Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2018/A0113
Appeal by:	K&M Restaurants
Appeal against:	The refusal of full planning permission
Proposed Development:	Erection of 49 apartments and 2 retail units at street level on Antrim Road
Location:	Thunderdome Complex, 281-295 Antrim Road, Glengormley
Planning Authority:	Antrim and Newtownabbey Borough Council
Application Reference:	LA03/2018/0063/F
Procedure:	Hearing on 5th February and 17th April 2019
Decision by:	Commissioner Diane O'Neill, dated 10th May 2019

Decision

1. The appeal is dismissed.

Claim for Costs

2. A claim for costs was made by the appellant against the planning authority. This claim is the subject of a separate decision.

Reasons

3. The main issues in this appeal are the impacts of the development on the character of the surrounding area and on the residential amenity of the proposed residents.

4. Following the consideration of retail and drainage information, the first and fourth reasons for refusal were withdrawn by the planning authority.

5. Section 45 (1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal on 18th May 2017. As a result of this, the Belfast Urban Area Plan 2001 (BUAP) operates now as the statutory development plan for the area with draft BMAP, published in 2004 as opposed to that published in 2014, and draft Newtownabbey Plan 2005 (NAP) remaining material considerations in the determination of the appeal. In the BUAP the site is located within the settlement limit and is not zoned for any particular use. Within NAP Glengormley is identified as an urban village. Within Draft BMAP the appeal site is identified as a committed housing site (MNY 03/02) with the front section of the site designated as part of the Local Centre of Glengormley. Within local centres, Policy R6 states

that planning permission will be granted for retail development proposals to serve local needs provided that they do not exceed two stated gross floorspace requirements and that planning permission will be granted for small scale retail services and catering outlets. Policy R6 is however subject to objection and whilst it cannot be known at this stage what any future adopted BMAP or local development plan will contain in relation to retail development in areas such as Glengormley, the planning authority withdrew their objection to the retail element of the proposal.

6. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPPS retains certain existing planning policy documents and amongst these is Planning Policy Statement 7: Quality Residential Environments (PPS 7). Creating Places also provides relevant planning guidance. The appellant made reference to the DSD/Newtownabbey Borough Council document 'Newtownabbey: A Regeneration Strategy for Ballyclare and Glengormley' (November 2010) however this is a non-statutory guidance document and whilst it is stated (page 1) that it will be a material consideration, it is added on page 3 of the document that it does not replace the statutory planning framework which will guide future decisions on individual planning applications. It is also noted that the strategy states that it treats Glengormley as a town centre which is not in keeping with its statutory and draft development plan designations. Accordingly, little weight is attached to this document. At any rate, the planning authority did not object to the principle of residential blocks being located along the Farrier Court and Antrim Road frontages as indicated in the Regeneration Strategy.

7. The appeal site is located along the busy Antrim Road close to its junction with the Carnmoney and Farmley Roads. At present the approximately 6m high Thunderdome restaurant and bar complex, which is set back from the road frontage behind an area of car parking, occupies the site. On either side of the appeal site's 50m Antrim Road frontage are two two-storey buildings which accommodate an insurance broker's premises and a bank. To the north of the appeal site within Farrier Court are an Indian take- away restaurant (No.170) and a scout hall (No.168). To the east of the appeal site is Glengormley Primary School as well as Glengormley Presbyterian Church and Hall. Opposite the appeal site, on the other side of the Antrim Road, is a bank, shopping centre, petrol station, shops and hot food take-aways. Lapsed planning permissions of note on the appeal site are U/2006/0690/F which was full planning permission granted on 23rd April 2008 for the erection of an extension and alterations to the existing restaurant and associated facilities in order to form a new 44 bedroom hotel and U/2000/0262/O which was outline planning permission granted on 17th September 2001 for 3 commercial units and 16 apartments.

8. The appeal proposal is for two retail units to be sited along the Antrim Road frontage with 49 two-bedroom apartments to be located within two blocks, one fronting the Antrim Road above the retail units and the other along Farrier Court. The Antrim Road block would be approximately 13m above road level and have two retail units on the ground floor with 21 apartments set above them over three floors. The Farrier Court apartment block would be approximately 14m above road level and have 28 apartments located over four floors with the 5 upper floor apartments having a terrace area accessed from their living and dining area.

Access to a below road level car parking area would be via a vehicular access located between the two proposed retail units.

9. In their second reason for refusal the planning authority raised concern in relation to Policy QD 1 of PPS 7 in that the proposed development represents overdevelopment of the site as it would not respect the surrounding context and character of the area. Whilst the planning authority indicated at the Pre-Application Discussion on 29th August 2017 that a mix of retail and residential uses are acceptable in principle, that the development should not be higher than the previous approved hotel (U/2006/0690/F) and that a dual frontage design to Farrier Court and Antrim Road is required, a number of initial concerns were identified including in relation to the height, scale and dominance of the proposed development and that the proposal should in keeping with the existing character of the area. Travelling north-easterly along the Farmley Road, in either direction along the Antrim Road as well as from Church Road/Farrier Court, irrespective of the presence of intervening buildings, step back in the upper levels of the proposed development, duration of the views and the fact that the positioning of the proposed finishes could be agreed with the planning authority prior to development commencing, the scale and massing of the substantial proposed development would appear overly dominant on the appeal site. It is acknowledged that the proposal scheme is of a lesser height and mass to that originally proposed by the appellant, that an active Antrim Road frontage would be welcomed by the planning authority, the site could offer a sustainable living location and being located within the development limit there is a presumption in favour of development. However, located between two relatively modest office buildings, the height, scale and mass of the current scheme in this infill context would appear at odds with the modest appearance and character of the adjacent development and out of keeping with its surrounding context. The slight rise in level of the Antrim Road would serve to increase its prominence.

10. The lapsed hotel approval, whilst accepted by the planning authority to be of a comparable height to the proposal, involved the conversion of the existing building on site and therefore was set back from and did not have an approximately 50m long frontage along the Antrim Road. Irrespective of the comparable floor area, this would have reduced the scheme's impact from the Antrim and Farmley Roads. Whilst various examples of other tall developments were identified by the appellant, the majority of these are not located within the same context as the appeal proposal, are not of comparable mass or scale and are all located outside the proposed Glengormley Local Centre area. The Tramways Shopping Centre, located on the opposite side of the Antrim Road to the appeal site, reads with the adjacent petrol station shopping complex and the variation in the height of the building serves to reduce its scale, massing and visual impact from the Antrim Road. Glengormley Primary School, Church Road apartments and Glen Court apartments are free standing buildings set back from the Antrim Road. The Presbyterian Church appears as a landmark building and, together with its hall, are freestanding structures separated from the Antrim Road by an intervening parking area. The apartments at site 9 are within a freestanding building located behind a modest amenity area, removed from the appeal site on the opposite side of the Antrim Road and positioned within the context of a McDonald's restaurant, petrol station, retail units and a cinema complex.

11. Concern in relation to the impact of the proposal on the residential amenity of existing and proposed occupants was raised by the planning authority in its second and third reasons for refusal. In terms of the concern about the dominant impact of the proposal on the amenity of existing properties, given the separation distance between the proposal and the residential properties at Farrier Court as well as from other business and community premises, its location within the central area of Glengormley and the fact that its neighbouring office premises have blank gables facing onto the appeal site, this concern is not supported. The adjacent school did not raise any objection to the proposal, and given the positioning and relative narrowness of the side elevation of the Farrier Court apartment block and separation distance from the school building and structures, it is not considered that the proposal would have a dominant impact on it. In relation to the impact that the proposal would have on the amenity of the proposed residents, given that the main habitable areas of the apartments face outwards towards Farrier Court and the Antrim Road, I am not persuaded that the proposed apartments would be unacceptably overshadowed. The western sections of the two proposed apartment blocks however would be positioned at an approximately 45 degree angle to each other. This would result in a small separation distance of approximately 5m between the upper ground floor Farrier Court balconies and the upper ground floor bedrooms of two of the western Antrim Road block apartments and an approximately 3.2m distance between the walkway to the first and second floor Farrier Court apartments and two of the apartments on each of the western Antrim Road block's first and second floors. This inadequate separation distance would result in a significant level of overlooking and a poor outlook for the proposed residents. Irrespective of the positioning and approximate 1.5m difference in levels between the two apartment blocks, the arguments that the walkways are intended to facilitate access to the apartments and the balconies to provide an amenity area rather than a view, this would not prevent the potential for an unacceptable degree of overlooking into other properties from these positions. The drawing of curtains to prevent overlooking is not accepted as a suitable permanent solution.

12. The appellant made reference to paragraph 7.18 of Creating Places however whilst the site is located within a proposed Local Centre, it is not accepted that this is a high density area. At any rate, paragraph 7.18 highlights that schemes likely to result in a significant loss of privacy or overlooking will not be acceptable. Reference was also made to a case (U/2011/0080/F) whereby full planning permission was granted for a mixed use scheme in Ballyclare. Whilst the full details of the scheme were not presented, it is noted that it was granted by the previous planning authority and it was obviously located in a different context to the appeal proposal. Even if small separation distances between the apartments were permitted in that case, this does not justify creating an unacceptable situation for the proposed residents of the appeal proposal. Accordingly, the second reason for refusal is sustained.

13. Following the consideration of all the noise and odour information, the outstanding noise concern of the planning authority was in relation to the level of noise which would be experienced by the users of the external terrace amenity space accessible from the five upper floor Farrier Court apartments. A minor difference in view was expressed in terms of the level of sound reduction required by the proposed glazing to ensure a suitable internal noise environment however this would have been a matter to be assessed when considering the proposed

conditions had the appeal been allowed. In terms of the external amenity space, it was accepted by both parties that the noise level at the proposed site reached as high as 68dB $L_{Aeq}T$. The planning authority considered that the upper noise level at this location should be 55dB $L_{Aeq}T$ however Section 7.7.3.2 of BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' states that this is the upper guideline value for traditional external areas that are used for amenity space such as gardens and patios. The standards recognise that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation it is stated that development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited. Whilst it has been concluded that the current appeal proposal is not desirable, the site adjoins the busy Antrim Road resulting in it being a higher noise area, which would be a convenient location in which to live and potentially could be an efficient use of land. Only the residents of 5 of the 49 apartments would have access to this external amenity area and it would therefore be a potential occupant's choice whether they selected to live in such an apartment. It is also noted that Section 7.7.3.2 goes on to state that other locations, including terraces, are also important in residential buildings where normal external amenity space might be limited or not available i.e. in flats, apartment blocks etc. In these locations, it is stated that specification of noise limits is not necessarily appropriate. The general guidance on noise in amenity space is still said to be however appropriate for larger terraces which might be intended to be used for relaxation. In high-noise areas it is stated that consideration should be give to protecting these areas by screening or building design to achieve the lowest practicable levels. Given that terraces are only proposed on the upper level of one of the apartment blocks positioned away from the Antrim Road and that screening of this relatively modest area may defeat the purpose of this outside space for those who would choose to avail of it, I consider that the lowest practicable noise level has been achieved. Accordingly, the third reason for refusal is not sustained.

14. Given that the second reason for refusal is sustained, this is determining and accordingly the appeal must fail.

This decision is based on the following drawings:-

Drawing 01 1:1250 site location map dated received by the planning authority on 16th January 2018

Drawing 02 1:500 survey ground floor plan dated received by the planning authority on 9th January 2018

Drawing 03 1:500 demolition plan dated received by the planning authority on 9th January 2018

Drawing 04/1 1:100 Antrim Road section dated received by the planning authority on 14th September 2018

Drawing 05/1 1:200 retail floor plan dated received by the planning authority on 13th August 2018

Drawing 06/1 1:200 ground contour dated received by the planning authority on 13th August 2018

Drawing 07/1 1:200 upper ground floor plan dated received by the planning authority on 13th August 2018
PAC 1 1:200 first floor plan –Antrim Road contained within the appellant's Statement of Case
PAC 2 1:200 second floor plan contained within the appellant's Statement of Case
Drawing 10/1 1:200 third floor plan dated received by the planning authority on 13th August 2018
Drawing 12/1 1:200 internal elevations dated received by the planning authority on 13th August 2018
Drawing 13/1 1:200 external elevations dated received by the planning authority on 13th August 2018
Drawing 14/1 1:200 long sections dated received by the planning authority on 13th August 2018
Drawing 15/1 1:100 Farrier Court section dated received by the planning authority on 14th September 2018
Drawing 16 1:500 traffic access dated received by the planning authority on 14th September 2018

COMMISSIONER DIANE O'NEILL

List of Appearances

Planning Authority (Antrim and Newtownabbey Borough Council):-	Ms Ashleigh Wilson Ms Joanne McKendry Ms Pamela Christie (Environmental Health) (5th February 2019 only) Dr Chris Jordan (commissioned by Environmental Health) (17th April 2019 only) Mr Gareth Thompson (Environmental Health) Ms Lyndsay Zecevic (17th April 2019 only)
Appellant :-	Mr Barry McKenna QC Mr Chris Bryson (Gravis Planning-agent) Mr John Laverty (MCL Consulting-(17th April 2019 only)) Mr Paul Moylan (McCann and McCann solicitors) Mr Niall O'Neill (Donnelly O'Neill Architects) Mr Frank McNeill (appellant) Ms Sheila McNeill (wife of appellant) Mr Kieran McNeill (son of appellant) Ms Carol Ramsey (friend of appellant)

List of Documents

Planning Authority (Antrim and Newtownabbey Borough Council):-	Statement of Case (PA 1)
Appellant:-	Statement of Case (A 1) Addendum to Noise and Odour Impact Assessment (A 2)

Ruling

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BELFAST
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T: 028 9024 4710
F: 028 9031 2536
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Appeal Reference:	2018/A0113
Appeal by:	K&M Restaurants Ltd
Appeal against:	The refusal of full planning permission
Proposed Development:	Erection of 49 apartments and 2 retail units at street level on Antrim Road
Location:	Thunderdome Complex, 281-295 Antrim Road, Glengormley
Planning Authority:	Antrim and Newtownabbey Borough Council
Application Reference:	LA03/2018/0063/F
Procedure:	Hearing on 5th February 2019
Decision by:	Commissioner Diane O'Neill, dated 25th March 2019

Ruling

1. The retail information and the amended drawings submitted within the appellant's statement of case and the amended noise and odour impact assessment (P1588-2) are admissible under Section 59 of the Planning Act (NI) 2011 and will be considered as part of this appeal.

Reasons

2. Section 59(1) of the Planning Act (NI) 2011 states that a party to the proceedings is not to raise any matter which was not before the Council at the time the decision appealed against was made unless that party can demonstrate (a) that the matter could not have been raised before that time or (b) that its not being raised before that time was a consequence of exceptional circumstances. Section 59(2) states that nothing in subsection (1) affects any requirement or entitlement to have regard to (a) the provisions of the local development plan, or (b) any other material consideration. The planning authority raised an objection to the consideration of retail information and amended drawings both submitted within the appellant's statement of case evidence and an amendment to the noise and odour impact assessment submitted by the appellant following the exchange of the statements of case.

Amendment to Noise and odour impact assessment

3. The planning application for the proposal was submitted to the planning authority on 9th January 2018. Following consultation on the proposal, on the 16th February 2018 the council's environmental health section requested that the appellant carry out a noise and odour impact assessment examining all noise and odour sources and assessing their impact on the internal and external living spaces of the proposed development. On 3rd May 2018 the planning authority emailed the appellant alerting of the need for the assessment. In a further email dated 6th June 2018 the planning authority declined the request for an office meeting to

discuss alterations to the scheme stating that revisions could be sent via email so that they could be considered; these were submitted on 12th June 2018 and were commented on 10th July 2018. In the email dated 12th June 2018 it was confirmed by the appellant that the technical reports had been commissioned and were due to be submitted that week. A deadline of 21st June 2018 was set by the planning authority for the receipt of outstanding information and reports. On 3rd July 2018 the planning authority received an electronic version of the assessment (P1588/1 Noise and Odour Impact Assessment, June 2018). In their e-mail reply of 10th July 2018 however they stated that they did not accept such and would require a hard copy. At the hearing they stated that they received no response from the appellant. At the hearing the planning authority also stated that there was a difficulty opening the attached documents however the appellant stated that they were not made aware of this. The appellant stated that a hard copy of the documentation was posted on 20th July 2018. When the 20th July 2018 documents were not received the appellant is said to have hand delivered a further copy on 10th August 2018 together with drawings; the drawings have been stamped received on 13th August 2018. As there was no evidence of the assessment being uploaded on to the planning authority's electronic portal, the information was sent by recorded mail on 12th September 2018 for delivery to the planning authority on 14th September 2018.

4. The planning application was placed on the 17th September 2018 planning committee's schedule. As the recommendation to the planning committee was to refuse the planning application, the appellant requested that the planning application be removed from the schedule. They emailed the appellant on the morning of 14th September 2018 declining to withdraw the item from the schedule stating that, whilst they had yet to receive the assessments, the reports did not go to the core of the refusal of the application. At the hearing the planning authority added that it would not have been possible to ascertain in one day whether or not the reports overcame the reason for refusal. In the planning committee minutes dated 17th September 2018 it was stated that in the intervening period since the planning report was circulated to the committee, a noise assessment, drainage assessment, traffic access plan and plan section drawings had been submitted. Whilst no assessment was said to have been made of the noise and odour report, it was stated at the hearing that this new information was circulated to the committee members. The decision to refuse planning permission was issued on 18th September 2018. Despite the appeal being lodged on 22nd October 2018, the environmental health officials stated at the hearing that they were not consulted on the June 2018 noise and odour impact assessment (P1588/1) until 9th January 2019.

5. On 30th January 2019 the appellant submitted to the Commission an addendum to their noise and odour impact assessment (P1588-2); it is this addendum which the planning authority consider should not be assessed as part of the appeal process. The planning authority stated that they were forwarded this information on 31st January 2019, they had no delegated authority to deal with it and that it would have to go back to the planning committee. As one of the two environmental health officials was said to work part-time with the other on sick leave and then attending a training event when the addendum was received, this resulted in them only getting sight of it on 4th February 2019.

6. Article 2(2)(b) of the Planning (General Development Procedure) Order (NI) 2015 permits the submission of documentation in an electronic form. Article 2(4) however states that the document shall not be taken to have been lodged unless the document transmitted by the electronic communication is (a) capable of being accessed by the recipient; (b) legible in all material aspects; and (c) sufficiently permanent to be used for subsequent reference. No substantive evidence was presented that there was a difficulty accessing the attached electronic documentation with the appellant only learning of the claimed difficulty at the hearing. No argument was presented that the information was not legible or insufficiently permanent. Whilst it may be the practice for the council not to accept large documents electronically, they were still in receipt of the information during the processing of the planning application. Given that a hard copy document is stamped, scanned and uploaded on to the planning portal for all parties including consultees to view it, it would appear to make a hard copy only approach questionable. The planning authority's argument that the process is not paperless and that documents are expensive to print is not persuasive; the appellant had paid a substantial fee to get the planning application processed. It is also noted that in their email to the appellant dated 6th June 2018 that the planning authority suggested that proposed revisions to the scheme could be emailed, which was done, so that they could be considered; this does not indicate to the appellant that there was an issue receiving documentation electronically. Consultees would be aware of the date that the relevant information was received on the planning portal in order to ensure that they were commenting on the correct version. If there are any such difficulties in terms of the consultation process, then this is a matter for the planning authority to resolve.

7. Irrespective of the claimed difficulties of receiving the information electronically, the June 2018 noise and odour impact assessment was before the council at the time the decision appealed against was made. The planning authority chose not to consider the electronic version of the report or to remove the planning application from the schedule in order to permit the consideration of the hard copy of the information. In agreeing with the recommendation to refuse planning permission, the committee delegated authority to the planning officers to withdraw those technical grounds of refusal outlined in refusal reasons 3 and 4 should an appeal be lodged and where the new information submitted overcomes the officers concerns on these matters. I agree with the proposition that the delegated authority to the planning officers related to the consideration of the material received prior to the September 2018 committee meeting however this is of little bearing on whether or not the information should now be considered as part of the appeal process. The jurisdiction for dealing with the case is now with the Commission and the internal workings of the planning authority is an issue for them. Whilst the appellant knew that the noise and odour issue was a reason for refusal, given that no assessment was made of the June 2018 information until January 2019 they would not have known until this time if the June 2018 report addressed the planning authority's concerns.

8. The issues of noise and odour are not new matters that were not before the Council at the time the decision appealed against was made. The addendum to the report provides clarification to issues arising from the planning authority's assessment of the initial noise and odour impact assessment report. Accordingly, I therefore consider that the amended noise and odour impact assessment should be considered as part of the appeal process.

9. Retail information

A Pre-Application Discussion (PAD) was held on 29th August 2017 in order to discuss the proposed development. The planning authority's minute of the meeting was forwarded to the appellant on 4th September 2017 and it stated that a mix of retail and residential uses are acceptable in principle. The accompanying letter from the planning authority highlighted that the PAD is a distinct advisory process where advice is given without prejudice to the formal consideration of consultations, representations or policy changes however it added that it is expected that any variations from the general advice offered would be unusual. Whilst the email from the planning authority dated 3rd May 2018 was on a without prejudice basis, in relation to the retail element, it stated that the appellant had not specified the proposed retail operation of the two units and that if it was intended for either or both units to be used as a hot food takeaway or restaurant, then the noise and odour assessment must include the potential impact of the proposed units. There was no reference to the requirement for further retail information in terms of demonstrating a need for this element of the scheme and no objections were received to the proposal. At any rate, if the proposal were to be for a hot food takeaway or restaurant as opposed to convenience shopping as stated at the hearing, this would be outside the remit of the current proposal.

10. Whilst the planning authority acknowledged at the hearing that the principle was accepted by them at the PAD and that the issue had not been raised with the appellant beforehand, they stated that the appellant should have been aware that paragraph 6.282 of the Strategic Planning Policy Statement (SPPS) requires an assessment of need for the proposal, that Policy R4: Arterial Routes and Local Centres of the unlawfully adopted version of Belfast Metropolitan Area Plan (2014) requires that retail development meet five identified criteria and that given that the scheme was fundamentally unacceptable that they did not want to put the appellant to additional expense. Irrespective of the planning authority's arguments in relation to the planning policy context, paragraph 6.282 of the SPPS actually states that in the absence of a current and up-to-date LDP, *councils should require* (my emphasis) applicants to prepare an assessment of need which is proportionate to support their application. Rather than the onus being on the appellant to provide this information without it being requested, as claimed by the planning authority, I consider that it is for the planning authority to inform the party what is required. The appellant did not know the case which he had to meet. This goes against the principle of procedural fairness in that the appellant was denied a fair and reasonable opportunity to address the concern. In terms of the argument that the planning authority did not want the appellant to incur additional expenses, this was a matter of judgement for the appellant. Given that the concern was the basis for a reason for refusal, the appellant should have been provided with the opportunity to provide the necessary information.

11. Retail need was a matter before the council at the time the decision appealed against was made. The appellants were not made aware that they were required to submit retail information. Applying the yardstick of fairness and reasonableness, I am satisfied that they could not have provided the information at that time. I therefore consider that this material should be considered as part of the appeal process.

Amended drawings

12. The planning officer's report raised a concern that some of the proposed bedrooms in the Farrier Court apartment block did not have windows. The appellant's statement of case stated that there was an error in the drawings submitted to the planning authority and provided corrected first and second floor plans showing the end apartment blocks having a window onto an enclosed balcony. The planning authority's position is that the drawings include glazed areas overlooking other properties which have not been subject to public consultation, that there may be an adverse impact on the residential amenity of the proposed residents due to the presence of the adjacent school's flues and that this has not been considered by the noise impact assessment or by environmental health, the drawings were not before the council when it made its decision and that the officers have no delegated authority to speak about this information.

13. The proposed change to the drawings is the addition of two windows serving bedrooms on the first and second floors of one of the apartment blocks. Whilst there is an inconsistency between the elevational and floor plan drawings, an interested party may have considered the original drawings to already illustrate a window serving these two bedrooms. All the drawings show numerous windows located along the Farrier Court elevation, the majority of which would serve living/dining room areas which are areas of greater occupation by the proposed residents. The third floor would also have a terrace, and the affected first and second floor apartments would have enclosed balconies, accessed from the living/dining room areas. Despite the two proposed bedroom windows proximity to the school's boundary, given the nature of the amendment, the separation distances from properties at Farrier Court including the Scout Hall, the overlooking possible from the existing restaurant, the proposed terrace and balconies, the substantial level of glazing and the lack of objection from any neighbouring properties, I am not persuaded that any party would be prejudiced by the appellant's corrections. Theoretically and technically, the amended drawings were capable of having been generated at an earlier stage of the planning process so as to form part of the materials considered by the planning committee on 17th September 2018. However, to not allow a correction to an alleged error would now produce an austere and unfair outcome. Whether two bedroom windows give rise to noise concerns is a matter for assessment. I therefore consider these drawings to be admissible; they should be assessed as part of this appeal.

COMMISSIONER DIANE O'NEILL

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List of Documents

Planning Authority (Antrim and Newtownabbey Borough Council):-	Statement of Case (PA 1) Email to PAC 4/2/19
Appellant:-	Statement of Case (A 1) Addendum to Noise and Odour Impact Assessment (A 2)