



14 October 2020

Committee Chair: Alderman T Campbell

Committee Vice-Chair: Councillor S Flanagan

Committee Members: Aldermen – F Agnew, P Brett and J Smyth  
Councillors – J Archibald, H Cushinan, R Kinnear,  
R Lynch, M Magill, R Swann and B Webb

Dear Member

#### **MEETING OF THE PLANNING COMMITTEE**

A remote meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 19 October 2020 at 6.00pm.**

All Members are requested to attend the meeting via "Zoom".

To ensure social distancing it is only possible to facilitate 11 Members in the Council Chamber. Priority admission will be given to Committee Members, this does not affect the rights of any Member participating in the meeting.

Yours sincerely

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

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

**PLEASE NOTE: refreshments will not be available.**

**For any queries please contact Member Services:**

Tel: 028 9034 0048 / 028 9448 1301 [memberservices@antrimandnewtownabbey.gov.uk](mailto:memberservices@antrimandnewtownabbey.gov.uk)

## **AGENDA FOR PLANNING COMMITTEE – OCTOBER 2020**

**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: LA03/2020/0442/F  
New detached 2 bedroom 2 storey house on land beside 6 Hollybrook Grove and to the rear of 5 Hollybrook Grange, Newtownabbey
- 3.2 Planning Application No: LA03/2020/0007/F  
Proposed agricultural shed and associated site works on land approximately 130 metres south west of No. 17 Whitehill Drive, Randalstown
- 3.3 Planning Application No: LA03/2020/0503/F  
Erection of agricultural shed on land 20 metres to the rear of 70 Tildarg Road, Kells
- 3.4 Planning Application No: LA03/2020/0499/O  
Proposed infill site for dwelling and garage on land approximately 70 metres north east of 30 Duneane Road, Toomebridge
- 3.5 Planning Application No: LA03/2020/0017/F  
2 storey duplex apartment and 2 no. parking spaces on land beside 29 Ballyclare Road, Glengormley
- 3.6 Planning Application No: LA03/2020/0276/O  
Site for dwelling on land beside (and 30m northwest of) 73 Crosskennan Road, Antrim

### **PART TWO – General Planning Matters**

- 3.7 Non Determination Appeal for Application LA03/2020/0117/F  
Residential development consisting of 32 no. dwellings and associated and ancillary works on lands comprising the southeast portion of the former Craighill Quarry, 110m southwest of No. 155 Ballycorr Road, 105m west of No. 156 Ballycorr Road and 230m northeast of 1, 3, 5 & 7 Ballycorr Road, Ballyclare

- 3.8 Delegated planning decisions and appeals September 2020
  - 3.9 Proposal of Application Notifications
  - 3.10 Northern Ireland Planning Statistics 2020-21 First Quarterly Bulletin April-June 2020
  - 3.11 Service of Provisional Tree Preservation Orders
  - 3.12 Update on Revised LDP Timetable
  - 3.13 Extension of Data Sharing Agreement with Department for Infrastructure
  - 3.14 Northern Ireland Audit Office review of the Planning System in Northern Ireland
  - 3.15 Correspondence from DfI re: Planning Engagement Partnership
  - 3.16 Regionally Significant Application LA03/2017/0310/F – Lough Neagh Sand Extraction
4. Any Other Business

**PART TWO – IN CONFIDENCE**

- 3.17 Planning Enforcement Report 2020-21 - Quarter 1 - In Confidence

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 19 OCTOBER 2020**

**PART ONE**

**PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>3.1</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0442/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	New detached 2 bedroom, 2 storey house
<b>SITE/LOCATION</b>	Beside 6 Hollybrook Grove and to the rear of 5 Hollybrook Grange, Newtownabbey
<b>APPLICANT</b>	Conor Devine
<b>AGENT</b>	Paddy Byrne Architect
<b>LAST SITE VISIT</b>	14th August 2020
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 90340416 Email: <a href="mailto:alicia.leathem@antrimandnewtownabbey.gov.uk">alicia.leathem@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located between Hollybrook Grove and Hollybrook Grange, just off the Hightown Road. The site is located on unzoned lands within the settlement limit of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and both versions of draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The application site previously formed the rear garden of 5 Hollybrook Grange which has been subdivided to form two plots. The site fronts onto Hollybrook Grove, with the topography of the site rising from the west (roadside) to the east (rear). The application side is defined by 1.8 metre close boarded fencing along the rear boundary, 1 metre close boarded fencing defines the front boundary, the eastern boundary is defined by a mix of mature trees and 1.8 metre close boarded fencing whilst the western boundary is defined by a brick retaining wall approximately 1.5 metres in height with a 1 metre close boarded fence above. Access to the site is achieved via Hollybrook Grove.</p> <p>The site is located within a residential area with similar house types and styles.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: U/1992/0523 Location: Sites 98 - 110 (Formerly 98 - 113), 128, 129, 147 AND 148 Cherryhill Lane, Hightown Road, Glengormley. Proposal: Change of approved house types with loss of 3 No. dwelling units. Decision: Permission Granted</p> <p>Planning Reference: U/1991/0107 Location: Cherryhill Lane, Hightown Road, Glengormley. Proposal: Alterations to road layout and inclusion of one additional dwelling. Decision: Permission Granted</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.

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

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

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

PPS 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 objections

**Northern Ireland Water** – Response Outstanding

**Department for Infrastructure Roads-** Additional information requested

**REPRESENTATION**

Eight (8) neighbouring properties were notified and one (1) letter of objection has been received from one (1) property. The full representation made regarding this proposal is available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Safety concerns.
- Overshadowing/loss of light.
- Overlooking.
- Impact on mental health.
- Devaluation of property.

**ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

- Policy Context and Principle of Development
- Design, Layout and Appearance
- Impact on Character and Appearance of the Area
- Residential 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 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. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

The application site lies within unzoned lands within the development limit of Metropolitan Newtownabbey as defined within the BUAP and both versions of dBMAP. The application site previously formed part of the garden associated with 5 Hollybrook Grange. The proposal seeks full planning permission for the erection of a detached dwelling. Given the site is located within an established residential area and not zoned for any particular use within BMAP the principle of housing on this site is considered to be acceptable subject to the development complying with the all other policy and environmental considerations.

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.

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

The Strategic Planning Policy Statement emphasises that within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. Policy QD 1 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. Policy QD 1 goes on to state that all proposals for residential development will be expected to conform to nine criteria.

In addition, paragraph 7.08 of supplementary planning guidance document 'Creating Places' advises that it will not be acceptable to increase building density by simply 'cramming' development. The layout of the proposed residential development is therefore a key factor in determining the acceptability both in terms of its contribution to the amenity of the local neighbourhood and wider streetscape.

The proposal seeks full planning for the erection of a detached two storey, two-bedroom dwelling. The proposed dwelling is located on lands that formerly formed part of the private garden area associated with No. 5 Hollybrook Grange, however from a site inspection it is evident this parcel of land has since been subdivided. The proposed dwelling is located centrally within the site and fronts onto Hollybrook Grove. The dwelling is designed to match that of existing dwellings within the development with a ridge height of 8.1 metres from ground level, with dropped eaves to the front elevation and higher eaves to the rear elevation. The proposed dwelling has one dormer window and a roof light to the front elevation.

The application site sits at a higher level than the land to the north, by approximately 1.2 metres as indicated on Drawing No. 02 dated 2nd July 2020. In addition, the application site itself rises from the west (roadside) to the east (rear), therefore some level of cut and fill will be required. However, the drawings submitted lack detail on the levels throughout the site and the level of cut and fill required to accommodate the development. This information has not been requested from the agent as a refusal has been recommended. Given the restricted nature of the site, parking provision for two spaces is located directly in front of the proposed dwelling which therefore does not allow for a front garden or landscaped area, which is at odds with the remainder of the existing dwellings and will result in an unattractive area of hardstanding to the front elevation of the property.

Policy QD 1 of PPS7 requires that development respects the surrounding context and is appropriate to the character of the area. In addition, the Addendum to Planning Policy Statement 7 'Safeguarding the Character of Established Residential Areas' is applicable as the application site is located within an established residential area



and does not fall within any of the exceptions. Policy LC 1 of the Addendum requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area. It is considered that the proposal is not at odds with the existing pattern of development in that a similar arrangement exists to the north of the site with dwellings to the rear of Hollybrook Grange fronting onto Hollybrook Grove. However, the proposal is out of character in terms of a lack of front garden and the level of hardstanding required to accommodate appropriate parking provisions, which emphasises the constricted and cramped nature of the application site.

Policy QD 1 also requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance 'Creating Places' advises that as an average a provision of 70sqm per house, or greater is acceptable. 'Creating Places' goes on to state that 'for any individual house, an area of less than around 40sqm will generally be unacceptable'. The proposal provides 48sqm of private amenity space to the proposed property, whilst the subdivision of the plot significantly reduces the private amenity space of 5 Hollybrook Grove to approximately 46sqm of private amenity space. It is accepted that the provision of private amenity space is above the minimum threshold of 40sqm however the private amenity space associated with 5 Hollybrook Grove is located to the side of the dwelling with no boundary treatment to ensure this area remains private.

Overall, it is considered that the proposal is overdevelopment of a restricted site which due to the subdivision of the plot also results in No. 5 Hollybrook Grange having a restricted and cramped site. In addition, it is considered that the proposal is out of keeping with the wider residential development in terms of amenity space, landscape and parking provision. The proposal is therefore considered contrary to the provisions of the SPSP, QD1 and LC1 of PPS7.

### **Neighbour Amenity**

Criterion (h) of Policy QD1 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 as outlined above the proposed dwelling is located in close proximity to existing residential dwellings, to the north and west along Hollybrook Gove and to the south and east along Hollybrook Grange. Paragraph 7.21 of supplementary planning guidance 'Creating Places' advises that; adequate spacing needs to be provided between buildings for privacy purposes and where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking.

As outlined above the application site is the result of a subdivision of the plot hosting No. 5 Hollybrook Grange therefore the eastern boundary of the application site abuts the rear boundary of No. 5 Hollybrook Grange. The orientation of the proposed dwelling results in No. 5 Hollybrook Grange and the proposed dwelling having a back to back relationship. A separation distance of 3.2 metres at its narrowest point extending to 4.4 metres at its widest point is provided from the rear wall of the proposed property to the common boundary. There is a 6 metre separation distance from the rear wall of the proposed property to the rear wall of the existing property at 5 Hollybrook Grange. The overall separation distance falls significantly short of the separation distances outlined within 'Creating Places'. The proposed dwelling

includes one window on the rear elevation serving a habitable room. The limited separation distance is considered inadequate and will give rise to significant overlooking of the existing residential unit at No.5 Hollybrook Grange. In addition, given that the proposed dwelling sits approximately 1.2 metres above those dwellings located adjacent to the north, this will result in significant overlooking of the private amenity space of No. 3 Hollybrook Grange and No. 6 Hollybrook Grove.

Furthermore, given the difference in topographical levels and taking into account the path of sunlight, it is considered that the proposal will lead to overshadowing and loss of light to the rear amenity space of No. 6 Hollybrook Grove in the late afternoon. Additionally, due to the level difference and limited separation distance it is considered that a dwelling on this site will have a domineering impact on No. 6 Hollybrook Grove. A letter of objection raised concerns in relation to overlooking and loss of light to No. 7 Hollybrook Grange. However, there are no windows on the first floor of the southern elevation serving habitable rooms and given the boundary treatment along the southern boundary of mature trees and a 1.8 metre close boarded timber fencing it is considered that the proposal will not lead to significant overlooking of No.7 Hollybrook Grange. Additionally, due to the path of sunlight it is considered that the proposal will not lead to overshadowing of No. 7 Hollybrook Grange.

No. 5 Hollybrook Grange has a back to back relationship with the proposed dwelling with the overall separation distance of 6 metres from opposing rear walls, which falls significantly short of the recommended separation distance (20 metres). In addition, No. 5 Hollybrook Grange sits approximately 1.2 metres higher than the proposed dwelling. Paragraph 7.16 of planning guidance 'Creating Places' advises on sloping sites that the overall separation distance should be enhanced. The limited separation distance provided is considered to fall significantly below the standards required and will result in significant overlooking of the proposed and existing dwellings.

For these reasons set out, it is considered that the proposal fails to meet criterion (h) of policy QD 1 in that the design and layout will create conflict with the adjacent neighbouring properties both along Hollybrook Grange and Hollybrook Grove and the proposed dwelling in terms of overlooking, overshadowing and domineering impact.

#### **Other Matters**

DfI Roads requested additional information, however, this has not been requested from the agent in order to prevent any unnecessary expenses, as refusal is being recommended.

The consultation response from NI Water remains outstanding. A letter of objection raised concerns regarding the proximity of the development to their oil tank and the safety implications from this and the security of access to the oil tank. It is the responsibility of the developer to ensure adequate safety and security measures are in place.

A letter of objection also raised concerns in relation to devaluation of property. With respect to concerns regarding the devaluation of existing 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.

A letter of objection raised concerns about the impact on mental health due to stress and the impact of development in close proximity on the family. For reasons outlined above it is considered that the proposed development will not significantly impact the amenity of No. 7 Hollybrook Grange through overlooking or overshadowing.

## **CONCLUSION**

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

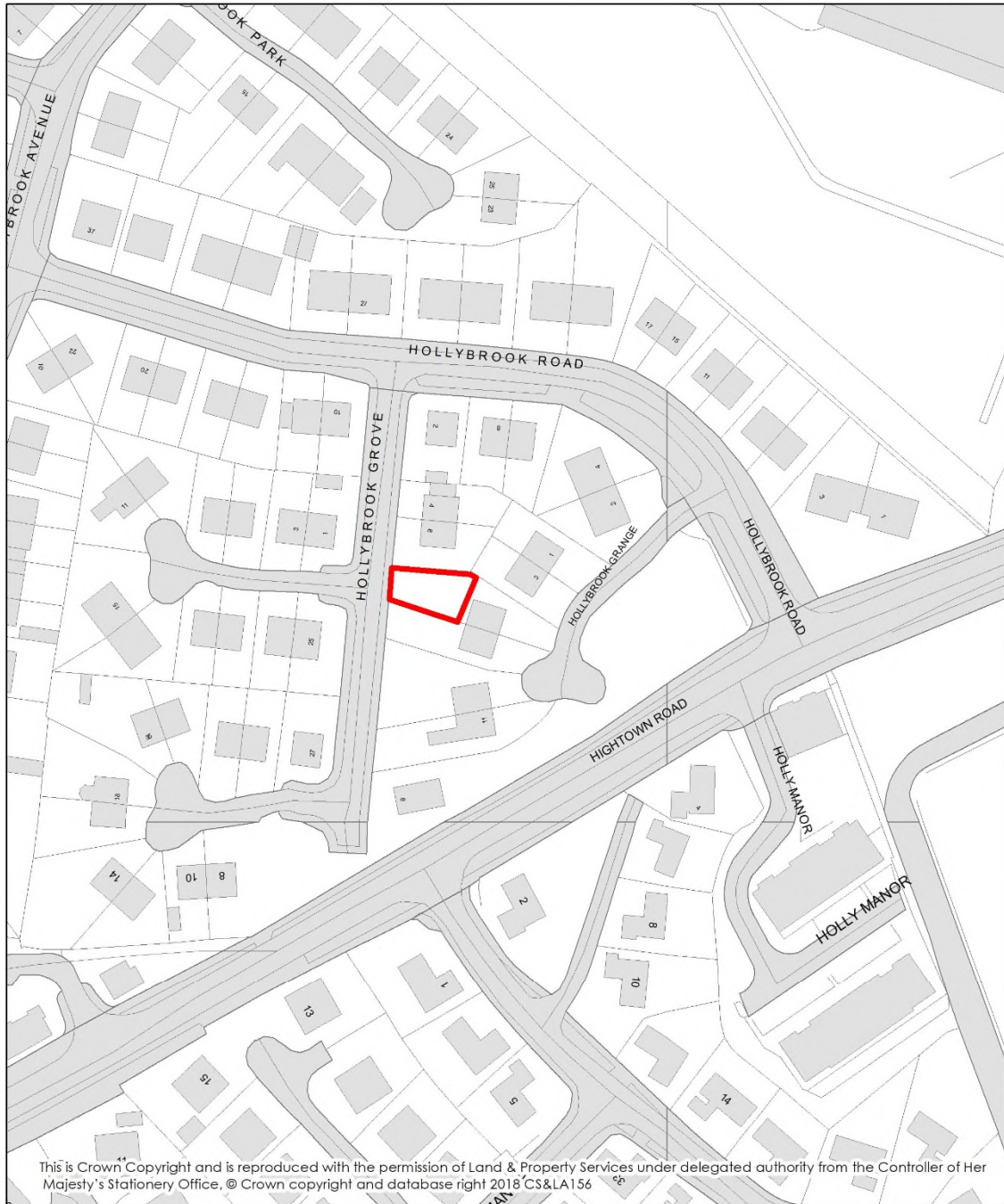
- The principle of the development is acceptable.
- The design, layout and appearance represents overdevelopment of the site and results in a cramped and unacceptable layout.
- The proposed will have a detrimental impact on the residential amenity of existing and proposed properties due to overlooking, overshadowing and a dominant and overbearing impact.
- It has not been demonstrated that adequate access and parking provision can be provided.

## **RECOMMENDATION**

## **REFUSE PLANNING PERMISSION**

## **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' and Policy LC1 of the Addendum to PPS 7 'Safeguarding the Character of Established Residential Areas' in that, if permitted, it would result in overdevelopment of the site and it has not been demonstrated that the proposed development can achieve a quality and sustainable residential environment in keeping with the character of development in the locality.
2. 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 overdevelopment of the site resulting in an unacceptable adverse effect on;
  - (a) existing and proposed properties in terms of overlooking; and
  - (b) existing properties in terms of overshadowing and dominance.



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## Location Map

Application Reference: LA03/2020/0442/F

Location: Beside 6 Hollybrook Grove  
and to the rear of 5 Hollybrook Grange,  
Newtownabbey

Proposal: Erection of detached  
2 bedroom, 2 storey house

Scale: 1:2500



For Information Only

<b>COMMITTEE ITEM</b>	<b>3.2</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0007/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed agricultural shed and associated site works
<b>SITE/LOCATION</b>	Approx. 130 metres south west of No. 17 Whitehill Drive, Randalstown
<b>APPLICANT</b>	John Heatley
<b>AGENT</b>	Henry Murray
<b>CASE OFFICER</b>	Orla Burns Tel: 028 903 40408 Email: <a href="mailto:orla.burns@antrimandnewtownabbey.gov.uk">orla.burns@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 130 metres southwest of No. 17 Whitehill Drive, Randalstown. The site is located within the rural area and outside any designated settlement limits identified within the Antrim Area Plan 1984-2001.</p> <p>The site is circa 300m from the applicant's dwelling at No. 14 Whitehill Drive and comprises a section cut out of a larger agricultural field. The eastern boundary is defined by a hedgerow of approximately 2 metres in height with all other boundaries with the exception of the eastern boundary being physically undefined.</p> <p>Whitehill Drive is a dead end road which terminates at the M2 motorway (there is no access from the road). There is also no development along Whitehill Drive beyond No. 17 Whitehill Drive.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p> <p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the</p>	

Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

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

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

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

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

## **CONSULTATION**

**Council Environmental Health Section** – No Objections

**Department for Infrastructure Roads**- No Objections

**Department for Agriculture, the Environment, and Rural Affairs (DAERA)** – No Objections

## **REPRESENTATION**

No neighbours were notified of the application as no occupied properties abut the site. Two (2) objection letters and three (3) letters of support have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

A summary of the key points of the **objections** raised is provided below:

- Scale of the building is excessive;
- Applicant has failed to demonstrate why the building is necessary and why it is not located beside the existing farm holding;
- The building will be a prominent/dominant feature in the landscape;
- The building will fail to integrate;
- Raising of the site will occur (infilling the land);
- No existing/proposed landscaping;
- Concerns that animals/game birds will be kept in the shed;
- There will be an impact on the amenity of neighbouring dwellings (noise, odour and disturbance);
- Increase in traffic;
- The farm business has not been established for more than 6 years;

A summary of the key points of the **support** raised is provided below:

- The applicant's own the land;
- It is close to their home which will increase security;
- Lorry access is possible;
- It is located away from nearby neighbouring properties;
- It is close to utilities such as water, electric and telephone;
- It is not in an area prone to flooding or near power lines;
- It can be built and screened to minimise visual impact;
- Key reasons for not building in front of the main house include, it is adjacent to housing, noise from lorries etc will be nearby. Lorries cannot operate easily and as safety as they could on the proposed site;
- The existing site limits future expansion.

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

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

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

##### **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 settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

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 agricultural or forestry development in accordance with Policy CTY 12 which states that planning permission for agricultural or forestry development will be granted on an active and established agricultural holding. For the purposes of active and established paragraph 5.56 of Policy CTY 12

indicates that the definition for an active farm is the same as that provided within Policy CTY 10. This policy requires that a farm business is to be active and established for a least 6 years. Paragraph 5.38 states that the applicant is required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period (at least 6 years).

An objection letter received raised the concern that the farm business in question has not been active and established for at least 6 years. DAERA's Countryside Management Branch have been consulted on the application and have responded to confirm that the farm business ID was issued on 10/12/2018 therefore has not been in existence for more than six years. DAERA also confirmed the business has also not claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes. DAERA further confirmed that prior to 2019 the proposed site located on land associated with another farm business.

Document 03 date stamped 6<sup>th</sup> March 2020 confirms that the applicant has operated 'Whitehill Game Hatchery' since 2005, however, DAERA did not recognise the activity as agricultural activity and therefore did not provide the applicant with a farm business ID until December 2018. Further evidence submitted includes a letter from DAERA dated 27<sup>th</sup> September 2006 that indicates the applicant had registered on the 'Bird Register' for the keeping and rearing of birds. A letter dated 1<sup>st</sup> November 2012 was also sent to the applicant from DAERA's Animal Health and Welfare Division and a further letter from the Northern Ireland Bird Register 2014 (with registered Flock Number at the top) was sent to the applicant to update their records.

A further letter was sent to the applicant on 17<sup>th</sup> September 2020 which stated that they had been allocated a sheep flock number. Other invoices and tax returns were provided by the applicant for years 2012/2013, 2013/2014, 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020. The invoices provided show payments for feed, breeder's pallets, pheasant poult's and general agricultural maintenance items. An email from DAERA indicates that the applicant rears up to 30,000 pheasants a year for game shoots and has been allocated a Category 1 farm business number to enable access to grants and subsidies to aid expansion of their farm business. There is no question that the applicant has been operating a business in terms of pheasant rearing, however, the rearing of pheasants for game shoots is not an agricultural business rather, it is a commercial enterprise. There has been no grant of planning permission for this enterprise or any of the buildings relating to it. It is considered that the applicant does not have an active and established farm business and the proposal in terms of an agricultural building should therefore be refused.

Policy CTY 12 also requires that the applicant demonstrates that it is necessary for the efficient use of the agricultural holding and in the cases of a new building sufficient information is provided to show that there are no suitable existing buildings on the holding. The proposal is for the erection of an agricultural shed for the storage of feed and equipment only, as stated within Document 01 date stamped 30<sup>th</sup> December 2019.

A further Document 02, date stamped 20<sup>th</sup> Jan 2020 states that there are no other sites available on the land which is being farmed to maximum capacity. Document



03 states that the agricultural field located to the west of the applicant's dwelling cannot be used to accommodate the proposed shed due to a gas tank being located within the lands (used to heat the bird houses during the winter months), is used for the turning of large vehicles, the remaining area is used for summer night time shelters and pens. In addition, the applicant would like to retain some amenity of their dwelling in order not to be surrounded by farm buildings.

A representation received from Mr McKeown (No. 17 Whitehill Drive) states that the applicant has rented a portion of his agricultural holding for the rearing of pheasants since 2004 and had been using his agricultural buildings to store machinery and equipment until 2017. A further letter from Mr C.M Hughes states that they had been in a rental agreement with the applicant from 2012 to 2017, and a letter from Mr Kelly states he rented a storage shed to the applicant from 2012 to 2017.

Drawing 04, date stamped 20<sup>th</sup> Jan 2020 shows the land owned by the applicant coloured in blue and the land currently rented by the applicant coloured in red. Document 02 clarifies that the land in blue labelled 'bird pens' is currently being farmed at a maximum capacity whilst the land in red to the east is rented by the applicant. Therefore, the only other location for the proposed site is the only other land owned by the applicant that will allow them the certainty of sustaining their future farming activity.

From the evidence submitted, it appears the applicant no longer rents sheds from nearby farmers and therefore a new building may be necessary for the expansion of the business. The applicant owns only two parcels of land, one of which hosts the existing bird pens etc which they claim is being farmed to full capacity and therefore require an off-site building away from the existing buildings (the proposed site) for continuing expansion.

While it is considered that a new shed may be required it has already been established that the business is not an agricultural activity and cannot be justified under this policy. PPS 4 Planning and Economic Development allows for the expansion of an existing business in the countryside, however, in this instance there has been no grant of planning permission for any element of this business. In addition, no Certificate of Lawful Use or Development exists to demonstrate that the business is lawful nor does it appear that the majority of the enterprise would be immune from enforcement.

While it appears that the development of a new shed cannot be justified under any policy context, the impact of the building on the countryside and on neighbouring property must be considered nonetheless.

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

The core area of concerns with this proposal relates to the erosion of rural character by creating what essentially will become a bookend that will create a ribbon of development and encourage further infill developments. Policy CTY 8 – Ribbon Development, states that planning permission will be refused for a building which creates or adds to a ribbon of development. Para 5.32 of the justification and amplification to Policy CTY 8 further indicates that ribbon development has consistently been opposed and will continue to be unacceptable as it is detrimental to the character, appearance and amenity of the countryside.

Policy CTY 14 states that planning permission will be refused if the proposal creates or adds to ribbon development. Paragraph 5.80 states ribbon development is always detrimental to the rural character of an area as it contributes to a localised sense of build-up and fails to respect the traditional settlement pattern of the countryside. A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. Paragraph 5.80 further advises that ribbon development is always detrimental to the rural character of an area as it contributes to a localised sense of build-up and fails to respect the traditional settlement pattern of the countryside.

Paragraph 5.75 of PPS21 states that while the countryside is constantly changing in response to human activity, the pace of change is now more rapid than ever. This has resulted in the erosion of the rural character of parts of the region, some of which now appear sub-urbanised and built-up due to the cumulative effect of ongoing development. It is crucial therefore to ensure that new buildings and any associated ancillary works do not result in a detrimental change to, or further erode the rural character of an area, rather they should seek to maintain and protect the special qualities and unique character of our countryside.

It is considered that the proposed office/store and agricultural building will act as a bookend which will create a ribbon of development between Nos. 15 & 17 and the intervening buildings between these two properties that would subsequently create the opportunity for future infill developments. It is therefore considered that this proposal fails to comply with both Policies CTY 12 and CTY 14 as it would erode the rural character.

In this case the applicant has been asked to consider alternative sites and arrangements for the proposed office/store and agricultural building to ensure that a ribbon of development would not be created, however, no formal amendments have been provided, instead the applicant sought to further justify the location of the site as outlined above. The applicant's justification for the proposal is not considered sufficient to overcome the concerns of officers with regard to the erosion of rural character through the creation of a ribbon of development and future infill development opportunities.

### **Design**

The applicant proposes to erect two buildings, the first is an office and store. This building is similar in appearance to a lorry container and measures 6.05m x 2.4m and is finished in grey/green corrugated metal cladding to the walls and roof. While this type of building on the side of a road would not normally be considered to be acceptable, the application site is however, a 'dead end' road with no through traffic other than for the purposes of accessing agricultural fields. It is considered that there is limited public interest in the design of this building and it is therefore acceptable in design terms.

The second building proposed is the building referred to as the 'agricultural building'. This rectangular building measures 15.2m x 9.1m with a shallow pitch in the roof. This building is to be partially finished with smooth plaster/dashed walls on the lower section of the building while the upper section including the roof is to be finished in

grey/green corrugated metal cladding. This building is similar to many agricultural buildings in the countryside and is considered acceptable in design terms.

### **Integration**

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.

Criterion (b) and (c) of Policy CTY 12 states that planning permission will be granted for the development of a new building on an active and established agricultural holding where it is demonstrated that the character and scale it is appropriate to its location and that it visually integrates into the local landscape and additional landscaping is provided as necessary. Policies CTY 13 and CTY 14 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, is of an appropriate design and where it does not cause a detrimental change to, or further erode the rural character of an area.

Concerns raised within an objection letter states the proposal will be located in an open field and will be a prominent and dominant feature in the landscape. They go on to state that the application site does not benefit from any mature vegetation and is inappropriate in terms of its size and scale.

It is not disputed that this site is relatively open given the flat landscape in which it sits and from certain private viewpoints the proposed development may even be conspicuous in the landscape, however, the closest dwelling (No. 17 Whitehill Drive) is located some 130metres north of the main agricultural building proposed and 115m from the office. There are no dwellings beyond the application site and this is a dead end road which terminates at the M2 Motorway, is heavily screened by mature trees and the undulating landform. It is considered that the location of the buildings along a road with limited public interest is, on balance, considered acceptable. It is recommended that a condition be placed on any grant of planning permission that a landscaping plan will need to be submitted to and agreed in writing with the Council to further define the site boundaries and facilitate the integration of the buildings at this location.

### **Neighbour Amenity**

Policy CTY 12 of PPS21 requires that any proposal will not result in a detrimental impact on the amenity of residential dwellings outside the holding. The closest residential property to the application site is No. 17 Whitehill Drive, which is located 120 metres to the north of the site. No. 17 Whitehill Drive raised concerns that if the proposal were to be approved it would be used for the rearing and breeding of animals/birds which will give rise to noise, odour and disturbance.

The Council's Environmental Health Section has been consulted and raised no objections to this proposal. However, they have stated that if planning permission is to be forthcoming that it would be necessary to condition the agricultural building for storage use only to ensure that it is not used for the breeding/keeping of birds in order to protect the amenity of nearby residents.

Given the use of the proposed agricultural building for the sole purpose of storage of feed and equipment, and ancillary offices – it is considered that the proposal will not result in an unacceptable impact on the amenity of any neighbouring properties.

### **Road Safety**

The proposed access is taken from an existing gate off Whitehill Drive, a dead-end road with no dwellings beyond the application site. DfI Roads has been consulted and raised no objections to the proposal on road safety grounds.

### **Other Matters**

An objection letter stated that the site levels will be raised as the field has flooded on occasion. The application site is not located within any flood zones as identified within the Flood Maps NI. The proposal does not propose to infill any areas of the land, if the proposal were to be approved, any infilling would be unauthorised and would be subject to enforcement.

## **CONCLUSION**

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

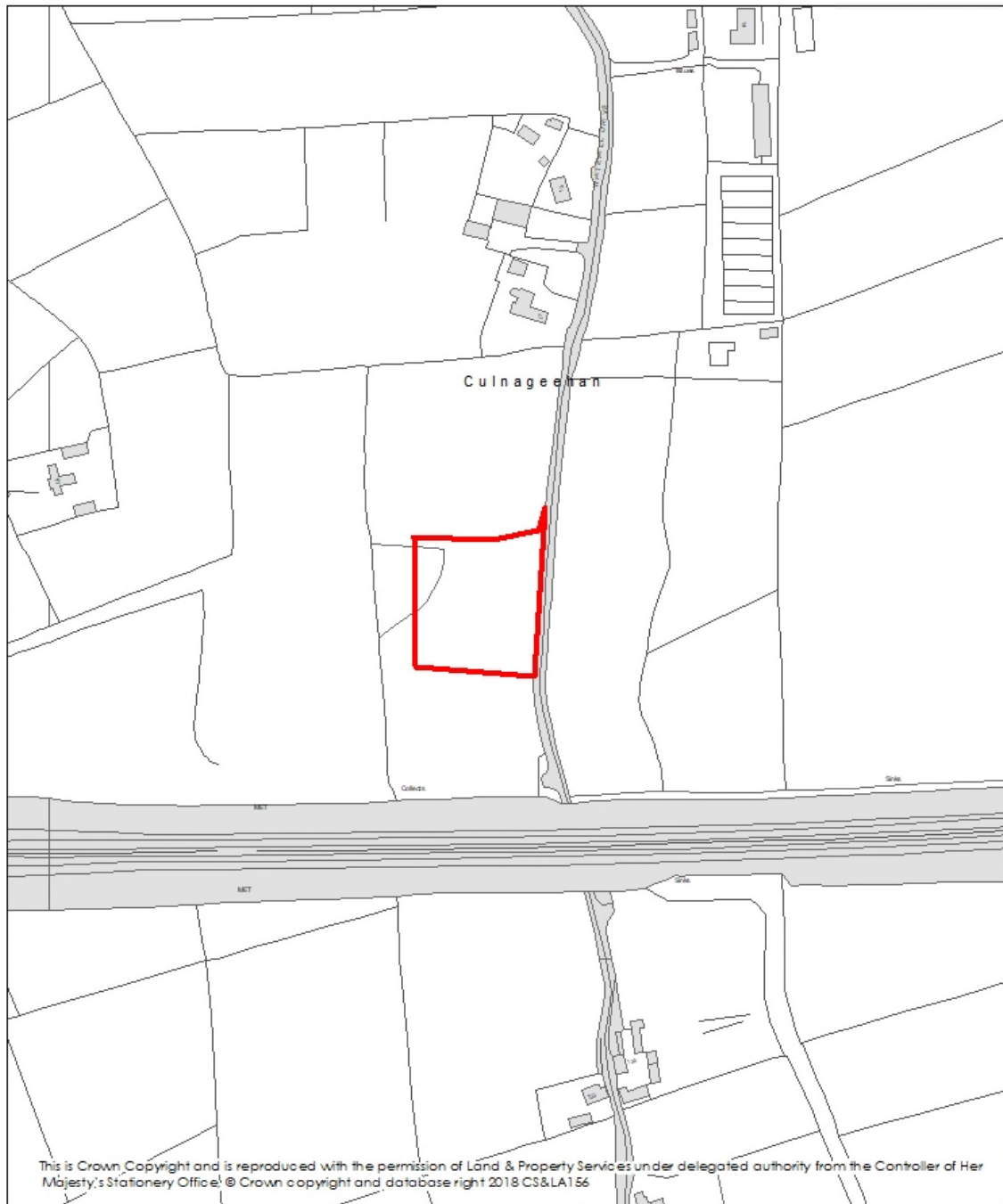
- There is no active and established farm business;
- There is no planning permission for a commercial business;
- The proposal will create ribbon development along Whitehill Drive;
- There is no significant impact on the amenity of nearby residents;
- There are no road safety concerns.

## **RECOMMENDATION**

## **REFUSE PLANNING PERMISSION**

## **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 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 it does not meet any of the acceptable forms of development listed under the policy.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 12 of PPS 21: Sustainable Development in the Countryside, in that the development is not associated with an active and established farm business.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 8 & 14 of PPS 21: Sustainable Development in the Countryside, in that, if approved, the proposal would create a ribbon of development and will lead to future development opportunities which will further build up the area and erode the rural character further.



### Location Map

Application Reference: LA03/2020/0007/F

Scale: 1:1250

Location: Approx. 130m south west  
of 17 Whitehill Drive, Randalstown

Proposal: Agricultural building



For Information Only

<b>COMMITTEE ITEM</b>	<b>3.3</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0503/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Erection of Agricultural Shed
<b>SITE/LOCATION</b>	Site 20 metres to the rear of 70 Tildarg Road, Kells
<b>APPLICANT</b>	Mr and Mrs Ryan Gowdy
<b>AGENT</b>	Jane Burnside
<b>LAST SITE VISIT</b>	03.09.2020
<b>CASE OFFICER</b>	Orla Burns Tel: 028 903 40408 Email: <a href="mailto:orla.burns@antrimandnewtownabbey.gov.uk">orla.burns@antrimandnewtownabbey.gov.uk</a>
<b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the rural area and outside any designated settlement limit identified within the Antrim Area Plan 1984-2001. The site is located approximately 20 metres southwest of No. 71 Tildarg Road, Antrim.</p> <p>The site is currently an area of hardstanding, used to store equipment and machinery. The northeastern boundary of the site is bounded by existing stables belonging to No. 71, whilst the remaining boundaries are defined by an approximately 1.5 metre post and rail fence. The northwestern boundary also benefits from a number of mature trees approximately 8 metres in height.</p> <p>The site is flat and is accessed via No. 71 Tildarg Road – which is accessed via a shared laneway also serving No. 68A Tildarg Road.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
Planning Reference: LA03/2020/0178/O Location: Approx. 40m SE of 70 Tildarg Road, Kells Proposal: Single storey dwelling and garage with access off existing lane from Tildarg Road Decision: Permission Granted 18.05.2020	
Planning Reference: LA03/2019/0193/CA Location: 70 Tildarg Road, Kells, BT42 3NY Proposal: Alleged unauthorised haulage yard Decision: Enforcement Case Closed 20.06.2019	
Planning Reference: LA03/2016/1016/F Location: 70A Tildarg Road, Kells, Ballymena, BT42 3NY, Proposal: Conversion of garage (retrospective) to provide self-catering accommodation Decision: Permission Refused 25.01.2017	

Planning Reference: T/2013/0073/CA  
Location: 70A Tildarg Road, Kells, Ballymena, BT42 3NY,  
Proposal: Alleged unauthorised conversion of garage to a self-contained unit of accommodation  
Decision: Enforcement Case Closed 28.02.2014

#### **PLANNING POLICY AND GUIDANCE**

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

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

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

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

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

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

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

#### **CONSULTATION**

**Council Environmental Health Section** – No objections

**Department for Infrastructure Roads**- No objections

**DAERA Agricultural: Compliance Section** – No response at the time of writing

## 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
- Neighbour Amenity
- Impact on Character and Appearance of the Area

### Policy Context and Principle of Development

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period Planning Authorities will apply existing policy contained within identified policy documents together with the SPPS. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Policy CTY1 of PPS21 sets out the types of development that in principle are acceptable in the countryside and 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. One of the acceptable forms of development is agricultural development in accordance with Policy CTY 12.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural holding where certain criteria is met. It is noted that an active and established farm is described as being in existence and operational for more than 6 years, as highlighted by CTY 10 of PPS 21. The applicant will also be required to provide the farm's DARD business ID and other evidence to support active farming over the required period (paragraph 5.38).

Further information was requested from the agent (2<sup>nd</sup> September) to demonstrate that the applicant has an active and established farm in order to fully assess the application. The agent was also asked to provide justification for the size and scale of



the agricultural shed outlining why it was necessary for the efficient use of the agricultural holding and outline that there are no suitable existing buildings on the holding that can be used for the applicant's required purpose.

The agent replied via email on the 2<sup>nd</sup> September stating that the applicant bought the dwelling and holding in April 2019 and that they require the proposed agricultural shed to store silage and hay they take from their own holding as horse feed, and to securely store their agricultural machinery. The agent further states that the applicant has not applied for a Business ID due to the size of their holding. The agent indicated that they can provide information relating to their agricultural activity for the past year and a few months, however, officers have not requested this information as it was not going to demonstrate the applicant has an active farm business for the required 6 year period. The presence of hay and silage for horse feed is not an agricultural activity as horses are considered to be a domestic animal and not agricultural unless the horse is bred for meat or work on the farm. There is no evidence to substantiate either of these two examples. Overall, while the applicant may be engaged in activities with horses, no verifiable information has been provided that demonstrates the applicant has an active and established farm business.

It may have been more prudent for the applicant to apply for a domestic style shed on the property given the applicant's association with horses and their apparent need to store foodstuffs and equipment in association with the horse(s). This would require a different form and description of application and cannot be resolved under this application.

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

The SPPS paragraph. 6.70 states that all development in the countryside must integrate into its setting and respect rural character. Policies CTY 13 and 14 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, is of an appropriate design and where it does not cause a detrimental change to, or further erode the rural character of an area.

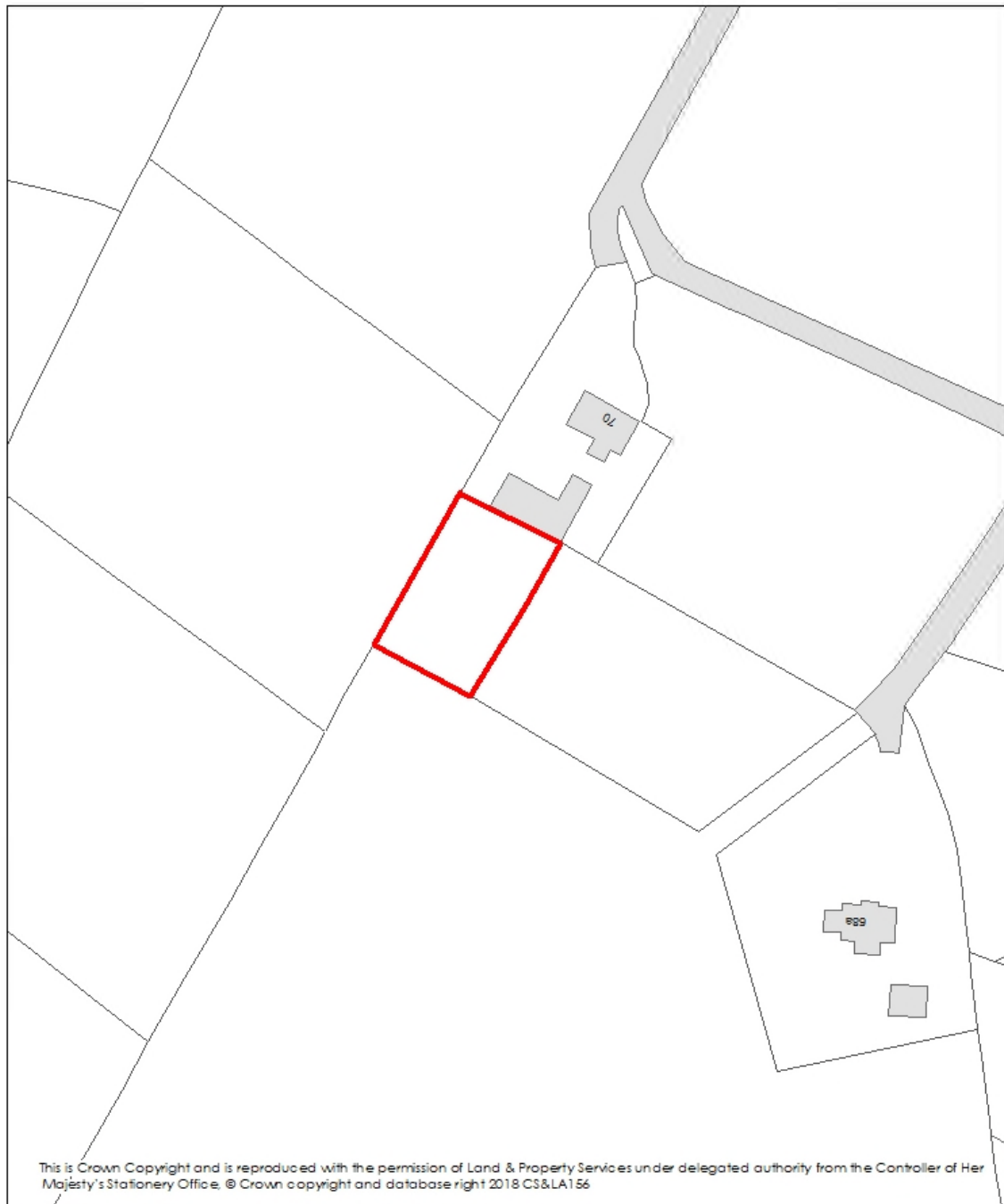
The application site is located some 140 metres southwest of the Tildarg Road. The proposed building will be located behind existing buildings, and a line of mature trees approximately 8 metres in height which assists in screening the proposed shed when viewed from the northeast along the Tildarg Road.

The proposed building is to be located within the southwestern corner of the application site and will measure 9.2 metres by 14.3 metres, with a total height of 5.8 metres. The building will be finished in blockwork and corrugated sheeting. It is considered that the proposed building can be sufficiently integrated into the landform.

### **Neighbour Amenity**

The closest residential dwelling outside the ownership of the applicant is No. 68A Tildarg Road, which is located approximately 100 metres southeast of the application site. Given the distance involved and its proposed use, it is not considered there will be any detrimental impact to this neighbour or any other neighbour.

<b>CONCLUSION</b>	
The following is a summary of the main reasons for the recommendation: <ul style="list-style-type: none"><li>• The principle of development is considered unacceptable as the farm business has not been active and established for at least 6 years.</li><li>• There are no issues with the integration of the shed</li><li>• There are no significant neighbour amenity issues.</li></ul>	
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSED REASON OF REFUSAL</b>	
1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY1 and CTY12 of PPS 21: Sustainable Development in the Countryside and does not merit being considered as an exceptional case, in that it has not been demonstrated that the farm business is currently active nor has it been established the proposed shed is necessary for the efficient use of the agricultural holding.	



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## Location Map

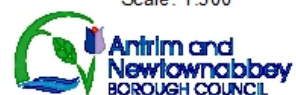
Location: Site 20m to the rear of 70  
Tildarg Road, Kells

Proposal: Erection of agricultural shed

Application Reference: LA03/2020/0503/F

 Site Boundary

Scale: 1:500



For Information Only

<b>COMMITTEE ITEM</b>	<b>3.4</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0499/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed infill site for dwelling and garage
<b>SITE/LOCATION</b>	Approximately 70 metres north east of 30 Duneane Road, Toomebridge
<b>APPLICANT</b>	Mr Steven Neeson
<b>AGENT</b>	FMK Architecture
<b>LAST SITE VISIT</b>	03.09.2020
<b>CASE OFFICER</b>	Orla Burns Tel: 028 903 40408 Email: <a href="mailto:orla.burns@antrimandnewtownabbey.gov.uk">orla.burns@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located in the rural area and outside any designated settlement limits as identified within the Antrim Area Plan 1984-2001. The site is located on land approximately 70 metres northeast of No. 30 Duneane Road, Toomebridge.</p> <p>The site is located in the southeast portion of an existing farm complex and comprises a large agricultural corrugated shed, approximately 8 metres in height. The area is predominately hard standing and is accessed off an existing laneway that accesses Nos. 30, 30A and 32 Duneane Road. The surrounding topography of the area rises steadily from the west towards the east and is approximately 1 metre above the existing laneway.</p> <p>The northern boundary of the site is physically undefined, however, it abuts an existing outbuilding located to the north of the site. The eastern and southern boundaries are defined by a 3 metre high retaining wall (due to the rise in topography towards the east). The eastern boundary is defined by a 2 metre high retaining wall.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history	
<b>PLANNING POLICY AND GUIDANCE</b>	
<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</p>	

contain the main operational planning policies for the consideration of development proposals.

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

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

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

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

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

## **CONSULTATION**

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

**Northern Ireland Water** – No objection.

**DfI Roads**- No objection.

**DfC Historic Environment Division: Historic Monuments Unit** – No objection.

## **REPRESENTATION**

Four (4) neighbouring properties were notified and no letters of representation have been received.

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

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

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenities
- Impact on Character and Appearance of the Area
- Flood Risk
- Other Matters

### **Policy Context and Principle of Development**

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

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

The application site is located within the countryside outside any settlement limit defined in the 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 CTY8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

- (a) the gap site is within an otherwise substantial and continuously built up frontage;
- (b) the gap site is small sufficient only to accommodate up to a maximum of two houses;
- (c) the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size; and
- (d) the proposal meets other planning and environmental requirements.

Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. It does however state that an exception will be permitted for the development of a small gap site sufficient only to

accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern in terms of size, scale, siting and plot size and meets other planning and environmental considerations. Policy CTY 8 defines a substantial and built up frontage as including a line of three (3) or more buildings along a road frontage without accompanying development to the rear. The policy amplification at paragraph 5.33 of PPS21 states that a road frontage can include a footpath or private lane. Drawing 02, date stamped 30<sup>th</sup> July 2020 indicates that dwellings No. 30a (building 1) and 32 (building 2) Duneane Road, an outbuilding (building 3), and a former silo, tank and storage building (building 4) to the south, should make up the substantial and continuously built up frontage.

Buildings 1, 2, and 3 have a linear form within an existing farm grouping, these buildings have a southerly orientation and are accessed from an existing farm laneway/yard. 'Building 4' has a westerly orientation within the existing cluster of buildings and is located some 20 metres off the existing laneway. The agent identifies the laneway that the buildings have a frontage onto through the use of a purple line on Drawing 02. The applicant fails to acknowledge the presence of approximately 3 other outbuildings to the north of the site, these buildings form part of the overall farm cluster. In addition, the 'laneway' is not a laneway at all but an internal road within a farm cluster. Within this cluster of farm buildings the gap to be infilled is located between buildings 3 and 4 and currently hosts a substantial agricultural building. As presented there is no gap to infill.

Setting aside the fact that there is no gap within this farm cluster, the policy requires the gap site to be small in that a maximum of two dwellings could be accommodated within the resulting gap. The Justification and Amplification text at Paragraph 5.34 is clear that the gap site must be between houses or other buildings. In this case the gap as suggested by the applicant between an outbuilding located to the north of the application site and 'building 4' measures 48 metres and could accommodate a maximum of two dwellings.

Criterion C states that the proposal should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. As concluded above, there is no continuous and substantial frontage at this location, rather the applicant appears to be doing is replacing an agricultural building with a dwelling within the existing farm cluster. The various buildings do not have a frontage to the laneway, rather the laneway terminates at the cluster of buildings. The buildings all sit within a defined curtilage and do not have individual curtilages onto the laneway and lastly there is a building on the site and no gap exists to infill with a dwelling. Overall it is considered that the principle of an infill dwelling at this location is unacceptable.

### **Integration**

The SPPS paragraph 6.70 states that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed.

Policy CTY 13 of PPS21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. Paragraph 5.57 of the Justification and Amplification states that any new dwellings should blend sympathetically with their surroundings and should not appear incongruous in the landscape. In addition, paragraph 5.60

states the widespread views generally available in flat landscapes makes it increasingly important to ensure new buildings integrate well with their surroundings as they could have an adverse impact on visual amenity and rural character.

It is considered that a dwelling at this location would read as part of the overall group of buildings and could be satisfactorily integrated into the existing building cluster without any detrimental impact on the visual amenity.

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

Policy CTY 14 of PPS21 states that a new building will be acceptable provided it does not cause a detrimental change to, or further erode the rural character of an area. Paragraph 5.77 states a new building may have little impact by itself, however, when taken cumulatively with other existing and approved buildings and their ancillary features in the vicinity, it could result in a build-up of development detrimental to the rural character of that area. In order to maintain and protect the rural character of an area the new building should respect the traditional pattern of settlement; that is, the visual appearance of land and buildings in the locality of the proposed development.

Setting aside concerns regarding the principle of development, it is considered that replacing the agricultural shed with a dwelling would not result in the erosion of rural character as one building would be replacing another within an existing farm cluster and therefore there would be little detrimental impact on the character or amenity of the countryside.

### **Neighbour Amenity**

As this application seeks outline planning permission, no details have been provided regarding the proposed design or layout. It is considered that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of neighbouring properties is retained as the closest neighbouring dwellings to the application site are located some 40 metres to the north, (Nos. 30a and 32 Duneane Road).

### **Other Matters**

DfI Roads was consulted on the proposed access arrangements for the development and has raised no objections regarding road safety.

## **CONCLUSION**

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

- The principle of the development is considered unacceptable as the proposed dwelling is not located within a substantial and continuously built up frontage and there is no gap in which to infill.
- There is no significant impact on the rural character of the area.
- There are no issues with road safety.

## **RECOMMENDATION**

## **REFUSE OUTLINE PLANNING PERMISSION**

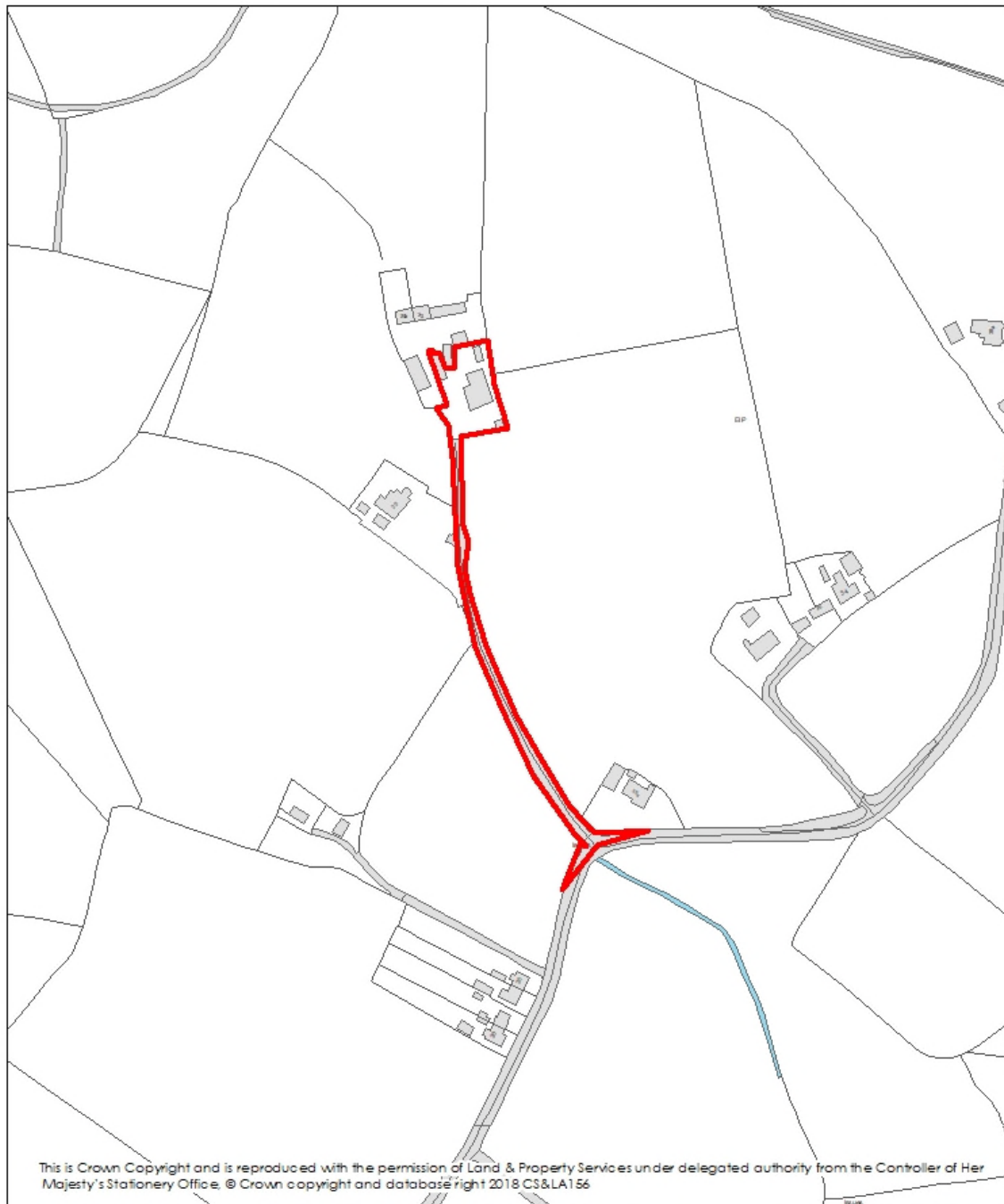
## **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this



development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that it fails to meet with the provisions for an infill dwelling as the application site is not located within an otherwise substantial and continuously built up frontage and there is no gap to infill.



## Location Map

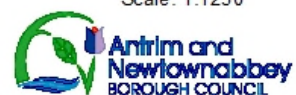
Location: Approx 70m north east of 30  
Duneane Road, Toomebridge, BT41 3PP

Proposal: Proposed infill site for dwelling and garage

Application Reference: LA03/2020/0499/O

 Site Boundary

Scale: 1:1250



For Information Only

<b>COMMITTEE ITEM</b>	<b>3.5</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0017/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	2 Storey duplex apartment and 2 no. parking spaces
<b>SITE/LOCATION</b>	Beside 29 Ballyclare Road, Glengormley
<b>APPLICANT</b>	Trevor Brown
<b>AGENT</b>	First Principles Architecture
<b>LAST SITE VISIT</b>	5th February 2020
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 903 40406 Email: <a href="mailto:sairead.debrun@antrimandnewtownabbey.gov.uk">sairead.debrun@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limits of Metropolitan Newtownabbey, as designated in both the draft Belfast Metropolitan Area Plans (BMAP published 2004 and 2014).</p> <p>The site is located at No. 29 Ballyclare Road, Glengormley, which includes a detached, single storey building with areas of hardstanding to the front, rear and side. The site falls slightly away from the public road and is bounded to the north and east by a 1.8 metre high fence, beyond which is a row of tall, dense privet hedging. The western boundary of the site is open to the public footpath and road. A shared service access with No. 27 Ballyclare Road runs along the southern boundary.</p> <p>The surrounding area is characterised by a mix of uses. Opposite and northwest of the application site are residential units. Retail and commercial uses dominate the area to the south, while to the north and northeast of the site is Lilian Bland Community Park.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: U/2011/0412/F Location: 29 Ballyclare Road, Glengormley Proposal: Change of use of entrance area and ground floor offices to allow use as podiatrist clinic Decision: Permission Granted (29.10.2012)</p> <p>Planning Reference: U/2006/0017/F Location: 29 Ballyclare Road, Glengormley Proposal: first floor extension to existing single storey office building, with associated car parking and site works Decision: Permission Granted (06.07.2006)</p>	

Planning Reference: U/2002/0356/F

Location: 29 Ballyclare Road, Glengormley

Proposal: Change of use and alterations to dwelling to form office accommodation

Decision: Permission Refused (22.08.2002)

#### **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.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Newtownabbey.

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

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey.

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

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

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

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

## **CONSULTATION**

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

**Northern Ireland Water** – No objection.

**Department for Infrastructure Roads**- Recommend refusal.

## **REPRESENTATION**

Forty-five (45) 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:

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

### **Preliminary Matters**

Following an initial assessment of this application, the agent was advised by email on the 10th June 2020 that the Council had concerns regarding the design of the proposal, its impact on the character of the area and overdevelopment of the site. The issues raised by DfI Roads were also drawn to the agent's attention and he was advised that the application would be recommended as a refusal based on the drawings submitted to date. In response to the concerns raised, the agent argued his case for the proposed design and submitted a statement from his Traffic Consultant to address the comments raised by DfI Roads. On the 4th September 2020, the agent was advised that whilst the additional information had been considered, it did not overcome the concerns previously highlighted. No amended scheme was submitted and the Council continued processing the application based on the drawings date stamped received 11th March 2020. The agent advised that he did not wish to withdraw the application.

### **Policy Context and Principle of Development**

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

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

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in the assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals. Both of the relevant development plans identify the application site as being within 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.

As the application site falls within the settlement limits of Metropolitan Newtownabbey, it is considered that the principle of residential development is acceptable subject to the proposal creating a quality residential environment in accordance with Policy QD 1 of PPS 7 and the Creating Places design guide.

### **Design, Layout and Appearance**

Both Planning Policy Statement 7 'Quality Residential Environments' and the Regional Development Strategy encourage the reuse of urban land however, this is caveated by stating that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas and that schemes should be sensitive in design terms to people living in the area and to local character. 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'.

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

Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposed will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to all the criteria contained within the policy. The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

The proposed development takes the form of a two storey, flat roofed residential building with a ridge height of 6.2 metres from finished floor level. There is a small front porch on the ground floor that leads into an open plan living room and kitchen. The first floor of the building overhangs the ground floor but also extends beyond the roof of the adjacent attached commercial property by 0.3 metres. On this first floor are two en-suite bedrooms. A curved wall feature has been included on the right-hand corner of the building. All window and door openings as shown are on the front elevation only, with the exception being a rear exit door from the kitchen and three roof lights. The proposed external finishing materials are yellow brick with grey aluminium windows. Two in curtilage parking spaces are indicated to the front of the new building, with the existing 1.8 metre high boundary fence to be retained.

The surrounding area is strongly characterised by two storey buildings with a hipped or pitched roof structure, external finishes of painted pebble dash, render or red brick with symmetrical proportions in terms of window and door openings. While there are some buildings in the area with a flat roof, these tend to be located further south of the application site and much closer to the local centre of Glengormley, where retail and commercial uses dominate. Although No. 27 Ballyclare Road also has a flat roof, it is a single storey building and sits behind the building line of No. 29 Ballyclare Road, with a ridge height well below both this building and the adjacent No. 2 Glenbourne Avenue.

In comparison, the proposed building is approximately half a metre higher than No. 29 Ballyclare Road, with the first floor extending beyond the building line by 0.3 metres. The external walls are to be finished with yellow brick. It is considered that these design elements alone will ensure that the proposed development appears incongruous within the site and the surrounding area. As noted above, both the side and rear gables of the new building are blank, and the window openings on the front elevation are all of differing dimensions, with no two windows being of the same size. Taken within the context of the surrounding area, it is considered that the layout, scale, proportions and overall design of the building does not reflect the character of the surrounding area and is not appropriate for this site.

### **Private Amenity**

Criterion (c) of Policy QD 1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided within 'Creating Places: Achieving Quality in Residential Developments'. This policy guidance states that the appropriate level of provision should be determined by having regard to the particular context of the development and provision should be around 70sqm per house or greater. For this proposed development, private amenity space has been shown as the area immediately to the rear of the new building that also extends to the back of the adjacent commercial premises. The amount of private amenity space is acceptable, at just over 100sqm. However, the required level of privacy can only be achieved by installing obscure glazing in all first floor side and rear windows of the adjacent commercial property. The usability and practicality of having amenity space to the rear of a commercial premise is also questionable, given the close proximity to a service yard and bin storage area.

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

Criterion (e) of Policy QD 1 requires the provision of a movement pattern that supports walking, cycling, meets the needs of people whose mobility is impaired and provides adequate and convenient access to public transport. A public footpath runs along the western boundary of the application site, giving pedestrian access to the local centre of Glengormley. There are also a number of bus stops within walking distance of the application site. The movement pattern of the proposed development is acceptable and meets this criterion.

Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total number of parking spaces to be provided for residents, visitors and other callers. For a two-bed apartment development of this type, with unassigned parking spaces, a total of two (2) spaces should be provided. There are two (2) parking spaces indicated on the block plan and these are to the front of the proposed building.

As per Creating Places, the minimum dimensions for parking bays in new developments that are at right angles to the carriageway is 4.8 x 2.4 metres with six (6) metres required in front for access and a minimum 800mm strip at the back for vehicle overhang. While the dimensions of the car parking spaces can be achieved, and the agent states he can also amend the drawings to provide the 800 mm strip at the back, the existing clear space perpendicular to and from the back of the footway will be reduced to 4.8 metres. In this regard, DfI Roads has recommended refusal as the development if permitted would prejudice the safety and convenience of road users as adequate provision cannot be made clear of the highway for the parking and turning of vehicles that would be attracted to the site.

Furthermore, the proposed development is located on an area that was approved for the parking of four (4) vehicles in association with the commercial premise at No. 29 Ballyclare Road (planning reference U/2011/0412/F). The agent had initially shown the required parking for No. 29 to the front of the building, however DfI Roads has indicated that this was substandard in both length and ability to manoeuvre and therefore cannot be taken into account and has since been removed from the proposal. The agent argues that parking to serve the existing commercial property is available in Lilian Bland Pavilion, which is outside the curtilage of the building and not within the ownership of the applicant. It has also been stated by the agent that a reduction in parking for No. 29 Ballyclare Road is acceptable as the building is close to the local centre of Glengormley and beside a bus stop. While the location could be used to off-set one space, it cannot be used as justification for removing all parking spaces for this commercial property.

### **Neighbour Amenity**

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

A well-designed layout should seek to minimise overlooking between proposed and existing dwellings and provide adequate space for privacy. Creating Places advises that a sufficient separation distance and an appropriate boundary treatment should be provided to ensure privacy.



The application site is bounded to the north by a one-and-a-half storey commercial property with the nearest residential unit opposite the site and at a separation distance of approximately 15 metres. It is considered that the separation distance between the existing and proposed dwelling is insufficient to ensure that overshadowing and overlooking to private amenity areas will not be an issue.

Due to the proximity of the proposed apartment building to the service yard and bin storage area of the adjacent commercial premises, noise and odour may be an issue. Noise may also be an issue during the construction period but on completion of the development, should cease to be a concern. The Council's Environmental Health Section, raised no objections to the proposed development.

Criterion (i) of Policy QD1 states that proposed residential development should be designed to deter crime and promote personal safety. It is considered that the proposed development meets this objective, by positioning the dwelling to front onto the parking and public road with private amenity space to the rear.

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

The application site is located outside the local centre of Glengormley and is on the edge of where residential uses meet commercial and retail properties. As noted above, there are a number of design elements, including the height and finishes of the proposed development, that are not in keeping with the surrounding context. The overall layout, form and external materials do not reflect the character of the locality and will result in a detrimental visual impact on the character and appearance of the area.

### **CONCLUSION**

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

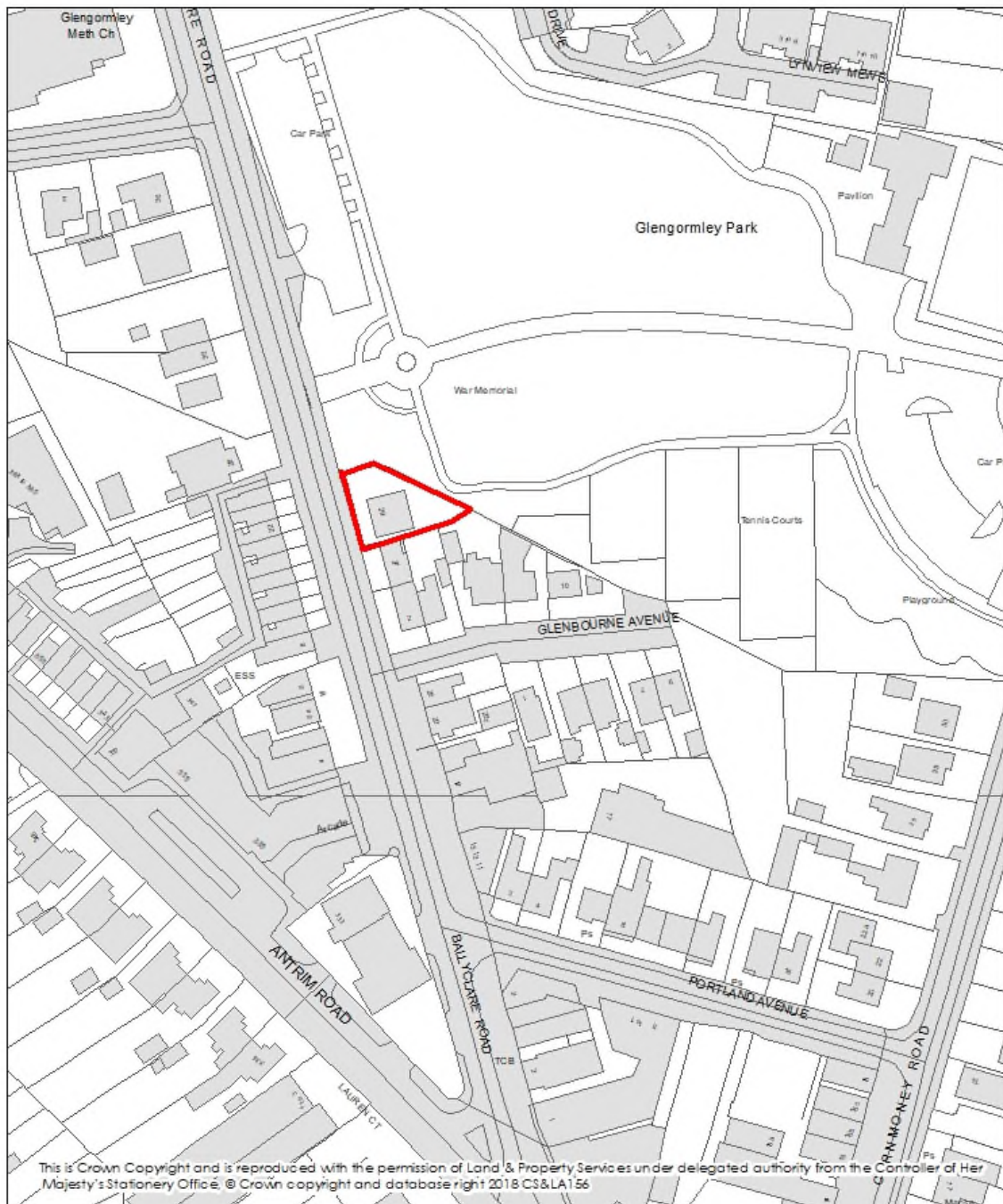
- The principle of the development is acceptable;
- The layout, design and appearance are not appropriate to the character and topography of the site and surrounding area;
- The development does not respect the character of the surrounding area;
- A safe and appropriate access arrangement has not been demonstrated and parking provision is not adequate.

### **RECOMMENDATION**

### **REFUSE PLANNING PERMISSION**

### **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments', in that the proposed development represents an overdevelopment of the site as it does not respect the surrounding context and is considered to be inappropriate to the character of the site in terms of layout, design and appearance.
2. The proposal is contrary to Policy AMP7 of Planning Policy Statement 3, Access, Movement and Parking, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking and turning of vehicles which would be attracted to the proposed residential unit and existing commercial property.



### Location Map

Location: Beside premises at 29 Ballyclare Road,  
Glengormley, Newtownabbey, BT36 5EU

Application Reference: LA03/2020/0017/F

Proposal: Erection of 2 storey duplex apartment,  
as block terminating the road frontage  
before the adjacent park.  
Provision of 2 no. in-curtilage car  
spaces to service same.

 Site Boundary

Scale: 1:2500



For Information Only

<b>COMMITTEE ITEM</b>	<b>3.6</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0276/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>COUNCIL EMPLOYEE</b>
<b>RECOMMENDATION</b>	<b>GRANT OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for dwelling
<b>SITE/LOCATION</b>	Beside (and 30m northwest of) 73 Crosskennan Road, Antrim, BT41 2RG
<b>APPLICANT</b>	Norman Hannan
<b>AGENT</b>	Park Design Associates
<b>LAST SITE VISIT</b>	12 <sup>th</sup> May 2020
<b>CASE OFFICER</b>	Steven McQuillan Tel: 028 903 40421 Email: <a href="mailto:Steven.McQuillan@antrimandnewtownabbey.gov.uk">Steven.McQuillan@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located in the countryside outside the development limits of any settlement designated in the Antrim Area Plan 1984-2001. The site is located along the roadside on Crosskennan Road and forms part of a larger agricultural field. The site is defined to the northwest and southeast by small hedgerow, some of which would appear to have been recently planted. The roadside boundary is partially defined by trees, however, these would appear to fall within the visibility splay. The rear boundary of the site is undefined.</p> <p>The gradient of the land rises from the adjoining road to the rear of the site (from southwest to northeast) and there is a backdrop of coniferous trees, located approximately 75m from the rear boundary of the site. The site is separated from this tree grouping by an archaeological enclosure; however, there is little evidence of this above-ground. There are a number of scattered dwellings in the immediate area; however, the character of the area is very much rural in character.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Ref: LA03/2018/1020/O Proposal: Single Dwelling and Garage on a farm Address: Land approx. 100m North East of 73 Crosskennan Road, Antrim, BT41 2RG Decision: Permission Refused (22.01.2019). Appeal dismissed (19.07.2019)</p> <p>Planning Ref: LA03/2019/0824/O Proposal: Site for dwelling, complying with Policy CTY 10 of PPS 21 Address: 100m North of 73 Crosskennan Road, Antrim, BT41 2RG Decision: Application Withdrawn (17.02.2020)</p>	

## PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

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

## CONSULTATION

**Council Environmental Health Section** – No objection

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads**- No objection subject to conditions

**Department of Agriculture, Environment & Rural Affairs** - The farm holding has been established since 2011, however has not claimed farm payments in each of the last 6 years. The application site is also on farmland associated with another farm holding.

**Historic Environment Division – No objection subject to conditions**

**REPRESENTATION**

Three (3) neighbouring properties were notified and no letters of representation have been received.

**ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

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

**Policy Context and Principle of Development**

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

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

The application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. Policy CTY 10 of PPS 21 indicates that planning permission will be granted for a dwelling on a farm where all of the following criteria can 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 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 and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
  - demonstrable health and safety reasons; or
  - verifiable plans to expand the farm business at the existing building group(s).

From the information currently provided by the applicant the farm business has been operating from 2010 with a DARD farm business Identification Number allocated in 2011. The Department of Agriculture, Environment & Rural Affairs have been consulted and advised that the farm business has been in existence for more than 6 years, however, no farm payment schemes have been claimed and the site is located on lands associated with another farm business. The applicant owns the 1.19 hectare farm business (Farm No.1/B), however, they rent the land out in conacre to another farm business. This in itself is not fatal to the proposal as Paragraph 5.39 of Policy CTY 10 states agricultural activity refers to, among other things, maintaining land in good agricultural and environmental condition. There is not a requirement for a high level of activity; however, the onus is on the applicant to demonstrate even a minor level of activity.

Under LA03/2019/0824/O, the same applicant applied for a farm dwelling on the same farm holding and submitted evidence to demonstrate how the policy had been met with respect to active farming. This evidence is still considered relevant given the limited time that has passed since the previous submission.

The applicant has submitted supporting evidence in the form of receipts of materials associated with maintaining the land; and a number of videos which show the applicant carrying out some maintenance works on the land. The receipts date from March 2012 to September 2019 and account for each year in between. Examples of materials include; -

- Sheep fencing
- Planting of hedging
- Barbwire fencing
- Posts
- Fertilisers and
- Water pipes

The videos submitted show the applicant carrying out some spot weeding, cutting of hedging and the clearing of drainage waterways. Additional evidence submitted with this application includes an invoice (dated 31<sup>st</sup> March 2020) to the applicant for fertilising 3 acres with the applicant's address of No. 73 Crosskennan Road.

Having acknowledged the existence of an active business ID on the site for a period of at least six years, the supporting evidence submitted confirms that a sufficient level of farming activity has been carried out on the farm lands by the applicant over a period of at least seven years. This is in conformity with the SPPS and PPS 21; and therefore part (a) of Policy CTY 10 of PPS 21 has been satisfied.

There is no evidence to suggest that any land belonging to this farm holding has been sold-off within the last ten years. It is therefore considered that the proposal does not conflict with part (b) of CTY 10 of PPS 21.

Criterion (c) of Policy CTY 10 states that the new building should be visually linked or sited to cluster with an established group of buildings on the farm. The applicant's existing dwelling and garage is the only established group of buildings within the farm holding (No. 73 Crosskennan Road), which is located directly southeast of the site). From the proposed siting of the building to the existing dwelling, there is a separation distance of approximately 30m and both would maintain a similar building line fronting onto the Crosskennan Road. The existing boundary separating the site comprises immature landscaping in the region of 2m and it is considered that the proposed dwelling would visually link and cluster with the existing buildings on the farm. It is therefore considered that the principle of development is acceptable.

### **Integration and Character of the Area**

Paragraph 6.70 of the SPPS points out that all development in the countryside must integrate into its setting. Policies CTY 13 & CTY 14 state that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and does not cause detrimental change to or erode the rural character of the area. There are a number of recently constructed dwellings in the immediate area that are quite open, namely No. 73 & 73a, however, this in itself does not warrant acceptability of the current site.

In terms of enclosure, the site lacks long established natural boundaries with both of the side boundaries (northwest & southeast) to the site comprising low and recently planted landscaping. It is acknowledged that this will develop in time and could be conditioned to allow to continue to grow and be maintained at a minimum height. The plot width of this site measures 59m, which is 9m more than the adjacent No. 73, which has a large width of 50m. To grant planning permission in its current context would not only result in a significantly large plot size but would also result in the agricultural land to the rear being landlocked. A reduction in curtilage could be conditioned away from the northwest corner to overcome both issues, however, this would result in only one established site boundary (southeastern). It is acknowledged the existing northwestern boundary will still provide some visual screening to help integrate a dwelling which would be also assisted with an additional landscaped boundary.

The site benefits from a slight rise of gradient to the rear of the site and a grouping of mature trees to the rear of the larger agricultural field. When travelling the Crosskennan Road from the northwest, the proposed dwelling would be read against the backdrop of No. 73, which is a substantial modern 2 storey dwelling. When travelling from the southeast there is a backdrop of existing development and mature trees. Whilst the site itself lacks long established boundaries, the policy test refers to the proposed building's integration into the surrounding landscape. The existing development and landscaping help to reduce the impact of prominence on the site, which lacks established boundaries.

It is considered that the site exhibits the existing pattern of development in the area and with careful design, suitably proposed conditions such as landscaping, the development will not impact detrimentally on the existing character of the area.

**Neighbour Amenity**

There are a number of dwellings in the immediate area, although No. 73 is the only property that shares a boundary with the application site (which is the applicant's address). Whilst No. 70 would abut the site (but for the public road), the proposed siting of the dwelling would not be in line with this dwelling and at a separation distance of approximately 45m (with intervening landscaping), this is not considered to cause any detrimental impact. With respect to No. 73, the side elevation of this dwelling faces onto the application site and there is sufficient separation distance from the proposed site. It is considered that a dwelling could be suitably designed to ensure that there was no detrimental impact on this or any other neighbour in the immediate vicinity.

**Impact on Monument**

The application site is located approximately 20m from an archaeological enclosure (ANT 44:46). The above-ground remains of the monument appear to have been substantially destroyed by agricultural practice, but a low mounded platform, approximately 42m in diameter was still visible in the 1980's. Historic Environment Division (Historic Monuments) has been consulted and has no objection to the proposal subject to an archaeological survey being carried out prior to the commencement of development on the site.

**Other Matters**

The agent has highlighted a number of different approvals in his supporting statement that reference 'roadside' approvals. A 'roadside' location is not a detrimental aspect to a planning application but rather it is to be assessed against the capabilities of the site and surroundings to integrate a dwelling and to respect the rural character of that area. The sites identified within the submission have only limited similarities, such as they are roadside sites, however, this does not make them directly comparable with the application site in terms of integration and rural character, as each site will be unique in this aspect. The previous applications to the rear of this site had different aspects for consideration and different visual impacts and thus cannot be considered under the same basis as the current application, in terms of integration and rural character.

**CONCLUSION**

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

- The principle of the development for its replacement is considered acceptable;
- There is not considered to be any detrimental impact on the character or appearance of the area;
- There is no impact on the amenity of any neighbouring property; and
- There is not considered to be any impact on built heritage.

**RECOMMENDATION : GRANT OUTLINE PLANNING PERMISSION****PROPOSED CONDITIONS**

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



- (ii) the expiration of 2 years from the date of approval of the last of the reserved matters to be approved

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

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

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

3. The proposed dwelling shall be sited in the area shaded yellow on the approved plan 01 date stamped 17<sup>th</sup> April 2020.

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

4. The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level and a low angle of roof pitch not exceeding 45 degrees.

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

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

Reason: In the interest of visual amenity

6. No development shall take place until a plan indicating floor levels of the proposed dwelling 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 and to ensure resident's privacy is not adversely affected.

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

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

8. The existing natural screenings of this site, along the southeastern and northwestern boundaries of the site, shall be retained and allowed to grow on unless necessary to prevent danger to the public in which case a full

explanation shall be given to the Council in writing, prior to any such works or removal.

Reason: To ensure the development integrates into the countryside.

9. 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.

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

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

11. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 10.

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

12. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 10. These measures shall be implemented and a final archaeological report shall be submitted to Antrim and Newtownabbey Borough Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Antrim and Newtownabbey Borough Council.

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



### Location Map

Application Reference: LA03/2020/0276/O

Location: Beside and 30m NW of 73 Crosskennan Road  
Antrim, BT41 2RG

Proposal: Site for dwelling, complying  
with Policy CTY 10 of PPS21

 Site Boundary

Scale: 1:2500



For Information Only

## **PART TWO**

### **GENERAL PLANNING MATTERS**

### ITEM 3.7

#### **NON-DETERMINATION APPEAL – APPLICATION LA03/2020/0117/F: RESIDENTIAL DEVELOPMENT AT BALLYCORR ROAD, BALLYCLARE**

The applicant for the following planning application at Ballycorr Road, Ballyclare, has lodged an appeal with the Planning Appeals Commission (PAC) in default of a decision being made by the Council. This is what is commonly referred to as a Non-Determination Appeal. This means that jurisdiction for determination of this application has now passed to the PAC, rather than the Council.

**APPLICATION NO:** LA03/2020/0117/F  
**APPEAL REF:** 2020/A0048  
**PROPOSAL IN BRIEF:** Proposed residential development (32 dwellings)  
**SITE/LOCATION:** Southeast portion of the former Craighill Quarry, 110m southwest of No. 155 Ballycorr Road, 105m west of No. 156 Ballycorr Road and 230m northeast of 1, 3, 5 & 7 Ballycorr Road, Ballyclare  
**APPLICANT:** Craighill Developments Ltd

In line with normal practice for such appeals the PAC has written seeking a view from the Council as to whether it wishes to provide draft reasons of refusal or conditions for the proposed development.

The Planning Section report (copy **enclosed**) considers that the proposed development is unacceptable in its current form and therefore recommends that a draft reason of refusal be submitted to the PAC.

**RECOMMENDATION:** that the draft reason of refusal set out in the Officer's report is agreed and that Officers are authorised to submit a Statement of Case to the PAC on this basis and defend this position at appeal. Officers are also seeking delegated authority to address any additional information provided by the applicant at the planning appeal and to add to or remove the recommended reason of refusal and provide draft conditions on a without prejudice based on the advice of statutory consultees.

Agreed by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

### **ITEM 3.8**

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

A list of planning decisions issued by Officers during September 2020 under delegated powers together with information relating to planning appeals is **enclosed** for Members information.

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

Prepared by: John Linden, Head of Planning

Approved by Majella McAlister, Director of Economic Development and Planning

### ITEM 3.9

#### 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). Three PANs were registered during September 2020 the details of which are set out below.

<b>PAN Reference:</b>	LA03/2020/0636/PAN
<b>Proposal:</b>	Extension to existing Park and Ride facility consisting of tarmac parking area for approx. 250 cars with associated fencing, lighting, accessible parking, cycle storage and CCTV provision. Proposal to include a link road to the existing Park and Ride at Mossley Train Halt with lighting, vehicular, pedestrian footpad and cycle path access
<b>Location:</b>	Land west of the existing Translink Park and Ride Facility at Mossley West Train Halt, Newtownabbey
<b>Applicant:</b>	Translink
<b>Date Received:</b>	16 September 2020
<b>12 week expiry:</b>	09 December 2020

<b>PAN Reference:</b>	LA03/2020/0637/PAN
<b>Proposal:</b>	Extension to terminal building to accommodate security area (relocation required due to mandated Government regulations regarding installation of Generation 3 x-rays equipment)
<b>Location:</b>	Belfast International Airport, Airport Road, Belfast BT29 4AB
<b>Applicant:</b>	Belfast International Airport
<b>Date Received:</b>	22 September 2020
<b>12 week expiry:</b>	15 December 2020

<b>PAN Reference:</b>	LA03/2020/0654/PAN
<b>Proposal:</b>	Erection of manufacturing warehousing/distribution unit with associated offices and car parking
<b>Location:</b>	Global Point Business Park, Newtownabbey, BT36 5TB
<b>Applicant:</b>	BLK BOX
<b>Date Received:</b>	23 September 2020
<b>12 week expiry:</b>	16 December 2020

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

As part of its response to Coronavirus, the Department for Infrastructure (DfI) introduced an amendment to subordinate legislation earlier this year to temporarily remove the requirement for a public event as part of the pre application community

consultation (PACC). Whilst the initial Departmental Regulations applied for five months, the Infrastructure Minister, Nichola Mallon, announced on 1 October 2020 that the temporary suspension of the PACC requirement was being extended in light of the current uncertainty surrounding current and future incidences and spread of coronavirus.

The Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020 temporarily amend the Planning (Development Management) Regulations (Northern Ireland) 2015 and will now apply until 31 March 2021. As with the previous Regulations applicants will still need to comply with other requirements to ensure communities are aware of and can input to major development proposals for their areas. However, this temporary change will allow major planning applications to continue to be submitted during the COVID-19 outbreak.

Guidance issued by the Department indicates that specific detail should be included in the PAN application indicating what consultation methods the prospective applicant is proposing to ensure that the local community is able to access, and comment on, information about a proposed development, despite the absence of a PACC public event.

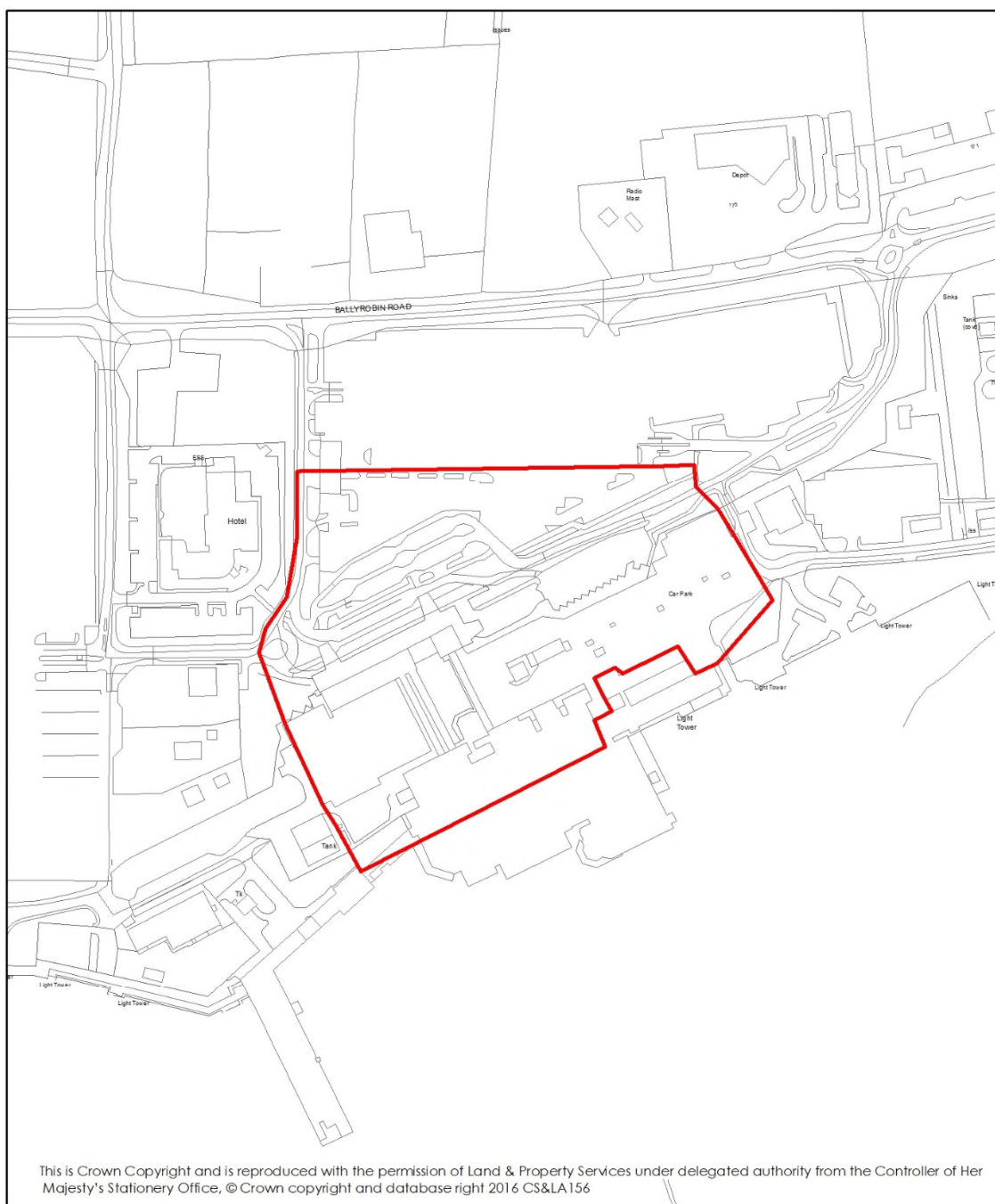
**RECOMMENDATION: that the report be noted.**

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning





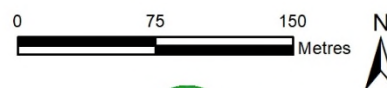


### Location Map

PAN Reference: LA03/2020/0637/PAN

Address:  
Belfast International Airport, Airport Road, Belfast  
BT29 4AB

Proposal:  
Extension to terminal building to accomodate security area



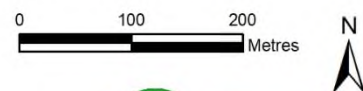


### Location Map

PAN Reference: LA03/2020/0654/PAN

Address:  
Global Point Business Park, Newtownabbey

Proposal:  
Erection of manufacturing warehousing/distribution unit  
with associated offices and carparking



### ITEM 3.10

#### **P/PLAN/1 - NORTHERN IRELAND PLANNING STATISTICS 2020/21 – FIRST QUARTERLY BULLETIN FOR THE PERIOD APRIL – JUNE 2020**

The first quarterly provisional planning statistics for 2020/21 produced by the Analysis, Statistics and Research Branch of the Department for Infrastructure (DfI), a copy of which is **enclosed**, were released on 24 September 2020.

The Quarterly Bulletin advises that both planning activity and processing performance were impacted during Quarter 1 of 2020/21 by the restrictions put in place due to the coronavirus pandemic. It indicates that this should be borne in mind and caution taken when interpreting these figures and when making comparisons with other time periods and performance across Councils.

The figures show that during the period from April to June 2020, the total number of planning applications received in Northern Ireland was 2,323, a decrease of almost 20% on the previous quarter (January – March 2020), and almost one third down on the same quarter in 2019/20. The total number of decisions issued during this period was 1,805 representing a similar decrease to the number of applications received.

During this first quarter period a total of 140 new applications were received by Antrim and Newtownabbey Borough Council (a decrease of some 23% against the last quarter and some 38% down from the first quarter last year which is slightly above the NI trend) with 148 decisions issued.

In relation to performance against statutory targets the Department for Infrastructure (DfI) figures show that the Council took on average 15.8 weeks to process and decide **Major** planning applications during the first quarter against the target of 30 weeks. This performance at first reading maintains last year's Major performance and ranks amongst the top three of the 11 Councils and also reflects well against the average processing time of 54.8 weeks across all Councils. However, Members should note that these figures relate to only 1 Major application determined during the first Quarter and should therefore be interpreted with great care. A more realistic performance figure will only become apparent towards the year end and Members should be aware there are a number of Major applications over 12 months old that may come forward to Committee over the next 6-9 months for determination. This combined with the ongoing impacts of coronavirus on the Planning Section could clearly impact on the Council's Major performance target by year end.

The DfI figures show that the Council took on average 9.2 weeks to process and decide **Local** planning applications during the first quarter against the target of 15 weeks. Whilst the figures relate to a smaller number of decisions in absolute terms, this performance maintains the progress witnessed in last year's Local performance and ranks amongst the top three of the 11 Councils. It also reflects well against the average processing time of 17.4 weeks across all Councils. The figures also show that over 80% of Local applications were processed within 15 weeks.

In relation to enforcement the DfI figures highlight that the Council's planning enforcement team took an average of 7 weeks to process 70% of enforcement cases to target conclusion. Whilst this again ranked first among all Councils and compares



favourably with the average processing time of 61.9 weeks, in absolute terms there was a significant drop in the number of cases dealt with during the Quarter. The team also maintained its position as ranking first amongst Councils in terms of the proportion of cases brought to target conclusion within the performance target of 39 weeks.

However, Members should note that the impact of coronavirus on the Planning Section resources together with the introduction of the staff furlough scheme in late May combined with enforcement work being limited to priority cases at that time has inevitably had a significant impact on overall performance in recent months. This impact will only become apparent when the Quarter 2 results for the Council are released towards the end of the year. As such the Quarter 1 results should, as the Quarterly Bulletin advises, be read with a degree of caution as it is anticipated performance will be shown to have declined considerably during the next Quarter and the ongoing impacts of coronavirus may continue to be affect performance during Quarters 3 and 4 this year.

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

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

### **ITEM 3.11**

#### **TPO/2020/0020/LA03 - SERVICE OF PROVISIONAL TPO ON LANDS AT GLEN PARK, NORTH OF GLENNVILLE PARK, NEWTOWNABBEY**

#### **TPO/2020/0021/LA03 - SERVICE OF PROVISIONAL TPO ON LANDS BETWEEN SHORE ROAD AND ABBEYDALE CLOSE, NEWTOWNABBEY**

On 2 October 2020, Officers served Provisional Tree Preservation Orders on the above mentioned lands in accordance with Section 123 of the Planning Act (Northern Ireland) 2011. The Orders were served on the basis that it was considered expedient in the interests of amenity to preserve the trees on the sites in question and to prohibit the cutting down, lopping, uprooting, wilful damage or wilful destruction of the trees.

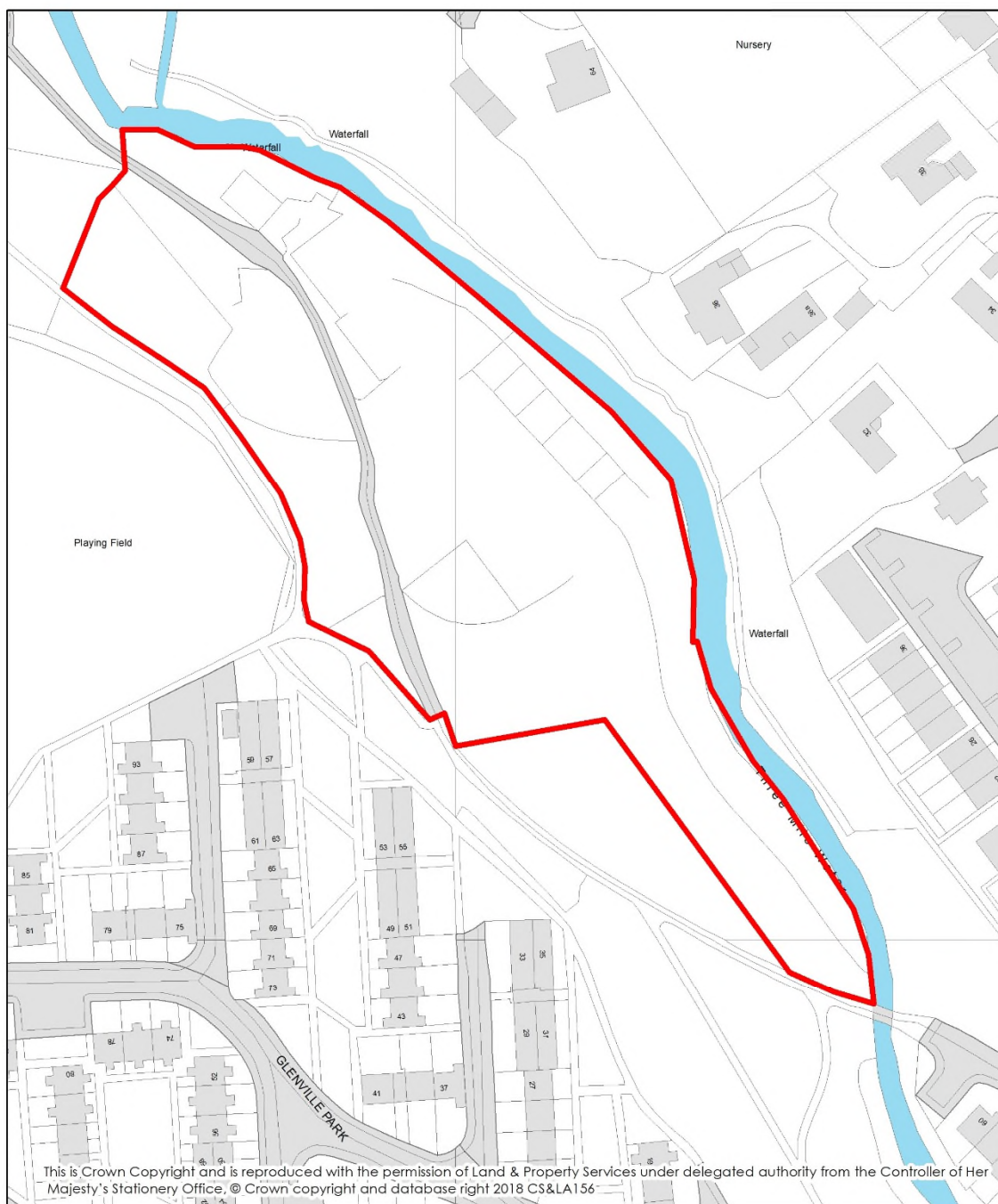
Members should note that these are Provisional TPOs which provide a 6 month period for Officers to undertake a more detailed survey of the sites in question and identify those trees or groups of trees which would warrant formal protection under confirmed Tree Preservation Orders. Prior to any Order being confirmed Officers will present a full report to Committee for consideration. In accordance with the Council's Scheme of Delegation, Officers are reporting the service of the Provisional TPOs to the next available Committee Meeting.

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

Prepared by: Judith Winters, Senior Planning Officer

Agreed by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning



## Map A

TPO Reference: TPO/2020/0020/LA03

Scale: 1:1250

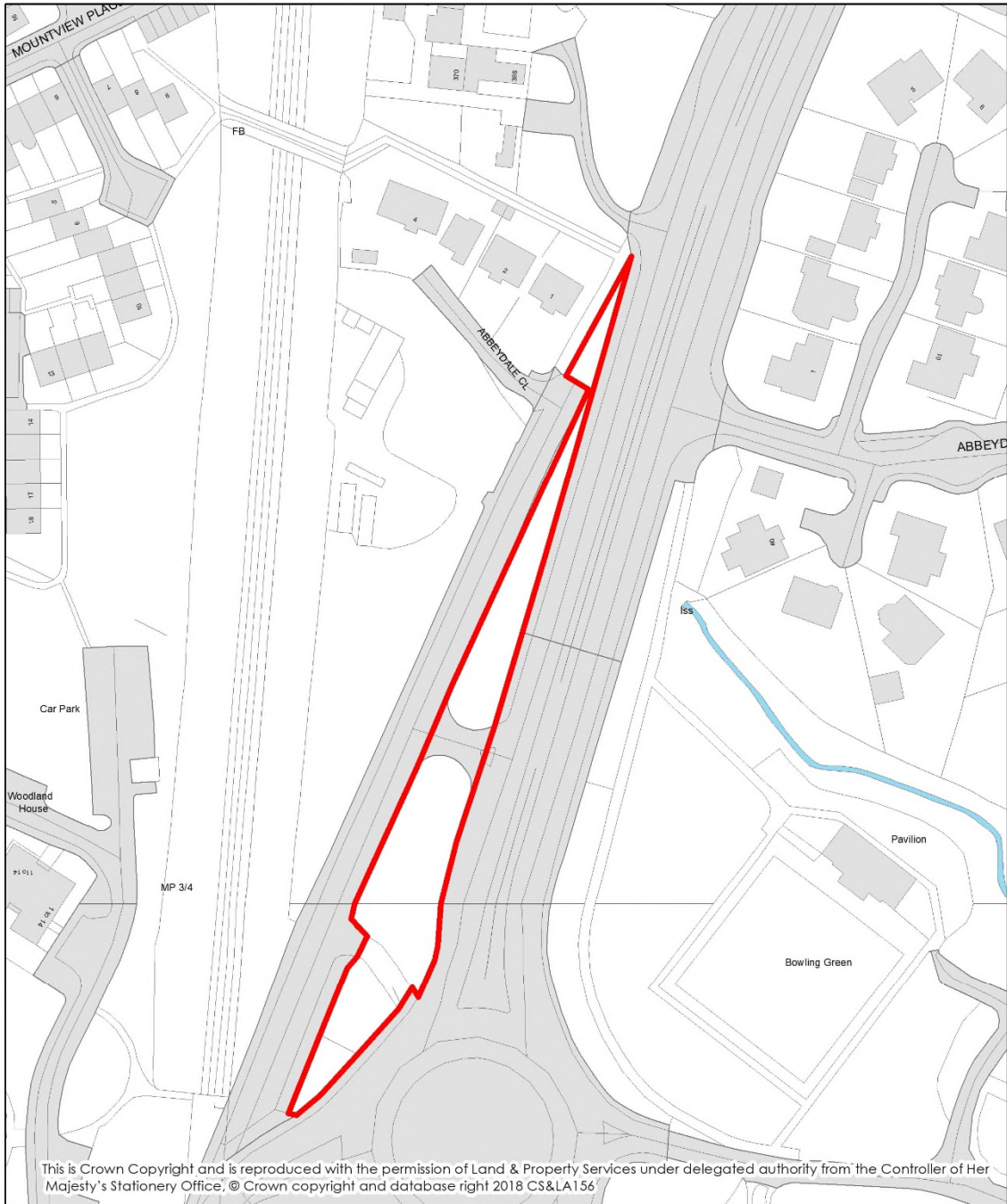


Lands at Glen Park, North of Glenville Park, Newtownabbey



TPO Site Boundary





## Map A

TPO Reference: TPO/2020/0021/LA03

Scale: 1:1250



Lands between Shore Road and Abbeydale Close Newtownabbey



TPO Site Boundary





### **ITEM 3.12**

#### **P/FP/LDP 2 REVISED LOCAL DEVELOPMENT PLAN TIMETABLE 2020**

Members agreed a Revised Local Development Plan Timetable at the Committee meeting held on 17 August 2020. Subsequent to this, the Planning Appeals Commission was consulted on the document as required under The Planning (Local Development Plan) Regulations (Northern Ireland) 2015. A copy of their response is enclosed.

A copy of the Revised LDP Timetable was also submitted to the Department for Infrastructure (DfI) for agreement as required under the Regulations and approval was received in September. A copy of DfI's response is enclosed.

DfI has advised the Council that it is required to fulfil the legislative requirement in relation to availability of a Revised LDP Timetable which includes online inspection and inspection at its Principal Offices during normal working hours. Due to the COVID 19 situation, inspection at Antrim Civic Centre and Mossley Mill will be by appointment only. The Revised LDP Timetable will also be made available online and by post where requested.

DfI has advised that the Council should consider the impact of its Revised Timetable on its Statement of Community Involvement. Officers do not however consider that an update or revision to the LDP Timetable and its availability for inspection is a significant change to the SCI. As a consequence, it is intended that an update be posted on the Council's website stating that copies of the Revised LDP Timetable will be made publically available and that inspection is by appointment only or online at this time due to COVID-19.

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

Prepared by: Sharon Mossman, Principal Planning Officer

Approved by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

### **ITEM 3.13**

#### **P/FP/LDP/96 – EXTENSION OF DATA SHARING AGREEMENT WITH THE DEPARTMENT FOR INFRASTRUCTURE**

Members previously agreed in January 2017 that authority to sign Data Sharing Agreements be delegated to Officers and that Members subsequently be notified of these.

The original Data Sharing Agreement (**enclosed**) between the Department for Infrastructure (DfI) and Antrim and Newtownabbey Borough Council agreed in 2018 was initially for a period of 24 months with an option to extend the time period. The period of 24 months has now elapsed and DfI wrote to the Council seeking to extend the Data Sharing Agreement to the end of June 2022 to allow provision of relevant data to continue. The extension to this agreement has now been signed by the Council's Head of Planning and returned to DfI.

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

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

### ITEM 3.14

#### **P/PLAN/1 NORTHERN IRELAND AUDIT OFFICE – REVIEW OF PLANNING SYSTEM**

The Northern Ireland Audit Office (NIAO) has written to the Council to advise that it will be undertaking a review of the Planning System in Northern Ireland (copy **enclosed**). On foot of this correspondence the Chief Executive has responded providing NIAO with contact details for the Council's Planning Section (copy **enclosed**).

Initial details of the review are set out on the NIAO website (copy **enclosed**). This advises that the focus of the audit will be to examine how effectively the planning system, under its current operating arrangements, has been on delivering its key objectives. In particular:

- How effectively councils are delivering their Local Development Plan, Decision Making and Enforcement responsibilities;
- How effectively the Department has provided guidance and intervention to ensure the system operates effectively; and
- The key issues and constraints that have a negative impact on performance.

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

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

### **ITEM 3.15**

#### **P/PLAN/1 PLANNING ENGAGEMENT PARTNERSHIP**

The Chief Planner in the Department for Infrastructure, Angus Kerr has written to the Council (copy **enclosed**) to advise that he is setting up a Planning Engagement Partnership to consider how the quality and depth of community engagement in the planning process can be enhanced at both the regional and local level. The Chief Planner intends to seek input through Heads of Planning from each Council and has advised that the Partnership will be assisted by Community Places.

Officers will keep Members updated on the work of the Partnership as it progresses and circulate the findings of its Report once prepared outlining recommendations and actions.

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

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

### ITEM 3.16

#### **REGIONALLY SIGNIFICANT PLANNING APPLICATION REFERENCE LA03/2017/0310/F: LOUGH NEAGH SAND EXTRACTION**

A number of reports have been presented to Members recently on the following regionally significant planning application being processed by DfI relating to sand extraction at Lough Neagh.

**Application Reference:** LA03/2017/0310/F

**Proposal:** Application for the extraction, transportation and working of sand and gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km<sup>2</sup>, in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material.

**Location:** Lough Neagh within the Mid Ulster District Council Antrim and Newtownabbey Borough Council Armagh Banbridge and Craigavon Borough Council and Lisburn and Castlereagh Council Areas

**Applicant:** Lough Neagh Sand Traders Ltd

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

On 1 October, the Minister for Infrastructure, Nicola Mallon, announced her decision to approve the planning application subject to a number of conditions. In making this announcement, the Minister advised that the final decision will only issue once the associated Section 76 Planning Agreement with the applicant and relevant parties has been concluded to her satisfaction.

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

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

