



6 December 2023

Committee Chair: Councillor R Foster

Committee Vice-Chair: Councillor H Cushinan

Committee Members: Aldermen - T Campbell, M Magill and J Smyth

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

Dear Member

**MEETING OF THE PLANNING COMMITTEE**

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on 11 December 2023 at 6.00 pm.**

You are requested to attend.

Yours sincerely

A handwritten signature in black ink, appearing to read "Richard Baker".

Richard Baker, GM MSc  
**Chief Executive, Antrim & Newtownabbey Borough Council**

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

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

Tel: 028 9448 1301

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## AGENDA FOR PLANNING COMMITTEE – DECEMBER 2023

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

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

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

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

#### 4.1 Planning Application No: **LA03/2022/0996/F**

Industrial development providing floorspace for class B4 storage and distribution warehouse with ancillary buildings, car parking and areas of circulation and hardstanding, landscaping and boundary treatment on lands west of the B101 Nutts Corner to Dundrod Road, located 425m southeast of Nutts Corner Roundabout, (immediately south of Lidl Distribution Warehouse and north of Nutts Corner Business Park, and 37m northwest of No 10 Dundrod Road), Dundrod Road, Nutts Corner, BT29 4SR.

#### 4.2 Planning Application No: **LA03/2022/0813/F**

39no. dwellings, parking, open space, and landscaping on lands within the southwest portion of the former Craighill Quarry, east of Ballyeaston Road and south of Craighill Park, Ballyclare.

#### 4.3 Planning Application No: **LA03/2023/0407/O**

Erection of proposed housing development consisting of 16 no. dwellings and associated road accesses, siteworks and landscaping in place of 2 no. existing dwellings and associated sheds and outbuildings on lands at 1 Parkgate Road and 2 Main Street, Parkgate, Ballyclare, BT39 0DG.

#### 4.4 Planning Application No: **LA03/2023/0685/S54**

Proposed new store/showroom/assembly building with additional parking/lorry turning facilities and alterations/upgrade to the existing site access (Variation of Conditions 2 & 3 and removal of Conditions 4, 7, 14 & 15 from approval LA03/2019/0617/F) at 16 Shanesh Street, Randalstown, BT41 2AD.

4.5 Planning Application No: **LA03/2023/0675/O**

Proposed site of dwelling in existing cluster at 50m NE of 45 Holestone Road, Doagh, Ballyclare, BT39 0TJ.

4.6 Planning Application No: **LA03/2023/0699/O**

Replacement dwelling and garage at 50M north of 110A Oldstone Road, Antrim, BT41 4SP.

4.7 Planning Application No: **LA03/2023/0713/F**

Retention of retaining wall, raised land levels to rear garden and proposed timber boundary fence at 70 The Brackens, Newtownabbey, BT36 6SH.

4.8 Planning Application No: **LA03/2023/0623/F**

Extension to site curtilage at 23 Ashbourne, Newtownabbey, BT36 6SW.

**PART TWO – Other Planning Matters**

4.9 Delegated Planning Decisions and Appeals November 2023

4.10 Proposal of Application Notices for Major Development November 2023

4.11 Local Development Plan Update

4.12 Local Development Plan Steering Group Minutes

4.13 'Improving Our Marine Licensing System', DAERA Stakeholder Workshop Event

4.14 Update on Planning Reference T/2014/0114/F

4.15 Planning Improvement Programme Update

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

4.16 Northern Ireland Water and Tree Preservation Order Correspondence - In Confidence

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

4.17 Enforcement Reference LA03/2023/0845/WPT - In Confidence

4.18 Enforcement Update LA03/2022/0177/CA - In Confidence

**REPORT ON BUSINESS TO BE CONSIDERED AT THE  
PLANNING COMMITTEE MEETING ON 11 DECEMBER 2023**

**PART ONE**

**PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>4.1</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0996/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Industrial development providing floorspace for class B4 storage and distribution warehouse with ancillary buildings, car parking and areas of circulation and hardstanding, landscaping and boundary treatment.
<b>SITE/LOCATION</b>	Lands west of the B101 Nutts Corner to Dundrod Road, located 425m southeast of Nutts Corner Roundabout, (immediately south of Lidl Distribution Warehouse and north of Nutts Corner Business Park, and 37m northwest of No 10 Dundrod Road), Dundrod Road, Nutts Corner, BT29 4SR.
<b>APPLICANT</b>	Tamar (Selby Ltd)
<b>AGENT</b>	Inaltus Limited
<b>LAST SITE VISIT</b>	16/11/2023
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 9034 0416 Email: <a href="mailto:alicia.leathem@antrimandnewtownabbey.gov.uk">alicia.leathem@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a> and the Council's website.</b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the countryside as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The site is located on the western side of the Dundrod Road, approximately 400 metres south of the Nutts Corner Roundabout. The site is a brownfield site previously developed and occupied by the former NIE training centre complex. The area of the site approximately 8.35 hectares measuring 300 metres in width along the road frontage and 360 metres in depth at it widest point. The topography of the land is relatively flat and the site has an irregular shape with the boundaries formed by a mixture of fencing, hedgerows and trees. The site is accessed via a new access located on the Dundrod Road which has a right turning pocket marked out.</p> <p>A mix of uses are evident within the immediate vicinity, to the north is the Lidl Regional Distribution Centre (RDC). To the south is an industrial warehouse with a variety of businesses. Just beyond this is Nutts Corner Business Park and Nutts Corner East, which have businesses such as BEMAC Training, CITB and Bond Delivery. To the east is a single dwelling and open countryside. To the west is the remains of an airfield and lands used for motorsport and outdoor markets.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2023/0808/PAN  Location: Lands west of the B101 Nutts Corner to Dundrod Road, located 425m southeast of Nutts Corner Roundabout, (immediately south of Lidl Distribution Warehouse and north of Nutts Corner Business Park, and immediately west of No 10 Dundrod Road), Dundrod Road, Nutts Corner BT29 4SR</p>	

Proposal: Erection of a class B3 general industrial unit with ancillary offices, parking and servicing areas, and landscaping.

Decision: Proposal of Application Notice Acceptable.

Planning Reference: LA03/2022/0057/PAN

Location: Lands west of B101 Nutts Corner to Dundrod Road (and located immediately south of Lidl Distribution Warehouse) Dundrod Road, Nutts Corner.

Proposal: Proposed use class B4 storage and distribution warehouse with associated ancillary office, car parking, areas of circulation and hard standing, landscaping and boundary treatment

Decision: Proposal of Application Notice Acceptable.

Planning Reference: LA03/2017/0133/F

Location: Lands west of the B101 Nutts Corner to Dundrod Road (and located immediately south of Lidl Distribution Warehouse), Dundrod Road, Nutts Corner.

Proposal: 3no. Industrial Units providing floorspace for classes B1(c) Research and Development, B2 Light Industrial, B3 General Industrial as set out in Part B of the Planning (Use Classes) Order (Northern Ireland)

Decision: Permission Granted (23/01/2018).

Planning Reference: T/2008/0239/F

Location: Lands off the B101 Nutts Corner to Dundrod Road; Site is located between the Lidl Warehouse and the CITB Training Centre

Proposal: Construction of sites for industrial development -only classes B1(c) Research and Development, B2 Light Industrial, B3 General Industrial and B4 Storage and Distribution as set out in Part B of Planning Use Classes Order (NI) 2004 (B4 use to supersede previous approval T/2004/0847/F in regard to storage and distribution).

Decision: Permission Granted (06/08/2009).

Planning Reference: T/2004/0847/F

Location: Former Training Centre, Dundrod Road, Nutts Corner, Crumlin

Proposal: Erection Of Warehouse & Distribution Unit Containing Data Processing Showroom, Storage and Ancillary Office With Associated Car Parking & Right Turn Lane

Decision: Permission Granted (06/07/2005).

Planning Reference: T/2003/1166/O

Location: Former SX3 Training Complex, Dundrod Road, Nutts Corner

Proposal: Site of training facility for NI Fire Authority

Decision: Permission Granted (23.01.2005)

Planning Reference: T/1997/0504

Location: NIE Training and Conference Centre, Nutts Corner, Crumlin

Proposal: Change of Use from residential block with training and conference centre to residential accommodation

Decision: Permission Granted (02.12.1997)

Planning Reference: T/1975/0317

Location: Nutts Corner Training Centre, Aughnamullan

Proposal: Residential Block Phase 3

Decision: Permission Granted (09.02.1976)

Planning Reference: T/1974/0269

Location: Aghnamullan, Antrim.

Proposal: Nutts Corner Training Centre Phase 2 Development Administration/Dining

Decision: Permission Granted (30.09.1974)

## **PLANNING POLICY AND GUIDANCE**

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

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

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

Antrim Area Plan 1984 – 2001: The Plan identifies the application site as being within the rural area of Antrim. Paragraph 25 of the AAP highlights the policies in place for this area and discussed below under the principle of development.

Nutts Corner Antrim Policy Guidance Note (Jan 1999): This guidance was never formerly adopted, however, it was discussed with Antrim Borough Council at its Planning Committee Meeting on 26<sup>th</sup> January 1995. The guidance note considers the development potential for the Nutts Corner Area, and the constraints against development.

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

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

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

PPS 4: Planning and Economic Development: sets out planning policies for

economic development uses.

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

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

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

### **CONSULTATION**

**Council's Environmental Health Section (EHS)** - No objection subject to conditions.

**NI Water** – No objection.

**Belfast International Airport (BIA)** - No objections subject to conditions.

**DAERA Environment Agency: Water Management Unit** – No objections.

**Regulation Unit Land and Groundwater Team** - No objections subject to conditions.

**Natural Environment Division** – No objections subject to conditions.

**DfI Roads** – No objection subject to conditions.

**DfI Rivers** – No objections.

**DfC Historic Environment Division** – No objections subject to conditions.

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

### **REPRESENTATION**

Twenty-one (21) neighbouring properties were notified and no letters of representation have been received.

It is noteworthy that during the Pre-Application Community Consultation (PACC) no formal objections to the proposal were made, the overall interest was low with no written correspondence received, the details are summarised within the PACC report (Document 01).

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

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

- Legislative Framework
- Policy Context and Principle of Development
- Design, Layout and Impact on the Character and Appearance of the Area
- Neighbour Amenity
- Flood Risk and Drainage
- Archaeology and Built Heritage

- Natural Heritage
- Access, Movement and Parking
- Other Matters

### **Legislative Framework**

#### Habitats Regulation Assessment

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

#### Environmental Impact Assessment

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

#### Pre-Application Notice

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

A Proposal of Application Notice application (Ref: LA03/2022/0057/PAN) was submitted to the Council and was deemed to be acceptable on 9<sup>th</sup> February 2022. The Pre-Application Community Consultation Report (PACC) (Document 01) submitted has demonstrated that the applicant has carried out the consultation requirements set out in Section 27 of the Planning Act (NI) 2011.

### **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 lies within the rural area of Antrim and adjacent to the Nutt's Corner Roundabout. Paragraph 2.5 of The Antrim Area Plan 1984-2001 (AAP)

provides specific policies in relation to Nutt's Corner and indicates development constraints within the area, that being infrastructure and water supply. However, the High Court found in a Judicial Review of a planning appeal decision by Heron Properties ([2009] NIQB 75) that 'it was common sense' that the constraints no longer apply as they have been superseded by the operational policies contained within the Planning Strategy for Rural Northern Ireland (PSRNI). Subsequently the PSRNI itself has been superseded by PPS 21 and PPS 4. The AAP at paragraph 25.4 encourages large-scale industrial uses to locate in Antrim Town where there is already a supply of available sites. That said the AAP does not explicitly rule out sites in the Nutt's Corner area and merely states a preference to be located within Antrim Town. Additionally Paragraphs 6.3 and 25.5 of the AAP indicates that permission will normally be given to small-scale industrial activities within disused buildings or on derelict sites.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS states that a key dimension of sustainable development for Northern Ireland is economic growth, which requires the planning system to continue to provide protection to our built and natural environment including our heritage assets while unlocking development potential, supporting job creation and aiding economic recovery. However the SPPS recognises that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside of settlements must be restricted, save for a number of exceptions. One exception relates to a proposal for a major development where a countryside location is necessary because of its size or site-specific requirements. Although the current proposal is of a major scale as defined within 'The Planning (Development Management) Regulations (Northern Ireland) 2015' another exception within the SPPS relates to appropriate redevelopment proposals for industrial and business purposes which the SPPS states will normally offer the greatest scope for sustainable development in the countryside.

The SPPS also 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). Therefore, Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) and Planning Policy Statement 4 'Planning and Economic Development' (PPS4) are applicable in this case. Policy CTY 1 of PPS 21 refers to a range of types of development considered to be acceptable in the countryside. One such development is industrial and business uses in accordance with PPS 4.

Policy PED 2 of PPS 4 states that proposals for economic development uses in the countryside will be permitted in accordance with the provisions of certain stated policies with Policy PED 4 'Redevelopment of an Established Economic Development Use in the Countryside' and PED 5 'Policy PED 5 'Major Industrial Development in the Countryside'. In relation to Policy PED 4 the application site is identified as part of the former airfield site at Nutt's Corner as detailed within the AAP, the justification and amplification of Policy PED 4 indicates that the NI countryside contains some major development sites presently or formerly in industrial or business use. It goes on to state that whether they are redundant or in continuing use, the complete or partial redevelopment of these sites may offer the opportunity for environmental improvement and the promotion of job creation without adding to their impact on the amenity of the countryside.

Fundamentally the location and site history is an important material consideration in this instance. Although no built form currently exists on the site, it is acknowledged that the site is identified as part of the former airfield site with Nutt's Corner Policy Guidance note which indicated that this area would be acceptable for a specified number of development uses, including storage and distribution. Following on from the former airfield use, the site was developed and utilised as an NIE Training Centre. Subsequently, a number of planning permissions were granted by both the former DOE Planning and the Council on the site. The most recent planning approval (Ref: LA03/2017/0133/F) granted permission for three industrial units on the site and at that time it was accepted that this was a brownfield site and that the principle of redevelopment for an economic development use was acceptable in accordance with Policy PED 4 of PPS4.

Policy PED 4 states that the redevelopment of an established industrial or business site for storage or distribution purposes will only be permitted in exceptional circumstances, the justification and amplification goes on to caution against storage and distribution because it is perceived to be less significant in terms of employment generation. The application site sits sandwiched between both a large storage and distribution use, that being Lidl Distribution Centre to the north and CITB and Transport Training Services to the south. In addition there are a number of previous planning decisions set within this area for storage and distribution uses such as the Cosentino and Cysco warehouse along the Moira Road and the Lidl Regional Distribution Centre (RDC) immediately adjacent. Additionally, a previous planning application on the application site (T/2008/0239/F) granted permission for a storage and distribution use on the site.

It is indicated by the applicant (Document 03/1) that the proposal represents a major storage and distribution proposal, which will make a significant long term contribution to the local and regional economy through the creation of circa 90-100 construction jobs and up to 290 distribution jobs. The applicant has indicated that the proposed development represents an investment of circa £20 million.

Taking into consideration the unique circumstances relating to the site, which include the brownfield nature of the site, its previous uses including the former airfield and NIE Training Centre, the planning history of the site, most recently the grant of planning permission (Ref: LA03/2017/0133/F) for three industrial units, the existing build-up of development surrounding the site, most critically the surrounding storage and distribution uses together with the environmental improvements brought about by redeveloping this brownfield site, the proposal is considered to satisfy the requirements of Policy PED 4 of PPS 4. The principle of development has therefore been established and the proposal is considered to be acceptable subject to all other policy and environmental considerations being met.

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

The SPPS states that all development in the countryside must integrate into its setting and respect the rural character of the area with Policy PED 4 supporting this and requiring any economic development within the countryside not to undermine rural character. Policy PED 9 of PPS 4 stipulates that the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and that any proposal is compatible with existing land uses. In addition, as the application site is located within the rural area, Policy CTY 13 of PPS21 'Integration

and Design of Buildings in the Countryside' is also applicable and reiterates the need for new buildings to integrate.

The proposal seeks permission for the erection of a storage and distribution warehouse, with an ancillary workshop to include parking and landscaping. The proposed warehouse building is located centrally within the site, running gable end to the Dundrod Road whilst the proposed workshop building is located to the rear of the site set back from the rear elevation of the main building. The layout of the wider site includes a hardstanding area to be utilised for the turning and manoeuvring of heavy good vehicles (HGV's) with a further area of hardstanding utilised for HGV parking to the northwest of the site, a car parking area located to the east between the front elevation and the Dundrod Road. The proposed building includes a total of 63 docking bays and associated roller shutter doors running along the buildings northern and southern elevations. A triangular parcel of land to the southwest is to be retained as existing mosaic grassland with vehicle washing bays located along the northern boundary.

The main building takes a rectangular form with the exception of an outshot to the east (Dundrod Road), the main fabric of the building measures 227 metres in length, 86 metres in width with a height of 13.4 metres above finished floor level and provides approximately 19,500 square metres of floorspace. The building takes the appearance of a standard industrial style building with a curved roof profile building, horizontal composite panelling to the roof and upper sections of the walls and blockwork to the lower sections. The projection to the east measures a further 62 metres in width, 16 metres in depth with a height of 8.4 metres, which provides an additional 1984sqm of floorspace split across two floors, which is to be utilised for office accommodation. This projection has a change in design characteristics and finishes which includes a flat roof, and full height curtain wall glazing. The workshop building located to the south/rear of the site is a single storey building (8.6m in height) similar in design to the main building with full height curtain wall glazing, fair faced blockwork, render, and a horizontal insulated wall cladding and a large roller shutter door.

Access to the site is taken from the Dundrod Road which is reflective of the access arrangement granted permission under the previous planning permission (Ref: LA03/2017/0133/F). Landscaping is proposed along the eastern and southern site boundaries with a 2 metre high and 10 metre wide embankment supplemented with landscaping defining the eastern boundary.

The application site is located within a relatively flat and exposed landscape area to the southeast of Nutt's Corner. A review of the Northern Ireland Landscape Character Assessment 2000 (LCA) indicates that the proposed development straddles two Landscape Character Area's (LCA), that being 'Expansive Crumlin Farmland LCA (113)' and 'Upper Ballinderry Plateau LCA (109)'. The key characteristics of Crumlin farmlands makes reference to the large open fields of pasture bounded by overgrown hedgerows and mature trees with airfields occupying the flattest land. It is also indicated that the restoration or redevelopment of disused airport sites may result in enhancement of the landscape character and restoration of the landscape pattern.

Critical views of the site are experienced from along the Dundrod Road, most

evidently when travelling in a northern direction with views also experienced when travelling along the Moira Road, particularly in a northeastern direction. Although the application site is located within the rural area, as noted above the site is nestled between existing built form comprising the Lidl Regional Distribution Centre to the north and Dundrod Industrial Estate to the south. The existing level of built form effectively presents as an urban form of development within this rural area, which is compounded by additional buildings (Consentino and Cysco) on the western side of the Moira Road. Views from the Moira Road will be specific to the rear elevation of the proposed building and a section of the northwestern elevation. The presence of the existing mature vegetation along the northern boundary will aid screening of the remainder of the northwestern elevation. It is notable that no landscaping is proposed along the western site boundary, which is open and exposed and fundamentally is one of the critical views of the development. It is therefore considered necessary to soften the visual impact of the proposed building. Should planning permission be forthcoming a condition should be imposed requiring a heavy mature landscaping buffer along the western boundary.

Critical views are also achieved when travelling along the Dundrod Road, from a northern direction views will be somewhat limited due to the presence of the Lidl building and associated mature planting. However, the southeastern boundary of the site is open and exposed which results in clear views of the site when approaching from the south, from this perspective the building will appear as a significant structure due to its large scale and massing. To offset the visual impact of the development the applicant proposes to introduce a significant level of planting to the boundaries of the site. The eastern boundary to the Dundrod Road will be defined by a 10-metre-deep buffer consisting of a raised earth bund to a height of up to 2 metres above the level of the car parking area, with dense tree and screening shrub planting along the top of the bund. This planting will be continued along part of the southern boundary of the site. Longer distance views from Nutt's Corner roundabout, Belfast Road and the Long Rig Road will also be evident, however, views from these perspectives are filtered by the presence of intervening built form and vegetation and will be limited to the upper sections of the proposed building.

Notwithstanding the applicant's efforts to reduce the visual impact there is some concern with regard to the prominence and integration of the proposed building. There is limited existing landscape features within the site or along the perimeter of the site to help absorb this development into the landscape when viewed in transit along both the Moira Road and the Dundrod Road. However, there is an evident build-up of development within the immediate vicinity which has the appearance of a suburban form of development consisting of large industrial style buildings. The existing form of development to the north of Nutt's Corner roundabout appears much more rural in character with limited built form extending onto these rural lands. Critically, as indicated there appears to be a contrast in the visual character of the area with the lands to the south and east taking a much more intensive form of development, with the existing buildings being of a significant scale and massing. The proposed building located on a brownfield site nestled between other forms of economic development, together with the scale, massing and appearance of the buildings within the immediate vicinity results in the proposal although open to critical views, not being out of character with the surrounding area.

Policy PED 9 also requires that any proposal to be compatible with surrounding land uses, having regard to the storage and distribution nature of the proposal. It is unlikely that there will be significant effects on nearby commercial premises including Lidl Distribution Centre immediately adjacent or the variety of commercial, industrial, storage and distribution uses within and adjacent to Nutts Corner Business Park including CITB NI, Bond Delivery, Transport Training Services, Total blinds, Beatties Distribution Services Ltd.

Overall, the design, layout and appearance of the building including its scale and massing are considered to be acceptable in the context of the surrounding area. The proposed storage and distribution centre will sit comfortably with the Lidl Regional Distribution Centre and other similar buildings along the Dundrod Road and Nutts Corner Road thereby complying with the policy provisions for design and integration set out in the SPPS, PPS4 and PPS 21.

### **Neighbour Amenity**

Policy PED 9 of PPS 4 requires development proposals not to harm the amenity of nearby residents they should not create a noise nuisance and any proposal should be compatible with surrounding land uses. Existing development abutting the application site is mostly industrial or storage and distribution uses with the exception of an existing residential property known as 10 Dundrod Road being located opposite the entrance to the site.

A Noise Impact Assessment (NIA) (Document 09/1) was submitted in support of the application. Whilst an end operator for the proposed building is yet to be confirmed, the assessment covers the potential for a 24/7 operation including traffic flows based on the information contained within the TAF. The NIA considers the noise generated from potential operations within the building, car parking movements, HGV movement, refrigerated trailer sound and services/plant to the rear of the development. The predicted operational noise levels have been assessed against relevant standards and guidance with the assessment concluding that no significant noise effects are predicted from the proposed development.

Consultation was carried out with the Council's Environmental Health Section (EHS) which has reviewed the NIA and has concluded that the proposed development can operate without adverse impact on nearby residential amenity subject to noise control conditions restricting the noise level associated with the proposal. The NIA also indicates that any night time operations shall only occur at the bays to the north-northwest of the proposed development, EHS has also recommended conditions to this effect. It is acknowledged that an existing residential property is located opposite and to the southeast of the site entrance which will have a high level of vehicular activity, both ingress and egress and therefore some level of light intrusion is to be expected. However given the 50 metre separation distance, the turning circle required for HGV vehicles, the design of the building and the intervening vegetation and boundary treatments, it is considered that light intrusion will not be so significant to warrant a refusal of the application.

### **Flood Risk and Drainage**

PPS15 seeks to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere, in addition, Policy PED 9 of PPS 4 requires that development is not located in an area of flood risk and will not

cause or exacerbate flooding. The applicant has provided a Flood Risk (FRA) (Document 11) and Drainage Assessment (DA) (Document 10/1) in support of their application.

Policy FLD 1 of PPS 15 states that development will not be permitted within the 1 in 100 year fluvial floodplain (AEP7 of 1%) or the 1 in 200 year coastal floodplain (AEP of 0.5%), unless the applicant can demonstrate that the proposal constitutes an exception to the policy. The submitted FRA indicates that the proposed built development does not lie within the present day or climate change 1 in 100 fluvial floodplain. Consultation was carried out with DfI Rivers, which has reviewed the applicant's FRA from McCloy Consulting and advise that while not being responsible for the preparation of the report, they accept its logic and have no reason to disagree with its conclusions provided that the finished floor level of the building is set above 104.93 OD which is shown to be the case.

Policy FLD 2 of PPS 15 seeks to protect flood defence and drainage infrastructure, an undesignated watercourse runs along the northern boundary of the site. As required by Policy FLD 2 a working strip of minimum width 5m is retained. Policy FLD 3 requires the submission of a DA when certain thresholds are exceeded in this case a change of use involving new buildings or hard surfacing exceeding 1000sqm in area. The DA advises that the proposal is to attenuate the surface water and restrict the discharge rate to mimic the greenfield run-off rate to the watercourse (Schedule 6 approval has already been granted). DfI Rivers accepts the logic of the DA and has no reason to disagree with its conclusions and as such DfI Rivers has not raised any objections to the proposed drainage measures.

### **Archaeology and the Built Heritage**

Planning Policy Statement 6 (PPS 6) deals with archaeology and built heritage and requires that the proposed development has no adverse effect on the built heritage. Additionally PED 9 of PPS 4 requires that any proposal does not adversely affect any features of the built heritage. The application site is located within the extent of the former RAF Nutts Corner airfield. Specific elements of the airfield are included within the application site including the site of the Photographic Block and Lecture Room and that of the Cine Camera Gun Workshop. The application site is also adjacent to the regionally important bivallate rath, this monument is scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995.

An Archaeological Impact Assessment (AIA) (Document 15) and accompanying Visual Impact Assessment (VIA) was submitted during the processing of the application. Consultation was carried out with Historic Environment Division (HED) who concurs with the conclusion within the AIA that the proposed development will have no significant impact on the setting of the scheduled monument. Therefore HED advises that the application is acceptable with recommended conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation.

### **Natural Heritage**

PPS 2 sets out the Executive's commitment to sustainable development, conserving, and where possible, enhancing and restoring natural heritage. Policy NH5 states

that proposals which are likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

The applicant has submitted a series of supporting ecology assessments, including a Preliminary Ecological Appraisal (PEA) (Document 05/1), Bat Survey Report (Document 14) and a Habitats Management Plan (Document 11) in support of their application. Consultation was carried out with DAERA Natural Environment Division (NED) who are content with the findings that no bats were observed emerging from or re-entering the existing bunker structure or the patch of plantation woodland during surveying. NED have indicated that they do not consider significant impacts to roosting bats likely as a result of the proposal. The site includes Open Mosaic Habitat on previously developed lands as such a HMP (Document 14) was submitted. The HMP submitted indicates an area of existing mosaic grassland is to be retained to the south of the application site, with long term management plans and monitoring proposed. Monitoring is proposed to take place every five years starting from the year works are completed (Year 0) and continuing for at least ten years. Monitoring is proposed to consist of Phase 1 Habitat surveying and terrestrial invertebrate surveying. NED are content that the proposals for the site, including compensatory planting, the creation and management of habitats such as grassland and scrub and woodland which, will minimise the significance of impacts to NI Priority Habitat Open Mosaic Habitat on previously developed land.

Overall, NED has considered the impacts of the proposal on designated sites and other natural heritage interests (Habitats, and Protected Species) and, on the basis of the information provided, has no concerns subject to a recommended condition.

#### Designated Sites

The application site is hydrologically linked to Lough Neagh and Lough Beg SPA/RAMSAR via a drainage channel that connects to the Crumlin River. Shared Environmental Services (SES) has been consulted with regard to the impact on Designated Sites. SES have considered the impacts of the proposal and are content that there will be no likely significant impact on any designated site subject to conditions. As indicated above the Council has accepted the Habitats Regulation Assessment as carried out by SES.

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

With regards to transportation the SPPS aims to secure improved integration with land-use planning, to facilitate safe and efficient access, movement and parking. Additionally, Planning Policy Statement 3 Access, Movement and Parking seeks to ensure that prejudice to road safety does not occur as a result of development. Policy AMP 2 of PPS 3 requires that any proposal will not prejudice road safety or significantly inconvenience the flow of traffic. As indicated above access to the site is achieved via the Dundrod Road via the access approved under the previous planning permission (Ref: LA03/2017/0133/F) which provides both ingress and egress to the site.

The Dundrod Road is a protected route and Policy AMP3 of PPS 3 restricts new accesses and the level of use onto protected routes, however, it does allow for exceptions in certain circumstances. One such exception indicates that approval may be justified in particular cases for developments within the countryside where

access cannot reasonably be obtained from an adjacent minor road. In this case, there are no alternative routes available to serve this site as the application site is sandwiched between both the A26 (Moira Road) and B101 (Dundrod Road) both protected routes and there are no minor roads from which the proposal can access. The applicant also indicates that the proposed site is a suitable development for this location given the policy set out in the Antrim Area Plan and the extensive planning history for employment uses on the site and the previous access arrangements. It is important to note that DfI Roads has no objection to the access onto the protected route. Overall, it is considered that the proposal complies with the criteria set out in Policies AMP 2 and AMP 3 of PPS 3.

A Transport Assessment Form (TAF) (Document 08) was submitted in support of the application, Policy AMP 7 requires developments 'to provide adequate car parking' having regard to the Parking Standards. The TAF indicates that adequate car parking is provided for the proposal, while the site plan illustrates formal parking for 200 No. car spaces including 8 No. disabled spaces, 40 No. HGV parking spaces and 38 No. dock levellers/loading bays. The TAF indicates that the formal commercial parking provision is four spaces below the maximum required, however, it further states that there is scope for additional parking along the north-western gable should there be a demand for additional HGV parking. DfI Roads have not raised any concerns with the parking arrangements. Overall, it is considered that adequate parking has been provided while the design, layout and landscaping to accompany the proposals for car parking is acceptable.

Dropped kerbs and level access are proposed around the site for people in wheel chairs. The car park is designed to include 8 No. disabled parking bays and crossing points are allocated for all pedestrians to cross to the main office building. Access to the warehouse will be from level ground. Internally the warehouse will be accessed from the offices. A lift provides access to the first floor offices. Disabled toilets are provided at ground and first floor of the offices. The workshop has level access and internally has a disabled toilet and kitchen at ground floor level. The applicant indicates that the proposal will be Disability Discrimination Act (DDA) compliant. It is therefore considered that the proposal is compliant with Policy AMP1.

### **Other Matters**

#### Emissions and Effluent

A further criteria of Policy PED 9 of PPS 4 requires that the proposed development is capable of dealing satisfactorily with any emission or effluent. Consultation was carried out with DAERA's Water Management Unit (WMU) who note that the drainage plan indicates that drainage from the refuelling area will pass through a forecourt interceptor before joining into the site's main drainage system, passing through a second interceptor before final discharge into a culverted watercourse. A separate Discharge Consent under the terms of the Water (Northern Ireland) Order 1999 will be required for the discharge of intercepted site drainage from the proposed development. Therefore WMU has raised no objections to the proposal.

The method of sewage disposal is to be via a Waste Water Treatment Plant, again a Consent to Discharge application is dealt with by DAERA under a separate regulatory regime.

#### Contaminated Land

Given the brownfield nature of the site and the former land uses, the applicant has submitted a contaminated land supporting statements, including A Preliminary Risk Assessment (PRA) (Document 06), a Generic Quantitative Risk Assessments (GQRA) (Document 07 & 12). These reports conclude that no significant pollutant linkages are considered to be present within the study area. The report indicates that no further investigation or assessment is required for the proposed end use. The report recommends that if unexpected contamination is encountered during construction works, that samples should be obtained and sent for chemical analysis and that an updated risk assessment should be completed. The report states that should unacceptable risks be identified, then appropriate remedial works should be conducted and agreed with the relevant regulatory bodies.

The Council's Environmental Health Section and NIEA Regulation Unit Land & Groundwater Team support the conclusions within the contamination reports and have no objection to the development subject to conditions relating to potential unknown contamination. It is therefore considered that there is no significant contamination risks associated with this site.

**CONCLUSION**

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

- The principle of the development is considered acceptable;
- The design, layout and appearance of the proposal is acceptable;
- There are no significant neighbour amenity concerns;
- There are no significant contaminated land concerns;
- There are no significant concerns with the compatibility with adjacent land uses;
- There is no significant flood risk associated with this development;
- There are no significant natural and built heritage concerns;
- There are no significant access, movement or parking concerns;
- There is no significant concern with regard to NI Water infrastructure; and
- There are significant economic benefits associated with this proposal.

**RECOMMENDATION :**     **GRANT PLANNING PERMISSION**

**PROPOSED CONDITIONS**

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

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

2. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

3. After completing the remediation works under Condition 2, and prior to occupation of the development hereby approved, a verification report shall be submitted in writing and agreed with Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

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

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

4. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 03/2 date stamped 17<sup>th</sup> October 2023 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.

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

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

6. No building hereby permitted shall become operational until the hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 03/2 date stamped 17<sup>th</sup> October 2023 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

7. There shall be no use of the bays to the south-southeast of the proposed development as shown in Figure A of the Outward Sound Impact Assessment, Document 09/1 date stamped 26<sup>th</sup> April 2023 during night time hours (23:00 to 07:00).

Reason: In order to protect amenity at nearby residential properties

8. The proposed development noise levels shall not exceed 46.2dB LAr, daytime and 43.5dB LAr, night-time at the closest noise sensitive receptor.

Reason: In the interests of residential amenity.

9. The Habitat Management Plan, Document 15 date stamped 26<sup>th</sup> July 2023 by shall be implemented in full and all works shall comply with the Habitat Management Plan. Monitoring reports must be submitted to the Council for assessment as per the Habitat Management Plan.

Reason: To mitigate and compensate for impacts to NI Priority Habitat.

10. No site works of any nature or development shall take place until a Programme of Archaeological Work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

11. No site works of any nature or development shall take place other than in accordance with the Programme of Archaeological Work approved under Condition 10.

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

12. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under Condition 10. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

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

13. External lighting to be included in the development shall be of flat glass, full cut off design with horizontal mountings so that there is no light spill above the horizontal.

Reason: In the interests of aviation and public safety.

14. The proposed landscaping works as indicated on Drawing No. 11/1 date stamped 17<sup>th</sup> October 2023 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice during the first planting season after the commencement of development. The proposed landscaping shall be retained thereafter at a minimum height of 2 metres for shrubs/hedges and existing trees as shown shall be retained at a minimum height of 6 metres unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal.

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

15. No development shall take place 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 along the south-western boundary of the site. 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.



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Planning Application Reference: LA03/2022/0996/F

Location: Lands west of the B101 Nutts Corner to Dundrod Road, located 425m southeast of Nutts Corner Roundabout, (immediately south of Lidl Distribution Warehouse and north of Nutts Corner Business park and 37m northwest of No 10 Dundrod Road), Dundrod Road, Nutts Corner BT29 4SR

Proposal: Industrial development providing floorspace for class B4 storage and distribution warehouse with ancillary buildings, car parking and areas of circulation and hardstanding, landscaping and boundary treatment.

Scale: 1:3500



 Site Location



<b>COMMITTEE ITEM</b>	<b>4.2</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0813/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	39no. dwellings, parking, open space, and landscaping
<b>SITE/LOCATION</b>	Lands within the southwest portion of the former Craighill Quarry, east of Ballyeaston Road and south of Craighill Park, Ballyclare
<b>APPLICANT</b>	Craighill Developments Ltd.
<b>AGENT</b>	Gravis Planning
<b>LAST SITE VISIT</b>	31 July 2023
<b>CASE OFFICER</b>	Tierna McVeigh 028 9034 0401 <a href="mailto:Tierna.mcveigh@antrimandnewtownabbey.gov.uk">Tierna.mcveigh@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a> .</b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limit of Ballyclare within an area zoned for housing (BE 04/03) as defined by the draft Metropolitan Area Plan (published 2004). The site is located to the southwest of the former Craighill Quarry, to the east of Ballyeaston Road and to the south of a residential development, Craighill Park. Ballyclare town centre lies approximately 420 metres to the south of the site.</p> <p>The site consists of vegetated and scrub land associated with the former quarry. To the east the site is undefined and opens out into the existing quarry site. The southern boundary consists of mature, dense vegetation and the western boundary is defined by the Ballyeaston Road and is demarked by palisade fencing and mature high hedging and trees. The site benefits from two existing accesses, one is unused and located on the Ballyeaston Road frontage of the site and the other is through the residential development of Craighill Park to the north.</p> <p>This site is particularly challenging as the overall topography of the site has a strong southern gradient and varies greatly within the site due to past quarrying activities. The northern boundary comprises a steep embankment some 6 metres high, which descends steeply in a south-eastern, southern and north-western direction into relatively flat land. This flat land then gradually inclines to form another embankment which runs the entirety of the south-eastern boundary. The topography at this point changes again with a gradual drop into neighbouring lands to the south.</p> <p>Beyond the application site to the southwest, west and north is an area which is primarily residential in character with agricultural lands immediately to the south which lie parallel with the Ballycorr Road. The dwellings to the southwest, west and north along Ballyeaston Road are typically medium/high density, semi-detached and detached properties set within housing developments. In general, these properties are 1 and 2 storeys in height with a range of finishes from red brick to white render.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2019/0510/O Location: Former Craighill Quarry site lands to the north of Ballycorr Road and to the south</p>	

of the Ballyeaston Road Ballyclare

Proposal: Residential-led masterplan with an average density of 15 units/ha (c. 300 units); local community and neighbourhood facilities (including local retail and services units(Use Class A1/A2), a community hub, children's playground and medical/fitness facilities); new access roads and associated infrastructure and ancillary works.

Decision: Permission Granted 29/09/2023

Planning Reference: U/2008/0120/F

Location: Craighill Quarry, Ballyeaston Road, Ballyclare

Proposal: Residential development of 35 No. houses with associated landscaping.

Decision: Permission Refused 10/04/2013

Planning Reference: U/2005/0602/F

Location: Craighill Quarry, Ballyeaston Road, Ballyclare, Co Antrim

Proposal: Erection of retail units in a neighbourhood centre and petrol filling station.

Decision: Appeal Dismissed

Planning Reference: U/2001/0621/F

Location: Opposite No.85 Ballyeaston Road, Ballyclare,

Proposal: New church for Elim Ballyclare with playschool, crèche, and church halls and associated parking and site development.

Decision: Permission Granted 15/05/2002

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

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

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

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

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located inside the development limits of Ballyclare on unzoned land.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the development limits of Ballyclare. The application site forms part of a larger area zoned for housing (Zoning BE 04/03, Craighill Quarry) which comprises 24.94 hectares of land, with a small portion to the west as unzoned white land. Part of the site to the east lies within Craighill Quarry Geodiversity Site of Local Nature Conservation Importance (SLNCI) and Area of Constraint on Mineral Developments (dBMAP Map No.3d). The housing zoning incorporates a series of Key Site Requirements; these include:

- a) A Concept Master Plan to facilitate the comprehensive development of the site shall be submitted to and agreed with the Department;
- b) Housing development shall be a minimum gross density of 13 dwellings per hectare and a maximum gross density of 25 dwellings per hectare;
- c) Access arrangements shall be agreed with Roads Service;
- d) A comprehensive Transport Assessment (TA), agreed with Roads Service, DRD, shall be required, to analyse the overall impact of the proposed housing developments at Zonings BE 04/02, BE 04/03 and BE 04/04, and to identify any necessary improvements to the road / network / public transport / transportation facilities in the area. In addition to the need for a TA, and the requirements identified therein, the proposed Ballyclare Relief Road shall be provided and funded in whole through developer contributions;
- e) Provision shall be made within the proposed development for a local neighbourhood centre on approximately 1.5 hectares to include local retail outlets and community facilities, offering for example, a multi-purpose hall and a 'Healthy Living Centre' to accommodate medical and fitness facilities;
- f) An Article 40 Agreement, approved by the Department, shall be required to ensure that the necessary local facilities and public infrastructure, including the road improvements, are provided;
- g) Housing layout shall be designed to ensure dwellings front onto Ballyeaston Road and Ballycorr Road;
- h) Retaining structures shall not be included. In exceptional circumstances, where retaining structures are necessary they shall not exceed 1.5 metres in height;
- i) A full flora and fauna survey of the site shall be carried out to inform proposals outlined in the Concept Master Plan;
- j) No heavy construction activity shall occur on the site between March and July. This is to limit disturbance to breeding Peregrine Falcons (a Protected Species);
- k) All existing trees, shrubs and hedgerows within the site and on the boundaries shall be retained unless the Department determines that such vegetation is not of a quality to merit retention or is required to be removed to facilitate a safe means of access to the site;
- l) An archaeological survey of the site shall be carried out to inform proposals outlined in the Concept Master Plan;
- m) A 10-12 metres wide landscape buffer of trees and hedges of native species shall be provided entirely within and adjacent to the Settlement Development Limit, along the northeastern boundary of the site and outside the curtilage of any dwelling. This is to provide screening for the development and help assimilate and soften its impact on the countryside. Details of establishment, maintenance and long term management shall be formally agreed with the Department; and

- n) The design layout shall include provision for cycle and pedestrian links to Ballyeaston Road and Ballycorr Road.

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

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

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

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

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

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

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

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

## CONSULTATION

- **Council Environmental Health Section:** No objection, subject to conditions
- **NI Water:** Refusal recommended
- **DfI Rivers:** No objection, subject to condition
- **Geological Survey NI:** No objection
- **DfC Historical Environment Division (HED):** No objection, subject to conditions
- **DAERA Natural Environment Division (NED):** No objection

- **NI Electricity:** No objection
- **DfI Roads:** Latest response awaited
- **Shared Environmental Services (SES) –** Advised a formal consultation required.

## REPRESENTATION

Twenty-Six (26) 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:

- Preliminary Matters
- Policy Context and Principle of Development
- Density
- Design, Layout and Appearance and Impact on Character of the Area
- Residential Amenity
- Public and Private Amenity Space
- Crime and Personal Safety
- Access, Parking and Road Safety
- Natural Heritage
- Archaeology and Built Heritage
- Flood Risk and Drainage
- Contamination
- NI Water Infrastructure
- Other Matters

### **Preliminary Matters**

#### Environmental Impact Assessment

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

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

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

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

However, the Newtownabbey Area Plan was never formally adopted and therefore

following the Court of Appeal decision in May 2017 there is currently no adopted plan for Ballyclare. In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in determining all proposals in Ballyclare, including the current application.

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

However, given the unique position of Ballyclare that is not covered by an extant and adopted plan and given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for the town and should therefore be afforded greater weight than dNAP in the decision-making process.

All the relevant development plans identify the application site as being within the settlement limit of Ballyclare. However, whilst the site was not specifically zoned in dNAP and was simply identified as white land, it forms part of a site zoned for housing in dBMAP (BE 04/03) which was subject to a range of Key Site Requirements (KSRs).

#### Key Site Requirements

Within the Planning Supporting Statement, Document 01, date stamped 14th September 2022 the agent asserts that the through subsequent and recent decisions made after the Public Inquiry into dBMAP in relation to developments in zoning BE 04/03 that KSR's should be 'set aside' and therefore carry no weight in the decision-making process.

Whilst the agent's position is noted above, it is considered that the PAC in deciding appeal Ref: 2018/A0072 set aside the key site requirements of dBMAP by providing greater weight to published planning policy. In this instance, the following KSR's (c, d, f, i, j and l) are being set aside with greater weight being placed on published planning policy.

KSR (a) requires that a Concept Master Plan is submitted to and agreed with the Department to facilitate the comprehensive development of the site. The agent has provided, for information only, a Concept Masterplan Drawing Number 08/1, date stamped 20th October 2023, however it is noted that there is no provision of neighbourhood facilities as required by KSR (e).

It is noteworthy that a Concept Outline Masterplan has been granted permission under planning approval Ref: LA03/2019/0510/O which covers the entirety of the housing zoning and included two distinct areas for the provision of neighbourhood facilities, one of which was on the current application site. Therefore, should this current planning application be granted permission and implemented this will result in the previously approved Concept Outline Masterplan not being capable of being delivered.

In addition to the above KSR for a concept masterplan, there is an additional requirement for a concept masterplan to be provided in accordance with Policy QD2 of PPS 7, in the case this proposal is for partial development of a larger housing zoning within dBMAP. Policy QD2 requires the submission of a Concept Masterplan demonstrating how the comprehensive planning of the entire zoned area is to be undertaken. Any proposal for housing that would result in unsatisfactory piecemeal development will not be

permitted even on land identified for residential use in a development plan. It is therefore considered that the proposal is contrary to KSR's (a) and (e) of dBMAP and Policy QD 2 of PPS 7 in that a satisfactory concept masterplan has not been submitted.

### **Density**

Policy LC 1 of the Addendum to PPS7 deals with the issue of density within residential areas. It states that the proposed density should not be significantly higher than that found in the established residential area and that the pattern of development is in keeping with the overall character and environmental quality of the established residential area.

In addition, dBMAP KSR (b) above indicates that 'Housing development shall be a minimum gross density of 13 dwellings per hectare and a maximum gross density of 25 dwellings per hectare'.

The density in the surrounding residential areas varies, Craighill Park, which lies to the northwest has an average density of 21 units/ha, Rashee Park, opposite the site has an average density of 30 units/ha. Hamlet Way, located to the northwest of the site across the Ballyeaston Road, has an average density of 19 units/ha. Residential houses within these developments comprise both detached and semi-detached two storey dwellings.

The proposed development has an average density of 19 units/ha and comprises a mix of detached and semi-detached two storey dwellings. It is considered that the proposed density is not significantly higher than that found in the surrounding residential areas and is reflective of the overall character and quality of the established residential area. Furthermore, the density is compliant with the threshold indicated within KSR (b) of dBMAP.

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

The Strategic Planning Policy Statement (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 QD 1 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 states that in established residential areas proposals will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas and requires compliance with a number of listed criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures, and landscaped and hard surfaced areas. The applicant proposes 39No. dwellings comprising of four (4) house types which include a mix of 2 storey detached and semi-detached dwellings finished in white smooth render and dark grey brick detailing. It is considered that the materials are acceptable and will tie in with the mixture of finishes within the area.

It should be noted that there appears to be inconsistencies regarding the proposed

boundary treatments between the proposed site layout, (Drawing Number 03/2), the proposed street elevations, (Drawing Number 21/2) and site sections drawing, (Drawing Number 28) with boundaries not clearly identified by way of a key or legend and some boundaries showing on one plan but omitted from others. Consequently, this has made it difficult to ascertain what boundary treatments are being proposed, how these will be read within the development and against the proposed ground levels.

It is noted that on the proposed site layout, the applicant has included an indicative layout for future development northeast of the site by way of dotted lines representing dwellings and spine roads. This does not form part of the current application, nor does it benefit from the grant of planning permission. A concurrent application (Ref: LA03/2023/0581/F) for this area is under consideration.

This site is particularly challenging as the overall topography of the site has a strong southern gradient and varies greatly within the site due to past quarrying activities. As illustrated on the existing site layout drawing, (Drawing Number 22), the northern boundary comprises of a steep embankment some 6 metres high which descends steeply in a southeastern, southern and northwestern direction onto an area of relatively flat land. This flat land then gradually inclines to form another embankment which runs the entirety of the southeastern boundary. The topography at this point changes again with a gradual drop into neighbouring lands to the south.

To overcome the challenging topography, the applicant proposes to undertake significant cut and fill measures which requires the use of retaining structures and graded embankments throughout the site (Drawing Number 21/2, and Drawing Number 28). Draft BMAP KSR (h) states that retaining structures within this housing zoning will only be allowed in exceptional circumstances where they do not exceed 1.5 metres in height. Although these retaining structures are detailed on the proposed site layout, (Drawing Number 03/2) as being 1 metre and 1.3 metres in height, a review of the proposed street elevations, Drawing Number 21/2 would suggest that these structures, especially associated with plots 3, 14, 21 are significantly more than 1.3 metres in height measuring upwards of 1.8 metres in height.

The proposed street elevations, (Drawing Number 21/2) also shows that dwellings on plots 1, 2 and 3 are to be elevated. The finished floor levels of the dwellings throughout the site vary in several places where retaining structures are proposed, however, as the plan does not include any proposed spot levels it is difficult to ascertain how these retaining walls will be read within the streetscene. Furthermore, the applicant has provided no detailed cross sections on how these retaining structures will be constructed or read within the overall context of the development.

Graded embankments are indicated on the site layout plan (Drawing Number 03/2) and are proposed predominately within the areas most challenged by the sites existing topography. To the north of the site, within the proposed public open space area, to the rear of sites 3, 4, 5 and 6 and along the rear boundaries of plots 22-33, concerns have been raised with the agent specifically with regards to the dwellings on plots 8, 9 and 39 and their relationship with the adjacent public amenity space. This amenity space is on significantly higher land which falls towards the side and rear elevations of these dwellings. Again, no proposed spot levels have been provided and it is therefore difficult to calculate the exact level difference, however, a review of the proposed street elevations, (Drawing Number 21/2) shows that the roofs of these dwellings will be at eye

level when viewed from Craighill Park. This arrangement is incongruous with the existing character and will allow for overlooking of the private amenity space. Whilst it is acknowledged that two (2) areas of proposed woodland are to be planted to prevent this scenario occurring, it is considered that such planting would take a substantial time to grow and, in the interim, would not provide adequate privacy.

Dwellings on plots 3 – 6 have a rear-to-gable relationship with the dwelling on plot 2, and finished floor levels indicate a maximum difference of five (5) metres. As illustrated by Section 1 on the proposed street elevations, (Drawing Number 21/2) a graded embankment is noted to the rear of the plots which runs parallel with the northern gable boundary of the dwelling on plot 2. The graded embankment is some 2.4 metres in height from the finished floor level of plot 2 and a separation distance of some 1.5 - 2 metres remains between the dwelling and the beginning of the embankment. A one (1) metre high retaining wall is placed to the front of the embankment and spans a length of 20 metres. Although there are no windows proposed on the northern gable elevation there are ground floor windows on the eastern/rear elevation associated with a kitchen and dining room. Again, without proposed spot levels it is difficult to determine whether the presence of the retaining wall coupled with the graded embankment and rising land levels would be perceived as a dominant feature.

Dwellings on plots 22 – 33 have a rear-to-rear relationship with the dwellings approved to the south under planning application Ref: LA03/2017/0644/F (approved by PAC under Ref: 2018/A0072). A review of the approved plans (Drawing Number B147) indicates that the rear boundary treatment of this development comprises a 2.5 metre high acoustic fence and graded embankments. The proposal also seeks a graded embankment at this boundary, and although cross sections of the proposed and approved site have been provided it is unclear how the proposal will deal comprehensively with changes in topography. The plans indicate the use of 1-1.3 metre high retaining walls and 1.8 metre high fencing, which is surprising given the sheer level differences between the two sites. It is not clear how this matter will be addressed.

In terms of the proposed layout, dBMAP KSR (g) above requires dwellings to front onto the Ballyeaston Road. The proposed dwellings occupying plots 1-3, 13 and 14 abut the Ballyeaston Road and adhere to this requirement, however, concerns have been raised in respect of the siting, design and boundary treatments associated with these dwellings. Firstly, these dwellings are set back at various distances from the Ballyeaston Road creating a staggered building line. The dwellings on plots 1 and 2 are dominated to the front by vehicle parking and hard surfaces which contrast poorly, with the proposed landscaping on the remaining plots which is unreflective of the areas existing character.

The dwelling on plot 13 is orientated in a southwesterly direction and at its closest point is set back some 2.4 metres from the Ballyeaston Road, exacerbating its visual presence along this frontage. The dwelling on plot 14 is orientated in a northwesterly direction and at its closest point is set back some 5 metres from the Ballyeaston Road. When travelling along the Ballyeaston Road, and owing to the topography of the application site, the northwestern gable of the dwelling on plot 13 and the southwestern gable of the dwelling on plot 14 will be highly visible to passing traffic. The design of these dwellings, including the dwelling on plot 3 have frontages which consist of only a ground floor outshot which is not considered to be a strong dual frontage which will ultimately detract from the visual character and quality of the area. Furthermore, the dual frontage aspect on plot 13 according to the proposed site layout drawing, Drawing 03/2, will be screened

by the presence of a 1.8 metre wall, leaving a blank first floor gable, which again is considered unacceptable in terms of addressing the public road.

The graded embankment associated with the dwelling on plot 22 occupies the entirety of the plots southwest boundary including the rear amenity space. As illustrated on the Proposed Streets Elevations, (Drawing Number 21/2) this embankment has a width of 3.5-6 metres and consists of a steep, southwestern decline into neighbouring lands. The presence of this embankment impacts the usability of the private amenity space attributed to this plot. The remaining private amenity space not affected by the embankment equates to 91 sqm. It is considered that although the proposal adheres to the recommended 70sqm amenity space provision it is considered that this plot reads as a contrived and overdeveloped arrangement.

The private rear amenity space attributed to plots 3 and 13 runs parallel with the Ballyeaston Road. In order to provide privacy to this area, a 1.8 metre high render wall is proposed which has a total length of 25.4 metres. Although plot 3 is set back some 4.8 metres from the Ballyeaston Road, plot 13 is only set back at this point by some 2.4 metres. Given the topography of lands and the open views of these dwellings on approach along the Ballyeaston Road, it is considered that the provision of a 1.8 metre high rendered wall fronting onto the public road would be visually prominent. Although screen planting is proposed to help mitigate the presence of the walls, it is considered that such planting would take a substantial time to grow and, in the interim, will not provide adequate screening.

Along the internal estate roads the proposed dwellings face onto the internal estate road with separation distances between dwellings of up to 20 metres. Whilst this is considered broadly acceptable there are some concerns with certain plots, namely those dwellings on plots 21, 22, 24 and 37. Dwellings on plots 21, 24, 37 occupy prominent corner plots and comprise of House Type J. These house types do not have strong dual frontage and ultimately detract from the visual character and quality of the development. In addition, dwelling on plot 21 reads as a restrictive and overdeveloped site due to the placement of the in-curtilage parking which is set some 9.6 metres to the rear of the dwelling, this coupled with the rear boundary wall projecting out from the building line indicates a contrived arrangement. Similarly, the dwelling on plot 22 also reads as a restricted site due to the presence of the graded embankment which has previously been discussed above. It is argued that the siting of these dwellings appears to be contrived and represents overdevelopment.

In terms of landscaping, KSR (k) requires that all existing trees, shrubs and hedgerows within the site and on the boundaries shall be retained unless determined that such vegetation is not of a quality to merit retention or is required to be removed to facilitate a safe means of access to the site. As indicated on the proposed site plan, (Drawing Number 03/2) the proposal seeks to retain and augment the site's existing southern boundary. The landscape proposal plan, (Drawing Number 27/1) indicates the proposed landscaping for the overall development, which is considered acceptable. With respect to KSR (m), the proposal is not adjacent to the Ballyclare Development Limit, therefore is not required to provide the requisite 10-12 metre wide landscape buffer.

Overall, it is considered that the proposal has not been designed to respond to the constraints of the site and or the adjoining lands nor will it result in a quality and sustainable residential environment in keeping with the character and pattern of

development in the locality. Consequently, it is considered that the proposed development is contrary to criteria (a) of Policy QD 1 of PPS 7 in that the proposal does not respect the surrounding context and is not appropriate to the character and topography of the site.

### **Residential Amenity**

Criteria (h) of Policy QD1 of PPS 7 states that the design and layout of the scheme 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.

It is considered that the majority of the proposed dwellings will not have an adverse impact on the amenity of any existing dwellings which abut the application site, due to them being adequately distanced, however, there are concerns with some of the proposed plots including previously approved dwellings on neighbouring lands. Which have not yet been constructed.

Creating Places indicates that separation distances between dwellings on greenfield sites should be 20 metres or greater between opposing first floor windows of new houses, however, where the development abuts the private areas of existing properties a separation distance greater than 20 metres will generally be more appropriate to minimise overlooking. Paragraph 7.16 goes on to state that an enhanced separation distance may also be necessary for development on sloping sites.

Abutting the application site on its southern boundary is a residential development comprising of 123 No. dwelling units approved under PAC Ref: 2018/A0072 (Ref: LA03/2017/0644/F). Although these dwellings are not constructed, this permission is extant, and consideration needs to be given to the impact that this proposal may have on residential amenity. The applicant has provided three (3) site sections, on Drawing Number 28 to illustrate the extent of the impact.

The topography of the neighbouring lands has a southern gradient and sits significantly lower than the application site. At present this boundary is defined mostly by mature dense trees and hedgerows some 7-8 metres in height and the proposal seeks to retain and augment this boundary as illustrated in the landscape plan, Drawing Number 27/1.

Dwellings on plots 16-22 and 25-30 back onto the approved development except for the dwelling on plot 22 which has a gable-to-rear relationship. A review of the site sections, Drawing Number 28 indicates that the approved dwellings (plots 48-53) backing onto plots 16-22 will have finished floor levels of 98.64OD with approved plot 53 having a finished floor level of 97.69OD. The proposed dwellings will have a finished floor level of 101.42 – 104.17OD and will consequently sit higher. Whilst it is acknowledged that the proposal seeks to retain and augment the existing vegetative common boundary there are concerns in respect of overlooking and dominance.

As represented via Section A-A on the site section plan, Drawing Number 28, the dwelling on plot 18 is placed some 4.3 metres higher than the approved dwelling (plot 49) and whilst this plot has the recommended 10 metre rear garden depth, a separation distance of only 21 metres remains between the two. Owing to the topography and the separation distance, the proposed dwelling on plot 18 will appear dominant, with clear direct views from first floor windows into the private rear amenity space and first floor

windows of the previously approved dwelling. This scenario is replicated for the proposed dwellings on plots 16, 17, 19 and 20 and it is considered that these previously approved dwellings will likely suffer from overlooking and a loss of amenity. Owing to the topography of both sites, the separation distances should be enhanced along this stretch as recommended by the guidance within Creating Places.

The dwelling on Plot 21 backs onto garages associated with previously approved dwellings on plots 50 -51 with adequate separation distances provided. It is considered that there will be no impact on residential amenity from this proposed dwelling.

The dwelling on plot 22 has a gable-to-rear relationship with the previously approved dwellings on plots 51 and 52 and based on the finished floor levels will sit some 5 metres higher. The gable fenestration associated with plot 22 relates to ground floor and first floor bathroom and hall windows. As demonstrated via Section 5 on the proposed street elevations, (Drawing Number 21/1), a separation distance of 17 metres will remain between the two dwellings. Defining the common boundary is a graded embankment at a depth of 3.5 - 6 metres supported by a retaining wall structure some 1.3 metres in height. By virtue of the topography and the separation distance, it is considered that the proposed dwelling will appear dominant and that the proposed boundary treatments to the common boundary will not mitigate overlooking but instead will allow clear, direct views from users of this plots rear private amenity space into the rear amenity space and first floor windows of the previously approved dwellings on plots 51 and 52.

In relation to the impact, the proposed dwellings may have on one another there are some concerns with the inter-relationships with a number of dwellings within the proposed development. The dwellings on Plots 1 and 2 back onto plots 10 and 11 at an angle. Most notably the dwelling on plot 1 at its closet point is some 2 metres from the common boundary with plot 11 and has a separation distance of 12 metres from the opposing first floor bedroom windows. Plot 10 has a finished floor level some 1.5 metres higher than the dwelling on plot 1 with a separation distance of 21.5 metres between first floor opposing bedroom windows.

The dwelling on plot 3 has a rear-to-gable relationship with the dwelling on plot 4 at a separation distance of some 11 metres. Both dwellings are two storey with plot 3 having two (2) first floor bedroom windows and a ground floor living room and kitchen room window, whereas the dwelling on plot 4 has a first floor and ground floor hall and WC window. The boundary treatment defining these properties consists of a 1.3 metre high retaining wall. The dwelling on plot 24 has a rear-to-gable relationship with the dwelling on plot 25 which has a finished floor level, some 1.6 metres higher, and a separation distance of 17 metres. Both dwellings are two storey with plot 24 having a first floor rear bedroom and plot 25 having a first floor hall window. Within this context it is considered that the dwellings noted above will likely suffer from a loss of amenity by way of overlooking and loss of privacy due to the separation distances from opposing windows, level differences, inadequate boundary treatments and the placement of windows.

Overall, it is considered that the proposed development would have an adverse impact on the residential amenity of a number of the proposed properties within the development and also the approved properties on the adjoining lands to the south in terms of overlooking, loss of privacy and dominance. The proposed development is therefore contrary to criteria (h) of Policy QD 1 of PPS 7 in that the proposed development will have adverse effects on existing and proposed properties.

### **Private and Public Open Space**

Criterion (c) of Policy QD1 of PPS 7 requires adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Supplementary planning guidance on amenity space is provided in 'Creating Places: Achieving Quality in Residential Developments'. It states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40sqm for any individual house. Creating Places further indicates that development of this nature requires an average of 70sqm.

As illustrated on the proposed site layout drawing, (Drawing Number 03/2) front gardens are provided for each plot and private amenity space largely takes on the form of private rear gardens. The majority of the proposed dwellings have a private amenity space exceeding 70sqm as recommended by Creating Places, however, the outliers to this are dwellings on Plots 4-5, 15-17 and 33-34 which have private amenity spaces ranging from 52-69sqm. These shortfalls are attributed to the presence of the graded embankments to the rear of the plots. Whilst it is noted that these embankments represent some sort of amenity value, these embankments do not serve any meaningful functionality in terms of private amenity space.

There are also concerns relating to the enclosing of the private amenity spaces for plots 3, 13, 21, 24, 35, 37. Plots 3 and 13 are adjacent to the public Ballyeaston Road whilst Plots 21, 24, 35 and 37 are situated on corner plots within the development. The private rear amenity space associated with these plots runs parallel to the public Ballyeaston Road and the internal estate road. To ensure privacy, the proposal seeks to erect 1.8 metre high rendered walls. The wall defining the private rear amenity space for plot 21 projects out from the front building line and visually detracts from the overall quality of the development. The use of a 1.8 metre high wall is a contrived element in the streetscene and is not something that should be encouraged. Although screen planting is proposed to help mitigate the presence of the walls within the proposed development, it is considered that such planting would take a substantial time to grow and, in the interim, will not provide adequate screening and it is considered that the use of these walls is detrimental to the overall quality of the scheme.

Overall, whilst adequate provision can be made for the majority of dwellings in terms of private amenity space, some dwellings fall short of the recommended figure. Furthermore, the expanse of brick walling is considered visually detrimental, detracting from the overall quality of the area.

In addition to criteria (c) of Policy QD1 of PPS, Policy OS2 of PPS 8 requires new residential developments more than 25 units, or on sites of one hectare or more to provide public open space as an integral part of the development. The policy further states that a normal expectation will be at least 10% of the total site area.

The proposal is for 39No. dwellings and the site measures 1.99 hectares. Applying the normal expectation of at least 10%, this proposal is required to provide 0.19 hectares of open space. As illustrated on the proposed site layout drawing, Drawing Number 03/2 an area of open space with footpath and seating is provided in the northern part of the site measuring 0.19 hectares. Whilst the policy does not require public open space to be 'usable' this proposed public open space has a steep southern decline, is heavily characterised by planted trees and comprises two areas of fenced off woodland. The

amount of functional public open space revolves around the footpath and seating area which equates to 0.14 hectares. This element of public open space despite being situated centrally within the site appears to be land which is simply too steep to build on and reads as leftover land. While the pedestrian footpath could serve a valid public open space function, it is not considered sufficient to address the open space requirement.

There are several other portions of land within the proposed site layout which are relatively narrow, linear strips of land. These are either extended along the roadside verge or situated to the rear of dwellings and along the peripheries of the site. Whilst these areas would serve a visual amenity function, they are narrow strips of roadside verge and even with tree planting they would not be of any demonstrable recreational value, nor multi-functional. Their value would be limited to a visual amenity benefit and would be peripheral areas, left over spaces created by the development layout.

Overall, it is considered that the public open space provision within the proposed site is not integral to the development and would not be of demonstrable recreational or amenity value. On this basis, the public open space provision falls short of the 10% requirement for the site and reads as an indicative form of piecemeal development, which is considered unsatisfactory.

With regards to overall public amenity space for the entire zoning of 24.94 hectares (Zoning BE 04/03, Craighill Quarry), Policy OS 2 requires that for residential development of 300 units or more, a normal expectation of open space will be around 15% of the total site area which would equate to a requirement of 3.741 ha. Three previous full applications have been granted within the overall zoning including application Ref: LA03/2020/0117/F (32 dwellings) with a provision of approximately 0.021ha of open space; application Ref: LA03/2020/0568/F (25 dwellings) with a provision of 0.135ha of open space; and application Ref: LA03/2021/0477/F (26 dwellings) with a provision of approximately 0.282ha. Whilst each of these developments indicate further areas of green space over and above what has been indicated above, this is not considered to be functional open space and therefore has been discounted from the above figures. Taking into account the areas of the land zoning already developed, there is a total of approximately 0.578 ha of usable amenity space provided which falls short of the 15% requirement for the provision of open space. While there are significant areas of the zoning yet to be developed, the agent has offered no delivery mechanism to ensure that these areas of open space can be provided in a phased manner or at all during the subsequent development phases for the remainder of the zoning. The application represents piecemeal development which by its very nature fails to deliver upon a comprehensive development plan for the zoned housing lands and is therefore unacceptable.

### **Crime and Personal Safety**

Criterion (i) of Policy QD 1 of PPS 7 states that the proposed residential development should be designed to deter crime and promote personal safety. Public areas such as open spaces should be overlooked by the fronts of dwellings to provide maximum surveillance and back gardens should be enclosed. With respect to the proposed public amenity space most houses have been arranged to overlook this area, allowing for passive surveillance for the safety and security of those using the area. Concerns were raised with the dwellings on plots 8 and 39. The amenity space comprises a steep graded embankment which borders the dwellings on their gable ends. The dwelling on plot 8

possesses no side elevation windows and the dwelling on plot 39 possesses ground and first floor side elevation windows which are positioned at oblique angles resulting in very limited surveillance of this area. It is considered that these dwellings do not provide sufficient surveillance of the proposed public area as required by criteria (i) of Policy QD 1 and as a result this area could give rise to anti-social behaviour.

In terms of personal safety, it is unclear how the amenity space of each dwelling is to be defined due to the omission of detail within the proposed site layout plan (Drawing 03/2). For example, some properties to the rear will be secured using 1.8 metre high fencing whilst others are to be secured using 1- 1.3 metre high retaining walls. The proposed site layout plan does not show any boundary treatments between each plot suggesting that access to the rear of the dwellings is undefined. Overall, it is considered that the proposed development has not been designed to deter crime and promote personal safety.

### **Parking, Access and Road Safety**

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

Planning Policy Statement 3 'Access Movement and Parking' is the relevant policy context and also seeks to ensure that prejudice to road safety does not occur as a result of development. PPS 3 further seeks to promote a more accessible environment for all, including the specific needs of people with disabilities and others whose mobility is impaired. Applicable policies include Policy AMP 1, AMP 2, AMP 6 and AMP 7.

Policy AMP 1 aims to create a more accessible environment and KSR (n) requires provision for cycle and pedestrian links to Ballyeaston Road and Ballycorr Road. The proposed layout provides an accessible environment for all users and has been designed to promote the convenient and safe movement patterns through the site for pedestrian and motorists alike. In terms of the KSR the proposal whilst offering pavements for pedestrian movements, does not indicate any provision for cyclists or means of connections onto the Ballycorr Road. The site has direct access to public roads, and this allows a variety of alternative modes of transport to be utilised by site users. The site is also in a highly accessible location and is approximately 1km (c.10 minutes' walk) from Ballyclare Town Centre containing a range of local retail outlets and services. In addition, the Ballyclare Bus Centre for Translink and Ulsterbus is located off Mill Road to the south of Ballyclare, within 1 mile of the site. A number of bus services use Ballyeaston Road and various bus stops are located in close proximity to the site.

Policy AMP 2 deals with access to public roads and requires that any development should not prejudice the safety and convenience of road users. The proposal seeks to close up the existing access serving the site along the Ballyeaston Road and construct a new vehicular access also off the Ballyeaston Road. There are also a small number of direct private driveway accesses proposed onto the Ballyeaston Road, with some also proposed directly onto Craighill Park.

In terms of transport impacts, Policy AMP 6 (Transport Assessment) indicates that in order to evaluate the transport implications of a development proposal the Council will, where appropriate, require developers to submit a Transport Assessment. In addition, dBMAP KSR (d) requires a comprehensive Transport Assessment (TA) to be submitted and agreed

with DfI Roads to analyse the overall impact of the proposed housing development and to identify any necessary improvements to the road/network/public transport / transportation facilities in the area.

Since the publication of dBMAP the circumstances in Ballyclare have now changed significantly with the opening of the Ballyclare Relief Road. The proposal is not of a scale to warrant a TA, however, the applicant has provided a Transport Assessment Form, Document 02, date stamped 14th September 2022. The report concludes that the proposed development is predicted to generate a minimal amount of vehicular activity (23 trips per hour) onto the surrounding road network; that the development will provide the required number of car parking space and that the site benefits from a good level of accessibility for non-car users due to good quality pedestrian and public service routes.

Policy AMP 7 of PPS 3 deals with Car Parking and Servicing Arrangements and requires proposals to provide adequate provision for car parking and appropriate service arrangements. This policy is supplemented by criterion (f) of Policy QD 1 which also requires that adequate and appropriate provision is made for parking. Supplementary planning guidance document 'Creating Places' sets out the standards of parking spaces required. All the proposed dwellings benefit from at least 2No. in-curtilage car parking spaces, except for plots 24 and 37 which only have 1 in-curtilage space, however, the outline for a single detached garage is shown. No elevations for garages have been included as part of the proposal and therefore garages cannot be considered as part of the assessment. The areas proposed for garages can be considered to be appropriate as an additional car parking space. The proposal provides 76No. in-curtilage car parking spaces along with 5No. visitor parking spaces provided as on-street parking. In accordance with the Parking Standards guidance, the proposal requires 107 spaces, therefore there is a shortfall of 26No. spaces.

### **Natural Heritage**

Planning Policy Statement 2 (PPS 2) sets out planning policies for the conservation, protection, and enhancement of our natural heritage. It contains policies relating to species protected by law (Policy NH 2), habitats and species or features of natural heritage importance (Policy NH 5).

DAERA Natural Environment Division (NED) in its response dated 9th May 2023 acknowledges receipt of the submitted NI Biodiversity Checklist and Preliminary Ecological Assessment (PEA), Document 04/1, date stamped 16th November 2022, Bat report, Document 05 and Badger report, Document 08 both date stamped 14th September 2022.

NED is content with the ecologist determination of the site being assessed as having 'moderate' foraging and commuting potential for bats and the trees and scrub as being of 'moderate' habitat potential for nesting birds. The mature trees to the south and west of the site were assessed as having 'low' Bat Roost Potential. All tree and scrub removal must be carried out outside of bird nesting season (1st March to 31st August).

NED is also content that no evidence of badger presence was detected and that footprints observed in the original site survey are likely to be from domestic canines due to the presence of human footwear marks within the same area.

Overall, NED is content that evidence of other Priority/Protected species was not observed during the site survey and that no invasive plant species, as listed within

schedule 9 of the Wildlife Order 1985, were identified. Consequently, NED pose no objections to the proposal and as the proposal is unlikely to harm any protected species it is therefore compliant with policies NH 2 and NH5 of PPS 2.

SES was consulted informally and as the application site is within the catchment of Lough Neagh and Lough Beg SPA/Ramsar, SES requested that the Water Management Unit (WMU) be consulted in advance of a formal consultation request. SES and DAERA Water Management Unit was consulted on a similar overlapping recent outline application, granted permission under Ref: LA03/2019/0510/O on 29<sup>th</sup> September 2023 and stated that the proposal will not have an adverse effect on the integrity of any European site subject to the provision of a construction Environmental Management Plan and raised no objection respectively. It is therefore unlikely that there will be any significant concerns in this regard that could not be mitigated, however, given the significant concerns with regards to the layout of the proposal, it is therefore considered that this would constitute nugatory work and put the applicant to unnecessary expense.

### **Archaeology and Built Heritage**

Policy BH 4 of PPS 6 is entitled 'Archaeological Mitigation'. It states that where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, then planning conditions will be used to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development.

HED (Historic Monuments) has considered the impacts of the proposal and is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works being attached to any forthcoming approval. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

### **Flood Risk and Drainage**

The main policy objectives of PPS 15 include preventing inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere. DfI Rivers advise that Policy FLD1 'Development in Fluvial and Coastal Flood Plains' is not applicable to this site and that in respect of Policy FLD 2 there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which DfI Rivers have no record.

Whilst the site is not located within a floodplain it does experience some surface water drainage issues to the southeast and as the proposal exceeds the 10-unit threshold set out in Policy FLD 3 of PPS 15, the applicant has submitted a Drainage Assessment, Document 03 date stamped 14<sup>th</sup> September 2022. Alongside the Drainage Assessment and at the request of DfI Rivers the applicant submitted a Schedule 6 Consent, Document 10 and NI Water Pre-Development Enquiry, Document 11 both date stamped 23<sup>rd</sup> May 2023

DfI Rivers has reviewed these documents and while not being responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. DfI Rivers have indicated that a final Drainage Assessment should be a condition of the grant of planning permission, however, it is considered that the

proposed drainage proposals are sufficient for the purposes of planning and any detailed assessment of the drainage proposals for adoption purposes are a separate matter. Any deviation from the proposed drainage proposals may require the grant of planning permission should they not be suitable for adoption and under this circumstance an amended Drainage Assessment and Drainage Layout would be required. It is considered that a condition requiring a final Drainage Assessment is not required for this application.

With regard to Policy FLD5 (Development in Proximity to Reservoirs) the site is not subject to any flood inundation risks and as such Policy FLD 5 does not apply in this instance. Overall it is considered that there is no significant flood risk associated with this development.

### **Contamination**

The applicant has provided a Remediation Strategy Report, Document 06 date stamped September 2022. The detailed Remediation Strategy sets out the remediation works necessary to remove the risk of contamination/harm to identified receptors in the 2019 McCloy Consulting Report (submitted under LA03/2019/0510/O). The report references the Land Contamination Risk Management (LCRM) guidance.

Environmental Health has reviewed the information submitted and is of the opinion that amenity at the proposed development can be suitably protected subject to the attachment of contaminated land control conditions to any approval granted. It is therefore considered that there is unlikely to be any significant impacts on nearby receptors as a result of potential contamination from within the application site.

### **NI Water Infrastructure**

NIW has raised concerns with network and wastewater treatment capacity not being available to service the site. A Wastewater Impact Assessment was received by NI Water on 23<sup>rd</sup> February 2023. Whilst a Solution Engineers Report was requested from the agent, this has not been forthcoming. Therefore, the proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would, if permitted, cause harm to an interest of acknowledged importance, namely sewage disposal, as it has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development.

### **Other Matters**

#### Health and Safety

Geological Survey of Northern Ireland (GSNI) has reviewed the proposal and offers no objection.

#### Overhead Electrical Equipment

Due to the presence of High Voltage (HV) overhead equipment within the application site, NI Electricity was consulted and offer no objection to the proposal. NI Electricity has advised the applicant to engage with NI Electricity's Connections Department in order to maintain the safety clearances of 3 metres required to these lines.

### **CONCLUSION**

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

- The principle of the development is considered acceptable;
- It has not been demonstrated how the comprehensive planning of the entire zoned

area is to be undertaken and the proposal would result in unsatisfactory piecemeal development;

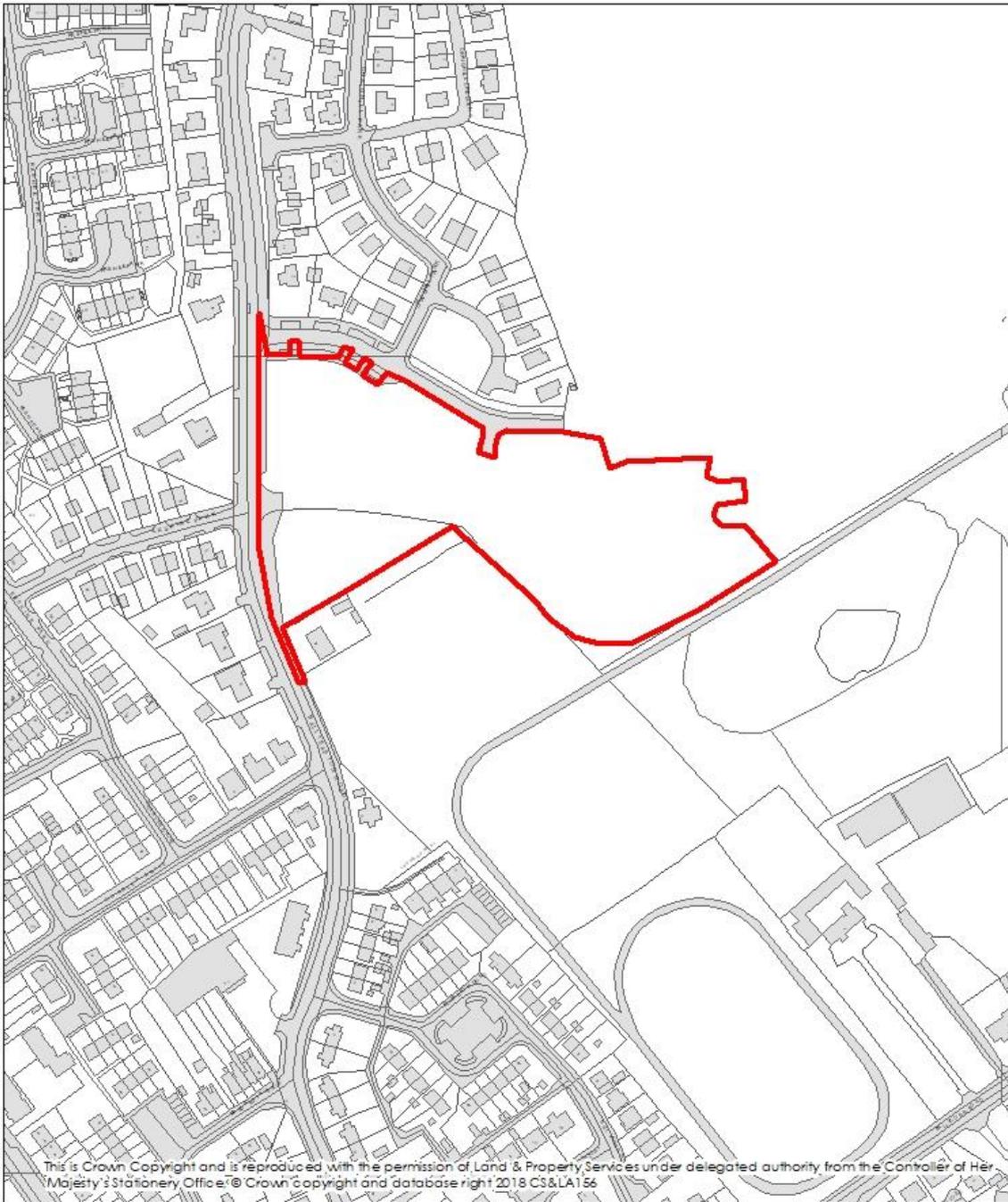
- It is considered that the density proposed can be accommodated on this site;
- The proposal fails to respect its setting in the context of the local area and does not respond adequately to the characteristics and topography of the site;
- The proposal fails to provide adequate provision for public and private amenity space;
- The proposal will result in an unacceptable impact on proposed and approved neighbour amenity;
- There are no significant concerns relating to access and road safety matters;
- The proposal does not provide adequate parking;
- There are no significant concerns relating to natural heritage, archaeology or built heritage matters;
- There is no significant flood risk associated with the site;
- There are no significant contamination concerns; and
- There is no health and safety concerns with the proposal.

**RECOMMENDATION**

**REFUSE FULL PLANNING PERMISSION**

**PROPOSED REASONS FOR REFUSAL:**

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement, Policy QD2 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments and Key Site Requirement (a) of draft Belfast Metropolitan Area Plan in that it has not been demonstrated how the comprehensive planning of the entire zoned area (BE 04/03) is to be undertaken and the proposal would result in unsatisfactory piecemeal development.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' and associated guidance Creating Places in that it has not been demonstrated that a quality residential development will be achieved as:
  - a) the proposed development does not respect the surrounding context and is inappropriate to the character and topography of the site;
  - b) the layout of the proposed development does not provide adequate provision for public and private open space;
  - c) the design and layout will have an unacceptable adverse impact on the residential amenity of proposed and approved dwellings on plots 48-52 of planning permission Ref:LA03/2017/0644/F by reason of overlooking, loss of privacy and dominance.
3. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement, Planning Policy Statement 7 part (f) of Policy QD 1 and Planning Policy Statement 3, Policy AMP 7 and ancillary document, Parking Standards, in that if approved, an unsatisfactory level of parking would be provided to serve the proposed housing development.
4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would, if permitted, cause harm to an interest of acknowledged importance, namely sewage disposal, as it has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development.



**Site Location Plan**

Application Reference: LA03/2022/0813/F

Proposal: Residential development consisting of 39 no dwelling, parking, open space, landscaping and associated and ancillary site works

Location: Lands within the southwest portion of the former Craighill Quarry east of Ballyeaston Road and south of Craighill Park Ballyclare



 Site boundary



<b>COMMITTEE ITEM</b>	<b>4.3</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0407/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>	Erection of proposed housing development consisting of 16 no. dwellings and associated road accesses, site works and landscaping in place of 2 no. existing dwellings and associated sheds and outbuildings
<b>SITE/LOCATION</b>	Lands at 1 Parkgate Road and 2 Main Street, Parkgate, Ballyclare, BT39 0DG
<b>APPLICANT</b>	John Minford
<b>AGENT</b>	Robin Magee
<b>LAST SITE VISIT</b>	1st February 2023
<b>CASE OFFICER</b>	Leah Hingston Tel: 028 903 40403 Email: <a href="mailto:leah.hingston@antrimandnewtownabbey.gov.uk">leah.hingston@antrimandnewtownabbey.gov.uk</a>
<p><b>The full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a> and the Council's website, under additional information.</b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site comprises land between and including No. 1 Parkgate Road and No. 2 Main Street, within the development limits of Parkgate village as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The site is a rectangular plot of approximately 0.69 hectares located on the northern side of Parkgate Road, adjacent to the Connor Road. The site consists of a farm house, which occupies a prominent corner site within the village centre, the farmyard, associated outbuildings and a field used for grazing, as well as a more modern detached dwelling which is located adjacent to the recent St. Saviours Gate development approved under Ref: LA03/2016/1081/F.</p> <p>The western boundary treatment of the site consists of a 1.8 metre high close boarded fence and mature vegetation. A field hedgerow provides the northern boundary treatment beyond which is agricultural land. The eastern roadside boundary is defined by the existing buildings on the site, 2 metre high close boarded fencing and a low level wall with railings atop which provides an enclosure to the front of the farmhouse. The low level wall and railings provide part of the southern boundary which abuts Main Street. The remainder of the southern boundary is defined by the public footpath and a grass verge with a linear row of mature trees. There is an area located to the front of the outbuilding which adjoins the farmhouse which appears as a community hub with Council noticeboards, a post box, benches, a bike stand and planters. The site has a slight south-eastern gradient.</p>	

The application site is situated centrally within the village, where there are residential developments to either side of the application site. A small cluster of commercial uses are located directly opposite the farmhouse building on Main Street. Agricultural fields are located to the north of the site.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2016/1081/F

Location: Lands between no's 1 and 15 Parkgate Road, Parkgate, Ballyclare, BT36 0DF

Proposal: Erection of proposed housing development consisting of 13 no. two storey dwellings (3 no. detached & 10 no. semi-detached) & associated road access, footway link along entire site frontage to village, site works & landscaping

Decision: Permission Granted (19.01.2018)

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

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located within the development limit of Parkgate village 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 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.

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

### **CONSULTATION**

**DfI Roads** - No objection

**DfI Rivers** – Additional information required

**Environmental Health Section** – No objection

**DAERA: Natural Environment Division** – No objection

**NI Water** – Refusal recommended

### **REPRESENTATION**

Twenty-one (21) neighbouring properties have been notified of the application and four (4) representations have been received from four (4) local residents who were not neighbour notified. One (1) representation is in support of the proposal and three (3) are in objection.

The full representations made regarding this proposal are available to view at the Northern Ireland Planning Portal <https://planningregister.planningsystemni.gov.uk> and the Council's website, under additional information.

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

- Development of dwelling house and outbuildings rather than demolition
- Improved appearance of the village

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

- Density
- Overdevelopment
- Erosion of rural character and loss of historic building
- Loss of community space and assets
- Impact on infrastructure and parking
- Lack of available local services

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Density
- Design, Layout and Impact on the Character and Appearance of the Area
- Residential Amenity
- Natural and Built Heritage
- Access, Movement and Parking
- Flood Risk and Drainage
- Sewage
- Other Matters

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

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

The Antrim Area Plan 1984-2001 (AAP) currently operates as the statutory local development plan for the area where the application site is located and regional planning policy is also material to determination of the proposal. The application site is within the development limits of Parkgate village as defined by the Plan. 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. No conflict arises between the provisions of the SPPS and those of retained policies regarding issues relevant to this proposal.

The application site is considered to be within an urban residential area and the principle of development is acceptable subject to satisfying other policy requirements.

### **Density**

Policy LC1 of APPS 7 applies which states that, in established residential areas planning permission will only be granted where the proposed density is not significantly higher than that found in the established residential area and the pattern of development is in keeping with the overall character and environmental quality of the established residential area.

The objector has expressed that the density of the proposal exceeds the pattern of development in the area, with the exception of Moyadam Court which he describes as ageing local authority housing. The eastern half of the site where the proposed development follows a courtyard inspired layout is higher in density than the western half and overall the density is higher than some of the surrounding

developments including St Saviours Gate, Rosewood and Kensingvale. However, it is considered that the proposed density is not significantly greater, for example, Greenview development located approximately 30 metres to the northeast of the application site is approximately 22 dwellings per hectare (dph) and the proposed scheme is 23 dph.

In conclusion, the density is not considered to be significantly higher than that found in the established residential area.

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

Paragraph 6.137 of the SPPS refers to the need to deliver increased housing without town cramming and that, within established residential areas, it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality, as well as safeguarding the amenity of existing residents. Policy QD1 'Quality in New Residential Development' of PPS 7 'Quality Residential Environments' sets out a number of criteria that the proposal must satisfy for planning permission to be granted.

Criterion (a) requires the development to respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures, landscaped and hard surfaced areas.

The site has two proposed accesses, one on Parkgate Road serving 2 no. detached dwellings and 4 no. semi-detached dwellings, with the second access on the Connor Road serving 6 no. apartments and 4 no. semi-detached dwellings. The development appears as two different sections, the western half of the site, comprising sites 11 to 16, which has dwellings designed to be reflective of the adjacent St Saviours Gate development. The eastern half of the site has a higher density courtyard arrangement and includes units 1 to 10.

An objection received in response to the initial proposal raised concerns about overdevelopment of the site. The proposed development has been reduced from 18 no. dwellings to 16 no. dwellings as per the amended plans received 4th October 2023. As a consequence of the proposed courtyard arrangement on the eastern portion of the site, access to units 1 - 6 is proposed to their rear. It is considered that this is a contrived arrangement which will negatively impact on the private, rear amenity of future occupiers due to vehicle/ pedestrian movements and noise.

Creating Places indicates that only in 'exceptional cases' where the rear boundaries are exposed to public areas such as roads, specific design measures such as hedges and other boundary treatments will be necessary to provide security and privacy. This is an outline application and limited details have been provided with regards to the details of boundary treatments, however, in order to secure privacy within the amenity areas, proposed boundary treatments are likely to be high walls/fencing to the rear of the proposed units 3 to 6. This would provide a poor outlook for units 1 to 4 opposite and units 9 and 10. In addition, the location of the proposed internal access road and the communal parking area creates a poor outlook for the units which look onto the courtyard and the rear of units 1 to 6. Whilst there is a separation distance of approximately 24 metres between units 9 and 10

and units 1 to 4 opposite, the outlook across the car park and into the back of these residential units is considered to be unacceptable. Units 6, 7 and 8 also are provided with a poor outlook given that these proposed dwelling units front onto the communal carpark and have views of the rear of units 1 to 5.

It is considered that the proposed layout creates a poor relationship between dwellings, in that the semi-detached dwellings 14 and 15 oppose the blank gable of No. 13, and dwellings 9 and 10 oppose the walls that are required to enclose the private amenity space of apartments 3-4. This arrangement provides a poor outlook for residents and does not achieve the high quality residential environment that Policy QD 1 of PPS 7 seeks to achieve.

In relation to the landscape features, the line of mature trees adjacent to the roadside, have been appropriately incorporated into the development. Criterion c requires adequate provision for public and private open space and landscaped areas as an integral part of the development. Creating Places indicates that the level of private communal amenity space should range from 10sqm to 30sqm per unit, with the lower end of the scale being accepted in inner urban locations and high density areas. Within the context of this site, the higher level would be expected to be achieved. Dwelling units 3 to 16 inclusive have adequate private amenity space in accordance with Creating Places. However, it would appear that there is no private amenity space for the two storey apartment block providing units 1 and 2.

An objector claims that the proposal will erode rural character. Whilst some of the existing buildings on site such as the vernacular farmhouse and the agricultural outbuildings display rural characteristics, the site is within the village centre and is not a rural location. The applicable planning policies do not give consideration to the protection of rural character.

Overall, it is considered that the design, layout and appearance do not create a high quality residential environment and there is a lack of private amenity space indicated for Units 1 and 2. Therefore the proposal is contrary to criterion a, c and h of Policy QD1 of PPS 7.

### **Residential Amenity**

Policy QD1 of PPS 7 states that planning permission will only be granted where the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

As the application is for outline planning permission, limited details have been submitted at this stage and more in depth assessment will be required in any Reserved Matters application where floorplans and elevations would need to be provided.

The proposed dwellings at units 14 – 16 have a back- to-back relationship with the dwellings within St Saviours Gate abutting the application site to the west. A separation distance in excess of 20 metres is retained between the opposing first floor windows which is considered acceptable. To the north of the application site are existing fields and to the south and east are existing roads. It is considered that

the proposed development will not have an adverse impact on the residential amenity of the existing dwellings within the area.

The proposed dwellings that have northwest facing gardens will not experience overshadowing of private amenity space. Therefore, the two storey rear projection of the apartment block comprising units 1 and 2 will not contribute to the overshadowing of, or loss of light to, the adjoining units 3 and 4.

In relation to the potential for overlooking, it is noted that the apartment block of units 1 and 2 has a separation distance of approximately 16 metres from dwelling number 10, which is below the 20 metre benchmark for opposing windows as stipulated by Creating Places design guide. The window positions and floor plans are not provided at this stage to allow for further comment, however, this aspect of the proposal will require consideration in the design stage.

As mentioned above, the proposed courtyard on the eastern portion of the application site, provides access to the rear of units 1 - 6. It is considered that this is a contrived arrangement which will negatively impact upon the private rear amenity of future occupiers by way vehicle/ pedestrian movements and noise. Overall, it is considered that the proposed design and layout will have an adverse impact on the amenity of the proposed occupants and therefore is contrary to criteria (h) of Policy QD 1 of PPS 7.

### **Natural and Built Heritage**

Given the natural landscape features of the site and the condition of the existing outbuildings, ecological surveys were submitted in support of the application. DAERA-NED has considered Document 03 'Preliminary Ecological Survey', Document 05 'Bat Emergence Survey Report' and Document 06 'Bat Roost Mitigation Plan' and has no objection to the application subject to condition.

In relation to matters of built heritage, there are no listed buildings on site and consequently, HED Historic Buildings does not require consultation. It is acknowledged that an objector has raised concern regarding the loss of the farmhouse building which has been on site since at least 1832, considering it to be a historic asset contributing to the character of the village. The individual in support of the application has referenced support for the development of the house and outbuildings without demolition. However, the submitted block plan confirms the building to be demolished and replaced with a building designed to resemble the existing farmhouse.

It is acknowledged that the farmhouse and adjoining agricultural barn has a notable scale and form in the street scene and displays the characteristics of a vernacular building given its linear form, pitched roof and chimneys. However, it does not make such a substantial positive contribution to the heritage, character and appearance of the locality that its removal would warrant a refusal of planning permission. Additionally, it is noted that the building is not listed and that planning permission would not be required for its demolition and therefore it is not reasonable to insist upon its retention.

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

Policy QD 1 of PPS7 requires developments to provide adequate and appropriate parking provision, and a movement pattern that supports walking and cycling and meets the needs of people whose mobility is impaired.

The dwelling units have 2 no. in-curtilage car parking spaces and there is a sufficient number of unassigned parking spaces and visitor parking spaces provided. The scheme includes a pedestrian access from the courtyard to Main Street to improve permeability.

An objection has been made to the proposals impact upon local infrastructure and parking, with specific mention to difficulty parking outside the village shop. Sufficient parking has been provided on site for the vehicles of the residents and it is unlikely that residents of the proposed development would require a car parking space outside the shop. DfI Roads did not object to the proposal for 18 no. dwellings and therefore it is considered that the existing infrastructure is capable of accommodating the revised proposal for the development of 16 no. dwellings.

### **Flood Risk and Drainage**

In accordance with Policy FLD 3 of PPS 15, a Drainage Assessment, Document 02 date stamped 26th May 2023, has been provided. DfI Rivers advise that Appendix 2 Drainage Design of the Drainage Assessment provides drainage calculations for the site, for 1 in 2 year, 1 in 30 year and 1 in 100 year storm events, without an allowance for urban expansion. Sewers for Adoption Northern Ireland 1<sup>st</sup> Edition Section 2.8 Hydraulic Design – Protection Against Flooding states that an additional increase in the paved surface area of 10% should be assumed for all areas to allow for future expansion (by way of property extensions and additional hardstanding) when designing the drainage system. It also seeks an allowance of an additional 10% to the rainfall intensity hyetograph values, provided by the Flood Estimation Handbook, and should allow for climate change. DfI Rivers have indicated that they require further information for the critical storm duration results for 1 in 2 year storm event, 1 in 30 year storm event and 1 in 100 year storm event, to include a 10% allowance for urban expansion. DfI Rivers has also requested a Pre- Development Enquiry response from NI Water to be provided.

The Council does not consider it reasonable to request any additional information as the proposal does not satisfy Policy QD1 of PPS 7 and a refusal is recommended on that basis. The submission of further information would only result in nugatory work and expense for the developer.

Objections have been raised with the lack of available local services, referencing schools, dental care and the doctor's surgery. No evidence has been submitted to support this claim. In addition, new residents to the area may need to travel further to access such facilities and services, however, such a consideration does not warrant a refusal of planning permission.

### **Sewerage**

In relation to local services, NI Water has recommended refusal of this application however, it has been evidenced that a Wastewater Impact Assessment has been submitted to NI Water and potential solutions are under assessment. On receipt of a solutions engineering report a negative condition can be imposed to address NI

Water concerns. However, in the absence of a solution engineers report, it is considered that the proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would cause harm to an interest of acknowledged importance, namely sewage disposal, as it has not been demonstrated that there is a satisfactory means of dealing with sewage associated with the development.

**Other Matters**

It was noted during a site visit that there are a number of community assets within the application site such as a Victorian post box, Council noticeboards, benches, a bike stand and planters. Concern has been raised about the loss of this community space that has developed and the aforementioned assets. The proposal incorporates the post-box and a noticeboard into the scheme as shown on Drawing Number 02/1, date stamped 4th October 2023. The remaining assets may be removed or relocated and their loss would not warrant a refusal of planning permission.

**CONCLUSION**

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

- The principle of development is acceptable;
- The proposed development is considered to be inappropriate to the character of the site in terms of layout and the development would result in a pattern of development that is not in keeping with the overall character and environmental quality of the established residential area;
- Inappropriate and insufficient levels of private amenity space have been proposed as an integral part of this development;
- The design and layout will have an adverse impact on the amenity of the proposed occupants;
- The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would cause harm to an interest of acknowledged importance in that it has not been demonstrated that there is a satisfactory means of dealing with sewage associated with the development;
- It has not been demonstrated through the Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from development elsewhere; and
- It has not been demonstrated that there is a satisfactory means of dealing with sewage associated with the development.

**RECOMMENDATION**

**REFUSE OUTLINE PLANNING PERMISSION**

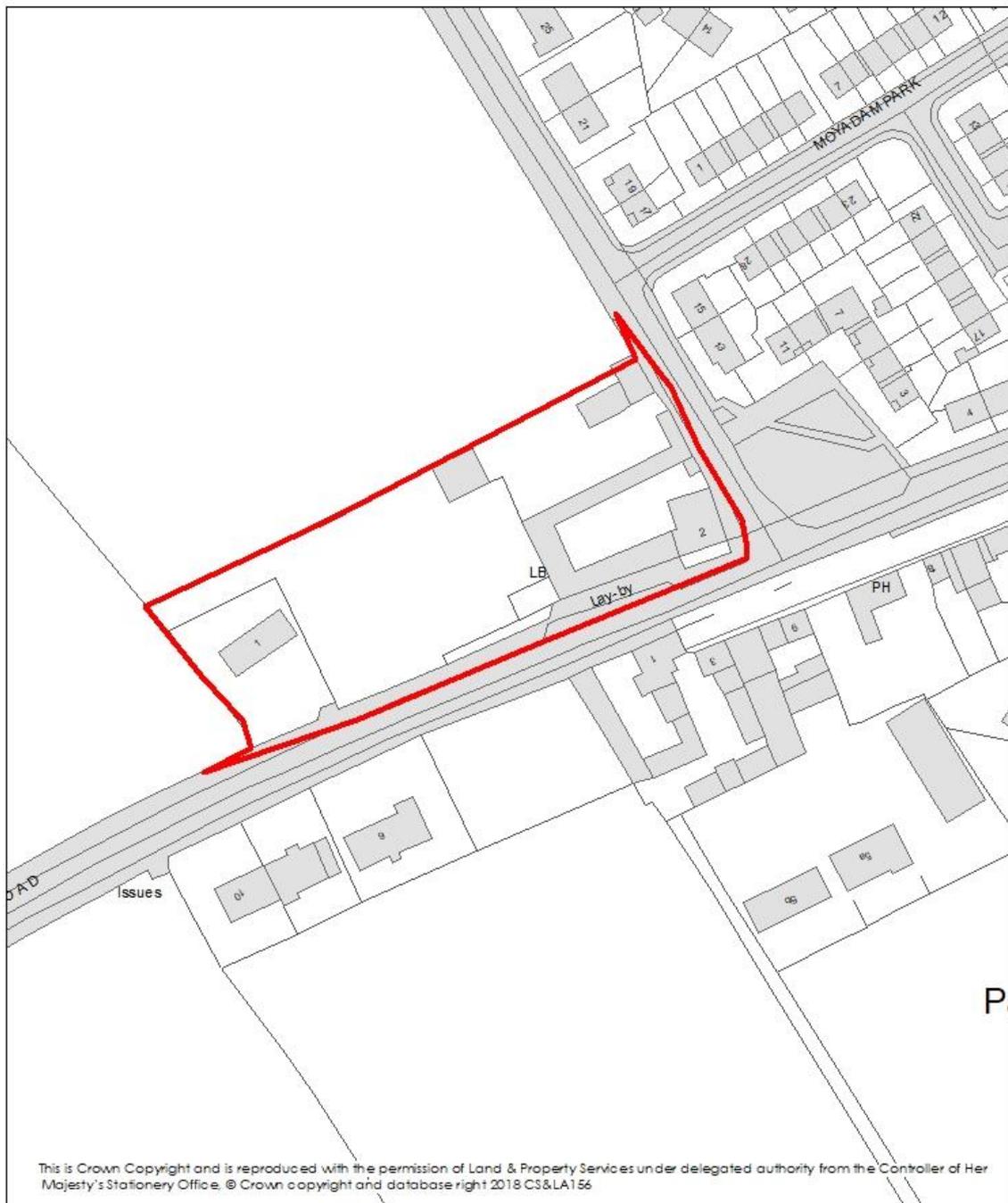
**PROPOSED REASONS FOR REFUSAL:**

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments, and Policy LC1 of the second Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, in that the proposed development represents an overdevelopment of the site as:
  - a) It is considered to be inappropriate to the character of the site in terms of layout and the development would result in a pattern of development that is not in keeping with the overall character and environmental quality of the established residential area;
  - b) inappropriate and insufficient levels of private amenity space have been proposed as an integral part of this development;

- c) the design and layout will have an adverse impact on the amenity of the proposed occupants; and
- d) the proposed development would result in a pattern of development that is not in keeping with the overall character and environmental quality of the established residential area.

2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would cause harm to an interest of acknowledged importance in that it has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development.

3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy FLD 3 of Planning Policy Statement 15, Planning and Flood Risk, in that it has not been demonstrated through the Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from development elsewhere.



**Site Location Plan**

Application Reference: LA03/2023/0407/O

Location:  
Lands at 1 Parkgate Road and 2 Main Street, Parkgate,  
Ballyclare, BT39 0DG

Proposal: Erection of proposed housing development consisting of 16 no. dwellings and associated road accesses, siteworks and landscaping in place of 2 no. existing dwellings and associated sheds and outbuildings



 Site boundary



<b>COMMITTEE ITEM</b>	<b>4.4</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0685/S54</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed new store/showroom/assembly building with additional parking/lorry turning facilities and alterations/upgrade to the existing site access (Variation of Conditions 2 & 3 and removal of Conditions 4, 7, 14 & 15 from approval LA03/2019/0617/F)
<b>SITE/LOCATION</b>	16 Shanes Street, Randalstown, BT41 2AD
<b>APPLICANT</b>	Butlers Marquees
<b>AGENT</b>	Slemish Design Studio
<b>LAST SITE VISIT</b>	12/10/2023
<b>CASE OFFICER</b>	Morgan Poots Tel: 028 90340419 Email: <a href="mailto:morgan.poots@antrimandnewtownabbey.gov.uk">morgan.poots@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a> and the Council's website, under additional information.</b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limits of Randalstown as defined in the Antrim Area Plan 1984-2001. Part of the application site is located within the eastern sector of Randalstown Conservation Area which is characterised by a mixture of single and two-storey buildings interspersed with a small number of non-residential premises.</p> <p>The site, which is located on the north-eastern side of Shanes Street, comprises lands to the rear of Nos. 10, 16 and 18 Shanes Street, extending back approximately 110 metres from the public road. The majority of the site is laid out in hardstanding.</p> <p>The northern boundary is comprised primarily of an existing hedgerow/tree line located at the southern end of Shanes Court. On the same plain, the boundary between the site and the rear garden of No.9 Shanes Court is delineated by timber fencing. The buildings associated with the applicant's ongoing business, form the southern boundary of the site, which is otherwise undefined by any distinguishable features. A small workshop, which adjoins the aforementioned buildings, is located in the south-eastern corner of the site.</p> <p>Access to the site is taken via the existing access between Nos. 10 and 16 Shanes Street.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2017/1012/O Location: Lands to the rear of 10 through to 16 Shane Street, Randalstown,</p> <p>Proposal: Site of proposed new store/show room, assembly building with additional</p>	

parking, lorry turning facilities and alterations/upgrade to the existing site access  
Decision: Permission Granted (20/02/2019)

Planning Reference: LA03/2019/0617/F

Location: Lands to the rear of 10 through to 16 Shane Street, Randalstown,  
Proposal: Site of proposed new store/show room, assembly building with additional parking, lorry turning facilities and alterations/upgrade to the existing site access  
Decision: Permission Granted (02/03/2020)

Planning Reference: LA03/2022/0473/F

Location: 10-18 Shane Street, Randalstown  
Proposal: Proposed new open canopy covered area  
Decision: Permission Granted (29/07/2022)

Planning Reference: LA03/2022/1045/A

Location: To the rear of 10-16 Shanes Street, Randalstown, BT41 2AD  
Proposal: Illuminated LED signage on warehouse  
Decision: Consent Granted (16/01/2023)

## **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 development limit of Randalstown and within Randalstown Conservation Area.

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

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

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

### **CONSULTATION**

**Environmental Health Section:** Refusal recommended

### **REPRESENTATION**

Twenty (20) neighbouring properties were notified of the application and one (1) letter of objection has been received from one notified property.

The full representation made regarding the proposal are available to view on the Planning Portal (<https://planningregister.planningssystemni.gov.uk/simple-search>). The issues raised in the representation have been considered as part of the assessment of this application.

A summary of the key points of the objections raised are provided below:

- Increase in noise; and
- Visual amenity

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

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

- Policy Context and Principle of Development
- Conditions to be Varied

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

Section 54 of the 2011 Act applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. On receipt of such an application, the Council may only consider the question of the conditions subject to which planning permission should be granted and it cannot revisit the principle of the development granted previously. The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the current application.

The principle of development has been established on the site under planning application Ref: LA03/2019/0617/F which was approved on 2<sup>nd</sup> March 2020 for a proposed new store/showroom/assembly building with additional parking/lorry turning facilities and alterations/upgrade to the existing site access. As the current application seeks to remove and vary certain conditions attached to this permission, the principle of development cannot be revisited. Consideration will be given to the proposed variation and removal of the conditions imposed on the previous approval and whether the removal and variation of the conditions are considered to be acceptable.

#### **Conditions to be Varied and Removed**

The purpose of this application is to vary conditions 2 & 3 relating to landscaping and remove conditions 4, 7, 14 & 15 relating to noise from planning approval Ref:

LA03/2019/0617. Supplementing the application is a site location plan and landscaping plan, Drawing Numbers 01 and 02 respectively and a Statement of Case and a Noise Impact Assessment, Documents 01 and 02 respectively, all date stamped 15th September 2023. An additional supporting statement, Document 03, date stamped 26th October 2023 was submitted. It is important to note that the Noise Impact Assessment and subsequent addendum were submitted with the original application and included predicted impacts and mitigation measures. There has been no updated noise information submitted which was not before the Council when it made its original decision.

#### Landscaping Conditions to be Varied

Condition 2 states:

"The existing hedgerow and vegetation along the northern and eastern boundaries of the site as indicated on Drawing No. 03/2 bearing the date stamp 8th January 2020 shall be retained at a minimum height of 4 metres and shall be allowed to grow on or as agreed in writing with the Council."

Reason: In the interests of residential amenity."

Condition 3 states:

"The proposed landscaping indicated on Drawing No. 03/2 bearing the date stamp 8th January 2020 shall be carried out within the first planting season following the completion of the development hereby approved and shall be retained in perpetuity at a minimum height of 2 metres of hedging and 4 metres for trees unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

Reason: In the interest of residential amenity."

The applicant seeks to vary conditions 2 and 3 to accurately reflect the existing vegetation on site along with alterations to the proposed landscaping.

In order to vary conditions 2 and 3 an amended site plan has been submitted which shows the existing vegetation and proposed landscaping, Drawing Number 02, date stamped 15th September 2023.

Conditions 2 and 3 were attached to the original approval in the interests of residential amenity. Whilst it is accepted that the application site benefits from dense vegetation to the southern boundary, the case officers report for the core permission (Ref: LA03/2019/0617/F) refers to the acoustic wall to the southeast of the site. To reduce the visual impact of this wall on Nos. 64 and 65 Beechmount Park, it was considered appropriate to provide additional proposed hedging and planting behind the acoustic wall.

Furthermore, Drawing 02, date stamped 15th September 2023, does not show any details of the proposed landscaping, instead it notes that any gaps within the existing boundary will be augmented with further landscaping. This is not considered to be acceptable as details of the proposed planting including species and location would be required to be detailed on this plan. One (1) letter of objection raised concerns that the lack of planting along the north-western boundary provides an unacceptable level of screening.

### Noise Conditions to be Removed

Condition 4 states:

"The roller shutter doors positioned on the western facade and the south-eastern facade of the new store, showroom, and assembly areas, shall remain in the closed position, except when used for access or egress.

Reason: In order to protect amenity at nearby residential properties."

The applicant seeks to remove condition 4 on the basis that the condition is unreasonable given the nature of the business and its requirements.

Condition 7 states:

"Prior to development hereby permitted becoming operational, an acoustic barrier of 2.5m, shall be erected in the position shown Drawing No. 03/2 bearing the date stamp 8th January 2020. The barrier shall have a surface weight of not less than 15kg/m<sup>2</sup>, be of solid construction (i.e. no holes or gaps for sound to pass through), and so if it is a fence it should be of the ship-lapped design.

Reason: In order to protect amenity at nearby residential properties."

The applicant seeks to remove condition 7 on the basis that the condition prohibits access for NI Water and states that it is impossible to provide this barrier to the southeast portion of the site.

Condition 14 states:

"There shall be no external storage or display of materials on the site.

Reason: In the interests of the amenity of the surrounding area."

The applicant seeks to remove condition 14 on the basis that the condition inhibits the nature of the business on site which was in place prior to the grant of this planning permission.

Condition 15 states:

"All storage, loading and unloading of vehicle activity associated with the development hereby approved shall take place internally.

Reason: In the interests of the amenity of the surrounding area."

The applicant seeks to remove condition 15 on the basis that the condition inhibits the nature of the business on site which was in place prior to the grant of this planning permission. The agent argues that the condition could be unenforceable as the existing business activities and workshops existed prior to the approval of this development.

In order to remove conditions 4, 7, 14 and 15 from planning approval Ref: LA03/2019/0617/F, a Statement of Case and Noise Impact Assessment, Documents 01 and 02 respectively, date stamped 15th September 2023 were submitted. An additional supporting statement, Document 03, date stamped 26th October 2023 has been received.

The Council's Environmental Health Section (EHS) were consulted on this application in relation to the removal of conditions 4, 7, 14 and 15. The reason for stipulating these conditions on the original application related to neighbour amenity and in order to ensure that there was not an unacceptable impact by way of noise on surrounding residential properties. The removal of these conditions would mean that there would be no control measures in place to mitigate against noise pollution. Within the case officers report for the core permission, (Ref: LA03/2019/0617/F), it is stated that the conditions imposed on the decision notice in relation to roller shutter doors, the acoustic wall, noise levels and planting are necessary to mitigate potential impacts on amenity and to alleviate a number of concerns raised by surrounding residents. One (1) letter of objection raised concerns regarding the proposed removal of the above conditions stating that this would lead to an unacceptable level of noise.

The Noise Assessment states that there will be a low noise impact subject to the roller shutter doors being kept closed when there are noisy operations within the building; and that the rear pedestrian door must be fitted with acoustic compression seals, and kept closed when there are noisy operations within the store'. The report stated that due to the potential noise impact, these mitigation measures were deemed necessary. The mitigation proposed was the acoustic barrier and a thermal acoustic roller door. The acoustic reports rely on doors being kept closed when there are noisy operations within the building. If allowed to be left open, the noise levels could be significant.

The applicant states within their statement of case for removal of condition 4, that the new buildings will be used primarily for storage. The plans show that there is a large assembly area and the acoustic reports note that the assembly operation will be a noisy process. The statement of case for the removal of condition 4 also states that 'the noise report commissioned shows there is no adverse effect on the surrounding area'. The Noise Impact Assessment submitted indicated that an adverse impact was likely, and therefore mitigation was necessary.

The statement of case for removing condition 7 states that it is impossible to provide an acoustic barrier due to a water main traversing the site as NI Water require access. The acoustic barrier was proposed by the applicant's acoustic consultant as part of the mitigation measures in order to protect amenity at nearby sensitive receptors and is therefore required.

Should NI Water require access at the specific point where the barrier should be located rather than via manholes for access, then the applicant may wish to consider fitting a gate at this location with the same acoustic properties as the barrier so that access can still be provided. Any acoustic gate will require to be kept closed other than when NI Water require access.

With regards to conditions 14 and 15, the concern is that noise is generated by way of plant used to move materials, such as with loading and unloading activities. Document Number 02 within its introduction states, 'Whilst the application is for additional parking and lorry turning facilities, these operations already occur, and they will not change as part of the Planning Application'. Loading and unloading activities are not discussed.

In the Environmental Health response dated 31 January 2020 under planning approval Ref: LA03/2019/0617/F, it was noted that loading/unloading activities and vehicle movements and the level of impact upon the most proximate properties at Shane's Court had not been assessed.

It is therefore considered that conditions 14 and 15 being removed without an assessment of these activities and their impact on nearby sensitive receptors is not acceptable.

Submitted Document Number 04 is an email from Slemish Design Studio Architects stating that 'the last Noise Impact Assessment report is still concurrent with the current site'. The email also states that, 'In fact, the situation has actually been improved with the addition of the recently approved canopy covered area to the neighbouring boundary to add more protection.' However, no comment has been provided by an acoustic consultant to support this claim and this structure was not included within any Noise Impact Assessment submitted.

No comment has been provided by the acoustic consultant to substantiate any of the claims made in the statement of case which appears to misinterpret the acoustic consultant's comments made in Document Numbers 02 and 03. The acoustic reports rely on doors being kept closed when there are noisy operations within the building.

It is therefore considered that the removal of conditions 4, 7, 14 & 15 of approval Ref: LA03/2019/0617/F is unacceptable as they protect amenity at nearby sensitive receptors. Without the inclusion of these conditions amenity at nearby sensitive receptors will be adversely impacted by noise from the permitted development.

On this basis, it is considered that the variation of conditions 2 and 4 and removal of conditions 4, 7, 14 and 15 is unacceptable as it would have an unacceptable impact on neighbour amenity by way of noise and visual impact.

#### **CONCLUSION**

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

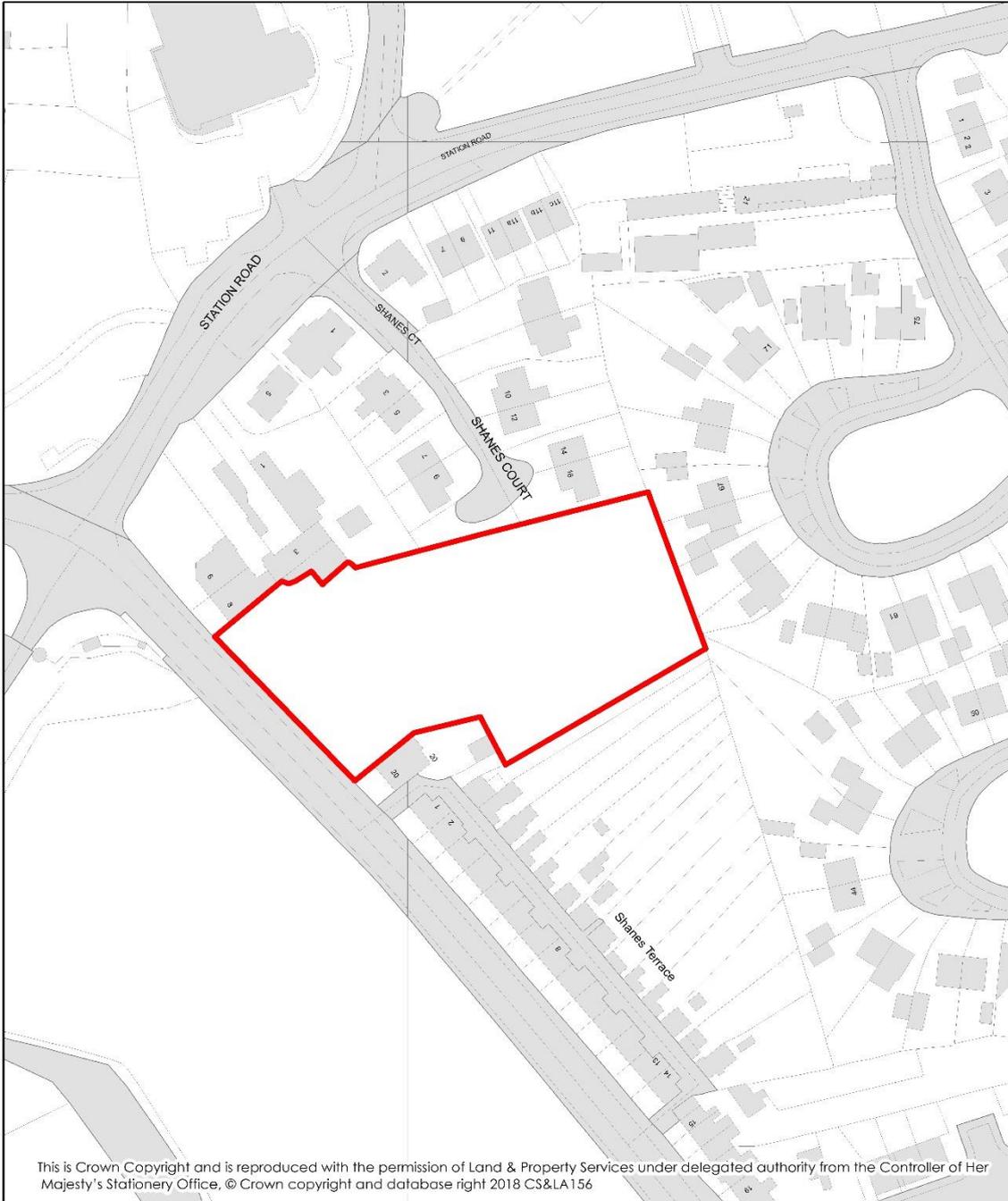
- The principle of the development has been established through planning permission Ref: LA03/2019/0617/F; and
- It is considered that the variation and removal of conditions from planning permission Ref: LA03/2019/0617/F is unacceptable.

#### **RECOMMENDATION**

#### **REFUSE PLANNING PERMISSION**

#### **PROPOSED REASON FOR REFUSAL:**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 7, Quality Residential Environments, in that it has not been demonstrated that the development, if permitted, would not have a detrimental impact on neighbour amenity by way of noise and visual impact.



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### Site Location Plan



Site boundary



Application Reference: LA03/2023/0685/S54

Location: 16 Shanes Street, Randalstown, BT41 2AD

Proposal; Proposed new store/showroom/assembly building with additional parking /lorry turning facilities and alterations/upgrade to the existing site access (Variation of Conditions 2 & 3 and removal of Conditions 4, 7, 14 & 15 from approval LA03/2019/0617/F)



<b>COMMITTEE ITEM</b>	<b>4.5</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0675/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>	Proposed site of dwelling in existing cluster
<b>SITE/LOCATION</b>	50m NE of 45 Holestone Road, Doagh, Ballyclare, BT39 0TJ
<b>APPLICANT</b>	Brian McCalmont
<b>AGENT</b>	Robert Logan Chartered Architect
<b>LAST SITE VISIT</b>	31st October 2023
<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>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located adjacent to and northeast of No. 45 Holestone Road, Doagh. The site is within the countryside and lies outside the development limits of any settlement defined in the Antrim Area Plan 1984-2001.</p> <p>The site comprises a triangular shaped portion of land, located at the junction of a private laneway and the Holestone Road. The topography of the site rises in a north-easterly direction. The south-eastern boundary (along the Holestone Road) is defined by post and wire fencing and a number of semi-mature trees. The north-western boundary is defined by an existing mature hedgerow. An existing outbuilding is located within the site along the south-western boundary and a polytunnel is located in the centre of the site.</p> <p>The application site is located within the countryside whereby dwellings and agricultural outbuildings are typically spread intermittently throughout, however, there is a grouping of residential properties located in the immediate vicinity of the site to the southeast and northwest.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/1999/0396  Proposal: Site of Dwelling  Location: Adjacent to 45 Holestone Road, Doagh  Decision: Permission Refused 30th July 1999</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 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>	

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

#### **CONSULTATION**

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

**Northern Ireland Water** – No Objection

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

#### **REPRESENTATION**

Five (5) neighbouring properties were notified of the application and two (2) representations have been received from two (2) properties.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningssystemni.gov.uk> and the Council's website, under additional information.

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

- Query in relation to the location of the access;
- Request for confirmation that the existing field gate will not be used to access the site;
- Additional housing may increase flood risk;
- Increase in traffic and potential damage to the laneway during the construction phase of development; and
- A new dwelling on the site would obstruct views.

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

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

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity

- Access 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 countryside outside any development limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is for a new dwelling in an existing cluster in accordance with Policy CTY 2a.

Policy CTY 2a states that planning permission will be granted subject to a number of criteria being met. In this case, the application site is a triangular portion of land that lies at the junction of a private shared laneway and the Holestone Road. When viewing the application site from an aerial perspective as evident on the Site Location Plan, Drawing No. 01 date stamped 13<sup>th</sup> September 2023, it is apparent that there are a number of buildings adjacent to and in close proximity to the application site.

The aerial image gives the impression that a cluster of development may exist close to the application site. The policy however, requires that the cluster of development appears as a visual entity in the local landscape. The cluster as outlined on the Diagrammatical Layout, Drawing No. 03 date stamped 13<sup>th</sup> September 2023, includes a large number of buildings to the northwest of the application site. When travelling along the Holestone Road (and passing the site) there is little visual appreciation of the majority of these buildings. Some of the development, which includes the car

sales business (RR Cars) and a number of other dwellings are also accessed from the Ballymena Road and are spatially removed from the application site. Although some of the buildings on the Holestone Road are also visible when travelling along the Ballymena Road, views of these are fleeting, distant and do not give the impression of a consolidated cluster of development.

Given that there is limited public perception or awareness of an established cluster of development and a lack of a sense of a 'build up' of development on the ground it is considered that the proposed cluster does not appear as a visual entity in the landscape and thus fails to meet the policy requirements in this regard.

Policy CTY 2a also requires that the 'cluster' is associated with a focal point such as a social/community building or is located at a crossroads. In this case, the application site is located at a junction of a private laneway and the Holestone Road. Although it is located at the head of an unusual shaped junction, this junction is not as prominent as a crossroads and does not in itself act as a feature that development has naturally consolidated around. The Diagrammatical Layout, Drawing No. 03, highlights a car sales business (RR Cars) as being buildings associated with a non-residential use. This is a business use and not a social or community provision that could be considered a focal point within a cluster. The proposal therefore also fails to comply with this criterion of Policy CTY 2a.

Furthermore, given the location of the site positioned forward of the existing development at No. 33 and to the northeast of No. 45 it is considered that the application site is not consolidating or rounding off and is rather extending the built form into the open countryside. This would be detrimental to the rural character of the area and would not align with the policy provisions provided in Policy CTY 2a.

Although the application site is technically bound on two sides by existing development in the proposed cluster, it is considered that the site would not be suitably enclosed as per the intentions of Policy CTY 2a. The site would rather appear open and exposed to public view, which as well as appearing to visually intrude into the open countryside would also give rise to concerns in relation to residential amenity.

Although it has been indicated that the site is to be assessed against Policy CTY 2a, the proposal has also been considered against all other potentially relevant policies for residential development in the countryside and it does not appear to meet any other policy criteria.

The proposal is therefore contrary to the provisions contained in the Strategic Planning Policy Statement, Policy CTY 2a and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal fails to comply with the policy provisions for new development in existing clusters and there are no other overriding reasons why this development is essential in this rural location and could not be located within a settlement.

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

All dwellings in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires that a dwelling in the countryside will not be prominent in the

landscape and will integrate into its surroundings, whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

Given that the application is for outline planning permission no details in relation to design have been provided. It is however considered that a suitably designed dwelling with associated landscaping could integrate on site. As discussed above, given that the application site does not meet the policy requirements of Policy CTY 2a it is considered that a dwelling on site would result in a suburban style build up and extend a linear form of development along the Holestone Road. This unnecessary build-up of development would be detrimental to the rural character expressed in the area and is thus contrary to Policy CTY 14.

### **Neighbour Amenity**

Given that the application seeks outline planning permission, no specific details of the proposal have been provided. It is considered that with appropriate siting, orientation and layout of the proposal, in combination with proposed new landscaping and separation distances, a dwelling could be accommodated within the application site without negatively impacting upon the amenity experienced at other nearby neighbouring properties.

Concerns have been raised from a neighbouring property (No. 33) in relation to a new dwelling on the site causing an obstruction to their view of the open countryside. The neighbours view is not restricted by the proposed development, instead it is a change of view from that which exists at present and it is not considered that the change of view is detrimental to the outlook of the existing dwellings. In any case the potential impact of a proposed development on private views is not generally viewed as a material planning consideration. Private individuals do not have a right to a view and even if a new development changes a view from a private property, this is not normally sufficient grounds to withhold planning permission.

Additionally, this dwelling is located approximately 35 metres from the application site which provides ample distance to ensure there would be no direct amenity impacts on the occupiers of this dwelling by way of overlooking, overshadowing or dominance.

### **Access and Parking**

DfI Roads have been consulted in relation to the development proposal and have offered no objection to the proposal subject to a condition being attached to any forthcoming planning approval. It is noted that the proposed access is to be a new access taken off the main Holestone Road.

Any matters in relation to traffic or disruption caused during the construction phase of the development will be managed appropriately by the developer.

### **Other Matters**

In relation to concerns that the proposed dwelling may increase flood risk, the application site lies outside of any areas prone to flooding as detailed on the Northern Ireland Flood Maps. Responsibilities in relation to any drainage issues on site will fall to the developer.

**CONCLUSION**

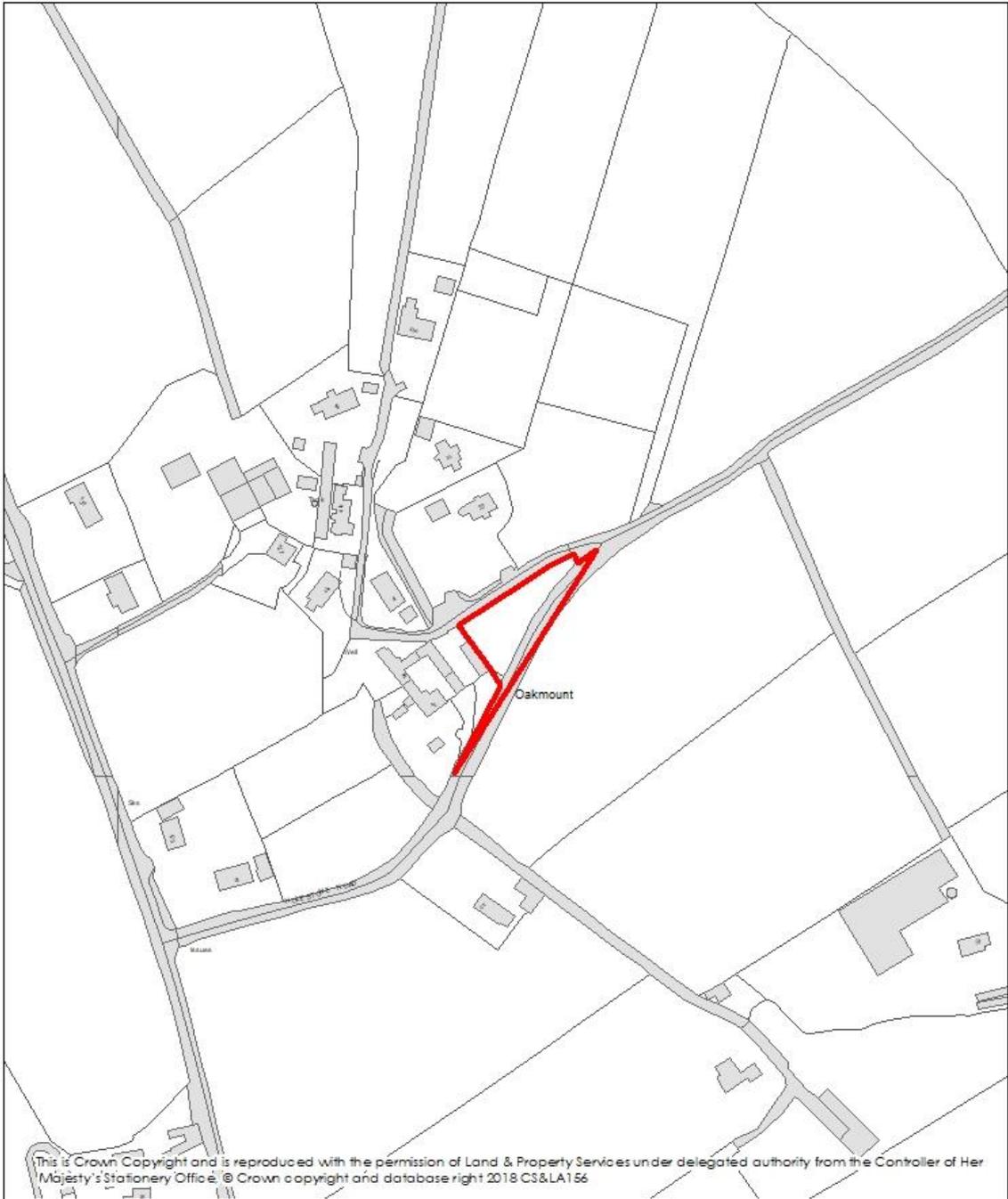
The following is a summary of the main reasons for the recommendation:

- The principle of the development has not been established in accordance with the policy provisions of Policy CTY2a;
- The proposal would result in a detrimental impact on the character of the area;
- It is considered that an appropriately designed dwelling on the application site would not compromise the amenity of neighbouring occupiers.

**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 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and fails to meet the provisions for a new dwelling in an existing cluster in accordance with Policy CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the cluster does not appear as a visual entity in the local landscape; is not associated with a focal point; does not provide a suitable degree of enclosure and would visually intrude into the open countryside.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal, if permitted, will result in a suburban style build- up of development that extends into the open countryside when viewed with existing buildings.



**Site Location Plan**

Application Reference: LA03/2023/0675/O

Location: 50m NE of 45 Holestone Road, Doagh,  
Ballyclare, BT39 0TJ

Proposal: Proposed site of dwelling in existing cluster



Site boundary



<b>COMMITTEE ITEM</b>	<b>4.6</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0699/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>	Replacement dwelling and garage
<b>SITE/LOCATION</b>	50M north of 110A Oldstone Road, Antrim, BT41 4SP
<b>APPLICANT</b>	Geoff Hall
<b>AGENT</b>	Park Design Associates
<b>LAST SITE VISIT</b>	17th October 2023
<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>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located directly to the north of the dwelling at No. 110A Oldstone Road, Antrim, within the countryside and outside the development limits of any settlement as defined by the Antrim Area Plan 1984-2001.</p> <p>The site lies between the abandoned part of the Oldstone Road to the east and the new Oldstone Road to the west and comprises a mobile home within a portion of an existing field. The mobile home is located in the south-western corner of the site and has a small outdoor amenity area, which is enclosed with wooden picket style fencing. The site's western boundary runs parallel to the Oldstone Road and is defined by mature vegetation at a height in excess of 8 metres. The northern boundary is defined with post and wire fencing, whilst the eastern and southern boundaries are defined with various types of wooden fencing.</p> <p>The area in which the site is located is typically rural in character albeit it is adjacent to a busy transport route to Belfast International Airport.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2023/0170/CLEUD  Proposal: Mobile Home  Location: 40m north west of 110A Oldstone Road, Antrim  Decision: Permitted Development 21st July 2023.</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 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</p>	

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

#### **CONSULTATION**

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

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads**- No objection subject to meeting Protected Routes Policy for intensification of an existing access on to a Protected Route

**Belfast International Airport** – No objection

#### **REPRESENTATION**

Two (2) neighbouring properties were notified of the application and no objections have been received.

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

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

- Policy Context and Principle of Development
- Design, Layout and Appearance of the Area
- Neighbour Amenity
- Access and Parking

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is for a replacement dwelling in accordance with the policy provisions laid out under Policy CTY 3.

Policy CTY 3 states that 'Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling'. It goes on to state that 'Buildings designed and used for agricultural purposes, such as sheds or stores and buildings of temporary construction will not however be eligible for replacement under this policy'.

In this case, the building to be replaced appears as a typical prefabricated mobile home (caravan). The building is finished in green coloured corrugated material with white Upvc windows and doors. An oil tank is located directly adjacent to the subject building to the south and a wooden shed is located to the north.

It is noted that this mobile home avails of a Certificate of Lawfulness granted under application Ref: LA03/2023/0170/CLEUD, which demonstrates that the building has been in place in excess of 5 years and therefore is immune from enforcement action.

It is clear from the wording noted above that Policy CTY 3 does not intend for buildings of temporary construction, such as the subject building, to be eligible for replacement with a permanent dwelling. This is further supported by the phrasing of Policy CTY 3 in relation to the building being replaced having to display the essential characteristics of a dwelling and as a minimum have all external structural walls substantially intact. This wording is suggestive that the structure must be a building with conventionally built structural walls, rather than comprising a prefabricated structure such as a mobile home/caravan. This opinion has been previously supported by the Planning Appeals Commission (PAC) under Planning Appeal Reference 2013/A0047.

It is noted that Policy CTY 9 specifically relates to Residential Caravans and Mobile

Homes. However, this policy is intended to allow for the grant of temporary permission in exceptional circumstances for caravans and mobile homes and would not permit the replacement of such buildings.

In conclusion, given that the subject building is not a permanent building and one eligible for replacement in accordance with the policy provisions of Policy CTY 3, the principle of development for a replacement dwelling cannot be established.

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

All dwellings in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

Policy CTY 13 requires that a dwelling in the countryside will not be prominent in the landscape and will integrate into its surroundings, whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area. Policy CTY 3 also makes specific reference to ensuring that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building. As the application seeks outline planning permission, full and proper details to include, scale, siting and design have not been provided.

The application site is located immediately to the north of the dwelling and outbuildings associated with No. 110A Oldstone Road. As noted above the application site is enclosed to the west with a line of mature trees with a minimum height of 8 metres. There are no open views of the existing mobile home or application site when travelling along the Oldstone Road. Views are also restricted to the site when travelling along the Ballyrobin Road in a south-westerly direction given the presence of the outbuilding associated with No. 110A Oldstone Road.

Given the degree of enclosure surrounding the site and the limited public views of the site, it is considered that an appropriately designed single storey dwelling could be integrated into the surrounding rural environment.

Policy CTY 14 advises that a new building in the countryside will not be acceptable where it results in a suburban style build-up of development when viewed with existing and approved buildings or it creates or adds to a ribbon of development.

It is accepted that public views are limited to the application site, however, given that a dwelling on the application site would create a suburban style build up and extend an existing linear form of development northwards along the Oldstone Road and into the open countryside, it is considered that the proposal would be contrary to Policy CTY 14. If approved the ribbon of development would extend from No. 110 and include the dwelling at No. 110A Oldstone Road, its associated outbuilding and the proposed dwelling and garage.

Both the suburban style build up and the creation of ribbon development would have a detrimental impact on the existing rural character of the area and therefore the proposal is considered to be contrary to Policy CTY 14.

### **Neighbour Amenity**

Given that the application seeks outline planning permission, no specific details of the proposal have been provided. It is considered that with appropriate siting, orientation and layout of the proposal, in combination with proposed new landscaping and separation distances, a dwelling could likely be accommodated within the application site without negatively impacting upon the neighbouring amenity.

It is considered that there will be no detrimental impact to neighbour amenity by way of overshadowing, loss of light or dominance with the appropriate design, siting and layout at Reserved Matters stage if the application is considered acceptable.

### **Access and Parking**

The Ballyrobin Road is a Protected Route as outlined in Annex 1 – Consequential Amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking of PPS 21.

Policy AMP 3 Access to Protected Routes (Consequential Revision) advises that permission will only be granted for a development proposal involving access onto a Protected Route, where the proposal is for a replacement dwelling and the building to be replaced would meet the criteria set out in Policy CTY 3 of PPS 21 and there is an existing vehicular access onto the Protected Route.

DfI Roads has indicated that they have no objection to the proposal subject to it meeting the Protected Routes Policy for intensification of an existing access on to a Protected Route.

Given that the principle of a replacement dwelling has not been established in accordance with Policy CTY 3 the development does not qualify for consideration as an exception for the purposes of applying Policy AMP 3. The proposal is therefore considered contrary to Policy AMP 3 Access to Protected Routes (Consequential Revision) of Policy AMP 3 Access to Protected Routes.

### **CONCLUSION**

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

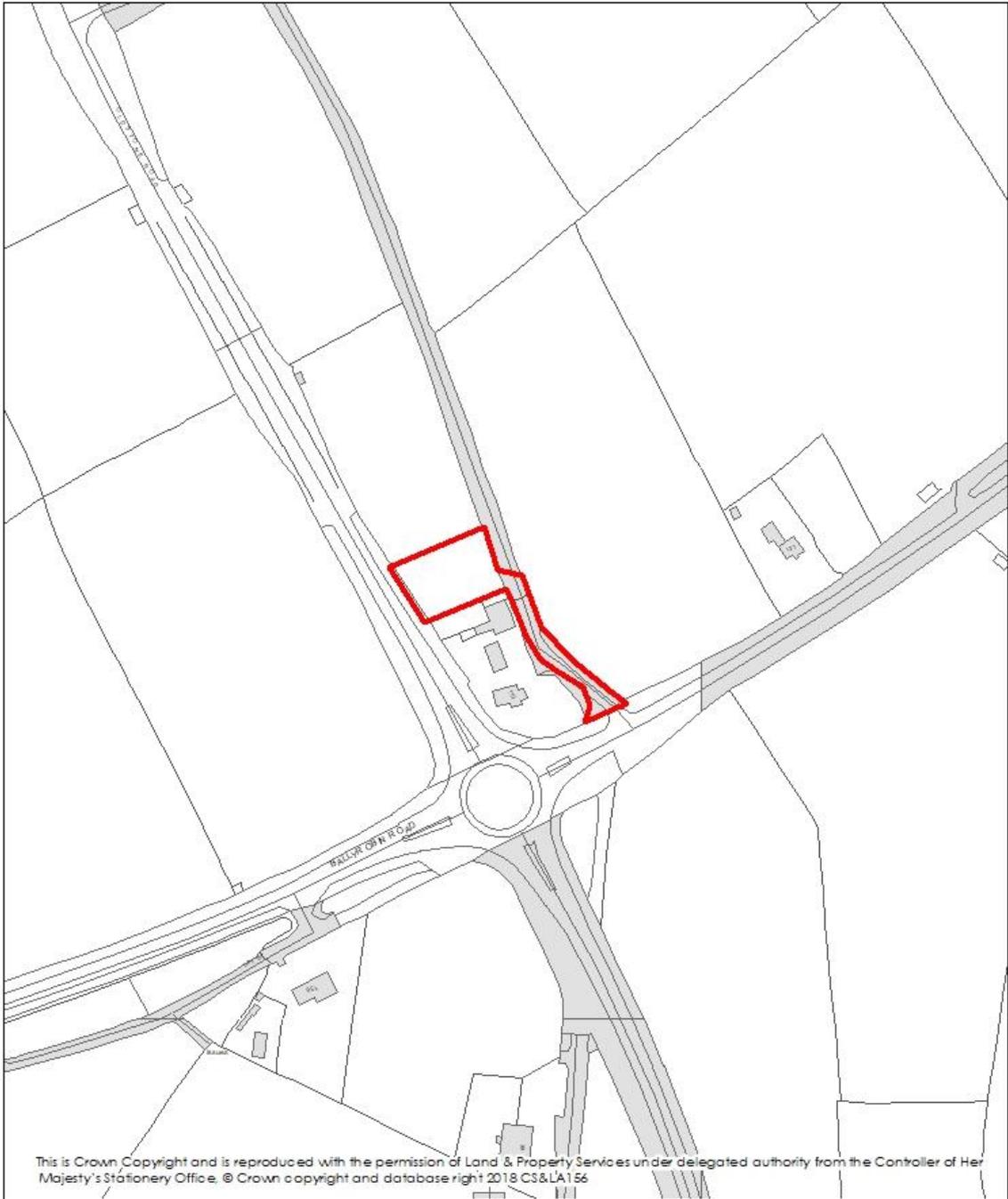
- The principle of the development has not been established in accordance with the policy provisions of Policy CTY 3;
- The proposal will create a ribbon of development and result in the suburban build-up of development when viewed with existing buildings, contrary to Policy CTY 14;
- The proposal would result in a detrimental impact on the character of the area;
- It is considered that an appropriately designed dwelling on the application site would not compromise the amenity of neighbouring occupiers; and
- The proposal involves the intensification of an existing access onto a protected route and does not fall into one of the exceptions for this outlined in Policy AMP 3.

**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 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and fails to meet the provisions for replacement dwelling in accordance with Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building to be replaced is of temporary construction and therefore not eligible for replacement.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal, if permitted, will result in ribbon of development, resulting in a suburban style build- up of development when viewed with the existing buildings along the Oldstone Road.
4. The proposal is contrary to the Strategic Planning Policy Statement and Policy AMP 3 of Planning Policy Statement 3, Access, Movement and Parking, in that the proposal does not meet the exceptions test for the intensification of an existing access on to a Protected Route.



**Site Location Plan**

Application Reference: LA03/2023/0699/O

Location: 50M north of 110A Oldstone Road, Antrim,  
BT41 4SP

Proposal; Replacement Dwelling and Garage



Site boundary



<b>COMMITTEE ITEM</b>	<b>4.7</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0713/F</b>
<b>DEA</b>	<b>MACEDON</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Retention of retaining wall, raised land levels to rear garden and proposed timber boundary fence
<b>SITE/LOCATION</b>	70 The Brackens, Newtownabbey, BT36 6SH
<b>APPLICANT</b>	Adrian Campbell
<b>AGENT</b>	JWA Design
<b>LAST SITE VISIT</b>	3rd November 2023
<b>CASE OFFICER</b>	Eleanor McCann Tel: 02890340422 Email: <a href="mailto:eleanor.mccann@antrimandnewtownabbey.gov.uk">eleanor.mccann@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="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 70 The Brackens, Newtownabbey, which is within the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and the draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The application site contains a detached two storey dwelling with an integral garage. The dwelling is finished in red facing brick and smooth render, white PVC windows and a black PVC door and black roller shutter garage door. There is a raised patio area approximately 1m in height to the rear of the dwelling. The topography of the site has a gradual decline of approximately 1m to the east at the front of the dwelling. The topography at the rear of the dwelling is relatively flat, as a result of the infilling of land. Amenity space is located to the north (rear) and west (side) of the dwelling and parking provision is located to the front (south).</p> <p>The application site abuts the neighbouring properties at Nos. 66 and 68 The Brackens to the north. The rear gardens of these properties sit approximately 1.5m below the existing ground level at the rear of the application site. The site abuts No. 72 The Brackens to the east, the rear garden of which sits approximately 1m below the existing rear ground level of the site. The application site also abuts a public footpath to the west.</p> <p>The northern, western and eastern site boundaries are defined by a 1.8m high close boarded timber fence. Along the northern and eastern boundaries the 1.8m high timber fence sits atop a retaining wall approximately 1.5m at its maximum height. The southern boundary is undefined. The surrounding area is predominantly residential, comprising similar house types and designs.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
There is no relevant or recent planning history.	
<b>PLANNING POLICY AND GUIDANCE</b>	
Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be	

taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, 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.

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

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

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

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

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 in respect of the development proposal.

#### **REPRESENTATION**

Five (5) neighbours were notified of the application and two (2) letters of representation were received.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk> and the Council's website, under additional information.

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

- Combined height of wall and fence is too high;

- Loss of sunlight;
- Feeling of enclosed space; and
- Unacceptable outlook.

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

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

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

The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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 relevant matters will be discussed below.

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

The application seeks retrospective planning permission for the retention of a retaining wall, the raising of land levels, the retention of a 1.8m high timber boundary fence along the northern and eastern boundaries to the rear of the property and the setting back of the timber fence along the western roadside boundary at No. 70 The Brackens.

The land levels to the rear garden have been raised by approximately 0.8m at the western boundary to a maximum of 1.5m at the eastern boundary, creating a flat topography. A retaining wall with a maximum height of 1.5 metres has been constructed to support the raised land levels with a 1.8 metre close-boarded timber fence atop. The retaining wall extends along the northern and eastern site boundaries, reinforcing the raised land levels.

The area of the development subject to the infilling of land measures approximately 15m in length, 22.6m in width and has a maximum depth of 1.5 metres. The 1.8 metre high timber fence extends along the northern and eastern boundaries atop the retaining wall. It is noted the fence also wraps around an existing electricity sub-station, which abuts the northern site boundary. At its highest point, the combined height of the 1.5m retaining wall and the 1.8m high close-boarded timber fence is 3.3m above the original ground levels. As stated above, the existing timber fence is to be relocated 0.8 metres in from the back of the footpath abutting the western site boundary with the area between the fence and footpath to be planted out with a semi-mature hedge.

The public footpath to the west of the application site is used for pedestrian movement and is classed as a public area. The 1.8m high fence abuts and extends along the footpath for a distance of approximately 15.5m. Previously a 1.8m high close boarded wooden fence extended alongside the footpath for approximately 11m and had a set-back width of between 0.5m and 1.8 metres from the back of the footpath. The current proposal includes moving the existing fence back 0.8 metres from the rear of the footpath and planting the area between it and the footpath with semi-mature hedging.

The use of a close boarded fence is usually considered unacceptable when bordering a public area as outlined in Paragraph A23 of APPS7 which states that 'Expanses of close-boarded fencing bordering public areas are visually unacceptable'. In addition, concrete pillars have been used to the rear of the timber fencing, to reinforce the fencing above the retaining walls. These are present along the shared boundaries with Nos. 66, 68 and 72 The Brackens. This is not a traditional material to use on boundary treatments within residential areas and can be viewed from the aforementioned neighbouring properties. The development is not considered acceptable in both design and in appearance as it is not sympathetic with the built form of a residential area as no other 3.3m high boundary treatments exist in the area.

In summary, the design and appearance of the development in respect of the fence and proposed landscaping along the footpath is considered unacceptable. The

majority of the fence is closer to the footpath than the original fence and extends the length of it by 4.5m. Also, the proposed semi-mature hedge that is intended to soften the impact of the boundary will take time to become established and will therefore result in an unacceptable visual impact on the character of the area.

Additionally, the scale and mass of the 1.5m high retaining wall with the 1.8m high close boarded wooden fence is considered unacceptable as a 3.3m high boundary treatment is unacceptable and unconventional in a residential setting and is not in keeping with the character of the surrounding area.

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

### **Neighbour Amenity**

Policy EXT 1 of the Addendum to Planning Policy Statement 7- Residential Extensions and Alterations states 'Planning permission will be granted for a proposal to extend or alter a residential property where the proposal does not unduly affect the privacy or amenity of neighbouring residents'.

Concerns were raised by two individual objectors in relation to the combined height of the fence and wall being too high and unsightly, the consequent reduction in light into their garden, making the garden feel enclosed and the overall impact on the enjoyment of their gardens.

The development bounds No. 68 and No. 66 The Brackens to the north. No negative impacts of dominance or loss of light are considered to significantly impact upon No. 68 The Brackens due to the existing mature boundary treatments at No. 68 which marginally extends above the height of the fence of the application site.

The development is considered to have a dominant impact on the property of No. 66 The Brackens. There is a difference in land levels between No. 66 and the application site of approximately 1.5m and a separation distance of 10m from the property to the shared boundary. The 3.3m height of the boundary wall and fence creates an overbearing impact on the existing property. The 3.3m high boundary treatment is also visible from the kitchen window of No. 66 The Brackens, which presents an unacceptable outlook. It also creates a hemmed-in effect and results in an unacceptable loss of light and overshadowing to this neighbouring property. Due to the pathway of the sun, an unacceptable loss of light and overshadowing would be experienced in the rear amenity space and kitchen of No. 66 The Brackens from midday until dusk.

The development is also considered to have a dominant impact on the neighbouring property at No. 72 The Brackens. The land levels at No. 72 The Brackens are between 0.5m and 1.5m below that of the application site. Due to the 3.3m height of the shared boundary, the development has a domineering and overbearing impact and results in the rear amenity space of No. 72 The Brackens being hemmed-in. Due to the pathway of the sun, an unacceptable loss of light and overshadowing would also be experienced at this property.

In summary, the impacts of dominance, loss of light and overshadowing to the neighbouring properties at No. 66 and No. 72 The Brackens is considered unacceptable and as such it is considered to be contrary to the policy provisions of Policy EXT 1 of the Addendum to Planning Policy Statement 7- Residential Extensions and Alterations.

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

It is considered that the development will not cause any unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality because there are no trees or other landscape features present where the proposal will be located.

**Amenity Space, Parking and Manoeuvring**

It is considered that sufficient space remains within the curtilage of the property for recreational and domestic purposes. The proposal does not impact upon parking provision.

**CONCLUSION**

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

- The principle of the development is unacceptable;
- The scale, massing, design and appearance of the development is considered unacceptable;
- The proposal will unduly affect the amenity of neighbouring properties by way of loss of light, overshadowing and dominance;
- The proposal does not cause the unacceptable loss of or damage to trees or other landscape features; and
- It is considered that sufficient amenity space remains within the curtilage of the dwelling.

**RECOMMENDATION**

**REFUSE PLANNING PERMISSION**

**PROPOSED REASONS OF REFUSAL**

1. The development is contrary to the provisions of the Strategic Planning Policy Statement and Policy EXT 1 of the Addendum to Planning Policy Statement 7- Residential Extensions and Alterations, in that the development will have an unacceptable impact on the amenity of neighbouring residents by way of loss of light, overshadowing and dominance.
2. The development is contrary to the provisions of the Strategic Planning Policy Statement and Policy EXT 1 of the Addendum to Planning Policy Statement 7- Residential Extensions and Alterations, in that the development is not sympathetic with the surrounding area and will detract from the appearance and character of the surrounding area.



Planning Application Reference: LA03/2023/0713/F

Location: 70 The Brackens, Newtownabbey

Proposal: Retention of retaining wall and raised land levels to rear garden and proposed relocation of timber boundary fence.

Scale: 1:1250 

 Site Location



<b>COMMITTEE ITEM</b>	<b>4.8</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0623/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE FULL PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Extension to site curtilage
<b>SITE/LOCATION</b>	23 Ashbourne, Newtownabbey, BT36 6SW
<b>APPLICANT</b>	Samuel Jameson
<b>AGENT</b>	Simon Houston
<b>LAST SITE VISIT</b>	9th October 2023
<b>CASE OFFICER</b>	Eleanor McCann Tel: 02890340422 Email: <a href="mailto:eleanor.mccann@antrimandnewtownabbey.gov.uk">eleanor.mccann@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="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 23 Ashbourne, Newtownabbey, within the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and Draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The application site contains a detached two storey dwelling and a detached single storey garage. The dwelling is finished in red facing brick, white PVC windows, a black PVC door and concrete roof tiles. The garage is finished in metal sheeting with a black PVC door and a black roller shutter garage door. The topography of the site has a gradual slope to the northeast and sits approximately 0.5m lower than No. 21 Ashbourne. Private amenity space for the dwelling exists to the southeast (rear) and parking provision is located along the south-western gable.</p> <p>The extension to the residential curtilage of No. 23 Ashbourne, encompasses an existing garage, which does not appear to benefit from the previous grant of planning permission. The south-western and north-western site boundaries to the front of the property, are otherwise undefined. The area to which the extension to the curtilage applies is finished in asphalt. There is a 2m high wall finished in red facing brick extending from the front building line of the existing dwelling to the south-eastern site boundary. The north-eastern and south-eastern site boundaries are defined by a mature hedgerow, approximately 2m in height. The south-western common boundary with No. 21 Ashbourne is defined by a close boarded timber fence approximately 1m in height. A garden shed is located to the rear of the south-western building line of the dwelling.</p> <p>The surrounding area is predominantly residential, comprising similar house types and designs.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
Planning Reference: LA03/2023/0050/F Location: 23 Ashbourne, Newtownabbey, BT36 6SW Proposal: Retention of prefabricated garage Decision: Invalid application (07/06/2023) Planning reference: LA03/2016/0485/F	

Location: Land adjacent to 19 Ashbourne, Newtownabbey, BT36 6SW  
Proposal: Proposed 2no. semi-detached dwellings and 2no. detached dwellings  
Decision: Approved (14/02/2017)

#### **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.

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

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

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

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

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

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.

PPS7 – Quality Residential Environments: sets out planning policy for achieving quality in new residential development and advises on the treatment of this issue in development plans. This PPS is supplemented by the Creating Places Design Guide.

## **CONSULTATION**

**DfI Roads** - objection

## **REPRESENTATION**

Three (3) neighbours were notified of the application and one (1) letter of representation was received but was subsequently withdrawn.

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

The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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:

- e) 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;
- f) the proposal does not unduly affect the privacy or amenity of neighbouring residents;

- g) 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
- h) 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 application seeks full planning permission for the retention of an extension to the curtilage of the existing dwelling at 23 Ashbourne. The extension to the site curtilage incorporates land immediately to the northeast. The area to be extended measures approximately 2.5m in width and 2.5m in length, which is an increase in site area of 6.25sqm and is therefore considered to be subordinate to the existing curtilage of the dwelling.

The subject lands will be visible from critical viewpoints on approach to the application site within the Ashbourne residential development. The proposed area is finished in asphalt and is an area previously allocated for two (2) car parking spaces within the residential development of four (4) dwellings at Nos. 21, 23, 42 and 44 Ashbourne, approved under planning application Ref: LA03/2016/0485/F. No boundary treatment has been proposed to enclose the area to be extended, therefore, it is considered that the proposal would not visually alter the character and appearance of the surrounding area or be unsympathetic to the built form of the existing property in this regard.

However, the loss of two (2) car parking spaces will inevitably result in on-street car parking, which can have a detrimental visual impact on *the character and appearance of an area and on the accessibility of existing pavements*. The application site is located at a turning head at the end of a cul-de-sac and as such the loss of the required visitor parking will result in cars being forced to park in front of existing dwellings to the west within the Ashbourne residential development. The on-street parking will result in traffic flows being restricted to one direction as well as having a detrimental impact on the character of the area.

In summary, the proposal is considered to be contrary to Policy EXT 1 of APPS7 as the proposal will have a detrimental impact on the surrounding context and will detract from the character or appearance of the surrounding area.

### **Neighbour Amenity**

It is considered that the proposed extension to the residential curtilage would not have a significant impact on the existing residential properties due to the size, scale and nature of the proposal. Overall, It is considered that the proposal will not have any significant detrimental amenity impacts on neighbouring properties by way of privacy, dominance, overshadowing and loss of light.

### **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 because there are no trees or other landscape features

present where the proposal will be located.

**Amenity Space, Parking and Manoeuvring**

DfI Roads was consulted in respect of the application and responded by stating that the land comprising the curtilage of No. 23 Ashbourne, was previously approved for communal visitor parking under planning application Ref: LA03/2016/0485/F (as referred to above) and the approval of the development proposal would result in sub-standard level of parking for the area. Policy AMP 7 of PPS 3 requires development proposals to provide adequate car parking provision and appropriate servicing arrangements. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

As previously stated, the said area was previously approved for visitor car parking. The required parking provision for the development approved under Ref: LA03/2016/0485/F, which includes the existing dwelling within the application site, is 10 parking spaces. Condition 2 of the development approved under Ref: LA03/2016/0485/F stipulated that no dwelling shall be occupied until hard surfaced areas have been constructed in accordance with the approved drawing, to provide adequate facilities for parking and circulating within the site. The condition also stated that no part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles, to ensure that adequate provision has been made for parking.

Additionally, DfI Roads stated that the parking provision and the road layout of the said development is sub-standard and would therefore require the service road to remain private. In addition to the 10 in-curtilage parking spaces provided for the 5 approved dwellings, there was also a requirement to provide an additional 3 on-street car parking spaces within the red line of the application site.

The proposed extension to the residential curtilage of No. 23 Ashbourne encroaches upon two designated car parking spaces leaving only 8 spaces serving the development for residents, visitors and service vehicles parking. This level of parking provision was previously considered to be sub-standard and would result in a total of five (5) on-street car parking spaces having to be facilitated within a restricted area, which is considered to be unacceptable. Consequently, the proposal is considered to be contrary to the policy provisions of Policy AMP 7 of PPS 3.

**CONCLUSION**

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

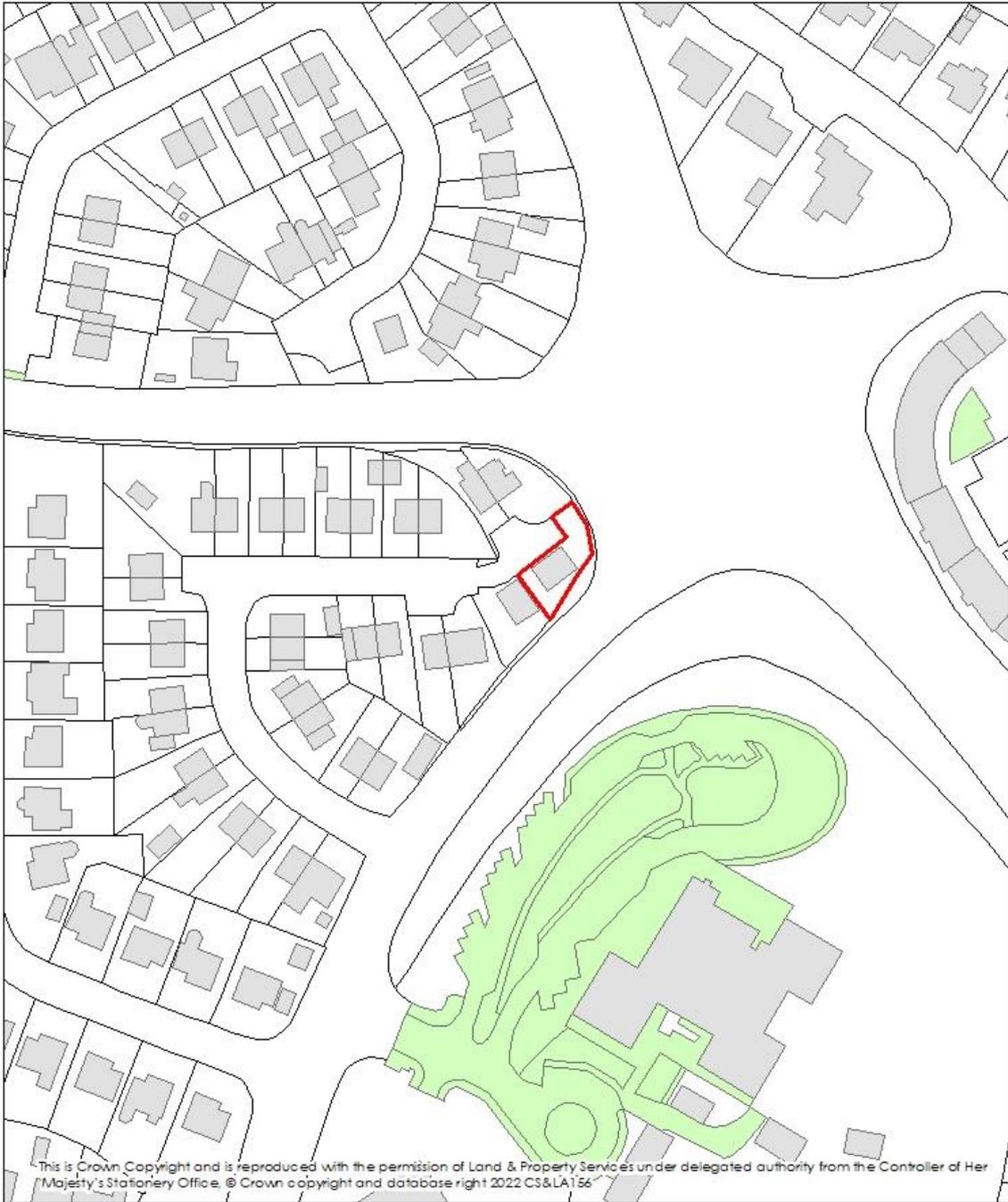
- The principle of the development is considered unacceptable as the proposed extension to the residential curtilage is incompatible with the previous approval for residential development approved under planning application Ref: LA03/2016/0485/F;
- The development proposal will result in inadequate parking provision for the residential development approved under Ref: LA03/2016/0485/F;
- The proposal will have a detrimental impact on the character and appearance of the surrounding area;
- The scale, mass and design of the proposal is considered acceptable; and
- There are no neighbour amenity concerns.

**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 AMP 7 of Planning Policy 3 Access, Movement and Parking and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential and Environmental Alterations in that the proposed development would result in the loss of designated visitor car parking spaces and the loss of the car parking spaces would have a detrimental impact on the character and appearance of the area.



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Planning Application Reference: LA03/2023/0623/F

Location: 23 Ashbourne, Newtownabbey

Proposal: Extension to site curtilage

Scale: 1:1250



Site Location



Antrim and  
Newtownabbey  
BOROUGH COUNCIL

**PART TWO**  
**OTHER PLANNING MATTERS**

## ITEM 4.9

### P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS NOVEMBER 2023

A list of planning decisions issued by Officers during November 2023 under delegated powers together with information relating to planning appeals is **enclosed** for Members' information.

Three (3) appeals were dismissed during November 2023 by the Planning Appeals Commission (PAC).

Planning application: LA03/2021/0990/F  
PAC reference: 2022/A0033  
Proposed Development: Proposed dwelling  
Location: Approximately 20m West of 42 Loughbeg Road, Toomebridge

A copy of the decision is **enclosed**.

Planning application: LA03/2022/0514/F  
PAC reference: 2022/A0165  
Proposed Development: Two single storey dwellings and associated garages  
Location: Land to the rear of 3 Bourlon Road, Antrim

A copy of the decision is also **enclosed**.

Planning application: LA03/2020/0348/O  
PAC reference: 2022/A0096  
Proposed Development: Proposed site for the erection of two (2) Class B2 light industrial units and associated parking (amended description)  
Location: 25m north of 8 Kilbegs Business Park, Kilbegs Road, Antrim

A copy of the decision is **enclosed**.

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

Prepared by: Nicola Boomer, Planning and Economic Development Business Support

Agreed by: Sharon Mossman, Deputy Director of Planning & Building Control

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

## ITEM 4.10

### P/PLAN/1 PROPOSAL OF APPLICATION NOTICES FOR MAJOR DEVELOPMENT NOVEMBER 2023

Prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks' notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). One (1) PAN was registered during November 2023 the details of which are set out below.

<b>PAN Reference:</b>	LA03/2023/0808/PAN
<b>Proposal:</b>	Erection of a class B3 general industrial unit with ancillary offices, parking and servicing areas, and landscaping.
<b>Location:</b>	Lands west of the B101 Nutts Corner to Dundrod Road, located 425m southeast of Nutts Corner Roundabout, (immediately south of Lidl Distribution Warehouse and north of Nutts Corner Business Park, and immediately west of No 10 Dundrod Road), Dundrod Road, Nutts Corner BT29 4SR
<b>Applicant:</b>	Ronan Hamill - Jans Holdings
<b>Date Received:</b>	03 November 2023
<b>12 week expiry:</b>	26 January 2024.

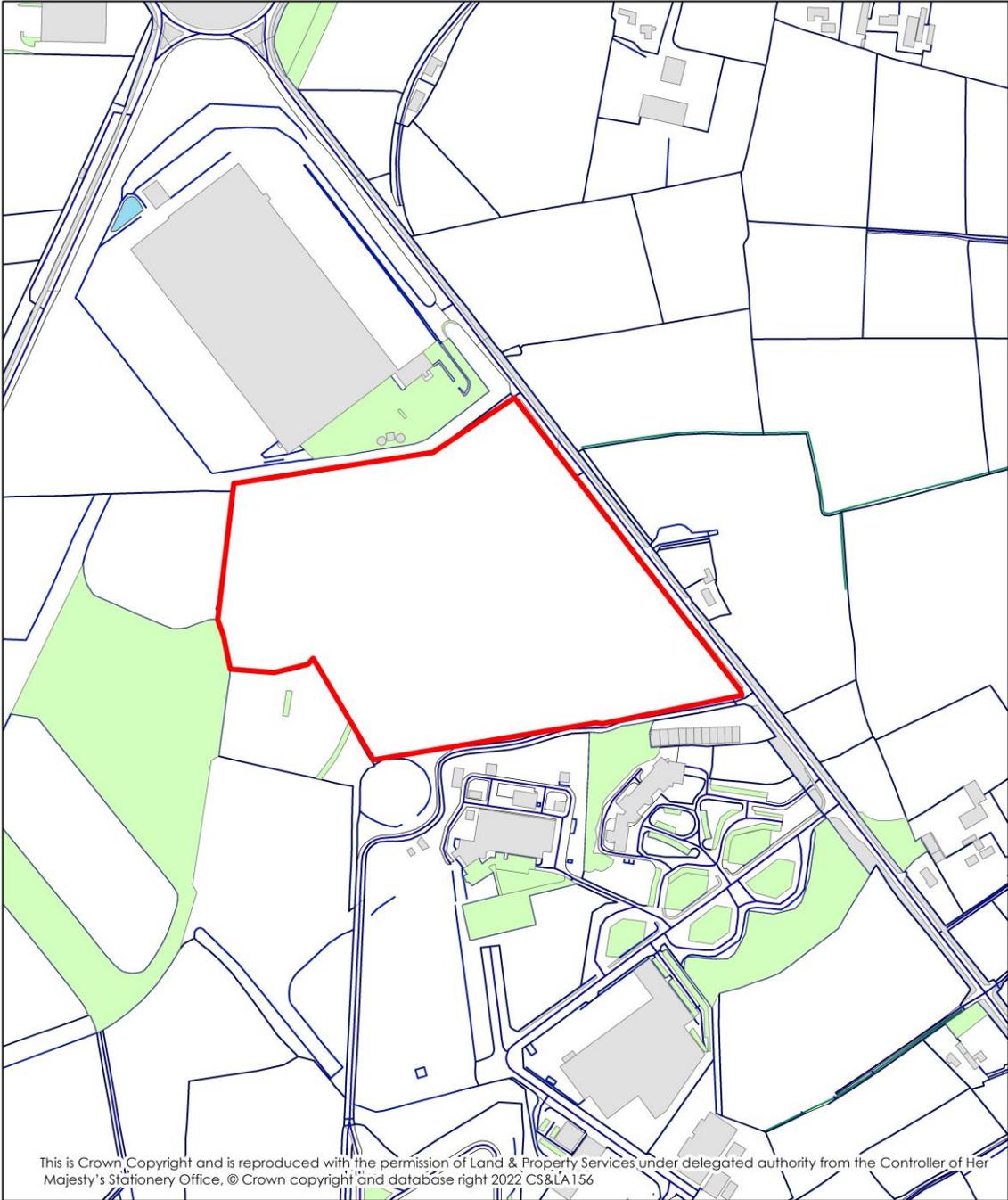
Under Section 27 of the 2011 Planning Act obligations are placed on the prospective developer to consult the community in advance of submitting a Major development planning application. Where, following the 12-week period set down in statute, an application is submitted this must be accompanied by a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

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

Prepared by: Nicola Boomer, Planning and Economic Development Business Support

Agreed by: Sharon Mossman, Deputy Director of Planning & Building Control

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



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Planning Application Reference: LA03/2023/0808/PAN  
 Location: Lands west of the B101 Nutts Corner to Dundrod Road, located 425m southeast of Nutts Corner Roundabout, (immediately south of Lidl Distribution Warehouse and north of Nutts Corner Business Park, and immediately west of No 10 Dundrod Road), Dundrod Road, Nutts Corner BT29 4SR  
 Proposal: Erection of a class B3 general industrial unit with ancillary offices, parking and servicing areas, and landscaping.

Scale: 1:1250 

 Site Location



## ITEM 4.11

### P/FP/LDP 1 LOCAL DEVELOPMENT PLAN UPDATE

Members are reminded that at the November 2023 Planning Committee, it was noted that, Planning Appeals Commission's (PAC) - Antrim and Newtownabbey Independent Examination (IE) Report has been in the possession of the Department for Infrastructure (DfI) for consideration since 4 October 2023. It was agreed that as the Council is keen to ensure the early release of the PAC's IE Report, Officers would correspond with the Departments' Ms. Susan Wilkin (Deputy Director, Strategic Planning Directorate), seeking clarity with regard to anticipated timelines for release of the IE Report and the wider adoption process.

Members are advised that the Department has declined to meet Officers to discuss this issue, and have advised that their plan oversight team is advancing its consideration of the report in respect of the Council's Draft Plan Strategy and that they will make contact "in due course" to discuss the next steps.

At this stage, and based on paragraphs 5.5-5.7 of the Department's Development Plan Practice Note 11 'Receipt of Independent Examination Report and Adoption of a Development Plan Document' (February 2023), the Council's Planning Section hope to be in possession of the IE Report by mid-December 2023 for 'fact checking' before a Direction is issued to the Council. Members are advised that whilst the timeframe for the Department's consideration is not prescribed, the Department's own guidance states that, "...the Department will liaise with the Council to provide an indication of when it's considered to be concluded". Whilst clarity has not been provided from the Department to date, once received, Members will be updated.

#### Preparedness for Adoption

It is intended to hold a workshop with Planning Committee Members to provide an overview of the adoption process and timeline. Under Section 12 of the 2011 Planning Act, the Department must consider the PAC's recommendations and direct the Council to adopt the Plan Strategy as originally prepared, adopt the Plan Strategy with such modifications as may be specified or withdraw the Plan Strategy. The Council will be required to comply with the Direction within the time period prescribed and in addition, in order to formally adopt the Plan Strategy, it must be adopted by resolution of the Council. The Council will also be required to update a number of documents in terms of accompanying assessments as part of this process, as well as undertake other procedural requirements.

It is the intention of Officers to engage with legal Counsel regarding adoption and a further update will be prepared in due course. Once the Plan Strategy is adopted, the current Departmental Planning Policy Statements will no longer apply within the Borough and the Council's Plan Strategy must be read alongside any remaining Departmental Plan. Where there is a conflict, the matter should be resolved in favour of the Council's Plan Strategy.

#### Draft Local Policies Plan

Members are reminded that various Draft Local Policies Plan work-streams continue to be progressed by the Forward Planning team. A procurement exercise will soon be issued for, (1) consideration of Strategic Housing matters, and (2) the availability

of Employment Land, at the five proposed Strategic Employment Locations (SELS) across the Borough.

Meanwhile, Officers continue to progress Strategic Landscape studies, and have recently commenced project meetings with the Council's appointed Ecologist and representatives from NIEA (DAERA – Countryside, Coast and Landscapes) with regard to consideration of Sites of Local Nature Conservation Importance (SLNCIs).

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

Prepared by: Simon Thompson, Local Development Plan and Enforcement Manager

Agreed by: Sharon Mossman, Deputy Director of Planning & Building Control

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

## **ITEM 4.12**

### **P/FP/LDP 1 LOCAL DEVELOPMENT PLAN – STEERING GROUP MINUTES**

The most recent meeting of the Local Development Plan Steering Group took place on 29 November 2023; a copy of the minutes is **enclosed**.

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

Prepared by: Simon Thompson, Local Development Plan and Enforcement Manager

Agreed by: Sharon Mossman, Deputy Director of Planning & Building Control

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

#### **ITEM 4.13**

##### **P/FP/LDP/85 'IMPROVING OUR MARINE LICENSING SYSTEM', DAERA STAKEHOLDER WORKSHOP EVENT**

Members are advised that an Officer from the Council's Planning Section attended a workshop organised by DAERA Marine Licensing Branch (Regulation and Enforcement, Environment, Marine & Fisheries Group) on 29 November 2023, hosted at Peatlands Park, Dungannon.

As the licensing authority for the Northern Ireland inshore region, DAERA Marine and Fisheries Division has been working on improvements to the current marine licensing system in Northern Ireland. These were shared with a range of statutory partners, agents and applicants, including the Council, in a workshop format. The event explored stakeholder's views on how the system can be enhanced to effectively deliver strategic projects to assist in addressing the climate change emergency through the Green Growth Strategy and the Climate Change Act.

The workshop involved discussions on: (1) the drivers for a Marine Licensing Improvement Plan, (2) improvements/enhancements to existing marine licensing processes; (3) the introduction of a more effective compliance regime, and (4) how best to fund an improved marine licensing system.

Members are advised that any forthcoming consultation documents received from DAERA regarding marine licensing will be shared with Members in due course.

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

Prepared by: Simon Thompson, Local Development Plan and Enforcement Manager

Agreed by: Sharon Mossman, Deputy Director of Planning & Building Control

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

## ITEM 4.14

### P/FP/LDP/96 UPDATE ON PLANNING APPLICATION REF: T/2014/0114/F

The former Department for Infrastructure (DfI) Minister, Ms Nicola Mallon, made a decision to refuse the Arc 21 planning application in relation to Hightown Quarry in March 2022. The decision was subsequently quashed in May 2022 by the High Court following a legal challenge. Officials within the Department for Infrastructure (in the absence of an Executive) indicated they would not be contesting the matter. The planning application currently sits with the Department for reconsideration

Clyde Shanks planning consultancy has recently submitted additional documentation to DfI Planning. The information submitted is available to view on the Planning Portal and includes a range of information including a planning statement and information relating to geology, ecology, landscape, noise etc.

The Planning Register also contains the following information:-

- Letter from DfI to Clyde Shanks advising that the information is available on the Planning Portal but that DfI does not consider it to be "Further Information" or any other Information in accordance with the "Planning (Environmental) Impact Assessment) Regulations (Northern Ireland ) 2017 and that there is no statutory requirement to publicise. The Department advises that consultation with relevant consultees will be undertaken.
- Further correspondence from DfI to Mr Shanks advising that "Further Environmental Information" is supplementary information which the Department believes is necessary to make an Environmental Statement comply with Regulation 11 of the EIA regulations and that no such request has been made. Substantive information relating to an Environmental Statement and submitted by an applicant (without a prior request under Regulation 21) may be considered as any other information. The Department advises the information submitted is not Further Environmental Information and that the additional information is available and accessible to the public.
- Correspondence following a meeting between Mr Shanks and the Department stating that the Departmental position is that the information is not "Further Information" or "any other information" for the purposes of the Planning (EIA) Regulations.
- Correspondence from Clyde Shanks providing an addendum to the Environmental Statement (Sept 2023) and a Planning Statement (Sept 2023 (enclosed)). Mr Shanks advises of the intention to place advertisements in 5 newspapers and that the documentation is available to inspect at Glengormley library.
- Further correspondence from DfI advising that the information is not "Further Information" under the EIA Regs, that the intent to advertise is of Mr Shanks's own violation, that DfI does not endorse this action and does not support the statements there in.

In addition, Mr Shanks has written to the Chief Executive on 13 November (copy enclosed), to notify of the Further Environmental Information which has been published in the local press and that written representations should be sent to the Strategic Planning Directorate within 30 days.

**RECOMMENDATION: that the Chief Executive writes to the Department for Infrastructure and the Arc 21 group for an update on this matter.**

Prepared by: Sharon Mossman, Deputy Director of Planning & Building Control

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

## **ITEM 4.15**

### **P/PLAN/1 PLANNING IMPROVEMENT PROGRAMME UPDATE**

Members will recall that a joint Planning Improvement Programme (PIP) is being taken forward by all 11 Councils and the Department for Infrastructure.

Alongside the Strategic PIP, Officers have prepared a draft Antrim and Newtownabbey Planning Improvement Programme for Members' consideration which will incorporate areas identified at the local level alongside the Strategic PIP with central government. This will include all work streams across the Council's Planning Section including Development Management, Enforcement and Local Development Plan.

It is intended to hold a workshop early in the new year to engage with Members on the draft document (which will be circulated in advance) and in particular to consider the roll out of a new validation checklist pilot in advance of the Department bringing forward legislative changes to strengthen the process of validation and the front loading of the system. An invite will be issued shortly to Members in relation to the proposed workshop.

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

Prepared by: Sharon Mossman, Deputy Director of Planning & Building Control

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