



13 September 2023

Committee Chair: Councillor R Foster

Committee Vice-Chair: Councillor H Cushinan

Committee Members: Aldermen - T Campbell, M Magill and S Ross

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

Dear Member

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

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 18 September 2023 at 6.00 pm.**

You are requested to attend.

Yours sincerely

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

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

**PLEASE NOTE: Refreshments will be available from 5.00 pm**

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

Tel: 028 9448 1301/028 9034 0107 [memberservices@antrimandnewtownabbey.gov.uk](mailto:memberservices@antrimandnewtownabbey.gov.uk)

## **AGENDA FOR PLANNING COMMITTEE – SEPTEMBER 2023**

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

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

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

### **PART ONE - Decisions on Planning Applications**

#### **4.1 Planning Application No: LA03/2019/0510/O**

Residential-led masterplan with an average density of 15 units/ha (c. 300 units); local community and neighbourhood facilities (including local commercial/retail units, a community hub, children's playground and medical/fitness facilities); new access roads and associated infrastructure and ancillary works at Former Craighill Quarry site, lands to the north of Ballycorr Road and to the south of the Ballyeaston Road, Ballyclare

#### **4.2 Planning Application No: LA03/2023/0279/F**

Demolition of existing boxing club and construction of The Box - Community Wellbeing Hub - comprising boxing club, gymnasium, classrooms and training rooms, music and dance studio, climbing zone, four social enterprise units, training kitchen, coffee dock and ancillary accommodation (including changing rooms, storage, staff offices) - and associated access, parking and landscaping at Monkstown Boxing Club and lands to the rear, Cashel Drive, Newtownabbey, BT37 0EY

#### **4.3 Planning Application No: LA03/2023/0235/F**

Public realm improvements comprising the resurfacing of existing footpaths and spaces and new roadside kerbs; new/replacement tree planting and soft landscape; new/replacement feature lighting; new/replacement railings and walls; new/replacement street furniture and realignment of pedestrian crossings and parking areas at lands adjacent to 242-382 Antrim Road, 1-29 & 2-36 Ballyclare Road, the Lilian Bland Community Park, 2-6 Hightown Road, 2-4 & 1-17 Farmley Road, 1-3 Carnmoney Road, 170-178 & 167 Church Road, Farrier Court, 1 Glenwell Road, 1-3 Church Way and the Tramway Centre, Glengormley.

4.4 Planning Application No: **LA03/2023/0285/F**

Proposed hotel development comprising 81 bedrooms, food and beverage offer, associated car parking spaces. New site access. Landscaping and all associated site and access works. (Renewal of LA03/2018/0006/F) on lands situated at the junction of Ballyrobin Road and Antrim Road and 120m east of Hillhead Farm, 6 Antrim Road, Crumlin, Co. Antrim

4.5 Planning Application No: **LA03/2022/0128/F**

5no. residential units (3No.detached and 2No. semi-detached dwellings) and relocation of approved access to the Ballyclare Relief Road (99m south of approved position under U/2006/0377/O and LA03/2018/1011/RM) and relocation of right-turning lane, associated service road and landscaping on lands 52 metres east and 57 metres northeast of 150 Doagh Road, Ballyclare

4.6 Planning Application No: **LA03/2023/0179/F**

Erection of 1 no. detached two storey dwelling and associated siteworks at 20 metres south of 21 Abbeyville Place, Newtownabbey, BT37 0AQ

4.7 Planning Application No: **LA03/2023/0405/F**

Alteration and extension to dwelling to include raised platform to rear at 42 Meadowbank, Newtownabbey, Co. Antrim, BT37 0UP

4.8 Planning Application No: **LA03/2023/0426/F**

Replacement dwelling at lands 35m SW of 20 Umgall Road, Nutts Corner, Crumlin, BT29 4UJ

4.9 Planning Application No: **LA03/2022/0415/F**

Retention with alterations of building for storing gardening and fishing equipment, including using the building for bird-watching at 190m west of 11 Ballyginniff Road on shore of Lough Neagh south of Northstone sand dredging site, Loughview Road, Crumlin

4.10 Planning Application No: **LA03/2023/0486/F**

Extension to curtilage and domestic storage building at approx. 100m southeast of 38a Ballyhill Lane, Crumlin, BT29 4YP

## **PART TWO – Other Planning Matters**

- 4.11 Delegated Planning Decisions and Appeals August 2023
- 4.12 Department for Infrastructure (DfI) Correspondence – The Strategic Planning Policy Statement (SPPS) and Climate Change
- 4.13 Local Development Plan Update
- 4.14 Department for Infrastructure (DfI) Belfast Metropolitan Transport Plan (BMTP) 2035 Update
- 4.15 Department for Infrastructure (DfI) Correspondence – Review of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015
- 4.16 Building Control Reports
- 4.17 Department of Agriculture, Environment and Rural Affairs (DAERA) Regarding Planning Consultations Update
- 4.18 Performance and Improvement Plan 2023/24 – Performance Progress Report Quarter 1 – Planning
- 4.19 Budget Report – Quarter 1 April to June 2023

## **PART TWO – Other Planning Matters - In Confidence**

- 4.20 Provision of Ecologist and Landscaping Planning Consultants: Contract Period: 1 August 2023 – 30 April 2024

## **PART ONE - Decisions on Enforcement Cases - In Confidence**

- 4.21 Department for Infrastructure (DfI) Correspondence Regarding Tree Preservation Orders (TPO's)

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 18 SEPTEMBER 2023**

**PART ONE**

**PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>4.1</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0510/O</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>GRANT OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Residential-led masterplan with an average density of 15 units/ha (c. 300 units); local community and neighbourhood facilities (including local commercial/retail units, a community hub, children's playground and medical/fitness facilities); new access roads and associated infrastructure and ancillary works.
<b>SITE/LOCATION</b>	Former Craighill Quarry site, lands to the north of Ballycorr Road and to the south of the Ballyeaston Road, Ballyclare
<b>APPLICANT</b>	Craighill Developments Ltd.
<b>AGENT</b>	Gravis Planning
<b>LAST SITE VISIT</b>	06/06/2023
<b>CASE OFFICER</b>	Barry Diamond Tel: 028 9034 0407 Email: <a href="mailto:barry.diamond@antrimandnewtownabbey.gov.uk">barry.diamond@antrimandnewtownabbey.gov.uk</a>

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <https://planningregister.planningsystemni.gov.uk> .**

#### **SITE DESCRIPTION**

The application site is located within the development limits of Ballyclare and is within the former Craighill Quarry site on lands to the north of Ballycorr Road and to the east of Ballyeaston Road. The site is situated in close proximity to Ballyclare Town Centre. Craighill Park and Craighill Crescent are residential areas located to the west of the site, with agricultural lands located to the east of the site.

The main feature of the site is the large lake, located close to the centre of the site with surrounding cliff faces that have resulted from years of quarrying. As a former quarry, there are large areas of filled land, where extracted stone and rock have been back filled.

The central lake is framed on three sides by cliff faces with cliffs/ slopes defining the edges to the overall site along the northeastern, southern and eastern boundaries. The remainder of the site consists of a sloping plot of land opening onto the Ballycorr boundary in the southeast, and a series of connected plateaus rising from the Ballycorr Road towards the Ballyeaston Road in the northwest, some of which consist of areas of fill.

Visually most of the site is exposed rock, slopes and cliffs with quarry spoil forming small mounds and berms around the site. A mature native boundary hedge is established along the northern and northeastern boundaries. An unmanaged boundary edge of mixed trees and mature hedge exists to the southwestern boundary. Many of the slopes and some areas of plateaus have a heavy growth of gorse. The sites main aspect from

an elevated location offers views towards the Ballyclare countryside while internal views of the site allow for views over the lake.

Access to the site is via three alternative access points, consisting of a local distributor road accessing from the Ballyeaston Road that formed part of the previous development of Craighill Park. Currently this access is terminated at the quarry boundary as a turning head. A new improved access is via the Ballycorr Road which is the result of the recently approved application for 26No.houses accessing from the Ballycorr Road, and is derived from an existing access point on the road.

With the lake accounting for a significant central area of the site, a narrow connection road between the Ballycorr Road and the Ballyeaston Road access points is proposed between the southernmost point of the lake, and the southern boundary cliff face. Due to the levels, the northern portion of the site is to be accessed via an existing access through Craighill Park.

Beyond the application site the overall area is residential in character with agricultural land to the east and south of the Ballycorr Road given its edge of settlement location. The dwellings to the west of the site along the Ballyeaston Road are typically medium density detached and semi-detached properties set within housing developments. In general, these properties are 1 and 2 storeys in height with a range of finishes from red brick to white render.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2020/0117/F (2020/A0048)

Location: South-east portion of the former Craighill Quarry 110m south-west of No. 155 Ballycorr Road, 105m west of No. 156 Ballycorr Road and 230m north-east of 1 3, 5 & 7 Ballycorr Road, Ballyclare

Proposal: Residential development consisting of 32 no. dwellings and associated and ancillary works

Decision: Allowed on Appeal (15.04.2021)

Planning Reference: LA03/2020/0568/F

Location: Lands within the north-west portion of the former Craighill Quarry and to the south-east of Ballyeaston Road and north-east of No.2 Craighill Park Ballyclare.

Proposal: Residential development of 25No. dwellings and associated and ancillary works, including in-curtilage garages.

Decision: Permission Granted (19.05.2022).

Planning Reference: LA03/2017/0790/F

Appeal Reference: 2018/A0075

Location: Lands at Ballycorr Road to the approx. 18m east of Ballycorr Heights, Ballyclare.

Proposal: Erection of 26 No. residential units and associated infrastructure and works (including new access onto Ballycorr Road and internal road).

Decision: Allowed at Appeal (13.02.2019).

Planning Reference: LA03/2017/0644/F

Appeal Reference: 2018/A0072

Location: Land to the north of 93 to 103 Ballycorr Road, north east of 13 to 27 Elizabeth Gardens and south east of 92 Ballyeaston Road, Ballyclare

Proposal: Residential housing development of 123 no. homes comprising a mix of detached, semi-detached, townhouses and apartments including conversion of existing stone barns, public open space and landscaping, principal access from Ballycorr Road and secondary access from Ballyeaston Road, congestion alleviation measures to include parking lay-by on Ballycorr Road and signalisation of the Rashee Road/Ballyeaston Road junction and any other necessary ancillary works.  
Decision: Allowed on Appeal (11.02.2020).

Planning Reference: LA03/2018/0654/LDE

Appeal Reference: 2018/E0038

Location: Lands at Craighill Quarry, Ballycorr Road, Ballyclare

Proposal: Operational development consisting of the construction of an access road and footpath.

Decision: Appeal Dismissed (28.02.2019)

Planning Reference: U/2012/0067/F

Location: Craighill Quarry, Ballycorr Road, Ballyclare

Proposal: Gated retirement village development consisting of 98 residential units and a central facilities building and 4 detached dwellings

Decision: Permission Refused (10.12.13)

Planning Reference: U/2005/0640/F

Location: Craighill Quarry, Ballycorr Road, Ballyclare

Proposal: Erection of 31 dwellings

Decision: Allowed on Appeal (28.02.08)

Planning Reference: U/2005/0604/F

Location: Craighill Quarry, Ballycorr Road, Ballyclare

Proposal: Gated retirement village development consisting of 98 residential units and a central facilities building and 4 detached dwellings

Decision: Allowed on Appeal (23.03.07)

## **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 inside the development limits of Ballyclare on unzoned land.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limits of Ballyclare and forms part of a larger area zoned for housing (Zoning BE 04/03 & BE03/04). The site also lies within Craighill Quarry Site of Local Nature Conservation Importance. The zoning incorporates a series of Key Site Requirements:

Zoning BE 04/03 – Housing Land at Craig Hill Quarry - Key Site Requirements: -

- A Concept Master Plan to facilitate the comprehensive development of the site shall be submitted to and agreed with the Department;
- Housing development shall be a minimum gross density of 13 dwellings per hectare and a maximum gross density of 25 dwellings per hectare;
- Access arrangements shall be agreed with Roads Service;
- A comprehensive Transport Assessment (TA), agreed with Roads Service, DRD, shall be required, to analyse the overall impact of the proposed housing developments at Zonings BE 04/02, BE 04/03 and BE 04/04, and to identify any necessary improvements to the road / network / public transport / transportation facilities in the area. In addition to the need for a TA, and the requirements identified therein, the proposed Ballyclare Relief Road shall be provided and funded in whole through developer contributions;
- Provision shall be made within the proposed development for a local neighbourhood centre on approximately 1.5 hectares to include local retail outlets and community facilities, offering for example, a multi-purpose hall and a 'Healthy Living Centre' to accommodate medical and fitness facilities;
- An Article 40 Agreement, approved by the Department, shall be required to ensure that the necessary local facilities and public infrastructure, including the road improvements, are provided;
- Housing layout shall be designed to ensure dwellings front onto Ballyeaston Road and Ballycorr Road;
- Retaining structures shall not be included. In exceptional circumstances, where retaining structures are necessary they shall not exceed 1.5 metres in height;
- A full flora and fauna survey of the site shall be carried out to inform proposals outlined in the Concept Master Plan;
- No heavy construction activity shall occur on the site between March and July. This is to limit disturbance to breeding Peregrine Falcons (a Protected Species);
- All existing trees, shrubs and hedgerows within the site and on the boundaries shall be retained unless the Department determines that such vegetation is not of a

quality to merit retention or is required to be removed to facilitate a safe means of access to the site;

- An archaeological survey of the site shall be carried out to inform proposals outlined in the Concept Master Plan;
- A 10-12 metres wide landscape buffer of trees and hedges of native species shall be provided entirely within and adjacent to the Settlement Development Limit, along the northeastern boundary of the site and outside the curtilage of any dwelling. This is to provide screening for the development and help assimilate and soften its impact on the countryside. Details of establishment, maintenance and long term management shall be formally agreed with the Department; and
- The design layout shall include provision for cycle and pedestrian links to Ballyeaston Road and Ballycorr Road.

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

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

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

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

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

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

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

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

CONSULTATION
<p><b>Council's Environmental Health Section</b> – No objection subject to conditions.</p> <p><b>Shared Environmental Service</b> – No objection subject to condition.</p> <p><b>DfI Rivers</b> – No objection subject to condition.</p> <p><b>DfC Historic Environment Division Historic Buildings</b>- No objection subject to condition.</p> <p><b>DfC Historic Environment Division Historic Monuments</b>- No objection subject to conditions.</p> <p><b>Northern Ireland Water</b> – raised concerns but have indicated conditions.</p> <p><b>NIEA Water Management Unit</b> – No objection subject to conditions.</p> <p><b>NIEA Regulation Unit</b> – No objection subject to conditions.</p> <p><b>NIEA Natural Environment Division</b> – No objection.</p> <p><b>Department for Infrastructure Roads</b> - No objections</p> <p><b>Health and Safety Executive Northern Ireland</b> - No objections subject to conditions.</p> <p><b>Geological Survey Northern Ireland (GSNI)</b> - No objection subject to the proposed mitigation measures contained within the Land Stability Assessment within the Environmental Statement (Addendum) dated May 2023 being put in place.</p>
REPRESENTATION
<p>Fifty-nine (59) neighbouring properties were notified and no letters of representation have been received.</p>
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS
<p>The main issues to consider in the determination of this application are:</p> <ul style="list-style-type: none"> <li>• Preliminary Matters</li> <li>• Policy Context and Principle of Development</li> <li>• Design, Layout and Appearance</li> <li>• Density</li> <li>• Public and Private Amenity Space</li> <li>• Neighbour Amenity</li> <li>• Transport, Traffic, Parking and Road Safety</li> <li>• Crime and Personal Safety</li> <li>• Natural Heritage</li> <li>• Archaeology</li> <li>• Built Heritage</li> <li>• Flood Risk</li> <li>• Contamination</li> <li>• Health and Safety</li> <li>• NI Water Infrastructure</li> </ul> <p><b>Preliminary Matters</b></p>

### Environmental Impact Assessment

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

### Pre-Application Notice

The application falls within the category of a Major planning application as defined by the Planning (Development Management) Regulations (Northern Ireland) 2015 and as such was subject to a Pre-Application Community Consultation carried out on behalf of the applicant.

To comply with the pre-application notification requirements of Section 27 of the Planning Act (NI) 2011 the applicant submitted a Proposal of Application Notice (PAN) on 17<sup>th</sup> December 2018 (ref: LA03/2018/1119/PAN). Residents within a 500-metre radius of the site were provided with details of the proposed development and advised of public consultation arrangements. Two public consultation events were held to provide an opportunity for the local community to view plans for the proposal and provided feedback. Both events were held in Ballyclare Town Hall on Thursday 7<sup>th</sup> February 2019 between 11.30am – 2pm and 4pm-7pm and Thursday 7<sup>th</sup> March 2019.

Elected Members for the District Electoral Area, relevant MPs and MLAs, residents, Ballyclare Chamber of Trade and local businesses were included in the consultation. A number of comments were made during the consultation process. The planning application was received following expiration of the 12-week period following submission of the PAN thus satisfying the requirements of Section 27 of the 2011 Act.

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

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for Ballyclare, 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 within Ballyclare.

However, the Newtownabbey Area Plan was never formally adopted and therefore following the Court of Appeal decision in May 2017 there is currently no adopted plan for Ballyclare. In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in determining all proposals in Ballyclare, including the current application.

Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for the town and should therefore be afforded greater weight than dNAP in the decision-making process.

In the interim period there have been a number of decisions taken by the Planning Appeals Commission that indicate, whilst the emerging policy provisions of BMAP remain material considerations in the determination of planning applications, reliance cannot be placed on specific policies of the draft Plan to refuse development proposals.

All the relevant development plans identify the application site as being within the settlement limit of Ballyclare. However, whilst the site was not specifically zoned in dNAP and was simply identified as white land, it forms part of a site zoned for housing in dBMAP which was subject to a range of Key Site Requirements (KSRs).

Two planning appeal decisions of particular importance in the consideration of this application are planning application Ref: LA03/2017/0790/F (2018/A0075) for the erection of 26 No. residential units within the same zoning as the current application and also planning application Ref: LA03/2017/0644/F (2018/A0072) for a residential development of 123 no. dwellings.

Within this planning history and planning policy context it is considered that the principle of housing is acceptable at this location subject to creating a quality residential environment and meeting other planning and environmental criteria.

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

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) refers at paragraph 6.137 to the need to deliver increased housing without town cramming and that within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.

Paragraph 6.133 of the SPPS states that the planning system can play a positive and supportive role in the delivery of homes to meet the full range of housing needs of society. Paragraph 6.137 states that planning authorities must deliver increased housing density without town cramming and points out that all new housing developments should demonstrate a high quality of design, layout and landscaping.

Policy QD 1 of PPS7 promotes a high quality of design, layout and landscaping in all new housing developments to ensure more attractive and sustainable residential environments for present and future generations. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider townscape. Policy QD1 states that development which would result in unacceptable damage to the local character, environmental quality or

residential amenity of established residential areas will not be permitted and requires compliance with a number of listed criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The topography surrounding the site falls in a southwesterly direction towards Ballyclare Town Centre, with the area within the site boundary originally forming a hill above the surrounding area prior to any quarrying activity. The topography within the site falls to the southeast with a high point in the northwest corner of the site adjacent to Ballyeaston Road and a low point of the southeast of the site adjacent to the Ballycorr Road.

The topography varies across the site due to the past quarrying activities due to excavations, quarry walls/benches and areas of backfilling. A large area in the centre of the site now comprises a lake that has been allowed to fill with water naturally since the quarry ceased operations in early 2000.

The Environmental Statement states that given the level differences throughout the site, care is needed in relation to the potential for overlooking and intervisibility. The concept layout should also respond to the existing levels to try and negate the need for large retaining structures. The existing rock and cliff faces to the rear of Craighill Park, along the southern boundary, northern boundary and around the lake edge need to be secured and stand-off distances established to ensure no or limited rock fall. Development should only take place outside the identified stand-off areas, the applicant's indicative concept plan has addressed these matters to the satisfaction of both GSNl and HSENI. These matters are discussed further below.

The key feature of the site is the lake, and it is proposed to retain this feature with the proposed dwellings looking out over the lake, with a pedestrian route around the lake to maximise its amenity value. A main 'spine' road runs through the site and connects the Ballycorr Road to the Ballyeaston Road – utilising the existing road that runs into the site from the Ballyeaston Road and the creation of a new access onto the Ballycorr Road. This main internal road is indicated to be designed to accommodate service vehicles and buses.

Given the scale of the site, the applicant proposes to divide the site into discrete 'character' areas, as detailed on Drawing No. 02.

#### Character Areas 1 & 2 – Ballycorr Road Frontage Areas.

These character areas are situated to the southeast of the site and front onto the Ballycorr Road. The applicant considers these areas are suitable for low/medium density housing with dwellings fronting onto the Ballycorr Road. Dwellings will also front onto the main internal spine road. It is noted that the applicant has secured planning permission for 32 dwellings (Ref: LA03/202/0117/F) and 26 dwellings (Ref: LA03/2017/0790/F) respectively at the Ballycorr Road side of the development site with works having commenced on site.

#### Character Areas 3 & 4 – Central Areas.

Character Areas 3 and 4 are positioned to the southeast of the lake within the site and to the rear of character Areas 1 and 2. The applicant indicates that this area is capable of

accommodating medium density housing, benefiting from a slightly raised location on the site. These dwellings will front onto the lake and associated amenity areas, along with the internal loop road. Topography of this area is typically flat, previously defined as a plateau or one of a series of plateaus. The applicant indicates that the residential units will be typically 2 storey.

#### Character Area 5 – Lake View Area

The applicant considers Character Area 5 to be one of the prime locations within the site. This area is an elevated part of the site which is capable of accommodating a slightly higher housing density. Units situated in this area of the site will have key views looking out across the lake and the cliff face to the rear. The applicant feels that the height of the cliff face assists in supporting accommodation of a higher density in the region of 4-5 storeys in height. It is noted within the concept plan that the density of the site ranges between 13-25 Dwellings Per Hectare (DPH) in accordance with the dBMAP Key Site Requirements, detailed consideration of the exact density and unit heights is a matter of detail that will be addressed and considered at Reserved Matters stage should outline planning permission be forthcoming.

#### Character Areas 6 & 7 – Ballyeaston Road Areas

These character areas are situated to the southwest of the lands and can be accessed primarily from the Ballyeaston Road. The applicant indicates that these areas are suitable for accommodating medium/high density dwellings, as these areas of the site are relatively flat. Again this is a matter for detailed consideration at Reserved Matters stage once the final design and layout are finalised. Dwellings will face onto an internal spine road and over the lake. The applicant anticipates that this will be an area of significant activity as it fronts onto the primary access road and is adjacent to the designated neighbourhood areas.

#### Character Area 8 - Craighill Park area.

This character area is situated to the north of the site, access is to be taken from the existing Craighill Park Road. Dwellings in this character area are anticipated to be low/medium density and will face onto the lake. As an elevated site, there will be views over the site towards the Ballycorr Road and the wider Ballyclare countryside. It is important to note that the applicant has secured planning permission for 25 dwellings at this location under planning application Ref: LA03/2020/0568/F.

#### Character Areas 9A & 9B – Local Facilities Area

Two areas within the site have been identified for commercial/community uses. The commercial area will front onto the Ballyeaston Road so that the existing community can also access these local facilities (i.e. local shops, doctor's surgery, chemist, post office etc.).

The applicant indicates that a more community focused facility will be located within a more central area of the site adjacent to the lake. It is indicated that this could include a community hall and children's play park. The local commercial facilities are part of the area plan requirement to provide 1.5ha for a 'local neighbourhood' centre. Rather than have one large mixed-use complex, it is proposed to divide this 'local neighbourhood' centre into 2 parts – one predominately commercial and one predominately community focused.

It is noted that the applicant has a current application (Ref: LA03/2022/0813/F for a residential development consisting of 39no. dwellings housing within character area 09A adjacent to the Ballyeaston Road. Should this application be granted planning permission it will result in this masterplan not being delivered in full.

While it is not known at this stage what the commercial/community uses may be, it is considered that adequate provision is made for necessary local neighbourhood facilities as an integral part of the development in accordance with criterion (d) of PPS7.

The applicant indicates that in responding to the contextual study, a design strategy was undertaken that integrated the masterplan proposal with the surrounding semi-rural context by developing open and green space as the core design concept, linking the masterplan with the surrounding context and integrating the individual character areas within the plan. The applicant further states that this enhances permeability while integrating it with usable public spaces for play, leisure and socialising. This includes public walkways, trails, open play areas and the use of the lake as leisure and amenity space.

A hierarchy of usable public, semi-public and private space is created through planted boundaries and landscaping features that integrate with the built form to apportion private plots and public space that reflects spatial hierarchy. This integrated greening strategy for the site results in establishing planted boundaries that will mature to both link the development to adjacent lands and soften its inclusion within the existing landscape. As these are matters of detail they will need to be further developed with additional information at Reserved Matters stage.

The proposed indicative layout (Drawing No. 02) has regard for the surrounding development and relates satisfactorily to it, with linkages between the existing and proposed development presenting as organic in nature rather than blunt insertions. A development broadly in line with that shown on the indicative outline concept plan would not represent unsatisfactory piecemeal development in relation to the surrounding development. It is therefore considered that the proposed development satisfies Policy QD2 of PPS7.

The proposed linkages between the existing residential developments adjacent to the Ballyeaston Road and Ballycorr Road would allow for sufficient permeability within the application site and as such there is nothing to suggest that the layout would not provide a movement pattern supportive of walking and cycling, as well as meeting the needs of the mobility impaired.

In addition, the indicative layout (Drawing No. 02) demonstrates that there is sufficient space within the application site to accommodate the level of development sought and even if certain areas cannot be laid out as per the indicative drawing, there remains capacity within the site to rearrange the layout. Notwithstanding the overall topography of the site, it is considered that outline permission could be granted with the provision that levels, cross-sections and other contextual information is submitted as part of any the Reserved Matters application. It is therefore considered that the proposed development satisfies Policy QD1 of PPS7.



## **Density**

Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity of the second addendum to PPS7 deals with the issue of density within residential areas. It states that the proposed density should not be significantly higher than that found in the established residential area. The proposed dwellings are reflective of the surrounding built context and the proposed density of development is compliant with the local context and is considered to comply with prevailing planning policy requirements and the site characteristics.

The density in surrounding residential areas varies, Craighill Park, which lies directly into the application site to the northwest, has an average density of 21 units/ha. Ballycorr Heights, directly adjoining the application site to the southwest, has an average density of 12 units/ha. Rashee Park, opposite the site across the Ballyeaston Road, has an average density of 30 units/ha. Hamlet Way, located to the northwest of the site across the Ballyeaston Road, has an average density of 19 units/ha. The applicant indicates that all these nearby neighbourhood densities have been used to inform the proposed concept masterplan.

While this is an outline application the applicant has indicated in their description of development that they are proposing an average density of 15 units/ha (c. 300 units), this is considered to be a relatively low density of development, however, greater consideration will be given to this aspect of the development at Reserved Matters stage to ensure that there are no areas within the application site that become overdeveloped. In addition, dBMAP contains a Key Site Requirement which indicates that 'Housing Development shall be a minimum gross density of 13 dwellings per hectare and a maximum gross density of 25 dwellings per hectare'. It is noted that the density indicated by the applicant is within the threshold indicated within dBMAP.

Given the layout and density of neighbouring residential development, it is considered that the density of the proposed development will not result in an adverse impact on the character of this area subject to detailed consideration of the final layout to be provided at Reserved Matters stage.

## **Public and Private Amenity Space**

Criterion (c) of Policy QD1 of PPS 7 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided in 'Creating Places: Achieving Quality in Residential Developments'. It states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40sqm for any individual house. Creating Places further indicates that development of this nature requires an average of 70sqm. Having regard to the size of the application site it is considered that private amenity space will be provided for proposed dwellings in the form of private gardens, detail consideration will be given to the acceptability of individual gardens at Reserved Matters stage once a detailed site plan has been finalised. On the whole, it is considered that adequate provision can be made for private rear garden space within the individual dwellings.

A hierarchy of usable public, semi-public and private space is created through planted boundaries and landscaping features that integrate with the built form to apportion private plots and public space that reflects spatial hierarchy. This integrated greening strategy for the site results in establishing planted boundaries that will mature to both link

the development to adjacent lands and soften its inclusion within the existing landscape, these core concepts will be further developed with additional information at Reserved Matters stage.

Policy OS2 of PPS 8 requires residential developments in excess of 25 units, or on sites of one hectare or more to provide public open space as an integral part of the development. Both Policy OS 2 of PPS 8 and Para 5.04 of Creating Places indicates that a normal expectation for new greenfield development of 300 residential units or more will be around 15% of the site area or greater. The applicant indicates that the lake measures c.4.75ha, which represents 19% of the overall site area (25ha.) and that the lake on its own exceeds the recommended 15% of open space provision as per PPS8. Other areas of public open space are provided in the form of landscaped and amenity areas around the central lough. Facilities proposed include a number of pedestrian and cycle walk ways, outdoor gyms, a play park adjacent to the community facilities and a dedicated water sports area on the southeastern side of the lake while individual plots of communal amenity spaces are also to be provided within each of the individual character areas.

While it is accepted that presence of the lake can offer some contribution to the open space area it is not inclusive to various needs of the people who may live in this area. The applicant further indicates that the green areas throughout the site account for 3.7ha (around 15%) of the overall site area including the equipped play park. Overall open space provision on site accounts for 8.45ha, which is close to 34% of the site area.

It is considered that open space areas of 15% amenity space can be provided within this development proposal depending upon the final number of residential units proposed by the applicant. A landscape management plan will be required at Reserved Matters stage outlining that the long term management responsibilities for the development, however, this is something that can be conditioned to ensure that appropriate arrangements are put in place.

Overall, it is considered that the open space provided is designed in a comprehensive and linked way to the overall development site which has both a recreational and amenity value, and it is designed to be multi-functional. The open space provides easy and safe access for the residents of the dwellings which it is designed to serve. The design, location and appearance also takes into account the amenity of nearby residents and the needs of people with disabilities.

### **Neighbour Amenity**

The proposed scheme has been designed to ensure that there will be no detrimental impact on the amenity of adjacent properties. The indicative layout of the proposed dwellings suggests that they can be designed and arranged to ensure all properties will have adequate rear garden depths and do not back onto any existing or proposed dwellings to an unreasonable extent. It is considered that subject to adhering to the separation distances advised within the 'Creating Places' design guide that the proposed development will not have an adverse impact on adjacent properties by way of dominance, overshadowing, loss of light or overlooking of either existing or proposed properties. Further consideration will be given to this aspect of the development at Reserved Matters stage when the final layout is provided for consideration.

With regard to potential odour impacts associated with this development the Council's Environmental Health Section (EHS) advises that the ES Addendum dated Sept 2022 confirms that the current proposal does not include any cafes, restaurants or hot food bars and that the proposed uses in the neighbourhood facilities are limited to Use Classes A1 (Shops) and A2 (Financial, professional and other services). The applicant further indicates that that a separate planning application would be required for a use that would generate odours. Having regard to the nature of the uses proposed it is unlikely that there will be any significant odour impacts associated with this development.

With regard to noise impact, the applicant has submitted an Inward Sound Level Impact Assessment, within their Environmental Statement and subsequent addendums. EHS advise that the current proposed use has the potential to generate noise from any plant fitted to the premises, depending on the premises use (e.g. refrigeration plant fitted to local convenience store).

The updated assessment (ES Addendum Dated Sept 2020) gives a daytime background level of 39dBLA90 at noise monitoring location 2A, beside one of the neighbourhood facilities and a night-time background level of 29dBLA90.

This provides a base line for providing a rating level for noise from the proposed commercial/retail activities within the development, at the nearby proposed dwellings. EHS advise that a detailed BS4142:2014 +A1:2019 assessment is required to be undertaken at Reserved Matters stage/detailed design stage to assess the predicted impact of the proposed development on nearby noise sensitive receptors and to recommend any mitigation measures required to be included in the design of the proposed development in order to ensure future residents are not adversely impacted by noise. This condition is considered necessary to ensure that there is no adverse impact on residential properties as a result of the proposed neighbourhood facilities.

With regard to contamination a Contaminated Land Assessment was provided by the applicant as part of their Environmental Statement. EHS has reviewed the contaminated land risk assessment and are of the opinion that the amenity of the proposed development can be protected subject to the attachment of contaminated land conditions. These conditions are considered necessary and are included at the end of the report.

#### **Transport, Traffic, Parking and Road Safety Matters.**

With regards to transportation the SPPS aims to secure improved integration with land-use planning, to facilitate safe and efficient access, movement and parking. The SPPS sets out a number of policy objectives for transportation.

Planning Policy Statement 3 'Access Movement and Parking' is the relevant policy context and also seeks to ensure that prejudice to road safety does not occur as a result of development. PPS 3 further seeks to promote a more accessible environment for all, including the specific needs of people with disabilities and others whose mobility is impaired. Applicable policies include: -

- Policy AMP 1- Creating an Accessible Environment;
- Policy AMP 2 - Access to Public Roads – Permission will be granted for a development involving access to a public road where it will not prejudice road safety or significantly inconvenience the flow of traffic; and

- Policy AMP 6 – Transport Assessment – Indicates that in order to evaluate the transport implications of a development proposal the Council will, where appropriate, require developers to submit a Transport Assessment.
- Policy AMP 7 - Car Parking and Servicing Arrangements – requires proposals to provide adequate provision for car parking and appropriate service arrangements.

The applicant indicates that the access concept for the proposal is to enhance the existing access links via the Ballyeaston Road/Craighill Park and create a new access point onto the Ballycorr Road. The creation of a new access onto the Ballycorr Road is intended to create greater permeability and connectivity to and throughout the site. The applicant further indicates that this concept will also promote and encourage the use of more sustainable modes of transport.

The site is currently served by two access points via Ballyeaston Road and Craighill Park. Both access points are currently gated with no direct access into the site but are capable of being opened without significant upgrade work. The Craighill Park access is taken off an existing turning head.

The former quarry vehicular access points are located on the Ballycorr Road. Whilst these entrances are now disused, the masterplan includes the opening of a new access into the site from the Ballycorr Road. This access point has already been established as part of the recent approval for residential development in character area 1 (Planning Ref: LA03/2020/0117/F & Planning Ref: LA03/2017/0790/F). Taken alongside the existing two access points off the Ballyeaston Road/Craighill Park, there will be a total of 3 access points into the site.

A main spine road is proposed to run through the site and connect the Ballycorr Road to the Ballyeaston Road. The applicant states that this main loop road will be designed to accommodate service vehicles and buses and will measure 6.7m wide and will be designed to adoptable standards with pedestrian footways and street lighting where appropriate, based on guidance requirements in Creating Places.

There will be a series of secondary and minor roads accessed off this main spine road, to provide access into development areas. The concept masterplan highlights a road hierarchy as follows, the design of which is indicated to be based on Creating Places requirements:

- Spine/Loop Road;
- 'Estate' Road;
- Shared Surface; and
- Private Drives.

With regard to infrastructure and transport links, the site has direct access to public roads and this allows a variety of alternative modes of transport to be utilised by site users. The site is also in a highly accessible location and is approximately 1km (c.10 minutes' walk) from Ballyclare Town Centre that contains a range of local retail outlets and services that future site users could avail of. In addition, the Ballyclare Bus Centre for Translink and Ulsterbus is located off Mill Road to the south of Ballyclare, within 1 mile of the site. A number of bus services use Ballyeaston Road and various bus stops are located in close proximity to the site.

Having regard to the concept master plan it is considered that a scheme can be designed to create a highly accessible environment that has taken account of the specific needs of people with disabilities and others whose mobility is impaired in the design of the new development, while, it is also considered that any community/retail buildings associated with this development can be designed to provide suitable access for all, whether as customers, visitors or employees.

Policy AMP 7 - Car Parking and Servicing Arrangements – requires proposals to provide adequate provision for car parking and appropriate service arrangements, while criterion (f) of Policy QD 1 also requires that adequate and appropriate provision is made for parking. While no indication is given at this stage as to the quantum of parking required it is anticipated that adequate and appropriate provision for parking can be provided at Reserved Matters stage in accordance with Section 20 of Creating Places which sets out the requirements for the total number of parking spaces to be provided for residents, visitors and other callers.

It is considered that this proposal will not prejudice road safety or significantly inconvenience the flow of traffic. It is noted that DfL Roads has not indicated any significant concerns with the access, parking or servicing arrangement of the site.

In terms of transport impacts, Policy AMP 6 (Transport Assessment) indicates that in order to evaluate the transport implications of a development proposal the Council will, where appropriate, require developers to submit a Transport Assessment.

Draft BMAP also contains a KSR for a comprehensive Transport Assessment (TA) to be submitted. The KSR also indicates that the TA must be agreed with DfL Roads, to analyse the overall impact of the proposed housing developments at Zonings BE 04/02, BE 04/03 and BE 04/04, and to identify any necessary improvements to the road / network / public transport / transportation facilities in the area. In addition to the need for a TA, and the requirements identified therein, the proposed Ballyclare Relief Road shall be provided and funded in whole through developer contributions.

Since the publication of dBMAP the circumstances in Ballyclare have now changed significantly with the opening of the Ballyclare Relief Road. A Traffic and Transport Assessment has been provided within the applicant's Environmental Statement and subsequent Addendums and therefore fulfils the policy requirements of Policy AMP 6 of PPS 3.

The Transport and Traffic Assessment carried out by the applicant has considered the impact of the construction and operation phases of the proposed scheme upon existing transport patterns and networks.

The Transport Assessment provides:

- an examination of relevant policies and guidance documents available;
- an examination of baseline information, including traffic volumes, journey times and road safety within the study area;
- a qualitative and quantitative assessment of the potential effect of changes to traffic volumes and traffic composition during the construction and operation;
- an evaluation of potential cumulative effects due to any other proposed developments; and
- recommends mitigation measures to minimise any potentially significant effects.

The report concludes that during the construction phase, an increase in traffic from construction vehicles is likely to result in a temporary/negative impact upon the local road network. In response, the applicant indicates that a Construction Environmental Management Plan is proposed to include mitigation measures during the construction phase to reduce these impacts to a reasonable extent.

It is indicated that during the operational phase of the development, an increase in traffic from the site is likely to result in a permanent/negative impact upon the local traffic network. There are several committed developments considered, along with the Ballyclare Relief Road. The applicant indicates that the Ballyclare Relief Road is likely to reduce traffic and HGV volumes throughout the town while the cumulative impact is predicted to be permanent/ positive and slight by the applicant. The applicant further indicates that the delivery of the Ballyclare Relief Road will contribute to the mitigation of potential impacts of the proposed development upon the local road network.

It is further indicated that a Framework Travel Plan will help mitigate the identified impacts during the operational stage of the development and the residual effects are expected to be permanent/positive.

In terms of traffic impacts and potential impact on road safety or significantly inconveniencing the flow of traffic, DfI Roads has no objection in principle, however, they do advise that the traffic figures provided are contingent with works at the Ballycorr Rd / Rashee Rd being completed (as per Lewis/QTH planning approval by the PAC. (Ref LA03/2017/0644/F (2018/A0072)). DfI Roads advise that the Council should apply a relevant condition to ensure that these works are carried out.

Notwithstanding DfI Roads efforts to impose off site junction improvements on this application, it is considered that it is for the TA to identify the infrastructure requirements for this development. To that end the applicant indicates:

- In Section 11 of the original TA (appendix 12.3 of the original ES) the journey times for six varying scenarios were outlined. None of these scenarios included the Lewis/QTH development or the associated signalised crossroads at the ASDA roundabout, as this development was not considered to be a committed development at that time. All the scenarios provided by the applicant demonstrate that the town centre model worked well, with the subject application having no significant adverse impact upon traffic flows based on the 'as existing' roundabout.
- In 2020, a sensitivity test was undertaken which is included as Section 11.6 of the TA Addendum (appendix 7.1 in the September 2020 ES Addendum). This sensitivity test included the Lewis/QTH development and the associated signalised crossroads, which also demonstrated that the town centre model worked well, with the subject application having no significant adverse impact upon traffic flows based on a traffic-light controlled junction (as approved as part of the Lewis/QTH development).

In May 2023, the applicant provided updated information on the traffic and transport profile of the area to consolidate and validate their original assessment following the opening of the Ballyclare Relief Road with actual data. Additional information provided included:

- a) Updated growth rates of traffic movements in and around the site and Ballyclare itself;
- b) Consideration of 'committed' developments in the area (i.e. those developments that have received planning permission and/or have started on site);
- c) Consideration of potential impacts of the proposed development upon nearby junctions, where there have been significant changes from the above 2 points; and
- d) Actual traffic counts and data from the newly opened Ballyclare Relief Road and how the proposal will affect/impact this road.

Projected growth rates of traffic movements were used in the original Environmental Statement and subsequent Addendums. These were reviewed as part of the further Environmental Information and no further changes or updated information is required as a result (point (a)).

Committed developments were identified in the original Environmental Statement and subsequent Addenda and there has been no further new committed developments in the area (point (b)).

Considering that there were no new impacts identified from points (a) and (b), the applicant indicated that there was no need to consider any new potential impacts at nearby junction (point (c)).

New traffic counts were taken from the newly opened Ballyclare Relief Road and the town itself and raw data from these counts can be found in the main Environmental Statement Addendum (Appendix 3.2 of the ES Addendum). These counts were analysed and demonstrated that the 2023 traffic flows during the three-hour AM and PM peak travel periods are, on average, lower than those predicted in 2018 (as contained in the original ES), by 16% and 9% respectively.

For the AM and PM peak travel hours, there is an average reduction of 12% and 7% respectively. This indicates that the Ballyclare Relief Road provides a viable alternative for motorists for whom their journey destination is not within Ballyclare Town Centre and has obviously delivered the traffic relief intended. The proposed development will have no significant impact upon the traffic movement in Ballyclare, given that the Ballyclare Relief Road has resulted in a reduction in traffic in the town.

The applicant is of the view that they have demonstrated that the proposal will not adversely impact upon traffic flows whether the 'as existing' roundabout is retained or whether the roundabout is changed to a traffic-light controlled junction. The key benefit to this proposal, and to Ballyclare itself, was the opening of the Ballyclare Relief Road resulting in a reduction in town centre traffic and enabling those proposed residential developments to the north of the town having an alternative route.

Notwithstanding the views of DfI Roads with regard to the provision of offsite junction improvements as per the QTH/Lewis case, DfI Roads has not provided substantive data in order to counter the assertions provided by the applicant in this case. It is considered that the applicant has thoroughly assessed the potential traffic and transport impacts of this development and has demonstrated that as a result of the Ballyclare Relief Road opening there is no need for junction improvements to be made outside of the application site. As such DfI Roads suggested condition relating to the QTH/Lewis junction

improvements are not necessary in this case as they are not supported by the information provided.

### **Crime and Personal Safety**

Criterion (i) of Policy QD 1 of PPS 7 states that proposed residential development should be designed to deter crime and promote personal safety. The site and individual properties have been designed to ensure that they are adequately enclosed and defended by appropriate boundary treatments.

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

With regard to personal safety along and adjacent to the quarry cliff faces, both Geological Survey Northern Ireland (GSNI) and the Health and Safety Executive (HSENI) have been consulted and neither has any concerns with the applicants' approach, consequently there are no objections on health and safety grounds.

Overall, it is considered that the proposed development has been designed to deter crime and promote personal safety.

### **Natural Heritage**

Natural Environment Division (NED) acknowledges receipt of the Environmental Statement and associated addendums containing Ecological Assessments and information to inform a Habitats Regulation Assessment. These documents concluded that there was no significant impact on Designated Sites, Protected Species or their Habitats subject to mitigation measures.

With regard to the impact on Designated Sites, the application site is hydrologically connected to Lough Neagh and Lough Beg ASSI/SPA and Rea's Wood and Farr's Bay SAC (hereafter referred to as the designated site/s) which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002. NIEA, Natural Environment Division (NED) advise from the information available that it is clear that the proposal is not connected with, or necessary for, the conservation management of the designated sites and recommend consultations relating to the submission of a Construction Environmental Management Plan.

The Council's Shared Environmental Service (SES) advise that this planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council which is the Competent Authority responsible for authorising the project and any assessment of it required by the Regulations. SES having considered the nature, scale, timing, duration and location of the project has concluded that the proposal will not have an adverse effect on the integrity of any European site subject to the provision of a construction Environmental Management Plan.



As the two statutory conservation bodies have no objection to the proposal subject to proposed mitigation measures, it is considered that there are no significant concerns with the impacts of the proposal on Designated Sites in this instance.

NIEA Natural Heritage Division (NED) has indicated given the relative immaturity of the existing woodland to be lost, that they are content that this habitat and the existing hedgerows can be appropriately compensated for with additional planting and recommend that a dedicated planting plan is submitted at Reserved Matters stage. The planting plan should provide details of the species of planting schedule as well as a comprehensive list of all species of trees and shrubs to be planted. NED further recommends that there be no ground clearance or vegetation removal during the bird breeding season (1st March – 31st August inclusive) unless checked by a suitable qualified ecologist prior to removal.

NED advise that they are content to accept the assessment of the Open Mosaic Habitat (OMH) being of 'low' ecological value as it is predominantly bare ground with little to no vegetation. They also note that sections of the site displayed more 'moderate' levels of ecological value that are important on a local scale. NED prefers that these pockets of OMH be retained in their current state but if this cannot be facilitated then compensation is required. NED is content to accept the applicant's proposal of compensating for 1.8ha of lost priority habitat.

#### Lighting

NED has raised concerns regarding the presence of Long-Eared Owls and bats. In order to minimise the disturbance to these particular species, NED recommend that an ecologically sensitive lighting scheme be incorporated into the development. A lighting plan should be submitted at Reserved Matters with details of the proposed lighting that is to be incorporated into the development. This is considered necessary and is included as a condition below at the end of the report.

#### Geology

Craighill Quarry was included in the Earth Science Conservation Review (ESCR) report for the tertiary subject block as it contained the best quality exposures of the Lower Basalt Formation in this area. The exposed rock also displayed some unusual features including steeply dipping to curved cooling joints and zeolite minerals. At the time of the (ESCR) report the quarry was still active but was much smaller than now and the Earth Science mapped boundary included the whole quarry as was – a total area of 3.3ha in a site that now covers almost 30ha. Reference is made in the ESCR to the features in the 'north and south faces in the eastern part of the quarry' and it is clear from aerial photos that the quarry has extended much further east and the north face referred to has been quarried out for some time, so the features on that face described in the report have been removed/destroyed. The south face is still in place and the features described here are still present. The current north face exposes a much greater area of rock than when the site was reported on. The exposure is good quality and although site access was not possible from the boundary two basalt flows were visible in this face, so it holds equivalent if not greater interest than the removed face for Earth Science conservation. The development site's geological interest is dealt with in Chapters 7 and 9 (plus relevant Appendices) of the Environmental Statement. It is clearly stated that 'The exposed cliff faces will remain as part of the development and therefore will remain accessible for earth science purposes' which is welcomed by NED. The areas of most conservation interest are identified as Rock Face 1 and Rock Face 3 in Chapter 9 of the ES, which is an

assessment of their stability. Chapter 9 describes how the faces should be scaled to remove loose rock and recommends that a rock catch fence is placed 10m from the base of these faces and that access should be maintained for periodic rock clearance work. This is also welcomed and properly protects the geological features currently exposed at the site. NED advise that it is important that should development be granted that this recommendation is adopted and NED would also recommend that clearance work include periodic removal of vegetation from the rock faces.

### **Archaeology**

Policy BH 4 of PPS 6 is entitled 'Archaeological Mitigation'. It states that where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the Council will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences.

Historic Environment Division: Historic Monuments (HED: HM) has reviewed the Archaeological Assessment (Chapter 6) of the Environmental Statement. HED: HM is content that the Environmental Statement has satisfactorily assessed the potential impact of the development on the archaeological resource, and agrees with the conclusion (6.6) that this impact can be mitigated through archaeological conditions.

HED: HM is therefore content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. Overall it is considered that there are no archaeological objections to the proposal.

### **Built Heritage**

Policy BH11 of PPS6 is entitled 'Development affecting the Setting of a Listed Building'. It states that "The Department will not normally permit development which would adversely affect the setting of a listed building. The application for residential-led masterplan is in close proximity to Gateside, a Grade B2 listed vernacular dwelling at 152 Ballyeaston Road, Ballyclare, which is of special architectural and historic interest, protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division, Historic Buildings has considered the impact on the listed building and on the basis of the information provided, advises that subject to a condition requiring that the vegetation is retained along the northeastern boundary of the site to screen the development from view of the listed building to preserve the listed buildings rural character, it is content with the proposal under paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

It is therefore considered that the proposal is acceptable with regard to Policy PPS6 BH11 and SPPS paragraph 6.12 subject to a landscaping condition requiring the retention of vegetation.

### **Flood Risk**

The main policy objectives of the PPS 15 includes preventing inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere; to ensure that the most up to date information on flood risk is taken into account when determining planning applications; to adopt a precautionary approach to the determination of development proposals in those areas susceptible to flooding where there is a lack of precise information on present day flood risk or future uncertainties associated with flood estimation, climate change predictions and scientific evidence; to seek to protect development that is permitted within flood risk areas by ensuring that adequate and appropriate measures are employed to mitigate and manage the flood risks to the development and elsewhere.

With regard to flood risk associated with this development the applicant has provided an Environmental Statement and an associated Addendum. DfI Rivers advise that from a flood risk and drainage perspective the proposal is consistent with PPS15,

DfI Rivers advise that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. An undesignated watercourse bounds the south western side of the site. The site contains an extensive body of water within the quarry boundary. The site may be affected by undesignated watercourses of which we have no record.

DfI Rivers advise that Policy FLD1 Development in Fluvial and Coastal Flood Plains is not applicable to this site. With regard to Policy FLD2 Protection of Flood Defence and Drainage Infrastructure, DfI Rivers advise that the level and quantity of water contained within the quarry lake is currently regulated through the percolation of surface waters through the surrounding infill material. These waters then surface approximately 150m southeast of the quarry lake and flow into a recently formed undesignated river channel towards the Ballycorr Road. The applicant has provided a method to manage and facilitate the discharge of flows from the existing quarry lake to an undesignated watercourse located within the southwestern portion of the site. DfI Rivers advise that adequate provision for the maintenance of drainage infrastructure has been provided within the site, in accordance with para 6.32 of the Policy FLD 2 of PPS 15.

The applicant has submitted a Drainage Assessment and drainage calculations to support their proposals. DfI Rivers has reviewed these documents and while not being responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. DfI Rivers, however indicate that it is the applicant's intention to submit their final detailed drainage design and CCTV Survey at the Detailed Design/Reserved Matters stage of this application. DfI Rivers has requested that when final detailed drainage design and CCTV Survey is complete, that they are consulted to safeguard against flood risk to the development and elsewhere. This is included as a condition at the end of the report. It is considered that this outline planning proposal is acceptable in accordance with Policy FLD3 of PPS 15.

DfI Rivers acknowledge that consent has been previously granted by DfI Rivers Eastern Region to undertake realignment of the undesignated watercourse on the southwestern boundary of the site. DfI Rivers advise that the applicant must also consider modification proposals regarding the quarry lake, outlet and level controls and any requirements under Policy FLD 2.

With regard to Policy FLD5 (Development in Proximity to Reservoirs) the site is not subject to any flood inundation risks and as such Policy FLD 5 does not apply in this instance.

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

### **Contamination**

The applicant has provided Contaminated Land Risk Assessments within their Environmental Statement and associated addendum for the site. The Contaminated Land Assessments have not identified any unacceptable risks to environmental receptors for the development. NIEA Regulation Unit note that in advance of development remedial/mitigation works will be required to protect human health receptors from ground and ground gas risks. EHS also note the need for a remedial strategy and have suggested conditions accordingly. In addition, both NIEA Regulation Unit and EHS indicate that there is the potential for localised unforeseen contamination to be encountered during the development works related to the former quarry working at the site. NIEA Regulation Unit has no objections to the development provided that standard conditions are placed on any grant of planning permission.

EHS also considered the above documentation and are satisfied that amenity can be suitably controlled with regards to contaminated land based on the information submitted and has recommend conditions similar to those proposed by NIEA Regulation Unit. It is therefore considered that there is unlikely to be any significant impacts on nearby receptors as a result of potential contamination from within the application site.

### **Health and Safety**

The site is known to contain a number of geological hazards which may impact on public health. The site contains six rock faces which are discussed in the applicant's Environmental Statement and Geoman Inspection Reports, in addition, the site contains a number of unstable slopes. Geological Survey initially expressed concerns with rock face stability and in particular Rock Faces 1 & 6 on the southern side of the quarry site. The applicant subsequently provided a detailed analysis of potential risks associated with these rock faces and proposed a series of mitigation measures including:

- Reduce the height of the cliff to a maximum of 109masl, which will significantly reduce the likelihood of large-scale slope failure.
- Information from at least 1 rock core borehole is required to identify the potential for weaknesses within the rock mass that are not visible on the surface; to identify features and properties of the bedrock underlying the slope.
- Use of non-explosive cracking agents to extract rock.
- Installation of a rockfall drapery system, designed to guide any debris to a collection point at the toe of the slope.
- Prior to the installation of the drapery system, the cliff is to be inspected and scaled.
- Installation of a 'catch ditch' to prevent debris from travelling outside designated 'fall' area.
- No construction work to be undertaken near the cliff face until such times as the rockfall drapery system is in place.
- A construction exclusion zone to Rock Faces 1 and 6 to be implemented (equivalent to half of the cliff's height).
- All surface water and subsurface water to be captured and directed off site via an appropriate outflow.

- No water ponding or water cascading over the cliff face will be allowed.
- The cliff face should not be vegetated with shrubs or trees, as uncontrolled vegetation could lead to instability and
- Re-vegetation of exposed areas of any artificial slopes with shrubs and grass.

A programme of on-going maintenance is also proposed in accordance with the "Risk-Based Approach to Geotechnical Asset Management" document.

Geological Survey of Northern Ireland (GSNI) has reviewed the Environmental Statement and associated addendums including the Land Stability Assessment within the Environmental Statement (Addendum) dated May 2023. GSNI are content the findings of the assessment and recommendations of the proposed mitigation measures to minimise risk to the development due to land stability.

The Health and Safety Executive Northern Ireland (HSENI) has also reviewed the Environmental Statement and associated Addendums and are content with the proposed mitigation measures to reduce the level of risk associated with land stability and rock faces. HSENI also support the proposal detailed in the Environmental Statement regarding a programme of on-going maintenance concerning the rock faces i.e. routine inspections and monitoring/remedial work as required.

Having regard to the comments of both GSNI and HSENI it is considered that the health and safety risks associated with this development are low subject to the implementation of the mitigation measures proposed. A condition is included below to ensure that these measures are implemented in full.

#### **NI Water Infrastructure**

NIW have raised concerns with network and wastewater treatment capacity not being available to service the site. However, they later went on to state within their consultation response 31/10/2022 that although there is provision in previously approved Phase 1 of this development to receive foul flows from this proposal, there are downstream wastewater network capacity issues and recommend that a Wastewater Impact Assessment is required.

NI Water further advise that if the Council is minded to approve this outline application, NI Water would consider the imposition of a negative condition requiring the applicant to provide full details of sewage treatment/disposal at Reserved Matters stage and no development shall commence until agreed foul and storm sewage discharge solutions to mitigate downstream capacity issues have been approved by the Council in consultation with NI Water.

The applicant has indicated that this is logical for a site of this nature. It is considered that this condition is necessary in this instance and ensures that any future Reserved Matters application deals with the matter comprehensively prior to submission.

#### **CONCLUSION**

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

- The principle of the development is considered acceptable;
- The design and layout of the proposal is considered acceptable;
- It is considered that the density proposed can be accommodated on this site;
- Adequate and appropriate public and private amenity space can be provided

<ul style="list-style-type: none"> <li>• There are no significant neighbour amenity concerns;</li> <li>• There are no significant concerns relating to transport, traffic, parking and road safety matters;</li> <li>• There are no significant concerns with crime and personal Safety;</li> <li>• There are no significant concerns relating to natural heritage, archaeology or built heritage matters;</li> <li>• There is no significant flood risk associated with the site;</li> <li>• There are no significant contamination concerns and</li> <li>• There are no health and safety concerns with the proposal.</li> </ul>	
<b>RECOMMENDATION</b>	<b>GRANT OUTLINE PLANNING PERMISSION</b>
<b>PROPOSED CONDITIONS</b>	
<p>1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates: - the expiration of 5 years from the date of this permission; or the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p>	
<p>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.</p> <p>Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.</p>	
<p>3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.</p> <p>Reason: To enable the Council to consider in detail the proposed development of the site.</p>	
<p>4. Details of gates, fences, walls, retaining walls or any other proposed structures in addition to the proposed buildings shall be submitted to the Council at Reserved Matters stage. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a quality residential environment.</p>	
<p>5. A plan of the site shall be submitted to and agreed by the Council at Reserved Matter stage indicating the existing and proposed contours, the finished floor level(s) of the proposed building(s) and the position, height and materials of any retaining walls. The development shall be carried out in accordance with the approved plans.</p> <p>Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.</p>	

6. Any Reserved Matters submission shall be in general conformity with the Concept Master Plan Drawing No. 02 date stamped 14/06/2019.

Reason: To facilitate the comprehensive development of the site.

7. A phasing plan shall be submitted at Reserved Matters stage indicating the roads infrastructure, communal amenity space and local neighbourhood facilities to be provided within each phase of development. The development shall be completed in accordance with the phasing plan.

Reason: To ensure necessary infrastructure, communal amenity space and neighbourhood facilities are delivered for the relevant phases of development in an orderly manner.

8. The equipped play park, water sports area and outdoor gyms shall be located as indicated on Drawing No. 02, date stamped 14/01/2019. Details of the equipped play park, outdoor water sports, pedestrian/cycle paths and outdoor gym equipment shall be submitted to and agreed with the Council at Reserved Matters stage.

Reason: To ensure necessary infrastructure space are delivered for the relevant phases of development in an orderly manner in accordance with the designed concept.

9. Upon the occupation of the 100<sup>th</sup> dwelling the equipped play park, water sports area and outdoor gym referred to in condition 08 shall be provided for in full and retained and maintained thereafter for the lifetime of the development.

Reason: To ensure amenity space is available concurrently with the development of the site.

10. Prior to any buildings in any phase of development being occupied, a landscape management plan relevant to that phase shall be submitted to and approved by the Council setting out the period of the plan, long-term objectives, management responsibilities, performance measures and maintenance schedules for all landscaped areas.

The landscape management plan shall set out the management and maintenance arrangements for the equipped play park, outdoor gyms and pedestrian and cycle routes within the development.

The landscape management plan shall be carried out as approved.

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

11. The roads infrastructure related to each phase of development shall be indicated in the Reserved Matters submission related to that phase and no building in any phase shall be occupied until the identified road infrastructure has been completed. No

building in any phase shall be occupied until the identified road infrastructure has been completed.

Reason: To ensure the necessary road infrastructure is put in place.

12. The development hereby permitted shall not exceed 300 residential units within the site outlined in red.

Reason: To ensure that the density of accommodation to be provided shall be in keeping with that of the area.

13. No site works of any nature or development shall take place within any phase of development until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council for that phase. 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.

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

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

15. 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 11. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

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

16. A Noise Impact Assessment shall be submitted to and agreed in writing with the Council at Reserved Matters stage, which shall assess and report the cumulative noise impact from the commercial operations within the permitted development, when assessed at the boundary of the nearest residential property. The cumulative noise impact assessment shall be carried out in accordance with BS4142:2014 +A1:2019 and shall include all noise sources associated with the commercial operations including delivery noise, plant and equipment etc.



The cumulative rated noise level arising from commercial operations shall not exceed 39dB LAR, 1hr when assessed at the boundary of the nearest noise sensitive receptor.

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

17. All bedrooms to the dwelling shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least 31dB Rw, as detailed within the Environmental Statement. The works shall be carried out prior to the occupation of the individual dwelling unit and shall be maintained throughout the lifetime of the development.

Reason: In order to ensure a suitable night-time internal noise environment is achieved within the dwelling.

18. All bedrooms to the dwelling shall be fitted with acoustic passive ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 31dB Rw, as detailed within the Environmental Statement. The works shall be carried out prior to the occupation of the individual dwelling unit and shall be maintained throughout the lifetime of the development.

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

19. No development or construction activities shall be undertaken within any phase of the development hereby permitted, until a detailed remediation strategy and implementation plan, has been agreed with the Council for that phase of development.

Reason: To control any risk to human health arising from land contamination.

20. The permitted development shall not be occupied until the mitigation measures as presented within the agreed remediation strategy and implementation plan have been fully implemented and verified for that phase of development to the satisfaction of the Council.

Reason: To control any risk to human health arising from land contamination.

21. There shall be no amendments or deviations from the remediation and verification recommendations contained within the agreed detailed remediation strategy and implementation plan without the prior written approval of the Council.

Reason: To control any risk to human health arising from land contamination.

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

Reason: To control any risk to human health arising from land contamination.

23. If during any phase of the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>, as applicable. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

24. After completing the remediation works under Condition 21 and prior to occupation of any phase of the development, a verification report shall be submitted in writing and agreed with the Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>, as applicable.

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

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

25. The appointed contractor shall submit a final Construction Environmental Management and Pollution Prevention Plan for approval by the Council prior to the commencement of any works on site for each phase of development. This final plan shall contain all the mitigation as described in the outline Construction Environmental Management and Pollution Prevention Plan dated June 2019.

Reason: To negate any potential polluting discharges during construction phase that could cause adverse impacts on hydrologically connected European Designated Sites and to ensure effective avoidance and mitigation measures have been planned for the protection of the environment.

26. A final detailed drainage design and CCTV survey of the drainage network shall be submitted at Reserved Matters stage.

Reason: To safeguard against flood risk to the development and elsewhere.

27. A suitable buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc., and any soakaway/watercourse present within the site.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the environment and to minimise the impact of the proposal on the biodiversity of the site, including protected/priority species

28. Prior to discharge to soakaways/watercourses, any surface water generated during the construction and operation phases of the development must first pass through appropriate treatment, such as sediment traps and oil interceptors.

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

29. At Reserved Matters a landscaping and planting plan shall be submitted to the Council for each phase of development. No development activity, including ground preparation or vegetation clearance, shall take place until the Plan has been approved in writing by the Council for the relevant phase of development.

The Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council. The Plan shall include:

- a) The retention of mature trees and hedgerows on the site;
- b) Details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations;
- c) Planting Schedule to include details of new planting with appropriate numbers of native species of trees/shrub;
- d) Details of the aftercare of all planting on the site.

Reason: To protect existing trees and minimise the impact of the proposal on the biodiversity of the site, including protected/priority species and to screen the development from view of the development in order to retain the rural character of the setting to the listed building at No.152 Ballyeaston Road.

30. No vegetation clearance/removal of hedgerows, trees or shrubs/demolition of buildings or structures shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

31. At Reserved Matters a lighting plan shall be submitted to the Council. The Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council. The Plan shall include:

- a) Specifications of lighting to be used across the site, including model of luminaires, location and height;
- b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.
- c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site;
- d) Predicted illuminance on badger protection areas, wildlife corridors, retained trees/hedgerows to be less than 1 lux.

Reason: To minimise the impact of lighting on all nocturnal species utilising the site.

32. The proposed cliff stability management and mitigation measures included within the Environmental Statement and subsequent addendums shall be implemented in full.

Reason: In the interests of health and safety and to ensure the site is suitable for development.

33. The floorspace comprised in the retail local centre shall be used only for the retail services or for the retail sale and ancillary storage of convenience goods and for no other purpose, including any other purpose in Class 1 of the Schedule to the Planning (Use Classes) Order (NI) 2004 or any amendments thereof: -

Convenience goods for this purpose are hereby defined as:

- (a) food, alcoholic drink;
  - (b) tobacco, newspapers, magazines, confectionery;
  - (c) stationary and paper goods;
  - (d) toilet requisites and cosmetics;
  - (e) household cleaning materials; and
- other retail goods as may be determined in writing by the Council as generally falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises.

Retail Services for this purpose are hereby defined as:

- (a) as a post office;
- (b) for the sale of tickets or as a travel agency
- (c) for hairdressing;
- (d) for the hiring out of domestic or personal goods or articles; or
- (e) for the reception of goods including clothes or fabrics to be washed, cleaned or repaired either on or off the premises.
- (f) where the service is to visiting members of the public as may be determined in writing by the Council as generally falling within the category of 'retail service'

Reason: To ensure the comparison functions of existing centres are not adversely affected by this development and to control the nature, range and scale of the commercial activity to be carried out at this location in line with the prevailing policies on retailing and town centres.

34. The gross retail floorspace of any individual unit for the sale of convenience goods shall not exceed 500sqm.

Reason: To control the nature, scale and range of commercial activities to be carried out at this location and to ensure compliances with the Councils objectives and policies for retailing and town centres.

35. Full details of sewage treatment/disposal shall be submitted at Reserved Matters stage and no development shall commence until agreed foul and storm sewage discharge solutions to mitigate downstream capacity issues have been approved by the Council in consultation with NI Water.

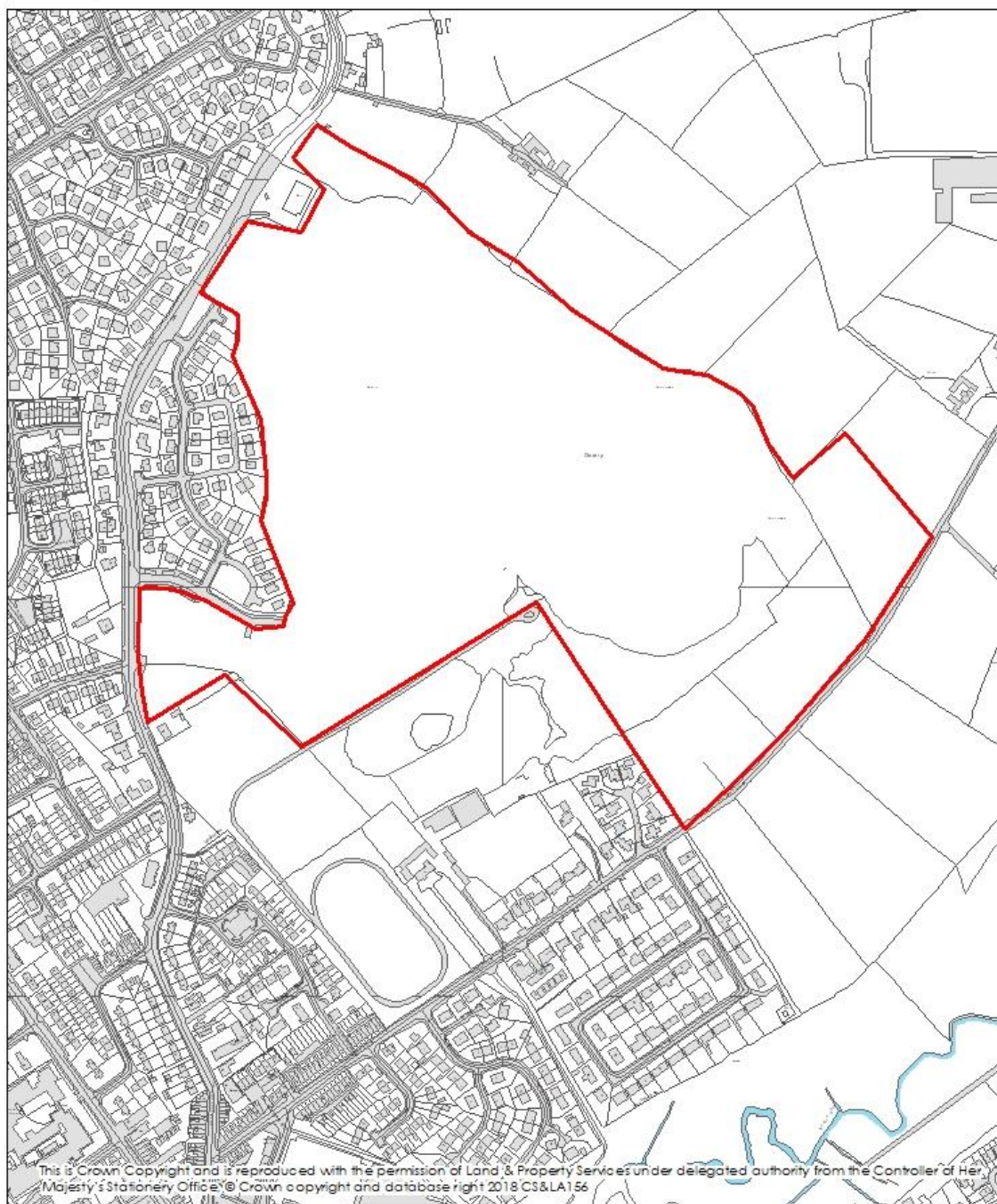
Reason: To ensure a practical solution to sewage disposal from this site.

36. The development shall be in accordance with the requirements of the Department's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Council shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

37. Full details of sewage treatment/disposal shall be submitted at Reserved Matters stage and no development shall commence until the agreed foul and storm sewage discharge solutions to mitigate downstream capacity issues have been approved by the Council in consultation with NI Water.

Reason: To ensure that the necessary infrastructure for sewage disposal is put in place to serve the development.



### Site Location Plan

0 45 90 180 270 Metres



Application Reference: LA03/2019/0510/O

Proposal: Site for Residential Development including local retail and service units, community hub, childrens playground and medical/fitness facilities.

Location: Former Craighill Quarry site lands to the north of Ballycorr Road and to the south of the Ballyeaston Road, Ballyclare

 Site boundary



<b>COMMITTEE ITEM</b>	<b>4.2</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0279/F</b>
<b>DEA</b>	<b>THREEMILEWATER</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Demolition of existing boxing club and construction of The Box - Community Wellbeing Hub - comprising boxing club, gymnasium, classrooms and training rooms, music and dance studio, climbing zone, four social enterprise units, training kitchen, coffee dock and ancillary accommodation (including changing rooms, storage, staff offices) - and associated access, parking and landscaping.
<b>SITE/LOCATION</b>	Monkstown Boxing Club and lands to the rear, Cashel Drive, Newtownabbey, BT37 0EY
<b>APPLICANT</b>	Monkstown Boxing Club
<b>AGENT</b>	David Mounstephen
<b>LAST SITE VISIT</b>	18 <sup>th</sup> August 2023
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 90340416 Email: <a href="mailto:Alicia.leathem@antrimandnewtownabbey.gov.uk">Alicia.leathem@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 Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within Monkstown at the junction of the Monkstown Road and Cashel Drive within Metropolitan Newtownabbey on lands zoned for open space as defined in both the Belfast Urban Area Plan (BUAP) and the draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The northern section of the site comprises of a single storey building which is currently occupied by Monkstown Boxing Club. There is an adjacent car park to the east where a marquee has been erected and a storage container has been sited.</p> <p>The application site extends to the rear into grassland owned by the Northern Ireland Housing Executive. The grassland is relatively flat, sloping slightly to the south towards the Threemilewater which lies beyond the site. There is one multi stemmed tree in the middle of the site, a small number of recently planted trees to the eastern edge of the site and some low level shrub planting and a welcome sign adjacent to the Monkstown Road.</p> <p>The immediate context of the site is characterised by a mix of uses, whilst the wider area beyond the immediate context is predominantly residential. The Monkstown Village Centre development (comprising retail, food &amp; beverage, office and community uses) is located immediately to the north of the site, with Abbey Presbyterian Church across Jordanstown Road to the north. Abbey Community College is located to the northwest of the site. The Three Mile Water and Monkstown Wood natural environment/amenity assets are located to the south of the site. Residential properties are located to the northeast (Cashel Close) and across the Monkstown Road (Abbey Green and River Walk).</p>	

## RELEVANT PLANNING HISTORY

Planning Reference: LA03/2022/1027/PAN

Location: Monkstown Boxing Club and lands to rear of Cashel Drive, Newtownabbey, BT37 0EY.

Proposal: The Box - Community Wellbeing Hub - comprising boxing club, gymnasium, classrooms and training rooms, music and dance studio, climbing zone, four social enterprise units, training kitchen, coffee dock and ancillary accommodation (including changing rooms, storage, staff offices) - and associated access, parking and landscaping.

Decision: PAN Acceptable (10/01/2023).

Planning Reference: LA03/2014/0140/F

Location: Monkstown Boxing Club Cashel Drive, Monkstown, BT37 0EY

Proposal: Proposed single storey extension to side and rear (revised application from previously approved U/2013/0093/F)

Decision: Permission Granted (28/05/2014).

Planning Reference: LA03/2023/0279/F

Location: Cashel Drive, Monkstown, Newtownabbey, BT37 0EY.

Proposal: Erection of single storey multipurpose training room to rear of existing boxing club

Decision: Permission Granted (05/06/2013).

Planning Reference: LA03/2004/0014/F

Location: Monkstown Boxing Club, Monkstown Road, Newtownabbey, BT37

Proposal: Erection of extension to existing boxing club.

Decision: Permission Granted (09/03/2004)

Planning Reference: LA03/2003/0568/F

Location: Monkstown Road, Newtownabbey, BT37

Proposal: Erection of extension to existing boxing club to accommodate new fitness suite.

Decision: Permission Granted (07/11/2003)

## PLANNING POLICY AND GUIDANCE

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

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

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



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

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The Plan identifies the site as 'An Area of Existing Open Space'. The site is also within the Three Mile Water Local Landscape Policy Area (MNY53) and adjacent to Abbeygreen, Monkstown to Cavehill Community Greenway (MNY 56/01).

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

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

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

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

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

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

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

## **CONSULTATION**

**Council Environmental Health Section**: No objection subject to conditions.

**Council Shared Environmental Services (SES)**: No objections subject to a condition.

**Northern Ireland Water**: Refusal

**DfI Roads**: No objection.

**DfI Rivers**: No objection subject to a condition.

**DAERA NIEA Natural Environment Division (NED):** No objection.

**DAERA NIEA Regulation Unit:** No objection subject to conditions.

**DAERA NIEA Water Management Unit (WMU):** No objections subject to a condition.

**Belfast International Airport (BIA):** No objections.

**Belfast City Airport (BCA):** No objections.

**DfC Historic Environment Division: Protecting Historic Monuments:** No objections

## **REPRESENTATION**

Twenty-nine (29) neighbouring properties were notified and five (5) letters of representation have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk>

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

- Size of the development;
- Road safety;
- Impact on existing drainage network during construction;
- Insufficient parking is being provided;
- Environmental effects on the Three Mile Water River;
- Inadequate proposed landscaping to compensate for the loss of open space;
- Concern with the use of the enterprise units;
- A Retail Impact Assessment is required;
- Impact on existing service/groups and impact on future development in funding to the area;
- Inaccuracies in the supporting documentation;
- The proposal will cause anti-social behaviour;
- Impact on residential amenity by way of overlooking;
- There will be an increase in litter;
- Loss of existing Monkstown signage and where it will be relocated;
- Impact on character of the area/visual impact;
- Loss of trees/vegetation;
- Increased traffic.

It is noteworthy that during the Pre-Application Community Consultation (PACC) a number of issues were highlighted which are summarised within the PACC report (Document 05).

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

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

- Legislative Framework
- Policy Context and Principle of Development
- Open Space
- Design, Layout and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Road Safety, Traffic, and Parking

- Natural Heritage
- Other Matters

### **Legislative Framework**

#### Habitats Regulation Assessment

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council. The Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 16<sup>th</sup> August 2023. This found that the project would not have any adverse effect on the integrity of any European site.

#### Environmental Impact Assessment

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

#### Pre-Application Notice

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

A PAN (Ref: LA03/2022/1027/PAN) was submitted to the Council and was deemed to be acceptable on 10<sup>th</sup> January 2023. The Pre-Application Community Consultation Report (PACC) (Document 05) submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

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

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

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

consequence, the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans on lands zoned for open space. The existing Monkstown Boxing Club is located to the northern section of the application site. It is indicated within supporting documentation (Document 06) that the existing building is currently used for a variety of community services, including the boxing club, a fitness suite, breakfast club, women's only classes, education training and a variety of youth programmes.

The application seeks full planning permission for the demolition of the existing boxing club and the erection of a community well-being hub. Supporting information (Document 01) indicates that Monkstown Boxing Club has the demand for place-based services, which has driven their vision for a new flagship community wellbeing hub. It is further stated that the proposal will contribute to economic regeneration, raising aspirations and life outcomes in the area and provide children, young people, and adults with somewhere to go, inspiring them with things that they can do and proving supportive people to talk. It is also indicated that the facility has three distinct functions, that being social enterprise and youth development, education and knowledge development and fitness and well-being.

The overall proposal includes a number of uses (boxing club, gymnasium, classrooms and training rooms, music and dance studio, climbing zone, four social enterprise units, training kitchen, coffee dock, beauty therapy room and SPA). In relation to the proposed use, Part D of The Planning (Use Classes) Order (Northern Ireland) 2015, is titled 'Community, Recreation and Culture' which consists of Class D1 'Community and Cultural Uses' and Class D2 'Assembly and Leisure'. Class D1 includes use as a community centre and for the provision of education whilst Class D2 includes a dance hall and theatre. The definition of a community centre in the Use Classes Order is a building used by residents of a particular neighbourhood for social and recreational purposes. Supporting information (Document 04) states that the existing boxing club and the proposed community wellbeing hub serves the community in which it is located, that being, Monkstown as well as other local communities including Rathcoole.

The proposal also includes certain 'sui generis' uses, that being, the beauty therapy room and SPA, the proposed gymnasium and boxing club. In addition, there are four proposed social enterprise units, it is indicated within the supporting information (Document 04) that these units are not Class A1 Shops (including retail services) or 'sui generis' food and beverage units to ensure, inter alia, no adverse impacts on the Monkstown Village Centre. Document 04 goes on to expand that these will be solely for the promotion of wellbeing, provision of community services or social enterprises primarily for young people and adult service users. Third party representations raised concerns in relation to the use of the social enterprise units and the overall impacts of the proposal on the existing services provided by other groups in the locality. It is considered fundamental that if planning permission is forthcoming that conditions should be imposed to control the use of these units to ensure that they remain ancillary to the wider community wellbeing facility.

Policy CF 2 of dBMAP states that planning permission will be granted for community services within the Metropolitan Newtownabbey provided that certain criteria are

met. The plan goes on to state that unforeseen demands for new community facilities may arise and a flexible approach is required in considering such development within the development limits in order to make the most effective use of existing facilities, infrastructure, utilities and resources.

With regard to other planning and environmental criteria, the Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPS's). The Strategic Planning Policy Statement (SPPS) states that in determining planning applications, planning authorities should progress proposals which can improve the health and wellbeing of local communities and help build a shared and strong society. The core planning principles of the SPPS are, Improving Health and Wellbeing; Creating and Enhancing Shared Space; Supporting Sustainable Economic Growth; Supporting Good Design and Positive Place Making; and Preserving and Improving the Built and Natural Environment.

Paragraph 6.280 of the SPPS states that 'a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP.' Footnote 58 of the SPPS goes on to define "town centre uses" as including "cultural and community facilities, retail, leisure entertainment and businesses. Following due consideration, and importantly by reason of the fact that the existing boxing club has existed on this site for years and as a consequence it is considered that a sequential test is not required given that this is a replacement facility, to serve a local centre, sited immediately adjacent to a local retail centre. Notwithstanding this, paragraph 6.207 of the SPPS, gives an indication that intensive sports facilities shall be located within settlements to maximise the use of existing infrastructure without the requirement to be located within a defined 'town centre'.

The SPPS goes on to require in the absence of an up-to-date Local Development Plan, proposals located outside a town centre and above a threshold of 1000sqm should be accompanied by a full assessment of retail impact as well as need. Letters of representation also support the need for a retail impact assessment to be provided. It is accepted that the proposal exceeds the threshold given that it has a floorspace of 3,930sqm, however, this is a replacement community facility with a very limited retail element, (coffee dock) which is sited within the community to which it serves and adjacent to an existing local retail centre. It is considered that the use of conditions requiring the proposed use of the building to be fundamentally linked to community need will ensure that the proposal will not significantly affect the retail impact of retail centres.

In conclusion, this proposal is essentially a replacement and enhancement of an existing community facility which needs to be constructed within the local Monkstown community to which it serves. It is considered that the principle of development has been established subject to all other policy and environmental considerations being met.

#### **Open Space**

As indicated above, the application site is located within an area of existing open space as defined within both the BUAP and the dBMAP. Policy R1 of BUAP 'Protection

of Existing Open Spaces' states that in exceptional circumstances development may be permitted on open spaces where it is satisfied that it is in the public interest taking into account such factors as: alternative recreation facilities accessible to the local population or users of the particular facility; and alternative need for recreation or open space use. In addition, Policy OS 1 of dBMAP states that planning permission will not be granted for alternative uses or inappropriate forms of development on land identified for the provision of open space.

Furthermore, the SPPS and Planning Policy Statement 8 'Open Space, Sport and Outdoor Recreation' (PPS 8) also support the narrative that there will be a policy presumption against the loss of open space to competing land uses, irrespective of its physical condition and appearance. However, both the SPPS and Policy OS 1 of PPS8 indicate that an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweighs the loss of the open space. The policy does not give any specific guidance as to what constitutes a 'substantial' benefit, nor does it state what exactly the term 'community' means, however the justification and amplification of PPS 8 states that in such cases, applicants will generally be expected to demonstrate that their proposals are supported by the local community.

Supporting information (Document 04) indicates that the community benefits will relate, but not be limited to, boxing, fitness and youth spaces and a range of activities and opportunities to try new things. It is highlighted that from 2012, through investment from a range of partners, the club has been delivering a pioneering education support programme in partnership with Abbey Community College specifically targeted at young people disengaged from mainstream education as well as providing young men's and women's groups, breakfast and after school's clubs, youth leadership and employability programmes. The project known as 'In your Corner' works with over 250 young people on a weekly basis accessing services and support. It is indicated that the club also provides a wide range of family and children's services to the local community including a food bank service to families affected by poverty and a fulltime counsellor.

The Northern Ireland Multiple Deprivation Measures (2017) provides an overall ranking of deprivation for small areas and a further breakdown of information on seven key types of deprivation. Super Output Areas (SOA's) in Northern Ireland are ranked from the most deprived (rank 1) to the least deprived (rank 890). Monkstown area is split into two SOA's (Monkstown 1 and Monkstown 2) with the boxing club located within Monkstown 1. Monkstown 1 is ranked 107 out of 890 which is within the top 15% of most deprived areas. The applicant states that the services provided will prioritise young people; who are economically inactive, with low level or no qualifications, some who are experiencing mental health issues and, or living in challenging circumstances. It is contended that the services provided will build confidence, self-esteem and skills, educate and improve employability, help to grow resilience and improve physical and mental well-being. It is indicated that the proposal is subject to investment from the Special EU Programmes Body Peace Plus and will support over 3,000 young people across the local community over the next ten years and that through the existing employability programme, 84% of participants found work, or moved into training or education. The Pre-Application Community Consultation Report (Document 05) indicates that during the community consultation period, the

feedback demonstrated widespread strong community support for the proposed development.

Although there is a strong presumption to refuse development on open space, there are a number of factors in this case which need to be taken into account. Firstly Policy OS1 of PPS 8 allows for an exception to the general presumption to refuse development where the proposal would provide significant community benefits that outweigh the loss of the open space. It is accepted that the provision of this enhanced community facility will bring significant benefits which will justify the loss of the open space provision to accommodate this development. In addition, this is a replacement building, whereby the existing building will be removed and laid out as a hard landscaped feature area, thereby limiting the loss of open space. In addition, the area of open space is contained within the Three Mile Water Linear Park, which stretches from Mossley Mill to the Loughshore Park and amounts to a very small proportion of the overall site area. It is considered that on balance that the proposed development should be treated as an exception to the policy and the minimal loss of open space is acceptable in this case.

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

Policy CF 2 of dBMAP indicates that planning permission for community facilities within the metropolitan development limit will be granted subject to a number of criterion, including the need for the design and layout to be in keeping with the size and character of its surroundings and that there is no adverse effect on the visual amenity of those living in close proximity to the site. Third party representations received raised concerns regarding the scale, massing and design of the proposed building and the impact on the character and appearance of the area.

As indicated above the existing Monkstown Boxing Club is located within a single storey building to the north of the application site. The existing building measures approximately 450sqm with an associated parking area. The proposal includes the demolition of the existing building with the new building set to the rear (south) of the existing building. The proposal is a three-storey building measuring 34.5 metres along its northern elevation facing onto Cashel Drive and 35 metres along its western elevation facing onto the Monkstown Road. The proposed building has a footprint of approximately 1200sqm with a flat roof and a total height of 11.75 metres. The gross internal floor area is approximately 3,930sqm spread across three floors. The building takes the form of a solid distinctive shape with a number of box like projections cantilevered from the main building core.

A mix of finishes are incorporated into the overall design scheme, the main structure of the building is finished in dark coloured facing brick with a central core defined by a green glazed finish brick work. Vertical timber cladding defines the frontage of the first and second floor whilst a curved glass wall defines the entrance on the ground floor, front elevation. The cantilevered boxes located to the rear and both gables are finished in coloured panels, ribbon windows define the first and second floor along the front elevation.

Internally the building is spread across three floors with a central three storey atrium with walkways around the void on all levels. As indicated above the different levels are organized to have three distinct functions with social enterprise and youth development on the ground floor, which includes four social enterprise units a

training kitchen, coffee dock and break-out area and a climbing wall, accessible toilet facilities are located on each floor. The first floor is indicated to be utilised for education and knowledge development and consists of classrooms, a training/boardroom, music/dance and performance art studio, film and media room and sensory room. Staff accommodation is also located on this floor as is counselling rooms. The top floor accommodates a gymnasium, a spa area, a beauty and therapy room. The boxing club wraps around the rear and eastern side of the upper floor plan.

The building is accessed via Cashel Drive with an area of hardstanding and parking located to the immediate east of the building. To the front of the new building an open, hard landscaped concourse is proposed alongside an outdoor social area, with seating and hard and soft landscaping proposed on the footprint of the existing boxing club building. Letters of representation raised concerns in relation to the loss of vegetation and the lack of new planting to offset the loss of open space. The building is proposed to be defined by a fence around the perimeter of the entire car park, the rear of the site and partially defining the western boundary. No details of the proposed fencing has been provided, however, it is noted that security fencing currently defines the eastern section of the existing building. Security fencing is not considered to be an appropriate boundary treatment along the western or southern section of the site due to the critical views from public vantage points and only a form of estate railing would be acceptable. In addition, while there is security fencing along the existing car park area, the impact of this is largely mitigated by the presence and close proximity of the existing building. The proposed scheme has a much larger area of parking, extending from Cashel Drive, however, the proposed building is setback some 33 metres from Cashel Drive and will do little to mitigate the impact of the fencing which abuts and extends from Cashel Drive and then parallel with the rear building line. It is considered that the security fencing will have a detrimental impact on the amenity of the area. The applicant indicates (Drawing 02/2) that they intend to plant new trees around the periphery of the fence line inset with a new hedgerow, however, it is apparent that it will take time for new planting to be established on site and as such it is considered that details of the proposed fencing will have to be submitted and agreed in writing with the Council prior to any development commencing on site. This matter can be conditioned as part of any grant of planning permission should it be forthcoming.

Critical views of the proposed building are evident when travelling along the Monkstown Road in both directions additionally long-distance views are achievable when travelling along the Jordanstown Road albeit fleetingly. The proposed building is of a significant scale and massing which also includes visually prominent design features. In relation to the wider context Abbey Community College is located to the northwest of the site which is a mix of flat roof ridge heights finished in predominately red brick. Directly opposite the school is Abbey Presbyterian Church which has a ridge height of approximately 9 metres. Retail properties are located adjacent along Cashel Drive and Jordanstown Road which have a ridge height of approximately 10 metres while the surrounding 2 storey residential properties have a ridge height of approximately 7 – 7.5 metres. It is accepted that the central core of Monkstown has no defined character with a wide variety of materials and design features evident within the streetscape.



It is acknowledged that the proposed building on this road frontage site will appear as a prominent and visually dominant feature in the immediate landscape. It has a scale and massing which will dominate this area of the Monkstown Road and may represent a fairly intensive form of development when approaching the site from the south along Monkstown Road. This approach is heavily tree-lined and there is no transition between Monkstown Community Wood and the proposed 3 storey building. While it is accepted that the scale and massing of the building is significant, it is considered that given the urban nature of the area, the wide variety of building types, the lack of any prominent design features and the community benefits associated with the building, it could represent a 'gateway building' into Monkstown and provide a focal point within the area. On balance, it is considered that the proposal will not adversely affect the character of the area to an unacceptable level.

The applicant indicates (Document 01) that the design of the new facility proposes to create an eye-catching, community inspiring, fit-for-purpose building that will attract positive attention to the locality and give the young people and wider community something they can take some ownership in, having been part of the process, and that gives them a real sense-of-place. Document 01 also indicates that the proposal is purposely of a scale which will command attention and is a landmark development of which the whole community can be proud and one which will be known beyond Monkstown.

For the reasons outlined above it is considered that while the building will have a significant visual impact' on balance the design, layout, appearance and landscaping of the building including its scale and massing are considered acceptable within the urban context.

### **Neighbour Amenity**

Policy CF 2 of dBMAP indicates that planning permission for community facilities within the metropolitan development limit will be granted subject to no adverse effect on the residential amenity of those living in close proximity to the site. Residential properties are located opposite the site in Abbey Green and River Walk and to the southeast of the site in Adare Park. Concerns were raised through third party representations about the impact of overlooking on nearby residential properties.

A Noise Impact Assessment (NIA) (Document 03) was submitted in support of the application. Consultation was carried out with the Council's Environmental Health Section (EHS) who have reviewed the NIA and have concluded that the proposed development can operate without adverse impact on nearby residential amenity subject to noise control conditions restricting the use of the site during night-time hours.

A small training kitchen (to provide life skills training) as opposed to a commercial kitchen is proposed along with a coffee dock on the ground floor. The scale of these facilities and the separation distance between them and nearby residential homes ensures that there will be no adverse impacts in relation to odours. Any extraction system will be sited in accordance with appropriate standards in terms of its relationship to ridge heights and directed away from neighbouring properties. The applicant indicates that the lighting of the car park and landscaped space to the

front of the building will be as per the annotations on the site layout plan (Drawing 02/2). The proposed lighting is indicated to be directional to reduce light spill outside of the site including towards the woodland and open space areas. With regard to odour and light impacts associated with the development EHS has indicated no objections.

It is considered that there will be no significant impact from the development which would lead to a loss of light, dominance or overlooking given that the proposed development is sufficiently far removed from nearby residential properties. In regards to overlooking the majority of glazing is located to the northern elevation of the proposed building which overlooks commercial premises and not residential properties. Pound Burn and Monkstown Wood provide a buffer between the site and residential properties to the east in Adare Park. Monkstown Road provides a buffer between the building and properties to the west in Abbey Green and River Walk which has a separation distance of over 25 metres. It is noted that a window on the third floor of the western elevation serves a substantially sized changing room, it is considered that should planning permission be forthcoming a condition should be imposed requiring this window to be finished in opaque glazing.

### **Road Safety, Traffic, and Parking**

With regards to transportation the SPPS aims to secure improved integration with land-use planning, to facilitate safe and efficient access, movement and parking. Additionally Planning Policy Statement 3 Access, Movement and Parking PPS 3 seeks to ensure that prejudice to road safety does not occur as a result of development. Policy AMP 2 of PPS 3 requires that any proposal will not prejudice road safety or significantly inconvenience the flow of traffic. Representations received raised concerns regarding the safety and flow of traffic regarding the access arrangement. As indicated above access to the site is achieved via Cashel Drive which is the current access arrangement with a singular access point for ingress and egress. DfI Roads has no objection to the access arrangements as proposed. It is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

Collectively Policies AMP 1, AMP 7 and AMP 9 of PPS 3 require that an accessible environment is created with adequate provision for car parking and appropriate service arrangements and the design of car parking is of a high standard of design, layout and landscaping. Third party representations also raised concerns regarding the provision of parking and the use of on-street parking which currently occurs. The current boxing club provides 18 spaces, however, these have not been in-use as there is currently a marquee and a number of shipping containers on the site which it is understood were brought onto the site during the Covid pandemic to provide services to the community. The current proposal provides for 36 car parking spaces which is an increase of 18. The Department's Parking Standards identifies the parking standards for community and cultural uses, however, the use of a building for community use is not listed and therefore there is no applicable parking standard by which to assess the development against. In the circumstances it is appropriate to assess the development against other similar forms of development which exist in other locations.

A Transport Assessment Form (TAF) (Document 06) was submitted in support of the application and outlines the mode of travel for existing visitors to the site with the

significant travel mode being walking. The TAF also indicates that the various modes of transport used by the existing users travelling to the site correlates directly to that reflected in the Youth Zones projects developed within England where most of the visitors either walk or use public transport to get to the sites. It is indicated that these youth zones are very similar to the proposal and in addition, 89 people of the 123 people (72%) who attended the pre-application community consultation event indicated that their mode of travel would be to walk.

It is further indicated that the current facility operates from 07:00-22:00 and the services provided by the club are spread out throughout the day. In the morning and early afternoon most of the service users to the facility are mainly children/young people and women who are from the local community and walk to the site. The TAF indicates that the only time the parking is frequently used is in the evening for the senior members who attend the boxing club. The TAF anticipates that 36 car parking spaces will provide ample car parking for the users of the various programmes throughout the day.

The TAF details several measures which will be used to influence travel to and from the site. The existing well lit pedestrian links for nearby residents including the crossing facilities with tactile paving and signalised junctions is highlighted; public transport services in close proximity to the site are also included; cycle parking provision is provided on site to encourage staff/visitors to travel to and from the site on their cycles. It is indicated that Monkstown Boxing Club will encourage it's employees to travel to and from work using other modes of transport such as walking, cycling or using public transport, other than using their private cars; car sharing by employees will also be encouraged.

DfI Roads have highlighted that the parking provision is substandard, however, having regard to the detail within the TAF and the bespoke approach to parking based on need, the modal split (transport profile), the highly accessible location of the application site to nearby bus stops and the accessibility of the proposed development to the local community, it is considered that on balance, sufficient onsite parking is provided to serve the development.

### **Natural Heritage**

Policy CF2 of dBMAP requires that the proposed development should have no adverse effect on nature conservation while PPS 2 sets out the Executive's commitment to sustainable development, conserving, and where possible, enhancing and restoring natural heritage. Policy NH5 states that proposals which are likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. Letters of representation raised concerns regarding the environmental impact on the Three Mile Water River.

The applicant has submitted a Preliminary Ecological Appraisal (PEA) (Document 07) in support of their application. The PEA concluded that the application site is of low ecological value due to the largely urban landscape and the amenity grassland to which the site extends into. An outline Construction Environmental Management Plan (oCEMP) (Document 08/1) outlines pollution prevention measures to ensure that there are no significant environmental impacts arising from this development. Third party representations raised concerns in relation to inaccuracies within the oCEMP,

however, an amended oCEMP (Document 08/1) was received in response to this matter. In addition a bat survey (Document 09) has been provided which indicates that no bats were recorded emerging or re-entering the building. DAERA Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests (Habitats, and Protected Species) and, on the basis of the information provided, has raised no concerns.

Shared Environmental Services (SES) has also been consulted with regard to the impact on Designated Sites. SES has considered the impacts of the proposal and are content that there will be no likely significant impact on any designated site subject to a condition requiring connection to the public mains for foul sewerage. As indicated above the Council Planning Section has accepted the Habitats Regulation Assessment as carried out by SES.

#### Local Landscape Policy Area (LLPA)

Additionally, the site is located within the draft Three Mile Water Local Landscape Policy Area (LLPA) (MNY 53). The features that are noted within dBMAP include archaeological sites and monuments and their surroundings; an area of local amenity importance including Three Mile Water Playing Fields, and a number of pedestrian cycle routes; an area of local nature conservation interest comprising an extensive river corridor linking Belfast Lough Shoreline to Mossley Mill pond, with extensive areas of woodland including Three Mile Water Conservation Park and Monkstown Wood Woodland Trust.

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

The application site is located entirely within LLPA (MNY 53) including the existing building and carpark area. It is considered that there will be no significant effect on the LLPA. In addition, the existing path is to be retained as it is outside of the application site while a sufficient buffer is retained towards the Pound Burn.

#### **Other Matters**

##### Archaeology

Planning Policy Statement 6 (PPS 6) deals with archaeology and built heritage whilst Policy CF2 of dBMAP requires that the proposed development has no adverse effect on the built heritage. Consultation was carried out with Historic Environment Division (HED) who has advised that the application site is located adjacent to a former mill pond and mill race (IHR 07245). HED has assessed the application and due to the extent of previous ground disturbance and the nature of the industrial archaeological material, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. It is therefore considered that the proposed development is unlikely to have a significant effect on subsurface archaeology.

### Flood Risk

PPS15 seeks to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere. Letters of representation raised concerns regarding the impact on the drainage network during construction. The applicant has provided a Drainage Assessment (DA) (Document 02) in support of their application. Consultation was carried out with DfI Rivers, who have indicated that the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal floodplain. DfI Rivers has reviewed the applicant's Drainage Assessment from McCloy Consulting and advises that while not being responsible for the preparation of the Flood Risk Assessment, they accept its logic and have no reason to disagree with its conclusions.

### NI Water Infrastructure

NI Water (NIW) initially indicated a refusal due to capacity issues, however NIW indicated that subject to successful discussions and outcomes regarding issues highlighted NIW may be in a position to reconsider its recommendation. DAERA Water Management Unit (WMU) has been consulted and has indicated that if the WWTW is able to accept the additional load, with no adverse effect on the operation of the WWTW then WMU would have no objection to this aspect of the proposal.

A Wastewater Impact Assessment was submitted to NIW for this site and a Solution Engineers Report (Document 10) has been received. It is considered that as there is a potential solution for the proposal then this matter can be addressed by way of a negative planning condition to ensure that a connection to the public foul sewer network has been secured prior to development taking place.

### Land Contamination

Consultation was carried out with DAERA's Regulation Unit Land and Groundwater Team (RULGW) who note that there are no significant records of previous potentially contaminating land uses on this application site or in the adjacent or surrounding area. As such RULGW are of the opinion that the proposed development is therefore considered to be a low risk to the water environment and as such have no objection to any planning application subject to recommended conditions.

### Aviation Matters

Belfast City Airport (BCA) and Belfast International Airport (BIA) have examined the proposed development with regard to aerodrome safeguarding criteria and have concluded that it does not conflict with their safeguarding criteria.

### Existing Signage

The loss of an existing 'Welcome to Monkstown' was raised as an issue of concern by a third party and queried where it would be relocated. It is correct that the existing signage is proposed to be removed and its relocation does not form part of this proposal. Advertisement Consent would be required for the relocation of the signage and this needs to be addressed through a separate planning application.

Other concerns raised by representations included the potential increase for litter and for anti-social behaviour. Given the scale of the proposal and adequate room for bins it is not considered that this is likely to have an unacceptable impact. EHS has been consulted and has no objection in this regard. The overall layout arrangement ensures that there are no isolated areas of communal open space within the site

which are not overlooked, which should reduce any potential for anti-social behaviour.

## **CONCLUSION**

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

- The principle of the development is acceptable;
- On balance the design, layout and appearance of the proposal is acceptable;
- The loss of open space for a community use is considered appropriate in the circumstances of the community benefit being derived from the scheme;
- There are no significant neighbour amenity concerns;
- There is no significant flood risk associated with this development;
- There are no significant natural and built heritage concerns;
- There are no significant access concerns, with the parking provision within the context of the site considered acceptable; and
- There is no significant concern with regard to NI Water infrastructure.

## **RECOMMENDATION**

## **GRANT PLANNING PERMISSION**

## **PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  
  
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The development hereby permitted shall not operate at any time between 22:00 and 07:00 hours.  
  
Reason: In order to protect nighttime amenity at nearby noise sensitive receptors.
3. Prior to the use of the development hereby approved a 'high level of odour control', commensurate with the high level of odour control specified in EMAQ+ "Control of Odour and Noise from Commercial Kitchen Exhaust Systems' shall be installed into any commercial/training kitchen within the development and retained for the lifetime of the development.  
  
Reason: In order to prevent any adverse odour impact on amenity at nearby sensitive receptors.
4. The extraction and ventilation system must be cleaned and maintained in perpetuity with the lifetime of the development to ensure compliance with Condition 3.  
  
Reason: In order to protect amenity at nearby residential dwellings.
5. The extracted air from the odour abatement system shall be discharged not less than 1 metre above the roof of the development hereby approved and shall have a diffusion velocity of 15 m/s.  
  
Reason: In order to protect amenity at nearby residential dwellings.

6. The proposed social enterprise units, the beauty salon and the spa coloured orange on drawing No. 03 date stamped 31<sup>st</sup> March 2023 shall be operated solely by not for profit organisations and no retailing of any form will be permitted on the premises.

Reason: The development of existing open space is only acceptable given the community use of the building and to prevent any adverse impact on any nearby retailing centre(s).

7. The proposed gymnasium as hatched blue on drawing No. 03 date stamped 31<sup>st</sup> March 2023 shall be used only by members of Monkstown Boxing Club.

Reason: The development of existing open space is only acceptable given that the proposal represents a replacement boxing club.

8. The proposed offices coloured purple on drawing No. 03 date stamped 31<sup>st</sup> March 2023 shall be used solely as ancillary office accommodation associated with the existing uses of the building hereby approved and shall not be occupied as a separate planning unit.

Reason: The development on open space is only acceptable given the community use of the building and to prevent any adverse impact on any nearby retailing centre(s).

9. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

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

10. After completing the remediation works under Condition 7 and prior to occupation of the development, a Verification Report shall be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The Verification Report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

11. A final Construction Environmental Management Plan (CEMP) shall be submitted to Council, at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

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

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

13. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 or any Order, revoking and/or re-enacting that Order, and notwithstanding the detail on Drawing No. 02/2 date stamped 12<sup>th</sup> June 2023 no fencing or other means of enclosure may be erected without the express grant of planning permission from the Council.

Reason: To ensure that the proposed fencing does not have a detrimental impact on the visual amenity of the area.

14. Within 12 weeks of the date of occupation of the building hereby approved the existing building as indicated in green Drawing No. 01 date stamped 31<sup>st</sup> March 2023 shall be demolished, all rubble and foundations shall be removed and the land restored in accordance with the detail on Drawing No. 02/2 date stamped 12<sup>th</sup> June 2023.

Reason: To prevent an accumulation of buildings on this area of open space and ensure that there is no adverse impact on parking demands in the area.

15. Prior to the building hereby permitted becoming operational the carparking shall be provided and marked out in accordance with Drawing No. 02/2 date stamped 12<sup>th</sup> June 2023. The parking area shall be maintained and a minimum of 36 spaces provided for the parking of cars during the lifetime of the development.

Reason: To ensure that adequate parking is provided for the development.

16. Prior to the building hereby permitted becoming operational the window coloured green on Drawing No. 06 dated stamped 31<sup>st</sup> March 2023 shall be finished with opaque glazing. Which shall be retained for the lifetime of the development.

Reason: To prevent overlooking of any nearby residential properties.

17. All hard and soft landscape works shall be carried out in accordance with the approved details on Drawing No 02/2 date stamped 12<sup>th</sup> June 2023 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out in the first available planting season after the occupation of any part of the building.



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



### Site Location Plan

Location: Monkstown Boxing Club and lands to the rear, Cashel Drive, Newtownabbey, BT37 0EY

Proposal: Demolition of existing boxing club and construction of The Box - Community Wellbeing Hub - comprising boxing club, gymnasium, classrooms and training rooms, music and dance studio, climbing zone, four social enterprise units, training kitchen, coffee dock and ancillary accommodation (including changing rooms, storage, staff offices) - and associated access, parking and landscaping.

Application Reference: LA03/2023/0279/F



Site boundary



<b>COMMITTEE ITEM</b>	<b>4.3</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0235/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Public realm improvements comprising the resurfacing of existing footpaths and spaces and new roadside kerbs; new/replacement tree planting and soft landscape; new/replacement feature lighting; new/replacement railings and walls; new/replacement street furniture and realignment of pedestrian crossings and parking areas
<b>SITE/LOCATION</b>	Lands adjacent to 242-382 Antrim Road, 1-29 & 2-36 Ballyclare Road, the Lilian Bland Community Park, 2-6 Hightown Road, 2-4 & 1-17 Farmley Road, 1-3 Carnmoney Road, 170-178 & 167 Church Road, Farrier Court, 1 Glenwell Road, 1-3 Church Way and the Tramway Centre, Glengormley.
<b>APPLICANT</b>	Antrim & Newtownabbey Borough Council
<b>AGENT</b>	Chelsea Johnston RPS
<b>LAST SITE VISIT</b>	15 <sup>th</sup> August 2023
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 9034 0416 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 Northern Ireland Planning Portal</b></p> <p><a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limit of Metropolitan Newtownabbey and within the proposed town centre of Glengormley as defined within the draft Metropolitan Area Plan (dBMAP).</p> <p>The site extends to 2.66 hectares which stretches in a linear path along the existing road network. The site encompasses lands along the Antrim Road, Ballyclare Road, the Lilian Bland Community Park, Hightown Road, Farmley Road, Carnmoney Road, Church Road, Farrier Court, Glenwell Road, Church Way and the Tramways Centre, Glengormley.</p> <p>The wider context of Glengormley has a mix of retail, leisure, community and residential uses.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history.	

## PLANNING POLICY AND GUIDANCE

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

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

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

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

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey and is also within the designated local centre for Glengormley (Policy ref MNY 28).

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

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

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

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

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

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

## **CONSULTATION**

**Council Environmental Health Section** - No objections.

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

**NIEA Regulation Unit** - No objections.

**DfI Rivers** - Drainage Assessment required

## **REPRESENTATION**

Seven hundred and forty seven (747) neighbouring properties and properties within the application site were notified of the application and no letters of objection were received.

It is noteworthy that during the Pre-Application Community Consultation (PACC) a number of issues were highlighted which are summarised within the PACC report (Document 02) together with information on how each of the issues was addressed.

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

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

- Legislative Framework
- Policy Context and Principle of Development
- Design, Layout and Appearance
- Neighbour Amenity and Compatibility with Adjacent Land Uses
- Flood Risk
- Other Matters

### **Legislative Framework**

#### Environmental Impact Assessment

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

#### Pre-Application Notice

The application falls within the major category as prescribed in the Planning (Development Management) Regulations (Northern Ireland) 2015. Section 27 of

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

A Pre-Application Notification (Ref: LA03/2022/0703/PAN) was submitted to the Council and was deemed to be acceptable on 18<sup>th</sup> August 2022. The Pre-Application Community Consultation Report (PACC) submitted has demonstrated that the applicant has carried out its duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

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

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal on 18<sup>th</sup> May 2017. As a result of this, the Belfast Urban Area Plan 2001 (BUAP) operates as the statutory development plan for the area. Draft BMAP, published in 2004 as opposed to that published in 2014, and draft Newtownabbey Plan 2005 (NAP) remain material considerations in the determination of the application. In the BUAP the site is located within the settlement limit and is not zoned for any particular use. Within NAP Glengormley is identified as an urban village. Within draft BMAP the application site is in part identified as being within the designated Local Centre for Glengormley (MNY 28).

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). The SPPS indicates that good design can change lives, communities and neighbourhoods for the better. It can create more successful places to live, bring communities together, and attract business investment. It can further sustainable development and encourage healthier living; promote accessibility and inclusivity; and contribute to how safe places are and feel. In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained within the relevant policy framework.

This application seeks full permission for environmental improvements which comprise of resurfacing of existing footpaths and spaces, and new roadside kerbs; tree planting and soft landscape; new/replacement feature lighting, street furniture, railings and walls and the realignment of pedestrian crossings and parking areas. Supporting documentation (Document 01) indicates that the current proposal is one of a number of key regeneration proposals within a

regeneration strategy and aims to improve the streetscape and reinvigorate the urban fabric within Glengormley Local Centre. Document 01 also indicates that part of the £5 million Levelling-Up funding will support the delivery of these public realm improvements. It is further indicated that the project will be delivered by the Council in association with the Department for Infrastructure Roads and the Department for Communities.

It is considered that the principle of the environmental improvement works within Glengormley are acceptable subject all other policy and environmental considerations being met.

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

The SPPS further indicates that design is an important material consideration in the assessment of all proposals and good design should be the aim of all those involved in the planning process and must be encouraged across the region. Supplementary Planning Guidance 'Living Places' indicates that as a society good places are a focal point of social and economic activity and help to define our collective sense of identity. Living Places indicates that the quality of our urban environment is of fundamental importance and urban centres must work hard to sustain and improve the context and must become cleaner, more efficient and more attractive for the benefit of everyone.

As indicated above this application seeks permission for environmental improvements within Glengormley local centre, extending from Glencairn Park on the Antrim Road and Glencairn Drive on the Ballyclare Road, extending along the Antrim Road to just beyond its junction with the Glenwell Road. The proposed improvements focus on resurfacing and improvements to the existing footways, carriageway and public spaces, new lighting, new street furniture, and soft landscape improvements. The applicant states that the primary focus of the scheme is to improve the existing public realm within the project area, creating a more walkable and easily navigable public realm environment, whilst improving the overall aesthetics of the streetscape. The scheme introduces several interventions along Antrim Road, Ballyclare Road and the main commercial core to Glengormley where there are particularly busy junctions and where the scheme aims to improve accessibility for all user groups.

The proposal includes the resurfacing of all footpaths within the scheme area, stretching from the east at the junction of Antrim Road, Glenwell Road and Church Way to the south of the scheme area beyond the junction of the Antrim Road and Ballyclare Roads. The scheme extends to the entrance of Glencairn Drive on the Ballyclare Road and to the entrance of Glencairn Park on the Antrim Road. The proposal includes the existing pedestrian link between the Antrim Road and the car park to rear of the Tramways Shopping Centre.

In relation to the resurfacing element, the scheme proposes the use of natural stone paving materials in a mix of sizes with contrasting coloured granite kerbs and trims to define footpaths throughout the defined project area. The applicant indicates that the colouration of the paving materials will take it's cue from the surrounding built form, providing a complimentary colour, to enhance the existing streetscape environment.

A range of street furniture is proposed as part of the scheme, which includes wayfinding signage, interpretive signage, seating, SMART street furniture, water refill stations, bollards and litterbins. The design is contemporary in style and form in order to enhance the proposed streetscape. It is indicated that all street furniture will be carefully located to provide a clearly delineated pedestrian corridor on footpaths, whilst being suitably located so as to respect the frontages of buildings. A range of seating is to be provided within the scheme, with arm rests and backs provided to enable usage by all user groups. SMART street furniture, such as water refill stations are proposed with the aim of future proofing the proposals, whilst providing opportunity for reducing environmental impacts (reducing the usage of single use plastic bottles).

New lighting is proposed as an integral part of the environmental improvement scheme, comprised of new LED street lighting columns, feature columns and strip lighting at key locations in order to enhance the existing urban fabric of Glengormley. It is indicated that new street lighting columns, will be carefully located to respect frontages of buildings and maintain a clear thoroughfare on pavements. Feature columns are to be positioned at key locations to act as a visual draw within the retail core of Glengormley, whilst strip lighting is proposed to enhance the aesthetics of links making them more attractive and safer for pedestrian use.

It is further indicated that where practicable and achievable, existing trees within the scheme area are to be retained and augmented with new trees and soft landscape interventions provided using movable raised planters and the re-formation of planting beds along Antrim Road.

#### Antrim Road / Glenwell Road / Church Way Junction

This junction forms a key gateway entrance at the southern end of the scheme, providing a transition into the main retail core of Glengormley. Some elements of work at this location do not form part of the current proposal including the new right hand turn lanes into Glenwell Road and Church Way. Other improvements at this junction are to be undertaken in advance of the main environmental improvement scheme to improve pedestrian and vehicular movements at this gateway junction. The improvements include the resurfacing of footpaths with natural stone paving and kerbing with dropped kerbing provided at all new crossing points as appropriate. In addition, the proposals also include enhancing existing soft landscape areas along Church Way and Antrim Road with feature lighting columns provided to enhance the 'gateway', combining with other proposed elements to create a sense of place and an improved sense of arrival to the town centre.

#### Antrim Road/ Farmley Road Junction

Footpaths are to be resurfaced in natural stone, with contrasting coloured kerbs and trims, and contrasting coloured paving materials are to be used to define vehicular access to adjacent commercial properties. The creation of new public realm space with new low walling, railings and steps will be used to create a multi-functional event space within the town centre. New SMART street furniture provision and a variety of seats are proposed at this location; underground power supply to provide opportunity for events, provision of cycle racks and new soft landscape treatment including trees in purpose built tree pits. Raised planters and



feature lighting columns are to be provided at key locations to define public realm space, providing a visual and physical separation between pedestrian and vehicular circulation areas.

#### Antrim Road/ Ballyclare Road Junction

The proposals include the resurfacing of all footpaths with natural stone paving, with contrasting coloured trims, kerbs and paving units utilised to define pedestrian and vehicular circulation. The natural stone paving colour will be complementary to and take its cue from previous public realm improvements on Portland Avenue (in close proximity) to provide continuity in materials. Existing pedestrian crossings will be improved where possible. New seating opportunities, including perch seating incorporated into proposed raised planters, new way finding signage, new litter bins, new cycle rack provision and new feature lighting columns, all of which are to be located to provide a clear delineation for pedestrian movement whilst providing separation from the adjacent vehicular circulation routes.

Overall, it is considered that the design layout and appearance of the proposed environmental improvement works are sympathetic to its surroundings and will enhance the quality of the project area. In addition, the proposed environmental improvements are considered to promote greater accessibility and inclusivity for all and creates hospitable and safe places.

#### **Neighbour Amenity and Compatibility with Adjacent Land Uses**

It is anticipated that there will be no significant impact on neighbour amenity as a result of this proposal. It is accepted that the works extend along a significant stretch of road and pedestrian pathways which are bounded by both commercial and residential properties. It is further accepted that inconvenience to pedestrians and road users will be experienced during the construction works, however, given the nature of the proposal it is envisaged that this will be done in stages, will be planned in order to cause as little disruption as possible and ultimately will be short lived. Consultation was carried out with the Council's Environmental Health Section (EHS) who raised no objections to the proposal. Having regard to the nature and extent of the environmental improvement works proposed it is unlikely that there will be any significant detrimental impact on nearby commercial premises operating within the project area.

#### **Flood Risk**

Planning Policy Statement 15 (PPS 15) seeks to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere. DfI Rivers has advised that the development site does not lie within the 1 in 100-year fluvial or 1-in 200-year coastal flood plain. The site is traversed by two watercourses known to DfI Rivers as Glas-na-Cradden and Church Road streams. Given the proposal is for public realm improvements, DfI Rivers indicate that the existing maintenance strips will remain and as such they have no objections in this regard.

Policy FLD3 requires a Drainage Assessment for all development proposals that exceed 1 hectare in size, which is therefore applicable in this instance. However, the proposal replaces one hard surface with another, the existing drainage provision will be retained and no change to the drainage provision is required. As such there is unlikely to be any significant surface water flooding associated with

this development and for these reasons it is considered that a Drainage Assessment is not necessary.

### **Other Matters**

#### Contamination

A Preliminary Risk Assessment (PRA) (Document 03) was submitted in support of the application in order to satisfactorily understand and mitigate any contamination that may be on site. The PRA has highlighted that no significant pollutant linkages are considered present within the study area and that the water environment is unlikely to be affected, as the excavations are shallow with no significant earthworks, so no further investigation is required. Consultation was carried out with the Council's Environmental Health Section (EHS) and DAERA Regulation Unit Land and Groundwater Team (RULGW) who have no objection to this development subject to recommended conditions. It is therefore considered that there is unlikely to be any significant impacts on nearby receptors as a result of potential contamination.

#### Archaeology and Built Heritage

Having regard to the nature of the proposal, it is considered that there are no archaeological or built heritage concerns with this proposal.

#### Parking and Road Safety

DfI Roads has been consulted in relation to the development and has indicated no objection to the proposal. In terms of parking provision no parking spaces are indicated to be removed as part of this application. Overall, it is considered that the proposed access and road network are safe and adequate provision is made for parking for a development of this nature having regard to the sites highly accessible location along a main arterial route and presence of various amenities surrounding the application site.

### **CONCLUSION**

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

- The principle of the development is considered acceptable.
- The design, layout and appearance of the proposal is considered appropriate;
- There are no significant neighbour amenity concerns.
- There are no significant parking, road, or personal safety concerns with this proposal.
- There are no significant flood risk associated with this development.
- There are no archaeological, natural or built heritage concerns with the proposal.
- There are no significant contamination concerns with this proposal.

### **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

### **PROPOSED CONDITIONS**

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

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

2. The road works hereby permitted shall be built in accordance with Drawing Numbers 10/1, 11/1, 12/1, 13/1, 14/1, 15/1, 16/1, 17/1, 26/1 date stamped 14<sup>th</sup> June 2023.

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

3. Prior to the commencement of development, a detailed Programme of Works and Construction Phase Traffic Management Plan shall be submitted to and approved by the Council.

Reason: To facilitate the freedom of movement of all road users and the orderly progress of work in the interest of safety.

4. All hard and soft landscape works shall be provided in accordance with Drawing Numbers 10/1, 11/1, 12/1, 13/1, 14/1, 15/1, 16/1, 17/1 date stamped 14<sup>th</sup> June 2023. All soft landscaping shall be carried out during the first available planting season after the commencement of any part of that phase of the development.

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



### Site Location Plan

Application Reference: LA03/2023/0235/F



Location: Lands adjacent to 242-382 Antrim Road, 1-29 & 2-36 Ballyclare Road, the Lilian Bland Community Park, 2-6 Hightown Road, 2-4 & 1-17 Farmley Road, 1-3 Carnmoney Road, 170-178 & 167 Church Road, Farrier Court, 1 Glenwell Road, 1-3 Church Way and the Tramway Centre, Glengormley

Proposal: Public realm improvements comprising the resurfacing of existing footpaths and spaces and new roadside kerbs; new/replacement tree planting and soft landscape; new/replacement feature lighting; new/replacement railings and walls; new/replacement street furniture and realignment of pedestrian crossings and parking areas



Site boundary





<b>COMMITTEE ITEM</b>	<b>4.4</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0285/F</b>
<b>DEA</b>	<b>AIPORT</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed hotel development comprising 81 bedrooms, food and beverage offer, associated car parking spaces. New site access. Landscaping and all associated site and access works. (Renewal of LA03/2018/0006/F).
<b>SITE/LOCATION</b>	Lands situated at the junction of Ballyrobin Road and Antrim Road and 120m east of Hillhead Farm, 6 Antrim Road, Crumlin, Co. Antrim.
<b>APPLICANT</b>	JH Turkington & Sons
<b>AGENT</b>	TSA Planning
<b>LAST SITE VISIT</b>	15 <sup>th</sup> August 2023
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 9034 0416 Email: <a href="mailto:Alicia.leathem@antrimandnewtownabbey.gov.uk">Alicia.leathem@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 Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site lies immediately north of Belfast International Airport and comprises an agricultural field located at the junction of the Airport Road, Antrim Road and British Roads. The application site is located within an area designated for airport related uses as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The topography of the land is relatively flat agricultural ground with existing hedgerows defining the field boundaries. There are young trees along the eastern, southern and northern sides of the site. The site is bounded on the north and eastern side by a vacant site and fields. A section of the Antrim Road is incorporated into the application site along the western boundary.</p> <p>Cosmo car park and car rental premises abut the eastern boundary of the application site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2023/0002/PAN  Location: Lands situated at the junction of Ballyrobin Road and Antrim Road and 120 meters east of Hillhead Farm, 6 Antrim Road, Crumlin Co Antrim.  Proposal: Proposed hotel development, comprising 81 No. bedrooms, food and beverage offer, including new site access, car parking, landscaping and all associated site and access works, (Renewal of application Ref: LA03/2018/0006/F)  Decision: PAN acceptable (16/01/2023).</p> <p>Planning Reference: LA03/2018/0006/F  Location: Lands situated at the junction of Ballyrobin Road and Antrim Road and 120 metres east of Hillhead Farm, 6 Antrim Road, Crumlin, Co. Antrim</p>	

Proposal: Proposed hotel development comprising 81 bedrooms, food and beverage offer, associated car parking spaces. New site access. Landscaping and all associated site and access works.

Decision: Permission Granted (27/04/2018)

Planning Reference: T/2006/0904/O

Location: 80m N.W of Park Plaza Hotel, British Road, Aldergrove

Proposal: Proposed Hotel and associated parking

Decision: Permission Granted (28.08.2007)

Planning Reference: T/2009/0187/F

Location: Antrim Road at Belfast International Airport, Aldergrove, Crumlin.

Proposal: Amendment to previously approved new Antrim Road link.

Decision: Permission Granted (29.05.2009)

### **PLANNING POLICY AND GUIDANCE**

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located within an area designated for airport related uses. The Plan offers no specific guidance on this proposal however at Para 7.5 The plan indicates that with the continued expansion of Belfast International Airport there is increasing potential for an airport hotel within the airport perimeter.

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

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

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

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

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

## **CONSULTATION**

**Council Environmental Health Section** – No objections subject to conditions.

**NI Water** – No objections.

**Belfast International Airport** – No objections subject to conditions.

**Defence Infrastructure Organisation (DIO)** – No comment received.

**Civil Aviation Authority** – No objections.

**NIEA Water Management Unit** – No objections.

**NIEA Regulation Unit** – No objections subject to conditions.

**NIEA Natural Environment Division** – No objections

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

**Historic Environment Division (Historic Monuments)** – No objections.

**DfI Rivers** – No objections.

**Shared Environmental Services** – No objections, subject to conditions

## **REPRESENTATION**

Sixteen (16) neighbouring properties were notified and one (1) letter of objection has been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal  
<https://planningregister.planningsystemni.gov.uk>.

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

- Road safety impacts on Hillhead Farm;
- Concerns in relation to Drawing No.04 showing a new road layout.

It is noteworthy that the application was subject to a Pre-Application Community Consultation (Document 02) which was carried out on behalf of the applicant. Five (5) people were in attendance and one comment card was submitted in support of the proposal. In general no opposition to the proposal was highlighted during the community consultation.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Legislative Framework
- Policy Context and Principle of Development
- Design, Layout and Character and Appearance of the Area
- Access, Movement and Parking
- Natural Heritage
- Neighbour Amenity
- Flood Risk
- Other Matters

### **Legislative Framework**

#### Habitats Regulation Assessment

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. SES advise having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on the site integrity of any European site.

#### Environmental Impact Assessment

The development falls within Category 12 (C) The carrying out of development to provide for holiday villages & hotel complexes outside urban areas & associated developments of Schedule 2 of the Environmental Impact Assessment Regulations (Northern Ireland) 2017. The Council is therefore obliged under Regulation 12 (1) of these Regulations to make a determination as to whether an application is or is not EIA development. An EIA Screening Determination was carried out and it was determined that the planning application does not require to be accompanied by an Environmental Statement.

#### Pre-Application Notice

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

A PAN (ref: LA03/2023/0002/PAN) was submitted to the Council and was deemed to be acceptable on 16<sup>th</sup> January 2023. The Pre-Application Community Consultation Report (PACC) submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

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

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



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

The application site is located within the immediate periphery of Belfast International Airport (BIA). The Antrim Area Plan 1984-2001 (AAP) highlights that the International Airport is a major land use within the area, a significant employer and generates substantial traffic movements. Paragraph 2.6 of the AAP under aims and objectives indicates that the protection and development of the International Airport, its associated uses and environs, are important elements of the Plan. This remains the case today and the Council recognises the significance of the airport as a major economic driver for the Borough, which is important for economic development and additional employment generation.

Within the AAP, the application site is identified as falling within an area zoned for 'proposed airport related uses' and advises that planning permission will be granted for uses related to and dependant on siting close to BIA. It is acknowledged that the plan does not give any prescriptive detail on what type of land use would be considered 'airport related', however, it does state that the land uses would be related to and dependent upon siting close to the airport. Additionally, paragraph 7.5 of the AAP indicates that with the expansion of the airport there is increasing potential for an airport hotel. Overall, it is considered that the development currently proposed would result in the provision of uses that in principle would normally be found in association with a busy airport such as BIA.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). In respect to tourism development the SPPS highlights that a positive approach should be adopted so long as proposals are sustainable, are in accordance with the LDP, and will result in high quality forms of development.

Planning Policy Statement 16 (PPS 16) is applicable for all development proposals relating to tourism, including accommodation. Policy TSM 1 'Tourism Development in Settlements' is applicable given the zoning within the AAP for 'proposed airport related uses'. Policy TSM 1 states that within settlement limits planning permission will be granted provided that the proposal is of a type appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan. Additionally, Policy TSM 7 deals with general criteria that all tourism applications should conform to, which includes compatibility with surrounding land uses. The development will be located within a cluster of development consisting of the main terminal buildings, an existing hotel, airport parking and car hire outlets, a petrol filling station and small retail and food outlets, all of which are considered to provide a provision for the airport.

Additionally in this instance, the proposal seeks permission for the renewal of a previous permission (LA03/2018/0008/F) as such the planning history is an important material consideration, the principle of a hotel at this location was previously accepted and there have been no changes to the relevant plan or policy context.

As such it is considered that the proposal of a hotel at this location has been established and is compatible with the surrounding land uses subject to all other environmental and policy considerations being met.

### **Design, Layout and Character and Appearance of the Area**

Policy TSM 1 of PPS16 requires that any proposal respects the site context in terms of layout, design and scale. Furthermore, Policy TSM 7 of PPS 16 outlines additional criteria that all tourism related development must accord with and states that the proposal must not detract from the landscape quality and character of the surrounding area. The site layout, building design and its associated infrastructure and landscaping arrangements must be of a high quality and assist the promotion of sustainability and biodiversity.

The proposal seeks permission for a hotel development comprising 81 bedrooms, food and beverage offer, associated car parking spaces and a new site access, which is a renewal of an identical previously approved scheme (Ref: LA03/2018/0006/F). The proposed hotel is to be positioned in the southwestern corner of the application site lying adjacent to the junction of the Antrim Road and Ballyrobin Road with the access to the site being taken off the Antrim Road. The proposed hotel is three storey (81 bedrooms) with a flat roof measuring 10 metres in height from ground level. The design of the building takes the form of a rectangular shape with a consistent roof line and relies on single storey outshots, and a stepped-in approach to break up the overall scale and massing. A dual entrance is provided through the reception area with the main entrance to the building facing east to the car parking area with a secondary access point facing onto the Antrim Road. The front and rear facades of the building are of similar design and appearance with the main block having a linear design which is interspersed with large expanses of glazing. A service yard is located to the western boundary of the site which is enclosed by a 2 metre wall which is incorporated into the overall design scheme.

The building is finished in a mix of rendered finishes (grey/white) and brick panels to prevent the building appearing as a uniform block in the landscape. At ground floor level, the main entrance point is to be finished with a brick panel, which will add interest and diversity to the appearance of the proposed hotel.

The landscape character of the surrounding area is dominated by relatively flat and open landscape associated with BIA to the south whilst a more sloping landscape is evident to the north. To the west many former hedgerows have been removed to give way to large fields and a more exposed landscape. Large expanses of car parking are particularly evident along both the Airport Road and British Road. The upper floors of the proposed hotel's southern façade will be visible behind the boundary hedgerow. It is envisaged that during the winter months there will be some filtered views of the hotel through the dense branch structure of existing mature trees. The lower levels of the hotel and vehicles in the car park will be screened by the existing vegetation. The most critical view of the proposed hotel is on approach from both the British Road and Antrim Road, however, when viewed from this perspective the hotel will read as part of the wider airport cluster of development and will therefore not be detrimental to the character and appearance of the area.

Policy TSM 7 of PPS16 requires appropriate boundary treatment to be provided and any areas of outside storage need to be screened from public view. An area of

landscaping surrounds the periphery of the building, with pockets of landscaping and low-lying grass berms located within the site and around the northern and eastern boundaries in an effort to reduce the visual impact and soften the areas of hardstanding. An existing hedgerow runs along both the western and southern site boundaries. The hedgerow along the western boundary requires removal in order to provide the required visibility splays, however, a new hedgerow is to be provided to the rear of the visibility splays and the existing southern boundary is to be retained. It is considered that the proposed boundary treatments are appropriate for the site and the receiving rural environment.

Due to the nature of the development proposals, it is anticipated that the majority of visitors to the hotel will be associated with other airport related activity. The majority of pedestrian trips will involve visitors travelling between the main airport terminal building and the proposed hotel. Currently there is no footway connection from the site to the airport, however, a new pedestrian link and footway is proposed to the south of the site which will connect to the existing footways leading to the main airport terminal. This new footway will include dropped kerbs and tactile paving. Overall it is considered that there is no accessibility concerns with the proposed development as required by Policy TSM 7 of PSP16. With regard to crime and personal safety it is considered that the site enjoys a high level of passive surveillance of outdoor areas through the fenestration of windows throughout the building.

Overall, it is considered that the design layout and appearance of the proposed hotel is in keeping with the character of the wider airport area, it's associated buildings and as such is considered acceptable.

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

Policy TSM 7 of PPS 16 requires appropriate access arrangements and the need for the existing road network to safely handle any extra vehicular traffic the proposal will generate. Additionally Planning Policy Statement 3 Access, Movement and Parking PPS 3 seeks to ensure that prejudice to road safety does not occur as a result of development. Policy AMP 2 of PPS 3 requires that any proposal will not prejudice road safety or significantly inconvenience the flow of traffic. As indicated above access to the site is achieved via the Antrim Road with a singular access point for ingress and egress. A new right hand turning lane is proposed along the Antrim Road which tapers from the south of the site. A one-way system is then in place at the immediate entrance point to allow for entrance and exit barriers.

Collectively Policies AMP 1, AMP 7 and AMP 9 require that an accessible environment is created with adequate provision for car parking and appropriate service arrangements and it is considered that the design of car parking is of a high standard of design, layout and landscaping.

The proposed layout provides 130 car parking spaces and 7 mobility impaired parking spaces, and a loading bay. The TAF (Document 04) indicates that the proposal will generate between 30- 32 two-way vehicle movements during peak hours, 10 arrivals and 20 departures during AM peak, and 24 arrivals and 11 departures during the PM peak. As this hotel is situated within close proximity to the airport, the hotel will also need to cater for guests who wish to Park, Stay and Fly. This operation is common practice across all airport hotel sites, is supported by Belfast International Airport and is currently offered by the existing hotel at the airport site. As

indicated above areas of landscaping surround the periphery of the building, with pockets of landscaping and low-lying grass berms located within the car parking area which helps to reduce the visual impact and soften the hardstanding. A letter of objection raised concerns regarding the impact of the realignment of the Antrim Road and the subsequent impact on the access arrangements to Hillhead Farm (No. 6 Antrim Road). Concerns were also raised in relation to Drawing No. 04 which has been submitted with the application for information purposes only. Drawing No.04 indicates a new road proposal located to the east of the proposed hotel that would effectively run parallel to the Antrim Road with the proposed hotel located centrally between the two roads. The applicant has indicated (Document 11) that this was submitted to provide context should any further expansion of BIA occur and was based on previous expansion proposals that BIA had published a number of years ago. Notwithstanding the above the current application does not seek to provide a new road and any future development of this nature would require a separate grant of planning permission.

Consultation was carried out with DfI Roads who raised no objections to the proposal subject to conditions. In relation to the point of objection, DfI Roads also indicated that the stopping distance for right turning vehicles into Hillhead Farm for traffic travelling from Antrim to the Airport is unaffected by this application. Vehicles turning right into Hillhead Farm will not require a right-hand turning pocket.

The proposed development will provide parking in accordance with PPS3 Parking Standards and in line with parking provisions previously accepted on the site.

### **Natural Heritage**

Policy TSM 7 of PPS16 indicates that a proposed tourism use should not adversely affect features of the natural or built heritage. In addition, Planning Policy Statement 2 'Natural Heritage' (PPS 2) sets out policies for the conservation, protection and enhancement of natural heritage in Northern Ireland. There is a precautionary principle embedded at paragraph 1.6 when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources. Policy NH2 of PPS 6 is applicable to species protected by law. Policy NH5 of PPS2 relates to Habitats, Species or Features of Natural Heritage Importance and states that proposals which are likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

The applicant has submitted a series of reports in support of their application (Document 07 – Ecological Survey and Appraisal Impact Assessment and Document 10 - Preliminary Ecological Appraisal). Consultation was carried out with DAERA's Natural Environment Division (NED) and Shared Environmental Service (SES). NIEA Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests (Habitats, Bats, otters, badger birds & designated sites) and on the basis of the information provided, has no concerns.

### **Designated Sites**

SES have indicated that due to the presence of a watercourse along one of the site's boundaries that the application site may be hydrologically connected to Neagh and

Lough Beg SPA/Ramsar site and Rea's Wood & Farr's Bay SAC. NED and SES have considered the impacts of the proposal and are content that there will be no likely significant impact on the designated site. SES require a Construction Management Strategy (CMS) to be submitted to the Council for agreement 8 weeks prior to the commencement of development and the implementation of a 10 metre buffer between the watercourse and stipulated construction activities. As indicated above the Council has accepted the Habitats Regulation Assessment as carried out by SES and has adopted its findings.

### **Neighbour Amenity**

Criterion (h) of Policy TSM 7 requires that any tourism proposal does not harm the amenities of nearby residents. There are no residential properties within 90m of the proposed hotel. The nearest residential property is located at Hillhead Farm (No.6 Antrim Road) which is approximately 170m from the application site. The Council's Environmental Health Section (EHS) has no concern with the proposed development or its impact on amenity. Consequently it is considered that there is no significant amenity impact on existing residential properties within the surrounding area.

Given the hotel location which is bounded by existing road networks and is in close proximity to BIA, a Noise Impact Assessment (NIA) Document 06 was submitted with the application. The NIA predicted the impact surrounding noise would have on the proposed development and any recommended mitigation measures. EHS raised no objections in relation to the surrounding noise environment, however, it did recommend a condition to control the levels of noise from the proposed plant associated with the hotel to ensure that there is no adverse impact on the future residents of the hotel.

### **Flood Risk**

Planning Policy Statement 15 (PPS 15) deals with flood risk and drainage. The application site is not located within the fluvial floodplain, however, the DfI Rivers Strategic Flood Maps indicate that some parts of the site are at risk of pluvial (surface water) flooding. Policy FLD 3 of PPS 15 deals with flood risk outside floodplains, it states, that a Drainage Assessment will be required for all development with hardsurfacing which exceeds 1000 square metres in area. A Drainage Assessment (Document 03) accompanied the application and consultation with DfI Rivers was carried out. DfI Rivers accepts the logic of the Drainage Assessment and does not disagree with its conclusions, therefore DfI Rivers has no objections to the proposal.

### **Other Matters**

#### Safety and Aviation

Given the application site's immediate proximity to BIA, consultation was carried out with BIA in relation to aviation safety, and also with Defence Infrastructure Organisation (DIO) and the Civil Aviation Authority (CAA). No objections were forthcoming from any of the consultees in relation to the proposed development, however, a number of conditions were recommended regarding the use of non-bird attracting landscaping and the use of specific lighting to ensure that it does not lead to glare that might affect aviation traffic. DIO indicated that a formalised response would issue from another section, however, no further comments were received at the time of writing.

### Archaeology and Built Heritage

Planning Policy Statement 6 (PPS 6) deals with archaeology and built heritage, additionally Policy TSM 7 of PPS16 requires that the proposal does not adversely affect features of the natural or built heritage. An Archaeological Impact Assessment (Document 05) was submitted in support of the application which gave consideration to the potential impact upon the setting of identified archaeological and historical features within the application area and the wider search area. This assessment concluded that the proposed development will have no significant impact on the settings of the identified archaeological monuments within the search area. Consultation was carried out with Historic Environment Division (HED) which advised that the application site was subject to archaeological testing under the previous planning permission (Ref: LA03/2018/0006/F) for the same development and an excavation licence has already been granted. HED has assessed the application and due to the results of the previous archaeological excavations, is content that the proposal meets with the archaeological policy requirements of the SPPS and PPS 6. It is therefore considered that the proposal is in accordance with the SPPS and PPS 6 archaeological policy requirements including the policy provisions of Policy TSM 7 of PPS 16.

### Land Contamination

A Preliminary Risk Assessment (Document 09) accompanied the application which was undertaken to identify potential contamination sources on the site and to identify potential environmental concerns that could be present. The application site is predominantly a greenfield site which has not been subject to significant previous development, with the exception of the southeastern area, on which a residential dwelling was formerly located. This former dwelling was demolished several years ago. Consultation was carried out with DAERA's Regulation Unit Land and Groundwater Team (RULGW) and EHS. Both the RULGW and EHS have considered the Preliminary Risk Assessment and support the conclusions and recommendations. RULGW and EHS have no objections to the development subject to conditions.

### Emissions and Effluent

Policy TSM 7 of PPS 16 also requires that the proposed development is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable. Having regard to the nature of the proposal it is unlikely that there will be any significant emissions or effluent from the proposed development beyond noise and disposing of foul sewage. EHS has raised no concerns on this matter. With regard to potential effluent the applicant proposes to dispose of foul sewage by connecting to the NI Water mains system. NI Water and NIEA Water Management Unit were both consulted and have indicated that they have no objections to the proposal.

### Economic Impacts

The applicant has indicated within the Design and Access Statement (Document 01) that the proposed development represents an investment of £5.5 million, will create 30 jobs and support 30 construction jobs over 12 months, contribute £96,000 annual rates and stimulate further investment in close proximity to the airport.

## CONCLUSION

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

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

## RECOMMENDATION

## GRANT PLANNING PERMISSION

## PROPOSED CONDITIONS

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

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

2. The total noise level from plant associated with the development shall not exceed a rating level of 44dBLAr when measured within the external amenity area of any nearby noise sensitive receptor and assessed in accordance with British Standard 4142:2019.

Reason: To ensure that there is no adverse impact on noise nuisance on the patrons of the proposed hotel.

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

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

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

4. There shall be no amendments or deviations from the remediation strategy as required by Condition 3 without the prior written approval of the Council.

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

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised,

together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

5. No development shall take place until the vehicular access, including visibility splays, forward sight distance and right hand turning lane has been provided in accordance with Drawing No. 11 date stamped 6th July 2023. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

7. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 11 date stamped 6th July 2023.

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

8. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 11 date stamped 6th July 2023.

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

9. The hotel building hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 11 date stamped 6th July 2023 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

10. No development works on the public road shall commence until fully detailed engineering drawings showing a drainage layout and vertical alignment on the Antrim Road have been submitted to and approved in writing by the Council



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

11. The proposed landscaping indicated on drawing No.08/1 date stamped 28/02/2018 shall be carried out within the first planting season following the hotel becoming operational. All hedges shall be maintained at a height no greater than 3m high from top of Berms hereby approved.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and to prevent starlings nesting in the interests of aviation safety.

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

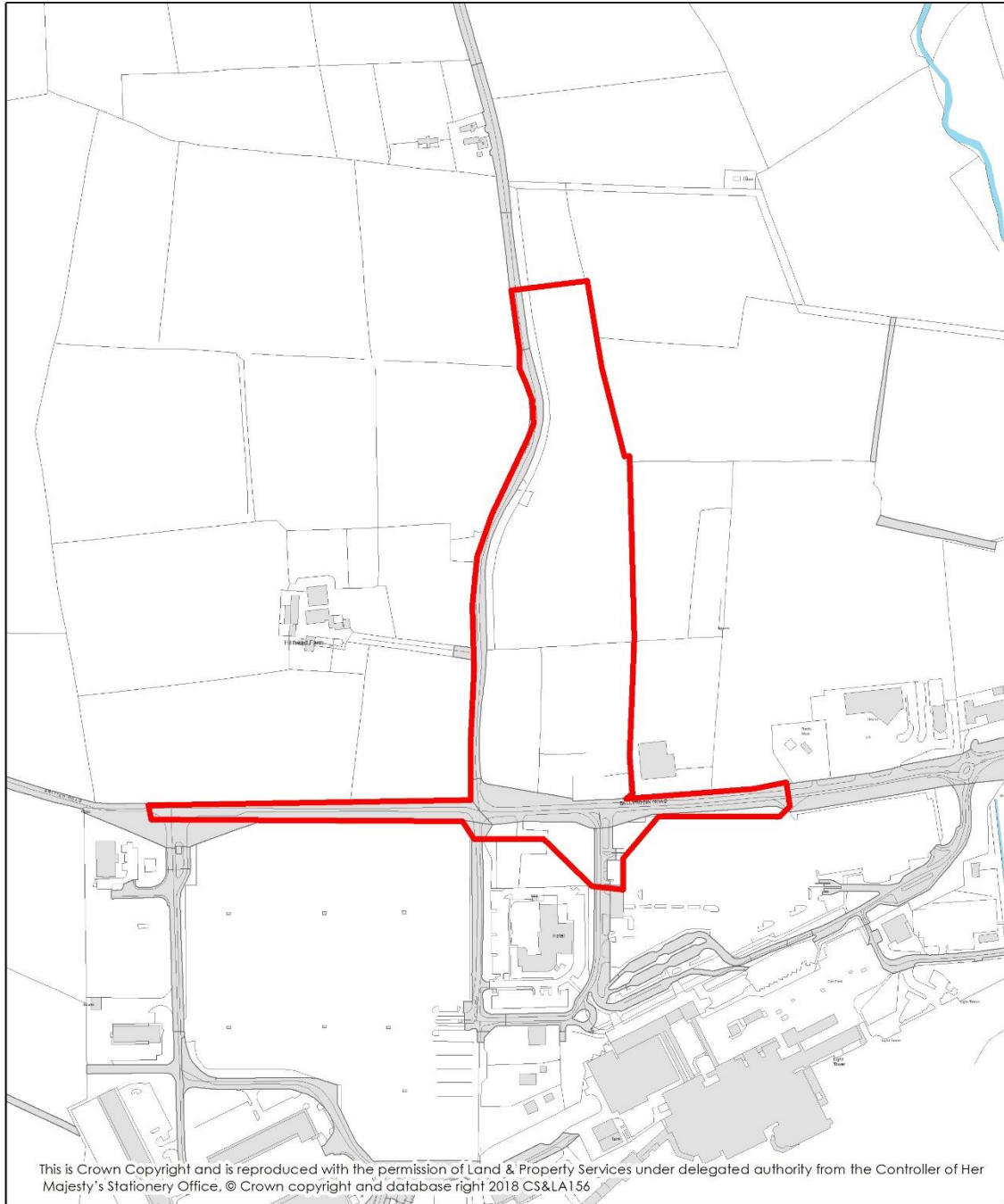
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

13. A suitable buffer of at least 10 metres shall be maintained between the location for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and any watercourse within or adjacent to the red line boundary.

Reason: To prevent polluting discharges entering and adversely impacting the site features of Lough Neagh and Lough Beg SPA/Ramsar.

14. A Construction Method Statement (CMS), for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to the Council, at least 8 weeks prior to the commencement of the works or phase of works. The CMS should include all necessary pollution prevention measures to protect the water environment during the development of this proposal.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.



### Site Location Plan

Application Reference: LA03/2023/0285/F



Site boundary



Proposal: Proposed hotel development comprising 81 bedrooms, food and beverage offer, associated car parking spaces, new site access, landscaping and all associated site and access works.  
(Renewal of LA03/2018/0006/F)

Location: Lands situated at the junction of Ballyrobin Road and Antrim Road and 120m east of Hillhead Farm.  
6 Antrim Road, Crumlin, Co. Antrim



<b>COMMITTEE ITEM</b>	<b>4.5</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0128/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	5no. residential units (3No.detached and 2No. semi-detached dwellings) and relocation of approved access to the Ballyclare Relief Road (99m south of approved position under U/2006/0377/O and LA03/2018/1011/RM) and relocation of right-turning lane, associated service road and landscaping.
<b>SITE/LOCATION</b>	Lands 52 metres east and 57 metres northeast of 150 Doagh Road, Ballyclare
<b>APPLICANT</b>	Ballyclare Developments Ltd
<b>AGENT</b>	Clyde Shanks Ltd
<b>LAST SITE VISIT</b>	11/05/2022
<b>CASE OFFICER</b>	Tierna Mc Veigh Tel: 028 90340401 Email: <a href="mailto:tierna.mcveigh@antrimandnewtownabbey.gov.uk">tierna.mcveigh@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 Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located on lands 52 metres east and 57 metres northeast of 150 Doagh Road and west of the recently constructed roundabout connected to the on-going development of the Ballyclare Relief Road (BRR) now named as Jubilee Road. The developable area of the site covers approximately 0.6 hectares.</p> <p>The topography of the site gently rises from the south to north and rises steeply to the west, forming an embankment along the southwestern site boundary. The site is visible when travelling in both directions along the Doagh Road and Jubilee Road.</p> <p>The site is bounded to the west by a recently approved housing scheme for fifty-seven (57) dwellings approved under planning approval Ref:LA03/2020/0880/RM and the boundary treatment comprises hedgerows some 1.5 metres in height. The site is bounded to the east by approval Ref: LA03/2018/1011/RM which relates to the major urban extension of Ballyclare, known as 'Ballyclare West'. The application site abuts the Doagh Road to the south, with No. 150 Doagh Road located immediately to the southwest.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2018/0177/F  Location: Lands north of 141 Doagh Road, Ballyclare  Proposal: Engineering cut operations to source fill material (c. 16000 cubic metres) to raise levels for initial phase of Ballyclare Relief Road and approved housing development at Templepatrick Road granted under U/2011/0141/F, LA03/2017/0093/F and LA03/2017/0789/F  Decision: Permission Granted (07/09/2018)</p>	

Planning Reference: LA03/2018/0601/O

Location: Lands extending from north of Doagh Road (opposite No. 141 Doagh Road) to the Templepatrick Road Ballyclare immediately west of the cemetery Huntingdale and Dennisons Industrial Estate.

Proposal: Application to vary condition 3 (Phasing Plan), condition 10 (occupation of dwellings), condition 19 (Travel Card), condition 21 (cycle infrastructure), condition 31 (Environmental Management Plan), condition 42 (landscaping details), condition 44 (Landscape Masterplan), and non-compliance with condition 4 (Phasing Plan), condition 9 (access arrangements), condition 11 (road drainage), condition 16 (TAS approval), condition 17 (geotechnical approval) and condition 18 (road safety audit) of planning permission U/2006/0377/O for major urban extension to include:

residential neighbourhood, southern section of Ballyclare Relief Road, local centre, riverside park and other open spaces, children's play areas and associated works.

Decision: Permission Granted (22/05/2019)

Planning Reference: LA03/2019/0149/O

Location: Lands extending from north of Doagh Road (opposite No.141 Doagh Road) to the Templepatrick Road Ballyclare Immediately West of the cemetery Huntingdale and Dennisons Industrial Estate.

Proposal: Application to vary Condition 3 (Revised Transport Statement), and Condition 10 (delivery of the entire relief road prior to commencement) and removal of Condition 8 (400-unit limit) of Planning Permission U/2006/0377/O

Decision: Permission Granted (22/05/2019)

Planning Reference: LA03/2018/1011/RM

Location: Lands extending from north of Doagh Road (opposite no. 141 Doagh Road) to the Templepatrick Road Ballyclare immediately west of the cemetery Huntingdale and Denisons industrial estate

Proposal: Major urban extension to include residential neighbourhood, southern section of Ballyclare Relief Road, local centre, riverside park and other open spaces, children's play areas and associated works.

Decision: Permission Granted (22/05/2019)

Planning Reference: U/2006/0377/O

Location: Lands extending from north of Doagh Road (opposite No.0141 Doagh Road) to the Templepatrick Road, Ballyclare, Immediately West of the cemetery, Huntingdale and Dennisons Industrial Estate.

Proposal: Major urban extension to include: residential neighbourhood, southern section of Ballyclare Relief Rd, local centre, riverside park and other open spaces, children's play areas and associated works.

Decision: Permission Granted (06/01/2011)

Planning Reference: U/2009/0407/F

Location: Lands to the west and north of Ballyclare, extending from Templepatrick Road, across Doagh Road, and connecting to Rashee Road 100 metres south of its junction with Cogry Road

Proposal: Ballyclare Relief Road comprising: 3.1km long road, 350m long secondary link road, 3 roundabouts, a bridge over the Six Mile Water river, landscaping and ancillary works.

Decision: Permission Granted (07/01/2011)

Planning Reference: U/2011/0142/F

Location: Lands extending from north of Doagh Road to north of the Six Mile Water River from Ballyclare Cemetery to (and including) 141 Doagh Road, Ballyclare  
 Proposal: Residential development comprising 68 semi-detached, 65 detached and 27 terraced dwellings, and 20 apartments (180 units in total), open space, landscaping, ancillary works including regrading of lands north and south of Doagh Road, and related section of the previously approved Ballyclare Relief Road  
 Decision: Permission Refused (27/11/2011)

## **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 (dNAP): The application site is located outside of the settlement limit for Ballyclare.

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

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

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

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

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

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

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

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

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

#### **CONSULTATION**

**Council Environmental Health** - No objection subject to conditions

**DfI Roads** – Further information requested

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

**Historic Environment Division (HED)** – No objection

**DAERA Water Management Unit** – No objection

**DAERA Regulation Unit** – No objection subject to conditions

**NI Water** – No objection subject to condition

**Shared Environmental Services (SES)** – No objection

#### **REPRESENTATION**

Two (2) neighbouring properties were notified of the application and one (1) letter of objection has been received.

The full representations made regarding this proposal are available for Members to view online at the Northern Ireland Planning Portal (<https://planningregister.planningsystemni.gov.uk>).

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

- The concept plan approved under planning permission Ref: U/2006/0377/O and endorsed by planning permission Ref: LA03/2019/0149/O shows the application site dominated by green space, providing a visual break between the roundabout and other development;

- The Reserved Matters approval Ref: LA03/2018/1011/RM defines the application site as an area of amenity, therefore contrary to both PPS 7 and PPS 8 in that it will remove an area of planned open space;
- Planning permission Ref: U/2006/0377/O and LA03/2018/1011/RM applications have facilitated the Private Street Determinations (PSD) and associated bond agreements which are in place for development along the Ballyclare Relief Road (BRR);
- The current application proposes to alter the location of one of the development accesses, the position of the right turn lane and the removal of a bus lay-by;
- The proposal will prejudice the comprehensive development which has been long agreed, and will result in:
  - An additional access point on the BRR and the access already approved under planning permission Ref: LA03/2020/0880/RM to serve the residential development;
  - A different arrangement from the approved and bonded PSD drawings;
  - The removal of the bus layby will make it less convenient to the approved neighbourhood centre. The layby appears to be discounted from the proposal so there is a danger that no bus layby will be delivered;
  - Level differences on the application site and the plans do not show how the access road will be graded to achieve an acceptable access into the lands to the west; and
  - Major excavation would be required to remould the housing land to the west, which would be inconsistent with the principles of PPS 7.
- The BRR at this location appears to be constructed to accord with the application as opposed to the approved layout;
- Plots 1 and 2 have very small rear garden areas, which do not comply with the normal expectation of 10 metres in depth, as recommended in Creating Places;
- There is minimal detail provided on how the differential land levels to the rear will be addressed;
- Parking arrangements for Plot 8 appear inappropriate and unsafe with one space overlapping the service strip;
- Plots 7 and 8 are unusual in their orientation and their rear gardens are compromised in terms of privacy;
- No details of the proposed retaining structures to the rear of the proposed houses have been provided; and
- The proposal is inferior to the detailed arrangements which have already been approved; and
- The proposal is unacceptable in terms of its overall quality, layout and appearance and will result in a loss of planned open space.

#### **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 and Impact on the Character of the Area
- Private Amenity and Open Space
- Neighbour Amenity
- Archaeology, Built Heritage and the Natural Environment
- Access, Movement and Parking

- Flood Risk and Drainage
- Land Contamination
- Other Matters

### **Preliminary Matters**

#### Environmental Impact Assessment

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

#### Habitats Regulation Assessment

The planning application was considered in light of the assessment requirement of Regulation 43 (1) of the Conservation (Natural Habits, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council. Having considered the nature, scale, timing, duration and location of the project, it is concluded that it would not be likely to have a significant effect on any European site, either alone or in combination with any other plan or project and therefore an appropriate assessment is not required.

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

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for Ballyclare, 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 within Ballyclare.

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

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.

Despite the location of the application site, relative to that indicated in draft BMAP, the principle of development for housing on these lands has been established by a previous DfI Planning decision under planning permission Ref: U/2006/0377/O.

Notwithstanding that the principle of development has been established on the lands for housing, in this case the principle of development for the proposal is considered not to be established; the reason being that the application site forms part of an area of open space that was approved in the extant planning permission Ref: LA03/2018/1011/RM (hereafter 'the RM consent') and that landscaping of the entire site was considered as a Reserved Matter (RM) under the said application. As illustrated by the associated Drawing Number 84/B, the eastern portion of the application site is proposed as a landscape buffer. Condition 11 of the RM consent states that landscape buffers and areas defined as open space shall be permanently retained for this use thereafter. This condition refers to several drawing numbers, and in this case Drawing Numbers 14/A and 15/A of the RM consent are the relevant drawings.

The agent has submitted two (2) rebuttals to the above comments, referenced as Document 06 date stamped 28th October 2022 and Document 07 date stamped 7th December 2022. As outlined in Document 06 the agent asserts that neither the RM consent nor the earlier outline planning permission required this land to be laid out as open space. The agent further contends that the RM consent drawings, namely Drawing Numbers 84/B, 86/B and 87/B did not propose any hard or soft landscaping for the area and that the first part of Condition 11 is not relevant to this area of the application.

Within Document 07, the agent asserts that Drawing Number 84/B which is the 'Overall Landscape Plan' of the RM Consent is factually incorrect as it identifies the application site as being 'existing marshy grassland'. The agent disputes that this portion of land has not been in that state for a period of time and has provided a series of Google Streetview images from March 2011 until August 2022, which show the site functioning as active agricultural land, which he states is wholly inconsistent with 'existing marshy grassland'. The agent has also made reference to paragraphs 5.114 and 5.115 of the RM Consent Ecology Assessment which stated that no area of marshy grassland had been identified anywhere within the boundaries of the RM application site.

The agent concludes that the Council assessment is based on a fundamental error contained in Drawing Number 84/B and that as the site is not 'existing marshy grassland', it is not open space of public value and therefore Policy OS 1 does not apply. The Council's Planning Section however disputes the agent's interpretation of this matter.

As illustrated by Drawing Numbers 86/B and 87/B of the RM consent, the application site is defined as 'existing marshy grassland'. As set out in Annex A of PPS 8, open space of public value can comprise natural or semi-natural urban green spaces including grasslands. Whilst the application site was not previously an area of public open space, through the commencement of the development approved under

LA03/2018/1011/RM, this area of land is considered to be protected under Policy OS 1 of PPS 8 as planned open space.

The land in question is an undeveloped space in the midst of a wider housing development and it provides a visual break in the built development along Jubilee Road and views of the surrounding countryside to the west. The amenity value of such a space is particularly apparent for the recently constructed houses that front onto to application site to the east, known as Rectory Park. Furthermore, in an Appeal Decision 2021/A0233 the PAC stated that Policy OS 1 of PPS 8 protects not only existing open space, but also land zoned for the provision of open space. While the land is not 'zoned' in the traditional sense of being allocated for this purpose in the Development Plan, it has been set aside for this purpose in a series of previous planning approvals. The PAC also took the view that the presumption against the loss of open space applies irrespective of its physical condition and appearance and that the protections afforded by PPS 8 cannot simply be dismissed on the basis that the open space has not yet been laid out or is open to the public. While the agent also refers to there being an error in the plans identifying the area as marshy grassland, the area is also not identified for development on any other plan which accompanied that grant of planning permission.

In accordance with policy OS 1 of PPS 8, there is presumption against development that would result in the loss of areas of planned open space. The Planning Section does not consider this loss of open space to be an exception under the policy, as it has not been demonstrated that the proposed development will bring substantial community benefits that outweigh the loss of the open space, neither has it been demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of the area. Consequently, the principle of residential development on the application site is not considered to be established.

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

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 land without town cramming. Planning Policy Statement 7 (PPS 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.

PPS 7 emphasises that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Although imaginative and innovative forms of housing are encouraged, this is qualified in existing residential areas with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS 7 reiterates the need for sensitivity and in Policy QD 1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity.'

Criteria (a) and (g) of Policy QD1 of PPS 7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions and massing. The design and layout of the proposed residential development is therefore a key factor in determining the

acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider streetscape.

The proposal seeks to erect five (5) two-storey dwellings (3No.detached and 2No. semi-detached) comprising of four (4) different house types. The proposed dwellings are arranged in a linear pattern along the internal estate road, with frontages onto Jubilee Road. House type B2 (plot 1) is a detached dwelling, has a ridge height of 8.6 metres and has a white render finish. House type C1 (plot 2) is a detached dwelling has a ridge height of 9 metres and has a red brick finish. There are two (2) front projection bays on the ground floor of the front elevation. House Type F (plots 3 &4) is a pair of semi-detached dwellings has a ridge height of 9 metres and has a white render finish. House Type C2 (plot 5) is a detached dwelling, has a ridge height of 9 metres and has been designed with a dual aspect to provide frontages onto both of the internal estate roads. The proposed finish is red brick. The submitted drawings do not indicate the material finishes for each of the dwelling's roofs, windows, doors, or rainwater goods. The design of the proposed dwellings are similar in character to those dwellings approved to the east and west of the application and reflect a traditional design with vertical openings and a dominant solid to void ratio.

A review of the topographic survey indicates that the site gently rises some 1.5 metres from the south to the north and rises steeply some 5 metres from east to west. Abutting the site directly to the west is unbuilt residential development approved under planning permission Ref: LA03/2020/0880/RM. To overcome the differences in levels between the two sites and the potential neighbour amenity concerns with the approved residential development to the west, the agent has sought to increase the land levels across plot 1 by 2.5 metres, to decrease land levels by almost 1.8 metres across plot 2 and to decrease land levels by upto 3.5 metres across plots 3 and 4. This is illustrated on Drawing Number 03/2 date stamped 26th July 2023. In addition to the proposed cut and fill of land levels, the proposal seeks to construct a 108 metre long planted embankment along the sites western boundary. The planted embankment is a depth of 4 metres and at the foot of the embankment comprises a 1-metre high retaining wall. The embankment and retaining wall encroaches into the rear garden areas of the proposed dwellings.

Guidance set out in 'Creating Places' recommends a minimum 10 metre rear garden depth. Dwellings on plots 1-4 back onto the proposed planted embankment and their garden depths range between 8 – 10.6 metres. The outlier to this is dwelling on plot 5 which has a gable relationship to the retaining wall and a rear-to-side garden amenity relationship with plot 4. The garden depth associated with this plot is 13.6 metres. Overall, the rear garden depths attributed to each plot are deemed acceptable.

Separating the approved housing development to the west with the application site is an approved internal estate road and graded buffer planting. To provide privacy screening to the rear amenity areas of the proposed dwellings, the proposal seeks to erect a 108-metre long, 1.8-metre-high close-boarded fence. The vast extent of close-boarded fencing is considered to be a poor design solution to overcome piecemeal development and will have a detrimental visual impact when viewed within the approved internal estate road.

Criterion (c) of Policy QD1 of PPS 7 requires that adequate provision is made for public and private open space. Guidance contained within 'Creating Places' expands on this and recommends that properties with 3 or more bedrooms have 70sqm or more private amenity space as an average across the development, with a minimum of 40sqm on individual plots. In this case the rear private amenity space proposed ranges between 100sqm and 234sqm which is considered acceptable. Private front gardens are also provided for each dwelling plot, these are open and undefined.

The private amenity space associated with the proposed dwelling on plot 5, is set to the rear of the building, however, the dwelling on plot 5 is perpendicular to the other proposed dwelling which means that the rear amenity space of the dwelling runs parallel with the estate road. In order to enclose the rear amenity space of plot 5 a 19 metre long, 2 metre high brick facing wall is proposed. This arrangement is reflected again at plot 2 whereby 23 metres of walling is used and plot 1 whereby 27 metre of walling is used. Although screen planting is proposed to help mitigate the presence of the walls, it is considered that such planting would take a substantial time to grow and provide adequate screening. The level of screen walls proposed is considered detrimental to the overall quality of the scheme.

The proposed dwelling occupying plot 1 is set back 32 metres from the Doagh Road, however, its location is considered to be especially sensitive given that there are open and expansive views of the proposed dwelling from the roundabout on the Doagh Road and from Jubilee Road. As mentioned previously the proposal seeks to increase site levels of this plot by almost 2.5 metres to the front along Jubilee Road and 3 metres to the rear adjacent to the Doagh Road. Due to the increase in site levels, it is considered that this dwelling including the provision of the 2-metre high boundary wall would be visually prominent at this location. This is most significant upon approach to and from the roundabout at Doagh Road and travelling northwards along Jubilee Road. In addition, the proposed dwelling will back onto the Doagh Road, which is one of the main thoroughfares into Ballyclare and the proposal will back onto the Doagh Road roundabout. Overall, it is considered that this expanse of brick walling, coupled with the increase in land levels and lack of any strong dual frontage to the proposed dwelling addressing the road, will be visually detrimental and detract from the overall quality of the area.

Criterion (c) also requires the adequate provision of landscaped areas as an integral part of the development. The proposal seeks to incorporate 2,401 sqm of public landscaped areas throughout the development, comprising of landscape buffers and open space. It should be noted that no substantive detail has been provided regarding the proposed landscaping other than the illustrative markings shown on Drawing Number 04/4 and the detail provided within the Design and Concept Statement, Document 01. Within this document, the agent advises that the proposal is to be set behind a buffer of landscaping to include trees and vegetation and that this will ensure the proposal is integrated and softened in the context of Jubilee Road.

As stated previously, the application site was approved as a landscape buffer and an area of existing open space as part of a larger housing development application Ref: LA03/2020/0880/RM. Condition 11 of the RM Consent states that landscape buffers and areas defined as open space shall be permanently retained for this use thereafter. Whilst the proposed dwellings are set behind the landscape buffer, the

proposed access seeks to cut through this buffer and the internal road layout runs impinges upon the eastern boundary of the buffer. It is considered that this loss of open space and the impingement of the landscape buffer will prejudice the overall approved landscape scheme approved under the RM Consent and thus will significantly affect the overall environmental quality and character of the surrounding environs.

Policy LC1 of APPS 7 requires that the pattern of development be in keeping with the overall character and environmental quality of the established residential area. It states that the proposed density should not be significantly higher than that found in the established residential area. The area of the developable site amounts to almost 0.6 hectares, which equates to 13 dwellings per hectare (dph) and is considered to be a low/medium density. This density is comparable to the residential scheme approved under planning permission Ref: LA03/2018/1011/RM to the east, which equates to 12 dph and is slightly higher in density to the residential scheme approved under planning permission Ref: LA03/2020/0880/RM to the west, which equates to 17 dph.

Notwithstanding that, the proposed development is of a comparable density to the approved neighbouring residential developments, it is considered that the proposal has not been designed to respond to the constraints of the site and or the adjoining lands. Consequently, it is considered that the proposed residential development is contrary to criteria (a) and (g) of Policy QD1 of PPS in that the proposal does not respect the surrounding context and is not appropriate to the character and topography of the site.

### **Residential Amenity**

Criterion (h) of Policy QD1 of PPS 7 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. In terms of the development in its entirety, the separation distances between dwellings on plot 1 and plot 2 is 32.6 metres, between plot 2 and plot 3 the separation distance is 3.4 metres and between plot 4 and plot 5 it is 18.6 metres. The separation distance between each dwelling is considered to be acceptable and will not give rise to any residential amenity concerns.

There are five (5) dwellings within the approved housing scheme to the west that are fronting onto the rear of the proposed dwellings, with the exception of one dwelling, which is gable facing the proposed dwelling on Plot 1. Concerns have been raised by the objector regarding overlooking and loss of privacy from the approved development into the currently proposed dwellings. Creating Places emphasises that a separation distance greater than 20 metres is generally appropriate to minimise overlooking and that greater consideration should be given to the relationships between housing on sloping sites. In this case, the separation distances from the approved dwellings fronting onto the proposed dwellings ranges from between 29 – 31.2 metres. There is a finished floor level difference of 3 metres between the approved dwelling and proposed dwelling on plot 2 and difference of 2 metres between the approved dwelling and dwellings on plots 3 and 4. Consequently, these approved dwellings will sit higher than the proposed dwellings, however, there is a

separation distance of approx. 30 metres which will mitigate any neighbour amenity concerns.

The approved dwelling to the west of plot 1 has a gable-to-rear relationship, hosts an obscure first floor bathroom window and has a minimum separation distance of 17 metres to the proposed dwelling. Although short of the suggested 20 metre separation distance, the land levels at this plot are to be raised some 3.5 metres overcoming previous concerns of dominance and overlooking.

The application site is located west of Jubilee Road and north of the Doagh Road, which has a high level of vehicular activity. A Noise Impact Assessment, Document 02, date stamped 2nd February 2022, accompanied the application and a consultation was carried out with the Council's Environmental Health Section (EHS). EHS raised no objections to the detail within the noise report subject to the imposition of mitigation conditions should planning permission be forthcoming.

On balance, it is considered that the proposed development is compliant with criteria (h) of Policy QD1 of PPS 7 in that it is envisaged that no adverse effects on the approved and proposed properties will arise in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

#### **Archaeology, Built Heritage and the Natural Environment**

DfC Historic Environment Division (HED) was consulted with respect to the potential impact of the development proposal on historic monuments and subsurface archaeology. HED in its response dated 18th March 2022 states that the application site was previously assessed for archaeological potential under planning application Ref: U/2011/0141/F and based on the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

A review of DAERA's Natural Environment Map Viewer reveals that the application site is not affected by any natural heritage designations.

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

Criterion (e) of Policy QD1 of PPS 7 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. This development proposes a new internal road that leads from a new main vehicular access from Jubilee Road. The proposal is considered to be permeable and will support walking, cycling and the use of public transport. A bus route is planned for the entire BBR scheme with new bus stops proposed along the route under approved application Ref: LA03/2018/1011/RM.

The objector raised the issue that the proposal seeks to remove an already approved bus layby approved under planning permission Ref: LA03/2018/1011/RM, which directly abuts the application site to the east. The objector states that its removal would make it less convenient for users of the approved neighbourhood centre approved under planning permission Ref: LA03/2018/1011/RM and that should the current application be approved there is a danger no bus layby will be delivered.

Having taken the above into account, it is considered that the loss of one bus layby will not have a significant negative impact on the overall delivery of the bus route on

Jubilee Road and there are several more bus laybys within a 2-5-minute walking distance of the proposal. DfL Roads raises no concern over the loss of this layby. Overall, the movement pattern of the proposed development is acceptable and meets this criterion.

Criteria (f) of Policy QD1 of PPS 7 requires that an adequate and appropriate provision is made for parking. Supplementary planning guidance document 'Creating Places' sets out the standards of parking spaces required. A total of ten (10) in-curtilage car parking spaces have been provided to include two (2) spaces per dwelling unit. Four (4) visitor parking spaces have also been provided.

Policy AMP 2 of Planning Policy Statement 3 'Access, Movement and Parking' (PPS 3) requires that any development should not prejudice the safety and convenience of road users. The proposal seeks to relocate an approved access and associated right hand turn lane off Jubilee Road some 99 metres south of its approved position to serve the development. The access was approved under planning permission Ref: LA03/2018/1011/RM and it is important to note that this access remains the sole point of access from Jubilee Road to the recently approved housing development for fifty-seven (57) dwellings under planning permission Ref: LA03/2020/0880/RM, which abuts the application site to the west.

The letter of objection highlights that the landowners for the approved site under ref: LA03/2020/0880/RM have a longstanding legal agreement which allows them to access their land at the access point already approved under planning permission Ref: LA03/2018/1011/RM. Whilst this is a private agreement, its existence goes to the basic principle, and it should be ensured that the comprehensive development is not prejudiced. The objector further highlights that the proposal does not show how the access road will be graded to achieve an acceptable access into the lands directly to the west and that major excavation work would be required to provide access through to this housing land.

Although the agent has provided a longitudinal road section of how the relocated access would facilitate access to the approved housing site (Drawing No. 25 date stamped 26th July 2023), no detail has been provided to illustrate how this road connection will be delivered.

DfL Roads in its response dated 18th August 2023 requested an amended PSD to be provided. This matter has not been pursued as the proposal is considered to be unacceptable in principle. It is considered that this matter can be controlled by way of a negatively worded condition should planning permission be forthcoming. Given that the recommendation is to refuse planning permission, the detail of the proposed road layout and parking arrangements would not raise any significant concerns.

Overall, it is considered that the relocation of the previously approved access without sufficient information to demonstrate that the development can still be delivered would not only prejudice the comprehensive development of the previously approved lands, it may sterilise development land. Overall, this element of the proposal is considered to be contrary to Policy QD 1 and Policy QD 2 of PPS 7.

### **Flood Risk and Drainage**

The Strategic Flood Map (NI) indicates that part of the site lies within the 1 in 100-year fluvial flood plain. In support of this application, a Flood Risk and Drainage Assessment and Addendum from RPS Group referenced as Document 04 date stamped 26th May 2022 and Document 04/Add 01 date stamped 2nd September 2022 has been submitted for consideration.

DfI Rivers has reviewed the Flood Risk and Drainage Assessment Addendum (DAA) and has stated whilst not being responsible for the preparation of the calculations provided accepts its logic and has no reason to disagree with its conclusions.

DfI has also stated that the DAA has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained within an underground attenuation system (oversized pipes and manholes), when discharging at existing green field runoff rate and therefore there will be no exceedance flows during this event. DfI Rivers advises that further assessment of the drainage network will be made by NI Water prior to adoption to assess the acceptable flow rate. Additionally, in order to ensure compliance with PPS 15, DfI Rivers has requested that the potential flood risk from exceedance of the network, in the 1 in 100-year event, is managed by way of a condition should planning permission be granted. However, as DfI Rivers has expressed no significant concerns with this proposal, it is considered that there is no significant flood risk associated with this proposal and as such, there is no requirement to progress this matter.

DAERA Water Management Unit (WMU) in its response dated 30th March 2022 has raised concerns that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to the Ballyclare Waste Water Treatment Works (WWTW). They further state that if NI Water advises the Council that they are content that both the receiving WWTW and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then WMU has no objection to this aspect of the proposal.

Furthermore, DAERA WMU advises that should NI Water advise that there may be an issue then alternative sewage arrangements will be required and WMU should be re-consulted.

NI Water was consulted on the proposal and in its response dated 28th March 2022 has stated that there is no public foul sewer within 20 metres of the proposed development boundary however, access is available via extension of the existing foul sewerage network. NI Water recommends the imposition of a condition requiring these works to be carried out to be placed on any grant of planning permission should it be forthcoming. It is considered that such a condition would be deemed necessary to restrict the commencement of development on the site until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from the development. A connection to the public sewer will not be permitted until the Article 161 Agreement has been authorised. This will ensure an adequate means of sewage disposal is provided prior to the commencement of development taking place on the site.



**Land Contamination**

The applicant has submitted a Preliminary Risk Assessment (PRA), prepared by RSK Ireland Limited (RSK), Document 03 date stamped 2nd February 2022. No unacceptable risks have been identified within the PRA and the report states no further risk assessment is required.

Consultations with DAERA's Regulation Unit (DAERA RU) and the Council's EHS indicate that they have no objections to the proposed development. DAERA RU and EHS recommends imposition of conditions relating to new sources of contamination, which have not previously been identified. These conditions are standard practice and considered appropriate should planning permission be granted.

**Other Matters**

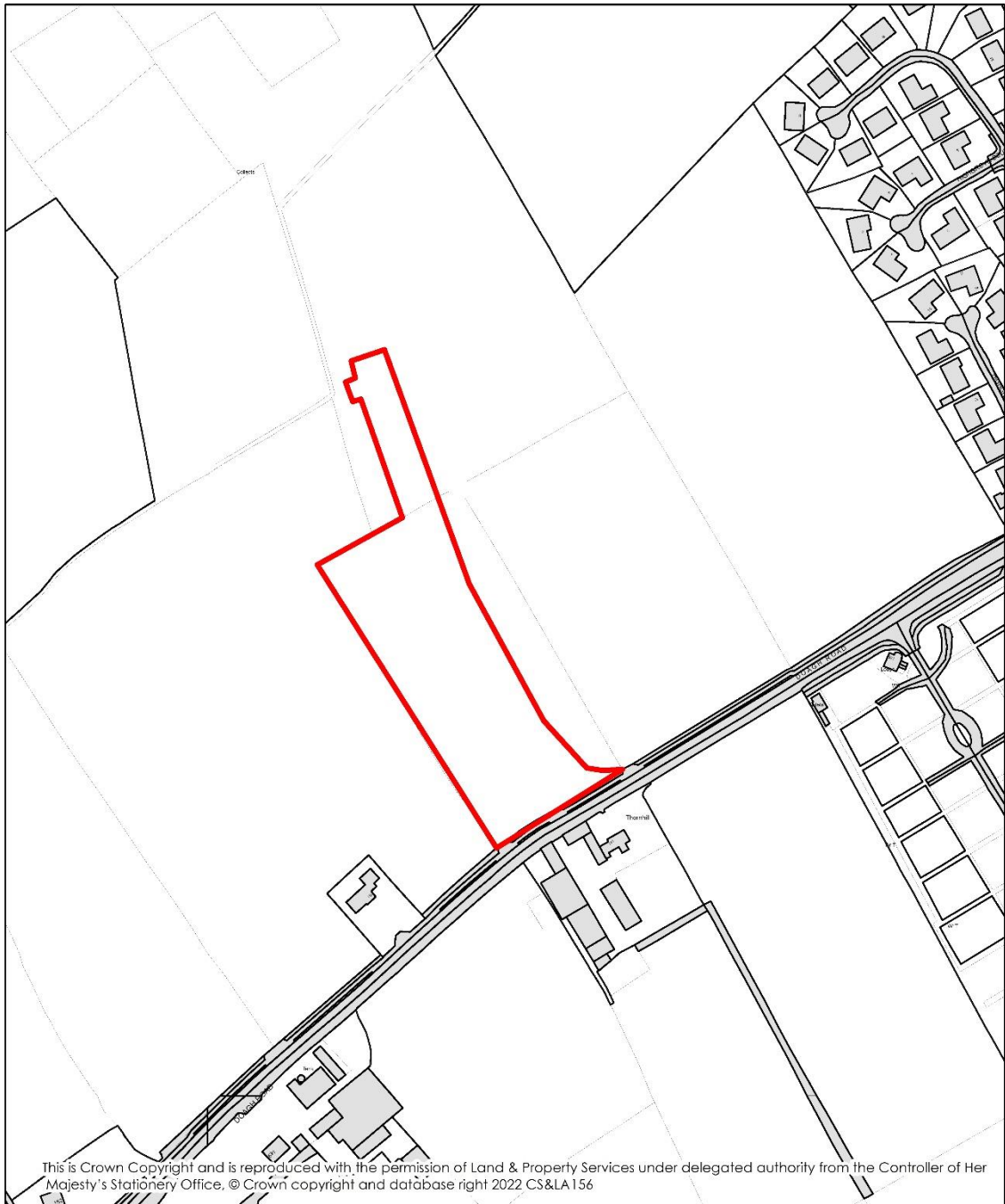
Some of the objector's comments relate to previous iterations of submitted plans and these issues have now been addressed through the subsequent amendments.

**CONCLUSION**

- The principle of the development is considered unacceptable;
- The proposal fails to respect its setting in the context of the local area and does not respond adequately to the characteristics and topography of the site;
- It is considered that the proposal is likely to result in an unacceptable impact upon the character and appearance of the area;
- The loss of open space land is not acceptable;
- It has not been demonstrated that the proposal would not result in unsatisfactory piecemeal development;
- The proposal would not result in a detrimental impact on residential amenity;
- A sufficient level of parking spaces has been provided, however, the amended PSD detail has not been agreed.

**RECOMMENDATION****REFUSE PLANNING PERMISSION****PROPOSED REASONS FOR REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy OS 1 of Planning Policy Statement 8 'Open Space, Sport and Outdoor Recreation' in that the proposed development will result in the unacceptable loss of open space and it has not been demonstrated that the redevelopment will bring substantial community benefits that outweigh the loss of the open space, and the proposed development will adversely impact on the environmental quality of the area.
2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments, in that the proposed development does not respect the surrounding context and is inappropriate to the character and topography of the site in terms of layout of buildings, design and expansive use of hard boundary structures.
3. The proposal is contrary to the provisions of the Strategic Planning Policy Statement, Policy QD2 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments in that it has not been demonstrated that the proposal would not result in unsatisfactory piecemeal development.



Reference: LA03/2022/0128/F

Location: Lands 52m east and 57m north/east of 150 Doagh Road  
Ballyclare

Proposal: 8no. semi-detached residential units and relocation of approved access to the Ballyclare Relief Road (99m south of approved position under U/2006/0377/O and LA03/2018/1011/RM) and relocation of right-turning lane, associated service road and landscaping.

Scale: 1:2,500



Site Location



<b>COMMITTEE ITEM</b>	<b>4.6</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0179/F</b>
<b>DEA</b>	<b>MACEDON</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Erection of 1 no. detached two storey dwelling and associated siteworks
<b>SITE/LOCATION</b>	20 metres south of 21 Abbeyville Place, Newtownabbey, BT37 0AQ
<b>APPLICANT</b>	Gillian Boylan
<b>AGENT</b>	Wayne Wright
<b>LAST SITE VISIT</b>	3rd April 2023
<b>CASE OFFICER</b>	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located 20 metres south of 21 Abbeyville Place, Newtownabbey, within the development limits of Metropolitan Newtownabbey as defined within the draft Belfast Metropolitan Area Plan (published 2004).</p> <p>The site comprises a trapezoid parcel of land which forms part of the original garden of No. 12 Cambrai Park. The application site bounds No. 21 Abbeyville Place and No. 48 Abbeyville Street to the north, and No. 12 Cambrai Park to the southeast. The northern boundary is defined by a 1.8m high timber fence and mature trees and hedging measuring approximately 6m in height. The eastern boundary is defined by a 1.8m high timber fence, with the southern boundary defined by mature trees and hedging measuring approximately 6m in height. The western roadside boundary is defined by temporary paladin fencing. The application site fronts onto a narrow laneway, which provides access between Abbeyville Place and Station Road.</p> <p>The surrounding area is predominantly residential, characterised by a mixture of two storey semi-detached and detached dwellings, as well as two storey terraces with small front gardens and in-curtilage parking spaces.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning reference: LA03/2019/0609/F</p> <p>Location: Lands south of no 21 Abbeyville Place and west of No. 12 Cambrai Park, Newtownabbey</p> <p>Proposal: Erection of 2no semidetached dwelling with associated access and works</p> <p>Decision: Appeal dismissed (18.02.2020)</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, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

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

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

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

**Northern Ireland Water-** Refusal.

**The Councils Environmental Health Section-** No objection.

## REPRESENTATION

Twenty (20) neighbouring properties were notified of the application and no letters of representation were received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design, Layout and Appearance
- Neighbour Amenity
- Other Matters

### Policy Context and Principle of Development

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

The 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 limits of Metropolitan Newtownabbey. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

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

- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas;
- PPS 3: Parking and Movement; and
- DCAN 8: Housing in Existing Urban Areas

As the application site falls within the development limits of Metropolitan Newtownabbey and within an established residential area, 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, as well as meeting other requirements in accordance with regional policy and guidance which are addressed below.

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

The SPPS 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. Good design is paramount and schemes should be sensitive in design terms to people living in the existing neighbourhood and to local character. In existing residential areas, development must be balanced with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS 7 reiterates the need for sensitivity and in Policy QD 1 of PPS 7 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

Criterion (a) of Policy QD 1 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 surfaces areas.

The application seeks planning approval for a two storey dwelling with a single storey rear return. The initial proposal measured 19m in length and 9.4m in width. Drawing 01 date stamped 10 March 2023 displays the surrounding context of the application site, which indicates neighbouring dwellings with building depths averaging approximately 10m, and the majority of housing units being semi-detached or terraced properties, which was at odds with the design of the development proposal. The agent was contacted regarding these concerns and subsequently submitted an amended Elevation and Floor Plan, Drawing No. 03/1 date stamped 28th July 2023, which saw the width of the dwelling reduced to 9m, and the single storey rear return stepped back approximately 0.3m from the northern side elevation which backs onto No. 21 Abbeville Place. Design amendments to the front elevation were also submitted and whilst the design amendments to the front elevation are considered more in keeping with the character exhibited in the surrounding area, the

amendments in relation to the size and scale of the proposal are not considered sufficient to address the concerns raised by the Council.

The proposed building is nearly double the average building depth exhibited in the area and whilst it is accepted that the plot is restrictive given its triangular shape, the proposed building is considered to amount to a cramped form of development on the plot and results in overdevelopment of the site. Consequently, the proposal is considered to be out of character with the surrounding context in terms of layout, massing and scale. Therefore, the proposal is not considered to meet Criterion (a) of Policy QD 1.

The agent has made reference to a one and a half storey dwelling and integral garage in the rear garden of No. 8 Cambrai Park, which is located approximately 40m south of the application site, and was approved under planning application reference LA03/2020/0594/F. The agent states that the approved plot is smaller than the application site, and the approved dwelling has a larger floorspace area than the current proposal. It is noted that the submitted Location Plan, Drawing No. 01 date stamped 10th March 2023 does not correctly display the curtilage and access as approved under LA03/2020/0594/F, with a larger site than indicated on the plan and an access adjoining Cambrai Park having been approved. The approved dwelling is also one and a half storeys in height, with modest proportions, whilst the size, scale and massing of the proposed dwelling is on a more restrictive site, and overall the proposal results in a cramped form of development. Additionally, each planning application received by the Council is assessed on its own merits, with a decision being made based on the development plan relevant policies, the development plan prevailing at that time and other material considerations. It cannot be said that the approval of this development will automatically lead to the granting of planning permission for any similar proposals submitted in the surrounding area.

Criterion (c) requires there is adequate provision for private and open space as part of the development. The proposal provides 215sqm of private amenity space which is significantly in excess of that recommended within Creating Places. The proposal is considered to comply with Criterion (c).

Parking provision of two spaces is provided to the front elevation of the dwelling, with an integrated garage also included in the proposal. It is considered that the proposed parking will sufficiently serve the dwelling and meets with Criterion (f) of Policy QD 1.

### **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.

No. 21 Abbeyville Place is located north of the application site and contains a two storey, semi-detached dwelling. The proposed dwelling has three window openings, which face the neighbouring dwelling, all of which serve bathrooms.

If the proposal is considered acceptable and meets all other policy provisions, a condition is to be attached requiring the use of obscure glazing to these windows in order to protect the neighbouring amenity. A double panelled glass door is proposed to serve a ground floor utility room. Limited impact to the neighbouring amenity is expected to occur by way of loss of privacy given the existing boundary treatment, which screens any direct views into the neighbouring garden, in combination with the low occupancy nature of the room. If the proposal is considered acceptable and meets all other policy provisions, a condition is to be attached requiring the retention of this boundary treatment in order to protect the neighbouring amenity.

The proposal is located 1m from the common boundary with No. 21 Abbeyville Place, and 3.8m from the adjacent gable elevation. The front building line of the proposed dwelling is similar to and therefore respects the front building line of the neighbouring property at No. 21. However, the dwelling extends an additional 10m in depth beyond the rear building line of No. 21 Abbeyville Place, for a distance of 5.4m with an 8m ridge height, before stepping down to a 4m ridge height for a distance of 4.4m. It is considered that the erection of a large 8m high wall (for a distance of 5.4m) located 1m from the common boundary will have a domineering effect, resulting in an unacceptable adverse impact on the residential amenity of No. 21 Abbeyville Place. Whilst it is accepted that the height of the wall steps down to 4m, it does not mitigate the fact that an 8m high wall will be visible from the rear elevation of No. 21 for a distance of 5.4m.

Given the above, in addition to the pathway of the sun and positioning of the proposed dwelling 1m from the common boundary, it is considered that the proposal will result in the loss of light to and overshadowing of the neighbouring property at No. 21 Abbeyville Place. Whilst it is accepted there will be some loss of daylight and overshadowing to the small ground floor kitchen window, this would not be to an unacceptable level especially given that the room it serves is a kitchen dining area that benefits from an additional window opening and a door with two large glazed panels.

The proposed dwelling is located 19m from the rear of No. 12 Cambrai Park, with a rear to rear relationship. Whilst Creating Places recommends a rear to rear separation distance of 20m, given the orientation of the proposal in relation to the said neighbouring property, whereby it is positioned to face towards the neighbouring property's garage, as well as the low occupancy nature of the first floor windows (master bedroom and wardrobe), no detrimental impacts by way of loss of privacy is expected to occur. If approved, a 1.8m high fence will be conditioned along the common boundary to ensure no overlooking occurs from the ground floor windows and doors. Furthermore, given the separation distance and orientation of the dwelling, no impact by way of dominance, loss of light, or overshadowing is expected to occur to No. 12 Cambrai Park.

Given the separation distances and the siting of the proposal, no other neighbouring properties are considered to be impacted as a result of the development.

### **Access and Parking**

DfI Roads was consulted regarding the application and responded with no objections, subject to the attachment of a number of conditions and informatives.



**Other Matters**

The Council's Environmental Health Section was consulted regarding the application and responded with no objections.

In NI Water's consultation response dated 31st March 2023, it advises that the foul sewer is in close proximity and available to serve the proposal is at capacity, and that a public sewer traverses the site. The agent was informed of NI Water's comments and subsequently submitted Drawing No. 02/1, date stamped 28th July 2023, which shows the location of the sewer, and that no buildings are to be constructed above it. Furthermore, the agent has submitted a Wastewater Impact Assessment in order to investigate if there is capacity in the system for the unit. At the time of writing, no solution has been presented, therefore it has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development.

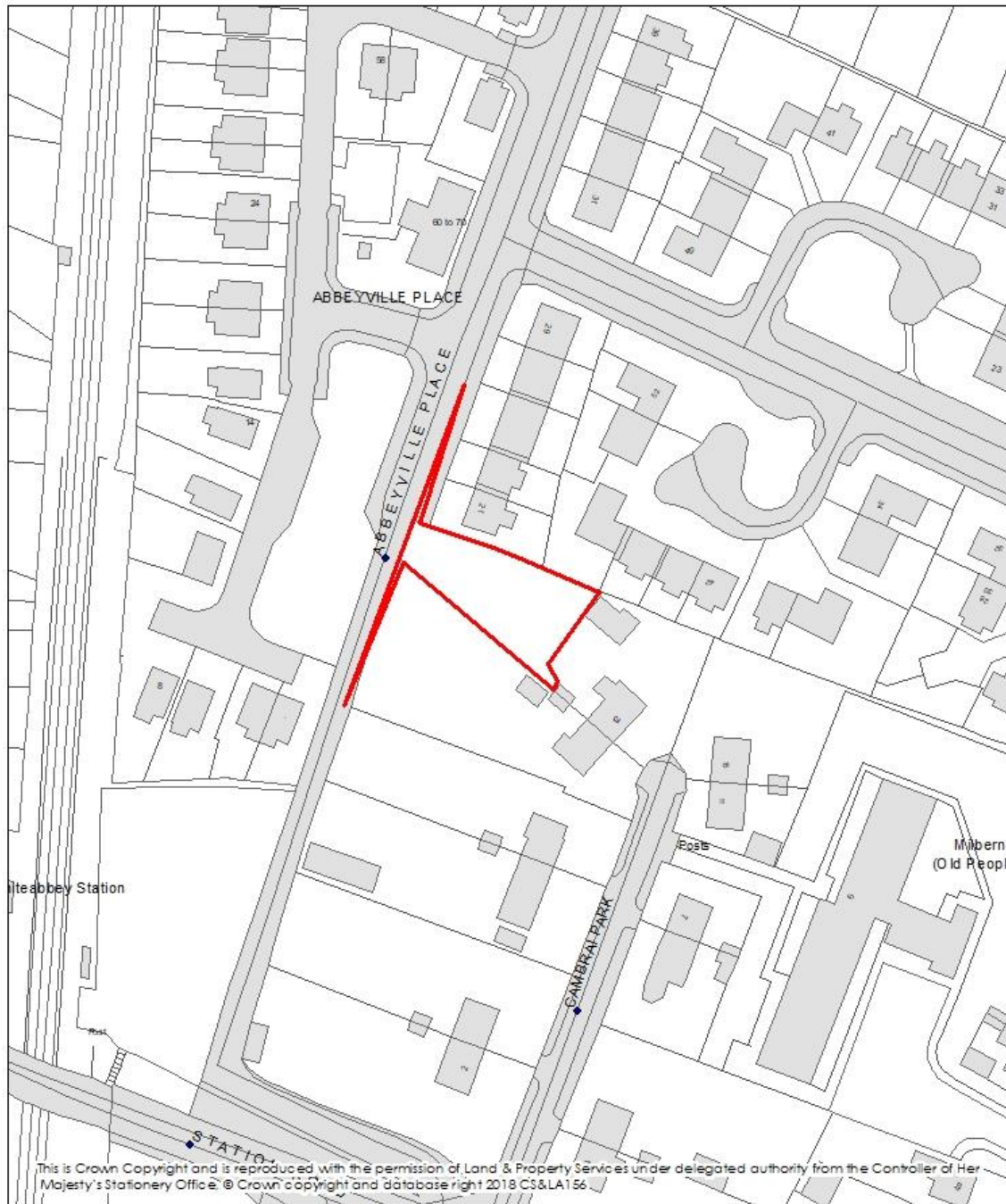
**CONCLUSION**

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

- The principle of the development is considered acceptable;
- The proposal is considered to result in overdevelopment of the site;
- The proposal is considered to be out of character with the surrounding context;
- Sufficient private amenity is provided by the proposal;
- The proposal is considered to adversely impact neighbouring amenity by way of dominance;
- Adequate parking provision is provided and there are no road safety concerns; and
- It has not been demonstrated that there is a satisfactory means of dealing with sewage associated with the development.

**RECOMMENDATION****REFUSE PLANNING PERMISSION****PROPOSED REASONS FOR REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments, in that the proposed development does not respect the surrounding context and would result in a cramped form of development resulting in overdevelopment of the site, that is not in keeping with the overall character and environmental quality of this established residential area.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7, Quality Residential Environments, in that, if approved, the proposal would have an unacceptable adverse effect on existing properties in terms of dominance.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would, if permitted, may cause harm to an interest of acknowledged importance, namely sewage disposal, as it has not been demonstrated that there is a satisfactory means of dealing with sewage associated with the development.

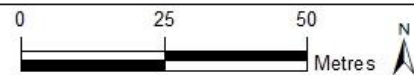


### Site Location Plan

Application Reference: LA03/2023/0179/F

20m South of 21 Abbeyville Place, Newtownabbey, BT37 0AQ

Erection of 1 no. detached two storey dwelling and associated siteworks



 Site boundary

1:1,000



<b>COMMITTEE ITEM</b>	<b>4.7</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0405/F</b>
<b>DEA</b>	<b>THREEMILEWATER</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Alteration and extension to dwelling to include raised platform to rear
<b>SITE/LOCATION</b>	42 Meadowbank, Newtownabbey, Co. Antrim, BT37 0UP
<b>APPLICANT</b>	Ross Reid
<b>AGENT</b>	Ross Reid
<b>LAST SITE VISIT</b>	9th June 2023
<b>CASE OFFICER</b>	Michael Ward Tel: 028 903 40413 Email: michael.ward@antrimandnewtownabbey.gov.uk
<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="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at 42 Meadowbank, Newtownabbey, which is located within Metropolitan Newtownabbey as designated in the draft Belfast Metropolitan Area Plan (BMAP).</p> <p>The site contains a two storey detached dwelling finished in red brick. During the site inspection it was noted that construction works in association with the subject development had already commenced. The application site contains a small lawn area to the front of the dwelling and an area of private amenity space to the rear. The northwestern site boundary encompasses a 1.8 metre close boarded timber fence with hedging atop. The rear boundary is well vegetated with mature hedging approximately 6-8m in height while the southeastern boundary comprises an approximately 1.5m high close boarded timber fence, which is stepped to approximately 1m for a small section and then stepped back to 1.5m. This then extends to a 2 metre fence and 3 metre high hedge towards the rear. The site topography falls gradually from northwest to southeast with the neighbouring property at No. 40 Meadowbank situated approximately 1.3m lower than the application site. Access to the rear of the dwelling can be obtained via existing pathways along both the northwestern and southeastern gable elevations.</p> <p>There is a mix of similar house types abutting all the boundaries of the site. The character of the surrounding area is predominately residential with neighbouring dwellings finished in red brick with pitched dormers on the front elevation.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history.	
<b>PLANNING POLICY AND GUIDANCE</b>	

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 (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 together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

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

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

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

## **CONSULTATION**

No consultations were carried out on this application.

## **REPRESENTATION**

Six (6) neighbouring properties were notified and three (3) letters of representation were received from (1) one neighbour.

A summary of the key points from the objection letters is provided below:

- Concern regarding the removal of hedging and the loss of a habitat;
- Concern regarding neighbour amenity issues including overlooking and privacy, dominance, overbearing and a sense of being hemmed-in;
- Concern that the proposal exceeds that allowed under the permitted development regulations and causes a health and safety risk;
- Design is out of character with the existing dwelling;

- Concerns regarding drainage and water ingress; and
- Concern that the proposed access ramp is unnecessary and that it can be provided on the other side of the dwelling

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

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

- Policy Context
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Impact on Trees and Environmental Quality of this Area.
- Amenity Space, Parking and Manoeuvring
- Other Matters

### **Policy Context**

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. The application site lies within the development limit of Metropolitan Newtownabbey in both Plans. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements. Amongst these is the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS 7). Taking into account the transitional arrangements of the SPPS, retained APPS 7 provides the relevant policy context for consideration of the proposal.

Policy EXT 1 of APPS7 indicates that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;

- (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

APPS7 also advises that the guidance set out in Annex A of the document will be taken into account when assessing proposals against the above criteria.

### **Scale, Massing, Design and Appearance**

Planning permission is sought for an extension and alterations to the existing dwelling at No. 42 Meadowbank. There are numerous elements to the proposal, and each will be dealt with separately below. Additionally, an objector raised concerns relating to the development proposal being out of character with the existing dwelling which will also be addressed below.

The proposed single storey conservatory extension measures approximately 4.6 metres in length with a height of 3.9 metres from ground level. The depth of the extension extends some 3.8m metres from the rear wall plate of the dwelling. The extension is subordinate to the host dwelling, which is two storey in nature.

The proposed conservatory features two windows on the rear elevation with a set of bi-folding doors at both southeastern and northwestern gable elevations. The extension features a flat roof, which although differs from the pitched roof on the host dwelling, is set to the rear of the existing property and is hidden from public view. The proposed finishing materials consists of cladding which matches the finishes on the existing rear dormers.

Two new platform areas are proposed at each gable of the conservatory and accessed from the proposed bi-folding conservatory doors. The platform area on the northwestern side measures 5.8m in length along the rear elevation and approximately 4.1m in width and is at ground level. The proposed raised platform on the southeastern side of the conservatory measures approximately 6.7m in length and approximately 5m in depth at its widest point, and is approximately 1.5m in height from ground level on that side. A number of steps are proposed to provide access from this platform to the rear garden area.

A 1m high deep graded path from parking level at the front elevation of the dwelling to ground floor level is proposed. The path extends approximately 7.9m in length along the front elevation of the dwelling and 16m along the southeastern gable elevation of the dwelling and provides access to the rear patio area on the southeastern side of the conservatory. The height of the platform increases to approximately 1.3m in height along the entirety of southeastern gable elevation.

Along the southeastern boundary, a proposed 1.1m close-boarded timber fence will sit below a 0.7m high opaque screen, which screens the proposed access ramp along the southeastern boundary for approximately 5.4m. The cumulative height of the platform with the screening on top will result in a 3.1m high element of screening when viewed from the neighbouring property at No. 40 Meadowbank. The remaining approximately 7m long section measures 2.4m in

height and will comprise of the 1.3m high wall topped with 1.1m fencing, extending along the southeastern elevation towards the front of the application site. The 1.1m strip of fencing will be increased to 1.8m in height towards the front of the application site. Finishing materials of the platform consists of grey concrete blocks.

The third element of the proposal relates to two front dormer windows. One of the proposed dormers measures approximately 6.8 metres in length by 4.4 metres in height and the second measures 2.8m in height by 3.2m in length, with both windows having a maximum depth of approximately 3.2m. The proposed dormers sit flush with the existing roof line of the host dwelling, with each dormer featuring a pitched roof design, complimenting the host dwelling and other dormers within the immediate vicinity of the site.

The proposed dormers are finished in render with a concrete tiled roof, to match the existing dwelling. Whilst these dormers will be visible from the public road, it is acknowledged that two dormer windows pre-exist at this principal elevation and pitched dormers set to the front are a distinctive feature along this stretch of development along Meadowbank. Therefore, the proposed dormers would not appear out of character in the locality and are considered acceptable in this instance.

It is considered that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the existing dwelling or the surrounding area.

### **Neighbour Amenity**

Concerns were raised by the objector at No. 40 Meadowbank, regarding privacy and overlooking, dominance and the proposal having an overbearing effect and a feeling of being hemmed in as a result of the proximity of the development proposal (0.5m) to the shared boundary.

Paragraph A31 of APPS7 states that "Dominance is the extent to which new development adversely impinges on the immediate aspect or outlook from an adjoining property". It is acknowledged that the development proposal brings the built form closer to No. 40 Meadowbank, which is situated approximately 1.3m lower than the built development on the application site.

The agent has proposed screening comprising a 1.1m high close-boarded timber fence with an opaque screen measuring 0.7m in height atop, on the application site, creating a cumulative boundary treatment of approximately 3.1m in height along an approximately 5m section at the southeastern gable, when viewed from the rear private amenity space at No. 40 Meadowbank. This 3.1m high screening is then reduced to approximately 2.4m, which extends approximately 7m along the southeastern gable of No. 42 Meadowbank.

Whilst this proposed screening will prohibit overlooking and privacy concerns to an extent from the rearmost section of the platform, the 2.4m high section which is located only 1.1m away from the common boundary with No. 40 Meadowbank, will still allow for clear unobstructed views from the raised platform

towards the rear garden of No. 40 Meadowlands. This is the most private area of the garden, which is often the main sitting out area adjacent to the property. As a general rule of thumb, this area is the first 3-4 metres of a rear garden, closest to the residential property. As the area along the southeastern gable elevation will function as an accessible access point to the rear of the dwelling, an increase in footfall will further overlooking towards the most private amenity space of the rear garden of No. 40 Meadowlands. Moreover, this proposed boundary treatment, whilst providing an element of screening will cause demonstrable harm to No. 40 Meadowbank in terms of dominance. It will also give the impression of a large hard engineered boundary, which is considered inappropriate and unconventional as a residential boundary when taken in context with the surrounding properties which are predominantly characterised by mature, well vegetated defined boundaries. Consequently, it is considered that the proposed screening does not demonstrate a sense of "good neighbourliness" towards No. 40 Meadowbank and will result in clear overlooking towards its most private amenity space.

Furthermore, it is considered that the imposition of a 3m high hard screening at this southeastern elevation could detrimentally impact upon outward views from the conservatory at the rear elevation of No. 40 Meadowbank. Whilst it is acknowledged that outward views were impacted upon in relation to the previous 3m high hedging, the proposal increases the overbearing and dominant nature of the proposal upon No. 40 Meadowbank as a result of the hard boundary, which stands in stark contrast to the previous softer boundary treatment comprising a mature hedge.

In relation to the windows on the rear elevation of No. 40 Meadowbank, the closest window to the application site is a utility room window, which is not a habitable room. The conservatory located beyond this utility room is however considered to be significantly impacted upon in terms of dominance. It is therefore considered that outward views from the conservatory at the rear of No. 40 Meadowbank would be negatively impacted by the proposed boundary treatments and from overlooking from the raised platform element. It was also noted that the window on the northwestern gable elevation of No. 40 Meadowbank serves a garden room, which is a non-habitable room.

As stated above, the residents at No. 40 Meadowbank also raised concerns in relation to overlooking, privacy and feeling "hemmed in" from the conservatory element of the development. Consequently, amended plans were submitted, and as indicated on the Proposed Plans and Elevations, Drawing No. 04/03 date stamped 29th August 2023, an adequate separation distance of approximately 10m between the bi-folding doors on the southeastern gable elevation of the proposed conservatory and the rear conservatory at No. 40 Meadowbank is proposed. Albeit, that it is considered an inappropriate design, the proposed screening element, will also reduce the potential for significant overlooking from the conservatory at No. 42 Meadowbank.

Additionally, it is considered that the proposal will not significantly impact upon the amenity of any other neighbours due to adequate separation distance with other properties towards the front of the application site. Additionally, the proposed dormers front the public road and not any neighbouring properties in



this regard. The neighbouring property at No. 44 Meadowbank to the northwest, features mature boundary vegetation along the shared site boundary with No. 42 Meadowbank and is located at a significantly higher land level, which prohibits any overlooking of this property from the adjacent conservatory doors and the raised platform.

Overall, it is considered that the proposed development will significantly affect the residential amenity of neighbouring resident No. 40 Meadowbank by way of dominance overlooking and is therefore contrary to Criterion (b) of Policy EXT 1 of the Addendum to PPS 7.

#### **Impact on Trees and Environmental Quality of this Area**

The objector raised concerns regarding the removal of a 3m high mature hedge, along the common boundary between No. 40 Meadowbank and the application site. However, whilst planning permission is not required for the removal of hedging, it is noted that the previous boundary treatment of a 3m high hedge at the southeastern boundary is a more aesthetic boundary treatment in this regard, which would otherwise contribute significantly to local environmental quality.

#### **Amenity Space, Parking and Manoeuvring**

It is considered that sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

#### **Other Matters**

A number of other concerns were raised by the objector at No. 40 Meadowbank which are dealt with below:

##### The development proposal exceeds permitted development.

Even if a proposal falls under the threshold of permitted development, the Council has a duty to assess it accordingly if a planning application is submitted. It is not for the Council to decide which elements of the proposal fall under permitted development regulations during the determination of a planning application. It is noted that there is no Certificate of Lawful Use or Development submitted in respect of any element of the development proposal and as such, the proposal will be assessed in its entirety.

##### Health and Safety Concerns

Health and safety risk is not considered a material planning consideration to be taken into account in the determination of a planning application as it sits outside the remit of planning and is more a matter for Building Control or the Health & Safety Executive.

##### Drainage Concerns and Water Ingress

The objector raised concerns that the proposal will increase flooding to the property at No.40 Meadowbank due to the increase in hardstanding and the removal of the boundary hedge on the application site. The development proposal did not meet the threshold for the submission of a Drainage Assessment due to the size and scale of the works proposed. Additionally, it is the developer's

responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

#### Alternative Proposals

The objector highlighted the potential for the applicant to achieve an alternative access route to the rear of the property, which would mitigate overlooking concerns. However, whilst it is for the Council to suggest and agree amendments with the applicant independently, the agent confirmed verbally on 24th August 2023 and within the submitted Design and Access Statement, Document 01 date stamped 30th May 2023, that an alternative access route was impractical in this instance.

#### Supporting Information

The applicant submitted additional supporting information, Document 02 date stamped 17th August 2023, which set out the current circumstance, two options with regards to proposals for development, one a 'revised layout with conservatory' and the second, a 'provision of level access without conservatory', as well as the reasoning behind the design elements of the proposal. It is concluded within the document that the Council should primarily consider the proposal for a conservatory and opaque screening, as per the revised Existing and Proposed Site Plan, Drawing No. 02/03 and the Proposed Plans and Elevations, Drawing No. 04/03, both received on 29th August 2023, which are the subject of the current assessment.

The document also specifically referenced planning application Ref: LA03/2021/0642/F for an integral garage converted to a kitchen and a first floor balcony to rear of 61C Lynda Meadows, Newtownabbey, which was approved planning permission. It is considered that the two cases are not comparable, as the 1st floor balcony was accessed from a bedroom, a low habitable room, and has a 1.8m high opaque glass screen to the side of the balcony. Additionally, there were no objections from neighbouring property.

The objector also made reference to planning applications for extensions to dwellings that were refused by the Council. The objector referred to planning application Ref: LA03/2021/0743/F for the retention of a raised single storey sunroom extension to the rear of the existing dwelling at 21 Shore Road, Greenisland, which was refused due to the impact on the privacy and amenity of neighbouring residents by way of overlooking, as the proposed 1st floor terrace and balcony provided insufficient screening. The objector also made reference to planning application Ref: LA03/2023/0070/F for a groundfloor side extension with a two storey rear extension and new front porch at 8 Gleneden Park, Jordantown, which was refused due to dominance and the overbearing nature of the proposed extension.

It should be noted, that planning applications often encounter competing and conflicting private interests. Each planning application received by the Council is assessed on its own merits, with a decision being made based on the development plan relevant policies, the development plan prevailing at that time and other material considerations.

#### **CONCLUSION**

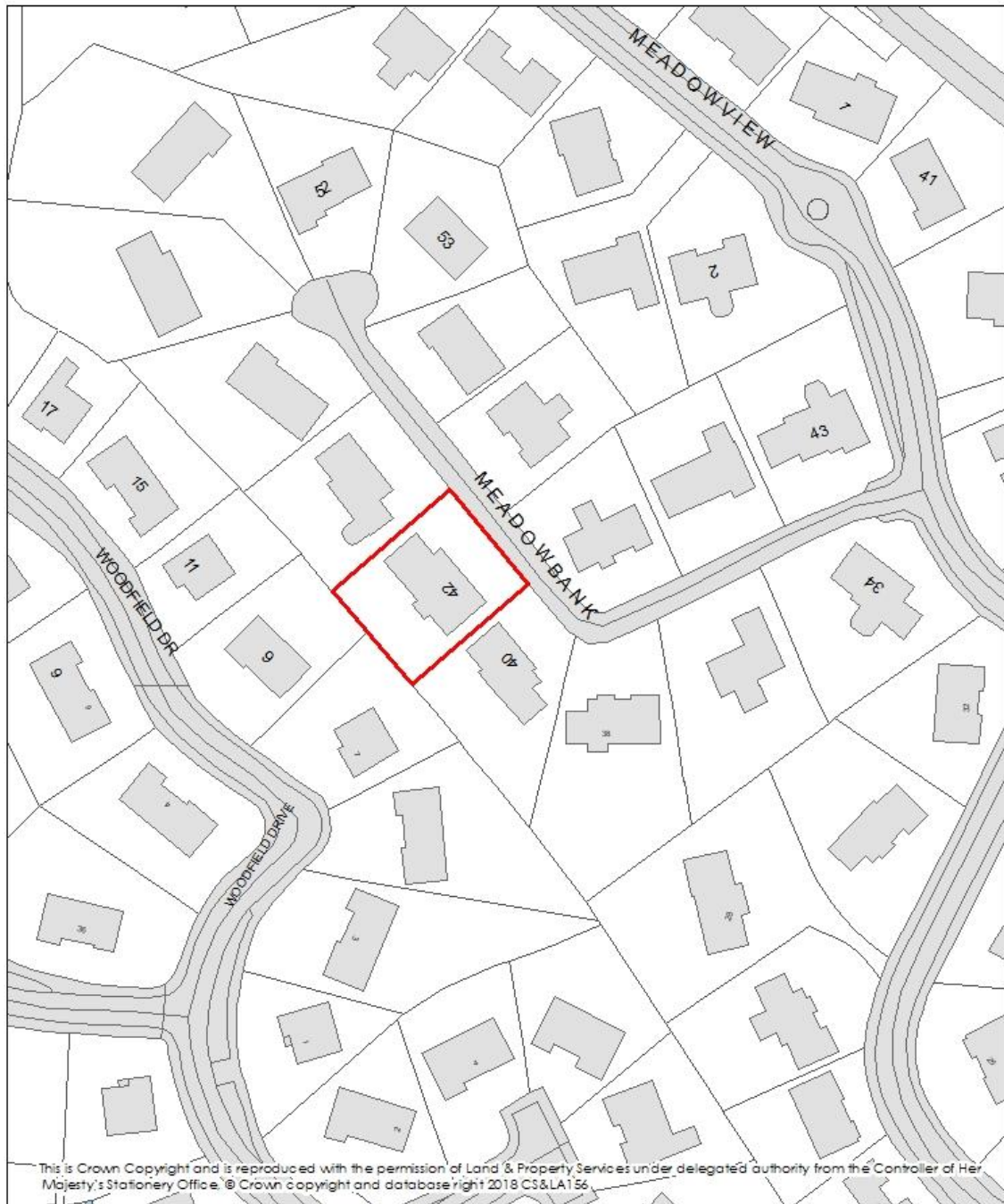
The following is a summary of the main reasons for the recommendation:

- The principle of the development is considered acceptable;
- The design and appearance of the fence is considered unacceptable;
- The proposal will unduly affect the privacy or amenity of neighbouring properties;
- The proposal will not have a detrimental impact on trees or the environmental quality of the area; and
- Sufficient space remains within the curtilage for parking and recreation purposes.

<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
-----------------------	-----------------------------------

<b>PROPOSED REASONS FOR REFUSAL</b>
-------------------------------------

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy EXT1 of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, in that, the proposed development, if permitted, would result in a detrimental impact to the amenity of neighbouring residents by way of dominance and the overbearing nature of the proposal.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Criterion (b) of Policy EXT1 of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, in that, the proposed development, if permitted, would result in a detrimental impact to the privacy and amenity of neighbouring residents by way of overlooking.



### Site Location Plan



Application Reference: LA03/2023/0405/F

42 Meadowbank, Newtownabbey, Antrim, BT37 0UP

Alteration and extension to dwelling to include raised platform to rear

 Site boundary



<b>COMMITTEE ITEM</b>	<b>4.8</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0426/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Replacement Dwelling
<b>SITE/LOCATION</b>	Lands 35m SW of 20 Umgall Road, Nutts Corner, Crumlin, BT29 4UJ
<b>APPLICANT</b>	Mr Warren McBride
<b>AGENT</b>	Big Design Architecture
<b>LAST SITE VISIT</b>	4th July 2023
<b>CASE OFFICER</b>	Gareth McShane Tel: 028 903 40411 Email: <a href="mailto:gareth.mcshane@antrimandnewtownabbey.gov.uk">gareth.mcshane@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 Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located 35m southwest of No. 20 Umgall Road, Nutts Corner, Crumlin, within the countryside as identified in the Antrim Area Plan 1984-2001.</p> <p>The subject building within the application site is setback approximately 130m from the Umgall Road and is single storey in height, with a pitched roof. The building is finished in dashed render and has a corrugated iron roof. Internally, the building has plastered walls and a concrete floor. The building, which has a number of window and door openings, is situated within a wider farm complex which appears to have been disused for some time. It adjoins a building of a similar form and scale to the northwest and covered stalls to the south.</p> <p>Given the restrictive nature of the farm complex, the replacement dwelling is proposed to be located within an agricultural field situated approximately 35m southwest of the subject building. Access is to be provided via an existing laneway which serves No. 20 Umgall Road and the farm complex. The application site is currently planted in grass and benefits from a 2m high hedgerow to the eastern boundary, with the remaining boundaries undefined.</p> <p>The surrounding character is open countryside, with dwellings and outbuildings spread throughout intermittently.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2022/1040/F  Location: Lands 20m South East of 20 Umgall Road, Crumlin, BT29 4UJJ  Proposal: Dwelling (within an infill site)  Decision: Permission Refused (24.02.2023)</p> <p>Planning Reference: LA03/2022/0626/F  Location: Lands 25m North West of 20 Umgall Road, Nutts Corner Road, Crumlin, BT29 4UJ  Proposal: Dwelling and garage on a farm  Decision: Permission Granted (06.10.2022)</p>	

Planning Reference: LA03/2020/0625/LDP

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

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

Decision: Permission Granted (12.08.2021)

Planning Reference: LA03/2017/0836/F

Location: Lands adjacent to 20 Umgall Road, Nutts Corner, Crumlin

Proposal: Two replacement dwellings and associated garages (replacing two existing dwellings located within the existing farmyard, which are to be retained as ancillary accommodation)

Decision: Permission Refused (08.09.2017)

Planning Reference: T/2009/0550/F

Location: 20 Umgall Road, Crumlin

Proposal: Dwelling and garage (clustered with existing established farm outbuildings)

Decision: Permission Granted (29.01.2010)

#### **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.

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

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

## **CONSULTATION**

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

**Northern Ireland Water** – No objection.

**Department for Infrastructure Roads**- No objection, subject to informatives.

**Department for Infrastructure Rivers**- No objection, subject to informatives.

**Department for Communities Historic Environment Division** – Requires further information.

## **REPRESENTATION**

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

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

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

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

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. Policy CTY 1 indicates that planning permission will be granted for a replacement dwelling in accordance with Policy CTY 3 which requires that the subject building exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.

The subject building was included within a previous planning application Ref: LA03/2017/0836/F for two replacement dwellings which included the subject building and the adjoining building to the northwest. The previous application was subsequently refused as neither building exhibited the essential characteristics of a dwelling. Since the refusal of the previous application, the applicant has removed some render from the internal rear wall in an attempt to reveal two rear facing windows and a back door opening which had been built up. Additionally, two separate affidavits have been submitted which state that old buildings located at No. 20 Umgall Road were used for residential purposes.

The applicant's agent also submitted additional supporting information consisting of historical ordnance survey maps, historical records relating to the sale/transfer of land and buildings, and a broad history of who resided at the application site as described by the applicant. This evidence was also before the Council during the assessment of planning application Ref: LA03/2017/0836/F, which was subsequently refused planning permission.

Having completed a site visit and following an examination of the newly submitted information, it remains the opinion of the Council that the building does not exhibit the essential characteristics of a dwelling and the building appears agricultural in nature. Whilst it is accepted that new window and door openings have been uncovered, these are not considered to demonstrate the buildings previous use as a dwelling. No internal heat source such as a chimney was evident and it is noted that there are a number of air vents which are situated to the upper section of the rear external elevation, a feature atypical of residential dwellings. The submitted affidavits do not specifically identify the building which was used for residential purposes, and given the number of buildings within the farm complex, significant weight cannot be attached to them in the assessment of this application. Furthermore, one of the affidavits notes that one of the residential buildings was two storey in height. It is noted that the subject building within the application site is single storey.



Consequently, as the building does not possess the essential characteristics of a dwelling, the principle of development is unable to be established.

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

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The proposed one and a half storey replacement dwelling has a ridge height of 8.1m with a single storey rear return which incorporates an integral garage and is sited on lands which rise in a westerly direction. The agent states that the existing building is surrounded by farm buildings, and therefore there is no longer an existing curtilage which could accommodate a replacement dwelling in-situ. The agent further states that the proposed alternative siting for the replacement dwelling will achieve integration given that it will be inherently associated with and visually clustered with the nearby farm buildings and the existing dwelling.

Long range views of the proposed replacement dwelling will be experienced when travelling eastwards along the Umgall Road. Given the existing intervening boundary treatments, including the tree lined laneway which serves the farm complex, the proposal will be largely screened when travelling eastwards. Long views of the proposal will be experienced when travelling westwards along the Umgall Road, with intermittent short views experienced given the mature roadside boundary treatment providing screening. Given the significant height of the proposal, in relation to the rising land levels, it is considered that the proposal will appear inappropriate for the site and locality, appearing more prominent in both size and scale when compared to the adjacent group of low level farm buildings which are indicated to provide a backdrop.

Policy CTY 3 of PPS 21 requires that any new building should not have a visual impact significantly greater than the building to be replaced. The existing building is single storey with a ridge height of approximately 4 metres and is largely screened from critical viewpoints given its set back to the rear of a number of other buildings and boundary treatments. It is considered that the proposed dwelling will appear more visually prominent within the landscape from critical viewpoints. The proposed building is set to the foreground of the existing farm group, the building is two storey in height with a ridge height of 8.1m. Considering the increased visibility of the proposed site, in combination with the size and scale of the proposed building it is considered that it will have a significantly greater visual impact than the existing building. Therefore, the proposal is considered to be contrary to the policy provisions of Policies CTY 3 and CTY 13 of PPS 21.

Policy CTY 14 of PPS21 requires that any new buildings in the countryside do not cause a detrimental change to, or further erode the rural character of an area. Policy CTY 14 is clear that any development that would result in a suburban style of build-up when viewed with existing and approved buildings should be avoided. In this case a dwelling on the application site would read with the existing dwelling at No. 20 Umgall Road, the farm buildings, a dwelling approved under planning application Ref: LA03/2022/0626/F adjacent to the entrance of the laneway, and a further dwelling approved under application Ref's: T/2009/0550/F and LA03/2020/0625/LDP to the southwest of the farm dwellings. As indicated above,

critical views of the site and the group of farm buildings is achieved when travelling along the Umgall Road. From these perspectives the cumulative impact of both the existing and approved buildings along with the proposed replacement building will undoubtedly read as a build-up of development resulting in an erosion of the rural character of this area.

Therefore, the proposal is considered to be contrary to the policy provision of Policy CTY 14 of PPS 21.

### **Neighbour Amenity**

No impact to neighbouring amenity by way of overlooking, overshadowing, loss of privacy, loss of light, or dominance is expected to occur given the approximate 120m separation distance to the nearest neighbouring dwelling.

### **Other Matters**

The Council's Environmental Health Section were consulted regarding the proposal and responded with no objections.

DfI Rivers were consulted regarding the proposal and responded with no objections, subject to a number of informatives. Also noted within their response, they advise where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. This will involve acquiring consent to discharge storm water run-off from the site.

DfI Roads were consulted regarding the proposal which is to be accessed via an existing laneway which currently serves No.20 Umgall Road and the adjacent farm complex. DfI Roads responded with no objections to the proposed access arrangement subject to a number of informatives.

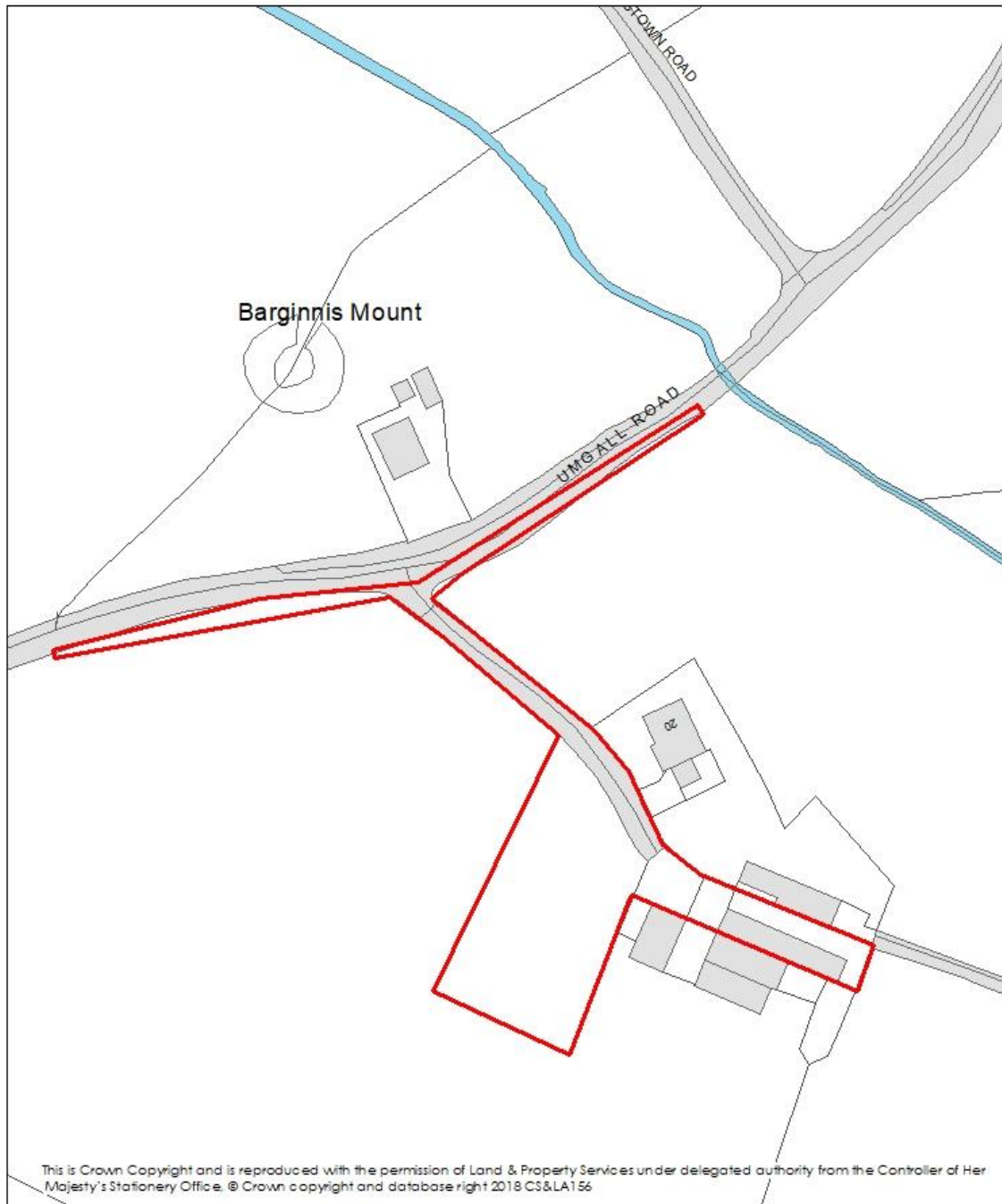
DfC Historic Environment Division (HED) was consulted regarding the proposal given its location within the zone of influence for a scheduled site known as Barginnis Mount (ANT 056:033), a site of regional importance. HED would require additional information in order to permit an informed and reasonable planning decision to be taken. This information was not requested due to the principle of development not being established. A reason for refusal on built heritage grounds has been added as a precautionary measure.

## **CONCLUSION**

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

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of Policy CTY 1 and CTY 3 of PPS 21;
- The proposal would appear as a prominent feature in the landscape;
- The proposal would lead to a build-up of development resulting in a negative impact on the character and appearance of the area;
- The design and appearance is inappropriate for the site and would not integrate into the surrounding rural area;
- There would not be a significant impact on any neighbouring properties; and
- There are no concerns from statutory consultees.

RECOMMENDATION	REFUSE PLANNING PERMISSION
<b>PROPOSED REASONS FOR REFUSAL</b>	
<ol style="list-style-type: none"> <li>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 and it fails to meet the provisions for a replacement dwelling in accordance with Policy CTY 3 of PPS 21 as the building to be replaced does not exhibit the essential characteristics of a dwelling, and the replacement dwelling would have a visual impact significantly greater than the existing building to be replaced.</li> <li>2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21 'Sustainable Development in the Countryside', in that the site lacks a suitable degree of enclosure and relies on new landscaping for integration and the design of the replacement building would be a prominent feature within the landscape, and is inappropriate for the site and its locality.</li> <li>3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21 'Sustainable Development in the Countryside', in that it would result in a suburban style build-up of development when viewed with existing and approved buildings and will result in a detrimental change to, and erode, the rural character of the countryside.</li> <li>4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies BH2 and BH3 of Planning Policy Statement 6, Planning, Archaeology and the Built Environment, in that it has not been demonstrated that the proposal will not have an adverse impact on an archaeological site.</li> </ol>	



### Site Location Plan

Application Reference: LA03/2023/0426/F

Lands 35m SW of 20 Umgall Road, Nutts Corner, Crumlin, BT29 4UJ

Replacement Dwelling



 Site boundary



<b>COMMITTEE ITEM</b>	<b>4.9</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0415/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Retention with alterations of building for storing gardening and fishing equipment, including using the building for bird-watching
<b>SITE/LOCATION</b>	190m west of 11 Ballyginniff Road on shore of Lough Neagh south of Northstone sand dredging site, Loughview Road, Crumlin.
<b>APPLICANT</b>	Noel Mc Kenna
<b>AGENT</b>	Park Design Associates
<b>LAST SITE VISIT</b>	01/08/2022
<b>CASE OFFICER</b>	Tierna Mc Veigh Tel: 028 90340401 Email: <a href="mailto:tierna.mcveigh@antrimandnewtownabbey.gov.uk">tierna.mcveigh@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 Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located 190 metres west of 11 Ballyginniff Road, Crumlin. The site is located within the countryside outside any development limits as designated within the Antrim Area Plan 1984-2001 (AAP). The AAP identifies the application site as being within the countryside outside any settlement limit and within the Lough Shore Policy Area.</p> <p>The site equates to approximately 0.01 hectares and is located in an area of semi-natural grassland and scrub. The topography of the land is relatively flat and hosts a single storey wooden building which is positioned approximately 20 metres from the shoreline of Lough Neagh. The site falls within Lough Neagh Area of Special scientific Interest (ASSI), Lough Neagh &amp; Lough Beg Special Protection Area (SPA) and within Lough Neagh and Lough Beg Ramsar site.</p> <p>The site is adjacent to a processing and storage facility for dredged sand known as Ballyginniff Sand Depot which is owned by Northstone Materials Ltd. The Blackburn River, a designated watercourse flows along the southern site boundary. The application site is also located within the 1 in 100 year fluvial floodplain. The surrounding area is characterised by roadside dwellings, some with associated outbuildings, and a number of farmsteads surrounded by agricultural land.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/2004/1337/F  Location: Lands Facing 11 Ballyginniff Road, Aldergrove, Crumlin  Proposal: Boating Quay for the Use of Local Community with new vehicular access to the site.  Decision: Permission Granted 30/12/2008</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located in the countryside and within the Lough Shore Policy Area. The Lough Shore Policy Area is of high scenic value where added protection is required for amenity reasons. The area of added protection covers lands 100 metres east of the Shore Road and 200 metres from the shoreline and it applies a restrictive policy approach to development. The introduction of PPS21: Sustainable Development in the Countryside superseded this policy and withdrew rural policy areas.

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

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

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

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

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

PPS 21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for Northern Ireland Countryside.

## CONSULTATION

- **Antrim and Newtownabbey Environmental Health** – No objection
- **DfI Roads** – No objection
- **Historic Environment Division (HED)** – No objection
- **DAERA Natural Environment Division (NED)** – Refusal
- **NI Water** – No objection
- **Belfast International Airport** – No objection
- **Shared Environmental Services (SES)** – No objection

## REPRESENTATION

No neighbouring properties were notified of the application as no neighbours abut the application site. One (1) letter of objection has been received from Quarryplan Ltd. on behalf of Northstone Materials Ltd. The full representations made regarding this proposal are available for Members to view online at the Planning Portal - <https://planningregister.planningsystemni.gov.uk>.

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

- Land ownership query regarding the redline of the site location and other lands in ownership outlined in blue;
- Query over the development description and the buildings current use;
- Building to be retained appears to be residential in its character i.e., the photographs within the submitted NI Biodiversity Checklist show the presence of television aerial, satellite dish, chimney stack and garden paraphernalia;
- Design of the building is not suited for bird watching i.e., window openings akin to residential windows with front facing entrance door;
- Characteristics of the building go beyond the use of a storage building;
- In the event of planning permission being granted, the objector has requested an informative be attached to any decision notice advising of the adjacent, sand dredging facility and the potential impact to amenity by way of its operations.

## 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, Appearance and Impact on Rural Character of the Area
- Neighbour Amenity
- Impact on the Natural Environment
- Impact on the Historic Environment
- Access Arrangements

### **Preliminary Matters**

#### Environmental Impact Assessment

As the development is within Category 10 (B) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (NI) 2017 the Council is obliged under

Regulation 12 (1) of these Regulations to make a determination as to whether the application is or is not EIA development. An EIA Determination was carried out and it is determined that the planning application does not require to be accompanied by an Environmental Statement.

#### Habitats Regulation Assessment

The planning application was considered in light of the assessment requirement of Regulation 43 (1) of the Conservation (Natural Habits, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council. Having considered the nature, scale, timing, duration and location of the project, it is concluded that it would not be likely to have a significant effect on any European site, either alone or in combination with any other plan or project and therefore an Appropriate Assessment is not required.

#### **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 a range of regional planning policy which is material to determination of the proposal. The AAP identifies the application site as being within the countryside outside any settlement limit and within the Lough Shore Policy Area. The Lough Shore Policy Area is of high scenic value where added protection is required for amenity reasons. The area of added protection covers lands 100 metres east of the Shore Road and 200 metres from the shoreline and it applies a restrictive policy approach to development. The introduction of PPS21: Sustainable Development in the Countryside superseded this policy and withdrew rural policy areas.

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.

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for non-residential development. In this instance, the proposal is for retention with alterations of a building for storing gardening and fishing equipment, including using the building for bird watching.

The proposal does not comply with any of the Non-Residential Development criteria set out in Policy CTY 1. In this instance, the policy stipulates 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 or it is otherwise allocated for development in a development plan.



As per Policy CTY 1 concerns were raised by Officers regarding the need for the building at the proposed location and why it is considered essential. Within the submitted Planning Statement, Document 03 date stamped 24th March 2023, the agent stated that the subject building is for the general storage of gardening/maintenance equipment for the ground, fishing equipment, and on occasions may be utilised by the applicant and others, including members of the Royal Society for the Protection of Birds (RSPB), for birdwatching. The agent further stipulates that the applicant holds a fishing license associated with Lough Neagh.

The associated equipment which the applicant wishes to store is detailed on Drawing Number 03/1 date stamped 14th April 2023 and includes a lawnmower, hedge trimmer, branch cutters, spades, digging forks, wheelbarrow, fishing rods, nets, oars and life jackets. Drawing Number 03/1 also indicates that the building is to be used to store bags of food for waterfowl, which are fed daily by the applicant.

The Council is of the opinion that the storing of such equipment at this location is not necessary or essential, as the applicant can store such equipment off site and bring to the site as and when required. Furthermore, given that the site is designated as an ASSI, SPA and Ramsar site, the applicant should not be maintaining the land, rather it should be left unmaintained in the interest of nature conservation and enhancement. Furthermore, although the agent argues that the building on occasion will be utilised for birdwatching, the subject building is not designed for that purpose, nor was this pastime observed occurring, during several site visits carried out by Officers.

The agent argues that given the specific use and function of the building, it is essential that the building is located at this rural location for purposes associated with the banks and shores of Lough Neagh and therefore cannot be located within a nearby settlement. It is considered that insufficient reasoning has been submitted by the agent, to demonstrate why this building is essential or to justify the need for this subject building at this location.

A review of the Flood Hazard Maps (NI) indicates that the site is affected by fluvial flooding. In accordance with Policy FLD 1 of PPS 15, development is not permitted within the 1 in 100-year fluvial floodplain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. The policy details several 'Exceptions Tests' none of which apply to the subject development. For this reason, the Planning Section does not accept this development as being an exception and is therefore considered to be contrary to policy.

Based on the evidence provided, the principle of the building for the purposes of storing gardening and fishing equipment, including the use of the building for birdwatching is not acceptable, as it does not fulfil the policy criteria as set out under Policy CTY 1 Development in the Countryside and Policy FLD 1 of PPS 15 Development in Fluvial and Coastal Flood Plains.

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

The building proposed to be retained has a footprint of 43.2 sqm, measuring 9.3 metres in length and 4.7 metres in width. The overall height of the building is 4.3 metres. On the front (western) elevation, there are two (2) window openings and one (1) door. On the rear (eastern) elevation, there are two (2) window openings.

Encompassing the building on the northern, southern and western elevations is a raised platform some 0.5 metres in height and a set of steps are positioned to the northern front elevation providing access into the building.

Alongside the buildings proposed use for storage, the building is to be utilised for ad-hoc bird watching. Concerns were raised by both Officers and the objector in respect of the building's design, with particular reference to the placement of the windows and entrance door on the front elevation, as the subject building looked more akin to a residential unit. The positioning of these elements to the front of the building, are not consistent with the design of bird-watching hides, which have entrance doors positioned to the rear coupled with narrow openings to the front of the building.

The finishing materials of the building comprise of horizontal wooden timber cladding finished in brown, dark grey uPVC coated roof tile sheeting and wood effect dark brown uPVC windows and doors.

Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting and respect rural character. Policy CTY 13 of PPS 21 states that a new building will be unacceptable where it would be a prominent feature in the landscape and as such would not integrate and is of an appropriate design. Policy CTY 14 of PPS 21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

The building is a wooden structure set back approximately 122 metres from the Loughview Road and avails of a high degree of enclosure provided by the existing roadside and field boundary vegetation to the north, east and south. The presence of the vegetative boundaries restricts views on approach from both directions along the Loughview Road. Given the current landform and existing landscaping, it is considered that the proposal visually integrates into the local landscape and will not cause a detrimental change to or erode the rural character of the area.

Although the design of the building is not considered to be suited for the purposes of birdwatching, the scale and siting is considered appropriate for the rural area. Additionally, the development integrates into the surrounding landscape and does not result in a detrimental change to the character of the rural area in accordance with Policies CTY 13 and 14 of PPS 21.

### **Neighbour Amenity**

One (1) objection was received from the neighbouring Northstone Ltd sand-dredging depot. The objector queried the landownership regarding the red and blue lines of the site location plan. This issue was subsequently addressed via the submission of a revised location plan and the objector was re-consulted and raised no further issues of concern.

It is considered that the proposal will not unduly affect the privacy or amenity of neighbouring residents, as there are no neighbouring properties in the immediate vicinity. The closest dwelling outside the ownership of the applicant is approximately 240 metres to the east of the application site.

### **Impact on the Natural Environment**

The application site falls within Lough Neagh Area of Special Scientific Interest (ASSI), Lough Neagh & Lough Beg Special Protection Area (SPA) and within Lough Neagh and Lough Beg Ramsar site, hereafter referred to as the designated sites, which are of international and national importance and are protected by the Habitats Regulations and the Environment (NI) order 2002 (as amended).

Policy NH 1 and Policy NH 3 of PPS 2 are of particular relevance in this assessment. Policy NH 1 deals with the SPA and Ramsar designations and states that planning permission will only be granted for a development proposal where it is not likely to have a significant effect on the aforementioned designations. Policy NH 3 deals with the ASSI designation and states that planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including value of the site to the habitat network or special interest of the aforementioned designation. Upon request, the applicant provided a NI Biodiversity Checklist and Preliminary Ecological Assessment, Document 02 date stamped 27th May 2022.

During a site visit to the application site, it was noted that there were development works occurring outside of the red line of the planning application boundary. Given that the site is a designated ASSI any works occurring outside the red line of the application site are subject to Environment (NI) Order 2002 (as amended), (NIEA) Conservation, Designations and Protection Unit were made aware of this matter.

DAERA Natural Environment Division (NED) having reviewed Document 02 and the subsequent evidence, in its response dated 18th October 2022 made reference to the works outside of the red line application boundary. In concluding its response, NED stated that it has serious nature conservation concerns with the development and advises that it may be contrary to Policies NH 1 and NH 3 of PPS 2, in that if permitted, would have the potential to have an unacceptable adverse impact on the conservation objectives of the designated sites.

NED in its response also highlighted concern in respect of the photographed outfall pipe coming from the southern elevation of the building and overhanging into the designated watercourse to the south. Confirmation from the applicant was sought to determine if this was a sewer pipe, to which the applicant stated that it was not. Confirmation of this was sought via photographs showing the absence of a toilet in the building. SES was notified of this and was content foul sewerage was not being discharged into the designated watercourse.

The Council has to determine the application based on the current works within the red line of the application, therefore the Council cannot comment on the works outside of the red line. The planning application was also considered in light of the assessment requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council. SES having considered the nature, scale, timing, duration and location of the project. As the off-site works referred to by NED have to be excluded in the assessment, it is concluded that the development as applied for would not be likely to have a significant effect on any European site, either alone or in combination with any other plan or project and therefore an Appropriate Assessment is not required.

Although the construction of the subject building, currently in situ, and the associated landscaping has resulted in the loss of a small amount of nesting habitat for breeding water birds, which are a selection feature of Lough Neagh ASSI, it is considered that the subject development will not have a significant adverse impact on the features of the Lough Neagh designated sites.

### **Impact on the Historic Environment**

There are several records of Industrial Heritage Records within close proximity to the application site. DfC Historic Environment Division (HED) was consulted on the proposal and offered no objection to the proposed development.

### **Access Arrangements**

Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where it will not prejudice safety or significantly inconvenience the flow of traffic.

As stated on the P1 Form there is no vehicular access to the site, only a pedestrian path. Those who visit the site by vehicle are encouraged to park in the adjacent Public House car park, which is in ownership of the applicant. DfL Roads was consulted and offered no objection to the development proposal. Although it is unusual that no parking is provided for the facility within its established curtilage, given the limited number of visits required for the facility as applied for, it is considered that there is no demonstrable harm given the off-site parking available.

### **CONCLUSION**

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

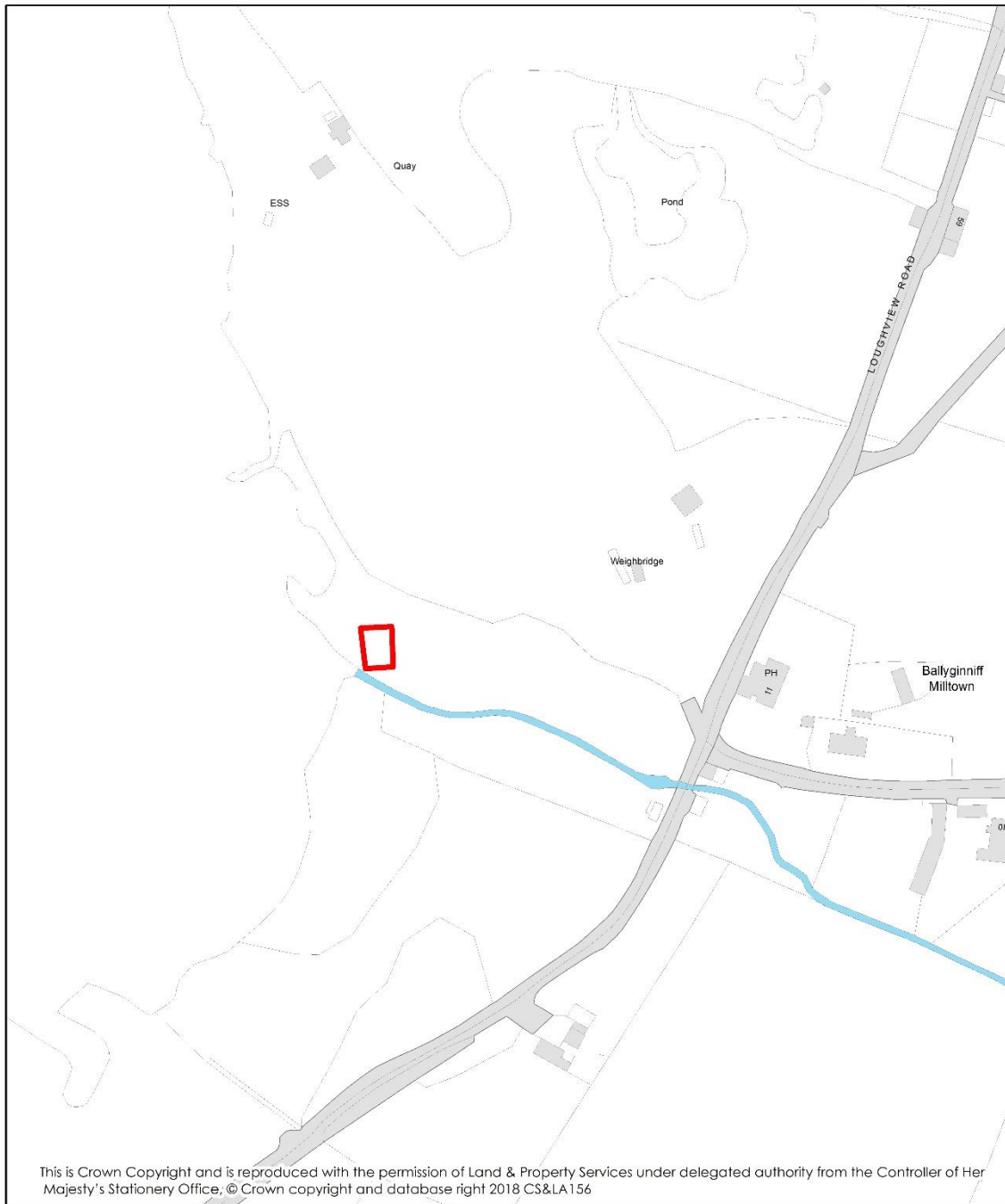
- The principle of development is considered unacceptable;
- The proposal is contrary to the policy provisions in the SPPS and PPS 21;
- The design of the development is not compatible for its occasional use as a bird watching hide;
- The siting and scale of the development is considered acceptable;
- The proposal will not have a detrimental impact on neighbour amenity; and
- The proposal will not have a detrimental impact on the designated sites.

### **RECOMMENDATION**

### **REFUSE PLANNING PERMISSION**

### **PROPOSED REASONS FOR REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement (SPPS) 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.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement (SPPS) and Policy FLD 1 of Planning Policy Statement 15 Planning and Flood Risk, in that the development is located within the 1 in 100 year fluvial floodplain and does not constitute an exception to the policy.



### Site Location Plan

Application Reference: LA03/2022/0415/F

Proposal: Retention with alterations of building for storing gardening & fishing equipment, including using the building for bird-watching

Location: 190m west of 11 Ballyginniff Road on shore of Lough Neagh south of Northstone sand dredging site, Loughview Road, Crumlin

0 50 100  
Metres



 Site boundary



<b>COMMITTEE ITEM</b>	<b>4.10</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0486/F</b>
<b>DEA</b>	<b>AIPRORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Extension to curtilage and domestic storage building
<b>SITE/LOCATION</b>	Approx 100m southeast of 38a Ballyhill Lane, Crumlin, BT29 4YP
<b>APPLICANT</b>	Eddie Connolly
<b>AGENT</b>	D.M.Kearney Design
<b>LAST SITE VISIT</b>	14/08/2023
<b>CASE OFFICER</b>	Tierna Mc Veigh Tel: 028 90340401 Email: <a href="mailto:tierna.mcveigh@antrimandnewtownabbey.gov.uk">tierna.mcveigh@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 Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a>.</b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located 100 metres southeast of 38a Ballyhill Lane, Crumlin and is within the countryside as defined in the Antrim Area Plan 1984-2001 (AAP).</p> <p>The application site is owned and associated with the occupants of dwelling No. 38a Ballyhill Lane and comprises of an agricultural field. Access to the site and the proposed domestic shed is taken from the dwellings existing in-curtilage laneway which is taken from a private shared laneway off Ballyhill Road.</p> <p>The proposed domestic shed to be sited in the most southwestern corner of the site and the access to this is via a hardcore track which follows along the existing southwestern field boundary before turning 90 degrees in a northeasterly direction and then 90 degrees again in a southeasterly direction. An area of land currently remains between the applicants dwelling and the proposed shed and as advised by the applicant is used as a paddock for two (2) ponies.</p> <p>The application site has a strong southeastern gradient and excavation works have already occurred to the lower southeastern section of the site where the proposed domestic shed is to be located. This particular area has been excavated some 4 metres in order to create flat lands for the construction of the domestic shed and its associated usage.</p> <p>The site's southwestern boundary comprises of mature field boundary vegetation, its northwestern boundary is undefined, its northeastern and southeastern boundary comprises of post and wire fencing with sporadic deciduous trees. Traversing the site to the southeast is Ballyhill Water, a minor designated watercourse. The site's southeastern boundary is set back and runs adjacent to the A52 Ballyutoag Road. Despite this portion of road benefiting from a mature tree line, public views of the site are obvious especially when travelling in a northeastern direction along the A52 Ballyutoag Road. On approach in a southwestern direction along the A52 Ballyutoag</p>	

Road, views of the site are limited due to the presence of road embankments. In its entirety the site is poorly screened and open to expansive public views.

The surrounding area is predominately agricultural, with rural dwellings on large plots and farmsteads. 415 metres to the southwest of the site is McKinstrys Skip Hire Ltd – a waste recycling company.

#### **RELEVANT PLANNING HISTORY**

Reference: LA03/2020/0760/F

Proposal: Retrospective application for conversion of garage to ancillary accommodation

Location: 38A Ballyhill Lane, Crumlin, BT29 4YP

Decision: Permission granted 03/03/2021

Reference: T/2006/0971/RM

Proposal: New Dwelling and Garage

Location: Site 380m east of 30 Ballyhill Lane, Nutts Corner.

Decision: Permission granted 26/03/2007

Reference: T/2004/0906/O

Proposal: Site for dwelling and garage.

Location: 380m East of 30 Ballyhill Lane, Nutts Corner, Crumlin.

Decision: Approval on Appeal 17/02/2005

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

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough 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.

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

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

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

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

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

#### **CONSULTATION**

- **Shared Environmental Services** – No formal consultation required
- **DAERA Water Management Unit** – No objection

#### **REPRESENTATION**

Two (2) neighbouring properties were notified of the proposal and no representations have been received.

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

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

- Policy Context and Principle of Development
- Design, Integration and Impact on Rural Character
- Neighbour Amenity
- 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 proposal seeks full planning permission for an extension to curtilage associated with No. 38a Ballyhill Lane and a domestic storage building. The proposed storage shed is to be used solely for the storage of the applicant's vintage vehicles, show lorries and machinery which the applicant and his son takes to shows and vintage rallies throughout Ireland and the UK.

Accompanying the application is a Supportive Statement, Document 01 date stamped 24th May 2023 and various tax books and photos of the vehicles to be kept in the proposed domestic shed. The Statement also contends that no works are to be



carried out in the shed other than general upkeep of vehicles and valeting prior to vehicle shows. At present, these vehicles are being currently kept at the applicant's business premises EJC Contracts Ltd. at 386a Ballyclare Road and are parked in an open working yard, which the agent states is not suitable due to potential risks of damage from other vehicles manoeuvring within the yard. The vehicles are also open to adverse weather conditions which can de-value the vehicles and makes preparation for shows very difficult.

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. Policy CTY 1 indicates that development not falling into one of the listed categories will be permitted only where there are overriding reasons why it is essential and could not be located within a development limit.

There is no provision for residential land use to be extended further into the neighbouring countryside within Policy CTY 1 which directs consideration of an extension to a dwelling house (in this case domestic shed and extension to dwelling curtilage) to Addendum of PPS 7 'Residential Extensions and Alterations'. Additional policy requirements are included in Policies CTY 13 and CTY 14 of PPS 21.

No justification has been provided by the applicant as to why the existing curtilage cannot be used. It is considered that the existing residential curtilage is sufficient for the existing dwelling. Therefore, insufficient evidence has been presented to justify that the proposed development is essential in the countryside or that there are extenuating circumstances of sufficient weight to justify why the requirements of Policy CTY 1 should be set aside. Therefore, the proposal is considered unacceptable in principle in the countryside and is contrary to CTY1 of PPS21.

The proposal is considered to be unacceptable in principle and the report below outlines that there are significant concerns with the overall scale and visual impact of the proposed domestic curtilage and the domestic storage shed.

### **Design, Integration, and Impact on Rural Character**

All proposals in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires a building in the countryside to be visually integrated into the surrounding landscape and is of an appropriate design, whilst Policy CTY 14 requires a new building not to cause a detrimental change to, or further erode the rural character of an area.

The proposal seeks permission to increase the existing dwellings curtilage (4,439.69sqm/0.44ha) into the neighbouring agricultural field to the southeast. The extended curtilage will encompass the entirety of this agricultural field; have a total depth of 128 metres and total width of 92 metres. Overall, the extended curtilage equates to an additional 1.1ha (11,048.14sqm), some 0.7ha (6,608.45sqm) more than the dwelling's existing curtilage at present.

With respect to existing landscaping of the proposed curtilage the northwestern boundary is undefined with direct open views to the applicant's dwelling No.38a Ballyhill Lane, the northeastern boundary comprises of post and wire fencing 1 metre in height coupled with several sporadic deciduous trees. The southeastern boundary is defined only by 1-metre-high post and wire fencing and the southwestern boundary is defined by mature hedging 2 metres in height. For the most part, the proposed extended curtilage boundaries do not benefit from any element of sufficient natural screening and the site is subject to open public views from the A52 Ballyutoag Road.

The proposed extended curtilage is to accommodate a domestic shed to be located in the lower southwestern corner of the site. The site has a strong southeastern gradient and to accommodate the construction of the proposed shed, associated access and yard, the applicant has excavated an area of 0.39ha (3,948.07sqm) by almost 4 metres to achieve a flat topography. The remaining 0.7ha (7,100.07sqm) of land between the applicant's dwelling and the proposed shed is being utilised as a paddock for two (2) ponies and as stipulated by the Supportive Statement. No excavation works have occurred on these lands.

Access to the proposed shed will be via a hardcore track which follows along the existing southwestern field boundary adjacent to the dwelling some 71 metres before turning 90 degrees in a northeasterly direction for some 77 metres and then 90 degrees again in a southeasterly direction for some 66 metres. It is at this point that the access lane opens out into the proposed yard fronting the proposed shed. No finishing materials of the lane and yard have been detailed on the plan other than hardcore, however the case officer noted upon the site visit, the finishing materials to be grey self-binding gravel.

The shed occupies a footprint of 600sqm, has a length of 30metres and a width of 20metres. The roof is low pitched at a height of 11.4 metres. The finishing materials comprise of dark green roof and wall cladding to the top half with render walls to the lower half, black box profile rainwater goods, steel clad secure pedestrian doors and roller shutter doors. On the front northeastern elevation, there are three (3) roller shutter doors measuring 6 metres in height and 4.8 metres in width, allowing access for high-sided vehicles. Within the Supportive Statement, the agent contends that the proposed shed is of a subordinate and appropriate scale and the proposed finishes are typical of many rural buildings. On the contrary, it is considered that the scale and design of the building appears like an industrial unit and possesses features which are generally associated with industrial buildings. On this basis, it is considered that the size, scale and design of the building are not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding rural landscape and would therefore be contrary to Policy EXT 1 of Addendum to PPS 7.

The Supportive Statement indicates that the proposed shed is to remain ancillary to the dwelling and is located at the nearest point possible to the existing dwelling and consolidates the existing built form in an integrated and unobstructive manner. From the Council's perspective the proposed shed is significantly detached from the dwelling as it is located some 94 metres away to the southwest and thus too far removed to consolidate with the existing built form. Furthermore, the proposed shed is separated from the existing dwelling by an intervening agricultural field giving the impression that it operates independently of the dwelling and is not associated with it.

With respect to CTY 13 and CTY 14 the agent, within the Supportive Statement (Document 01, date stamped 24<sup>th</sup> May 2023), contends that the proposed shed is located on the least prominent section of land and that the reduction in topography levels will allow for the building to blend unobtrusively into the landscape. The agent also contends that the visual impact will be insignificant when viewed from the surrounding and very limited vantage points. The agent also advises that additional planting is to be carried out as well as augmenting the existing vegetation along the boundaries of the site which over time will lessen the visual impact.

Although the proposed shed is set back 80 metres from the A52 Ballyutoag Road, long distant views of the proposal will be seen over a distance of 400 metres when travelling in a southwestern direction along the A52 Ballyutoag Road. When on approach in a northeasterly direction along the A52 Ballyutoag Road long distance views although visible, will be limited and intervening due to the presence of mature trees lining this portion of roadside boundary. Whilst it is acknowledged that the roadside embankment to the southwest along the A52 Ballyutoag Road and the presence of the tree lined road boundary to the northeast will lessen the views upon approach to the site, short views are clearly evident when viewed at the foot of the site from the A52 Ballyutoag Road.

Given the expanse openness of the site, the strong southeastern topography, the lack of intervening boundary treatments and any form of enclosure, it is considered that the extension to curtilage is highly visible, especially when viewed from critical viewpoints when travelling northeast along A52 Ballyutoag Road. The development has created an overall curtilage depth of approximately 128 metres, with significant new landscaping required to provide any degree of integration and screening.

The development has resulted in the unnecessary encroachment into the open countryside, eroding the rural character while not having respect to the traditional pattern of settlement exhibited in the surrounding area. Most roadside dwellings located in the vicinity have modest plot depths, whilst the proposed extended curtilage will be at odds with the established pattern of development, would appear as an anomaly and be incongruous within the landscape.

Overall, it is considered that the proposal is not considered to meet any policy test under Policy EXT 1 of Addendum to PPS 7 and CTY 1 of PPS 21. Furthermore, no other overriding reasons have been provided why this development is essential and could not be located in a settlement.

### **Neighbour Amenity**

It is considered that there will be no detrimental impact to neighbour amenity by way of overlooking, loss of privacy, overshadowing, loss of light or dominance given the

proposed use as a domestic storage shed and the 105 metre separation distance to the nearest neighbouring property.

### **Flood Risk**

A review of DfI Rivers Flood Maps (NI) reveal that a portion of lands to the southeast is subject to fluvial and pluvial flooding. In accordance with FLD 3 a Drainage Assessment would be required for a change of use involving new buildings and/or hardstanding exceeding 1000sqm in area. The proposed access laneway, yard and proposed shed equates to some 3,973.78sqm and given that no detail has been provided in respect to how the proposed access laneway and yard area serving the proposal is to be finished, it is considered that the application is far in excess of the 1000 sqm threshold and therefore requires the submission of a Drainage Assessment in order for an assessment to be made of the development from a flood risk perspective. No Drainage Assessment was submitted, nor was it requested due to the proposed development not being considered acceptable in terms of its visual impact and therefore this would constitute nugatory work and put the applicant to unnecessary expense. A reason for refusal on drainage grounds has been added as a precautionary measure.

### **Other Matters**

A review of DAERA's Natural Environment Map viewer reveals that the site does not benefit from or is nearby to any environmental designations. However, due to the presence of Ballyhill Water traversing the site to the southeast, an informal consultation was sent to Shared Environmental Services (SES) to ascertain whether the proposal required further consultation. SES in its response confirmed that although there is a hydrological connection to Lough Neagh & Lough Beg SPA/Ramsar, it was considered the proposal was sufficiently distanced some 15km+ away and that no conceivable effects on the SPA/Ramsar would occur. On this Basis, SES did not require formal consultation on the proposal. DAERA Water Management Unit (WMU) was consulted and offers no objection to the proposal.

## **CONCLUSION**

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

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of CTY 1 of PPS 21;
- The development appears unduly prominent within the landscape;
- The size and scale of the development is inappropriate for the site and location, and the site lacks established boundary treatments for integration;
- The development would fail to blend with the existing landform;
- The development does not respect the traditional pattern of development exhibited in the area;
- The scale, massing design and external materials of the proposed storage building is not subordinate to the existing dwelling and would be out of character with the surrounding area;
- There are no neighbour concerns regarding impact on neighbour amenity;
- The development may give rise to surface water flooding and no Drainage Assessment has been provided.

## **RECOMMENDATION**

## **REFUSE PLANNING PERMISSION**

## **PROPOSED REASONS FOR REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would appear a prominent feature in the landscape; the site lacks long established boundary treatments; the site relies primarily on new landscaping for integration; the design of the building is inappropriate for the site and locality; the proposal fails to blend with the existing landform; the proposal does not respect the traditional pattern of settlement exhibited in the area.
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy EXT1 of the Addendum to Planning Policy Statement 7 in that the scale, massing design and external materials of the proposed storage building is not subordinate to the existing dwelling and would be out of character with the surrounding area.
4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy FLD 3 of PPS 15 Planning and Flood Risk in that it has not been demonstrated that a satisfactory means of drainage associated with the development has been achieved that would not increase the risk of flooding elsewhere.



### Site Location Plan

Application Reference: LA03/2023/0486/F

Proposal: Extension to Curtilage and Domestic Storage Building

Location: Approx. 100m SE of 38a Ballyhill Lane, Crumlin

 Site boundary



1:2,500



**PART TWO**

**OTHER PLANNING MATTERS**

#### **ITEM 4.11**

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

A list of planning decisions issued by Officers during August 2023 under delegated powers together with information relating to planning appeals is **enclosed** for Members' information.

No Planning Appeal decisions were received from the Planning Appeals Commission during August 2023.

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

Prepared by: Stephanie Boyd, Planning and Economic Development Business Support Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning & Building Control

Approved by: Majella McAlister, Deputy Chief Executive & Director of Economic Development and Planning



## ITEM 4.12

### **P/FP/LDP/95 DEPARTMENT FOR INFRASTRUCTURE (DFI) CORRESPONDENCE – THE STRATEGIC PLANNING POLICY STATEMENT (SPPS) AND CLIMATE CHANGE**

Julie Thompson, Deputy Secretary for DfI has written to all Heads of Planning regarding the SPPS and Climate Change. A copy of the correspondence is enclosed.

Firstly, Ms Thompson, has reminded all Councils of the Department for Agriculture, Environment and Rural Affairs (DAERA) consultation regarding Northern Ireland's 2030 and 2040 Emissions Reduction Targets and First Three Carbon Budgets and seeking views on the Climate Change Committee Advice Report. This consultation can be accessed via <https://www.daera-ni.gov.uk/consultations/carbonbudget>.

Secondly, Ms Thompson advises that the legislation will require the Department to put in place a transport sectoral plan and an infrastructure sectoral plan for combatting climate change. The infrastructure sectoral plan must include policies and proposals for planning and construction, while the transport sectoral plan must include policies and proposals for public and private transport. Ms Harrison advised that significant cross public sector collaboration will be required to put in place the mechanisms to ensure delivery.

Thirdly, Ms Thompson advises that the planning system plays a key role in the process and further advises that the Department will soon bring forward a Call for Evidence on a potential focused review of the SPPS on the issue of Climate Change. Stakeholder engagement will also take place in the autumn. Information gathered will be taken into account to inform a review of the SPPS and the options for it.

Further information will be provided when the Call for Evidence exercise is formally issued and Ms Thompson advises Councils that they may wish to consider how their organisation can provide support and feedback as part of the process.

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

Prepared by: Sharon Mossman, Deputy Director of Planning and Building Control

Approved by: Majella McAlister, Deputy Chief Executive & Director of Economic Development and Planning

## **ITEM 4.13**

### **P/FP/LDP1 LOCAL DEVELOPMENT PLAN UPDATE**

#### **Adoption of Plan Strategy**

Members will be aware that the Planning Appeals Commission (PAC) Report into the Independent Examination (IE Report) of the Local Development Plan Draft Plan Strategy, has not yet been forwarded to the Department for Infrastructure (DfI) for its consideration. Members are reminded that the PAC previously advised in the closing notes of the Independent Examination that they hoped to deliver the IE Report to DfI by the end of January 2023.

Given this delay, the Chief Executive wrote to Julie Harrison, Permanent Secretary DfI on 14 February 2023, requesting that the IE Report should be shared with the Council, directly upon its receipt by DfI.

On 27 February 2023 the Chief Executive received a response from DfI indicating that whilst the IE Report would be considered expeditiously by Officers in DfI, the range of potentially complex issues and recommendations meant that the Report would not be shared until DfI completes its consideration. The exception to this being, a 2-week period immediately prior to publication of the Report, to allow the Council the opportunity to complete a fact checking exercise. It is envisaged that the DfI consideration of the Report will take around 12 weeks to complete.

Members are advised that the very unfortunate further delay to the release of the IE Report is having a significant ongoing negative impact upon the ability of the Planning Section to plan for the various LDP workstreams, as well as financial and resource implications for the Council. The Council is also coming under increased scrutiny from members of the public and development industry alike, due to its inability to update its LDP Timetable as a result of the significant delay in the process.

It is therefore recommended that the Chairman of the Planning Committee writes to the DfI Permanent Secretary to outline the ongoing issues around the very unfortunate delay in the process, and again call for the sharing of the IE Report with the Council directly upon its receipt by DfI.

#### **Local Development Plan Procurement**

Members are reminded that at the August Planning Committee, an item was presented which outlined some of the key work areas involved in the preparation of the evidence base to support the forthcoming Local Policies Plan (LPP).

In order to progress the background work on the LPP in a timely fashion, whilst at the same preparing for the adoption of the Plan Strategy which it is hoped to take place in the final quarter of 23-24 year, agreement is being sought in principle to launch a procurement exercise to engage professional consultants to develop an evidence base in support of the LPP.

As Members are aware the new LDP process is heavily evidence driven and now includes various legislative tests including the requirement for the LPP to be

consistent with the Plan Strategy and to take account of the Regional Development Strategy, the Strategic Planning Policy Statement and the Council's Community Plan. These tests will help determine whether the Plan is 'Sound' through the Independent Examination process. The decisions which the Council makes through its LPP will therefore require the development of a robust evidence base.

Two of these work areas involve the development of an evidence base in relation to the topic of 'Homes' and 'Employment'. This evidence will provide the background for engagement with Elected Members and ultimately support key decisions in relation to the zoning of land for housing and employment purposes in the LPP and also the publication of Supplementary Planning Guidance. The evidence base will ultimately be presented in support of the LPP at Independent Examination.

It is anticipated that these two work areas are likely to be the most scrutinised topics in the LPP and therefore it is essential that a robust evidence base is prepared.

**RECOMMENDATION: that**

**(a) the Chairman of the Planning Committee writes to DfI regarding the release of the IE Report immediately upon its receipt by DfI; and**

**(b) the procurement exercise associated with the Home and Employment work streams be progressed.**

Prepared by: Sharon Mossman, Deputy Director of Planning and Building Control

Approved by: Majella McAlister, Deputy Chief Executive & Director of Economic Development and Planning

#### **ITEM 4.14**

##### **P/FP/LDP/118 DEPARTMENT FOR INFRASTRUCTURE (DfI) BELFAST METROPOLITAN TRANSPORT PLAN (BMTP) 2035 UPDATE**

Sian Kerr, the Director of DfI Transport Planning and Policy Directorate, has written to all stakeholders on 1 September 2023 (enclosed), providing an update on the progress of the Belfast Metropolitan Transport Plan (BMTP) 2035.

Members are reminded that the plan will set the framework for making transport policy and investment decisions up until 2035, in five Council areas and will also support the preparation of the Local Development Plans in these areas.

The correspondence advises that following stakeholder feedback, the DfI Permanent Secretary has taken the decision to rename the BMTP, to the Eastern Transport Plan (ETP). Furthermore, the ETP was formally launched on 4 September 2023 for an 8-week period of public engagement, which closes on 30 October 2023.

The ETP document can be accessed on the DfI website at <https://www.infrastructure-ni.gov.uk/articles/eastern-transport-plan-etp-2035> and the engagement survey accessed at <https://consultations2.nidirect.gov.uk/dfi-1/eastern-transport-plan-consultation/>.

Members may wish to respond on a corporate, individual or party political basis.

**Members' instructions are requested.**

Prepared by: Sharon Mossman, Deputy Director of Planning and Building Control

Approved by: Majella McAlister, Deputy Chief Executive & Director of Economic Development and Planning

#### ITEM 4.15

##### **P/FP/LDP/001 DEPARTMENT FOR INFRASTRUCTURE (DFI) CORRESPONDENCE – REVIEW OF THE PLANNING (LOCAL DEVELOPMENT PLAN) REGULATIONS (NORTHERN IRELAND) 2015**

Alistair Beggs, the Chief Planner DfI, has written to all Council Chief Executives on 1 September 2023, regarding a Review of the Local Development Plan Regulations. A copy of the correspondence is **enclosed**. Members are reminded that a key part of the Planning Improvement Programme, which was agreed by local and central government, encompasses potential regulatory and legislative changes which would improve the functioning of the planning system across Northern Ireland.

One of these key actions relates to a review of the Planning (Local Development Plan) Regulations (NI) 2015. These regulations concern the legislative requirements for the Local Development Plan process, including consultation; plan timetables; publicity and notification; and the submission of documentation.

DfI has now invited Councils to share their experiences of the functioning of the current legislation and make recommendations for those changes which they consider can improve the legislation.

It is proposed that Officers respond to the DfI questionnaire (**enclosed**) by the closing date, 27 October 2023. A copy of the response will be shared at the October 2023 Planning Committee meeting.

**RECOMMENDATION: that the report be noted and that Officers prepare a response to issue.**

Prepared by: Sharon Mossman, Deputy Director of Planning and Building Control

Approved by: Majella McAlister, Deputy Chief Executive & Director of Economic Development and Planning

## **ITEM 4.16**

### **P/PLAN/1 BUILDING CONTROL REPORTS**

Members will be aware that the Building Control section now operates as part of the Economic Development and Planning department, reporting to Sharon Mossman as Deputy Director and in turn Majella McAlister as Director of the Department.

Previously Building Control reports were presented to the Operations Committee, however, to align with the new arrangements, Members may wish to consider whether going forward these reports will now be presented to Planning Committee as Part 2 business.

Alternatively, they may be presented to another Committee, or directly to the monthly Council meeting.

**Members' instructions are requested.**

Prepared by: Kathryn Bradley Planning and Economic Development Business Support Manager

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

Approved by: Majella McAlister, Deputy Chief Executive & Director of Economic Development and Planning

#### **ITEM 4.17**

##### **F/FP/1 DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS (DAERA) REGARDING PLANNING CONSULTATIONS UPDATE**

Members are reminded that correspondence was received from Mark Hammond, Head of Natural Environment Division Operations, Department of Agriculture, Environment and Rural Affairs (DAERA) in November 2021, regarding the backlog of its responses to planning consultation requests and the actions that it was taking to improve planning consultation response times; this correspondence was brought before a meeting of Full Council in November 2021.

The Chief Executive subsequently wrote to DAERA in January 2022 seeking a meeting with Departmental officials to discuss the matter of planning consultations further and a meeting subsequently took place.

As some time has now passed since the original meeting and no further updates on the DAERA position have been received by Council, it is recommended that the Chairman of the Planning Committee writes to the DAERA Permanent Secretary seeking a meeting to discuss the current situation regarding planning consultations and response times.

**RECOMMENDATION: that the Chairman of the Planning Committee writes to the DAERA Permanent Secretary and requests a meeting.**

Prepared by: Sharon Mossman, Deputy Director of Planning and Building Control

Approved by: Majella McAlister, Deputy Chief Executive & Director of Economic Development and Planning

#### **4.18 PT/CI/038 PERFORMANCE AND IMPROVEMENT PLAN 2023/24 - PERFORMANCE PROGRESS REPORT QUARTER 1 – PLANNING**

Members are reminded that Part 12 of the Local Government Act (Northern Ireland) 2014 puts in place a framework to support the continuous improvement of Council services.

The Council's Corporate Performance and Improvement Plan 2023-24 was approved in June 2023. This set out a range of challenging performance targets, along with six identified improvement objectives and a number of Statutory Performance Targets.

A first quarter progress report for Planning and Building Services is **enclosed** for Members' approval.

**RECOMMENDATION: that the Corporate Performance and Improvement Plan 2023-24 Quarter 1 Progress Report for Planning be approved.**

Prepared by: Allen Templeton, Performance Improvement Officer

Agreed by: Lesley Millar, Head of Organisation Development

Approved by: Jennifer Close, Director of Organisation Development



#### **4.19 FI/FIN/4 BUDGET REPORT – QUARTER 1 APRIL TO JUNE 2023**

As agreed at the August Council meeting, quarterly budget reports will be presented to the relevant Committee or Working Group. All financial reports will be available to all Members. A short presentation outlining the Planning and Building Control Summary Budget Report will be provided by the Director of Economic Development and Planning.

The overall financial position of the Council will be presented to the Policy and Governance Committee. A budget report for Planning and Building Control for Quarter 1 – April to June 2023 is **enclosed** for Members' information.

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

Prepared by: Richard Murray, Head of Finance

Agreed by: John Balmer, Deputy Director of Finance

Approved by: Sandra Cole, Director of Finance & Governance