



10 April 2019

Committee Chair: Councillor H Cushinan

Committee Vice-Chair: Alderman F Agnew

Committee Members: Aldermen – T Campbell, J Smyth and R Swann  
Councillors – J Bingham, P Brett, D Hollis, R Lynch,  
M Magill, S Ross and W 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 15 April 2019 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**

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

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## **AGENDA FOR PLANNING COMMITTEE – APRIL 2019**

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

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

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

### **PART ONE**

#### **Decisions on Planning Applications**

3.1 Planning Application No: LA03/2018/0917/F

Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units, associated car parking, site access from Doagh Road, landscaping and all associated site and access works at lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey.

3.2 Planning Application No: LA03/2018/1083/F

Redevelopment of garden centre site to deliver a new garden centre development (Variation of Conditions 3, 4 & 6) at Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick, Antrim.

3.3 Planning Application LA03/2018/1086/O

Proposed site for new dwelling at 43a Old Manse Road, Newtownabbey.

3.4 Planning Application No: LA03/2017/0895/F

Change of use from farm buildings and yard to provide an extension of existing commercial car park for users of Belfast International Airport at Lands adjacent to and approx. 50m North East of 10 Crooked Stone Road, Aldergrove.

3.5 Planning Application No: LA03/2019/0014/O

Site of infill dwellings and garage (Site 1 access off Ballyrobert Road, site 2 access of Springwell Road) at lands Site approx. 50m NW of 446 Ballyclare Road and adjacent to the junction of Ballyclare Road, Ballyrobert Road, Kingsmoss Road and Springwell Road, Newtownabbey

3.6 Planning Application No: LA03/2019/0098/F

Extension of curtilage of dwelling (to provide front garden) at lands 40m North of 108A Cidercourt Road Crumlin

## **PART TWO**

### **Other Planning Matters**

- 3.7 Delegated planning decisions and appeals March 2019
- 3.8 Proposal of Application Notices
- 3.9 Northern Ireland Planning Statistics 2018-19 Quarter 3
- 3.10 Local Development Plan Independent Examination - PAC Information Session
- 3.11 Local Development Plan Quarterly Update
- 3.12 Metropolitan Area Spatial Working Group Minutes - In Confidence
- 3.13 Planning Enforcement Report 2018-19 - Quarter 3 - In Confidence
- 3.14 Planning Application No: LA03/2018/0063/F - In Confidence

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 15 APRIL 2019**

**PART 1  
DECISIONS ON PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>3.1</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0917/F</b>
<b>DEA</b>	<b>THREEMILEWATER</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units, associated car parking, site access from Doagh Road, landscaping and all associated site and access works
<b>SITE/LOCATION</b>	Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road Newtownabbey
<b>APPLICANT</b>	Kemark No 2 Ltd
<b>AGENT</b>	TSA Planning
<b>LAST SITE VISIT</b>	April 2019
<b>CASE OFFICER</b>	Michael O'Reilly Tel: 028 90340424 Email: <a href="mailto:michael.oreilly@antrimandnewtownabbey.gov.uk">michael.oreilly@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is an urban location within the settlement limits of Metropolitan Newtownabbey as defined by the Belfast Metropolitan Area Plan and comprises an area of approximately 12 hectares made up of a series of agricultural fields, which are largely rectangular in shape.</p> <p>At its northern boundary, the application site partially abuts the Doagh Road for some 120 metres and partially abuts the rear gardens of No's 612, 616, 618, 620 and 626 Doagh Road. The southern boundary of the application site abuts a watercourse and the railway line with the eastern and western boundaries defined by agricultural hedgerows. Hawthorn hedgerows define the individual field boundaries which intersect the application site.</p> <p>The dwellings at No's 610 – 626 Doagh Road are a mix of single and one and a half storey dwellings while No.616 Doagh Road is a two storey dwelling. Most of the rear boundaries of the properties along the Doagh Road are well defined with mature trees. The topography of the application site falls from north to south.</p> <p>The Three Mile Water River flows along part of the southern boundary of the application site. It is not 'designated' at this location but is further downstream. There are a number of drainage ditches within the site which run north to south and connect to a small undesignated watercourse to the west of the application site which connects to the Three Mile Water River.</p>	

An existing vehicular access point with a right turn pocket from the Doagh Road has previously been constructed on foot of an alternative planning permission which serves the application site and adjoining lands.

Mossley Mill and Mossley train halt are approximately 1 mile to the east. Houston's Corner Roundabout, which links to the Ballynure Road (A8), is approximately 0.2 miles to the west.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2017/0941/PAD

Location: Approx. 350 metres South East of 632 Doagh Road and 150 metres South of 618 Doagh Road, Newtownabbey,

Proposal: Proposed erection of 1no. storage and distribution centre and 3no. light industrial units. associated car parking, site access from Doagh Road, landscaping and all associated site and access works

Decision: PAD concluded.

Planning Reference: LA03/2017/0135/F

Location: Land approx. 100m to the south of Doagh Road and to the east side of Ballynure Road, Ballyearl, Newtownabbey,

Proposal: Erection of Warehousing/Distribution Unit with Associated Offices and Car Parking

Decision: Permission Granted: 26.07.2017

Planning Reference: LA03/2018/0187/NMC

Location: Land approx. 100m to the south of Doagh Road and to the east side of Ballynure Road, Ballyearl, Newtownabbey,

Proposal: Non-Material Change to Planning Approval Ref No LA03/2017/0135/F for (Erection of Warehousing/Distribution Unit with Associated Offices and Car Parking). Reduction in length of the warehouse by 30.2m. Reduction of eaves height by 1.3m. Omission of the external single storey office accommodation and inclusion of the same within the building envelope of the warehouse.

Decision: Non-Material Change Granted: 24.05.2018

Planning Reference: U/2009/0055/F

Location: Lands on the south side of Doagh Road and on the east side of Ballynure Road, Ballyearl, Newtownabbey.

Proposal: Erection of light industrial units & warehousing/distribution units with associated parking.

Decision: Permission Granted: 22.08.2011

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

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging

provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Belfast Urban Area Plan (BUAP): The application site is located outside the development limit upon undesignated whiteland and is within the inner edge of the green belt. The Plan offers no specific guidance on this proposal.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located outside any settlement limit and is therefore in the countryside. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey and also within the Employment Zoning for a Major Employment Location: Global Point/Ballyhenry (Ref MNY07). A number of key site requirements set out in dBMAP are applicable to the site.

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey and also within a Major Employment Location: Global Point/Ballyhenry (Ref MNY05). A number of key site requirements set out in BMAP 2014 are applicable to the site.

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

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

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

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

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

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

## CONSULTATION

**Council Environmental Health Section** – Conditions for approval.

**Northern Ireland Water** – No objection.

**Department for Infrastructure Roads**- Conditions for approval.

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

**Department for Communities Historic Environment Division** - Conditions for approval.

**Northern Ireland Environment Agency**: Conditions for approval.

**Shared Environmental Services**: Conditions for approval.

## REPRESENTATION

Thirty four (34) neighbouring properties were notified and eight (8) letters of objection have been received from five (5) properties. 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:

- Increased noise pollution, day and night;
- Constant and unremitting low level noise will cause mental health problems;
- The amount of vehicular activity will exceed the attenuation offered by the acoustic fence and cause an adverse unacceptable impact;
- Increased air pollution and cumulative impact with other on-going development and other planning commitments. This area is a natural basin and smells, fumes and air pollutants lay low in the basin for extended periods;
- Increased vehicles and congestion on the public road is a public safety issue and HGV's already cause vibrations and damage to dwellings on the Doagh Road;
- Detrimental change to the character of Ballyearl Hamlet given the number of planning permissions in the area – Pig farm, Crematorium, residential development at the Old Mill, Magowan's Tyres;
- Detrimental impact to mental health and well being due to a loss of tranquillity;
- Impact to human rights and right to a private and peaceful life;
- Impact to privacy given lorries will have a direct line of sight to bedrooms at the rear of existing dwellings;
- Effects of long term exposure to road, rail and aircraft noise;
- Light pollution due to buildings, security and vehicle lights will penetrate the common boundary and will impact to bedrooms located at the rear of existing dwellings abutting the site. The development will create a permanent night time 'glow' given the proposal is for a 24 hour operation;
- Impact to wildlife;
- Increased flood risk;



- Potential hazardous materials stored on site
- There is no demonstrable need for this proposal given the number of existing vacant units in the area;
- Impact to property value.

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

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

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Flood Risk
- Traffic and Transport
- Ecology
- Archaeology
- Socio-Economic Matters
- Other Matters

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

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

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. In the BUAP, the application site is located on unzoned land outside the defined development limit, but within the inner edge of the green belt designation.

The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

In both versions of BMAP, the application site lies within the settlement limit of Metropolitan Newtownabbey and also within an Employment Zoning for a Major Employment Location: Global Point/Ballyhenry (Ref MNY07 and MNY05). A number of key site requirements set out in BMAP are applicable to the site and are discussed later in this report.

With respect the Public Local Inquiry (PLI) Report of the Planning Appeals Commission (PAC) issued 31<sup>st</sup> January 2012, it is noted that despite several objections to the zoning of the site as a major employment location the conclusions of the PAC were that no changes to the proposed zoning were recommended. It is noted that draft

BMAP 2004 Plan Amendment No.1 amended the KSR's for this zoning to require separate Concept Master Plans for Zones A and B which addressed one point of objection raised by Invest NI at the time of the draft BMAP PLI.

In summary, given the Council's view that BMAP 2014 should be afforded significant weight in assessing proposals and the fact that the Public Local Inquiry report of the PAC recommended no change to the proposed major employment zoning recommendation, it is considered that BMAP 2014 and the KSR's relevant to the zoning along with the provisions of regional planning policy, particularly PPS4: Planning and Economic Development, are material to the assessment of this proposal.

Referring to the KSR's as set out in BMAP 2014 it is noted that the range of uses proposed in this planning application, which include light industrial and storage and distribution uses, are consistent with the range of uses envisaged as being appropriate to the zoning. This KSR has therefore been complied with.

The next applicable KSR requires that development of the application site is in accordance with an overall comprehensive masterplan for Zone B which is the lands located to the north of the railway line and incorporates lands outwith the application site to both the west and east. The lands to the west of the application site benefit from a series of planning permissions, some of which have been implemented and include the Magowan's Tyres facility and the vehicular access into the site created on foot of planning permission U/2009/0055/F which was for light industrial and storage and distribution units. The lands immediately east of the application site have secured planning permission for a Crematorium and a Council depot is located immediately east of this and represents the last tract of land within the zoning. The overwhelming majority of the balance of lands outwith the application site which are contained within Zone B are subject to either existing or committed development. Relevant to the application site the proposed development occupies the entire site area and the burden of a comprehensive master plan for the whole of Zone B is considered to be superfluous for these reasons.

The applicant has indicated in their supporting information that they own small pockets of land immediately north of the application site located between No. 620 and No. 624 Doagh Road and east of No. 610 Doagh Road adjacent to the Doagh Road and leading to where the Crematorium site begins. The applicant has indicated these other lands (indicated in blue on the site location plan) do not form part of this planning application. Considering these listed circumstances it is considered this KSR has been complied with insofar as possible.

There are several remaining applicable KSR's which are of relevance to the consideration of the proposal. These include the height of buildings, landscaping of the site, the means of access to and from the site, the promotion of alternative forms of transport to link into the existing public transport facilities in close proximity to the site and the requirement for a Flood Risk Assessment and a Transport Assessment. These matters are referred to in later sections of this report.

With reference to PPS4: 'Planning and Economic Development', Policy PED1: 'Economic Development in Settlements' states that Class B2: Light Industrial Use and Class B4: Storage and Distribution Use will be permitted in an area specifically

allocated for such proposes in a development plan. As noted above, the application site falls within the Major Employment Zoning identified at Global Point/Ballyhenry Major Employment Location and the range of land uses proposed, which includes light industry and storage and distribution, is compatible with the zoning. The proposal is therefore considered as complying with the provisions of Policy PED1 of PPS4.

Overall, it is considered that the land uses proposed in the planning application are compatible with the KSR's for the Employment Zoning Global Point/Ballyhenry Major Employment Location and the provisions of Policy PED1 of PPS4. For these reasons the principle of the development is established.

The proposal remains to be considered against the provisions of Policy PED9 'General Criteria for Economic Development' and the range of regional planning policies which are material to the determination of the proposal and these matters are addressed below.

### **Design and Appearance**

The application seeks full planning permission for the erection of 1 no. storage and distribution centre and 3no. light industrial units, associated car parking, site access from Doagh Road, landscaping and all associated site and access works.

With reference to the submitted layout Units 1 – 3 are to be purposed for light industrial use and Unit 4 is the storage and distribution unit. Unit 1 is 34 metres deep, 10 metres tall and 57 metres long creating 1,938 square metres of floorspace. Unit 2 is 35 metres deep, 10 metres tall and 110 metres long creating 3,868 squares metres of floorspace. Unit 3 is 25 metres deep, 10 metres tall and 78 metres long creating 1,950 square metres of floorspace. Unit 4, the storage and distribution unit, is 86 metres long, 15m tall and 166 metres long creating 14,276 square metres of floorspace. The total volume of floorspace created is 22,032 square metres.

It is considered that the proposed industrial units have been designed to take into consideration the standard design elements of units of this type and size. The size, scale, colour and materials palette chosen is not dissimilar to this type of development found elsewhere and includes composite aluminium cladding in silver grey with metal coping and double glazing with galvanised steel roller shutter doors in gun metal grey. Each of the units has a glazed entrance feature along its primary elevation with flat roofs throughout. With reference to the height of the buildings the BMAP KSR stipulates that buildings will be no more than two storeys in height. While the KSR does not quantify exactly what height two storeys is equivalent to, it is noted the buildings, being in the region of ten metres tall, are equivalent to a large two storey house. It is considered that the KSR has been met in this respect.

Unit 4, the storage and distribution unit, is positioned to be in excess of 100 metres from the nearest dwelling (No.610) fronting Doagh Road to the north of the application site. There is a difference of between 3 – 5 metres between the finished floor level of this unit and the finished floor levels of dwellings at the Doagh Road. A deep landscape buffer and a further grassed embankment comprising native species planting with an additional acoustic fence are positioned between the dwellings along the Doagh Road and this unit.

Unit 1, which is nearest the Doagh Road and adjacent to the site entrance, is positioned to be perpendicular to the road and separated from it by some 20 metres approximately. This unit is positioned to also be some 70m from the nearest dwelling at No. 626 Doagh Road. This is a direct response by the applicant to advice offered during pre-application discussions with the Council as, in the first instance; the long elevation was placed to run parallel with the Doagh Road and in much closer proximity to No.626 Doagh Road. The landscape framework, which extends along the gable and road side boundary to the frontage of this unit, will assist in screening this unit and will clearly separate it from existing residential development. The acoustic fence also extends to the side and front of this unit. The relationship of the development with the Doagh Road frontage is considered to be to a high design standard and is acceptable.

Overall, it is considered that proposed buildings are appropriately sized and scaled and use materials sympathetic to the character of the industrial type development taking shape in this area of the Doagh Road within the Global Point/Ballyhenry Major Employment Location identified in BMAP. The layout of development is legible and logical and clearly distinguishes between pedestrian and vehicular movement areas. Additionally, the development will be contained by a deep and extensive native species landscape framework. This will, in time, provide a robust green edge to the development, assisting with screening it from particularly exposed views looking southeastwards along Doagh Road. The design and appearance of the proposed development is considered acceptable and meets with the provisions of relevant planning policy.

#### **Character and Appearance of Area**

The landscape surrounding the application site is characterised by a grouping of dwellings on either side of the Doagh Road to the north and by a number of industrial units directly to the south and west. These lands lie within the Major Employment Location Global Point/Ballyhenry zoning in draft BMAP. Some of these lands benefit from planning permissions for industrial type development.

With respect to the proposed development the applicant has incorporated a high level of landscaping and planting in order to soften the appearance of the proposed industrial environment.

As part of the overall scheme, existing vegetation will be retained where possible and further augmented by additional planting both to the site boundaries and within the site. A 5 – 10 metre wide landscape buffer is proposed to the site's boundaries to ensure the visual impact of the proposal is softened and contained. This is in accordance with the KSR in BMAP 2014 and it is considered that the landscaping proposal has been designed to fully integrate the footprint of the development into a generous and attractive landscape setting that includes native trees and shrubbery.

Following advice provided by the Planning Section during pre-application discussions, unit 1 has been relocated to be approximately seventy (70) metres away from No.626 Doagh Road to provide a notable spatial, physical and visual break in the appearance of the area along the Doagh Road enabling better integration of the proposed development in this area. For these reasons it is considered the proposal would sit coherently and suitably alongside existing and committed development and would not be viewed as being out of place within its surroundings.

The scale, appearance and location of the proposed development is considered acceptable in the context of the receiving environment and will be effectively mitigated with extensive landscaping enveloping the majority of the site with good separation distances between the residential dwellings along Doagh Road and the functioning elements of the development.

It is considered that the proposal is consistent with the type and form of development that would be anticipated in a major employment location and will not therefore lead to an unacceptable change in the character of the area. The proposal is considered acceptable and meets with the provisions of relevant planning policy.

### **Residential Amenity**

This development proposal seeks permission to introduce buildings purposed to industrial and business uses within Class B2: Light Industrial and Class B4: Storage and Distribution of Part B: Industrial and Business Uses of the Planning (Use Classes) Order (NI) 2015. It is considered therefore that the primary considerations associated with the residential amenity of existing residents along the Doagh Road relates to noise from the operation of the businesses, vehicular traffic attracted to the site and the illumination of the site with artificial lighting. Additionally, the relationship between the size, scale and positioning of proposed buildings with existing residential properties on the Doagh Road is relevant.

The applicant has submitted a Noise Impact Assessment in support of the development proposal. The impact of noise generating activities associated with the operation of the development has been considered against the residential amenity of existing residents on the Doagh Road. The report comments that the types of noise that are likely to be generated include audible alarms on forklift trucks, the occasional dropping of palletes, light metal and woodwork, the movement of vehicles and the use of a dock leveller for Heavy Goods Vehicles (HGV's).

The sound emissions that will be generated during the daytime hours of 7am – 11pm are recorded as ranging between 2.5 and 9 decibels, which is less than the existing day time background noise levels recorded during the survey period. This leads to a conclusion that during the daytime hours the development will have a low impact on the residential amenity of the existing dwellings along the Doagh Road.

At night time, between the hours of 11pm - 7am, the sound emissions that will be generated by the development range between 0.5 decibels lower to 1.5 decibels higher than the existing night time background noise levels recorded during the survey period. For this reason a 1.8m high acoustic barrier fence between the proposed development and the existing residential properties along the Doagh Road is proposed. The acoustic fence will be erected to reduce the sound levels at the existing dwellings so that the night time operational impact will be between 1.5 decibels and 2.2 decibels less than the existing night time background noise levels. This leads to a conclusion that night time operations will have a low impact on the residential amenity of the existing dwellings along the Doagh Road.

With respect to the design of the 1.8 metre high acoustic fence, an appropriately worded planning condition can ensure that it is of an over-lapped design and the surface weight should be at least 6 Kilograms per square metre. The Council's

Environmental Health Section has offered no objections to this aspect of the development proposal.

In summary, it is considered that the noise generated by the proposed development during both day and night time should not have a demonstrable adverse impact on the residential amenity of the existing residents along the Doagh Road by reason of noise, subject to appropriate mitigation in the form of the acoustic barrier. The proposal is therefore considered acceptable with regards to noise emissions.

In relation to illumination of the proposed development an Artificial Lighting Assessment has been submitted in support of the development proposal. The report characterises the location of the application site as being within an area of medium to low district brightness typical of a small village or relatively dark urban location. The lighting scheme has been designed to prevent nuisance glare and minimise light trespass. Measures have been incorporated to achieve this aim whilst providing adequate lighting for car parking, security and site operations.

To avoid any potential lighting impact on adjacent sensitive receptors at existing dwellings along the Doagh Road, all luminaires to the car parking areas and internal roads will be directed into the site and not towards existing residential properties. Building luminance will be limited to avoid over lighting and the beam angle of all lights directed towards any potential observer will be restricted to not more than 70 degrees from vertical and as a night time feature only. Additionally, the levels of illumination are stated as being consistent with relevant European Union and British Standards and LED luminaires will be used to ensure that there is no significant light intrusion on any sensitive receptors. It is considered that a 'permanent night time glow' as alluded to in a point of objection will not result. In its consultation response the Council's Environmental Health Section has offered no objections to the artificial lighting of the development.

In summary, it is considered that the lighting of the proposed development can be accommodated without significant detriment to the residential amenity of existing residents along the Doagh Road, rather the provision of modern controlled lighting technologies will contain and control light spill and will have a negligible impact to existing residents on the Doagh Road. The provision of the landscape proposals coupled with the significant existing vegetation to the rear of most of the dwellings on the Doagh Road will also assist with the relationship between the proposed and existing residential development, particularly during the summer months.

With respect to the relationship of the proposed buildings with existing residential development on the Doagh Road it has been noted earlier in this report that Unit 1, which is the closest proposed unit to No.626 Doagh Road, has been re-orientated to be perpendicular to the Doagh Road. In addition, it has been set back approximately 20m from the Doagh Road and approximately 70 metres west of the existing dwelling. Given the physical, visual and spatial separation of Unit 1 with No.626 Doagh Road coupled with the acoustic fence and proposed landscaping it is considered that an acceptable relationship with the existing dwelling will exist and will not lead to an unacceptable adverse impact to the residential amenity of No.626 Doagh Road. This relationship is therefore considered acceptable.

Referring to Unit 4, the storage and distribution unit, it has been noted earlier in this report that there is a separation distance of approximately 100 metres between the unit and the rear of dwellings on the Doagh Road and the unit sits between 3 and 5 metres lower than those dwellings. Coupled with the acoustic fence and the proposed landscaping it is considered the relationship of this building with the existing residential dwellings on the Doagh Road is acceptable and will not lead to an unacceptable adverse impact to the residential amenity of those dwellings.

Overall, it has been demonstrated that the proposal will not cause an unacceptable impact to the residential amenity of existing residents along the Doagh Road.

### **Access and Parking**

Vehicular access to the application site is taken directly from the Doagh Road to the north of the site, which includes a dedicated right turn pocket. This access was constructed on foot of an alternative planning permission reference U/2009/0055/F (refer to planning history) and meets with the requirements of the KSR in BMAP 2014 in this respect.

The Transport Assessment (TA) has carried out a review of all committed developments in the area in assessing the impact of the proposal on the local road network. The TA concludes that the surrounding highway network can accommodate the level of traffic that will be generated by the proposal, without the requirement for mitigation measures. DfI Roads offer no objections to the methodology, logic and conclusions of the TA. It is considered that the proposed development would not have a significant impact on the surrounding highway network and the submission of the TA meets with the requirements of the KSR's set out in BMAP.

There is 194 car parking spaces to be provided in varying locations throughout the development. Unit 1 will have 46 spaces, Units 2 and 3 will share 88 spaces and Unit 4 will have 60 spaces with 5 disabled parking spaces also included. Forty bicycle stand spaces are located at various points throughout the development. In addition, 38 HGV parking spaces are positioned at the eastern boundary of the site. The location of this parking provision is a direct response by the applicant to feedback offered by the Council during pre-application discussions. Originally, 10 HGV parking spaces were located north of unit 4 and south of No's 620 and 624 Doagh Road. In its consultation response, DfI Roads offers no objection to the volume and location of parking spaces. It is considered that the development has adequate parking, turning and circulation spaces within the site for vehicles that will be attracted to the development. Regarding pedestrian movements and the promotion of alternative forms of transport it is noted that there is appropriate provision of secure bicycle stands throughout the site and a pedestrian footpath exists along a portion of the frontage of the site. This will link into the existing pedestrian footpath on the opposite side of the Doagh Road. It is concluded that the proposal is compliant with the KSR's set out in BMAP 2014 and the policy provisions of PPS3 and supplementary planning guidance.

### **Flood Risk**

An area of the application site at its southern boundary is at risk of fluvial flooding from the Three Mile Water River with a similar area affected by surface water flooding in this location. The position of the applicant expressed in the Flood Risk Assessment

and Drainage Assessment (FRA&DA) is that the proposed developed will be at low risk of flooding and will not exacerbate flooding elsewhere. The submission of a Flood Risk Assessment meets with the requirements of the KSR set out in BMAP.

The information submitted by the applicant demonstrates that the proposed development has been carefully designed to avoid the area of the application site affected by river and surface water flooding and the proposed site levels are more than half a metre above the 1:100 year fluvial flood plain. There will be a 5 metre separation distance of any development from the watercourse at the western boundary to retain a working strip. Internal drainage ditches will be culverted and will be located within roadways so that they can be accessed for maintenance. Surface water discharge will be limited to green field run-off rates using a hydrobrake and eight (8) attenuated surface water storage cells, which have been designed to meet with applicable standards including that for climate change. For storm events greater than a 1:30 year period return it has been demonstrated that no proposed buildings will flood. The storage cells will be placed beneath internal roads and car parking areas and will discharge into the Three Mile Water River. In its consultation response DfI Rivers offers no objection to the methodology or logic of the FRA & DA. It is considered the proposal is compliant with the provisions of the relevant planning policy and is likely not to be subject to flooding or exacerbate flooding elsewhere.

### **Ecology**

The applicant has submitted an Ecology Report and the NI Bio-Diversity Checklist in support of the development proposal. The supporting information comments that the agricultural fields comprising the site are improved grassland, which holds a low ecological value and is common and widespread throughout the country. No Schedule 9 'Invasive Species' were recorded on the site and a bat roost potential survey failed to identify any moderate or high suitability roosting sites. All trees within the site were recorded as offering negligible roosting suitability. With respect to otters there was no evidence of any otter activity between a range of 25 metres upstream and 125 metres downstream and the river banks adjacent to the southern boundary were void of holts or slides while exposed riverbeds were void of indicative field evidence. With respect to badgers the Ecology Report comments that while there are some well defined mammal trails within the southern portion of the application site no badger setts were found within the confines of the site. With reference to smooth newts site investigations identified one pond, which was assessed as being of negligible suitability for this species. In its consultation response DAERA: Natural Heritage offered no objections to the findings of the Ecology Report. Shared Environmental Services also offered no objections with respect to the Habitat Regulations Assessment. No mitigation is required to safeguard the ecological interests of the application site.

Overall, it is considered the proposal will not have an unacceptable adverse impact to ecological features and is compliant with the provisions of relevant planning policy.

### **Archaeology**

The applicant's Archaeology and Cultural Heritage Assessment concludes that there are no known cultural assets within the application site but that it is within an area of some archaeological significance and that it is possible that previously unidentified archaeological material could exist within the site. Should such remains exist these



would be negatively impacted upon by development and mitigation may be required. The applicant has suggested a four stage process of archaeological works taking place prior to construction commencing to allow for an archaeological evaluation of the application site. Historic Environment Division has been consulted during the processing of the application and offers no objections to the development proposal subject to planning conditions to include a phased archaeological survey to mitigate any potential loss of archaeological material. The proposal is considered acceptable and meets with the provisions of relevant planning policy.

### **Socio-Economic Benefits**

The applicant advises that this development proposal represents an investment of £1.5 million in the Borough, will pay £500,000 per annum in rates, create 50 – 60 construction jobs and will take one year to build out. These matters weigh in favour of the application.

### **Other Matters**

A number of objections to the development proposal have been received during the processing of the planning application. The majority of these have been considered within the main body of the report. A number of other objections are considered below.

With respect to increased air pollution it is noted that the Council's Environmental Health Section has not identified the application site as lying within an Air Quality Management Area, i.e. an area where the national air quality objectives are likely to be exceeded and air quality could be considered poor. Where the proposed development falls outside an Air Quality Management Area and screening tools do not indicate the need for an AQIA to be completed, the Environmental Health Section does not require the applicant to submit any further information with regard to air quality. It is considered that the likelihood of any adverse air quality impact resulting from the proposed development site at any of the existing residential properties along the Doagh Road is low. The point of objection as made is not considered to be determining.

A point of objection refers to lorry drivers having a direct line of sight to bedrooms at the rear of the existing dwellings along Doagh Road. It has been noted earlier in this report that the difference in finished floor levels between Unit 4, the storage and distribution unit, and the existing dwellings on the Doagh Road ranges from between 3 and 5 metres. Notwithstanding lorry drivers sit in a higher position than a private car it is considered that the, proposed separation distances and change in levels is sufficient so as not to allow a direct line of sight into any rooms at the rear of the dwellings along the Doagh Road. It is noted also that most of the dwellings have mature trees at the rear boundaries of existing dwellings and that a 5 - 10 metres landscape buffer is proposed to be located between the development and the existing dwellings. It is not considered that the issue of privacy intrusion is a determining issue.

A further objection refers to potential hazardous materials being stored on site. The planning application does not advise who the end user will be and no indication has been made that hazardous substances will form part of any business operation. It is considered that if hazardous materials are to be stored on the site that the care of

these items will be controlled by separate consenting regimes outside of the control of the planning system. The point of objection as made is not determining.

The impact of the proposal on property values was also raised in an objection. No empirical evidence has been submitted to clearly demonstrate this would be the case. In the absence of such evidence the point of objection as made is considered to be assertion and is not determining.

## **CONCLUSION**

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

- The principle of the development can be established given that the range of uses proposed are compatible with the employment zoning KSR's and Policy PED1 of PPS4.
- The design and appearance of the development is acceptable.
- The proposal will not cause an unacceptable adverse impact on the character or appearance of the area.
- The proposal will not be likely to cause an unacceptable impact to the residential amenity of existing residents at Doagh Road given proposed mitigation techniques and landscaping proposals.
- The developed area of the application site is outside the fluvial flood plain, is at a low risk of flooding and will not exacerbate flooding elsewhere.
- The local road network has the capacity to accommodate the vehicular activity generated by the development and alternative forms of sustainable transport are facilitated throughout the development and linking into the existing pedestrian infrastructure leading to and from the application site.
- The proposal will not have an adverse impact on ecological interests or European protected sites.
- The proposal will not have an adverse impact on potential archaeological artefacts present within the site.
- Socio-economic factors associated with this development are noted.
- There are no objections from consultees.
- Representations from interested third parties have been considered.

## **RECOMMENDATION : GRANT PLANNING PERMISSION**

### **PROPOSED CONDITIONS**

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

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

2. No retailing or 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 03, date stamped received 12<sup>th</sup> October 2018, 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. Except as otherwise agreed in the written scheme of works, 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 Council. The programme should provide for the identification and evaluation of the archaeological remains within the site, for mitigation of the impacts of the development through excavation recording or by preservation of remains and for the 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 Council 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 completed.

5. If during the development works unexpected contamination or risks are encountered 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 agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

6. After completing the remediation works under condition 5 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

7. The development hereby approved shall not be occupied until a 1.8 metre high acoustic barrier is installed in the identified location as hatched blue in drawing ref: 03, date stamped received 12<sup>th</sup> October 2018.

The acoustic barrier shall be constructed in accordance with the details set out in drawing ref: 07, date stamped received 12<sup>th</sup> October 2018, identifying the

acoustic barrier as having no holes or gaps and being of a surface weight not less than 6 kilograms per square metre.

The acoustic barrier shall be retained for the lifetime of the development.

Reason: In order to provide the necessary sound reduction required to preserve the amenity of existing residential properties at No's 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

8. All floodlighting approved herein shall be erected and operated in accordance with the Doc: 15 "Artificial Lighting Assessment, Distribution Centre, Doagh Road Ballyearl Newtownabbey", date stamped received 6th March 2019.

Reason: In order to preserve amenity at existing residential properties at No's 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

9. All planting and landscaping proposals shall be implemented in accordance with the details identified in the 'Landscape Proposals', drawing ref: 19, date stamped received 12<sup>th</sup> October 2018.

The approved planting and landscaping proposals shall be undertaken during the first available planting season following the use of any building or part thereof coming into operation and shall be managed in accordance with the details set out in the 'Landscape Management Plan', Doc 12, date stamped received 12<sup>th</sup> October 2018.

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

10. If within a period of 5 years from the date of the planting of any tree, shrub or hedge or other landscaped area, that tree, shrub or hedge or other landscaped area is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub, hedge or area of grass 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.

11. A final Construction Environmental Management Plan (CEMP) associated with the development approved herein shall be submitted to and agreed in writing with the Council by the appointed contractor at least eight weeks prior to the commencement of any development approved herein.

The (final) CEMP shall include a Construction Method Statement (CMS) reflecting and detailing all mitigation measures set out in Doc: 27 'Works to Watercourses', date stamped received 15<sup>th</sup> March 2019, and to include the methodology for the abandonment works set out at point 8 of that report.

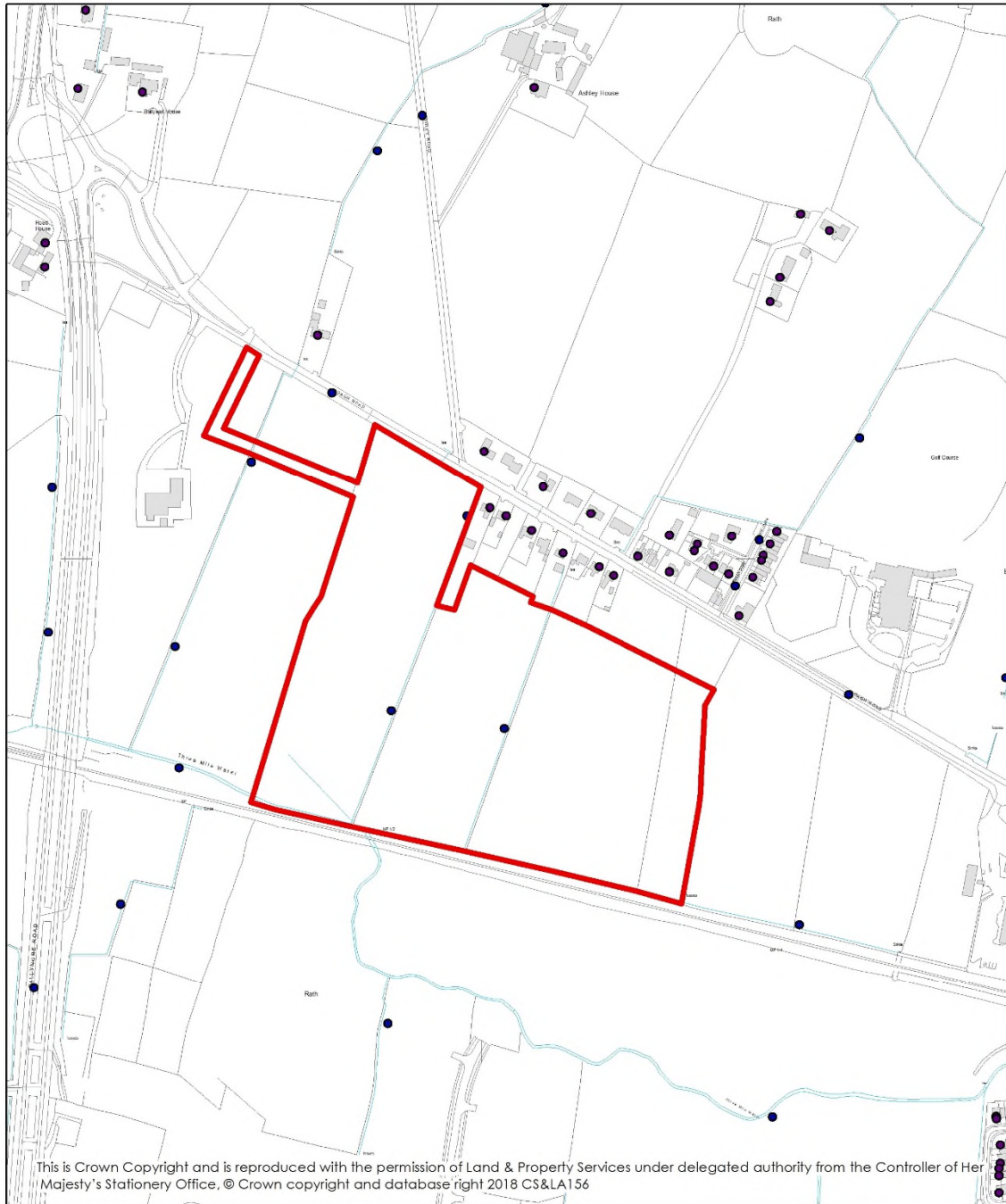
The (final) CEMP shall reflect all the mitigation and avoidance measures to be employed as identified in the outline CEMP, Doc 06, date stamped received 12<sup>th</sup> October 2018, approved herein and to include the specific measures for the use,

care and attention of oil and chemicals as set out on page 14 of the outline CEMP.

The (final) CEMP shall include confirmation of the appointment of the Environmental Clerk of Works and the roles and responsibilities of that employment posting.

The final CEMP, including the CMS, shall be implemented strictly in accordance with the approved details, unless otherwise agreed in writing with the Council.

Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the integrity of any European designated site.

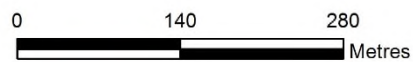


## Location Map

**Application Reference: LA03/2018/0917/F**

Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units

Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey



Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.2</b>
<b>APPLICATION NO</b>	<b>LA03/2018/1083/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	<p>Redevelopment of garden centre site to deliver a new garden centre development and associated landscaping, car parking and road and access works to the Old Ballyclare Road and Ballyclare Road. This includes the permanent retention of the existing garden centre building for garden centre retail, restaurant and covered production use; the retention of the garden centre building currently under construction on site and its use for garden centre retail, covered production, a farm shop, a coffee shop and ancillary storage; and the erection of a new garden centre building for ancillary storage. (Variation of conditions 3, 4 and 6 from approval LA03/2018/0299/F to allow an increase in the total net retail floorspace area within the approved building A and B from 2425sqm to 3145sqm, comprising an increase in the area permitted for other garden retail net retail floorspace from the 492sqm approved to 1212sqm and an increase in the area permitted for gift lines and/or domestic use utensils and decorative objects within the net retail floorspace area permitted for other garden retail form the 200sqm approved to 350sqm.</p>
<b>SITE/LOCATION</b>	Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick, Antrim, BT39 0BJ
<b>APPLICANT</b>	Eastonville Traders Ltd
<b>AGENT</b>	O'Toole & Starkey
<b>LAST SITE VISIT</b>	April 2019
<b>CASE OFFICER</b>	<p>Michael O'Reilly  Tel: 028 90340424  Email: <a href="mailto:michael.oreilly@antrimandnewtownabbey.gov.uk">michael.oreilly@antrimandnewtownabbey.gov.uk</a></p>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at the existing Coleman's Garden Centre at No. 6 Old Ballyclare Road, Templepatrick, Antrim.</p> <p>This is an area of land in the countryside comprising approximately 4 hectares and is located some 200 metres northeast of Templepatrick and in close proximity to the large roundabout at the entrance to Templepatrick.</p>	

The Council granted planning permission for the re-development of Coleman's Garden Centre on 18<sup>th</sup> September 2018 via planning approval reference LA03/2018/0299/F. Construction works are currently ongoing at the site. Modifications and improvements to the junction of the Ballyclare Road and the Old Ballyclare Road leading to the application site are complete and operational.

Well-established and mature trees and hedgerows define much of the boundaries of the application site. The adjoining land use is mainly detached rural dwellings and farm holdings. Two dwellings at Nos. 8 and 10 Old Ballyclare Road back onto the garden centre and a further dwelling, No. 2 Old Ballyclare Road, is located immediately adjacent to and south of the application site.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2018/0299/F

Location: Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick, Antrim, BT39 0BJ.

Proposal: Redevelopment of garden centre site to deliver a new garden centre development and associated landscaping, car parking and road and access works to the Old Ballyclare Road and Ballyclare Road. This includes the permanent retention of the existing garden centre building for garden centre retail, restaurant and covered production use; the retention of the garden centre building currently under construction on site and its use for garden centre retail, covered production, a farm shop, a coffee shop and ancillary storage; and the erection of a new garden centre building for ancillary storage.

Decision: Permission Granted: 18.09.2018

Planning Reference: LA03/2017/0430/NMC

Location: Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick

Proposal: Non-material change to planning permission T/2011/0378/F (amendments to elevations of planning appeal approval reference 2007/A1019 for the replacement of existing stores to nursery retailing and extension of existing nursery retailing to include toilets and restaurant together with 6no self-catering cottages) comprising the following changes:

- (a) an amendment to the proportions of the building footprint of the covered production area with the width of the building reduced and the depth increased;
- (b) an amended roof profile to the covered production area from a single pitched roof to a double pitched roof;
- (c) a minor increase in the height of the covered production area; and
- (d) an amendment to the proportions of the building footprint of Building A (Sales Area and Internal Production) with the width of the building reduced.

Decision: Non-material Change Granted 05.05.2017

Planning Reference: LA03/2017/0364/F

Location: Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick

Proposal: Temporary partial (999sqm) change of use of covered production building to garden centre retail and restaurant with associated access, parking, circulation and landscaping.

Decision: Permission Granted 07.09.2017

Planning Reference: T/2011/0378/F

Location: 6 Old Ballyclare Road, Templepatrick



Proposal: Amendments to elevations of previous approval granted under 2007/A1019  
Decision: Permission Granted 31.10.2011

Planning Reference: T/2008/0284/RM

Location: 6 Old Ballyclare Road, Templepatrick

Proposal: Replacement of existing stores to nursery retailing & extension of existing nursery retailing to include toilets & restaurant together with 6 no self-catering cottages

Decision: Planning Appeal Allowed (2007/A1019) 11.11.2009.

Planning Reference: T/2007/1041/F

Location: 6 Old Ballyclare Road, Templepatrick

Proposal: Extension of existing nursery retail building to include restaurant & additional display areas and replacement of other existing nursery building with new nursery retail building with associated site works, car parking and children's picnic area.

Decision: Permission Granted 18.12.2008

Planning Reference: T/2005/0925/F

Location: 6 Old Ballyclare Road, Templepatrick

Proposal: Replacement of existing nursery & stores to nursery retailing & extension of existing nursery retailing to include toilets, restaurant, offices & timber yard

Decision: Planning Appeal (2006/A0222) Upheld: 06.09.2007

Planning Reference: T/2001/0299/O

Location: 6 Old Ballyclare Road, Templepatrick

Proposal: Replacement of existing stores to nursery retailing & extension of existing nursery retailing to include toilets & restaurant together with 6 no self-catering cottages

Decision: Permission Granted 13.02.2004

## **PLANNING POLICY AND GUIDANCE**

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located within the countryside. Paragraph 23.23 (1) advises that retailing and commercial activity in the countryside will be strongly resisted as these uses are better located within existing built-up areas, both to serve the local community and to conserve the landscape. Paragraph 23.23

(4) states that sympathetic consideration will be given to projects designed to cater for outdoor recreational activities or to facilitate the tourist industry.

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

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

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

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

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

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

## **CONSULTATION**

**Department for Infrastructure Roads** - No objections.

## **REPRESENTATION**

Eleven (11) neighbouring properties were notified and four (4) letters of objection have been received from two (2) properties. 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:

- Impact on the private right of way of No.8 Old Ballyclare Road;
- Maintenance of landscaping and hardstanding areas, sight lines and lighting columns;
- Impact of increased footfall to privacy, safety and noise pollution;
- Amenity of residents being ignored.

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

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

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

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

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

The Antrim Area Plan 1984 – 2001 (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to the determination of the proposal.

With reference to the AAP, applicable planning policy for the control of this form of development in the countryside relates to the control of retail development and the sympathetic consideration of projects designed to cater for outdoor recreational activities.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) was published in September 2015 and is a material consideration in determining this application. At paragraph 1.10 it states that, until such times as a Plan Strategy for the whole of the Council area has been adopted, Local Planning Authorities will apply existing policies within the Planning Policy Statements (PPSs) that have not been cancelled, together with the SPPS. PPS21 is one such retained document and is a material consideration in the determination of this proposal.

Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This proposal for the variation of planning conditions associated with the re-development of an existing garden centre does not fall within the identified types of acceptable non-residential development suggested by Policy CTY1 of PPS21. Notwithstanding this point however the policy is clear in stating that there are a range of other types of non-residential development that may be acceptable in principle in the countryside. These proposals are identified as being considered in accordance with existing published planning policies.

The provisions of the SPPS require that planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.279 requires retailing to be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted. It goes on to state that as a general exception to this policy approach retail facilities which may be considered appropriate outside of settlement limits include farm shops and shops serving recreational facilities. It concludes by stating that all proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet the requirements of policy elsewhere in the SPPS.

Coleman's Garden Centre is an established and well-known garden centre with an extensive planning history relating to garden centre type development and usage. Planning permission T/2011/0378/F provided for new buildings and an increased retail

offer for the garden centre business, which was commenced within the lifespan of the consent. Although the development plan seeks to resist retail and commercial activity in the countryside as these are better located within existing built-up areas the extant permission established a valid legal fall-back position for the applicant. This was a critical material consideration in the determination of the planning application for the re-development of the Garden Centre via reference planning approval LA03/2018/0299/F and outweighs the provisions of the adopted development plan in this respect.

Coleman's Garden Centre is considered to be a facility primarily providing for gardening activity, which is considered to be a form of outdoor recreational activity. The SPPS and PPS21 accept that there are certain appropriate proposals that exceptionally can be allowed in out of town locations. Given the development plan refers to sympathetic consideration being given to projects designed to cater for outdoor recreational activity, it is considered this garden centre development is one such exception as allowed for in the SPPS and PPS21.

Given the long established presence and retail provision of Coleman's Garden Centre, its associated planning history and in particular the significance of the implemented planning permission for business expansion and the development plan which is sympathetic to developments designed to cater for outdoor recreational activity, it is considered that the principle of the proposed garden centre development at this location has been established.

The variation of planning conditions previously imposed in planning permission reference LA03/2018/0299/F remains to be assessed against the provisions of relevant planning policy including retail impact, design and appearance, impact on the character and appearance of the area, access and parking, residential amenity and other matters. These are considered below.

### **Retail Impact**

This development proposal seeks full planning permission for the variation of conditions 3, 4 and 5 of planning permission reference LA03/2018/0299/F. This planning permission provided for a new garden centre development and associated landscaping, car parking, road and access works to the Old Ballyclare Road and Ballyclare Road.

Condition 3 of the planning permission restricts the overall net retail floorspace for the sale and display of goods to 2,425 square metres when measured internally. The current proposal seeks to amend this condition to allow for 3,145 square metres of net retail floorspace, an increase of 720 square metres.

Condition 4 restricts the uses of buildings A and B and the precise amount of net retail floorspace dedicated to particular uses, which includes garden furniture, non-clothing based outdoor and camping equipment, clothing footwear and textiles, crafts, books and garden literature and 'other garden retail'. Condition 4 restricted 'Other Garden Retail' to 492 square metres of net retail floorspace. The current proposal seeks to amend this condition to allow for 1,212 square metres of net retail floorspace, an increase of 720 square metres.

Condition 6 restricts the net retail floorspace dedicated to 'gift lines' and/or 'domestic utensils and decorative objects' to not exceed 200 square metres when measured internally. The current proposal seeks to amend this condition to allow for 350 square metres of net retail floorspace, an increase of 150 square metres which is contained within the 720sqm referred to above in relation to Conditions 3 & 4. It is noted that this specific increase does not affect the overall quantum of net or gross retail floorspace associated with the Coleman's Garden Centre development.

The provisions of the SPPS require that planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.279 requires retailing to be directed to town centres, and that the development of inappropriate retail facilities in the countryside must be resisted. All proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet the requirements of policy elsewhere.

The applicant has submitted a retail impact assessment, an assessment of need and an alternative site selection report in support of the development proposal. The aim is to explore the cumulative retail impact when considered with the implemented net retail floor space of permission LA03/2018/0299/F at the garden centre.

The SPPS requires development proposals for main town centre uses that are not in an existing centre to be considered on a sequentially preferable basis and in the following order of preference;

- Primary retail core.
- Town centre.
- Edge of centre; and
- Out of centre locations, only where sites are accessible by a choice of good public transport links.

In applying this test, the SPPS is clear that applicants are expected to identify and fully demonstrate why alternative sites are not suitable, available or viable.

In his supporting statement, the applicant points to the Supreme Court Judgement of *TESCO Stores Ltd V Dundee Council* (2012) UKSC 13. In essence, the finding of the court was that the application of a sequential test must consider the proposal before the local planning authority and that any alternative site to that selected must be suitable, available and viable in this context to justify a refusal of planning permission.

In this case, the proposal is for an increase to the net retail floorspace of Coleman's Garden Centre which is to be accommodated within a building that is already under construction in accordance with planning approval reference LA03/2018/0299/F. The applicant opines the only suitable site that is capable of facilitating the proposed increase in net retail floorspace to the garden centre is the application site and existing garden centre. The applicant also argues that an increase in net retail floorspace of this garden centre could not be delivered within any alternative town centre or edge of centre location. Additionally, he argues that given the development is being sought by the existing garden centre to improve its own retail offer, there is no prospect that the enlargement of net retail floorspace being sought in this application would be delivered in any alternative town centre or edge of centre location.

In light of the applicant's position that there are no suitable, available and viable sites within town centres in the catchment (Antrim, Ballyclare, Randalstown and Crumlin), or District and Local Centres (Abbey Centre District Centre, Glengormley Local Centre, Northcott District Centre and Cityside/Yorkgate District Centre), it is considered that there is no realistic amount of alterations that could be made to the proposed scheme that would render it suitable to be accommodated on a town centre/edge of centre location. Applying the relevant case law it is considered there are no suitable, available or viable alternative sites to accommodate the proposal and for these reasons the proposal satisfies the sequential test required by the SPPS.

The SPPS also requires that in the absence of a current and up to date local development plan, applicants should be required to prepare an assessment of need to support their application.

The applicant has submitted an assessment of need based on the retail floorspace and turnover of all comparison retail floorspace within the catchment compared with catchment spend. The conclusion made is that there is a substantial outflow from the catchment area in excess of £1 million pounds in the forecast year of 2020. The forecast year of 2020 has been selected to take account of a 6 month planning application determination period and a 6 month implementation period with a standard 1 year additional provision allowed for trading patterns to settle.

The applicant goes on to comment that this is not entirely unexpected given the close proximity of the southeastern section of the catchment population to the significant draw of the nearby and accessible Belfast City Centre Regional Shopping Centre, with its comprehensive mix of national multiple comparison goods retailers. The limited competition on offer from retail within the catchment area is stark in comparison to Belfast City Centre and unable to compete with the available retail offer at that location.

In summary, it is considered that such a substantial outflow clearly demonstrates a quantitative need for additional retail floorspace within the catchment area, in order to claw back the loss of trade from the identified catchment area and promote less travel and more sustainable shopping patterns. The assessment of need provided by the applicant is considered acceptable and meets with the requirements of the SPPS in this regard.

This proposal seeks to provide an additional 720 square metres of net retail floorspace, which is below the 1,000 square metres threshold referred to in the SPPS as prompting a full retail impact assessment. The Council has however previously indicated to the applicant that the cumulative impact of the proposal coupled with the previous planning permission on the site is clearly in excess of 1,000 square metres and a retail impact assessment is required and has been submitted. It is accepted that 'like shops compete with like' and for this reason it is considered that the proposal will compete directly for trade with other garden centres within the catchment area. The retail impact assessment does however acknowledge that some trade diversion will occur from other retailers in the catchment given the similarities of retail goods on offer.

It is noted that the majority of the retail centres in the Borough do not contain any garden centres, with the result that retail impact and cumulative retail impact on

these centres is very low (less than 1%) and therefore is not likely to have any material impact on the vitality and viability of these centres.

The only policy protected centre within the catchment that includes a garden centre is the Abbey Centre District Centre (ACDC), which includes a Homebase and B&Q with a sizeable garden retail offer. Although trade draw from this centre is therefore greater than that of the other protected centres (0.4%), the substantial and comprehensive retail function and performance of the ACDC ensures both retail impact and cumulative retail impact remain at an insignificant level and will not cause harm to the vitality and viability of this centre. It is considered therefore that the cumulative retail impact of the proposal will not have an unacceptable impact upon policy protected centres within the catchment. The test of 'need' required by the SPPS has therefore been satisfied.

Overall, it is considered that the proposal will not have an unacceptable adverse impact on the vitality and viability of an existing centre within the catchment and therefore complies with the tests of the SPPS with respect to retailing and town centres.

### **Design and Appearance**

This proposal to vary conditions of planning permission reference LA03/2018/0299/F does not seek to adjust the design quality, appearance, form or layout and arrangement of the Coleman's Garden Centre development, which is currently under construction.

The Council has previously determined these elements of the Coleman's Garden Centre development to be acceptable. It is noted there has been no change to planning policy since the date of the planning permission being granted. For this reason, the design and appearance of the development is therefore considered to be acceptable.

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

It has been noted above that the design quality, appearance, form or layout and arrangement of the Coleman's Garden Centre development is not affected by this application for the variation of planning conditions. It is considered that this proposal will not have a detrimental impact on the character of the countryside given the long standing presence of a garden centre business at this location and that the Coleman's Garden Centre development is visually contained by mature trees and hedgerows defining the majority of the application site boundaries.

### **Neighbour Amenity**

A point of objection refers to the impact of increased footfall caused by the increase in net retail floorspace to privacy, safety and noise pollution.

With respect to privacy and noise pollution, it is noted that this proposal to vary conditions 3, 4 and 6 of planning permission LA03/2018/0299/F does not seek to adjust or amend the approved hard and soft landscaping proposal and its management plan. At the boundary of the application site adjoining No's 8 and 10 Old Ballyclare Road, a 1.5m high planted embankment with trees atop will be formed during the first planting season after building A becomes operational. This will be positioned adjacent to the existing close boarded timber fences delineating the rear boundaries of dwellings at No's 8 and 10 Old Ballyclare Road, which share a

boundary with the garden centre. This planted embankment will act as a permanent and robust physical barrier and will function to arrest views into the private amenity space and rear of dwellings abutting the application site along the Old Ballyclare Road. The planted embankment will also assist in mitigating any potential noise or nuisance caused particularly by patrons and their vehicles availing of car parking spaces located adjacent to the rear of dwellings on the Old Ballyclare Road. Additionally, the acoustic barrier that is to be erected next to No.2 Old Ballyclare Road and which forms part of the previous planning permission, is not affected by this proposal.

In summary, it is not considered that this proposal to vary planning conditions imposed in planning permission LA03/2018/0299/F will result in an adverse impact on the residential amenity of existing residents at Old Ballyclare Road. The proposal is acceptable in this regard.

### **Other Matters**

The impact of the development proposal upon the private right of way from the Old Ballyclare Road to No.8 Old Ballyclare Road is not a material consideration in the determination of this planning application given the proposal seeks only to vary conditions on the previous grant of planning permission. Informatives can however be attached to a planning permission advising the developer that planning permission does not alter, extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands. Additionally, an informative can advise the developer that planning permission does not confer title, ie, it is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the development.

The Planning Section has issued correspondence to the objector about this matter and has also forwarded a copy of that correspondence to the applicant's planning consultant. In that correspondence the Planning Section also commented to the objector about matters raised in his representation with respect to the maintenance of landscaping and hardstanding areas, sight lines and lighting columns. Since the time of that correspondence issuing to the objector the applicant's planning consultant has submitted a landscape management and maintenance plan, as required by condition 27 of planning permission LA03/2018/0299/F.

### **CONCLUSION**

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

- The principle of the redevelopment of Coleman's Garden has previously been established.
- The proposal will not have an adverse impact on the vitality and viability of other existing centres within the catchment.
- The design and appearance of the development will not alter as a consequence of this proposal and the Council has previously considered it to be acceptable.
- The impact to the character and appearance of the area will not alter as a consequence of this proposal and the Council has previously considered it to be acceptable.
- There will be no unacceptable adverse impact to the residential amenity of existing residents abutting the application site.
- There are no objections from DfI Roads.
- Objections from interested third parties have been considered.



<b>RECOMMENDATION : GRANT PLANNING PERMISSION</b>	
<b>PROPOSED CONDITIONS</b>	
<p>1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.</p> <p>Reason: This is a retrospective application.</p>	
<p>2. The gross floorspace of the Garden Centre buildings A, B and C, as indicated in drawing 03/3, date stamped received 20th August 2018, shall not exceed 6,129 square metres when measured externally and no operations increasing the floorspace available for retail or any other use, including the installation of mezzanine floors, shall be carried out without the express grant of planning permission by the Council.</p> <p>Reason: To enable the Council to retain control over the scale of the Garden Centre operations at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.</p>	
<p>3. The overall net retail floorspace of Buildings A and B of the Garden Centre hereby permitted shall not exceed 3,145 square metres when measured internally.</p> <p>Reason: To enable the Council to control the amount of net retail floorspace of the Garden Centre at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.</p>	
<p>4. The use of Buildings A and B shall be limited to those uses listed hereunder outlined in the 'Illustrative Uses Floor Plan – Building A and B', drawing No.19, date stamped received 4th September 2018. The precise amount of net retail floorspace dedicated to each use, including the farm shop, shall be restricted to that indicated in the list hereunder and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order:</p> <p>Garden Furniture: 270 square metres  Non-Clothing based outdoor and camping equipment: 232 square metres.  Other Garden Retail: 1,212 square metres.  Clothing, footwear and textiles: 1,009 square metres.  Crafts, books and gardening literature to include floral art, prints, frames and greeting cards: 210 square metres.  Farm Shop: 212 square metres</p> <p>For the avoidance of doubt 'Other Garden Retail' referred to at (b) is as defined by the associated Schedule, Document 10/1, date stamped received 12th September 2018.</p> <p>Reason: To ensure the use of the site remains that of a Garden Centre as proposed in the planning application and to enable the Council to control the</p>	

nature, range and scale of goods retailing at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

5. The net retail floorspace of the farm shop stipulated in Condition 4 shall be used only for the sale and storage of the goods listed hereunder and for no other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order:

- (a) Food produced by the Garden Centre
- (b) Food processed by the Garden Centre; and
- (c) Other farm goods/produce

Reason: To enable the Council to control the nature, range and scale of goods retailing within the farm shop at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

6. The net retail floorspace dedicated to 'Gift Lines' and/or 'Domestic use utensils and decorative objects' identified in the 'Other Garden Retail' Schedule, Document 10/1, date stamped received 12th September 2018, shall not exceed more than 350 square metres measured internally.

Reason: To ensure the use of the site remains that of a Garden Centre as proposed in the planning application and to enable the Council to control the nature, range and scale of goods retailing at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

7. The floorspace of the coffee shop in Building A shall not exceed 110 square metres when measured internally and shall be used only for the purpose of selling food or drink for consumption on the premises and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To enable the Council to control the operation of the Garden Centre at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

8. The floorspace of the restaurant in Building B shall not exceed 675 square metres when measured internally and shall be used only for the purpose of selling food or drink for consumption on the premises and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.  
Reason: To enable the Council to control the operation of the Garden Centre at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

9. Building C, as identified in drawing 03/3, date stamped received 20th August 2018, shall be used only for the purposes of storage associated with the Garden Centre

and for no other purpose within Class B4 of the Schedule of the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To enable the Council to control the use of Building C and to ensure that it remains ancillary to the operation of the Garden Centre at this countryside location.

10. The 'External Covered Production Area', identified in drawing 03/3, date stamped received 20th August 2018, shall be restricted to a total gross floor area of 990 square metres measured externally; shall be used only for the production, growth and display of plants and trees; and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To ensure the use of the site remains that of a Garden Centre as proposed in the planning application and to enable the Council to control the nature, range and scale of goods retailing at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

11. The 'Outdoor Display Area' identified in drawing 03/3, date stamped received 20th August 2018, shall be restricted to 1,632 square metres measured externally and shall be used only for the display of items listed within the 'Other Garden Retail' Schedule, Document 10/1, date stamped received 12th September 2018, with the exception of 'Gift Lines', 'Domestic Use Utensils and decorative objects' and 'Books, floral art, prints, frames and greeting cards'. The external display area shall be used only for the purposes described and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To ensure the use of the site remains that of a Garden Centre as proposed in the planning application and to enable the Council to control the nature, range and scale of goods retailing at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

12. The 'Open Production Area (plants)', identified in drawing 03/3, date stamped received 20th August 2018, shall not be accessible by members of the public and shall only be used for the production and growth of plants, trees and other nursery material and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To enable the Council to control the scale of Garden Centre operations at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

13. The Garden Centre, including the restaurant and coffee shop, shall only be open to visiting members of the public during the listed times on the listed days.

- Monday to Saturday: 08:00 – 21:00 hours
- Sunday: 13:00 – 18:00 hours

Reason: To enable the Council to retain control over the opening hours of the Garden Centre and in the interests of the residential amenity of existing adjoining residents.

14. No deliveries shall be taken at or dispatched from the Garden Centre outside 08:00 – 18:00 hours Monday to Saturday inclusive and at no time on a Sunday.

Reason: In the interests of the residential amenity of existing residents in adjoining properties.

15. Prior to the use of Building A coming into operation, the road works indicated in drawing No's 03/3, 09/1, 12/1 and 17/1, date stamped received 20th August 2018 and 10th August 2018 respectively, shall be fully completed in accordance with these plans.

For the avoidance of doubt this shall include the works necessary for the improvement of the public road network identified in drawing No.17/1.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are completed prior to Building A becoming operational.

16. Prior to the use of Building A coming into operation the revised vehicular access arrangements serving the Garden Centre and No.8 Old Ballyclare Road, including visibility splays and any forward sight distances, shall be provided in accordance with Drawing No's 09/1 and 17/1, date stamped received 10th August 2018.

The vehicular access arrangements for No.8 Old Ballyclare Road shall be provided prior to the revised access arrangement serving the Garden Centre.

The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users prior to Building A becoming operational.

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

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

18. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No. 17/1, date stamped received 10th August 2018.

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

19. Prior to the use of Building A coming into operation, all hard surfaced areas shall be constructed and permanently marked in accordance with the approved drawing No 03/3, date stamped received 20th August 2018, to provide adequate facilities for parking, servicing and circulating within the site, with the exception of the area of 'grasscrete', as indicated hatched black in that drawing.

Hard surfaces within the 'grasscrete' area hatched black in drawing 03/3, shall be constructed and permanently marked prior to the use of Building C coming into operation.

No part of any 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.

20. The existing natural screenings of the site, as indicated edged green in drawing 01, date stamped received 22nd March 2018, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity.

21. If any retained tree or hedgerow is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree, trees or hedgerow in the same location of a species and size as specified by the Council.

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

22. All planting and landscaping proposals shall be implemented in accordance with the details identified in the landscape planting plan, drawing No. 08/1, date stamped received 30th July 2018, and the proposed site layout, drawing No. 03/3, date stamped received 20th August 2018.

The approved planting and landscaping proposals shall be undertaken during the first available planting season after the use of Building A becomes operational, with the exception of landscape proposals within the area of 'grasscrete' hatched black in drawing 08/1.

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

23. Prior to the use of Building C coming into operation the area of 'grasscrete', as indicated hatched black in drawing No. 08/1, date stamped received 30th July 2018, shall be laid in accordance with the details set out in that drawing and shall be retained for the lifetime of the garden centre, unless otherwise previously agreed in writing of the Council.

Reason: To promote a high standard of landscape within the site and in the interests of the visual amenity of the area.

24. If within a period of 5 years from the date of the planting of any tree, shrub or hedge or other landscaped area, that tree, shrub or hedge or other landscaped area is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub, hedge or area of grass 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.

25. The native species hedgerow adjacent to the vehicular access of No.8 Old Ballyclare Road, as indicated on drawing No. 08/1, date stamped received 30th July 2018, shall be allowed to grow on to a maximum height of 2.5 metres and shall be retained at this height for the lifetime of the Garden Centre.

Reason: In the interests of the residential amenity of existing residents at No. 8 Old Ballyclare Road and to ensure the provision, establishment and maintenance of a high standard of landscape.

26. The area of land hatched orange in drawing No. 08/1, date stamped received 30th July 2018, shall be seeded in grass prior to Building A becoming operational and this area shall be managed and maintained in accordance with the landscape management plan required by Condition 27.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and in the interests of the general amenity of existing residents at No. 8 Old Ballyclare Road.

27. Prior to the use of Building A coming into operation a landscape management plan dealing with the entire landscape proposal and the requirements of Condition 26 shall be submitted to and approved in writing by the Council. The landscape management plan shall set out the long term objectives, management responsibilities, performance measures and maintenance schedules for all landscaped areas. The landscape management plan shall be carried out as approved.

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

28. Prior to the use of Building A coming into operation the acoustic barrier shall be erected in the position shown edged red in drawing No.18, date stamped received 1st September 2018.

The acoustic barrier shall be constructed in accordance with the details identified in Drawing No. 18, date stamped received 1st September 2018.

Reason: In the interests of the residential amenity of existing residents at No.2 Old Ballyclare Road.

29. Prior to the use of Building A coming into operation the lanterns illuminating the site shall be erected in the positions shown in Drawing 14, date stamped received 22nd March 2018, with the exception of lantern No's 16, 17, 18, 19 and 24. These specific lanterns shall be erected prior to the use of Building C becoming operational.

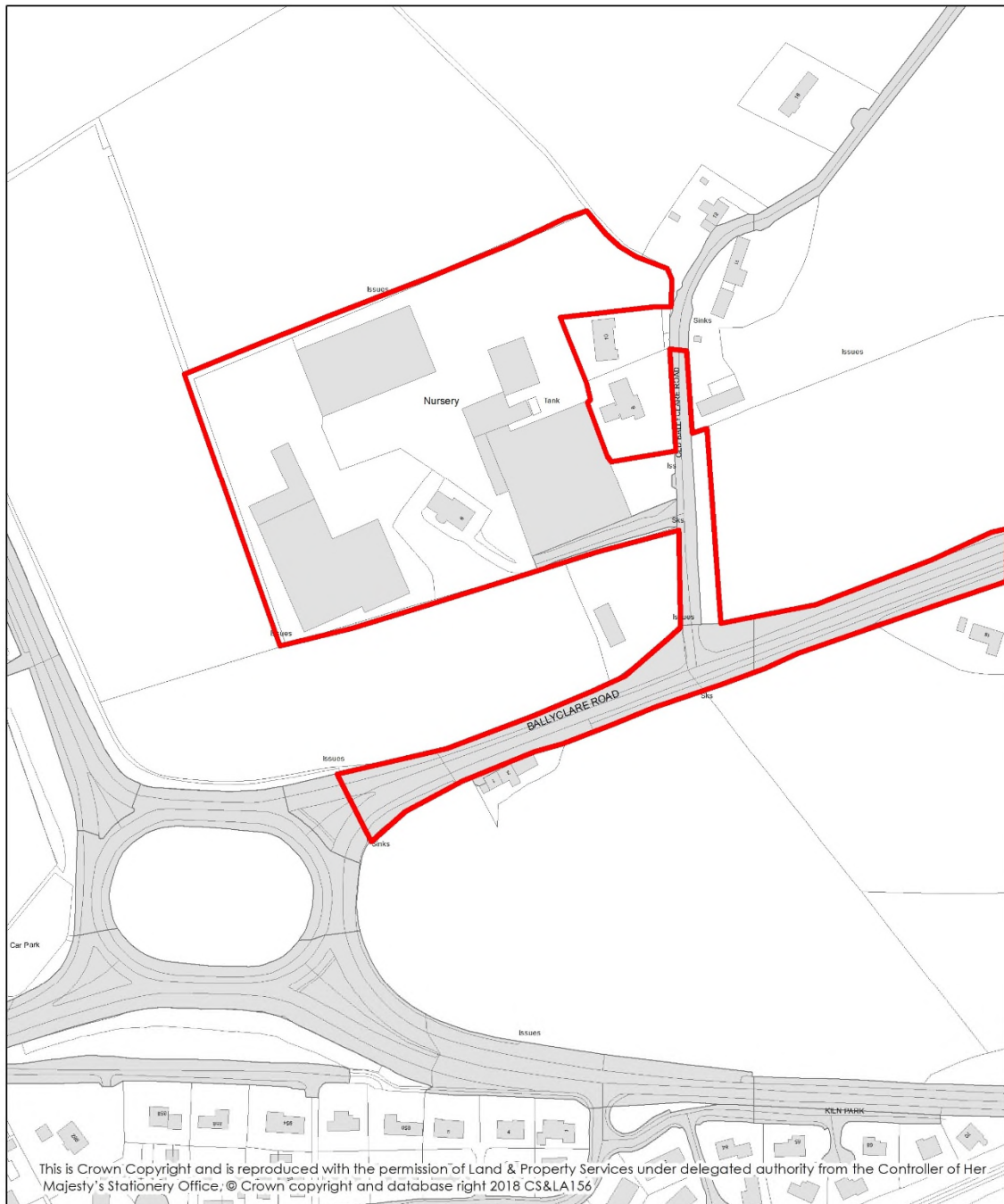
The mounting height of all lanterns shall be at a maximum height of 6 metres above the finished ground level indicated in drawing 03/3, date stamped received 20th August 2018, shall have a zero degree angle and an average Lux Level value of 0.5 Lux, as referred to in the cover letter of Document 08, date stamped received 22 March 2018.

The lanterns shall only be illuminated between the months of October to April and not before 07:00 hours and not after 22:00 hours with the exception of a Sunday when the lanterns shall not be illuminated before 12:00 hours and not after 19:00 hours.

Reason: In the interests of the residential amenity of existing residents in adjoining properties.

30. The surface water drainage regime indicated in drawing C101A, date stamped received 10th August 2018, shall be completed and be functional prior to the commencement of operations of Building A of the Garden Centre.

Reason: To ensure post development run-off rates do not exceed pre-development run off levels and to limit the risk of flooding to existing residents at adjoining properties.



## Location Map

Application Reference: LA03/2018/1083/F

Colemans Garden Centre  
6 Old Ballyclare Road  
Templepatrick

Redevelopment of Garden Centre  
(Variation of Conditions 3, 4 and 6)



 Site Boundary  
For Information Only





<b>COMMITTEE ITEM</b>	<b>3.3</b>
<b>APPLICATION NO</b>	<b>LA03/2018/1086/O</b>
<b>DEA</b>	<b>MACEDON</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed site for new dwelling
<b>SITE/LOCATION</b>	43a Old Manse Road, Newtownabbey, BT37 0RU
<b>APPLICANT</b>	Mr & Mrs White
<b>AGENT</b>	Arca Design
<b>LAST SITE VISIT</b>	15 <sup>th</sup> January 2019
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 90340416 Email: <a href="mailto:alicia.leathem@antrimandnewtownabbey.gov.uk">alicia.leathem@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located on the northeastern side of the Old Manse Road and is situated within the development limits of Metropolitan Newtownabbey as defined in both the Belfast Urban Area Plan and draft Belfast Metropolitan Area Plan. The site is not zoned for any specific purpose in either of the plans.</p> <p>The site comprises a rectangular portion of land set to the rear of 43a Old Manse Road which is currently its rear garden space. Access to the site is derived through the existing access for No.43a. The boundaries to the site are defined to the rear by mature conifer trees with the northwestern and southeastern boundaries being defined by a mature hedgerow, whilst the southwestern boundary is undefined.</p> <p>The application site lies within a predominately residential area, with Whiteabbey Primary School being located opposite.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p>	

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

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

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

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

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

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

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

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

## **CONSULTATION**

**Council Environmental Health Section** – No objections

**Northern Ireland Water** – Statutory Response

**Department for Infrastructure Roads**- No objections

## **REPRESENTATION**

Thirteen (13) neighbouring properties were notified and there were thirty-five (35) objections from twenty (20) properties. 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:

- Impact on character and appearance of area.
- The proposal will increase the density of housing.
- Form and scale of the development is inappropriate to the area.
- Previous approvals are not comparable.
- Setting a precedent for further backland development leading to erosion of the character
- Road safety issues

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

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

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

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

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, however, the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, (the Belfast Urban Area Plan BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans. Given the site is located within an established residential area and not zoned for any particular use within BMAP the principle of housing on this site is considered to be acceptable subject to the development complying with the all other policy and environmental considerations.

The Strategic Planning Policy Statement (SPPS) indicates that sustainable development should be permitted, having regard to material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS also promotes good design and seeks to make more efficient use of urban land without town cramming. Planning Policy Statement

7: Quality Residential Environments and PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas are retained policies under the SPPS and provide the appropriate policy context.

### **Layout and Design**

Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable development. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider streetscape.

The proposal is for the erection of a detached dwelling on a 'back-land' site to the rear of 43a Old Manse Road. As the application seeks outline permission, limited details are available regarding the design and layout, however, an indicative footprint of the proposed dwelling has been submitted showing the dwelling set back approximately 62 metres from the Old Manse Road with a proposed ridge height of 6 metres. Access to the site is via the existing access serving 43a Old Manse Road before it branches off and continues through a section of the front garden before running along the gable of 43a Old Manse Road and then accessing the application site. A line of mature conifer trees are located approximately 3 metres from the rear boundary, which are proposed to be removed with replanting along the rear boundary.

Development Control Advice Note 8 (DCAN 8) advises that for backland development, plots with a depth of less than 80 metres will unlikely be acceptable, although the overall depth of the site measures 82 metres, DCAN 8 goes on to emphasise that any new development should be of a form and scale which respects the local context. DCAN 8 also advises that where trees or landscape features form part of a backland plot, the design should seek to retain these and integrate them into the new development. As outlined above the proposal requires the removal of a band of mature trees.

Although limited details are provided due to the application seeking outline permission, based on the details provided it is considered that the loss of the mature trees along the rear section of the site is unacceptable and the layout of a dwelling on this application site does not respect the context of the surrounding area and would harm the environmental quality of the area.

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

The SPPS emphasises that within established residential areas it is imperative to ensure that the proposal will respect local character and environmental quality as well as safeguarding the amenity of existing residents. Policy QD1 requires that the development respects the surrounding context and is appropriate to the character of the area, in addition the Addendum to PPS 7 'Safeguarding the Character of Established Residential Areas' is applicable as the site is located within an established residential area and does not fall within any of the exceptions. Policy LC 1 of the Addendum requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area. Letters of objection raised concerns regarding the proposal being out of keeping with the character of the residential area.

The character of the existing residential area is formed by the dwellings to the northeast of the Old Manse Road and to the southwest along Circular Road. The area can generally be characterised by large detached properties with large linear gardens to the rear. In contrast to the existing pattern of development, the proposed dwelling is located within a confined plot to the rear of 43a Old Manse Road. Despite some variances with the plot sizes opposite and to the northwest of the application site, this section of the Old Manse Road does not visibly read as part of the overall pattern of development along this stretch of the Old Manse Road. The existing pattern of development exhibits that of a spacious suburban character, with similar dwelling to garden ratio. A dwelling on the proposed site would result in a significantly different ratio between built form and garden area which does not respect the existing character of the surrounding area and would harm the environmental quality of the established residential area. Some of the letters of objection indicated that part of the surrounding area is located within Old Manse Road Area of Townscape Character (ATC), although, the application site itself is located outside of the ATC, the site does read with some of the housing which forms the ATC.

In addition, similar plot sizes to the application site exist along the Old Manse Road and Circular Road, it is considered that the approval of a dwelling on the application site would set a harmful precedent in the area which when considered cumulatively would result in an adverse impact on the character of this spacious suburban area. Letters of objection also raise concerns relating to a precedent being set and that the approval of this application will not safeguard the long established residential area and will result in an erosion of the character of the area.

Taking into consideration the context of the site and surrounding area, the proposed form of 'backland' development is an inappropriate form of development on this site and does not respect the local character and environmental quality of the area and is contrary to the provisions of the SPPS, QD1 of PPS 7 and LC1 of Addendum to PPS 7.

### **Density**

Policy LC 1 also requires that the proposed density is not significantly higher than that found in the established residential area. In addition paragraph 7.08 of supplementary planning guidance document 'Creating Places' advises that it will not be acceptable to increase building density by simply 'cramming' development. Letters of objection also raised the point that the proposed density should not be significantly higher than that found in the surrounding established residential area. As outlined above the dwellings within the surrounding area are located on sizeable plots with low to medium density. The proposal seeks permission for a detached dwelling on a plot significantly smaller than that which currently exists within the surrounding area resulting in a development with a density which is significantly higher than that found elsewhere in this established residential area. The application is therefore contrary to the provisions of the SPPS, Policy QD 1 of PPS 7 and Policy LC1 of Addendum to PPS 7.

### **Neighbour Amenity**

Criterion (h) of Policy QD 1 requires that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance on both existing and proposed properties. In this case as

outlined above the proposed site is set directly to the rear of 43a Old Manse Road, with the access achieved via a laneway that runs directly parallel to the gable of 43a Old Manse Road.

Paragraph 7.15 of supplementary planning guidance document 'Creating Places' advises that adequate spacing needs to be provided between buildings for privacy purposes and where the development abuts the private garden area of existing properties, a separation distance greater than 20 metres will generally be acceptable. The separation distance from the rear wall of 43a and the common boundary is 13 metres with the overall separation distance from the rear wall of 43a Old Manse Road and the front wall of the proposed dwelling measuring 23 metres. Notwithstanding the above, the recommended separation distance outlined within 'Creating Places' of 20 metres relates to a rear to rear relationship between dwellings, in this case, the relationship will be front elevation facing onto the rear elevation of 43a Old Manse Road. Paragraph 7.12 of 'Creating Places' advises that dwellings facing onto the rear garden space of other dwellings should be avoided, it is considered that the separation distance is inadequate for the proposed relationship between the dwellings.

Additionally, 43a Old Manse Road has a large outbuilding to the rear which is used as a games room, ancillary to the main dwelling and a large sunroom to the rear of the property, which has not been annotated on the submitted plans. The separation distance from the front wall of the proposed dwelling and the existing sunroom and games room measures approximately 14 metres at its widest point and 10 metres at its narrowest point, which falls short of the space requirements outlined within 'Creating Places'. This would result in the proposed dwelling having a dominant and overbearing impact on the amenity of 43a Old Manse Road given the reduced separation distance from the proposed dwelling and the existing sunroom.

As outlined above the proposed access is to be taken through a section of the front garden of 43a Old Manse Road. The access will then continue along the gable wall and along the boundary of the rear private amenity space of the existing dwelling before terminating at the entrance to the proposed dwelling. This form of tandem development, consisting of one house immediately behind another and sharing the same access, is generally unsatisfactory because of the difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the house at the front. The level of overlooking, noise, disturbance and light nuisance coming from traffic/pedestrians entering and leaving the proposed property will be significant and would have an adverse impact on the amenity of 43a Old Manse Road.

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

As outlined above the access to the site is via the existing access serving 43a Old Manse Road. Letters of objection have raised concerns relating to road safety, in particular, the traffic associated with Whiteabbey Primary School. DfI Roads has been consulted on the application and the letters of objection and have raised no objections to the application.

### **Other Matters**

The applicant makes reference to a number of permissions previously granted for 'backland' development along the Old Manse Road. However, these permissions are not comparable due to differing plot sizes and the context of the individual sites.

Each application must be assessed on its own merits unless it is directly comparable in all respects to the application being considered. Concerns were also raised by the neighbouring properties in relation to the previous approvals with reasons highlighted as to why these previous permissions are not comparable.

## **CONCLUSION**

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

- The proposed form of 'backland' development is an inappropriate form of development on this site and does not respect the local character and environmental quality of the area.
- The proposal will have a detrimental impact on the residential amenity of the existing residential property which will have a dominant and overbearing impact.
- The access arrangement will lead to negative impacts on the existing property due to overlooking, adverse noise and general disturbance.

<b>RECOMMENDATION :</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
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## **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' and Policy LC 1 of Addendum to PPS 7 'Safeguarding the Character of Established Residential Area', in that, it does not respect the surrounding context, and it has not been demonstrated that the proposed development can achieve a quality and sustainable residential environment in keeping with the character and pattern of development in the locality.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments', in that, if permitted, it would result in an unacceptable adverse effect on the existing property at 43a Old Manse Road in terms of overlooking, dominance, noise and general disturbance.





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## Location Map

**Application Reference: LA03/2018/1086/O**

43a Old Manse Road  
Newtownabbey  
BT37 0RU

Proposed site for new dwelling

Site Boundary



For Information Only





<b>COMMITTEE ITEM</b>	<b>3.4</b>
<b>APPLICATION NO</b>	<b>LA03/2017/0895/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Change of use from farm buildings and yard to provide an extension of existing commercial car park for users of Belfast International Airport
<b>SITE/LOCATION</b>	Lands adjacent to and approx. 50m North East of 10 Crooked Stone Road, Aldergrove
<b>APPLICANT</b>	Mr A Hyde
<b>AGENT</b>	RPS
<b>LAST SITE VISIT</b>	09.01.2019
<b>CASE OFFICER</b>	Barry Diamond Tel: 028 903 Ext 40407 Email: <a href="mailto:barry.diamond@antrimandnewtownabbey.gov.uk">barry.diamond@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located in the countryside, approximately 1 mile northeast of the Belfast International Airport and is outside the development limits of any designated settlement as defined in the Antrim Area Plan. The site is accessed via an existing laneway which currently serves two residential dwellings, one of which is a Grade B1 listed building, an animal feeds business, a car hire business (currently BCH Hire), an airport related car parking business which operates within an agricultural shed and the remnants of a farm group.</p> <p>The site itself comprises two existing open silo bays and an area of hardcore which abuts the silos. An approved vehicle hire compound is located to the west of the application site and there is airport related car parking within an existing shed located to the east and southeast of the site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2018/0545/F  Location: Lands adjacent to 10 Crooked Stone Road, Aldergrove  Proposal: Parking of vehicles in association with car hire business  Decision: Permission Granted (27.02.2019)</p> <p>Planning Reference: LA03/2017/0321/A  Location: 10 Crooked Stone Road, Crumlin, BT29 4EH,  Proposal: Directional Signage  Decision: Permission Granted (19.07.2017)</p> <p>Planning Reference: LA03/2017/0005/LDE (Appeal Reference 2017/E0031)  Location: Lands to the rear of 10 Crookedstone Road, Crumlin,  Proposal: Parking of Car Hire vehicles (up to a maximum of 10 vehicles)</p>	

Decision: Consent Granted

Planning Reference: T/2014/0135/F

Location: Adjacent to 10 Crooked Stone Road, Aldergrove, Antrim,

Proposal: Retention of first floor conversion of barn to self contained living unit

Decision: Permission Granted (01.07.2014)

Planning Reference: T/2011/0123/LDE (Appeal Reference 2011/LDC008)

Location: Lands adjacent to 10 Crooked Stone Road, Crumlin

Proposal: Car parking for financial consideration for up to 80 cars

Decision: Permission Granted (13.05.2011)

Planning Reference: T/2009/0116/CA (Appeal Reference 2011/E022)

Location: Lands adjacent to 10 Crooked Stone Road, Crumlin

Proposal: Use of Land for a Commercial Car Park

Decision: Enforcement Notice Upheld

Planning Reference: T/2007/0133/LDE

Location: Lands adjacent to and north of No. 10 Crooked Stone Road, Crumlin

Proposal: Retention of existing commercial car parking facility.

Decision: Appeal Dismissed

Planning Reference: T/2006/0678/F

Location: Land adjacent to and north of no. 10 Crooked Stone Road, Aldergrove, Crumlin, BT29 4EH

Proposal: Change of use from farmyard/agricultural lands to a commercial carpark (retrospective)

Decision: Withdrawn (02.02.2007)

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

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

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

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

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

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

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

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

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

## **CONSULTATION**

**DfI Roads** – No objection

**DfC Historic Buildings** - No objection

**DfC Historic Environment Division** - No objection

**Belfast International Airport, Aerodrome Safeguarding** – No objection subject to conditions.

**Environmental Health Section** – No objection

**Defence Infrastructure Organisation** – No Objection

**Northern Ireland Water** – No objection

**DAERA Drainage & Water** – No objection subject to conditions

**DAERA Natural Heritage and Conservation Areas** – No Objection.

**DfI Rivers** – No objection

## **REPRESENTATION**

One (1) neighbouring property were notified and five (5) letters of objection and one (1) letter of support 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 support raised is provided below:

- This is an expanding business which requires more space
- There is a lack of car parks within the airport area.

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

- There is no robust analysis of need for the proposed car parking;
- The proposal cannot meet the farm diversification strategy as it does not take place within an existing farm building;
- There is no qualitative or quantitative analysis of car parks in the area;
- BIA car park has never been full and has never turned away a customer;
- Approval of the facility would condone unauthorised parking at the site previously;
- Approval would set a precedent for other random sites in the area;
- The existing car parks are not fully utilised and therefore there is no need established; and
- The evidence presented of the car parks being full is anecdotal.

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

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

- Principle of Development
- Access & Road Safety
- Visual Impact and Landscape Character
- Archaeology
- Design of the Car Park
- Other Matters

##### **Principle of Development**

The application site is located within the countryside as defined in the Antrim Area Plan and the Plan offers no policy material to the consideration of this form of development within the rural area. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland: 'Planning for Sustainable Development' (SPPS) and those of Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) regarding the proposal. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for a range of non-residential development in accordance with existing published planning policies.

An application for a private car park or an extension to same falls to be considered in accordance with PPS3 Access Movement & Parking specifically Policies AMP 10 which is concerned with the principle of development and Policy AMP 9 which is concerned with the design of the car park.

Policy AMP 10 of PPS 3 is a restrictive policy and lists a number of criteria for the assessment of a car parking proposal:

- They do not significantly contribute to an increase in congestion;
- Are not detrimental to local environmental quality;
- They meet a need identified by the Department for Regional Development in Transport Plans or accepted by DRD following robust analysis provided by a developer ;
- Within defined areas of parking restraint they are only used for short-stay parking and are appropriately managed to deter long stay commuter parking; and
- They are compatible with adjoining land uses.

It is acknowledged that the application site is not within a defined area of parking restraint. The site is within an existing yard which houses a mixture of uses, including airport related parking and a vehicle hire compound and as a consequence the use of the site for further airport related car parking would be compatible with the existing land uses. In addition, given the set back of the application site from the Crooked Stone Road the use of the site for car parking would not be detrimental to the existing environmental quality of the area (discussed in more detail later). The development would also not create or lead to any particular issues with traffic congestion (also discussed in more detail later in the report).

The main policy issue which needs to be addressed in some detail is the requirement for the applicant to demonstrate that the car park meets a need identified by the Department for Regional Development in Transport Plans or accepted by DRD following robust analysis provided by a developer. Since the publication of the policy the Department for Regional Development has been transferred into the new Department for Infrastructure. In addition, the SPPS has been published which directs at Paragraph 6.305 that in determining proposals for public and private car parks, including extensions, the planning authority should be satisfied that there is a need for the development by reference to the Councils overall parking strategy following a robust analysis by the applicant. (my emphasis)

In direct contrast to this policy criteria set out in Policy AMP 10 the agent at paragraph 2.30 of their initial supporting statement states "...the applicant has not undertaken a formal assessment of need...", this statement demonstrates that the submission clearly cannot comply with the policy criteria set out in Policy AMP 10. While the agent goes on to argue that there is, in their opinion incontrovertible evidence that there is a need for additional parking, these assertions fall short of the robust analysis of need required by the policy and therefore the application fails to meet this element of the policy.

To ensure completeness of assessment the "...incontrovertible evidence..." presented by the agent is considered and information supplied by Farningham Planning Consultants (FPC) acting on behalf of Belfast International Airport (BIA) and Donaldson Planning acting on behalf of McCausland Airport Garages Ltd is also considered. Photographs of cars parked on grass and junction boxes within BIA car parks is presented by the agent as evidence that car parks are at capacity. None of these car parks show that the car park is full and it is misleading to suggest that parking in non-designated areas is an indication that maximum capacity has been reached, rather it is an indication of customer desire to park close to the terminal.

This analysis is evidenced by Donaldson Planning in their letter of objection where they supply an aerial photo showing cars parked on the verge close to the terminal building while vast swathes of the long stay car park remain unoccupied. A photograph of cars parked along the Ballyrobin Road is presented as further evidence of a lack of parking, the cars parked on the Ballyrobin Road have mostly got dipped headlights on showing that they are still occupied and only temporarily parked. The temporary parking of cars along the Ballyrobin Road is common place and a means to avoid paying car parking charges when collecting air traffic passengers.

Photographs are presented of cars parked in fields adjacent to McCauslands and it is common place that the main airport car park operators all avail of permitted development rights to use lands for a period not exceeding 28 day to park cars during peak season. The attempt to equate a legitimate operators use of permitted development rights to meet a customer demand does not demonstrate a need for the applicants facility, rather it demonstrates that there is flexibility in the planning system to allow legitimate operators to expand their operations into adjoining areas to meet a peak in seasonal customer demand.

A number of screenshots are presented by the agent in their submissions of the 3<sup>rd</sup> October 2017 and the 18<sup>th</sup> December 2018, for McCausland, Cosmo and BIA airport car parking which indicate that none of the operators were accepting online bookings at various times. The agent claims that this is evidence that all the car parks were full, however, it merely indicates that the operators were ceasing to take online bookings. The letter of objection from FPC states that; "...BIA has never been full nor has it ever turned a passenger away...BIA does not sell all of the car parking spaces in each of its car parks online." Further evidence from FPC in their objection letter of the 23<sup>rd</sup> January 2019 states "...annual returns still demonstrate that there remains spare capacity of 35%, which of course represents a very substantial number of unused spaces."

The agent refers to further evidence of cars parked on new car parking spaces within the airport and an adjoining field and the observations of two persons who have recently utilised the service offered by Hyde Easi Park. All this information is presented as evidence that there is pressure on the existing car parks at BIA. The evidence does not however, prove that all of the car parks are at anytime full and nor would an increased demand meet the policy requirement to demonstrate "need".

It is fairly well established that the airport relies to a large extent on the income from its associated car parking (approximately 8,500 spaces). It is notable that if customers could not be accommodated within any of the main car parks (BIA, Cosmo, McCausland) that some or all of the operators would have made efforts to expand their parking services within the zoned airport area, instead they appear to be adopting temporary means of addressing a seasonal peak in demand.

The applicant has not provided any verifiable evidence that all the main airport car parks have at anytime been full, that at anytime the car parks have been full for a prolonged period, nor have they provided any quantitative or qualitative analysis of the car parking currently available. The policy requires the applicant to provide a robust analysis of need, none has been provided as recognised by the agent and as a consequence the application cannot meet the requirements of the Policy and must fail.

### **Farm Diversification**

The agent goes to some length to establish that this proposal should be acceptable as a farm diversification project in accordance with Policy CTY12 of PPS21. In order for any farm diversification project to be acceptable the farm business must be currently active and established. In this case, there has been no farm details submitted to demonstrate any aspect of the farm business other than a farm map dated from 2012. While the farm has been previously described as active in previous planning appeals, the policy clearly refers to "currently active". The onus is on the

applicant to demonstrate active farming and in the absence of such information the application must fail.

The policy criteria for farm diversification requires amongst other criteria that proposals will only be acceptable where they involve the re-use of an existing building. In this case the agent attempts to state that there is a building on the site and although they do not identify any particular building it can only be concluded that they are referring to the existing silos as a building as there is nothing else that they could be referring too. The issue of whether the silos constitute a building has to be examined. The silos are of permanent construction, they have shuttered walls and steel stanchions, they have a concrete base and notably no roof. The oxford dictionary defines a building as; "A structure with a roof and walls, such as a house or factory". The absence of a roof would appear to be fatal to the conclusion of whether the silos can be included as the definition of a building. The letters of objection from Farningham Planning and Donaldson Planning refer to the lack of a building as fatal to the application and they identify the silos as "...engineered containers...". It is considered that the appropriate definition for the silos would be as a structure rather than a building.

The previous appeal decision discussed a possible tension between the policy requirements of Policies CTY 11 of PPS21 and AMP 10 of PPS 3. It is however considered that there is no tension at all between the policies as they do not pull in different directions. Policy AMP 10 of PPS3 allows for a range of farm diversification projects provided that they are of a scale and nature appropriate to their location. Where farmers diversify their income through renewable energy projects there is a requirement to comply with the Policy requirements of PPS18, where the proposed development would interfere with an historic monument or a listed building compliance with PPS6 would be required, the need to provide a suitable means of access is a requirement under Policy AMP2 of PPS3 and indeed it would be highly conceivable that a failure to provide a suitable means of access which would endanger road users would lead to a refusal of a farm diversification application. The requirement for a needs assessment under Policy AMP 10 of PPS3 does not place the policies in conflict rather it places a requirement upon the applicant to provide such an assessment. There is nothing contained within Policy CTY 11 which suggests that a commercial advantage should exist for farmers which would allow unacceptable forms of development in the countryside solely on the basis of supplementing farming income.

Even if that was the case the justification and amplification of the policy states; "Applications for large-scale proposals more suitable to the urban area or existing urban-based enterprises seeking relocation will not be acceptable." There are approximately 11,000 car parking spaces within the airport zone and while this area does not constitute an urban area it is identified as an area for airport related uses.

It is noted that adjoining the application site there is planning approval for the parking of 160 cars within the existing shed and there is approval for a vehicle compound which relates to a car hire business which abuts the application site. It would appear that the airport related parking is spilling out of the covered sheds and into the open area and constitutes a large scale operation which is more suitable to an urban location.

### **Expansion of an Established Business**

Planning Policy Statement 4 in its preamble sets out that the policy applies to, economic development uses which comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2004, now the Planning (Use Classes) Order (Northern Ireland) 2015. It goes on to say however that the policy approach and associated guidance contained within this document may be useful in assessing proposals for other sui generis employment uses. It is accepted that car parking for a financial consideration is a sui generis use.

Policy PED 3 of PPS 4 allows for the expansion of an established economic development in the countryside where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise." The Policy rather unhelpfully does not define what a major increase in the site area would constitute and therefore it must be for the decision maker, in the circumstances of the particular case to come to such a judgement. In the present case there is approval for some 160 cars to be parked within an enclosed building and the proposal requests an expansion of this by up to 80 additional car parking spaces within an open silo. The Policy also encourages any expansion to be accommodated through the reuse or extension of existing buildings on site, which is not proposed in this instance. It is considered that an expansion of the activity outside of the existing building would constitute a major expansion of the enterprise and would set a precedent for further expansion into the surrounding lands.

The justification and amplification of the Policy also highlights the benefits derived from job creation through expansion of a business. In the current application no details of job creation have been provided and no case has been made to demonstrate how the proposed expansion would comply with Policy PED 3. In any case, the proposal relates to the extension of a car park area and as a consequence Policy AMP 10 of PPS3 is engaged. It has already been noted earlier in the report that no robust case of need has been submitted for the proposed extension and the proposal does not meet with the policy criteria. As also noted previously the policies are not in conflict, rather they impose a series of requirements to ensure the proper and orderly development in the rural area.

### **Access & Road Safety**

It is proposed to access the application site via the existing access and laneway which serves residential and non-residential uses. DfI Roads has been consulted on the application and they have raised no objections given the existing sightlines of 4.5 by 90 metres which exist in both directions at the junction of the laneway and the Crookedstone Road.

It is considered that the development would not create or lead to any particular issues with traffic congestion, the site is accessed via the Crookedstone Road which has a junction with the Ballyrobin Road (A57) just 350 metres to the west. While the application site has the capacity to accommodate some 80 vehicles on the site, these are mostly parked for a number of days or even weeks and would not constitute a significant increase in daily traffic movements along the Crookedstone or Ballyrobin Roads.



### **Visual Impact and Landscape Character**

The application site measures some 0.26 hectares and it would be anticipated that such a swathe of parked cars in the rural area would have a significant visual impact on the visual amenity of this area of the countryside and would impact upon the character of the surrounding area.

In this case the application site is set well back up a laneway and within an area where there is a mixture of uses and buildings which have an established presence in the rural area. The application seeks to bring on to the site mostly private vehicles (80) and while there may be a large number of vehicles on the site these will have a very limited visual impact as they are within an enclosed silo.

The proposed development will have very limited vantage points due to the set back of the site from the public road, existing landscape mounds, existing boundary vegetation and existing tree/hedgerows along intervening field boundaries. Overall, it is considered that the proposed development will have limited viewpoints and will not adversely impact upon the character or visual amenity of the area.

### **Impact on Features of Archaeological Importance**

Historic Environment Division: Historic Buildings (HED-HB) was consulted on the application as the proposed development lies in close proximity to a Grade B1 listed building, namely Dunore House (ref: HB20/13/023). HED-HB has responded stating that it considers the proposal as presented satisfies the requirements of the SPPS 6.12 'Development proposals impacting on Setting of Listed Buildings' and BH11/Development affecting the Setting of a Listed Building of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. HED-HB made reference to the two decisions by the Planning Appeals Commission refs: 2011/LDC008 and 2011/E022 which established the lawful use of land in the vicinity of this application site for the parking of cars for a financial consideration. This application is for the extension of this car parking facility.

It is considered that Dunore House is sufficiently removed and screened from the area of land proposed for commercial car parking and will remain unaffected by the proposals. Although the use of the laneway, accessing the extended car parking area, will be intensified. The bridge on this laneway and the walling and gate piers associated with Dunore House are listed and protected under ref: HB20/13/023. There are no proposals to alter these structures to facilitate the current scheme. It is considered the proposal will not have an impact on any features of archaeological importance.

### **Flooding**

The Flood Map (NI) indicates that the application site lies outside the 1 in 100 year fluvial floodplain, however, the existing entrance to the development is located within a predicted flood area as indicated on the Strategic Flood Map. Policy FLD3 of PPS 15 'Development and Surface Water' states that a Drainage Assessment will be required for new hard-surfacing exceeding 1000m<sup>2</sup>. While the application site does exceed the threshold for hard standing it is noted that the hard standing areas currently exist and the proposed development will not significantly add to the level of impermeable surfaces.

NIEA Water Management Unit has considered the impacts of the proposal on the surface water environment and has no objection subject to conditions that no vehicle washing or maintenance is to take place on site.

### **Other Matters**

Natural Environment Division has considered the proposal and it is considered there is no likely significant effect on designated sites and other natural heritage interests. It is considered the proposal complies with PPS 2 Natural Heritage.

### **CONCLUSION**

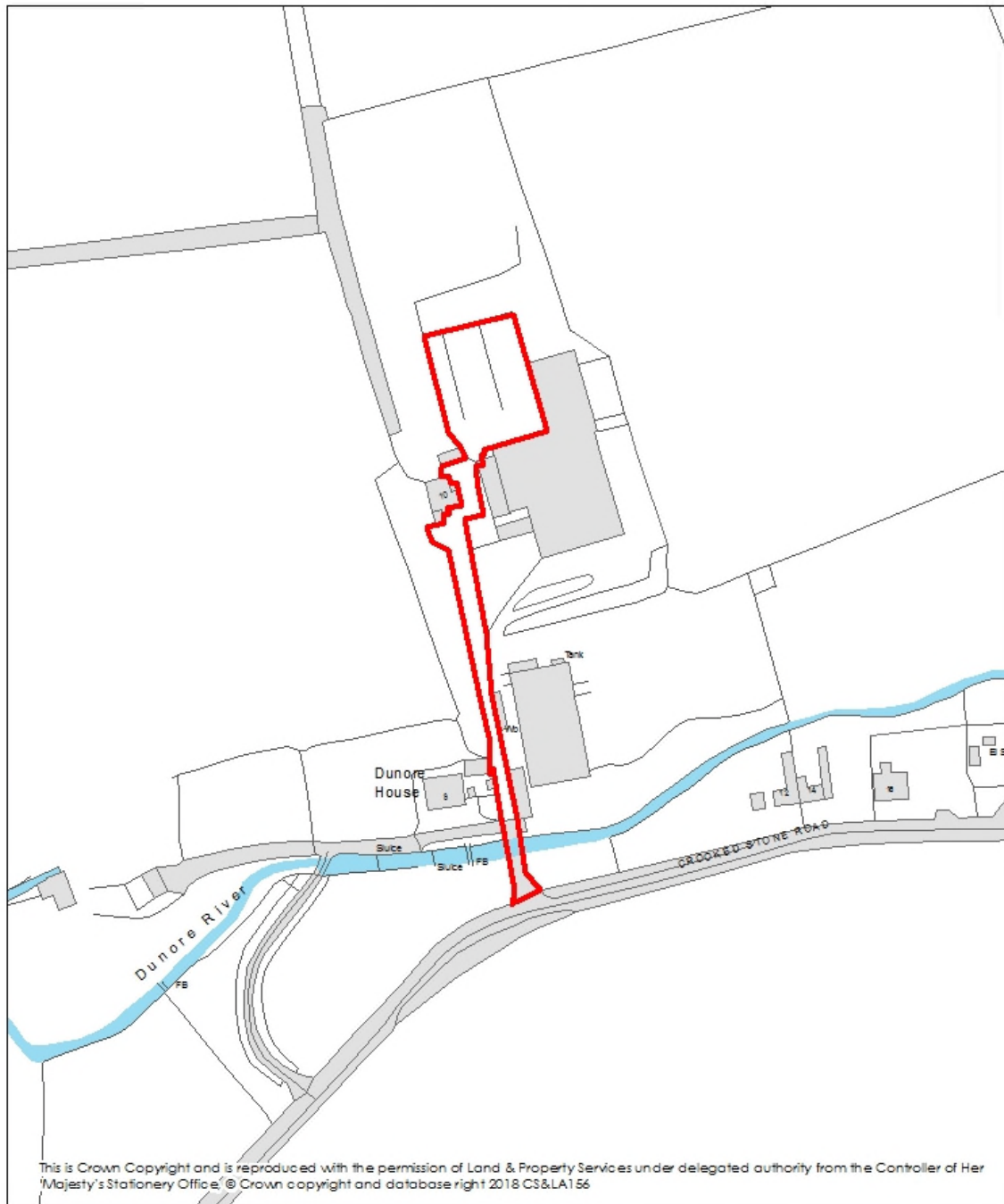
The following is a summary of the main reasons for the recommendation:

- The principle of the development is not acceptable in the area as a robust case of need for the facility has not been established;
- It has not been established that the farm business is currently active and the proposed car parking is not contained within an existing building as required by CTY11
- There are no concerns with the visual impact of the development on the character or visual amenity of the area;
- There are no concerns with the impacts of the development on existing infrastructure, road safety, flooding or archaeology.

<b>RECOMMENDATION :</b>	<b>REFUSE PLANNING PERMISSION</b>
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### **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AMP 10 of the Planning Policy Statement 3: Access Movement & Parking in that that the analysis provided by the applicant has not demonstrated that there is a need for the facility nor has any need been identified in any published Transport Plan.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 & 11 of Planning Policy Statement 21: Sustainable Development in the Countryside in that that it has not been demonstrated that the farm business is currently active and the proposal does not involve the reuse of an existing farm building.



**Location Map    Application Reference: LA03/2017/0895/F**

Change of use from farm buildings and yard to provide A  
n extension of existing commercial car park for users  
of Belfast International Airport



For Information Only

Lands adjacent to and approx. 50m North East of  
10 Crooked Stone Road  
Aldergrove  
BT29 4EH

 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.5</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0014/O</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site of infill dwellings and garage (Site 1 access off Ballyrobert Road, site 2 access of Springwell Road)
<b>SITE/LOCATION</b>	Site approx. 50m NW of 446 Ballyclare Road and adjacent to the junction of Ballyclare Road, Ballyrobert Road, Kingsmoss Road and Springwell Road, Newtownabbey
<b>APPLICANT</b>	Mr Barry Beatty
<b>AGENT</b>	Ivan McClean
<b>LAST SITE VISIT</b>	7 <sup>th</sup> January 2019
<b>CASE OFFICER</b>	Alexandra Tipping Tel: 028 903 40216 Email: <a href="mailto:alexandra.tipping@antrimandnewtownabbey.gov.uk">alexandra.tipping@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site lies approximately 50 metres to the northwest of 446 Ballyclare Road and adjacent to the junction of Ballyclare Road, Ballyrobert Road, Kingsmoss Road and the Springwell Road. The site lies just outside the development limits of Kingsmoss and is therefore within the countryside as designated in BMAP 2014. The application site consists of part of a larger agricultural field. The site's boundaries to the north and northeast are defined with hedging, the southeastern boundary is also mostly defined with hedging and the southwestern boundary remains undefined. The application site is relatively flat.</p> <p>There is a vehicle repair business located immediately adjacent and north of the site, a number of residential properties are also located in close proximity to the application site along the Ballyrobert/Ballyclare Road and a potato supply business is located immediately south of the application site. Given the application sites close proximity to the settlement of Kingsmoss there is an existing build up of development apparent in the immediate area of the site with a number of detached dwellings located along the roadside. Further from the settlement and into the countryside area in which the site is located is characterised by a small number of detached isolated dwellings.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history.	
<b>PLANNING POLICY AND GUIDANCE</b>	
Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.	

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

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

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

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

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.  
planning guidance on Anaerobic Digestion is also available in draft form.

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

## **CONSULTATION**

**Council Environmental Health Section** – Noise Impact Assessment required

**Northern Ireland Water** – Awaiting Response

**Department for Infrastructure Roads-** No Objections

## **REPRESENTATION**

Twelve (12) neighbouring properties were notified and two (2) letters of objection have been received from one (1) property. 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:

- The noise associated with the business at No. 12 Ballyrobert Road would disrupt any proposed residential development.
- Concerns in relation to spray of lighting from the commercial yard – this is provided on a 24 hour basis for workings and security.
- Approval on the site would lead to complaints regarding the workings of the existing vehicle repair business at No. 12 Ballyrobert Road.
- The business would be overlooked by the proposed development.
- The business would overlook the proposed residential dwellings.
- The application site is outside of the settlement development limits.
- The proposed site is surrounded by commercial lands and thus would not be suitable in line with PPS 7 – Quality Residential Environments.
- Similar developments have already been approved on the opposite side of the Ballyrobert Road. Further development will see overdevelopment of the area.
- The creation of a new access on the Ballyrobert Road could lead to a serious incident.
- Creating a new access onto the Springwell Road which is in such close proximity with the Ballyrobert Road crossroads is potentially a breach of current planning policy.
- Development on these lands may curtail possible expansion of the business at No. 12 Ballyrobert Road, due to the proximity of residential development
- Development in such close proximity to the business at No. 12 Ballyrobert Road is not in keeping with the environment and is detrimental to the area and to the neighbouring business.
- The proposal is contrary to the SPPS and Policy CTY 8 of PPS 21. It would result in ribbon development along the Ballyrobert/Ballyclare Road.
- This is not a small gap site and could accommodate much more than 2 dwellings, neighbouring development sites are much smaller.
- No. 446 Ballyclare Road is an urban building and cannot be considered to justify development in the rural area.
- The proposal is contrary to the SPPS and Policy CTY 14 of PPS 21 as if permitted it would add to a ribbon of development and would therefore result in a detrimental change to the rural character of the area of Kingsmoss.
- This is the only green field between urban and rural and it is vital to keep the area rural.
- The proposal is contrary to the SPPS and Policy CTY 15 of PPS 21. If permitted the development would mar the distinction of Kingsmoss, resulting in loss of rural character and surrounding countryside and create urban sprawl.

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

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

- Policy Context and Principle of Development
- Setting of Settlements
- Integration, Design and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Other Matters

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

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

Section 6 (4) of the Act then states that, where, in making any determination under

the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

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

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

Both of the relevant development plans identify the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

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

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

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

For the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. A building has frontage to the road if the plot in which it stands abuts or shares a boundary with the road.

In this case, the application site lies between the dwelling house at No. 446 Ballyclare Road and the building associated with Thomas McCrea and Co at No. 12 Ballyrobert Road. It is accepted that the buildings to include Kingsmoss Recreational Hall, No. 444 and No. 446 Ballyclare Road, No. 12, No. 14, No. 20, No. 22 and No. 24 Ballyrobert Road do demonstrate a frontage to the road. However, it is also noted that the gap from the building at No. 446 Ballyclare Road to the building at No. 12 Ballyrobert Road measures 119 metres. When measurements were taken across the plot frontage of the eight above noted existing properties along the Ballyrobert/Ballyclare Road an average plot width was provided at 28 metres. It is considered that the gap of 119 metres could accommodate up to 4 dwellings based on this average plot figure; that the gap site is not considered a small gap site in accordance with criteria (b) of Policy CTY 8. It is therefore also considered that the proposed development would not meet criteria (c) of Policy CTY 8 in terms of respecting the existing development pattern and plot size and would create a ribbon of development along the Ballyrobert Road.

There does not appear to be any other evidence to suggest that the proposal falls to be considered under any other category of development that is noted as acceptable in principle in the countryside in accordance with Policy CTY 1 of PPS 21. Furthermore, it is not considered that there is any reason as to why this development is essential at this location and could not be located within a settlement.

### **Setting of Settlements**

Policy CTY 15 – The Setting of Settlements states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. As noted above the application site lies outside the settlement development limit of Kingsmoss as defined in BMAP 2014. The principle of drawing a settlement development limit is partly to promote and partly to contain new development within that limit thus ensuring a clear distinction between built up areas and the countryside.

The application site lies immediately to the west of the settlement of Kingsmoss which lies on the opposite side of the Ballyrobert Road. The application site and the remainder of the agricultural field behind provides an important visual break when travelling along the Ballyrobert/Ballyclare Road. The infilling of this critical visual gap would mar the distinction between the settlement development of Kingsmoss and the countryside and would result in urban sprawl especially given the level of development that currently exists along that stretch of Ballyrobert/Ballyclare Road. The proposed development of this site is not considered to consolidate or round off



the settlement of Kingsmoss and rather it is considered to be contrary to Policy CTY 15 of PPS 21.

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

The SPPS paragraph 6.70 states that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. Policy CTY 14 notes that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of the area.

It is considered that the proposed development would create the opportunity for ribbon development along the Ballyrobert Road and would see the infilling of one of the only remaining critical green gaps surrounding the settlement of Kingsmoss and the existing development located along the roadside at the Ballyrobert and Ballyclare Road. The proposal would create a suburban style build up when viewed with the existing buildings in near proximity to the site and thus would further erode the rural character of the area which already has a degree of build up.

At present the application site provides a visual gap which helps to define the distinction between the settlement and the rural area. If this gap were to be infilled with two dwellings it would result in urban sprawl through the creation of additional linear development along the Ballyrobert Road resulting in further erosion of rural character and irreparable damage. On this basis, it is considered important to preserve the remaining visual breaks along the road frontage to ensure that the integrity of this countryside area is protected.

As the application is for outline permission no specific details of a house type or design have been submitted. Policy CTY 13 states that a new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure meaning it would rely primarily on new landscaping for integration. In this instance it is noted that the site lacks any significant backdrop given that the boundary to the southwest remains undefined as the application site presently forms part of a larger field. It is also noted that it would be likely that the hedging along the roadside to the northeast and southeast would be required to be removed in order to provide the visibility splays for the proposed accesses. However, given the location of the application site and its relationship with surrounding buildings it is not considered that 2 No. dwellings on the site would be overly prominent and rather 2 no. appropriately designed dwellings could integrate into the rural landscape with the provision of supplementary landscaping.

This considered and setting aside the principle of development it is accepted that an appropriately designed proposal could meet the policy requirements laid out in Policy CTY 13.

### **Neighbour Amenity**

The Council's Environmental Health Section has raised concerns in relation to the potential for adverse impact in relation to noise generated from the existing vehicle repair premises that is located directly adjacent and to the north of the application site. For this reason the Environmental Health Section has requested that the applicant undertakes a Noise Impact Assessment to identify the principle noise

generating activities arising from the adjacent vehicle repairs and recovery business and the resultant noise impact likely to be experienced by the proposed residential dwellings during both daytime and night-time hours.

The Planning Section has not formally requested this further information from the applicant as the principle of development is not seen as acceptable and therefore it would be inappropriate to put the applicant to any unnecessary expense.

Taking a precautionary approach a reason of refusal is recommended in relation to noise as it has not been demonstrated that there will be no unacceptable adverse effects on the proposed dwellings in terms of noise disturbance from the nearby vehicle repair business.

As the application is for outline planning permission, no details have been provided regarding the proposed design or layout. Setting aside the concerns in relation to the principle of development and to noise it is considered that 2 No. dwelling houses could be appropriately designed to ensure the privacy and amenity of the neighbouring occupiers.

#### **Other Matters**

DfI Roads have been consulted on the application in relation to road safety matters and have responded to advise that they have no objections subject to a condition being attached to any approval requiring the provision of scale plan and access locations along with any Reserved Matters application.

The report will now go on to consider the matters raised in the 2 No. representations received that have not already been addressed within the report.

Concerns were raised in relation to the spray from the outdoor lighting at the adjacent vehicle repair business and the impact this would have on the residents at the proposed dwelling houses. The Council's Environmental Health Section is the appropriate body for considering such matters and has raised no concerns.

The representation also raised queries as to the acceptability of the proposed dwelling being located outside the settlement limits. The SPPS and Planning Policy Statement 21 do allow for the provision of dwellings in the rural area. In this instance, as discussed above it is not deemed that the proposal falls to be considered as acceptable when considered against the relevant policy provisions.

The representation suggests that No. 446 Ballyclare Road lies within the settlement limits of Kingsmoss which includes the properties on the opposite side of the Ballyclare/Ballyrobert Road therefore the dwelling at No. 446 falls within the rural area.

The representation also raised the concern that similar developments have already been approved on the opposite side of the Ballyrobert Road and that any further development will see overdevelopment of the area. It must be noted that each application received by the Council must be assessed on its own merits and will be assessed with regard to the prevailing policy at the time of application.

Lastly, the representation noted concerns that the application site for 2 No. dwellings would be surrounded by commercial lands, that it wouldn't be suitable for residential development in accordance with policy and would curtail the future expansion of the neighbouring business. As noted above, the Council's Environmental Health Section has been consulted and has raised concerns in relation to potential impacts from noise at the adjacent commercial vehicle repair yard. Any plans to include the future expansion at the neighbouring business would be assessed on their own merits and against the prevailing policy criteria at the time of application.

## **CONCLUSION**

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

- The principle of the development cannot be established as there are overriding reasons as to why this development is essential at this rural location.
- A dwelling at this location would mar the distinction between the settlement of Kingsmoss and the countryside.
- The proposal would add to a ribbon of development and have a detrimental impact on the character and appearance of the area.
- A suitably designed dwelling could successfully integrate into the rural landscape.
- In the absence of further information it has not been demonstrated that there will be no unacceptable adverse effects on the proposed dwellings in terms of noise disturbance from the nearby vehicle repair business.

<b>RECOMMENDATION :</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
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## **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement and it fails to meet with the provisions for an infill dwelling in accordance with CTY8 of PPS21.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that if the development would if permitted mar the distinction between the settlement of Kingsmoss and the surrounding countryside.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site would, if permitted, create a build-up and ribbon of development that will result in a detrimental change to, and erode, the rural character of the countryside.
4. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement in that it has not been demonstrated that there will be no unacceptable adverse effects on the proposed dwellings in terms of noise disturbance from the nearby vehicle repair business.




### Location Map

Application Reference: LA03/2019/0014/F

Site approx 50m NW of 446 Ballyclare Road and adjacent to the junction of Ballyclare Road, Ballyrobert Road, Kingsmoss Road and Springwell Road, Newtownabbey

Site of infill dwellings and garage  
(Site 1 access off Ballyrobert Road,  
site 2 access of Springwell Road)

 Site Boundary  
For Information Only



<b>COMMITTEE ITEM</b>	<b>3.6</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0098/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Extension of curtilage of dwelling (to provide front garden)
<b>SITE/LOCATION</b>	40m North of 108A Cidercourt Road Crumlin BT29 4RX
<b>APPLICANT</b>	Mr & Mrs Brian Somers
<b>AGENT</b>	Park Design Associates
<b>LAST SITE VISIT</b>	19 <sup>th</sup> February 2019
<b>CASE OFFICER</b>	Ashleigh Wilson Tel: 028 903 Ext40429 Email: <a href="mailto:ashleigh.wilson@antrimandnewtownabbey.gov.uk">ashleigh.wilson@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located on the southern side of an existing laneway which accesses onto Cidercourt Road, Crumlin. The site is located within the countryside outside any settlement limits as defined in the Antrim Area Plan. The topography of the land falls significantly from the existing laneway located to the north of the site and continues to fall towards the southern boundary of the site. The northern, northwestern and western boundaries of the site are defined by existing hedging of approximately four (4) metres in height with taller trees interspersed. A post and wire fence also partially defines the northwestern boundary which abuts an existing driveway leading to the applicant's dwelling to the south of the application site, No. 108A Cidercourt Road. The southern boundary of the site which separates the existing curtilage of No. 108A and the application site is defined by a post and wire fence and trees of approximately 5 – 6 metres in height. The eastern boundary of the application site is defined by a 1m high post and wire fence. Further east of the site is an existing agricultural field. The Crumlin River runs along the rear boundary of the applicants dwelling.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/2006/0428/RM Location: Approximately 160m South-West of 108 Cidercourt Road, Crumlin Proposal: Dwelling &amp; Garage (Retrospective Application For Amendments) Decision: Permission Granted (10.08.2006)</p> <p>Planning Reference: T/2005/0538/RM Location: Approx. 160 Metres South West Of 108 Cidercourt Road, Crumlin Proposal: Dwelling &amp; Garage Decision: Permission Granted (02.09.2005)</p> <p>Planning Reference: T/2004/0460/O Location: Approx 160M South West Of 108 Cidercourt Road, Crumlin Proposal: Site Of Dwelling &amp; Garage Decision: Permission Granted (01.12.2004)</p>	

## **PLANNING POLICY AND GUIDANCE**

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

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

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

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

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

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

## **CONSULTATION**

No consultations were carried out on this application.

## **REPRESENTATION**

Three (3) neighbouring properties were neighbour notified and two (2) letters of objection have been received from two (2) properties. 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:

- The proposal could result in creating an 'infill' opportunity to the adjoining land
- Previous refusals issued for development on the area of land to the east of 108a Cidercourt Road.

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

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

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

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. Policy CTY 1 indicates that development not falling into one of the listed categories will be permitted only where there are overriding reasons why it is essential and could not be located in a settlement. There is no provision for residential land use to be extended further into the neighbouring countryside within Policy CTY 1.

Policy CTY 1 directs consideration of an extension to a dwelling house in the countryside to the Addendum to PPS 7 'Residential Extensions and Alterations'. Policy EXT 1 of the Addendum 'Residential Extensions and Alterations' deals with building works and therefore is not applicable to this proposal.

Whilst a note on Drawing No. 02 states 'back garden is occasionally flooded', no other justification has been provided by the applicant as to why the existing curtilage is not sufficient for the enjoyment of the dwelling or why the extent of the extension is required to fulfil the specific needs of the applicant. It is considered that the existing residential curtilage is sufficient for the existing dwelling and there are no extenuating circumstances of sufficient weight to justify that the requirements of Policy CTY 1 should be set aside. Therefore, the proposal is considered unacceptable in principle in the countryside and is contrary to CTY1 of PPS21.

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

The proposed extension of the curtilage to the dwelling would more than double the existing curtilage of No. 108A. The depth of the existing curtilage of this property from the river is approximately 43 metres and the extension seeks to add a further 53 metres of garden depth at the longest point. This is considered to be a significant area which would lead to the creation of a significantly large plot within the rural area. A dwelling with such a significant front garden area is considered to be uncharacteristic of this area. The extension to the curtilage would alter the character of the area by providing an opportunity to introduce urban design elements such as ornamental gardens, patios and other domestic paraphernalia within the front garden area.

Views of the site are available from the existing laneway accessing the site where two openings have been created along the southern boundary of the adjoining field which sits to the east of the application site. There are views from this existing laneway into the application site, which sits on a lower level than the laneway. At present, the application site and the adjacent field currently provide a visual break in development. Planning permission was previously refused for a dwelling on the field immediately east of the application site (Planning Application Reference LA03/2017/0811/O) as it was considered that the proposal if developed would further erode the rural character of the area due to a build-up of development.

It is considered that the significant extension to the front garden of this property would create a frontage to the laneway for the existing property, No. 108A and the extension would appear to be motivated by the possibility of creating an infill site. It is considered that the extension of the curtilage as proposed would result in the creation of a build-up of development causing a detrimental change in the character of the area and would be contrary to Policy CTY 14 of Planning Policy Statement 21.

**CONCLUSION**

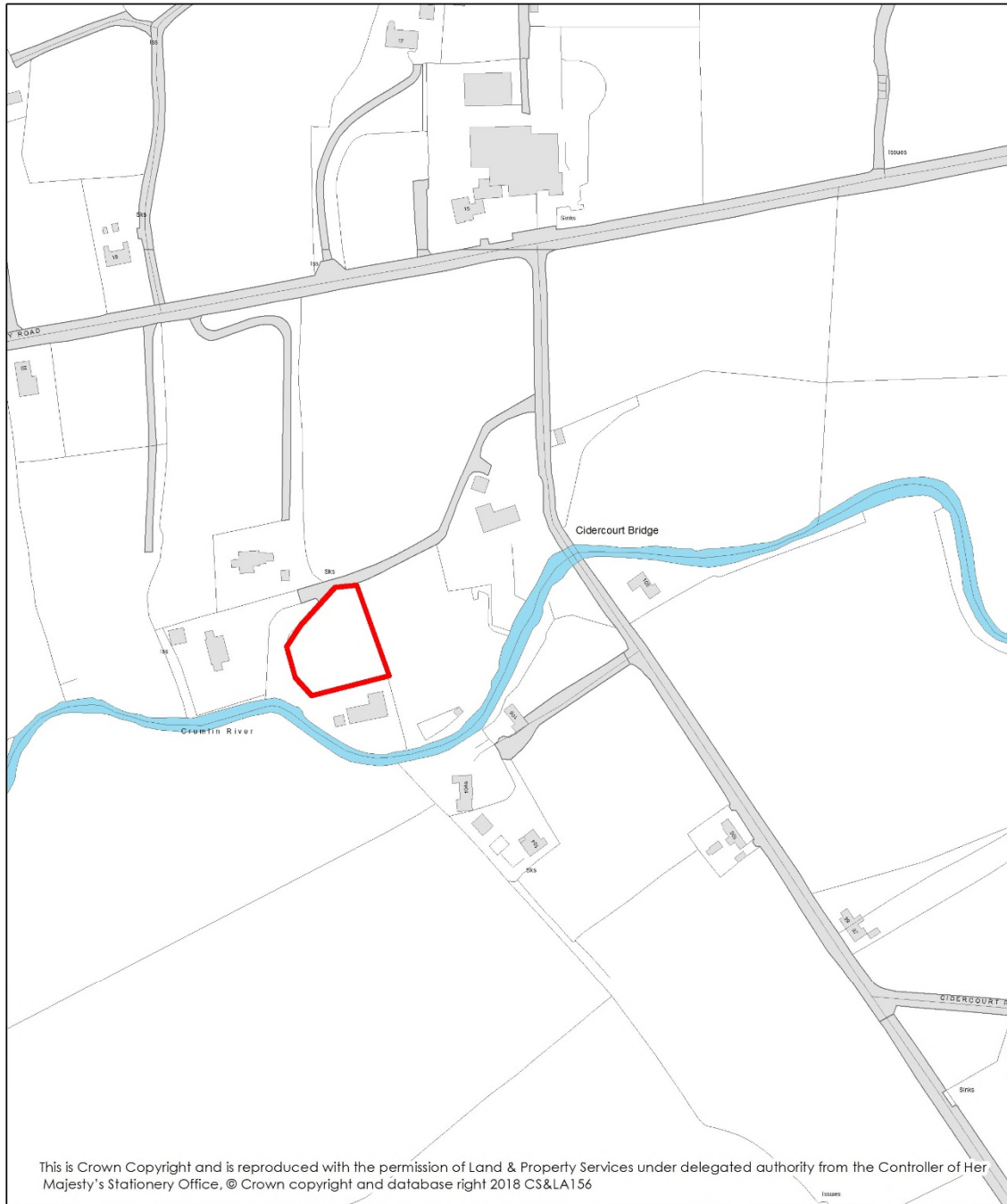
The following is a summary of the main reasons for the recommendation:

- There are no overriding reasons why this development is essential in this rural location
- It is considered that the proposal would lead to a build-up of development causing a detrimental change in character of the area.

**RECOMMENDATION : REFUSE PLANNING PERMISSION****PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy 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.
2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the extension of curtilage if permitted, would result in a suburban style of build-up further eroding the rural character of the area.





### Location Map

**Application Reference: LA03/2019/0098/O**

Extension of curtilage of dwelling (to provide front garden)

40m North of 108A Cidercourt Road Crumlin BT29 4RX



For Information Only

 Site Boundary



**PART 2**  
**OTHER PLANNING MATTERS**

### **ITEM 3.7**

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

A list of planning decisions issued by Officers during March 2019 under delegated powers is **enclosed** for Members attention together with information received this month on planning appeals.

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

Prepared by: Kathryn Bradley, Executive Officer, Planning

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

### ITEM 3.8

#### P/PLAN/1 - PROPOSAL OF APPLICATION NOTICES FOR MAJOR DEVELOPMENT

Members will be aware that prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). Three PANs were registered during March 2019 the details are set out below.

**PAN Reference:** LA03/2019/0159/PAN  
**Proposal:** Proposed pig finisher unit to include air scrubber, associated ancillary building (welfare facilities/feed kitchen), 6no feed bins, slurry store/reception tank, concrete hardstanding yard and upgrade to existing access  
**Location:** Lands approximately 150m northwest of no 140 Steeple Road Kells BT42 3NP  
**Applicant:** Mr Robert Park  
**Date Received:** 4 March 2019  
**12 week expiry:** 27 May 2019

**PAN Reference:** LA03/2019/0214/PAN  
**Proposal:** Proposed convenience retail unit variation of condition 2 and the removal of conditions 3 & 4 of planning approval ref U/2010/0548/F to facilitate convenience retailer  
**Location:** Unit 3 Longwood Retail Park Longwood Road Newtownabbey BT37 9UL  
**Applicant:** Mr Robert Park  
**Date Received:** 14 March 2019  
**12 week expiry:** 6 June 2019

**PAN Reference:** LA03/2019/0241/PAN  
**Proposal:** Site for residential development  
**Location:** Lands at Neillsburn Plantation Antrim Road Templepatrick (located between the residential developments of Kingscourt and Knightswood)  
**Applicant:** SVM Properties  
**Date Received:** 22 March 2019  
**12 week expiry:** 14 June 2019

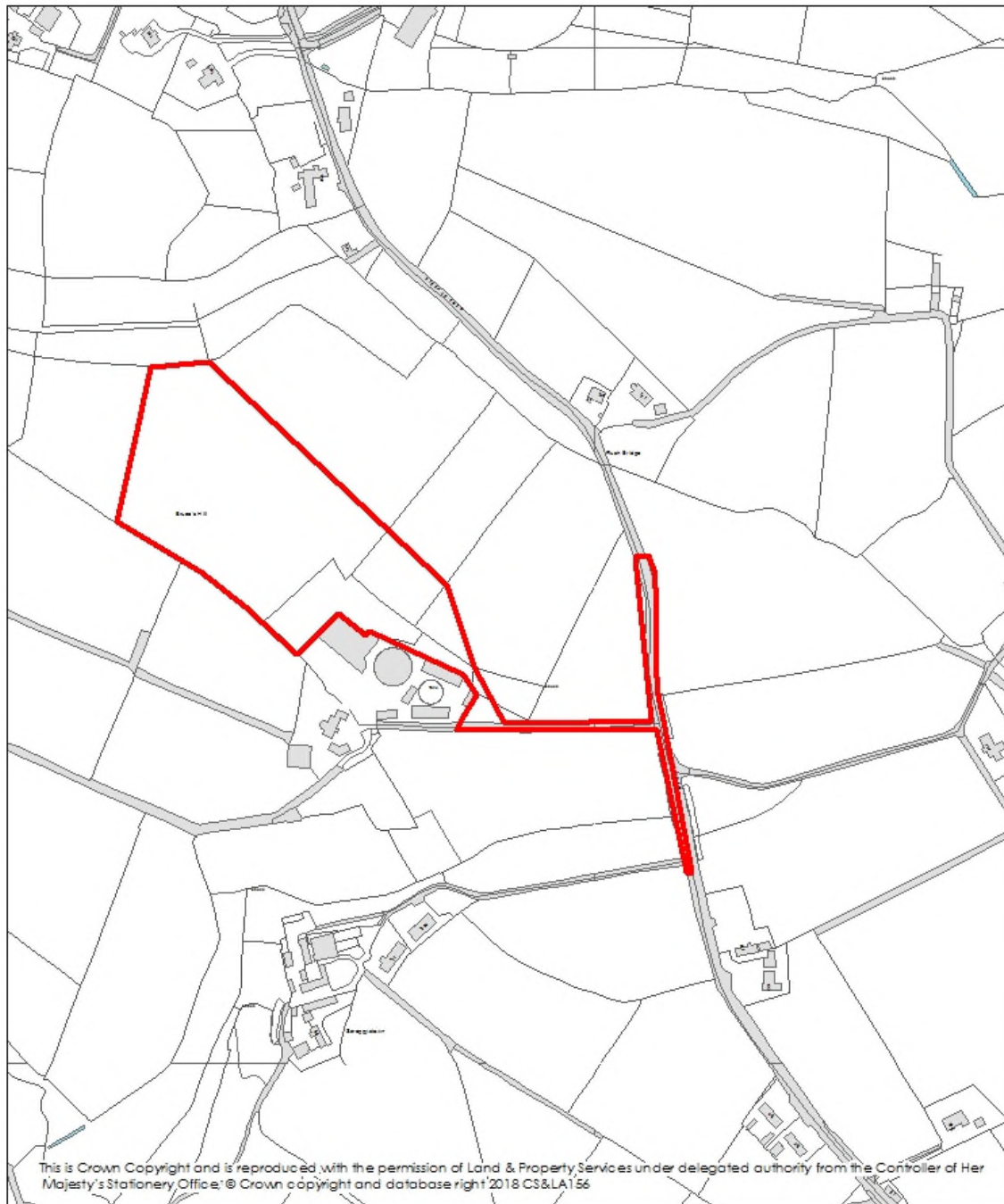
Members will recall that under Section 27 of the 2011 Planning Act obligations are placed on the prospective developer to consult the community in advance of submitting a Major development planning application. Where, following the 12

week period set down in statute, an application is submitted this must be accompanied by a Pre-Application Community consultation report outlining what consultation has been undertaken regarding the application and detailing how this has influenced the proposal submitted.

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

Prepared by: Kathryn Bradley, Executive Officer, Planning

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



### Location Map


Application Reference: LA03/2019/0159/PAN

Proposed pig finisher unit to include air scrubber, associated ancillary building (welfare facilities/feed kitchen), 6no feed bins, slurry store/reception tank, concrete hardstanding yard and upgrade to existing access

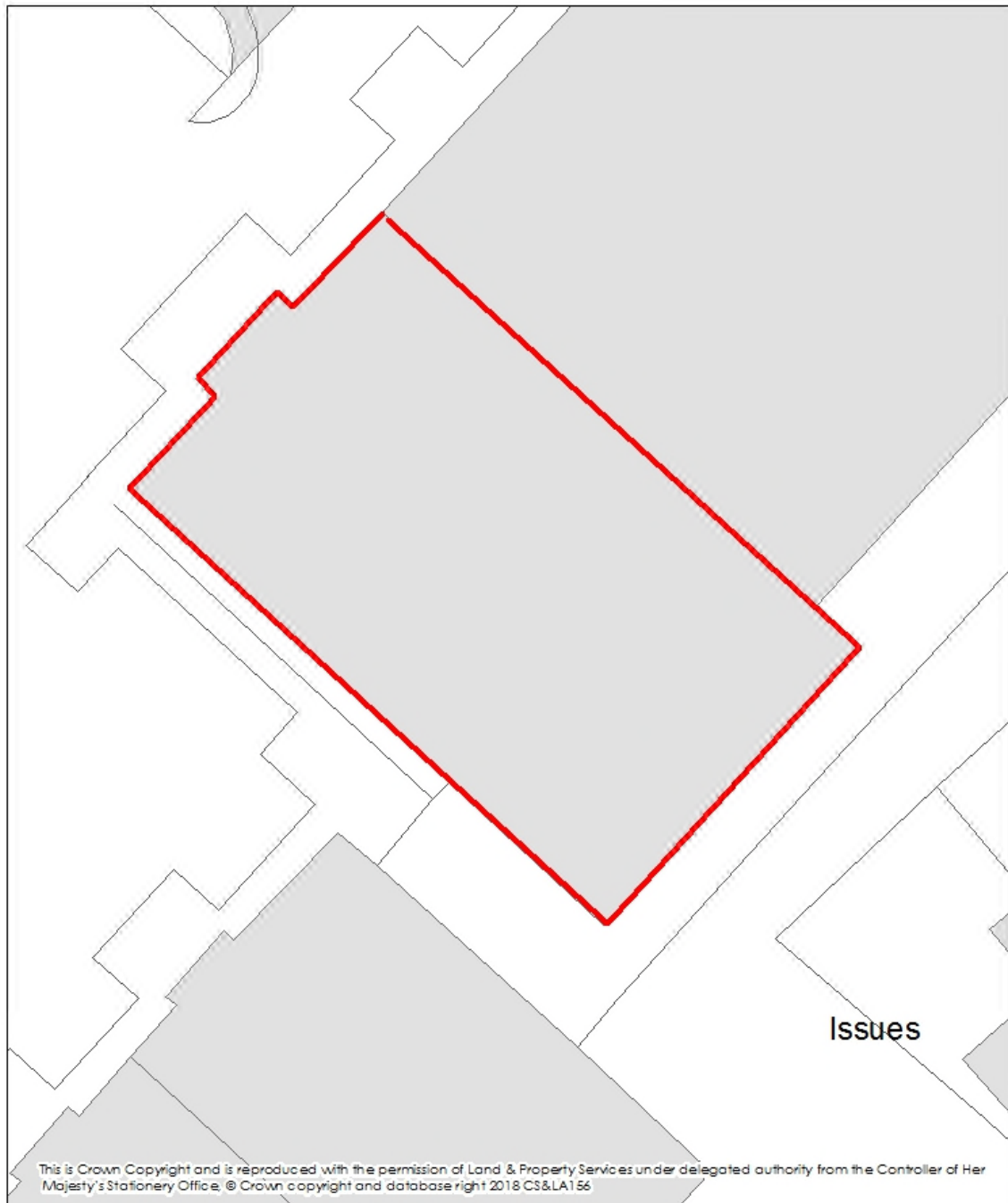
0 100 200 Metres



Lands approximately 150m northwest of no 140 Steeple Road,  
Kells, BT42 3NP

 Site Boundary  
For Information Only





### Location Map


Application Reference: LA03/2019/0214/PAN

Proposed convenience retail unit variation of condition 2 and the removal of conditions 3 & 4 of planning approval ref U/2010/0548/F to facilitate convenience retailer

0 10 20  
Metres



Unit 3, Longwood Retail Park  
Longwood Road  
Newtownabbey

 Site Boundary  
For Information Only







## Location Map

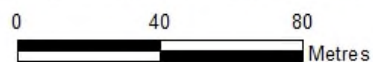
Application Reference: LA03/2019/0241/PAN


Site for residential development

Lands at Neillsburn Plantation

Antrim Road

Templepatrick (located between the residential developments of Kingscourt and Knightswood)



 Site Boundary  
For Information Only





### ITEM 3.9

#### **P/PLAN/1 - NORTHERN IRELAND PLANNING STATISTICS 2018/19 – THIRD QUARTERLY BULLETIN FOR THE PERIOD OCTOBER – DECEMBER 2018**

The third quarterly provisional planning statistics for 2018/19 produced by the Analysis, Statistics and Research Branch (ASRB) of the Department for Infrastructure (DfI), a copy of which is **enclosed**, were released on 21 March 2019.

The figures show that during the period from October to December 2018, the total number of planning applications received in Northern Ireland was 3,204, an increase of nearly 9% on the previous quarter (2,942) but a 2% reduction on the same period in 2017 (3,265). The total number of decisions issued during this period was 2,988.

During the third quarter period a total of 183 new applications were received by Antrim and Newtownabbey Borough Council (an increase of 11 applications from the same period last year and therefore above the NI trend) whilst 195 decisions were issued.

In relation to performance against statutory targets the DfI figures show that the Council took on average 27 weeks to process and decide **Major** planning applications during the third quarter against the target of 30 weeks. This reflects well against the average processing time of 49.6 weeks across all Councils and has helped maintain the improved performance witnessed during the first two quarters such that overall performance for the year to date continues to rank amongst the top three of the 11 Councils. Furthermore the figures show that the Planning Section has recorded the highest proportion amongst all Councils of Major applications processed within the 30 week target which demonstrates the Council's ongoing commitment to prioritise these significant development schemes.

The DfI figures show that the Council took on average 12.4 weeks to process and decide **Local** planning applications during the third quarter against the target of 15 weeks. This represents an improvement in the average processing time from the first two quarters and again has maintained the Planning Section's performance among the top three of the 11 Councils and reflects well against the average processing time of just over 15 weeks across all Councils.

In relation to **Enforcement**, the DfI figures highlight that the Council's Planning Enforcement team has once again recorded the shortest time taken, circa 11 weeks, to process 70% of enforcement cases to target conclusion which compares favourably with the average processing time of some 25 weeks across all Councils. The team's performance also ranked first in the proportion of cases brought to target conclusion within the performance target of 39 weeks.

Whilst the final DfI planning statistics for 2018/19 will not be available for some months, Members may wish to note that unvalidated information confirms that the Planning Section has met all statutory targets for the year – the first time this has been achieved since 2015/16.

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

Prepared by: John Linden, Head of Planning

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

### **ITEM 3.10**

#### **P/FP/LDP/62 - ENGAGEMENT WITH THE PLANNING APPEALS COMMISSION – LOCAL DEVELOPMENT PLAN INDEPENDENT EXAMINATION PROCEDURES INFORMATION SESSION**

The Planning Appeals Commission (PAC) is holding a public information event on Thursday 13 June 2019 at The Old Courthouse in Antrim to explain the anticipated role of the Commission in the Local Development Plan Independent Examination process and the procedures introduced by the 2011 Planning Act. Details of the event are **enclosed**.

Elected Members are welcome to attend this event and should confirm with Sharon Mossman if they wish to attend.

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

Prepared by: Sharon Mossman, Principal Planning Officer

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

### **ITEM 3.11**

#### **P/FP/LDP/1 /LDP/1 - LOCAL DEVELOPMENT PLAN QUARTERLY UPDATE JAN – MAR 2019**

The Council's Local Development Plan (LDP) Timetable advises that progress reports will be submitted on a quarterly basis to the Planning Committee. This report covers the fourth quarter of the 2018-2019 business year (January 2019 - March 2019).

The Forward Plan Team brought forward a number of reports to the Council during this period relating to the allocation and distribution of housing in the Borough, affordable housing and planning policy.

Work continued during this period regarding the drafting of the draft Plan Strategy document, finalisation of the evidence base and commencement of relevant assessments. It is anticipated that a working version of the draft Plan Strategy will be presented to Members in April for consideration.

During this period the Metropolitan Local Development Plan Working Group and Department of Infrastructure Strategic Planning Working Group took place.

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

Prepared by: Sharon Mossman, Principal Planning Officer

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