



15 April 2015

Chairman: Councillor Swann  
Vice Chairman: Alderman Campbell

Committee Members: Aldermen Agnew and Smyth  
Councillors Beatty, Bingham, Cushinan, Duffin, Hogg, Hollis,  
Ross and Webb

Dear Member

**MEETING OF THE PLANNING COMMITTEE**

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 20 April 2015 at 6.30pm.**

You are requested to attend.

Yours sincerely

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

Jacqui Dixon, BSc MBA

**Chief Executive, Antrim & Newtownabbey Borough Council**

## **A G E N D A**

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

### **PART ONE**

- 3.1** APPLICATION NO: T/2009/0046/F
- 3.2** APPLICATION NO: T/2014/0425/F
- 3.3** APPLICATION NO: T/2014/0450/F
- 3.4** APPLICATION NO: T/2014/0436/F
- 3.5** APPLICATION NO: T/2015/0022/F
- 3.6** APPLICATION NO: T/2015/0021/LBC
- 3.7** APPLICATION NO: T/2014/0533/F
- 3.8** SCHEME OF DELEGATION AND TRANSITIONARY ISSUES FOR PLANNING APPLICATIONS
- 3.9** TRANSITIONARY ISSUES FOR PLANNING APPEALS
- 3.10** SCHEME OF DELEGATION: TRANSITIONARY ISSUES FOR LIVE ENFORCEMENT NOTICE CASES
- 3.11** SUBORDINATE LEGISLATION FOR PLANNING REFORM AND TRANSFER TO LOCAL GOVERNMENT

### **PART TWO**

- 3.12** ENFORCEMENT ISSUES: LEGAL REPRESENTATION
- 3.13** SHARED ENVIRONMENTAL SERVICE

**Part 1** - The Planning Committee has the full delegated authority of the Council and therefore the decisions of the Planning Committee in relation to Part 1 of the Planning Committee agenda do not require ratification by the full Council.

**Part 2** – A matter brought before the Planning Committee included in Part 2 of the Planning Committee agenda including the Local Development Plan will require ratification by the full Council.

**Mayor & Member Services Office:**

Kim Smyth 02894 481305 [kim.smyth@antrimandnewtownabbey.gov.uk](mailto:kim.smyth@antrimandnewtownabbey.gov.uk)

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**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE PLANNING COMMITTEE ON 20 APRIL 2015**

**PART 1 PLANNING APPLICATIONS AND RELATED DEVELOPMENT MANAGEMENT AND ENFORCEMENT ISSUES**

**Maps of the following planning applications are enclosed**

**3.1 APPLICATION NO: T/2009/0046/F**

**DEA – AIRPORT**

**COMMITTEE INTEREST: REFERRED BY HEAD OF PLANNING**

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

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<b>PROPOSAL:</b>	Proposed warehouse units, portacabin and parking with associated landscaping and road widening
<b>SITE/LOCATION:</b>	Adjacent to 11 Ballyhartfield Road, Templepatrick
<b>APPLICANT:</b>	Dennison Commercial
<b>AGENT:</b>	Robert Logan
<b>TARGET DATE:</b>	Legacy Application submitted on 2 February 2009
<b>SITE VISIT:</b>	10 February 2015
<b>CASE OFFICER:</b>	Barry Diamond Tel: 028 903 40407 E-mail: <a href="mailto:barry.diamond@antrimandnewtownabbey.gov.uk">barry.diamond@antrimandnewtownabbey.gov.uk</a>

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**RECOMMENDATION: GRANT PLANNING PERMISSION**

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**SITE DESCRIPTION**

The application site is located within the rural area approximately 2 miles southwest of Ballyclare. The site is accessed off the Ballyhartfield Road which accesses the main Templepatrick Road (A57) and can be briefly viewed from both roads. Within the site there is a large dutch barn and a wagon roof shed with some open storage areas, a car park and a lorry park. The dutch barn and stables appear to be vacant and the open areas of the site are currently used to park some articulated trucks

and trailers. There is a large Dennison's sign facing the Templepatrick Road at the front of the site.

The site is partially defined by an existing 2 metre high palisade fence along the northeastern, northwestern and southwestern boundaries. There are large mature conifers separating the site from 11 Ballyhartfield Road. Adjoining the site is a large gable roofed shed which it is understood was used for the purposes of a car auction in the 1990s. There is a small scale steel fabricators operating from this shed.

The site falls away from the public road at a gentle gradient and generally the area sweeps down to the Six Mile Water. The area is primarily rural in character and there are a number of dispersed dwellings in the area. The site is directly adjacent to 11 Ballyhartfield Road and is separated from this property by a high hedge.

## **PROPOSAL**

The proposal is a full planning application for proposed warehouse units, portacabin and parking with associated landscaping and road widening. The proposal involves the construction of a single building (Length 60m, Width 20m, height 11m) housing 5 industrial units. The building has a facing block finish with cladding to the upper walls and roof (colour dark grey) The parking is primarily located on the existing hardcored area of the site with large articulated lorries and trailers being parked to the rear of the application site.

The proposal also involves the demolition of the existing dutch barn and wagon roof shed as the proposed new buildings are to be erected on the same footprint. A three metre high planted mound is to be constructed along the frontage of the site to help screen the development and provide a thick landscaping buffer. A partial realignment of the Ballyhartfield Road is also proposed to improve access and public safety.

## **RELEVANT PLANNING HISTORY**

Planning permission was previously granted for a change of use to offices with storage and parking on the site under planning application T/2000/0806/F.

Planning permission was previously granted for warehouse units, partacabin and parking with associated landscaping and road widening under planning application T/2003/0659/O.

Full planning permission was granted recently on the site, Ref: T/2007/0520/F - Workshops for truck and bus maintenance, parts storage and sales, associated offices and sales area with external vehicle parking and display including re-directing part of existing Ballyhartfield Road (existing junction to be moved) to new access road and new junction with Templepatrick Road including new right hand turning lane to the main Templepatrick Road.

## **PLANNING POLICY**

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 Department of the Environment's Development Plans and Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals

Antrim Area Plan 1984 – 2001: The Plan offers no specific guidance on this proposal.

PPS 1: General Principles: sets out the general principles to be observed in exercising control over development with the guiding principle relating to the grant/refusal of development contained in paragraph 59.

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): sets out **planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.**

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

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

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside.

## **CONSULTATIONS**

### **Council Environmental Health Department**

A noise impact assessment was submitted and the Environmental Health Department has reviewed the report and recommended that any grant of permission is subject to conditions restricting operational hours

### **NI Water**

No objection

### **DRD Roads Service**

No objections subject to condition. The proposal includes a Private Streets Determination for a partial realignment of the Ballyhartfield Road.

### **Northern Ireland Environment Agency: Natural Heritage**

A bat survey was submitted by the applicant and assessed by NIEA who also carried out a Test of Likely Significance of the development on the site selection features of designated sites. No objection subject to condition

### **Northern Ireland Environment Agency: Land & Resource Management Unit**

Contaminated land report was submitted on behalf of the applicant and this has been assessed. No objections subject to condition.

**Northern Ireland Environment Agency: Water Management Unit**

No objection.

**Northern Ireland Environment Agency: Historic Monuments Unit**

No objection

**DARD - Rivers Agency**

No objection

**Antrim Borough Council**

This application was presented to Antrim Council by DOE Planning in October 2014 with an opinion to grant planning permission. The application was deferred for an office meeting to be held.

**REPRESENTATION**

Four (4) neighbours were notified and five (5) letters of objection were 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 objection raised is provided below which also encompasses any issues raised at a deferred office meeting held with objectors on 5 November 2014:

- the scale of the buildings proposed and their impact on character;
- the proposed buildings are larger than the existing buildings;
- the increased traffic;
- the impact on pedestrian safety;
- Transport NI consultation is out of date;
- restrictions on operating hours and noise levels should be placed on any approval;
- bats present on the site; and
- proposal fails to comply with planning policy.

**ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

- Principle of Development
- Integration & impact on the character of the area.
- Neighbour amenity
- Other matters

**Principle of development**

The site is located within the countryside and in the first instance falls to be considered under PPS21. Policy CTY 1 allows for a range of development types which are acceptable in principle in the countryside. In terms of non-residential development it indicates that industrial and business uses will be acceptable provided they are in accordance with PPS4.

PPS 4 Planning & Economic Development is a material planning consideration and indicates under policy PED 2 that economic development in the countryside will be permitted in accordance with the provision of certain policies. One of these policies is PED 4 the Redevelopment of an Established Economic Development Use. It is

understood that this site was used as a haulage yard and then to store cars as a car auction site which took place in the larger shed abutting the application site. More recently it has been used to store vehicles and has been used as overspill for Serca Engineering who are operating out of the large building abutting the site. Given the long history of business uses on the site this application falls to be considered under PED 4.

The justification and amplification of this policy indicates that; "The Northern Ireland countryside contains some major developed sites presently or formerly in industrial or business use. Whether they are redundant or in continuing use, the complete or partial redevelopment of these sites may offer the opportunity for environmental improvement and the promotion of job creation without adding to their impact on the amenity of the countryside." The intention of the policy is clearly set out in this regard to ensure that previously developed industrial/business sites are brought back into use as they offer opportunities for job creation, environmental improvement and will have the least impact on the amenity of the countryside.

The policy requires that there is no disproportionate increase in the site area and that the proposed development deals comprehensively with the whole of the site, or in the case of a partial redevelopment addresses the implications for the remainder of the site. The proposed development deals comprehensively with a significant portion of the existing curtilage and primarily excludes the yard to the rear which is only viewable from the A57 and is quite difficult to view. The annexation of this area of the site would not cause any environmental issues and the area itself would appear to have been a later extension to the site during its development history. The proposed development would not prohibit the development of this area in the future and in this respect there would not be sufficient reason to warrant a refusal of the application. There is no increase in the site area other than to erect a mounded landscape buffer to the front of the site to help reduce the visual impact of the proposed development. This mound is to be approx. 3 metres in height and will provide a woodland belt to the front of the site.

Planning permission was previously granted for an almost identical proposal under planning application T/2003/0659/O. This permission was granted on 4 February 2004 and expired on 4 February 2009. The current application, which is identical to the earlier permission bar a few minor differences which are considered de-minimus, was subsequently submitted on 2 February 2009 prior to the expiration of the earlier permission. Effectively the applicant could have chosen to implement the permission but rather sought to renew it instead. In addition planning permission has also recently been granted on an enlarged site at this location under planning approval T/2007/0520/F.

The earlier planning permission (T/2003/0659/O) on this site is interesting as the application was submitted as outline but was ultimately approved as a full permission. The application included details of the site layout as well as details of the proposed elevations of buildings and floorplans. All these plans were stamped granted and they are all directly referenced in the permission. The decision notice itself does not require the submission of a reserved matters application nor does it reserve any matters for consideration at a later stage.



A note on the file by DOE Planning advises that a reserved matters application would need to be submitted, however by failing to reserve any matters to a further consent stage there was no prohibition placed on the applicant regarding the commencement of development at the site other than to discharge predevelopment conditions. It is for this reason that the submission of this identical application within the lifetime of the previous permission can be considered to be an in-time renewal of the previous permission.

### **Integration & impact on the character of the area.**

Policy PED 4 of PPS4 also charges that the scale and nature of the proposal should not harm the rural character and that the overall visual impact would not be significantly greater than the buildings to be replaced. This policy shares parallels with policies CTY 13 & 14 of PPS21 which set out criteria to ensure that development within the rural area will integrate into its surroundings and will not detrimentally impact the rural character. In addition to the policy requirement the objectors have raised concerns that the proposed sheds will be significantly greater than the existing buildings.

Critical views of the site are restricted to a short stretch of road along the Ballyhartfield Road and the Templepatrick Road. Views from these points are limited and will be further restricted by the proposed landscaping buffer along the site boundaries. The proposed new buildings will replace an existing dutch barn and wagon roof shed on the site which are located to the rear of the former auction building which is the most dominant building on the complex.

The proposed buildings will be located to the rear of this building and are set back off the Templepatrick Road by a distance of some 200 metres. While the proposed building may be physically larger it could not be considered significantly larger in the context of viewing the buildings from the various vantage points along the Templepatrick and Ballyhartfield roads. In this context the visual impact of the proposed development is satisfactory and complies with this element of the policy.

### **Neighbour Amenity**

Concerns were raised that the development would result in a loss of amenity to neighbouring properties as a result of noise. A noise impact report was carried out by the applicant and consultation was carried out with the Environmental Health Department which recommended that conditions should be attached to any grant of planning permission. The main building is located over the footprint of the existing barn and there is some significant vegetation along the boundary with No. 11 Ballyhartfield Road which would minimise any potential over looking into the property.

### **Other Matters**

The redevelopment of an economic development site should include environmental benefits as part of the scheme. In this context the proposed development will see the removal of dilapidated buildings with new modern buildings, the creation of a landscaping belt to aid screening of the site and aid biodiversity, an improvement to the Ballyhartfield Road and the redevelopment of the former site.

Concerns have been raised by objectors that the site may be prone to flooding. The site does not appear on the known floodplain, nevertheless, consultation with Rivers Agency was carried out and no objections were raised.

Objectors have raised concerns about the increase of traffic and the impacts on pedestrian safety. The development will be accessed via the Ballyhartfield Road and it is proposed to carry out some realignment of the road at the junction with the Templepatrick Road (A57). Transport NI are satisfied with the proposal and Transport NI officials have recently confirmed that their original response which raised no objections remains valid.

Concerns were raised about the presence of bats on the site, however, a bat survey was commissioned by the applicant and assessed by NIEA Natural Heritage which has proposed conditions.

## **CONCLUSION**

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

- It is considered that the principle of redevelopment of this site is supported by the planning history and the current policy context.
- Noise surveys have been conducted on the potential for adverse impact on the neighbouring properties. In addition existing and proposed landscaping will prevent adverse impacts from potential overlooking.
- There is limited impact on the rural character through the redevelopment of this brownfield site.
- Reports commissioned by the applicant to establish the potential for protected species and contamination on the site have all been found to be satisfactory.

## **RECOMMENDATION – GRANT PLANNING PERMISSION**

### **CONDITIONS**

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

Reason: To comply with the requirements of Section 61 of the Planning Act (Northern Ireland) 2011.

2. If during the development works, contamination is encountered which has not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the 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 agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

3. During the operation of the development hereby permitted, all loading/unloading activities are to be restricted within the building and all doors shall remain closed during operational hours except for access and egress.

Reason: To protect the residential amenity of nearby noise sensitive receptors

4. No machinery shall be operated or no process shall be carried out from the site outside of the following times 7:30am to 7:00pm Monday to Friday and 7:30am to 5pm on Saturdays nor at any time on a Sunday.

Reason: To protect the residential amenity of nearby noise sensitive receptors

5. No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed in accordance with the approved drawings to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

6. The site shall be used only for the use within Class B2 of the Planning (Use Classes) Order (NI) 2004 and for no other use within any other class of the Order.

Reason: To prohibit a change to an unacceptable use.

7. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season after the development becomes operational in accordance with drawing Nos. 02 & 03. All trees shall be planted at a height of not less than 1.5 metres and the trees shall be allowed to grow on to a height not less than 5 metres in height.

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

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. The development hereby permitted shall not become operational until all the road works to the Ballyhartfield Road have been fully completed in accordance with the details as indicated on drawing No. 02 dated 2<sup>nd</sup> February 2009.

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

10. The gradient of the Ballyhartfield Road shall not exceed 8% (1 in 12.5) over the first 10m from the Templepatrick Road.

Reason: In the interests of road safety and the convenience of road users.

**COMMITTEE INTEREST: REFUSAL RECOMMENDED**

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

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**PROPOSAL:** Single-storey rear extension

**SITE/LOCATION:** 38 The Oaks, Randalstown

**APPLICANT:** Carla McCann

**AGENT:** 3<sup>rd</sup> Dimension

**TARGET DATE:** 28 January 2015

**SITE VISIT:** 03 December 2014

**CASE OFFICER:** Alicia Leathem  
Tel: 028 903 40416  
E-mail: [Alicia.Leathem@antrimandnewtownabbey.gov.uk](mailto:Alicia.Leathem@antrimandnewtownabbey.gov.uk)

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**RECOMMENDATION: REFUSE PLANNING PERMISSION**

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**SITE DESCRIPTION**

The site is located at No. 38 The Oaks, Randalstown. The site is rectangular in shape and comprises a 1.5 storey red brick semi-detached dwelling with a pitched tiled roof. The dwelling has a porch canopy and a roof dormer in the front elevation. Vehicle access is gained to the site from The Oaks and hard surfacing is present to the front and side of the dwelling. There is a small lawn to the front of the dwelling and a paved rear amenity area. Boundary treatment to the site is open to the front of the dwelling with the rear amenity area being enclosed with close board timber fencing approximately 2 metres in height.

**PROPOSAL**

Permission is sought for the erection of a single storey rear extension to the existing dwelling.

**RELEVANT PLANNING HISTORY**

None

## **PLANNING POLICY**

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 Department of the Environment's Development Plans and Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals

Antrim Area Plan: The Area Plan offers no specific guidance on this proposal.

PPS 1: General Principles: sets out the general principles to be observed in exercising control over development with the guiding principle relating to the grant/refusal of development contained in paragraph 59.

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

## **CONSULTATION**

No consultation undertaken.

## **REPRESENTATION**

Four (4) neighbouring properties notified - no representations were received

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

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

- Design and appearance
- Neighbour amenity

### **Design and Appearance**

This application proposes a rear extension measuring 6.2m by 5.2m with a height of 4.7m from existing ground level. It is considered that overall the extension (scale, massing and materials) has been designed in sympathy with the existing dwelling and it is not considered that there will be any adverse impacts on the existing dwelling.

Although there will be an overall reduction in private amenity space, it is considered that sufficient space overall will remain. Car parking spaces will be unaffected by the proposal and it will not result in any loss of landscape features.

### **Neighbour Amenity**

The proposal will not result in any unreasonable overlooking of neighbouring properties given that the proposed windows are at ground level and screening is provided by the existing boundary treatment.

However it is considered that the proposal will result in an unacceptable level of overshadowing/loss of light to the neighbouring property due to the length of the extension which is approximately 3 metres in breach of the 60 degree angle test to the closest window of No 36 The Oaks. This angle test is set out in guidance within paragraphs A36-37 of Addendum to PPS 7. The proposal will also result in an unacceptable degree of dominance through a sense of being 'hemmed in' due to the height of the boundary wall along the common boundary which measures 4.7m from existing ground level and is 6.2m in length.

Amendments were requested from the agent to show a reduction in overall length and height (through the use of a pitched roof) of the extension in order to alleviate these concerns. However, no amendments were forthcoming and the agent has requested that the application should be assessed based on the original plans.

Information was submitted by the agent through an email advising that the proposal was required for the applicant's disabled son; however no evidence has been submitted to substantiate this.

## **CONCLUSION**

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

- The design of the proposed extension and alterations are considered acceptable and would not have an adverse impact on the character and appearance of the property or surrounding area.
- The proposal would cause an adverse impact on the amenity enjoyed by neighbouring residents in No 36 The Oaks due to overshadowing/loss of light and dominance.

## **RECOMMENDATION – REFUSE PLANNING PERMISSION**

### **REASON FOR REFUSAL**

1. The proposal is contrary to Policy EXT1 of the Addendum to Planning Policy Statement 7 in that the development would, if permitted, adversely affect the amenity of residents in No 36 The Oaks by reason of overshadowing/loss of light and dominance.

**COMMITTEE INTEREST: REFUSAL RECOMMENDED**

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

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**PROPOSAL:** Proposed single storey extension to existing dwelling to include new sun lounge

**SITE/LOCATION:** 15 Oakfield, The Folly, Antrim

**APPLICANT:** Mr & Mrs L McCartney

**AGENT:** Simpson Design

**TARGET DATE:** 11 February 2015

**SITE VISIT:** 21 November 2014

**CASE OFFICER:** Sairead de Brún  
Tel: 028 903 40406  
E-mail: Sairead.debrun@antrimandnewtownabbey.gov.uk

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**RECOMMENDATION: REFUSE PLANNING PERMISSION**

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**SITE DESCRIPTION**

The application site is located at No 15 Oakfield in Antrim. It is a relatively large, end of cul-de-sac site, occupied by a detached two-storey dwelling finished in white painted render and dark red brick. The front garden of the property is in lawn, with the driveway running parallel to the boundary with No 16 Oakfield. The site is defined to the south and west by a 2m high close boarded wooden fence. To the rear of the property is a private garden with a semi-detached garage in the south eastern corner. The immediate vicinity is characterised largely by two storey dwellings which are a mix of detached and semi-detached.

**PROPOSAL**

Permission is sought for the erection of a single storey sunroom extension to the side of an existing dwelling.

**RELEVANT PLANNING HISTORY**

None



## **PLANNING POLICY**

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 Department of the Environment's Development Plans and Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals

Antrim Area Plan 1984 – 2001: indicates a general presumption in favour of development within the settlement limit of Antrim. There is no specific zoning or guidance relevant to the proposal.

PPS 1: General Principles: sets out the general principles to be observed in exercising control over development with the guiding principle relating to the grant/refusal of development contained in paragraph 59.

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

## **CONSULTATION**

No consultation undertaken.

## **REPRESENTATION**

Nine (9) Neighbouring properties notified - no representations were received

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

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

- Design and appearance
- Neighbour amenity

### **Design and Appearance**

This application proposes a single-storey sunroom extension to the side of the existing dwelling, which measures some 5.5m by 6.5m. It has a height of 4.2m to finished floor level. The proposal exceeds the height and length tolerances set down in the Planning (General Permitted Development) Order (Northern Ireland) 2015 for permitted development and planning permission is required.

The site contains a detached two-storey dwelling finished in white painted render and dark red brick. Although the agent has a note on the plan which states all roof, wall, window and door finishes are to match existing, the proposed extension has a hipped roof, finished in polycarbon. The front elevation has a particularly large picture window which leads to a design which contrasts greatly with the existing dwelling. The sunroom extension (size, roof pitch and materials) has not been

designed in sympathy with the existing dwelling and it is considered that there will be an adverse impact on the visual character of both the subject property and the immediate area.

The agent was advised in February 2015 that the design was unacceptable and was given the opportunity to submit an amended design. The amended drawings received on 2 March 2015 show changes only to the roof; the size of the extension and the materials proposed have not been amended. The changes proposed do not therefore overcome the concerns highlighted above.

### **Neighbour Amenity**

It is considered that there will be no adverse impact on any neighbouring amenities as a result of this development. There is no loss of light or amenity and no loss of landscaping resulting from this element of the scheme.

### **CONCLUSION**

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

- The design of the proposed extension is considered unacceptable. The proposal would have an adverse impact on the character and appearance of the property and the surrounding area.
- The proposal would not have an adverse impact on the privacy or amenity enjoyed by neighbouring residents, while sufficient space is retained within the curtilage of the property for domestic and recreational purposes including parking. There is no detrimental impact on landscape features.

### **RECOMMENDATION – REFUSE PLANNING PERMISSION**

#### **REASONS FOR REFUSAL**

1. The proposal is contrary to Policy EXT1 of the Addendum to Planning Policy Statement 7 'Residential Extensions and Alterations' in that the extension would, if permitted, adversely affect the amenities of the area by reason of its unsympathetic design and use of materials.

**COMMITTEE INTEREST: REFUSAL RECOMMENDED**

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

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**PROPOSAL:** Retrospective application for a mobile home (for use over a limited time of 3 years) abutting the rear of an existing agricultural shed with new entrance on to a public road

**SITE/LOCATION:** Lands Approximately 250m south west of 5 Oldstone Hill, Ballyarnot, Muckamore, Antrim

**APPLICANT:** Joe Boyle

**AGENT:** Big Design Architecture

**TARGET DATE:** 03 February 2015

**SITE VISIT:** 12 January 2015

**CASE OFFICER:** Johanne McKendry  
Tel: 028 903 40420  
E-mail: [johanne.mckendry@antrimandnewtownabbey.gov.uk](mailto:johanne.mckendry@antrimandnewtownabbey.gov.uk)

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**RECOMMENDATION: REFUSE PLANNING PERMISSION**

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**SITE DESCRIPTION**

The application site is located within the countryside. The site comprises a generally flat plot of land approximately 0.13 hectares in size on the eastern side of Oldstone Hill and is approximately 250m south west of 5 Oldstone Hill, Ballyarnot, Antrim. An agricultural shed and a mobile home, which is the subject of this application, are located within the site. The north western roadside boundary consists of a concrete brick wall and the remaining boundaries are defined by a post and wire fence. The site can be accessed from Oldstone Hill by two entry points, at either side of the agricultural shed.

**PROPOSAL**

The application seeks full planning permission for the retention of a mobile home for a temporary period of 3 years. The proposed mobile home is 11.8m long, 3.6m wide and 2.6m high and is located at the rear of the agricultural shed.

## **RELEVANT PLANNING HISTORY**

T/2012/0250/LDE – A Certificate of Lawful Development for shed and yard for agricultural purposes issued on 31 October 2012. The shed was erected in 2001.

There is no other relevant planning history on the site.

## **PLANNING POLICY**

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 Department of the Environment's Development Plans and Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

Antrim Area Plan 1984 – 2001: The Antrim Area Plan 1984-2001 offers no specific guidance on this proposal.

PPS 1: General Principles: sets out the general principles to be observed in exercising control over development with the guiding principle relating to the grant/refusal of development contained in paragraph 59.

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

PPS 21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside.

## **CONSULTATION**

### **Council Environmental Health Department**

No objections

### **NI Water**

No objection but have requested that informatives be included on any approval.

### **Transport NI**

No objections, but recommends that a number of conditions and informatives be attached to any approval.

### **Department of Agricultural and Rural Development**

Advised that a Farm Business ID was created in 2012 and to date no Single Farm Payments have been issued.

### **MOD Defence Infrastructure Organisation**

No objection

**Belfast International Airport**

No objection but have requested that informatives be included on any approval.

**Antrim Borough Council**

This application was presented to Antrim Council by DOE Planning in February 2015 with an opinion to refuse planning permission. The application was deferred for an office meeting to be held.

**REPRESENTATION**

1 neighbouring property was notified - no representations were received.

**ASSESSMENT OF PLANNING ISSUES / MATERIAL CONSIDERATIONS**

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

- The principle of the development
- Personal circumstances
- Site specific need
- Visual impact

**The principle of the development**

PPS 21 sets out acceptable forms of development in the countryside. Policy CTY 1 of the PPS states that planning permission will be granted in the countryside for a residential caravan or mobile home in accordance with Policy CTY 9. Policy CTY 9 states planning permission may be granted for a 'temporary period only' in 'exceptional circumstances'. These exceptional circumstances include the provision of temporary residential accommodation, normally subject to a three year time limit, pending the development of a permanent dwelling or where there are compelling site specific reasons related to personal or domestic circumstances. In the latter case the policy refers to Policy CTY 6. There is no current or pending planning approval for a permanent dwelling on the application site and therefore regard should be given to the personal circumstances information put forward in support of this application (see below).

**Personal circumstances**

For the past 24 years, Mr Boyle, the applicant, has lived in a cottage at 58 Niblock Road, Antrim which was also his former place of employment, where he managed chicken houses. Mr Boyle's living accommodation was provided by his former employer. In July 2014, Mr Boyle's employment at Niblock Road came to an end when his employer changed his business and no longer supplied chickens to Moy Park. His employer advised Mr Boyle that following its refurbishment, the dwelling in which he had been residing would be available to rent at £775 per month. Having lost his job, Mr Boyle could not afford to pay the rental fee. It is contended that a temporary permission of 3 years for the mobile home on the site would allow Mr Boyle to 'get back on his feet'.

**Site specific need**

Policy CTY 6 requires compelling and site specific reasons for planning permission to be granted for a dwelling in the countryside relating to the applicant's personal or domestic circumstances, subject to the following criteria:

(a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and

(b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

A number of reasons have been cited as to why this mobile home is required at the proposed location and Mr Boyle has also stated site specific reasons relating to his own domestic and personal needs.

It is contended that Mr Boyle requires to be located beside the existing agricultural shed to provide care and surveillance for his 5 Clydesdale horses and 4 donkeys. The applicant has a Farm Business ID number, which was created on 02/02/2012. His livestock consists of 5 Clydesdale horses and 4 donkeys. Although it was claimed that Policy CTY 10 states "an equine business is to be afforded the same benefits as an established and active farm", sufficient information to demonstrate a level of involvement commensurate with commercial activity over the requisite period of 6 years has not been provided. Nonetheless, the relevant policy under which to consider the development proposal is Policy CTY6.

At the time the current application was submitted, it was confirmed by Firmount Veterinary Clinic that following an examination on 25<sup>th</sup> September 2014, two Clydesdales mares were in foal and would need to be closely monitored for the next 8 months (up until June 2015) and as a result, alternative accommodation or applying for social housing was not an alternative for the applicant. Instead, Mr Boyle brought a mobile home onto the site to enable him to provide supervision of his horses.

It was claimed that without being able to reside in the mobile home adjacent to the shed in which Mr Boyle's animals were kept, genuine hardship would be caused. As stated above, following his unemployment, Mr Boyle did not have the wherewithal to pay a monthly rental of £775 for his previous accommodation. However, an alternative solution would be to rent a different property and travel to the site to attend to his animals. The application site is approximately 3 miles from Antrim town centre, where properties are available to rent starting at £300 per month (Property Pal). At the time Mr Boyle resided at 58 Niblock Road, he reared horses at the application site at Oldstone Road, which is approximately 5 miles from the application site.

It is not considered that the issues put forward are specific and compelling site reasons that would warrant a temporary approval for 3 years. To grant permission for a mobile home due to the applicant presently being out of work and unable to afford rent could set a damaging precedent leading to a proliferation of mobile homes/caravans in the rural area.

**Visual impact**

Policy CTY1 of PPS21 states that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations. Due to the mobile home being located to the rear of the agricultural shed and the roadside vegetation there are only fleeting views of the dwelling unit on both approaches along Oldstone Hill. However, this alone does not render it acceptable.

**CONCLUSION**

The proposal represents unjustified and unsustainable development which is contrary to the aims and objectives of Policies CTY1, CTY6 and CTY9 of PPS21.

**RECOMMENDATION - REFUSE PLANNING PERMISSION AND REFER TO ENFORCEMENT SECTION****REASON FOR REFUSAL**

1. The proposal is contrary to Policies CTY 1, CTY 6 & CTY 9 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: (i) the applicant has not provided satisfactory evidence that a mobile home is a necessary response to the particular circumstances of the case; (ii) genuine hardship would be caused by the refusal of planning permission; and (iii) it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

## COMMITTEE INTEREST:

## COUNCIL APPLICATION

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

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**PROPOSAL:** Restoration of pump chamber and tunnels to enable controlled guided tours

**SITE/LOCATION:** Antrim Castle Gardens, Randalstown Road, Antrim

**APPLICANT:** Antrim Borough Council

**AGENT:** N/A

**TARGET DATE:** 30 April 2015

**SITE VISIT:** 11 February 2015 and 20 March 2015

**CASE OFFICER:** Mr Michael O'Reilly  
Tel: 028 903 40424  
E-mail [Michael.oreilly@antrimandnewtownabbey.gov.uk](mailto:Michael.oreilly@antrimandnewtownabbey.gov.uk)

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**RECOMMENDATION: GRANT PLANNING PERMISSION**

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**SITE DESCRIPTION**

The application site comprises an area of land within the development limit of Antrim, as identified in the adopted Antrim Area Plan 2001. The site also falls within the Antrim Conservation Area. The pump chamber is a Listed Structure that lies adjacent to Antrim Motte which is a scheduled Monument. Both of these interests lie in the southern corner of Antrim Castle Gardens.

To the immediate south of the site is the Six Mile Water River. The Dublin Road lies to the east of the site.

The Pump Chamber consists of two elements; the access stairwell and entrances and the adjacent tunnel network beneath an elongated landscaped mound.

**PROPOSAL**

The application involves the erection of a 1.2m high natural stone wall with castellations around the pumping house with a glass roof atop. There will be repair works to the fabric of the building structure around the area of the entrances and



the access stairs. Some fencing is proposed which is similar to that already delineating the site as well as some additional security/safety fencing. There are to be new surface materials provided between the fence and structure.

### **RELEVANT PLANNING HISTORY**

The following Listed Building Consent application is simultaneously being processed for the same proposal.

T/2015/0021/LBC - Restoration of pump chamber and tunnels to enable controlled guided tours. Antrim Castle Gardens, Randalstown Road, Antrim.

### **PLANNING POLICY**

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 Department of the Environment's Development Plans and Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

Antrim Area 1984 – 2001: The area plan offers no specific guidance for this proposal.

PPS1 – General Principles: sets out the general principles to be observed in exercising control over development with the guiding principle relating to the grant/refusal of development contained in paragraph 59.

PPS6 – Planning, Archaeology and the Built Heritage: sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.

Supplementary Guidance – Antrim Town Centre Strategy and Conservation Area Designation booklet.

### **CONSULTATION**

#### **NI Water**

No objections.

#### **Environmental Health**

No objections.

#### **Rivers Agency**

The proposed development lies to the periphery of the Q100 flood plain of the Six Mile Water. Rivers Agency advises the developer to appoint a competent professional to carry out their own assessment of flood risk and to construct in a manner that minimises flood risk to the proposed development and elsewhere. This can be attached as an informative on the decision notice.

**NIEA Natural Heritage**

Consulted in error. There is no significant impact to natural heritage interests and as a consequence a consultation reply is not necessary in this instance.

**NIEA Historic Buildings**

The proposal is compliant with Policy BH11 (Development affecting the setting of a Listed Building) of PPS6.

**NIEA Historic Monuments**

No archaeological objection is recorded. There was discussion with Antrim Borough Council prior to 1 April regarding the restoration of the pump chamber and archaeological investigations have also been carried out.

**REPRESENTATION**

No representations have been received.

**ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

- Impact to Amenity of Listed Building and Conservation Area
- Archaeological Interest

**Impact to amenity of listed building and conservation area**

In assessing the impact on the listed building the professional advice of NIEA Historic Buildings was sought. NIEA indicated in its consultation response that the proposal is compliant with relevant planning policy set out in PPS6.

The proposal has been assessed and considered by NIEA as being carefully designed and located to respect the historical interest, architectural form and detailing of the building. Determining weight is being given to this advice.

In considering the impact of the proposal on the amenity of the Antrim Conservation Area and in particular Antrim Castle Gardens it is important to note section 2 'The Castle Grounds' of the Conservation Area strategy. It sets out that Castle Gardens are a unique feature in Antrim and indeed Ulster's Heritage. Objective 1 of this section indicates that a major theme of the enhancement strategy will be to build on the uniqueness of the Castle Gardens and exploit the potential of such a unique amenity. It is also indicated that the Council's proposals for, amongst other things, the improvements to the Castle Grounds and the potential for enhancement therein will be considered in this context.

The proposal is designed to improve upon the existing asset at this location. The proposal will support the potential of such a unique amenity that is referred to in the Conservation Area strategy. I am content with the merit of the application and offer no objections to the matters of consideration indicated in the Conservation Area strategy.

**Archaeological Interest**

Based on the NIEA Historic Monuments response it is not considered that there would be any potential adverse impact to archaeological interests at this location. Accordingly this aspect of the proposal has been satisfactorily addressed.

**CONCLUSION**

The proposal is considered acceptable in light of the consultation responses from NIEA Historic Buildings and Historic Monuments which confirm that the scheme is compliant with PPS6.

On the basis of these consultation responses, the lack of objections from other consultation undertaken and given that there will be no adverse impact to the Antrim Conservation Area, the granting of full planning permission is recommended.

**RECOMMENDATION – GRANT PLANNING PERMISSION****CONDITION**

1. As required by Article 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

**COMMITTEE INTEREST: COUNCIL APPLICATION**

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

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**PROPOSAL:** Restoration of pump chamber and tunnels to enable controlled guided tours

**SITE/LOCATION:** Antrim Castle Gardens, Randalstown Road, Antrim

**APPLICANT:** Antrim Borough Council

**AGENT:** N/A

**TARGET DATE:** 30 April 2015

**SITE VISIT:** 11 February 2015 and 20 March 2015

**CASE OFFICER:** Mr Michael O'Reilly  
(028) 903 40424  
[Michael.oreilly@antrimandnewtownabbey.gov.uk](mailto:Michael.oreilly@antrimandnewtownabbey.gov.uk)

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**RECOMMENDATION: GRANT LISTED BUILDING CONSENT**

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**SITE DESCRIPTION**

The application site comprises an area of land within the development limit of Antrim, as identified in the adopted Antrim Area Plan 2001. The site also falls within the Antrim Conservation Area. The pump chamber is a Listed Structure that lies adjacent to Antrim Motte which is a scheduled Monument. Both of these interests lie in the southern corner of Antrim Castle Gardens.

To the immediate south of the site is the Six Mile Water River. The Dublin Road lies to the east of the site.

The Pump Chamber consists of two elements; the access stairwell and entrances and the adjacent tunnel network beneath an elongated landscaped mound.

**PROPOSAL**

The application involves the erection of a 1.2m high natural stone wall with castellations around the pumping house with a glass roof atop. There will be repair works to the fabric of the building structure around the area of the entrances and

the access stairs. Some fencing is proposed which is similar to that already delineating the site as well as some additional security/safety fencing. There are to be new surface materials provided between the fence and structure.

### **RELEVANT PLANNING HISTORY**

The following full planning application is simultaneously being processed for the same proposal.

T/2015/0022/F - Restoration of pump chamber and tunnels to enable controlled guided tours. Antrim Castle Gardens, Randalstown Road, Antrim.

### **PLANNING POLICY**

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 Department of the Environment's Development Plans and Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

Antrim Area 1984 – 2001: The area plan offers no specific guidance for this proposal.

PPS6 – Planning, Archaeology and the Built Heritage: sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.

### **CONSULTATION**

#### **NIEA Historic Buildings**

The proposal is compliant with Policy BH11 (Development affecting the setting of a listed Building) of PPS6.

### **REPRESENTATION**

No representations have been received.

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

The main issue to consider in determination of this application is:

- Impact to Amenity of Listed Building

#### **Impact to amenity of listed building**

In assessing the impact on the listed building the professional advice of NIEA Historic Buildings was sought. NIEA indicated in its consultation response that the proposal is compliant with relevant planning policy set out in PPS6.

The proposal has been assessed and considered by NIEA as being carefully designed and located to respect the historical interest, architectural form and detailing of the building. Determining weight is being given to this advice.

## **CONCLUSION**

The proposal is considered acceptable in light of the consultation response from NIEA Historic Buildings which confirms that the scheme is compliant with PPS6.

## **RECOMMENDATION – GRANT LISTED BUILDING CONSENT**

### **CONDITION**

1. The proposed works must be begun not later than the expiration of 5 years beginning with the date on which this consent is granted as required by Article 94 of the Planning Act (Northern Ireland) 2011.

Reason: Time Limit.

**COMMITTEE INTEREST: MAJOR APPLICATION**

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

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**PROPOSAL:** Demolition of existing school, new 2-storey school with youth wing and pitches, improved parking for all 3 schools, provision of bus layby and drop off areas.

**SITE/LOCATION:** Parkhall College, Steeple Road, Antrim

**APPLICANT:** North Eastern Education and Library Board

**AGENT:** Building Design Partnership

**TARGET DATE:** 27 March 2015

**SITE VISIT:** 4 February 2015

**CASE OFFICER:** Mr Michael O'Reilly  
Tel: 028 903 40424  
E-mail [Michael.oreilly@antrimandnewtownabbey.gov.uk](mailto:Michael.oreilly@antrimandnewtownabbey.gov.uk)

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**RECOMMENDATION: GRANT PLANNING PERMISSION**

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**SITE DESCRIPTION**

Parkhall College shares campus grounds with Antrim Grammar School and Steeple Nursery School. These schools are accessed from Steeple Road via a signalised junction. The access road serving the campus runs northwest to southeast and measures approximately 250m in length. Antrim Grammar lies at the end of the access road with Steeple Nursery and Parkhall College sitting to the northern side of the road orientated southwards. The Nursery lies closest to Steeple Road with Parkhall College occupying a central position between the other schools.

To the south of the access road there are a number of playing fields. Along the southern edge of the road there is a stand of mature deciduous trees providing a landscaped edge to this area approximately 140m in length. Abutting the western boundary of the site is the Belfast/Antrim railway line. Residential development (Hood Court/Valiant Court and Renown Court) exists to the immediate west of this. These dwellings are elevated with mature planting (approximately 1<sup>st</sup> floor height).

Critical views into the site are achievable from Steeple Road from the west and east of the access point and also from the Round Tower which is just north east of the site. Steeple Road rises to the west from the access point and the views into the site from this area are through a linear stand of mature deciduous trees delineating the boundary.

## **PROPOSAL**

The existing Parkhall School is to be demolished and replaced with a modern two storey school. The proposed new school building is to be constructed on the existing playing fields adjoining the school. The area of land occupied by the existing school will then be redeveloped to provide for new playing fields.

The new school will provide 55 classrooms and the design provides that some of these can be amalgamated/sub-divided. There will also be ancillary offices, sports hall, multi-purpose hall, gym, changing rooms and a large canteen.

The proposal also involves improvements to existing car parking provision and new parking provision dedicated to the school itself. Bus laybys and drop off areas are indicated.

The capital build cost of this development is approximately £16.5 million. The proposal will have an economic and social significance to the local area.

## **RELEVANT PLANNING HISTORY**

The applicant previously secured full planning permission for a similar proposal in 2008 (see below). However this was not implemented and expired in October 2013.

T/2007/0312/F - Demolition of existing school, new 2-storey school with youth wing and pitches, improved parking for all 3 schools, provision of bus layby and drop off area at Parkhall College, Steeple Road, Antrim

## **PLANNING POLICY**

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 Department of the Environment's Development Plans and Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals

Antrim Area Plan 1984 – 2001: The area plan offers no specific guidance for this proposal and the plan contains no specific zoning for the application site.

PPS 1: General Principles: sets out the general principles to be observed in exercising control over development.



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): sets out **planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.**

PPS6: Planning, Archaeology and the Built Heritage: Sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.

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

Planning Strategy for Rural Northern Ireland - Policy PSU1 Community Needs: sets out policy to allocate sufficient land to meet the needs of the community.

## **CONSULTATION**

### **Transport NI**

No objections, subject to condition on the operation of the building not occurring before areas of land associated with parking, servicing and circulating are constructed and permanently retained.

### **NIEA Historic Monuments**

No objections, subject to condition on the implementation of a developer funded programme of archaeological works to identify and record archaeological remains in advance of construction and affording access to the site for an archaeologist.

### **NI Water**

No objections

### **Antrim Environmental Health**

No objections

### **NIEA Water Management Unit**

No objections

### **Natural Heritage**

No objections

### **Rivers Agency**

No objections. Several informatives requested

## **REPRESENTATION**

No representations have been received.

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

The main issues in the determination of this proposal are;

- Principle of Development
- Design and Layout
- Residential Amenity
- Loss of open space
- Other Matters

### **Principle of Development**

The application site includes the existing Parkhall College and playing fields. The proposal includes the replacement of the existing school building on the existing playing fields and upon completion of the new school building, the existing Parkhall College will be demolished and new playing fields/facilities shall be constructed on the former footprint of the building. The proposed school cannot be replaced on the existing footprint of the school due to the need to keep the existing school operational during the construction phase and this will also prevent the need for decant facilities. As the proposed development is effectively a replacement of the existing facilities within the same curtilage there are no objections in principle to the development on the site.

### **Design and Layout**

The architectural appearance of the building is a modern approach to design. A range of high quality and complementary finishing materials are indicated on the elevations and this provides cohesion to the external appearance of the building. The building ranges between one and two storeys with some slightly higher ridge heights in the roof profile to provide light wells to the internal areas. There is an architectural focal point at the side of the building closest to the access road. This will make an important contribution to the quality of the public outlook of the building.

### **Residential Amenity**

As a result of the mix of single and two storey building heights and a separation distance of some 60m to the nearest residential property it is not considered that the re-development of the school will lead to any significant adverse impact to residential amenity of existing residents.

### **Loss of Open Space**

The proposal involves the relocation, re-organisation and re-formalisation of valuable open space areas within the confines of the campus. While the new school is to be constructed on existing recreation space the proposal also provides for the development of substitute open space. This is comparable with the existing level of open space provision and also includes hard and soft landscaped areas surrounding the immediate footprint of the school. Accordingly this aspect of the scheme is considered acceptable.

### **Other Matters**

In comparing and contrasting the details of the expired permission with the details of the current application there is a notable level of similarity between the two schemes. There has been no change in the relevant planning policy in the intervening period which would warrant a different outcome.

The proposed development brings with it some significant social advantages in allowing for the continued education provision on the site as well as upgraded educational and recreational facilities. In addition the capital build of the project is estimated to be in the region of £16.5 million which is a significant capital cost leading to direct construction jobs and wider indirect benefits to the local economy.

## **CONCLUSION**

The application meets with relevant planning policy and the overall scheme is similar to that previously approved. There are no objections from consultees or any third parties. The replacement of the existing school will make an important contribution to the future provision of education facilities in the Council area and will provide an employment stimulus during the construction period.

## **RECOMMENDATION – GRANT PLANNING PERMISSION**

### **CONDITIONS**

1. As required by Article 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. No other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No(s) 01 bearing date stamp 12th December 2014 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

3. No site works of any nature or development shall take place until a programme of archaeological work, has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

4. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily complete.

5. The new school hereby permitted shall not be occupied until a scheme outlining a programme of works, including an indicative timetable, for the construction of replacement playing fields/facilities on the footprint of the existing Parkhall College site is submitted to and approved in writing by the Council. The playing fields/facilities shall be provided in accordance with the approved programme of works.

Reason: To ensure that the replacement playing fields/recreational facilities are provided on the site.

6. Within three months of the new school becoming operational the existing Parkhall College building shall be demolished and all material, rubble and foundations removed from the site.

Reason: To prevent an accumulation of buildings on the site.

7. All hard and soft landscape works shall be managed and maintained in accordance with the approved drawings 10 and 11, 'Site Layout O/A Fence Plan', 'Site Layout O/A Landscape Plan' and accompanying 'Parkhall College Landscape Specification Q40 – Fencing', all of which are date stamped received 17 February 2015. The works shall be carried out during the first available planting season after the occupation of any part of the development or in accordance with a programme to be in agreed in writing with the Council. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

### **3.8 CE/STC/104 SCHEME OF DELEGATION AND TRANSITIONARY ISSUES FOR PLANNING APPLICATIONS**

At the Shadow Planning Committee meeting on 12 March 2015 the final Scheme of Delegation for planning applications, enforcement and other related matters was approved. This was subsequently ratified by the full Council at its meeting on 26 March 2015. The Scheme of Delegation has now also been agreed by the Department of the Environment as required under the provisions of the Planning Act 2011 and subordinate legislation and came into effect on 1 April 2015. A copy of the **approval letter is enclosed**. As a consequence of the implementation of the Scheme there are a number of transitionary issues to be considered by the Committee.

Firstly, members are advised that there are circa 40 planning applications that prior to the transfer of planning powers on 1 April had been presented to the legacy Councils and deferred for a variety of reasons. There are a number of these applications that now fall or may in the future fall, within the provisions of the Council's agreed Scheme of Delegation and therefore the appointed Officers could issue decisions which involve the granting of planning permission as a matter of course. All remaining deferred applications will, in line with the Scheme, be presented to the Committee for a decision for example where a recommendation to refuse permission is maintained or there are large scale objections to a scheme.

The Committee's approval is therefore sought to enable appointed Officers to issue all decisions which would fall within the parameters of the Scheme of Delegation. Alternatively a full report on each individual application will need to be prepared and presented to the Committee for a decision.

A list of 8 applications currently falling into or which may fall into this transitional category is **enclosed for Members consideration**. Decisions on 4 of these applications are ready to issue as indicated on the **enclosed report** while a further 4 applications are likely to be confirmed as reconsidered approvals in the near future.

Members should also note that there are several more applications which may fall into this category over the next number of weeks. The majority of these relate to applications originally presented as planning refusals to the legacy Councils, but which may now be reconsidered for approval based on consideration of further information and/or amended plans which were not available at the time of the initial assessment.

### **RECOMMENDATION**

**It is recommended that approval be granted to the appointed Officers to issue planning approvals for all transitional applications that fulfil the requirements of the Council's agreed Scheme of Delegation.**

### **3.9 TRANSITIONARY ISSUES FOR PLANNING APPEALS**

Members are advised that there are a number of live planning appeal cases. The majority of these relate to decisions taken by Department of the Environment (DOE) prior to 1 April 2015. These cases are all at different stages in the appeal process. Some are relatively recent cases where an appeal has only recently been lodged to the Planning Appeals Commission (PAC). However in at least one case a statement of case defending the Department's decision has already been submitted to the PAC and an informal oral hearing is scheduled to take place.

There are also two planning appeals which were lodged with the PAC prior to 1 April 2015 for the non-determination of planning applications that had been before DOE.

**A list of all the relevant appeal cases is enclosed for Members consideration.**

The responsibility for such appeal cases transferred to the new Councils as part of the transfer of the local planning function on 1 April 2015.

The Committee's approval is therefore sought for the Council to defend those cases where it is the Department's original decision that has been appealed. Alternatively a full report on each of these cases will have to be prepared and presented to the Committee for a decision as and when it is necessary to do so.

In relation to the two non-determination appeals listed where no final decision was taken by the Department prior to 31 March 2015, reports will be prepared by Officers and presented at next month's Committee meeting.

### **RECOMMENDATION**

**It is recommended that**

- (a) approval be granted to defend those transitional cases where there is an appeal lodged against a decision taken by the Department on a planning or other related application.**
- (b) Reports on the two non-determination appeals be presented to the May Committee meeting.**

### **3.10 CE/STC/104 SCHEME OF DELEGATION: TRANSITIONARY ISSUES FOR LIVE ENFORCEMENT NOTICE CASES**

In addition to the transitional issues outlined in the previous report regarding planning applications, the Council has inherited a number of live enforcement cases where formal Enforcement Notices have previously been issued by the Department of the Environment (DOE). In each case a statutory charge has been registered against the property in question and a list of these cases is enclosed for Members consideration.

These cases are all at different stages in the enforcement process. Some are relatively recent cases where an appeal has been lodged to the Planning Appeals Commission. Some sites are currently being monitored for compliance. Others involve long running and continuing breaches of planning control. In some cases prosecution is pending, while in others offenders have already been prosecuted, but continue to operate in non-compliance with the terms of the Enforcement Notice served. In one case an injunction has been sought and is currently adjourned before the Court.

Members will recall that the issue of a new Enforcement Notice falls outside the scope of the Council's agreed Scheme of Delegation and as a consequence in all new cases where Officers consider an Enforcement Notice is warranted a report will be prepared and presented to Committee for approval prior to issue.

With specific reference to the cases listed in the enclosure with live Enforcement Notices already in place, Committee approval is sought to continue with the formal enforcement action instigated by DOE including, where relevant, the authority to seek a prosecution for non-compliance with the Enforcement Notices in place. Alternatively a full report on each of these cases will have to be prepared and presented to the Committee for a decision as required.

### **RECOMMENDATION**

**It is recommended that approval be granted to appointed Officers to continue with formal enforcement action, including where relevant prosecution for non-compliance, in all current cases where there is a formal Enforcement Notice already in place.**

### **3.11 CE/STC/SC/5 SUBORDINATE LEGISLATION FOR PLANNING REFORM AND TRANSFER TO LOCAL GOVERNMENT**

Members are advised that correspondence, **a copy of which is enclosed**, has been received from the Department of the Environment (DOE) indicating that a number of Statutory Rules have been made. These rules come into operation on the 22 April 2015 and introduce the necessary reforms to the planning system to facilitate the transfer of responsibility for the majority of planning functions to the new district Councils.

The Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2015 (S.R. 2015 No.187)

The Planning (Simplified Planning Zones) Regulations (Northern Ireland) 2015 (S.R. 2015 No.188)

The Planning (Inquiry Procedure) Rules (Northern Ireland) 2015 (S.R. 2015 No.189)

### **RECOMMENDATION**

**It is recommended that the report be noted**



## **PART 2            GENERAL PLANNING MATTERS**

### **3.12    FG/G/LEG/3   ENFORCEMENT ISSUES: LEGAL REPRESENTATION**

Further to the **details enclosed** of live enforcement cases inherited by the Council where formal Enforcement Notices have previously been issued by the Department of the Environment (DOE), Members are advised that the DOE was supported in three of the listed cases by McConnell & Fyffe Solicitors based in Omagh.

The relevant cases are T/2014/0071/CA (which is the subject of current injunction proceedings, and for which Junior Counsel has been engaged), T/07/0039/CA and T/11/0059/CA. Each of these cases has a protracted legal history and deals with complex planning issues. For reasons of continuity and expediency, the Committee's approval is requested to retain McConnell & Fyffe Solicitors to progress these three specific cases until an appropriate stage in the enforcement process is reached subject to agreement in relation to fees and any relevant procurement/legal issues.

### **RECOMMENDATION**

**It is recommended that approval be granted to retain McConnell & Fyffe Solicitors to progress the three legal cases noted subject to agreement in relation to fees and any relevant procurement/legal issues.**

### **3.13 SHARED ENVIRONMENTAL SERVICE**

As part of the transfer of planning functions to the 11 new Councils a Shared Environmental Service model was agreed by the Regional Transition Operational Board to be the most suitable model to support the Councils in taking forward their new legal obligations relating to enhanced environmental responsibilities.

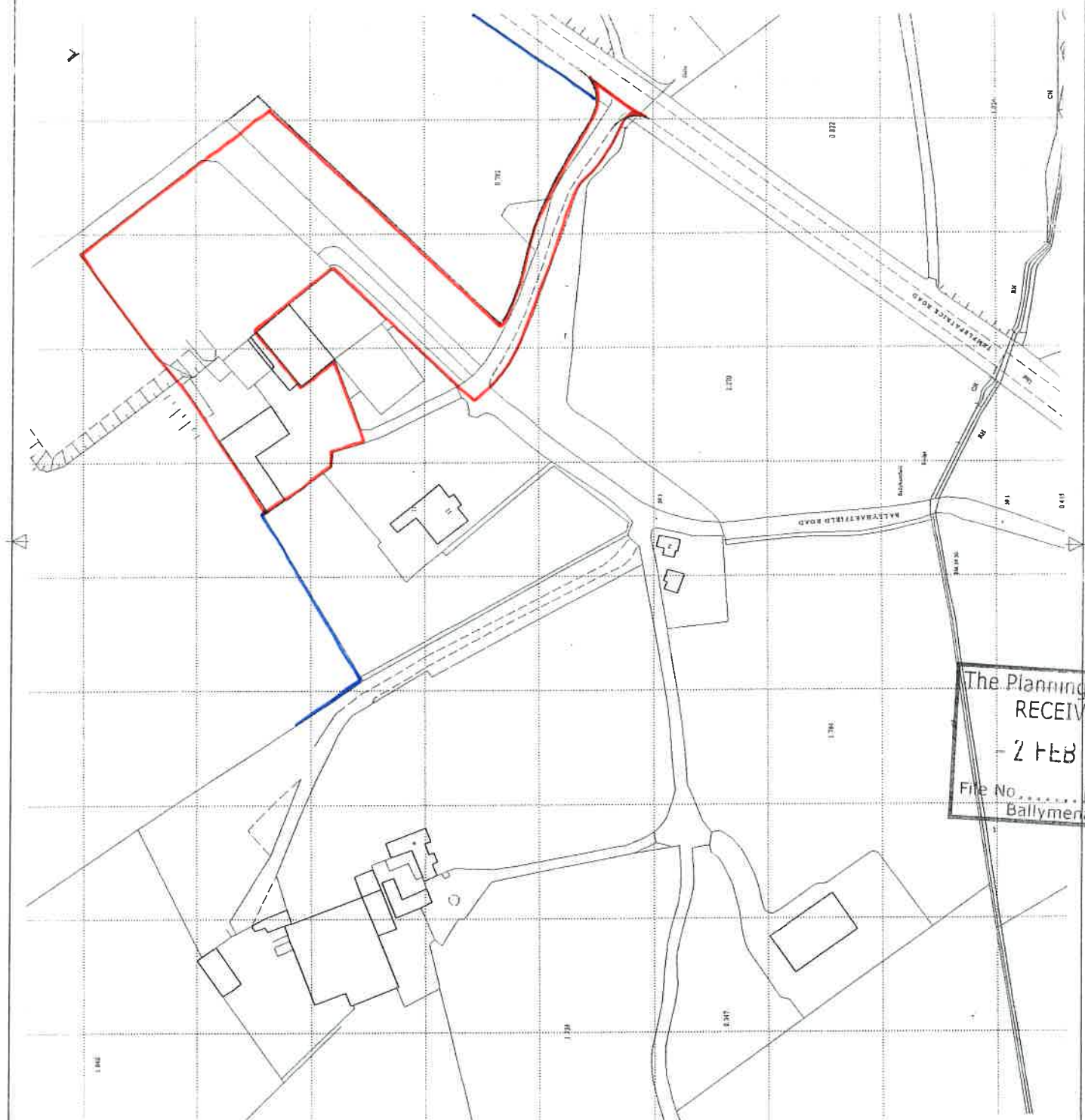
Mid and East Antrim Borough Council (MEA) has agreed to host this new Shared Service. The Chief Executive of MEA has written to the Council providing an overview of the Service to be provided and asking that Antrim and Newtownabbey Borough Council agrees to the Shared Service model and identifies a liaison officer from the Planning Section to work on a Service Level Agreement.

### **RECOMMENDATION**

**It is recommended that the Council confirms its agreement to the Shared Environmental Service and indicates that the Head of Planning will be the Council's liaison officer to work on the Service Level Agreement**

North

T2009/0046



The Planning Service  
RECEIVED  
2 FEB 2009  
File No. 01  
Ballymena 4

DWG TITLE

**Proposed Warehouse Units, Portacabin & Parking**

Adj to 11 Ballyhartfield Road, Templepatrick, BT39 0RB

DWG NAME

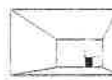
**SITE LOCATION**

DWG NO

D-03 103-01

Date: Feb 2007

Scale: 1:2500

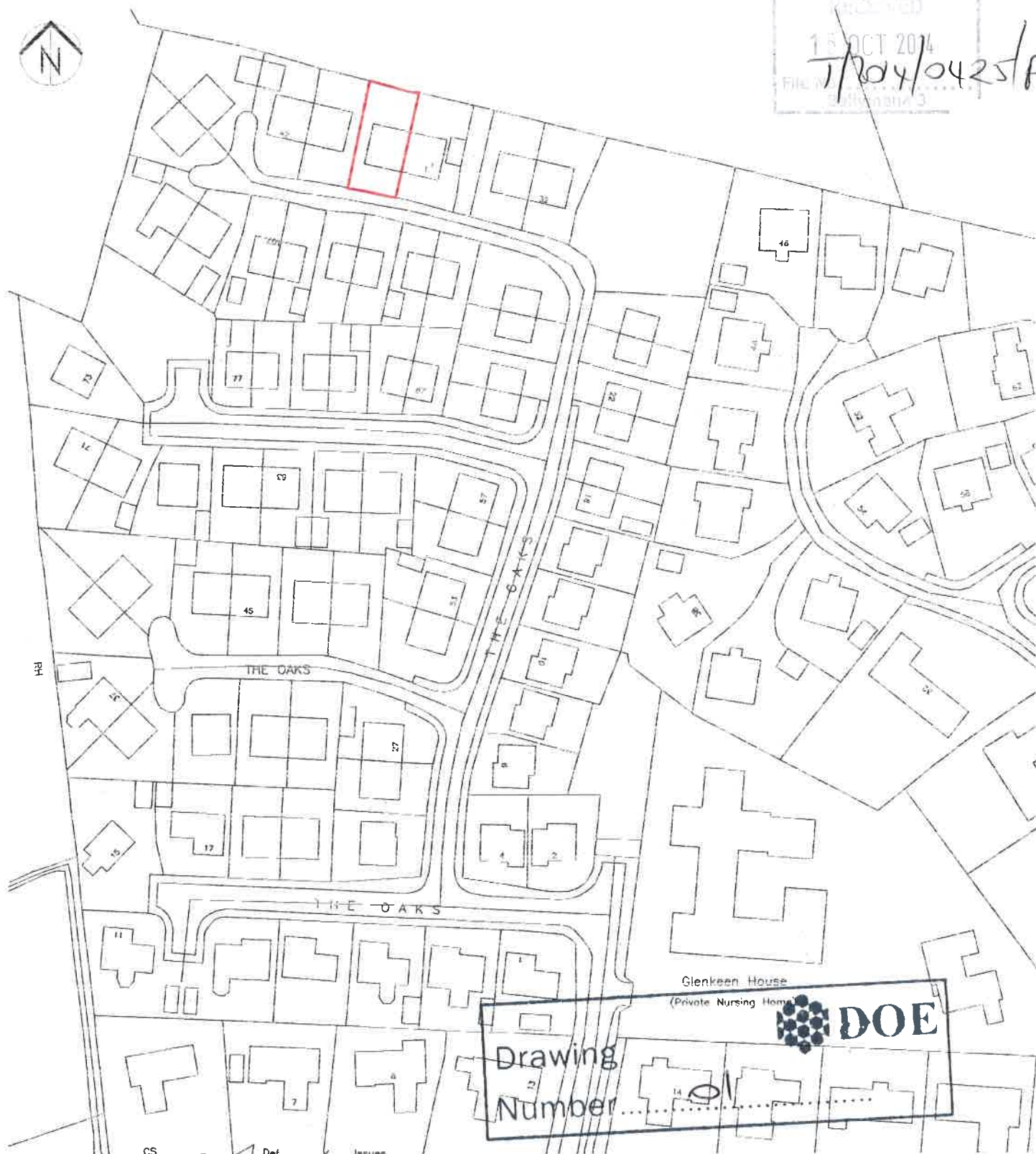


Architecture Planning Design

**ROBERT LOGAN**

CHARTERED ARCHITECT

10001224/0001  
Main Office: 0281 724 1001  
Mobile: 087 924 1001



**3RD dimension**  
Architectural Design & Planning Consultants

27 Gracefield Road | Magherafelt | BT45 6LD

T: 028 7946 8504 | M: 0797 4244 664

e: third.dimension.ads@gmail.com

EXT & ALT S TO DWELLING  
38 THE OAKS, RANDALSTOWN, Co.  
ANTRIM, BT41 3NE

For Carla McCann

LOCATION MAP

SCALE	DATE
1 : 1250	Oct '14
O.S. REF.	REV
***	***
JOB No	DRAWING
192	PL01



Drawing

Number 001

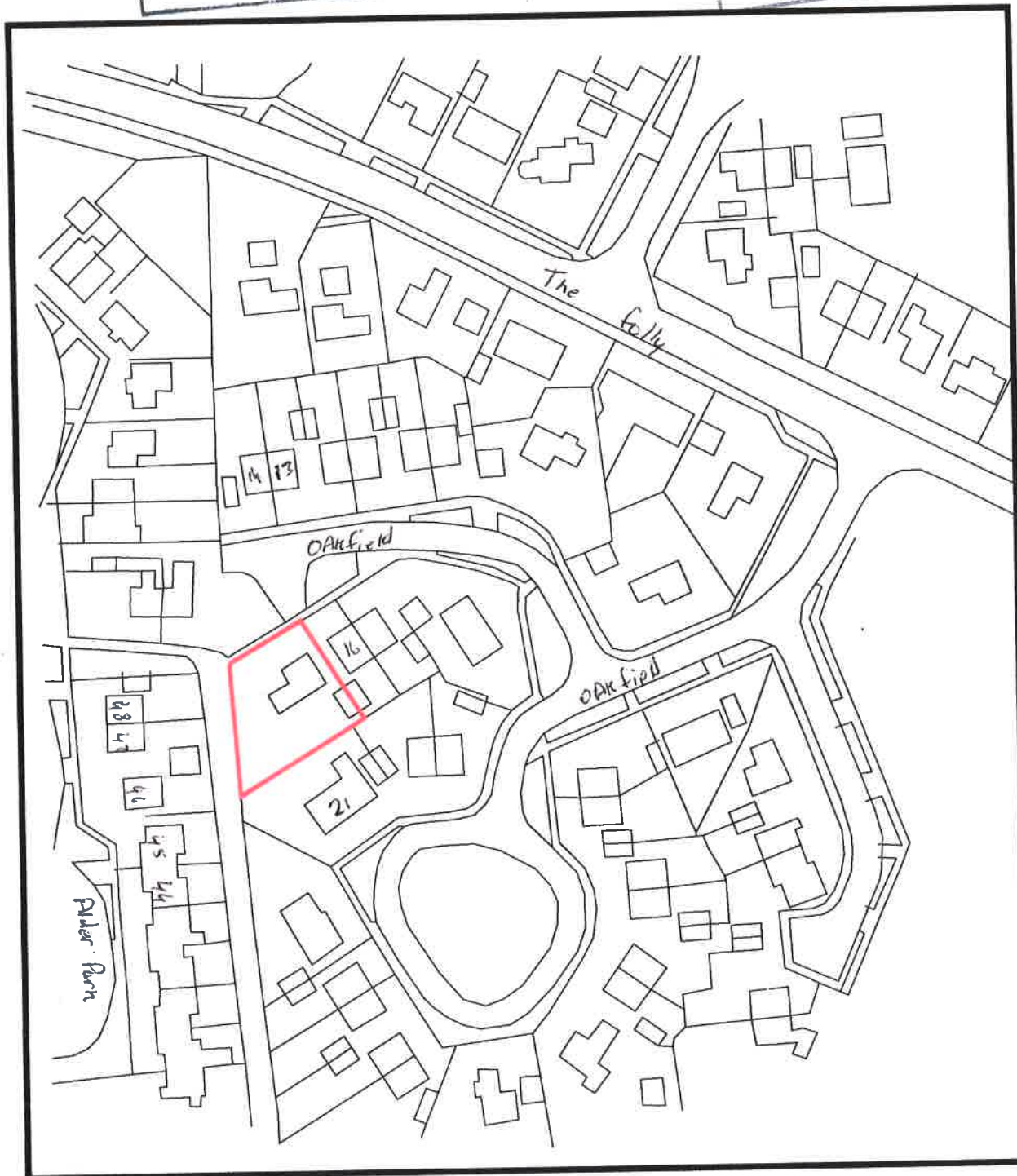


DOE

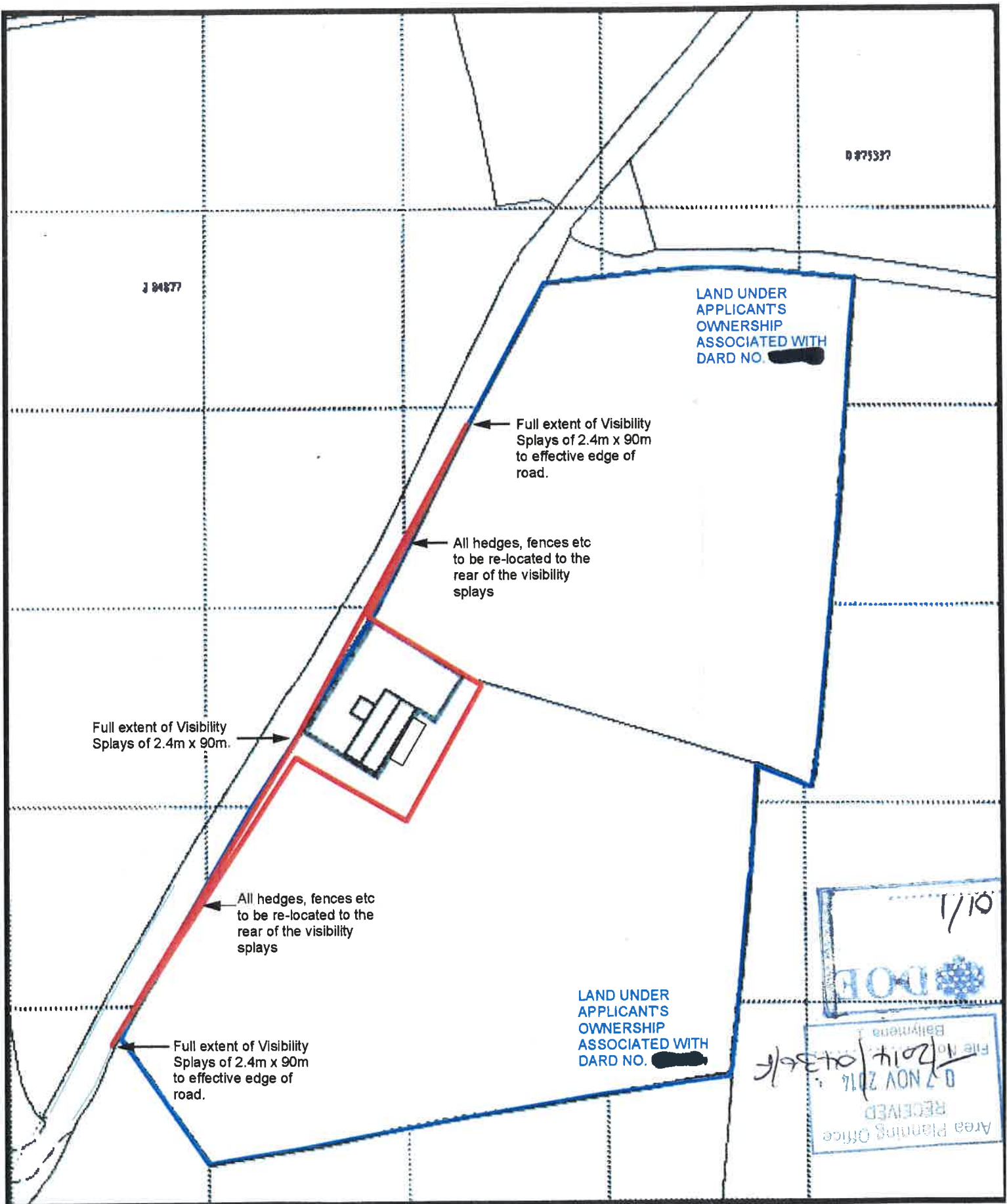
Area Planning Office  
RECEIVED

29 OCT 2014

T 2014/0450  
Ballymena 3



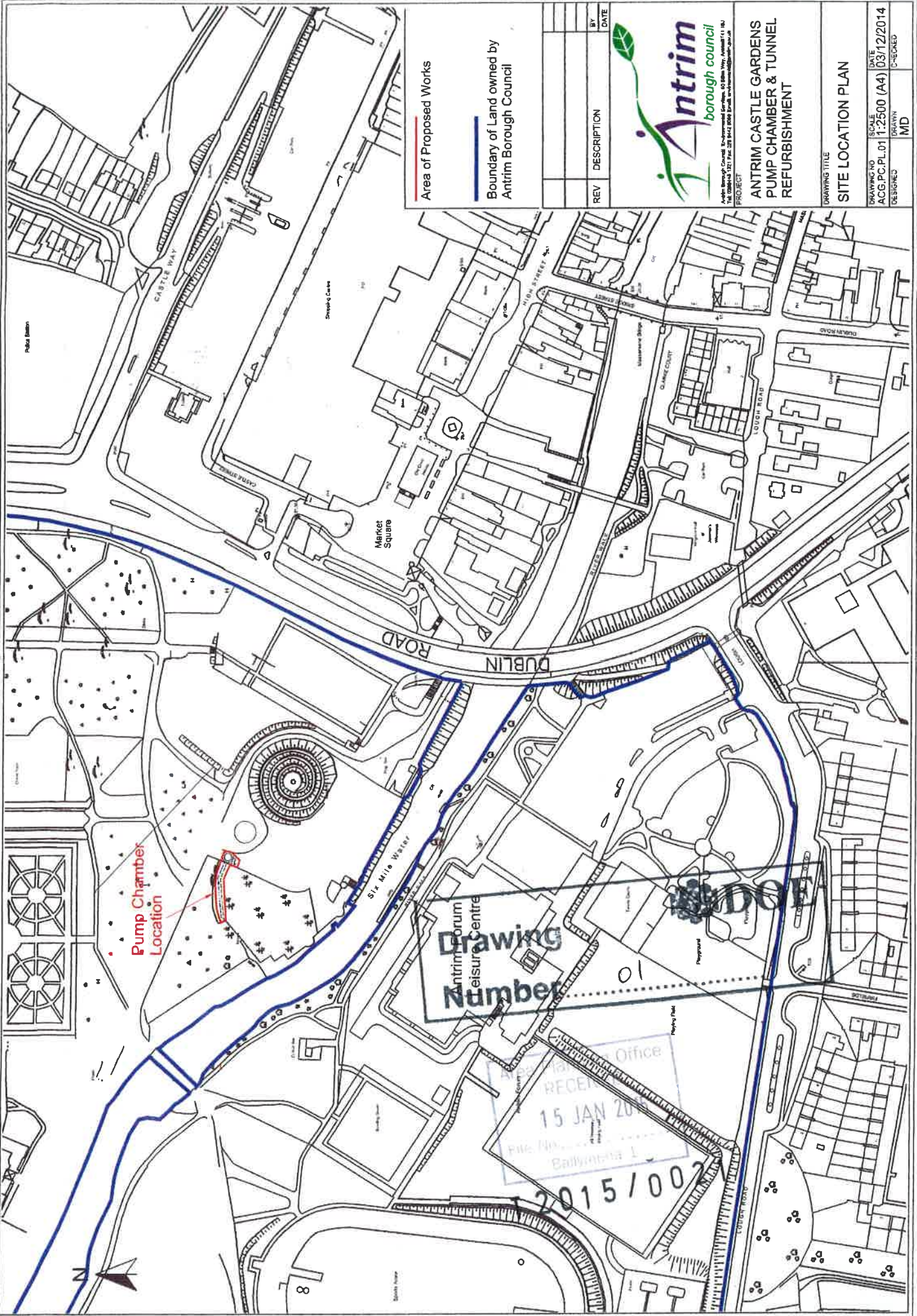
<p>CLIENT</p> <p>Mr. &amp; Mrs. L. McCartney</p>		<p>42 SEMICOCK ROAD, BALLYMONEY Co. Antrim TEL:- 078455 08073 Email- simpas21@hotmail.co.uk</p>		<p><b>SIMPSON DESIGN</b></p>	
<p>PROJECT</p> <p>Proposed Extension to Existing Dwelling 15 Oakfield, The Folly, Antrim</p>		<p>SCALE</p> <p>1-1250</p>	<p>PLOT DATE</p> <p>Oct. 14</p>	<p>JOB NO</p> <p>-</p>	
<p>DRAWING TITLE</p> <p>PROPOSED Location Plan</p>		<p>DWG NO</p> <p>PLP-01</p>	<p>REVISION</p>		



**SITE LOCATION MAP**

Scale 1 : 1250





Area of Proposed Works

Boundary of Land owned by  
Antrim Borough Council

REV DESCRIPTION

BY DATE



PROJECT

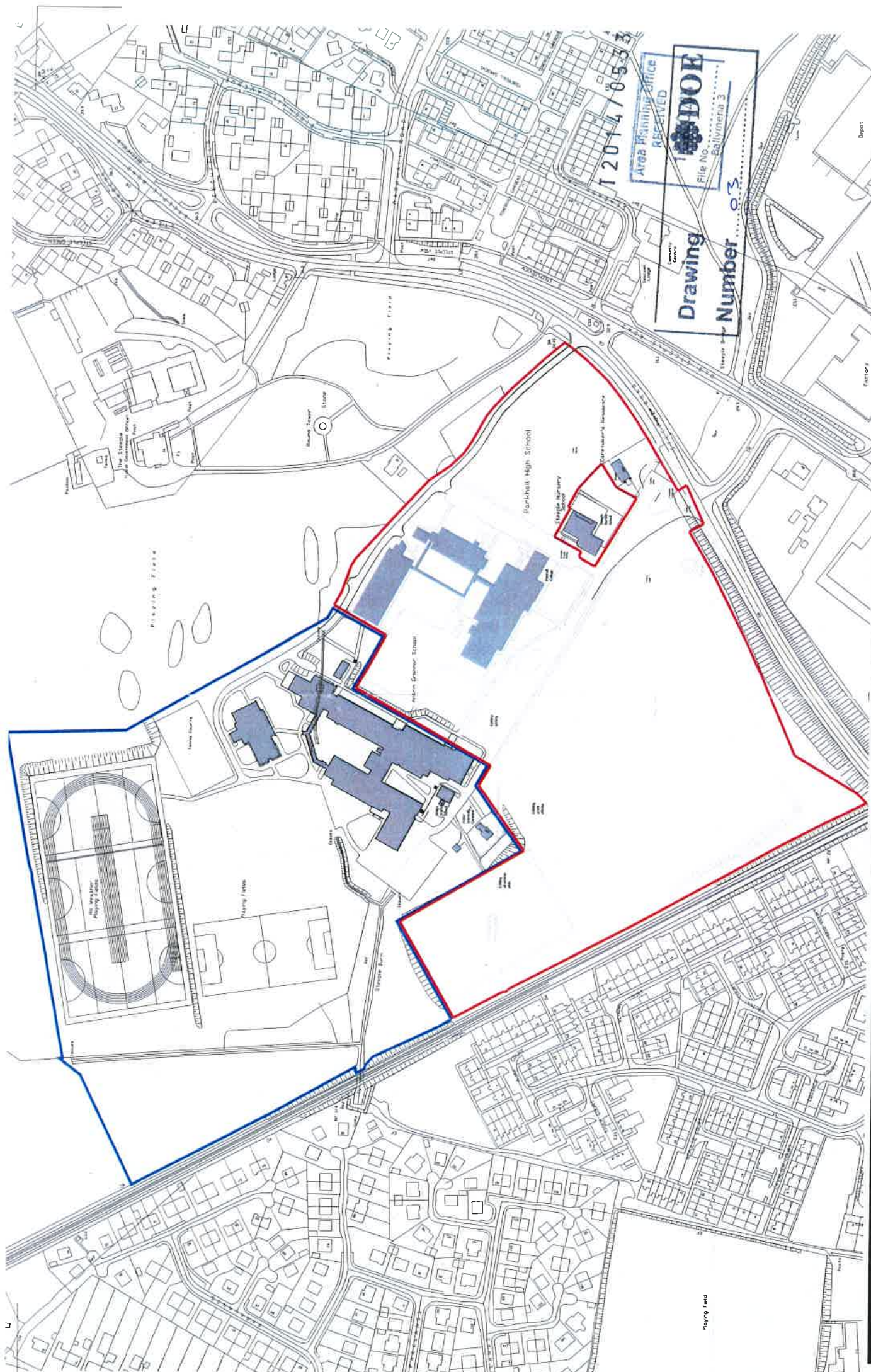
ANTRIM CASTLE GARDENS  
PUMP CHAMBER & TUNNEL  
REFURBISHMENT

DRAWING TITLE

SITE LOCATION PLAN

DRAWING NO	SCALE	DATE
ACG.PC.PL.01	1:2500 (A4)	03/12/2014
DESIGNED	DRAWN	CHECKED
	MD	





12014 / 0533

Area Planning Office  
RECEIVED

**DOR**  
File No. Ballymena 3

**Drawing**  
**Number** 03

**BDP.** PARKHALL INTEGRATED COLLEGE ANTRIM (92)AP920 EXISTING LOCATION PLAN

1 North Bank  
Sheffield S3 8JY  
United Kingdom  
T +44 (0)114 273 1841  
T +44 (0)114 228 9952  
www.bdp.com

P2005768

Date 10.12.14







# DOE

Department of  
the Environment  
[www.doeni.gov.uk](http://www.doeni.gov.uk)

Planning Section  
RECEIVED

08 APR 2015

File No. ....

Mr John Linden  
Planning Manager  
Antrim and Newtownabbey District Council  
Mossely Mill  
Carnmoney Road North  
Newtownabbey  
BT36 5QA

5<sup>th</sup> Floor  
Causeway Exchange  
1-7 Bedford Street  
Town Parks  
Belfast  
BT2 7EG

Telephone: (028) 90 823209

Email:

Your Ref:

Our Ref:

Date: 01 April 2015

Dear John

**Scheme of Delegation under The Planning (Northern Ireland) Act 2011 and the Planning (Development Management) Regulations (Northern Ireland) (2015)**

Thank you for your submission of 1<sup>st</sup> April 2015 requesting approval for your scheme of delegation required under section 31 of the Planning (Northern Ireland) Act 2011.

In accordance with regulation 9 of the Planning (Development Management) Regulations (Northern Ireland) 2015, the Department hereby approves your scheme of delegation. The council may now proceed to adopt the scheme. This approval is limited to those areas covered by the 2011 Act. If you make changes to your scheme please re submit to the Department for approval.

You are reminded of the obligations of publicity requirements as set out in regulation 10 of the Planning (Development Management) Regulations (Northern Ireland) (2015).

If you have any further queries regarding this matter, please do not hesitate to contact myself or Mr Andrew Wilson on 028 90 82 34 63.

Yours sincerely

Simon Kirk  
Director of Strategic Planning Division

## LIST OF PLANNING APPLICATIONS PREVIOUSLY DEFERRED BY LEGACY COUNCILS – RECONSIDERED APPROVALS

### RECONSIDERED APPROVALS READY TO ISSUE

<b>Application Ref:</b>	T/2014/0057/F
<b>Proposal:</b>	Dwelling (change of house type)
<b>Site/Location:</b>	200 metres south-east of Rockhead, Creggan Road, Randalstown
<b>Representations:</b>	None
<b>Initial recommendation:</b>	Refuse Planning Permission – principle of development contrary to Policy CTY1 of PPS 21 and unsuitable design
<b>Current position:</b>	Evidence submitted and accepted that development of the dwelling previously approved had commenced on site. Based on this fall-back position the current scheme has been reassessed and is now considered acceptable. Reconsidered approval

<b>Application Ref:</b>	T/2014/0115/O
<b>Proposal:</b>	Single dwelling
<b>Site/Location:</b>	50 metres north of 129 Burn Road, Antrim
<b>Representations:</b>	1 Objection
<b>Initial recommendation:</b>	Refuse Planning Permission – adverse impact upon adjacent residential amenity
<b>Current position:</b>	Amended scheme submitted with revised access arrangements. This has been reassessed and is now considered acceptable. Reconsidered approval

<b>Application Ref:</b>	T/2014/0233/F
<b>Proposal:</b>	Porch to front of dwelling
<b>Site/Location:</b>	52 Birch Hill Park Antrim
<b>Representations:</b>	None
<b>Initial recommendation:</b>	Refuse Planning Permission – adverse impact upon the character of the area
<b>Current position:</b>	Amended scheme submitted with revised design. This has been reassessed and is now considered acceptable. Reconsidered approval.

<b>Application Ref:</b>	U/2014/0166/F
<b>Proposal:</b>	Boundary fence
<b>Site/Location:</b>	2 Wood Grange, Jordanstown
<b>Representations:</b>	1 Objection
<b>Initial recommendation:</b>	Refuse Planning Permission – adverse impact upon the character of the area
<b>Current position:</b>	Amended scheme submitted. This has been reassessed and is now considered acceptable. Reconsidered approval.

### RECONSIDERED APPROVALS ANTICIPATED IN NEAR FUTURE

<b>Application Ref:</b>	U/2014/0065
<b>Proposal:</b>	Single Wind Turbine
<b>Site/Location:</b>	Tildarg Road South, Ballyclare
<b>Representations:</b>	2 Objections
<b>Initial recommendation:</b>	Refuse Planning Permission – lack of information
<b>Current position:</b>	Further information submitted and anticipate reconsidered approval

<b>Application Ref:</b>	U/2014/0239/F
<b>Proposal:</b>	Housing Development (8 units)
<b>Site/Location:</b>	Adjacent to 1 Lylehill Lodge, Templepatrick
<b>Representations:</b>	2 Objections
<b>Initial recommendation:</b>	Refuse Planning Permission – unsuitable layout and design
<b>Current position:</b>	Amended scheme submitted and anticipate reconsidered approval

<b>Application Ref:</b>	U/2014/0261/F
<b>Proposal:</b>	Housing Development (12 units)
<b>Site/Location:</b>	Craiglands Manor, Newtownabbey
<b>Representations:</b>	None
<b>Initial recommendation:</b>	Refuse Planning Permission – unsuitable layout and design
<b>Current position:</b>	Amended scheme submitted and anticipate reconsidered approval

<b>Application Ref:</b>	T/2014/0415/O
<b>Proposal:</b>	Infill Dwelling
<b>Site/Location:</b>	30 metres north of Carlisle Road, Templepatrick
<b>Representations:</b>	None
<b>Initial recommendation:</b>	Refuse Planning Permission - not an infill site
<b>Current position:</b>	Change of officer opinion likely based on reassessment of policy concerns in light of recent PAC decisions. Anticipate reconsidered approval.

## **Planning Appeals against decisions made by the Department of the Environment prior to 1 April 2015**

### **T/2013/0012/F - Planning appeal by Hagan Homes Ltd against refusal of planning permission for the change of use of a vehicle storage yard for the sale and display of motor vehicles and stationing a portacabin structure at 181 Templepatrick Road, Ballyclare**

The Department refused planning permission on 27 June 2014 for the above development for the following reasons:

- The development is contrary to Policy CTY1 of Planning Policy Statement 21 in that there are no overriding reasons that the development is essential in this rural location and could not be located within a settlement; and
- The proposal is contrary to Paragraph 54 of Planning Policy Statement 5 in that the site lies outside the development limits of any settlement and no special need has been demonstrated to justify relaxation of strict planning controls exercised in the countryside.

The applicant lodged an appeal to the Planning Appeals Commission. The Department's Statement of Case was submitted on 25 March 2015. An informal hearing originally scheduled for 17 April, has now been postponed by the PAC until after the 20 April Committee Meeting.

### **T/2014/0025/F – Planning appeal by Mr John Cairns against refusal of planning permission for the retention of 3 no temporary storage containers and temporary office building associated with existing fridge-air business at 10A Dunsilly Road, Antrim**

The Department refused planning permission on 22 January 2015 for the above development for the following reasons:

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement; and
- The proposal is contrary to policy PED 3 of the Department's Planning Policy Statement 4, Planning and Economic Development in that there are existing buildings on the site which could be used to accommodate any expansion of the existing business and insufficient reason has been given as to why these premises could not be utilised and the presence of steel containers on the site would have a detrimental impact on the appearance of the local area.

The applicant lodged an appeal to the Planning Appeals Commission. A date for submission of the Statement of Case and/or Date of Hearing or Accompanied Site Visit is pending.

**T/2014/0142/F – Planning appeal by Mr Andrew Graham against refusal of planning permission for the retention of 2 wind turbines erected at locations at variance from that approved under T/2009/0514/F (Turbine A) and T/2004/0196/F not implemented within time constraint (Turbine C) at land approximately 200m South West of 3 Carmavy Road, Nutts Corner**

The Department refused planning permission on 4 February 2015 for the above development for the following reason:

- The proposal is therefore contrary to Planning Policy Statement 1 - General Principles and Policy RE1 Renewable Energy Development of Planning Policy Statement 18 - Renewable Energy in that it has not been demonstrated that the proposed turbines will not give rise to unacceptable noise and harm the amenity of nearby noise sensitive receptors.

The applicant lodged an appeal to the Planning Appeals Commission. Dates for submission of the Statement of Case and/or Date of Hearing or Accompanied Site Visit are pending.

**T/2014/0238/F – Planning appeal by Mr John Cairns - Fridgeair against refusal of planning permission for dual use of shed for sale of tyres alongside use of shed for refrigeration repairs workshop and sales of refrigeration appliances ancillary to Fridgeair business (Change of Use of Part of Shed to Tyre Sales) at 10a Dunsilly Road, Antrim**

The Department refused planning permission on 23 December 2014 for the above development for the following reasons:

- The proposal is contrary to 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;
- The proposal is contrary to the Department's Planning Policy Statement 5, Retailing and Town Centres in that the site lies outside the development limits of any settlement as defined in the Antrim Area Plan 1984-2001 and no special need has been demonstrated to justify relaxation of the strict planning controls exercised in the countryside;
- It has not been demonstrated that the existing access and visibility requirements can be achieved and that the proposed development would not prejudice the safety and convenience of road users;
- It has not been demonstrated that the proposed development would not impact on residential amenity; and
- The proposal is contrary to the Department's Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal meets the criteria of PED 9 or PED 4.

The applicant lodged an appeal to the Planning Appeals Commission. Dates for submission of the Statement of Case and/or Date of Hearing or Accompanied Site Visit are pending.

**T/2014/0412/O – Planning appeal by Dr & Mrs Kenny against refusal of planning permission for the construction of detached dwelling and formation of new access to existing lane approximately 50m South of 24 Ballywee Road, Ballywee, Parkgate**

The Department refused planning permission on 5 March 2015 for the above development for the following reasons:

- The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal shows no overriding reason why that the development is essential and could not be located in a settlement; and
- The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape and the cluster is not associated with a focal point and is not located at a cross-roads.

The applicant lodged an appeal to the Planning Appeals Commission. Dates for submission of the Statement of Case and/or Date of Hearing or Accompanied Site Visit are pending.

**U/2013/0300/F – Planning appeal by Mr & Mrs J McKay against refusal of planning permission for a replacement dwelling at Croome House, 6 Dillons Avenue, Whiteabbey**

The Department refused planning permission on 14 November 2014 for the above development for the following reasons:

- The proposal is contrary to the Belfast Metropolitan Area Plan & Planning Policy Statement 6 (Addendum): Areas of Townscape Character, Policy ATC2; in that the proposal is located within the Whiteabbey Mill Area of Townscape Character and the proposed design fails to maintain or enhance the overall character of the area and fails to respect the built form of the area; and
- The proposal is unacceptable as it is contrary to policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments, in that the proposal fails to respect the surrounding context and is inappropriate to the character of the site in terms of proportions, massing and appearance of buildings and the design of the development fails to draw upon the best local traditions of form, materials and detailing.

The applicant lodged an appeal to the Planning Appeals Commission. Dates for submission of the Statement of Case and/or Date of Hearing or Accompanied Site Visit are pending.

**U/2014/0035/F – Planning appeal by Mr Maani against refusal of planning permission to convert an existing single dwelling back into 2 dwellings (semi-detached) at 180 and 182 Mallusk Road, Newtownabbey**

The Department refused planning permission on 10 June 2014 for the above development for the following reason:

- The proposal is contrary to 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.

The applicant lodged an appeal to the Planning Appeals Commission. Dates for submission of the Statement of Case and/or Date of Hearing or Accompanied Site Visit are pending.

**U/2014/0042/O – Planning appeal by Trevor Gardiner against refusal of planning permission for site for replacement dwelling at 138 Braepark Road, Ballyclare**

The Department refused planning permission on 5 August 2014 for the above development for the following reason:

- The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: (i) there is no lawful dwelling to be replaced; and (ii) the building to be replaced is of a temporary construction and is not eligible for replacement.

The applicant lodged an appeal to the Planning Appeals Commission. Dates for submission of the Statement of Case and/or Date of Hearing or Accompanied Site Visit are pending.

**U/2014/0119/F – Planning appeal by Sadiq Ali against refusal of planning permission to install one domestic wind turbine with height not exceeding 10m from ground level and the diameter of turbine not exceeding 2m at 20 Fernagh Gardens, Newtownabbey**

The Department refused planning permission on 5 August 2014 for the above development for the following reasons:

- The proposal is contrary to Policy RE1 Renewable Energy of the Department's Planning Policy Statement 18 Renewable Energy in that the proposed turbine would, if permitted, adversely affect the amenities of the area/neighbours by reason of its unsympathetic scale and form and its impact on the character and appearance of the surrounding area; and
- The proposal is contrary to Policy RE1 Renewable Energy of the Department's Planning Policy Statement 18: Renewable Energy, in that the applicant has failed to submit sufficient information to enable the Department to assess the noise impact of the proposal on the adjacent residential properties.

The applicant lodged an appeal to the Planning Appeals Commission. The date for submission of the Statement of Case is 6 May 2015 and the date of the accompanied site visit is 23 June 2015.



## **Planning Appeals against the non-determination of planning permission made prior to 1 April 2015**

**T/2013/0231/F – Planning appeal by Lagan Homes Ltd against the non-determination of planning permission for Proposed Residential Development of 42 No. Dwellings comprising of 5 No. Detached, 12 No. Semi Detached and 25 No. Townhouses with Carparking, Landscaping and all other associated Site Works (Additional information, amended layout and description) at lands immediately adjacent to the North Eastern boundary of Antrim Primary School and immediately adjacent to the rear of No's 4-10 Vicarage Gardens, Station Road, Antrim**

The applicant lodged a non-determination appeal to the Planning Appeals Commission. The Department submitted draft conditions for the above development on 30 March 2015.

Dates for submission of the Statement of Case and/or Date of Hearing or Accompanied Site Visit are pending.

**T/2014/0269/F – Appeal by Mr William Annett against the non-determination of planning permission for a Single Wind Turbine (Application under Article 28 to vary Condition 1 of approval T/2012/0123/F (Appeal Ref: 2012/A1080) to allow the construction of a V29 wind turbine at approximately 585m East of 12 Laurel Lane, Belfast**

The applicant lodged a non-determination appeal to the Planning Appeals Commission. The Department submitted the following draft reason for refusal for the above development on 23 January 2015:

- The proposal is contrary to Planning Policy Statement 1 - General Principles and Policy RE1 Renewable Energy Development of Planning Policy Statement 18 - Renewable Energy in that it has not been demonstrated that the proposed turbine will not give rise to unacceptable noise and harm the amenity of nearby noise sensitive receptors.

The PAC has advised that the Statement of Case is due on 30 April 2015 and an informal hearing has been scheduled for 17 May. Officers have however written to the Commission seeking a 1 month adjournment to allow the Committee to consider this proposal.

## Enforcement Notices as of 1 April 2015

Enforcement File Reference	Breach	Offender	Location
T/1999/0008CA	Unauthorised use of land for parking caravans	Mr Terrance Maughan	67 Belfast Road, Nutts Corner, Crumlin.
T/2005/0006CA	Unauthorised use of land for car parking for financial consideration (Note - Injunction proceedings also underway)	Mr D Thompson	Killead Road, Crumlin
T/2007/0097CA	Unauthorised use of land for car parking for financial consideration	Karl Airport Parking Ltd	92 Old Ballyrobin Road, Muckamore
T/2007/0039CA	Unauthorised use of land for car parking for financial consideration	Mr Robert McKendry	108 Ballyrobin Road, Muckamore, Antrim
U/2005/0003CA	Unauthorised buildings and vehicle sales	Mr F Curley	52 Carntall Road, Newtownabbey
U/2007/0125CA	Unauthorised dormer roof extensions	Sharon Speers	18 Ballyearl Close, Newtownabbey
U/2007/0093CA	Unauthorised dormer roof extensions	Mr and Mrs D Ferris	24 Burnthill Gardens, Newtownabbey
T/2009/0116CA	Unauthorised use of land for car parking for financial consideration	Mr Andrew Hyde	10 Crooked Stone Road, Crookedstone, Aldergrove
T/2013/0005CA	Unauthorised development including the deposit of waste materials, creation of laneways, access alterations, creation of wheelwash, soil distribution and soil bunding works.	Sperrin Building Services Ltd	400m East of Junction of Lylehill Road Lower and Ballyhill Road, Antrim
T/2013/00024CA	Breach of conditions (U/2008/0468/F)	Mr and Mrs Mitchell	67/69 Whitehouse Park, White House, Newtownabbey, Antrim

## Enforcement Notices as of 1 April 2015

T/2014/0071CA	Breach of conditions regarding vehicle parking	Mrs Carolyn Thompson	Killead Air lodge, 26 Killead Road, Crumlin
T/2012/0104CA	Breach of condition regarding access	Mr Stephen Robb and Mrs Deirdre Robb	Lands between 50 & 52 Barnish Road, Ballygrooby, Randalstown, Antrim
T/2014/0003CA	a) unauthorised vehicular access and stoned lane b) unauthorised area of stoned hardstanding and concrete plinth c) unauthorised erection of a building	Mr Kenneth Bickerstaff	43 Loughview Road, Ballynegeeragh, Aldergrove, Crumlin
U/2013/0102CA	Unauthorised change of use of an agricultural shed and yard to vehicle repairs	Mr Clinton McCrea	23b Ballycraigy Road North, Ballycraigy, Newtownabbey
U/2013/0102CA	Unauthorised use of shed and yard for vehicle repairs	Mr Clinton McCrea	23b Ballycraigy Road North, Ballycraigy, Newtownabbey
T/2012/0008CA	Unauthorised use of land for fuel sales and storage of vehicle fuels, consisting of; a) unauthorised fuel tanks b) unauthorised storage containers, used to hold solid fuels and gas cylinders	Mr George Beatty Mr Simon Hamill Mr Peter Hamill	Lands 60m NW of 50 Moira Road, Nutts Corner
T/2014/0013CA	The unauthorised use of land for the following; a) unauthorised sales and storage of vans, b) unauthorised storage of a porta cabin c) unauthorised storage of bricks and skips.	Mr Simon Hamill Mr Peter Hamill	Lands North of 50 Moira Road, Nutts Corner

## Enforcement Notices as of 1 April 2015

T/2012/0008CA	The unauthorised fuel sales and storage of fuels, consisting of; a) unauthorised erection of boundary fencing b) unauthorised erection of pergola and planters c) unauthorised erection of 6 number lamp stands, electric fencing and gate	Mr George Beatty Mr Simon Hamill Mr Peter Hamill	Lands 60m NW of 50 Moira Road, Nutts Corner
T/2011/0059/CA	Unauthorised car parking	Linda Buchanan Violet Buchanan	5 Seacash Road, Glenavy, Antrim

**Angus Kerr**  
**Director**  
**Planning Policy Division**

Causeway Exchange  
Level 4  
1-7 Bedford Street  
Town Parks  
BELFAST  
BT2 7EG

Telephone (028) 9082 3323

Email: [angus.kerr@doeni.gov.uk](mailto:angus.kerr@doeni.gov.uk)

Date: 10<sup>th</sup> April 2015

Dear Sir/Madam

**SUBORDINATE LEGISLATION FOR PLANNING REFORM AND TRANSFER TO  
LOCAL GOVERNMENT**

I am writing to inform you that the Department of the Environment has made the following Statutory Rules entitled:-

[The Planning \(Modification and Discharge of Planning Agreements\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015 No.187\)](#)

[The Planning \(Simplified Planning Zones\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015 No.188\)](#)

[The Planning \(Inquiry Procedure\) Rules \(Northern Ireland\) 2015 \(S.R. 2015 No.189\)](#)

The above named Rules come into operation on 22 April 2015 and introduce necessary reforms to the planning system to facilitate the transfer of responsibility for the majority of planning functions to the new district councils.

Copies of the Rules may be purchased from the Stationery Office at [www.tsoshop.co.uk](http://www.tsoshop.co.uk) or by contacting TSO Customer Services on 0870 600 5522 or viewed online at [www.legislation.gov.uk](http://www.legislation.gov.uk).

Yours faithfully,



**ANGUS KERR**