



12 August 2020

Committee Chair: Alderman T Campbell

Committee Vice-Chair: Councillor S Flanagan

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

Dear Member

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

A remote meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 17 August 2020 at 6.00pm.**

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

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

Yours sincerely

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

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

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

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

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

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

**Part One** - 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.

**Part Two** - 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.

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

### **PART ONE**

- 3.1 Delegated planning decisions and appeals July 2020
- 3.2 Proposal of Application Notification
4. Any Other Business

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

- 3.3 Planning Application No: LA03/2018/0842/F

Demolition of existing building and replacement with Class A1 Foodstore and associated eight-bay Petrol Filling Station and associated works including car parking, access from Doagh Road, Click-and-Collect facility and landscaping. Access from Doagh Road facilitated by new roundabout to replace Doagh Road and Monkstown Road junction; and off-site road improvement works at Doagh Road/Station Road/O'Neills Road junction at 229-233 Doagh Road, Monkstown Industrial Estate, Newtownabbey

- 3.4 Planning Application No: LA03/2019/0387/F

Six detached dwellings on lands at 740 Antrim Road, Templepatrick

- 3.5 Planning Application No: LA03/2019/0946/F

Construction of 12 2-bed apartments and 5no. 1 bed accessible apartments in a 3 storey block together with ancillary parking and amenity green space accessed from 19 Carwood Way at 181 Ballyclare Road (between 3 Moss Road and 19 Carwood Way) Glengormley, Newtownabbey

- 3.6 Planning Application No: LA03/2020/0099/F

Retention of change of use from shop unit to 2 no. ground floor flats to include alterations to existing buildings at 4 Hightown Road, Glengormley

3.7 Planning Application No: LA03/2020/0189/O

Demolition of existing dwelling and garage and construction of 2no dwellings and garages with amended and improved access and associated works at 30 Greenan Road Staffordstown Randalstown

3.8 Planning Application No: LA03/2020/0339/F

Erection of replacement dwelling and garage plus demolition of existing dwelling at 22 Belfast Road, Aughnamullan, Crumlin

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 17 AUGUST 2020**

**PART ONE**

**GENERAL PLANNING MATTERS**

### ITEM 3.1

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

A list of planning decisions issued by Officers during July 2020 under delegated powers is **enclosed** for Members attention together with information relating to planning appeals. It should be noted there were no appeal decisions made by the Planning Appeals Commission (PAC) during July in the Borough.

Members should also note that the enclosure includes a separate list of 2 appeals registered on the PAC website during July that the Council has still to be formally notified of due to ongoing delays being experienced by the PAC arising from COVID-19.

In addition, Members may wish to note that the list of delegated decisions for July includes a refusal for the application highlighted below that was presented to the June meeting of the Committee. Members had agreed to defer the application to provide an opportunity to the applicant to submit additional information for consideration, but also provided delegated authority to Officers to issue a refusal decision for the reasons outlined in the Planning Report should the information not be received within 2 weeks of the Committee meeting. No information was forthcoming at the end of this period and on this basis Officers issued a refusal of planning permission under the delegated authority provided by the Committee.

<b>APPLICATION NO</b>	<b>LA03/2020/0114/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>PROPOSAL</b>	Single dwelling and garage
<b>SITE/LOCATION</b>	Land 75metres North West of No. 48 Ballynoe Road, Antrim
<b>APPLICANT</b>	Mr John Agnew

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

Prepared by: John Linden, Head of Planning

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

## ITEM 3.2

### P/PLAN/1 PROPOSAL OF APPLICATION NOTICE FOR MAJOR DEVELOPMENT

Prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks' notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). One PAN was registered during July 2020 the details of which are set out below.

<b>PAN Reference:</b>	LA03/2020/0491/PAN
<b>Proposal:</b>	Proposed residential development, public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Rathcoole Drive.
<b>Location:</b>	Former Newtownabbey Community High School, Rathcoole Drive, Newtownabbey
<b>Applicant:</b>	Apex Housing Association
<b>Date Received:</b>	29 July 2020
<b>12 week expiry:</b>	21 October 2020

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

As part of its response to Coronavirus, the Department for Infrastructure recently introduced an amendment to subordinate legislation to temporarily remove the requirement for a public event as part of the pre application community consultation (PACC).

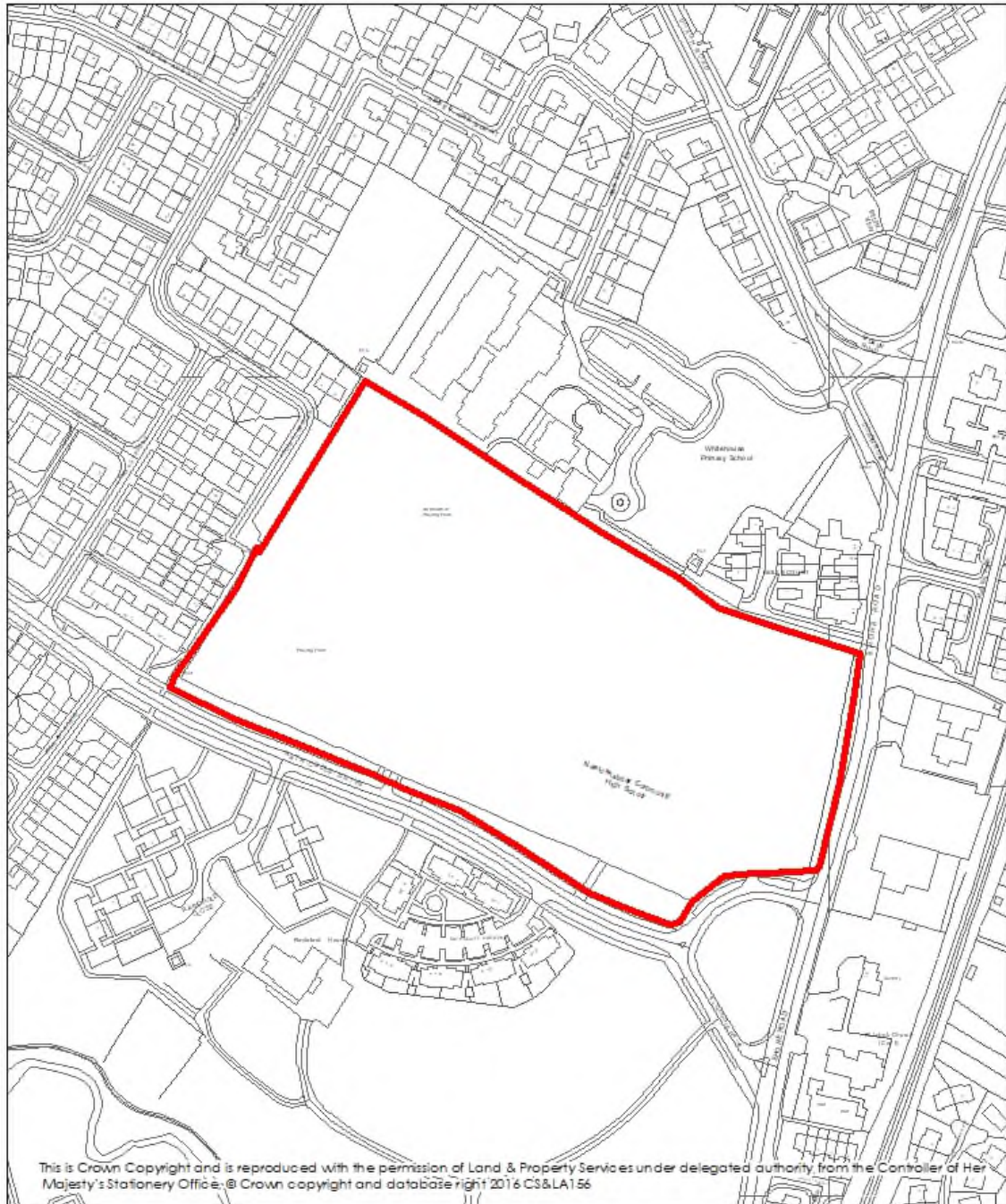
The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 temporarily amend the Planning (Development Management) Regulations (Northern Ireland) 2015 and will apply for five months. Applicants will still need to comply with other requirements to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

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

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

Prepared by: John Linden, Head of Planning

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



## Location Map

Application Reference: LA03/2020/0491/PAN

Location: Former Newtownabbey Community High School  
Rathcoole Drive, Newtownabbey

Proposal: Proposed residential development, public open space,  
children's play park, landscaping, car parking, associated  
site works and infrastructure and access arrangements  
from Rathcoole Drive

Scale: 2500



For Information Only





**PART TWO**

**PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>3.3</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0842/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 building and replacement with Class A1 Foodstore and associated eight-bay Petrol Filling Station and associated works including car parking, access from Doagh Road, Click-and-Collect facility and landscaping. Access from Doagh Road facilitated by new roundabout to replace Doagh Road and Monkstown Road junction; and off-site road improvement works at Doagh Road/Station Road/O'Neill's Road junction
<b>SITE/LOCATION</b>	229-233 Doagh Road, Monkstown Industrial Estate, Newtownabbey
<b>APPLICANT</b>	ASDA Store Ltd
<b>AGENT</b>	TSA Planning
<b>LAST SITE VISIT</b>	7 July 2020
<b>CASE OFFICER</b>	Michael O'Reilly Tel: 028 90340424 Email: <a href="mailto:michael.oreilly@antrimandnewtownabbey.gov.uk">michael.oreilly@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within Metropolitan Newtownabbey on lands at 229-233 Doagh Road, Monkstown Industrial Estate and incorporates lands at, and in proximity to, the junction of the Doagh Road and the Monkstown Road.</p> <p>The application site comprises an area of approximately 5.4 hectares and contains a factory building, an associated two storey office building positioned at the site frontage and orientated towards the Doagh Road, a canteen building and several other ancillary buildings, internal roads and car parking.</p> <p>This building complex was previously occupied by Nortel, a telecommunications component manufacturer. This use ceased in approximately December 2011 ahead of Bombardier acquiring the majority of the adjacent larger factory complex at the beginning of 2012.</p> <p>A wooded area with an associated pond is located at the eastern side of the application site. This area was historically set aside for recreational use by Nortel staff. At this time this area is fenced off and there is no means of access to it.</p> <p>The topography of the Nortel complex is generally flat with a drop in levels in the region of three (3) metres moving eastwards across the application site. The boundaries of the Nortel complex are defined by steel mesh fencing while the</p>	

western boundary of the application site extends across the Doagh Road to its western edge and includes lands at Cherrylands, Hillside View, Hillside Garden Centre and lands stretching northwards on the Doagh Road and the Monkstown Road. The Doagh Road (B59) runs along the western boundary of the Nortel complex in an elevated position and continues to rise in a northerly direction where it meets the junction with the Monkstown Road. The Monkstown Road initially falls away from this junction before rising as it moves northwards.

The application site is located within the Monkstown Industrial Estate. To the east and south of the application site there are a number of large industrial type buildings occupied by Bombardier to the immediate south and the former Schlumberger building to the east. To the north a residential development of 92 units accessed from the Monkstown Road was granted planning permission in January 2018 and this permission remains extant. Immediately north of this is Monkstown Wood. The area to the west of the application site and across the Doagh Road is characterised by residential development and includes Hillside View, Cherrylands, Hillcrest Drive and Treetops. Hillside Garden Centre is also located to the west of the application site. Each of these locations directly access the Doagh Road.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: U/2001/0570/O

Location: Lands at Monkstown Road, Newtownabbey

Proposal: Mixed use development including housing and class 3 business use

Decision: Permission Granted (08.08.2003)

Planning Reference: U/2004/0655/RM

Location: Lands east of Aspen Park and north of Nortel Factory on Monkstown Road, Newtownabbey

Proposal: Mixed use development comprising of 228 apartments, 20 dwellings and 3 No. class B1 business/office units comprising a total of 21 units

Decision: Permission Granted (15.07.2006)

Planning Reference: U/2006/0338/F

Location: Lands east of Aspen Park and north of Nortel Factory on Monkstown Road, Newtownabbey.

Proposal: Mixed use commercial/community building comprising of 5 No. shop units, pharmacy, doctors surgery, opticians/ dentists, restaurant, 60 bed nursing home and 8 No. offices

Decision: Application Withdrawn (09.11.2006)

Planning Reference: U/2006/0392/F

Location: Lands east of Aspen Park & north of Nortel Factory on Monkstown Road, Newtownabbey

Proposal: Erection of Housing development comprising of 288 No. apartments & 39 No. townhouses

Decision: Application Withdrawn (09.11.2006)

Planning Reference: LA03/2015/0243/O

Location: The former Nortel site and adjacent vacant lands at 229-333 Monkstown Industrial Estate, Doagh Road, Newtownabbey

Proposal: Demolition of existing buildings to facilitate the regeneration of the former

Nortel Factory and adjacent zoned residential lands to provide mixed use development comprising housing, food store, business units (B1a, B1b, B1c and B2) to include office, research and development, call centre, light industry, new and upgraded accesses onto Monkstown/Doagh Road and all site and access works  
Decision: Application Withdrawn (20.01.2017)

Planning Reference: LA03/2017/0061/F

Location: Lands 100m east of Aspen Park, Monkstown Road, Newtownabbey

Proposal: Proposed residential development of 92 dwellings (comprising 28 no. detached dwellings, 58 no. semi-detached dwellings and 6 no. apartments) and garages, open space, landscaping, proposed right hand turning lane and all associated site works.

Decision: Permission Granted: 22.01.2018

Planning Reference: LA03/2015/0044/F

Location: Hillside Nursery Centre, 328 Nursery Road, Newtownabbey

Proposal: Extension to existing garden centre shop to replace recently demolished retail buildings and associated site works.

Decision: Permission Granted: 29.06.2015

## **PLANNING POLICY AND GUIDANCE**

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

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

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

Belfast Urban Area Plan (BUAP): The application site is located on unzoned land within the settlement limit of the Belfast urban area. The Plan contains a number of relevant retail based planning policies (S2 and S5) with the core shopping strategy seeking to control the location, scale and kind of retail developments to ensure that proposals do not seriously affect the vitality and viability of either Belfast City Centre as a whole or existing shopping centres.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey on lands zoned as a Major Area of Existing Employment/Industry.

Draft Belfast Metropolitan Area Plan 2015 (Published 2014) (BMAP 2015): The application site is located within the settlement limit of Metropolitan Newtownabbey on lands zoned as Existing Employment.

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

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

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

PPS 4: Planning and Economic Development: sets out planning policies for economic development uses. The 'clarification' of Policy PED7 of PPS4 is relevant as is the Planning Advice Note entitled 'Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses'.

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.

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.

Supplementary Planning Guidance relevant to the assessment of this development proposal is located within 'Parking Standards' and the 'Noise Policy Statement for Northern Ireland'.

## **CONSULTATION**

**Council Environmental Health Section** – No objection. Draft planning conditions proposed.

**Department for Infrastructure Roads** - No objection. Draft planning conditions proposed.

### **Department for Agriculture, Environment and Rural Affairs**

Land, Soil and Air - No objection. Draft planning conditions proposed.

Natural Heritage – No objection.

Drainage and Water – No objection.

**Shared Environmental Services** – No objection. Draft planning conditions proposed.

**Department for Infrastructure Rivers** – No objection.

**George Best Belfast City Airport** – No objection.

**Northern Ireland Water** – No objection.

#### **REPRESENTATION**

Two hundred and twenty four (224) neighbouring properties have been notified. Thirteen (13) letters of support have been received from ten (10) addresses within two kilometres and a further two (2) letters of support have been received from within three kilometres of the application site. A letter of support has also been received from the Member of Parliament for East Antrim.

Seventeen (17) letters of objection have been received. This includes four (4) letters of objection from local residents including one from the Monkstown Community Forum, two (2) from Hillside Nursery, one (1) from an IT business based in Belfast, which refers to the impact of the development upon existing businesses and four (4) from an independent road engineer acting on behalf of Matrix Planning, which has submitted two (2) objections. Three (3) letters of objection have been received from retail businesses and one (1) from Retail NI.

One (1) 'non-committal' letter has also been received.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)). A summary of the key points of **support** raised is provided below:

- The proposal will bring a derelict site back into positive use and benefit the area.
- The site is an eyesore and the new shopping facility and petrol filling station will be welcomed by local people.
- The changes to the junction of Doagh Road and Monkstown Road are much needed, this is a very busy junction, and will be a benefit to all and will be safer by removing the acute angle turn onto the Monkstown Road.
- The proposal will create in excess of 300 new jobs and career opportunities.
- The opportunity for employment in today's skills based economy can only be a positive move forward.
- The proposal will become an important asset to the area as, in addition to job creation, it will be convenient to thousands of homes which currently do not have a large foodstore serving them.
- The employment benefits of this proposal will have a positive impact on the local area and community.

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

- There has been no change in site conditions or planning policy since the previous application (LA03/2015/0243/O) and this proposal should be refused for the same reasons as the previous application prior to that application being withdrawn.
- Members of the public have not been advised of the true nature and scale of the proposed development making the pre-application community consultation process flawed.

- The proposed development conflicts with regional planning policies contained within the SPPS, PPS3 and PPS4 and the potential implications for the implementation of the plan led system are significant.
- The proposed roundabout is designed to facilitate private development and will not improve the flow of traffic on the Doagh Road or Monkstown Road for local residents, which is unimpeded at this time, and will make an existing congested situation worse, particularly when accounting for extant planning permissions in the area to include Hillside Garden Centre and of which there has been no consideration in the Transport Assessment.
- Concern is expressed with the proposed roundabout geometry, gradient and safety, no road safety audit has been provided and no auto tracking has been provided for the largest delivery vehicles servicing the foodstore at the application site access arm of the new roundabout.
- The previous use of the site is an inappropriate comparative tool for the number of deliveries to the application site and the peak hour periods differ between the land uses.
- Concern raised that the retail peak hours set out in the applicant's Transport Assessment are incorrect and that these should refer to the following retail peak hours 12:00-13:00 weekday and 13:00 – 14:00 on a Saturday.
- Concern expressed to other aspects of the Transport Assessment, including that it underestimates traffic base flows and development trips generated. Considers that extensive queues, delays and gridlock are inevitable if the development is approved.
- The proposed development cannot provide a 'nil net detriment' in highway terms and the proposal fails to comply with Policies AMP2 and AMP3 of PPS3.
- Traffic disruption during the build process will be horrendous and consideration should be given to the closure/diversions of the Monkstown and Doagh Roads during the construction period taking traffic/business away from the area for a significant period.
- The application site is an out of town location.
- There is no qualitative need for the proposal and there is no capacity for additional comparison floor space beyond the life of the new Local Development Plan. As such prematurity would be engaged under paragraph 5.73 of the SPPS.
- ASDA has presented this planning application as a 'main food shop' to differentiate it from a neighbourhood store and it is well publicised that fewer households now complete a traditional 'main food' shop each week, instead undertaking more frequent shopping closer to home.
- The economic viability of neighbourhood stores will be significantly undermined by this development proposal from a highly efficient retailer like ASDA on a cleared out of town site along the strategic road network.
- The Henderson Group is investing in stores on Carnmoney Road and Ballyclare Road, which are commitments in the retail environment that have not been taken into account. The viability of the Henderson Group stores will be significantly undermined by the development proposal.
- There are fundamental shortcomings with the applicant's household survey as it is neither representative nor robust, given the majority of respondents are aged 55 to 65+ and the closed nature of the questions posed.
- The levels of stated overtrading have not been supported by qualitative evidence from observational site visits and it is impossible to consider with any certainty the impacts on the lower order centres, which are more vulnerable.

- ASDA has loaded the turnovers and impacts on the two large TESCO stores (Abbey Retail Park and Northcott) based on a householder survey, which is not representative of the shopping habits of the area. The impacts are therefore more pronounced on smaller local stores.
- There are available alternative sites, which have not been fully considered, and the economic benefits would still be achieved on a sequentially preferable site and there is no consideration of job displacement.
- The area needs manufacturing jobs.
- The roundabout will increase noise pollution for local home owners due to the attendant impacts of increased vehicular and pedestrian activity in and passing through the area at all times of the day.
- Third party land is required to facilitate the roundabout at No.11 Cherrylands and no permission has been sought from the property owner.
- The proposal will negatively impact property values.

#### **PRELIMINARY MATTER**

It should be noted that the area of land associated with the planning application currently under consideration previously formed the southern portion of a larger area of land associated with an outline planning application for a mixed use development proposal (reference: LA03/2015/0243/O). Whilst a Planning Report had been prepared and made available for this development recommending refusal of the development in January 2017, the application was subsequently withdrawn prior to consideration by the Planning Committee.

The mixed use development proposed in outline planning application LA03/2015/0243/O consisted of a foodstore, business uses, offices, call centre, research and development units, residential development and associated highway infrastructure road improvements. The residential development referred to formed the northern portion of the larger area of land associated with that planning application.

Following the withdrawal of this application the northern portion of the lands has since been granted full planning permission for a residential development of 92 units to be accessed from the Monkstown Road on foot of a subsequent application approved in January 2018 (reference: LA03/2017/0061/F) and this permission remains extant.

As previously indicated, prior to the withdrawal of the mixed use development application a Planning Report prepared by the Council's Planning Section had been made publicly available and included the following five proposed reasons for refusal.

1. The proposal is contrary to the Belfast Metropolitan Area Plan and the provisions of the Strategic Planning Policy Statement, and policy PED 7 of PPS 4: Planning and Economic Development in that the development if permitted would result in the loss of land zoned for employment use and it has not been demonstrated that it would deliver significant community, environmental or other benefits which would outweigh the loss of the land for economic development use.
2. The proposal is contrary to the Belfast Metropolitan Area Plan and the Strategic Planning Policy Statement in that the development if permitted would be located outside of any designated retailing centre and no sequential approach to site selection has been undertaken.



3. The proposal is contrary to the Belfast Metropolitan Area Plan and the Strategic Planning Policy Statement in that the development if permitted would adversely impact upon the vitality and viability of existing retailing centres.
4. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy AMP 2 of Planning Policy Statement 3, in that it has not been demonstrated that the proposed development will not adversely impact upon traffic flows and may prejudice road safety.
5. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy FLD 3 of Planning Policy Statement 15, in that no Drainage Assessment has been submitted and it cannot be demonstrated that the site will not be at risk from surface water flooding or would increase the risk of flooding elsewhere.

Objections submitted to the current application have indicated that there has been no change in site conditions or planning policy since the time of this earlier application and accordingly it should be refused for the same reasons as before.

With reference to the above recommended reasons for refusal, the area of land associated with the development proposal now being considered by the Council had at that time been correctly identified in the Planning Report as being zoned as Existing Employment land per the provisions of the Belfast Metropolitan Area Plan 2015 (BMAP 2015), the statutory Local Development Plan then in place and that had been purportedly adopted by the then Department of the Environment in 2014.

However, following the withdrawal of the outline planning application for the mixed use development proposal (reference: LA03/2015/0243/O), the adoption of BMAP 2015 has since been quashed and the Plan has reverted to the draft Plan stage.

For this reason, and in light of the statutory provisions set out in the Planning Act (NI) 2011 in relation to the status of the Local Development Plan in decision making, it is clear that the local development plan context applicable to the assessment of the current development proposal has changed.

The Belfast Urban Area Plan (BUAP), despite its vintage, now operates as the statutory Local Development Plan for the Metropolitan Newtownabbey area and is therefore now a key consideration in the assessment of this planning application.

In addition, it should be noted that the current application is an application for full planning permission and is accompanied by a range of detailed reports, including amongst others, a Community Consultation Report, a Retail and Economic Statement, a Development Appraisal and Viability Report, a Transport Assessment and a Drainage Assessment.

As a consequence, the current application stands to be assessed on its individual merits to include consideration of how it accords with the provisions of BUAP, whilst account should also be taken of the emerging provisions of draft BMAP, the SPPS and the relevant policy provisions of PPSS, which contain the main operational planning policies for the consideration of development proposals.

The level of determining weight in the decision making process attributed to the altered development plan context and applicable operational planning policy documents is set out in the following assessment of planning issues/material considerations.

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

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

- Policy Context and Principle of Development;
- Retail Impact;
- Loss of Employment/ Industrial Land;
- Access, Movement and Parking;
- Development Layout;
- Landscaping;
- Flood Risk;
- Noise Impact;
- Odour/Air Quality;
- Lighting;
- Land Contamination and Water Quality;
- Natural Heritage;
- Open Space;
- Socio-Economic Matters; and
- 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.

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

Furthermore, Members will recall that the Council took a policy stance in November 2017 that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014 i.e. BMAP 2015) should be viewed as the latest draft and afforded significant weight in assessing proposals pending clarification by the Department for Infrastructure on how it intended to progress this matter.

It should be noted that at the time of taking this policy stance Council Officers understood that Officials in the Department had prepared an options report on a way forward in relation to the findings of the Court of Appeal judgement. As such, it

was anticipated that an outcome in relation to this matter would emerge relatively speedily. However, there has been limited clarification received from the Department since that time.

In the interim period there have been a large 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.

Ultimately the latest advice on this matter from the Department is set out in the Chief Planner's Update 4 issued in November 2019 which confirmed that draft BMAP remains as an emerging Plan and, as such, the draft Plan, along with representations received to it, and the Planning Appeals Commission (PAC) reports, **remain as material considerations** to be weighed by the decision maker.

In summary it is clear, and is evidenced in case law (Elizabeth Conlon v BCC [2018] NIQB 49 refers), that development proposals in the Belfast Metropolitan Area must be assessed for their accordance with the relevant provisions of the current statutory development plan, i.e. BUAP, whilst the emerging provisions of draft BMAP are also material considerations to be weighed by Local Planning Authorities in reaching their decisions.

#### Relevant Provisions of BUAP

The application site is located within the settlement limit of the Belfast Urban Area and comprises white land (i.e. It is unzoned for any purpose). There are no specific policies in the Industry and Commerce section of the BUAP that deal with development affecting existing unzoned employment uses or sites. As such, consideration of the current proposal which involves the loss of an area of existing employment land stands to be assessed under the relevant provisions of regional planning policy which is found in the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy PED7 of PPS4 'Planning and Economic Development'.

There are two policies within the Shopping section of the BUAP relevant to the current proposal. These are Policy S2 'Shopping Development Outside the City Centre' and Policy S5 'Assessment of Proposed Shopping Schemes'. The most applicable aspect of the BUAP Shopping Strategy is that it seeks to control the location, scale and kind of large retail developments to ensure that they do not seriously affect the vitality and viability of either Belfast City Centre as a whole or existing shopping centres. However, these shopping policies have in effect been superseded by the more up to date expression of retail planning policy now found in the SPPS published in September 2015.

#### Relevant Provisions of Draft BMAP

With reference to draft BMAP and BMAP 2015, and having regard to the Public Inquiry Report prepared by the Planning Appeals Commission, the application site is located within the settlement limit of Metropolitan Newtownabbey and comprises part of a larger area zoned as Existing Employment/Industry at Doagh Road, Cloughfern Avenue.

Both versions of BMAP advise that regional operational planning policy is the appropriate mechanism for the assessment of development proposals involving the loss of lands zoned for employment/industry and once again the key policy provisions with respect to this matter are set out in the SPPS and Policy PED7 of PPS 4.

#### Strategic Planning Policy Statement (SPPS)

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

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

- PPS 2: Natural Heritage;
- PPS 3: Parking and Movement;
- PPS 4: Planning and Economic Development
- PPS 8: Open Space, Sport and Outdoor Recreation; and
- PPS 15: Planning and Flood Risk.

As indicated above, the most up to date expression of regional planning policy for retail development is set out in the SPPS itself and this incorporates a town centre first approach for retail and main town centre uses.

Within this policy context, it is considered the principle of redevelopment of the application site would be acceptable subject to the development complying with the relevant regional policy provisions for retail development and the loss of existing employment/economic development land as well as meeting other requirements in accordance with regional policy and guidance. Consideration of these matters is addressed in detail in the following sections.

#### **Retail Impact**

This development proposal seeks planning permission for a foodstore of some 6,415m<sup>2</sup> of net retail floorspace. As indicated in the Policy Context section above, the shopping policies of BUAP, the current statutory plan for this part of the Borough, have in effect been superseded by the more up to date expression of retail planning policy now found in the SPPS published in September 2015 and for this reason the provisions of the SPPS with respect to the Town Centres and Retailing are considered to be the correct policy basis for consideration of this aspect of the proposal.

As indicated in the Preliminary Matter section above, a previous outline application (Reference: LA03/2015/0243/O) was submitted to the Council in 2015 for a mixed use development that included a foodstore. The Planning Report prepared for this application contained an assessment of the retail element against the town centre first approach required by the SPPS. The Report provided two draft reasons for refusal with respect to retailing as no sequential test to site selection had been undertaken and it was considered the proposal would adversely impact upon the vitality and viability of existing retail centres.

With reference to the development proposal currently being assessed by the Council, the applicant has submitted several documents that discuss the town centre first approach required by the SPPS. The Council sought independent professional planning advice from Nexus Planning on this matter which is addressed below.

In addition, it should be noted that several letters of objection have been received that raise concerns regarding the suitability of the location of the application site for a foodstore development and its anticipated impact on the vitality and viability of existing retail centres and other localised retail stores nearby. The objections contend the application does not accord with the retail policies outlined in the SPPS.

#### Strategic Planning Policy Statement (SPPS)

As the proposed development is retail based, the SPPS requires that the planning authority must adopt a 'Town Centre First' approach for retail and main town centre uses. Paragraph 6.280 of the SPPS requires 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 local development plan. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

Paragraph 6.282 of the SPPS states that in the absence of a current and up to date local development plan, Councils should require applicants to prepare an assessment of need which is proportionate to support their application. Paragraph 6.283 of the SPPS requires that all applications for retail or town centre type developments above a threshold of 1,000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the local development plan should be required to undertake a full assessment of retail impact as well as need.

With reference to both the BUAP, the current statutory plan for this part of the Borough, and draft BMAP, it is acknowledged that the application site is not located within an existing retail centre. In addition, as the proposed development is seeking permission for a foodstore in excess of 1,000 square metres the applicant is required to provide an assessment of need and a retail impact assessment.

#### Sequential Site Selection

Regarding the sequential test to site selection, the first matter is to establish the catchment area from which the majority of the proposal's trade is likely to be drawn. In this instance the catchment area for the proposal identified by the applicant equates to a ten-minute drive time area and extends northwards towards Ballyclare, westwards to the junction of the A57 and M2, eastwards towards Carrickfergus and southwards towards Belfast.

In the Retail Audit undertaken by Nexus Planning on behalf of the Council it is noted that the relevant factors affecting the applicant's consideration of this catchment include population density, a propensity to shop close to home for convenience goods, and the 'like for like' principle, whereby customers will ordinarily not drive past a store of a particular nature to shop at a store of a similar nature. Nexus has also noted that the scale of floor space, and sometimes brand, are relevant factors in this respect and concur with the assessment submitted by the applicant that the majority

of residents of Ballyclare would be unlikely to drive past the ASDA store in Ballyclare to shop at an ASDA store in Newtownabbey. As a consequence, Nexus concludes that it is content the catchment area identified is both realistic and proportionate for the development proposed.

Whilst the settlements of Ballyclare and Carrickfergus are located outside of this identified catchment area they have nonetheless been included within the applicant's sequential site selection analysis in order to demonstrate a robust assessment of the appropriateness of other sites in these settlements.

It should be noted that the identified catchment does not include Belfast City Centre or Antrim Town Centre given their drive time distance from the site and therefore these areas are not included within the applicant's analysis. Furthermore, the applicant's analysis notes that there is an extremely remote prospect that residents of either Belfast or Antrim would decide to shop at the application site rather than using existing retail foodstores located in closer proximity to where they live. This is considered to be a reasonable and acceptable approach in relation to the catchment area.

As a consequence, the existing retail centres identified as lying within the identified catchment include:

- Ballyclare Town Centre
- Carrickfergus Town Centre
- Abbey Centre District Centre
- Northcott District Centre; and
- Glengormley Local Centre.

This list of existing retail centres is derived from designations contained in both extant statutory Local Development Plans and the emerging BMAP for the areas involved and this is considered to be a reasonable and acceptable approach by which to consider the submitted sequential site selection analysis.

The SPPS indicates that applicants will be expected to identify and fully demonstrate why potential alternative sites within the identified existing retail centres are not suitable, available and viable.

The conclusion drawn in the applicant's analysis with respect to sites assessed in Ballyclare, Carrickfergus, Northcott and Glengormley, is that there are no suitable, viable or available sites sufficient to accommodate the requirements of the proposed development and for this reason these locations are discounted as being appropriate to facilitate the development proposal. In the Retail Audit undertaken for the Council, Nexus agrees with this conclusion and the position of the applicant on this matter is therefore accepted.

With reference to the Abbey Centre District Centre there was until recently ten (10) consecutive vacant retail/retail warehouse type units fronting onto the Longwood Road, generally known as the Abbey Trading Centre (ATC). These units have been demolished in the last 18 months and the site is currently vacant.

As part of applicant's original sequential site analysis the ATC is described as being 1.55 ha in area, roughly rectangular in shape and including an area of car parking at

its southwestern boundary. For this reason, the analysis originally concluded that, as the ATC is considerably smaller than that of the application site, it would not be able to provide an appropriate number of car parking spaces or accommodate the petrol filling station element of the current scheme. The analysis also advised that even providing for a degree of flexibility (as is required by the SPPS), the ATC site could not feasibly contain all the elements of the proposed development and concluded that it was not therefore suitable to accommodate the proposal. For these reasons the applicant's analysis discounted the ATC site and ultimately concluded that the application site is the most suitable location for the development proposed and concluded that the sequential test had been satisfied.

However, in its Retail Audit for the Council, Nexus has indicated that, whilst the application site extends to 5.4 Ha, the applicant's analysis did not properly consider whether that would be the actual size of site which would be necessary to accommodate the proposal when considering the alternative ATC site. The Audit has highlighted features such as the SuDS area, the 'Potential Future Development Site', areas of landscaping around the site access and roads beyond the immediate site, the removal of which would otherwise reduce the necessary site area to accommodate a foodstore of the size proposed together with a Petrol Filling Station, car parking and servicing arrangements.

Nexus has also indicated that by making a small concession for flexibility in design as required by the SPPS (Nexus comment a 10% reduction is often applied and this is accepted by the applicant), it was possible that the scheme proposals could be accommodated on a smaller area of approximately 3 Ha and including surface level car parking. Nexus considered that the applicant should be encouraged to look flexibly at the ATC site and highlighted the large amounts of general purpose car parking in the immediate vicinity that serve the wider Abbey Centre area. Furthermore, it advised that it might be possible to deck a proportion of the necessary car parking at the southeastern side of the ATC, subject to amenity considerations.

In response to the Nexus Retail Audit the applicant submitted several further pieces of information and the Council also sought and received a Supplementary Retail Audit (SRA) from Nexus.

Within the SRA Nexus has reiterated its suggestion that there was a significant level of car parking potentially available nearby and it also questioned whether multi-level car parking could be explored. On this latter point, Nexus has indicated that this option would decrease the site below the estimated 3Ha as approximately half of the site area of the proposed store is surface car parking. Nexus also made reference to the marketing brochure provided by the applicant for the ATC. It acknowledged there were a number of site constraints as identified in the applicant's analysis, but considered these could be overcome and therefore maintained its view that the ATC could potentially accommodate a store of the size proposed with associated car parking.

Subsequent submissions made on behalf of the applicant agreed with the Nexus view that not all the elements of the current proposal would be relevant to an alternative site and also accepted that the ATC site equates to approximately 3 Ha of land.

However, with reference to the indicative scheme contained in the marketing brochure that had been submitted as part of their assessment, the applicant has commented that this was drawn up for illustrative and marketing purposes only and as such it did not account for the unique site conditions and constraints that are evident and contends that the indicative scheme is not therefore a realistic proposition given these characteristics. The applicant's latest submission points out that the indicative scheme provides in the main for two storey buildings which it advises would be unsuitable for the requirements of a foodstore. The applicant has also now undertaken a detailed assessment of the developable area of the ATC and concludes that only approximately 1.5 Ha of the site is in their opinion realistically developable. The applicant describes this area as comprising the site of the now demolished ATC buildings either side of the long lease retail units and the existing area of car parking at the southwestern side of the site.

The applicant has advised that the developable area of 1.5 Ha is determined by a range of site conditions and constraints. A summary of the matters presented includes the following:

- The awkward shape of the ATC site, particularly due to the removal of the long lease plots and the irregularly shaped southwestern boundary.
- The substantial differences in topographical levels across and throughout the site and the typical scale and massing associated with this form of retail development would dominate the existing residential properties on Mill Road to the southwest (There is an approximate change of 9 metres in topographical levels moving east to west across the ATC site). The development platform would require significant changes to the site levels, including the export of materials and necessary retaining walls at the boundaries of the site. This is likely to present a number of design constraints should a proposal of this type and size come forward on the site as well as amenity issues arising for the adjacent residential properties.
- The centrally positioned legal Right of Way is in multiple ownership and resolution of this matter may be impossible to achieve at a financially viable level and this would likely sterilise the site for the development of a large format store.
- There is an existing water main and wayleave positioned aside the Right of Way and consent would be required for its relocation with the added financial burden of this to be borne by the developer; and
- The existing open watercourse and surrounding vegetation, the watercourse culvert and wayleave along with the existing foul drain renders much of the southwestern side and southern corner of the site sterile.

In view of the foregoing points the applicant contends that the indicative marketing brochure layout ignored considerations of scheme viability and deliverability and indicates that this was clearly designed for illustrative purposes only. In support of this position the applicant has produced their own indicative scheme (Applicant Scheme 1) that takes account of the site characteristics and that concludes the site only has the potential to yield;

- A 2,787 sq.m gross external area food store.
- Net retail floorspace of 1,672 sq.m.
- A petrol filling station; and
- 120 car parking spaces.



Based on these findings, the applicant rejects this indicative scheme (Applicant Scheme 1) and contends that it demonstrates the ATC site is neither suitable nor viable for their foodstore development as it is less than half the size (43%) of the existing proposal and the ratio of car parking would fall below the normal standard for a foodstore of this size (199 car parking spaces in line the 'Parking Standards' supplementary planning guidance).

To demonstrate the robustness of their case the applicant has also provided a further indicative scheme layout for the ATC site (Applicant Scheme 2) that seeks to accommodate a foodstore of 6,415 sqm per their current proposal together with a petrol filling station and 275 car parking spaces. The applicant makes the following points regarding this indicative layout (Applicant Scheme 2):

- The foodstore building would need to sit on top of a number of the site constraints as noted above and this would require the culverting of the existing open watercourse contrary to the policy provisions of PPS15 as the culvert could adversely impact upon the level of flooding beyond the site;
- The indicative layout would cut off the existing overspill car parking area;
- The provision of 275 car parking spaces to serve the foodstore is not comparable to the 444 spaces identified for the proposed development;
- It is neither desirable nor advantageous for a foodstore to have a shortfall in car parking and that in this instance there is a reliance upon meeting the shortfall on lands which are owned by third parties and which are remote to the ATC site;
- In addition, remote parking provision cannot be relied upon as the adjacent lands are not within the control of the applicant and such an arrangement would not only require flexibility from the applicant and adjoining landowners, but also from the Council and DfL Roads as a decision to accept such a car parking shortfall would only be determined following detailed assessment of the proposal; and
- The nature of a foodstore relies on customers getting to their cars with packed shopping trolleys and for this reason remote parking is impractical. To emphasis this point the applicant notes that it is nether practical nor reasonable for a customer to traverse the Longwood Road, which is subject to considerable traffic volumes.

Elsewhere within their submissions the applicant notes that the ATC has been openly marketed for a period in excess of 5 years beginning in Mid-2014 via two commercial property firms and that despite this open marketing it is telling that no planning application has ever been submitted for any form of redevelopment.

Overall, it is considered that the identified catchment for the purposes of conducting the sequential site selection test is realistic and proportionate to the development proposal and that there are no available, viable or suitable sites in the majority of existing centres within the catchment.

With reference to the Abbey Centre District Centre and more specifically the ATC site, it is acknowledged that in general terms this alternative site is of an appropriate size to accommodate the main elements of the development proposal and it is recognised that the applicant has demonstrated flexibility in his approach in attempting to justify why this site is neither viable nor suitable for the purposes of the development.

The applicant's position with respect to the realism and deliverability of the indicative scheme set out in the marketing brochure for the ATC site is accepted and it is not considered to be a realistic model of development for the reasons set out above. In addition, the applicant's own studies and indicative layouts are considered to be sufficiently robust to demonstrate that the developable area of the ATC is too restricted to accommodate the development that permission is being sought for.

As a consequence, and based on the views expressed by Nexus, it is acknowledged that the ATC site is an available site within the catchment, however it is on balance concluded that it is neither viable nor suitable for the development being applied for and it is therefore reasonable to discount this from the sequential site analysis as an alternative site appropriate to accommodate the development proposed.

In conclusion, it is therefore considered on balance that the applicant has reasonably demonstrated that there are no viable or suitable sites within the catchment area of the proposal which leads to the conclusion that the application site is a sequentially preferable location to accommodate the proposed development and this policy test of the SPPS is therefore complied with.

#### Retail Impact

As noted above, the proposed development is seeking permission for a foodstore in excess of 1,000 square metres outside a defined town centre location and as a consequence the applicant has provided an assessment of need and a retail impact assessment in line with the policy requirements of the SPPS.

As part of the Retail Audit of the application undertaken by Nexus Planning on behalf of the Council Nexus has noted that the applicant in compiling their assessment has sought to follow the advice set out in the SPPS on this matter. As such the impact of the foodstore development on existing centres, and particularly town centres, as a whole stands to be considered, whilst impact on retail premises and locations outside of the hierarchy of centres is not a policy consideration.

With reference to impact on planned investment Nexus concurs with the applicant's assessment that the development proposal would be unlikely to prejudice any known investments. At the time of the initial Retail Audit undertaken by Nexus in December 2018, it referenced known investment at Northcott and Carrickfergus. Both of these planned investments are now built and operational, namely The Range at Northcott and a Marks and Spencer store in Carrickfergus. This supports the information provided by the applicant in their assessment.

Regarding the impact of the development proposal on existing centres, Nexus comments that it is broadly content with the household survey design commissioned by the applicant and the overall number of surveys achieved. However, Nexus also comments that the number of surveys carried out in some zones is considerably lower than what would ordinarily be expected and this information should therefore be viewed with a margin for error.

Within the assessment of the impact of the proposal on existing centres the applicant has produced a range of information set out in tabular form and referring to such matters as population and expenditure, turnover, convenience and comparison goods commitments and cumulative impact.

Referring to population and expenditure, Nexus confirms that it is content that the baseline population and expenditure data is broadly acceptable and that in keeping with standard methodology for such matters the applicant has defined the different categories of goods and projected the baseline date forward 5 years to 2023.

Nexus accepts both this methodology and the population growth rate of 0.3% per annum as being broadly consistent with the Northern Ireland Statistics and Research Agency data for both Antrim and Newtownabbey Borough Council and Mid and East Antrim as the study area spans both Council areas.

Nexus also comments that the data used for expenditure growth forecasts is broadly in line with the data source it uses and comments that it is appropriate that the applicant has updated their expenditure projections in line with the most recent forecasts, which causes, for example, available expenditure for convenience goods in the study area to decrease from £338.5m in the applicant's initial report to £336.8m in the most recent update.

Regarding total expenditure Nexus comments that it is content that convenience goods expenditure is assumed as being 75% 'main' convenience goods expenditure and 25% 'top-up' convenience goods expenditure and that this is a sensible basis for analysis in the study area.

Referring to turnover, Nexus comments that the applicant has set out the survey derived turnovers of all convenience and comparison goods destinations in the study area and that convenience goods figures have been transposed correctly from the household survey results and that the applicant has taken the opportunity to rectify and otherwise update errors to comparison goods figures and in particular Andy's Stores on the Monkstown Road and the turnovers of both Marks and Spencer and Lidl at the Abbey Centre.

With respect to Special Forms of Trading (SFT), that which occurs outside of bricks and mortar and principally on the internet, the applicant does not accept the critique made by Nexus that that failure to account for an industry recognised increase in the propensity to shop for non-store sales has the effect of suppressing the impact of the proposal. In its Supplementary Retail Audit (SRA) Nexus notes the applicant's preference to rely upon data derived from the household survey but that the applicant has updated its assessment to show an uplift to SFT over the period to 2023, which is in line with the industry recognised Experian Retail Planner Briefing Note. Nexus comments that the resultant comparison goods assessment are almost aligned. Nexus do however note that while there remains a difference in convenience goods SFT (the applicant relies upon a figure of 2.75% whereas Nexus seek to rely upon a figure of 4.8%), it considers that having regard to its own survey results achieved while producing Evidence Papers for both Antrim and Newtownabbey Borough Council and Mid and East Antrim Borough Council's emerging Local Development Plans, that a SFT figure could be agreed somewhere in between the two figures noted above.

With reference to commitments the applicant has indicated that The Range at Northcott, Marks and Spencer at Carrickfergus and planning permission U/2014/0259/F (Dulux) at the Shore Road Retail Park are applicable commitments in

the assessment of the proposal. Nexus originally signalled that the Dulux planning permission was absent from the applicant's analysis, that it had an assumed sales density of £5,000 per sq.m and with an anticipated turnover of £4m in 2023, and indicated this should form part of the cumulative impact assessment.

With reference to the Marks and Spencer store in Carrickfergus Nexus comments that the applicant has rightly updated the sales density of the unit. As a result, the combined turnover of committed floor space in the study area increases from £18.6m in 2023 within the applicant's original study to £22.5m in their revised assessment.

With reference to convenience goods commitment trade diversion in its Retail Audit Nexus advised that the applicant had not followed the trade diversion figures utilised by the agent for the Marks and Spencer store in Carrickfergus (25%: £2.2m) rather it utilised its own and unexplained figure (5%: £0.4m), the effect of which Nexus considered significantly under estimated the potential impact on the Abbey Centre. Nexus also requested that for reasons of balance the trade diversion for the Tesco store at the Abbey Centre should be revisited as the applicant provided an estimation of 10%: £0.8m whereas the agent for the Carrickfergus Marks and Spencer estimated a 5%: £0.4m trade diversion that this exercise should be carried through to 2023.

In its response the applicant objected to Nexus' reliance upon the trade diversion figures to the Carrickfergus Marks and Spencer store and considered that the agent for that permission overestimated the likely trade diversion. The applicant seeks to rely upon its own householder survey findings and point to zone 9 within that survey which covers much of the rural area between Carrickfergus and Newtownabbey, as well as approximately one third of the built up area of Carrickfergus.

Nexus responded to this critique by marrying the survey work of both the applicant for the development proposal under consideration and the survey work of the agent for the Carrickfergus Marks and Spencer store and concluded that it is apparent that the Carrickfergus store assessment did overestimate trade diversion from the Marks and Spencer store at the Abbey Centre to the Carrickfergus store. Nexus then stated that, given both the Carrickfergus and the Abbey Centre stores are operated by Marks and Spencer, it is a reasonable assumption that approximately half of the trade leakage (circa £1m) would be clawed back to Carrickfergus. The conclusion made by Nexus is that its assumption of circa £1m trade leakage exceeds that of the applicant's figure (£0.4m), is less than the £2.2m identified by the agent for the Carrickfergus store such that the applicant's assessment underestimates the likely trade diversion from the Marks and Spencer store at the Abbey Centre, although not to the extent originally identified.

With respect to the applicant's assessment of comparison goods commitments, in its Audit Report Nexus has indicated that it is broadly content with the trade diversion assessment applied to Northcott and notes that the earlier omission of the Shore Road Retail Park commitment (Dulux) has now been included within the study.

Regarding the turnover of the proposed development Nexus indicates that it is content with the applicant's assessment that its proposal would derive around 90% of their trade from stores and centres within the study area and that the sales area provided by ASDA is accurate.

Whilst originally Nexus had challenged the applicant's use of their own estimates of ASDA store sales density in establishing its overall turnover when there is widely used sources of such data, the response of the applicant provided an updated assessment of turnover for the proposed foodstore using industry recognised data. The revised information identifies that the overall turnover of the foodstore would be £44.7m in 2020 increasing to £45.6m in 2023. Nexus has commented that it is content that these figures are a reasonable basis for assessment.

With respect to cumulative impact Nexus takes the view that on a like-affects-like principle the ASDA store would have its greatest impact on other large foodstores in the Metropolitan area such as the Tesco stores at the Abbey Centre and Northcott and to a lesser extent the Shore Road ASDA and Antrim Road Tesco store. Nexus has commented that it considers the impact to Tesco at the Abbey Centre has been under estimated and that more appropriate trade diversion figures would be:

- 40% Tesco Abbey Centre
- 20% Tesco Northcott
- 10% ASDA, Belfast
- 5% M+S, Abbey Centre; and
- 5% ASDA Ballyclare.

Nexus has also stated that the applicant's assessment of comparison goods trade diversions broadly supports Nexus' own suggested trade diversions for convenience goods with larger amounts being shown to derive from Tesco at the Abbey Centre. Nexus has noted that, given the vast majority of comparison goods shopping at foodstores is linked to the main food shop, it makes sense that the two assessments would be similar.

In its Supplementary Retail Audit and with reference to trade diversion, Nexus has commented that the applicant has uplifted their forecast trade diversions from the Tesco Abbey Centre store, but makes a case that a greater amount of trade would flow from the two ASDA stores in Belfast and Ballyclare when compared to the Nexus figures. Nexus has also commented that it provides only limited weight to the applicant's first reason for doing so based on public feedback regarding the ASDA brand as there is case law suggesting that brand is largely irrelevant to retail impact as in theory the store could be occupied by an alternative operator in a short period of time.

The applicant's second point is that their survey evidence suggests that outflow of trade to the two ASDA stores is high and that there is a 15% diversion from the Belfast store, a 10% diversion from the Ballyclare store and a 30% diversion from the Tesco Abbey Centre store. Nexus has noted that no alteration is made to the trade diversion from the Marks and Spencer store at the Abbey Centre and commented that it cannot agree with these figures as in their findings it is evident that greater proportions of the catchment area spend is being carried out at the Tesco Abbey Centre store. Whilst Nexus has agreed that a proportion of trade would be clawed back by both the ASDA stores it has also stated that there is likely to be a greater degree of leakage from the Tesco Abbey Centre store (40%).

Nexus concluded its comments by maintaining its position that the applicant's assessment has overestimated the likely trade diversion from both ASDA stores and underestimated the trade diversion from the Marks and Spencer store at the Abbey

Centre. In reassessing the trade diversion figures Nexus has commented that it considers the cumulative impacts will be -5.7% for the Abbey Centre, +3.2% for Northcott and -4.0% for Ballyclare Town Centre.

Nexus has qualified its impact figure on the Abbey Centre as being conservative, but goes on to indicate that, notwithstanding differences in statistical figures used to assess the proposal by itself and the applicant, the development proposal is unlikely to result in a significant adverse effect on any centre within the identified catchment and whilst the largest impact will be to Tesco Abbey Centre, both the survey work of Nexus and the applicant indicate that the Tesco store is trading well in excess of company averages. As such it notes that, whilst any loss of trade to that store is regrettable, it is highly unlikely that that store would close as a result of the proposed development and that the impact on other centres is judged to be within acceptable limits.

Whilst acknowledging the detailed objections which have been received with respect to the retail impact of this proposal, based on the Nexus conclusions as set out above, it is considered that the development proposal will not have an unacceptable impact on the vitality and viability of existing centres within the catchment and for this reason the proposal is considered to be compliant with the policy provisions of the SPPS in this regard.

#### Retail Need

As noted above, the proposed development is seeking permission for a foodstore in excess of 1,000 square metres outside a defined town centre location and as a consequence the applicant has submitted an assessment of need as required by the SPPS.

This matter has again been addressed in the Audit Report prepared by Nexus Planning on behalf of the Council. Nexus has firstly noted that it agrees with the applicant that 'need' is not well defined in the SPPS and that is both a quantitative and qualitative matter.

With regard to quantitative need Nexus has indicated that it is content with the broad methodology employed by the applicant, which is to compare the availability of convenience goods expenditure to 'benchmark' turnover of existing stores and centres within the applicant's study area. Importantly, Nexus has also stated that the Council's Retail and Commercial Leisure Evidence Paper prepared to inform the Council's emerging Local Development Plan and that Nexus produced, demonstrates that there is a quantitative convenience goods 'capacity' in the Borough that exceeds the amount of floor space proposed by the applicant. As a consequence, Nexus has advised that it accepts a quantitative need exists and that this supports the development proposal.

With regard to quantitative need for comparison goods, Nexus has commented that the comparison goods expenditure figures provided by the applicant are robust, again based on an equivalent assessment undertaken by Nexus. With reference to the applicant's assessment of the 'benchmark' performance of existing comparison goods stores and centres, Nexus has commented that this exercise is inherently difficult as some stores have published average sales densities whilst others do not, and figures are not readily available for town centres as a whole, Nexus has

commented that it has no concerns with the benchmarking of individual stores and that, whilst the benchmarking of town centres is much more subjective, it agrees with the position of the applicant that the Abbey Centre was trading at around £330m in 2018, which is very similar to the figure of £337m set out in its own Retail and Commercial Leisure Study undertaken for the Borough.

Nexus has however commented that with respect to the benchmarking of turnover at the Abbey Centre at £218m in 2018 suggests that the Abbey Centre is trading at around 51% above expectations but that in practice Nexus considers that while the Abbey Centre is trading at above average expectations, it is perhaps not quite to the same extent.

While reference is made to the perceived underestimation of the benchmark performance of both the Abbey Centre and Glengormley Local Centre, Nexus has indicated that there are very fine margins involved and that it is not the purpose of the 'needs' test to be as precise as is noted in the applicant's survey work.

Nexus has raised no objection to the issue of quantitative need for comparison goods in this instance. It is noted that Nexus have made this conclusion by referring to qualitative need, but that the wider conclusion is made in the context of a section of its report entitled 'Quantitative Need'. This is considered to be a typographical error and that the thrust of what is being recommend is accurate.

With reference to qualitative need Nexus notes that the case being advanced by the applicant essentially revolves around there being a demand for the ASDA brand. Nexus disagrees with this position and indicates that it considers more notable indicators of this type of need to be on the ground issues such as queuing or parking issues, or evidential dissatisfaction with the provision of existing convenience and comparison goods stores. vNexus concludes by stating that the applicant does not make a compelling case with regard to either on the ground issues or dissatisfaction and that only a limited weight can therefore be given to the arguments advanced by the applicant.

In its conclusion with respect to the 'needs' test required by the SPPS, Nexus concurs with the applicant's assessment that there is a demonstrable quantitative need for the convenience goods element of the proposal and, on balance, a marginal case can be made for the comparison goods element of the proposal. It advises that there has been little evidence provided to support a qualitative need for the proposal, but that overall the 'needs' test has been satisfied.

Whilst again mindful of the objections received with respect this policy test, based on the position advanced by Nexus, it is considered that there is a demonstrable quantitative need for the convenience goods element of the proposal and, on balance, that a marginal case has been made for the comparison goods element of the proposal. Whilst little persuasive evidence has been provided with respect to the qualitative aspect of the 'need' test, it is nevertheless considered that on balance this test has been satisfied and for this reason this aspect of the proposal meets the relevant policy provisions of the SPPS.

### Summary of Retail Impact

Having regard to the sequential site selection, the application site is deemed to be a reasonable location to accommodate the proposed foodstore development outside of existing centres within the catchment.

It is considered also that the retail impact of the proposal will have the greatest impact upon the Tesco store at the Abbey Centre, but that it is unlikely to close as a result of this proposal and furthermore with respect to the Abbey Centre as whole, that the identified impact is acceptable. In reaching this conclusion the difference of opinions on the specific details and figures that comprise the retail impact studies undertaken by the applicant and Nexus are acknowledged.

With respect to the 'needs' test it is considered that a demonstrable quantitative need for the foodstore has been established and that whilst the qualitative need arguments are less persuasive the overall need test has, on balance, been met.

Overall, it is considered that the relevant policy provisions of the SPPS with respect the town centre first approach including tests associated with sequential site selection, retail impact and need have been broadly met and for this reason it is considered the foodstore development proposed is acceptable.

### **Loss of Employment/Industrial Land**

The application site was formerly occupied by Nortel, a telecommunications component manufacturer. With respect to the Planning (Use Classes) Order (Northern Ireland) 2015 (UCO), it is considered that the existing use of the application site as an industrial type manufacturing complex falls within Part B: Industrial and Business Uses of the Schedule to the UCO and would fall either within Class B2; Light Industrial or Class B3: General Industrial.

The proposed use of the land as a food store lies within 'Part A: Shopping and Financial and Professional Services' (Class A1: Shops) of the UCO.

The development proposal seeks to redevelop this brownfield site for an alternative land use which will result in the loss of this area of existing industrial land. For this reason, the relevant policy provisions of the adopted BUAP, both versions of BMAP, the SPPS and PPS4 are applicable in assessing this aspect of the development proposal.

A Development Appraisal and Viability Report (DAVR) along with other submissions made on behalf of the applicant have been received in support of the development proposal.

### BUAP

As indicated above the Belfast Urban Area Plan (BUAP) is the extant statutory local development plan for the area. Whilst it contains a specific planning policy for the retention of land used for industrial purposes, namely Policy IND6 'Land Use Policy for Industrial and Commercial Areas', this policy however only relates to lands zoned for such purposes in the Plan. Given that the application site comprises an area of unzoned land, it is concluded that Policy IND6 cannot be applied to the assessment of the current development proposal.



As the BUAP does not contain planning policy relevant to the loss of industrial land on unzoned land within the urban area the assessment of this issue falls to be considered within the context of the relevant provisions of the SPPS and PPS4.

#### Draft BMAP

With reference to draft BMAP published in 2004 the application site lies within lands proposed to be zoned as an area of Existing Employment and Industry (reference zoning MNY 15). In BMAP 2015 the application site is indicated as a zoned area of Existing Employment (reference zoning MNY11).

The Employment Strategy of both versions of BMAP are similar and states that Existing Employment/Industry Zonings incorporate lands currently in employment/industrial use and have been zoned in order to retain them for this purpose. It also states that a major factor of economic change in recent years has been the growth of the service sector and this is forecast to continue for the foreseeable future.

With reference to the assessment of development proposals involving the loss of existing industrial/employment land, both versions of BMAP defer to the relevant policy provisions of relevant regional planning policy, which is found in the Strategic Planning Policy Statement and PPS4 'Planning and Economic Development.'

#### Strategic Planning Policy Statement (SPPS)

The SPPS indicates that it is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. To this end it advises that planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. In addition, it indicates that the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes), whilst acknowledging that Councils may however wish to retain flexibility to consider alternative proposals on unzoned land that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.

A Planning Advice Note (PAN) titled 'Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses' published in November 2015 provides amplification on the SPPS policy. It indicates that only in exceptional circumstances should the loss of land zoned in a Local Development Plan for economic development use to an alternative use be considered. For proposals impacting on unzoned land used (or last used) for economic development it indicates that Local Planning Authorities, in assessing the benefits of alternative proposals, should be fully satisfied that it has been clearly demonstrated the particular circumstances of the case presented outweigh the preferred option of retaining the land or buildings for economic development use. The PAN also lists a number of matters that should be considered in assessing proposals involving the loss of economic development land and indicates that the flexibility afforded in the SPPS policy relates only to firm proposals for acceptable alternative uses.

It should be noted that for the purpose of the SPPS and PPS 4 economic development use is deemed to comprise industrial, business and storage and

distribution uses as defined in Part B Industrial and Business Uses of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

#### PPS4: Planning and Economic Development

Policy PED7 of PPS4 titled 'Retention of Zoned Land and Economic Development Uses' is of particular relevance when considering planning applications on land zoned for economic development use in a local development plan, and applications on unzoned land that is currently (or was last used) for economic development purposes. Paragraph references in the policy itself distinguish between Zoned Land in all Locations and Unzoned Land in Settlements.

#### PED 7: Zoned Land in all Locations

With reference firstly to both versions of BMAP the application site falls upon lands allocated as being zoned as Existing Employment and therefore the section of the policy relating to 'Zoned Land in Settlements' is applicable together with the relevant provisions of the SPPS to the assessment of this development proposal.

In his submission the applicant acknowledges that this development proposal for a retail foodstore is unable to demonstrate compliance with the policy provisions of the SPPS and Policy PED7 with respect to zoned land in all locations as the existing industrial use, an 'economic' development use for the purposes of PPS4, would be lost to an alternative land use and the wider area of lands zoned as existing employment /industry in which the application site is located (Monkstown Industrial Estate) has not been substantially developed for alternative uses. The applicant further acknowledges that this development proposal fails to meet with the exception test identified in this section of Policy PED7 as the foodstore use falls within 'Class A1: Shops' of the UCO whereas the exception test refers solely to 'sui-generis' type land uses.

However, the position of the applicant with respect to this matter is that the correct policy test to be applied to the development is that part of the SPPS and Policy PED7 which relates to development impacting on unzoned land on the basis that the application site, whilst last used for economic development purposes, comprises unzoned land in the current statutory Plan, the BUAP.

#### PED 7: Unzoned Land in Settlements

The policy provisions of PED7 for development under the heading 'Unzoned Land in Settlements' sets out a number of circumstances where the development or redevelopment of land resulting in the loss of a Class B2, B3 or B4 use or land last used for these purposes will be permitted. These are listed as follows and subsequently referred to as policy tests for ease of reference:

- (a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; or
- (b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use; or
- (c) the proposal is for the development of a compatible *sui generis* employment use of a scale, nature and form appropriate to the location; or
- (d) the present use has a significant adverse impact on the character or amenities of the surrounding area; or

- (e) the site is unsuitable for modern industrial, storage or distribution purposes; or
- (f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not; or
- (g) there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity

It should be noted that the policy tests listed are permissive insofar as it is only required to meet one of the tests listed to fulfil the policy requirement. In support of the current application the applicant seeks to demonstrate that the circumstances outlined in (d) and (e) are met and as a consequence the proposal is policy compliant.

#### Policy Test (e)

Looking firstly at policy test (e) which considers whether the site is unsuitable for modern industrial, storage or distribution purposes, the applicant considers this test is met for the following reasons:

1. The existing Nortel building complex is unsuitable for modern industrial /employment usage and it would be economically unviable to rehabilitate the existing complex.
2. A 'Notional Scheme' for Storage and Distribution usage drawn up by the applicant demonstrates that redevelopment of the site for industrial/employment usage would not be economically viable.
3. The submitted statistical based analysis justifying the loss of employment lands is a robust and comprehensive means of justifying the loss of existing industrial /employment land; and
4. That there are identifiable social, economic and environmental benefits associated with this development proposal.

A considerable amount of information has been provided by the applicant in support of this matter. In relation to **Reason 1** the applicant refers to the Development Appraisal and Viability Report (DAVR) submitted on their behalf which indicates as follows:

- The existing Nortel buildings are in a poor physical condition and would require significant capital investment to render the buildings as suitable for medium to long term use.
- The buildings do not adhere to 2018 Health and Safety standards and as such the capital investment required to reverse this situation is not a viable fiscal proposition and for this reason the buildings are not suitable for retention for industrial use and its location and the current property arrangement would not meet the requirements of modern occupiers.
- There have been no enquiries from the market seeking either to lease or to acquire the Nortel complex and there have been no approaches from the market for floor space; and
- Given prevailing rental levels in the Northern Ireland property market the proposition of refurbishing the Nortel complex is financially unviable.

For the aforementioned reasons the conclusion of the DAVR with respect to the existing Nortel complex is that there is no commercially robust argument to bring the existing property back into industrial employment use.

In relation to **Reason 2** the DAVR includes a 'Notional Scheme' for a new Class B4: Storage and Distribution use at the site, which would be a compatible form of land use for the area in which the application site is located, in order to demonstrate that there is no commercially robust argument to re-develop the application site for an industrial/employment type land usage.

The notional scheme provided considers the development of a storage and distribution unit with a floor space of circa 7,900m<sup>2</sup>. Whilst it is noted that the indicative layout of the notional scheme does not quantify the provision of car parking or clarify the specific servicing arrangements of the scheme, it is accepted that the concept layout does generally provide for car parking and servicing and which is described in the DAVR as being suitable for current market requirements in terms of size and layout for the notional scheme.

The conclusion of the DAVR is that redevelopment of the site for the purposes of the notional scheme would produce a negative site value of some £2.5 million causing a very significant financial investor loss and it contends for this reason that the application site is unable to produce a viable redevelopment opportunity for the purposes of Policy PED7.

The DAVR further avers that the industrial development sector has been severely impacted upon since the property crisis in mid-2007 and there is a lack of occupational and investor demand and a scarcity of development finance, which has resulted in very limited levels of development and virtually no large scale speculative economic development similar to that detailed within the notional scheme provided.

The key conclusion drawn by the DAVR and which the applicant also highlights is that given the restrictions of Policy PED7 of PPS4, there is insufficient demand now or in the foreseeable future to redevelop the site for employment/industrial purposes and due to these restrictions the application site would remain undeveloped for the foreseeable future.

In relation to **Reason 3** the applicant refers to the information included within the DAVR relating to existing employment lands in the Greater Belfast Area and zoned development sites in BMAP 2015 as being a robust and comprehensive statistical based analysis that helps provide justification for the loss of the existing employment lands comprised in the application site as a consequence of the proposed development.

The statistical based analysis of employment lands consists of two key parts:

1. An Availability Schedule of existing built industrial accommodation; and
2. Zoned Development Land.

The first part of the analysis seeks to demonstrate that there is a large amount of existing built industrial stock and floorspace available for occupation across the Greater Belfast Area (GBA) comprising Antrim, Boucher/Derriaghy, Castlereagh, Carrickfergus, Dargan/Duncrue, Lisburn, Mallusk/Newtownabbey and Sydenham.

Across the 'Greater Belfast Area' study area, the total industrial type accommodation equates to some 258,000m<sup>2</sup>, which the analysis equates to a 3-5

year supply of built available space, whilst for the Mallusk/Newtownabbey area it is indicated that there is over 60,000m<sup>2</sup> of available industrial type accommodation.

The second part of the statistical analysis in the DAVR considers lands zoned for employment/industrial use in BMAP 2015. The information provided includes each of the districts comprising the Belfast Metropolitan Area. The figures provided indicate that there is a significant amount of land identified as existing employment lands. This equates to approximately 1,767 Ha across the BMAP Districts with some 288 Ha of this amount still to be developed. In addition, the information indicates there is almost 530 Ha of land zoned for future employment/industrial use, including over 150 Ha in the legacy Newtownabbey Borough Council area.

In support of the applicant's stance that the development of the application site to an alternative use would not impact significantly on the overall amount of land identified for employment use both across the BMAP Districts and within Metropolitan Newtownabbey, the analysis firstly points out that the Regional Development Strategy 2035 states that there is a significant provision of 2,000 Ha of zoned employment lands in Northern Ireland, but that there is only a regional 'need' for some 450 Ha. The analysis then indicates that there is also a generous supply of new land zoned for future employment uses in BMAP 2015 at some 530 Ha of land which is well in excess of that indicated for all of Northern Ireland in the RDS in addition to the 1,767 Ha of existing employment lands identified.

In relation to **Reason 4** referred to above the applicant advises that there are clearly identifiable economic/environmental and social benefits associated with the development that weigh in favour of the loss of the current employment/industrial use of the application site.

In support of this view the applicant highlights the Council's position as expressed in its emerging Local Development Plan Evidence Paper 'Facilitating Economic Development' that the service sector accounts for over 80% of the jobs in the Borough, including the retail and leisure markets, and the important role these uses play in supporting economic development. The applicant also points to paragraphs 3.3 and 3.4 of the SPPS, which refer to furthering sustainable development in the long term public interest requiring the integration and balancing of complex economic, environmental and social factors in decision making and that local planning authorities should deliver on these three pillars of sustainable development.

The applicant advises that in this case the redevelopment of the application site, which has remained largely vacant since the departure of Nortel in 2009, approximately 11 years ago, will contribute positively to sustainable and economic investment and growth within the Council area. In furthering his argument regarding the unsuitability of the Nortel complex for modern industrial or storage and distribution purposes, the applicant notes that the socio-economic benefits of this brownfield redevelopment proposal will have various direct and in-direct benefits during both the construction and operational phases. These are described as follows;

- The development represents a capital investment of some £17.5 million.
- During the construction phase the proposal has the potential to create 100 construction jobs, whilst during the operational phase 258 full time equivalent in-store jobs will be created, generating £4.37 million pounds in salaries with at least a further 11 jobs supported in other local businesses; and

- The proposal will generate £11 million in gross value added per annum (to the Northern Ireland Gross Domestic Product) and £275,000 in business rates per annum equating to £5.8 million over a 20 year period.

In this respect the applicant concludes that the development proposal is considered to provide a betterment in economic, social and environmental terms in accordance with the provisions of the SPPS. In addition, the applicant concludes that these positive characteristics of the development proposal should be afforded significant weight by the Council when reviewing the unsuitability of the site for business purposes and the adverse impact the current vacant site has on the general locality.

#### Consideration of Policy Test (e)

In assessing the suitability of the current site for modern industrial, storage or distribution purposes it is accepted for the reasons outlined in the DAVR submitted with the application and as summarised above that there is no commercially robust argument to bring the existing buildings back into industrial employment use. Furthermore there is no reason to disagree with the findings of the DAVR that there is insufficient demand now or in the foreseeable future to redevelop the site for employment/industrial purposes and due to these restrictions the application site would remain undeveloped for the foreseeable future. This is supported by the findings associated with the notional scheme drawn up for a storage and distribution use.

It is clear from the analysis undertaken as part of the DAVR that there is at present a reasonably high level of available industrial stock across the Greater Belfast Area and within Mallusk/Newtownabbey as well as a substantial amount of land both in the BMAP Districts and within Metropolitan Newtownabbey that is in existing employment/industrial use with large areas zoned for future such development.

In the Council's own Evidence Paper 3 'Economic Growth' of June 2019 prepared as part of its emerging Local Development Plan, it is indicated that there is over 400 Ha of employment land in the Borough of which some 260 Ha are existing employment lands and approximately 143 Ha zoned for employment. The Evidence Paper also states that there some 130 Ha of employment land remains to be developed. These figures are broadly consistent with those found in BMAP 2015 and the analysis undertaken by the applicant for the BMAP Districts, including the legacy Newtownabbey Borough Council area.

In this context the development of that part of the application site which comprises existing employment lands (some 4.3 Ha) would represent a loss of some 1.65% of existing employment/industrial land in the Borough or just over 1% of total employment land. Overall this is considered not to constitute a significant loss of employment land and is not considered as undermining the BMAP Employment Strategy.

As regards the socio-economic benefits associated with the redevelopment proposal, the SPPS comments that a key dimension of sustainable development for Northern Ireland is economic growth and that this requires the planning system to, amongst other things, support job creation and aid economic recovery for the benefit of all our people. In addition, the SPPS comments that planning authorities

should take a positive approach to appropriate economic development proposals and should also recognise and encourage proposals that could make an important contribution to sustainable economic growth when taking decisions.

Whilst it is accepted that the development will result in the loss of existing land used for economic development purposes, the redevelopment of this brown field site will afford positive long term socio-economic benefits to both Metropolitan Newtownabbey and the wider Council area. The application will create new employment in this area which is close to a socially deprived area and whilst the appropriateness of retail use of land use remains to be assessed, it is accepted that the socio-economic benefits associated with this proposal as identified by the applicant weigh significantly in favour of the proposal.

Overall, for the foregoing reasons and on the balance of these considerations, it is considered that this policy test set out in PED7 has been met.

#### Policy Test (d)

With reference to policy test (d) which considers whether the present use has a significant adverse impact on the character or amenities of the surrounding area the applicant considers this test is met given:

- The application site accommodates approximately 10,500 sq.m of floor space, which is currently vacant and in a state of disrepair presenting an eyesore from a prominent location on the Doagh Road/Monkstown Road.
- The current buildings serve no function in respect of much needed jobs and services to the surrounding locality.
- The application site in its current form does not service, complement or otherwise contribute to the surrounding local amenities or services.
- The surrounding area benefits from a variety of amenity services and that given the demonstrable retail need for a foodstore has been justified in this location (see Retail section of report) the foodstore and petrol filling station would be a natural extension to the surrounding area and its provision of amenity services.
- The proposal would improve the appearance of the application site (an issue also commented upon in representations received by the Council); and
- The proposal would provide necessary upgrades to the existing transport network including a new pedestrian linkage to the Doagh Road.

#### Consideration of Policy Test (d)

There is little doubt that the current state of the Nortel complex diminishes the character and appearance of the local area. The premises have been vacant for some considerable time and there is an air of dereliction. It is acknowledged too that the proposed redevelopment would bring life back to the locality and as commented by some representations this would also serve to improve the appearance of the application site.

However, it also accepted that the site comprises part of a long established industrial area and that redevelopment for more modern employment purposes could equally ameliorate the current dereliction evident at the site.

It is therefore a moot point whether the present use has a significant adverse impact on the character or amenities of the surrounding area or whether this is a result of a lack of occupation of the premises.

On balance it is considered that this policy test on its individual merits has not been met, although it is recognised, when viewed in combination with the reasoning set out above under PED7 point (e), that redevelopment of the site will greatly assist in regenerating the area leading to an improvement to the character, appearance and amenities in the surrounding area.

#### Summary of Assessment - Loss of Employment/Industrial Land

The applicant acknowledges that the redevelopment of the application site with the foodstore proposed would not comply with the relevant provisions of the SPPS and Policy PED7 of PPS4 with respect to zoned land in all locations.

However, as indicated previously the applicant contends that the proposal, as an unnzoned site within BUAP, which remains the current statutory plan for this part of the Borough, would meet the provisions of the SPPS and two of the relevant policy tests set out in PED7 for loss of an existing unnzoned economic development use and furthermore that this combined with the other economic, environmental and social benefits associated with the current proposal should be given determining weight in assessing this aspect of the development.

In relation to this critical aspect of the proposal, and taking account of the advice issued by the Chief Planner and the position of the PAC outlined in Policy Context Section of this report, it is considered that greater weight should, in the particular circumstances of this case, be afforded to the provisions of BUAP, rather than to the emerging provisions of draft BMAP, and which despite its vintage remains the statutory Local Development Plan for this part of the Borough. As a consequence, it is accepted for the reasons previously outlined that the applicant has demonstrated the proposal complies with the relevant policy provisions of PED7 of PPS4 in relation to the loss of the existing employment use of the application site.

In relation to the policy provisions of the SPPS, it is acknowledged that it promotes the retention of land and buildings in settlements which are in current economic development use (or land and buildings last used for these purposes) to ensure a sufficient ongoing supply. However, it also acknowledges that consideration can be given to proposals for alternative use or development where these offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use. The PAN on this topic does not amend this SPPS policy, but does indicate that the flexibility afforded in the policy relates only to firm proposals for acceptable alternative uses and lists a number of matters that should be considered in assessing proposals.

In the current case the application has been submitted by Asda, which is the landowner of the site and who intend to operate the proposed foodstore should permission be forthcoming. As such it is considered the current development scheme is a firm proposal, whilst the acceptability of the proposed retail use is addressed elsewhere in this report.

It is noted that there is no policy requirement in the SPPS or PED7 of PPS 4 regarding the need to maintain a specific quantum of land for employment/industrial use in a given location. Notwithstanding this, it is considered that the impact of the current scheme would be marginal representing a loss of some 1.65% of existing employment /industrial land in the Borough or just over 1% of total employment land. A generous



supply of land suitable for economic development will still exist across the Borough together with a wide choice and range of sites in terms of quality, size and location.

The reports presented on behalf of the applicant highlight the socio-economic, environmental and other benefits the scheme will bring forward and indicate that these weigh significantly in favour of the proposal. As previously indicated, these include infrastructure improvements to the local road network to the benefit of all road users; the reduction and mitigation of flood risk potential at the site; the removal of land contamination and mitigation of potential water pollution arising at the site; and the jobs that would be created in the proposed foodstore that would secure the ongoing use of the site for employment purposes.

It is acknowledged that the existing Nortel complex currently provides no benefits to the local community and has made no economic contribution to the area for in excess of a decade as the buildings have been vacant since 2009.

As indicated above it is accepted that the redevelopment of this brown field site will afford positive long term socio-economic benefits to Metropolitan Newtownabbey that would make a significant contribution to the wider local economy. The application will regenerate the site and create new employment close to a socially deprived area and it is acknowledged that there are a number of environmental benefits associated with the scheme

It is also considered that the proposed development, in replacing the current industrial buildings on site with a foodstore, will act as an important buffer in land use terms between the approved residential development on land directly abutting the site to the north and the remaining premises in the existing industrial estate.

Whilst noting that a number of objections have been received with respect to the purported benefits of the foodstore and highway infrastructure road improvements associated with the development, it is also noted that several letters of representation refer to the benefits that local people perceive as being associated with the proposal. These include the removal of the redundant buildings that act as an eyesore in a prominent road side location and their replacement with a modern foodstore building with an active frontage to the Doagh Road. The report submitted with the application on the community consultation exercise undertaken also highlights there was positive feedback regarding the scheme from over 80% of the 231 respondents.

In conclusion, it is considered the proposal meets the relevant policy provisions of the SPPS and PED7 of PPS 4 and offers demonstrable benefits that outweigh the loss of the existing employment /industrial use of the site.

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

As noted in the description of development the proposal includes the formation of a new access to serve the proposed new foodstore and petrol filling station from the B59 Doagh Road, a Protected Route. This access is to be facilitated by a new 5 arm roundabout to replace the existing Doagh Road and Monkstown Road junction whilst retaining vehicular and pedestrian access to existing developments at Hillside View, Cherrylands and Hillside Garden Centre. Off-site highway infrastructure improvement

works are also proposed as part of the development at the existing Doagh Road/Station Road/O'Neill Road roundabout junction.

A Transport Assessment (TA) has been submitted in support of the application and this seeks to demonstrate that the highway infrastructure improvement works proposed in association with the foodstore development should result in a degree of betterment in highway terms to the existing road network and local traffic conditions.

#### Highway Infrastructure Road Improvements

The TA states that the highway infrastructure improvement works proposed at the Monkstown Road/Doagh Road and the O'Neill Road/Station Road/Doagh Road junctions will provide much safer alternatives to the road layouts currently in place. The TA also states that a range of other existing road junctions in the vicinity of the proposed development have been assessed and determined as being able to accommodate the anticipated increase in vehicular traffic associated with this development proposal as well as natural growth rates in road usage.

The highway infrastructure improvement works proposed at the Monkstown Road/Doagh Road junction comprise the introduction of a new 5 arm roundabout described in the TA as ameliorating existing problems experienced at the existing road junction whilst providing for a new vehicular access to serve the application site. The TA describes the new roundabout as also providing safe access to the existing residential developments of Hillside View and Cherrylands as well as the Hillside Garden Centre, all of which are located on the northern side of the Doagh Road. In addition, the TA describes how the design of the proposed new roundabout has taken account of the increases in level of vehicular traffic anticipated as a result of extant planning permissions nearby. These include an extension approved at the Hillside Garden Centre and the residential development of 92 units approved on land immediately to the north of the application site which are to be accessed from the Monkstown Road. It is noted that the design of the vehicular accesses serving Hillside Garden Centre and the extant residential development are not impacted upon by the proposed highway infrastructure improvement works at the Doagh Road/Monkstown Road junction.

The TA quantifies the level of increased vehicular traffic anticipated as being generated by this development proposal as:

Time Period	Arrivals	Departures	Total 2-way peak hour trips
Weekday AM	186	148	334
Weekday PM	317	318	635
Saturday busiest	337	334	671

In assessing the impact of the increase in vehicular traffic anticipated to be generated by the development proposal the TA identifies the following peak hour periods of vehicular activity (weekday morning and evening and weekend) for existing road traffic conditions at the Doagh Road/Monkstown Road junction:

Weekday AM: 08:00 – 09:00.

Weekday PM: 16:30 – 17:30; and

Saturday busiest hour: 12:00 – 13:00.

The TA states that the design of the proposed new roundabout and associated highway infrastructure works at this junction can accommodate the increase in vehicular traffic anticipated as a result of the development proposal as well as that associated with the extant planning permissions noted above for all peak hour scenarios and this also incorporates normal growth rates in road usage up to the forecast year of 2038.

The TA concludes that the works proposed will result in a major betterment in highway terms when compared to the existing Doagh Road/Monkstown Road junction for the following reasons;

- The Monkstown Road currently meets the Doagh Road at an acute angle and the gradients of the roads make it a difficult junction to navigate;
- Visibility for traffic exiting the Monkstown Road junction onto the Doagh Road is substandard for the volume of traffic using the junction;
- The existing junction is at capacity for the weekday AM peak period and over capacity for the weekday PM and Saturday busiest hour period;
- Pedestrians and cyclists using the junction have no facility to aid their crossing of the junction; and
- Accident statistics have demonstrated that the existing junction is dangerous with 16 reported collisions in a 3 year accounting period (April 2015 to March 2018) with 1 person seriously injured and 24 people being slightly injured.

Off-site highway infrastructure road improvements are also proposed at the Station Road/Doagh Road/O'Neill Road roundabout junction located approximately 1.25km to the southeast of the application site. The proposed improvements include the traffic light signalisation of the existing roundabout junction with elements of road widening in several locations to facilitate the free flow of traffic and increase the capacity at the roundabout along with increased provision of pedestrian footpaths and islands for enhanced pedestrian safety and ease of movement.

With reference to the road traffic conditions at this existing roundabout junction the TA states that it currently operates over-capacity on the Doagh Road North and Station Road arms and is approaching capacity on the O'Neill Road arm. The TA indicates that, without mitigation measures, the anticipated increase in vehicular traffic associated with the development proposal would have the effect of increasing the queuing and delay to through traffic at this location. The TA concludes that the improvement works proposed will result in a betterment in highway terms and it is predicted they will allow the roundabout junction to operate with an increased capacity for all peak hour scenarios and result in a decrease in queuing on the Doagh Road from that currently experienced.

With reference to the impact of the highway infrastructure road improvements proposed on pedestrian movement, the TA states that the dedicated facilities to be provided will enable pedestrians to cross at both junctions in a safe manner which it advises will result in both junctions being much safer for all road users.

In addition to the highway infrastructure road improvements for the Doagh Road/Monkstown Road and the Station Road/Doagh Road/O'Neill Road junctions the TA has assessed the impact of the proposed development on a range of other road junctions in the area. These include;

1. Doagh Road/Ballyduff Road/Bridge Road junction.
2. Doagh Road/Monkstown Avenue junction.
3. Monkstown Avenue/Jordanstown Road/Bridge Road junction.
4. Doagh Road/Braeside Avenue junction.
5. Doagh Road/ Ballyfore Road junction.
6. Doagh Road/Downhill Road junction; and
7. Doagh Road/Knockview Road junction.

The TA states that each of these junctions is forecast to operate within capacity during all peak hour scenarios up to the forecast year of 2033. No mitigation is therefore considered necessary or proposed at these road junctions.

It is noted that the TA states that the junction of the Doagh Road and Woodford Road forms one of the junctions to be assessed. No assessment of this junction has been set out in the TA. The applicant has confirmed that reference to this specific road junction has been made in error and that it has been determined and accepted by DfI Roads that this road junction will experience an impact of equal to or less than 5% and therefore does not require to be further assessed.

#### Car Parking, Pedestrian Movements and Alternative Modes of Transport.

The development proposes the provision of 444 car parking spaces, to include 26 Disabled Badge holder spaces and 23 Parent and Child spaces. These are located either directly in front of the proposed food store or either side of a centrally positioned landscaped pedestrian walkway leading directly to the foodstore entrance. In addition, 4 spaces are proposed at the northern edge of the car park in close proximity to the foodstore for the charging of electric vehicles.

The TA acknowledges that the level of car parking proposed to serve the development at 444 car parking spaces is slightly less (97%) than the standard outlined in planning guidance on Parking Standards which would equate to a provision of 458 car parking spaces.

In justification for this minor shortfall in parking provision the TA states that surveys undertaken at other ASDA stores at Portadown, Dundonald and the Shore Road, Belfast have demonstrated that approximately 80% of available car parking spaces are utilised by customers during the month of December, a time of year when demand for car parking spaces is above average.

In addition, the TA states that the proposed development is located in close proximity to several existing residential developments and that a 'walk-in' catchment of people is anticipated as being attracted to the foodstore given both existing and proposed pedestrian infrastructure. The TA also notes that the development layout makes provision for direct pedestrian access from the approved residential development immediately to the north of the application site providing ease of pedestrian access from this location.

The TA also states that the application site is well served by public transport with bus stops adjacent to the application site on the Doagh Road for both Translink Metro and Ulster Bus services. The TA describes these services as an excellent alternative to use of the car for travel to and from the site. It is noted that connecting footpaths

are proposed from the development to the bus stops that will provide safe and logical routes for pedestrians.

Elsewhere in the TA it is stated that survey work at other ASDA stores (Dundonald, the Westwood Centre and the Shore Road, Belfast) has demonstrated that the use of taxis by customers to travel to and from these foodstores is now an established mode of customer transport and it is therefore assumed that this practice will continue at the proposed foodstore. Both taxi and customer 'Pick-up' and 'Drop-off' points are provided adjacent to the store entrance.

Regarding facilities for people with a disability it has been noted above that dedicated and conveniently located disabled parking bays are to be provided within the development layout. Further facilities include dropped kerbs and non-slip ramped footways at all pedestrian crossing points to facilitate safe and easy pedestrian movements.

Secure bicycle stands are to be provided at the front of the foodstore that are overlooked and sheltered to provide safe and convenient parking facilities for cyclists with additional secure bicycle stands provided at the rear of the store for employees. A total of 20 bicycle spaces are to be provided. The TA comments that the application site is close to the National Cycle Network Route 93, which follows the Newtownabbey Way and provides ease of access for cyclists to the Shore Road and onwards to Belfast.

The customer car park, staff entrance and service yard areas will be illuminated to make these areas safer for all users throughout the year.

In summary, the TA seeks to demonstrate a betterment to local roads infrastructure, whilst accommodating the vehicular traffic anticipated on foot of this development proposal and the its principal conclusions are as follows;

- All junctions in the vicinity of the development site have been assessed and all were forecast to operate within capacity for all peak hour scenarios with the exception of the Doagh Road/Monkstown Road and Station Road/Doagh Road and O'Neill Road junctions where highway infrastructure road improvements are proposed.
- Total car parking provision at 444 car parking spaces is 97% of the Parking Standards guidance document standard. This incorporates provision for those with a disability as well as parent and child parking provision.
- Facilities for cyclists and pedestrians, including those with mobility difficulties have been considered and a new pedestrian linkage to the Doagh Road and the approved residential development to the north of the application site will be provided.
- Public transport links to the application site are of a good standard.
- There are no safety problems associated with the design of the highway infrastructure road improvement works coming forward as part of the development; and
- The traffic impacts anticipated with the development will not be significant and are within acceptable limits, while the highway infrastructure improvement works proposed should result in a degree of betterment in highway terms to the existing road network and local traffic conditions

A Travel Plan has also been submitted in support of the planning application and its aim is to encourage a shift in travel patterns for employees towards travel modes other than the private car. These include walking, cycling, public transport and following this use of car and taxi 'pools'. Whilst an aspirational document, the Travel Plan details the means by which alternative modes of transport can be promoted to staff members and considers the management measures required to effect a change in travel behaviour. The Travel Plan comments that the developer is committed to ensuring the successful implementation of the measures described therein and will assist in delivering them with the aim of decreasing local congestion (and consequent negative environmental impacts) and increasing modal choice for employees.

A Service Yard Management Plan submitted in support of the planning application comments that the foodstore will be serviced from the rear of the building off a dedicated service road. This service road separates from the customer access road a short distance off the roundabout to minimise interaction and reduce conflict between customer and delivery vehicles within the proposed development layout.

Servicing of the foodstore will be via 2 articulated lorries and a number of smaller service vehicles each day, which the applicant has confirmed will consist of 5 – 6 box vans per day. The TA states that the proposed number of delivery trips associated with the proposed foodstore is forecast to be significantly lower when compared with the number of delivery vehicles associated with an industrial use at the application site.

Several letters of objection set out detailed arguments contradicting the conclusion of the TA that the development proposal will provide a betterment to the highway network whilst accommodating the increase in traffic anticipated for this development proposal. A summary of the objections is as follows;

- The TA assessment process and the parameters employed for junction modelling as well as the scrutiny of these matters lacks clarity and accuracy.
- Comparison sites studied in the TA have been selectively considered.
- 'Base' flow data and traffic growth figures used for the TA are incorrect and no modelling of the existing situation has been undertaken.
- There has been no validation or calibration of traffic models being relied upon for the proposed roundabout junction at the Doagh Road which is a Protected Route where queuing and delay are critical issues. Queuing and delay on any arm of the new roundabout will seriously impact local businesses and residents who will not be able to access their respective properties.
- The geometry, gradients and safety of the new roundabout are of concern.
- No mitigation measures are proposed and a requirement of a TA is to demonstrate that the proposal will have a 'nil net detriment'.
- No road safety audit has been provided.
- No auto tracking for the largest service vehicle likely to be attracted to the site has been provided and Heavy Goods Vehicles at 15.5m to 16.5m in length have not been demonstrated as being able to negotiate the proposed roundabout without crossing into adjacent lanes raising road safety concerns.
- Hillside Garden Centre and other local businesses have not been properly considered as part of the TA and the impact to Hillside View has not been considered, whilst the operation and anticipated impacts of a 4 and 5 arm roundabout differ greatly.

- The historical industrial use of the site is an inappropriate comparison for the purpose of the TA and deliberately seeks to decrease the impact of the volume of vehicular trips associated with the development proposed. In addition, trips associated with industrial use of the site do not access directly onto the Doagh Road rather they use the existing vehicular access to the Bombardier plant.
- The 'peak hour' periods for trip generation provided for assessment are not consistent with the established peak hours for food retail development, which are Weekday: 12:00 – 13:00 and Weekend: 13:00 – 14:00. For this reason the true peak hour period has not been assessed in the TA and the impact of the development on the local road network has as a result been underestimated. Contends that the true volume of trips generated by this proposal would create an additional 154 two-way weekday peak hour trips and an additional 189 total two-way weekend peak hour trips. Consequently, a much greater impact to the proposed roundabout will be experienced and the TA is therefore fundamentally flawed.
- There is no separate assessment of the 8 bay Petrol Filling Station, rather it has been accounted for as part of the overall trip generation anticipated as being associated with the development and this has the effect of misrepresenting the true impact of the proposal on the local road network.
- The TA manipulates the TRICS database to minimise the anticipated impact of the development and existing ASDA stores should be studied to accurately identify the volume of vehicular trips associated with the development proposal as a comparative tool and in order to identify and assess the true impact.
- The introduction of the proposed roundabout at Doagh Road will have the effect of removing the number of vehicles that can queue to turn right onto the Monkstown Road from 6 cars down to 1 resulting in longer queues at the junction. For this reason increased delays are inevitable and if there is more than 1 vehicle attempting to turn right onto the Monkstown Road or access the application site through traffic will be blocked and gridlock will occur. In the absence of the development proposal this situation does not otherwise exist and the proposal will clearly inconvenience the flow of traffic on the road network, which did not previously have to negotiate a roundabout and had priority on the public road. For these reasons the new highway infrastructure road improvements will not improve the Doagh Road/Monkstown Road junction and the demonstration of a nil net detriment as required of a TA cannot be demonstrated. Contends this should form a reason for refusal.

The overall conclusion of the objections with respect to the design of the highway infrastructure road improvements and the robustness of the TA is that the development proposal fails to comply with the relevant planning policy framework found in Policy AMP2 'Access to Public Roads' and Policy AMP3 'Access to Protected Routes' of Planning Policy Statement 3 (and associated Clarification).

Policy AMP2 'Access to Public Roads' of PPS 3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where;

- (a) Such access will not prejudice road safety or significantly inconvenience the flow of traffic; and

(b) The proposal does not conflict with Policy AMP3 'Access to Protected Routes' of PPS3.

The policy goes on to state that the acceptability of access arrangements, including the number of access points onto the public road, will be assessed against published guidance and that consideration will be given to a number of other listed factors.

A Policy Clarification document published in 2006 for Policy AMP3 'Access to Protected Routes' states that the number of new accesses onto Protected Routes should be controlled. The B59 Doagh Road is a Protected Route within the settlement limit of Metropolitan Newtownabbey, the relevant part of the policy states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access onto such a route, where access cannot reasonably be taken from an adjacent minor road.

In accordance with normal arrangements for planning applications that raise highway issues, consultation has taken place with DFI Roads, the body with statutory responsibility for transport matters in Northern Ireland. In assessing the merits of the highway matters associated with this development proposal against the policy framework provided in PPS 3 it is noted that the DFI Roads consultation response has offered no objections to this development proposal subject to the use of planning conditions. In reaching this view DFI Roads has considered all the matters and concerns raised in objections as summarised above.

The detailed nature of the objections to this aspect of the development and the concerns raised regarding the purported merits of the highway infrastructure improvement works are acknowledged. However, it is considered, having regard to the response of DFI Roads, that the new access arrangements and associated infrastructure improvement works will not prejudice road safety nor significantly inconvenience the flow of traffic. It is concluded the proposal therefore complies with criterion (a) of Policy AMP2 and is acceptable in this regard.

Criterion (b) of Policy AMP2 and the provisions of Policy AMP3 in relation to the Protected Route status of the Doagh Road only allows planning permission to be granted for a new access onto a Protected Route within a settlement where that access cannot reasonably be taken from an adjacent minor road. It is noted that the area of land within the ownership and control of the applicant does not extend beyond the application site and as such it is accepted that it would not be reasonable to maintain access to the proposed development through continued use of the existing access fronting the Doagh Road that serves the current Bombardier complex and which historically facilitated access to the Nortel complex. It is also accepted that use of the existing access taken off Cloughfern Avenue accessed from Monkstown Avenue which leads to the rear of the application site and which is utilised by several other industrial premises in this area would not provide an appropriate or reasonable means of accessing the site. In this context, and again having regard to the consultation response from DFI Roads that offered no objections to the development proposal subject to the use of planning conditions, it is considered that a new access is acceptable in principle and as such it is concluded the proposal complies with criterion (b) of Policy AMP2 and the policy provisions of Policy AMP3 of PPS3.



Overall, it is considered that the developer funded highway infrastructure road improvements proposed have been demonstrated as having a nil net detrimental impact on the local highway network and for the reasons outlined in the TA, which DFI Roads has offered no objections to, are anticipated to bring some additional benefit to the capacity and safety of the Doagh Road/Monkstown Road junction and the nearby Station Road, Doagh Road, O'Neill Road roundabout junction.

In addition, it is considered that an appropriate design, layout and quantity of customer car parking and secure bicycle spaces has been provided for and that the proposal will support a move to more sustainable forms of transport. It is also considered that pedestrian movement in and around the proposed development has been adequately provided for and suitable servicing arrangements facilitated.

For the reasons set out above determining weight in the decision making process is not being attributed to the points of objection made and the development proposal is considered as being compliant with the relevant policy provisions of the SPPS and PPS3.

### **Development Layout**

The development proposal relies upon the provision of a new roundabout at the junction of the Doagh Road and Monkstown Road to provide access to the proposed food store complex. Upon leaving the roundabout and entering the food store complex customers and service vehicles are separated out as soon as possible with customers being diverted to the main car park area buffering the food store building from the public road. Service vehicles are directed to a dedicated service road abutting the southern boundary of the application site and leading to the rear of the building, which is set towards the eastern boundary. The road access arm from the roundabout is curved, which reduces traffic speeds.

The Petrol Filling Station (PFS) is located approximately 10 metres to the east of the roundabout and accessed internally from the main internal carriageway. The applicant advises that this location is intended to promote the visibility of the PFS and attract passing trade using the adjoining road network. The PFS will be approximately 70 metres away from existing residential development on the western side of the Doagh Road at Hillside View and Cherrylands. The car park serving the development begins approximately 90 metres from these residential properties and the food store is located approximately 80 metres further east.

The public road network contiguous with the western boundary of the application site is at a higher level in the landscape than the main body of the food store complex and this is where the primary views of the proposed development will be available from.

In the Design and Access Statement (DAS) submitted on behalf of the applicant it is stated that a store location towards the rear of the site allows back of house and servicing arrangements to be removed from the frontage of the food store enabling the primary road frontage elevation to be the active frontage accommodating the main customer entrance with areas of glazing serving the café and check out mall.

The design of the food store comprises a modern large format retail building utilising modern materials that includes a mix of cladding and glazing promoting an active frontage orientated towards the public road. The design appearance of the building is considered to be consistent with the recognisable form of retail architecture associated with the provision of a foodstore. Within the DAS the applicant advises that the design of the building is a substantial improvement on the existing building (Nortel) that is falling into a state of disrepair and the perceived improvement in the physical appearance of the application site is also a matter referred to in letters of support for the proposal received by the Council.

The height of the food store building is comparable with the existing Nortel factory building and those of other existing industrial buildings immediately abutting the application site to the east and south and is not considered as impacting the operation of any surrounding development in terms of loss of light or overshadowing.

With respect to the relationship of the proposed food store to the approved residential development located immediately north of and adjacent to the application site, it is noted that the food store building is approximately 6.5 metres in height and 75 metres deep, has no windows in the relevant north facing elevation, and is set back from the common boundary with the residential development by approximately fourteen (14) metres. Approved dwellings in the area of land adjacent to the proposed food store building are positioned to have their gable walls running parallel with the food store. Landscaping associated with the residential development and that proposed in this development proposal will soften the relationship between the extant residential planning permission and the proposed foodstore land uses. It is considered that a reasonable relationship will exist between the dwellings along the common boundary with the food store building and that there will not be any significant adverse impact by reason of overshadowing or overlooking. The potential issue of noise generated by the operation of the food store impacting upon the amenity of proposed residents of the housing development is discussed in the section entitled 'Noise' and set out later in this report.

The acoustic barrier that is to be located to the rear (western edge) of the petrol filling station (PFS) forming part of the development proposal is to be screened by planted elements to help soften its visual appearance in the street scene. The acoustic fence is discussed in more detail under the section entitled 'Noise'. The development proposal includes several other areas of landscaping and these are discussed under 'Landscaping' set out below.

At the eastern corner of this irregularly shaped application site a new water storage and attenuation pond is to be formed, which it is proposed to surround with soft landscaping. Whilst providing a positive 'greening' of the development layout the pond also functions as a SuDS (Sustainable Urban Drainage System) technique that will store and attenuate received surface water run-off. This aspect of the development is discussed in more detail under the sections entitled 'Land Contamination', 'Open Space' and 'Flood Risk'.

In summary, it is considered that the design and appearance of the proposed foodstore is recognisable as being consistent with standard foodstore retail architecture and the development layout is considered as providing an active frontage to the Doagh Road with servicing arrangements separated out from

customer activity and located to the rear of the proposed foodstore. It is considered that the foodstore, in the location proposed and at the indicated height and scale, will not negatively impact the functioning or amenity of other existing and adjoining business operations or proposed residents of the extant residential planning permission located to the immediate north of the application site. For these reasons it is considered that the proposed development is of a suitable quality and is therefore acceptable.

### **Landscaping**

The landscaping scheme submitted seeks to provide a range of varying forms of planting that will assist in framing the proposed development, help it to integrate with the context of the receiving environment and distinguish the proposal from adjoining land uses.

Proposed planting takes several different forms including tree planting, hedgerows, woodland planting and shrub planting, ornamental planting, spot planting and car park tree pits. These varying forms of planting occur at the edges of the application site around the new pond area, within the customer car parking area at the Petrol Filling Station and also on lands beside and within the land take associated with the roundabout and also on lands fronting Hillside View and Cherrylands.

The landscaping scheme seeks to define the edge of the proposed development adjacent to the Doagh Road/Monkstown Road with a low level hedge supplemented with tree planting. This design along the street frontage will help to screen and soften areas of hardstanding associated with the car parking area from passing traffic and existing residential properties to the west. Additional landscaping including tree planting is to be provided at either side of the Petrol Filling Station (PFS) with a hedgerow provided to the rear of the acoustic barrier. This will help to soften the visual appearance of the acoustic barrier and the PFS. In summary, it is considered that the landscaping scheme will enhance the proposed development and improve the visual amenity of the local area when viewed from the adjacent road network and surrounding residential properties.

Landscaping to be provided at the northern and southern boundaries will assist in screening views into the neighbouring sites and in particular provide relief to the residential development granted planning permission to the north and immediately adjacent to the application site. The pond area to be provided at the eastern side of the application site as part of the proposed SuDS scheme is subject to landscape works which will further improve the visual appearance of this area of open water and promote its ecological potential and quality.

Overall, it is considered that the landscaping scheme will positively frame the proposed development, help to 'green' and improve the overall quality of development, promote bio-diversity and assist in defining and separating out the proposed development from adjoining land uses. For the reasons outlined above the landscaping scheme is considered to be acceptable.

**Flood Risk**

At the outset of consideration of this matter it should be noted that the lack of a Drainage Assessment (DA) was one of the reasons outlined in the Planning Report for refusal of the earlier mixed use development scheme previously proposed at this site (reference: LA03/2015/0243/O).

To accompany the current application, the applicant has submitted a DA in accordance with the requirements of Policy FLD3 "Development and Surface Water Flood Risk outside Flood Plains" of PPS15 as the application site area is in excess of 1 hectare.

Information set out in the DA identifies that the application site is not affected by the 1% Annual Exceedance Probability (AEP) fluvial flood event or the 0.5% AEP tidal flood event. Small areas of the application site are indicated as possibly being affected by the 0.5% AEP surface water flood event, which has a 1 in 200 or greater chance of being exceeded in any given year. There are no records of flooding in the vicinity of the application site.

At this time the drainage regime serving the existing Nortel complex has no discharge or flow control restrictions or storm water storage facilities. The vast majority of the site at the current time drains northwards to the Three Mile Water in an unrestricted fashion.

The proposed surface water drainage regime serving the development consists of a series of pipes receiving storm water run-off from the customer car park and other hardstanding areas sent to the proposed SuDS (Sustainable Urban Drainage System) scheme storage pond at the eastern side of the application site, which includes a flow rate control device discharging to the Three Mile Water River some 300 metres to the north of the application site. Given that there are currently no restrictions in place for surface water discharge for the existing Nortel complex, a betterment of 30% on the existing off-site flow rate will be provided using on site flood controls and storm water attenuation when compared with the existing discharge rate, which has no discharge restriction.

The SuDS scheme water storage and attenuation pond located at the eastern edge of the application site will be designed and constructed to contain flows for a storm event with a return period of 1 in 100 years, with an allowance of an additional 40% for climate change. The SuDS storage pond will have a storage volume of approximately 1,400 cubic metres, will be 2 metres in height with a maximum water storage depth of 1.7 metres and with a 300mm free board. The flow control apparatus will be provided at the pond outlet to ensure a restricted flow discharge rate of some 564 litres per second, which is comparable with green field run off rates.

It is considered that the limitation on storm water discharge with associated storm water storage has been designed to ensure, so far as possible, that there will not be any increased flood risk to the development or people or property in the downstream catchment as the drainage infrastructure (including the proposed SuDS pond) has been designed with provision for exceedance and allowance for climate change.

Surface water run-off for all car parking and other hardstanding areas shall pass through a bypass separator prior to discharge to the pond where further treatment will occur prior to this being discharged from the application site.

In its consultation response DfI Rivers indicated that it accepts the logic of the DA with respect to surface water run-off quantities/volumes that are to be contained within the SuDS pond and has no reason to disagree with the conclusions of the DA. DfI Rivers qualify this conclusion by stating that the effectiveness and function of the proposed attenuation method is reliant on the SuDS system being designed in accordance with the correct industry specifications and having a long term maintenance programme in place to ensure its ongoing function. DfI Rivers suggest this matter should be controlled by the Council and a draft planning condition to this effect has been provided should planning permission be granted.

It is considered that the drainage regime serving the development proposal has demonstrated that adequate flood risk measures will be put in place to effectively mitigate potential flood risk at the proposed development site and elsewhere. Consequently, it is considered the proposal complies with the provisions of Policy FLD3 of PPS15 and the relevant policy provisions of the SPPS.

Whilst the application site is recorded as lying within an area of potential inundation from NIW's Whiteabbey Lower Reservoir, DfI Rivers has stated that Policy FLD5 'Development in Proximity to Reservoirs' is not applicable to the consideration of this development proposal.

### **Noise Impact**

As the application submitted seeks permission for the proposed foodstore to operate on a 24 hour basis Monday to Saturday and on 24/7 basis for the proposed Petrol Filling Station it is important to consider noise impact associated with the proposal.

Advice set out in Annex A of the Strategic Planning Policy Statement for Northern Ireland (SPPS) is entitled "Managing Noise and Improving Air Quality". It states that the planning system has a role to play in minimising the potential for adverse impact upon human health and well-being through noise, by means of its influence on the location, layout and design of new development and consideration of the amenity impacts. The SPPS goes on to advise that in managing development, planning authorities should treat noise as a material consideration in the determination of planning applications for proposals likely to give rise to significant levels of noise and that planning authorities should seek to reach balanced decisions that consider noise issues alongside other relevant material considerations including the wider benefits of the particular proposal. The Noise Policy Statement for Northern Ireland published by DoE Planning in September 2014 is also a relevant guidance document. Through the effective management and control of environmental, neighbour and neighbourhood noise the Noise Policy Statement aims to:

1. Avoid or mitigate significant adverse impacts on health and quality of life.
2. Mitigate and minimise adverse impacts on health and quality of life; and
3. Where possible, contribute to the improvement of health and quality of life.

In support of the planning application the applicant has submitted a Noise Impact Assessment (NIA) addressing such matters as road traffic noise levels, fixed plant

equipment, the packaging compactor, lorry deliveries, car parking, and use of the petrol filling station (to include the jet wash and vacuum unit) as well as fuel deliveries.

The NIA has identified three locations as being the nearest and most affected residential property noise sensitive receptors (referred to hereafter as the three identified sensitive receptor locations). These are;

- (a) Dwellings opposite the site on the Doagh Road in and around the entrance to Hillside View.
- (b) At the front of dwellings granted planning permission on lands at the northeastern side of the proposed foodstore; and
- (c) To the rear of dwellings granted planning permission on lands to the north of the customer car park for the food store.

The Council's Environmental Health Section has offered no objections to the locations identified by the applicant as being the nearest and most affected sensitive receptor locations nor has it suggested that additional locations should be considered.

With respect to fixed plant equipment the NIA comments that no details of the specific plant equipment to be used or their locations are available at this time, but that the assessment of fixed plant has been applied to a generic design for the stated size of the proposed foodstore. For the purposes of the NIA fixed plant equipment is described as being located on the roof of the food store comprising refrigeration packs, air handling units, condensing units and extraction fans. To provide a robust assessment the NIA has assumed that all items of plant equipment will operate simultaneously during their operating periods.

The findings of the assessment are that the cumulative attenuated plant rating noise levels may marginally exceed the target rating noise level but that this will depend on the final equipment specification and selection and their locations. It is stated that screening may be required for some of the refrigeration packs in order to achieve the target noise levels at the receptor positions. The conclusion of this part of the report is that when final equipment specification and selection and their locations are available, an assessment of the fixed plant equipment will be completed and attenuation proposed to ensure that the existing background noise levels at the three receptors are not exceeded. The NIA also concludes that after the store has been trading for three months, a follow up survey is to be carried out and a noise report submitted to the Council to demonstrate that the cumulative sound rating levels from the food store do not exceed the target rating levels at the identified sensitive receptor locations.

In its consultation response the Council's Environmental Health Section has indicated no objections to the methodology, findings and conclusions of the NIA with respect to these matters and recommended a series of noise attenuation based planning conditions should planning permission be granted.

With respect to the food store packaging compactor, the conclusions of the NIA are that the target noise levels would not be exceeded at any of the three identified sensitive receptor locations during either the day or night and that for this reason the compactor can operate without mitigation on a 24 hour basis all year round.

With respect to noise associated with delivery lorries attracted to the food store the NIA indicates that these will be below the existing noise climate ranges and that the World Health Organisation (WHO) night time noise criteria will not be exceeded at any of the identified sensitive receptor locations. As a consequence it concludes that no mitigation is therefore required.

The NIA states that the main car parking activity to be considered includes vehicle arrivals and departures, together with associated noise events due to the closing of car doors and, to a lesser degree, trolley movements. The NIA concludes that the WHO night time noise criteria is not exceeded at any receptor position and that the highest predicted noise level is below the existing noise climate during the night at any receptor position. No mitigation is therefore required.

With reference to the potential noise impacts of delivery lorries and customer car parking activity set out above, the NIA concludes that the proposed foodstore can operate on a 24/7 basis without the need for mitigation.

With respect to the Petrol Filling Station (PFS) and excluding the operation of the Jet Wash and Vacuum Unit and the impact of delivery lorries discussed below, the main activities assessed in the NIA are similar to those within the car park, namely the arrival and departure of vehicles and associated noise events due to closing of doors and engine start up. The conclusions of the NIA with respect these matters is that the WHO night time noise criteria is not exceeded at any noise sensitive receptor position and the PFS, excluding the operation of the Jet Wash and Vacuum Unit, can operate 24 hours a day all year round without the need for noise mitigation measures.

With respect to the Jet Wash and Vacuum Unit located at the PFS the NIA identifies that the Jet Wash noise rating levels would have a significant adverse impact upon noise sensitive receptors on weekdays between 23:00 – 06:00 hours and between 23:00 – 07:00 hours on a Sunday. Regarding the vacuum unit the NIA states that a mix of impacts (significant adverse/adverse/low-adverse) upon noise sensitive receptors would occur on weekdays between 22:00 – 06:00 hours and on a Sunday between 22:00 – 09:00 hours. The conclusion of the NIA is that the Jet Wash and Vacuum Units should be time restricted in their use to between 07:00 – 22:00 hours Monday to Saturday and 09:00 – 22:00 hours on Sundays.

As an additional form of mitigation the NIA proposes to introduce an acoustic fence some 2.4m in height along the road side boundary of the PFS fronting the Doagh Road to reduce the noise levels to receptor position A (Hillside View area). The construction details of the acoustic fence, including materials and height, are provided in the NIA. In the event that planning permission is granted the design and construction of the acoustic fence and associated landscaping can be controlled through the imposition of relevant planning conditions.

With respect to fuel lorry deliveries the assessment provided by the NIA includes noise generated by the arrival of the lorry, the filling operation and lorry departure. Tanker 'pass-by' noise has also been included.

The information provided identifies that an adverse impact to receptor A (Hillside View area) will occur on weekdays between 23:00 – 06:00 hours and on a Sunday between 06:00 – 07:00 hours. At receptor C (between the proposed foodstore and

the extant residential development to the north of the application site) an impact will occur on weekdays between 23:00 – 06:00 hours. Notwithstanding these conclusions the NIA recommends that tanker deliveries are restricted to 07:00 – 22:00 hours on all days of the week.

With reference to road traffic noise generated by the development proposal the NIA concludes that the foodstore would increase road traffic noise on the road network by no more than +1dB approximately and that this would have a negligible impact on the amenity of resident receptors fronting the road network. The NIA concludes that no mitigation is required in this respect.

The Council's Environmental Health Section (EHS) has offered no objections to the methodology, findings and conclusions provided in the NIA. It is therefore considered that the noise generating activities set out above will either not cause a significant adverse impact to the amenity of those living in identified sensitive receptor locations or can otherwise be successfully mitigated against. For these reasons the proposal with respect to noise generating activities is considered acceptable and there is nothing from a noise perspective that would preclude the proposed foodstore and PFS, excluding the Jet Wash and Vacuum Unit, operating on a 24 hour basis. EHS has recommended a number of draft planning conditions relevant to the required mitigation techniques to be used in the event that planning permission is granted.

In summary, taking account of the guidance contained within the SPPS and the 'Noise Policy Statement for Northern Ireland' and the response provided by the Council's Environmental Health Section (that recommends use of relevant planning conditions), the proposal is considered to be acceptable with respect to noise impacts.

### **Odour/Air Quality**

The applicant has submitted a Statement of Odour Control (SOC) for the proposed food store in support of the development proposal.

It is identified that there will be three areas where food preparation will take place; the customer coffee shop, which comprises 112 sq.m of net retail floorspace, a deli area and a bakery. The statement outlines that;

- It is unnecessary to provide mechanical extraction for the customer coffee shop.
- It is possible that mechanical extraction is required for the deli area; and
- Mechanical extraction is required for the bakery area.

The SOC concludes that given the low risk of odour from the products being prepared and the elevated position of the mechanical extraction discharge points on the roof of the proposed foodstore, no odour nuisance to local residents (existing or proposed) is likely to occur and consequently no mitigation is required.

In its consultation response the Council's Environmental Health Section offered no objections to the findings or conclusions of the SOC. It is therefore considered that odours generated by activities within the foodstore will not cause an unacceptable adverse residential amenity impact to nearby identified sensitive receptors, that no mitigation is required and consequently that the proposal is acceptable in this regard.



**Lighting**

An External Lighting Report has been submitted in support of the development proposal. It seeks to demonstrate how the design of the external lighting scheme has been prepared to provide a safe and secure car park area whilst minimising the potential impact on adjoining properties, in particular nearby residential units existing and proposed.

The report comments that the luminaires have been strategically placed such that the selected design solution meets with standards associated with a suburban location of 'medium district brightness' and that care has been taken to ensure that light and glare to and around the application site boundaries are reduced as far as possible.

The report concludes that no luminaires are directed towards any residential area in order to ensure no loss of amenity caused by light and glare. The report also comments that the provision of landscaping at the application site boundaries has not been accounted for and that this will serve to further reduce any potential external lighting impact.

In its consultation response the Council's Environmental Health Section (EHS) commented that the highest value of illumination falling onto the facades of the properties most likely to be affected by artificial light from the proposed development will not exceed the '2Ev' post-curfew limits nor the '10 Ev' pre-curfew limits. The EHS therefore has offered no objection to this aspect of the development proposal. For the reasons set out above it is considered that the proposed external lighting scheme will not cause an unacceptable adverse residential amenity impact upon nearby sensitive receptors and is therefore acceptable.

In the event that planning permission is granted the details of the proposed lighting scheme can be controlled through the imposition of relevant planning conditions.

**Land Contamination and Water Quality**

An Environmental Site Assessment and Generic Quantitative Risk Assessment, an associated Remediation Strategy and an Outline Construction Environmental Management Plan have all been submitted in support of the application.

It is noted that the consultation response from DAERA: Land, Soil and Air Section indicated that the GQRA submitted on behalf of the applicant was prepared in 2015 and recommended a planning condition for this to be updated to reflect any changes in land use since it was produced. However, the Council is content that no land use change has occurred in the intervening period and as a consequence it is considered the findings of the GQRA as submitted remain valid.

Given the nature of the uses previously undertaken at the former Nortel factory complex the Generic Quantitative Risk Assessment (GQRA) has identified a number of potential sources of soil and groundwater contamination as well as fill materials and fuel storage. Elevated levels of methane and carbon dioxide were detected during the study with the main pollutants identified being some areas of asbestos in shallow soil and ground gas. Additional sources of contamination are described as including the presence of hydrocarbons (oil) in residual water contained within service duct manholes and bunds provided to oil storage tanks. These constitute the

unwanted by-products of the former industrial use with the potential to pollute air, land and water and thereby impact human health and the environment.

The application site is hydrologically connected to the Three Mile Water River and in turn the Belfast Lough RAMSAR/Special Protection Area, Belfast Lough Open Water Special Protection Area and the East Coast Marine proposed Special Protection Area.

The migration of pollutants in soil or towards watercourses identified in the GQRA has the potential to have a significant adverse impact on human health, flora and fauna and the integrity of European Protected Sites. The GQRA advises that there is potential for suspended sediments or pollutants to enter surface waters leading to the degradation of habitats within the designated sites through the excavation and storage of soils and other works undertaken at the construction stage, and run-off of polluting substances from hardstanding areas at the operational stage of development. The GQRA concludes that the effects of such events can be significant and recognises that mitigation is therefore required to prevent it from occurring.

With respect to the mitigation of asbestos, the Remediation Strategy (RS) submitted proposes that the areas of land identified as being contaminated with this pollutant will be removed and replaced with imported 'clean' soil. A protective capping layer is to be placed underneath all landscaped areas in order to minimise the potential impact to human health due to the risk of ingestion or dust inhalation during both the construction and operational phases of proposed development. With respect to detected on-site gas concentrations the RS proposes a protective layer to be placed underneath the food store floorplate to minimise the risk of inhalation of ground gases.

With reference to potentially contaminated surface water run-off during the operational phase of development the RS states that a by-pass separator will be utilised prior to surface water run-off reaching the SuDS attenuation pond and prior to leaving the site.

The RS also advises that the hydrocarbon (oil) contamination in service duct manholes and in historic bunds will be addressed as these are decommissioned in accordance with recognised construction industry standards during site preparation works in order to prevent contamination of the surrounding soils and groundwater.

Should any previously unidentified contamination be identified during the construction stage, necessary mitigation will be dependent upon site requirements and subject to advice from appropriately qualified professionals to be agreed with the Council in consultation with Department for Agriculture, Environment and Rural Affairs. In the event that planning permission is granted the details of the proposed remediation of the areas of contaminated land be controlled through the imposition of relevant planning conditions.

The outline Construction Environmental Management Plan (oCEMP) submitted with the application details the environmental monitoring and mitigation measures that are to be implemented during construction works to minimise potential impacts on environmental receptors. The package of mitigation measures contained within the

document will form part of the contract requirements to be placed upon the principal contractor once appointed.

Examples of the proposed mitigation measures include, but are not limited to: foul sewage connection to NI Water infrastructure, grease traps to serve kitchen areas, safe oil storage with secondary containment units, the use of oil separators in the surface water drainage systems, the use of SuDS, techniques for dealing with protected species during construction activities, well maintained, sound attenuated plant and equipment, weekly site walkovers for visual signs of dust deposition, avoidance of potentially polluted site water run-off, use of covered skips, soil capping layer to mitigate asbestos, checks on excavation surfaces for signs of previously unrecorded contamination, decommissioning of historic bunds and ground gas protection measures.

In addition to the construction phase, the oCEMP refers to the surface water drainage management plan contained within the Drainage Assessment with the aim of highlighting the measures that will be employed to provide protection for the water environment during the operational phase of the project.

Shared Environmental Services (SES) acts on behalf of the Council in undertaking consideration of proposals against the provisions of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). In its consultation response on the development, SES has indicated that having considered the nature, scale, timing, duration and location of the project, the proposal is unlikely to have an adverse effect on the integrity of any European site subject to the use of relevant planning conditions.

The Council's Environmental Health Section and DAERA: Land, Soil and Air Section have both indicated no objections to the development in relation to land contamination and water quality issues arising subject to the use of relevant planning conditions with respect to remediation measures (to include the provision of validation and verification reports) to ensure that there are no unacceptable risks to environmental receptors.

DfI Rivers has commented that the effectiveness and function of the proposed attenuation pond is reliant upon the SuDS system being designed in accordance with industry specifications and having a long term maintenance programme in place to ensure its ongoing function. A long term maintenance programme for the attenuation pond is included at Appendix G of the Drainage Assessment. In the event that planning permission is granted, and in addition to the need for contaminated land remediation conditions, it is considered that the details of the proposed management programme for the SuDS attenuation pond can be adequately controlled through the imposition of relevant planning conditions.

In summary, it is considered that appropriate mitigation measures can be brought forward through the use of relevant planning conditions to deal with anticipated land contamination and water quality issues likely to arise in association with the proposed development. In these circumstances it is concluded that the proposal is not likely to cause any demonstrable harm with respect to land contamination, water quality or impacts on human health that would warrant withholding a grant of planning permission.

### **Natural Heritage**

An Ecological Report (ER) and a clarification document have been submitted by the applicant in support of the proposal to address potential impacts of the development on natural heritage interests, including protected species. The ER incorporates an extended Phase 1 Habitat Survey which includes consideration not only of the site itself, but also of lands adjacent to its boundaries and it contains information on the potential for habitats to support species protected by law or other features of natural heritage importance.

With respect to bats the ER comments that there are only three buildings present within the confines of the application site that were considered as possibly being suitable for bat roosts. However, all are identified in the report as having low potential for bat roosting and no bats were observed entering or leaving the buildings during the survey period.

In relation to the existing pond (which is fenced off) and the adjacent wooded area that are located at the eastern side of the application site the ER indicates that this area is of ecological value at a local level only. The report comments that the removal of trees at this location to facilitate the development will not result in the loss of any bat roosts, but acknowledges that this will decrease foraging opportunities resulting in a minor adverse ecological effect. However, it is indicated that this low level effect does not require mitigation and that the landscaping proposed will promote new foraging opportunities during the lifetime of the operation of the proposed development. As a result, the ER concludes that there will be no significant effect on bats.

With respect to Otters and Smooth Newts the ER comments that there was no evidence of activity by these species on the application site and for this reason no mitigation is required as no impact will occur.

With respect to Badgers the ER comments that no setts were recorded within the confines of the application site, which is described in the report as offering limited foraging habitat for badgers. It is indicated in the report that although the construction phase may have a temporary displacement effect on any foraging Badgers in the locality this is a minor adverse effect and mitigation is not required.

Both wintering and breeding birds were observed within or in flight over the survey area however no species of interest were recorded using the site. The ER comments that whilst the proposed development may have a temporary displacement effect on wintering birds any potential effect would only result in a minor adverse impact and as a consequence no mitigation is required. With respect to nesting birds the ER acknowledges that the removal of the vegetation at the site would cause the loss of an area for wild birds valued at a local level in the breeding season. These effects are described in the report as having a moderate adverse impact requiring mitigation. The mitigation proposed relates to the landscape scheme submitted and includes a range of varying forms and types of planting to include trees, shrubs, hedgerow and ornamental planting. This landscaping will provide for nesting opportunities for local populations of wild birds during the operational phase. The report concludes that given this form of mitigation there will be no significant effect upon wild birds.

In its consultation response the Department for Agriculture, Environment and Rural Affairs: Natural Environment Division (NED) commented that it is content that no species or habitats under the protection of national and international law have been identified on the application site and that the provisions of Policy NH5: Habitats, Species or Features of Natural Heritage Importance of PPS2 and the provisions of the Strategic Planning Policy Statement relating to natural heritage interests are not engaged. DAERA: NED comments that it also welcomes the compensatory measures proposed for the loss of woodland habitat and the existing pond.

As noted in the 'Land Contamination and Water Quality' section of this Report, Shared Environmental Services has indicated that having considered the nature, scale, timing, duration and location of the project, the proposal is unlikely to have an adverse effect on the integrity of any European site subject to the use of relevant planning conditions.

For the reasons set out above it is considered that the proposal will not have an unacceptable adverse impact on, or damage to, habitats, species or other features of natural heritage importance. The proposal is therefore considered to comply with the relevant provisions of the SPPS and PPS2 and is acceptable in these regards.

### **Open Space**

The existing recreational area at the eastern side of the application site includes an area of woodland and a pond that was previously used by the employees of the Nortel factory. It is considered this area falls within the definition of open space as set out in Annex A of Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation. The policy provisions of the SPPS with respect to open space and Policy OS1 'Protection of Open Space' of PPS8 are therefore relevant to the assessment of this development proposal.

With reference to the typology of open spaces of public value set out in the annex it is considered that this portion of the application site is both an amenity green space given its role as an informal recreation space, and a semi-natural urban green space as it includes a wooded area and a pond.

Policy OS1 of PPS8 introduces a general presumption against development that would result in the loss of existing open space irrespective of its physical condition or appearance subject to certain exceptions.

One of the exceptions listed in the Policy is that development will be permitted for an area of open space of 2 hectares or less where it is demonstrated that the loss of the open space in question will have no significant detrimental impact on the amenity, character or bio-diversity of the area and alternative provision is made by the developer which is at least as accessible to current users and at least as equivalent in terms of size, usefulness, attractiveness, safety and quality.

The existing open space area located at the eastern side of the application is not a public amenity space, rather it exclusively served the employees of the now defunct Nortel factory, which is located within the Monkstown Industrial Estate. This area is currently fenced off and no access to this area is achievable. It is located towards the rear of the Nortel complex and there are only transient views of the tops of some of the existing woodland trees when travelling along the Doagh Road and the

Monkstown Road. As a consequence, it is considered that the removal of this area of open space will not have a significant detrimental impact on the character or visual amenity of the locality from these transient viewpoints.

Cloughfern Avenue is accessed from Monkstown Road and leads towards the southeastern corner of the application site where it is acknowledged there are better views of the existing trees achievable and as such their removal will be notable in visual amenity terms from this vantage point. Notwithstanding the impact of the loss of trees in visual amenity terms from this vantage point it is noted that Cloughfern Avenue as a public road effectively becomes a dead end as it leads towards several industrial complexes and into and through the Nortel complex and is not used as a means of pedestrian or vehicular access by members of the public. As such, this is considered as decreasing the significance of the impact in visual amenity terms of the loss of these trees from this vantage point. It is also considered that the removal of the existing open space area and the provision of a new storage pond SuDS technique and qualitative new landscaping will have a number of positive characteristics.

The development proposal seeks to introduce a drainage regime that will discharge water in an attenuated and controlled fashion at green field run off rates, which would have a positive benefit to the environment and water quality whilst also reducing the potential for downstream flooding issues to occur to land and property. The existing small pond will be replaced by a storage pond SuDS technique some three times larger in size causing there to be no long term loss of this privately accessible water feature and will, during the operational phase of the development, provide positive ecological and amenity value. Although the short walking routes for the use of staff of the former Nortel complex in and around the existing pond would be removed these were only privately accessible and not available to members of the public, which removes the wider public value of this space for promoting health and well-being. In addition, it is noted that the areas around the new pond will be available for use by the staff of the proposed foodstore if they choose to do so and the new and enlarged pond and its landscaped embankment structure will provide visual amenity value around this reconfigured and overall enlarged area of proposed open space. Qualitative new landscaping is proposed in and around this area that will not only enhance the visual amenity of this open space area but will in due course create a local area of habitat for birds and other forms of wildlife. As noted above, DAERA Natural Environment Division has offered no objections in ecological terms to the removal of the existing pond and trees and has welcomed the works proposed comprising the SuDS pond and associated landscaping scheme as it will assist in compensating for the loss of woodland habitat.

For the reasons set out above it is considered that the provision of the new storage pond SuDS technique and associated qualitative landscaping will adequately compensate for the loss of the existing open space area. There will be no significant detrimental impact on the amenity, character and bio-diversity of the area. The new area will be accessible to members of staff of the proposed foodstore and is at least equivalent in terms of size, usefulness, attractiveness, safety and quality when compared to the existing area of open space. It is considered the exception to the presumption against the loss of open space set out in Policy OS1 of PPS8 is met and that the proposal is therefore compliant with the relevant policy provisions of the SPPS and PPS8.

**Socio-Economic Matters**

The SPPS indicates that a key dimension of sustainable development for Northern Ireland is economic growth and that this requires the planning system to, amongst other things, support job creation and aid economic recovery for the benefit of all our people. In addition, the SPPS comments that planning authorities should take a positive approach to appropriate economic development proposals and should also recognise and encourage proposals that could make an important contribution to sustainable economic growth when taking decisions.

With regards to the socio-economic benefits associated with the proposed development, and as previously noted, the applicant has indicated that the proposal will have various direct and in-direct benefits during both the construction and operational phases.

During the construction phase the applicant anticipates the creation of 100 construction jobs, whilst once the development is operational 258 full time equivalent in-store jobs will be created, generating £4.37 million pounds in salaries and with at least a further 11 jobs supported in other local businesses.

It is indicated that the proposal will generate £11 million in gross value added per annum (to the Northern Ireland Gross Domestic Product) and £275,000 in business rates per annum equating to £5.8 million over a 20 year period. The applicant advises that the capital investment associated with the proposal is £17.5 million.

It is acknowledged that the redevelopment of this brown field site will afford positive long term socio-economic benefits to both Metropolitan Newtownabbey and the wider Council area and therefore this is a matter that weighs significantly in favour of the proposal.

**Other Matters**

A point of objection refers to the likely traffic disruption on the Doagh Road/Monkstown Road that would be associated with the carrying out of the development proposal. While it is accepted that roadworks associated with this development proposal will take some time to complete, DfI Roads has recommended a planning condition requiring the submission of a Traffic Management Plan from the developer to minimise the impact to traffic flows on the local road network during the construction phase. In a development of this type some disruption is to be expected for a temporary period and as a consequence, it is considered that determining weight should not be afforded to the point of objection as made.

An objection received from No. 11 Cherrylands states that a small area of garden at the front of that property will be required to widen the road for the roundabout proposed. Certificate C of the Planning Application Form has been completed with the requisite notice being served upon DfI Roads. Both DfI Roads and the applicant have confirmed that they are content that no third party lands beyond the public road system are required to facilitate this development proposal. The applicant has also confirmed that he is content that there is no need to update the list of persons for whom the requisite notice should be served upon. With reference to the Private

Streets Determination drawing it is clear that no third party lands in the ownership of private individuals are shown as being required to facilitate this development proposal. As a consequence, determining weight in the decision making process is not being attributed to the point of objection as made.

The objection from No. 11 Cherrylands also comments that the development proposal will negatively impact property values. The perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application.

In any case no specific or verifiable evidence has been submitted to indicate what exact effect this proposal is likely to have on property values. As a consequence, there is no certainty that this would occur as a direct consequence of the proposed development nor would any indication that such an effect in any case would be long lasting or disproportionate. Accordingly, no determining weight is being afforded to this point of objection.

With reference to the site layout drawing it is noted that an area of land located to the northwestern corner of the application site and adjacent to the Monkstown Road is indicated as a 'Potential future Dev Site'. The assessment of the current development proposal does not include consideration of the development of this land as any future development potential it may possess can only be assessed through the submission of a separate planning application to be determined on its individual merits.

The drawings detailing the elevation treatment of the proposed foodstore include the wording ASDA, which is considered to be an advertisement. The lawful display of advertisements is dealt with via a separate legislative consenting regime (the Advertisement Regulations) and cannot be considered or consented to in the context of a planning application. No determining weight in the decision making process is attributed to the presence of the wording 'ASDA' on the elevations of the proposed building. Where necessary a separate application for advertisement consent would be required.

## **CONCLUSION**

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

- In relation to retail impact the relevant policy provisions of the SPPS with respect the town centre first approach including tests associated with sequential site selection, retail impact and need have been broadly met and for this reason it is considered the foodstore development proposed is acceptable
- The proposal meets the relevant policy provisions and offers demonstrable benefits that it is considered outweigh the loss of the existing employment /industrial use of the site.
- The design appearance of the foodstore and petrol filling station are acceptable and it is considered that the development layout will not have an adverse impact on the functioning or amenity of existing adjoining businesses in the industrial estate or nearby residents, including future residents of the approved residential development on lands to the immediate north of the application site.



- The design and layout of the developer funded highway infrastructure road improvements, vehicular and pedestrian access arrangements, provision of car parking are considered to be acceptable.
- The landscaping scheme will improve the quality of the overall development, help promote bio-diversity and assist in defining and separating out the proposed development from adjoining land uses.
- Flood risk measures are proposed that will effectively mitigate potential flood risk at the proposed development site and elsewhere.
- Noise impacts associated with the development will either not cause a significant adverse impact to the amenity of those living in identified sensitive receptor locations or can otherwise be successfully mitigated against.
- Odours generated by activities occurring within the foodstore will not cause an unacceptable adverse residential amenity impact to nearby sensitive receptors.
- The proposed external lighting scheme will not cause an unacceptable adverse residential amenity impact upon nearby sensitive receptors.
- Appropriate mitigation measures are proposed to deal with land contamination and water quality issues anticipated as a consequence of the redevelopment of the site.
- The proposal will not have an unacceptable adverse impact on, or cause damage to habitats, species or other features of natural heritage importance.
- The provision of the new storage pond SuDS technique and associated qualitative landscaping will compensate for the loss of the existing open space area.
- There are no objections from consultees.
- All letters of representation received have been considered throughout the assessment of this development proposal.
- In conclusion, the principle of the development has been established as the redevelopment of this area of existing employment/industrial land with a retail foodstore has been found to be acceptable for the reasons outlined above.

#### **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 gross external area of the foodstore building hereby permitted shall be 6,476 square metres and the gross internal area of the foodstore shall be 6,415 square metres, as identified in drawing 04/2, date stamped received 27<sup>th</sup> January 2020

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity and ancillary uses to be carried out at the site so as not to prejudice the continued vitality and viability of existing retail centres and to ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

3. The net retail floor space of the sales and display area associated with the foodstore building hereby permitted shall be 3,716 square metres and shall provide no more than;

(a) 2,601 square metres (70% of the net retail floorspace) for the sale of convenience goods.

(b) 1,115 square metres (30% of the net retail floorspace) for the sale of comparison goods.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres and to ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

4. The floor space of the ancillary foodstore café hereby permitted shall measure 112 square metres when measured internally.

Reason: To enable the Council to exercise control over the nature, range and scale of retailing activity and ancillary uses to be carried out at the site.

5. No internal operations, including the construction of mezzanine floors, shall be carried out at the foodstore building hereby permitted to increase the gross floorspace available without the express grant of planning permission by the Council.

Reason: To enable the Council to exercise control over the nature, range and scale of retailing activity and ancillary uses to be carried out at the site and to ensure compliance with the objectives and policies for retailing and town centres.

6. The foodstore building hereby permitted shall not be sub-divided into independent or separate retail units without the express grant of planning permission from the Council.

Reason: To enable the Council to exercise control over the nature, range and scale of the retailing and ancillary uses to be carried out at the site and to ensure compliance with the objectives and policies for retailing and town centres.

7. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any Order revoking and/or re-enacting that Order) the buildings hereby permitted shall only be used for the purpose specified in the application and for no other purpose (including any other purpose in Class A2: Financial, Professional and Other Services) of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 without the express grant of planning permission from the Council.

Reason: To enable the Council to retain control over the use of the site so as not to prejudice the continued vitality and viability of existing retail centres and in the interests of the residential amenity of existing and future residents in the locality of the application site.

8. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing number: 129/1 date stamped 27<sup>th</sup> January 2020.

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

9. No other development hereby permitted shall be commenced until a contract has been let for the roadworks indicated on drawing number: 129/1, date stamped received 27<sup>th</sup> January 2020 (including the works necessary for the improvement of a public road as edged blue on this drawing) and the foodstore and petrol filling station hereby permitted shall not become operational until the aforementioned road works have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time and to ensure there is a safe and convenient road system to serve the development.

10. No development hereby permitted shall become operational until detailed engineering drawings for the proposed road improvements at the Doagh Road, Station Road and O'Neill Road Junction have been submitted to and approved in writing by the Council, in consultation with the Department for Infrastructure Roads, and are fully completed in accordance with the plans as approved.

Reason: To ensure that the proposed development is properly coordinated and constructed in the interests of road safety and convenience of road users.

11. Prior to the commencement of any element of road works hereby permitted, a detailed programme of works and any required or otherwise associated traffic management proposals shall be submitted to and approved in writing by the Council, in consultation with the Department for Infrastructure Roads, prior to the commencement of any element of road works.

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

12. No development hereby permitted shall become operational until full details of the Road Safety Audit process for the road improvements associated with the development has been completed in accordance with the requirements of the Design Manual for Roads and Bridges and submitted to and approved in writing by the Council in consultation with the Department for Infrastructure Roads.

Reason: To provide assurance that all necessary safety requirements will be adhered to.

13. The surface water drainage regime shall be maintained in accordance with the details identified within Appendix G "Surface Water Drainage Maintenance Plan" contained within the Drainage Assessment, Doc 07/1, date stamped received 23<sup>RD</sup> November 2018.

Reason: The effectiveness and function of the proposed attenuation method is reliant on the SuDS system being designed in accordance with the correct

industry specifications and having a long term maintenance programme in place to ensure its ongoing function and reduce the risk of the development being flooded or exacerbating flooding elsewhere.

14. No fuel tanker deliveries shall be made to the Petrol Filling Station hereby permitted between the hours of 22:00 – 07:00 on any day.

Reason: In order to protect the amenity of nearby noise sensitive receptor residential properties.

15. The operational hours of the Jet Wash and Vacuum Units associated with the Petrol Filling Station hereby permitted shall be limited to the following hours: 07:00 – 22:00 Monday to Saturday and 09:00 – 22:00 hours on a Sunday.

Reason: In order to protect the amenity of nearby noise sensitive receptor residential properties.

16. Prior to the commencement of operations for the development hereby permitted an acoustic fence shall be erected in the position indicated edged red in "Site Plans" on page 5 of the "Addendum Report to Environmental Noise Survey Report and Noise Impact Assessment", Doc: 29, date stamped received 19<sup>th</sup> June 2019, or as otherwise agreed in writing with the Council.

The height of the fence will be 2.4m or as otherwise agreed in writing with the Council as being of a sufficient height to provide line of sight protection to the upper floor windows of the two storey properties at receptor position 'RPA' as identified on page 6 of Doc: 29.

The acoustic fence will be of timber construction comprising a minimum of 20mm thick interlocking 'Vee' boards and a minimum superficial mass of 12 kg/sqm with timber capping, counter rails and bottom board part buried as gravel board. The rear face will have an absorbent liner covered with a protective membrane as described in paragraph 6 on page 9 of that document.

Reason: In order to protect the amenity of nearby noise sensitive receptor residential properties.

17. The cumulative noise levels of all noise generating sources associated with the development hereby permitted shall not exceed the target rating noise levels identified within the "Cumulative Noise Levels" table of the "Addendum Report to Environmental Noise Survey Report and Noise Impact Assessment", Doc: 29, date stamped received 19<sup>th</sup> June 2019.

Reason: In order to protect the amenity of nearby noise sensitive receptor residential properties.

18. Within three months of the date of the development becoming operational, or at any other time as requested in writing by the Council, a Noise Impact Assessment shall be undertaken and submitted to the Council for its approval in writing.

This noise impact assessment shall measure and report the cumulative noise impact rating level of all noise generating sources associated with the development permitted at nearby noise sensitive dwellings when measured and assessed in accordance with British Standard 4142:2014.

Reason: In order to protect the amenity of nearby noise sensitive receptor residential properties.

19. If, as a result of the findings of the Noise Impact Assessment required by condition 18, there is a requirement to provide noise mitigation measures to achieve the target rating noise levels required by condition 17, these measures shall be submitted to and approved in writing by the Council.

Any noise mitigation measures identified as being required following the development becoming operational shall be put in place within a timeframe to be agreed in writing with the Council and shall be maintained for the lifetime of the development.

Within one month of the completion of any mitigation measures as may be required, a noise impact assessment shall be undertaken and submitted to the Council for its approval in writing.

This Noise Impact Assessment shall measure and report the cumulative noise impact rating level of all noise generating sources associated with the development hereby permitted at nearby noise sensitive dwellings when measured and assessed in accordance with British Standard 4142:2014.

Reason: In order to protect the amenity of nearby noise sensitive receptor residential properties.

20. The development hereby permitted shall not become operational until the remedial works detailed within the "Remediation Strategy 229-233 Doagh Road, Newtownabbey", Doc: 20, date stamped received 13<sup>th</sup> December 2018, have been fully implemented and verified to the satisfaction of the Council.

Reason: In order to protect environmental receptors and to ensure the site is suitable for use.

21. There shall be no amendments or deviations from the proposed remedial works and the validation and verification details contained within "Remediation Strategy 229-233 Doagh Road, Newtownabbey" Doc: 20, date stamped received 13<sup>th</sup> December 2018, without the prior written approval of the Council.

Reason: In order to protect environmental receptors and to ensure the site is suitable for use.

22. Prior to the commencement of operations of the development hereby permitted, a 'Verification Report' describing all the remediation and monitoring works undertaken by the developer shall be submitted to and approved in writing by the Council.

The Verification Report shall demonstrate the effectiveness of the works undertaken by the developer in managing and remediating all the risks posed by contamination.

Reason: In order to protect environmental receptors and to ensure the site is suitable for use.

23. If new contamination or risks are encountered during the development works, which have not previously been identified, all development shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a Remediation Strategy shall be submitted to and approved in writing by the Council.

The Remediation Strategy shall be implemented and verified to the satisfaction of the Council.

Reason: In order to protect environmental receptors and to ensure the site is suitable for use.

24. After the completion of any remediation works required under Condition 23 and prior to the commencement of operations of the development hereby permitted, a Verification Report shall be submitted to and approved in writing by the Council.

The Verification Report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

The Verification Report shall present all the remediation and monitoring works undertaken by the developer and shall demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: In order to protect environmental receptors and to ensure the site is suitable for use.

25. The details of the landscape scheme indicated in drawing ref: 10/2 'Landscape Proposals', date stamped received 29<sup>th</sup> October 2019, shall be implemented no later than the first planting season after the development hereby permitted becomes operational and in accordance with a programme of works to be submitted to and approved in writing by the Council.

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

26. 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 approval to any variation.

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

27. Prior to the development hereby permitted becoming operational, a landscape management and maintenance plan shall be submitted to and approved in writing by the Council.

The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The landscape management plan shall be carried out as approved.

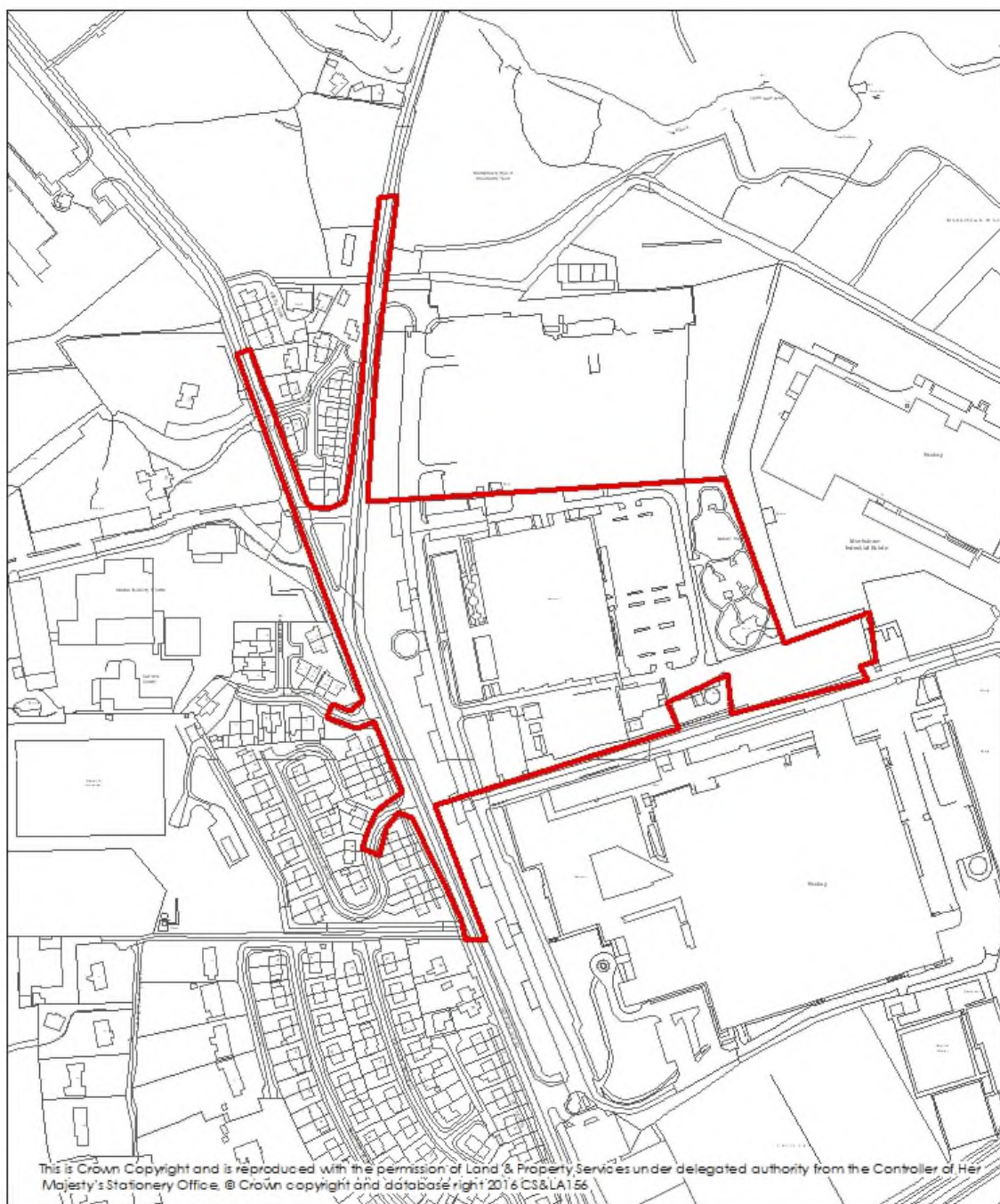
Reason: To ensure successful establishment and ongoing management and maintenance of all landscaped areas in the interests of the visual amenity of the development.

28. A final Construction Environmental Management Plan, agreed with the appointed contractor, and incorporating a Construction Method Statement, shall be submitted to and approved in writing by the Council at least eight weeks prior to any works commencing.

This must identify all potential risks to the adjacent watercourses and designated sites and appropriate mitigation to eliminate these risks. Appropriate areas for the storage of construction machinery, fuels/oils, refuelling areas, must be identified.

The final Construction Environmental Management Plan shall include a section on proposed mitigation measures to be implemented during construction and the development shall be carried out in accordance with the identified mitigation measures, unless otherwise agreed in writing by the Council.

Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to provide effective mitigation during construction works in order that there are no adverse impacts on the integrity of the Belfast Lough Ramsar/SPA, Belfast Lough Open Water SPA and the East Coast marine Proposed SPA.



### Location Map

Application Reference: LA03/2018/0842/F

Location: 229-233 Doagh Road

Monkstown Industrial Estate, Newtownabbey

Proposal: Class A1 Foodstore and associated eight-bay Petrol Filling Station, Click-and-Collect facility, access from Doagh Road facilitated by new roundabout to replace Doagh Road and Monkstown Road junction; and off-site road improvement works at Doagh Road/ Station Road/O'Neills Road junction

0 90 180  
Metres



For Information Only





<b>COMMITTEE ITEM</b>	<b>3.4</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0387/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	6 detached dwellings
<b>SITE/LOCATION</b>	740 Antrim Road, Templepatrick
<b>APPLICANT</b>	The Reid Family c/o Reid Black Solicitors
<b>AGENT</b>	Robert Gilmour Architects
<b>LAST SITE VISIT</b>	22nd October 2019
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 903 40406 Email: <a href="mailto:sairead.debrun@antrimandnewtownabbey.gov.uk">sairead.debrun@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limits of the small settlement of Millbank, as identified in the draft Newtownabbey Area Plan and both versions of the draft Belfast Metropolitan Area Plan (BMAP published 2004 and 2014).</p> <p>The site comprises the vacant dwelling at No. 740 Antrim Road and includes a number of ancillary buildings to the rear of this property as well as the field adjoining to the east and is currently accessed from the unadopted access road that serves the Carnbank residential development. The land within the application site sits at a slightly higher level than the adjacent Antrim Road and continues to rise gently in a southward direction towards the Carnbank residential development to the south.</p> <p>The northern roadside boundary is defined by a shallow grass verge, some trees and overgrown hedging. The hedging extends along part of the western and southern (rear) boundary. The remaining part of the western and southern boundaries are defined by a close boarded fence. The eastern boundary which extends between the application site and No. 734 Antrim Road is currently defined by low level shrubbery and hedge planting.</p> <p>The surrounding area is residential in character, defined by detached, single storey dwellings on individual plots along the Antrim Road, and large detached, two storey brick dwellings with some stonework detailing to the south (rear) of the application site in Carnbank.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: U/2001/0581/F  Location: Land adjoining 740 Antrim Road, including land between 740-734 Antrim Road and land to rear of No.11 Millbank Road, Newtownabbey  Proposal: Residential development comprising 9 No. dwellings.  Decision: Permission Granted (16.10.2002)</p>	

Planning Reference: U/2012/0194/F  
Location: 740 Antrim Road, Templepatrick,  
Proposal: Proposed replacement dwelling  
Decision: Permission granted (07.11.2012)

Reference: U/2014/0220/F  
Location: Between 736-738 Antrim Road, Templepatrick  
Proposal: 2No. new dwellings and access there to  
Decision: Permission granted (16.01.2015)

Planning Reference: LA03/2018/0318/F  
Location: 740 Antrim Road, Templepatrick  
Proposal: 8 semi-detached dwellings  
Decision: Permission refused (22.08.2018)

Planning Reference: LA03/2019/0680/F  
Location: Carnbank Wastewater Treatment Works, 40m Northwest of 740 Antrim Road, Templepatrick  
Proposal: Replacement rotating biological contractor (RBC) plant and associated ancillary works  
Decision: Permission granted (16.03.2020)

Planning Reference: LA03/2020/0030/F  
Location: 40m North of No 1 Carnbank, Antrim Road, Templepatrick  
Proposal: 2 detached dwellings  
Decision: Current application

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

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

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

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

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

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

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

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

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

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

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

## **CONSULTATION**

**Council Environmental Health Section** – No objection

**Northern Ireland Water** – No Objection

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

## **REPRESENTATION**

Three (3) neighbouring properties were notified; three (3) letters of objection have been received from three (3) properties and three (3) letters of support have been received; two (2) from previous objectors and the third from a previously unrepresented property. The letters of support were received following receipt of amended plans.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Overdevelopment of the site and increase in density;
- Proposal does not respect the character and appearance of the area;
- Overbearing impact on adjoining properties
- Loss of privacy and overlooking;
- Impact on road safety using existing substandard access and estate road;
- Inadequate parking provision;

- There is no public mains sewer for the development to connect to; and
- Concerns regarding potential impact of demolition of existing building.

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

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

- Preliminary Matter
- Policy Context and Principle of Development
- Design, Layout and Appearance
- Private Amenity Space
- Movement
- Parking Provision
- Neighbour Amenity
- Crime and Personal Safety
- Impact on Character and Appearance of the Area
- Other matters

#### **Preliminary Matter**

The majority of objections lodged to this application related to the scheme as originally submitted. Following concerns raised by the Planning Section and discussions between the developer and local residents a revised scheme was submitted in January this year. Following advertisement and notification of amended drawings several of the objectors have now indicated their support for the revised development scheme. This report considers the scheme currently before the Council.

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

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

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

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP 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 (dNAP and dBMAP) identify the application site as being within the settlement limit of Millbank. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

As the application site falls within the settlement limits of Millbank, it is considered that the principle of residential development is acceptable subject to the proposal creating a quality residential environment in accordance with Policy QD1 of PPS 7 and the Creating Places design guide and meeting all relevant technical requirements.

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

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

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

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

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

As part of the proposed development the existing single storey dwelling at No. 740 Antrim Road together with its ancillary outbuildings, will be demolished and the entire site cleared to make way for the erection of six detached dwellings.

The design concept for the scheme indicates that the dwellings proposed have been designed to provide a "village" style development using a similar palette of materials and design features and seeks to introduce a consistent and coherent approach to the scheme in a small settlement context.

The layout for the proposal shows the dwellings sited onto a shared service estate road with dwellings proposed on Plots 1 - 4 positioned along the front of the application site which abuts the Antrim Road, a dwelling on Plot 5 located in the southeastern corner of the site and a dwelling occupying Plot 6 located in the western corner of the site. The scheme recognises the importance of the various road

frontages within and adjacent to the site and seeks through the design of the dwellings to present frontages that respect this setting.

The external materials for the proposed dwellings are the same and include smooth rendered walls with plaster bands and decorative corning, blue/black non profiled slate roof tiles and white pvc windows. Whilst it is acknowledged the existing development to the south of the application site in Carnbank is characterised by brown brick and stonework dressing, there is a mix of finishes adjacent to the site along the Antrim Road and within the settlement of Millbank overall. Given the varying external materials found in the surrounding area, it is considered that the use of a render finish for the dwellings proposed on the application site is acceptable and will not appear out of context.

An L-shaped dwelling with an overall ridge height of 7.3 metres to finished floor level is proposed on Plot 1. The dwelling on this important corner plot has been specifically designed to present a frontage on three sides with the northern elevation fronting the Antrim Road, the western elevation fronting the internal estate road serving the existing Carnbank development and the southern elevation fronting the proposed internal estate road serving the proposed development. A number of design elements are included to add interest to each elevation and these take the form of square bay windows, a porch, front and rear projections and dormer windows.

The dwellings proposed for Plots 2, 3 and 4 are all 1½ storeys in height, with a ridge height of 7.5 metres to finished floor level. Each of the dwellings have three front dormer windows built off the wall plate, and two at the rear and all have a storey and half rear return. These dwellings front onto the internal estate road whilst their rear elevation faces towards the Antrim Road. However, the design proposed for these dwellings seeks to present a dual frontage in order to respect views of the development from the Antrim Road. It is considered that this aspect of the design, combined with the retention of the existing vegetation and the additional planting proposed along this frontage, should allow the proposal to integrate satisfactorily with its surroundings. Careful control of future extensions and ancillary outbuildings to the rear of these properties should however be exercised to maintain the outlook being presented onto the Antrim Road and this matter can be controlled by the imposition of relevant planning conditions.

A 1½ storey dwelling is proposed on Plot 5 with a lower ridge height of 6 metres to finished floor level. Three dormer windows are proposed along the front elevation with three velux on the rear. There is a small enclosed porch to the front and a square bay window on the eastern side elevation. The dwelling is positioned at a 45 degree angle in its plot.

The dwelling on Plot 6 is bounded by the internal estate road to the north, the existing estate road serving Carnbank to the west and to the south by the internal road to Carnbank Cottages. A 1½ storey dwelling with a similar design to the dwelling proposed on Plot 5 is also proposed on this plot. It has a 6 metres ridge height to finished floor level, three dormer windows, a square bay window and a rear projection. The dwelling proposed has again been designed to present a frontage to the surrounding road system.

As indicated above, all six units are accessed from a shared service road with one access point off the internal Carnbank estate road. Two in-curtilage parking spaces per dwelling are proposed.

In terms of soft landscaping, the existing hedging and trees along the northern boundary are to be retained and augmented with newly planted semi-mature trees and hedging. Additional planting along the eastern and southern boundaries of the application site are also proposed.

Overall, it is considered that the layout and scale, massing and design of the development together with the hard and soft landscaped areas proposed are appropriate to the character and topography of the site and that the development respects the surrounding context.

### **Private Amenity Space**

Criterion (c) of Policy QD1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided within 'Creating Places: Achieving Quality in Residential Developments'. This states that the appropriate level of provision should be determined by having regard to the particular context of the development; provision should be calculated as an average space standard for the development as a whole, and should be around 70sqm per house, or greater.

For this proposed development, the average private amenity space has been calculated at over 200sqm, which is well above the recommended level. The Antrim Road runs parallel to the private amenity space for the dwellings on Plots 1 - 4. The existing vegetation is to be retained and augmented together with the erection of a new 1.8 metre high timber fence, which will help provide adequate screening and privacy for the private garden spaces proposed. In addition, the public road sits at a level lower than the proposed back gardens which will further restrict possible overlooking from the public road.

Criterion (c) also requires the adequate provision of landscaped areas as an integral part of the development. The proposal is open plan with small landscaped areas to the front of each dwelling, which are considered sufficient in size and scale to assist in the integration of the development and to soften its visual impact.

Small clusters of new planting are proposed on the northern and southern boundaries of the proposed new to waste water treatment facility (a rotating biological contactor) recently approved for NIW under reference: LA03/2019/0680/F to the west of the application site, which is on land owned by the applicant. This planting is considered necessary to integrate this approved facility and provide a better setting for the development. It will also assist in meeting the duty imposed on the Council to promote biodiversity.

### **Movement**

Criterion (e) of Policy QD1 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 shared surface arrangement, in which pedestrians and cyclists will take priority. The difference between this shared surface and roads with footpaths is clearly

emphasised with a change in surface material to asphalt with red coloured chips and a ramped entrance paved in block paving. There are bus stops within two minutes walking distance of the application site. The movement pattern of the proposed development is acceptable and meets this criterion. DfL Roads is satisfied with the proposed access and movement pattern and has raised no objection to the development proposal.

### **Parking Provision**

Criterion (f) of Policy QD1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total numbers of parking spaces to be provided for residents, visitors and other callers. Each dwelling is provided with two in-curtilage parking spaces, with sufficient space along the 5.5m wide shared surface to allow for occasional parking by visitors and other callers. For these reasons it is considered that the development can provide adequate and appropriate parking provision and meet with criterion (f).

### **Neighbour Amenity**

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

The application site is bounded on two sides by residential properties: No. 734 Antrim Road to the east; and No. 11 Carnbank and No. 2 Carnbank Cottages to the south. A well designed layout should seek to minimise overlooking between proposed and existing dwellings and provide adequate space for privacy. Creating Places advises that a sufficient separation distance and an appropriate boundary treatment should be provided to ensure privacy.

The dwelling on Plot 5 abuts the private garden area of an existing property at No. 734 Antrim Road. The separation distance between the rear of the new dwelling and the common boundary meets with the minimum requirement of 10 metres. In addition, this dwelling has been designed with no first floor rear windows to further protect residential amenity from potential overlooking.

The rear elevation of the dwelling on Plot 5 also abuts the side elevation of No. 2 Carnbank Cottages, which although currently vacant, must still be taken into account when assessing the impact on neighbour amenity. The separation distance from the rear of the proposed dwelling to the common boundary is 7 metres, with No. 2 Carnbank Cottages sitting approximately 1.5 metres from this boundary, giving an overall separation distance of 9.2 metres. The rear boundary of this plot will be defined by a 1.8 metre high boundary timber fence, a 1.8 metre high native hedge planted on the inside of said fence and a number of semi mature trees. As noted above, there are no first floor rear windows proposed for this dwelling which will reduce the potential for overlooking. Taking all into account, it is considered that there will be no detrimental impact on the residential amenity of No. 2 Carnbank Cottages by way of overlooking or loss of privacy.

No. 11 Carnbank is an existing two storey property that is angled to front onto the internal estate road and in this regard, it in part fronts towards the dwelling proposed on Plot 6. The separation distance between the two properties is approximately 25



metres, with the boundary along the curtilage to be defined by a 1.8 metre high privacy wall and new semi-mature trees and planting. The dwelling proposed on this site has a ridge height of 6 metres from finished floor level, which is considerably lower than No. 11 Carnbank. It has also been designed with no first floor windows on the southern gable to the existing property. It is therefore considered that the residents of No 11. Carnbank will not be unduly affected by overlooking or loss of privacy. Given the orientation of No. 11 Carnbank it is not considered that the dwelling proposed on Plot 6 will unacceptably impact on the aspect or outlook enjoyed by this property.

This application site sits to the north of the current Carnbank development and given the movement of the sun, it is considered no part of the development proposed will interfere with or cause overshadowing to these existing dwellings.

All of the proposed and existing dwellings are detached, and the transmission of noise between units is not therefore deemed to be a concern. Any noise disturbance arising would be limited to the period during the construction of the proposed development and on its completion this should cease to be a concern.

### **Crime and Personal Safety**

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

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

The small settlement of Millbank is defined by an eclectic mix of detached properties, some of which sit on quite substantial sized plots. Development along the Antrim Road is generally characterised by single storey dwellings (some with dormers), while Carnbank to the rear of the application site, is a development consisting of 1½, two storey and 2½ storey dwellings. External finishes within the settlement again includes a mixture of brick, pebble dash and render. It is considered that the overall layout, form, design and external materials of the proposed development will respect the character of the locality and will not result in a significant impact on the character and appearance of the area.

### **Other Matters**

#### *Access and Road Safety*

DfI Roads was consulted in relation to the application and no concerns have been raised with the proposed access arrangements. It is considered appropriate to include conditions and informatives, as suggested by DfI Roads, which primarily relate to the provision of a safe and convenient road system within the development.

#### *Disposal of sewerage and surface water*

Concern has been raised regarding the disposal of foul sewerage and drainage of surface water for the proposed development. It is understood that the current sewerage arrangements in place for the Carnbank development are substandard and connection to this would be unacceptable. NI Water has indicated that there is capacity at the Roughfort WwTW to serve this proposal, however this would require linkage to the main sewer (likely to be at the developer's cost) which is some distance from the site. The agent has however indicated that the applicant wishes to avail of the facilities that will be offered by the recently approved new waste water

treatment facility (a rotating biological contactor - RBC) on land to the west of the application site which is in the ownership of the applicant. This is considered to be an acceptable solution, however, it will be necessary to attach an appropriate planning condition to any approval requiring that development cannot commence until a contract is let for the approved RBC treatment facility and restricting the occupation of any dwelling unit until such time as it becomes operational. This will ensure there is an appropriate means of sewerage and surface water disposal.

#### *Removal of outbuildings*

Concern has also been raised at the possibility of there being asbestos in the roof of the derelict outbuildings that are to be demolished. This is a matter that is regulated under separate legislation with the onus on the applicant to seek professional advice before removing any such material that may exist, and to engage a licensed asbestos removal contractor to remove and dispose of this waste. An informative to this effect can accompany any grant of permission.

### **CONCLUSION**

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

- The principle of the development is acceptable;
- The design, layout and appearance are appropriate to the character and topography of the site and surrounding area;
- Sufficient amenity space is provided;
- A suitable movement pattern is supported;
- The development respects the character of the surrounding area;
- There are no concerns in relation to neighbour amenity; and
- A safe and appropriate access arrangement has been demonstrated with adequate parking provision.

### **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. No site works of any nature or development shall take place until a contract is let for the construction of the Rotating Biological Contactor (RBC) waste water plant and associated ancillary works approved under planning permission LA03/2019/0680/F, as shown within the blue land on Drawing No 03/5 date stamp received 23rd April 2020, and none of the dwellings hereby permitted shall be occupied until the RBC plant has become operational.

Reason: To ensure there is an appropriate means of sewerage disposal to serve the dwellings.

3. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Number 13/1 date stamped 23rd April 2020.

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

4. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

5. The existing natural screenings of this site as shown on approved Drawing Number 03/5 date stamped 23rd April 2020 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal. Existing hedging shall be retained at a minimum height of 4 metres and existing trees as shown retained at a minimum height of 6 metres. If any retained tree or vegetation is removed, uprooted or destroyed or dies it shall be replaced within the next planting season by another tree, trees or vegetation in the same location of a species and size as specified by the Council.

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

6. The proposed landscaping works within the development site, as indicated on Drawing Number 03/5 date stamped 23rd April 2020, shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice during the first planting season after the commencement of development.

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

7. The proposed landscaping works around the Rotating Biological Contactor (RBC) waste water plant approved under planning permission LA03/2019/0680/F, as shown within the blue land on Drawing No 03/5 date stamp received 23rd April 2020, shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice during the first planting season after the commencement of works to provide the RBC plant.

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

8. 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.

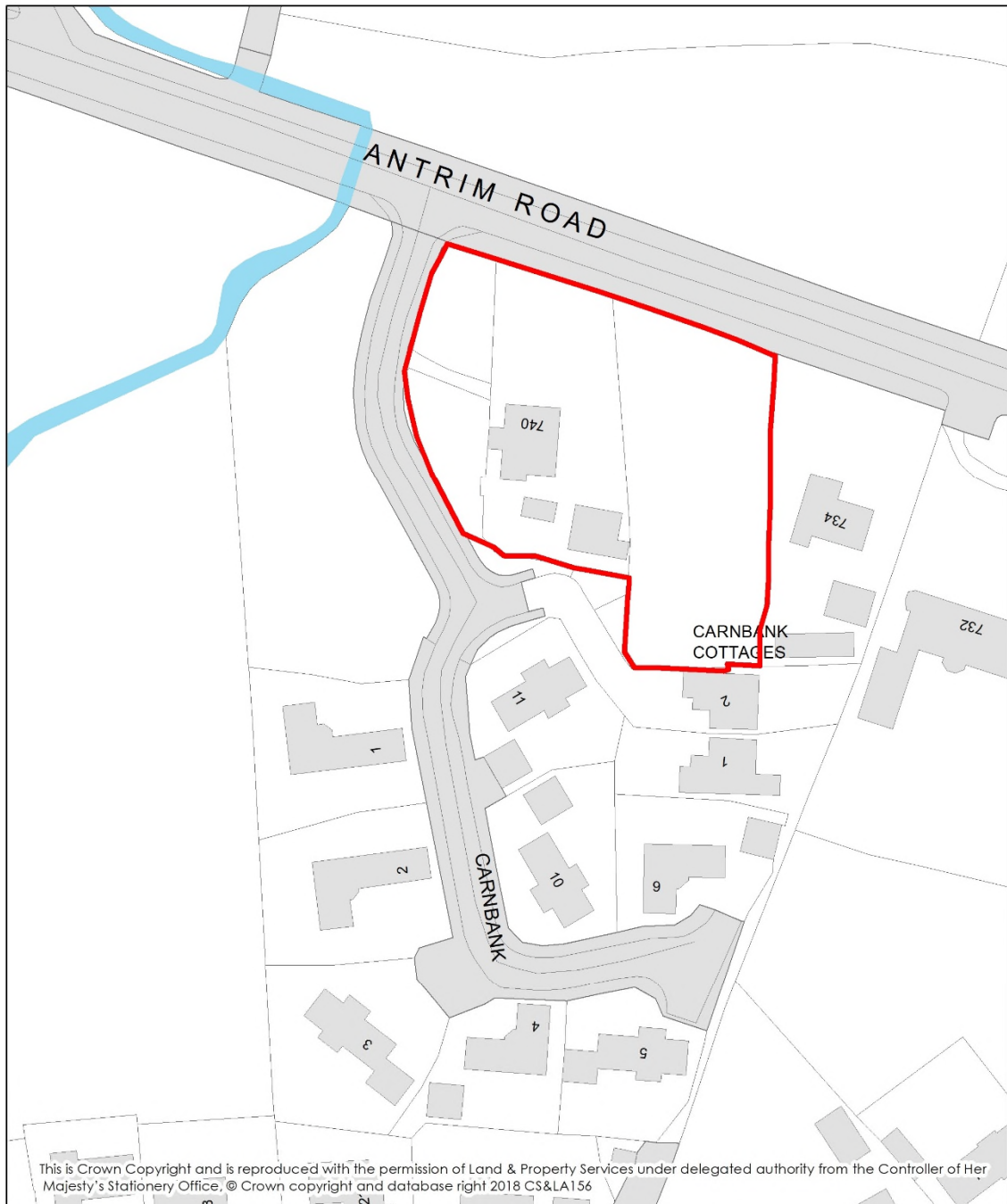
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

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

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

10. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including an alteration to roofs) shall be made to any of the dwellings hereby permitted and no buildings shall be erected within the curtilage of any of the dwellings hereby permitted without the grant of a separate planning permission from the Council.

Reason: The further extension of, or erection of buildings within the curtilage of, these dwellings requires detailed consideration to safeguard the character and appearance of the surrounding area and the amenities of the occupiers of nearby properties.



### Location Map

Application Reference: LA03/2019/0387/F

740 Antrim Road  
Templepatrick

6 detached dwellings

 Site Boundary

0 10 20  
Metres



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.5</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0946/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Construction of 12 2-bed apartments and 5no. 1 bed accessible apartments in a 3 storey block together with ancillary parking and amenity green space accessed from 19 Carwood Way.
<b>SITE/LOCATION</b>	181 Ballyclare Road (between 3 Moss Road and 19 Carwood Way) Glengormley, Newtownabbey
<b>APPLICANT</b>	G&E Dargan
<b>AGENT</b>	InsideOut Architects
<b>LAST SITE VISIT</b>	10 <sup>th</sup> January 2020
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 90340416 Email: <a href="mailto:alicia.leathem@antrimandnewtownabbey.gov.uk">alicia.leathem@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The site is located on unzoned lands within the settlement limit of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and both versions of draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The application site is located at the junction of the Moss Road and Ballyclare Road, Glengormley. The site is a corner site with access gained from Carwood Way and Carwood Park. The site comprises a parcel of previously developed land, No. 19 Carwood Way and the proposed access. The topography of the site is flat, however, the application site sits approximately half a metre below the adjoining footpath on Moss Road. Foundations are in place on the site which was evident during a site visit. Boundaries to the site are defined by an existing wall approximately 1.5 metres in height along the northwestern boundary (Moss Road) and part of the western boundary (Ballyclare) Road, the remainder of the western boundary is undefined. The northeastern boundary is defined by a mix of a 1.5 metre wall, the gable wall of an existing garage and a 1.8 metre close boarded timber fence, whilst the southeastern boundary is defined by a mix of mature trees and vegetation.</p> <p>The site is located within an urban area with commercial and residential properties located in the immediate vicinity.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: U/2007/0337/F  Location: 181 Ballyclare Road, Carnmoney, Newtownabbey, BT36 5JP  Proposal: erection of 2 &amp; 3 storey building containing 14 apartments.  Decision: Permission Granted (04.07.2008)</p>	

## PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

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

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

**Northern Ireland Water** – Statutory Response

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

**Department for Infrastructure Rivers** – No objections

**Belfast City Airport** – No objections

## REPRESENTATION

Forty-Seven (47) neighbouring properties were notified and nineteen (19) letters of objection have been received from fourteen (14) properties and one (1) petition with thirty-four (34) signatures. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Road safety concerns.
- Parking provision.
- Impact on amenity (due to increase in traffic).
- Increase in traffic.
- Road widening at Carwood Way.
- Land ownership.
- Loss of property value.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

### Policy Context and Principle of Development

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

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



most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

The application site lies within unzoned lands within the settlement limit of Metropolitan Newtownabbey as defined within the BUAP and both versions of dBMAP. The application site is a brownfield site which was previously granted planning permission on 4th July 2008 by DOE Planning for the erection of a 2 & 3 storey building containing 14 apartments (Application Ref: U/2007/0337/F). The previous permission on the site was conditioned to commence before the 4th July 2012. Although it is acknowledged that foundations are evident on the site and supporting evidence detailing these works was submitted to DOE Planning prior to the expiry date, the required, visibility splays and forward sight lines were not provided prior to development commencing. In addition, no Certificate of Lawful Development has been submitted to the Council and therefore the applicant has not demonstrated a lawful fallback position. Although the planning history on this site is acknowledged, the application stands to be assessed on its own merits in accordance with prevailing planning policy.

The proposal seeks full planning permission for the erection of 17 No. one and two bedroom apartments along with other associated works. Given the site is located within an established residential area and not zoned for any particular use within BMAP the principle of housing on this site is considered to be acceptable subject to the development complying with all other policy and environmental considerations.

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

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

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

The proposal is for the erection of 17 apartments consisting of 14 two bedroom and 3 one bedroom apartments. The apartments are laid out over three floors with an area for parking on the ground floor to the rear of the apartment blocks. The building is designed in a L-shape, fronting onto the Moss Road and Ballyclare Road. A number of design features including front projections, a staggered building line and drops in ridge line with a mix of finishes help to break up the visual impact of the bulk, scale and massing. The height of the building measures 10.8 metres from existing ground level at its highest point and 9.5 metres from the level of the Moss Road at its highest

point. The proposal has a pitched roof and includes a drive-thru archway access arrangement to the northeastern section of the site with apartments built over. The proposed development includes 6 front projections along the Moss Road frontage and 3 along the Ballyclare Road. The finishes are a mix of facing brick and render with concrete roof tiles.

Individual access points are provided for each of the apartments on the ground floor with three communal access points for the remainder of the apartments. As outlined above the vehicular access is achieved from Moss Road via an archway which facilitates access and parking provision to the rear of the site. An area of private amenity space is located to the southwest of the application site, with an area for refuse also located to the southeast of the application site. Policy QD1 of PPS7 also requires that the development respects the topography of the site, the land falls gently from the northwest to the southeast of the site which results in the application site sitting 0.8 metres below the level of the Moss Road. However, the proposal has been designed to respect the natural topography of the land with no excavating or fill proposed. An existing wall approximately 2 metres in height currently defines the northeastern (Moss Road) and northwestern (Ballyclare Road) boundaries. This wall is to be replaced by a 900mm wall with a 300mm railing on top. A 1.8 metre close boarded timber fence is being constructed to define the remainder of the boundaries to the rear of the site. The difference in levels, the set back and the proposed boundary treatments results in the ground floor of the apartment building being partially shielded from view.

Overall it is considered that the design and layout of the proposed apartments in terms of their form, materials and detailing are acceptable and will respect the surrounding context and are appropriate to the character and topography of the site in terms of scale, massing, appearance of buildings and landscaped and hard surfaced areas. For the reasons set out above it is considered that the development proposal complies with the provisions of the SPPS and Policy QD1 and LC1 of PPS7.

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

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

As outlined above the application site is located at a corner site at the junction of Moss Road and Ballyclare Road. In addition it is also located adjacent to the junctions of Ladysmith Lane and Carwood Avenue. There are commercial and residential uses located within the immediate vicinity of the application site with the site being at a prominent location with a high level of visibility. It is acknowledged that the proposed development is larger in scale and massing than the existing residential properties within Carwood Park and Carwood Way which are two storey dwellings. However, it is considered that the scale and massing of the proposed building is comparable to that of the apartment building located opposite the application site at Carwood Avenue. Additionally, the scale and massing of the development is similar to that previously approved under application U/2007/0337/F.

It is considered that the adjoining developments, the inclusion of specific design features as outlined above and the topography of the land, all combine to make the scale, massing and proportions of the proposed development acceptable and will respect the overall character and environmental quality of the established residential area.

Policy LC 1 also requires that the proposed density is not significantly higher than that found in the established residential area. As outlined above the area is defined by a mix of commercial and residential properties. The character of the existing residential area comprises a mix of detached, semi-detached properties and apartment buildings set in a range of plot sizes. The existing pattern of development exhibits that of an urban character with medium to high density development. The proposed apartments would not have a density significantly higher than the surrounding area and are located along a main traffic route. The proposed apartments would appear to respect the existing pattern of development and would not create any significant negative impacts on the character of the surrounding area. The application therefore complies with the provisions of the SPPS and Policy QD1 of PPS7 and LC1.

### **Private Open Space**

Criterion (c) of Policy QD 1 requires that adequate provision is made for private and landscaped areas as an integral part of the development. Paragraph 4.31 of the justification and amplification states that developers should make adequate provision for private open space in the form of gardens, patios, balconies or terraces. It adds that for apartment developments, private open space may be provided in the form of communal gardens, where appropriate management arrangements are agreed. Paragraph 5.20 of supplementary planning guidance document 'Creating Places' advises that in the case of apartment developments private communal open space should range from a minimum of 10 square metres to 30 square metres per unit.

An area of private communal amenity space is proposed to the rear and southwest of the application site. The provision of open space provided is approximately 178sqm which equates to 10.5sqm per apartment. In addition, a landscaped area located to the front of the apartment building is accessible to the ground floor apartments given the site levels and the proposed boundary wall. This area would be private and therefore usable to the ground floor apartments. The level of private open space provided is adequate and meets with the standards set out within 'Creating Places'.

### **Residential Amenity**

Criterion (h) of Policy QD 1 requires that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. In this case the development proposal is located in close proximity to residential dwellings along Moss Road, Carwood Park and Carwood Way. Paragraph 7.21 of supplementary planning guidance document 'Creating Places' advises that; adequate spacing needs to be provided between buildings for privacy purposes and in the case of apartment developments on greenfield sites a separation distance of 40 metres should be observed with a minimum distance of 15 metres from the rear wall of the development and the common boundary. However, paragraph 7.18 of 'Creating Places' goes on to state that greater flexibility will be

appropriate in assessing the separation distance for apartments in urban locations or other higher density areas.

Residential property No. 19 Carwood Way forms part of the application site and is within the ownership of the applicant. The design of the proposed development will result in a gable-to-gable relationship with No. 19 which will have a separation distance of 12 metres. It is considered that the proposal will not create any significant impacts on No. 19 in terms of overlooking or overshadowing. The private amenity spaces of No. 17 Carwood Way and No's 9, 7 and 5 Carwood Park about the southeastern boundary of the site, however, the layout of the proposed development results in these residential properties sitting at an angle to the apartment development with a separation distance in excess of 30 metres. The distance from the rear wall of the apartment building to the common boundary of these properties is 16 metres. It is considered that due to the orientation of the buildings and separation distances proposed that the proposal will not give rise to any significant impacts in terms of overlooking or overshadowing.

A residential property, No. 1 Moss Road is located directly adjacent to the development, this property and the proposed apartment building are orientated to face north, therefore having a gable-to-gable relationship. The separation distance from the gable wall of the apartment building and the gable wall of No. 1 Moss Road measures 5.8 metres. No windows are proposed on the eastern gable and therefore No. 1 Moss Road will not be negatively impacted in relation to overlooking. Directly opposite the site is a commercial property and a residential property along Moss Road which are separated from the application site by more than 20m. They are also separated by the existing road. There are a number of commercial properties located opposite the site on the Ballyclare Road.

Given the separation distances, the proposed boundary treatments and taking into consideration the existing separation distances between existing and proposed buildings, it is considered, on balance, that the proposal will not create any significant negative impacts on the neighbouring properties. It is acknowledged that some level of general disturbance will result from the proposed development, however, this is not considered to be significant and it is acknowledged that in urban locations some level of general disturbance is unavoidable. Consultation was carried out with the Council's Environmental Health Section who raised no objections to the proposal. For these reasons it is considered that the proposal complies with criterion (h) of Policy QD 1.

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

Policy AMP 2 of Planning Policy Statement 3 'Access, Movement and Parking' (PPS 3) requires that any development should not prejudice the safety and convenience of road users. Access to the site is achieved from Moss Road, however, when the application was initially submitted, the proposed access was to be via Carwood Park and Carwood Way. A large number of objections were received from neighbouring properties in relation to the proposed access arrangements through Carwood Park and Carwood Way when the application was originally submitted. The concerns expressed related to the potential impact of the additional traffic in relation to road safety, parking provision, impact on amenity, road widening along Carwood Way and the ownership of the land along this section of roadway. An amended scheme submitted to the Council removed the access road from Carwood Park and

Carwood Way and now the proposed access is to be taken directly from the Moss Road.

'Creating Places' sets out the standard of parking spaces required. The proposal provides 19 car parking spaces. Consultation has been carried out with DfI Roads and they have responded with no objections subject to conditions requiring the access to achieve the required visibility splays.

### **Other Matters**

The site is not located within the fluvial flood plain. Policy FLD 3 of PPS 15 deals with flood risk outside floodplains, it states, that a Drainage Assessment will be required for all development proposals that exceed 10 dwelling units or more. A Drainage Assessment was carried out, Document 02 dated 9th December 2019 accompanied the application and consultation with DfI Rivers. 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.

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

### **CONCLUSION**

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

- The principle of the development is acceptable.
- The design, layout and appearance is appropriate for the site and provides an adequate provision of private open space.
- The proposed development will not result in an unacceptable impact on the character and appearance of the area.
- The proposal will not create any significant impacts on neighbouring properties in relation to overlooking, loss of privacy, overshadowing or loss of light.
- Adequate access and parking provision has been provided.

### **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

### **PROPOSED CONDITIONS**

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

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

2. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02/2 bearing the date stamp 02 JUL 2020 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to

provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved details on Drawing No 02/2 date stamped 11<sup>th</sup> June 2020 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 dwelling.

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

5. 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.

6. Prior to the occupation of any of the residential units hereby approved a Landscape Management and Maintenance Plan for all the areas of communal space shall be submitted to and agreed with the Council. The Plan shall include details of the long term management and maintenance responsibilities for the areas of common space. Following the occupation of the first residential unit, the Landscape Management and Maintenance Plan must be implemented and complied with during the lifetime of the development hereby approved.

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



## Location Map

**Application Reference:** LA03/2019/0946/F

**Location:** 181 Ballyclare Road, Newtownabbey

**Proposal:** Construction of 14no. 2-bed apartments and 3no. 1 bed accessible apartments with ancillary parking and amenity space.

Scale: 1:1000



For Information Only





<b>COMMITTEE ITEM</b>	<b>3.6</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0099/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Retention of change of use from shop unit to 2 no. ground floor flats to include alterations to existing buildings.
<b>SITE/LOCATION</b>	4 Hightown Road, Glengormley
<b>APPLICANT</b>	Thomas Donaghy
<b>AGENT</b>	H R Jess
<b>LAST SITE VISIT</b>	11th March 2020
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 903 40406 Email: <a href="mailto:sairead.debrun@antrimandnewtownabbey.gov.uk">sairead.debrun@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limits of Metropolitan Newtownabbey, and more specifically is located within the Local Centre of Glengormley, as designated in both draft Belfast Metropolitan Area Plans (BMAP published 2004 and 2014).</p> <p>The site is located at No. 4 Hightown Road, a two storey, mid-terrace building with a red brick frontage, two front doors and windows, above which are two roller shutters, all on the ground floor. There are two further windows on the first floor of the building, which has an external wall finish of pebble dash. To the front of the application site is an area of hardcore that extends along the frontage of both No 2 and 6 Hightown Road and is currently used for car parking.</p> <p>As the application site is in the Local Centre of Glengormley, the surrounding land uses are a mix of retail, financial and professional services.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: U/2010/0281/F Location: 4 Hightown Road, Glengormley Proposal: Change of Use from 1 no. shop unit to 2 no. hot food units Decision: Application Withdrawn</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted</p>	



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

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

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 Newtownabbey Area Plan 2005 (NAP): The application site is located within the urban village of Glengormley.

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

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

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

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

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

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

## **CONSULTATION**

**Council Environmental Health Section – No objection**

**Northern Ireland Water – No objection**

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

#### **REPRESENTATION**

Sixteen (16) neighbouring properties were notified and no letters of representation have been received.

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

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

- Policy Context and Principle of Development
- Design, Layout and Appearance
- Private Amenity
- Movement
- Parking Provision
- Neighbour Amenity
- Crime and Personal Safety
- Impact on Character and Appearance of the Area
- Other Matters

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

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

The 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. 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. 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.

As the application site falls within the settlement limits of Metropolitan Newtownabbey in both BUAP and BMAP, it is considered that the principle of residential development would be acceptable subject to the proposal creating a quality residential environment in accordance with Policy QD1 of PPS 7 and the Creating Places design guide. The proposal must also meet the requirements of Policy LC 2 of the Addendum to PPS 7, which provides criteria for the suitable change of use of an existing building to apartments or flats.

The provisions of the BUAP would not preclude the change of use of the shop unit to 2 no. ground floor flats, however, both versions of BMAP (2004 and 2014) identify the application site as also being within the boundaries of the Local Centre of

Glengormley (reference MNY 28 in BMAP published 2004 and MNY 21 in BMAP published 2014). This Local Centre has been identified as an area of existing traditional local shopping that provides customers with accessible convenience and non-bulky comparison goods close to where they live. Regardless of any differing designations between BMAP and BUAP, the site is within an existing area of retailing. Paragraph 6.276 of the SPPS states that planning should retain and consolidate existing local centres as a focus for local everyday shopping and ensure their role is complementary to the role and function of the town centre. This proposal results in the loss of a small amount of retail space on the ground floor, however, its overall impact on the vitality and viability of the Centre is not considered to be significant.

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

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

PPS7 reiterates the need for sensitivity and in Policy QD1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'. This Policy states that all proposals for residential development will be expected to conform to a number of criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. Policy LC 2 in the Addendum to PPS 7 requires the development to maintain or enhance the form, character and architectural features, design and setting of the existing building.

As noted above, the application site is the middle building in a terrace of three, two storey buildings. The proposal occupies the ground floor of the building and has an internal floor space of approximately 95 square metres. This has been divided between the two residential units, with one occupying a floorspace of 43.56 square metres and the second 50.56 square metres. Criterion (c) of Policy LC 2 requires that the original property has a gross internal floorspace of greater than 150 square metres gross. There is an exception to this requirement however, where the building to be converted is located in a designated city or town centre, along key and link transport corridors or is adjacent to main public transportation nodes. The site is located close to the junction of the A6 Antrim Road which is a key transport corridor and the exception to the policy would apply in this instance. The reduced floorspace of the original building in this instance is accepted, given its location within the Local Centre of Glengormley and adjacent to an arterial route. When assessed against the minimum floorspace standards for residential accommodation as set out in Annex A and the Addendum to PPS7, the units are shown to be marginally above the minimum space standards and are therefore considered acceptable.

Whilst the majority of the works needed to carry out the change of use have already been carried out without the benefit of planning permission, there remains other works to be carried out which are mostly internal. The previous glazed shop front has been partially blocked up, resulting in just two front doors, two living room windows

and a smaller bedroom window on the front elevation. This elevation has also been clad in a red facing brick.

Whilst there are a number of examples of red brick in the surrounding area, it is considered that the use of it on the ground floor of the subject building appears incongruous, given the immediate context in which the application site is located, namely the middle building in a terrace of three buildings which have a render finish. Furthermore, the surrounding area is dominated by ground floor retail, financial and professional services with typical shop fronts of large glazed areas. This proposal does not respect the context of the area in terms of window and door opening size and positioning.

The overall size, scale and massing of the building has been unaffected by the proposal and remains appropriate for the site and area. However, it is considered that the resultant design and the external appearance of the building does not respect the surrounding context and the external changes do not maintain or enhance the features and design of the existing building. In this regard, the proposal fails to meet with all the criteria laid out in QD 1(a).

### **Private Amenity**

As stated in Policy LC 2 of the Addendum to PPS 7, amenity space is an essential part of the character and quality of the environment of residential properties. In addition, criterion (c) of Policy QD1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided within 'Creating Places: Achieving Quality in Residential Developments'. The Creating Places design guide recommends that the appropriate level of provision should be determined by having regard to the particular context of the development, and in the case of apartment or flat developments, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. The size of these areas should range from a minimum of 10 sqm per unit to around 30 sqm per unit.

This proposal however has not provided any level of private amenity space. Although the application site is within walking distance to the Lillian Bland Pavilion, this cannot offset the fact that the residents of both units have no available private amenity space. Creating Places further advises that in order to keep passers-by away from the windows of dwellings in urban locations, private open space at the front of apartments is also required. There are two living room windows and a bedroom window to the front of the units, beyond which is a parking area and the public footpath. The proposal fails to incorporate any distinction between the public and private areas of the development, which will lead to overlooking into the main living area and private bedroom by pedestrians.

The proposal is considered contrary to Policy LC 2 of the Addendum to PPS 7 and criterion (c) of QD 1 in that it has not provided any private amenity space.

### **Movement**

Criterion (e) requires the provision of a movement pattern that supports walking and cycling, meets the needs of people whose mobility is impaired and provides adequate and convenient access to public transport. A public footpath runs along the northern boundary of the application site, giving pedestrian access to

Glengormley. There are bus stops within walking distance of the application site. The movement pattern of the proposed development is acceptable and meets this criterion. DfI Roads are satisfied with the proposed access and movement pattern.

### **Parking Provision**

Criterion (f) of Policy QD1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total numbers of parking spaces to be provided for residents, visitors and other callers. A residential development such as this one, of two one-bedroom apartments/flats with unassigned parking requires 2.5 spaces, which is rounded up to three. This proposal shows only two parking spaces, which appear to be located to the front of the adjacent property at No. 2 Hightown Road, although there is provision for the parking of one car at the front of the subject building. DfI Roads has raised no concerns regarding the level of parking provision and given the site's urban location in close proximity to local shops, bus stops, etc, the reduction in provision of car parking spaces is considered acceptable.

### **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.

While there are concerns regarding the design of the proposed development, it is considered that neither the design of the building or the layout will create conflict with adjacent land uses which include an undertakers, café, bank and some residential units.

There are residential properties to the rear of the site, at Glen Court (which are located outside the Local Centre boundary). The premises of the adjacent funeral directors extends along the back of the application site, which restricts overlooking from the rear kitchen, bathroom and bedroom windows of the proposed development onto the properties at Glen Court.

Overshadowing is not a concern as there are no extensions proposed, and the existing building retains its original size, scale and massing.

There are concerns regarding the internal layout of the proposal, and the amount of daylight and outlook enjoyed by the smaller of the residential units in particular. This flat has only two windows, a bedroom window to the front and a kitchen window at the rear. The living/dining room and bathroom in the middle of the flat have no natural light. Although an internal bathroom can be acceptable subject to suitable mechanical ventilation, the main living room should enjoy some natural light, have a pleasant outlook and benefit from passive solar gain. This cannot be achieved in this development and it is considered that the proposal is therefore contrary to criterion (h) of Policy QD 1.

### **Crime and Personal Safety**

Criterion (i) of Policy QD1 states that proposed residential development should be designed to deter crime and promote personal safety. It is considered that the

proposed development meets this objective, by fronting the flats onto the access road and parking area.

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

The Local Centre of Glengormley is dominated by two storey buildings with a mix of flat and pitched roof and external materials of red brick, painted render or pebble dash. The ground floor of these buildings is occupied by retail, financial or professional services with a number of hot food takeaways also in the area. The majority of these ground floor units have a typical shop front characterised by large areas of glazing. It is considered that the use of red brick on this ground floor unit, and the replacement of the shop front with smaller window and door openings, is not characteristic of the surrounding area, and the proposal has a detrimental impact on the character and appearance of the area.

### **Other Matters**

#### *Precedence*

Although each planning application is assessed on its own merits, allowing this change of use of a ground floor unit from retail to residential could set a precedent for the conversion of further ground floor commercial units to living accommodation in the surrounding area, thereby undermining the principal of the designation of Glengormley as a Local Centre.

The adjacent property at No 2 Hightown Road appears to have a residential use on the ground floor also. Planning permission has not been granted for this change of use from former taxi office to flat, which seems to have occurred between October 2012 and April 2015 according to Google maps. No Certificate of Lawfulness has been issued in respect of this change of use, which would establish that the use is lawful. In this regard, this property cannot form part of the assessment of this application, and it cannot be argued that a precedence for ground floor residential use has already been set.

#### *Access and Road Safety*

DfI Roads was consulted in relation to the application and no concerns have been raised with the proposed access arrangements. It is considered appropriate to include conditions and informatives, as suggested by DfI Roads, which primarily relate to the provision of a safe and convenient road system within the development.

### **CONCLUSION**

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


- The principle of residential development in a Local Centre is acceptable;
- The design of the units do not allow for natural light into the occupied rooms;
- No amenity space is provided;
- A suitable movement pattern is supported;
- The development does not respect the character of the surrounding area;
- A safe and appropriate access arrangement has been demonstrated with adequate parking provision.

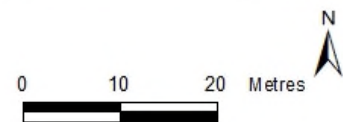
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASON FOR REFUSAL	
<p>1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that the proposed development represents an overdevelopment of the site as:</p> <ul style="list-style-type: none"> <li>• it does not respect the surrounding context and is considered to be inappropriate to the character of the site in terms of design;</li> <li>• the layout will have an adverse impact on the amenity of proposed residents in terms of the provision of natural light to habitable rooms; and</li> <li>• there is inadequate provision of private amenity space.</li> </ul>	



### Location Map

Application Reference: LA03/2020/0099/F.  
 Location: 4 Hightown Road, Newtownabbey.  
 Proposal: Retention of change of use from shop  
 to 2 ground floor flats.

 Site Boundary





<b>COMMITTEE ITEM</b>	<b>3.7</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0189/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Demolition of existing dwelling and garage and construction of 2no dwellings and garages with amended and improved access and associated works
<b>SITE/LOCATION</b>	30 Greenan Road, Staffordstown, Randalstown BT41 3LS
<b>APPLICANT</b>	Adrian Gilmore
<b>AGENT</b>	Aidan McLernon
<b>LAST SITE VISIT</b>	July 2020
<b>CASE OFFICER</b>	Sinead McConnell Tel: 028 90340411 Email: <a href="mailto:sinead.mcconnell@antrimandnewtownabbey.gov.uk">sinead.mcconnell@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The site is located at 30 Greenan Road, Staffordstown, Randalstown which is within the rural area outside of any settlement limit as defined in the Antrim Area Plan 2001. The site is an existing residential dwelling house, located at the roadside, with a detached garage also fronting onto the Greenan Road. The dwelling is situated forward of the existing building line of properties 32, 32a and 32b Greenan Road. The site is made up of a plot some 30m in length, the dwelling house is located in the southwestern corner of the site, with a large garden to the north and east.</p> <p>The application proposes the demolition of the existing single storey bungalow and its replacement with two detached dwelling houses.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/1976/0071 Location: Staffordstown, Randalstown Proposal: Site of Dwelling Decision: Permission Granted (14/06/1976)</p> <p>Planning Reference: T/1979/0152 Location: 30 Greenan Road, Randalstown Proposal: Garage and Store Decision: Permission Granted (14/05/1979)</p> <p>Planning Reference: T/1978/0376 Location: 30 Greenan Road, Randalstown Proposal: Alteration and additions to bungalow Decision: Permission Granted (19/12/1978)</p>	

## PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

## CONSULTATION

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

**Northern Ireland Water** – No objection.

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

## REPRESENTATION

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

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

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

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a.

Policy CTY2a has six (6) criteria which are required to be met. It is considered that the proposal meets with five (5) of these criteria. The first criteria requires the cluster to consist of four or more buildings, three of which must be dwellings. In addition, the policy requires the cluster to appear as a visual entity in the landscape and associated with a focal point. In this case there are five existing roadside dwellings, which are visible from the public road and are clustered around the Greenan and Staffordstown crossroads. The policy also requires the site to be bounded on at least two sides and it should not have a significant impact on the amenity of nearby dwellings. The application site is bounded to the three sides by existing dwelling houses and will have a gable to gable relationship with No. 32 Greenan Road and No. 165 Staffordstown Road while there will be a gable to back relationship with No. 164 Staffordstown Road. Although this is a less ideal relationship between the buildings there is a separation distance of approximately 30 metres between the dwellings which will limit any adverse impacts.

However, the proposal fails to meet the remaining policy criterion as it is considered the development cannot be absorbed into the existing cluster and will therefore significantly alter the existing character of the cluster.

The existing pattern of development within the cluster comprises dwelling houses orientated towards the public road with any accompanying development to the rear, all contained within plots with a consistent road frontage in excess of 35m. The proposal seeks to demolish the existing bungalow which has a similar plot size to the other dwellings within the cluster and replace it with two dwelling houses. This subdivision of the plot would result in a significant reduction in the plot size, with a road frontage for each proposed dwelling of just 15m less than half of the existing plot size that is prevalent in the rest of the cluster.

It is considered that the subdivision of the plot would significantly alter the existing character and pattern of development at the cluster by deviating from the fairly uniform plot size from the crossroads. The proposal therefore fails to meet Policy CTY2a of PPS 21.

The applicant has not provided any information to demonstrate that the development falls into any other category deemed acceptable under Policy CTY1. The applicant has also failed to provide any evidence as to why the proposed development could not be located in a settlement and consequently the proposal is not considered to be acceptable under Policy CTY1 of PPS 21.

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

Policy CTY14 of PPS 21 advises that planning permission will only 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 policy lists five (5) criterion that are considered to be unacceptable, one of which is that the proposal does not respect the traditional pattern of settlement exhibited in that area.

As has been previously discussed above the proposal does not respect the traditional pattern of the settlement due to the reduction in the plot size of the dwelling. This will result in a cramped site, out of context with the existing pattern of development, accordingly the proposal fails to meet Policy CTY14 of PPS21.

#### **Other Matters**

DfI Roads were consulted on the suitability of the access arrangements for the proposed development and they have indicated that there are no objections on road safety grounds.

#### **CONCLUSION**

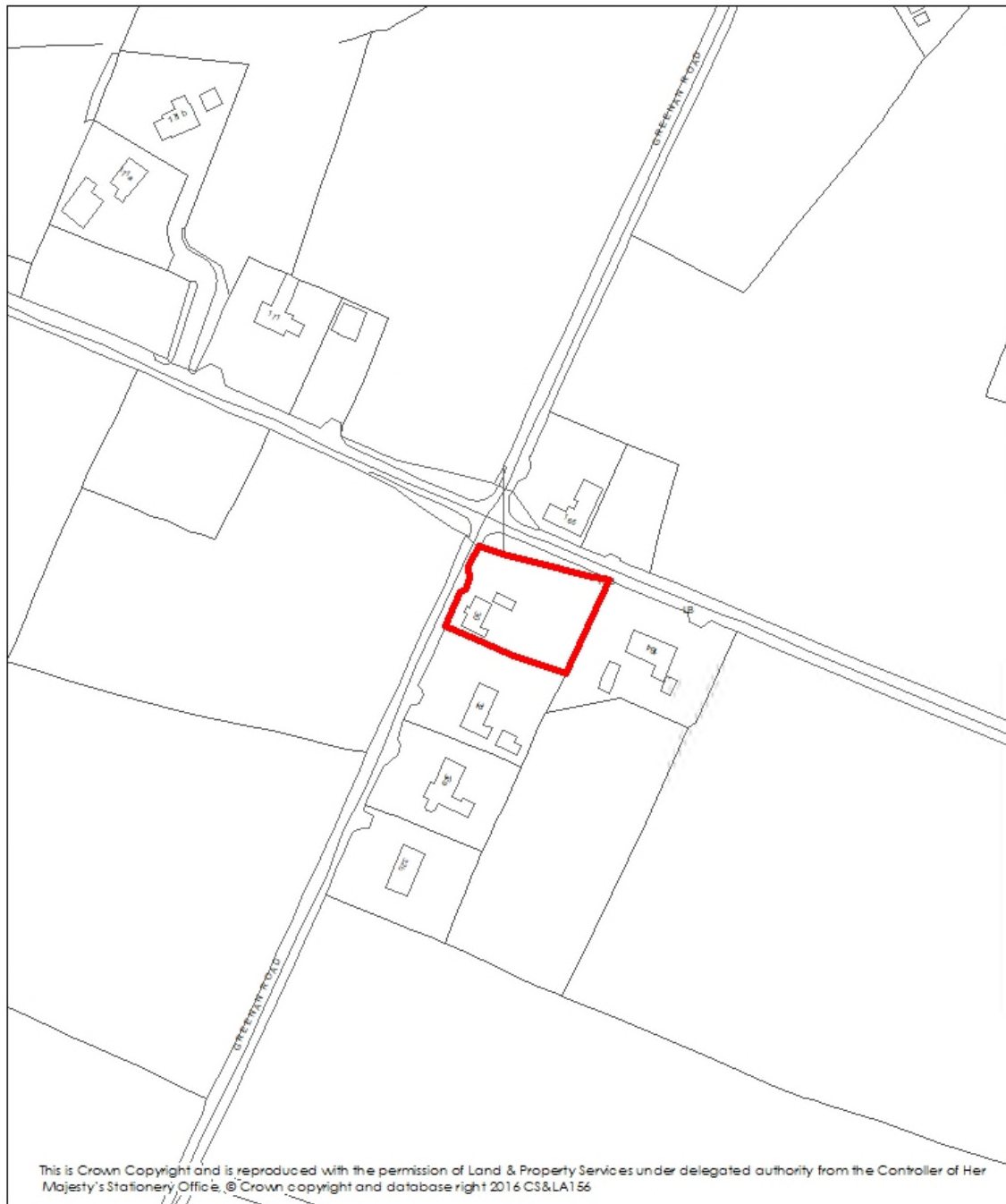
The following is a summary of the main reasons for the recommendation:

- The principle of the development has not been established;
- The proposal would have a detrimental impact on the character and appearance of the area.

#### **RECOMMENDATION**

**REFUSE OUTLINE PLANNING PERMISSION**

<b>PROPOSED REASONS FOR REFUSAL</b>
<ol style="list-style-type: none"><li>1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</li><li>2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policies CTY2a and CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside as the development, if permitted, would significantly alter the existing character of the area and would not respect the existing pattern of development exhibited in the locality.</li></ol>



## Location Map

**Application Reference:** LA03/2020/0189/O

**Location:** 30 Greenan Road, Randalstown

**Proposal:** Demolition of existing dwelling and garage and construction of 2no dwellings and garages with amended and improved access and associated works

Scale: 1:2000



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.8</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0339/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>	Erection of replacement dwelling and garage plus demolition of existing dwelling
<b>SITE/LOCATION</b>	22 Belfast Road, Aghnamullan, Crumlin, BT29 4TQ
<b>APPLICANT</b>	Mr & Mrs Beattie
<b>AGENT</b>	G T Design
<b>LAST SITE VISIT</b>	17 <sup>th</sup> June 2020
<b>CASE OFFICER</b>	Leah Hingston Tel: 028 9034 0407 Email: <a href="mailto:leah.hingston@antrimandnewtownabbey.gov.uk">leah.hingston@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located outside any settlement limit and lies in the countryside as designated by the Antrim Area Plan (AAP) 1984-2001.</p> <p>The site is located at No. 22 Belfast Road, Crumlin, which includes a two storey dwelling with an attached two storey barn both constructed of field stone. The site is located approximately 65 metres north of the Belfast Road and has a private access laneway. Adjacent to the dwelling is a mobile home and in the northwestern corner of the application site is an agricultural outbuilding.</p> <p>The application site has a higher ground level than the public road and there is a southern gradient to the site. The southern roadside boundary is defined by a 1m high dashed render wall and the western boundary treatment consists of a wooden D-rail fence. There is an agricultural gate in the northwestern corner of the site as the land immediately west of the site is under the control of the applicant.</p> <p>The northeastern boundary treatment consists of a hedgerow and post &amp; wire fencing. The eastern site boundary treatment comprises post &amp; wire fencing, mature vegetation and ranch fencing.</p> <p>The surrounding area is predominantly agricultural land with some single dwellings and light industry also located within the local area.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/2013/0031/CA  Location: 250m North West of 26 Belfast Road, Nutts Corner, Crumlin, BT29 4TQ  Proposal: Alleged Unauthorised Mobile Home  Decision: Enforcement case closed (24.05.2013)</p>	

## PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

## CONSULTATION

**Council Environmental Health Section** – No objection

**Department for Infrastructure Roads** – No objection

**Northern Ireland Health and Safety Executive** – No objection

**Northern Ireland Water** – No objection

## REPRESENTATION

No neighbours were notified of the application as no occupied properties abut the site. No letters of representation have been received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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



### **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 lies within the rural countryside, located outside the development limits of any settlement as designated in the Antrim Area Plan (AAP) 1984-2001. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is where an existing building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact, in accordance with Policy CTY3. The Policy goes on to state that buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not be eligible for replacement.

The application seeks full planning permission for a replacement dwelling with an integral garage. The existing stone building on the site to be replaced is unoccupied. The southwestern portion of the building appears to have once been used as a barn with a hay loft door evident on the gable elevation. The building does not have a chimney evident, however, the detailing of the windows and doors would suggest that the building once served as a dwelling with an adjoining barn. It is considered that the subject building displays the essential characteristics of a dwelling and the roof and external walls are all substantially intact.

The subject building is not considered to be a vernacular rural dwelling which is of such importance to local built heritage that it would require conversion rather than replacement. The principle of development for a replacement dwelling is therefore

deemed acceptable. The policy context for determining the proposal is provided by Policies CTY3, CTY13 and CTY14 of PPS21.

### **Design and Appearance**

Policy CTY3 of PPS21 stipulates that planning permission will only be granted for a replacement dwelling subject to the proposal complying with five criteria. The proposed replacement dwelling should be sited within the established curtilage of the existing building. This criterion is met as the proposed replacement dwelling is sited within the curtilage of the existing dwelling and overlaps the spatial footprint of the existing dwelling as shown in Drawing No. 04/1 date stamped 15<sup>th</sup> July 2020.

The policy goes on to state that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and not have a visual impact significantly greater than the existing building. The existing one and a half storey, stone building to be replaced is located approximately 65 metres from the public road, it has a length of approximately 11.5 metres and a width of approximately 6 metres. Given the siting, orientation and scale of the existing building alongside the existing mature vegetation to the east, it is subject to limited public views. The southwestern gable elevation and the barn portion of the southeastern elevation of the building are visible when travelling along the Belfast Road.

The proposed dwelling is two-storey with an integral garage. It is sited approximately 62 metres back from the public road and has a more southern orientation than the existing stone building to be replaced. The proposed dwelling has a length of approximately 23 metres and a maximum depth of approximately 14.7 metres. The proposed dwelling has a pitched roof with a maximum ridge height of approximately 7.5 metres from finished floor level. The proposal provides approximately 408sqm floorspace to include; a double garage, a utility room, kitchen, living area, dining area, study, w/c, cloakroom, two front porches and an entrance hall on the ground floor and four bedrooms, two bathrooms, an office, a walk in wardrobe and a gallery on the first floor. The overall size of the proposed dwelling is significantly larger than the existing dwelling.

In the interests of visual amenity, Building on Tradition advises that replacement dwellings should not be of an excessive size in comparison to the original building. The existing building would provide approximately 144sqm floorspace, part of which serves an attached barn. The proposed dwelling is approximately three times the size of the original building to be replaced. Building on Tradition also states that replacement dwellings should be of a form and scale that integrates well with the characteristics of the site. Whilst the proposal is on an elevated site which increases its visibility, it does utilise some of the natural characteristics of the existing site. For example the proposal benefits from a landscaped backdrop which helps reduce prominence and the mature vegetation located at the northeastern boundary which conceals views of the proposed dwelling when travelling west along the Belfast Road. However, the scale and built form of the proposed dwelling would mean that it would have a significantly greater visual impact than the building that it is replacing and would be incongruous in the local landscape.

Policy CTY13 of PPS21 also requires the proposal to visually integrate into the surrounding landscape. Given the orientation of the building, the visibility of the 23

metre wide principle elevation means that the visibility of the replacement building will increase from that of the existing. The proposal is set back approximately 62 metres from the public road and relies on a relatively sparse row of trees located in the adjacent field for integration which does not provide sufficient enclosure to screen the proposal from the critical views when travelling east along the Belfast Road. The overall size of the proposed dwelling does not allow it to integrate harmoniously into the surrounding landscape therefore, the proposal fails to satisfy this criterion alongside Policy CTY13 of PPS21.

The Policy requires that any new building must be of an appropriate design and in this case the proposed dwelling has an irregular shape with a mix of gable lengths and a complex built form that is not reflective of characteristic rural design. The integral garage is located on the northwestern gable elevation. There is a stone clad projection located on the southeastern gable to accommodate the internal staircase and there is an external staircase located on the northwestern (front) elevation providing access to the office on the first floor. The roof of the proposed dwelling has a mix of roof pitches with varying lengths of roof plane and has a complex appearance particularly when viewing the highly visible southwestern (front) elevation.

The proposed dwelling displays urban features such as the front projections and does not maintain the simple built form of a rural dwelling. It is considered that the proposed dwelling will have an adverse impact on the amenity of the countryside and set a harmful precedent within the local area. The proposal fails to meet this criterion and is considered to be contrary to Policy CTY13, in that the proposal does not have a high quality design that is appropriate to the rural setting having regard to local distinctiveness.

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

Policy CTY14 of PPS21 requires that any new building in the countryside does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where it is unduly prominent in the landscape, results in a suburban style build-up of development, fails to respect the traditional settlement pattern exhibited in the area or contributes to ribbon development.

The potential impact on the character of the area has been assessed from critical viewpoints from the Belfast Road. Whilst the application site has a backdrop of mature vegetation however, the proposal is situated on an elevated site and is open to public views and would read as a prominent feature in the landscape.

The proposal introduces an increased scale and massing of dwelling and an urban design into the local area which is not reflective of the traditional settlement pattern observed in the local area.

#### **Neighbour Amenity**

No neighbouring properties abut the application site. The nearest neighbouring dwelling is located at No. 24 Belfast Road which is approximately 80 metres southeast of the proposed dwelling and therefore it is not impacted significantly by the proposed dwelling.

**Other Matters**

There is an existing unaltered access serving the site which is onto a designated protected route (Belfast Road). Whilst new accesses are not normally permitted onto a protected route, this proposal is for a replacement dwelling with an existing access which cannot utilise an access onto an adjoining minor road. DFI Roads has been consulted on the proposed means of access and has made no objection to the proposal.

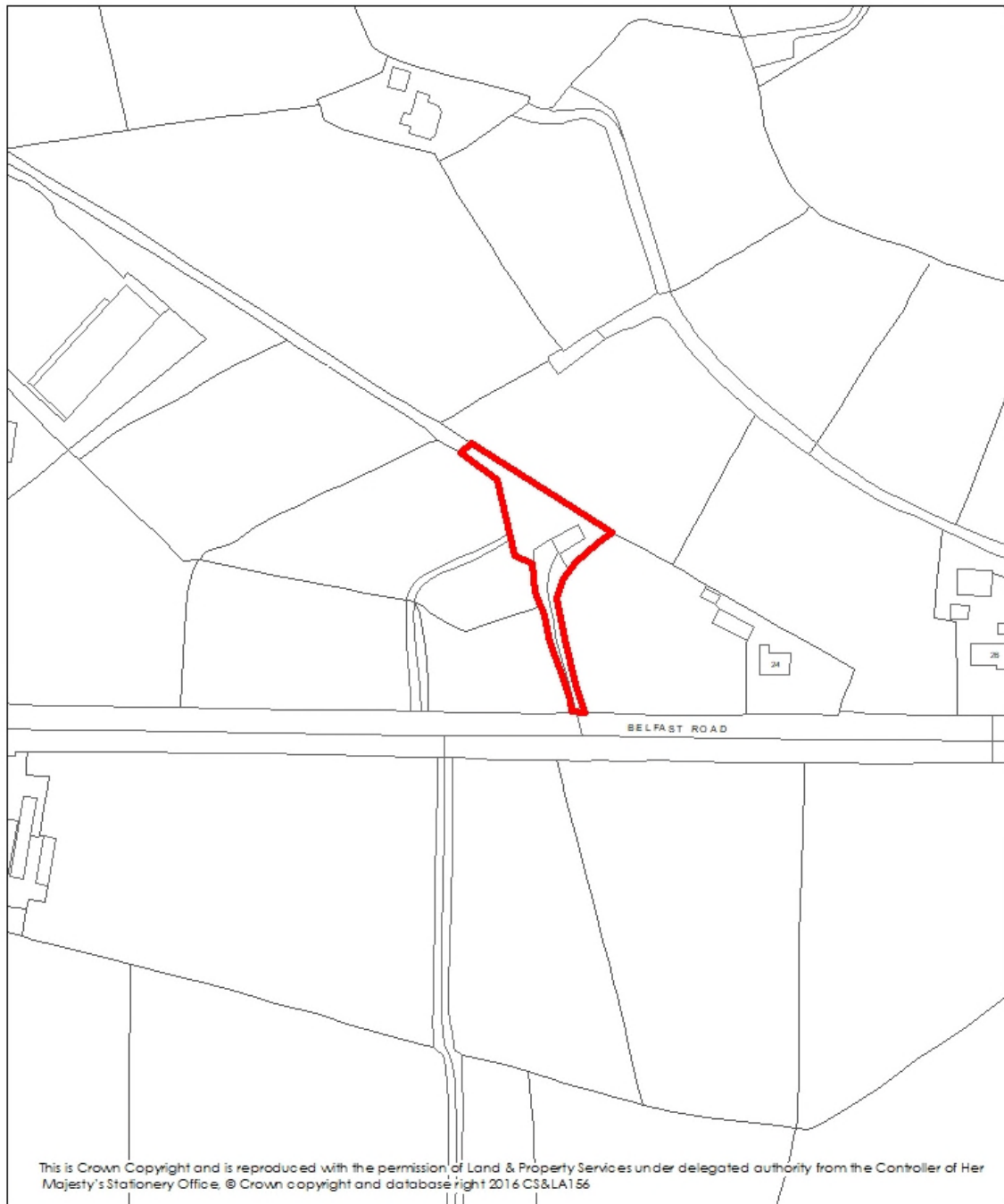
**CONCLUSION**

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

- The principle of the development is acceptable;
- The design and appearance is inappropriate to the rural setting and is considered unacceptable;
- The proposal will detract from the character and appearance of the local area; and
- The proposal does not unduly impact the privacy or amenity of neighbouring residents.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY3 and CTY13 of Planning Policy Statement 21 in that; the overall size of the proposed dwelling does not allow it to integrate into the surrounding landscape and it would have a significantly greater visual impact than the existing building.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY3, CTY13 and CTY14 of Planning Policy Statement 21 in that; the proposal is not of a high quality design appropriate to its rural setting and having regard to local distinctiveness.



### Location Map

**Application Reference:** LA03/2020/0339/F

Scale: 1:2000



**Location:** 22 Belfast Road, Aughnamullan, Crumlin

For Information Only

**Proposal:** Erection of replacement dwelling and garage plus  
demolition of existing dwelling

