

COMMITTEE ITEM	3.16 Addendum
APPLICATION NO	LA03/2019/0574/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	GRANT PLANNING PERMISSION

PROPOSAL	Erection of portal frame shed for storage of engineering parts.
SITE/LOCATION	Newtownabbey Bus Depot, Glenville Industrial Estate, Newtownabbey
APPLICANT	Translink
AGENT	N/A
LAST SITE VISIT	2 nd August 2019
CASE OFFICER	Lindsey Zecevic Tel: 028 903 40214 Email: lindsey.zecevic@antrimandnewtownabbey.gov.uk

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Following the publication of the Committee report a further letter of objection was received which raised a number of additional issues which are addressed below.

Concern has been raised regarding the potential impact the proposal would have on property values on Glenville Road. The perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case, no specific or verifiable evidence has been submitted to indicate what effect this proposal is likely to have on property values. As a consequence there is no certainty that this would occur as a direct consequence of the proposed development nor is there any indication that such an effect would be long lasting or disproportionate. It is considered that this issue should not be afforded determining weight in the determination of this application.

The objection letter also raised concerns with the possible impact on human health, however no evidence to substantiate any perceived impact on human health has been presented. It should be noted that the application site is currently in use as a commercial facility. The proposal is for the erection of a storage shed for bus parts in association with the current ongoing use and no intensification of the existing use will occur as a result of this development. In addition, the Environmental Health Section of the Council was consulted on the proposal and have no objections to the proposal subject to conditions in relation to the hours of operation and the use of the building. It is therefore considered that the proposed development will not adversely impact residential amenity.

RECOMMENDATION :	GRANT PLANNING PERMISSION
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PROPOSED CONDITIONS

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

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

2. The portal framed shed hereby approved shall be used for storage purposes only.

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

3. No operations shall take place within the portal framed shed hereby approved outside the hours of 07:00 to 23:00 Monday to Sunday.

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

COMMITTEE ITEM	3.21 ADDENDUM
APPLICATION NO	LA03/2019/0379/F
DEA	AIRPORT
COMMITTEE INTEREST	ADDENDUM REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed use of existing building (unit 5) with associated outdoor storage area to east as storage and distribution (class B4) and retention of second building (Unit 3) to east for same use with associated parking and site works (retrospective)
SITE/LOCATION	Unit 5 The Auction Yard Ltd 50 Moira Road Nutts Corner BT29 4JL
APPLICANT	The Auction Yard Ltd
AGENT	Tony McCoey
LAST SITE VISIT	10 th June 2019
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Following the publication of the Committee report further information has been received from a planning consultant which contends that the application has some merit and should be deferred to allow for a meeting on the application to take place.</p> <p>The additional information submitted attempts through the use of some photographs and anecdotal evidence to establish that the application site and the wider complex known locally as the "Auction Yard" has some form of established use and the proposed use is consistent with those former uses.</p> <p>It is accepted that the large wagon roof building currently being occupied by Knights furniture is in existence for more than five years and is immune from enforcement action. The planning history of the site however, indicates that there is no lawfully established use which covers the existing buildings or yard. It is not the purpose of a planning application to establish the lawful use of the site. In <i>Saxby v Secretary of State for the Environment and Westminster City Council (1998)</i> it was established that the specific statutory scheme for the determination of lawful use or development was by application to the Council (or to the Commission on appeal) for the issue of a Certificate of Lawful Development (or Use) (LDC). In this case, there is no LDC in respect of the application site or the adjoining lands and as such, no use has been lawfully established. Accordingly, it cannot be concluded that the application site is part of any previous or present commercial enterprise.</p> <p>Any case put forward which attempts to establish a lawful use on the site cannot be given any weight in the determination of the planning application.</p>	

It was also argued within the belated submission that the use of a derelict building is consistent with the Antrim Area Plan which allows for the reuse of a building within the Nutts Corner area. While the Antrim Area Plan is of a considerable vintage, it does remain the extant LDP for the Nutts Corner area and must be given due weight and considered in the context of other material considerations including the Nutts Corner Policy Guidance Note, Planning Policy Statement Four Planning and Economic Development and Planning Policy Statement Twenty One Sustainable Development in the Countryside. In the first instance there is no support within the Antrim Area Plan or the Nutts Corner Policy Guidance Note which would allow for the intensification of use of an access onto the Moira Road which is a protected route and part of the trunk road network. The policy and guidance explicitly restricts any such proposals. In addition, the guidance note on Nutts Corner requires comprehensive landscaping to be provided, none of which is proposed as part of the application. More recently adopted planning policy publications, PPS4 & PPS21 place restrictions on the types of development which would be considered acceptable in the countryside and require comprehensive development proposals to be submitted for previously developed lands. These policy publications are not incompatible with the Antrim Area Plan, rather they add further requirements upon the developer to ensure the orderly and consistent use of land in the rural area. The application as presented does not meet with these requirements as outlined within the original Committee Report.

It is also stated that the use of the buildings for storage and distribution would be consistent with the emerging Local Development Plan (LDP) for the Borough, however, the LDP is not adopted and is not to be given any weight in the determination of planning applications until it is formally adopted.

Lastly, a review of the reasons for refusal has resulted in a redrafting of the second reason for refusal. The amendment seeks to clarify that the detrimental impact on the visual amenity of the area relates only to those buildings which are not immune from enforcement proceedings.

RECOMMENDATION :	REFUSE PLANNING PERMISSION
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PROPOSED REFUSAL REASONS

1. The proposal is contrary to the policy provisions of 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 policy provisions of the Strategic Planning Policy Statement and Policy PED 4 of Planning Policy Statement 4 'Planning and Economic Development', in that: the proposal fails to demonstrate any exceptional circumstances for storage or distribution to be located within this rural area; the scale and use of the buildings will harm the rural character of the local area; the redevelopment does not provide any environmental benefits; the redevelopment does not deal comprehensively with the full extent of the site; the additional buildings and use of land would have a detrimental impact on the visual amenity of the area.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 21 'Sustainable Development in the

Countryside, Annex 1, Policy AMP 3 'Access to Protected Routes (Consequential Revision)' in that it would, if permitted, result in intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

COMMITTEE ITEM	3.24 Addendum
APPLICATION NO	LA03/2019/0654/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed replacement dwelling and garage
SITE/LOCATION	Approx 60m west of 7 Tobergill Road, Templepatrick Ballyclare, Co Antrim
APPLICANT	Mr and Mrs K Flemming
AGENT	Robert Logan
LAST SITE VISIT	5 th September 2019
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
CONSULTATION	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Following the publication of the Planning Committee Report further additional information was submitted from the agent and a consultant architect which provided further discussion around their opinion that the building on site was formerly a dwelling. In support of their contention they point to splayed window jambs, built-in cabinetry, the presence of a fireplace at either end of the building and steeply pitched gables which would be characteristic of a former thatched roof and of vernacular buildings generally.</p> <p>Evidence that the building was formerly used as a dwelling is useful, however, it is not the core test laid out in policy. The core consideration for whether a replacement dwelling can be granted is whether the building presently exhibits the essential characteristics of a dwelling. The matters referred to in the supporting information will be presented through the use of photographs at the Committee meeting.</p>	
RECOMMENDATION :	REFUSE PLANNING PERMISSION
PROPOSED REASON OF REFUSAL	
<p>1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 3 of Planning Policy Statement 21; 'Sustainable Development in the Countryside' in that the building to be replaced does not exhibit the essential characteristics of a dwelling.</p>	