable in this instance.

Other Matters

NI Water Infrastructure

Northern Ireland Water (NIW) initially raised concerns with the network and wastewater treatment capacity not being available to service the site, in addition letters of objection also raised concerns regarding the sewerage infrastructure. The applicant engaged with NIW and submitted a Waste Water Impact Assessment (WWIA). As a consequence, a NIW Solutions report was received from NIW Water which outlines two options which would allow for a connection to the network. It is considered necessary to ensure that one of the adequate solution option has indicated by NIW is achieved that a negative condition is imposed requiring that no development takes place until the applicant has an agreed connection into the public sewer and an Article 161 Agreement has been obtained from NIW.

Flood Risk

The site is not located within the fluvial or coastal floodplains. Policy FLD 3 of PPS 15 deals with flood risk outside floodplains, it states, that a Drainage Assessment will be required for all development proposals that exceed 10 dwelling units or more. A Drainage Assessment, (Document 03 dated 2nd August 2021) accompanied the application and consultation with DfI Rivers was carried out.

DfI Rivers sought clarification and additional information including an amended drainage plan (Document 03/1 dated 20th December 2022) which was subsequently received and further consultation was carried out with DfI Rivers who raised no objections subject to a condition requiring a final Drainage Assessment to be submitted. The purpose of this post decision Drainage Assessment is to ensure that the developer has an agreed method of dealing with surface water disposal through NIW, however, this is dealt with through the use of a condition restricting

development until such times as the developer has secured a connection to the sewer to deal with both surface water and foul sewerage. In the circumstances a secondary connection for a further Drainage Assessment would be a duplication and is not considered to be necessary.

NI Railways

As indicated above the eastern boundary of the site is bounded by an existing NI Railway, as such consultation was carried out with NI Railways who raised no objections subject to a number of conditions to ensure the stability and safety of the existing railway track. NI Railways requires that approval is sought and the works carried out at the developers' expense to the satisfaction of Translink.

Other Objections

Objectors raised concerns in relation Articles 1 and 8 of the Human Rights Act 1998 in relation to the objectors right to the peaceful and private enjoyment of all their possessions which includes the home and other land and the substantive right to respect for private and family life.

Paragraph 2.3 of the SPPS states that the planning system operates in the public interest of local communities and the region as a whole. It does not exist to protect the private interests of one person against the activities of another. Planning policy is developed, interpreted and applied in the public interest. Planning applications often encounter competing and conflicting private interests, in this case the various conflicting interests have both had rights to make representations to the Council, through the processing of the planning application and ultimately through the consideration of the application by the Planning Committee. It is considered that the recommendation to approve development is in compliance with planning policy, all parties to the application have been given a fair hearing, the points raised by them have been given proper consideration and the Councils obligations under the Human Rights Act have been fulfilled.

Concerns were also raised in relation to air quality, the proposed development for a residential development scheme does not by its very nature generate significant negative impacts on air quality. 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, EHS was consulted on the proposal and has indicated no objection in relation to air quality.

In addition, concerns in relation to a loss of a view was also raised, the neighbours view is 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 detrimental to the outlook of the existing dwellings. In any case the potential impact of a proposed development on private views is not generally viewed as a material planning consideration. There is no right to a view and even if a new development changes a view from a private property, this is not normally sufficient grounds to withhold planning permission.

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 is appropriate for the site and provides an adequate provision of private open space;
- The proposed development will not result in an unacceptable impact on the character and appearance of the area or negatively impact the surrounding Listed Buildings and Merville Conservation Area;
- The proposal will not create any significant impacts on neighbouring properties in relation to overlooking, loss of privacy, overshadowing or loss of light;
- Adequate access and parking provision has been provided for the development type at this location.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

2. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 03/3 date stamp 4th July 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 of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. No development shall commence until a sample of the facing brick to be used in the construction of the external fabric of the buildings has been submitted and approved by the Council. Thereafter, the development shall be carried out in accordance with the approved external finishes.

Reason: In the interests of visual amenity and to ensure the proposal is in keeping with the character of the area.

5. A final Construction Environmental Management Plan (CEMP) and a Construction Method Statement (CMS), agreed with the appointed contractor, shall be submitted to and agreed by the Council at least eight weeks prior to any works

commencing, including ground preparation or vegetation clearance. This shall identify all potential risks to the adjacent watercourses and designated sites and appropriate mitigation measures to be implemented during construction to eliminate these risks. The CEMP and CMS shall include the following:

a) Construction methodology and timings of works;

b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site.

The approved CEMP and CMS shall be implemented in accordance with the approved details and the development shall be carried out in accordance with the mitigation measures, unless otherwise agreed in writing by the Council.

c) The CEMP will include the identification of any existing drainage network outlets from the site, and details on how they will be isolated.

Reason: To prevent effects on Inner Belfast Lough Area of Special Scientific Interest (ASSI), Belfast Lough Ramsar site and Belfast Lough Special Protection Area (SPA).

6. Prior to the development commencing a detailed remediation strategy and implementation plan, shall be submitted to and agreed in writing with the Council.

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

7. Prior to occupation of any of the dwellings the mitigation measures as presented within the remediation strategy and implementation plan as required by Condition 7 above, have been fully implemented and verified to the satisfaction of the Council.

There shall be no amendments or deviations from the remediation measures and the validation and verification details contained within Document 09 without the prior written approval of the Council.

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 the risks posed by contamination.

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

8. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Council. This Condition only applies if a piling foundation is being used at the site. 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".

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

9. If, during the development works, a new source of contamination and risks are found which had not previously been identified, works should cease and the Council's Planning Section shall be notified immediately. Any new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

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

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

10. The external wall surrounding the glazing and ventilation systems to habitable rooms shall be capable of achieving a sound reduction from outside to inside of at least 52 Rw as detailed within Document Number 08/1, date stamped 14th October 2022.

Reason: To safeguard the residential amenity of future occupants.

11. All habitable rooms to the northern, southern and western facades of Blocks C and D, shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least 42dB Rw as detailed within Document Number 08/1, date stamped 14th October 2022.

Reason: To safeguard the residential amenity of future occupants.

12. All habitable rooms to the eastern facade of Blocks C and D, shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least 31dB Rw as detailed within Document Number 08/1, date stamped 14th October 2022.

Reason: To safeguard the residential amenity of future occupants.

13. All habitable rooms to Blocks A and B, shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least 37dB Rw as detailed within Document Number 08/1, date stamped 14th October 2022.

Reason: To safeguard the residential amenity of future occupants.

14. All habitable rooms to the northern, southern and western facades of Blocks C and D, shall be fitted with passive or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 45dB Dn,e,w, as detailed within Document Number 08/1, date stamped 14th October 2022.

Reason: To safeguard the residential amenity of future occupants.

15. All habitable rooms to the eastern facades of Blocks C and D, shall be fitted with passive or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 34dB Dn,e,w, as detailed within Document Number 08/1, date stamped 14th October 2022.

Reason: To safeguard the residential amenity of future occupants.

16. All habitable rooms to the facades of Blocks A and B, shall be fitted with passive or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 42dB Dn,e,w, as detailed within Document Number 08/1, date stamped 14th October 2022.

Reason: To safeguard the residential amenity of future occupants.

17. Prior to occupation of the development, a 2.1m high acoustic barrier shall be installed along the northern and southern boundaries as outlined within Drawing No. 03/3, date stamped 4th July 2022. The barrier shall have a surface weight density of not less than 10kg/m², be of solid construction, (i.e. no holes or gaps present for sound to pass through) and so if it is a fence it shall be of the ship-lapped design and shall be retained for the lifetime of the development.

Reason: To safeguard the residential amenity of future occupants.

18. Prior to occupation of the development, a 2.4m high acoustic barrier shall be installed along the eastern boundary as outlined within Drawing No. 03/3, date stamped 4th July 2022 and within Section 9 of Document Number 08/1, date stamped 14th Oct 2022. The barrier shall have a surface weight density of not less than 10kg/m², be of solid construction, (i.e. no holes or gaps present for sound to pass through) and so if it is a fence it shall be of the ship-lapped design and retained for the lifetime of the development.

Reason: To safeguard the residential amenity of future occupants.

19. The cumulative noise level from the operation of all new plant associated with the permitted development, shall not exceed the limits set out in Table 16 within

Document Number 08/1, date stamped 14th October 2022, including any character corrections required and when measured in line with BS4142:2014 + A1:2019, at 1m from the façade of any nearby sensitive receptor.

Table 16 Plant noise limits at 1m from the nearest noise sensitive premises.

Time of Day	Maximum sound pressure level at 1m from noise sensitive premises, LAeq,15min (dB)
Daytime (07:00-23:00)	49
Night-time (23:00-07:00)	29

The limits set out in Table 16 do not include any attention catching features. The penalty corrections for attention catching features may be significant, and will need to be considered as the building services design progresses.

Reason: To safeguard the residential amenity of future occupants.

20. Prior to the commencement of development a landscaping scheme shall be submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

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

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

21. Prior to occupation of any of the units a landscape management and maintenance plan shall be 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.

22. The existing natural screenings of the site, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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.

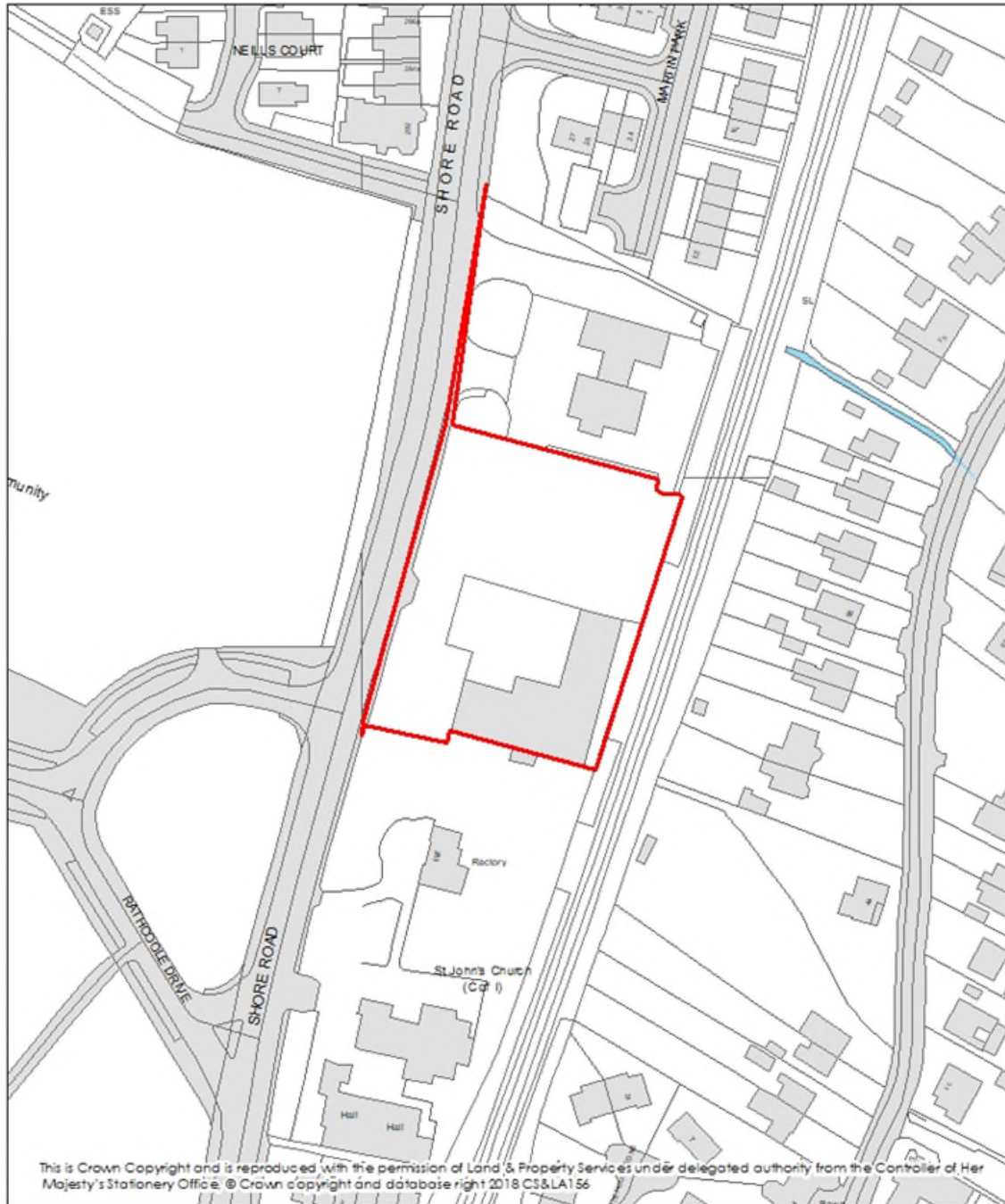
23. If within a period of 5 years any existing tree, shrub or hedge, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same 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.

24. No development, including any acts of demolition of buildings, shall take place within 10 metres of the NIR boundary until a demolition plan and activity schedule, which takes account of railway line clearance distances, excavation works, protection measures and the operation of large machinery in close proximity to the railway embankment has been agreed in writing with the Council. Reason: To protect the stability of the railway embankment.

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

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




Site Location Plan

Application Reference: LA03/2021/0745/F

Location: Lands at 285-291 Shore Road, Newtownabbey,
Belfast, BT37 9RW

Proposal: Residential development comprising 33 no. units (19 no.
Category 1, 3 Wheelchair Units and 11 no. General Needs),
access, parking, landscaping and associated siteworks



 Site boundary



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2022/0662/F
DEA	MACEDON
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retention of dwelling and garage (amended siting and access to dwelling and garage approved under LA03/2020/0123/F) and design change to garage.
SITE/LOCATION	27 Glebe Road (site 4 - 70m north of 7 Glebe Road Newtownabbey)
APPLICANT	Mr Stephen Flynn
AGENT	
LAST SITE VISIT	23 rd August 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 https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located within the development limits of Metropolitan Newtownabbey and within a Greenbelt area, an Area of High Scenic Value (COU 6/04), Local Landscape Area (MNY 44) and a Community Greenway (MNY 48/03) as defined within the Draft Belfast Metropolitan Area Plan (published 2004).</p> <p>The application site is a roadside plot and represents one site out of a previously approved application (LA03/2020/0123/F) for four detached dwellings. The application site comprises a partially constructed dwelling and garage, which at the time of site inspection consisted of the external shell built to wall plate level. The topography of the site falls from east to west, however, the wider surrounding area falls steeply in a northern to southern direction.</p> <p>The western boundary of the site abutting the Glebe Road is defined by a mature hedgerow, inset from the hedgerow by approximately 2 metres is an earth bund approximately 2 metres in height with some immature planting above. The northern and eastern boundaries are defined by a post and wire fence. The remaining southern boundary is undefined.</p> <p>The application site is part of an ongoing construction site pertaining to the private self-build of 4 dwellings previously approved on the site and wider area. The dwelling directly to the south (Site 3) has commenced ground works, the site further south (Site 2) has not yet commenced and the southernmost site (Site 1) is constructed and occupied.</p>	
RELEVANT PLANNING HISTORY	
Planning Reference: LA03/2019/0543/O Location: Land 60m North of no 7 Glebe Road, Carnmoney, Newtownabbey,	

Proposal: Four proposed dwelling houses (part in substitution of permission LA03/2018/0954/O), landscaping, access (off Rockview Lane) and ancillary site works
Decision: Permission Granted (11/09/2019)

Planning Reference: LA03/2020/0123/F

Location: Lands 60m North of No. 7 Glebe Road, Carnmoney, Newtownabbey, Co. Antrim,

Proposal: Four proposed dwelling houses (in substitution of permission LA03/2019/0543/O), landscaping/earth bund, access (off Glebe Road) and ancillary site works

Decision: Permission Granted (02/04/2020)

Planning Reference: LA03/2021/0623/NMC

Location: 60m north of 7 Glebe Road, Newtownabbey, BT36 6UW,

Proposal: Non-Material Change to Planning approval LA03/2020/0123/F (Four proposed dwelling houses (in substitution of permission LA03/2019/0543/O), landscaping/earth bund, access (off Glebe Road) and ancillary site works). To introduce porthole gable window in lieu of Juliet balcony; and new rear balcony (east facing aspect) and glass balustrade.

Decision: Non material change granted

Planning Reference: LA03/2021/1075/NMC

Location: 60m North of 7 Glebe Road, Newtownabbey,

Proposal: Non-material change to single dwelling (House Type B - site 4) previously approved under planning permission LA03/2020/0123/F

Decision: Non material change granted

Planning Reference: LA03/2022/0521/F

Location: Proposed dwelling and garage (Change of house type from approval LA03/2020/0123/F)

Proposal: Site 3 at 60m north of 7 Glebe Road Newtownabbey

Decision: Permission Granted (07.09.2022)

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the 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 within the settlement limit of Metropolitan Newtownabbey. The site is within a designated Landscape Wedge under Policy L5 Carnmoney Wedge Carnmoney Hill. The application site is also located within an area of Proposed Recreational Open Space and has been identified within the plan as an Area of Major Recreation and Tourism Potential. Carnmoney Hill has been included as an area of land zoned for new recreational open space.

Draft Belfast Metropolitan Area Plan (published 2004): The application site is designated as Greenbelt and an Area of High Scenic Value (COU 6/04) and a Local Landscape Policy Area (MNY 44) and a Community Greenway (MNY 48/03).

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

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

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

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

Addendum to PPS 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.

PPS7: Quality Residential Environments: sets out planning policies for achieving quality in new residential development. This PPS is supplemented by the Creating Places Design Guide.

CONSULTATION

No consultations carried out

REPRESENTATION

No neighbours were notified of the application as no occupied properties abut the site. Two (2) letters of objection were received from one (1) property. The full representations made regarding this proposal are available for Members to view online at the Planning Register (<https://planningregister.planningsystemni.gov.uk>). A summary of the key points of objection raised is provided below:

- NMC application amending the finished floor level was misleading;

- Inaccurate topographical survey;
- Inadequate plans provided;
- Impact on privacy;
- Lack of boundary treatment;
- Submission of misleading information;
- Prominence.

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
- Private Open Space Provision
- Neighbour Amenity
- Movement, 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 Strategic Planning Policy Statement (SPPS) indicates that where any conflict between the SPPS and any policy retained exists, under the transitional arrangements it must be resolved in the favour of the provisions of the SPPS. The SPPS indicates that sustainable development should be permitted, having regard to material consideration, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS also promotes good design and seeks to make more efficient use of urban land without town cramming. Planning Policy Statement 7: Quality Residential Environments and PPS 7 (Addendum): Safeguarding the Character and Established Residential Areas are retained policies under the SPPS and provide the appropriate policy context.

The principle of development for a dwelling has been established through planning approval Ref: LA03/2019/0543/O and LA03/2020/0123/F which permitted the erection of 4 detached dwellings and garages in accordance with Policy QD 1 of PPS7. The latter application LA03/2020/0123/F was approved on the 1st April 2020 and is still extant. Therefore, it is noted that the applicant has a lawful fall-back position and it is considered that the principle of a dwelling and garage on the site can be considered established meaning the remaining considerations will include design, layout appearance, neighbour amenity, access and landscaping.

However, it is important to note that at the time of site inspection in August that a dwelling and garage, had been partially constructed and consisted of the outer shell blockwork and an exposed beam timber framed roof. The garage was also partially constructed including most of the external shell. A subsequent site visit was carried out on the 7th February 2023, the development at that time had progressed to include the provision of windows and doors and the completion and tiling of the roof profile of the dwelling. The garage has also progressed to roof level, including the

provision of a flat roof. Despite the ongoing works, the dwelling has not been constructed to an occupied standard with all internal works still incomplete.

Design and Impact on Character and Appearance of the Area

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. 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 neighbourhoods and the wider streetscape. Policy LC1 of the Addendum requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area and that the proposed density should not be significantly higher than that found in the established residential area.

In this case, given the sensitive location of the application site within an Area of High Scenic Value (COU 6/04) – Carnmoney Hill is an area of scenic value as a unique landform, surrounded by development on all sides, which is characterised by woodland, wetland and agricultural lands. The application site is also part of Carnmoney Hill BMA Greenbelt designation (draft BMAP) as a prominent local landmark. In order to prevent unrestricted urban sprawl of development onto Carnmoney Hill, the development of this site and the impact on visual amenity is therefore an important consideration in the assessment of the application.

The application proposes the retention of a dwelling and garage including the re-arrangement of the driveway and garage to a dwelling previously approved application under LA03/2020/0123/F. This previous approval granted permission for the erection of four dwellings which followed a linear pattern along Glebe Road.

This application comprises a number of changes to Site 4 previously approved under LA03/2020/0123/F to include –

- The relocation of the driveway arrangement and garage from the southern boundary to the northern boundary
- The relocation of the dwelling 4.5 metres closer to the southern boundary
- Change of garage design

As this application does not propose an additional dwelling above that already approved on the site and given that the layout of the dwelling and the plot size is broadly similar to the LA03/2020/0123/F approval it is considered that the density proposed would not be significantly higher than that found within the wider residential area.

The design of the dwelling is broadly similar to the dwelling approved under LA03/2020/0123/F with the exception of a number of fenestration changes approved under a subsequent non-material change application Ref: LA03/2021/1075/NMC. The layout and positioning of the development on site has moved approximately 4.2 metres closer to the common boundary shared with Site 3 as shown in the previous planning permission (LA03/2020/0123/F) and the NMC application (LA03/2021/1075/NMC).

A previously approved detached garage has relocated from the southern boundary to the northern boundary and the design and scale of the garage has changed. The garage has been partially constructed on site and measures 10.7 metres by 4.7 metres, features a mono pitched roof with a maximum height of 3.6 metres. The location of the garage is set further back on the application site than the previously approved garage, which also served to restrict views of the rear amenity of Site 3 which adjoins the application site.

Policy QD1 also requires that the development respects the topography of the site. Generally, across the wider site approved under LA03/2020/0123/F comprising the 4 dwellings, the lands were noted as dropping significantly from the northern to southern limits of the site, resulting in a stepped down design scheme with Site 4 comprising the highest finished floor level (FFL) (133.00) dropping to Site 1 at the lowest ground level (126.75). The original LA03/2020/0123/F required each of the 4 dwellings to comprise an element of cut and fill to ensure that the appropriate finished floor level for each dwelling was accommodated and a gradual gradient across the wider site was implemented.

This application has increased the FLL of the dwelling within Site 4 to 134.00, which is approximately 1 metre higher than the FFL level approved during the LA03/2020/0123/F application. The applicant refers to the LA03/2021/1075/NMC application which amended the FFL of the application to 134.00. An objection from a third party has highlighted that the inclusion of the revised FFL level to 134.00 on the relevant plans for consideration at that time was not properly highlighted on the relevant NMC application form, nor was it highlighted in the description or referenced in any aspect. The objection states that if this had been described correctly the NMC would have been refused.

In this case, the objector's comments are not disputed by the Planning Section in that the inclusion of the revised FFL to 134.00 on NMC Ref: LA03/2021/1075/NMC did not include any reference to any amended FFL and in the circumstances it is unlikely that the NMC would have been granted, as this change would have been material to the previous permission. In any case the applicant did not build the dwelling under referred to under Ref: LA03/2021/1075/NMC as the constructed dwelling was not constructed in the correct location.

The objection also raised concerns that a full up-to-date topographical survey has not been provided which distorts the proposed plans. In this regard, the applicant has highlighted in Document 02 date stamped 13th October 2022 that the difference in lands level is a result of datum level changes of 128.30 for the original planning application and a datum level of 128.73 used during the topographical survey submitted during application LA03/2022/0521/F (Site 3). This creates a discrepancy between both topographical surveys.

The ground levels and finished floor levels of approved applications LA03/2020/0123/F, LA03/2021/1074/NMC, LA03/2022/0521/F, and the current application are highlighted in the table below:

	SITE 4 (m)	SITE 3 (m)
LA03/2020/0123/F	FFL – 133.00 GL – 132.70	FFL- 131.5 GL – 131.2

LA03/2021/1074/NMC	FFL – 134	-
LA03/2022/0521/F	FFL – 134.44	FFL – 131.5 GL – 131.2
LA03/2022/0662/F (current)	FFL – 134.00	FFL – 131.06

The above table highlights that although there is a clear inconsistency between the ordinance datum used in each of the applications, the discrepancy of approximately 0.44m across all the levels appears to be consistent between the applications. Therefore, it is accepted that while a different datum layer has been employed during both topographical surveys, the changes in levels between the sites is consistent.

The application site has a FFL 1 metre higher than what was previously approved under planning approval Ref: LA03/2020/0123/F which has the potential to result in a greater visual impact on the landscape as the ridge height of the dwelling is situated 1 metre higher in the landscape. In addition, the siting of the dwelling has moved approximately 4.5 metres on the site.

A third party objection has highlighted that the original LA03/2020/0123/F permission required an element of cut and fill for each site and the inclusion of an earth bund along the roadside edge in order adequately screen dwellings from view. The objection has further highlighted that the failure of Site 4 (application site) to carry out the reduced dig has resulted in exposed views being achieved from Floral Park, the Antrim Road and the Hightown Road.

In this regard, it is considered that having viewed the site from a range of critical viewpoints that the higher FFL and the resulting ridge height was not so prominent from long distance views as these were interspersed and appropriately mitigated with the backdrop of Carnmoney Hill and intervening vegetation. On approach to the site from both a northern and southern direction along Glebe Road, fleeting views of the associated ridgeline of the dwelling can be achieved. It is not considered that views achieved from the surrounding road network would not be considered significant enough to create a detrimental visual impact on the landscape. It is noted that a large bund and vegetation that was approved under planning approval Ref: LA03/2020/0123/F along the Glebe Road edge has been constructed along the site and therefore the views of the dwelling within the application site are mostly screened from public views.

However, notwithstanding the above due to the restrictive nature of the application site it would be considered necessary to remove permitted development rights preventing any additional buildings being erected within the domestic curtilage of the application site and the enlargement or extension of the dwelling without prior written consent from the Council. Overall, it is considered that the proposed design and layout in terms of its form, materials and detailing is acceptable, 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.

Neighbour Amenity and Impact on Adjacent Land Uses

Criteria (h) of Policy QD 1 requires that the design and layout of any proposed development will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. Creating Places also recognises the importance of protecting the privacy of existing occupants of surrounding residential properties.

A letter of objection raised concerns in relation to the resultant relationship between Site 3 and Site 4. The concerns raised outlined that the cumulative impact of both the increased FFL and the relocation of the dwelling from the previously approved location will result in an unacceptable domino effect relating to overlooking, overshadowing and dominance. The objection provided includes a number of cross sections to demonstrate that the ground and first floor windows along the southern gable of the application dwelling will give rise to overlooking of the gable windows of the dwelling approved on Site 3 and its external amenity areas.

The proposed dwelling is located to the north of Site 3 and lies to the south of an adjacent agricultural field. As stated above the wider topography falls significantly in a northern to southern direction and as a result, the application site is located on higher lands comparative to Site 3. During the site inspection a sharp drop in the site levels between the application site and Site 3 was observed in comparison to the gradual gradient decline in levels between the remaining sites approved under LA03/2020/0123/F.

In this case the applicant did not carry out the cut and fill requirements approved as under the previous planning approval Ref: LA03/2020/0123/F and therefore the overall difference between the FLL's pertaining to Site 3 and Site 4 has increased from 1.5 metres to 2.9 metres, an increase of 1.4 metres. Additionally, the new siting of the dwelling within the application site and the recent approval to adjacent Site 3 under LA03/2022/0521/F would result in a reduction in the separation distance from 9.2 metres to 5 metres, resulting in the application dwelling being 4.2 metres closer than the previous approved dwelling.

The applicant has indicated on Drawing No. 05/3 date stamped 23rd December 2022 that a 1.2-metre-high D-rail fence is to be erected along the common boundary shared with Site 3 which sits midway along the slope which is 2.9 metres high. This boundary treatment defines the common boundary, however, the D-rail fence and its positioning does not provide any protection to Site 3's private amenity.

Although not proposed by the applicant, the normal practice to protect amenity between dwellings would be to condition the erection of a 1.8-metre-high fence along the common boundary. However, the cumulative impact of erecting the dwelling with a FFL being 2.9 metres higher than Site 3, along with a 1.8-metre-high fence provided on top would create a significant domineering impact to the dwelling on Site 3. The resulting impact of the 2.9-metre-high gradient change in ground levels and an appropriate boundary fencing of 1.8 metres (totalling 4.7 metres) over a 5 metre gap would adversely impact the occupants of Site 3 by creating the sense of being 'hemmed in' by the development. Additionally, the proximity of the applicant's dwelling 1 metre beyond this fence line creates a

significant domineering impact. The impact of this dominance would affect the residents of this adjacent site particularly when occupying the external amenity areas.

Rather than using a standard 1.8-metre-high fence, the applicant has proposed a 1.2-metre-high D-rail fence which would provide no visual screening from the application site onto Site 3. This would result in a significant level of overlooking into the private amenity area associated with the dwelling approved on Site 3. As mentioned above the proposed 1.2 metre fence along the southern boundary would not provide adequate levels of protection. The private amenity area within the application site would offer direct views towards the rear windows and associated garden area to Site 3.

The applicant has outlined in Document 01 date stamped 18th July 2022 that the revised FFL approved under LA03/2021/1075/NMC required the relocation of the internal driveway arrangement to the northern boundary to facilitate safer access to the property. The relocation of the driveway subsequently also required the relocation of the associated garage. To accommodate the driveway revisions, the positioning of the dwelling was relocated approximately 4.5 metres south.

Regarding the need for a safer access the applicant has referred to condition 5 imposed on LA03/2020/0123/F that relates to a standard Department for Infrastructure (DfI) Roads condition, which seeks the gradient of the access point to not exceed 8% (1:12.5) over the first 5 metres outside the roadside boundary. The applicant has depicted that this 8% gradient limit is assumed to also include the private driveways for each dwelling and therefore to meet this standard the driveway was relocated.

DfI Roads condition is applicable only to the vehicular access point directly from the Glebe Road which is limited to an 8% gradient to the first 5 metres outside the road boundary in the interests of road safety and the convenience of road users. Therefore, it is not considered that the relocation of the driveway arrangement to the northern boundary was necessary to create a safer access above the arrangement previously approved. In addition, the higher FFL was not approved under the NMC application as it was not part of the described changes nor was the dwelling erected in the position indicated.

Additionally, the applicant has highlighted that the previous position of the dwelling approved under LA03/2020/0123/F was situated 1.5 metres from an agricultural laneway and access situated adjacent to the northern boundary, which is the main access point for farm machinery during harvesting. The applicant has stated that the relocation of the dwelling away from this laneway will reduce internal noise by approximately 7dB. This change coupled with vegetation and standard noise mitigation related to window fittings would allow an average internal noise of between 30-50 dB during harvesting season.

An objection received has highlighted that the existing agricultural laneway to the northern boundary is not the main access during harvesting season, which can be confirmed by the farm land owner. In this regard, the Council's Environmental Health Section (EHS) were consulted on the original LA03/2019/0543/O application. EHS during the determination of the original outline application responded with no

objections. Given that EHS are the relevant authority to determine all matters related to noise disturbance it is noted that the noise created by the agricultural laneway was not highlighted as a potential noise disturbance to require the submission of a Noise Impact Assessment at that time.

The subsequent relationship created by the dwelling constructed on this site has occurred without proper consideration of the impact that this would have on Site 3. The justifications provided by the applicant to rationalise the relocation and the higher FFL of the dwelling and garage, along with the movement of the dwelling approximately 4.5 metres south are not well founded. The applicant has outlined within supporting documentation that the recent approval of LA03/2022/0521/F which changed the house type of the dwelling on Site 3 has provided a greater level of protection to Site 3's amenity from being impacted by the dwelling constructed within the application site. However, the works carried out by the applicant occurred before the submission of LA03/2022/0521/F and therefore it is clear that the relocation of the applicants dwelling did not take into account the impacts of the changes to the dwelling constructed on the application site would have on Site 3.

A first floor bedroom window is located on the southern gable of the existing dwelling providing views across Site 3. As the application dwelling is located on higher ground this bedroom window would provide views across onto the approved dwelling (LA03/2022/0521/F) on Site 3 which includes a number of roof lights along the rear return. It is considered that the reduction in separations distances between the application dwelling and Site 3 and the change in site levels would create the perception of overlooking to the adjacent property on Site 3 once this dwelling is constructed. Given that this window is not the only window serving this first floor bedroom it is considered that this window could be removed from the gable which would reduce the impact of overlooking, however, as this window is shown to remain it is considered that overlooking would occur from this window.

There are a number of ground floor windows located to the southern gable of the dwelling. These windows are considered to have a lesser impact as the views towards the dwelling approved (LA03/2022/0521/F) on Site 3 would be limited to the built form of Site 3's northern gable. As outlined above it is not considered that the dwelling would create overlooking into the internal living areas of the dwelling approved on Site 3 (LA03/2022/0521/F).

With the above considered, the proposed development is contrary to criteria (h) of Policy QD1 as the development would have an unacceptable adverse effect on approved application LA03/2022/0521/F (Site 3) in terms of overlooking and dominance.

Private Open Space Provision

Criteria (c) of Policy QD 1 requires that adequate provision is made for public and private open space and landscape areas as an integral part of the development. Supplementary Planning Guidance provided in the 'Creating Places' indicates that development of this nature requires an average standard of 70sqm or greater for the development as a whole. The garden area provided for the new dwelling significantly exceeds this amount and is therefore acceptable.

Access, Movement and Parking

Criteria (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 car parking spaces to be provided within a development for residents, visitors and other callers. The proposed dwelling house provides the appropriate number of in-curtilage parking spaces.

The proposed access point directly off Glebe Road serving the proposed dwelling is the same as that previously approved under LA03/2020/0123/F. Given that there are no changes proposed to the access point from Glebe Road it was not considered necessary to consult DfL Roads on this occasion.

Other Matters

Criterion (b) of Policy QD1 requires that features of archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development.

A N.I. Biodiversity checklist, submitted as part of the previous LA03/2020/0123/F application highlighted that there would be no significant impacts on priority habitats or priority species will result from the development of the site. During the assessment of the previous planning approval Ref: LA03/2019/0543/O consultation was carried out with DAERA's Natural Environment Division (NED) which provided no comment on the development proposal. Given that no objections were raised at this time and this proposal comprises an overall much smaller scheme it was not considered necessary to re-consult NED during the assessment of this application.

Similarly, the application site lies within the buffer zone for an Archaeological Site and Monument and consultation was carried out with Historic Environmental Division (HED) during the assessment of the LA03/2019/0543/O application. HED raised no objections to the proposal.

Concern was initially raised by an objector regarding the details of a proposed retaining wall along the common boundary. As part of the original submission, a gabion wall was proposed along a partial section of the common boundary shared with Site 3. Throughout the processing of this application, the applicant was given the opportunity to submit the detailed plans of this wall arrangement to enable the assessment of its structural stability due to the drop in ground levels between the two sites and the proximity of the dwelling to the retaining structure. In this regard, the applicant subsequently omitted the wall from the plans and a 3-metre-high gradient over a 2.5 metre length is proposed between both dwellings. A subsequent objection was received which has highlighted that the omission of this wall occurred without any reason and this matter requires consideration to enable the long term practicalities for the dwelling constructed to be understood. This matter lies outside the remit of the Planning Section and falls for consideration under the Building Control Regulations.

CONCLUSION

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

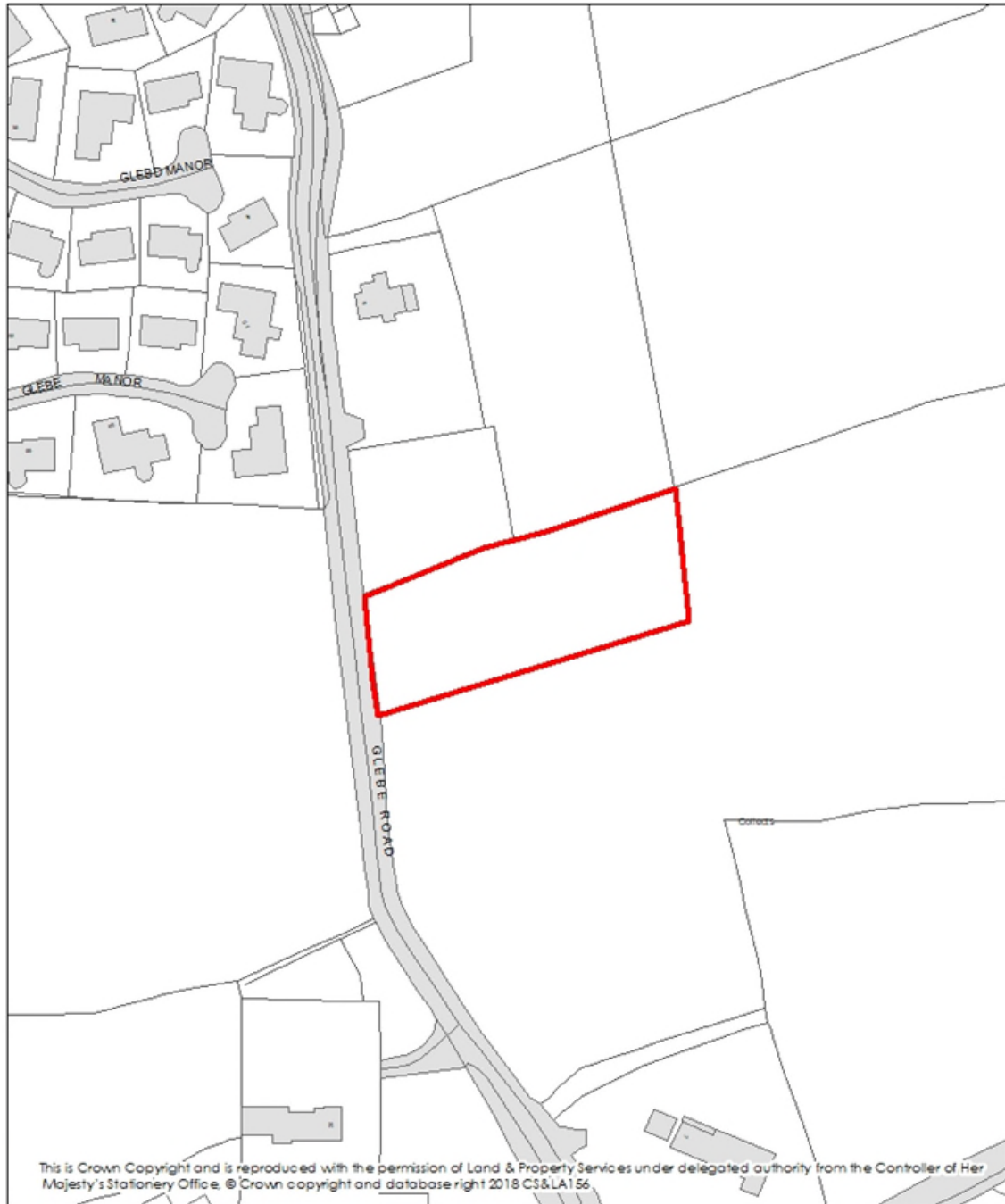
- The principle of the development is considered acceptable;
- The design and external appearance of the proposal is considered acceptable as the proposal is broadly similar to the previous approval;
- The proposal will result in a significant detrimental impact on neighbour amenity due to its siting and increase ground levels;
- The landscaping of the site is considered acceptable in assisting the integration into the existing landscape;
- The proposed access is acceptable and will not prejudice road safety or cause a significant inconvenience to traffic;
- There are no archaeological or ecological concerns with the proposal.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments', in that, if permitted, it would result in an unacceptable adverse effect on an adjacent approved property in terms of overlooking and dominance.



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Site Location Plan


Application Reference: LA03/2022/0662/F

Retention of dwelling and garage (amended siting and access to dwelling and garage approved under LA03/2020/0123/F) and design change to garage.

27 Glebe Road (site 4 - 70m north of 7 Glebe Road Newtownabbey)

0 30 60 Metres



 Site boundary



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2020/0506/F
DEA	ANTRIM
COMMITTEE INTEREST	ADDENDUM TO PLANNING COMMITTEE REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Part-demolition of existing buildings to rear of 19-21 Market Square and proposed residential development comprising 15no. apartments
SITE/LOCATION	Lands to the rear of 19, 20, 21 & 21 A-F Market Square, Antrim
APPLICANT	Mr B Heffron
AGENT	CMI Planners Ltd
LAST SITE VISIT	December 2021
CASE OFFICER	Michael O'Reilly Tel: 028 903 40424 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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information.</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>This planning application was presented to the Council's Planning Committee on 21st February 2022 with seven (7) draft reasons for refusal. The Planning Committee agreed that planning permission be refused for the development proposal.</p> <p>At the Planning Committee Meeting, Members were advised that previously requested information was submitted by the applicant's agent on 15th February 2022 following circulation of the Planning Committee Report and prior to the Council's Planning Committee meeting. The information submitted included an Acoustic Report (Document 05), a Preliminary Risk Assessment (Document 06) and amended drawings.</p> <p>DAERA Environment, Marine and Fisheries Group (EMFG), DAERA Natural Environment Division (NED), DFC Historic Environment Division (HED) and the Council's Environmental Health Section (EHS) were consulted with respect to the aforementioned documents and revised plans on 17th February 2022. In its subsequent consultation response EHS offered no objections to the Acoustic Report (Document 05) subject to conditions, and both DAERA and EHS offered no objections to the Preliminary Risk Assessment (Document 06) subject to the imposition of planning conditions should the development proposal be approved. For this reason, Refusal Reason 7, relating to previous noise and land contamination concerns, as presented to the Council's Planning Committee in February 2022 is no longer relevant and has been removed.</p>	

In its consultation response dated 11th March 2022, HED objected to the development proposal. Consequently, the applicant's agent submitted amended elevation and section plans. Following re-consultation, HED advised on 13th May 2022 it continued to have concerns with the proposed design. Additional amended plans were submitted on 6th June 2022, which included revised elevation plans, a roof plan and a 3D artist impression.

Following re-consultation, HED in its consultation response dated 29th June 2022 referred to discrepancies in the submitted plans, namely the Juliette balconies indicated on the elevation plans were not reflected on the floor plans and advised the plans should be rectified if the Council intends to approve the application. HED further advised that its remit is to comment on the impact of the development proposal on listed buildings and their setting only, and that the revised proposal now complies with the policy provisions of Policy BH 11 off PPS 6 and paragraph 6.12 of the SPPS. Consequently, Refusal Reason 1 relating to the impact of the proposal on the neighbouring listed buildings (namely the former Police Station at 22 Market Square, Antrim Castle Walling and Gateway, Antrim Castle Gatehouse, the former Courthouse and the Ulster Bank, all at Market Square), as presented to the Council's Planning Committee in February 2022 is no longer relevant and has been removed. Additionally, Refusal Reasons 2, 3 and 4 have been amended to reflect the latest position of HED.

Albeit HED stated within its consultation response that it has no objection to the development proposal as indicated in the revised plans, subject to the imposition of conditions, it nevertheless continued that the amended roof plan indicates that the main portion of the building comprises a wide platform ridge (i.e., a flat roof, with pitched 'skirt'), which is not a traditional building form. HED advised that the roof would be double-piled or 'M' profiled with a central valley accessed via roof-lights for maintenance purposes, however, as it will not impact on views to listed buildings, HED deferred the Council to determine whether the proposal complies with the guidance with respect to development in the Conservation Area as set out within Policy BH 12 of PPS6 and paragraphs 6.18 and 6.19 of the SPPS.

The Conservation Section (CS) of the Planning Section was re-consulted in respect of the revised plans and in its response dated 18th October 2022, confirmed that the proposed scheme has been amended to reduce the ridge height of the building from 12.2 metres to 9.7 metres, and to reduce the eaves height from 9 metres to 7.3 metres. CS stated there have also been welcome modifications to the fenestration pattern, with the resultant vertical emphasis and solid to void ratio more in keeping with the historic context of the Conservation Area, with the finishes and materials proposed for the scheme to accord with the design guide.

CS also made reference to HED's comments with respect to the non-traditional roof construction for the proposal compared to that indicated in the design guide but stated having viewed the site from a number of perspectives, it is debatable whether the flat roof aspect of the proposal would be visible to the onlooker, and the roof would thus appear as a more traditional pitched design. As such CS did not raise a significant concern about this particular aspect of the proposal.

CS concluded that although the building has been reduced in height, the footprint of the building remains unchanged and it remains unconvinced that the

scale, form and massing is appropriate for the site and the context of the adjoining buildings and those in the immediate area. CS confirmed, on balance, it considers the proposal does not meet the legislative test to enhance the character and appearance of the Conservation Area. It is therefore considered that the general arrangement and layout of the proposed development will fail to maintain or enhance the characteristics of the Antrim Town Centre Conservation Area and therefore fails to comply with the SPPS and Policy BH 12 of PPS 6.

Additionally, Shared Environmental Services (SES) was consulted, and advised in its consultation response that it considered the development proposal in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) on behalf of the Council which is the Competent Authority responsible for authorising the project. Following an Appropriate Assessment in accordance with the Regulations, and having considered the nature, scale, timing, duration and location of the project, SES advised the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

In reaching this conclusion, SES concluded the proposal is acceptable subject to the development not becoming operational until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999, to ensure the project will not have an adverse effect on the integrity of any European site.

A meeting was held with the applicant and agent in December 2022 where a further opportunity was provided to allow for the submission of information, however, no further details have been forthcoming.

CONCLUSION

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

The principle of the development cannot be established;

- The proposal will neither preserve nor enhance the character of the Conservation Area;
- The proposal has not demonstrated that it will provide a high quality sustainable residential environment;
- It has not been demonstrated that the proposal will provide an appropriate level of parking to serve the development;
- Sewage network capacity issues have not been resolved; and
- The planning application is not accompanied by an application for Conservation Area Consent.

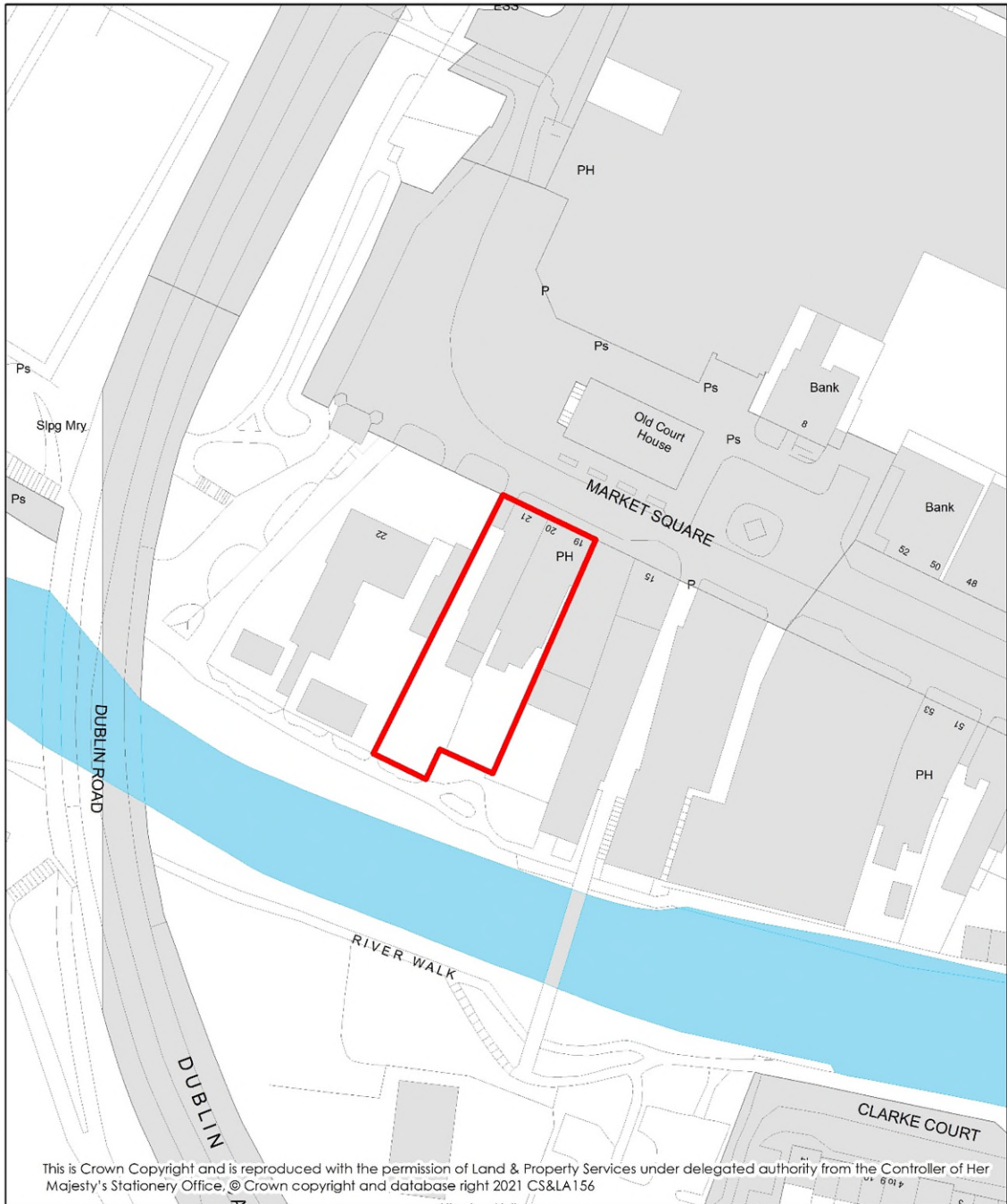
RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions of paragraph 6.18 of the Strategic Planning Policy Statement, Policy BH 12 of PPS 6 'Planning Archaeology and the Built Heritage' and Section 104 (11) of the Planning Act (NI) 2011 in that, if permitted, the proposal would neither preserve nor enhance the character, appearance and setting of the Conservation Area given the layout and arrangement of the development as well as the loss of protected trees in the Conservation Area.

2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments, in that the proposed development does not maintain or enhance the distinctive character and appearance of the Conservation Area, does not respect the surrounding context and is inappropriate to the character and topography of the site in terms of the layout and landscaped and hard surfaced areas and would result in a cramped form of development on a restricted site.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments, in that the proposed development does not respect features of the built heritage and landscape features have not been protected or integrated into the overall design and layout of the development.
4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments, in that the proposed development does not make adequate provision for private open space and landscaped areas as an integral part of the development.
5. The proposal is contrary to paragraph 6.304 of the Strategic Planning Policy Statement, Policy AMP 7 of Planning Policy Statement 3 'Access, Movement and Parking' and criterion (f) of Policy QD 1 of PPS 7 'Quality Residential Environments' in that it has not been demonstrated that the proposal warrants a reduced level of car parking provision to serve the development.



Planning Application Reference: LA03/2020/0506/F

Location: Lands to the rear of 19, 20, 21 & 21 A-F Market Square Antrim

Proposal: Part-demolition of existing buildings to rear of 19-21 Market Square & Proposed residential development comprising 15no. apartments

Scale: 1:1000



Site Location



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2021/0666/O
DEA	THREE MILE WATER
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	Site for one infill dwelling
SITE/LOCATION	Lands between 591 Doagh Road and No. 1 Ashley Park, Newtownabbey
APPLICANT	David and Kim Morrow
AGENT	9yards architecture
LAST SITE VISIT	22nd September 2021
CASE OFFICER	Sairead de Brún Tel: 028 903 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 https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located in the rural area just outside the development limits of Metropolitan Newtownabbey as designated in the Belfast Urban Area Plan (BUAP), and the draft Belfast Metropolitan Area Plan (dBMAP 2004) and is sited within the countryside.</p> <p>The site is on lands between No. 591 Doagh Road and No. 1 Ashley Park, Newtownabbey and is accessed from a new entrance on Ashley Park. The site is currently an area of hardstanding that forms part of a vacant children's private day nursery at No. 591 Doagh Road, and is bounded to the north and south by a 1-metre-high close boarded fence, with mature hedging along the eastern boundary, and a 1.8-metre-high brick wall defining the western boundary.</p> <p>The surrounding area is predominantly residential, defined by two storey semi-detached roadside dwellings with a linear pattern of development. Ballyearl Arts and Leisure Centre and the Ballyearl allotments are to the northeast of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2002/0516/F Location: 591 Doagh Road, Ballyearl, Newtownabbey Proposal: Change of use from dwelling to day nursery, including new access to Ashley Park. Access to Doagh Road closed. Decision: Permission granted (17th December 2002)</p> <p>Planning Reference: LA03/2022/0214/F Location: 591 Doagh Road, Newtownabbey Proposal: Part change of use from child day-care to dwellinghouse with ancillary retained area for child day-care (Use Class D1) Decision: Permission granted (19th July 2022)</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, 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 2001 (BUAP): The application site is located outside the settlement limit of Metropolitan Newtownabbey and is in the countryside.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located outside the settlement limit of Metropolitan Newtownabbey and is in the countryside.

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 subject to conditions.

Northern Ireland Water – No objection subject to a condition.

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

REPRESENTATION

Twenty (20) neighbouring properties were notified, and six (6) letters of objection have been received from three (3) addresses. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (<https://planningregister.planningsystemni.gov.uk>).

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

- Road safety concerns;
- Proposal is out of keeping with the character of the surrounding area; and
- Overlooking and impact on privacy.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matter
- Policy Context and Principle of Development
- Design, Layout and Appearance
- Private Amenity
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Other Matters

Preliminary Matter

This application was initially submitted for a residential development of six semi-detached dwellings. A revised scheme for four semi-detached and one detached dwelling was received by the Planning Section in January 2022. Following discussions with the applicant and the agent, an amended development proposal for a site for one infill dwelling was submitted in March 2022.

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.

Both of the relevant development plans identify the application site as being in the countryside and just outside of the settlement limit of Metropolitan Newtownabbey. 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. One of these is the infilling of a small gap site in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Whilst the main thrust of Policy CTY 8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

- The gap site is within an otherwise substantial and continuously built up frontage;
- The gap site is small sufficient only to accommodate up to a maximum of two houses;
- The proposal respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size; and
- 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 a frontage to the road if the plot in which it stands abuts or shares a boundary with the road.

This application site is situated within the curtilage of No. 591 Doagh Road and represents a gap site within a substantial and continuously built up frontage that has been created along Ashley Park. Included within this line of buildings is No. 591 Doagh Road to the south, and although this building fronts onto the Doagh Road, it stands in a plot that abuts a boundary with Ashley Park and therefore has a frontage to this road. The gap site is bounded to the north by a row of twelve terrace dwellings at Ashley Park, and as such there is a substantial and continuously built up frontage of thirteen buildings, and therefore the proposal meets the first criterion of CTY 8.

Given that the dwellings to the north of the application site are all terrace dwellings, these plot sizes are relatively small, measuring between 4 and 5 metres, whilst the plot size of No. 591 is a lot larger with a size of 27 metres. The average plot size is calculated at 6 metres, and as the application site has a plot size of 9 metres, it is considered that the proposed development is reflective of the existing development pattern along the frontage in terms of plot sizes.

The gap, which is the distance between existing buildings at No. 591 Doagh Road and No. 1 Ashley Park, is approximately 11 metres. To ensure the proposal respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size, a maximum of two dwellings could be accommodated within this gap. In this instance however, the proposal is for only one dwelling which is considered to be acceptable. The size, scale, and siting of the proposed development are details to be dealt with at Reserved Matters stage should outline planning permission be forthcoming.

As the criteria of Policy CTY 8 have been met by the proposal, the principle of development is considered acceptable.

Design, Layout and Appearance

Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting and respect rural character. Policy CTY 13 'Integration and Design of Buildings in the Countryside' states that a new building will be unacceptable where it would be a prominent feature in the landscape and as such would not integrate.

Despite being located outside any development limit in the relevant Area Plans, the surrounding context is relatively suburban, characterised by linear rows of two storey terraces and semi-detached dwellings, with a number of detached dwellings in the immediate area also. As an infill site, the application site is situated on lands between two existing two-storey dwellings, both of which provide a suitable level of enclosure for the proposed development and will aid integration for a single dwelling. Given the surrounding context, it is considered that a two storey dwelling on the application site fronting onto Ashley Park, would not appear as a prominent feature, and will be sufficiently integrated and assimilated into the current built environment.

Neighbour Amenity

The application site is located within an established residential area, and as the proposal is for a single dwelling, the development should not create conflict with the adjacent land uses.

The nearest residential property is at No. 1 Ashley Park, an end terrace two storey dwelling located approximately 4 metres to the north of the site. The southern elevation of this existing dwelling, which faces the application site, has one ground floor window and a single storey rear extension, also with one window. An indicative layout for this proposal shows the new dwelling sited approximately 0.5 metres from the common boundary with No. 1, and 4.4 metres from the side elevation of this property. With this proposed siting, there is considered to be an adequate gable-to-gable separation distance to prevent any significant overshadowing and through the restriction on any glazing on the northern gable elevation of the proposed dwelling, it is considered that there should be no unacceptable adverse effect on this existing or the proposed property in terms of overlooking.

No. 591 Doagh Road is to the immediate south of the application site, with an approximate separation distance of 2 metres between the rear of this existing building and the common boundary with the site. No. 591 was previously a single

detached dwelling, then a children's day care facility, and while it is currently vacant, permission has been granted for part change of use from a child day care facility to a dwellinghouse with ancillary retained area for child day care. It is considered that there is an appropriate separation distance between the proposed development and this existing building. To protect the amenity of future occupants of both buildings, there should be a condition restricting any glazing areas on this elevation.

Impact on the Character and Appearance of the Area

The surrounding area is characterised by linear rows of dwellings to the west along the Doagh Road and to the north in Ashley Park, with a small cul-de-sac of semi-detached dwellings in Ashley Park also. The surrounding area has a relatively suburban feel despite being in the countryside, and it is considered that the proposed development on this application site would not further erode any remaining rural character.

As this is an outline application, the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site will form part of any subsequent Reserved Matters application and will be assessed as part of that submission. Notwithstanding these Reserved Matters details, it is considered that the proposed development will not have a detrimental impact on the character and appearance of the surrounding area and the proposal is acceptable in this regard.

Other issues

Access, Movement and Parking

A new access point from Ashley Park to serve the application site will be created. DfI Roads has assessed the proposal and raised no objections in terms of road safety.

Several objections received relate to issues of parking in Ashley Park, stating that currently there is limited space for the parking of existing resident and visitor cars, and the impact the new development may have on emergency services accessing the development. Although this application is for outline permission only, an indicative layout shows two in-curtilage parking spaces to the front of the dwelling. According to the Parking Standards NI document, for a three bed, detached dwelling, the total number of parking spaces required is 2.75, rounded up to 3. Two spaces have been shown on the layout, with the third space to be accommodated on-street and Ashley Park is of a sufficient width to allow for visitor parking. DfI Roads were consulted and have raised no objections to the access and parking arrangements.

Disposal of sewage and surface water

On submission of the application, the agent indicated that surface water from the proposal would be disposed of via an existing public storm with foul sewage to be disposed of through the mains. In the most recent formal consultation response dated 4th April 2022, Northern Ireland Water (NIW) advised that the Whitehouse Waste Water Treatment (WwTW) Facilities were available to serve this proposal, however due to the sewer network being at full capacity in the Whitehouse catchment, no new connections were being permitted to this network. However, further correspondence between NIW and the agent, indicates that the policy

stance currently taken by NIW in relation to single dwellings is under consideration, with NIW hoping to introduce a more de minimis approach within the next few months. In light of this new approach by NIW and considering that this application is for outline permission only to establish the principle of development, it is recommended that a negative condition is attached to any forthcoming permission requiring the applicant to demonstrate to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from the development. A connection to the public sewer will not be permitted until the Article 161 Agreement has been authorised.

CONCLUSION

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

- The principle of the development is acceptable;
- There are no concerns in relation to neighbour amenity;
- The development respects the character of the surrounding area; and
- A safe and appropriate access arrangement has been demonstrated.

RECOMMENDATION

GRANT OUTLINE PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

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

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

3. Full particulars, detailed plans and sections of the reserved matters required in Condition 2 shall be submitted in writing to the Council and shall be carried out as approved.

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

4. No development shall take place until a plan indicating the floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwelling integrates into the landform.

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

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

6. All habitable rooms to the dwelling marked on Drawing Number 02/1 date stamped 7th March 2022, shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least that shown in the Table below.

Receptor location	Façade	Floor	Minimum Required Sound Reduction dB(Rw+C _{tr})
1	NE	Ground	12.3
		First	14.3
2	SE	Ground	18.3
		First	21.6
3	SW	Ground	22.2
		First	24.1
4	NW	Ground	18.5
		First	21.9

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

7. All habitable rooms to the dwelling marked on Drawing Number 02/1 date stamped 7th March 2022, shall be fitted with passive or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least that detailed within the Table in Condition above.

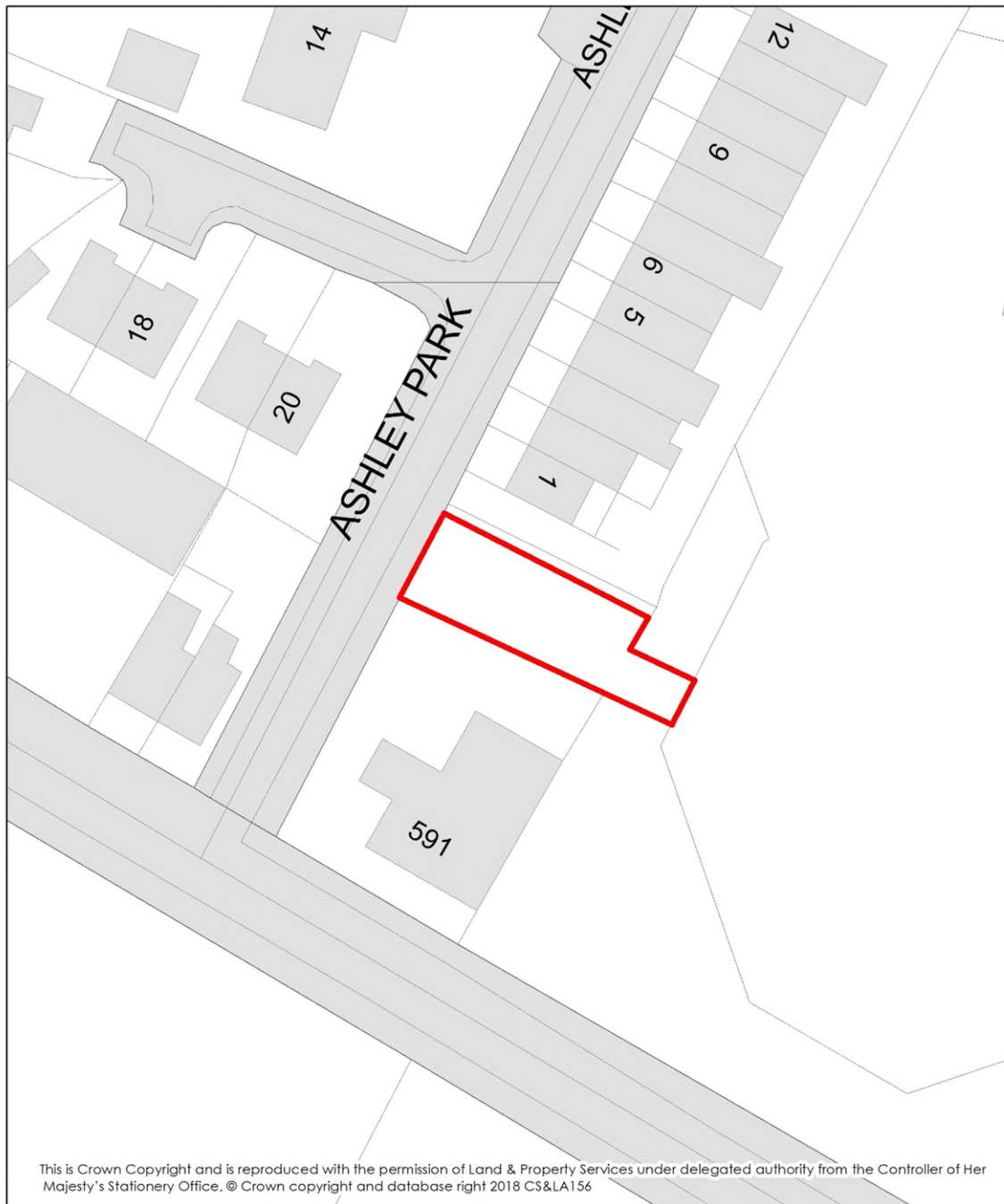
Reason: To ensure a suitable noise environment is achieved within the dwellings without jeopardising the provision of adequate ventilation.

8. Prior to occupation of the development, an acoustic barrier of at least 2 metres in height, shall be erected along the site perimeter as detailed in 'Appendix B' within Document Number 02/1 date stamped 7th December 2022. The barrier shall have a surface weight of not less than 15kg/m², be of solid construction (i.e. no holes or gaps for sound to pass through), and if it is a fence, it should be of the ship-lapped design.

Reason: In order to protect external amenity of the permitted development.

9. The dwelling should be sited in the area indicated on stamped approved drawing No. 02/1 dated 7th March 2022 and there should be no glazing area on either the northeastern or southwestern gables of the proposed dwelling.

Reason: To prevent any overlooking to the existing neighbouring properties.



Location Map

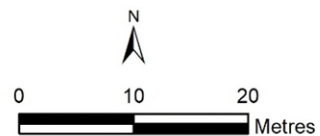
Application Ref: LA03/2021/0666/O

Site for one infill dwelling

Lands between 591 Doagh Road and
No. 1 Ashley Park, Newtownabbey



Site Boundary



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2022/1043/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Dwelling and Detached Garage
SITE/LOCATION	Site approx. 35m North East of No. 34 Ballymather Road, Nutts Corner, Crumlin, BT29 4UL
APPLICANT	Virgil and Imogen Bates and C. McClaverty
AGENT	A.L.D.A Architects
LAST SITE VISIT	23 rd January 2023
CASE OFFICER	Michael Tomlinson Tel : 028 90340442 Email: michael.tomlinson@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 https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The site is located approximately 35m northeast of No. 34 Ballymather Road. The site is situated within a countryside location as identified in the Antrim Area Plan 1984-2001.</p> <p>The site is currently under pasture and access is gained via the existing laneway to the southeast of No. 34 Ballymather Road which is set back approximately 70 metres from the public road. The topography of the application site slopes gradually to the northwest. The southwestern and northeastern boundaries are defined by a line of trees between 5-10 metres in height, with a 1.2-metre-high post and wire fence. The southeastern boundary is defined by a 1.2-metre-tall post and wire fence while the northwestern boundary is undefined.</p> <p>The application site is located within a rural area with the land being used predominantly for agriculture, a number of dispersed detached dwellings are located in the surrounding area.</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 outside any settlement limit and lies in the countryside as designated by the Plan which offers no specific policy or guidance pertinent to this proposal.

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection.

Northern Ireland Water – No objection.

Department for Infrastructure Roads- No objection.

Belfast City Airport – No objection.

REPRESENTATION

Five (5) neighbouring properties were notified and three (3) letters of objection have been received from three (3) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (<https://planningregister.planningsystemni.gov.uk>).

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

- Access to the site is solely for agriculture, not to serve a dwelling;
- Loss of privacy;
- Loss of safety along the laneway;
- Proximity to neighbouring dwellings;
- Contrary to planning policy; and
- Environmental and ecological impact.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development

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

Policy Context and Principle of Development

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Whilst the main thrust of Policy CTY 8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

- (a) The gap 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.

Following a request, the applicant submitted a supporting statement (Document 02, date received 30th January 2023) which indicated that Policy CTY 8 of PPS 21 is the relevant policy provision for this planning application. It is noted that the objectors have pointed out that the application fails to meet the relevant policy provisions of CTY 8 and CTY 14. The application site is located to the northeast of the dwellings known as Nos. 32 and 34 Ballymather Road. Document 02 indicates that a dwelling on the site would complete development along an existing right of way.

The existing laneway provides access to the application site and the two dwellings (Nos. 32 & 34) and associated garages. The site sits to the rear of the two existing dwellings with Drawing No 01 date stamped 23rd November 2022 clearly annotating the laneway extending past the southwestern boundary of No. 34 Ballymather Road towards the application site in an attempt to demonstrate a continuous laneway providing a frontage. No development is located to the east of the application site and therefore it is clearly evident that no gap currently exists.

It is accepted that No. 34 shares a common frontage with the existing laneway, however in relation to No. 32 it is set back from the laneway and merely has an access arrangement onto it and does not abut or share a boundary onto it. Furthermore, a dwelling on the application site would not share a common frontage onto the existing laneway which terminates at the access to the proposed site. The proposal cannot therefore constitute an infill site no gap exists within an otherwise substantial and continuously built up frontage.

Although the applicant indicates the proposal is acceptable under CTY 8, reference is made within Document 02 that the land is used for grazing and a dwelling would reduce the need for transportation of animals and it would enhance the amenity of the lands as they could be better maintained as a result of the development. No supporting documentation has been submitted to suggest that the proposal would be acceptable as a farm dwelling under CTY 10 as such, it is considered that the application does not meet the relevant criteria for a dwelling on a farm under Policy CTY 10.

The proposed development has also been assessed in respect of a dwelling within an existing cluster. The application site is bound by two dwellings and associated garages. Policy CTY 2a requires that the cluster consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings. The cluster does not appear as a visual entity in the countryside but rather a group of two dwellings dispersed in the rural landscape, nor is the site associated with a focal point. It is considered therefore that the proposal does not meet with the requirements of Policy CTY 2a of PPS 21. It is considered that the application site does not represent a small gap site, nor as an opportunity for a dwelling within an existing cluster or a dwelling on a farm, therefore the principle of development has not been established.

Impact on Character and Appearance of the Area

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is noted that an objector considers that a dwelling within the application site would not comply with Policy CTY 13.

It is acknowledged that the application site benefits from mature boundary treatments along its northeastern and southwestern boundaries, however the southeastern boundary has no landscaping and the application site is visible from the Ballymather Road when travelling between the dwellings known as Nos. 33 and 37 Ballymather Road. However, the mature boundary vegetation on the remaining boundaries would provide a suitable degree of enclosure and despite being visible from the public road, an appropriately designed dwelling could visually integrate into the surrounding landscape. The topography of the site rises gradually in a northern direction and as such should planning permission be granted, then conditions should be imposed to; restrict the height to a single storey ridge, impose a siting condition on the lower ground level and submit proposed landscaping to ensure that a dwelling sufficiently integrates into the application site and surrounding location.

Policy CTY 14 requires that any new buildings in the countryside does not cause a detrimental change to, or further erode the rural character of an area. CTY 14 is clear that any development that would result in a suburban style of build-up when viewed with existing and approved buildings should be avoided. In this case a dwelling on the application site would read with the existing dwelling (No. 32 and 34 Ballymather Road) and associated garages. As indicated above, critical views of the site are achieved when travelling along Ballymather Road in a westerly direction. From this perspective the cumulative impact of both the two existing buildings and the proposed dwelling will undoubtedly read as a build-up of development resulting in an erosion of the rural character of this area.

Neighbour Amenity

This is an application for outline planning permission and therefore proposed designs are not required at this stage. The agent has however submitted indicative designs to illustrate what a dwelling within the application site may look like. It is noted that the existing boundary treatments along the common boundaries with Nos. 32 and 34 Ballymather Road consists of mature trees, however supplementary planting will be required to further safeguard the private amenity of these neighbouring dwellings. It is noted that an objector has raised concerns regarding the loss of privacy with the laneway running alongside their property and the increase in traffic along the laneway. It is considered that the laneway would not provide a significant impact on the privacy of the existing dwellings on the laneway as it would run alongside the southeastern boundary of No. 34 Ballymather Road and the detached garage of the property would reduce any significant views towards this dwelling.

Additionally, an objection indicates that a proposed dwelling would be too close to the exiting dwellings. It is noted that the existing dwellings at No. 32 and 34 Ballymather Road have a closer relationship at 17 metres gable-to-gable. The mature boundary treatments along the southwestern boundary of the application site provides screening between the application site and the existing dwellings. Should permission be granted, a siting condition could be utilised to position the proposed

dwelling away from the existing dwellings. It is therefore considered that the proposal would not have a significant impact on neighbour amenity.

It is considered that an appropriately designed dwelling would not have a significant impact on the amenity of the existing neighbouring properties.

Other Matters

Ecology and Natural Environment

The objectors have raised a number of points in regard to the ecology of the application site, mentioning newts and bats within the surrounding waterways immediately surrounding the application site. The application site is within 100 metres of a priority habitat, namely the Nutts Corner Farm local wildlife site. Due to the lack of a principle for development on the application site, it is considered that requesting further ecological information from the applicant would result in the submission of nugatory information and would put the applicant to an unnecessary expense. It is considered therefore that the ecological impact of the proposal cannot be fully considered and therefore fails to meet with the provisions of policies NH 4 and NH 5 of PPS 2.

Road Safety and Right of Way

The objectors have raised issues regarding the safety of the laneway as a result of the proposed development and an increase in traffic along the Ballymather Road. Department for Infrastructure (DfI) Roads were consulted in light of this planning application and in its response has provided no objections to the proposal. It is considered that due to the relatively small scale nature of the proposal and the response received from DfI Roads, there will be no significant impact on the safety of the residents along the laneway and the public road.

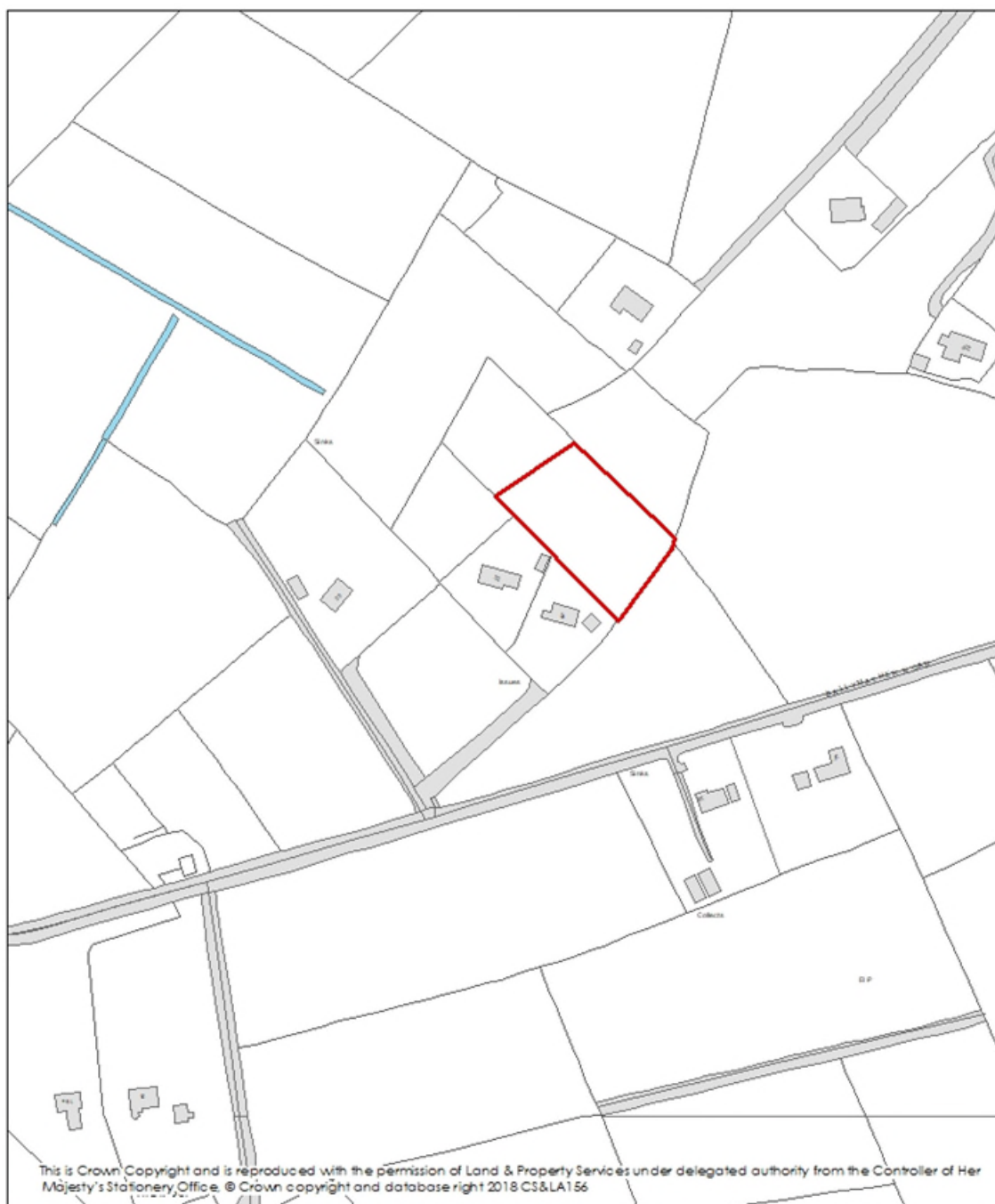
An objector raised an issue regarding the right of access along the laneway which is reserved exclusively for the residents of the dwellings known as No. 32 and 34 Ballymather Road; and to the landowners of the fields including the application site for agricultural purposes only. This is a civil matter beyond the remit of the Council and it is the responsibility of the developer to ensure all legal agreements are in place prior to development should planning permission be granted.

CONCLUSION

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

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of Policy CTY 1, CTY 2a, CTY 8, CTY 10 of PPS 21;
- The proposal would have a negative impact on the character and appearance of the area through build up;
- The application site has surrounding development to encourage the visual integration of a dwelling; and
- There would not be a significant impact on any neighbouring properties from an appropriately designed dwelling.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASONS FOR REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of PPS 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement, it fails to meet with the provisions for an infill dwelling in accordance with CTY8 of PPS21, it fails to meet the provisions for a dwelling within a cluster in accordance with Policy CTY2a and fails to comply with the provisions of a farm dwelling in accordance with CTY 10 of PPS21. 2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site would, if permitted lead to a build-up of development and will result in a detrimental change to, and erode, the rural character of the countryside. 3. The proposal is contrary to the SPPS and Policies NH 4 and NH 5 of PPS 2 as it has not been demonstrated that the development would not have an adverse impact on biodiversity namely of the Nutts Corner Farm Priority Habitat, or protected species. 	



Site Location Plan

Application Reference: LA03/2022/1043/O

Location: Site approx. 35m North East of No.34 Ballymather Road,
Nuts Corner, Crumlin, BT29 4UL

Proposal: Dwelling and detached garage

0 60 120 Metres



Site boundary



COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2022/0920/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Replacement dwelling and associated ancillary development
SITE/LOCATION	8 Ladyhill Road Antrim BT41 2RF
APPLICANT	Len Ireland
AGENT	Richard Burnside
LAST SITE VISIT	10th November 2022
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 https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at No. 8 Ladyhill Road, Antrim and within the countryside as defined within the Antrim Area Plan (1984-2001).</p> <p>The application site is set back from the public road by 31 metres and comprises dwelling No. 8 Ladyhill Road, associated domestic curtilage and a large section of the adjacent agricultural field.</p> <p>The northwestern boundary is defined by mature belt of conifer trees approximately 10 metres in height and the northeastern boundary is defined partially by a group of outbuildings and the existing laneway serving the dwelling which is defined by a 1.5-metre-high hedge. The remaining southeastern and southwestern boundaries are undefined as these are cut out of a wider agricultural field. The topography of the site rises notably in a northeastern direction towards the existing dwelling and is situated higher than the public road.</p> <p>The site is located within a rural area with the land use being predominantly agriculture. There are a number of outbuildings located in the direct vicinity of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2022/0149/O Location: 40m south east of 8 Ladyhill Road, Antrim, BT41 2RF Proposal: Site for dwelling and garage on a farm (under policy CTY 10) and associated site work Decision: Permission Granted (01.07.2022)</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted</p>	

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

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

Antrim Area Plan 1984 – 2001: The application site is located 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.

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

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

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection subject to condition

Belfast international Airport – No objection

REPRESENTATION

One (1) neighbouring property was notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

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 an individual dwelling house. One of these is the development of a replacement dwelling in accordance with Policy CTY 3 of PPS 21 'Replacement Dwellings'. Policy CTY 3 requires that the building to be replaced exhibits all the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

The dwelling to be replaced is gable fronted and accessed from Ladyhill Road and is characterised as a traditional two storey detached dwelling finished in off-white roughcast render. The roof is finished in slate tiling and chimneys are expressed along the ridgeline at both gable ends. The existing dwelling is currently occupied. Overall, it is accepted that this building exhibits the essential characteristics of a dwelling and therefore the subject dwelling satisfies this element of the policy.

Policy CTY 3 goes on to advise that in addition to the above, proposals for replacement dwellings must also fulfil a number of other criteria. Firstly, the proposed replacement dwelling should be sited within the established curtilage of the existing building unless (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling or (b) it can be demonstrated that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

The proposed dwelling is to be located wholly outside the established curtilage of the existing dwelling into the adjacent agricultural field. It is noted that an application for a farm dwelling directly southeast of the application site was granted under LA03/2022/0149/O and it was accepted within the determination of that application that the farm complex at this location was both active and established. In this case the domestic curtilage defining the existing dwelling is relatively confined by the existing farm buildings located directly to the east of the dwelling and a siting within the farm complex would have a detrimental impact on the amenity of the future occupants of the replacement dwelling. It is therefore accepted that the off-site location would be acceptable on this occasion, given the degree of enclosure within the existing hardstanding yard, particularly for a dwelling of modern standards

due to the lack of space for expansion and amenity space. Therefore, it is considered that the subject dwelling satisfies this element of Policy CTY 3.

Taking account of the points outlined above, it is considered that the principle of development on this site has been established and the proposal is acceptable subject to all policy and environmental considerations being met.

Design and Impact on Character and Appearance of the Area

Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. Policy CTY 3 requires that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building and the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness.

Policy CTY 3 of PPS 21 makes direct reference the overall size of a new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building. However, the SPPS tightens this policy stance by stating, 'Replacement dwellings must not have a visual impact significantly greater than the existing building'. The use of 'must not' wording within the SPPS is more restrictive than the 'would not have' wording used within the policy CTY 3. This wording represents a tightening of policy in relation to the visual impact test. Therefore, given the conflict between retained policy and the SPPS, the transitional arrangements are resolved in favour of the SPPS.

The existing two storey dwelling to be replaced is approximately 7 metres in height and follows a simple and traditional form. The existing dwelling is set back 52 metres from Ladyhill Road and 110 metres back from Crosskennan Road and is orientated to face the southwest fronting towards the Crosskennan Road. The existing dwelling and the associated farm group are visible from views along both Ladyhill Road and Crosskennan Road. The existing dwelling reads as part of the wider farm complex of buildings at this location as a traditional feature in the rural landscape.

The proposed dwelling is two storey in height with a ridge height of approximately 8.1 metres from finished floor level. The overall principal frontage of the proposed dwelling measures 16.7 metres and the maximum depth measures 16 metres. While the proposed off-site location is considered acceptable for a dwelling, the proposed scale and massing of the dwelling which is proposed is considered to be more visually prominent in the landscape due to the lack of existing boundary vegetation and the rise in ground levels towards the site from both public roads. The overall concern with the proposed dwelling is the long critical views that it would be subject to given the open and exposed nature of the site. These critical views are achieved when travelling along both Ladyhill Road and Crosskennan Road. Although it is acknowledged that the existing dwelling is currently visible from these identified vantage points, the proposed offsite location and the nature of the proposed design would create a significantly greater visual impact than the existing building.

Additionally, critical views of the proposed dwelling would be achieved when travelling northward along Crosskennan Road and in both directions along Ladyhill Road. The proposed dwelling is situated back into the site to some extent, however

given its separation distance from the existing mature conifer trees defining the northwestern boundary it is considered that the dwelling would fail to achieve a proper backdrop and would be widely visible due to the lack of established landscaping to the remaining site boundaries. The proposed curtilage of the dwelling is also considered to be extensive and appears suburban, especially given the contrived nature of the boundaries. It is considered that the siting of the dwelling combined with the large curtilage would exacerbate the visual prominence of the building in the landscape. The proposal is therefore contrary to criteria (b) and (c) of CTY13 as the proposal is unable to provide a suitable degree of enclosure and relies primarily on new landscaping for integration.

There are also a number of concerns with the design and massing of a number of elements of the proposed dwelling which includes a two storey front gable projection which projects above the ridgeline of the dwelling by 0.5 metres. The use of dominant two storey projections is usually not acceptable in a rural area as these are considered to be suburban in nature. The fenestration proposed across the front elevation fronting towards Crosskennan Road comprises a number of window sizes and styles including a number of ground floor horizontally empathised windows. The mix of fenestration positions and styles creates a complex frontage to the dwelling. Similarly, the southeastern gable which fronts onto Ladyhill Road, features a large horizontal floor-to-ceiling window at ground floor. Additionally, the proposed dwelling is to be finished with a vast expanse of black corrugated metal sheeting to all elevations combined with a small section of render at ground floor.

Paragraph 5.67 of PPS 21 states that successful rural designs are based upon simple shapes and form of traditional buildings and simplicity of design will enhance the appearance of a new building. Building on Traditions in paragraph 5.4.0 notes that replacement dwellings will tend to be most successful where they defer to the form and shape of the building being replaced. It is considered that the inappropriate palette of external finishes, the random arrangement of window positions and styles and the dominant gable projection creates a dwelling that is inappropriate to this rural setting. The proposal therefore fails to comply with criterion 3 of Policy CTY 3 and criterion (e) of Policy CTY 13 as the design of the building is inappropriate for the site and its locality.

The concern with the amount of sheeting proposed was highlighted to the agent as no other surrounding dwellings featured metal sheeting to the same extent. The agent has responded within Document 01 that the design of the proposed dwelling depicts a traditional agricultural barn. The agent continues by outlining that the 'Building on Traditions' design guidance supports the use of metal sheeting, which is also highlighted in the 'Traditional Materials' section whereby the use of corrugated metal sheeting is used to clad the roof and external walls of a barn.

To this effect, the issue is not the use of such finishes highlighted within the 'Building on Traditions' design guidance but rather the extent of such an external finish proposed does not reflect the context of application site or surrounding area. It should be noted that the 'Building on Traditions' design guidance within paragraph 2.8.5 caveats that materials illustrated in the traditional and contemporary design pages should reflect and/or complement its context. In this regard, the use of this finish is not reflective of the surrounding context.

The agent has identified within Document 01 date stamped 11th January 2023 that an application was granted for a dwelling at Old Ballynoe Road fronting onto the public road that included a grouping of random windows to a public facing elevation which was deemed appropriate to the rural location. It is noted that the case officer during the determination of this application (LA03/2017/0639/F) raised concern with the horizontal emphasis on the windows at ground level and outlined that the design of these windows were suburban in feature. However, the windows were deemed acceptable due to a combination of both existing and proposed planting mitigating the overall impact of the proposal. Additionally, the overall views of this dwelling at No. 8 Old Ballynoe Road are limited to short views on approach to this dwelling from a southern direction. In contrast to this, the application site is open and exposed from long critical views from two public roads.

The agent has also outlined within supporting documentation that a similar dwelling was granted approval under LA03/2016/0725/RM, which is, located along the Crosskennan Road approximately 380 metres northwest of the application site. This dwelling included a mix of window shapes, a two storey front projection and similar external finishes. In this regard, the dwelling approved under application Ref: LA03/2016/0725/RM has mostly been constructed on site. This dwelling is set mostly within landscaped boundaries and critical views are short and limited to the frontage on approach from a southeastern direction with glimpses achieved through the mature trees from a northwestern direction. The amount of metal sheeting approved on this dwelling is less than the proposed dwelling and this site benefits from vegetated boundaries. Additionally, the 'two storey projection' does not dominate the frontage of this dwelling given that it is set down from the ridge height of the main dwelling and does not feature a large pitched gable. The window positions and design approved to the principle frontage of this dwelling follow a uniform arrangement with most windows providing a vertical emphasis. This dwelling has also a significant backdrop of the existing landform, which continues to rise towards the rear and allows the dwelling to be integrated appropriately into the site.

It is acknowledged that the dwelling at No.73 Crosskennan Road is located approximately 190 metres northwest of the application site and features two dominant gable projections. However, the approval of this design was granted under planning permission T/2003/0403/F by the Department for Environment (DoE) as the competent planning authority at that time. The Council are not bound by the decisions of a different planning authority which additionally was using a planning policy which is no longer relevant.

The agent has also supplied a number of different visuals within Document 01 titled '*examples of well-designed dwellings in the area using contemporary building materials*'. However, the locations or planning references for these dwellings have not been provided and therefore it is difficult for the Council to consider the relevance of them to the proposal.

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 outlined above the application site occupies elevated grounds and is open and exposed to the southeastern and southwestern site boundaries. The proposed dwelling as outlined above would be unduly prominent in

the landscape and therefore fails to comply with criterion (a) of policy CTY 14 of PPS 21.

It is considered that the proposed dwelling within the application site would have a significantly greater visual impact than the existing dwelling as the design is inappropriate to its rural setting and does not have regard to local distinctiveness due to the prominence of the application site. The proposal fails to meet the policy provisions set out in the SPPS and Policies CTY3, CTY13 and CTY14 of PPS21.

Neighbour Amenity

It is considered that neighbouring residents will not be unduly impacted by the proposed dwelling by way of overlooking, loss of sunlight or dominance, given that the closest neighbouring dwelling, outside the applicant's own dwelling (No.8) is located approximately 66 metres to the west of the application site. Therefore, it is considered that the proposed dwelling could be accommodated on site with no detrimental impact caused to any nearby neighbouring property.

Access, Movement and Parking

The proposed dwelling intends to use the existing vehicular access used to serve No. 8 Ladyhill Road. DfI Roads were consulted on the application in relation to road safety. As a suitable access arrangement is already in place DfI Roads has responded and advised that they are content with the application subject to conditions.

CONCLUSION

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

- The principle of the development can be established as the proposal fulfils the policy requirements of CTY 3 of PPS 21 in that the principle for a replacement dwelling is considered acceptable;
- The design of the proposed dwelling is unacceptable and is considered to have a significantly greater visual impact than the existing building;
- The application site is unable to provide a suitable degree of integration and it considered to be unduly prominent in the landscape;
- The proposal will not be resultant in any significant detrimental impact on neighbour amenity;
- There are no road safety concerns with this proposal.

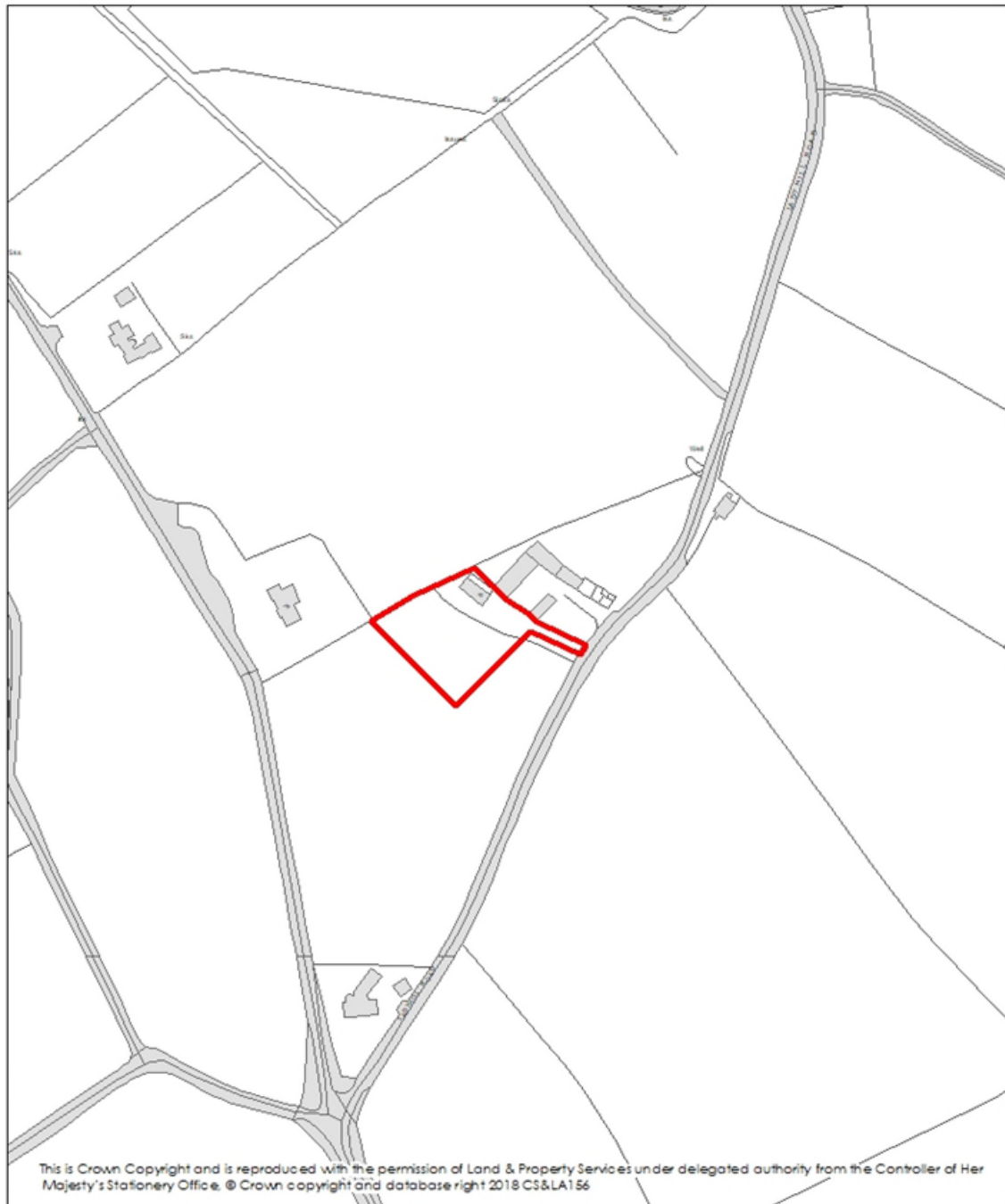
RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new dwelling would have a significantly greater visual impact than the existing dwelling and the design of the replacement dwelling is not appropriate to its rural setting and does not have regard to local distinctiveness.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, the building would be a prominent feature in the landscape; the proposed site lacks long established natural boundaries and relies on new landscaping and the design of the replacement dwelling is inappropriate for the site and its locality.

3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, appear unduly prominent in the landscape.



Site Location Plan


Application Reference: LA03/2022/0920/F

Replacement dwelling and associated ancillary development

8 Ladyhill Road Antrim BT41 2RF

0 60 120
Metres



 Site boundary



COMMITTEE ITEM	3.11
APPLICATION NO	LA03/2022/1040/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Dwelling (within an infill site)
SITE/LOCATION	Lands 20m South East of 20 Umgall Road Crumlin BT29 4UJ
APPLICANT	Mr Warren McBride
AGENT	Big Design Architecture
LAST SITE VISIT	23 rd December 2023
CASE OFFICER	Michael Tomlinson Tel : 028 90340442 Email: michael.tomlinson@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 https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located 20 metres southeast of No. 20 Umgall Road. This is a countryside location as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site is set back of the Umgall Road by approximately 95 metres and is accessed via an existing laneway which serves an existing dwelling and agricultural buildings. The site consists of a portion of the garden of No. 20 Umgall Road and a strip of lawn between the southeastern boundary hedge of No. 20 and the northwestern gable of an abutting outbuilding. The boundary hedge defining the garden area of No. 20 is a 2-metre-tall Leylandii hedgerow that dissects the application site. The northeastern boundary is defined by a post and wire fence. The topography of the land rises from the northwest to the southeast.</p> <p>The application site is located within a rural area within a number of detached dwellings dispersed with in immediate vicinity. A group of existing farm buildings is located to the southeast of the site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2009/0550/F Location: 20 Umgall Road, Crumlin Proposal: Dwelling and garage (clustered with existing established farm outbuildings) Decision: Permission Granted (29/01/2010)</p> <p>Planning Reference: LA03/2017/0836/F Location: Lands adjacent to 20 Umgall Road, Nutts Corner, Crumlin Proposal: Two replacement dwellings and associated garages (replacing two existing dwellings located within the existing farmyard, which are to be retained as ancillary accommodation) Decision: Permission Refused (08/09/2017)</p>	

Planning Reference: LA03/2022/0626/F

Location: Lands 25m North West of 20 Umgall Road, Nutts Corner Road, Crumlin, BT29 4UJ

Proposal: Dwelling and garage on a farm

Decision: Permission Granted (06/10/2022)

Planning Reference: LA03/2020/0625/LDP

Location: Site adjacent to 20 Umgall Road, Nutts Corner, Crumlin, BT29 4UJ

Proposal: Proposed completion of dwelling and garage in accordance with planning permission T/2009/0550/F

Decision: Permission Granted (12/08/2021)

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

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

CONSULTATION

Council's Environmental Health Section – No objection.

Northern Ireland Water – No objection.

Department for Infrastructure Roads- No objection.

Defence Infrastructure Organisation – No objection.

Department for Communities Historic Environment Division – No objection.

REPRESENTATION

One (1) neighbouring property was notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Whilst the main thrust of Policy CTY 8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

- (a) The gap 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 application site is located along a private laneway that serves a dwelling, No. 20 Umgall Road and the existing farm cluster to the south and east of the dwelling. The applicant has submitted detailed plans in support of the application (Drawing No 01 dated 21st November 2022). The applicant contends within this drawing that the existing dwelling (20 Umgall Road) and two outbuildings to the southeast of the application site constitute a line of three or more buildings along a laneway.

Drawing No 01 clearly annotates a laneway extending through this farmyard in an attempt to demonstrate the presence of a continuous laneway. It is apparent from the site inspection and from google imagery that the identified laneway terminates at the corner of the application site and does not continue past this point. The area to the front of the agricultural buildings is merely an agricultural yard with an area of hardstanding ancillary to the farmyard. The sole purpose of the identified laneway is to provide access to the dwelling and the wider farm complex.

It is acknowledged that the footprint of an additional dwelling (approved as a farm dwelling (LA03/2022/0626/F) is indicated on the block plan (Drawing No. 01 dated 21st November 2022) which was approved to utilise the aforementioned laneway. This dwelling does not exist on the ground and therefore does not form part of the assessment for the purposes of an existing building. Notwithstanding this, the presence of a dwelling at the approved location does not alter the outcome of this assessment, as fundamentally there is only one dwelling sharing a frontage onto the laneway and there are no buildings to the southeast of the application site that share a frontage, rather the farm complex only accesses onto the laneway.

It is considered that the application site does not demonstrate a small gap site within a substantial and built-up frontage and therefore does not comply with the provisions of Policy CTY 8 of PPS 21.

The proposed development has also been assessed in respect of a dwelling within an existing cluster. In this case, the cluster of development to the southeast of site constitutes as a farm group and therefore cannot be counted as a cluster of development for the purposes of Policy CTY 2a, no other buildings outwith the farm group are located close to the site. Furthermore, the cluster does not appear as a visual entity in the countryside but rather a group of farm buildings which is typical of the dispersed development pattern in the rural area. The application site is also not associated with a focal point. It is considered therefore that the proposal does not meet with all the requirements of Policy CTY 2a of PPS 21.

As the proposed development does not comply with the policy criteria set out in Policies CTY 8 or CTY 2a, it does not represent one of the types of residential development considered acceptable in principle in the countryside. Policy CTY 1 advises that other types of development will only be permitted where there are overriding reasons why it is essential and could not be located in the nearby settlement. No overriding reasons were presented to demonstrate how the proposal is essential and why it could not be located in a settlement. The proposal therefore fails Policy CTY 1 of PPS 21.

Impact on Character and Appearance of the Area

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The proposed dwelling will be one and a half storey and will consist of a main block with an elongated rear return element. It is noted that the application site is open to public view when travelling along the Umgall Road in both directions. The site does not benefit from mature landscaping and would require proposed landscaping to aid its integration. The site also sits on a slightly elevated position comparable to the public road.

However, it is accepted a dwelling on the site would benefit from a backdrop of the existing agricultural buildings, taking into consideration the context of the relationship between the existing dwelling and the farm buildings. It is considered that a single storey dwelling with a low ridge height of not more than 5.5 metres would adequately integrate into the site with the existing buildings providing a suitable degree of enclosure. The dwelling in its current form has a 6.5 metre ridge height and as a consequence would not integrate into its surroundings, in addition some of the design elements, namely the elongated nature of the rear return, the dormer windows and overly dominant front porch is considered to be inappropriate for the character of this rural area. Amendments were not sought from the applicant due to the principle of development not being established and in order to avoid unnecessary expense for the applicant.

Policy CTY 14 requires that any new buildings in the countryside does not cause a detrimental change to, or further erode the rural character of an area. CTY 14 is clear that any development that would result in a suburban style of build-up when viewed with existing and approved buildings should be avoided. In this case a dwelling on the application site would read with the existing dwelling (No.20 Umgall Road), the

farm buildings and two approved dwellings, that being the previous approval at the end of the laneway (LA03/2022/0626/F) and a further approval to the southwest of the farm dwellings (T/2009/0550/F & LA03/2020/0625/LDP). As indicated above, critical views of the site and the group of farm buildings is achieved when travelling along the Umgall Road in both directions, from these perspectives the cumulative impact of both the existing and approved buildings will undoubtedly read as a build-up of development resulting in an erosion of the rural character of this area.

Neighbour Amenity

The only neighbouring dwelling to the application site is No. 20 Umgall Road. The separation distance between the existing and proposed dwellings will be 7 metres with a gable-to-gable relationship. There are no existing boundary treatments separating the application site from this neighbouring property. It is noted that there will be five (5) groundfloor windows and no upper floor windows to be provided on the northwestern elevation, facing towards No. 20 Umgall Road looking directly onto the neighbouring property. It is accepted that a 1.8-metre-tall timber fence could be conditioned to run between the rear amenity areas of these dwellings to safeguard the privacy of the residents of No. 20 Umgall Road. It is however unusual for the use of close boarded timber fencing within the rural area, however given the location of the fencing it is considered that views of the fence would be limited. Additionally, landscaping could be provided to help soften the visual impact and respond more appropriately to the character of the surrounding rural area.

Other Matters

Historical Environment

The application site is within the zone of influence for a scheduled site known as Barginnis Mount (ANT 056:033). Historic Environment Division within the Department for Communities was consulted and have provided no objection to the proposal. The proposal therefore complies with the relevant policy provisions of PPS 6.

Road Safety

Department for Infrastructure (DfI) Roads were consulted on this planning application and in their response offered no objections to the proposal. It is therefore considered that the proposal will not have a significant impact on the safety and convenience of other road users.

CONCLUSION

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

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of Policy CTY 1, CTY 2a and CTY 8 of PPS 21;
- The proposal would lead to a build-up of development resulting in a negative impact on the character and appearance of the area;
- The design and appearance is inappropriate for the site and would not integrate into the surrounding rural area;
- There would not be a significant impact on any neighbouring properties from an appropriately designed dwellinghouse.

RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASONS FOR REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of PPS 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement, it fails to meet with the provisions for an infill dwelling in accordance with CTY8 of PPS21 and it fails to meet the provisions for a dwelling within a cluster in accordance with Policy CTY2a of PPS21. 2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 13 in that the design of the building is inappropriate for the site and its locality and as a result fails to integrate. 3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14, in that, it results in a suburban style build-up of development when viewed with existing and approved buildings and will result in a detrimental change to, and erode, the rural character of the countryside. 	

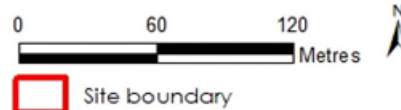


Site Location Plan

Application Reference: LA03/2022/1040/F

Location: Lands 20m South East of 20 Umgall Road,
Crumlin, BT29 4UJ

Proposal: Dwelling (within an infill site)



COMMITTEE ITEM	3.12
APPLICATION NO	LA03/2022/0931/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Dwelling and domestic garage on a farm
SITE/LOCATION	Lands 60m south of 68 Church Road Randalstown BT41 3JW
APPLICANT	Mr Christopher McCann
AGENT	CMI Planners Ltd
LAST SITE VISIT	10 th November 2022
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 https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 30 metres south of No. 68 Church Road, Randalstown and within the countryside as defined within the Antrim Area Plan (1984-2001).</p> <p>The application site is situated approximately 1km west of Randalstown. The application site comprises part of a wider agricultural field and is located approximately 80 metres back from Church Road, directly to the rear of No. 68 Church Road. The southwestern boundary which comprises a field boundary is defined by 2-3-metre-high vegetation. The northwestern boundary which lies adjacent to No. 68 is defined by a post and wire fence. The remaining boundaries are undefined as the site is cut out of an agricultural field. The topography of the site falls in an easterly direction towards Randalstown.</p> <p>The site is located within a rural area with the land use being predominantly agriculture. There are a number of detached dwellings located in the vicinity of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2011/0351/O Location: 100m Approx. East of 70 Church Road Proposal: Site of farm dwelling and garage (2 Storey) Decision: PERMISSION GRANTED (16.12.2011)</p> <p>Planning Reference: T/2014/0370/F Location: Lands 100m Approx. East of 70 Church Road Randalstown BT41 3JW Proposal: Proposed farm dwelling and garage with proposed access relocated from that previously approved under planning application ref. T/2011/0351/O Decision: PERMISSION GRANTED (17.12.2014)</p>	

Planning Reference: LA03/2017/0483/NMC

Location: Lands approx. 100m east of 70 Church Road, Randalstown, Antrim, BT41 3JW

Proposal: Non-Material Change to Planning Approval T/2014/0370/F. Minor changes to approved garage type to include re-arrangement of pedestrian and garage doors at NE elevation; internal staircase moved to middle of plan; inclusion of wc and garden store.

Decision: NMC APPROVED (19.06.2017)

Planning Reference: T/2004/0704/O

Location: Between 14 and 14A Blackrock Road, Randalstown

Proposal: Site of Dwelling and Garage

Decision: PERMISSION GRANTED (31.08.2004)

Planning Reference: T/2007/0327/RM

Location: Between 14 and 14A Blackrock Road, Randalstown bt41 3lf

Proposal: Proposed dwelling

Decision: PERMISSION GRANTED (03.07.2007)

Planning Reference: T/2007/0667/F

Location: Between 14 and 14A Blackrock Road, Randalstown

Proposal: Revised access to site between 14 and 14A Blackrock Road, Randalstown previously approved under application Ref: T/2007/0327/RM.

Decision: PERMISSION GRANTED (30.10.2007)

Planning Reference: LA03/2016/0260/F

Location: Lands approx. 70m south east of 14A Blackrock Road, Randalstown

Proposal: Agricultural building on farm holding

Decision: Permission Granted (16.08.2016)

PLANNING POLICY AND GUIDANCE

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located 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.

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

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

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection subject to condition

DAERA Countryside Management Inspectorate Branch- DAERA advised that the Farm Business ID has been in existence for more than 6 years and that the applicant has claimed payments through the Basic Payment scheme or Agri Environment scheme in all of the last 6 years.

Historic Environment Division- No objection

REPRESENTATION

Two (2) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

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 CTY1 of PPS21 sets out the types of development that are considered acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY 10.

Policy CTY10 states that all of the following criteria must be met:

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

The Department for Agriculture Environment and Rural Affairs (DAERA) were consulted on the proposal with regards to the Farm ID submitted as part of the application. DAERA responded stating the Farm Business ID identified on the P1C form has been in existence for more than 6 years (since 22nd April 2005). 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.

A number of receipts have been provided to support the claim that the farm has been active and established for each of the last 6 years. Receipts have been provided for each of the last 6 years and range between the years 2015 – 2022. The documentation provided covers works relating to drainage pipes, cleaning sheughs, posts, barbed wire, gates, sheep wire, hedge cutting, fencing and removal of dead trees. In this instance, the provision of farming receipts is not considered necessary given that DAERA have confirmed the applicant's farm business is both active and established.

Therefore, the proposal is compliant with CTY10 criterion (a) of PPS21.

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 provision in the case of this application is the 26th October 2012. The policy goes on to say that planning permission granted under this policy will only be forthcoming every once every 10 years. For the purposes of this policy 'sold off' means any development opportunity disposed of from the farm holding to any other person including a member of the family. The applicant has confirmed on Q5 of the P1C Form accompanying the proposal that no dwellings or

development opportunities have been sold off from the farm holding in the last 10 years.

A planning history search has been completed for all lands identified on the farm maps submitted with the application as indicated on Document 01 date stamped 26th October 2022. Additionally, a planning history search of the farm business ID and the applicants name has been carried out. The applicant's farm maps demonstrate two farm groups, one located at Blackrock Road and the other group located at Church Road.

A planning history search of the applicant's name outlines that the applicant was granted planning permission for a dwelling and garage under planning approval T/2004/0704/O and T/2007/0327/RM at a site between 14 and 14a Blackrock Road, Randalstown. This dwelling has been constructed and occupied for a number of years. A land registry check carried out by the Council on the site at Blackrock Road does not provide any ownership details. Therefore, in the absence of evidence to suggest otherwise, it is not considered that the relevant lands have been sold off within the last 10 years and are still under the ownership of the applicant.

A planning history search of the applicant's farm business ID outlined that planning permission was granted for a dwelling and garage on a farm under T/2011/0351/O on the 16th December 2011 at Church Road. It is acknowledged that despite there being a number of buildings (dwellings) associated with the farm business existing at Blackrock Road, the previous regulatory body Department for the Environment (DOE) accepted the principle of an alternative site at Church Road where no farm buildings existed. A subsequent application for full permission under T/2014/0370/F was approved on the 17th December 2014 which included a change to the previously approved vehicular access point. It is noted that the decision date for this farm dwelling under the applicant's farm business ID falls within the last 10-year period. In the determination of T/2014/0370/F the case officer's report references that the principle for a dwelling at an alternative site at Church Road was accepted during the assessment of outline permission (Ref: T/2011/0351/O) and given that outline permission was still extant at that stage, it was considered a strong material consideration. Therefore, in this instance, given that the determination of the earlier planning approval (Ref: T/2014/0370/F) relied in principle on the previous grant of permission (Ref: T/2011/0351/O) it is considered appropriate to take the decision date from the original outline approval which is outside of the 10 years of the date of this application.

The P1 Form accompanying the application outlines that the applicant resides at No. 68 Church Road, which would suggest that the site has not been sold off. However, a land registry check carried out by the Council does not provide any ownership details. Therefore, in the absence of evidence to suggest otherwise it is not considered that the relevant lands have been sold off within the last 10 years and are still under the ownership of the applicant. It is therefore considered Policy CTY10 criterion (b) of PPS21 is met.

The third criteria (c) laid out in Policy CTY10 states that a new building should be visually linked or sited to cluster with an established group of buildings on the farm. In this case, as highlighted above there are two identified areas associated with the applicants' farm business, one located at Blackrock Road which includes dwelling

No's 14A and 14AA Blackrock Road and an approval for an agricultural building under LA03/2016/0260/F which from satellite imagery taken in June 2022 does not appear to have been constructed.

The second farm group at Church Road comprises a dwelling No. 68 Church Road. Policy CTY 10 of PPS 21 is clear that a new building should be visually linked or sited to cluster with an established group of buildings and resultantly this requires that the application site be sited close to more than one building associated with the farm business. In this instance, there is only one building located at Church Road and although a garage was also granted (Ref: T/2014/0370/F), this garage at the time of site inspection only amounted to the laying of foundations. Therefore, it is not considered that the proposed dwelling would be sited to cluster or visually link with a group of buildings associated with the farm. No additional information has been provided to outline why the proposed dwelling could not be sited at the applicant's farm group at Blackrock Road.

Overall, it is considered that as the proposal does not visually link to or sited to cluster with an established group of buildings on the farm that the proposal fails criteria (c) of Policy CTY 10 and CTY 13.

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 states that a new building will be unacceptable where it would be a prominent feature in the landscape, where the site lacks long established natural boundaries in order to provide a suitable degree of enclosure, where ancillary works do not integrate with their surroundings and in the case on a building on a farm, is not visually linked or sited to cluster with buildings on the farm.

When leaving Randalstown along the Church Road in a westerly direction, the topography of the land rises gradually, the application site is located on an elevated position along the ridge of this rising land. Critical views of a dwelling within the application site would be limited when travelling in a westerly direction towards the site along Church Road given the presence of mature vegetation along the roadside boundary. The existing vegetation defining the domestic curtilage of No. 70 Church Road, which would effectively screen views from this direction. However, on approach to the site from an easterly direction, the site would be widely visible both from short and long distance views due to the elevated nature of the site, the lack of any suitable backdrop and the limited established landscaping to the northeastern and northwestern boundaries of the site. A new dwelling at this location would read as skyline development by occupying a top of slope/ridge location and would therefore read as a prominent and incongruous feature in the landscape.

Given the contrived nature of the application site, the site lacks any existing boundary vegetation along the southern and eastern boundaries which further compounds the open and exposed nature of this elevated site and cannot provide a suitable degree of enclosure. The proposed access arrangement does not utilise the existing access serving No.68 and is a separate access cutting through a sloping agricultural field. The Justification and Amplification (J & A) of Policy CTY13 states that where possible, access should be taken from an existing laneway and where required, should run unobtrusively alongside existing hedgerow or wall lines,

accompanied by landscaping measures. In this case the proposed access arrangement would create a dual laneway that would stretch some 70 metres in length, resulting in a substantial stretch of hardstanding being created on a rising slope which would not integrate into the surrounding rural landscape.

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 and stipulates that a new building will be unacceptable where it is unduly prominent in the landscape, and the impact of ancillary works would damage rural character.

As indicated above a dwelling and its associated access at this location would appear as a prominent feature in the landscape. It is acknowledged that the existing dwelling, No. 68 to the north of the site already projects above this skyline, the decision to grant permission (T/2014/0370/F) was made by the Department of Environmental (DoE) as the competent planning authority at that time. Since the reformation of the planning powers to local government in 2015 the Council are not bound by the previous decision made by DOE. Additionally, No. 68 is positioned closer to the roadside boundary which is defined by mature trees approximately 8 meters in height which provides some level of limited screening to this dwelling.

As outlined above the application site occupies an elevated slope and is open and exposed along the site boundaries with the exception of the southwestern boundary. The existing farm dwelling No. 68 is situated at a prominent location and is widely visible from long critical viewpoints on approach to the site from an easterly direction. The siting of a dwelling to the south of the existing dwelling will extend the built form along this skyline location, the cumulative impact of two dwellings and two associated garages would result in a form of development that is unduly prominent in the rural landscape and the proposed access arrangement would further damage the rural character of this area.

It is considered that for the reasons outlined above that the proposal fails to meet the requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

Neighbour Amenity

The site is located within a rural area and the closest neighbouring property is the existing farm dwelling (No. 68) which is located approximately 30 metres to the northwest. The application site is situated on higher ground levels however it is considered that a suitable separation distance could be retained to ensure there is no significant impact on the amenity of this residential property. Further detailed consideration can be given to neighbour amenity when the detailed design is submitted at Reserved Matters stage.

Access Arrangement

The proposed farm dwelling is to be accessed directly from Church Road using a new vehicular access point adjacent to the existing access point serving No. 68. Consultation was carried out with DfI Roads which raised no objections to the proposal subject to conditions. Therefore, it is deemed 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:

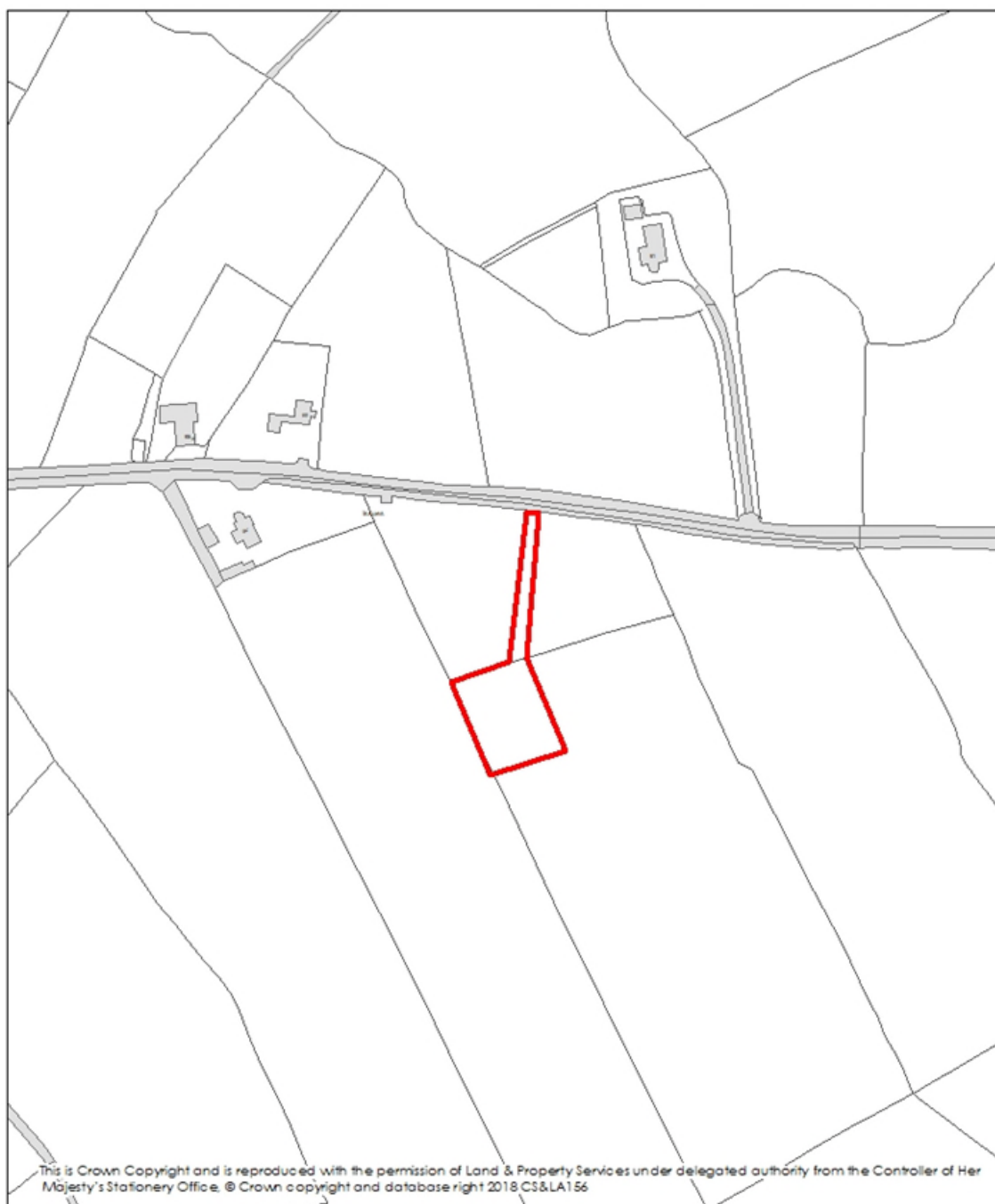
- The principle of development cannot be established as the proposal fails to fulfil the policy requirements of CTY 1, CTY 10 and CTY 13 of PPS 21 in that a dwelling on this site would not be visually linked or sited to cluster with a group of buildings on the farm;
- The application site is unable to provide a suitable degree of enclosure, a dwelling on the application site would appear prominent in the landscape, and ancillary works do not integrate with their surroundings.
- An appropriately designed dwelling on site would not have a detrimental impact on neighbour amenity.
- There are no road safety issues with the proposed access arrangement.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building if permitted, would not be visually linked with an established group of buildings on the farm holding.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, appear unduly prominent in the landscape, the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure, and ancillary works do not integrate with their surroundings.
4. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, appear unduly prominent in the landscape and the impact of ancillary works would damage rural character.



Site Location Plan


Application Reference: LA03/2022/0931/O

Dwelling and domestic garage on a farm

Lands 60m south of 68 Church Road Randalstown BT41 3JW

0 60 120 Metres



 Site boundary



COMMITTEE ITEM	3.13
APPLICATION NO	LA03/2022/0738/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retrospective application for extension to existing balcony with access/fire escape staircase, retention of garage and first floor living space (kitchen, dining and living room)
SITE/LOCATION	33 Bernice Road, Newtownabbey, BT36 4QZ
APPLICANT	Martine Gray
AGENT	N/A
LAST SITE VISIT	09th September 2022
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@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 Register https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at 33 Bernice Road, Newtownabbey, which is located within the development limits of Craigarogan as defined within the Draft Belfast Metropolitan Area Plan 2004.</p> <p>The application site contains a single storey dwelling and an attached single storey garage. The application site is triangular in nature and bounds a number of residential properties (Nos. 26, 28, 30, 32 Clarke Lodge Road and No.31 Bernice Road). The dwelling is finished in painted render, concrete roof tiles and wood cladding to sections of the front elevation. A balcony and external staircase are positioned to the front (northeastern) elevation of the dwelling. The northeastern boundary is defined by hedgerows measuring approximately 3 metres in height, and a number of trees measuring approximately 6-10 metres in height. The southern boundary is defined by a concrete wall measuring approximately 2-3 metres in height. The western boundary is defined by mature hedgerows measuring approximately 3 metres in height.</p> <p>The surrounding character is residential, with a variety of house types and design surrounding the site.</p>	
RELEVANT PLANNING HISTORY	
No recent/relevant site 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</p>	

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 (dNAP): The application site is located within the development limit of Craigarogan. The Plan offers no specific guidance on this proposal.

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

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

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

PPS 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

Department for Communities Historic Environment Division- No objections to the proposal.

Department for Infrastructure Rivers Agency - No objections to the proposal, with informatives.

REPRESENTATION

Ten (10) neighbouring properties were notified of the application, and four (4) letters of objection have been received from two (2) neighbour notified properties.

Following the submission of an amended scheme, which included the internal reconfiguration of the living spaces, ten (10) neighbouring properties were re-notified, and one (1) additional letter of objection was received.

(The full representations made regarding this development is available for Members to view online at the Planning Register

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

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

- Inappropriate siting
- Unacceptable appearance
- Overlooking of neighbouring properties
- Loss of privacy and amenity at neighbouring properties;
- The siting of the oil tank is a fire/safety hazard;
- Impact on property values;
- Extension was built without permission.

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 the Area
- Amenity Space, Parking and Manoeuvring
- Other Matters

Policy Context and Principle of Development

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

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

The application site is located inside the development limits of Craigarogan as defined within the Belfast Urban Area Plan (BUAP) and the draft Belfast Metropolitan Area Plan (dBMAP). There are no specific 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 (PPSs). Amongst these is the Addendum to Planning Policy 7: Residential Extensions and Alterations (APPS 7). Considering the transitional arrangements of the SPPS, retained APPS 7 provided the relevant policy context for consideration of the development.

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.

Scale, Massing, Design and Appearance

The application seeks retrospective planning permission for an extension to an existing balcony with access/fire escape staircase, retention of garage and first floor living space (kitchen, dining and living room).

Prior to the development being constructed, a smaller balcony was in place which provided an external seating area for a bedroom. The balcony measured approximately 3.4m in length and 2.2m in width, and was finished with a metal railing to its perimeter.

The balcony extension and external staircase is sited to the front elevation of the dwelling and has an approximate width of 1.7m with a seating/standing area of 4.5m² provided. The balcony floor is raised 2.6m above ground level, with external patterned panelling fitted to its perimeter. An 'L' shaped staircase wraps around the balcony providing external first floor access. The development is finished with a metal handrail and stainless steel panelling. The original balcony has been refurbished with a stainless steel handrail and glass balustrade. The development is largely hidden from critical views given its siting, intervening structures and boundary treatments.

An objection letter from No.30 Clarke Lodge Road comments on the development and its unsightly appearance. Given the existing common boundary treatment, only the upper portion of the development is visible from the objector's property. It is considered that the appearance of the balcony is not sufficient grounds to refuse the development. The house has undergone an internal reconfiguration whereby the main kitchen/living areas are now located on the first floor, and the bedrooms to the ground floor. Internal works do not require planning permission and are therefore considered acceptable.

It is considered that the scale, massing, design and external materials of the development 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

Addendum to Planning Policy Statement 7- Residential Extensions and Alterations EXT 1 states 'Planning permission will be granted for a proposal to extend or alter a residential property where the proposal does not unduly affect the privacy or amenity of neighbouring residents'.

Five (5) letters of objection were received in relation to the proposed development. Three letters of objection were received from No.30 Clarke Lodge Road, which is located directly west of the application site and one objection letter was received from No.28 Clarke Road, which is located northwest of application site. One anonymous letter was also received.

The development is sited approximately 9 metres from the rear elevation of No.28 and No.30 Clarke Lodge Road. A site visit was conducted to gain an understanding of the development's relationship with the neighbouring properties. While standing upon the balcony, direct views of the entire garden area and rear elevation of both neighbouring properties can be achieved. It is noted that the neighbouring properties sit at a lower ground level than the application site, whereby standing upon the balcony provides an elevated platform where direct views through first floor windows can be achieved, along with direct views of the groundfloor rooms and garden area. It was noted that both neighbouring properties have sunrooms.

Prior to the development being constructed, it is accepted that a smaller balcony was in place. The original balcony provided an external seating area for a bedroom, which is regarded as a low occupancy room. Since then, the house has undergone an internal reconfiguration whereby the main kitchen/living areas are now located on the first floor, and the bedrooms to the groundfloor. This reconfiguration now results in the first floor rooms being high occupancy in nature, with an external entrance providing direct access to these rooms. The balcony has also been extended an additional 3.9m in length, thereby reducing the separation distance from 13m to 9m (30% decrease) from the neighbouring dwellings rear building line.

It is considered that the proposal facilitates the direct overlooking and loss of privacy of the neighbouring dwellings. The extended balcony allows for the occupants to stand at the perimeter of the balcony and look directly into the most private area of the neighbouring rear amenity space, all groundfloor windows on both properties, all first floor windows of No.30, and partial views of first floor windows of No.28. The elevated nature of the balcony, alongside the lower ground levels of the neighbouring properties, increases the level of overlooking. Furthermore, the staircase is located along the boundary line, thereby allowing direct views to the neighbouring dwellings when ascending and descending. It is considered that the development has a detrimental impact on the neighbouring amenity by way of overlooking and loss of privacy.

The proposal is not considered to cause any overshadowing or dominance issues given its siting and nature.

Impact on Trees and Environmental Quality of this Area

It is considered that the development has not resulted in the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local

environmental quality as there were no trees or other landscape features present where the proposal is located.

Amenity Space, Parking and Manoeuvring

Sufficient amenity space remains within the application site for recreational and domestic purposes. The development has not impacted upon the parking provision provided within the curtilage of the site.

Other Matters

DfI Rivers were consulted regarding the development and responded with no objections, subject to a number of informatives.

DfC Historic Environment Division were consulted regarding the development and its potential impact to a nearby Enclosure (ANT056:059). HED responded with no objections to the development.

A number of other issues raised in objection letters include:

The siting of the oil tank adjacent to the boundary hedge which is less than 2m from structure. The position of the oil tank in relation to the development is not considered to be a material planning consideration as it does not require planning permission. It was stated that there is an extension built without planning permission. It is noted that permitted development legislation allows for extensions of a certain size and scale to be built without requiring planning permission. The extension referred to by the objectors is existing, however, it does not appear on the submitted plans and does not therefore form part of this planning application. The impact on property values was raised as a concern, however, the impact of such matters is not considered to be a material planning consideration, in addition no verifiable evidence has been provided to demonstrate that this would be the case or that the impact would be disproportionate.

CONCLUSION

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

- The principle of development is acceptable;
- The design and appearance of the proposal is considered acceptable;
- There are significant concerns regarding neighbouring amenity, specifically overlooking and loss of amenity;
- The proposal does not cause the 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 development 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 balcony extension and external staircase have an unacceptable impact on the privacy and amenity of neighbouring residents by way of overlooking.



Reference: LA03/2022/0738/F

Location: 33 Bernice Road, Newtownabbey, BT36 4QZ

Proposal: Retrospective application for extension to existing balcony with access/fire escape staircase, retention of garage and first floor living space (kitchen+dining+living room)

Scale: 1:2500

 Site Location



COMMITTEE ITEM	3.14
APPLICATION NO	LA03/2022/0787/F
DEA	ANTRIM
COMMITTEE INTEREST	COUNCIL APPLICATION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Construction of a new access ramp to the rear of the building
SITE/LOCATION	55-59 High Street, Antrim, BT41 4AY
APPLICANT	Karl Property Investments Ltd
AGENT	Antrim and Newtownabbey Borough Council
LAST SITE VISIT	12/09/2022
CASE OFFICER	Morgan Poots Tel: 028 903 40419 Email: Morgan.Poots@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information.</p>	
SITE DESCRIPTION	
<p>The application site adjoins an existing building at 55-59 High Street, Antrim, which is within the development limits of Antrim Town as defined by the Antrim Area Plan 1984-2001 (AAP) and within the Town Centre Antrim Conservation Area.</p> <p>The existing building on the site is an existing commercial unit, which fronts onto Antrim High Street, and the rear elevation fronts onto the Six Mile Water River. The adjoining building which the ramp accesses onto appears as two storeys when viewed from High Street and has been modernised along this frontage. The surrounding land drops from High Street towards the river and as a result there is a basement level to the rear of the building, where the building presents as three storeys onto the existing riverside boardwalk.</p> <p>The rear elevation of the building has a number of window and door openings, mostly covered by roller shutter type doors or enclosed with metal caging. The building is finished in white render with grey coloured detailing on the front elevation (High Street) with dark brown coloured brick details on the rear elevation (riverside).</p> <p>The surrounding area is characterised predominantly by a mix of residential and commercial uses along this stretch of High Street. There are currently a significant number of vacant commercial units within the commercial core of Antrim Town Centre in close proximity to the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2022/0469/F Location: 55-59 High Street, Antrim, BT41 4AY Proposal: Proposed change of use from first floor retail space to first floor office/workspace Decision: Permission Granted (31.08.2022)</p>	

Planning Reference: LA03/2022/0147/F

Location: Unit 2, 55-59 High Street, Antrim, BT41 4AY

Proposal: Change of use from retail unit to office

Decision: Permission Granted (16.05.2022)

Reference: LA03/2021/0896/F

Location: 55-59 High Street, Antrim, BT41 4AY,

Proposal: Construction of a new large glazed entrance on the Six Mile Water Riverside elevation and internal reconfigurations (Amended Description)

Decision: Permission Granted (13.01.2022)

Reference: LA03/2021/0894/F

Location: Unit 4, Lower Ground Floor, 55-59 High Street, Antrim, BT41 4AY

Proposal: Creation of a new entrance by converting an existing window into a door, and construction of a ramp and steps onto the Six Mile River Boardwalk to provide level access

Decision: Application Withdrawn (28.06.2022)

Reference: T/2015/0114/F

Location: Basement of 55 High Street, Antrim,

Proposal: Change of use from a retail storage area into a mixed martial arts gym

Decision: Permission Granted (25.08.2015)

Reference: T/2014/0530/F

Location: 55-59 High Street, Antrim, BT41 4AY,

Proposal: Alterations to high street frontage and new windows to rear elevation.

Decision: Permission Granted (23.02.2015)

Reference: T/2007/0490/F

Location: 55 High Street, Antrim

Proposal: Proposed change of use of an existing first floor retail unit into offices and the refurbishment of the ground floor entrance with alterations to the first floor windows facing onto the High Street, Antrim

Decision: Permission Granted (20.12.2007)

Reference: T/2000/0615/F

Location: 55 High Street, Antrim

Proposal: Subdivision of existing unit into 3 new shopfronts, floor extension to front and air conditioning units to roof

Decision: Permission Granted (12.12.2000)

PLANNING POLICY AND GUIDANCE

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

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

contain the main operational planning policies for the consideration of development proposals.

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

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

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

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

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

PPS6: Archaeology and the Built Heritage: sets out the 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

Environmental Health- No objection.

Historic Environment Division- No objection.

Department of Environment, Agriculture and Rural Affairs- No substantive response received.

REPRESENTATION

Six (6) neighbouring properties were notified, and no letters of representation have been received. Two (2) neighbour notification letters were returned due to the addresses being inaccessible.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context
- Design, Appearance and Impact on Antrim Conservation Area
- Neighbour Amenities

- Impact on Trees and Environmental Quality of this Area
- Amenity Space, Parking and Manoeuvring
- Flood Risk
- Other Matters

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

The application site is located within the development limit of Antrim Town as defined by the Antrim Area Plan 1984-2001 (AAP) and within the Conservation Area. 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 PPS 2: Natural Heritage, PPS 3: Access, Movement and Parking and PPS 6: Archaeology and Built Heritage. Taking into account the transitional arrangements of the SPPS, PPS 2, PPS 3 and PPS 6 provide the relevant policy context for consideration of the proposal.

The building which adjoins the application site has a range of planning history, including an extant planning permission under planning approval reference LA03/2022/0469/F for the change of use of the first floor from retail use to office space and planning permission for a large, glazed entrance and internal configurations under planning approval reference LA03/2021/0896/F.

As noted above, the current development proposal is for a new access ramp to the rear of the building. It is considered that the principle of development has been established on site given the aforementioned planning history and remains acceptable, subject to it meeting all other relevant material considerations.

Design, Appearance and Impact on Antrim Conservation Area

The proposal seeks full planning permission for a new access ramp to the rear of the site in order to facilitate access to the rear entrance of the building. The ramp extends 31.5 metres along the rear of the building and connects with the existing access to the ramp along the western elevation of the building. Five (5) steps are proposed on the western section of the ramp to the rear of the building, whilst the sloping ramp is proposed at the eastern section of the ramp.

The design of the ramp consists of powder coated painted galvanised hand railings and uprights. The uprights are to be positioned at a separation distance of one (1) metre apart. It is considered that the scale, nature and design of the proposal will not have a detrimental impact on the character or appearance of the surrounding area.

Additionally, the Planning Section's Forward Plan Team has advised that the proposal would have a negligible impact on the character and appearance of the Conservation Area as it is limited in size and scale and is set along the backdrop of the building elevation and as such, the proposal is deemed to be compliant with Policy BH 12 of PPS 6.

Neighbour Amenity

The closest residential properties are located at Clarke Court, approximately 45 metres from the application site, on the opposite side of the Six Mile Water. Given the nature of the proposal together with the distant proximity of these dwellings, it is considered that there would be no detrimental impact on the amenity experienced at these residential properties resultant from the proposal. The neighbouring properties along High Street are a mix of retail and office uses and as such it is not considered that they will be significantly negatively impacted by the proposal.

Given that the only external change to the application site is a new access ramp, it is considered that no neighbouring property would experience any significant detrimental impact of amenity resulting from the proposal.

No representations have been submitted regarding the proposal. Furthermore, the Council's Environmental Health Section (EH) was consulted and raised no objections with regards to nuisance.

Impact on Trees and Environmental Quality of this Area

As the application site is adjacent to the Six Mile Water, there is the potential to impact on protected species utilising the river corridor. DAERA Natural Environment Division (NED) was consulted on the proposal with a Bat Activity Survey, Document 01 date stamped 9th September 2022, a Preliminary Ecological Appraisal (PEA), Document 02 date stamped 12th September 2022 and an Otter Survey, Document 03 date stamped 12th October and Document 05 Critical Appraisal of Ecology Surveys dated 02 February 2023.

Shared Environmental Services (SES) was informally consulted on 24th October 2022 and in its response dated 24th October 2022, SES advises that it requires a formal consultation on receipt of NED's final response.

In its response dated 1st November 2022, NED requested a Construction and Environmental Management Plan (CEMP) and lighting specifications, whilst DAERA Water Management Unit and Inland Fisheries were content with the proposal subject to conditions. The requested CEMP and plans detailing lighting specifications were forwarded to NED on 10th January 2023, and to date, no response has been forthcoming within the 21 days' target response.

In the absence of a substantive response from NED, the Council employed a second ecologist to review the work completed by MCL Consulting and JPM Contracts.

The Critical Appraisal of Ecology Surveys, Document 05 date stamped 2nd February 2023, outlines that all the submitted ecology surveys (the PEA, the Bat Activity Survey, the Otter Survey and the HRA Stage 2 report) were completed to an acceptable standard, however, it is considered that the mitigation measures outlined in the latest CEMP should be the subject of a planning condition should planning permission be forthcoming.

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). The Council prepared a Shadow HRA, which was reviewed by an independent ecologist on behalf of the Council which is the Competent Authority responsible for authorising the project. The assessment which informed this response. Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.

Amenity Space, Parking and Manoeuvring

Policy AMP 1 Creating an Accessible Environment of PPS 3 outlines the need for providing a suitable access to all. The proposal seeks a new access ramp to the rear of the site.

The current access arrangement to the rear of the site is solely for pedestrian access. In this case, DfI Roads did not need to be consulted as the proposal does not impact on the parking and manoeuvring of vehicles. The proposal is considered to comply with Policy AMP1 of PPS 3.

Flood Risk

It is noted that the application site lies directly adjacent to the Six Mile Water and as such part of the application site is located in the fluvial floodplain. However, given that the proposed works relate to a new access ramp onto an existing boardwalk, it is considered that there will be no impact on flood risk resultant from the proposal. The proposal is therefore considered to be compliant with the policy provisions of PPS 15.

Other Matters

Consultations

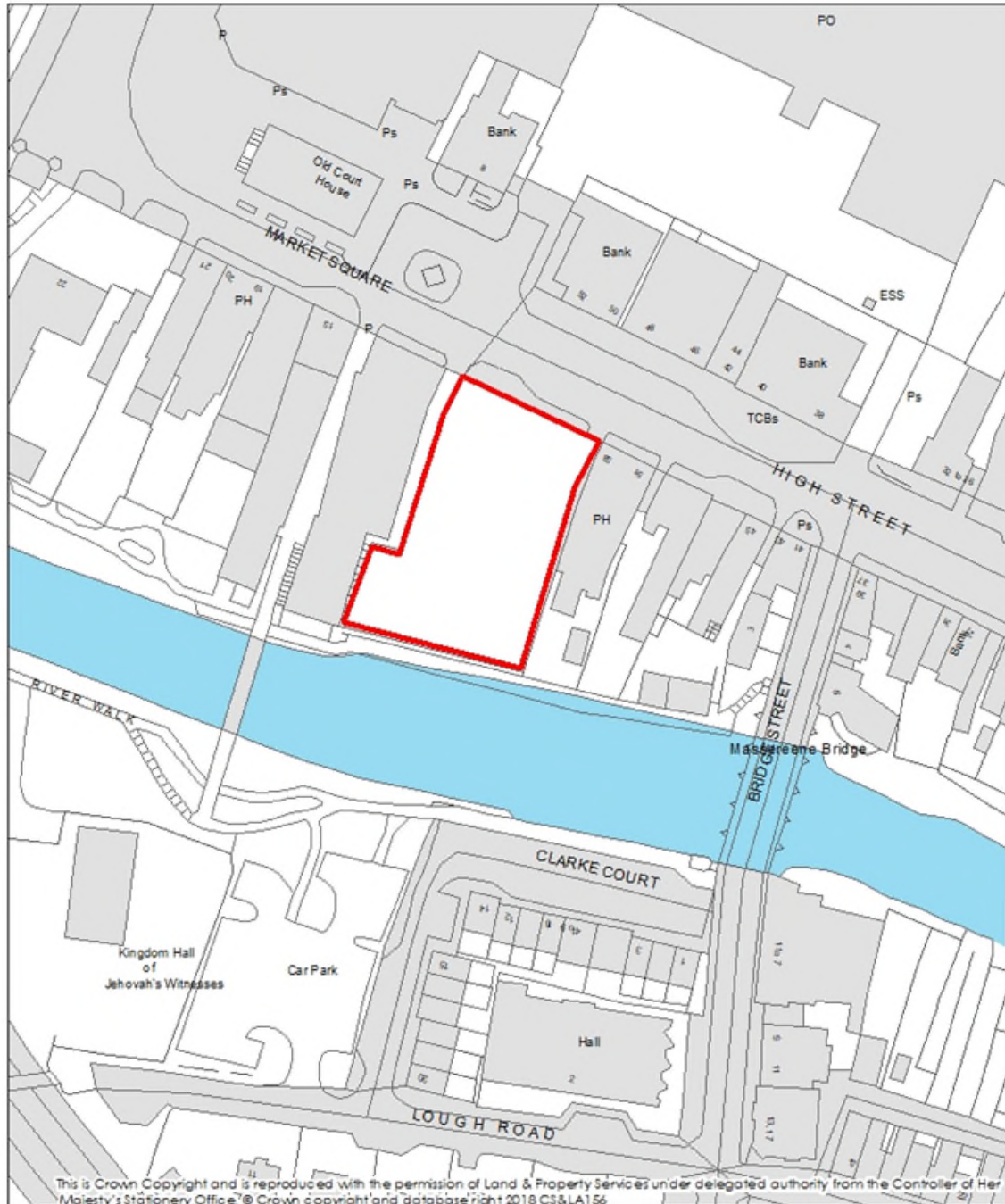
The application site falls within DfC Historic Environment Division's (HED) consultation zone for Archaeological Site and Monuments bearing references ANT050:181, ANT050:182 and ANT050:110. HED has been consulted on the development proposal and has raised no objections.

CONCLUSION

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

- The principle of development is considered acceptable;
- The design and appearance of the proposal is considered acceptable;
- The proposal will not unduly affect Antrim Conservation Area;
- Neighbour amenity will not be unduly affected;
- There will be no significant adverse impact on the natural or built heritage, or the environmental quality of the area; and
- The proposal will not lead to an increased level of flooding at the application site or elsewhere.

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> <p>2. The final construction method statement shall reflect all the mitigation and avoidance measures to be employed as outlined in the Construction and Environmental Management Plan, document 04, date stamped 23rd November 2022, approved herein and the development shall be carried out in accordance with the mitigation measures, unless otherwise agreed in writing by the Council.</p> <p>Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the integrity of the Six Mile Water River and Lough Neagh and Lough Beg SPA/RAMSAR site.</p>	



Site Location Plan


Application Reference: LA03/2022/0787/F

Location: 55-59 High Street, Antrim

Proposal: Construction of new access ramp to the rear of the building

0 25 50
Metres



 Site boundary



PART TWO

OTHER PLANNING MATTERS

ITEM 3.15

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during January 2023 under delegated powers together with information relating to planning appeals is **enclosed** for Members information.

Two (2) appeals were dismissed during January 2023 by the Planning Appeals Commission (PAC) in relation to LA03/2021/1115/O (2022/A0047), proposed site for a dwelling and garage at lands 30m approximately north-east of No 57 Craigstown Road, Randalstown, and LA03/2021/1107/O (2022/A0048) proposed site for a dwelling and garage at lands approximately 35m south-west of No 63 Craigstown Road, Randalstown and copies of these decisions are **enclosed**.

One (1) further appeal was withdrawn by the Agent during January in relation to LA03/2022/0091/LDP (2022/L0002), proposed completion of dwelling in accordance with planning approvals T2004/1470/O, T/2007/0929/RM and T/2009/0029/F at lands approximately 130m north-east of 174 Magherabeg Road, Randalstown, and a copy of the correspondence from the PAC is also **enclosed**.

RECOMMENDATION: that the report be noted.

Prepared by: Stephanie Boyd, Planning and Economic Development Business Support Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.16

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 (2) PANs were registered during January 2023.

PAN Reference:	LA03/2023/0001/PAN
Proposal:	Proposed new business park to include 4 no. new storage and distribution warehouses with ancillary offices, 10 no. commercial units comprising a mix of light industry, trade counter with showroom, office, research & development, exhibition space, start-up business units, roof mounted solar panels, refurbishment and extension of existing industrial warehouses, 3 new access points onto Enkalon Road, new internal estate road (closing up estate access), HGV parking, car parking and all associated site works.
Location:	Lands bounded by Kilbegs Business Park to the north, Enkalon Industrial Road to the East, Castlewater residential development to the south west and Allen Park Sport Hub to the West, Antrim BT41 4LS
Applicant:	Errigal Commercial Developments Ltd, 11 Gortnahey Road, Dungiven
Date Received:	11 January 2023
12 week expiry:	5 April 2023

PAN Reference:	LA03/2023/0002/PAN
Proposal:	Proposed hotel development, comprising 81 No. bedrooms, food and beverage offer, including new site access, car parking, landscaping and all associated site and access works, (Renewal of application Ref: LA03/2018/0006/F)
Location:	Lands situated at the junction of Ballyrobin Road and Antrim Road and 120 meters east of Hillhead Farm, 6 Antrim Road, Crumlin Co Antrim
Applicant:	JH Turkington & Sons Ltd, James Park, Mahon Road, Portadown
Date Received:	11 January 2023
12 week expiry:	5 April 2023

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

regarding the application and detailing how this has influenced the proposal submitted.

RECOMMENDATION: that the report be noted.

Prepared by: Stephanie Boyd, Planning and Economic Development Business Support Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.17

P/PLAN/1 PLANNING PORTAL UPDATE

Members will be aware of recent media coverage from The Royal Society of Ulster Architects (RSUA) around the new Planning Portal.

Whilst the Department for Infrastructure (DfI) has acknowledged that there have been some issues with the new Planning Portal since its launch, they have agreed a plan with the supplier (TerraQuest) to roll out a series of updates/fixes ('Releases') to the system every two weeks, starting on 09 February 2023.

In addition, DfI have updated their website (see link below) to include a Frequently Asked Questions (FAQs) section which will provide further advice for Agents/Architects/members of the public on new releases to the new Planning Portal. <https://www.infrastructure-ni.gov.uk/articles/planning-portal-faqs>

DfI will also be holding a series of workshops with a small group of Agents/Architects later this month to explain the various elements of the public facing portal, to hear their concerns and what improvements could be considered for the future. The Council will also be holding a similar workshop with Agents/Architects in the near future.

RECOMMENDATION: that the report be noted.

Prepared by: Simon Russell, Local Development Plan Team, Planning

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.18

CE/OA/044 & P/PLAN/1 PLANNING IMPROVEMENT PROGRAMME

Following the release of reports from the Northern Ireland Public Accounts Committee (PAC) and the Northern Ireland Public Accounts Committee (NIAO) in relation to the performance of planning across Northern Ireland, correspondence has been received from Department for Infrastructure (DfI) regarding the Planning Improvement Programme.

The correspondence recognises that a number of the recommendations set out in the PAC and NIAO reports are business as usual for each planning authority and seeks assurance from the Council that these will be progressed. A draft response to this correspondence is **enclosed** for consideration.

In addition to the above suggested Work Programme, the Planning Section will consider its own Planning Improvement Work Programme. This will include taking forward those elements of improvement that are feasible at local level through the proposals coming forward and also a review of its own mechanisms to bring further improvements to customer services. A draft programme will be brought forward in due course.

Julie Thompson, Deputy Secretary (DfI) has also written to all Chief Executives (**enclosed**) on 07 February 2023 with an update on the establishment of the interim Regional Planning Commission, in response to a PAC recommendation and to support the Planning Improvement Programme in Northern Ireland. It is anticipated that the interim Commission will hold its first meeting on 24 February 2023. A copy of the Terms of Reference for the interim Regional Planning Commission is **enclosed** for Members information.

RECOMMENDATION: that the report be noted and the response to DfI be approved.

Prepared by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.19

P/FP/LDP/6 ENGAGEMENT WITH DfI STRATEGIC PLANNING DIVISION, PLANNING IMPROVEMENT WORKSHOP

Members are reminded that the Northern Ireland Audit Office (NIAO) published a performance report in February 2021 'Planning in Northern Ireland'. The report considered that the current planning system in Northern Ireland is not meeting its plan-making objectives and noted that to date, no local authority has published a draft Plan Strategy. The report contained a number of recommendations including one that the Department and Councils work in partnership to review current Local Development Plan (LDP) timetables to ensure they are realistic and achievable, and to identify what support Councils need to achieve them.

As an outworking of the NIAO report, Senior Officers from the Council attended a Planning Improvement Workshop for LDPs on 24 January 2023 hosted by The Department for Infrastructure (DfI) Strategic Planning Division. The workshop was facilitated by senior representatives from the Welsh Government and Welsh Planning Inspectorate: Vicky Robinson, Chief Planning Inspector, Tony Thickett Deputy Chief Planning Inspector and Mark Newey, Head of Plans, the Welsh Government. The workshop was also attended by Senior Planning Officers from all Councils across the province and Principal Commissioner, Ms. Mandy Jones from The Planning Appeals Commission.

The workshop focused on joint learning experiences to date from the LDP and public examination process, group discussion on the identification of areas for improvements, and the prioritisation of actions to ensure LDPs are completed in a more effective and efficient manner.

DfI Strategic Planning Division will now consider a range of actions to be presented to Councils, and these will be brought to Members for consideration in due course.

RECOMMENDATION: that the report be noted.

Prepared by: Simon Thompson, Planning Manager, Local Development Plan and Enforcement

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.20

P/FP/LDP1 LOCAL DEVELOPMENT PLAN, INDEPENDENT EXAMINATION UPDATE

Members are reminded that, as reported at the January 2023 Planning Committee, the Council anticipated the Planning Appeals Commission (PAC) report on the Independent Examination (IE) of the Council's Draft Plan Strategy (DPS), which concluded on 29 June 2022, would be submitted to the Department for Infrastructure (DfI) at the end of January 2023.

The Council received correspondence from the PAC on 31 January 2023, advising that work to finalise the Report is still ongoing and that it is now anticipated that the final draft of the report will be delivered to DfI by the end of February 2023. This notification has also been published on the PAC's website (below).

<https://www.pacni.gov.uk/antrim-newtownabbey>

Members are reminded that the PAC's published guidance entitled, 'Procedures for Independent Examination of Local Development Plans', states that the anticipated timeline for Commissioner involvement in a plan, will be on average, 9-12 months. As the Draft Plan Strategy was submitted to the PAC in June 2021, a Commissioner appointed in September 2021, and a report is now anticipated for submission to DfI by the end of February 2023, the process is currently running at 21 months, with 17 months since the appointment of a Commissioner.

Members are reminded that following the PAC's submission of the IE report to DfI, the Department's role is to review the Commissioner's recommendations (approximately 12 weeks) and to issue the Council a direction to withdraw, adopt or adapt with changes.

Given the delay in the PAC issuing the report, the Chief Executive has since written to the Chief Commissioner of the PAC to note the report is to be released in February and also to DfI Deputy Secretary, Dr. Julie Harrison, seeking that the report is released to the Council by the Department once received in order to allow the Council to consider the timeframes involved to adoption and final plan. At present DfI advise that the report will not be released for a minimum of 12 weeks. Copies of these letters are **enclosed** for Members' information.

These measures will allow the Council to review and consider its work programme for both the adoption of Plan Strategy and the Local Policies Plan (LPP) going forward. This will assist in the development of the Council's amended LDP Timetable.

The Forward Planning Team continues to undertake preparatory work on the next stage of the LDP process, the LPP.

RECOMMENDATION: that the report be noted.

Prepared by: Simon Thompson, Planning Manager, Local Development Plan and Enforcement

Agreed by: Sharon Mossman, Deputy Director of Planning

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

PART TWO

OTHER PLANNING MATTERS IN CONFIDENCE