



11 August 2021

Committee Chair: Councillor S Flanagan

Committee Vice-Chair: Alderman F Agnew

Committee Members: Aldermen – P Brett, T Campbell and J Smyth  
Councillors – J Archibald-Brown, H Cushinan, R Lynch,  
M Magill, N Ramsay, R Swann and B Webb

Dear Member

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

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 16 August 2021 at 6.00pm.**

Planning Committee Members are requested to attend the meeting in the Chamber, any other Members wishing to attend may do so via Zoom.

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 – August 2021**

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

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

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

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

- 3.1 Planning Application No: LA03/2020/0030/F  
Two detached dwellings at lands adjacent to 740 Antrim Road, Templepatrick
- 3.2 Planning Application No: LA03/2020/0202/F  
Proposed rounding off to Glenoak Grange Meadows to include 2 no. detached dwellings and detached garages at lands 40m NE of No. 1 and 20m South of No. 5 Glenoak Grange Close, Crumlin.
- 3.3 Planning Application No: LA03/2021/0203/O  
Site for 2 no. infill dwellings at lands between 9 and 15 Farranflugh Lane, Randalstown
- 3.4 Planning Application No: LA03/2021/0013/F  
New right hand turning lane to provide access into the previously approved Crematorium development (planning ref LA03/2018/0091/RM) and associated proposed right hand turning lane providing access into Ballyearl Arts & Leisure at lands 70 metres southwest of No. 585 Doagh Road, Newtownabbey, BT36 5RZ Centre.
- 3.5 Planning Application No: LA03/2020/0825/O  
Site for replacement dwelling at lands 80m North of 8 Station Road, Aldergrove, Crumlin, BT29 4DA
- 3.6 Planning Application No: LA03/2021/0190/F  
Proposed conversion and reuse of existing pressure tank and service building into a single dwelling at lands 60m west of 106a Boghill Road Templepatrick.
- 3.7 Planning Application No: LA03/2021/0376/F  
Two storey rear/side extension to provide living room, master bedroom, ensuite, dressing room & porch at 7 Mill House Avenue, Antrim, BT41 2UZ

3.8 Planning Application No: LA03/2021/0088/F

Additional timber boarded fence to the existing boundary wall at 2 Ferrard Meadow, Antrim (Retrospective)

3.9 Planning Application No: LA03/2021/0164/O

Dwelling and garage (on a farm) on lands approx. 100m South of 42 Shore Road, Toomebridge

3.10 Planning Application No: LA03/2021/0573/LBC

Proposed installation of telecoms apparatus at Ballyclare Townhall, The Square, Ballyclare, BT39 9BB

**PART TWO – Other Planning Matters**

3.11 Delegated planning decisions and appeals July 2021

3.12 Department for Infrastructure Planning Approval for LA03/2018/116/RM application for Northern Section of Ballyclare Relief Road and Associated Works

3.13 Department for Infrastructure Planning Advice Note on implementation of Strategic Planning Policy for Development in the Countryside

3.14 Correspondence from Lisburn and Castlereagh Council regarding Local Development Plan

4. Any Other Business

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

3.15 Planning Enforcement Report 2020-21 - Quarter 4

3.16 Planning Committee Scheme of Delegation

## **PART ONE**

### **DECISIONS ON PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>3.1</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0030/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>	Two detached dwellings
<b>SITE/LOCATION</b>	Adjacent to 740 Antrim Road, Templepatrick
<b>APPLICANT</b>	The Reid Family c/o Reid Black Solicitors
<b>AGENT</b>	Robert Gilmour Architects
<b>LAST SITE VISIT</b>	11 <sup>th</sup> March 2020
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 903 40406 Email: <a href="mailto:sairead.debrun@antrimandnewtownabbey.gov.uk">sairead.debrun@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limits of the small settlement of Millbank, as indicated in both versions of the draft Belfast Metropolitan Area Plan (BMAP published 2004 and 2014). It is not however included in the settlement limit for Millbank as identified in the draft Newtownabbey Area Plan.</p> <p>The site is located to the west and southwest of No. 740 Antrim Road and due north of No. 1 Carnbank. The site comprises the majority of an area of informal open space that rises from the Antrim Road in a southerly direction towards the Carnbank development. The eastern boundary of the site is open to the public footpath and internal estate road, as is the northern boundary that adjoins an area containing an existing small waste water facility serving the Carnbank development.</p> <p>The southern boundary abutting No.1 Carnbank is defined by a red brick wall of less than 1 metre in height, while along the western boundary is a row of hedging, approximately 3 metres in height.</p> <p>The surrounding area is residential in character, defined by detached, single storey dwellings on individual plots along the Antrim Road, and large detached, two storey brick dwellings with some stonework detailing to the rear of the application site in Carnbank.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: U/99/0045/O  Location: Ground at 740 Antrim Road, adjacent to Millbank Hamlet, Newtownabbey  Proposal: Site for housing development comprising 7 No. dwellings.  Decision: Permission Granted (08.09.1999)</p> <p>Planning Reference: U/2001/0581/F  Location: Land adjoining 740 Antrim Road, including land between 740-734 Antrim Road and land to rear of No.11 Millbank Road, Newtownabbey</p>	

Proposal: Residential development comprising 9 No. dwellings.  
Decision: Permission Granted (16.10.2002)

Planning Reference: U/2007/0564/O  
Location: Lands approx. 30m west of 740 Antrim Road, Templepatrick,  
Proposal: Erection of 3 No. dwellings with integral garages  
Decision: Withdrawn (03.03.2008)

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

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

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

Planning Reference: LA03/2019/680/F  
Location: Carnbank Waste Water Treatment Works, 40m Northwest of 740 Antrim Road, Templepatrick  
Proposal: Replacement rotating biological contractor (RBC) plant and associated ancillary works  
Decision: Permission Granted (16.03.2020)

Planning Reference: LA03/2019/0387/F  
Location: 740 Antrim Road, Templepatrick,  
Proposal: 6 detached dwellings  
Decision: Permission Granted (20.08.2020)

#### **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 remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located in the countryside directly adjacent to the settlement limit of the hamlet of Millbank.

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

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

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

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

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

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

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

## **CONSULTATION**

**Council Environmental Health Section** – No objection

**Northern Ireland Water** – No objection

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

## **REPRESENTATION**

Two (2) neighbouring properties were notified with (3) three letters of objection and three (3) letters of support 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)).

The key points of objection raised are summarised below:

- The application site was designated as amenity land in the approved Carnbank development and should therefore not be built on.
- The development will lead to cramming/overdevelopment.
- The development will impact upon the amenity of existing residents.
- Cars will park along the internal estate road.

The key point of support raised is summarised below:

- The development will complete the existing Carnbank development.

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

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

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

##### **Preliminary Matters**

This application was included in the Anticipated Schedule of applications to be considered by the Planning Committee at its February 2021 meeting, but was not subsequently included in the Agenda papers as the applicant was submitting additional information for consideration.

A legal opinion has been submitted by the developer in this case in support of the proposal, further details of which are outlined below. This opinion focuses on the ownership and status of the area of open space which forms the current application site. Officers acknowledge that the land in question is currently owned by the applicant and accept that the land was in the same family ownership at the time outline planning permission was granted to the Reid family for the adjacent residential development at Carnbank under reference U/99/0045/O and the subsequent full permission granted to Osbourne Homes Ltd under reference U/2001/0581/F in 2002.

The applicant states that no notice was served on him at the time the full planning application was submitted for the Carnbank development by the developer, Osbourne Homes, in 2001 and which identified the current application site as an area of open space to serve this development. As such he contends that he should not be disadvantaged by this matter in considering the current proposal. Whilst acknowledging that notice ought to have been served on all relevant owners of land associated with the previous application, Officers are not however in a position to advise what difference this would have made to the outcome of the 2001 application. Whilst it is possible that consent may have been withheld for the residential development (now constructed) it is equally possible that permission may still have been granted without this open space being required.



The application in question related to the proposed redevelopment of a number of large agricultural sheds set back from the Antrim Road which previously occupied the site on land that was outside, but abutted the then development limit for Carnbank. It followed on from the outline approval granted to the Reid family under application U/99/0045/O for a housing development which was exceptionally approved in the countryside on the basis of the environmental benefits associated with the removal of these sheds which lay in close proximity to a number existing dwellings. The outline approval was limited to the footprint area of the sheds on the site and contained a planning condition requiring that a detailed landscaping scheme be submitted for the lands the subject of the current application.

At the time of processing the subsequent full application for Osbourne Homes some 2-3 years later the Department sought for this area to be included as a landscaped informal amenity space and this was indicated on the approved drawings with a landscaping condition also applied.

The policy in place at the time the full planning decision was made in 2002 in relation to the provision of open space, PPS7 'Quality Residential Environments', indicates amongst the criteria to be met by a new residential development was:

"adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area"

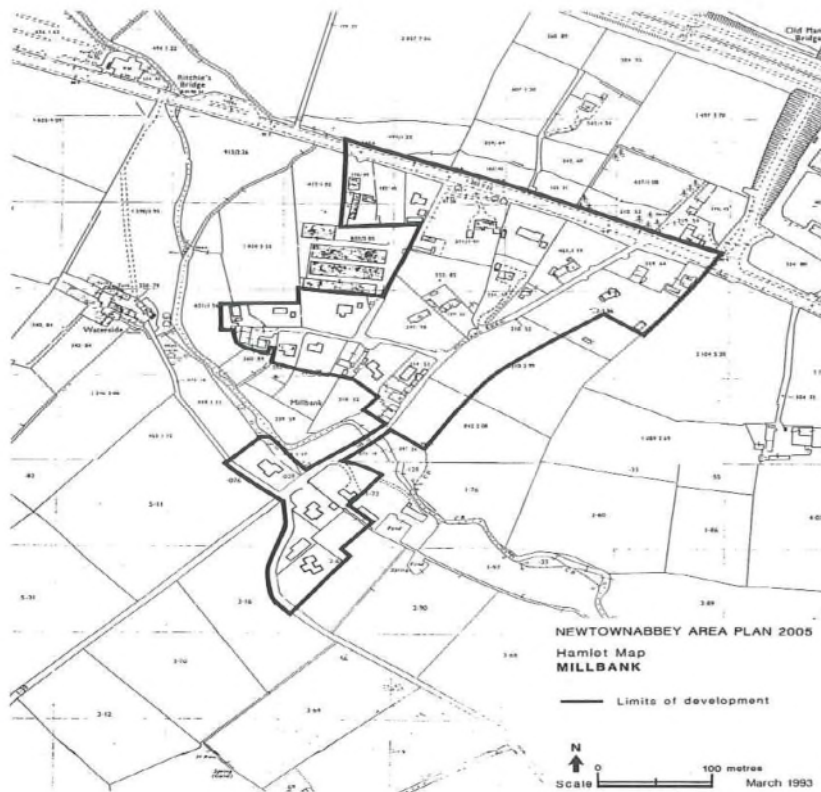
The amplification text to the policy advised as follows:

"Regard should always be given to ways of integrating pleasant, attractive and landscaped areas of public open space, including children's playspaces, as an intrinsic element of any new residential development to meet the needs generated by that development. Open space not only has recreational and social value but is also considered vital to the overall design quality of the development. It can help promote biodiversity and contributes to the creation of an attractive, sustainable and varied residential environment, helping to 'green' an area, soften any environmental impact and foster a sense of community. All open space areas should be suitably located, proportioned and planted. Narrow or peripheral tracts which are difficult to manage will not be acceptable. Further information on the Department's policy on provision of public open space in new residential development can be found in PPS 8 'Open Space, Sport and Recreation'."

At the time of the 2001 application was approved in October 2002 PPS 8 'Open Space, Sport and Recreation' was still in draft form and subsequently issued in final form in February 2004. Policy OS 2 of this PPS states:

"The Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. In smaller residential schemes the need to provide public open space will be considered on its individual merits."

In the case in question, it is acknowledged that the 2001 full planning application was for 9 units, which would not have introduced a mandatory policy requirement for the provision of public open space, rather it would have been assessed on its individual merits. As such it is concluded the requirement for this open space derived from the original outline consent granted to the Reid family under U/99/0045 which, as indicated above, highlighted this specific area should be landscaped when exceptionally granting consent for the redevelopment of the previous agricultural sheds on the site (see map attached below for information).



### **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 purportedly adopted Belfast Metropolitan Area Plan 2015 (BMAP 2015) was for a period of time deemed to be the statutory development plan for this area, however the purported adoption of the Plan by the then Department of the Environment in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. Up until the publication of draft BMAP (dBMAP) in 2004 and its adoption in 2014, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in the assessment of the current application. Given that dNAP was never formally 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. In dBMAP the application site is located within the proposed settlement limit for the hamlet of Carnbank

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

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

- PPS 3: Parking and Movement;
- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas; and
- PPS 8: Open Space, Sport and Recreation

As the application site is deemed to fall within the settlement limits of Millbank, it is considered that the principle of residential development is acceptable subject to the proposal creating a quality residential environment in accordance with Policy QD1 of PPS 7 and the Creating Places design guide as well as meeting other relevant policies. The site appears as an area of existing amenity space associated with the existing Carnbank development and therefore Policy OS 1 of PPS 8 'Open Space, Sport and Recreation' is a key policy consideration as the application site impacts on land previously identified in planning approval U/2001/0581/F to be laid out as open space.

Policy OS 1 does not permit development that would result in the loss of existing open space or land zoned for the provision of open space with limited exceptions. The policy indicates that the presumption against the loss of existing open space applies irrespective of its physical condition and appearance.

The application site comprises an area of informal open space to the north and northwest of the existing Carnbank residential development. As outlined above, this area was indicated as an area of open space to accompany the residential development approved under U/2001/0581/F. Stamped approved Drawing No. 12 shows this open space to be an area of maintained grass, with informal shrubs and a mix of trees with some small areas of seating. Condition 9 of the approval for U/2001/0581/F required all landscaping proposals as shown on Drawing No. 12 to be implemented prior to the occupation of any of the dwellings approved. However, it appears that this condition has not been fully complied with, as there are no seating areas and much of the planting approved has not taken place.

The current application proposes the construction of two detached dwellings on this area of open space. As per the above Policy, an exception to the loss of existing

open space may be permitted where it is clearly shown that its redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

Part of this area of open space has recently been granted planning permission for development. Planning application reference LA03/2019/0580/F, for a replacement Rotating Biological Contractor (RBC) plant and associated ancillary works, was approved in March 2020. It was demonstrated that this development would bring substantial benefits to the community of Carnbank that would outweigh the loss of part of the open space (namely the replacement of the existing substandard private sewage treatment facility with a new sewage treatment facility to be adopted by NIW to serve adjacent properties) and as a consequence the proposal was granted as an exception to Policy OS 1.

However, in the current case, it has not been demonstrated that the loss of the remaining part of open space would be outweighed by substantial community benefits associated with the proposed development of two, privately owned, detached dwellings.

Policy OS 1 also includes an exception to the general policy presumption to the loss of an area of open space where it is demonstrated that (a) alternative provision is to be made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; and (b) that the development of the area would have no significant detrimental impact on the amenity, character or biodiversity of the locality.

As highlighted above, the amount of open space has already been reduced by the grant of planning permission for a new RBC plant and associated ancillary works. This proposal seeks to develop the remaining part of the open space, which is considered would have a detrimental impact on the amenity, character and environmental quality of the area, and it has not been demonstrated by the applicant that this would not be the case. It is however acknowledged that the developer proposes to retain an area of the existing open space for use by the residents of Carnbank, however, this is a considerably smaller area than exists at present.

In support of the current proposal the applicant has submitted a legal opinion prepared by David Dunlop QC which argues that the previous grant of planning permission (U/2001/0581/F) is void ab initio, which means to be treated as invalid from the outset. This is argued on the basis that; Osborne Homes the applicant for application U/2001/0581/F allegedly declared that they were the sole owners of all land within their application, that this contained the lands which are the subject of the current application, that this declaration was false, that the former DOE Planning Service failed to notify the correct land owner and that the Council cannot impose the restrictions of a '...false application...' on any current planning proposal.

It is stated that the owners of the current application site (the Reid family) at the time when the planning application (U/2001/0581/F) was submitted were not made aware of the proposal. However, it should be noted that there is no current or previous legal requirement on the Planning Authority to notify the owner(s) of land, rather the requirement is to notify the occupants of adjoining lands subject to certain

technical provisions. There would however have been a requirement on the developer (Osbourne Homes) to serve notice on the owner of any land which formed part of the development, and it is this that does not appear to have happened in this case. Irrespective of this requirement planning permission attaches to the land and the time for challenging the previous grant of permission has long past. In addition, as Members are aware the Carnbank development has since taken place.

It is stated in the papers submitted on behalf of the current applicant that the Council is using the previous grant of planning permission as a mechanism to refuse the current application due to the drawings which showed the current site as amenity space and secondly the conditions which required the setting out of that area as open space. Policy OS1 refers to both existing open space and land zoned as open space. As such, whether land should benefit from the protection of Policy OS1 can be based solely on the use of the land. Annex A of PPS 8 defines open space as all open space of public value and can include amenity green space and can provide public amenities even if the public does not have access to it. The application site is open to the public road and represents an area of maintained grassland. It is to all intents and purposes an amenity area set on the fringe of the Carnbank development and from which the residents derive a benefit irrespective of whether that was the intention of the owner or not.

The applicant submitted a second supporting statement in June 2021 in which he reiterates the points made by Mr Dunlop; that this application site is outside the red line of the housing development approved under application reference U/2001/0581/F, and as it was not under the control of the applicant at that time, the previously approved drawings carry no weight, and the current application site cannot be considered as an area of open space. It is therefore necessary to consider the planning history of the site in some detail and consider what rights or restrictions it gave to the lands encompassing the application site.

U/1998/0436: This application was withdrawn and has little relevance.

U/1999/0045: This is the grant of outline planning permission for a housing development made on behalf of J & G Reid and whilst the land the subject of this application was excluded from the red line of the application site, it is understood that it was also in the ownership of the applicants, J & G Reid, as it was subsequently incorporated into the development by condition as an area for a significant landscaping scheme – possibly following discussions with DOE, the then Planning Authority. Condition 05 of that permission refers to the need to provide details of landscaping specifically for this area although notably it does not refer to it as an area of proposed open space at that time. It should be noted that lawfully a Planning Authority can only impose conditions in relation to the application site as outlined in red or other land in the ownership of the applicant.

U/2001/0581/F: This is the application made in the name of Osbourne Homes and refers specifically to 9 No. dwellings. Again it appears that the current application site was excluded from the red line of the application site. Once again however, the lands in the current application are included as an area of landscaping and condition 09 refers to this matter and references drawing 12 of that approval. The

details of that particular drawing show the site laid out in an open format and reference is made to 'open space' on the drawing.

U/2003/0226: This refers to a change of house design on one plot and does not add anything on the status of the current application site.

U/2006/0395: This application sought to increase the density on site 8 from one dwelling to two dwellings. While it is accepted that this increased the density of the overall scheme, the grant of planning permission offers very little in settling the status of the current application site.

U/2007/0564/O: This was an outline planning application for 3 dwellings made in the name of Ardowen Developments. This application included the current application site within the red line and also some additional lands towards the Antrim Road which now include the current waste water treatment plant at this location. It is noted that whilst that application was withdrawn, the application was progressed by DOE through to a recommendation to refuse planning permission on grounds that the land comprising the current application site were considered to be an area of open space. In that case the previous grants of planning permission for U/1999/0044/O and U/2001/0581/F were referenced in relation to the open space designation.

It is noted that subsequent representations were made by Reid Black Solicitors on that application which challenged the validity of U/2001/0581/F and whether proper notice had been served on the applicant. These matters were rebutted at the time by DOE Planning which advised that matters of validity were ultimately a matter for the Courts.

U/2012/0194/F: This application was for a replacement dwelling for No. 740 Antrim Road and does not contribute anything of much relevance to the assessment of the status of the current application site.

Ultimately outline planning permission U/1999/0044/O was superseded by U/2001/0581/F and therefore it adds little to the status of the current application site as it was never supported by a Reserved Matters application and was never implemented.

Under application U/2001/0581/F the grant of planning permission does not refer to the current application site as being an area of open space, rather it is a significant area of landscaping, however, drawing 12 show areas of formal and informal spaces and refers on the drawing to open space. It would appear that there was some intent to have this significant area of land free from development, however, the history is inconclusive. It is also acknowledged that the area of land was never laid out as per the grant of planning permission.

The status of how the area of land was treated on the ground is relevant to the consideration. A Google streetview image from August 2008 show the area open to the public with no barriers, however the area is not maintained and appears as semi-improved grass land. Imagery in April 2011, April 2015 and April 2017 show the site as an area of maintained grass. It is unclear who has maintained the land, however, it is evidently been maintained and appears as an informal amenity area. Given that a period of 10 years have elapsed the land appears to have taken on a role as an

area of open space and it is concluded that the existing residents have enjoyed certain degree of amenity benefit from it.

PPS 8 defines open space areas as including; amenity green space (most commonly, but not exclusively in housing areas) – including informal recreation spaces, communal green spaces in and around housing, and village greens. There is little doubt that this area of land has performed that function.

In summary, it appears from the planning history that in 2007 the land owners of the current application site were aware of the view of DOE (the then planning authority) regarding the status of the application site, namely that the site was considered to be an area of existing open space. It appears that any such assertion was rebutted, however, it was not challenged by way of Judicial Review to the High Court. In the intervening years the application site has taken on a more obvious role as an area of open space within the Carnbank development. Whether this was done with or without the knowledge of the owner of the land is unknown, however, a judgement has to be made on how the land is to be viewed in planning terms. The planning history would tend to lend weight to the argument that the area was to be laid out as open space. The period between April 2011 and Jan 2021 would indicate that the area has been maintained and operated as an area of informal open space within the estate. Whilst recognising the matters raised in the submissions made by and on behalf of the applicant, on balance, it is considered for planning purposes that the land should be regarded as open space lands.

As a consequence, and in relation to the current application, it is considered by Officers that the site is an existing amenity open space area where there is a policy presumption against development as set out in Policy OS1 of PPS 8.

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

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

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

Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposed development will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to all of a number of criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site

in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

As noted above, the application site is located on an area of open space to the north and northwest of an existing residential development. This area has roughly been split into three plots and it is proposed to construct a detached dwelling on two of these plots, with the third plot designated as an area of amenity space.

Site A is located in the northern most section and is closest to the Antrim Road. The dwelling here is L-shaped, with a dual frontage to both the public road and the internal estate road, and has an overall ridge height of 6.4 metres to finished floor level. Design elements of the proposed dwelling include an apex roof projection and dormer window to the front, a square bay window on the northern elevation, a small lean-to on the southern elevation and external finishes of blue/black non-profiled slate roof tiles, off white painted smooth render and pvc windows.

Site B is positioned in the middle portion of the application site, bounded to the north by Site A and to the south by an area of amenity space. The dwelling proposed for this site is a direct replica of that shown on Site A in terms of size, scale, massing, use of materials and orientation.

In terms of the proposed external finishes, the existing development to the south of the application site in Carnbank is characterised by brown brick and stone cladding, however, there is a mix of finishes along the Antrim Road and within the development limit of Millbank itself. Given the varying external materials in the surrounding area, it is considered that render on this application site is acceptable and would not harm the character of the area.

It is noted that the design of the proposed dwellings is largely similar to those recently approved by the Council in the application for six dwellings on land adjacent to this site under planning application reference LA03/2019/0387/F. As a consequence, the design and finish of the proposed dwellings are considered acceptable individually.

Each dwelling has its own access point off the internal Carnbank estate road with two in-curtilage parking spaces per dwelling being provided. In terms of soft landscaping, the northern, western and southern boundaries will be planted out with a mix of hedging and trees, with some small areas of planting proposed along the eastern boundary that abuts the internal estate road. It is considered that the scale and massing of the dwellings, and the amount of hard and soft landscaped areas are appropriate to the character and topography of the site.

### **Private Amenity**

Criterion (c) of Policy QD 1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided within 'Creating Places: Achieving Quality in Residential Developments'. This states that the appropriate level of provision should be determined by having regard to the particular context of the development; provision should be calculated as an average space standard for the development as a whole, and should be around 70sqm per house, or greater. For this proposed development, the average private amenity space has been calculated at over 500sqm, which is well above the minimum level.



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

Criterion (e) of Policy QD 1 requires the provision of a movement pattern that supports walking, cycling, meets the needs of people whose mobility is impaired and provides adequate and convenient access to public transport. A public footpath runs along the eastern boundary of the application site, giving pedestrian access to the rest of the Carnbank development, the Antrim Road and Millbank. There are bus stops within two minutes walking distance of the application site. The movement pattern of the proposed development is acceptable and meets this criterion. DfL Roads are satisfied with the proposed access and movement pattern.

### **Parking Provision**

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

### **Neighbour Amenity**

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

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

The application site is bounded to the south by the detached dwelling at No. 1 Carnbank with its main aspect fronting towards the Antrim Road. This existing dwelling is L-shaped and is positioned, at its closest point, 5 metres from the boundary with the proposed area of amenity space and 22 metres to the boundary of Site B. The existing dwelling is two and a half storeys high along the front elevation, and sits on a plot considerably higher than the adjoining application site. The gable abutting the common boundary has two ground floor windows to serve a living room. The front elevation of No. 1 Carnbank is separated from the boundary with Site B by a distance of 30 metres and has two bedroom windows on both the ground and first floors and a further window on the second floor. There are additional windows on the tower feature that adjoins the gable and front elevation of this dwelling.

It is considered that the separation distance between No 1 Carnbank and the proposed dwellings is sufficient to ensure that no unacceptable overlooking from this existing dwelling to the private amenity area of the dwelling on Site B will arise.

All proposed and existing dwellings are detached, and the transmission of noise between units is not therefore a concern. Noise disturbance may be an issue, but this will be during the construction period only and on completion of the development, should cease to be a concern.

Criterion (i) of Policy QD1 of PPS 7 states that proposed residential development should be designed to deter crime and promote personal safety. It is considered that the proposed development meets this objective, by positioning the dwellings fronting onto the access road and having private amenity space to the rear.

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

The small settlement of Millbank is defined by detached properties, a mix of single storey and two-storey, sitting on quite substantial sized plots. Development along the Antrim Road is characterised by single storey dwellings, while Carnbank to the rear of the application site, is a development of two storey and two and half storey dwellings. External finishes within the settlement limit include brown/red brick, pebble dash and render. It is considered that the overall layout, form and external materials of the proposed development will reflect the character of the locality and that this aspect of the scheme will not result in a significant impact on the character and appearance of the area.

In his supporting statement, the applicant argues that the dwelling at No. 1 Carnbank has not been built in accordance with the approved plans under application reference U/2001/0581/F. However, as this dwelling has been substantially complete for a period of more than five years, it is immune from enforcement action, and an assessment of the impact the proposal will have on the amenity of the area is carried out based on what is currently on the ground. It is clear that the property at No. 1 was designed and built with a frontage towards the Antrim Road and to have an outlook over the aforementioned planned area of open space thereby providing informal surveillance of this area. It is acknowledged that the positioning of a dwelling on Site B, despite being at a lower level, and designed to be a relatively low elevation property, would have an impact on the main aspect and outlook of No. 1 Carnbank. However, given the separation distance between the existing and proposed dwellings it is considered on balance that whilst the outlook from No1 Carnbank may be affected and it may be different from the existing situation on the ground, that the impact of is would not necessarily be to such an unacceptable degree to warrant refusal of the proposal.

### **Other Matters**

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

### **CONCLUSION**

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

- The principle of the development will result in the loss of an area of informal open space contrary to the provisions of PPS 8;
- The design, layout and appearance of the dwellings proposed are considered appropriate to the character and topography of the site and surrounding area;
- Sufficient amenity space is provided;

- A safe and appropriate access arrangement has been demonstrated with adequate parking provision;
- There are no significant concerns in relation to neighbour amenity.

**RECOMMENDATION**
**REFUSE PLANNING PERMISSION**
**PROPOSED REASON OF REFUSAL**


1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy OS 1 of Planning Policy Statement 8 'Open Space, Sport and Outdoor Recreation' in that the proposed development will result in the unacceptable loss of open space and therefore adversely affect the environmental quality and character of the existing housing development at this location.



### Location Map

Application Reference: LA03/2020/0030/F.  
 Location: 40m N of 1 Carnbank, Antrim Road, Millbank.  
 Proposal: 2 detached dwellings.



 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.2</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0202/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>	Proposed rounding off to Glenoak Grange Meadows to include 2 no. detached dwellings and detached garages.
<b>SITE/LOCATION</b>	Lands 40m NE of No. 1 and 20m South of No. 5 Glenoak Grange Close, Crumlin
<b>APPLICANT</b>	Aqua Developments
<b>AGENT</b>	Raymond J Mairs Chartered Architects
<b>LAST SITE VISIT</b>	26 <sup>th</sup> July 2019
<b>CASE OFFICER</b>	Barry Diamond Tel: 028 90340407 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 on the edge of the development limits of Crumlin as defined within the Antrim Area Plan 1984 – 2001 (AAP). The application site is located directly to the east of Glenoak Grange Meadows and is currently set out as agricultural land. The topography of the site falls gently from the north of the site to the south of the site. The boundaries of the site are undefined to the east and south whilst the western and northern boundaries are defined by a 1.8 metre close boarded timber fence. Access to the site is achieved via Nutt's Corner Road through the existing Glenoak Grange Close and Glenoak Grange Meadows development.</p> <p>The application site forms part of the wider Glenoak Grange Close and Glenoak Grange Meadows development which has a range of house types and styles.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2018/1138/F  Location: Lands to the east of Glenoak Grange Meadows, Crumlin  Proposal: Proposed rounding off to Glenoak Grange Meadows to include 1 detached dwelling and a pair of attached dwellings  Decision: Permission Refused (18.12.2019)</p> <p>Planning Reference: T/2014/0215/F  Location: Lands South of Glenoak Grange Close Nutts Corner Road Crumlin  Proposal: Proposed 2 no attached dwellings and garages together with associated amenity space and planting.  Decision: Permission Granted (30.11.2010)</p> <p>Planning Reference: T/2009/0638/F  Location: Lands south of Glenoak Grange Close, Nutts Corner Road, Crumlin  Proposal: Proposed 3 no dwellings with integral garages together with associated amenity planting.</p>	

Decision: Permission Granted (30.11.2010)

Planning Reference: T/2001/0537/RM

Location: Glen Oak Grange, Nutts Corner, Crumlin

Proposal: Extension to existing Housing Development

Decision: Appeal Upheld (10.05.2002)

Planning Reference: T/1999/0386

Location: Glen Oak Grange, Crumlin

Proposal: Site of residential development.

Decision: Permission Granted (04.07.2000)

## **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 within the settlement limits of Crumlin. 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 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 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** – No objections

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

**Belfast International Airport**– No objections

## **REPRESENTATION**

Seventeen (17) neighbouring properties were notified and eighteen (18) letters of objection have been received from six (6) 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:

- Road safety (lack of visibility within development, narrow roads within development, increase in traffic generated with proposal and Glenoak Grange Meadows, safety of children playing, vehicular traffic exceeding speed limit).
- Pedestrian safety - no footpath provision within development.
- Development exceeds the number of dwellings acceptable within a shared surface development, therefore resulting in overdevelopment.
- Impact of construction works and heavy goods vehicles on the lane.
- They were advised previously that no plans to further develop the area.
- Impact on the amenity of neighbours – separation distance, overlooking, overshadowing.
- Rounding off of development and reduction in dwelling numbers assessed under previous applications.
- Inaccurate plans/description.
- Impact on adjacent lands.
- Legal recourse, no right of appeal.
- Impact on resident's mental health with numerous applications being submitted to the Council.
- Impact of the current pandemic on the processing the current application.

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

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

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

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

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

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to determination of the proposal. The application site is located within the settlement limit of Crumlin on unzoned white lands. It should be noted that the planning application LA03/2018/1338/F, for three dwellings on the application site was refused planning permission on 18th December 2019. The refusal reason was that the proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy AMP 2 of PPS 3 and Policy QD 1 of PPS 7, in that the development, if permitted, would result in overdevelopment with additional traffic accessing onto the existing shared service road detrimental to road safety grounds. The current proposal reduces the scheme by one residential unit and seeks planning permission for two detached properties.

Paragraph 5.10 of AAP states that the approach of the planning authority will be to encourage orderly growth in the residential sectors of each settlement and that particular attention will be given to environmental considerations concerning the size, siting and layout of proposed residential developments. The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPS's).

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

- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas;
- PPS 2: Natural Heritage;
- PPS 3: Access Movement and Parking;
- PPS 8: Open Space, Sport and Outdoor Recreation; and
- PPS 15: Planning and Flood Risk.

Within this policy context, it is considered the principle of housing development on the site would be acceptable subject to the development complying with all other policy and environmental considerations as detailed below.

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

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) refers at paragraph 6.137 to the need to deliver increased housing without town cramming and that within established residential areas it is imperative to ensure that the proposed density of new housing development,



together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Policy QD1 goes on to state that all proposals for residential development will be expected to conform to nine criteria. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development in terms of its contribution to the amenity of the local neighbourhood and the wider streetscape. The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

The proposal is for the erection of two detached dwellings, the proposed dwellings lie directly to the south of 5 Glenoak Grange Close with a frontage onto Glenoak Grange Meadows. The dwellings have individual access points and an area of private amenity space to the rear of the individual dwellings. The proposed dwellings are two storey dwellings with a ridge height of 8 metres above ground level. The dwellings have a hipped roof and two chimneys with two dormer windows on the wall plate to the front elevation and one dormer window on the wall plate to the rear elevation along with a simple storm porch to the front elevation. The proposal includes a single storey semi-detached garage with the same finishes as the dwellings located centrally between the dwellings.

The topography of the site falls gradually from north to south with the properties at Glenoak Grange sitting at a higher level of 1.2 metres than the proposed dwellings whilst the proposed dwellings would sit at a slightly higher level of 0.5m than the level than Glenoak Grange Meadows. The arrangement and layout of the proposal includes two access points to serve the individual properties with an area of hardstanding to the front of the properties. The proposed boundaries are defined to the north by the retention of a close boarded timber fence inset with landscaping, whilst the eastern (rear) boundary is defined by a mix of native hedgerow and landscaping and the southern boundary is to be defined by a 1.8 metre close boarded timber fence. The proposed boundaries are considered to be acceptable with the exception of a section of the southern boundary which is a close boarded timber fence protruding along the gable wall of the proposed dwelling. There are concerns regarding the impact on the visual amenity of the area with the inclusion of a close boarded timber fence along this boundary. However, timber fencing along a section of this boundary was previously approved as part of the previous approval T/2014/0215/F, for these reasons the proposed boundary treatment is considered acceptable.

Criterion (c) of Policy QD1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided in 'Creating Places: Achieving Quality in Residential Developments'. It states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40sqm for any individual house. Creating Places further indicates that properties with three or more bedrooms require an average of 70sqm.

In this case each of the proposed dwellings 70sqm+ of private amenity space. It is considered that adequate provision has been made for private rear garden space within the individual dwellings.

Overall it is considered that the design and layout of the proposed dwellings in terms of their form, materials and detailing are acceptable and will respect the surrounding context and are appropriate to the character and topography of the site in terms of scale, massing appearance of buildings, landscaped and hard surfaced areas.

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

As outlined above Policy QD 1 of PPS 7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale and proportions and massing. In addition, Policy LC1 of the Addendum requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area and that the proposed density should not be significantly higher than that found in the established residential area. The character of the existing residential area comprises mainly detached properties with one set of semi-detached properties set in a range of medium to large plot sizes. The dwellings are all orientated to front onto the internal road network with area for private amenity located to the rear of the dwellings. The existing pattern of development exhibits that of a spacious suburban development.

The plot sizes and layout are similar to that found within the wider residential development of Glenoak Grange and Glenoak Grange Meadows. The density of the proposed development will not be significantly higher than that found within the wider residential area. Additionally, when taking into consideration the existing layouts and scale, the plot sizes and spacing between buildings, it is considered that the proposal respects the surrounding context and will not negatively impact the streetscape. Overall the proposal is considered to be an appropriate form of development which respects the character and environmental quality of the established residential area.

#### **Neighbour Amenity**

Criterion (h) of Policy QD 1 requires that there is no unacceptable adverse effects on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. In this case the layout shows two dwellings located to the south of 5 Glenoak Grange Close and to the northeast of 1 Glenoak Grange Meadows. The dwellings are orientated to face into the development which results in 5 Glenoak Grange Close and the dwelling on site 1 having a rear to side relationship. A number of objections raised concerns in relation to the impact of the proposed dwelling on the amenity of No. 5 and 6 Glenoak Grange Close due to the limited separation distance, which would give rise to issues of overlooking and overshadowing with a particular emphasis on the impact on No. 5 Glenoak Grange Meadows.

The existing dwelling at No. 5 Glenoak Grange Close lies closest to the proposed development of site 1, which has a separation distance between the rear wall of No.5 Glenoak Grange Close and the gable wall of the proposed dwelling of between 12 and 13 metres. As outlined above, letters of objection raised concerns in relation to the separation distance and that a separation distance of 20 metres has not been provided. Planning guidance 'Creating Places' advises that on green-field

sites and in low density developments good practice indicates that a separation distance of around 20 metres or greater between the opposing first floor windows of new houses is generally acceptable. The guidance within 'Creating Places' refers to dwellings which have a back-to-back relationship, as outlined above the relationship between 5 Glenoak Grange Close and the proposed dwelling is a rear to gable relationship. In relation to overlooking from the proposed dwelling, no windows are proposed on the gable elevation therefore there is no potential for overlooking. In relation to overshadowing, the finished floor level of the proposed dwelling on site 1 sits at a lower level of 1.45 metres from the finished floor level of 5 Glenoak Grange Close and it is considered that given the lower level and the separation distance that the proposal will not create any significant levels of overshadowing.

The existing dwelling at 1 Glenoak Grange Meadows lies closest to the proposed dwelling on site. The orientation of the dwelling on site 2 faces into the development and sits partially in front of the building line of the existing dwelling at 1 Glenoak Grange Meadows, as such the relationship between the two properties is a partial front to gable relationship. The separation distance between the front elevation of the proposed dwelling on site 2 and gable elevation of 1 Glenoak Grange Meadows measures 15.5 metres. A parcel of agricultural land is located between the gable wall of the proposed dwelling on site 2 and the existing property at 1 Glenoak Grange Meadows which mitigates against any significant negative impacts on its private amenity. Given the relationship between the dwellings, the separation levels and the proposed fenestration it is considered that the proposal will not create an unacceptable significant impact on the privacy of the adjacent property at 1 Glenoak Grange Meadows.

For these reasons it is considered that the proposal meets criterion (h) of policy QD 1 in that the design and layout will not create conflict with neighbouring properties both existing and approved and will not give rise to any significant impacts in relation to overlooking or overshadowing.

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

Policy AMP 2 of Planning Policy Statement 3 – Access, Movement and Parking (PPS 3) states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. Access to the site is taken from a single access point on the Nutt's Corner Road. A large number of concerns were raised in relation to road safety within the estate with particular reference to the lack of provision of a pedestrian footpath and the large numbers of pedestrians including children which use the existing estate road.

Letters of objection make reference to the number of dwellings within a shared surface development which has exceeded the threshold of 25 dwellings and therefore results in overdevelopment of this shared surface. Paragraph 19.03 of planning guidance 'Creating Places' advises that the carriageway of a shared surface development should serve no more than 25 dwellings. The maximum number of dwellings permitted off a shared surface has already been exceeded for this development. The proposal will further exacerbate the traffic entering and exiting the development and will result in a total of 35 dwellings being served off the internal

shared surface and therefore the proposed development exceeds the threshold set out in 'Creating Places'.

Concerns have also been raised in relation to the lack of visibility at certain junctions within the development, due to the restricted nature of the road layout and boundary treatments on individual sites. The objectors emphasise the narrow curved layout of the internal road network and the impact this has on safe manoeuvring within the development and the flow of traffic. When travelling through the development to reach the application site the street network is narrow with a number of bends in the road. There are a number of blind corners and a general lack of visibility. As a visitor to the site one would be likely to drive very slowly as it is not easily navigated due to the blind corners of the estate road with limited visibility of left or right turns. However, more frequent visitors to the estate which are familiar with the turns are reported to drive much faster despite the common occurrence of children playing on the estate road. The additional traffic created by the development would exacerbate what is an already unfavourable situation and would be likely to prejudice road safety which is contrary to Policy AMP 2 of Planning Policy Statement 3.

Additionally, objectors have provided comments and indicated that a number of children play within this development. As it is not possible to take video or photographic evidence of the children out playing, evidence of this can only be observed during a site visit. Therefore, it is considered that the extra traffic generated by the additional dwellings proposed, coupled with the poor visibility would be dangerous and therefore have an unacceptable impact on the amenity of the existing residents living within the development. For this reason the proposal is considered to represent overdevelopment which is contrary to Policy QD 1 of Planning Policy Statement 7.

It should be noted that planning application LA03/2018/1338/F, for three dwellings on the application site was refused planning permission on 18th December 2019. The refusal reason was that the proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy AMP 2 of PPS 3 and Policy QD 1 of PPS 7, in that the development, if permitted, would result in overdevelopment with additional traffic accessing onto the existing shared service road detrimental to road safety grounds. DfI Roads was consulted and raised no objections to the proposal subject to conditions.

#### **Other Matters**

Other concerns raised by objectors relates to the impact of construction works with health and safety concerns and the use of heavy goods vehicles. It is considered that construction works will be for a time limited period and will not result in long term negative impacts on the adjacent properties. Concerns were raised in relation to the accuracy of the plans and the existing layout. Following a site inspection from the case officer it appears that the existing plans as shown on the site layout represent the current existing arrangement within the development. Concerns were also raised in relation to access and egress to emergency services if part of the internal road network is blocked. It is considered that the emergency services will have their own protocols and procedures in place for emergency situations.

Other concerns raised in relation to assurances from the developer regarding no more works being proposed within the development is not something that can be commented on by the Planning Section. Objections received on previous applications within the development do not form part of the current assessment. The statutory publicity requirements of neighbour notification and advertisement has been carried out and the opportunity for representations to be made on the current proposal has been provided. Additionally, the assessment and discussions in relation to previous approvals decided by DOE Planning cannot be commented upon. The current application has been assessed on its own merits taking into consideration all relevant material considerations.

Another objection point related to the lack of a right to appeal for neighbouring residents and the agent submitting numerous applications to the Council and the impact on neighbouring residents in relation to the submission of numerous applications. There is currently no legislative framework within Northern Ireland to allow for third party appeals on planning decisions. The Planning Act (Northern Ireland) 2011 allows the Council to decline to determine an application under certain conditions, one of which would be if a similar application has been dismissed at appeal in the last two years. In this case, although the previous application (LA03/2018/1338/F) has been appealed, no decision has been reached and the Council therefore has an obligation to assess the current application.

Another issue raised, relates to the impact of the current pandemic and the impact on the processing of the application in relation to site visits and Planning Committee. As outlined above the statutory publicity requirements of neighbour notification and advertisement has been carried out and the opportunity for representations to be made on the current proposal has been provided. Additionally, the Planning Committee Meeting Schedule and Agenda is available online, the Planning Committee Members can carry out a site inspection and objectors can avail of speaking rights at the Council's Planning Committee.

## **CONCLUSION**

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

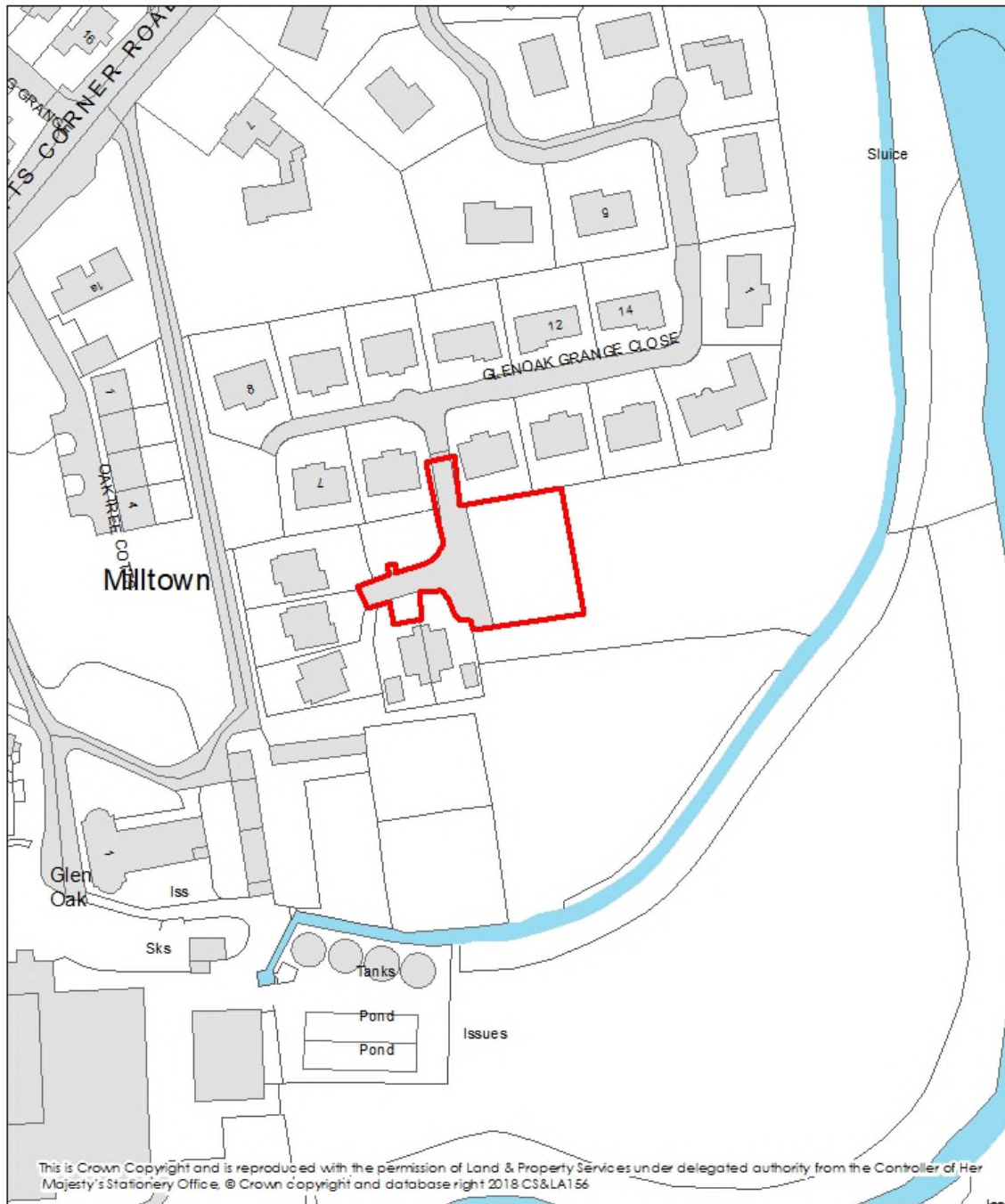
- The principle of the development is acceptable.
- The design, layout and appearance of the development is considered acceptable.
- The development will be in keeping with the character and appearance of the surrounding area.
- There will be no significant detrimental harm to the adjacent properties.
- The proposal is considered to be overdevelopment and will result in additional traffic accessing onto the existing shared service road which is considered to be detrimental to road safety.

## **RECOMMENDATION**

## **REFUSE PLANNING PERMISSION**

## **PROPOSED REASON FOR REFUSAL**

- The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy AMP 2 of PPS 3 and Policy QD 1 of PPS 7, in that the development, if permitted, would result in overdevelopment with additional traffic accessing onto the existing shared service road which is considered detrimental to road safety.



### Site Location Plan


Application Reference: LA03/2020/0202/F

Proposal: Proposed rounding off to Glenoak Grange Meadows to include 2 no. detached dwellings and detached garages.

Address: Lands 40m NE of No. 1 and 20m South of No. 5 Glenoak Grange Close Crumlin

0 30 60 Metres



 Site boundary

Scale: 1:1250



<b>COMMITTEE ITEM</b>	<b>3.3</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0203/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for 2 no. infill dwellings
<b>SITE/LOCATION</b>	Between 9 and 15 Farranflugh Lane, Randalstown
<b>APPLICANT</b>	Alison Gilmore
<b>AGENT</b>	Jackie Milliken
<b>LAST SITE VISIT</b>	29 <sup>th</sup> June 2021
<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 outside of any settlement development limit defined in the Antrim Area Plan 1984-2001 and is therefore in the countryside. The application site is located between the existing dwellings at No. 9 and No. 15 Farranflugh Lane, Randalstown. It lies directly along the roadside and is made up of part of a wider agricultural field which expands further in a westerly direction. The site is well screened with mature roadside vegetation and by tall mature trees which line the site's southeastern boundary. There is an overgrown strip of land within the site along the northern boundary which is also defined by a hedge and a stream. The western boundary of the site remains undefined given the application site comprises part of a wider agricultural field. The character of the area is typically rural, there is however a build-up of development further north of the site surrounding the junction of Farranflugh Lane with Barnish Road.</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</p>	

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

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

Antrim Area Plan 1984 – 2001: The application site is located outside of any settlement development limit designated in the Antrim Area Plan.

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

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

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

## **CONSULTATION**

**Council Environmental Health Section** – No objection

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads**- No objections

**Department for Infrastructure Rivers** – No objection

## **REPRESENTATION**

Two (2) neighbouring properties were notified and one (1) letter 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:

- Loss of privacy at No. 9 Farranflugh Lane
- Loss of trees – amenity benefits and wildlife concerns

## **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 Antrim Area Plan 1984-2001 (AAP) operates as the local development plan for the area where the application site is located. The AAP places the application site within the rural area and outside any settlement development limit designated in the Plan. It provides no site specific guidance on the proposal.

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 dwellings at No. 9 and No. 15 Farranflugh Lane. It is accepted that the dwellings at No. 15, No. 9, No. 7 and the two recently constructed dwellings at No. 5 and No. 3 all demonstrate that there is a substantial and continuously built up frontage onto the road. However, it is also noted that the gap (measured from building – No. 9 to building- No. 15) is approximately 130 metres. When measurements were taken across the plot frontage of the five above noted properties the average plot width was 36.8 metres. It is considered that as the gap of 130 metres could accommodate up to 3 dwellings based on this average plot figure for the surrounding area; 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 Farranflugh Lane.

As it is considered that the gap site is not small, could accommodate more than two dwellings and thus the proposal would not respect the existing development pattern in terms of plot size there is no development opportunity in accordance of Policy CTY 8 of PPS 21.

The proposal was also assessed against the policy provisions provided in Policy CTY2a – New Dwellings in Existing Clusters. Given the absence of a focal point together with the issue with the size of the gap (130 metres) raising concerns in relation to impact on the character of the area it is concluded that the proposal is also not acceptable under this policy.

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.

#### **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. In addition Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development.

It is considered that the proposed development would add to the ribbon of development extending along Farranflugh Lane and would see the infilling of one of the only remaining critical green gaps between the build-up of development to the north of the application site and the dwelling at No. 15. It is considered important to preserve this remaining visual break along the road frontage to ensure the integrity of this countryside area is protected and that there is no further erosion of rural character.

The proposal is therefore considered contrary to the SPPS, and PPS 21 Policies CTY 8 and CTY 14 in that it would create a suburban style build up when viewed with the existing buildings in near proximity to the site and extend a ribbon of development

into the countryside thus further eroding the rural character of the area which as noted above already sees a degree of build-up.

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 west of the site remains undefined. The proposal would also involve the removal of a substantial amount of roadside vegetation to provide access to the site, but the site will remain to be enclosed by mature vegetation and the two existing dwellings (No. 9 and No. 15) to the north and south.

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, rather 2 no. appropriately designed dwellings could integrate into the rural landscape with the provision of supplementary landscaping. 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**

Two (2) neighbouring properties have been notified of the application and one (1) letter of objection has been received. This representation raised concerns in relation to loss of privacy at No.9 Farranflugh Lane (to the rear garden and the rear bedrooms).

As noted above this is an outline planning application and thus no details of house type have been submitted. It is considered that the size of the site would allow for ample separation distances and the intervening vegetation along both boundaries would also provide a degree of screening. Two appropriately designed dwellings could be accommodated on the site without an adverse impact on amenity at either of the neighbouring properties at No. 9 or No. 15. Overall, it is considered that there are no overriding concerns in relation to neighbour amenity.

#### **Road Safety**

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 the Reserved Matters application.

#### **Other Matters**

The report will now consider the matters raised in the representation that have not already been addressed within the report.

The representation raises concern in respect of potential loss of vegetation and the impact this may have on wildlife and also on the visual amenity of the area. As noted above this is an outline planning application, it is limited on detail and thus the extent of vegetation removal cannot be confirmed at present. It is however likely that a portion of the roadside vegetation which include a number of trees and some hedging may have to facilitate access to the proposed dwellings. The extent of the

tree removal would not be considered to have a significant impact in terms of visual amenity given the quality of the trees and the location of the vegetation along the road edge. In addition, should planning permission be granted it is possible to condition compensatory planting to the rear of the proposed visibility splays which will further minimise any significant adverse visual impact.

### **Natural Heritage Impacts**

Policies NH 2 and NH 5 of PPS 2, states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on priority/protected species. The third party's concern in this respect relates to the loss of vegetation that may adversely impact upon bats.

There is a substantial linear tract of roadside trees some of which will require removal for the provision of visibility splays. No biodiversity checklist or bat survey has been provided to consider the impact on bats as a protected species or their habitat, nor has consultation been undertaken with NIEA Natural Heritage at this point due to concerns with the principle of development.

In light of the concerns with the principle of development officers have not requested the applicant to provide a bat survey in order to ensure that they are not put to an unnecessary expense. As a precautionary approach it is recommended that a reason for refusal is added to ensure that there is no adverse impact on a priority species and their habitat.

### **CONCLUSION**

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

- The principle of the development is considered to be unacceptable as there are no overriding reasons as to why this development is essential at this rural location.
- It is considered that the proposal would add to a ribbon of development and have a detrimental impact on the character and appearance of the area.
- It is considered that two suitably designed dwellings could successfully integrate into the rural landscape.
- Two suitably designed dwellings on the application site would not have a significant detrimental impact on neighbour amenity.
- Insufficient information has been provided to demonstrate that there will not be a significant impact on bats due to vegetation removal.

### **RECOMMENDATION**

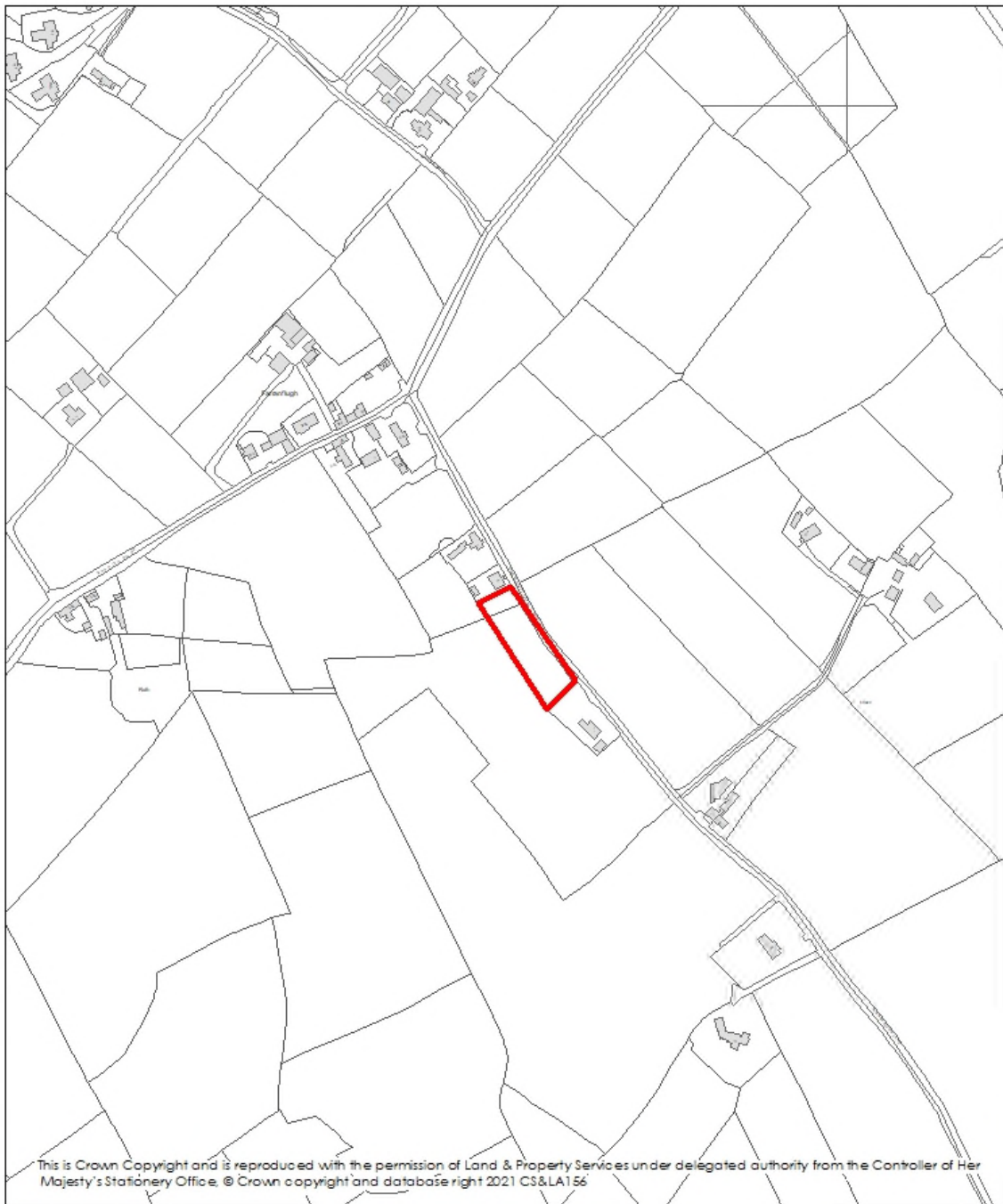
### **REFUSE OUTLINE PLANNING PERMISSION**

### **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 Policies CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that two dwellings on this site

would, if permitted, create a build-up of development in this area and add to a ribbon of development that will result in a detrimental change to, and erode, the rural character of the countryside.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 2: Natural Heritage, Policies NH 2 & NH5 as it has not been demonstrated that the proposed development will not have an unacceptable adverse impact on bats.




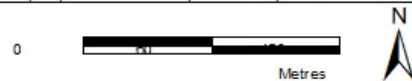
### Location Map

Reference: LA03/2021/0203/O

Location: Between 9 and 15 Farranflugh Lane, Randalstown

Proposal: Site for 2 No. Infill Dwellings

 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.4</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0013/F</b>
<b>DEA</b>	<b>THREEMILEWATER</b>
<b>COMMITTEE INTEREST</b>	<b>COUNCIL APPLICATION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	New right hand turning lane to provide access into the previously approved Crematorium development (planning ref LA03/2018/0091/RM) and associated proposed right hand turning lane providing access into Ballyearl Arts & Leisure Centre
<b>SITE/LOCATION</b>	Lands 70 metres southwest of No. 585 Doagh Road, Newtownabbey, BT36 5RZ
<b>APPLICANT</b>	Antrim and Newtownabbey Borough Council
<b>AGENT</b>	AECOM
<b>LAST SITE VISIT</b>	5th July 2021
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 90340416 Email: <a href="mailto:alicia.leathem@antrimandnewtownabbey.gov.uk">alicia.leathem@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and the draft Belfast Metropolitan Area Plan (draft BMAP).</p> <p>The application site forms a section of the Doagh Road from the east of Ballyearl Arts and Leisure Centre extending in a western direction to between No. 595 and No. 597 Doagh Road. The application sites includes a section of the road frontage along an existing agricultural field where a previous approval LA03/2018/0091/RM granted permission for a crematorium and associated site works.</p> <p>Beyond the site to the northwest are a number of roadside dwellings which front onto the Doagh Road. The site is located within the development limits of Metropolitan Newtownabbey and comprises a small portion of the lands zoned as employment land (MNY 07). The adjoining lands to the south and west of the site are also zoned employment lands.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2021/0121/NMC</p> <p>Location: Lands immediately opposite Ballyearl Arts and Leisure Centre. 8 Doagh Road, Newtownabbey, BT36 5RZ</p> <p>Proposal: Non material change to LA03/2018/0091/RM - Proposed crematorium facility and ancillary development (Minor elevation facade fenestration changes, increase of entrance area, expansion of service yard and overall building height</p>	

increase by 19cm following the completion of RIBA stage 4 technical design and update of clients accommodation requirements).

Decision: Consent Granted (07.05.2021)

Planning Reference: LA03/2020/0033/LDP

Location: Lands immediately opposite Ballyearl Arts and Leisure Centre. 8 Doagh Road, Newtownabbey, BT36 5RZ

Proposal: Completion of crematorium facility and ancillary development in accordance with U/2014/0215/O and LA03/2018/0091/RM

Decision: Consent Granted (24.03.2020)

Planning Reference: LA03/2018/0091/RM

Location: Lands immediately opposite Ballyearl Arts and Leisure Centre. 8 Doagh Road, Newtownabbey, BT36 5RZ

Proposal: Proposed Crematorium facility and ancillary development.

Decision: Permission Granted 24th August 2018

Planning Reference: U/2014/0215/O

Location: Lands immediately opposite Ballyearl Arts and Leisure Centre, 585 Doagh Road Newtownabbey, BT36 5RZ

Proposal: Proposed crematorium facility and ancillary development

Decision: Permission Granted (03.02.2015)

## **PLANNING POLICY**

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

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

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

Belfast Urban Area Plan (BUAP): The application site is located within the settlement limit of Metropolitan Newtownabbey.

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



<p>Draft Belfast Metropolitan Area Plan (published 2004): The Plans identified the application site as being within the Development Limits for Newtownabbey on zoned employment lands (MNY 07).</p> <p>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.</p> <p>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.</p> <p>PPS 4: Planning and Economic Development: sets out planning policies for economic development uses.</p>
<p><b>CONSULTATION</b></p> <p>DfI Roads – No objection subject to condition.</p>
<p><b>REPRESENTATION</b></p> <p>Ten (10) neighbouring properties were notified, and no letters of representation have been received.</p>
<p><b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b></p> <p>The main issues to consider in the determination of this application are:</p> <ul style="list-style-type: none"> <li>• Principle of Development</li> <li>• Siting and Design</li> <li>• Access &amp; Parking</li> </ul> <p><b>Principle of Development</b></p> <p>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.</p> <p>The purportedly adopted Belfast Metropolitan Area Plan 2015 (BMAP 2015) was for a period of time deemed to be the statutory development plan for this area, however the purported adoption of the Plan by the then Department of the Environment in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) remains the statutory 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. Both of the relevant development plans identify the application site as being within the countryside outside any settlement limit.</p> <p>The Strategic Planning Policy Statement (SPPS) indicates that where any conflict between the SPPS and any policy retained exists, under the transitional</p>

arrangements it must be resolved in the favour of the provisions of the SPPS. The 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 principle of a crematorium at this site has already been established by the core planning permissions under reference U/2014/0215/O which granted outline planning permission on 3rd February 2015 and reserved matter approval ref LA03/2018/0091/RM which was granted on 24th August 2018.

It is noted that these aforementioned permissions have expired, however a Certificate of Lawful Development (CLUD) LA03/2020/0033/LDP was submitted and approved by the Council on 24th March 2020 establishing that development had commenced prior to the expiry date.

Additionally, application LA03/2021/0121/NMC granted permission on 7th May 2021 for non-material changes to the core permission. The principle of a crematorium at this site is therefore established through the planning history and the key matter for consideration in this case the proposed access arrangement.

### **Layout and Siting**

As outlined above the proposal seeks full planning permission for a right-hand turning lane to provide access into the previously approved crematorium site and an associated right hand turning lane into Ballyearl Arts and Leisure Centre. The previous approval U/2014/0215/O and LA03/2018/0091/RM granted permission for the access to the crematorium to be accessed via a normal priority junction on the Doagh Road. The Transport Assessment (Document 01 dated 21st December 2020) indicates that the proposed changes to the access arrangement are due to a number of contributory factors including changes in design criteria, increase in traffic flows onto the Doagh Road and traffic collision history on the Doagh Road.

The works required for a right-hand turning lane consist of the widening of the priority road, the Doagh Road, to include associated carriageway markings in order to define a deceleration taper and a dedicated queuing area for vehicles intending to turn right off the priority road. In this case the proposal is for two right hand turning lanes, one into the crematorium site and the other into the Ballyearl Arts and Leisure Centre. The road widening is to be carried out along the southern section of the Doagh Road for an approximate length of 270 metres.

The access serving the crematorium is located to the western section of the site and has a 19 metre frontage onto the Doagh Road, with a 6-metre-wide access defined by two access pillars set back 10.2 metres from the Doagh Road. The right hand turning lane serving Ballyearl Arts and Leisure Centre is located approximately 40 metres to the east of the crematorium access. The access serving Ballyearl Arts and Leisure Centre has a frontage of 28 metres along the Doagh Road with the remainder of the current access arrangement to remain as existing.

A pedestrian island crossing point is proposed between the crematorium access and Ballyearl Arts and Leisure Centre. The proposal will require the removal of hedgerow along the Doagh Road to provide the necessary sightlines and road widening, however, the removal of the vegetation and hedgerow was previously

granted permission under approval LA03/2018/0091/RM. A new boundary hedge is proposed to the rear of the sightlines; additionally, a boundary woodland area formed part of the previous permission LA03/2018/0091/RM, and the proposed works will impact on the previous landscaping scheme along the roadside boundary. As such it is considered necessary to impose a condition on the grant of any planning permission requiring a final landscape plan to be submitted and agreed with the Council prior to the right hand turning lane becoming operational.

### **Access and Parking**

As indicated above the Transport Assessment (Document 01 dated 21st December 2020) details that the change in design from the access arrangement previously approved under LA03/2018/0091/RM is a result of a number of contributing factors.

One of the factors indicated was the change in design criteria, following the grant of the previous planning permission LA03/2018/0091/RM. Development Control Advice Note (DCAN 15) - Vehicular Access Standards advises a right turning lane will often be required where the priority road is a primary, district or local distributor or a main traffic route as defined in Planning Policy Statement 3 – Access, Movement or Parking (PPS 3). DCAN 15 goes on to state factors which will be taken into account, one of which includes the volume of right turning traffic on the minor road exceeding 500 vehicles per day, or when right turns into the development are dominant moving having regard to the relative location of the town centre or other major traffic attractor.

The Transport Assessment (Document 01 dated 21st December 2020) advises that the number of vehicles per day (500) as indicated in DCAN 15 is derived from the Department for Infrastructure's (DfI) document - TD 42/95 Geometric Design of Major/Minor Priority Junctions (TD 42/95). Following the grant of the previous planning application (LA03/2018/0091/RM) for the crematorium, the aforementioned Document TD 42/95, has been superseded by CD 123 Geometric Design of At-Grade Priority and Signal-Controlled Junctions (CD 123). CD 123 requires a lesser benchmark of 300 vehicles per day, and states '*priority junctions shall include a major road central treatment when the minor road flow exceeds 300 vehicles two-way annual average daily traffic*'. The applicant contends that the reduction in standard from 500 vehicles to 300 vehicles makes the need for the right-hand turning lanes more apparent.

Other factors cited by the applicant within the Transport Assessment in relation to the need for the proposal and the change in the previously approved access arrangement includes the potential increase in traffic flows onto the Doagh Road as a consequence of recently approved planning permissions in the vicinity of the site. The third reason for the proposal is the frequency of road traffic accidents at junctions and sections of the Doagh Road in close proximity to the site.

The proposal solely relates to the access arrangement along the Doagh Road, the internal road network serving the crematorium and the parking provision is to remain as previously approved under application LA03/2018/0091/RM. DfI Roads were consulted as part of the processing of the application and they have indicated that the proposal is acceptable subject to a number of conditions to be attached to the grant of planning permission which includes a Private Streets Determination which will lead to their adoption of the development.

## CONCLUSION

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

- The principle of development has already been established under the previous grant of planning permission U/2004/0215/O & LA03/2018/0091/RM;
- The layout and siting and are considered acceptable;
- A final landscaping plan is required prior to the development becoming operational;
- The proposed parking and access arrangements are to remain as previously approved under LA03/2018/0091/RM;
- There are no concerns in relation to road safety.

## RECOMMENDATION

## GRANT PLANNING PERMISSION

## PROPOSED CONDITIONS

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

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

2. The road improvements hereby permitted shall be constructed to full Design Manual for Roads and Bridges standards.

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Number 17 bearing the date stamp 14 JUL 2021, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Number 17 bearing the date stamp 14-JUL-2021

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

5. No other development hereby permitted shall become operational until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 17 bearing the date stamp 14 JUL 2021. The Council hereby attaches to the determination a

requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

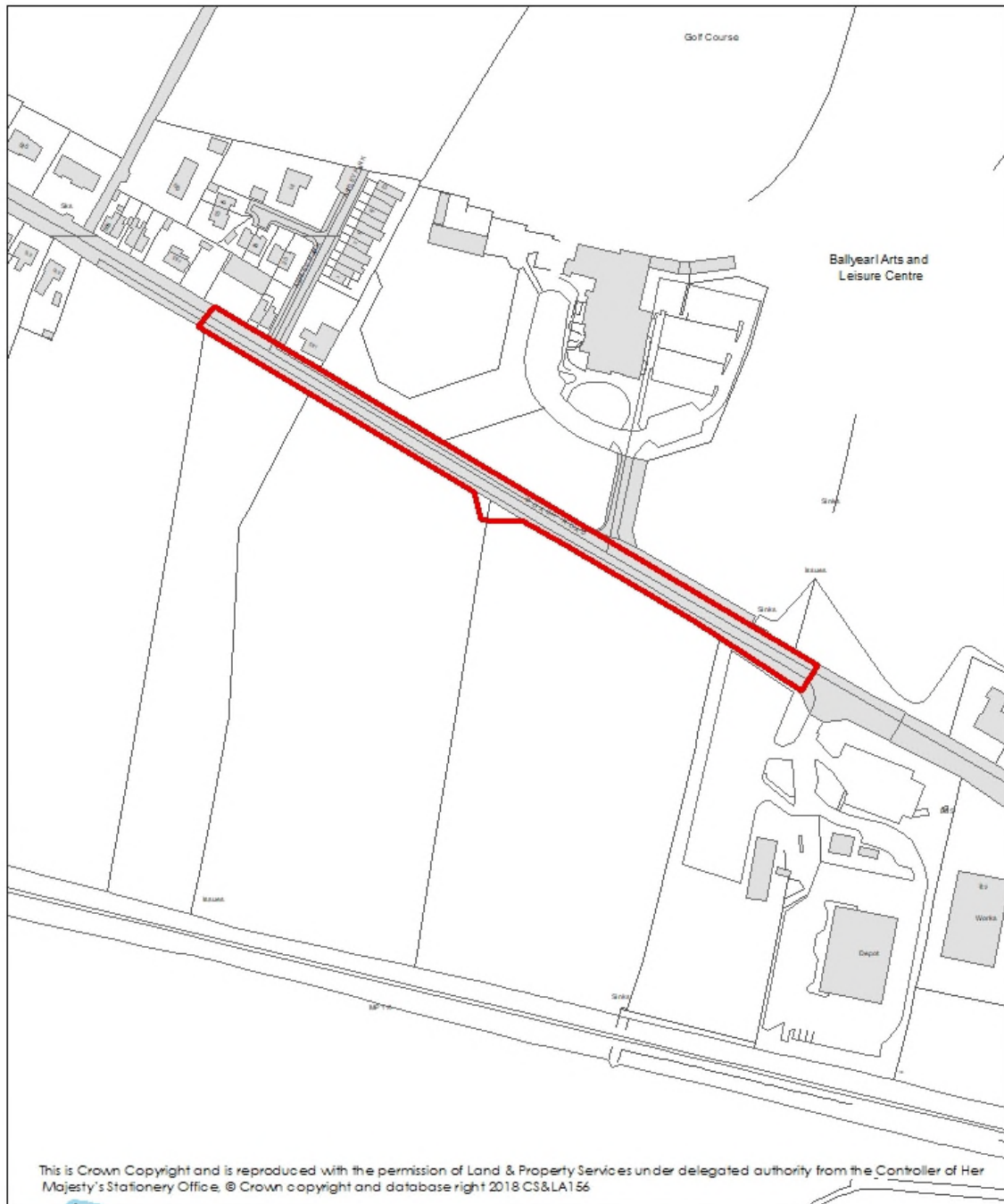
6. A detailed programme of works and any required / associated traffic management proposals shall be submitted to and agreed by the Council, prior to the commencement of any element of road works.

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

7. The development hereby approved shall not become operational until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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



### Site Location Plan

Application Reference: LA03/2021/0013/F

New right hand turning lane to provide access into the previously approved Crematorium development (planning ref LA03/2018/0091/RM) and associated proposed right hand turning lane providing access into Ballyearl Arts & Leisure Centre

Lands 70 metres southwest of No. 585 Doagh Road, Newtownabbey, BT36 5RZ



 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.5</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0825/O</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for replacement dwelling
<b>SITE/LOCATION</b>	80m North of 8 Station Road, Aldergrove, Crumlin, BT29 4DA
<b>APPLICANT</b>	Mr & Mrs Brady
<b>AGENT</b>	P J Design
<b>LAST SITE VISIT</b>	8th February 2021
<b>CASE OFFICER</b>	Ashleigh Wilson Tel: 028 903 40429 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 approximately 80 metres north of No. 8 Station Road, Aldergrove, within the countryside outside the development limits of any settlement defined within the Antrim Area Plan (1984-2001).</p> <p>There are a mix of uses in the locality; to the south and west of the application site there is some residential use and agricultural land, and to the northeast of the application site is the runway of Belfast International Airport.</p> <p>The application site comprises the curtilage of No. 8 Station Road, agricultural land and an existing laneway. The curtilage of No. 8 Station Road includes a landscaped avenue at the entrance to the existing two storey detached dwelling known as Ballyquillan House. There is a detached stone outbuilding located to the southeast (front) of the dwelling and to the northeast is a vernacular stone building and to its rear there is a red brick outbuilding.</p> <p>The application site is relatively flat. The north western (rear) boundary is partially undefined and partially defined by a 1-metre-high post and wire fence. The north eastern boundary is defined by mature vegetation along an undesignated watercourse. The south eastern boundary treatment consists of a set of agricultural gates, 1 metre high stone entrance pillars to Number 8 Station Road and a 1 metre timber fence which bounds the curtilage of No. 8 Station Road. The south western boundary is defined by a 1-metre-high ranch style fence.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/2001/0513/F  Location: 8 Station Road, Ballyquillin, Aldergrove, Northern Ireland, BT29 4DA  Proposal: Replacement Dwelling  Decision: Permission Granted (31.10.2001)</p>	

## PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

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

## CONSULTATION

**Belfast International Airport** – To be consulted when adequate details are provided at Reserved Matters stage.

**DAERA Water Management Unit** – No objection subject to conditions.

**Department for Communities Historic Environment Division** – suggests the retention and reuse of the non-listed vernacular building. If not possible HED Historic Monuments would be content subject to the completion of a Level 3 Historic Building Survey of the building to be replaced.

**Department for Infrastructure Roads** – requires an amended site location plan to show only one access onto the public road.



**Environmental Health Section** – Object to the proposal in the absence of noise mitigation measures.

**Northern Ireland Water** – No objection.

**Shared Environmental Services** – No objection.

**UK Crown Bodies D.I.O LMS** – No objection.

#### **REPRESENTATION**

Three (3) neighbouring properties were notified of the application and no representations have been received.

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

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. 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 'Development in the Countryside' 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 replacement dwelling in accordance with Policy CTY 3 'Replacement Dwellings' which stipulates that the building to be replaced must exhibit the essential characteristics of a dwelling and have all external walls structurally intact. For the purpose of Policy CTY 3, its reference to a dwelling includes buildings previously used as dwellings. Buildings designed and used for agricultural purposes, such as sheds or stores will not be eligible for replacement under this policy.

Additionally, Policy CTY 3 of PPS 21 encourages the sympathetic conversion of non-listed vernacular dwellings in the countryside rather than replacement in accordance with Policy BH 15 'The Re-use of Non-listed Vernacular Buildings' of PPS 6. The replacement of non-listed vernacular dwellings will only be considered where the dwelling does not make an important contribution to the heritage, appearance or character of the locality and where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved; or where the dwelling does not make an important contribution, the existing structure is to be retained and sympathetically incorporated into the layout of the overall development scheme.

The subject building to be replaced is a non-listed vernacular building which is present on the first edition Ordnance survey map (c. 1830). The gable fronted, single storey building is set back approximately 180 metres from the public road. The building comprises three adjoining portions with a variation of ridge heights which decrease by approximately 0.5 metres at a time from the portion nearest the road to the portion to the rear. Drawing Number 01/1 date stamped 25th February 2021 indicates in green that the two portions of building nearest the roadside are to be replaced.

The subject building has stone walls and is partially roofed in roof tiles and partially roofed in metal sheeting. The external walls and roof are substantially intact however at present the building would not be habitable. There is no chimney or internal fireplaces to suggest the subject building was ever used as a dwelling. The southwestern side elevation of the building to be replaced has an opening large enough for machinery, a small window at a higher level and a low height door which suggests the floor level of the building has been raised. The southeastern (front) elevation hosts a low level window and a former hay loft which has been closed up. The northeastern side elevation of the building has a door opening and an opening for a window that does not have a formal window frame or any glazing. Internally, there is another hayloft type opening between the two portions of the building to be replaced.

Visually the building to be replaced appears as part of an outbuilding and the evidence of the hayloft suggests the building has historically been used for agricultural purposes. At present the building is used as ancillary storage to serve the existing dwelling at No. 8 Station Road. The existing building at No. 8 Station Road is also a replacement dwelling which was granted under planning application reference T/2001/0513/F. The existing dwelling replaced a dwelling that had the same spatial footprint as the existing dwelling and was conditioned to be demolished prior to the construction of the approved dwelling that exists today. It is noted that within Drawing Number 02 of T/2001/0513/F, date stamped 28th June 2001, the subject building to be replaced within this current planning application is labelled as an 'existing outbuilding'. Overall, the building to be replaced does not exhibit the

essential characteristics of a dwelling and therefore the principle of development is not acceptable under Policy CTY 3 of PPS 21.

In addition to the above, Policy CTY 3 of PPS 21 stipulates that planning permission will only be granted for a replacement dwelling where all five of the criteria are met. Firstly, the proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. For the purposes of this policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.

The site location plan was updated to remove any reference to the siting of the proposed dwelling. The application site boundary covers an extensive plot however, the curtilage of the dwelling to be replaced is not a restrictive plot and if the application were to be granted permission, any siting and curtilage requirements could be covered via a condition.

The second criterion requires the overall size of the new dwelling to allow it to integrate into the surrounding area and not have a visual impact significantly greater than that of the existing and the third criterion sets out that the proposal should have a high quality design appropriate to its rural setting with regard to local distinctiveness. Given this is an outline application such details are not assessed at this stage but would be assessed under a Reserved Matters application if outline planning permission for a replacement dwelling was approved.

The fourth criteria states that all necessary services are available or can be provided without significant adverse impact on the environment. The proposed dwelling uses mains as the source of water supply and a septic tank and soakaways are proposed as stated within the submitted P1 Form. Water Management Unit has been consulted with the proposal and has advised that all proposed developments should connect to a mains sewer, where available, and providing the sewer and associated Waste Water Treatment Works (WWTW) can accommodate the additional load. If it is not possible to connect the proposed development to the mains sewer then discharge consent under the terms of the Water (NI) Order 1999 will be required for the discharge of sewage effluent from the proposed development. Northern Ireland Water has been consulted and has not objected to the proposal. It is considered that services are available or can be provided without significantly impacting upon the environment.

Lastly, Policy CTY 3 of PPS 21 requires that access to the public road will not prejudice public safety or inconvenience the flow of traffic. The proposal creates a new access onto the public road, albeit there appears to be an existing agricultural access where the new access is proposed. The red line of the application site also includes the existing access serving the existing dwelling of No. 8 Station Road as shown on Drawing Number 01/1 date stamped 20th November 2020. DfI Roads has been consulted and has requested an amendment to the red line to show only one access point onto the public road for the replacement dwelling and stated that if a new access is to be constructed for the replacement dwelling, then the existing access shall be closed for use by the occupants of the proposed replacement dwelling. No

amendment has been requested by the Council's Planning Section as the principle of development is not considered acceptable and subsequently putting the applicant to additional expense.

In conclusion, the principle of development for a replacement dwelling is unacceptable as the subject building is not considered to exhibit the essential characteristics of a dwelling, the proposed dwelling is not located within the established curtilage of the building and the adjacent dwelling on site, and it has not been demonstrated that the alternative siting would result in landscape, heritage, access or amenity benefits.

### **Neighbour Amenity**

The nearest neighbouring dwelling is No. 8 Station Road which is located approximately 80 metres south of the site of the proposed replacement dwelling which is considered sufficient to protect the privacy and amenity of neighbouring residents.

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

Policy CTY 13 'Integration and Design of Buildings in the Countryside' of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design.

Policy CTY 14 'Rural Character' of PPS 21 requires a proposed building in the countryside to not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where it is unduly prominent in the landscape, results in a suburban style build-up of development, fails to respect the traditional settlement pattern exhibited in the area or contributes to ribbon development.

The detailed design of the proposed dwelling is assessed at Reserved Matters stage, however, in general design terms in relation to the siting of the proposed dwelling, the application site is sited approximately 250 metres from the public road which limits public views of the development. It is considered that an appropriately designed dwelling could be achieved to ensure that any dwelling would not have a detrimental change to, or further erode the rural character of the area.

Whilst there is mature vegetation to the rear of the application site, its location is significantly removed from the application site. The mature vegetation that runs alongside the watercourse and forms the eastern boundary of the blue land as shown on Drawing Number 01/1 date stamped 25th February 2021 does act as a visual backdrop to the development when approaching from the west and this vegetation would provide sufficient screening to the proposed dwelling on approach from the east on Station Road. It is considered that a proposed dwelling located 80 metres north of No. 8 Station Road would integrate into the surrounding landscape, however, the curtilage of the proposed dwelling would require definition. It is considered that a proposed dwelling in this site would comply with Policy CTY 13 and Policy CTY 14 of PPS 21.

**Other Matters**

Belfast International Airport (BIA) was consulted as the application site is located within the consultation zone. The proposed application seeks outline planning permission and limited details are provided and therefore BIA requested to be consulted with the details at Reserved Matters stage.

Following consultation with the Council's Environmental Health Section, it raised concerns of high levels of noise from air traffic associated with the neighbouring airport. The Environmental Health Section has advised that the applicant should engage the services of a specialist consultant to assess and identify any noise mitigation measures that may be incorporated into the design of the dwelling to reduce potential impacts and secure an appropriate level of amenity. In the absence of this additional information, the Environmental Health Section recommends that planning permission is refused. This information has not been requested by planning as the principle of development is not considered acceptable and it would put the applicant to additional expense however, in the event of any grant of planning permission this could be covered by condition.

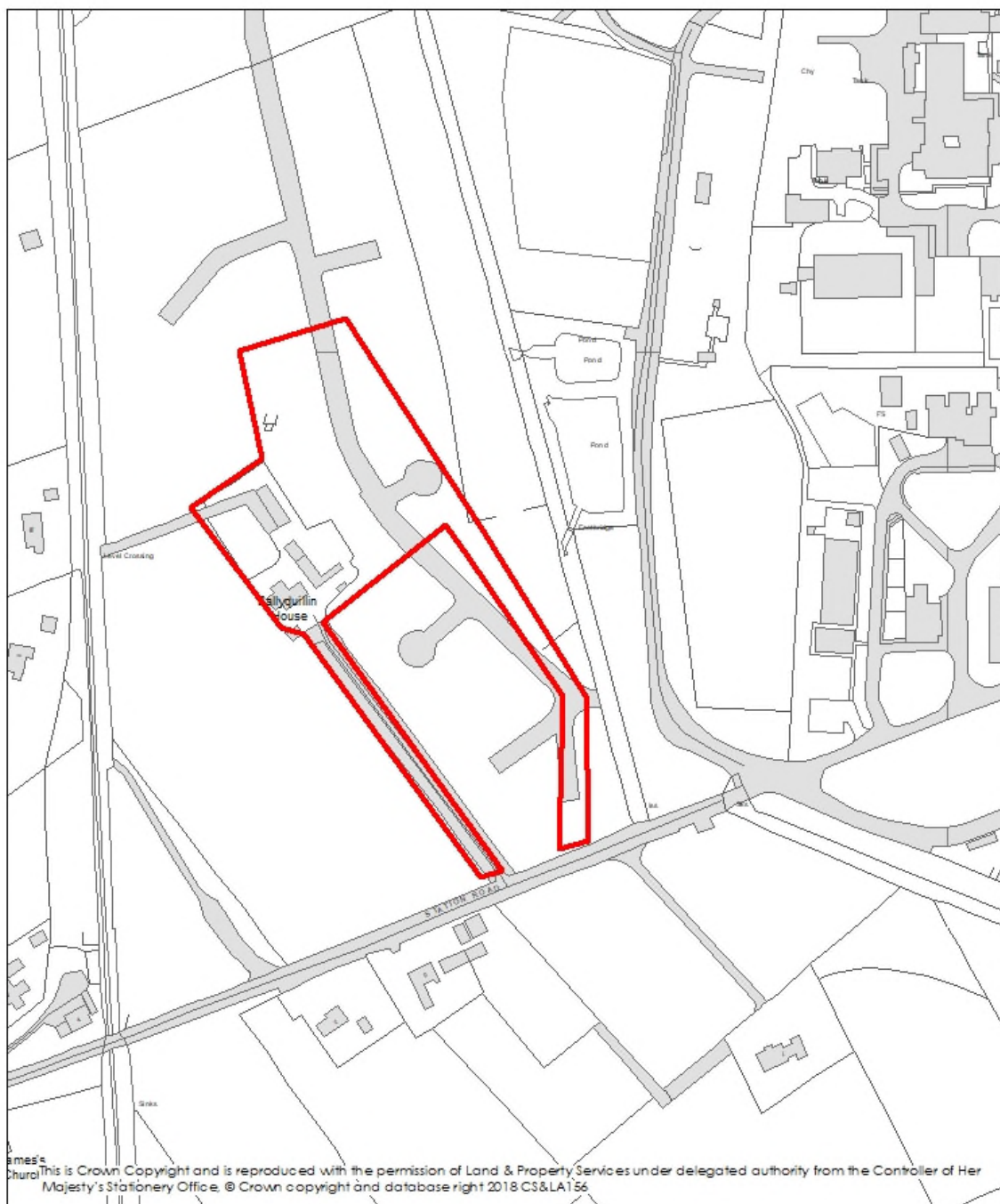
**CONCLUSION**

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

- The principle of development is unacceptable;
- The proposal does not unduly impact the privacy or amenity of neighbouring residents;
- The proposal does not detract from the character and appearance of the area; and
- The proposal may be subject to unacceptably high noise levels from air traffic from the Belfast International Airport and as a result have a detrimental impact on residential amenity.

**RECOMMENDATION****REFUSE OUTLINE PLANNING PERMISSION****PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement (SPPS) and Policies CTY 1 and CTY 3 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the building to be replaced does not exhibit the essential characteristics of a dwelling.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, in that it has not been demonstrated that there will be no unacceptable adverse effects on the proposed property in terms of noise disturbance from air traffic associated with the neighbouring airport.



### Location Map

Application Ref: LA03/2020/0825/O

Location: 50m N of 85 Old Ballyrobin Road, Antrim

Proposal: Site of replacement dwelling



<b>COMMITTEE ITEM</b>	<b>3.6</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0190/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>	Proposed conversion and reuse of existing pressure tank and service building into a single dwelling.
<b>SITE/LOCATION</b>	60m West of 106a Boghill Road Templepatrick.
<b>APPLICANT</b>	Michael Davis
<b>AGENT</b>	Conor McKenna
<b>LAST SITE VISIT</b>	2nd June 2021
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 903 40406 Email: <a href="mailto:sairead.debrun@antrimandnewtownabbey.gov.uk">sairead.debrun@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located outside any settlement limit as designated in the Antrim Area Plan 1984 – 2001 and is within the countryside.</p> <p>The roadside site is located adjacent to and southwest of No.106a Boghill Road. The topography of the site is undulating, with the land rising from the Boghill Road towards the middle of the site, before falling gently to the rear. Currently on site there is a single storey, flat roofed, service building along the western boundary, with a partially submerged water tank centrally located within the site.</p> <p>The eastern boundary is defined by a post fence running along the garden area of No. 106a Boghill Road, while a 2-metre-high hedge defines the western boundary. Along the roadside boundary is an existing gated access point, with an area of overgrown grass either side.</p> <p>The surrounding area is rural countryside and characterised by dispersed single dwellings and farm complexes.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history.	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account</p>	

will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

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

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

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

## **CONSULTATION**

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

**Department for Infrastructure Roads** – Amendments to visibility splays required.

**NI Water** – No objection.

## **REPRESENTATION**

Two (2) neighbours were notified of the application and no letters of representation have been received.

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

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

- Policy Context and Principle of Development
- Design and Appearance 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 application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for non-residential developments. One of these is the reuse of an existing building in accordance with Policy CTY 4.

Policy CTY 4 allows for the sympathetic conversion, with adaption, if necessary, of a suitable building for a variety of alternative uses where this would secure its upkeep and retention. It is noted however, that paragraph 6.73 of the SPPS, which takes precedence over Policy CTY 4, makes reference to the conversion and re-use of existing buildings for non-residential use and has expanded the term 'suitable building' in PPS 21 to 'a suitable locally important building of special character or interest' (emphasis added).

This proposal is for the conversion and reuse of a water break pressure tank and service building as a single dwelling. The pressure tank is a partially submerged structure with a floorspace of approximately 24.05 sqm. Given the sloping nature of the application site the height of this structure above ground varies between 0.5 metres and 0.85 metres. The service building has a floorspace of 8.5 sqm and a height of 2.5 metres above ground level. The pressure tank is centrally located in the site, with the service building sited along the northwestern boundary and approximately 15 metres from the Boghill Road. Access to the site is existing, however, DfI Roads is requesting an amended site layout to show visibility splays of 2.4 metres by 80 metres.

It is proposed to convert the underground pressure tank to a storeroom and utility, and to then extend this structure to the south to provide an open plan kitchen/living area, one bedroom with an ensuite, and a small store. All living accommodation will be provided in this new extension which has a floorspace

of approximately 74sqm, and a ridge height of 2.75 metres from finished floor level. This new extension is linked to the existing service building by a canopy.

In the applicants supporting statement, it is stated that both the pressure tank and service building are of permanent construction, and to address the local importance element of paragraph 6.73 of the SPPS, the agent has added that both structures can be considered as locally important, as they served as the part of the local vital drinking water supply infrastructure for over 20 years. Both the SPPS and CTY 4 refer to the conversion of suitable buildings, and it is considered that the water pressure tank is an existing structure as opposed to an actual building, and policy makes no reference to the conversion and reuse of such structures.

The essence of both CTY 4 and the SPPS is to provide an opportunity to retain and maintain older buildings in the countryside, and through sustainable conversion of these buildings, allow for their preservation. As noted above, the SPPS does not define 'locally important' but lists examples such as former school houses, churches and older traditional barns and outbuildings. Although not an exhaustive list, the examples cited in the SPPS typically relate to buildings that generally have some design, architectural, or historic merit.

The applicant has acknowledged that the existing structures on the application site are 'not of conventional architectural interest' and has failed to demonstrate that the service building or underground water tank have special character or interest. In this regard, it is considered that neither element warrants retention nor preservation. The existing tank and building have no architectural features or character and contribute nothing to the character of the local area. In addition, there is nothing in their form, setting, or design that merits their retention.

In addition, neither the tank nor service building are being converted and reused as a single dwelling, as it is proposed to reuse both as a store, with all living accommodation to be provided in a new extension. The converted water tank is closed off from the main living area and accessed down a set of stairs.

The applicant argues that in approving the reuse of the existing structures on the site as a single dwelling, the development will bring safety benefits; as stated, the tank currently contains approximately 2 metres of standing water and poses a health risk if someone were to fall or venture in carelessly. There are no exceptions in the policy however, for permitting development based solely on health and safety grounds, and it is the responsibility of the owner to ensure that all measures are taken to address any safety risks the structure currently poses.

In light of the above, it is considered that the water tank and ancillary service building are not suitable for the conversion and reuse as a single dwelling and the principle of development therefore is not acceptable.

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

The proposal is seeking full permission for the conversion and reuse of a disused underground water tank and service building on lands adjacent to No. 106a Boghill Road.

The service building is single storey with a flat roof and measures 2.5 metres from finished ground level, while the water tank is partially submerged, also with a flat roof

and approximately 0.7 metres above ground. It is proposed to convert both existing structures to a store, with a utility room in the water tank also, and then extend the water tank to the rear by adding a single storey extension with a mono-pitch roof and a ridge height of 2.75 metres from finished floor level. This new extension will be linked to the existing service building by a canopy. Proposed finishes include black coloured charred timber cladding to the walls, a black zinc standing seam metal roof and a black metal fascia canopy, with black framed PVC windows.

Although the size, scale, and massing of the new extension is slightly larger than the existing structure and building on the application site, it is positioned to the rear of the water tank and on marginally lower ground. There is an existing earth bank around the water tank, with mature vegetation along the boundaries of the site, and together these offer a good level of integration. The proposed materials are all black in colour, which it is purported will further aid integration and reduce the apparent scale of the extension. In this regard, given the restricted nature of public views, and the existing level of integration, it is considered that the design and appearance of the proposed development is acceptable. It will not create an adverse impact on the appearance of the surrounding area, and the proposal meets with the criteria of Policy CTY 13.

### **Neighbour Amenity**

The application site is bounded to the northeast by the garden of No. 106a Boghill Road, with the dwelling at this address located approximately 50 metres from the application site. Given the separation distance, it is considered that the proposal will not have a detrimental impact on the neighbour amenity of any residential property and the Environmental Health Section of the Council has raised no objections to the proposal.

### **Other Issues**

#### **Access**

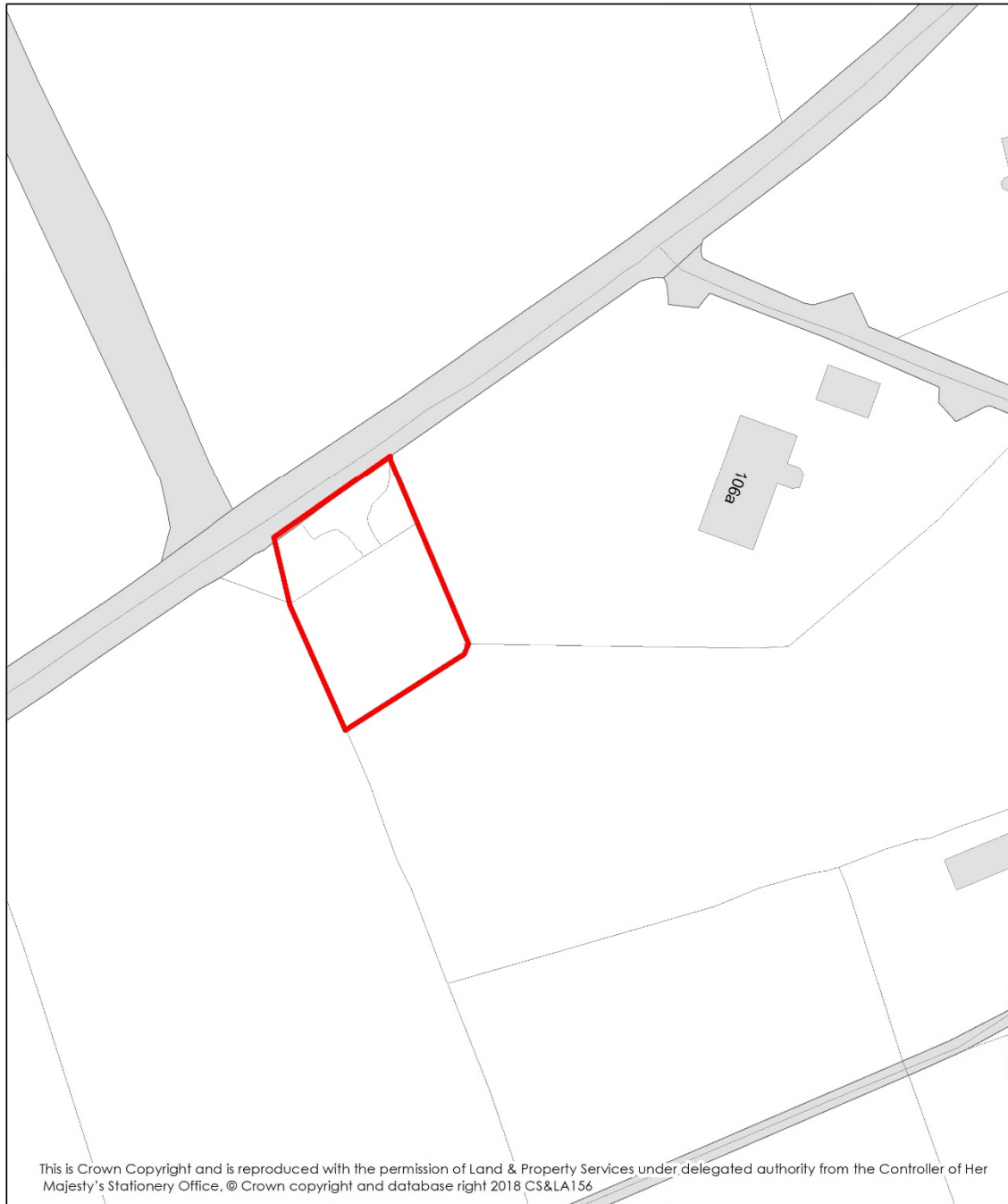
There is an existing vehicular access to the application site which will be used for the proposed new development. DfI Roads has assessed the proposal and has requested amendments to the site layout plan to show visibility splays of 2.4 metres by 80 metres. These amendments have not been sought as the submission of amended plans would lead to an unnecessary expense given that the principle of development is considered unacceptable.

### **CONCLUSION**

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

- The principle of the development is not acceptable.
- The size, scale and massing of the proposal are suitable for the site and surrounding area.
- There will be no detrimental impact on neighbouring amenity.
- The proposed access arrangements need to be upgraded.

RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL	
<ol style="list-style-type: none"> <li>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 and could not be located within a settlement.</li> <li>2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the structures on the application site are not eligible for conversion and it has not been demonstrated that they are a locally important building.</li> </ol>	



## Location Map

**Application Reference: LA03/2021/0190/F**

60m West of 106a Boghill Road Templepatrick  
Proposed conversion and reuse of existing pressure tank  
and service building into a single dwelling

 Site Boundary

0 10 20 40  
Metres



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.7</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0376/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Two storey rear/side extension to provide living room, master bedroom, ensuite, dressing room & porch
<b>SITE/LOCATION</b>	7 Mill House Avenue, Antrim, BT41 2UZ
<b>APPLICANT</b>	Mr & Mrs Dean McKeivitt
<b>AGENT</b>	Architectural Design Services
<b>LAST SITE VISIT</b>	03.06.2021
<b>CASE OFFICER</b>	Michael Tomlinson Tel: 028 903 40442 Email: <a href="mailto:michael.tomlinson@antrimandnewtownabbey.gov.uk">michael.tomlinson@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 at 7 Mill House Avenue which is within the development limits of Antrim Town, as identified in the Antrim Area Plan 1984 – 2001.</p> <p>No.7 Mill House Avenue is a two storey 'end-terrace' dwelling with a pitched roof and chimney stack projecting from the front right hand side of the roof plane. Roof tiles are non-profiled concrete tiles that are dark grey in colour. The dwelling is finished with smooth render painted white and with a smooth, grey coloured plinth. Windows are white framed uPVC with a smooth plaster band coloured grey surrounding the window voids. Above the main upper floor bedroom window there is a small 'peak' built into the roof structure and above the front door there is a modest peaked storm covering.</p> <p>The curtilage of No.7 Mill House Avenue is an irregularly shaped triangle with the gardens extending to the north, east and south. There is a small grassed area to the eastern extremity of the application site which ends at the hardstanding area for incurtilage parking serving the subject building. The rear boundary of the grassed area at the eastern extremity of the application site is defined by a 1m high vertical panel close boarded timber fence, while the remaining rear and side boundaries of the application site, including the common boundary with No.6 Mill House Avenue to the west, are defined by the same style of wooden fencing but at a height of approximately 1.8m. The same fencing also projects sideways (eastwards) off the front elevation of the subject building which in the street scene reads as compartmentalising the main private amenity space area to the gable and rear of the dwelling from the hardstanding area and the grassed area at the eastern extremity of the application site. The northern boundary of the application site is contiguous with the road edge of Mill House Avenue.</p> <p>As noted above, No.7 Mill House Avenue is an 'end-terrace' dwelling of a terrace which comprises seven (7) dwellings each of which are of comparable design and</p>	

which demonstrate simple repetition of architectural features and finishing materials that produce a cohesive design to this sequence of dwellings.

Directly opposite the site there is an additional terrace of dwellings. These units are also two storeys in height but their finishing materials comprise red brick and coursed stone cladding, the door openings are of a different shape and size, the solid to void ratio is different and dwellings at either end of the terrace have a hipped roof design whereas the terrace containing the subject building does not.

#### **RELEVANT PLANNING HISTORY**

No relevant planning history

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

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

Until the Council adopts its new Local Development Plan, 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 within the settlement development limit of Antrim. The Plan offers no specific guidance on this proposal.

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

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

#### **CONSULTATION**

**Department for Infrastructure Roads** - No objection subject to a condition.

**Department for Communities: Historic Environment Division** – No objection.

#### **REPRESENTATION**

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

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

### Policy Context

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

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

The application site is located within the settlement limit of Antrim in AAP. There are no specific operational policies relevant to the determination of the application 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. Amongst these is the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS 7). Taking into account the transitional arrangements of the SPPS, retained APPS 7 provides the relevant policy context for consideration of the proposal.

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

- (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

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



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

The development proposal seeks full planning permission for a two storey rear/side extension to provide a living room, master bedroom, en-suite, dressing room & porch.

With reference to criterion (a) of the policy test, which requires that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area. It is noted that paragraph A4 of APPS7 states that an extension or alteration to a residential property should be designed to become an integral part of the property both functionally and visually. It goes on to state that such works should not be designed in isolation solely to fit in a required amount of accommodation. Proposals that are badly sited or designed, or that are incompatible with their surroundings, can lead to an undesirable change in the character of the existing property and the area in which they are located. Success depends upon striking the right balance between adaptation and sensitivity to the original design. Paragraph A5 of the Annex to APPS7 states that to ensure good design any extension or alteration will need to complement the host building and respect its location and wider setting. Paragraph A6 of APPS7 states that all such works should have proportion and balance, fitting in with the shape of the existing property.

In this instance it is noted that the roof structure of the proposed dwelling incorporates a hipped roof with projecting elements to both the front and rear elevation. It is considered that such a roof structure fails to respect the character of both the subject building and the other dwellings in the terrace all of which have a typical pitched roof. It is considered that this feature would not read as being an integral part of the proposed development in visual terms and given that it is considered the proposed roof structure is neither sensitive to nor complements the subject building. It is considered that the proposed roof structure does not 'fit-in' with the shape of the existing property, or larger terrace and for these reasons it is considered that the design appearance of this element of the proposal is not sympathetic with the character of the subject building or larger terrace. Additionally, the extension would detract from the appearance and character of the area given that the terrace in which the subject building is located are largely homogenous in their design appearance and utilise a limited range of architectural features that are simply repeated across the terrace providing a strong character to the street scene.

With specific reference to the porch element of the development proposal it is noted that paragraph A9 of the Annex to APPS7 states that extensions or alterations to the front of the property require great care as the front elevation is often the most visible to public view. Poor design can upset the architectural integrity of the existing property and have an intrusive effect on the street scene. It is important, therefore, to ensure that extensions and alterations to the front of the property do not detract from the street scene, especially where there is a clear 'building line' or architectural features. In such cases they should appear to be part of the existing property and not an obvious addition. This can be achieved by ensuring any such works are in proportion with the property, its fenestration and detailing, with matching materials, roof design and pitch.

With reference to the submitted plans it is considered that the porch extension as proposed fails to respect the architectural character and quality of the subject

building and the terrace of dwellings in which it is located given its overall size, shape and design appearance. No other dwelling in this terrace of units has a porch extension and given the simple repetition of the architectural features on the dwellings comprising the terrace, the porch extension as proposed would have an intrusive effect on the street scene.

In summary, it is considered that the design of the proposal is not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

### **Neighbour Amenity**

The main body of the extension as proposed is located to the exterior (eastern) gable of the subject building, which is an 'end-terrace' unit and such that the proposed extension is moving away from the nearest and only neighbour, the adjoining residential property at No.6 Mill House Avenue which is located to the west.

It is considered that as the development proposal does not include any extension to the rear of the subject building, rather the rear extension element relates to the roof structure. The proposal will not unduly affect the privacy or amenity of No.6 Mill House Avenue as it does not raise any significant issues such as a loss of light, loss of privacy or dominance. For this reason it is considered that the proposal complies with criterion (b) of Policy EXT1 and is therefore acceptable in this regard.

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

It is considered that the proposal will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

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

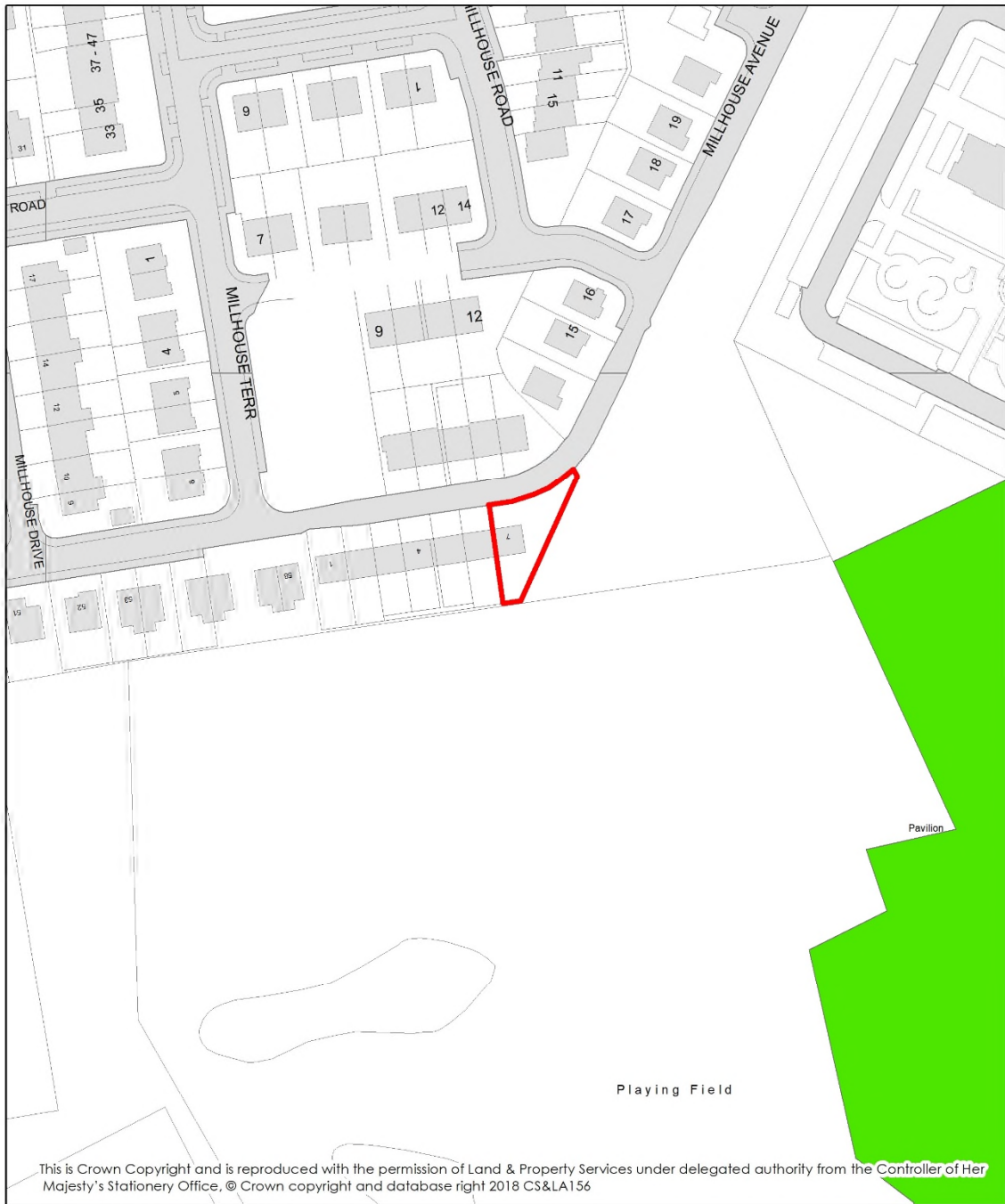
The proposal involves revisions to the existing incurtilage car parking arrangements. DfI Roads has offered no objections to the proposal and offer a draft planning condition requiring that the proposed incurtilage car parking spaces are provided prior to the commencement of any other development. It is considered that sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

## **CONCLUSION**

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

- The principle of an extension to the dwelling is acceptable.
- The design and appearance of the proposal is considered to be unacceptable and will detract from the appearance and character of the subject building and the terrace of units in which it is located.
- There are no significant residential amenity concerns with this proposal.
- The proposal will not cause an unacceptable loss of or damage to trees or other landscape features;
- It is considered that sufficient amenity space remains within the curtilage of the dwelling; and
- No objections have been received from interested third parties.

RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASON OF REFUSAL	
<p>1. The proposal is contrary to the Policy Provisions of the SPPS and to Policy EXT 1 of the Addendum to Planning Policy Statement 7 in that the development would, if permitted, not be sympathetic with the built form and appearance of No.7 Mill House Avenue and would detract from the character and appearance of the terrace of residential units in which No.7 Mill House Avenue is located.</p>	



## Location Map

Application Ref: LA03/2021/0376/F

Location: 7 Mill House Avenue  
Antrim BT41 2UZ

Proposal: Two storey rear/side extension & porch



<b>COMMITTEE ITEM</b>	<b>3.8</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0088/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Additional timber boarded fence to the existing boundary wall (Retrospective)
<b>SITE/LOCATION</b>	62 Ferrard Meadow, Antrim
<b>APPLICANT</b>	Hin Fung Kwok
<b>AGENT</b>	PDC Chartered Surveyors
<b>LAST SITE VISIT</b>	11 <sup>th</sup> June 2021
<b>CASE OFFICER</b>	Glenn Kelly Tel: 028 903 40415 Email: <a href="mailto:Glenn.kelly@antrimandnewtownabbey.gov.uk">Glenn.kelly@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 at 62 Ferrard Meadow, Antrim which is within the settlement limit of Antrim Town as defined by the Antrim Area Plan (AAP) 1984-2001.</p> <p>The site is currently occupied by a three-storey end townhouse. The site's northern and western rear garden boundaries are defined by a 1.8m high close boarded timber fence, whilst the front garden boundaries are undefined. The southern boundary of the site is defined by a red brick wall which is staggered in height to accommodate a fall in ground levels in an east to west direction. The height of the wall is approximately 1.8m in height and a close boarded fence has been erected to the rear of the wall and is the subject of this application.</p> <p>The site is located within a relatively new residential development. The main Ballymena Road is located to the east, with a main access road to The Junction retail park 10m to the south.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2016/0873/F  Location: Lands adjacent to Ballymena Road and south east of Express Holiday Inn Antrim  Proposal: Proposed development of 45 no. residential units  Decision: Permission Granted (30.05.2017)</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development</p>	

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 within the settlement limits of Antrim. The Plan 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.

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

#### **CONSULTATION**

No consultations were carried out on this application.

#### **REPRESENTATION**

Thirteen (13) neighbouring properties were notified and no letters of representation have been received.

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

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

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

##### **Policy Context**

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

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and regional planning policy is

also material to determination of the proposal. The application site is within the settlement limit of Antrim Town and there are no specific operational policies relevant to the determination of the application 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. Amongst these is the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS 7). Taking into account the transitional arrangements of the SPPS, retained APPS 7 provides the relevant policy context for consideration of the proposal.

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

- (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

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

The proposed development is for the retrospective erection of a close boarded timber fence behind an approved red brick wall, which forms the southern boundary of the site. The agent's drawings show that the proposed fence will range in height from 2.27m to 2.99m above ground level. This is due to land falling on the site in an east to west direction. The fencing protrudes above the approved boundary wall by a height of 0.8m on the eastern end to 1.2m on the western end.

The agent has annotated on drawing 01 that the reason for the fencing is to "assist with privacy" within the dwellings amenity space.

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

Under approval LA03/2016/0873/F a 1.8m high brick wall was approved on the site and subsequently constructed on site.

The application site is within a highly visible location at the entry to a new housing development, and close to a busy roundabout along the Ballymena Road, and adjacent to a main access road into The Junction retail park. It is commonplace for such housing developments to use walls along high interest boundaries to improve the overall character and quality of this area. The use of a wall on the southern boundary of the application site would be considered an appropriate response to this location in terms of providing privacy and a high quality residential setting, however, the introduction of expanses of close board fencing would significantly reduce the quality of this residential environment.

Section A23 of Annex 1 of the addendum to PPS 7 makes specific reference to the use of walls and fences. It states that "materials should always complement the character of the property and the neighbourhood." It also states that "Expanses of close-board fencing bordering public areas are visually unacceptable".

The site abuts a public grass area and footpath to the south which would class as a public area and therefore addendum to PPS 7 is clear that the use of close boarded fencing along such boundaries would be unacceptable. It is noted that the close boarded fencing does not amount to the entirety of the southern boundary, as the wall will still form the majority of the boundary, however it must be acknowledged that the fencing stretches a length of 22.6m which is substantial and is visually prominent.

The addendum to PPS 7 states that materials to walls and fences should complement the character of the property and neighbourhood. It can be said that whilst close boarded fencing is used on the more discreet northern and western boundaries of the site, the fencing subject of this application does not complement the existing wall along the high interest southern boundary. Instead the use of close board fencing creates a harsh contrast between brick and fence, made more obvious by the change in heights of the fence above the wall at various locations. The use of fencing also stops abruptly at the end of the applicant's property, whilst the wall continues to both the east and west, making the fence appear more as an afterthought as opposed to an integral part of the overall strategic design.

It is clear that the wall was used on this high interest, internal area of the original housing development for visual amenity purposes and the use of the fencing has eroded this area's appearance significantly.

It is noted that there is a large section of timber fencing used along the boundary of the wider housing development along the Ballymena Road, approximately 30m east of where the fencing subject of this application is placed. This fencing serves as an acoustic barrier preventing excessive noise from the Ballymena Road reaching the properties within Ferrard Meadow and is situated within a very different context to the fencing proposed. In addition, there are no other examples within the wider residential development where boundaries of a high visual interest are defined by close boarded timber fencing, nor any boundaries that reach 3m in height.

It is considered that the scale of the proposed boundary is excessive, particularly close to the western section of the proposal, where the total height of the wall and fence reaches 2.99m. It is considered that this height is excessive and draws even greater attention to the improper use of materials and poor design choice.

Having considered the above, it is deemed that the proposal is contrary to part (a) of addendum to PPS 7 in that the fencing which is the subject of this application is of a scale, design and uses materials which are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.



**Neighbour Amenity**

It is considered that the proposal will not unduly affect the privacy or amenity of neighbouring residents. The application deals solely with the erection of a fence along the southern boundary of the site. With no other dwellings within 20m of the fence, there will be no impact in terms of loss of light or overshadowing. No objections have been received on the application from third parties.

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

It is considered that the proposal will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality

**Amenity Space, Parking and Manoeuvring**

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

**CONCLUSION**

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

- The principle of the development is considered acceptable;
- The design of the fence which is the subject of this application is considered unacceptable and contrary to Policy EXT 1 of addendum to PPS 7, as it is of a scale, design and uses materials which are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area;
- There will be no detrimental impact upon neighbouring properties
- There will be no impact upon landscape features;
- Sufficient space remains within the curtilage for parking and recreation purposes.

**RECOMMENDATION****REFUSE PLANNING PERMISSION****PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the Policy provisions of the Strategic Planning Policy Statement for Northern Ireland and Policy EXT 1 of Addendum to Planning Policy Statement 7 "Residential Extensions and Alterations" in that if the development were approved, it would detract from the appearance and character of the site and surrounding area by way of scale, massing, design and inappropriate use of materials.



### Site Location Plan

Application Reference: LA03/2021/0088/F



Additional timber boarded fence to the existing boundary wall (Retrospective)

62 Ferrard Meadow  
Antrim



<b>COMMITTEE ITEM</b>	<b>3.9</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0164/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Dwelling and garage (on a farm)
<b>SITE/LOCATION</b>	Approx. 100m South of 42 Shore Road, Toomebridge
<b>APPLICANT</b>	Mr Francis McAuley
<b>AGENT</b>	Henry Murray
<b>LAST SITE VISIT</b>	14 <sup>th</sup> June 2021
<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 is located in the countryside and is approximately 100 metres south of No. 42 Shore Road, Toomebridge. It lies directly adjacent to the roadside and includes lands spanning across two agricultural fields. The application sites northern and western boundaries are defined with an existing hedge while the eastern and southern boundaries remain undefined. Given that the site takes in part of two existing fields there is also a hedge running from north to south across the middle section of the site. The applicant's dwelling (42 Shore Road) and farm buildings are located to the north of the application site beyond the existing laneway that bounds the site. The area is rural in character with clear views to Lough Neagh which lies to the west.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p> <p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the 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.</p>	

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

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

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

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

## **CONSULTATION**

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

**Northern Ireland Water** – No objection.

**Department for Infrastructure Roads**- Amendments required.

**Department for Agriculture, Environment and Rural Affairs** – No objection.

## **REPRESENTATION**

One (1) neighbouring property was notified and no letters of representation have been received.

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

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

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

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

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is a dwelling on a farm in accordance with Policy CTY 10 of PPS 21. This policy states that planning permission will be granted for a dwelling house on a farm where a number of criteria can be met. Criteria (a) states that the farm business should be currently active and has been established for at least 6 years. DAERA's Countryside Management Branch has been consulted on the application and has responded to confirm that the farm business has been in existence for more than six years. The Business ID provided has made claims for Single Farm Payment or the Basic Payment Scheme in each of the last six years.

On the basis of the above, it can be considered that the criteria (a) of Policy CTY 10 has been met. Criteria (b) of this policy states that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. The applicant has advised on Question 5 of the PIC form that lands were transferred to his daughter to build a house following her wedding. The agent has confirmed that this land was transferred around October 2012. According to the agent the subject lands are located at No. 117A Shore Road where a dwelling has been constructed which was approved under planning application references: T/2004/1437/O and T/2008/0313/RM.

The justification and amplification provided within Policy CTY10 advises that planning permission will not be granted for a dwelling under this policy if a development opportunity has been recently been sold –off. It goes on to explain that for the purposes of this policy, sold-off will mean any development opportunity disposed of from the farm holding to any other person including a member of the family. Therefore in this case the applicant transferring the lands and subsequent development opportunity granted under T/2004/1437/O and T/2008/0313/RM less than 10 years ago means that the proposal cannot comply with Criteria (b) of Policy CTY 10.

The third criteria laid out in Policy CTY 10 states that a new building should be visually linked or sited to cluster with an established group of buildings on the farm. The policy goes on to say that in exceptional circumstances consideration may be given to an

alternative site provided that there are no other sites available at another group of buildings on the farm or out-farm and where there are either; demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group.

The application site is located approximately 100 metres from the applicant's own dwelling at No. 42 Shore Road. The farm buildings lie to the rear of this dwelling and then extend down to the south towards the application site. The group of farm buildings includes the dwelling (No.42), two main sheds and a large silo. There is a field directly to the south of No. 42 and in front of the farm sheds and silo which separate them from the Shore Road. An existing laneway then separates this existing group of buildings from the application site.

The red line for the application site gives a large site area with a width of 66 metres and depth of over 80 metres. Although the size of the red line would allow a dwelling to be located in multiple areas on the site, it is considered that no matter which area of the site that the dwelling is sited in there would be concerns in relation to the level of visual linkage and integration which would exist.

The application site is located to the south of the existing farm group and it is considered that a dwelling on this site would not visually link with this group when viewed from the Shore Road. The existing farm dwelling and buildings would be separated from the site by the remaining agricultural field that lies to the west of the farm buildings. It would leave a gap of approximately 70 metres between the main part of the farm group and the application site.

There is also a concern in relation to the site's ability to integrate a dwelling due to the likely removal of the roadside hedging for access purposes. A dwelling on this site would be heavily reliant upon new landscaping to provide integration. The lack of integration on the site only further enhances concerns in relation to visual linkage as it is considered the visual relationship between the application site and the existing farm group is not sufficient to integrate a dwelling into the farm grouping while the lack of existing vegetation and mature landscaping only reinforces concerns with the site's ability to integrate into the landscape.

The approval of a dwelling on the application site would also give rise to concerns in relation to the creation of potential infill opportunities on the lands between the dwelling at No. 42 and the application site. The opportunity for further development along this rural stretch would result in a suburban style build up and impact on the local character of the area.

Given that there are opportunities to site directly adjacent to the main farm group (eg. the field in front of the farm sheds to the north of the application site or sites directly to the rear of the farm group) it was necessary to request the applicant/agent to provide a justification for this alternative site located away from the existing farm buildings as referred to under category (c) of Policy CTY 10.

The agent provided a written statement for the proposed site and also reasons as to why other more suitable sites were discounted. This information advised that the 'small paddock area' to the front of the farm was not suitable for health and safety reasons given its proximity to the slurry tank. The lands to the rear of the farm were

also discounted as these lands are currently used for the movement of large farm machinery and livestock, with the applicant again raising concerns in relation to health and safety. The applicant also raised concerns in relation to potential difficulties in obtaining a mortgage given the use of a shared laneway.

Given that there has been no evidence submitted from a competent and independent authority such as the Health and Safety Executive or other body it is considered that insufficient evidence exists to warrant the siting of the dwelling away from the farm group as proposed. The points raised in relation to the mortgage application have not been qualified or verified and also would not justify the discounting of a potentially more policy compliant site.

In conclusion, a development opportunity has been sold off the farm holding within the last 10 years and a dwelling on the application site would not be visually linked or sited to cluster with the established group of buildings on the farm and there are no exceptional circumstances provided to demonstrate why the applicant could not site closer to the farm group. For these reasons; the proposal does not comply with criteria (b) or (c) of Policy CTY 10 and it is therefore considered that the principle of development cannot be established.

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

Policy CTY 10 states that the proposed site must also meet the requirements of Policies CTY 13 and CTY 14 in relation to integration and rural character.

Policy CTY 13 states that in order for a dwelling on a farm to be integrated into the surrounding landscape it should be visually linked or sited to cluster with an established group of buildings on a farm. As noted above it is not considered that the proposed site could host a dwelling that would visually link to the farm buildings associated with No. 42 Shore Road due to its location. The site also does not benefit from any existing landscaping to the east or south to help in providing enclosure or a back drop for development. Its lack of existing vegetation together with the separation from the main farm group leaves the site open and gives rise to concerns that a dwelling on the site could be viewed as a prominent feature in the rural landscape.

Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development while Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. In this case, it is considered that a dwelling on the application site would be of detriment to the rural character of the area as it would add to a ribbon of development along the Shore Road.

Given that the application site is located away from the existing farm group a dwelling on this site (if approved) may also have the potential to create a further gap site which then in turn may lead to further development opportunities. This would then see the creation of further build-up of development in this countryside location and be detrimental to the rural character of the area.

Overall, it is considered that a dwelling on this site would not successfully integrate into the surrounding rural landscape and would have a detrimental impact on the

rural character of the area. The proposal is therefore contrary to the policies laid out under Policies CTY 8, 13 and CTY 14 of PPS 21.

### **Neighbour Amenity**

As this application seeks outline planning permission, no details have been provided regarding the proposed design or layout for the dwelling house. Given the separation distances between neighbouring residential properties it is considered that a dwelling on this site would not compromise the amenity experienced at any nearby residential property.

### **Other Matters**

DfI Roads have requested amendments to the sight line provision as shown on Drawing No. 01 bearing the date stamp 19<sup>th</sup> February 2021. Given the recommendation to refuse outline planning permission these amendments were not sought from the applicant as it would lead to an unnecessary expense to the applicant and nugatory work.

### **CONCLUSION**

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

- The principle of the development is considered unacceptable as a development opportunity has been sold off within the last 10 years.
- The proposed development would not visually link with existing farm buildings.
- The proposed development would not satisfactorily integrate into the rural environment.
- The proposed development would have a detrimental impact on rural character by creating a ribbon of development along the Shore Road.
- There are no concerns in relation to neighbour amenity

### **RECOMMENDATION**

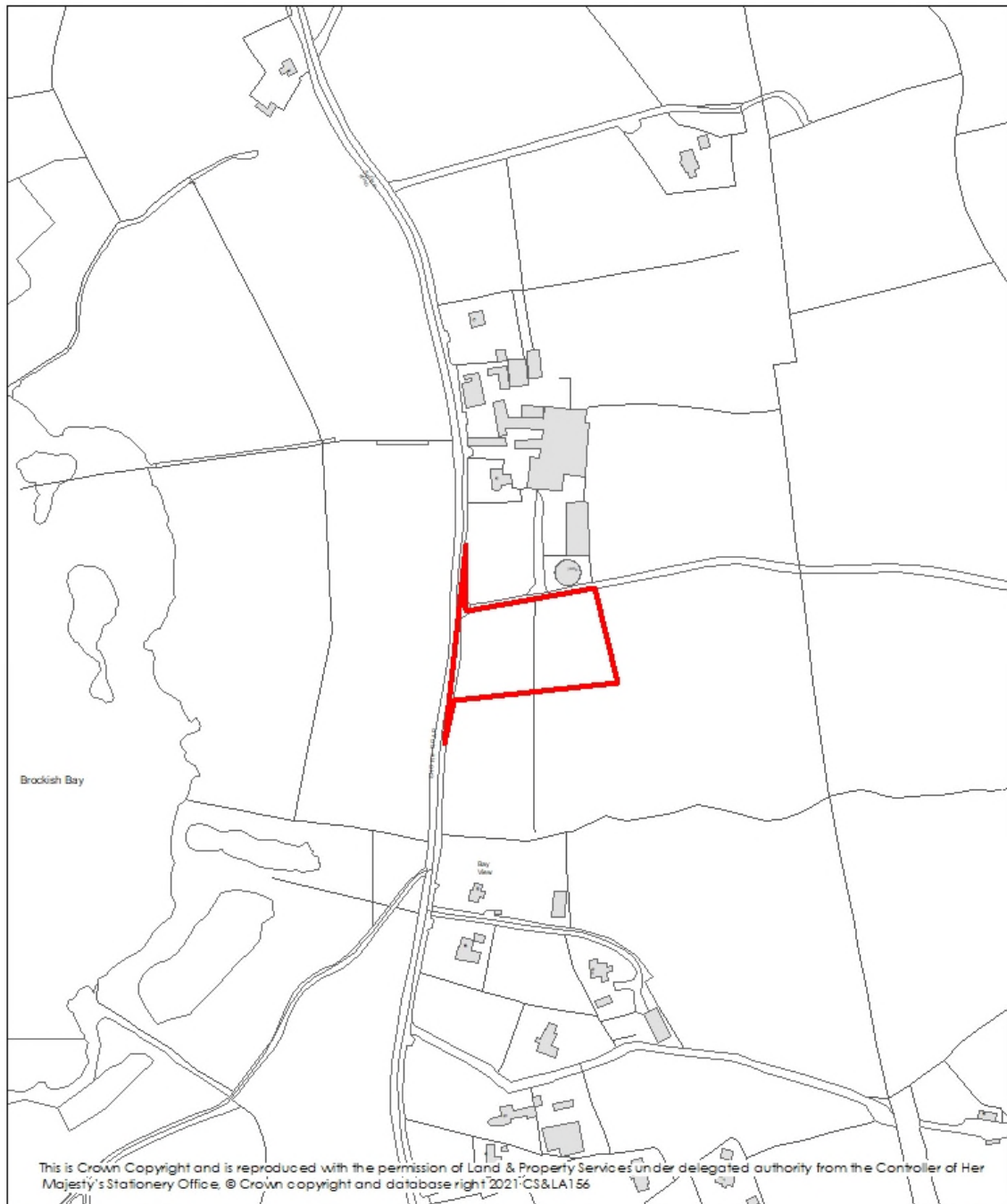
### **REFUSE OUTLINE PLANNING PERMISSION**

### **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the applicant has sold off a development opportunity from the farm holding within 10 years of the date of this application.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 1 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building if permitted, would not be visually linked with an established group of farm on the farm holding.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, would fail to integrate into the countryside due to the lack of enclosure or suitable backdrop.



4. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 8 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, create a ribbon of development and would therefore result in a detrimental change to, and further erode, the rural character of the countryside.




## Location Map

Reference: LA03/2021/0164/O

Location: Approx. 100m South of 42 Shore Road, Toomebridge

Proposal: Dwelling and garage (on a farm)

 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.10</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0573/LBC</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>COUNCIL APPLICATION</b>
<b>RECOMMENDATION</b>	<b>GRANT LISTED BUILDING CONSENT</b>
<b>PROPOSAL</b>	Proposed installation of telecoms apparatus
<b>SITE/LOCATION</b>	Ballyclare Townhall, The Square, Ballyclare, BT39 9BB
<b>APPLICANT</b>	Antrim and Newtownabbey Borough Council
<b>AGENT</b>	Fibrus Networks Ltd
<b>LAST SITE VISIT</b>	29 <sup>th</sup> June 2021
<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 is located in the Square in Ballyclare Town Centre and is within the settlement of Ballyclare and more specifically the town centre. The application site comprises Ballyclare Town Hall and its associated parking area and is enclosed by 1-metre-high metal railings. Ballyclare Town Hall is a two storey white rendered building with an integrated clock tower located in the heart of the town and is a Grade B2 Listed Building.</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> <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.</p>	

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan: The application site is located within the town centre and settlement development limit of Ballyclare.

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 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.

#### **CONSULTATION**

**Department for Communities: Historic Environment Division (Historic Buildings)**: No Objection.

#### **REPRESENTATION**

No neighbours were notified of the application. However, the application was advertised in the local press. No objections or other representations were received.

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

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

- Impact of the proposal on the listed building.

##### **Impact of the Proposal on the Listed Building**

Under Section 80 (7) of the Planning Act (Northern Ireland) 2011 a listed building is defined as a building included in a list compiled under that section and also:

- a) Any object or structure within the curtilage of the building and fixed to the building.
- b) Any object or structure within the curtilage of the building which, although not fixed to the building forms part of the land and has done so since before 1st October 1973.

The application relates to the listed Ballyclare Town Hall, a Grade 2 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. In considering proposals that affect a listed building, Section 91 of the Planning Act (NI) 2011 requires that special attention must be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications and listed building consents. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements. Amongst these is PPS 6 -Planning, Archaeology and the Built Heritage which is relevant to the consideration of this case.

The SPPS contains a subject policy relating to listed buildings. Para 6.12 states that 'Listed buildings of special architectural or historic interest are key elements of our

built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses'.

Para 6.13 further states that development involving a change of use and / or works of extension / alteration may be permitted, particularly where this will secure the ongoing viability and upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired. Proposals should be based on a clear understanding of the importance of the building/place/heritage asset, and should support the best viable use that is compatible with the fabric, setting and character of the building.

PPS 6 reiterates this position in Policy BH 8 (Extension and Alteration of a Listed Building) stating that consent will normally only be granted for proposals for the extension or alteration of a listed building where all three criteria are met;

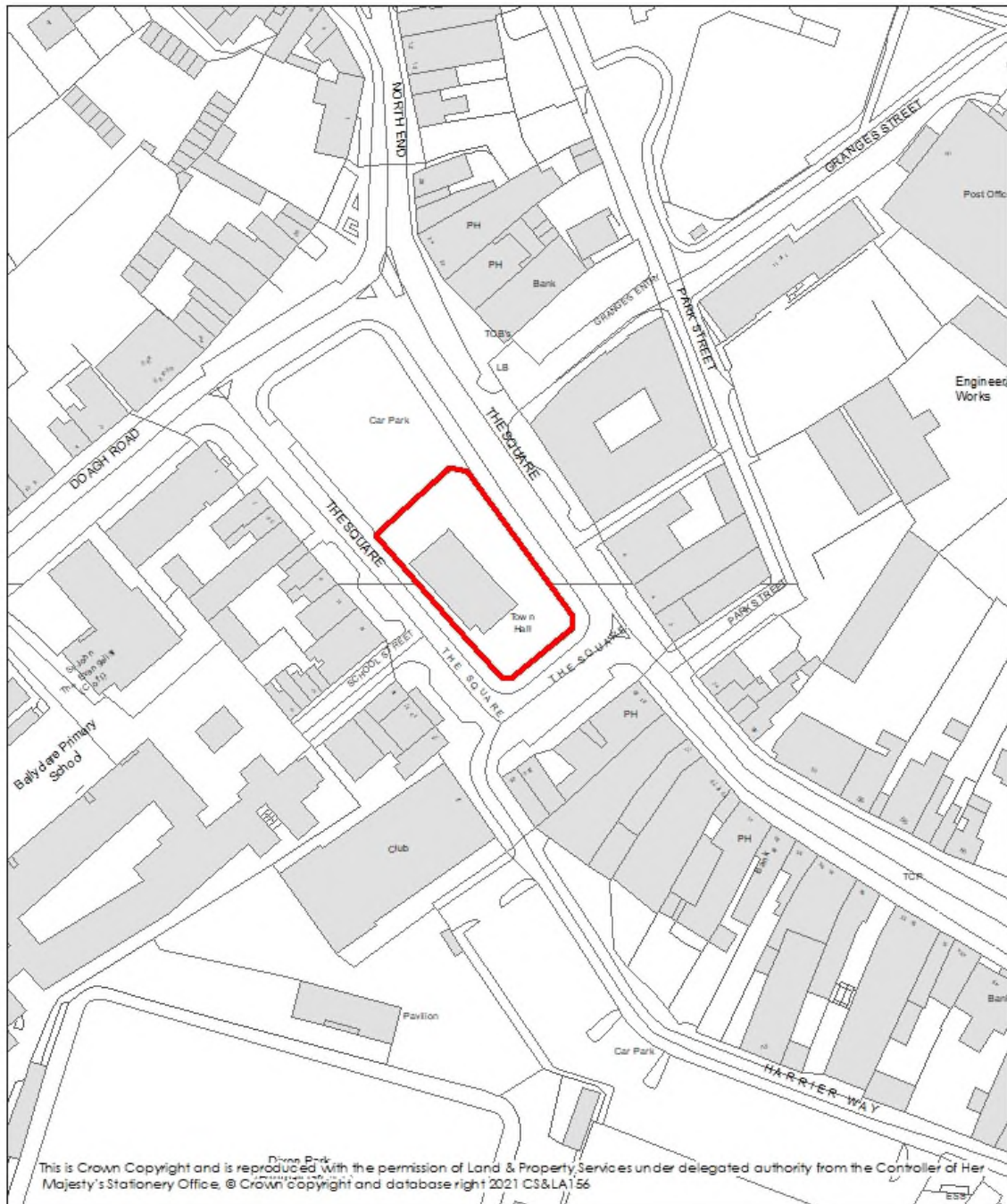
- a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- b) the proposed works make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- c) the architectural details (e.g. doors, gutters, windows) are in keeping with the building.

In this case, the application seeks consent for the installation of additional telecommunications apparatus. The proposed works include the installation of black cables following the route of the existing telecommunication cables on site. These cables will run under the window cill along a portion of the wall on the buildings southwestern and northwestern elevations. The additional cabling is required in order to install Full Fibre Infrastructure Build Broadband to the property.

Historic Environment Division (HED) was consulted on the proposal and has responded with no objections subject to a condition which requires that the new installation shall follow existing cable routes, be fixed below the existing cill course and along other architectural features and shall be painted to match the existing background wall/decoration of the building.

It is considered that the proposal (subject to the condition discussed above) complies with Policy BH 8 in that the works would; not impact on the character or setting of the listed building, the building materials would match/be in keeping with the existing building and would not alter any architectural details of the listed building. Overall it is considered that the proposed works satisfy the requirements of the SPPS and PPS 6 and will allow an upgrade of the existing telecommunication function at the Council's Ballyclare Town Hall building. There will be no significant detrimental impact upon the existing listed building as a result of these works.

<b>CONCLUSION</b>	
<p>The following is a summary of the main reasons for the recommendation:</p> <ul style="list-style-type: none"><li>• The proposal is considered to have no impact on the listed building and satisfies policy criteria set out in the Strategic Planning Policy Statement (SPPS) together with BH 8: Planning, Archaeology and Built Heritage.</li></ul>	
<b>RECOMMENDATION</b>	<b>GRANT LISTED BUILDING CONSENT</b>
<b>PROPOSED CONDITIONS</b>	
<p>1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.</p> <p>Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011</p> <p>2. The new cable installation shall follow existing cable routes, be fixed below the existing cill course and along other architectural features and shall be painted to match the existing background wall/decoration.</p> <p>Reason: To ensure that the proposed works match or are in keeping with those found on the existing building in accordance with Policy BH 8: Planning, Archaeology and Built Heritage.</p>	



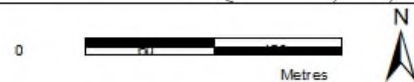
## Location Map

Reference: LA03/2021/0573/LBC

Location: Ballyclare Townhall, The Square, Ballyclare

Proposal: Proposed installation of telecoms apparatus

 Site Boundary



## **PART TWO**

### **OTHER PLANNING MATTERS**

#### **ITEM 3.11**

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

A list of planning decisions issued by Officers during July 2021 under delegated powers together with information relating to planning appeals is **enclosed** for Members information.

Members will note that there were no planning appeal decisions for the Borough issued during July by the Planning Appeals Commission

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

Prepared by: Sharon Mossman, Deputy Director of Planning (Interim)

Approved by: Majella McAlister, Deputy Chief Executive of Economic Growth



### ITEM 3.12

#### **P/PLAN/063 PLANNING APPROVAL GRANTED BY THE DEPARTMENT FOR INFRASTRUCTURE FOR THE NORTHERN SECTION OF BALLYCLARE RELIEF ROAD AND ASSOCIATED WORKS**

Members will recall that the Department for Infrastructure had previously written to the Council to advise that it had issued a Notice of Opinion that planning approval should be granted to the following application subject to a range of conditions and seeking to ascertain whether the Council would be seeking a public hearing on the applications (reported to the Committee meeting held in May 2021).

Application Reference: LA03/2018/1116/RM

Proposal: Northern Section of Ballyclare Relief Road and Associated Works.

Location: Lands adjacent to the North West of Ballyclare including lands bounded by Cogry Road/Rashee Road north of Ross Avenue/Clare Heights and north east and west of Ballyclare Rugby Club.

Applicant: Ballyclare Developments Ltd

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

At its May meeting the Council noted the Department's Notice of Opinion and resolved not to seek a hearing on this application. Officers would now advise that the application was approved by the Department on 9 June 2021 (see copy **enclosed**).

This Reserved Matters approval is linked to a number of other applications that were / continue to be processed by the Department for Infrastructure regarding the ongoing development of lands to the West of Ballyclare including provision for the Ballyclare Relief Road.

Members will be aware that a major residential development is currently underway on the area of land between the Templepatrick Road and Doagh Road and this includes delivery of the first stage, i.e. the southern section, of the Ballyclare Relief Road. The current application relates specifically to the construction details of the northern section of the Ballyclare Relief Road.

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

Prepared by: Sharon Mossman, Deputy Director of Planning (Interim)

Approved by: Majella McAlister, Deputy Chief Executive of Economic Growth

### ITEM 3.13

#### **P/PLAN/13 DEPARTMENT FOR INFRASTRUCTURE PLANNING ADVICE NOTE IMPLEMENTATION OF STRATEGIC PLANNING POLICY FOR DEVELOPMENT IN THE COUNTRYSIDE**

The Minister for the Department for Infrastructure, Nicola Mallon has decided to bring forward a Planning Advice Note (PAN) on 'Implementation of Regional Planning Policy for Development in the Countryside'. The purpose of the PAN is to re-emphasise fundamental aspects of strategic planning policy for development in the countryside, as contained in the SPPS and to clarify certain policy matters, such as for 'Integration and rural character'; 'Dwellings on farms'; 'Infill/ribbon development'; and, 'Dwellings in existing clusters'. The advice note does not add to or change existing policy or guidance.

Since the publication of the SPPS the Department issued a 'Call for Evidence' and commissioned independent consultants to undertake research on this policy area. The overall aim of the research was to provide an updated evidential context to inform the best strategic planning policy approach for development in the countryside. Having carefully considered all of the relevant factors, including the consultants' report, the Minister is satisfied that the policy approach provided for by the SPPS remains appropriate, robust and is fit for purpose for the two tier planning system.

The Planning Advice Note (PAN) can be accessed using the following link:  
[www.infrastructure-ni.gov.uk/publications/PAN-countryside](http://www.infrastructure-ni.gov.uk/publications/PAN-countryside).

It is recommended that consideration be given to a discussion of the advice note at a workshop for Elected Members and that DfI officers are invited to attend.

**RECOMMENDATION: that a workshop be held to include consideration of the advice note and that DfI Officers are invited to attend.**

Prepared by: Sharon Mossman, Deputy Director of Planning (Interim)

Approved by: Majella McAlister, Deputy Chief Executive of Economic Growth

### ITEM 3.14

#### **P/FP/LDP/53 LISBURN AND CASTLEREAGH CITY COUNCIL LOCAL DEVELOPMENT PLAN 2032, DRAFT PLAN STRATEGY SUBMITTED FOR INDEPENDENT EXAMINATION**

Members are reminded that neighbouring Councils are one of the main statutory consultees within the Local Development Plan process, and that Members were previously advised in April 2021 that on 22 March 2021 Lisburn and Castlereagh City Council (LCCC) submitted its Draft Plan Strategy and associated documents to the Department for Infrastructure (DfI) for the purposes of causing an Independent Examination (IE) to be carried out.

The Council has now received notification from LCCC that DfI sought clarification from the Council on a number of matters related to its Draft Plan Strategy – a copy of the letter is **enclosed**. In addition, on 9 July 2021, LCCC was notified by The Planning Appeals Commission (PAC) that it had received the formal notification from DfI that it is causing an IE.

As is the case with the Council's Draft Plan Strategy, whilst no dates for IE have been indicated by the PAC, all future relevant information will be made available on each Council's website and in due course, the PAC website: [www.pacni.gov.uk](http://www.pacni.gov.uk)

LCCC is fourth Council to submit its Draft Plan Strategy to DfI, following Belfast City Council, Fermanagh and Omagh District Council and this Council.

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

Prepared by: Simon Thompson, Principal Planning Officer (Interim)

Agreed by: Sharon Mossman, Deputy Director of Planning (Interim)

Approved by: Majella McAlister, Deputy Chief Executive of Economic Growth . .