



16 January 2019

Committee Chair: Councillor H Cushinan  
Committee Vice-Chair: Alderman F Agnew  
Committee Members: Aldermen –T Campbell, J Smyth and R Swann  
Councillors –J Bingham, P Brett, D Hollis, R Lynch, M Magill,  
S Ross and W Webb

Dear Member

**MEETING OF THE PLANNING COMMITTEE**

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 21 January at 6.00pm.**

You are requested to attend.

Yours sincerely

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

Jacqui Dixon, BSc MBA  
**Chief Executive, Antrim & Newtownabbey Borough Council**

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

Tel: 028 9034 0098 / 028 9448 1301

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

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

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

## **PART ONE**

### **Decisions on Enforcement Cases – In Confidence**

- 3.1 Enforcement Case: LA03/2018/0041/CA - In Confidence

## **PART TWO**

### **Other Planning Matters – In Confidence**

- 3.2 Planning Enforcement Report 2018-19 - Quarter 2 - In Confidence

## **PART ONE**

### **Decisions on Planning Applications**

- 3.3 Planning Application No: LA03/2017/0925/O

Hotel and office development on lands to the North of Valley Leisure Centre, Church Road, Newtownabbey

- 3.4 Planning Application No: LA03/2018/0629/F

Proposed residential development of 124 No. dwellings (comprising 74 No. detached and 50 No. semi-detached dwellings) including garages, open space with equipped children's play area, landscaping and all associated site and access works on lands at the former Enkalon site to the NW of Enkalon Sports and Social Club and Steeple Burn watercourse SW of Enkalon Industrial Estate and NE of Plaskets Burn and Umry Gardens Randalstown Road Antrim

- 3.5 Planning Application No: LA03/2018/0548/F

Demolition of existing derelict garage buildings, with the erection of two number apartment blocks with two number, two bedroom apartments in each block, including the upgrading of Ladysmith Lane at 1-5 Ladysmith Lane, Carnmoney, Newtownabbey

- 3.6 Planning Application No: LA03/2018/0708/F  
Proposed change of use of existing unit to CrossFit/weightlifting gym and training facility with no external alterations at Unit A3, Fergusons Way, Kilbegs Business Park, Kilbegs Road, Antrim
- 3.7 Planning Application No: LA03/2018/0994/O  
Site for infill dwelling and garage on land 20 metres west of 378 Ballyclare Road, Newtownabbey
- 3.8 Planning Application No: LA03/2018/1020/O  
Proposed dwelling and garage on a farm on land approx. 100 metres Northeast of 73 Crosskennan Road
- 3.9 Planning Application No: LA03/2018/1033/A  
Trailer advert (Retrospective) on lands approximately 300m SE of 105 Moira Road, Glenavy
- 3.10 Planning Application No: LA03/2018/0788/TPO  
Fell 1 No. tree at 37 Abbeydene Manor, Newtownabbey

## **PART TWO**

### **Other Planning Matters**

- 3.11 Delegated planning decisions and appeals December 2018
- 3.12 Proposal of Application Notices
- 3.13 Service of Provisional TPO – Rush Park
- 3.14 Section 73 Discontinuance Order – Lidl at Junction One
- 3.15 Enforcement Powers to remove placards
- 3.16 Chief Planners Update – December 2018
- 3.17 Northern Ireland Planning Statistics 2018-19 Quarter 2
- 3.18 Local Development Plan Quarterly Update
- 3.19 Correspondence from DfI Belfast Metropolitan Transport Plan

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 21 JANUARY 2019**

**PART 1      DECISIONS ON ENFORCEMENT CASES – IN CONFIDENCE**

**PART 2      OTHER PLANNING MATTERS – IN CONFIDENCE**

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 21 JANUARY 2019**

**PART 1      DECISIONS ON PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>3.3</b>
<b>APPLICATION NO</b>	<b>LA03/2017/0925/O</b>
<b>DEA</b>	<b>MACEDON</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>GRANT OUTLINE PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Hotel and Office
<b>SITE/LOCATION</b>	Lands to the North of Valley Leisure Centre, Church Road, Newtownabbey
<b>APPLICANT</b>	Comtec Developments (No. 1) Ltd
<b>AGENT</b>	O'Toole & Starkey Planning Consultants
<b>LAST SITE VISIT</b>	08/11/2017
<b>CASE OFFICER</b>	Kieran O'Connell Tel: 028 9034 0423 Email: <a href="mailto:Kieran.oconnell@antrimandnewtownabbey.gov.uk">Kieran.oconnell@antrimandnewtownabbey.gov.uk</a>

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

#### **SITE DESCRIPTION**

The application site is located within the Metropolitan settlement limit for Newtownabbey on lands to the north of Valley Leisure Centre, Church Road. The site is largely broken up into two parts, the southern part of the site is an expansive area of largely overgrown grassland while the northern half of the site is defined by mature trees and vegetation and is separated from the southern half of the site by 2m palisade fencing. The northern boundary and eastern boundaries of the application site are defined by palisade fencing (2m) and overgrown vegetation.

A covered reservoir abuts the western boundary of the application site while a series of industrial buildings dominate the lands to the north of the application site which are part of the Bombardier site. Development to the northeast of the application site is defined by a series of industrial and commercial premises, while to the east of the site the area is characterised by terraced rows of dwellings relating to West Crescent and the wider Rathcoole Estate.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: U/2008/0619/F  
Location: Church Road, Newtownabbey, BT36 7LN  
Proposal: Reconfiguration of a permission for the erection of a business and technology park incorporating classes B1, B2 and B4 of the planning (Use Classes) Order (NI) 2004  
Decision: Permission Granted (25/05/2012)

Planning Reference: U/2002/0645/F  
Location: Land adjacent to 60 Church Road, Newtownabbey, BT36 7LN.  
Proposal: Erection of business and technology park incorporating Classes 3, 4 and 11 of the Use Classes Order (Northern Ireland) 1989.  
Decision: Permission Granted (01/11/2004)

## PLANNING POLICY

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

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

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

Belfast Urban Area Plan 2001: The application site is located within the settlement limit for the Belfast urban Area which are zoned in part for Lands reserved for Landscape, Amenity or Recreation uses and also located on unzoned lands.

Draft Belfast Metropolitan Area Plan (2004) (dBMAP): The Plan identifies the application site as being within an area zoned as 'Existing Employment' lands (MNY 14). The plan offers no specific guidance on proposals within this zoning other than to refer consideration of proposals to prevailing regional policy for employment uses.

Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): BMAP 2014 identifies the site as being within an area zoned as existing employment lands (MNY10). There are no key site requirements associated with this land zoning. BMAP states that applications for planning permission within this site will be determined in accordance with the prevailing regional policy and plan proposals and indicates that acceptable uses on employment zonings may include:

- Class B1: Business (b) as a call centre;
- Class B1: Business (c) Research and Development.
- Class B2: Light industrial
- Class B3: General Industrial and
- Class B4: Storage or Distribution.

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.

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

PPS 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 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.

PPS 16: Tourism: sets out planning policy for tourism development and for the safeguarding of tourism assets.

## **CONSULTATION**

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

**DAERA Regulation Unit (RU) Land and Groundwater Team**- No objections subject to conditions.

**DAERA Natural Environment Division**: No objections subject to conditions.

**DfI Rivers** – No objection.

**Historic Environment Division** – No objection subject to conditions.

**Council Environmental Health Section** – No objections subject to conditions.

**NI Water** – No objections.

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

## **REPRESENTATION**

One hundred and seventy four (174) neighbouring properties were notified and twenty six (26) letters of objection were received. In addition to the individual objections, there were several petitions submitted against the development. These petitions contain 4,692 names.



Following the submission of the amended scheme (removing the cinema component of the original proposal), there has been no additional objections.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Impact of the cinema on Movie House Glengormley.
- Road safety, traffic and parking impacts.
- Displacement of custom from Glengormley
- Not compatible with the employment zoning within dBMAP.
- Contrary to the town centre first approach in the SPPS.
- Contrary to PPS4, PED 7 the uses proposed are not considered to be economic development. The scale, nature and form of the development is not appropriate to the site.
- Contrary to PPS3 increase in traffic to and from the site will add stress and disruption to the existing traffic route.
- Contrary to PPS15, potential flooding risk to Valley Leisure Centre and surrounding area.
- Contrary to PPS7 as the proposed massing of the hotel development will overlook neighbouring properties and businesses.
- Contrary to PPS 2 as the proposal will have a detrimental impact on wildlife.
- Not an appropriate location for a hotel.
- Job losses will result if the proposed development goes ahead.

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

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

- Preliminary Matters
- Lawful Fall-Back Position
- Principle of Development
- Office Development
- Hotel Development
- Neighbour Amenity
- Contamination
- Natural Heritage
- European Protected Sites
- Flood Risk and Drainage
- Road Safety and Infrastructure Matters
- Economic Considerations

##### **Preliminary Matters**

This application was originally submitted for a cinema, hotel and office development, which attracted a significant level of objection. On the 02/11/2018, the applicant amended their proposal removing the cinema component. The amended application before the Members for consideration is now an outline application for an office and hotel development only.

##### **Lawful Fall-Back Position**

The applicant has indicated that they have commenced development as approved under U/2008/0619/F prior to the expiry of this permission through the digging of foundations. However, while indicating that they have commenced development

the applicant has not established a lawful fall-back position. This matter can only be established through the submission of a Certificate of Lawful Use or Development (CLUD) under Article 169&170 of the Planning Act (Northern Ireland) 2011.

The applicant asserts that they have discharged condition 2 in relation to road works and condition 3 in relation to vehicular access and visibility splays of the earlier planning approval (U/2008/0619/F) and as a consequence they argue that they have lawfully commenced their development.

In the context of this application, it is not the role of a planning application to decide whether the previous grant of planning permission was lawfully commenced or not. In *Saxby v Secretary of State for the Environment and Westminster City Council (1998)* 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, no LDC has been certified in respect of the commencement of the earlier permission and as such, no commencement of the previous permission has been lawfully established therein. Accordingly, it cannot be concluded that the application site benefits from a lawful fall-back position.

### **Principle of Development**

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. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

The application site lies within the settlement limit of Metropolitan Newtownabbey in BUAP and is located in part on land reserved for Landscape, Amenity or recreation uses and in part on unzoned lands. This Plan is of some vintage and in the intervening years both draft BMAP and BMAP 2014 have been published which identify the application site as being land zoned for existing industry. No key site requirements have been provided in either plan for the overall zoning, rather the Plans refer consideration of development proposals to the prevailing regional policy for employment and industrial developments contained in PPS 4. In addition, BMAP 2014 (page 28) indicates that acceptable uses on employment zonings may include:

- Class B1: Business (b) as a call centre;
- Class B1: Business (c) Research and Development.
- Class B2: Light industrial
- Class B3: General Industrial and
- Class B4: Storage or Distribution.

The planning history of this site is further in support of development of this application site.

### **Office Development**

BMAP 2014 indicates that office development pertaining to Class B1: Business (b) as a call centre; Class B1: Business (c) Research and Development is acceptable at this location, however, office development relating to a Class B1 (a) use as an office other than a use within Class A2 (Financial, Professional and Other Services) is precluded.

The applicant proposes a 3-storey office development of circa 1162 sqm in floor space. The main determining concern with regard to the principle of an office development is the acceptability of the Class B1 use class.

The applicant indicates that it would be unreasonable to restrict the office, Use Class B1a given that planning approval U/2008/0619/F provided consent for a larger quantity of unrestricted office space on the application site and neither precluded the use within the description of development or by way of condition. Likewise the planning approval granted under U/2002/0645/F permitted development within Class 3 of the 1989 Use Classes Order (NI) (Business: Use as an office other than a use within Class 2 (financial, professional and other services)).

It is worth noting that draft BMAP within the employment section (pg43-50) does not specifically preclude the Class B1 (a) (use as an office other than a use within Class A2 (Financial, Professional and Other Services)). It does however refer the reader to the Existing Employment technical supplement which acknowledges (para 8.7) that:

*'Although the term business park may conjure up a development of a certain uniformity, in practice, as this report has demonstrated, they vary enormously, their occupier profile and size, and therefore their roles as providers of floor space and employment. No two parks are similar let alone the same. We therefore conclude that business park owners, in practice, tend to welcome a broad range of occupier types and that the resulting employment and floorspace densities are hard to predict. Planners should be aware of this diversity...'*

Although there is some conflict between BMAP 2014 and draft BMAP with regard to the potential uses within this zoning, it is recommended that planning permission be granted for Business Use including the B1 (use as an office other than a use within Class A2 (Financial, Professional and Other Services) for the following reasons:

- The office component of this proposal equates to a relatively minor portion of the overall zoning, which is unlikely to prejudice the functioning of the overall existing employment zoning. It merely seeks to add an additional use to the peripheral edge of the zoning, which may assist in attracting additional business and employment to the area.
- There is a diversity of businesses contained within the overall zoning.
- The applicant has gained planning permission in the past on two occasions for unrestricted Business Use. Therefore in the interests of administrative fairness and equity to the applicant it may be considered reasonable to permit the same.

### **Hotel Development**

Turning to the remaining element of the proposal, BMAP (2014), Policy SETT 2 states that, on zoned sites such as this, planning permission will be granted for development that accords with the specified use or range of uses.

The applicant believes that BMAP (2014) Policy SETT 2 encourages flexibility and discretion in the approval of development on zoned sites. Careful reading of the Justification and Amplification of Policy SETT 2 does not preclude alternative forms of development on zoned sites where they are complimentary to the specified use or range of uses.

It is considered that the hotel development does not strictly accord with the existing employment zoning. However, it is argued that this is a mixed use area consisting of residential, office, business and other commercial developments, to which the hotel component of this proposal may be complimentary, such as, the Valley Leisure Centre adjacent to the site and the park lands adjoining the site. It may also provide additional employment opportunities in the local area.

The applicant's justification for the hotel development (approximately 46,200sqft (4292.12 sqm) over three stories and providing approximately 100 bedrooms.) is based on the premise that there is presently no hotel within the central Metropolitan Newtownabbey Area or in the immediate surrounding area. The applicant contends that this is unusual for a settlement the size of Newtownabbey.

In addition to the conflict with the BMAP (2014) policies, Policy PED7 of PPS4, states that on zoned employment land a development proposal that would result in the loss of land or buildings zoned for economic development use in a development plan, such proposals will not be permitted unless the zoned employment land has been substantially developed for alternative uses. In the strictest interpretation of this proposal a hotel development may not be considered to be compatible with the zoning, that said as already indicated earlier in this report, zoning MNY 10 has a substantial variety of uses within this zoning to which a hotel will only add further variety, diversity and flexibility.

Policy PED 7 of PPS 4, however, goes on to indicate that an exception will be permitted for the development of sui generis employment uses within an existing or proposed employment area where it can be demonstrated that the proposal is compatible with the predominant employment uses. The justification and amplification of Policy PED 7 para 5.31 suggests that an acceptable sui generis employment use which may be compatible with the existing employment zoning would be a builder's merchant or a waste management facility. While this list is not exhaustive, it does imply the type of development that may be considered acceptable in this area. It is considered that the hotel development is not an employment use but it is however, a sui generis use and therefore requires consideration on its own merits as to its compatibility with the adjacent land uses. On the southern side of the application site is the Valley Leisure Centre. It is anticipated that there will be no conflict between this proposal and the leisure centre, which may indirectly benefit from additional footfall given the proximity of the hotel development. It is not anticipated that there will be any detrimental impact on the residential amenity of adjacent residential properties, which are located at West Crescent on the opposite side of the road (east) from the application site. It is not anticipated that Capita who are located on the eastern side of the application site and on the opposite side of the Church Road will be adversely impacted. Bombardier to the north of the application site are unlikely to be impacted by the proposed development due to the extent of the intervening car park and the set

back of the Bombardier buildings (35metres) from the shared boundary with the application site.

It is also worth noting the permissive nature of PPS17, Policy TSM 1: Tourism Development in Settlements. A hotel development is considered to be such a development. The justification and amplification of policy TSM 1 indicates that tourism can be beneficial to urban areas and help deliver sustainable development. It is considered that a hotel at this location can assist in supporting the diverse range of businesses contained within the existing employment zoning and the wider Newtownabbey area.

Overall, while a hotel development at this location is considered to be compatible with the adjacent land uses despite its employment zoning in both draft BMAP and BMAP (2014), it is considered that the proposed hotel development will not result in such a significant loss of existing employment lands as to compromise the overall land use zoning.

### **Neighbour Amenity**

The Council's Environmental Health Section has been consulted in relation to the proposed development. No concerns have been raised in relation to the impact on the amenity of adjacent properties by way of noise, odour or disturbance.

The applicant has indicated that the proposed hotel would be in the region of 10.38m in height and the office to be 9.8m in height. This is a matter of detail and the appropriate place to assess such matters is at the Reserved Matters stage of the planning process should outline planning permission be forthcoming. It is considered that buildings in the region of three stories in height on this site at approximately 10m in height will not have an adverse impact on the residential amenity of the adjacent properties. The nearest residential properties to the proposed development site are in excess of 100m from the indicative position of the proposed buildings and are unlikely to be significantly impacted by the proposed development.

Overall, it is considered that a hotel and office development can be designed to ensure that there will be no adverse impact on adjacent residential properties by way of noise, loss of light and dominance.

### **Contamination**

A Preliminary and Generic Quantitative Risk Assessments (PRA and GQRA) has been presented by RPS Ireland Ltd (RPS) in support of the above application to which DAERA and the Council's Environmental Health Section has been consulted. Neither consultee has indicated any determining concerns with the proposal subject to conditions.

DAERA has indicated that no unacceptable risks to environmental receptors have been identified, however, elevated concentrations of cyanide are reported throughout the site. The RPS report concludes that no pollutant linkages exist for the proposed site and no remedial measures are recommended for the proposed commercial end use of this site. DAERA's Regulation Unit note the site has elevated concentrations of cyanide recorded and they advise that additional detailed assessment (detailed quantitative risk assessment(s)) is required to fully quantify risk to the water environment. Overall DAERA's Regulation Unit (RU) Land and Groundwater

Team has no objections to the development provided the suggested conditions are included within any planning permission.

### **Natural Heritage**

NIEA Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and on the basis of the information provided, has no determining concerns subject to conditions.

Firstly, NED has advised that a disused badger sett comprising eight entrances is present within the woodland area of the application site. The results of trail camera surveys of the sett, submitted by the applicant's ecologist, show that it is not currently being used by badgers, or any other species. The size of the sett would indicate that it may have been used as the main sett of a badger group, but has since been abandoned. Although the badger sett is not currently active, NED has highlighted that badger setts are protected at all times, regardless of whether they are currently active or not, by the Wildlife (Northern Ireland) Order 1985 (as amended). Therefore, a Wildlife Licence will be required if any works are proposed within 25m of the sett. A Badger Mitigation Plan (BMP) will be required at the Reserved Matters stage to ensure badgers and their setts are not impacted by the proposal. The BMP should include updated badger surveys in order to determine if badger activity on the site has changed. The BMP should also provide details of the provision of 25m buffer protection zones around any badger setts until such time that they can be closed under the terms of a Wildlife Licence issued by NIEA. It should be noted that NIEA Wildlife Licences are not issued for outline planning applications.

NED has advised that the woodland on site does not constitute a NI Priority Habitat, but it is a feature worthy of protection due to its biodiversity value and the habitat it provides for a range of animal and plant species. NED has indicated that the Preliminary Compensatory Planting Plan, as shown on Drawing Number 02/1, (date stamped 13th April 2018), would not be sufficient in compensating for the loss of 0.9 hectares of broadleaved woodland and scrub. This is broadly similar to the drawing 02/2 date stamped received 02/11/2018 which is currently before the Council for consideration. NED has therefore requested that, the applicant be made aware that off-site compensatory planting may be required should a sufficient area not be available within the site. NED has provided a number of other options which may be used to provide compensation on site, such as, the use of green roofs and walls, and the provision of bird nesting boxes.

Furthermore, NED has indicated the illustrative lighting plan that has been submitted (see Drawing Number 03, date stamped 13th April 2018) does not clearly show the various lux levels of light spillage from artificial lighting on site. The colour used to represent lux level 25 and lux level 1.0 are similar, making them indistinguishable from each other on the plan. Therefore, NED require that the lighting plan submitted at Reserved Matters should clearly show the various lux levels of light spillage from any proposed artificial lighting for the development.

Overall, NED has advised that in order to ensure there will be no significant impact on biodiversity and protected and priority species additional information in the form of a Badger Mitigation Plan, landscaping plan and lighting plan should be submitted at Reserved Matters stage.

### **European Protected sites**

Officers consulted Shared Environmental Service (SES) in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). SES on behalf of Antrim and Newtownabbey Borough Council, is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having considered the nature, scale, timing, duration and location of the project SES has concluded that further assessment is not required as the proposed development would not have a likely significant effect on the selection features, conservation objectives or status of any European site.

SES has stated that the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

### **Flood Risk and Drainage**

DfI Rivers has indicated no objection in principle to the proposal. The amended Drainage Assessment by RPS dated May 2018 has been reviewed by DfI Rivers who have indicated that the applicant has received consent from NI Water to discharge 16 l/s of storm water run-off from the site to a 625mm diameter storm sewer located within the proposed site.

However, DfI Rivers require that in order to fully assess the Drainage Assessment the applicant needs to provide further information that demonstrates the viability of the drainage proposals by providing the following:

- A final detailed drainage layout drawing with associated attenuation calculations that supports the discharge consent (16l/s) received from NI Water.
- Details of how storm water from the drainage system will be routed during times of exceedance (overland flow routes).

As this is an outline application where the design and layout of the proposal have not been finalised, sufficient information is not before the Council to assess the potential flood risk associated with a development of this nature. It is recommended that an amended Drainage Assessment be submitted at Reserved Matters stage to agree the mitigation measures as indicated by DfI Rivers above.

The application site is adjacent to a covered reservoir however, the site is outside of the identified flood inundation zone. In addition, DfI Rivers has provided no comment in relation to this aspect. In light of this, it is considered that the proposed development is unlikely to be impacted by the covered reservoir.

### **Road Safety and Infrastructure Matters**

DfI Roads has been consulted on the application and having considered the information available has no objection in principle to this development subject to the site access being provided in accordance with DCAN 15, provision of an appropriate level of parking associated with this development and road improvement works having been submitted to and agreed with the Council.

Access to the proposed development site is through an existing priority junction which serves the Valley Leisure Centre with a right hand turn lane onto Church Road providing access to the wider road network. The applicant's Transport Assessment Form (TAF) assesses the potential impact a development of this nature will have and indicates the surrounding highway network can accommodate the traffic generated by this development.

In terms of car parking, the applicant indicates that all parking associated with this development will be accommodated on the application site with the final number and layout of the parking spaces to be agreed at Reserved Matters stage. The illustrative layout 02/1 date stamped received 2<sup>nd</sup> November 2018 indicates that the site can accommodate 310 parking spaces.

Given the information provided by the applicant within their TAF and the consultation response of DfI Roads, it is considered that there are no significant road safety concerns associated with the proposed development and car parking can be provided within the application site.

**Economic Considerations**

The applicant has indicated that the economic benefits of this proposal support the use of this zoned employment site for complementary economic purposes beyond those specifically listed as acceptable within BMAP 2014.

In economic terms, the applicant estimates that the development of the proposed hotel and office development will represent a capital investment of approximately £13 million. This could achieve a rateable return in excess of £230,000 per annum.

In terms of job creation it is anticipated that this proposal may create 200 temporary construction jobs and an estimated 280 post construction jobs.

The economic benefits of this proposal weigh in favour of this application and would be a welcome boost to the economic prosperity of the area and will add to the employment opportunities for local residents.

**CONCLUSION**

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

- The principle of development is considered to be acceptable.
- There are no significant residential amenity concerns with this proposal,
- There is no significant natural heritage concerns with this proposal or concerns relating to European Protected Sites.
- There is no flood risk or drainage concerns with this proposal
- There is no road safety or parking concerns with this proposal.
- The proposed scheme is likely to generate significant economic benefits to the Newtownabbey area.

<b>RECOMMENDATION :</b>	<b>GRANT OUTLINE PLANNING PERMISSION</b>
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**PROPOSED CONDITIONS**

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Council within 3 years



of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting: the two dimensional location of buildings within the site.

Design: the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance: the colour, texture and type of facing materials to be used for external walls and roofs.

Access: the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping: the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

Reason: To enable Antrim and Newtownabbey Borough Council to consider in detail the proposed development of the site.

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable Antrim and Newtownabbey Borough Council to consider in detail the proposed development of the site.

4. No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed ground levels, the finished floor levels of the proposed buildings and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of adjacent dwellings.

5. The proposed Office and Hotel development shall be broadly sited in the areas indicated on the approved plan No. 02/2 date stamped 02/11/2018.

Reason: To ensure that the development is not prominent in the landscape and to preserve the amenity and privacy of the adjacent dwellings.

6. The proposed hotel and office shall have a ridge height of less than 10.0 metres above finished floor level.

Reason: To ensure that the development does not dominate the streetscape and to ensure that the proposed development will not have an adverse impact on the adjacent residential dwellings and businesses.

7. The proposed hotel shall have a maximum footprint of not more than 1,431 sq. metres measured externally, while the proposed office block shall have a maximum footprint of 1,162 sq. metres measured externally.

Reason: To ensure that the development does not dominate the streetscape and to ensure that the proposed uses do not undermine the existing employment zoning.

8. A finalised Drainage Assessment shall be submitted at Reserved Matters stage. The Drainage Assessment shall include:

- (a) A final detailed drainage layout drawing with associated attenuation calculations.
- (b) Details of how storm water from the drainage system will be routed during times of exceedance (overland flow routes).

Reason: To ensure adequate measures are in place to prevent flooding.

9. At Reserved Matters stage a Badger Mitigation Plan (BMP) shall be submitted to and approved in writing by the Council. No development activity, including ground preparation or vegetation clearance, shall take place until the approved BMP is implemented in accordance with the approved details and all works on site shall conform to the approved BMP, unless otherwise agreed in writing by the Council.

The BMP shall include the following:

- (a) Details of updated surveys for badgers.
- (b) Details of mitigation measures for badgers, including the protection of all badger setts on site, by a minimum 25m buffer within which no works shall take place until a NIEA Wildlife Licence has been granted.

Reason: To protect badgers and their setts.

10. At Reserved Matters stage a detailed Landscaping and Planting Plan shall be submitted to the Planning Authority. No site clearance or development activity shall take place until the Landscaping and Planting Plan has been agreed in writing by the Planning Authority. The Plan shall include details of vegetation to be retained/removed and compensatory planting with native species of trees, shrubs, grasses and wildflowers. Species and numbers of trees and shrubs to be

planted must be provided. The approved Landscaping and Planting Plan shall be implemented in full.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected species.

11. There shall be no external lighting on the site until a Lighting Plan has been submitted to and approved in writing by the Council. The approved Lighting Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council. The Lighting Plan shall include the following:
- (a) Specifications of any external lighting to be used across the site.
  - (b) A map showing predicted light spillage across the site (isolux drawing).
  - (c) All measures to mitigate for the impacts of artificial lighting on bats.

Reason: To ensure the protection of bats on or near the site.

12. The method of discharge of surface water run-off must be confirmed and consent to discharge obtained from the relevant authority before works commence.

Reason: To ensure that the development does not result in any significant effect on the features of any European site.

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

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

14. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

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

15. No development shall commence until the Council has received in writing and agreed that suitable detailed quantitative risk assessment(s) have been produced in accordance with the guidance on Model Procedures for the Management of Land Contamination (CLR11), using the conceptual site model, to identify all unacceptable risks to health and the water environment, and provide remedial criteria to be met through any required remedial strategy. These

works are required ensure the land will be in a condition suitable for the proposed development.

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

16. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors as required in accordance with Condition 15. This strategy must be submitted in writing and agreed with the Council and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc.).

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

17. The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy submitted in accordance with Condition 16 have been implemented to the satisfaction of the Council. The Council must be given 2 weeks written notification prior to the commencement of remediation work.

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

18. No piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Council. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", available at:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf>

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.

19. If during the development works, new contamination and risks are encountered which had not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing and subsequently implemented to its satisfaction.

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

20. After completing any remediation works required under Conditions 15, 16, 17, 18 & 19 and prior to the development becoming operational, a verification report shall be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

21. No other development hereby permitted, shall be commenced, until the road improvements in this case a Right Hand Turn onto Church Road have been completed in accordance with details submitted to and approved by the Council at Reserved Matters Stage.

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

22. No development hereby permitted shall commence until full details of the Road Safety Audit process for the road improvements, has been completed in accordance with requirements of the Design Manual for Roads and Bridges and submitted to the Department at Reserve Matters Stage.

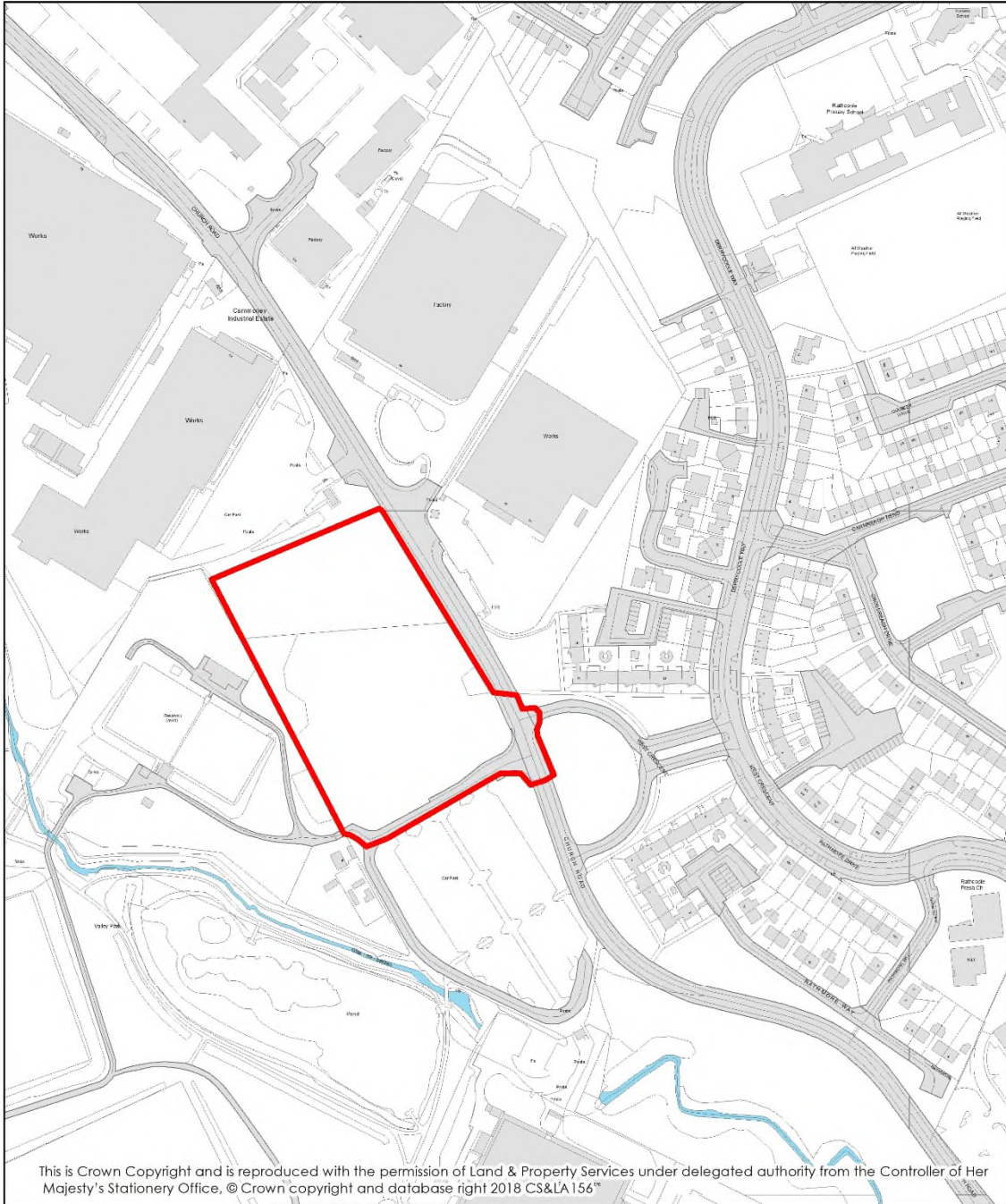
Reason: To provide an assurance that all safety requirements have been adhered to.

23. At Reserved Matters Stage a parking and servicing plan shall be submitted in accordance with the requirements of the published Parking Standards.

Reason: To ensure the provision of adequate parking facilities to meet the needs of the development and in the interests of road safety and the convenience of road users.

24. A Travel Plan for the proposed development shall be submitted at Reserved Matters stage comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use (to include matters such as car sharing, promoting increased use of public transport, encouraging walking and cycling, charging for use of parking and supporting alternative work practices which reduce the need to travel).

Reason: In the interests of providing sustainable travel options to employees and visitors of the site.

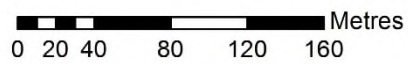


**Location Map**

**Application Reference: LA03/2017/0925/O**

Hotel and Office development on lands to the North of Valley Leisure Centre, Church Road, Newtownabbey

 Site Boundary



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.4</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0629/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Proposed residential development of 124 No. dwellings (comprising 74 No. detached and 50 No. semi-detached dwellings) including garages, open space with equipped children's play area, landscaping and all associated site and access works.
<b>SITE/LOCATION</b>	Lands at the former Enkalon site to the NW of Enkalon Sports and Social Club and Steeple Burn watercourse SW of Enkalon Industrial Estate and NE of Plaskets Burn and Umry Gardens Randalstown Road Antrim
<b>APPLICANT</b>	Fermac Properties Ltd
<b>AGENT</b>	TSA Planning
<b>LAST SITE VISIT</b>	14/12/2018
<b>CASE OFFICER</b>	Kieran O'Connell Tel: 028 9034 0423 Email: <a href="mailto:Kieran.oconnell@antrimandnewtownabbey.gov.uk">Kieran.oconnell@antrimandnewtownabbey.gov.uk</a>

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

<b>SITE DESCRIPTION</b>
<p>The application site is located within the settlement limit of Antrim Town on lands at the former Enkalon site to the northwest of the former Enkalon Sports and Social Club and Steeple Burn watercourse. The application site is also situated southwest of the Enkalon Industrial Estate and northeast of Plaskets Burn and Umry Gardens, Randalstown Road, Antrim. The site is relatively flat throughout with mature trees located along its perimeter with the exception of the eastern most boundary adjacent to Enkalon industrial estate. The application site was previously approved for a housing development, which was lawfully commenced. The former Enkalon Sports and Social Club buildings were previously demolished and are currently being developed out by the applicant as part of Phase I and II of a larger residential development.</p> <p>This area of Antrim is characterised with a mix of development including industrial buildings located to the northeast of the application site as part of the Enkalon industrial estate. Further commercial premises exist beyond the industrial estate in the form of the Junction Outlet Centre while Antrim Boat club, Radox Science Park and Antrim Castle Gardens exist on the southern side of the application site alongside Lough Neagh.</p>
<b>RELEVANT PLANNING HISTORY</b>
<p>Planning Reference: LA03/2017/0472/F Location: Lands adjacent and west of Enkalon Sports and Social Club, 25a Randalstown Road, Antrim and 100m east of 1 Umry Gardens, Antrim.</p>

Proposal: Proposed residential development comprising 3 no. detached dwellings and garages (change of house type for Plot no's 1, 5 and 10 of planning approval T/2008/0195/F)

Decision: Permission granted (24/08/2017)

Planning Reference: LA03/2017/0675/LDE

Location: Plot no 5 on lands adjacent and west of Enkalon Sports and Social Club, no 25a Randalstown Road, Antrim and 100m East of no 1 Umy Gardens, Antrim,  
Proposal: The laying of foundations on plot no 5 in accordance with planning permission T/2008/0195/F.

Decision: Development certified (22/08/2017)

Planning Reference: LA03/2017/0908/F

Location: Lands at the former Enkalon Sports and Social Club, 25a Randalstown Road, circa 150m east of 1 Umy Gardens and directly adjacent and west of Oriel Lodge Residential Home, Randalstown Road, Antrim,

Proposal: Proposed erection of 44 no. residential dwellings (mix of detached and semi-detached), including domestic garages, open space and landscaping, right hand turn lane from Randalstown Road and all site and access works.

Decision: Permission granted (20/06/2018)

Planning Reference: T/2008/0195/F

Location: The former Enkalon site, on land to west of Oriel Lodge & Enkalon industrial estate & to the east of Plaskets Burn, Randalstown Road, Antrim

Proposal: Proposed residential development comprising of 242 dwellings, incorporating open space & associated gardens & parking

Decision: Permission granted (29/12/2008)

## **PLANNING POLICY**

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

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

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should



be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

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

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

PPS 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**

**DfI Roads** – No objections.

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

**NI Water** – No objections.

**Shared Environmental Services**: No objections.

**DfI Rivers** – No objections

**DAERA Regulation Unit and Ground Water Team** – No objections

**Historic Environment Division** – No objection.

**DAERA Natural Environment Division** – No objection

## REPRESENTATION

Fifteen (15) 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:

- Principle of Development
- Design, Layout and Appearance
  - Private Amenity
  - Parking
  - Crime and Personal Safety
- Density
- Impact on Character and Appearance of the Area
- Neighbour Amenity and Impact on Adjacent Land Uses
- Natural Heritage
- Archaeology and Built Heritage
- Flood Risk

### 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 it is located on unzoned lands within the development limits of Antrim Town.

There is also a range of regional planning policy which is material to determination of the proposal. Paragraph 1.10 of the SPPS sets out that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained planning policy documents together with the SPPS.

In respect of the proposed development, there is no conflict or change in policy direction between the provisions of the SPPS and that contained in Planning Policy Statement 7 – Quality Residential Environments and the 2nd Addendum to the Addendum to PPS7 – Safeguarding the Character of Established Residential Areas (APPS7) and PPS 8 ‘Open Space, Sport and Outdoor Recreation. PPS7, APPS7, Planning Policy Statement 3, Access, Movement and Parking (PPS 3) and PPS 8 remain the applicable policies to consider the proposed development under.

Planning permission was previously granted on this site and the adjoining lands for a larger housing development for 242 dwellings under planning approval T/2008/0195/F. Development works relating to this previous grant of planning permission have been implemented on site through the construction of foundations relating to plot 5. The applicant has obtained a Certificate of Lawful Development to

this effect, which essentially provides the applicant with a lawful fall-back position to construct up to 242 dwellings.

In light to the planning history and the lawful fall-back position for residential development on this site, it is considered that the principle of residential development is acceptable subject to creating a quality residential environment in accordance with the various Planning Policy Statements stated above and the Creating Places design Guide.

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

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) refers at paragraph 6.137 to the need to deliver increased housing without town cramming and that within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to all of a number of criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. In this instance, the applicant proposes 124 dwellings consisting of a mix of detached and semi-detached dwellings. The applicant refers to this site as being phase 3 of a larger development, which includes the lands adjacent to the Randalstown Road which is currently being developed for housing.

The proposed layout incorporates approximately 0.99Ha of public open space adjacent to Plaskets Burn and provides an equipped children's play area. This equates to 15% of the site area.

The proposal requires the construction of a bridge over Steeple Burn to gain access to the site which is generally flat throughout. The flat topography and irregular shape of the site has facilitated a linear line of dwellings backing onto the Enkalon Industrial Estate. In addition, the layout of the development encompasses a number of islands which facilitate the development of dwellings where each of the proposed dwellings within the island backs onto one another. Each of the proposed dwellings has in-curtilage parking.

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

### **Private Amenity**

Criterion (c) of Policy QD1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity

space is provided in 'Creating Places: Achieving Quality in Residential Developments'. It states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40sqm for any individual house. Creating Places further indicates that development of this type requires an average of 70sqm of private amenity space. In this case each of the proposed dwellings has well in excess of 40sqm minimum requirement with a high percentage in excess of 70sqm. It is considered that adequate provision has been made for private rear garden space for the individual dwellings. The removal of Permitted Development Rights relating to garages and extensions is required on a number of sites to ensure that sufficient amenity space is preserved within the relevant gardens of those sites. This needs to be controlled through the use of a restrictive condition which is proposed in the conditions below.

### **Neighbour Amenity and Impact on Adjacent Land Uses.**

It is considered that the proposed dwellings will not have an adverse impact on the amenity of any existing dwellings within the immediate surroundings of the application site. It is accepted that the back-to-back relationships within some areas of the proposed development site are tight particularly in the central area of the development site however; this is largely due to the proposed single storey rear sunrooms, which give the impression of a reduced separation distance and the provision of garages on some sites. To overcome any potential future concerns it is considered necessary to remove Permitted Development rights from a number of properties to ensure that alterations to the roof to include features such as dormer windows do not create an adverse impact on the adjacent properties.

Overall, it is considered that the proposed development will not have an adverse impact on the amenity of existing properties in this area.

With regard to the impact on the residential amenity of the proposed residents, it is considered that there will be no detrimental impact so long as the mitigation measures indicated within the conditions suggested by the Council's Environmental Health Section have been adhered to in relation to noise. This includes the provision of upgraded acoustic glazing and ventilation on specified sites and the erection of an acoustic barrier.

The application site is located adjacent to existing commercial properties at Enkalon industrial estate. Following consultation with the Council's Environmental Health Section it would appear subject to conditions pertaining to noise that the proposed residential development should not result in a detrimental impact on the adjacent commercial premises and is therefore considered compatible with the adjacent land uses.

### **Parking**

Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total numbers of parking spaces to be provided for residents, visitors and other callers. The layout of the proposal makes provision for in-curtilage parking along the proposed internal estate road. DfI Roads have no objection to the proposal in terms of parking or road safety matters.

It is considered that adequate and appropriate provision is made for parking within the development.

### **Crime and Personal Safety**

Criterion (i) of Policy QD 1 states that proposed residential development should be designed to deter crime and promote personal safety. It is considered that the proposed development has been designed to deter crime and promote personal safety with windows on gable elevations allowing for passive surveillance of the public open space and the equipped play area adjacent to Plaskets Burn.

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

As the principle of residential development has been established on the application site, it is considered that the rearrangement of the previously approved layout and subsequent change of house types proposed in this application will not have a significant impact on the character and quality of this area.

### **Density**

Policy LC 1 of the APPS 7 is an amplification of Policy QD 1 of PPS7 and is intended to strengthen existing policy criteria to ensure that the quality of these areas is maintained, if not enhanced.

The proposal is a revision to an extant planning permission (T/2008/0195/F) which permitted 242 dwellings over the site and adjacent lands (comprising Phases I and II currently under construction). Cumulatively, along with revised proposals on Phases I and II (LA03/2017/0472/F and LA03/2017/0908/F) the density will be greatly reduced from 242 dwellings to 171 dwellings in total. This is a yield of 70% of the original density.

In the extant approval 189 dwelling units were previously approved over the Phase III lands representing a density of c.30 dwellings per hectare. The proposed development of 124 dwellings is a considerably lower yield of c.19 dwellings per hectare. Having considered the applicants fallback position and the character of the surrounding area it is considered that the density although tight on some sites is not significantly higher than that found in or adjacent to this area. The pattern of development is in keeping with the overall character and environmental quality of this established residential area. It is recommended that permitted development rights need to be removed on some sites to ensure that a quality residential environment is maintained.

### **Archaeology and Built Heritage**

HED Historic Buildings has considered the effects of the proposal on the listed building, namely Antrim Gate Lodge along the Randalstown Road which is associated with the Shanes Castle Estate. On the basis of the information provided the following advice has been given: HED: HB is content the proposal satisfies the policy requirements of SPPS 6.12 and BH11 PPS6, without conditions.

HED Historic Monuments has reviewed the Archaeological and Cultural Heritage Assessment submitted with this application, dated 21/06/2018. HED: HM is content with the findings of the report and the archaeological potential of this site can be mitigated via standard archaeological conditions.

HED: HM 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. 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.

### **Natural Heritage**

The applicant has provided an ecological assessment as part of this application to which DAERA-NED has been consulted. NED has considered the contents of the report and are content that no Northern Ireland priority or European protected species were recorded inhabiting the mammal holes recorded close to the site.

NED notes that the Ecologist has indicated that a lighting plan is required demonstrating that there is no more than one-lux spill on the mature trees and the watercourse due to the presence of light sensitive bats. The applicant has provided a draft lighting plan and report indicating an acceptable level of lighting can be accommodated on this site (0.02 Lux-0.45Lux). Street lighting is a separate consent outside of the planning process and as it has been demonstrated that there is no significant impact from street lighting it is considered that the matter can be suitably addressed through a planning condition should permission be forthcoming. It is recommended that a negative condition requiring the submission of a lighting plan indicating no more than one-lux spill on the trees and watercourse is submitted prior to the commencement of the development in order to protect a European protected species, namely bats.

NED also advise the wooded boundaries of the site should be retained and this should be shown on plans. The wooded boundaries and woodland adjacent to the watercourse are indicated on the landscape plan No. B08 date stamped 28/11/2018 as being retained, in addition, this plan further indicates additional planting to take place throughout the development site which will further contribute to enhancing the biodiversity on this site. A landscape management document (03/1 date stamped 28/11/2018) outlines how this site will be managed in the long term.

### **Flood Risk**

The application site is bound to the west by Plaskets Burn and along the southeastern boundary by the Steeple Burn. Given the presence of the water bodies this application must be reviewed against the policy provisions of PPS 15 Planning and Flood Risk.

*Policy FLD1 - Development in Fluvial and coastal Flood Plains* - DfI Rivers has reviewed the Flood Risk & Drainage Assessment submitted by WYG on behalf of the applicant and has advised that while not being responsible for the hydraulic model and Flood Risk Assessment accepts the applicant's logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers has no objection to the proposed development from a drainage or flood risk perspective. In light of DfI's response it is considered that there is no significant flood risk associated with this development.

*Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure* – The proposed layout drawings indicate that there will be maintenance strips retained along both watercourses. As such, the requirements of Policy FLD 2 are satisfied.

*Policy FLD3 - Development and Surface Water - DfI Rivers* has reviewed the Flood Risk & Drainage Assessment by WYG, dated June 2018, and has advised that while not being responsible for the preparation of the Drainage Assessment, DfI Rivers accepts its logic and has no reason to disagree with its conclusions. In light of DfI's response it is considered that there are no significant drainage issues associated with this development.

*Policy FLD4 - Artificial Modification of watercourses* – Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. No culverting is proposed in this instance however the applicant does propose minor level changes in the flood plain to ensure that the site is not prone to flooding.

Minor level changes are required within the open space to ensure the site is not prone to flooding. The applicant in their assessment of flood risk has indicated that:  
*'To demonstrate that the proposed re-profiling works have no material impact on pre-existing flood levels, a pre- and post-development hydraulic model has been constructed. This shows that the proposed development has no negative impact on flood levels or floodplain extents beyond the proposed development boundary'.*

This has not been disputed by DfI Rivers.

Overall the proposed development has no significant impact on the efficiency of the floodplain. The proposed re-profiling works are minor in nature and have no material impact on pre-existing flood levels, the proposed development has no negative impact on flood levels or floodplain extents beyond the proposed development boundary.

### **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 Antrim and Newtownabbey Borough Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the mitigation measures conditioned below form part of any planning approval, the proposal will not have an adverse effect on the integrity of any European designated site.

### **CONCLUSION**

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

- The principle of development is considered to be acceptable and supported by the planning history for this site.
- The design, layout and appearance of the proposed development is considered to be acceptable.
- The proposed density of the development is in keeping with the character of this established residential area.
- It is considered that there is no significant impact on the amenity of adjacent residential properties or businesses.

- It is considered that the proposed development will not have an adverse impact on the character and quality of this area.
- There are no archaeology or built heritage concerns with this proposal.
- There is no flood risk associated with this site.

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

**PROPOSED CONDITIONS**

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

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

2. The open space and amenity areas indicated on the stamped approved Drawing No. B08 bearing date stamp 28/11/2018 shall be managed and maintained in accordance with the management plan DOC 03/1, received on 28/11/2018.

Reason: To ensure successful establishment and maintenance in perpetuity of the open space and amenity areas in the interests of visual and residential amenity.

3. Upon the occupation of the 100<sup>th</sup> dwelling hereby approved the equipped play area shown on the approved plan B08, date stamped 28/11/2018 shall be laid out in accordance with the approved plan B09, date stamped 28/11/2018 and shall be managed and maintained in accordance with the management plan DOC 03/1, received on 28/11/2018.

Reason: To ensure amenity space is available concurrently with the development of the site.

4. The existing vegetation and trees of the site as indicated on the approved plan B08 bearing date stamp 28/11/2018 shall be retained at a minimum height of 2 metres and trees within the hedgerow shall be retained at a minimum height of 4m, and shall be allowed to grow on or otherwise as agreed in writing with the Council.

Reason: To ensure the maintenance of screening to the site and in the interests of biodiversity and to prevent a detrimental impact on wildlife as a result of the proposed development.

5. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council.

Reason: To ensure the continuity of amenity afforded by existing trees and in the interests of biodiversity and to prevent a detrimental impact on wildlife as a result of the proposed development.

6. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next



planting season by another tree or trees in the same location of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees and in the interests of biodiversity and to prevent a detrimental impact on wildlife as a result of the proposed development.

7. The proposed planting within the woodland corridor as indicated on Drawing No. B08 bearing date stamp 28/11/2018 shall be undertaken within the first available planting season following the occupation of the 25<sup>th</sup> dwelling hereby approved and the proposed planting pertaining to each individual dwelling as indicated on Drawing No. B08 bearing date stamp 28/11/2018 shall be carried out within the first planting season following the occupation of that dwelling.

If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and in the interests of biodiversity and to prevent a detrimental impact on wildlife as a result of the proposed development.

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

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

9. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

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

10. A final Construction Method Statement, agreed with the appointed contractor, shall be submitted to the Council at least eight weeks prior to any works commencing. This must identify all potential risks to the adjacent watercourses and designated sites and appropriate mitigation to eliminate these risks.

Appropriate areas for the storage of construction machinery, fuels/oils, refuelling areas, must be identified. The Construction Method Statement shall include a section on proposed mitigation measures to be implemented during construction and the development shall be carried out in accordance with the mitigation measures, unless otherwise agreed in writing by the Council.

Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the integrity of Lough Neagh and Lough Beg SPA/Ramsar and Rea's Wood and Farr's Bay SAC.

11. A finalised Drainage Layout Plan shall be submitted to the Council for agreement prior to works commencing. This should include the mitigation (silt interceptors) as detailed in the applicants supporting documentation.

Reason: To ensure site drainage reflects the mitigation detailed in the supporting documentation to prevent adverse impacts on the integrity of Lough Neagh and Lough Beg SPA/Ramsar and Rea's Wood and Farr's Bay SAC.

12. A clearly defined buffer of at least 10 m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourses bordering the site.

Reason: To prevent polluting discharges entering and impacting on the site integrity of Lough Neagh and Lough Beg SPA/Ramsar and Rea's Wood and Farr's Bay SAC.

13. As part of site clearance works, all remaining fuel storage tanks and associated infrastructure on the site shall be fully decommissioned in line with Pollution Prevention Guidance No. 2 (PPG2) and No. 27 (PPG27) and the quality of surrounding soils and groundwater verified.

Reason: Protection of environmental receptors to ensure the site is suitable for use and to prevent adverse impacts on the integrity of Lough Neagh and Lough Beg SPA/Ramsar and Rea's Wood and Farr's Bay SAC from polluting discharges from potentially contaminated land

14. No piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Council. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", available at:  
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf>

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 and Reason: To prevent adverse impacts on the integrity of Lough Neagh and Lough Beg SPA/Ramsar and Rea's Wood and Farr's Bay SAC from polluting discharges from potentially contaminated land.

15. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

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

Reason: Protection of environmental receptors to ensure the site is suitable for use and to prevent adverse impacts on the integrity of Lough Neagh and Lough Beg SPA/Ramsar and Rea's Wood and Farr's Bay SAC from polluting discharges from potentially contaminated land

16. After completing the remediation works under Condition 15 and prior to occupation of the development, a Verification Report shall be submitted to and agreed in writing by the Council. This report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

The Verification Report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use and to prevent adverse impacts on the integrity of Lough Neagh and Lough Beg SPA/Ramsar and Rea's Wood and Farr's Bay SAC from polluting discharges from potentially contaminated land

17. No development shall commence until details of a final Lighting plan showing bat friendly lighting and with no more than 1-lux light spill on retained and boundary vegetation has been submitted to and agreed with the Council.

Reason: To prevent an adverse impact on bats.

18. The dwellings hereby permitted shall not be occupied until the following acoustic mitigation measures have been put in place:

- A 2.4m high acoustic barrier has been constructed along the north-eastern boundary of site nos. 9-18 and the northern boundary of site nos.31-39, as marked by the blue line on Figure P on page 19 of Document No. 05, date stamped by 29<sup>th</sup> June 2018; and
- a 1.8m high acoustic barrier has been constructed along the rear of site nos. 121-124, as marked by the red line on Document No. 05, date stamped 29<sup>th</sup> June 2018.

The barriers shall be constructed of either masonry, timber panelling (close lapped with no gaps) or of earth and shall have a minimum self-weight of 25kg/m.

Reason: In the interest of residential amenity.

19. All glazing, including frames, to habitable rooms within Areas D, E, F and G of the development, as detailed on Figure O on page 18 of Document 5, entitled Inward Sound Level Impact Assessment, date-stamped by Planning Section 29 June 2018, shall be capable of achieving the following sound reductions when measured from outdoor to indoors:

Areas D, F & G – 27dB R<sub>Tra</sub>

Area E – 20 dB R<sub>Tra</sub>

Reason: In the interest of residential amenity.

20. Passive and mechanical ventilation, in addition to that provided by open windows, shall be provided to all habitable rooms within Areas D, E, F and G of the development, as detailed on Figure O on page 18 of Document 5, entitled Inward Sound Level Impact Assessment, date-stamped 29<sup>th</sup> June 2018, shall be capable of achieving the following sound reductions when measured from outdoor to indoors:

Areas D, F & G – 27dB R<sub>Tra</sub>

Area E – 20 dB R<sub>Tra</sub>

Reason: In the interest of residential amenity.

21. All glazing, including frames, to bedrooms within Areas D, E, F and G of the development, as detailed on Figure R on page 19 of Document 5, entitled Inward Sound Level Impact Assessment, date-stamped 29<sup>th</sup> June 2018, shall be capable of achieving the following sound reductions when measured from outdoor to indoors:

Area D – 28dB R<sub>Tra</sub>

Area E – 20 dB R<sub>Tra</sub>

Area F – 27 dB R<sub>Tra</sub>

Area G – 32 dB R<sub>Tra</sub>

Reason: In the interest of residential amenity.

22. Passive and mechanical ventilation, in addition to that provided by open windows, shall be provided to all bedrooms within Areas D, E, F and G of the development, as detailed on Figure R on page 19 of Document 5, entitled Inward Sound Level Impact Assessment, date-stamped 29<sup>th</sup> June 2018, shall be capable of achieving the following sound reductions when measured from outdoor to indoors:

Area D – 28dB R<sub>Tra</sub>

Area E – 20 dB R<sub>Tra</sub>

Area F – 27 dB R<sub>Tra</sub>

Area G – 32 dB R<sub>Tra</sub>

Reason: In the interest of residential amenity.

23. The facing brick to be used on the proposed dwellings shall be Tobermore Cottage Red Brick or as otherwise may be agreed in writing with the Council.

Reason: In the interest of visual amenity and to ensure that the proposed development respects the character and appearance of the adjacent residential properties.

24. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing number PSD 1 bearing the date stamp 20/12/2018.

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

25. No dwellings shall be occupied until that part of the service road, which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

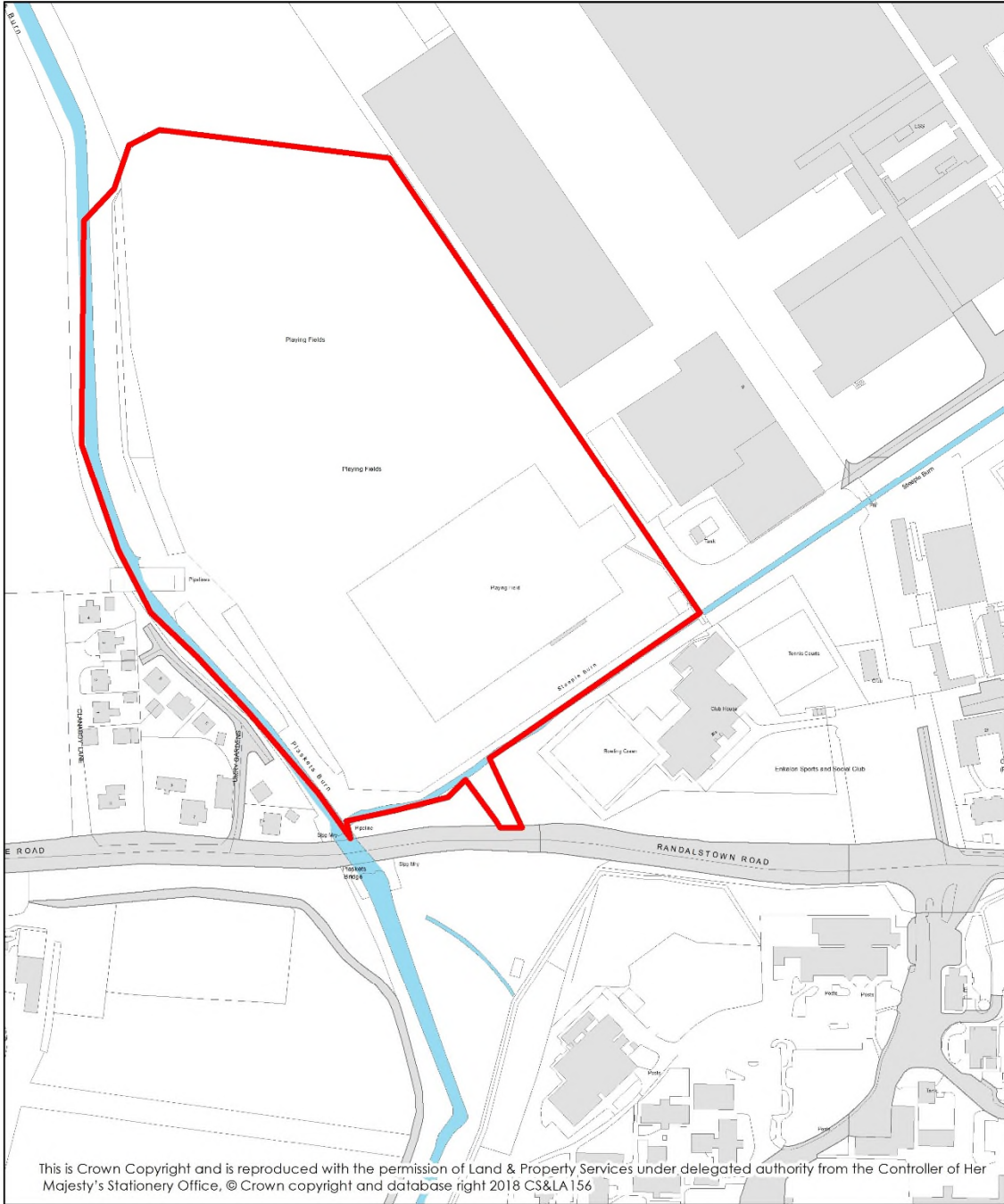
Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

26. Notwithstanding the provisions of Article 3 of, and Part 1 of the Schedule to, the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any Order revoking and/or re-enacting that Order) no buildings, other than those authorised by this permission, shall be erected within the residential curtilages of the dwellings on sites: 3, 4, 6, 7, 8, 9, 10, 11, 12, 43, 44, 47, 60, 61, 63, 64, 77, 78, 79, 80, 94, 95, 96, 97, 98 unless expressly authorised by a grant of planning permission on an application the Council.

Reason: The erection of buildings within the residential curtilage of these sites requires detailed consideration to safeguard the amenities of adjacent properties and the surrounding area.

27. Notwithstanding the provisions of Article 3 of, and Part 1 of the Schedule to, the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made, nor additional windows introduced, to the dwellings on sites: 10,11, 41, 42, 44, 68, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 92, 93, 94, 95, 96, 97, 98, 99 unless expressly authorised by a grant of planning permission on an application the Council.

Reason: The extension of these dwellings and introduction of additional windows requires detailed consideration to safeguard the amenities of adjacent properties and the surrounding area.



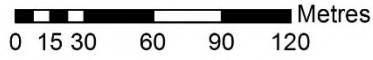
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**Location Map**

**Application Reference: LA03/2018/0629/F**

Proposed residential development  
of 123 no. dwellings on lands at the former Enkallon site  
Randalstown Road  
Antrim

 Site Boundary



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.5</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0548/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Demolition of existing derelict garage buildings, with the erection of two number apartment blocks with two number, two bedroom apartments in each block, including the upgrading of Ladysmith Lane.
<b>SITE/LOCATION</b>	1-5 Ladysmith Lane, Carnmoney, Newtownabbey
<b>APPLICANT</b>	Bolan Investments
<b>AGENT</b>	InsideOut Architects
<b>LAST SITE VISIT</b>	7 <sup>th</sup> August 2018
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 90340416 Email: <a href="mailto:alicia.leathem@antrimandnewtownabbey.gov.uk">alicia.leathem@antrimandnewtownabbey.gov.uk</a>

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

#### **SITE DESCRIPTION**

The application site is located within the development limits of Metropolitan Newtownabbey as defined in both the Belfast Urban Area Plan (BUAP) and the draft Belfast Metropolitan Area Plan (BMAP).

The application site is characterised by the remains of a dilapidated building immediately along the southeastern boundary adjacent to Ladysmith Lane and directly opposite Nos 2-8 Ladysmith Lane (residential properties). The southwestern boundary of the site is defined by a high wall which separates the site from an adjoining mechanics and signage business. The western and eastern most boundaries are defined by hedgerows (3-5m) and fencing separating the application site from No.4 Carwood Avenue and Nos 1-8 Carwood Mews.

Ladysmith Lane is characterised by a mix of residential properties and commercial properties with a car mechanics and a signage company located along the laneway. To the Ballyclare Road end of Ladysmith Lane there are a number of commercial properties (No.182-188) while the area to the north of the application site is characterised by detached bungalows within Carwood Avenue. Properties to the west of the application site along Carwood Drive are characterised by two storey dwellings.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2016/0941/F  
Location: Units 1-5 Ladysmith Lane, Carnmoney, Newtownabbey, BT36 5LN  
Proposal: Demolition of existing derelict garage buildings and erection of 3no two storey, semidetached and detached dwellings, including upgrading Ladysmith Lane  
Decision: Permission Refused (20.06.2017)

Planning Reference: U/2009/0334/F

Location: Units 1-5 Ladysmith Lane, Carnmoney, Newtownabbey, BT36 5LN, 2 Carwood Avenue, Carnmoney, Newtownabbey, BT36 5LW.

Proposal: Demolition of existing garage buildings, erection of 4no two storey dwellings (semidetached) & retention of existing dwelling, including upgrading Ladysmith Lane.

Decision: Permission Granted (10.12.2010)

## **PLANNING POLICY**

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

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

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

Belfast Urban Area Plan: The application site is identified as being located within the development limits of Metropolitan Newtownabbey.

Draft Belfast Metropolitan Area Plan (2004): The application site is identified as being located within the development limits of Metropolitan Newtownabbey.

Draft Belfast Metropolitan Area Plan (2014): The application site is identified as being located within the development limits of Metropolitan Newtownabbey.

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

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

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



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

## **CONSULTATION**

**Council Environmental Health Section** – No objections subject to conditions

**NI Water** – No objections

**DfI Roads** – No objections subject to conditions

## **REPRESENTATION**

Twenty-three (23) neighbouring properties were notified and ten (10) letters of objection have been received from seven (7) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Overlooking/Loss of privacy
- Overshadowing
- Loss of light
- Traffic congestion
- Parking provision
- Impact of construction works
- Out of character
- Boundary wall

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

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

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

### **Principle of Development**

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires that regard is had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the 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) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. Following a report presented to Committee in November 2017 it was agreed that the provisions of the version of BMAP published in September 2014 be afforded significant weight in the planning process pending clarification by the Department for Infrastructure on how it intends to progress this matter.

The application site is located on unzoned lands within the development limits of Metropolitan Newtownabbey as defined within both the Belfast Urban Area Plan (BUAP) and draft Belfast Metropolitan Area Plan (published September 2014). The proposal seeks full planning permission for the erection of four, two bedroom apartments and associated works. Given the zoning within BMAP and the existence of other areas of residential development in the area, it is considered that the principle of housing on this site is considered to be acceptable subject to the development complying with all other policy and environmental considerations.

The Strategic Planning Policy Statement (SPPS) indicates that sustainable development should be permitted, having regard to material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS also promotes good design and seeks to make more efficient use of urban land without town cramming. Planning Policy Statement 7: Quality Residential Environments and PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas are retained policies under the SPPS and provide the appropriate policy context.

### **Design and Appearance**

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Policy QD1 goes on to state that all proposals for residential development will be expected to conform to nine criteria. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider streetscape.

The proposal is for the erection of four two bedroom apartments consisting of two separate buildings with two apartments in each building, the apartments are laid out over two floors with two areas for parking and amenity space. Access to the site is provided by two access points off Ladysmith Lane, with one area of parking to the rear of the site, accommodating 4 no. parking spaces and one area to the southeast of the site providing for 2 no. parking spaces. The apartment buildings are two storey with ridge heights of 8.6 metres from existing ground level, a pitched roof with grey roof tiles and a white render finish with a brick plinth. The proposed buildings are of a similar design and appearance to each other, however, the front elevation of building two is gable ended onto Ladysmith Lane with the footprint of building two extending back into the site in comparison with building one which extends more along the frontage of Ladysmith Lane.

Individual access points are provided for each of the apartments with 2 no. accesses on the ground floor of each apartment building. Two areas for bin storage are located to the rear of each of the apartment buildings enclosed within bin storage buildings. The apartment buildings are defined with an area of paving along the frontage of block one defining the boundary with Ladysmith Lane.

Criterion (c) of Policy QD 1 requires that adequate provision is made for private and landscaped areas as an integral part of the development. Paragraph 4.31 of the justification and amplification states that developers should make adequate provision for private open space in the form of gardens, patios, balconies or terraces.

It adds that for apartment developments, private open space may be provided in the form of communal gardens, where appropriate management arrangements are agreed. The proposal indicates an area of private communal amenity space to the rear of the apartment buildings of approximately 175sqm. Paragraph 5.20 of supplementary planning guidance document 'Creating Places' advises that in the case of apartment developments private communal open space should range from a minimum of 10 square metres to 30 square metres per unit. The level of open space of 175 square metres will result in approximately 44sqm per apartment which meets with the guidance set out within 'Creating Places'.

For the reasons set out above it is considered that the development proposal complies with the provisions of the SPPS and Policy QD1 of PPS7 and LC1.

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

Policy QD1 of PPS 7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale and proportions and massing. In addition, the Addendum to PPS 7 Safeguarding the Character of Established Residential Unit is applicable as the site is located within an established residential area and does not fall within any of the exceptions listed in the policy. It is evident that Policy LC1 of the addendum to PPS 7 requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area and the proposed density is not significantly higher than that found in the established residential area.

The character of the existing residential area comprises a mix of detached, terraced properties and apartment complexes set in a range of medium to small plot sizes, additionally a mix of commercial and retail properties also exist in close proximity to the site. The existing pattern of development exhibits that of an urban character with medium to high density. The proposed apartments would not have a density significantly higher than the surrounding area and the proposed apartments in the context of their immediate surroundings would appear to respect the existing pattern of development and would not create any significant negative impacts on the character of the surrounding area.

For the reasons set out above it is considered that the proposal complies with the provisions of Policy QD1 and LC1.

### **Neighbouring Amenity**

Criterion (h) of Policy QD 1 requires that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. In this case the development proposal is located in close proximity to residential dwellings along Carwood Avenue, Carwood Drive and Carwood Mews and to the southwest along Ladysmith Lane.

The proposed scheme represents an amended scheme from that which was originally submitted which proposed four dwellings (two sets of semi-detached dwellings), however, the scheme was amended due to discussions with the neighbouring residents. A number of objections have been received regarding the impact on residential amenity in relation to overlooking and loss of privacy.

Paragraph 7.21 of supplementary planning guidance document 'Creating Places' advises that; adequate spacing needs to be provided between buildings for privacy purposes and in the case of apartment development on green field sites or low density areas a separation distance of 40 metres should be observed with a minimum distance of 15 metres from the rear wall of the development and the common boundary. However, paragraph 7.18 of 'Creating Places' goes on to state that greater flexibility will be appropriate in assessing the separation distance for apartments in urban locations or other higher density areas.

A separation distance from the rear wall of apartment block one and the common boundary of No. 4 Carwood Avenue is 16 metres at its widest point and 10.5 metres at its narrowest, with a separation distance of 37 metres at its narrowest from the rear wall of apartment block one and the rear wall of No. 4 Carwood Avenue. Apartment block one is orientated to face southeast therefore having a back-to-back relationship with No. 4 Carwood Avenue. The rear elevation on apartment block one, has one window which serves a habitable room on the upper floor, the separation distance from this window to the closest residential property is 14 metres. There are no residential properties located to the immediate southwest of apartment block one. A block wall approximately 1.8 metres in height and mature trees partially define the southwestern boundary and No. 4 Carwood Avenue.

No.2 Carwood Drive and Carwood Mews are located to the north and northeast of apartment block two with a separation distance of 18 metres at its widest point and 9 metres at its narrowest point from the rear wall of block two and the common boundary with No. 2 Carwood Avenue. Proposed apartment block 2 and No. 2 Carwood Avenue have a back-to-back relationship. Apartment block 2 has four windows on the northwestern elevation which is orientated at an angle towards Nos 2 & 4 Carwood Avenue. The windows on the northwestern elevation however all serve bathrooms and ensuites therefore opaque glazing is proposed in each of the windows. The side elevation fronting onto Carwood Mews has 7 windows all serving habitable rooms, four on the upper floor and three on the ground floor. A separation distance of 21.5 metres is proposed between this elevation and the gable wall of the apartment block. Additionally large mature trees approximately 8 metres in height define this boundary.

There are a number of residential properties located opposite the site along Ladysmith Lane, the separation distance from the front elevation of these properties to the apartment blocks ranges from 11 metres at its widest to 9.5 metres at its narrowest point. One letter of objection was received from the properties in Ladysmith Lane relating to overlooking, loss of privacy, overshadowing and loss of light. It is considered that a separation distance (based on a front-to-front relationship) of between 9.5 and 11 metres within the urban area is sufficient in order to minimise any significant overlooking. It is worth noting that the building line of apartment block one reflects that of the traditional building form along Ladysmith Lane.

It is acknowledged that the properties along Carwood Avenue are single storey properties, however, it is considered that given the separation distances between the existing and proposed development, the existing boundary treatments and the location of fenestration on the apartment blocks will prevent any significant negative

impacts on the neighbouring properties. For the reasons stated it is considered that the proposal complies with criterion (h) of policy QD 1.

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

There are two proposed access points for vehicular traffic both of which access onto Ladysmith Lane. The first access point provides access to 4 No. parking spaces which are located to the side and rear of the two apartment blocks. A second access services an additional 2 No. parking spaces located to the southwest of apartment building one.

Letters of objection raised concerns regarding the parking provision and traffic congestion. DfI Roads were consulted and have raised no issue with the level of parking provided and are content that adequate visibility splays can be achieved.

### **Other Matters**

Given the historic industrial use of the site there was a possibility that there was some potential for the site to suffer from land contamination. A Generic Quantitative Risk Assessment (GQRA) was submitted with the application. The Councils Environmental Health Section was consulted and responded with no objections to the proposal subject to a number of conditions.

## **CONCLUSION**

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

- The principle of the development is acceptable.
- The design, layout and appearance is appropriate for the site and provides an adequate provision of private open space.
- The proposed development will not result in an unacceptable impact on the character and appearance of the area.
- The proposal will not create any significant impacts on neighbouring properties in relation to overlooking, loss of privacy, overshadowing or loss of light.
- Adequate access and parking provision has been provided.

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

## **PROPOSED CONDITIONS**

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  
  
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The development hereby permitted shall not be occupied until the remediation measures outlined within section 5 of the Generic Quantitative Risk Assessment (GQRA) Document 03 dated 7<sup>th</sup> June 2018 have been implemented. There shall be no amendments or deviations from the recommendations outlined within Section 5 of the Generic Quantitative Risk Assessment (GQRA) Document 03 dated 7<sup>th</sup> June 2018.  
  
Reason: Protection of environmental receptors to ensure the site is suitable for use.

3. 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 Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

4. After completing the remediation works under Condition 2; and prior to occupation of the development, a verification report shall be submitted in writing to and agreed by the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

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

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

5. The vehicular access onto Ballyclare Road, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 03/1 bearing the date stamp 17<sup>th</sup> September 2018, 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.

6. The gradients of the access road shall not exceed 8% (1 in 12.5) over the first 5m 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 users.

7. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 spaces per residential unit.

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

8. The proposed planting as indicated on Drawing Nos 02/1 date stamped 17<sup>th</sup> September 2018 shall be undertaken prior to the occupation of any of the dwellings hereby approved.

Reason: In the interest of amenity.

9. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

10. The residential units hereby permitted shall not be occupied until a 1.8-metre fence is erected along the northern boundary as highlighted in yellow on the approved drawing No 03/1 dated stamped 17<sup>th</sup> September 2018.

Reason: In the interests of privacy and amenity.

11. Notwithstanding the details on approved drawing No 03/1 date stamped 17<sup>th</sup> September 2018, a 2.1-metre block wall with rendered finish shall be constructed along the western boundary of the site prior to the occupation of any of the residential units hereby approved.

Reason: In the interests of privacy and amenity.



**Location Map**

**Application Reference: LA03/2018/0548/F**

 Site Boundary

Scale 1:1250



Demolition of existing derelict garage buildings, with the erection of two number apartment blocks with two number, two bedroom apartments in each block, including the upgrading of Ladysmith Lane.

For Information Only





<b>COMMITTEE ITEM</b>	<b>3.6</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0708/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Proposed change of use of existing unit to CrossFit/weightlifting gym and training facility with no external alterations
<b>SITE/LOCATION</b>	Unit A3, Fergusons Way, Kilbegs Business Park, Kilbegs Road, Antrim
<b>APPLICANT</b>	Mark Smyth T/A Wolfhound Strength & Conditioning LTD
<b>AGENT</b>	NI Planning Permission
<b>LAST SITE VISIT</b>	8 <sup>th</sup> August 2018
<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>

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

#### **SITE DESCRIPTION**

The application site is located at Unit 3 Fergusons Way, Antrim on lands that are zoned for industry within the Antrim Area Plan 1984-2001 (Alteration No. 3).

The site comprises a large commercial unit located in the middle of a terraced block. The unit is finished in a mixture of white painted render and grey block. There is a large glazed element on the front elevation with dark blue coloured frames. The rear elevation has a large roller shutter door and a smaller pedestrian door way. The neighbouring units (Firmus Energy & Marcon) on both sides of the application building are used primarily as offices. There is a parking area both to the front and the rear of the subject unit. As noted above the application site is located within an existing industrial area with neighbouring tenants comprising a mixture of business types to include, Firmus Energy, Marcon, Harley Davidson and Ignite Studios.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: T/2004/0925/F  
Location: Land Between Ferguson's Way and Plasket Close. Kibegs Business Park, Kilbegs Road, Antrim.  
Proposal: Erection of 28 No. Steel Framed Industrial/Warehouse/Showroom/Office Units accommodated in 6 No. blocks  
Decision: Permission Granted (24.05.2005)

Planning Reference: T/2003/0712/F  
Location: Site at Fergusons Way, Kilbegs Business Park, off Kilbegs Road, Antrim.  
Proposal: Construction of new offices, workshop/storage and associated site works  
Decision: Permission Granted (07.10.2003)

## PLANNING POLICY

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, 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 lies within an area zoned for Industrial Use as per Alteration No. 3 of the Plan.

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

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

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

## CONSULTATION

**Council Environmental Health Section** – No Objection, subject to conditions

**NI Water** – No Objection

**DfI Roads** – No Objection

## REPRESENTATION

Fifteen (15) neighbouring properties were notified and four (4) letters of objection have been received from (or on behalf of) three (3) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Concerns in relation to the validity of the application in relation to the completion of Cert C of the P1 Form.

- The proposed use (as a gym) is considered as a 'leisure' type use and is therefore considered a 'main town centre use'. The focus for location of this type of use should be in Antrim Town Centre.
- A sequential assessment should be undertaken as the proposal is for a main town centre use that is not within an existing centre.
- No need assessment has been undertaken.
- The proposed change of use would result in the loss of existing Class B use.
- No evidence has been provided as to note how long the property has been on the market.
- This 'sui-generis' use for a leisure purpose is not compatible with the surrounding uses in Kilbegs and is contrary to PPS 4.
- A gym is not a compatible employment use of a scale, nature and form appropriate to its location.
- Concerns in relation to noise, vibration and general disturbance.
- Concerns in relation to insufficient car parking when taking into account existing occupiers of adjoining businesses and their usage.
- Questions raised in relation to the need for another gym facility in the area
- Loss of business at neighbouring gym.
- Concerns raised in relation to potential flaws within the acoustic report submitted with the application.

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

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

- Principle of Development
- Neighbour Amenity
- Parking
- Impact on Character and Appearance of the Area
- Other Matters

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

Section 6(4) of the Planning Act (Northern Ireland) 2011 states that any determination under this act must be made in accordance with the Local Development Plan (LDP), unless material considerations indicate otherwise.

Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) sets out that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period, planning authorities will apply existing policy contained within retained planning policy documents together with the SPPS.

In respect of the proposed development, there is no conflict or change in policy direction between the provisions of the SPPS and that contained within Planning Policy Statement 4: Planning and Economic Development (PPS 4). PPS 4 and Planning Policy Statement 3: Access, Movement and Parking (PPS 3) remain the applicable policies to consider the proposed development under.

The Antrim Area Plan operates as the Local Development Plan for the application site. The proposal site is located within the development limits of Antrim, and is within an area zoned for Industry as per Alteration No. 3 of the Plan.

Policy PED 7 (Retention of Zoned Land and Economic Development Uses) of PPS 4: Planning and Economic Development states that development that would result in the loss of land or buildings zoned for economic development use in a development plan to other uses will not be permitted unless the zoned land has been substantially developed for other uses.

It goes on to note that an exception will be permitted for the development of a sui-generis employment use within an existing or proposed industrial or employment area. This is on the condition that the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area in general.

It is noted that the site is located within an area used largely for industrial and business purposes although there are also a number of uses that are open to the general public which include Harley Davidson, Girls Brigade Northern Ireland and Ignite Studios. Given the general mix of businesses in the area the proposed CrossFit gym can be considered as being compatible with the uses in the general locality and thus can satisfy the first criterion of this policy.

The proposal is for the change of use of a former warehouse/showroom unit. The proposal will involve no external changes to the building. It is therefore considered that the proposal can comply with criterion two of the policy in relation to scale, nature, and form.

As per the P1 Form submitted with the application, the proposed site measures approximately 0.029 ha. The site as zoned in Alteration No. 3 of the Antrim Area Plan for Industry measures approx. 13.5 ha. Given the application site makes up only 0.21% of the total Kilbegs Industrial zoning it is considered that the proposal would not lead to a significant diminution of the industrial /employment land resource in the area and would rather re-use the existing unit and remove it from its vacant status.

The Planning (Use Classes) Order (Northern Ireland) 2015 identifies that a gymnasium is a sui generis use. Policy PED 7 of PPS 4 allows for the development of a sui generis employment use on zoned employment land. The Policy rather unhelpfully does not define what a sui generis employment use would be however; it does provide examples to include builders' supplies merchants or a waste management facility which would have low staff numbers. Notwithstanding the above, it is acknowledged that the proposed gym will according to the applicant result in the provision of 3-5 jobs (within the first year). It is noted from the supporting information submitted by the agent that since construction of the unit the landlord has not been able to secure a permanent tenant. It was however also advised that a charity had used the unit for storage prior to the submission of this planning application. As the unit has been vacant for some time it is considered that the proposal can only be seen to be creating a positive impact in relation to employment within the area.

It is considered that the principle of development is acceptable in this case and is seen to be compliant with the policy requirements laid out in Policy PED 7 of PPS 4. The main considerations will now be neighbour amenity, impact on the character of the area, parking, along with other matters raised within representations.

### **Neighbour Amenity**

The application site and subject unit is located within a mid-terrace row of five units. Firmus Energy is located to the left hand side of the unit and Marcon to the right. Both units appear to be mostly office focused. The Council's Environmental Health Section have been consulted on the application in relation to the potential impact that noise and vibrations could have on neighbour amenity. They have responded to advise that they are content that the noise arising from the gym could be adequately controlled by the attachment of a number of planning conditions. Furthermore it is appropriate to acknowledge the supporting information submitted by the agent advising that unlike many other commercial gyms where members enter freely throughout the day, the proposed gym will be run through training classes which will take place mostly in the evening times and at weekends. In the circumstances suggested the operation of the gym will likely take place outside of the core business hours of the neighbouring businesses.

### **Parking**

Policy AMP 7 of PPS 3 requires that there is adequate provision for parking for development proposals. The precise amount of parking is to be determined by the specific characteristics of the development and its location. As noted previously a gym is a sui generis use and the Parking Standards document does not precisely advise what the parking requirements for this particular use as a gym are to be. The nearest comparable would be for a leisure centre, it is considered however that a leisure centre would be on a much larger scale with a longer dwell time given the range of activities and services offered within these centres.

The parking requirements for a leisure centre are a minimum of 10 spaces, with 1 space per 3 staff and 1 space per 3 customers. The P1 form anticipates that there will be 86 people attending per day and on a straight calculation that accounts for 28 car parking spaces. The applicant indicates that they have 12 assigned spaces which is significantly below the standard suggested in Parking Standards. A gym however, operates differently than a leisure centre with a dwell time for a gym being approximately one hour. In addition the main bulk of visitors to the premises are likely to be attending timetabled classes which are generally outside of normal working hours in order to accommodate their patrons.

As noted previously, the supporting information supplied by the agent advises that the CrossFit gym facility operates differently to a normal commercial gym whereby its members will not be entering freely throughout the day; rather most classes will be run after 5pm in the evenings and at weekends. Given the circumstances it is considered that there would be sufficient car parking in the vicinity to accommodate the CrossFit gym's clientele and their parking requirements after normal business hours. DfI Roads were consulted on the application and offer no objection.

A condition could be attached to the grant of planning permission, should it be forthcoming, to limit timetabled classes for the proposed gym to outside normal business hours (9am-5pm), however, such conditions need to be necessary and it is unlikely that the level of patrons attending such a class during working hours would exceed the allocated 12 spaces. There is already an operational gym to the rear of the application site and upon site inspection there were no parking issues noted nor is the case officer aware of any car parking related complaints.

On balance, it is considered that there is no demonstrable harm likely to be caused by the proposed change of use of the building to the use of the gym and sufficient parking exists to accommodate the development.

A condition is not considered necessary as the number of clients attending would be unlikely to be excessive during normal working hours and therefore the competition for parking and the potential for conflict with other businesses (Firmus Energy & Marcon) is unlikely to be significant.

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

The proposal will not alter the external appearance of the existing unit and as such it is not considered that there would be any detrimental impact caused to the character and appearance of the area. Given that the proposal will see the re-use of what is presently a large vacant unit, it could be seen that the proposal would rather have a positive impact on the general character of the area by removing the buildings vacant status.

### **Other Matters**

This section will discuss other points raised by objectors that have not yet been covered elsewhere within the report.

There were concerns raised in relation to the validity of the application. The Council is however content that notice was served firstly to the managing agent (OKT) who informed the owner Mr Donnelly who was subsequently served notice directly. There are therefore no overriding concerns in relation to the validity of the application.

Queries were also raised in relation to a gym being considered a leisure type use and one that should therefore be focused in Antrim Town Centre. The representation suggested the requirement for a Sequential and Needs Assessment to be undertaken in order to satisfy the policy requirements laid out in the SPPS. The Council would however be of the opinion that a gym is defined as a 'sui generis' use within the Planning (Use Classes) Order (Northern Ireland) 2015 and as such it does not fall specifically to be considered as a leisure use. It is also noted that the legislation does have a classification category named 'D2 - Assembly and Leisure' which includes leisure uses such as a bingo hall, cinema or concert hall but this does not include use as a gym.

In relation to the need for another gym given the existing gym premises being located in relative proximity to the proposed CrossFit facility, it is considered that competition between competitors is a private interest and is not a factor that can be considered material in the determination of a planning application.

Concerns have been raised in relation to the content of the Noise Assessment submitted on behalf of the applicant. Clyde Shanks Planning Consultants acting on behalf of Firmus Energy (a third party objector) carried out a review of the applicants Noise Assessment and provided a critique which raised a number of issues. Upon receipt of this new information the Council's Environmental Health Section were re-consulted and they have advised; as per their previous response, they remain content that the potential noise levels arising from the proposed gym could be adequately controlled through the use of appropriately worded planning conditions.

## CONCLUSION

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

- The principle of the development is considered acceptable.
- There is no perceived significant detrimental impact on neighbour amenity.
- It is considered that there is sufficient space in the vicinity to accommodate parking requirements associated with the proposal.
- There is no impact on the character and appearance of the area.

**RECOMMENDATION :** GRANT PLANNING PERMISSION

## PROPOSED CONDITIONS

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

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

2. The doors serving the gym hereby permitted shall not be fixed in the open position whilst the gym is operational.

Reason: To prevent an adverse noise impact to adjacent neighbouring properties.

3. Prior to the development becoming operational absorbent rubber flooring to a depth of at least 30mm and minimum density of 1000kg/m<sup>3</sup>, shall be fitted and maintained thereafter to the area labelled "Weights Area", as indicated in blue on Drawing No. 03/2, date stamped received 21 November 2018.

Reason: To ensure noise and vibration impact arising from weight-lifting activities is suitably controlled and to prevent an adverse impact on adjacent neighbouring properties.

4. Weightlifting activities shall only be permitted to take place within the floored area with absorbent rubber matting to a depth of at least 30mm and minimum density of 1000kg/m<sup>3</sup>, as indicated in blue on drawing No. 03/2, date stamped received 21 November 2018 and labelled "Weights Area.

Reason: To ensure noise and vibration impact arising from weight-lifting activities is suitably controlled and to prevent an adverse impact on adjacent neighbouring properties.

5. All amplified music shall be played through a mains-linked acoustic limiter, which shall prevent the playing of amplified music at levels greater than those detailed in the Table 1 below.

Table 1							
	Criterion	dB at Frequency Hz					
		63	125	250	500	1000	2000
Permissible Music Noise Level in Gym (limit)	73.4	60.4	60.6	61.3	60	57.8	55.4

The limiter shall be calibrated daily using a Type 1 sound level meter, which shall be calibrated annually by an accredited laboratory, and test certification for this shall be retained for inspection.

Reason: To ensure noise and vibration impact arising from weight-lifting/CrossFit activities is suitably controlled and to prevent an adverse impact on adjacent neighbouring properties.

10. All amplified music speakers shall be structurally independent/acoustically isolated from the building structure.

Reason: To ensure noise and vibration impact arising from weight-lifting/CrossFit activities is suitably controlled and to prevent an adverse impact on adjacent neighbouring properties

11. No operations to increase the floorspace available for the use hereby permitted, including the installation of a mezzanine floor, shall be carried out without the express grant of planning permission by the Council.

Reason: To enable the Council to retain control over the scale of the gymnasium activities at this location.






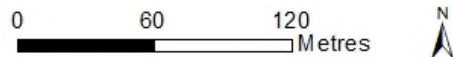
**Location Map**

**Application Reference: LA03/2018/0708/F**

Unit A3, Fergusons Way, Kilbegs Business Park, Antrim

Proposed change of use of existing unit to crossfit/weightlifting gym and training facility with no external alterations

 Site Boundary



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.7</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0994/O</b>
<b>DEA</b>	<b>Airport</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Site for infill dwelling and garage.
<b>SITE/LOCATION</b>	Site 20 metres west of 378 Ballyclare Road, Newtownabbey, BT36 4TQ
<b>APPLICANT</b>	Mrs Denise Dykes
<b>AGENT</b>	H R Jess Ltd
<b>LAST SITE VISIT</b>	30.11.2018
<b>CASE OFFICER</b>	Emma Groves Tel: 028 903 40214 Email: <a href="mailto:emma.groves@antrimandnewtownabbey.gov.uk">emma.groves@antrimandnewtownabbey.gov.uk</a>

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

#### **SITE DESCRIPTION**

The application site is located to the west of No. 378 Ballyclare Road and is in a countryside location as defined by the draft Belfast Metropolitan Area Plan (2014). The application site lies to the south of the Ballyclare Road and consists of a dwelling at No.378 Ballyclare Road and a joinery business at No.378a Ballyclare Road. These two buildings share an existing access onto the Ballyclare Road.

The site is long and narrow and stretches from the public road approximately 170m to its southern boundary. The red line of the site includes No.378 which is a residential dwelling which has a front garden area which stretches down and narrows at a point to meet the northern (roadside) boundary. The joinery business (No. 378a) is within a yard area to the west and has a 1m high cement wall which divides the yard from a field which extends towards the Ballyclare Road. The northern (roadside) boundary of the application site is defined by a 1.5m high timber fence and the shared access. The site rises significantly from the public road to its southern boundary which is undefined.

The site is located within the countryside and there are a number of properties in the vicinity including Nos. 374 and 376 to the east, these properties are two storey in their design. There is a property to the west of the site No. 384 which is also two storey in height and has a number of associated outbuildings.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2016/1118/O  
Location: 378A Ballyclare Road, Newtownabbey, BT36 4TQ,  
Proposal: Single dwelling, domestic garage and store  
Decision: Permission Refused ( 21.06.2017)

Planning Reference: LA03/2017/0248/LDE  
Location: 378A Ballyclare Road, Newtownabbey, BT36 4TQ,

Proposal: Joinery Business (shop fitting & design, building, maintenance, renovation, joinery manufacture)  
Decision: Development Certified (08.05.2017)

### **PLANNING POLICY**

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

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

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

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

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

Draft Belfast Metropolitan Area Plan (Published 2004): The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2014): 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.

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**

**Environmental Health Section** – No objection.

**Historic Environment Division** – No objection.

**Northern Ireland Water** – No objection.

**DfI Roads** – Further information required

## **REPRESENTATION**

Five (5) neighbours were notified of the application and two (2) letters of objection have been received from two (2) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- The proposal is contrary to Policy AMP2 of PPS3 in that it will prejudice the safety and convenience of road users as it proposes a new access which cannot provide the necessary visibility splays in accordance with DCAN 15.
- The proposal is contrary to Policy CTY 8 of PPS21 as the application site is not located within a substantial and built up frontage and cannot therefore be considered an exception to this policy and does not respect the existing pattern of development in terms of plot size.
- The proposal is contrary to Policy CTY14 of PPS21 as it will result in unacceptable erosion to the rural character of the area in accordance with criterion (b), (c), (d) and (e).

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

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

- Principle of Development
- Impact on the Character of the Area
- Other Matters

### **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.

Whilst there is currently no statutory development plan in place for the area where the development is proposed, the provisions of both the draft Newtownabbey Area Plan and the draft Belfast Metropolitan Area Plan are considered to be material considerations in assessment of the current application. Both of these Plans identify the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) was published in September 2015 and is a material consideration. At paragraph 1.10 it states that, until

such times as a plan strategy for the whole of the Council area has been adopted, Local Planning Authorities will apply existing policies within the Planning Policy Statements (PPS's) that have not been cancelled, together with the SPPS. PPS21 is one such retained policy document.

Policy CTY1 of PPS21 sets out a range of types of development that in principle are considered to be acceptable in the countryside, including the development of a small gap site in accordance with Policy CTY8.

Under this policy, an exception will be permitted for the development of a small gap site within an otherwise substantial and continuously built up frontage, provided this respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size and meets other planning and environmental considerations. Policy CTY8 describes a substantial and built up frontage to include a line of three (3) or more buildings along a road frontage, without accompanying development to the rear.

The application site consists of a dwelling at No.378 Ballyclare Road and a joinery business at No.378a Ballyclare Road. These two buildings share an existing paired access onto the Ballyclare Road. The neighbouring residential property No.374 Ballyclare Road is situated next to the application site. The area for a dwelling identified within the application site is located between No. 378 (existing dwelling) and No. 378a (existing workshop). In order for a proposed development to be successful under Policy CTY 8 of PPS21 a number of policy criteria must be met. In the first instance there must be a gap within a substantial and continuously built up frontage. For the purposes of the policy a substantially and continuously built up frontage includes a line of three or more buildings along a road frontage. It is considered that while 378 and 374 located to the east of the site have a road frontage it is not considered that the existing joinery shop or the dwelling and other buildings at No. 384 which are located to the west of the application site have a frontage to the road. The existing workshop at No. 378a is within a yard area and has a 1m high cement wall which divides the yard from a field which extends down towards the Ballyclare Road. It is considered that the curtilage of the workshop is defined to the north by the existing wall and the curtilage does not extend to the Ballyclare Road.

The dwelling and outbuildings at No. 384 located to the west of the site are set back off the Ballyclare Road and are accessed via an existing laneway with intervening fields between the buildings and the Ballyclare Road. It is evident that this property does not have a frontage to the Ballyclare Road.

It is specified that the site must also respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. The proposed plot width for the proposed dwelling is approximately 16m wide and as it is a subdivision of the plot at No.378a it reduces this plot width from 33m to 17m. The dwelling on site at No. 384 has a plot width of 36m. It is considered that the proposal as a result would not respect and reflect the existing plot widths evident in the area.

It is considered that the proposal fails to comply with the policy provisions of Policy CTY 8 and therefore the principle of development is not acceptable at this location.

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

Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It identifies that a new building will be unacceptable where, it results in a suburban style build-up of development or will create or extend an existing ribbon of development.

Given the existing development within the red line of the application site and in the adjacent vicinity it is considered that a new dwelling situated in the position shown on drawing No.02 date stamped 30th October 2018, would not respect and reflect the existing pattern of development. This is due to the significantly reduced plot width of the proposed dwelling and would also reduce the curtilage of the existing workshop (No. 378a).

In addition, the development of the existing field to the front of the workshop area to be used as a garden area would help create an extension to a ribbon of development which already exists to the southeast of the site. The extension of a ribbon of development is contrary to Policies CTY 8 and CTY 14.

### **Other Matters**

Two objections from neighbouring properties have been received and issues have been raised on the following matters:

#### *Contrary to Policy AMP2 of PPS3*

Concerns were raised that the proposal will prejudice the safety and convenience of road users as it proposes a new access which cannot provide the necessary visibility splays in accordance with DCAN 15. DfI Roads was consulted on the proposal and requested amendments including both red line visibility splays shown in their entirety and in both directions. DfI Roads also required Certificate C of the P1 form completed for third party land required to provide the 2.4m x 150m visibility splays. The Council did not request this information from the agent as the principle of development was not considered to be acceptable.

#### *Contrary to Policy CTY 8 of PPS21*

Concerns were raised stating the application site is not located within a substantial and built up frontage and cannot therefore be considered an exception to this policy. It is discussed earlier in the report that the proposed development does not meet the policy criteria for an infill dwelling in accordance with Policy CTY8.

#### *Contrary to Policy CTY14 of PPS21*

Concerns were raised regarding the proposal resulting in unacceptable erosion to the rural character of the area, not in accordance with criterion (b), (c), (d) and (e) of CTY 14. These criterion have been discussed above.

### **CONCLUSION**

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

- The principle of the dwelling is not considered to be acceptable.
- The proposal does not comply with Policy CTY 8 of PPS21.
- The proposal would lead to an extension of an existing ribbon of development;

- Further information is required to demonstrate that the necessary sightlines can be achieved.

<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
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<b>PROPOSED REASONS FOR REFUSAL</b>
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1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY8 of Planning Policy Statement 21, in that it fails to meet the provisions for an infill dwelling as the application site does not comprise a small gap within a substantial and continuously built up frontage.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 8 and 14 of Planning Policy Statement 21, in that the proposed development, if approved, would extend an existing ribbon of development along the Ballyclare Road which would further erode the rural character of the area.



**Location Map**

**Application Reference: LA03/2018/0994/O**



Site for infill dwelling and garage  
 Site 20 metres west of 378 Ballyclare  
 Road Newtownabbey BT36 4TQ

For Information Only

 Site Boundary





<b>COMMITTEE ITEM</b>	<b>3.8</b>
<b>APPLICATION NO</b>	<b>LA03/2018/1020/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 dwelling and garage on a farm
<b>SITE/LOCATION</b>	Land approx. 100 metres Northeast of 73 Crosskennan Road
<b>APPLICANT</b>	Claire and Norman Hannan
<b>AGENT</b>	N/A
<b>LAST SITE VISIT</b>	20 <sup>th</sup> November 2018
<b>CASE OFFICER</b>	Orla Burns Tel: 028 903 40408 Email: <a href="mailto:orla.burns@antrimandnewtownabbey.gov.uk">orla.burns@antrimandnewtownabbey.gov.uk</a>

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

#### **SITE DESCRIPTION**

The application site is located approximately 100 metres northeast of 73 Crosskennan Road. The application site lies within the rural area and outside of any designated settlement limits as defined by the Antrim Area Plan 1984-2001.

The application site is a rectangular section of land that is cut out of a larger agricultural field. The northwestern and northeastern boundaries of the site are defined by a post and wire fence with hedging approximately 1.2 metres in height planted on the inside. The southwestern and southeastern boundaries are contrived and physically undefined as the site is a portion of a larger agricultural field. There is a group of mature coniferous trees located outside the application site just beyond the northeastern boundary that reach approximately 10-15 metres in height. The topography of the application site rises slightly from southwest to northeast.

It is proposed to access the application site via a proposed laneway connecting to the Crosskennan Road. The proposed laneway will travel along the southwestern boundary and will turn direction to run along the northwestern (roadside) boundary.

#### **RELEVANT PLANNING HISTORY**

No relevant planning history

#### **PLANNING POLICY**

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

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

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

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

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

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

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

#### **CONSULTATION**

**NI Water** – No Objections

**DfI Roads** – No Objections subject to conditions

**DEARA** No Objections

**Historic Environment Division** – Archaeological Evaluation requested

#### **REPRESENTATION**

Two (2) 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:

- Principle of Development
- Integration & Character
- Other Matters

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

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a dwelling on a farm in accordance with Policy CTY 10. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Policy CTY 10 states that all of the following criteria must be met:

- (a) The farm business is currently active and has been established for at least 6 years;
- (b) No dwellings or development opportunities out-with the settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
  - demonstrable health and safety reasons; or
  - verifiable plans to expand the farm business at the existing building group(s).

The Department for Agriculture Environment and Rural Affairs – Countryside Management Branch Inspectorate (DAERA) were consulted as part of the application. DAERA responded confirming that the Farm Business ID identified on the P1C form has been in existence for more than 6 years, however, the business has not claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri-Environment schemes. DAERA clarified the Business ID identified on the P1C form was issued in 2011, and stated there have been no claims submitted for either SFP or BPS. DAERA also stated the proposed site is located on land associated with another farm business.

Given the information provided by DAERA, the applicant was contacted and asked to provide evidence to show that the farm in question has been actively farmed or maintained in a ready condition for agriculture since 2011.

Additional information was provided at a meeting with the applicant on 4<sup>th</sup> December 2018 (@ 2:30pm –minutes in file) in the form of 5 invoices with dates ranging between 2012 to 2016. The invoices show the purchase of sheep fencing in 2012, barbed wire fencing in 2015, an electric wire fence in 2016, electric fence poly wire in 2016 and electric fence posts in 2016. It was confirmed that the 1.19hectares represented the full extent of the applicant's holding.

As previously stated DAERA confirmed that the application site is linked to another farm business. At the meeting the Case Officer asked the applicant if there were any up to date invoices for farming or maintaining the land, the applicant stated that he has no other invoices since 2016 as he has carried out no further maintenance since then. The applicant has indicated that they made an agreement with a farmer who takes the land in conacre that the farmer was to maintain the land for the foreseeable future. In light of this information, the Council considers that the applicant is currently leasing his land to another farmer and is not actively maintaining/farming the land and therefore the land is effectively being farmed by another farm business. In these circumstances the proposed development is considered to be contrary to criteria (a) of Policy CTY 10.

In addition, the farm map submitted with the application is dated 28<sup>th</sup> January 2010 which is 1 year 7 months before 10<sup>th</sup> August 2011 when the applicant's farm ID was issued. The applicant was asked about these dates and stated he did not know why the date on the map is a year before the issue of the farm ID. The farm map submitted with the application identifies one dwelling (No. 73 Crosskennan Road) which is located just outside the farmlands identified on the map. No. 73 Crosskennan Road is the applicant's current dwelling and is the only building located within the farm holding. The Case Officer asked the applicant if he owned any other parcels of land as the farm map indicates the farm holding as "1/B". The applicant stated that his farm holding and the agricultural field located directly to the northwest of the site once formed one large field, however had been separated and sold to two separate buyers, to which he had bought section 1/B. It is apparent that these lands once formed part of a larger farm at one time, however there is no indication that any parcels of land have been sold off from the farm holding since 2008, a requirement stated in PPS21. It is therefore considered that the proposal does not conflict with Criterion (b) of Policy CTY 10, which states that no development opportunities should have been sold off the holding within the last 10 years.

Criterion (c) of Policy CTY10 states the new building should be visually linked or sited to cluster with an established group of buildings on the farm. The applicants existing dwelling and garage is the only established group of farm buildings within the farm holding. From the centre of the application site to the existing buildings, there is a separation distance of 70 metres and the application site is set 90 metres northeast of the Crosskennan Road. Given the separation distance between the existing buildings and the location of the application site, it is considered that a dwelling would not visually link nor cluster with the existing buildings on the farm.

Criterion (c) goes on to state that consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group. There is no reason as to why the proposed building could not be sited closer to the existing buildings on the farm in order to comply with criterion (c) of CTY10 - in that the proposal should visually link or cluster with the existing buildings on the farm. There is no evidence of demonstrable health and safety reasons for the alternative site, nor any indication that the applicant intends to extend the farm.

The applicant details in Document 01, date stamped received 6<sup>th</sup> December 2018, that the design of the proposed dwelling will reference that of the design, construction and finishes of the existing dwelling located to the southwest of the application site. As this is an outline application, there are no designs proposed at this stage therefore the Council is unable to take this point into consideration under this application. The applicant goes on to refer to section 5.41 within the justification and amplification section of CTY 10 that states, "if the existing building group is well landscaped, or where a site adjacent to the building group is well landscaped planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation." The applicant goes on to state the existing dwelling (located southwest of the application site) is well landscaped as are the boundaries of the application site, and the existing hedging provides screening between the application site and the Crosskennan Road when approaching from the south. It is worth noting, the amplification and justification section is further explanation of Policy CTY 10. In this case, 5.41 is the further explanation of criterion (c) where it states consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available. It is considered that this section of Document 01 is not relevant in justifying the proposed site location given the availability of other sites which would be visually linked.

Furthermore, in addition to the requirements set out under criterion (c) of CTY 10, the policy states that where practicable, access to the dwelling should be obtained from an existing lane. The proposal will be accessed via a separate proposed laneway, located approximately 10 metres northwest of the applicants existing access. The applicant has not provided any reasons as to why the proposed application site could not be accessed via the same access and laneway currently used to access the existing dwelling and garage.

It is therefore considered that the principle of a dwelling on this farm is not acceptable as it does not comply with both Criterion (a) and Criterion (c) set out within Policy CTY10 in that the farm is currently not being maintained by the applicant nor will the proposed dwelling be visually linked or sited to cluster within a group of established farm buildings.

### **Integration & Character**

The SPPS paragraph 6.70 states that all development in the countryside must integrate into its setting and respect rural character. Policies CTY 13 and CTY 14 of PPS21 states that planning permission will be granted for a building in the countryside

where it can be visually integrated into the surrounding landscape and where it does not cause a detrimental change to, or further erode the rural character of an area.

In this case, the application site is set approximately 90 metres northeast of the Crosskennan Road within the northern corner of an existing agricultural field. There are mature trees located to the northeast of the application site approximately 10-15 metres in height that provide a backdrop for a potential dwelling.

However, it is considered that the application site would rely primarily on the use of proposed landscaping in order to provide a sense of enclosure when viewed from the Crosskennan Road. The northwestern boundary of the site is defined by a post and wire fence with limited hedging of only 1.2 metres in height planted on the inside, whereas the remaining boundaries are undefined. The application site rises slightly from the southwest to the northeast and this increase in height will increase the impact a dwelling will have in that location in terms of being a prominent feature within the landscape.

The application site can be viewed over a distance of some 180 metres on approach from the southeast to the northwest. When travelling from the northwest to the southeast on the Crosskennan Road, the mature vegetation along the roadside screens any potential viewpoints of the application site, however, critical views of a dwelling on the site are achievable along the site frontage. It is considered that a dwelling at this location would be open to critical views, would be a prominent feature in the landscape and would fail to provide an adequate sense of enclosure.

#### **Other Matters**

The proposal is to access onto the Crosskennan Road via a laneway which will serve only the proposed dwelling. DfI Roads was consulted on the proposal and has not raised any objections to the means of access provided that sightlines of 2.4 by 120 metres can be achieved.

Document 01, states the reason for choosing the location of the application site is to shield a potential dwelling from a northerly wind. This matter has been taken into consideration, however it is concluded that this does not outweigh the policy requirements.

Historic Environment Division was consulted on the proposal and has requested the submission of an Archaeological Evaluation as per Policy BH 3 of PPS6 due to the application site being in close proximity to an archaeological enclosure. The Archaeological Evaluation was not requested from the applicant as the application is recommended for refusal and it would not be prudent to cause the applicant any avoidable expense given the opinion to refuse outline planning permission.

#### **CONCLUSION**

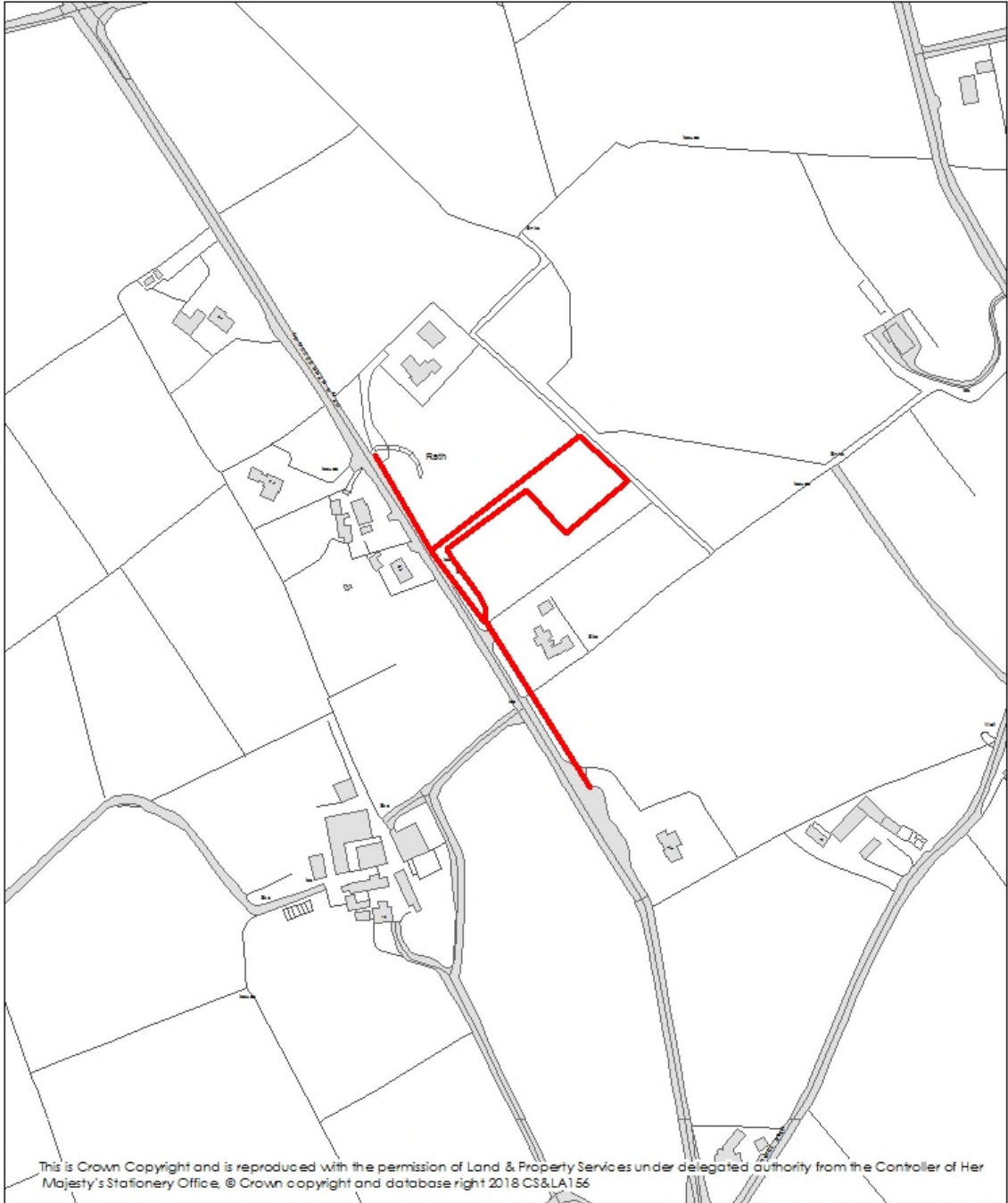
The following is a summary of the main reasons for the recommendation:

- The principle of the development has not been established.
- The proposed dwelling would not visually linked or sited to cluster with an established group of buildings on the farm holding.
- A dwelling would be a prominent feature in the landscape.

<b>RECOMMENDATION :</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
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<b>PROPOSED REASONS OF REFUSAL</b>
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1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY1 and CTY10 of PPS 21: Sustainable Development in the Countryside, and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm holding.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 13 and CTY 14 of PPS 21: Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm holding and would be a prominent feature in the landscape.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy BH 3 of PPS6: Planning, Archaeology and the Built Heritage, in that no Archaeological Evaluation of the site has been carried out and it is not possible, on the basis of the information provided, to assess whether the proposed development is likely to impact upon archaeological remains.




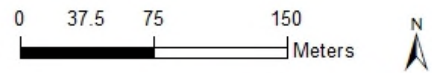
**Location Map**

**Application Reference: LA03/2018/1020/O**

Land approx. 100m North East of 73 Crosskennan Road  
Antrim BT41 2RG

Single dwelling and garage on a farm

 Site Boundary



For Information Only





<b>COMMITTEE ITEM</b>	<b>3.9</b>
<b>APPLICATION NO</b>	<b>LA03/2018/1033/A</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE ADVERTISEMENT CONSENT</b>

<b>PROPOSAL</b>	Trailer advert (Retrospective)
<b>SITE/LOCATION</b>	Approx. 300m SE of 105 Moira Road, Glenavy
<b>APPLICANT</b>	Mr Sean Cassidy
<b>AGENT</b>	Doherty Architects Ltd
<b>LAST SITE VISIT</b>	14 <sup>th</sup> December 2018
<b>CASE OFFICER</b>	Wayne Donaldson Tel: 028 903 40431 Email: <a href="mailto:wayne.donaldson@antrimandnewtownabbey.gov.uk">wayne.donaldson@antrimandnewtownabbey.gov.uk</a>

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

#### **SITE DESCRIPTION**

The application site is located on a layby approximately 300m southeast of 105 Moira Road, Glenavy. The site is located on a small layby adjacent to the main Moira Road and is located outside of any defined settlement limit. A large trailer advertisement is located on the site advertising Tully Tyres which is located approximately 4km from the application site. The site is on the edge of the very busy Moira Road with the trailer advert being very prominent when travelling along Moira Road.

#### **RELEVANT PLANNING HISTORY**

Enforcement Reference: LA03/2018/0261/CA  
Location: Approximately 300m SE Of 105 Moira Road, Glenavy  
Breach: Unauthorised trailer advert  
Decision: Ongoing

#### **PLANNING POLICY**

Regulation 3(1) of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 requires that the Council exercise its powers in relation to advertisement control only in the interests of amenity and public safety, taking into account the provisions of the local development plan, so far as they are material and any other relevant factors.

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the

Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

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

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

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

PPS 17: Control of Outdoor Advertisements: sets out planning policy and guidance for the control of outdoor advertisements.

#### **CONSULTATION**

**DFI Roads** – The response received states that the proposal is contrary to Policy AD1 of PPS17 in that the proposal will prejudice the safety and convenience of road users.

#### **REPRESENTATION**

No neighbours were notified of the application for advertisement consent.

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

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

- Policy Context
- Amenity, Design and Appearance
- Public Safety

##### **Policy Context**

The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 is the relevant statutory rule for the control of advertisements, made under the provisions of Section 130 of the Planning Act (Northern Ireland) 2011. Regulation 3(1) of the Regulations requires that the Council exercise its powers only in the interests of amenity and public safety, taking into account the provisions of the local development plan, so far as they are material and any other relevant factors.

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the advertisement is proposed. The application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the

Borough and it retains certain existing Planning Policy Statements (PPS). Amongst these is PPS 17: Control of Outdoor Advertisements. Taking into account the transitional arrangements of the SPPS, retained PPS 17 provides the relevant policy context for consideration of the proposal.

### **Amenity, Design and Appearance**

Planning Policy Statement 17 - Control of Outdoor Advertisements (PPS17) provides the policy context for the proposal. Policy AD1 of PPS17 states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality and does not prejudice public safety.

The application seeks retrospective advertising consent for a trailer advertisement. The signage relates to Tully Tyres with the business being located approximately 4km away from the application site along Moira Road.

The justification and amplification of Policy AD1 advises that the amenity of the countryside is particularly important and there is a need to protect the unique qualities from the negative effects of advertising. The policy also states that the only advertisements likely to be acceptable in the countryside are those proposed on site and which relate to existing or approved commercial enterprises, these signs should be small in scale and not detract from the quality and character of the local landscape.

The trailer advert is located approximately 4km from the premises of Tully Tyres and as such the sign is not positioned at the location of an existing or approved commercial enterprise. The advert is large in size and scale measuring approximately 7.6m by 3m and raised approximately 1m above ground level on the rear of a trailer and is highly visible when travelling along this rural stretch of the Moira Road.

It is considered that the proposal does not comply with Policy AD 1 as the sign is not located at the site of an existing or approved commercial enterprise and the large size and scale of the sign will have a dominant appearance in the area, as a result the sign will have a detrimental visual impact and detract from the quality, character and amenity of the local rural landscape.

### **Public Safety**

The proposed signage is located at a roadside layby location adjacent to the busy Moira Road. The signage is highly visible to traffic travelling along the Moira Road given its large size and scale. DfI Roads was consulted and has raised concerns that the proposal, if permitted, would prejudice the safety and convenience of road users by creating a distraction to drivers.

It is considered that the proposal does not comply with Policy AD1 as the sign will prejudice the public safety and convenience of road users given its size, scale and location.

## **CONCLUSION**

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

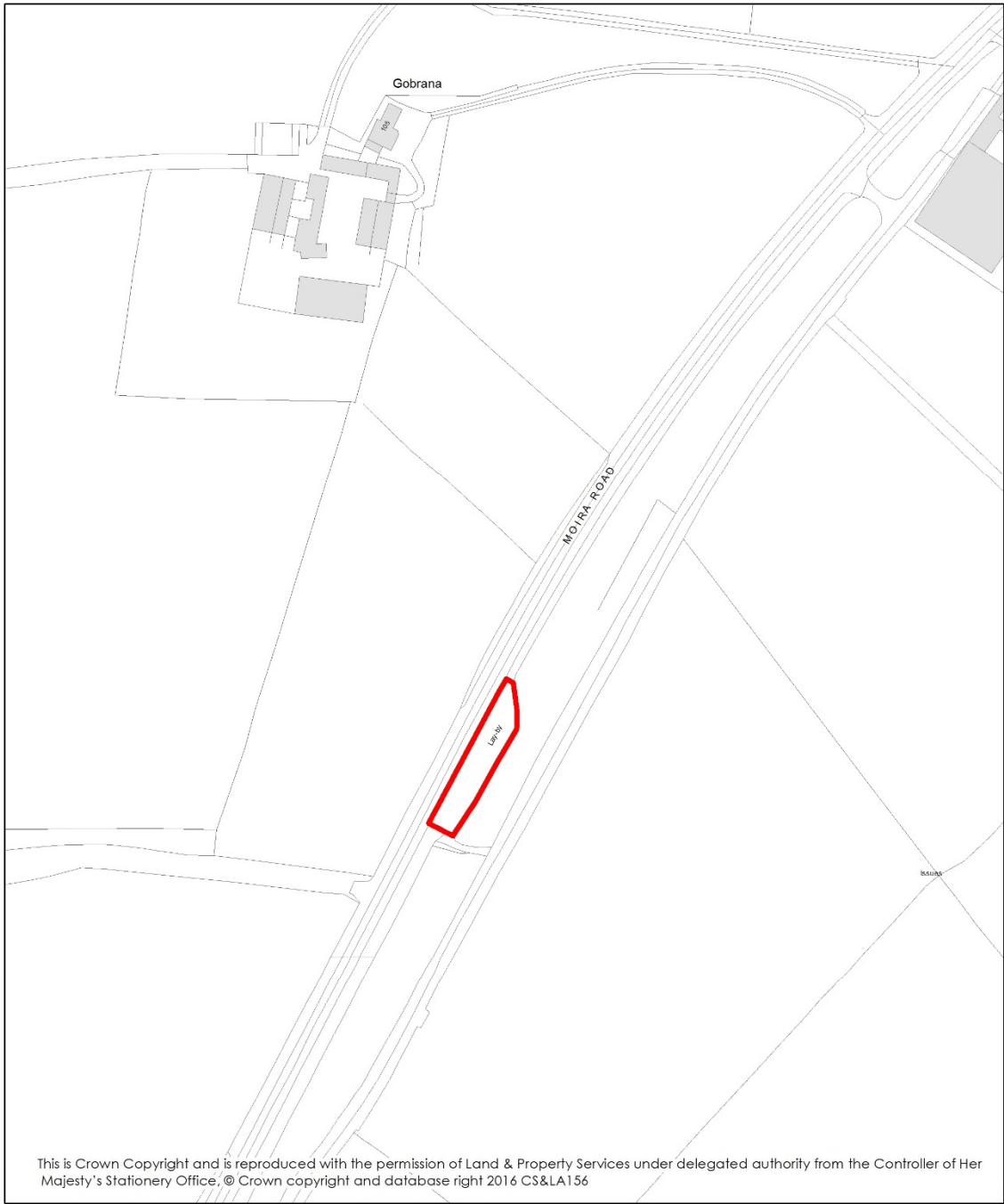
- The proposal will have a detrimental visual impact and detract from the quality, character and amenity of the rural area.

- The proposal will prejudice the public safety and convenience of road users as the sign is considered a traffic hazard.

**RECOMMENDATION :** REFUSE ADVERTISEMENT CONSENT

**PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AD1 of Planning Policy Statement 17: Control of Outdoor Advertisements, in that retention of the proposed signage would result in an unacceptable detrimental impact on the visual amenity of the rural area.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AD1 of Planning Policy Statement 17: Control of Outdoor Advertisements, in that retention of the proposed signage would prejudice the safety and convenience of road users with the creation of a traffic hazard.



**Location Map**

**Scale 1:2500**

**Application Reference LA03/2018/1033/A**



**Trailer Advert (Retrospective)  
Approximately 300m SE of  
105 Moira Road, Glenavy**

For Information Only

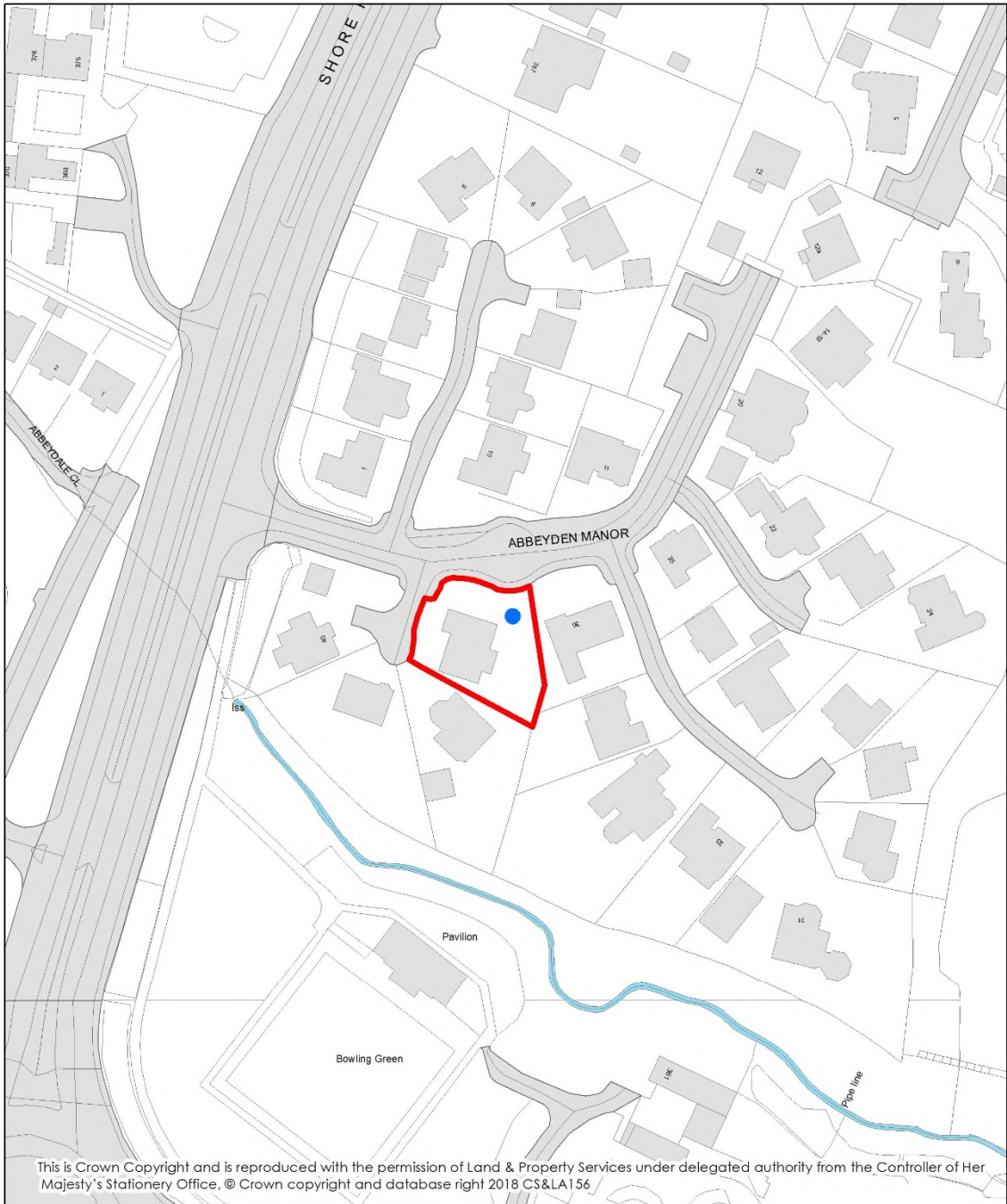
Site Boundary 



<b>COMMITTEE ITEM</b>	<b>3.10 - DEFERRED FROM OCTOBER 2018 COMMITTEE MEETING</b>
<b>CASE REFERENCE</b>	<b>LA03/2018/0788/TPO</b>
<b>DEA</b>	<b>MACEDON</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>GRANT TPO WORKS CONSENT</b>


<b>TPO WORKS REQUESTED</b>	Fell 1 no. tree
<b>SITE/LOCATION</b>	37 Abbeydene Manor, Newtownabbey
<b>APPLICANT</b>	M. Large Tree Services Ltd
<b>LAST SITE VISIT</b>	10 September 2018
<b>CASE OFFICER</b>	Steven McQuillan Tel: 028 90340421 Email: <a href="mailto:steven.mcquillan@antrimandnewtownabbey.gov.uk">steven.mcquillan@antrimandnewtownabbey.gov.uk</a>

<b>ASSESSMENT</b>	
<p>This application was previously presented to Planning Committee at its meeting of the 15<sup>th</sup> October 2018 where the matter was deferred to allow the applicant an opportunity to submit additional information on the viable alternatives which may exist other than to fell the tree.</p> <p>The agent was contacted on the 24<sup>th</sup> October and the 19<sup>th</sup> December 2018 and while an acknowledgement of the request for additional information was received, the applicant at the time of writing had not provided any further information which would assist the Committee in its decision making.</p> <p>On the basis of the information held on file the Officers recommendation remains unchanged, that the tree should be felled as it presents a potential risk to property.</p>	
<b>RECOMMENDATION :</b>	<b>GRANT TPO WORKS CONSENT</b>
<b>PROPOSED CONDITIONS</b>	
<ol style="list-style-type: none"> <li>1. The works as described in this consent notice shall be undertaken within 2 years of the date of this notice.</li> <li>2. Felling shall be carried out to the tree as indicated in blue on attached Map B.</li> <li>3. To compensate for the loss of this protected tree a replacement tree shall be planted to comprise an extra heavy standard tree of 14 - 16cm in girth and 3 - 5m in height at the time of planting of a native species to be agreed in writing with the Council. Replanting shall be carried in the approximate location identified in red on the attached Map B within one month of the removal of the protected tree or such timescale as may be agreed in writing with the Council prior to the removal of the protected tree. The replacement tree shall be permanently retained unless the Council gives written consent prior to its removal.</li> </ol>	





**Location Map**

**Application Reference: LA03/2018/0788/TPO**

Scale: 1:1250 

Fell 1 no. tree at Abbeydene Manor, Newtownabbey

-  Site Boundary
-  Approx. location of tree



## **PART 2    OTHER PLANNING MATTERS**



### **ITEM 3.11**

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

A list of planning decisions issued by Officers during December 2018 under delegated powers is **enclosed** for Members attention together with information received this month on planning appeals.

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

## ITEM 3.12

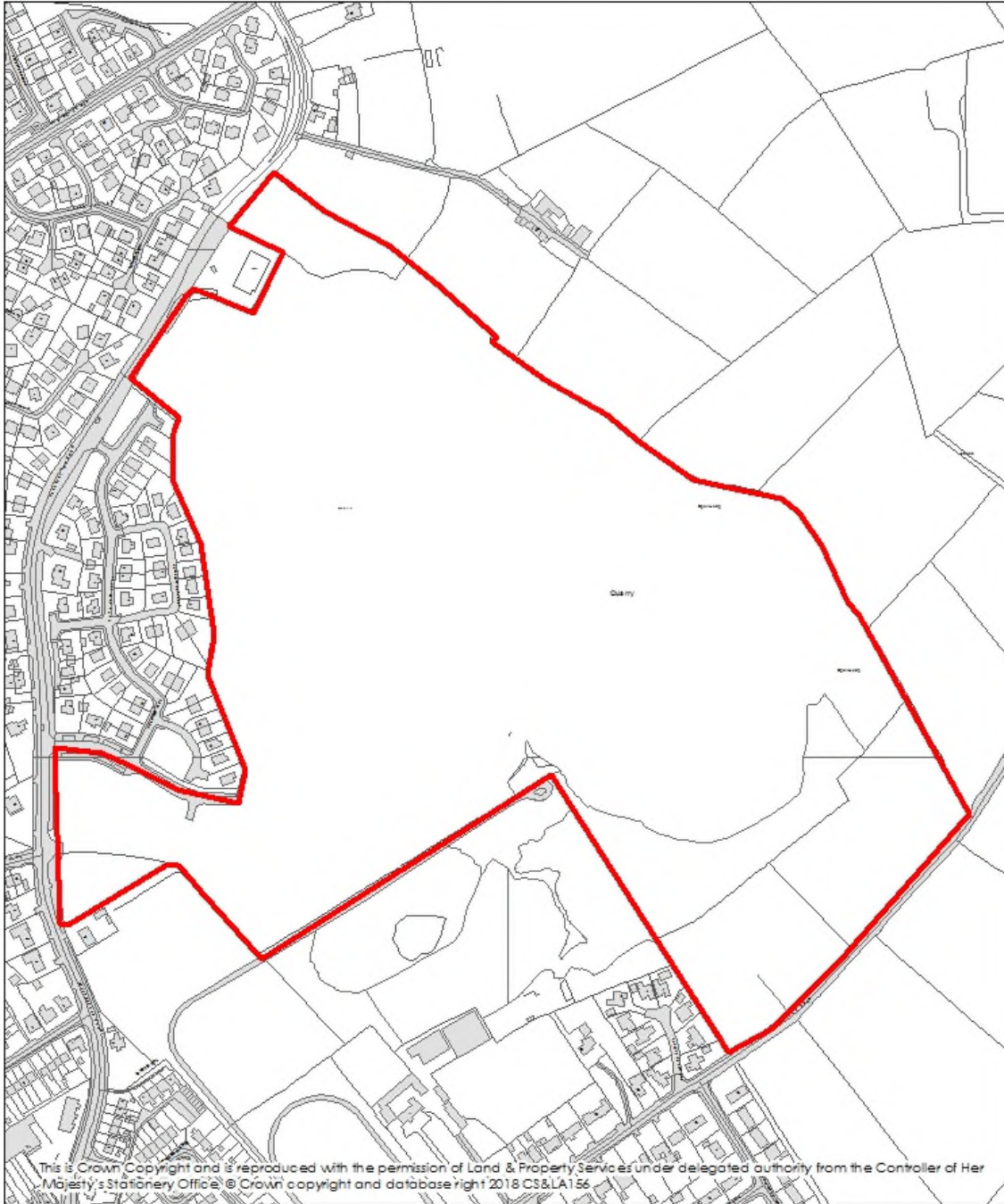
### P/PLAN/1 PROPOSAL OF APPLICATION NOTICES FOR MAJOR DEVELOPMENT

Members will be aware that prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). One PAN was registered during December 2018 the details are set out below.

<b>PAN Reference:</b>	LA03/2018/1119/PAN
<b>Proposal:</b>	Residential-led masterplan scheme, including community facilities
<b>Location:</b>	Former Craighill Quarry site lands to the north of the Ballycorr Road and to the south of the Ballyeaston Road Ballyclare
<b>Applicant:</b>	Craighill Developments Ltd
<b>Date Received:</b>	17 December 2018
<b>12 week expiry:</b>	11 March 2019

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

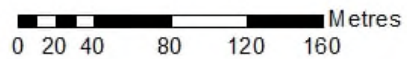
**RECOMMENDATION: that the report be noted.**



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**Location Map**

**Application Reference: LA03/2018/1119/PAN**



Former Craighill Quarry site, Lands to the north of the Ballycorr Road and to the south of the Ballyeaston Road, Ballyclare

For Information Only

 Site Boundary

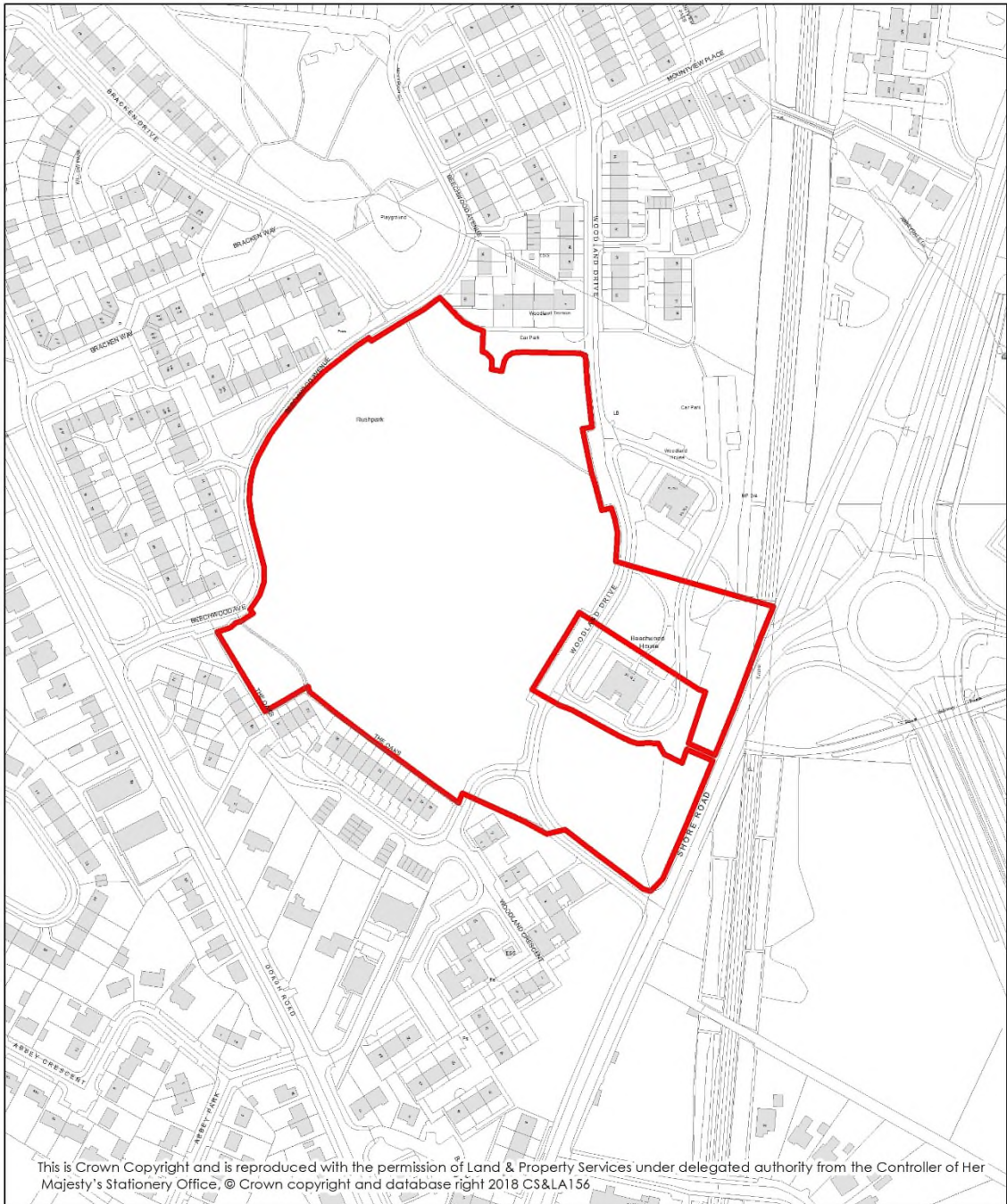


### **ITEM 3.13**

#### **TPO/2018/0067/LA03 - SERVICE OF PROVISIONAL TPO ON LANDS AT RUSH PARK, NEWTOWNABBEY.**

On 21 December 2018, Officers served a provisional Tree Preservation Order on the above mentioned lands in accordance with Section 123 of the Planning Act (Northern Ireland) 2011. The Order was served on the basis that it is expedient in the interests of amenity to preserve the trees on this site and to prohibit the cutting down, lopping, uprooting, wilful damage or wilful destruction of the trees. Members should note that this is a Provisional TPO which provides a 6 month period for Officers to survey the site and identify trees or groups of trees which would warrant protection under a confirmed Tree Preservation Order. Prior to any Order being confirmed Officers will present a full report to the Committee for consideration. In accordance with the Council's Scheme of Delegation, Officers are reporting the service of the Provisional TPO to the next available Committee Meeting.

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



**TPO Map**

**TPO/2018/0067/LA03**

Lands at Rushpark, between Beechwood Avenue and Shore Road, Newtownabbey

Scale 1:2500



 TPO Boundary



### ITEM 3.14

#### **DISCONTINUANCE ORDER UNDER SECTION 73 OF THE PLANNING ACT (NORTHERN IRELAND) 2011**

Members will recall that at the July 2018 Committee meeting planning permission was granted to Lidl NI (under application reference LA03/2018/0087/F) for the construction of a discount foodstore and associated site works on undeveloped land immediately east and southeast of Homebase (Unit 20), 140 Junction One Retail Park, Ballymena Road, Antrim.

A condition was attached to the grant of planning permission that prevents any part of the new foodstore unit approved becoming operational until such time as an Order requiring the discontinuance of the Class A1 Retail Use of the existing Lidl premises located at Unit 8, Junction One Retail Park B, Ballymena Road, Antrim has taken effect. This condition was attached to maintain the vitality and viability of Antrim Town Centre and prevent an accumulation of planning permissions providing for unrestricted Class A1: Retail Use within the Junction One Retail Park.

Both Lidl and Episo 4 Antrim SARL, the tenant and owner respectively of the existing Lidl premises have agreed to promote and co-operate in the discontinuance of the current foodstore use at Unit 8 permitted by planning permission T/1997/0288/O and T/2004/1452/RM and have also agreed not to seek any compensation in respect of this matter.

Accordingly the Planning Section, working with the Borough Lawyer, has now prepared the requisite Discontinuance Order under Section 73 of the Planning Act (NI) 2011 (copy **enclosed**). Members should note that under Section 74 of the Planning Act any Discontinuance Order made by the Council must be submitted to the Department of Infrastructure for its confirmation before it can take effect.

**Recommendation: that the Discontinuance Order is agreed for signing and sealing by the Council and then submitted to the Department for Infrastructure for confirmation with the arrangements for subsequent service of the Confirmed Order on the owner and occupier of the land delegated to Officers.**

### ITEM 3.15

#### P/PLAN/1 ENFORCEMENT POWERS TO REMOVE PLACARDS

Planning Enforcement Officers have been working closely with the Environmental Health Section to secure the timely removal of placards and posters displayed in contravention of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015.

This legislation, coupled with the provisions of the Planning Act (Northern Ireland) 2011, empowers the Council to bring proceedings against such offences before the Courts. This can be a lengthy process and the Council, whilst often able to recover its legal costs, cannot claim costs for officers time. In addition, the lengthy process does not dissuade other operators from displaying placards in the same location and it is not always known who the responsible person or beneficiary is in some cases.

The Clean Neighbourhoods & Environment Act (Northern Ireland) (2011) provides the Council with the powers to remove such placards, following the service of a Notice on the operator. Currently the Environmental Health Section uses these powers in relation to placards and fly posting.

Planning Enforcement Officers have been issuing Notices to beneficiaries quoting the Clean Neighbourhoods & Environment Act (Northern Ireland) (2011), however in most cases the placards are not removed and officers have to liaise with colleagues in Environmental Health to have them removed.

In order to streamline the process and reduce duplication of work, authority is being sought for Officers from the Planning Section to remove such placards.

**RECOMMENDATION: That authority is provided to Officers in the Planning Section to remove placards displayed in contravention of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 following the failure to comply with a Notice sent in accordance with the Clean Neighbourhoods & Environment Act (Northern Ireland) (2011).**

### **ITEM 3.16**

#### **P/PLAN/1 CHIEF PLANNER'S UPDATE – DECEMBER 2018**

Angus Kerr, the Chief Planner in the Department for Infrastructure, has issued a Chief Planner's update (copy **enclosed**) which is intended to update councils in relation to particular planning issues.

The Update covers the period from November 2017 – November 2018 and provides information under a range of headings including Planning Legislation, Regional Planning and Policy, Environmental Governance, Planning Guidance, the new NI Planning IT System and Other Government Publications/Initiatives. The update also outlines recent changes in senior management at the Department as well as information on recent case law and the NI (Executive Formation and Exercise of Functions) Act 2018

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



### ITEM 3.17

#### **P/PLAN/1 - NORTHERN IRELAND PLANNING STATISTICS 2018/19 – SECOND QUARTERLY BULLETIN FOR THE PERIOD JULY – SEPTEMBER 2018**

The second quarterly provisional planning statistics for 2018/19 produced by the Analysis, Statistics and Research Branch of the Department for Infrastructure (DfI), a copy of which is **enclosed**, were released on 20 December 2018.

The figures show that during the period from July to September 2018, the total number of planning applications received in Northern Ireland was 2,949, which marks a 9% reduction (almost 300 applications) to the previous quarter (April – June) and a reduction of some 8% on the same quarter in 2017/18. The total number of decisions issued during this period was 3,071.

During the second quarter a total of 160 new applications were received by Antrim and Newtownabbey Borough Council. This represents a reduction of 49 applications (over 20%) from the first quarter which is above the NI trend. During the same period 215 decisions were issued.

In relation to performance against statutory targets the Department for Infrastructure (DfI) figures show that the Council took on average 24.2 weeks to process and decide **Major** planning applications during the second quarter against the target of 30 weeks. This has maintained the improved performance witnessed during the first quarter and ranks amongst the top three of the 11 Councils and also reflects well against the average processing time of 58 weeks across all Councils. However, Members should note that there are still several Major applications over 12 months old that are likely to come forward to Committee over the coming months for determination. Whilst this could clearly impact on the Council's Major performance target by year end, the indications are still that the Council is likely to meet the statutory target this year which would mark a continuing improvement on 2017/18.

The DfI figures show that the Council took on average 13 weeks to process and decide **Local** planning applications during the second quarter against the target of 15 weeks. This shows that the Planning Section is broadly maintaining performance in average processing time and again ranks among the top three of the 11 Councils.

In relation to enforcement the DfI figures highlight that the Council's planning enforcement team once again recorded the shortest time taken, 14.6 weeks, to process 70% of enforcement cases to target conclusion which compares favourably with the average processing time of 27 weeks across all Councils. The team's performance also ranked first in the proportion of cases brought to target conclusion within the performance target of 39 weeks.

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

### **ITEM 3.18**

#### **P/FP/LDP/1 LOCAL DEVELOPMENT PLAN QUARTERLY UPDATE OCT – DEC 2018**

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

#### **Member Workshops on Planning Policy**

The Forward Planning Team continued to formulate new draft Planning Policy for the draft Plan Strategy document.

A number of events were held including a policy discussion workshop on waste and flooding planning policies (22 October); a presentation by the Northern Ireland Housing Executive relating to its Tower Block Strategy and affordable housing approach followed by a presentation by Officers on affordable housing options (24 October); and a presentation on the findings of the Local Development Plan's draft Retail and Commercial Leisure Study (30 October).

In December 2018 a copy of all policy drafted to date; options relating to affordable housing and the draft Retail and Commercial Leisure Study were circulated to all Members for any further comments.

#### **Metropolitan Area Spatial Working Group – Update**

The seventh meeting of the working Metropolitan Area Spatial Working Group took place on 3 December 2018, hosted by Antrim and Newtownabbey Borough Council. Issues discussed included the preparation of the Belfast Metropolitan Transport Strategy and an update from all Councils on plan progress.

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

### ITEM 3.19

#### **P/FP/LDP/118 BELFAST METROPOLITAN TRANSPORT PLAN PROJECT BOARD UPDATE**

Members will be aware that the Department of Infrastructure is preparing a new Transport Plan for the Belfast Metropolitan area. The plan will be in two stages i.e. a Plan Strategy followed by a Transport Plan. The work relating to the Plan Strategy has commenced.

Due to the geographic extent of the combined Council areas that make up the Belfast Metropolitan Transport Plan (BMTP) area, a two tier technical approach is being used for the development the Belfast Metropolitan Transport Strategy (BMTS). The first tier will centre on the Belfast Metropolitan Area and will use the Belfast Strategic Transport Model as the primary evidence base. The second tier relates to the remaining areas of the Councils involved which fall outside the BMA. For these areas a Local Transport Strategy will be prepared and within our Borough this will encompass the towns of Antrim, Ballyclare, Crumlin and Randalstown.

Tom Reid, Director of Transport Strategy at the Department of Infrastructure has written to the Project Board for the Belfast Metropolitan Transport Strategy, on which the Council is represented (a copy of which is **enclosed**), to advise that there will be a delay in the modelling process being undertaken as part of the study. He advises that whilst there are still issues to be resolved before the programme can be confirmed, his Section's best estimate is that the Modelling Report will now be delivered towards the end of April 2019. As a result, it is anticipated that the draft Belfast Metropolitan Transport Strategy will not now be released for public consultation until the end of July 2019.

Mr Reid advises that the Local Transport Studies are expected in January 2019 and these documents will provide an indication of the transport measures required in each of the urban areas and should help provide a robust evidence base for both the BMTS and the Local Development Plan Strategies being prepared by Councils. The Department would intend to use these studies to engage with each Council to facilitate consideration of transport matters within their respective Plan Strategies.

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