



13 February 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 18 February 2019 at 6.30pm.**

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

memberservices@antrimandnewtownabbey.gov.uk

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 Planning Applications

3.1 Planning Application No: LA03/2018/0865/F

Proposed development comprising multi-screen cinema, café/restaurant units, parking, landscaping and all associated access and site works on lands adjacent and east of Old Church Road, adjacent and west of Church Road and adjacent and north east, east and south east of 17 and 57 Old Church Road, Newtownabbey

3.2 Planning Application No: LA03/2018/0185/F

Proposed demolition of existing pig farm (6no units housing 4,200 finishing pigs) and replacement with 3no new pig units (to house 2,755 sows, 235 replacement breeders and 5 boars) with air scrubber units, associated underground slurry and washings stores, scrubber water storage tank, 7no feed bins, welfare facilities, feed kitchen/store, concrete hardstanding and 2no turning areas, loading bay, landscaped bund, tree and shrub planting, parking and new access on lands adjacent and to the north of 10 Calhame Road, Ballyclare

3.3 Planning Application No: LA03/2018/1005/RM

New gateway entrance road with reconfiguration of internal road network and car parking arrangement with environmental improvement scheme consisting of hard and soft landscaping and all associated site works at the Junction Retail and Leisure Park, Ballymena Road, Antrim

3.4 Planning Application No: LA03/2018/0965/O

Infill dwelling and garage on land 32m South East of 14 Logwood Road, Bruslee, Ballyclare

3.5 Planning Application No: LA03/2018/1128/O

Infill dwelling and garage on land between no. 31 and 29a Ballyarnot Road, Muckamore, Antrim

- 3.6 Planning Application No: LA03/2018/1091/O
Proposed new dwelling and garage on a farm on land 130m north east of 2 Ballydunmaul Road, Randalstown, Co Antrim
- 3.7 Planning Application No: LA03/2018/1068/F
Retention of 10 semi-detached dwellings in two blocks (change of house types approved under LA03/2017/0414/F)
- 3.8 Planning Application No: LA03/2018/0350/F
Construction of premises for sale of hot food for consumption off the premises on site adjacent to and southwest of 1 Abbots Cross, Newtownabbey
- 3.9 Planning Application No: LA03/2018/0784/A
Advertisement hoarding at 44 Old Carrick Road, Newtownabbey

PART TWO

Other Planning Matters

- 3.10 Delegated planning decisions and appeals January 2019
- 3.11 Proposal of Application Notices
- 3.12 Reserved Matters Application Ballyclare - Consultation by DfI
- 3.13 Section 54 Application Ballyclare - Consultation by DfI
- 3.14 Planning Section Employee Engagement Report
- 3.15 LDP Steering Group Minutes - **In Confidence**

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 18 FEBRUARY 2019**

PART 1 DECISIONS ON PLANNING APPLICATIONS

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2018/0865/F
DEA	MACEDON
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION

PROPOSAL	Proposed development comprising multi-screen cinema, café/restaurant units, parking, landscaping and all associated access and site works
SITE/LOCATION	Lands adjacent and east of Old Church Road, adjacent and west of Church Road and adjacent and north east, east and south east of 17 and 57 Old Church Road, Newtownabbey
APPLICANT	Hammerson (Abbey) Limited
AGENT	TSA Planning
LAST SITE VISIT	January 2019
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk

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

SITE DESCRIPTION

The application site is located on lands adjacent and east of Old Church Road, adjacent and west of Church Road and adjacent and northeast, east and south east of 17 and 57 Old Church Road, Newtownabbey.

This is an urban location within the settlement limits of Newtownabbey and is enveloped by large scale retail warehouse development and the Abbey Centre retailing area. The Abbey Centre Shopping Centre is located to the east, Longwood Retail Park is to the southeast, Abbey Retail Park is to the northwest and other individual retailers such as Lidl and Marks and Spencer are to the north.

The application site is broadly rectangular in shape and comprises approximately 2 hectares of land. Old Church Road lies to the northwest and southwest while Church Road lies to the southeast and northeast and effectively contain the application site.

The application site is a brownfield site which is currently a vacant area of land with a substantial strip of hardstanding abutting Church Road, where a culvert runs across the entire length of this boundary. The remainder of the site is largely overgrown with recolonising vegetation and there is an approximate 4 metre fall in site levels from the northeast to the southwest corners of the application site. A 2 metre high chain link fence defines the road side boundary of the application site with the exception of the secured gated vehicular access and the disused pedestrian access near to the Church Road Roundabout.

There is a single residential dwelling known as No. 57 Old Church Road located approximately half way along Old Church Road with a social club located fronting the Old Church Road Roundabout. A four metre high (approximately) chain link

fence forms the boundary to the rear of No.57 Old Church Road. This dwelling remains as the only visible residence in what is otherwise a predominantly retail led area, comprising many large retail warehouses.

RELEVANT PLANNING HISTORY

Planning Reference: U/2013/0344/F

Location: Site to North of 57 Old Church Road, Newtownabbey, BT36 7LU,

Proposal: Development of 4no restaurant/coffee shop units and associated car parking, landscaping and access (amendment to U/2011/0126/f)

Decision: Permission Granted: 15.04.2014

Planning Reference: U/2011/0126/F

Location: 17 Old Church Road, 1-2, 2-4, 4-6 and 16 Church Road, Unit1 Abbey Retail Park, Unit 4 16 Old Church Road, car park and vacant land, Newtownabbey, BT36

Proposal: Redevelopment of site to provide new retail units, restaurant units and replacement social hall.

Decision: Permission Granted: 23.04.2013

Planning Reference: U/2011/0129/F

Location: 17 Old Church Road and 4-6 Church Road, Newtownabbey, BT36,

Proposal: Erection of replacement social hall

Decision: Permission Granted: 25.10.2013

Planning Reference: U/2008/0665/F

Location: 17 Old Church Road, 1-2, 4-6 and 16 Church Road, Unit 1 Abbey Retail Park, Unit 4 16 Old Church Road, car park and vacant land

Proposal: Redevelopment of existing retail units and social hall to provide 6 No. retail units, 3 No. restaurant units, new social hall premises and associated parking and road improvements (amended plans).

Decision: Permission Granted: 17.11.2010

Planning Reference: U/2001/0656/O

Location: 57 - 59 Old Church Road, Whitehouse, Newtownabbey

Proposal: Proposed commercial use (retail shop)

Decision: Permission Granted: 30.12.2002 (Appeal 2002/A067)

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 an area of undesignated whiteland within the development limit. The plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (published 2004): The site is located within the Abbey Centre 'District Centre' designation reference MNY 27/01. The plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (published 2014): The site is located within the Abbey Centre 'District Centre' designation reference MNY 20/01. 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.

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

CONSULTATION

Council Environmental Health Section – No objection subject to conditions.

DFI Roads - No objection subject to conditions.

Shared Environmental Services – No objection subject to conditions.

DAERA Regulation Unit Land and Groundwater Team – No objection subject to conditions.

DAERA Water Management Unit – No objection.

DAERA Natural Environment Division: No objection.

NI Water – No objection.

DfI Rivers – No objection.

REPRESENTATION

Twenty two (22) neighbouring properties were notified and seven (7) letters of objection have been received from three (3) addresses. One (1) letter of support has been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Application site is a prime location for this entertainment space on an underutilised area of land.

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

- Movie House Glengormley will be adversely affected with overpowering competition.
- The height of the wooden fence around No.57 Old Church Road is a fire hazard and no risk assessment has been undertaken. The fence should be metal.
- Access to No. 57 and No.59 Old Church Road must be maintained and there is no indication of this in submitted plans.
- The proposal to provide a public crossing along Old Church Road in proximity to No.57 Old Church Road is unacceptable.
- There are inconsistencies in submitted plans about the location of the proposal: Belfast/Newtownabbey. This is misrepresentation.
- The neighbour notification area is too large and the names of occupiers of buildings on notification letters is inaccurate.
- Impact to sewage capacity.
- Restaurants selling alcohol will lead to anti-social behaviour problems.
- Increased noise from each business unit, people and cars during day and night.
- Belfast City Council has not been consulted with respect-increased footfall in an out of centre location.
- This development should be put on hold as there is no Executive at Stormont.
- Impact to capacity of road network and increased potential for accidents.
- The Transport Assessment (TA) does not provide sufficient sample sites to accurately determine the generated trip rates associated with proposed development.
- No information provided in TA about sustainable transport modes; walking, cycling, public transport.
- Traffic models used in TA have not been properly calibrated and validated. The results are therefore inaccurate.
- No information has been provided regarding the servicing of the site, loading and unloading of vehicles.
- No information provided about requirements of Translink and DfI Roads Cycle Officer.
- The TA does not provide information of consultation with PSNI.
- The proposal will prejudice road safety and significantly inconvenience the flow of traffic.
- The nature and scale of development would have an adverse impact to traffic flows on the surrounding road network and to the residential amenity of existing residents.

- The Flood Risk /Drainage Assessment does not identify the key source of flooding relevant to the site and there is a lack of understanding whether DfI Rivers and the agent are using the same modelling techniques and what the implications for flooding of the site and area are.
- No sensitivity analysis has been provided within the Flood Risk /Drainage Assessment and freeboard heights for a 1:100 year event have not clearly determined.
- A Schedule 6 Consent to Discharge and new Sustainable Urban Drainage Solution calculations are required.
- Appropriate attenuation and storage capacity have not been provided and calculations determining these levels are flawed.
- No drawings have been provided demonstrating overland flow of surface water to car parking areas.
- The road levels are higher than the building finished floor levels implying surface water exceedance flows will impact buildings and will not be properly drained.
- No information has been provided that a 1:30 year flood event has been considered and no proof provided that appropriate allowances have been made for climate change.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Principle of Development
- Town Centres and Retailing
- Development Quality and Impact to Area Character
- Neighbour Amenity
- Flood Risk
- Access, Car Parking and Servicing
- Other Matters

Principle of Development

The Planning Act (Northern Ireland) 2011 requires the Council, in dealing with a planning application, 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 Planning Act 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 Belfast Urban Area Plan 2001 (BUAP) currently operates as the statutory local development plan for the area where the application site is located. The application site is identified in the BUAP as an area of undesignated whiteland within the development limits.

The BUAP recognises that improved shopping facilities and the growth of suburban shopping centres, such as the Abbey Centre, have increased choice and convenience for local consumers. It also recognises the trend towards more spacious styles of retailing and the tendency to treat some shopping trips as a leisure experience has caused facilities like the Abbey Centre to become a major visitor attraction with spin off benefits for cultural and entertainment activities. There is no explicit policy relating to leisure and entertainment proposals in out of centre locations within the BUAP.

It is considered that the character and nature of this cinema and restaurant development proposal can be established as a recreational and leisure pursuit. The BUAP identifies that the growth of shopping centres has had spin off benefits for cultural and leisure activities. This proposal is considered to be a complementary and conforming land use on a previously developed site within the context of a receiving environment characterised by large-scale retail warehouse development and the Abbey Centre Shopping Centre.

Although there are no specific planning policies referring to out of centre leisure and recreational developments in the BUAP. It is noted that this proposal meets with the strategy and objectives of the BUAP with respect to shopping as it will sustain the vitality and viability of the existing shopping centre and surrounding retail land usage. The principle of a cinema building at this location can therefore be established.

Referring to the draft Belfast Metropolitan Area Plan 2004 and the Belfast Metropolitan Area Plan published in 2014 (BMAP), the application site lies within the Abbey Centre 'District Centre' (ACDC). Boundaries for district centres have been drawn to restrict growth and to ensure the district centres co-exist with other centres and have a complementary role. As noted above, the application site is a previously developed area of land within an area characterised by large-scale retail warehouse developments and the Abbey Centre. The district centre boundaries in both versions of BMAP entirely contain each of these land uses and the application site. In the context of the BMAP ACDC the principle of a cinema building can be established as it is considered this is conforming and complementary leisure and recreational land use.

Planning permission U/2013/0344/F (granted 15th April 2014) provided for 1,183 square metres of restaurant floorspace and relates to a portion of the application site. This planning permission remains extant and represents a valid legal fallback position for the applicant. The Council has previously accepted restaurant usage as an acceptable form of development at this location. The extant planning permission is therefore a significant material consideration in the determination of this development proposal.

Policy for the control of development in district centres is contained within regional planning policy. The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications and it sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Council area. The SPPS requires a Town Centre first approach for retail and main town centre uses. For the purposes of the SPPS 'main town centre uses' include cultural and community facilities, retail, leisure and entertainment businesses. As this development proposal is considered to include such uses, the principle of development can be established if the proposal meets the policy provisions of the town centre first approach and does not have an unacceptable adverse impact on the vitality and viability of an existing centre within the catchment.

Town Centres and Retailing

The applicant has provided a supporting planning statement, which includes a sequential site selection and an assessment of need, consistent with the requirements of the SPPS and the town centre first policy approach advocated for retail and main

town centre uses that are not in an existing centre and not in accordance with an up to date local development plan.

With reference to an assessment of need for the proposed restaurant parade it is noted the extant planning permission (U/2013/0344/F) provides for 1,183 square metres of floorspace. The proposal seeks to increase the approved floorspace provision by 229 square metres up to 1,412 square metres, an increase of approximately 20 percent. Given the provision of the restaurant parade is a conforming land use for a district centre and broadens the offering currently presented in this area, its complementary function will assist in retaining customers within the district centre during the day and after hours, helping to contribute to an active evening economy in this location. The provision of the additional 229 square metres of restaurant floorspace is considered to be acceptable and will not have an adverse impact on the vitality and viability of an existing centre within the catchment. A planning condition can be imposed to restrict the use of the buildings to that of a restaurant/coffee shop and ensure that no mezzanine floors are created that would increase the floorspace of the units as erected without the benefit of planning permission.

With respect an assessment of need for the cinema, the applicant contends that the Abbey Centre District Centre is the prime retail destination within the borough and effectively acts as a town centre to Metropolitan Newtownabbey. The applicant contends that the attraction of the ACDC arises from the combined draw of several component areas contained within the district centre and to include; Abbey Centre, Longwood Retail Park, Abbey Retail Park and individual retailers such as Lidl, Marks and Spencer, B+M Bargains, Screwfix and Starplan. The applicant concludes that while there is a robust retailing element within the ACDC, there is a lack of other complementary leisure and entertainment services and there is no identified cinema within its boundary.

It is noted the closest existing cinema is within the local centre of Glengormley and that, with reference to the applicant's qualitative assessment of the number of cinema screens per population, Metropolitan Newtownabbey has the largest population per screen at 10,491 people. This is approximately twice the volume of people per screen when compared to Belfast (4,831), Londonderry (5,938) and Lisburn (5,468). Antrim, as the other main settlement within the Council borough, has a population per screen of 2,337. Should the cinema be granted planning permission, the number of cinema screens within the Metropolitan Newtownabbey area would rise to fifteen and equate to a settlement population of 4,337 per screen. This will help to address the apparent under provision and bring the area in line with the volume of the population per cinema screen experienced in Belfast, Londonderry and Lisburn.

With respect the relationship of the proposed cinema with the Moviehouse located in the Glengormley Local Centre, it is considered that the Glengormley Local Centre has a more limited retail function to the ACDC but with an enhanced leisure/entertainment role provided by the Moviehouse Cinema and adjacent bowling alley/arcade.

The majority of footfall associated with the proposed cinema will be attracted from existing customers already utilising the services associated with the ACDC. It is therefore considered that the cinema in Glengormley serves a different catchment

to that of the ACDC and as the district centre sits above the local centre in this hierarchy, the additional cinema provision should be directed to the sequentially preferable locations of the town centre/district centre over the local centre.

For the reasons set out above the 'need' for a cinema in the ACDC of Metropolitan Newtownabbey area has been established and this element of the town centre first approach is considered to have been complied with.

The SPPS requires applications for main town centre uses to be considered in the following order of preference;

- Primary Retail Core
- Town Centre
- Edge of Centre
- Out of Centre

With respect both versions of BMAP, Metropolitan Newtownabbey does not have a defined town centre.

The sequential site selection provided by the applicant takes account of identified town centres within the wider council area and other closest town centres. This includes Larne, Antrim, Ballyclare, Carrickfergus and Belfast.

The applicant's assessment of need referred to above has largely demonstrated that there is no identified need in Belfast and it is not considered that someone would travel from Larne, some 19 miles away, when there is already a cinema offer present in that settlement or other similar offers in closer locations such as Antrim and Glengormley are closer. With reference to Ballyclare, some ten miles away from the site, its relatively small population will be catered for by the surrounding closer settlements such as Antrim, Glengormley, Larne and Carrickfergus. It is considered there is no viable need for a cinema in Ballyclare.

It is considered that a District Centre can be interpreted as sitting lower in the retail hierarchy set out in the SPPS than a town centre and that there are no identifiable and suitable, available or viable alternative sites for a cinema within the town centres identified in the applicant's sequential site selection assessment. It is therefore concluded the location of the application site within the ACDC is broadly the next appropriate location in the hierarchy. The location is an area of previously developed land wholly contained within the district centre designation and which is owned by the applicant. The requirements of the SPPS with respect a sequential site selection are considered as having been met.

Overall, it is considered this proposal complies with the town centre first policy approach advocated for retail and main town centre uses and will not result in an unacceptable adverse impact to the vitality and viability of any other centres within the catchment. For these reasons the policy tests of the SPPS have been met.

Development Quality and Impact to Area Character

The restaurant parade is orientated towards the Church Road roundabout and takes a stepped form with visually strong definition at its edges and set back facades and sloping canopies which project forward of the main frontages creating a covered external seating area for each unit. The main frontage facades consist of large

tapered glass curtain walling allowing good views into and out of the individual units connecting with the large pedestrian concourse in this area of the site.

By their nature cinemas do not require a lot of glazing. The design appearance of the building is therefore simple and striking with a focus on the main entrance foyer to the northeast corner, which addresses the Church Road frontage and forms a stop end to the pedestrian concourse. Dark grey split faced concrete blocks form the plinth with the main body of the buildings proposed to be formed of dark steel faced composite cladding. At high level there are tracts of gold cladding set back from the main façade with subtle LED light strips creating a sense of drama during the evening and night times. The roof form is stepped along the ridge line and hipped at each end to maintain a continuous low-level parapet.

It is considered the design approach seeks to highlight the presence of an exciting new leisure destination and experience in the Council borough with vibrant building frontages and high quality hard and soft landscaping features. This unique form of development within this major retail destination addresses the Church Road frontage and captures prominent public views into the site. The strong visual definition at the cinema entrance foyer creates a strong connection with the restaurants and Church Road street frontage. The development will be viewed as being set back from the Church Road with a combined area of car parking and quality landscaping to the road edge. It is considered that the scale of the development is consistent with the surrounding area, which generally consists of large scale retail warehousing, while respecting the context of existing smaller scaled buildings including the Social Club and No.57 Old Church Road.

Overall, it is considered the layout arrangement, scale, location, orientation and design appearance of the overall development is acceptable in the context of the receiving environment and will not have an unacceptable adverse impact to the character and appearance of the area.

Neighbour Amenity

The dwelling at No.57 Old Church Road remains as the only visible residence in what otherwise is a predominantly retail led area, comprising many large retail warehouses and the Abbey Centre Shopping Centre. The application site shares three boundaries with No.57 Old Church Road. The cinema building and restaurant parade sit either side of this dwelling.

Three main factors are considered as potentially impacting to the residential amenity of No.57 Old Church Road; noise, odour and loss of light/dominance.

The submitted noise impact assessment (NIA) advises that the cinema will operate from 11:00 hours to 23:30 hours, with thirty minutes for patrons to leave. The restaurant parade will operate from 11:00 hours to 23:00 hours. There will be no parking on the site between 00:00 and 07:00 hours. The buildings comprising the development proposal have been intentionally orientated towards Church Road to remove the vast majority of pedestrian activity away from No.57 Old Church Road. The pedestrian walkway located between the cinema and restaurant parade is some fifteen metres from the gable of No.57 Old Church Road and terminates at a proposed uncontrolled pedestrian crossing leading to the Abbey Retail Park.

The external noise levels predicted for the movement of vehicles within the site is identified as being 10 – 15dB less than the recorded typical day time (55dB) and night time (47dB) for noise recorded outside the rear garden of No.57 Old Church Road recorded in the NIA. These standards are within the World Health Organisation and British Standard acceptable noise levels.

Deliveries to the proposed cinema are to be brought to the Church Road side of the building, away from Old Church Road. The cinema building will act to attenuate the generated noise away from No.57 Old Church Road.

The restaurant parade is separated from No.57 Old Church Road by 15 metres at its closest point. Deliveries are to be received during day time hours only. A dedicated service bay is located adjacent to the gable wall of Unit 6 to the northern end of the parade with a service walkway accessing the rear of the restaurants. The 2.4m high acoustic fence to be erected around the edge of No.57 Old Church Road will reduce the impact of generated noise to less than 45dB. This standard is within the World Health Organisation and British Standard acceptable noise levels.

Plant associated with the operation of the development will likely include kitchen extraction and air conditioning units. No plant is to be operational after 11:00 hours nor before 07:00 hours.

The information within the NIA has been forwarded to Council Environmental Health Section who have responded with no objection to the survey findings, methodology, results or conclusions of the NIA. It is considered that appropriately worded planning conditions can control the opening, closing and delivery hours of the businesses to maintain the residential amenity of existing residents at No.57 Old Church Road.

Attenuation and mitigation for noise impacts to No.57 Old Church Road during the construction process are set out in the outline Construction Environmental Management Plan and include an acoustic construction barrier. This barrier will reduce generated noise to below an acceptable noise level so that there will not be an adverse impact to the residential amenity of No.57 Old Church Road during the construction phase. The submission of a final Construction Environmental Management Plan can be required by planning condition to be submitted to and agreed with the Council at least eight weeks prior to the commencement of development.

With respect odour generated during the operational stage of development the Odour Risk Assessment (ORA) indicates that a very high level of odour control is required to serve the proposed development. The information within the ORA has been forwarded to Council Environmental Health Section. The consultation response of the Environmental Health Section offers no objection to the conclusions of the ORA. A planning condition can require the submission and agreement of an appropriate odour mitigation plan prior to the commencement of retail operations of the cinema and individual restaurant units in the interests of maintaining the residential amenity of No.57 Old Church Road.

Regarding the physical relationship of the cinema building and restaurant parade with No.57 Old Church Road it is noted that the cinema building is approximately 11.5 metres tall and is located 19 metres away from the gable wall of No.57 Old Church

Road. The restaurant parade is a maximum of 6.5 metres tall and is located 15 metres away from the opposite gable wall of No.57 Old Church Road. Restaurant unit 1, that closest to No.57 Old Church Road, has a significantly shallower footprint than other restaurant units. This is an attempt to respect the proximity of No.57 Old Church Road, which is a two storey dwelling with several mature boundaries, particularly at the side and rear. Owing to all of these characteristics it is considered that the cinema building and restaurant parade are of an appropriate scale and locations and will not create an unacceptable adverse residential amenity impact to No.57 Old Church Road by reason of loss of light or dominance.

Overall, it is considered the proposed arrangement of development and its scale are acceptable within the context of the receiving environment. Appropriately worded planning conditions can control the operational characteristics such as opening hours, deliveries and odour control so as not to create an unacceptable residential amenity impact to the existing residents of No.57 Old Church Road.

Flood Risk

The applicant has submitted a Flood Risk Assessment, a Drainage Assessment and a rebuttal to a letter of objection commenting on flood related issues. This information has been forwarded to DfI Rivers for its consideration.

DfI Rivers advises that the modelling of the designated Mill Stream watercourse, located to the southwestern edge of the application site, demonstrate the application site is not within the 100-year floodplain and that the existing maintenance regime of the watercourse should not be adversely affected by this development proposal.

With respect surface water run-off DfI Rivers indicate the existing pre-development discharge rate of 167.7 litres per second is to be reduced by 66.5 litres per second to a discharge rate of 101.2 litres per second. It is noted the drainage regime comprises three 'geo-cell' storage tanks within the site and several hydro-brakes. This will attenuate up to 332 cubic metres of surface water, which will be restricted to green field run-off rates to the existing Mill Stream. DfI Rivers comment that the drainage regime has been designed to a standard that will comply with NI Water adoption standards for a thirty-year storm event, including an allowance for climate change. It is commented by DfI Rivers that for storm events greater than this exceedance the car parking levels between the buildings and road will provide flow paths to prevent new property from flooding.

Overall, it is considered that the proposal will not be subject to fluvial flooding or surface water flooding and will not exacerbate flooding elsewhere. It is considered the policy provisions of PPS15 have therefore been satisfied.

Access, Car Parking and Servicing

With respect the vehicular access arrangements to serve the development this proposal seeks to utilise two existing access points; one at Church Road and the second at the access road serving the TESCO petrol station.

Pedestrian access is achievable at these locations and from existing and proposed dedicated pedestrian linkages on Old Church Road and Church Road. Pedestrian linkages through, into and out of the development layout are clearly defined via

walkways and crossings, with flush kerbs to aid access for disabled people and those with push chairs. Two uncontrolled pedestrian crossing points will be provided; one at Church Road and one at Old Church Road.

These features will provide for safe pedestrian movements across the development layout and towards the surrounding area, where there is a good offering of pedestrian infrastructure within the locality, inclusive of footpaths and crossing points aiding the walkability and legibility of the development as a whole. There are several bus stops for both Metro and Ulster Bus in close proximity and the development will provide twelve secure bicycle facilities. A Travel Plan has also been submitted. It is considered the proposal will provide opportunity for a modal shift to more sustainable forms of transport.

Regarding the provision of car parking it is accepted that existing cinema's within Northern Ireland generally rely on the use of shared parking facilities for other complementary leisure and retail uses with differing peak times. Examples include the Moviehouse at Glengormley and Yorkgate/City Side and the Omni-Plex at The Junction, Antrim. Planning policy notes that acceptable circumstances were reduced car parking provision may be acceptable include the development being in a highly accessible location that is well served by public transport and shared parking is a viable option. In this case the application site and wider Abbey Centre retail complex is positioned in close proximity to a number of major roads, including the M2 motorway, and is well served by public transport arrangements. Additionally, the applicant owns and controls the Abbey Retail Park to the north of the application site, which has 1,007 car parking spaces.

The development layout provides for 286 car parking spaces laid out between the cinema and restaurant parade and Church Road. There are 14 disabled car parking spaces and 5 mum and baby spaces are located immediately adjacent to the dedicated pedestrian concourse at the front of the buildings.

Given the reliance by cinemas in Northern Ireland on shared parking facilities it is considered that the demand for car parking spaces will be considerably lower than the maximum car parking spaces requirement set out in planning guidance. If a maximum parking standard were to be applied, a figure of 738 car parking spaces would be required to serve the proposed development. Notwithstanding this matter, it is noted that the applicant controls the adjoining Abbey Retail Park, the car park of which has in excess of 1,000 car parking spaces and which can accommodate the maximum standard of parking associated with this development and still have a surplus provision at peak times of between 50 and 120 car parking spaces. It is considered that a reduction in the maximum parking standard can be applied and for these reasons the proposed parking provision is acceptable in this instance.

With reference to the servicing arrangements for the cinema, deliveries and collections will occur on an infrequent basis outside peak hours. Eight car parking spaces to the front of the building will periodically become multi-functional and utilised for vehicles to pull in and load/unload, without obstructing the car park. The restaurant parade will be serviced by a dedicated servicing bay located adjacent to the northern gable of Unit 6 of the restaurant parade. The times by which servicing of the site can be controlled by planning condition to avoid an unacceptable residential amenity impact to No.57 Old Church Road.

DfI Roads have been forwarded the Transport Assessment and other roads based supporting documentation. The consultation response of DfI Roads has offered no objections to the survey work, methodology or findings of the Transport Assessment and other supporting roads related information and it has offered draft conditions.

Overall, it is considered that an appropriate provision and arrangement of car parking and pedestrian facilities have been provided, the proposal supports a shift to more sustainable forms of transport and that the proposal will not have a detrimental impact to the flow of traffic in the surrounding road network. The proposal is therefore considered as being compliant with the provisions of relevant planning policy.

Other Matters

Japanese Knotweed

The applicant has identified that Japanese Knotweed was found at seven locations throughout the application site. Japanese Knotweed is a 'Controlled Waste' and the applicant intends to either manage the knotweed or have it removed prior to the commencement of development via the appointed contractor and in compliance with all legislative, licensing and permitting regulations. The submitted Japanese Knotweed Management Plan provides for the treatment, materials and methods to be used and a schedule for control and monitoring schedules.

NIEA has been forwarded this information with its consultation response offering no objection to the stated methodology or the control and monitoring techniques referred to in the management plan. The implementation of the Japanese Knotweed Management Plan can be controlled by use of an appropriately worded planning condition.

Outline Construction Environmental Management Plan

The development proposal has been considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended). With respect the nature, scale, timing, duration and location of the project it is concluded that provided the mitigation techniques referred to in the outline Construction Environmental Management Plan are adhered to, the proposal will not have an adverse effect on the integrity of a European site. A planning condition can be imposed requiring the submission of a final Construction Environmental Management Plan at least eight weeks prior to the commencement of development on the application site, which is to be agreed in writing with the Council.

Socio-Economic

The applicant advises this development proposal represents an £8 million private sector investment and will provide 65 – 85 full time jobs and generate £35,000 per annum in business rates. The construction works are estimated as taking approximately nine months to complete.

CONCLUSION

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

- The principle of the development can be established in the context of the adopted BUAP and both versions of BMAP.

- The Council has previously accepted restaurant usage as an acceptable land use on a portion of the application site and the applicant has a valid legal fall-back position given the extant planning permission on the application site.
- The town centre first policy approach advocated in the SPPS has been complied with and there will not be an adverse impact on the vitality or viability of any other centre within the catchment.
- The development quality is acceptable and will not have a detrimental impact to the character and appearance of the area.
- The physical relationship of the proposed buildings with No.57 Old Church Road is acceptable.
- Potential residential amenity issues such as noise and odour can be controlled by planning condition.
- Appropriate surface water attenuation and drainage arrangements are indicated in submitted plans and supporting information.
- Access, movement and parking arrangements are considered acceptable.
- Socio-economic factors associated with this development are noted.
- Japanese Knotweed present on the application site can be controlled by planning condition.
- There are no objections from any consultees.
- Letters of objection have been considered in the main body of the report and are not considered determining. The comments of the letter of support have been noted.

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 cinema building hereby permitted, as indicated in drawing Nos. 11 and 12, date stamped received 21st September 2018, shall have a maximum seating capacity of 1287 persons.

Reason: To enable the Council to retain control over the scale of cinema activity at this location and to ensure an appropriate provision of parking to serve the development.

3. The gross floorspace of the restaurant arcade buildings, as identified in drawing 21, date stamped received 21st September 2018, shall not exceed 1,542 square metres of floorspace.

Reason: To enable the Council to retain control over the scale of restaurant activity at this location and to ensure an appropriate provision of parking to serve the development.

4. The cinema building, as identified in drawing refs: 11 and 12, date stamped received 21st September 2018, shall be used only for the purposes of a cinema and shall not be used for any other purpose including any purpose in Class D2 of

the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: The Council wishes to have the opportunity to exercise control over any subsequent use in the event that the use hereby permitted ceases and to safeguard the amenity of nearby properties and the area generally.

5. No internal operations increasing the floorspace available for cinema and restaurant uses shall be carried out within any of the units hereby permitted, without the express grant of planning permission by the Council.

Reason: To enable the Council to retain control over the level of floorspace associated with cinema and restaurant uses at this location and to ensure an appropriate provision of parking to serve the development.

6. The cinema and restaurant development hereby approved shall only be open to visiting members of the public during the listed times on the listed days.

- Cinema: Monday to Sunday: 11:00 - 23:30 hours
- Restaurant: Monday to Sunday: 11:00 – 23:00 hours

Reason: To enable the Council to retain control over the opening hours of the Cinema and Restaurant development hereby approved and to safeguard the amenity of nearby properties and the area generally.

7. No deliveries shall be taken at or dispatched from the cinema and restaurant development hereby approved outside the hours 09:00 – 18:00 Monday to Saturday and at no time on a Sunday.

All deliveries to the restaurant units shall be via the service access located adjacent to the northern gable of Unit 6 as presented in drawing 03, date stamped received 21st September 2018.

All deliveries to the cinema building shall be received at the 'Loading Bay', as identified in drawing 03, date stamped received 21st September 2018.

Reason: In the interests of the amenity of existing residents at No.57 Old Church Road.

8. As specified within Abbey Leisure Park Newtownabbey 'Noise and Vibration Impact Assessment', Doc 12/1, date stamped received 5th October 2018, the cumulative noise levels from all activities associated with the proposed development shall;

- During any period between 07:00 and 23:00 hrs not exceed a rating level of 55.0 dB_{L_{ar},1hr}; and
- During any period between 23:00 and 7:00 hrs not exceed a rating level of 47.0 dB_{L_{ar},1hr}

when measured within the external amenity area of 57 Old Church Road receptor and assessed in accordance with British Standard 4142:2014.

Reason: In the interests of the amenity of existing residents at No.57 Old Church Road.

9. Before any of the restaurant units No's 1 – 6 or the cinema unit hereby approved become operational, the acoustic barrier shall be erected in the position shown hatched orange in drawing ref: 04, date stamped received 21st September 2018.

The acoustic barrier shall be constructed in accordance with the details identified in drawing refs: 09 and 10, date stamped received 21st September 2018. The barrier shall have a minimum self weight of 25 Kg/m².

Reason: In the interests of the amenity of existing residents at No.57 Old Church Road.

10. Prior to the use of any building hereby permitted or part thereof coming into operation full details and specifications of extract ventilation and odour control installations shall be submitted to and agreed in writing with the Council.

All installations are to be completed and commissioned prior to the building becoming operational and thereafter retained for the lifetime of the development.

Reason: To protect the amenity of existing nearby properties.

11. All planting and landscaping proposals shall be implemented in accordance with the details identified in the proposed landscape plan, drawing ref: 36, date stamped received 21st September 2018.

The approved planting and landscaping proposals shall be undertaken during the first available planting season following the use of any building or part thereof coming into operation and shall be managed in accordance with the established maintenance and long term management works set out in the landscape management and maintenance plan, Doc: 04, date stamped received 21st September 2018.

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

12. If within a period of 5 years from the date of the planting of any tree, shrub or hedge or other landscaped area, that tree, shrub or hedge or other landscaped area is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub, hedge or area of grass 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.

13. The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with drawing ref: 27/2, date stamped received 25th January 2019, 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.

14. 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 interests of road safety and the convenience of road user.

15. No operations in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 27/2 bearing date stamp 25th January 2019 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles

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

16. No part of the development hereby permitted shall become operational until the remediation measures as described in Section 6.0 (Proposed Remediation Methodology) of the 'Remedial Strategy Report', Doc: 14, date stamped received 21st September 2018, have been implemented in accordance with the stated methodology, or in accordance with a scheme to be submitted to and agreed in writing with the Council.

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

17. 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: The protection of environmental receptors to ensure the site is suitable for use.

18. After completing the remediation works under condition 16 and 17, and prior to occupation of the development, a verification report needs to 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.

19. At least 8 weeks prior to the commencement of any works to be undertaken in the process of implementing the development hereby permitted, a final Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Council.

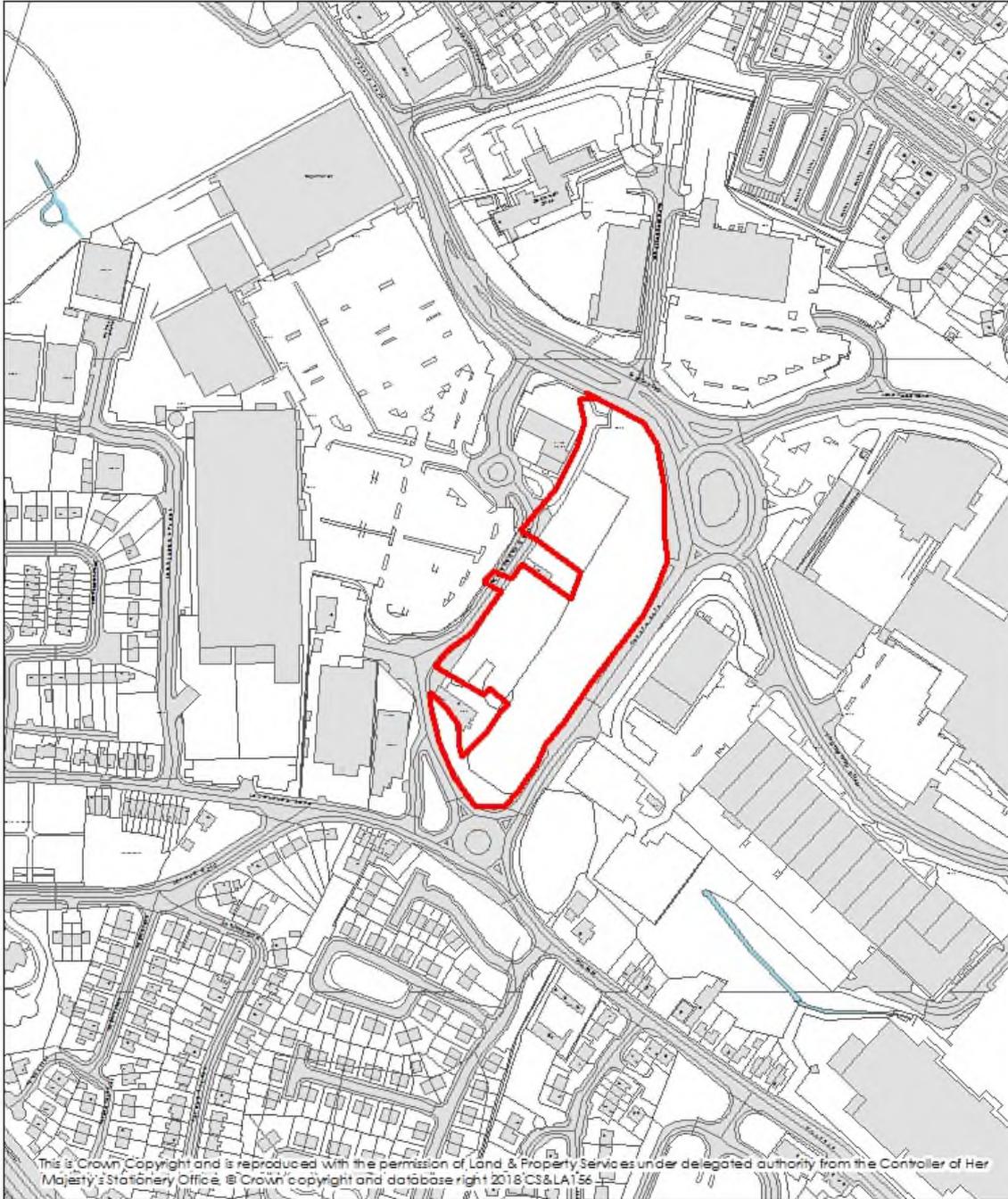
The final CEMP shall incorporate adequate mitigation measures for ecology, noise, water quality, air quality and construction waste in broad accordance with those identified in paragraphs 8.1 – 8.6 inclusive of the outline CEMP, Doc: 16, date stamped received 17th October 2018.

Building operations to be undertaken in the process of implementing the development approved shall be carried out in accordance with the mitigation measures approved in the final CEMP and during the identified phase of building operations, unless otherwise agreed in writing with the Council prior to that mitigation being carried out.

Reason: To prevent polluting discharges entering and affecting the integrity of Belfast Lough RAMSAR and Special Protection Area and Belfast Lough Open Water Special Protection Area and to safeguard the amenity of nearby properties and the area generally.

20. The areas of land identified as containing Japanese Knotweed shall be managed in accordance with the management plan and options for control methods detailed at Appendix 1 and Chapters 2, 3 and 4 of the Japanese Knotweed Management Plan, Doc: 11, date stamped received 21st September 2018.

Reason: To prevent Japanese Knotweed from causing harm to the environment or human health.



Location Map

Application Reference: LA03/2018/0865/F

Lands adjacent and east of Old Church Road
 adjacent and west of Church Road and adjacent
 and north east east and south east of 17 and 57
 Old Church Road Newtownabbey

Proposed development comprising multi-screen
 cinema, café/restaurant units, parking,
 landscaping and all associated access and site works



 Site Boundary
 For Information Only



COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2018/0185/F
DEA	BALLYCLARE
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION

PROPOSAL	Proposed demolition of existing pig farm (6no units housing 4,200 finishing pigs) and replacement with 3no new pig units (to house 2,755 sows, 235 replacement breeders and 5 boars) with air scrubber units, associated underground slurry and washings stores, scrubber water storage tank, 7no feed bins, welfare facilities, feed kitchen/store, concrete hardstanding and 2no turning areas, loading bay, landscaped bund, tree and shrub planting, parking and new access.
SITE/LOCATION	Lands adjacent and to the north of 10 Calhame Road, Ballyclare, BT39 9NA
APPLICANT	JMW Farms Ltd
AGENT	Clyde Shanks Ltd
LAST SITE VISIT	16th November 2018
CASE OFFICER	Johanne McKendry Tel: 028 9034 0423 Email: johanne.mckendryl@antrimandnewtownabbey.gov.uk

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

SITE DESCRIPTION
<p>The application site is located within the countryside outside the development limits of any settlement designated in the draft Belfast Metropolitan Area Plan, published 2014. The site is located 1 miles southwest of Straid, 1.2 miles east of Ballyclare and 1.3 miles south of Ballynure. The surrounding area is rural in character with a number of dispersed farms and dwellings.</p> <p>The application site comprises an existing pig farm 2.13 hectares in area, located on lands adjacent to 10 Calhame Road, Ballyclare. The topography of the site falls approximately 4.5 metres from Calhame Road in a northwesterly direction towards the northwestern site boundary. The site is bounded by a mature hedgerow and Calhame Road to the south, a mature hedgerow and laneway to the east, the applicant's existing farm cluster to the west and an agricultural field to the north. The site currently comprises hardstanding, six naturally ventilated pig units, associated farm sheds, feed bins, slurry tank and concrete yard area. The existing pig farm is serviced by three access points from Calhame Road.</p>
RELEVANT PLANNING HISTORY
<p>Planning Reference: LA03/2017/0851/PAN Location: Land adjacent and to the north of 10 Calhame Road, Ballyclare, BT39 9NA Proposal: Proposed demolition of existing pig farm (6no units housing 4200 finishing pigs) and replacement with 3no new pig units (to house 2760 sows and 235</p>

replacement breeders) with air scrubber units, associated water and waste holding tanks, 7no feed bins, welfare facilities, feed kitchen/store, fallen stock incinerator, concrete hardstanding and 2no turning areas, loading bay, landscaped bund, tree and shrub planning, parking and new access.

Decision: PAN Accepted 22.09.2017

Planning Reference: U/2005/0329/F

Location: 10 Calhame Road, Calhame, Ballyclare, Northern Ireland, BT39 9NA

Proposal: Erection of pig fattening unit & below ground slurry tank

Decision: Application Deemed Refused (EIA) 18.07.2006

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.

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

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

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

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

PPS 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 11: Planning & Waste Management (and the November 2013 update on Best Practicable Environmental Option): sets out planning policies for the development of waste management facilities.

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

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

CONSULTATION

Council Environmental Health Section – No objection subject to conditions

NI Water – No objection

DAERA Historic Environment Division – No objection

DAERA Air and Environmental Quality Unit – No objection

DAERA Marine and Fisheries Division - No objection

DAERA Water Management Unit – No objection

DAERA Drinking Water Inspectorate – No objection

DAERA Land Soil and Air – No objection subject to conditions

DAERA Natural Environment Division – No objection subject to conditions

Shared Environmental Service – No objection subject to conditions

DFI Roads – No objection subject to conditions

DFI Rivers – No objection

Public Health Agency – No objection

REPRESENTATION

Twenty Three (23) neighbouring properties were notified and thirty-one (31) letters of objection have been received from eighteen (18) properties/addresses. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Flawed environmental information;
- Impact on European protected sites and species;
- Cumulative impact;

- Pollution;
- Impact on air quality;
- Impact on watercourses;
- Noise impact;
- Odour;
- Impact on wildlife;
- Natural heritage and biodiversity concerns;
- Visual impact;
- Additional landscaping required along northeast boundary;
- Hours of operation concerns;
- Generation of waste;
- Increase in traffic;
- Road safety and transport concerns;
- Unsuitable location for the development;
- Impact on public health;
- Impact on animal welfare;
- Storage and use of hazardous chemicals in the waste treatment process;
- Human health implications;
- Impact on quality of life; and
- Impact on human rights

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Pollution Prevention Control (PPC) Permits
- Design and Appearance
- Impact on Character and Appearance of the Area
- Neighbour Amenity
- Human Health
- Archaeology and Built Heritage
- Natural Heritage
- Traffic, Transport and Road Safety
- Flood Risk and Drainage
- Other Matters

Preliminary Matters

With regard to the Environmental Impact Statement and the associated Addendums the Planning Section is satisfied that the information submitted fulfils the legal requirements set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and as a consequence comprises a valid Environmental Statement. Each of the Addendums provide clear referencing to the respective constituent parts and a non-technical summary of the information is contained within each of the Addendums to aid public understanding.

This application has been subject to the normal application procedures such as neighbourhood notification, consultation with statutory agencies, site inspection and will be subject to determination by the Planning Committee.

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires that regard should be made to the Local Development Plan, so far as material to the application. Section 6 (4) of the Planning Act also states that where, in making any determination, regard should be made to the Local Development Plan that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. 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.

Both of the relevant development 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) introduced in September 2015 is a material consideration in determining the application. The SPPS states 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 identified policy documents together with the SPPS. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Policy CTY1 of PPS21 sets out the range of types of development which in principle are considered to be acceptable in the countryside, one of those being agricultural and forestry developments in accordance with Policy CTY 12. Paragraph 5.56 of the justification and amplification of Policy CTY 12 'Agricultural and Forestry Development' indicates that the determining criteria for an active and established business will be that set out under Policy CTY 10. Paragraph 6.73 of the SPPS also contains policy in respect of agriculture and forestry development. The latter, essentially, reiterates elements of Policy CTY 12.

Due to the development proposal involving the replacement of piggery units it is considered that the applicant has a currently active and established farm business

and the proposal satisfies Policies CTY 12 of PPS 21. It is therefore considered that the principle of replacement piggery units on this site is acceptable but stands to be considered on its individual merits against regional planning policy. These matters are addressed below.

Pollution Prevention Control (PPC) Permit

The planning and pollution control regimes are separate but complementary systems for the regulation of proposals of this nature. Advice on the relationship between the planning and pollution control regime is set out in Planning Policy Statement 11 'Planning and Waste Management'. This advises that planning control primarily focuses on whether the development itself is an acceptable use of the land rather than on the control of processes or substances involved as well as regulating the location of the development in order to minimise adverse effects on people, the use of land and the environment.

It further advises that the pollution control regime is concerned with the control and regulation of proposed operations and processes along with their day to day operation. The objective is to ensure that the activity is undertaken, and any waste associated with it is disposed of appropriately or suitably treated, without endangering human health or causing harm to the environment.

PPS 11 also states that planning control should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. As such the Council in exercising its role as Planning Authority must make its decisions on the basis that the relevant pollution control regime will be properly applied and enforced. The relevant expertise and statutory responsibility for pollution control rests with the relevant pollution control authority, in this instance the Department of Agriculture, Environment and Rural Affairs (DAERA).

The proposal falls within the scope of the Pollution Prevention Control Regulations for Northern Ireland as the installation will have a total capacity which exceeds the threshold for intensive pig units. The scheme will require a permit under the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013 (The PPC (IE) Regulations). The purpose of this regime is to ensure an integrated approach to controlling pollution from industrial sources. In this case the applicant is required to have a Pollution Prevention Control Permit demonstrating that it will have an acceptable environmental impact, including: (a) impacts of odour, ammonia, noise and dust emissions on sensitive local receptors; and (b) sustainable utilisation of manures produced from the proposed installation. DAERA Land Soil and Air: Industrial Pollution and Radiochemical Inspectorate has advised that the applicant will be required to apply for and obtain a variation to the existing Pollution Prevention and Control (PPC) permit (P0253/07A) prior to commencing any proposed changes at the existing installation.

A PPC permit sets conditions so as to achieve a high level of protection for the environment. These conditions are based on 'Best Available Techniques' (BAT) which balance the costs to the operator against the benefits to the environment. PPC aims to prevent emissions and waste production and where this is not practicable, reduce them to acceptable levels. Where PPC permits are granted subsequent monitoring of any condition contained in it rests with the regulatory authority.

The PPC permit manages practices including:

- General management of the site;
- Accident management plan;
- Energy efficiency;
- Disposal of waste products;
- Operating techniques;
- Selection and use of feed;
- House design and management;
- Livestock numbers and movements;
- Slurry spread and manure management on and off site;
- Emissions monitoring;
- Emissions to water, air or land;
- Odour; and
- Noise and vibration.

While it is acknowledged that planning control is not an appropriate means of regulating the detailed characteristics and day to day operation of this proposal it is accepted that certain matters relevant to a pollution control authorisation may be material planning considerations. As a consequence advice has been sought from a variety of consultation bodies on key aspects of the scheme and their responses are reflected in this report.

Design and Appearance

The applicant proposes the removal of a large slurry tank and silos along with the demolition of six existing naturally ventilated pig units (housing 4,200 finishing pigs) and replacement with three new pig units (measuring approximately 8,514 sqm) to house an overall site capacity of 2,755 sows, 235 replacement breeders and five boars (2,995 pigs in total). The proposed units will be located in the same general location as the existing pig farm but will extend back into the field to the northwest by approximately 33 metres.

Sheds 1 and 2, which are located closest to Calhame Road each have a length of approximately 123.6 metres, a width of 22.2 metres and a ridge height of 6 metres above finished floor level. Shed 1 equates to approximately 2,744 sqm of floorspace and will house the gilt intake, servicing area and accommodation for gilts and sows as well as the feed kitchen, store and staff welfare facilities to maintain bio-security and health and safety requirements. Additional facilities include a store room, office, canteen, bathroom, changing room and showers. A raised loading bay to the front of Shed 1 links to an internal corridor within the shed through to a ramp at the rear which in turn links to an external walkway between Shed 1 and Shed 2.

Shed 2 also equates to approximately 2,744 sqm of floorspace and consists of five farrowing rooms. An internal corridor between Farrowing Rooms 2 and 3 provides a pedestrian link through from Shed 1 to Shed 3 and vice versa. There is a ramp at the rear of Shed 2 which in turn provides a pedestrian link to an internal corridor in Shed 3.

Shed 3, the largest of the three units has a length of approximately 136 metres, a width of 22.2 metres and a ridge height of 6 metres above finished floor level. This unit, equating to approximately 3,026 sqm of floorspace, will house dry sows.

The units will be built to modern standards and comprise insulated green cladding on the roofs and walls on top of a shuttered concrete base, green non-drip roof cladding galvanised roller shutter doors and painted steel security doors.

Pig unit gable ends will be lit with a single low-wattage light fitting during normal working hours in winter months. All external lighting will be downward facing and protected with a cowl to reduce light spill. There will be no use of high intensity security lighting or external lighting outside of normal working hours.

Other development proposed as part of this application includes the following:

- air scrubber system (Uniqfill Bio-Combi) on each of the three units;
- underground slurry and washings stores beneath each unit;
- seven feed bins;
- concrete hardstanding and 2 No. turning areas;
- covered mobile skip (for fallen stock);
- loading bay;
- parking;
- landscaping/bunding;
- consolidation of existing accesses; and
- swale and field drain.

The existing naturally ventilated pig units cannot provide the standard of housing now preferred in the modern industry. The proposal seeks to utilise air scrubber technology anticipated to achieve 70% reduction in ammonia, odour and bio-aerosol emissions and the proposed development is therefore considered to be a more sustainable form of development in comparison to the existing piggery.

The Uniqfill Bio-Combi air scrubber system for each of the 3 sheds is located at the eastern elevation of each pig unit and housed within raised enclosed containers set on stilts. The air scrubber container for Shed 1 is 13.2 metres in length, 3.4 metres wide and has a height of 3.75 metres above finished floor level. The air scrubber container for Shed 2 includes a control room and is 18.3 metres in length, 3.4 metres wide and has a height of 3.75 metres above finished floor level. An external stairwell provides access to the control room which is set on stilts. The air scrubber container for Shed 3 is 9.75 metres in length with an overall width of 12.15 metres and a height of 3.75 metres above finished floor level. In all 3 sheds the air scrubbers are positioned at a height not less than 2.4 metres above finished floor level. An underground water tank is located under the scrubber unit attached to Shed 3. This tank measures approximately 21.6 metres x 13.6 metres and is 3 metres deep with a capacity of 881 cubic metres.

Each pig house will be ducted to a slurry collection pit which lies underneath a slatted floor. Slurry will be stored in these pits until the livestock is transferred, at which point the pens will be washed. Shed 1 has a 900 mm deep underground tank which has a capacity of 2,150 cubic metres. Shed 2 has a 900 mm deep underground tank which has a capacity of 2,390 cubic metres and Shed 3 has a 3 metre deep underground tank which has a capacity of 8,780 cubic metres.

The proposed feed bins, seven in total, will be grouped at the northeast end of Unit 1 adjacent to the proposed site entrance. Each of the feed bins will be constructed on a concrete base, comprising galvanised steel outer sheeting. The feed bins have

a diameter of approximately 3 metres and a height of 9 metres and have a capacity of 25 tonnes.

The skip for carcass disposal is proposed to be located along the northeastern site boundary approximately 20 metres to the northeast of Shed 1. A loading bay is proposed at the front of Shed 1 to facilitate pigs to be loaded or unloaded directly from the transport vehicle and for feed to be loaded into the feed bins adjacent to Shed 1.

The proposal seeks to consolidate the site's access arrangements. Three of the site's existing accesses, to the north, south and centre of the site will no longer be utilised for the pig farm and a new gated access suitable for HGV use is proposed. The northern and central accesses will be closed while the southern access will be retained to serve No. 10 and the outbuildings to the rear only. It will no longer be used for access to the pig units.

An earth bund with new native species hedgerows, woodland belts and tree planting is proposed to be undertaken along the northwestern site boundary at the periphery of the site. Following the removal of the hedgerow on Calhame Road to facilitate the proposed visibility splays during the construction phase, it is proposed that a small berm will be created behind the vehicular sightlines on which a new hedgerow, predominantly hawthorn, will be planted to ensure the reinstatement of roadside hedge as it matures.

As part of the proposed development a new bespoke drainage network, sized and aligned to suit the development, will be constructed. A swale 139 metres in length, with a base width of 3 metres and a depth of 1 metre will be constructed along the northwestern site boundary to provide the necessary 319.74 cubic metres of storage. A field drain with a length of 45 metres and a depth and width of 500mm with a 300mm diameter perforated pipe installed at its base and filled with stone to the surface is proposed to collect surface water from the last bay of the swale and return it to the farmland through infiltration from the field drain.

Impact on Character and Appearance of the Area

Criterion (b) of Policy CTY 12 in PPS 21 states that a proposal for new agricultural buildings should be appropriate to its location in terms of character and scale; whilst criterion (c) requires that such buildings should visually integrate into the local landscape and requires that additional landscaping is provided as necessary. Policy CTY 13 further reiterates the requirement for development proposals to integrate into the landscape.

With regard to the visual impact and the integration of the proposed development the applicant has submitted a Landscape and Visual Impact Assessment (Chapter 12 Environmental Statement February 2018) along with a number of photomontages to aid consideration of these matters (Figures 12.6 to 12.12 – Viewpoints 1 to 5 in Appendix 12.3). In addition to this several site visits have been undertaken to the site and surrounding areas to determine the extent of the visual impact.

Grading and earthworks are proposed to provide level floor areas for three buildings and yard areas at +130 metres, +131.5 metres and +133 metres as indicated on the cross section plans on Drawing No. 03 date stamped 28th February 2018. The

proposed split level arrangement allows for a stepped reduction in ridge and eaves heights which will assist in visual integration. The replacement units are similar in ridge height to the existing buildings and share their low profile in the landscape.

The increase in site area from approximately 1.2 hectares to 1.65 hectares relates predominantly to Shed 3, which is sited away from the nearest critical viewpoint on Calhame Road and it is therefore considered that it would not result in a significant visual impact on the local landscape character.

Whilst the application is to replace existing pig units, it is acknowledged that the proposed pig units, feed bins and associated yard areas will result in an overall increase in the areal extent of ground physically built on at this location. Pig Unit 1 and the majority of Pig Unit 2 broadly mirror the footprint of existing buildings and accordingly changes to the landscape deriving from these will not be significant and they will serve to rationalise the existing built form.

More significant impacts derive from Pig Unit 3 and the landscape works related to the improvement of access arrangements to the Calhame Road. Pig Unit 3 is located across part of a field area that abuts the existing yard area and the proposed woodland belt to its north will change this part of the application site to a substantial degree.

The proposal includes for the rationalising of the entrance points onto Calhame Road, external storage and yard areas. Vehicular access will include loading bays, two internal turning circles and parking arrangements for staff and visitor cars. This will include the removal of the existing hedgerow on Calhame Road to facilitate vehicular sightline requirements, which will potentially open up views across the application site in the short term. However, as stated above the proposed berm and new hedgerow planting will ensure the reinstatement of roadside hedge and provide screening to the site and as such the visual impact of the development from Calhame Road will be short term. It is considered that the proposed extensive landscape works to the periphery of the application site, which includes new native hedgerows, woodland belts and tree planting, in addition to the indirect mitigation which is provided by the recent planting works associated with the construction of the A8 Belfast Road and new Green Road Bridge junction and roundabout, will serve to screen and restrict views from currently open sections of the road towards the application site. In addition, it is considered that proposed boundary treatments including stock-proof post and wire fencing to farmland areas and black paladin fencing will blend into the landscape.

From the properties to the northeast at No. 18 and 20 Calhame Road, views of the application site are limited by intervening field hedgerows and garden vegetation. The proposed development will result in a slight change in views over and through the hedgerows from the properties but views in this direction from the actual dwellings are not afforded as blank gable walls face this way. The proposed landscape works on the east of the application site will, as it matures, close off views of the farmyard and complex at No. 10 Calhame Road in the medium term and ensure the proposal is effectively assimilated in the landscape.

Existing dwellings at No. 7, No. 9, No. 11, No. 13 and No. 15 Legaloy Road are located within 300 metres to the north of the application site. The properties are all set within

mature landscapes including trees and hedgerows that limit or obscure views south towards the site. The proposed development will involve the proposed built development coming approximately 30 metres closer to these properties. Given the distance, the extent of the existing visual screening offered by vegetation and the extent of the existing built form currently within this view, the changes while evident will not have significant or unacceptable effects on the setting or amenity of these properties. A low berm will be built to the north of Unit 3 and planted with woodland approximately 8-10m wide. As this matures it will quickly serve to screen the proposed development area when viewed from Legaloy Road to the northwest.

In summary, views between the application site and the road are limited due to a well-established and mature hedgerow on the northwest side of the road. The most significant impacts will be to the immediate application site and areas immediately adjacent to the site on Calhame Road. Beyond this area, effects on landscape character and visual amenity will very quickly dissipate in significance due to the accumulation of vegetation across the undulating topography of the surrounding land and as the proposed landscaping works mature, they will further reduce visual effects deriving from the proposal.

The Landscape and Visual Impact Assessment undertaken has determined that the proposed development is expected to have a moderate impact upon areas immediately adjacent to the site until the proposed landscaping matures. Beyond the application site area however, effects on landscape character and visual amenity will very quickly dissipate in significance and there will be no significant effects on any publicly accessible landscapes. The overall impact is therefore considered to be minimal.

Neighbour Amenity

Policy CTY 12(e) of PPS 21 indicates that a proposed agricultural development will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution. Policy CTY12 is generally permissive in respect of agricultural development and in this case, as indicated in a recent Planning Appeal Commission decision (reference 2015/A0005), the applicant need only demonstrate, in evidential terms on the balance of probabilities, that the proposal would be unlikely to result in harm to interests of acknowledged importance which would include the amenity of neighbours and the environment.

In this instance the applicant within their Environmental Statement and associated information has provided assessments based on the potential noise and odour impacts and an air quality assessment. In assessing these issues the Planning Section has consulted the Council's Environmental Health Section and DAERA's Environment Agency.

The Council's Environmental Health Section (EHS) has indicated no objections to this proposal and has referred the matters to the regulator as a Pollution Prevention Control Permit will be required to demonstrate that the proposals will be managed in a manner that will have an acceptable environmental impact, including impacts from noise, dust, odour and ammonia on sensitive local receptors.

The Noise Report in Chapter 6 of the Environmental Statement concludes that there are no likely significant noise impacts associated with the proposed development and in the context of the existing pig farm, the proposals represent a positive impact.

In relation to odour the proposed pig house seeks to use the best available technology, by installing a bio-combi biological trickle bed reactor for each pig house. The biologically controlled air scrubber technology operates under pressure and extracts waste air from the 3 units, pushing it through a 'scrubber' removing dust particles, odour and ammonia before releasing the purified air into the atmosphere. It is anticipated that the scrubbers will produce 1,760 m³/yr of nitrogen rich water which will be land-spread in accordance with the Nutrient Management Plan (Appendix 17.1 of the Environmental Statement). Nitrogen rich water will be stored in an underground tank located under the scrubber unit attached to Shed 3. The system is installed within a purpose built container, with air being forced from the top of the Unit. The exhaust air enters the top section of the pre-chamber of the scrubber where it is sprayed with water to separate the coarse dust particles. The air then passes through the trickle-bed reactor system. The large surface area of the filter bed offers an increased contact area for air, serving as a residence for micro-organisms which effectively feed on the substances to be removed. After passing through the filter bed, the exhaust air is forced through a demister and then released as a clean gas, having removed the aerosols, from the top of the unit.

Test reports have shown that the scrubber system proposed will result in a 70% reduction in odour and ammonia emissions. Within Chapter 7 of the ES (the odour report) it has been demonstrated that odour levels will not exceed 3ou/m³ at the nearest sensitive receptor. The report indicates that this is based on the assumed category and number of pigs stated in table 7.7 and the ventilation rate for fans as stated in table 7.10. In the context of the existing naturally ventilated pig farm, the proposal would represent a positive impact.

With regards to potential noise and odour impacts on the amenity of adjacent residential receptors the EHS has indicated no determining concerns in relation to potential noise or odours generated from the facility subject to the provision of conditions to be attached to any planning approval granted.

DAERA's Industrial Pollution and Radiochemical Inspectorate has indicated no determining concerns in relation to matters pertaining to noise and odour and has indicated the applicant will be required to apply for and obtain a variation to the (PPC) permit (P0253/07A) prior to commencing any proposed changes at the existing installation.

DAERA's Drinking Water Inspectorate is content with the proposal subject to the mitigations within the Private Water Supply Risk Assessment being followed and adhering to standing advice and any relevant statutory permissions being obtained.

Other sources of noise and disturbance indicated by third parties include that caused by traffic and transport to and from the site as well as that during construction phase. These sources of noise and disturbance are not considered significant or determining in this case with construction noise likely to be restricted to normal working hours and will be temporary in nature. The level of traffic attracted to

the site is not considered so significant as to cause a significant loss of amenity to third parties.

Overall it is considered that there will be no significant detrimental impact on residential amenity of third party receptors by way of noise, odour or ammonia dispersal.

Human Health

In considering this application a number of third party concerns have been raised in relation to matters pertaining to public health. As part of the consultation process the Public Health Agency (PHA) has been consulted.

PHA has stated that facilities such as intensive livestock installations have a theoretical potential to cause adverse health effects from exposure to particulate matter (PMT), ammonia, general dust and other emissions. However, the main concern of PHA in relation to such facilities is the potential for bioaerosol releases from pig rearing and associated activities. It is an important public health consideration that the risk of spread of both viral and bacteriological (including antibiotic resistant strains) communicable diseases to the adjacent human population is minimised.

The proposed replacement farm will utilise Uniqfill Bio-Combi Air Scrubbers which will be used to extract waste air from the pig units removing dust particles, odour and ammonia before releasing the purified air into the atmosphere at acceptable levels. The existing farm is naturally ventilated therefore use of the scrubber technology is considered to be a considerable betterment.

The most up-to-date guidance (2016) in respect of bio-aerosol assessments and intensive farming states that a bio-aerosol risk assessment is only required if there are receptors within 100m of the farm. However, a bio-aerosol risk assessment has been prepared in this instance to consider receptors within 250m of the farm. PHA notes that this facility has at least five residential dwellings located within 250 metres of its proposed location and a Bio-aerosol Risk Assessment has been conducted which concludes that the predicted levels do not exceed the limits at any receptor locations within 250 metres. PHA confirms that this, and the mitigation measures stated to be in place, should provide reassurance in respect of the risks to the surrounding population.

The above risk assessment takes account of the distance of the nearby dwellings in respect to the nearest pig house and the risk assessment states that slurry spreading will take place distally using the 'broadcast' method, which PHA in theory has indicated will have a higher likelihood of bioaerosol transmission. The maps provided indicate that some of the fields on which slurry spreading is proposed to take place appear to be in very close proximity to residential dwellings.

Within Chapter 15 'Population and Human Health' of the Environmental Statement, the applicant contends that all slurry, nitrogen rich water and wash water will be land spread in Northern Ireland in accordance with recommended management options and a Biosecurity Policy and Veterinary Health Plan will be prepared for the site and disease control methods will be employed on site in accordance with Red Tractor

requirements. In addition, an emergency plan will be implemented for the effective management of serious incidents and potential emergency situations.

With regards to noise and odour and their impacts on human health, the Council's Environmental Health Section has indicated that it has no determining concerns with regards to these matters while DAERA's Industrial Pollution and Radiochemical Inspectorate which would regulate this site under a Pollution Prevention Control Permit has not raised any objection to the development proposal.

Archaeology and Built Heritage

Historic Environment Division: Historic Monuments (HED: HM) has reviewed the Cultural Heritage chapter (Chapter 13) of the submitted Environmental Statement. The application site is approximately 0.5 kilometres from the nearest archaeological monument and has been substantially impacted upon by the existing farm buildings. While the Cultural Heritage chapter recommends further archaeological investigation on site, HED: HM is of the opinion that no further work is required and on this basis it is considered that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Natural Heritage

A number of third party concerns were raised with regards to the environmental information provided by the applicant. DAERA's Natural Environment Division (NED) provides the Council with expert advice regarding the impact of developments on natural habitats and wildlife issues. NED has considered the environmental concerns raised with regards to the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided within the Environmental Statement and associated documentation, has no concerns regarding the proposed development subject to a number of recommended conditions. On the basis of this advice it is considered that there will not be a significant adverse impact on natural heritage interests which includes badgers, newts, breeding birds and bats.

With regard to the impact on designated sites, the application site and/or land spreading locations are within 7.5 km of the following sites (hereafter referred to as designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002: Antrim Hills SPA; North Woodburn Reservoir ASSI; South Woodburn ASSI; Ballypalady ASSI; Garron Plateau ASSI/SAC/RAMSAR; Cleggan Valley ASSI; Glen Burn ASSI; Rathsherry ASSI; Sandy Braes ASSI; Tardree Quarry ASSI; Bellevue ASSI; Inner Belfast Lough ASSI; Outer Belfast Lough ASSI; East Coast (Northern Ireland) Marine SPA; Belfast Lough SPA/RAMSAR; Larne Lough ASSI/SPA/RAMSAR; Newlands ASSI; Carneal ASSI; Copelands Reservoir ASSI; North Woodburn Glen ASSI; Castletown ASSI; Cloghfin Port ASSI; The Gobbins ASSI; Kilcoan ASSI; Glynn Woods ASSI; Waterloo ASSI; Portmuck ASSI; The Maidens SAC; Knock Dhu Sallagh Braes ASSI; and North Channel Marine SAC. The site is also hydrologically connected to Lough Neagh ASSI, Lough Neagh & Lough Beg SPA/RAMSAR.

With regards to nitrogen emissions, NED has acknowledged there are significant challenges in permitting agricultural expansion in areas where the critical loads and levels are currently exceeded. Following acquisition of DAERA specific legal advice

on DAERA's operational policy, NED has considered the proposal, including any direct/indirect impacts on associated farm activities and is content that the proposal is in line with DAERA's operational protocol on nitrogen emissions.

NED has considered the impacts of the proposal on the designated sites and advises that due regard is given to its recommendations when undertaking a Habitats Regulations Assessment to ensure compliance with the requirements of the Habitats Regulations and The Environment (Northern Ireland) Order 2002.

On the basis of the information submitted, NED is content that the proposal is unlikely to have an unacceptable adverse impact on non-designated sites within the consultation area. The Air Quality Modelling Report indicates that the process contribution at this site is <50%, in line with the current policy for habitats outside designated sites.

Concern was raised in relation to the Habitats Regulation Assessments (HRA) undertaken by the Council's Shared Environmental Services (SES). SES has considered the application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) on behalf of the Council, which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. SES has informed the Council having considered the nature, scale, timing, duration and location of the project, that it has no determining concerns with regard to the proposal and its effects on the integrity of any European site. This analysis is conditional on the following mitigation measures: (a) the air scrubber system proposed is installed and maintained throughout the life of the facility; and (b) the number of pigs do not exceed 2,995 (as indicated in Table 1 Appendix 2, of the Environmental Statement Addendum dated August 2018). SES has considered the concerns raised in representations and has advised that the activity in association with the proposals of this nature is regulated by the Industrial Pollution and Radiochemical Inspectorate of DAERA.

Traffic, Transport and Road Safety

Chapter 10 of the Environmental Statement assesses the transport issues associated with the replacement pig accommodation and the Transport Assessment Form (TAF) is included within Appendix 10.1.

The application site is located close to the trunk road network and within 400m of the A8 dual carriageway. Until recently the A8 was a single carriageway road which Calhame Road joined at a priority junction. This junction provided access for all movements, including the more difficult and dangerous right turn manoeuvres. The dualling of the A8, which officially opened in December 2015, removed the right turns from the Calhame Road. A new upgraded separated junction was constructed to provide safer access to Calhame Road, Legaloy Road and Green Road, and this included a new link road between Calhame Road and Legaloy Road. This upgrade provides much safer access to the site from the A8, especially for larger vehicles.

The current pig farm has three accesses from Calhame Road. The proposed new access at the northeast of the site is positioned to enable 2.4 metres x 120 metres visibility splays to be accommodated with turning areas for HGVs so that vehicles can enter and leave in a forward gear. Two turning areas located at the south and east

of the proposed units respectively and a car park consisting of thirteen parking spaces for staff and visitors is proposed at the eastern corner of the site. It is considered that the aforementioned access arrangements provided in accordance with DCAN15 will deliver significant betterment relative to the existing arrangements.

The Environmental Statement (ES) presents traffic figures associated with the proposed development, which compares the impact of existing traffic movements arising from the existing pig farm with that proposed by the application. Table 10.1 of Chapter 10 of the ES summarises the vehicular movements associated with the existing farm which averages four vehicular movements per day, which includes 2 journeys by car and two by HGV, under normal working conditions. It states that during the spreading periods, there are 14 tanker loads of slurry removed from the site which equates to an additional 28 movements per day during the four short spreading periods.

During the construction phase the Transport Assessment states that 15-20 vehicle movements per day will be a combination of vans and cars for construction staff and HGV's for the delivery of components and materials. The site is sufficiently large that this number of vehicles can be accommodated on site within the temporary construction compound and on site. No vehicles will be parked on the public road. The report states that the construction site opening hours will be limited to 08:00 hours - 18:00 hours Monday to Saturday and should therefore not cause disruption during these peak times.

Table 10.2 of Chapter 10 of the Environmental Statement summarises the main types and frequency of vehicle movements associated with the proposed development on the site. Table 10.2 states that outside of the slurry spreading periods, there will be 2 HGV's at the site per day, which equates to 4 vehicular movements per day. As there will be 6 people at the site (staff and vet) per day this equates to 12 car movements per day. Therefore the proposed farm will generate 16 movements per day under normal working conditions. During the slurry spreading periods, there will be 25 tanker loads of slurry removed from the site. This is an additional 50 movements per day during the four short spreading periods. However, it is considered this increase is offset by the positive benefit of the removal of an access and the improvement of another access. In addition betterment will also be gained through improved internal layout at the site, including provision for and the turning of HGVs within the site which will reduce the impact on the public road.

With regards to traffic, transport and road safety, DfI Roads was consulted as the competent authority in relation to these matters and has indicated no objections to the proposal in terms of road safety and in terms of trips generated by the development.

Flood Risk and Drainage

The applicant as part of the Environmental Statement has submitted information relating to the hydrology of the application site and the surrounding area. They have assessed the potential environmental impact of the proposed development on the water environment related to the relevant hydrology and drainage matters and how any impacts would be mitigated. The assessment has been undertaken to demonstrate the proposed development will not be subject to flooding and to

examine the potential to safely discharge surface water from the proposed site without increasing the risk of flooding within the site or elsewhere.

DfI Rivers and the Water Management Unit of DAERA have been consulted and neither has expressed any determining concerns in relation to drainage and the associated impact on watercourses.

DfI Rivers has confirmed there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site but state the site may be affected by undesignated watercourses of which we have no record. In respect of Policy FLD1 'Development in Fluvial and coastal Flood Plains' of PPS15, DfI Rivers has confirmed that the Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

DfI Rivers has stated that in relation to development and surface water it accepts the logic of the submitted Drainage Assessment by Flood Risk Consulting, dated February 2018 (Appendix 9.1 of the Environmental Statement) and has no reason to disagree with its conclusions. DfI Rivers has advised that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures, as laid out in the assessment, rests with the developer and his/her professional advisors.

Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to the applicant referring and adhering to standing advice and any relevant statutory permissions being obtained.

With regards to matters relating to flooding and drainage it is considered that there will not be an increase in flood risk associated with this development.

Other Matters

Animal Welfare

A number of objections have been raised in relation to animal welfare issues. These are not material planning considerations and are not determining in this application.

Impact on Human Rights

Articles 1 and 8 of the Human Rights Act 1998 are substantive rights enabling those affected by the planning process to reinforce their objections by stating that to allow such a development to proceed would infringe upon their human rights. Procedural guarantees associated with these substantive rights ensure that all victims are given the chance of a fair hearing. It is only in exceptional cases that personal circumstances may be relevant to planning decisions. While the convention puts the rights of the individual first these rights are paramount only where there is no justification in the public interest.

Paragraph 2.3 of the SPPS states that the planning system operates in the public interest of local communities and the region as a whole. It does not exist to protect the private interests of one person against the activities of another. In principle there

is the opportunity for the development of livestock installations in the countryside. Planning policy is developed, interpreted and applied in the public interest.

Planning applications often encounter competing and conflicting private interests, in this case the various conflicting interests have both had rights to make representations to the Council, through the processing of the planning application and ultimately through the consideration of the application by the Planning Committee. It is considered that the recommendation to approve development is in compliance with planning policy, all parties to the application have been given a fair hearing, the points raised by them have been given proper consideration and the Council's obligations under the Human Rights Act have been fulfilled.

CONCLUSION

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

- The principle of development is considered acceptable;
- The design and appearance of the buildings is considered acceptable;
- The impact on character and appearance of the area is considered acceptable;
- The impact on neighbour amenity by way of noise disturbance, and odour is considered acceptable;
- There is no evidence to suggest human health will be adversely impacted by this proposal;
- There are no determining concerns with regard to the associated land spreading;
- There are no archaeology or built heritage concerns regarding the proposal;
- There are no natural heritage concerns with regard to the proposal;
- There is no determining concern in relation to matters pertaining to traffic generation or road safety;
- There are no flood risk or drainage concerns associated with this development; and
- Matters pertaining to animal welfare and human rights are not considered to be determining.

RECOMMENDATION : **GRANT PLANNING PERMISSION**

PROPOSED CONDITIONS

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

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

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

Should an unacceptable risk be identified, a remediation strategy shall be submitted to be agreed with the Council before being implemented.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological

systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

3. After completing all remediation works under Condition 2 and prior to occupation of the development, a verification report shall be submitted to 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: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

4. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Number 03 bearing the date stamp 28th February 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.

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

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

6. There shall be no commercial vehicles accessing or servicing the site outside the hours of 7:00am - 10:00pm from Monday to Saturday and at no time on a Sunday.

Reason: To protect the amenity of near-by residents.

7. All vehicles operating within the proposed development site shall be fitted with wide band reversing alarms.

Reason: To protect the amenity of near-by residents.

8. Except as otherwise agreed by the Council, the category and number of pigs in each house shall not exceed those given in the table below.

House No	Category of Animal	No of animals
1	Boars	5
	Gilts	855
	Production pigs	235
	Sows	220
2	Farrowing Sows	480
3	Dry Sow	1200

Reason: To protect the residential amenity and air quality and to ensure no adverse effect on the integrity of any European Sites.

9. Mechanical ventilation serving each pig house shall have a ventilation rate not less than the values stated in table below.

House	Exit Velocity (m/s)	Total Volume Flow (m ³ /s)	Total Volume Flow (m ³ /hr)
1	2.66	48.6	175,074
2	0.52	6.9	24,942
3	2.60	60.1	216,301

Reason: To protect the residential amenity and air quality.

10. The Uniqfill BioCombi air scrubber system, as indicated on Drawing No. 04 date stamped received on 28th February 2018, shall be installed in each of the three pig farm units hereby approved prior to them becoming operational and the air scrubber system shall subsequently be operated in accordance with the technical specification of the manufacturer and maintained by an authorised expert throughout the operational lifetime of the facility.

Reason: To protect residential amenity and air quality and ensure no adverse effect on the integrity of any European Sites.

11. The Council must be notified of the date when any part of the development becomes operational. Once any part of the development becomes operational, the developer shall undertake at least 6 months validation monitoring of aerial emissions from the site. The detailed results of this validation monitoring shall be submitted to the Council within a period of 1 year of commencement of operation of the facility.

Reason: To protect the residential amenity and air quality.

12. In the event that the validation monitoring referred to in Condition 11 shows actual emission levels exceed the values as indicated within the Air Quality, odour and Bio-Aerosols report submitted with the application, the developer shall remove all pigs from the facility with immediate effect. Measures for the reduction of emissions to levels specified in the Air Quality, odour and Bio-Aerosols report shall be submitted to and agreed in writing with the Council and introduced prior to restocking of the sheds.

Reason: To protect the residential amenity and air quality.

13. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

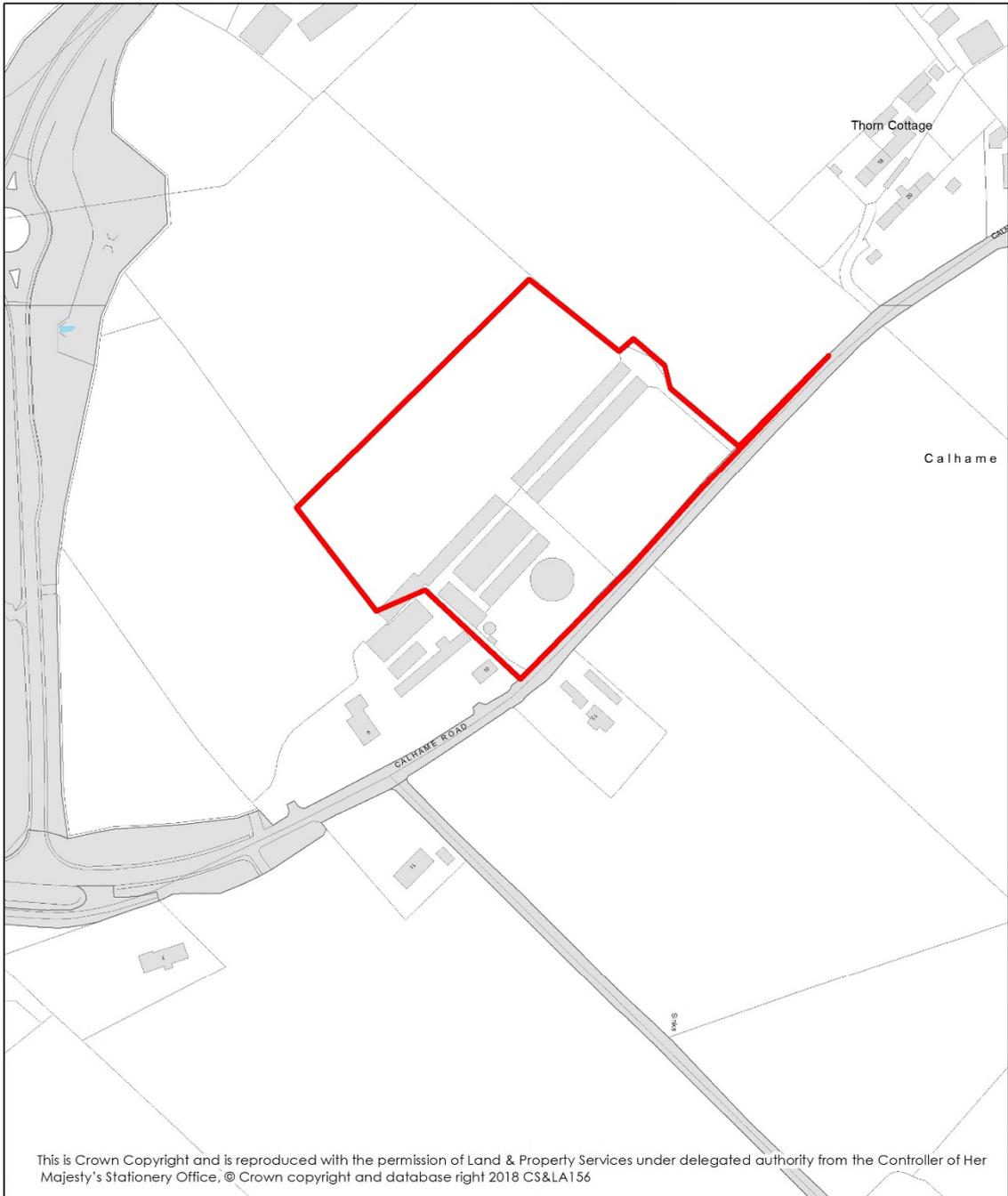
The landscaping scheme shall include details of the proposed earth bund and planting along the northwestern site boundary as indicated in Drawing Number 03 bearing the date stamp 28th February 2018.

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

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

14. 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.



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Location Map

Application Reference: LA03/2018/0185/F

Proposed demolition of existing pig farm
(6no units housing 4,200 finishing pigs)
and replacement with 3no new pig units

Lands adjacent and to the north of
10 Calhame Road
Ballyclare
BT39 9NA

 Site Boundary



For Information Only



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2018/1005/RM
DEA	ANTRIM
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	APPROVE RESERVED MATTERS

PROPOSAL	New gateway entrance road with reconfiguration of internal road network and car parking arrangement with environmental improvement scheme consisting of hard and soft landscaping and all associated site works.
SITE/LOCATION	The Junction Retail and Leisure Park, Ballymena Road, Antrim (Lands to the West of Stiles Way Roundabout).
APPLICANT	Episo 4 Antrim S.a.r.l
AGENT	TSA Planning
LAST SITE VISIT	January 2019
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk

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

SITE DESCRIPTION

The application site is located at The Junction (formerly Junction One Retail and Leisure Park), Ballymena Road, Antrim. The site is an urban location within the settlement limit of Antrim and approximately 1.5 kilometres to the northwest of Antrim Town Centre. There are no applicable development plan designations or zonings.

The Junction opened in 2004 as a 'Retail and Leisure Park including a Factory Outlet Centre.' The retail offer includes a mix of national and international brands including categories such as fashion, houseware and outdoor wear.

The application site is an irregularly shaped piece of land comprising approximately 4.5 Ha of land abutting the Stiles Way Roundabout to the southeast, an area of existing car parking and previously developed land to the northwest and terminating at the Factory Outlet Centre at the northwestern edge of the complex.

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2017/0234/O

Location: Junction One Retail and Leisure Park, Ballymena Road, Antrim,

Proposal: Outline masterplan to facilitate the comprehensive regeneration of Junction One, including the Factory Outlet Centre, Retail and Leisure Park, and vacant lands. Proposals include demolition and reconfiguration of existing buildings; erection of new buildings to include provision of restaurants/coffee shops, bulky goods retail warehousing, retail kiosks, indoor leisure and factory outlet units; creation of new children's play area, outdoor multi-purpose recreational facility, new gateway entrance road and re-configuration of internal road network; reconfiguration of car parking; provision of environmental improvement scheme featuring hard/soft landscaping and all associated site works (Proposed Master Plan layout to also

incorporate the re-configuration of existing car park and 2 No drive thru restaurants/cafes, 1 No ancillary external seating area and 1 No ancillary children's play area granted planning permission by LA03/2017/0014/F)

Decision: Permission Granted 18.12.2017

Planning Reference: LA03/2018/1049/DC

Location: Junction One Retail and Leisure Park, Ballymena Road, Antrim

Proposal: Outline masterplan to facilitate the comprehensive regeneration of Junction One, including the Factory Outlet Centre, Retail and Leisure Park, and vacant lands (Discharge of condition 3 from approval LA03/2017/0234/O relating to the submission of a phasing scheme of all aspects of the approved masterplan scheme)

Decision: Permission Granted: 24.1.2019

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 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.

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

CONSULTATION

Council Environmental Health Section – No objection.

Historic Environment Division – No objection.

NI Water – No objection.

DfI Roads – Conditions for approval.

Northern Ireland Environment Agency - No objection. Recommends the same conditions attached to the outline permission LA03/2017/0234/O

Shared Environmental Services – No objection.

DfI Rivers – No objection.

REPRESENTATION

Twenty five (25) 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 Quality
- Roads and Car Parking
- Flood Risk
- Other Matters

Principle of Development

Outline planning permission for the re-development of The Junction Retail and Leisure complex was granted on 18th December 2017 and has with it an associated Concept Master Plan.

This proposal seeks to provide a new landscaped boulevard leading from the Stiles Way Roundabout into the heart of The Junction complex terminating at the front of the Factory Outlet Centre, where a public square is to be provided. These features of the re-development of The Junction were envisaged in the approved concept master plan and are referred to in Condition 3 of the outline planning permission. This Condition requires that priority, within the overall phasing of the re-development of The Junction complex, be afforded to the provision of the proposed boulevard. This Reserved Matters application represents the first key phase of the re-development of the complex and therefore complies with the requirement of this condition. This application was made valid within the timeframe for submission of Reserved Matters applications set out at condition 1 of the outline planning permission. For the reasons set out above the principle of development is established.

Design Quality

The proposed boulevard provides for two lanes of one-way traffic taken from the Stiles Way Roundabout leading directly to the public square at the front of the Factory Outlet Centre (FOC) where a new roundabout will distribute vehicular traffic to a series of separate car parking areas.

The outer edges of the boulevard are lined with a series of Alder trees and grass, which separate the carriageway from the proposed pedestrian footpath network. The outer edges of the pedestrian footpath network are also the subject of new landscaping with additional trees, hedging and grass proposed. This landscaping assists in clearly delineating the proposed areas of car parking and pedestrian footpaths from the boulevard. The landscaping will create a green edge around and function to contain the several varyingly sized areas of car parking located either side of the landscaped boulevard.

The new roundabout is located in proximity to the front of the FOC and is contained within a significant area of landscaping of a similar type to other landscaped areas. Overall, the nature and extent of the proposed landscaping works are considered as providing a significant and homogenous landscape framework enveloping the landscape boulevard and car parking areas. This will create a strong and visually attractive landscape character which makes a positive contribution to the character of the complex. An associated landscape management plan accompanies the application. The requirements of Conditions 3 and 9 have been met in this regard.

Roads and Car Parking

Conditions 19, 21 and 22 of the outline planning permission relate to improvements to the Stiles Way Roundabout and the number, location and arrangement of car parking spaces and secure bicycle parking facilities to serve this phase of development.

With respect to Condition 19, the submitted roundabout design is consistent with the design proposal contained within the Environmental Statement associated with the outline planning permission. Modifications to the Stiles Way Roundabout have been forwarded to DfI Roads, which has offered no objections to the proposed roundabout design. For these reasons it is considered the requirements of this condition have been met.

Condition 21 requires that car parking spaces indicated within the concept master plan endorsed as part of the outline planning permission will be provided in accordance with a programme to be submitted to and agreed with the Council and that the programme will identify the number, location and arrangement of these car parking spaces.

The submitted parking statement and correspondence from the agent identifies that following the grant of outline planning permission, the detailed design stage of the overall re-development of The Junction complex has provided for 2,226 car parking spaces, an increase of 186 car parking spaces over the approved figure of 2,040 car parking spaces. With respect to this phase of the re-development, 755 car parking spaces are identified, an increase of 95 car parking spaces over that envisaged in the outline planning permission concept master plan for this phase of the re-development process. At this time there are 679 car parking spaces provided within the lands associated with this phase of the re-development process. Within the provision of 755 car parking spaces there are 74 dedicated disabled parking spaces, or approximately 10%. These disabled car parking spaces are dispersed across the site in varying locations. Some are adjacent to existing businesses with the majority

being places immediately to the front of the public square adjacent to the FOC (39 spaces).

The submitted layout clearly identifies the number, location and arrangement of these car parking spaces and the arrangement is considered acceptable. Dfl Roads has offered no objection with respect to this matter. Overall, it is considered that the requirements of the condition have been met.

Condition 22 of the outline planning permission requires the number, location, arrangement and specification of the necessary secure bicycle parking for each phase of development to be provided in accordance with guidance set out in 'Parking Standards'. With reference to Drawing 03, 12 bicycle parking stands are proposed adjacent to unit 72A of the FOC. This unit sits to the front of the main bulk of the FOC and within the proposed public square area. Details of the specification have also been provided. It is considered the number, location, arrangement and specification of the secure bicycle parking facilities has been provided in accordance with the requirement of the condition.

Flood Risk

The agent for the planning application has rebutted the initial Dfl Rivers consultation response indicating the requirement for a Flood Risk Assessment. The agent has correctly advised Dfl Rivers that the recorded flood inundation area only affected the rear of existing buildings at the FOC and that these lands are not associated with this Reserved Matters application. The agent advises further that this matter was addressed to the satisfaction of Dfl Rivers within the Environmental Statement and its Addendum during the processing of the outline planning application. Subsequent to this Dfl Rivers has returned an additional consultation response offering no objections to the development proposal. It is concluded therefore that the development proposal shall not be subject to either fluvial or pluvial flooding nor shall it exacerbate flooding elsewhere.

Other Matters

This phase of the redevelopment involves the demolition of units 73 and 74 of the FOC to provide for car parking. The gable wall of unit 72A, that adjoining units 73 and 74, is to be finished with facing brick consistent with the design appearance of other elements of the buildings comprising the FOC. It is considered this element of the proposal is acceptable.

A kiosk unit is to be erected to the southern side of the main body of the FOC. This building was identified as unit K1 in the outline planning permission concept master plan and was to be located within 'ZONE 2A Outlet'. The proposed siting of the proposed unit is consistent with the concept master plan with the kiosk comprising 12 square metres of floor space, some 48sqm less than the 60sqm of floorspace granted planning permission. The finishing materials of the kiosk are glass, timber flat roof and aluminium casing. It is considered the location, quantum of floorspace and design appearance of the kiosk are acceptable. A planning condition is recommended in order to control the use and size of the building.

CONCLUSION

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

- The principle of the development has been established through the outline planning permission LA03/2017/0234/O.
- The design quality of the proposal to include landscaping is acceptable and complies with Conditions 3 and 9 of the outline planning permission.
- Roads and car parking matters are considered as complying with Conditions 19 – 22 of the outline planning permission and are therefore acceptable.
- With respect to flood risk it is considered that the development proposal shall not be subject to either fluvial or pluvial flooding nor shall it exacerbate flooding elsewhere.
- The finishing materials of the gable wall of unit 72A of the Factory Outlet Centre are consistent with other areas of the Factory Outlet Centre and are therefore acceptable.
- The location, siting and design of the kiosk unit are acceptable and its size and use will be controlled by planning condition.
- There are no objections from consultees or interested members of the public.

RECOMMENDATION : **APPROVE RESERVED MATTERS**

PROPOSED CONDITIONS

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-
 - i. The expiration of a period of 8 years from the grant of outline planning permission; or
 - ii. The expiration of a period of 2 years from the date hereof.

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

2. All hard and soft landscape works shall be provided in accordance with the approved 'Soft Landscape Proposals', Drawing Ref: 10, date stamped received 29th October 2019 and shall be carried out during the first available planting season after the commencement of any part of the development.

The '10 year landscape management plan', Document Ref: 01, date stamped received 29th October 2018, shall be carried out as approved.

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

3. The development hereby permitted shall not come into effect until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 03 bearing date stamp 29th October 2018 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

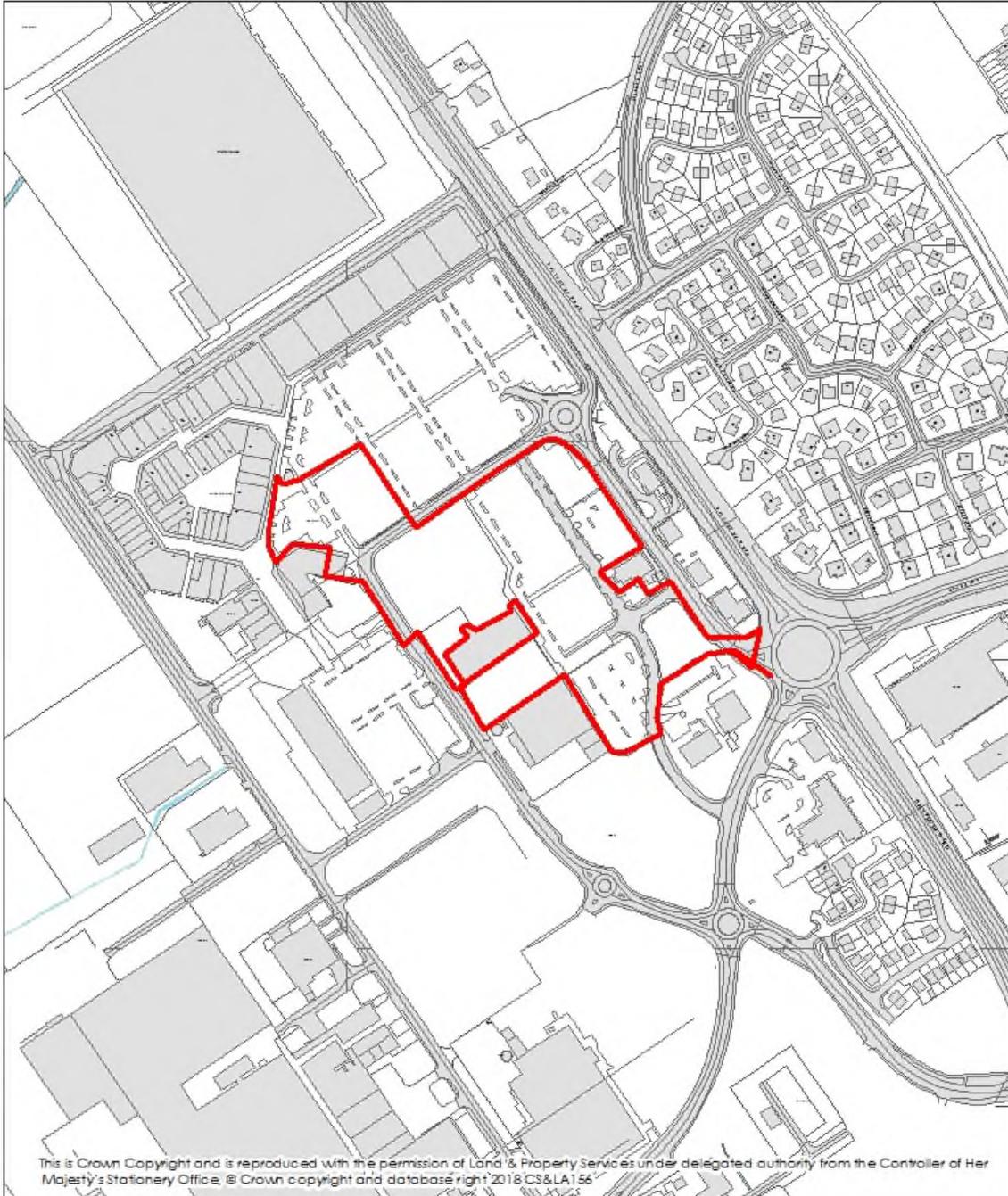
Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

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

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

5. The gross floorspace of the retail kiosk unit hereby permitted, and as denoted in drawing ref: 03, date stamped received 29th October 2018, shall not exceed 12 square metres when measured internally.

Reason: To enable the Council to exercise control over the nature, range and scale of retailing activity to be carried out at the site and to ensure compliance with the objectives and policies for retailing and town centres.

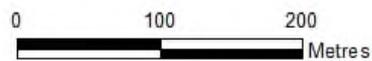


Location Map

Application Reference: LA03/2018/1005/RM

The Junction Retail and Leisure Park
 Ballymena Road Antrim (Lands to the
 West of Stiles Way Roundabout)

New gateway entrance road with reconfiguration of
 internal road network and car parking arrangement
 with environmental improvement scheme consisting of
 hard and soft landscaping and all associated site works



 Site Boundary
 For Information Only



COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2018/0965/O
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION

PROPOSAL	Infill dwelling and garage
SITE/LOCATION	32m South East of 14 Logwood Road, Bruslee, Ballyclare
APPLICANT	Mrs S Ferguson
AGENT	Robert Logan Chartered Architect
LAST SITE VISIT	16 th November 2018
CASE OFFICER	Alexandra Tipping Tel: 028 90 43 40216 Email: Alexandra.tipping@antrimandnewtownabbey.gov.uk

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

SITE DESCRIPTION

The application site is located approximately 32 metres south east of the dwelling at no. 14 Logwood Road. The site lies within the countryside as identified in both Draft BMAP 2004 and BMAP 2014, but is directly adjacent to the settlement development limit of Hillhead which abuts the site's western boundary. The countryside area in which the site is located is characterised by a small number of isolated detached dwellings while the Logwood Plant Centre is located further along the Logwood Road in an easterly direction.

The application site is part of a wider agricultural field and presently used for the purposes of grazing. The northeastern boundary of the application site is adjacent to the road frontage and is defined with hedging with sporadic trees. The western boundary of the application site forms the edge of the settlement limit for Hillhead and is defined with post and wire fencing. The southern (rear boundary) of the site and the eastern boundary are undefined. The site sits at a higher level than the dwelling at No. 14 and the level of the road.

RELEVANT PLANNING HISTORY

No recent 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, 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.

Newtownabbey Area Plan (2005): The Plan offers no specific guidance on this proposal

Draft Belfast Metropolitan Area Plan (2004): The application site lies immediately adjacent to the settlement development limit for Hillhead however; the Plan offers no specific guidance on this proposal.

Belfast Metropolitan Area Plan 2014: The application site lies immediately adjacent to the settlement development limit for Hillhead however; 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

Council Environmental Health Section – No Objections

NI Water – No Objections

DfI Roads - No Objections, subject to conditions

REPRESENTATION

Three (3) neighbouring properties were notified and one (1) letter of representation has been received.

The main points raised in this objection are noted below –

- The proposal is not an infill opportunity and rather demonstrates ribbon development along the Logwood Road.
- The site if approved would leave the remaining section of the field vacant with the potential for a further infill opportunity.

- A dwelling would be better placed towards the existing stable block and not immediately adjacent to the boundary with No. 14.
- The neighbouring dwelling at No. 14 sits at a lower level and would be overlooked by a dwelling on this site.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Principle of Development
- Setting of Settlements
- 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 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 states that any such determination must be made in accordance with the Local Development Plan (LDP) unless material considerations indicate otherwise.

The adopted Belfast Metropolitan Area Plan 2014 (BMAP) previously operated as the statutory development plan for the area in which the application site is located, however the adoption of the Plan in 2014 was subsequently judged to be unlawful by the Court of Appeal on 18 May 2017. Until the publication of draft BMAP (dBMAP) in 2004, and its adoption in 2014, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement (published in February 1995), provided the core development plan document that guided development decisions in this area.

However, the dNAP was never formally adopted, therefore following the judgement by the Court of Appeal in May 2017, there is currently no adopted plan for this area of the Borough. In these circumstances, the provisions of both the dNAP, dBMAP (2004) and BMAP (2014) are considered to be material considerations in determining all proposals in the area, including the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up-to-date development plan position for the town, and should therefore be afforded greater weight than dNAP in the decision-making process.

In light of the Court of Appeal's decision on BMAP, the Council has taken a policy stance that, whilst this most up-to-date version of the Plan (published 2014), is no longer adopted, the zonings and policies contained therein, should be afforded significant weight in assessing proposals. All the relevant development plans identify the application site as being located in the countryside, and beyond any settlement limits as defined/proposed therein.

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 21: Sustainable Development in the Countryside (PPS 21).

The application site lies in the countryside and abuts the settlement limit of Hillhead as designated in draft BMAP and BMAP 2014. The site comprises a corner section of a wider agricultural field.

Planning Policy Statement 21 and Policy CTY 1 states that there are a range of types of development which in principle are acceptable in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8- Ribbon Development. It is this policy that the agent refers to for this application for an 'Infill Dwelling'.

Policy CTY 8 states that a gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage is considered acceptable provided that this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy also advises that a substantial and continuous frontage includes a line of three or more buildings along the road frontage without accompanying development to the rear.

The applicant proposes to infill a gap between No. 10 and No. 14 Logwood Road. This gap has a plot width across the frontage of 80.6 metres. The applicant considers the following buildings to make up a continuously built up frontage. No. 10 Logwood Road, the outbuilding forward of No. 10, No. 14 Logwood Road, and its associated outbuilding. No.16 logwood Road, No. 1 McGladdery Close, No. 18 and No. 20 Logwood Road are also considered to form part of the built up frontage along the Logwood Road in the applicant's opinion. It is noted that there is a stable block with its own access located within this gap between No. 10 and 14 Logwood Road. It is however set back from the road by approx. 50 metres and is not considered to have a direct frontage onto the road.

In this case the applicant is reliant upon the existing development inside the settlement limit of Hillhead as identified in both draft BMAP 2004 and BMAP 2014 in order to create a substantial and continuously built up frontage along the Logwood Road. With the exception of the dwelling and outbuilding at No. 10, the dwellings at No. 14, 16, 18 & 20 Logwood Road and No. 1 McGladdery Close, all lie to the west of the application site and are within the settlement development limit of Hillhead. The preamble of PPS 21 makes clear that for the purposes of the policy the countryside is defined as being the land that lies outside of the settlement limits as identified in draft BMAP.

As the buildings to the west of the application site are inside of the settlement limit of Hillhead they must therefore be discounted from the consideration of creating a continuously built up frontage within the countryside. This approach is supported and consistent with various decisions taken by the Planning Appeals Commission (2016/A0145 & 2014/A0112). As it is considered that there is no substantial and built up frontage within the countryside at this location, there is no development opportunity in accordance with Policy CTY 8.

There does not appear to be any other evidence to suggest that the proposal falls to be considered under any other category of development that is noted as acceptable in principle in the countryside in accordance with Policy CTY 1 – of PPS 21. Furthermore it is not considered that there are any other overriding reasons as to why this development is essential at this location and could not be located within a settlement.

Setting of Settlements

Policy CTY 15 – The Setting of Settlements states that planning permission will be refused for development that would mar the distinction between the settlement development limit and the surrounding countryside or that otherwise results in urban sprawl.

As noted above the application site is located outside of the settlement limit of Hillhead as designated in dBMAP (2004) and BMAP 2014. The aim of a plan in designating settlement limits is partly to consolidate development within settlements, and partly to prevent further encroachment into the countryside.

It is considered that the dwelling and outbuilding at No. 10 Logwood Road are physically and visually removed from the southern node of the Hillhead settlement limit as is the stable block, which lies adjacent to this dwelling. It is therefore considered that the application site and the remainder of agricultural field as identified in blue on Drawing No. 01 bearing the date stamp 23rd October 2018 provides a critical visual break that acts as a buffer between No.10 Logwood Road and the settlement of Hillhead. It is considered that the infilling of this critical visual break would mar the distinction between the settlement of Hillhead and the countryside in which the application site is located and result in urban sprawl. The proposed development of this site is not considered to consolidate or round off what will be the settlement of Hillhead. The proposal is therefore contrary to Policy CTY 15 of PPS 21.

Integration and Impact on Character and Appearance of the Area

The SPPS paragraph 6.70 states that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed.

Policy CTY 14 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 is considered that the proposed development would create the opportunity for ribbon development along the Logwood Road and would see the infilling of a critical visual break between the dwelling at No. 10 and No. 14 which at present helps in providing a distinction between the settlement of Hillhead and the rural area.

It is acknowledged that a linear form of development already exists along the Logwood Road from No. 20 – No. 14 Logwood Road. However, these dwellings are located within the settlement of Hillhead and can therefore be discounted. Beyond the settlement limit the character of the area is defined by a small number of isolated single dwellings and Logwood Plant Centre located further to the east.

A dwelling on the application site will erode the rural character of this area and create additional opportunity for further linear development along Logwood Road resulting in significant erosion of rural character and irreparable damage. On this basis, it is considered important to preserve the remaining visual breaks along the road frontage to ensure that urban sprawl is prevented and to protect the integrity of this area of countryside.

Overall, it is considered that a dwelling on this site would not be respectful of the traditional development pattern within the rural area and would instead erode the rural character at this location and be at odds with the policy criteria laid out in Policy CTY 14.

As the application is for outline permission no specific details of a house type or design have been submitted. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that a new building will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape. In this instance it is noted that the site lacks any type of boundary treatment along the eastern and southern boundaries, however, it is considered that integration is aided by the presence of the dwelling and outbuilding at No.14 which abut the site to the west and provide a degree of enclosure for the site.

Given the site's lack of a significant backdrop, the character of the surrounding dwellings and also due to the site sitting at a higher level than the road and its neighbouring dwelling at No. 14, it would be deemed appropriate, if planning permission were to be granted to apply a 5.7 metre ridge height to aid integration and to ensure that the dwelling does not appear as a prominent feature in the landscape.

This considered and setting aside the principle of development it is accepted that an appropriately designed dwelling could integrate into the surrounding rural landscape in accordance with the policy criteria laid out in CTY 13.

Neighbour Amenity

As this application seeks outline planning permission, no details have been provided regarding the proposed design or layout. It is however considered that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of neighbouring properties is retained. It would however be deemed appropriate to apply a condition to the approval restricting the ridge height of the dwelling to 5.7m to ensure that there is no detrimental impact on the neighbouring property at No. 14.

Other Matters

DfI Roads has been consulted on the application and has raised no issues of concern subject to a condition being attached to any approval.

In relation to the additional matters raised within the representation made it should be noted that the Council's assessment is limited to the proposal presently under consideration and this cannot therefore consider the objector's preference for an alternative site. Furthermore, in relation to the concern raised regarding potential future development, it should be noted that each application received by the Council is assessed on its own individual merits and consequently any future proposal

would be assessed with regard to the prevailing policy at the time any such application is made.

CONCLUSION

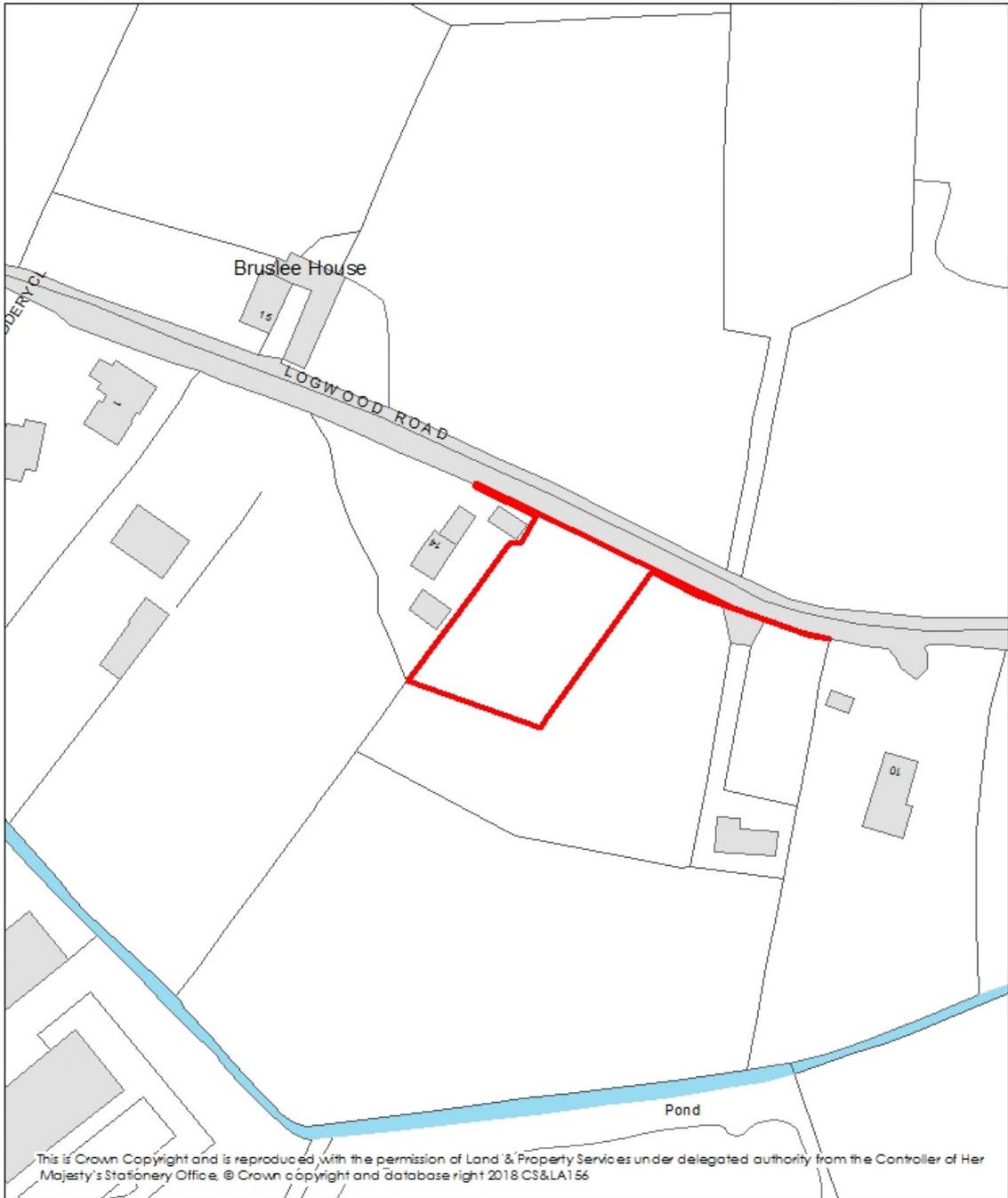
The following is a summary of the main reasons for the recommendation:

- The principle of the development cannot be established as there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement and the proposal fails to meet with the provisions for an infill dwelling in accordance with CTY8 of PPS 21.
- It is considered that a dwelling at this location would mar the distinction between the settlement of Hillhead and the countryside.
- It is considered that the proposal would add to a ribbon of development and have a detrimental impact on the character and appearance of the area.
- It is considered that a suitably designed dwelling would have no detrimental impact on neighbour amenity and could successfully integrate into the rural landscape.

RECOMMENDATION : **REFUSE OUTLINE PLANNING PERMISSION**

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement and it fails to meet with the provisions for an infill dwelling in accordance with Policy CTY8 of PPS21.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 15 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the development would, if permitted, mar the distinction between the settlement of Hillhead and the surrounding countryside.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site would, if permitted, create a build-up and ribbon of development and would therefore result in a detrimental change to, and further erode, the rural character of the countryside.



Location Map

Application Reference: LA03/2018/0965/O

Infill dwelling and garage
 32m South East of 14 Logwood Road
 Bruslee
 Ballyclare
 Co. Antrim
 BT39 9LR

 Site Boundary



For Information Only



COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2018/1128/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION

PROPOSAL	Infill dwelling and garage
SITE/LOCATION	Between no. 31 and 29a Ballyarnot Road, Muckamore, Antrim
APPLICANT	Mr J Simpson
AGENT	W M McNeill
LAST SITE VISIT	21.01.2019
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk

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

SITE DESCRIPTION

The application site is located within the countryside as defined in the Antrim Area Plan 1984 – 2001.

The site incorporates part of an existing laneway to the northeastern portion of the site, an existing garden area associated with No. 31 Ballyarnot Road and part of a larger agricultural field. The application site excludes an existing dwelling and detached garage, No. 31 Ballyarnot Road which is cut out of the site. The site is irregular in shape and abuts the Ballyarnot Road.

The northern (roadside) boundary is defined by an existing hawthorn hedge of approximately one (1) metre in height. An existing post and wire fence cuts through the site running in line with the rear boundary of No. 29A Ballyarnot Road. The southern portion of the site incorporates a further triangular portion of an agricultural field beyond this existing post and wire fence. The majority of the southwestern boundary abuts the curtilage of No. 29a and is defined by a 1m high block wall. The remainder of this boundary is undefined.

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, 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.

Antrim Area Plan 1984 – 2001: The application site is located within the Countryside. 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.

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

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

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

CONSULTATION

Council Environmental Health Section – Requested noise and odour assessment

NI Water – No objection

DfI Roads – No objection subject to condition

DfI Rivers – Response still awaited

Historic Environment Division – No objection

Belfast International Airport – No objection

MOD Defence Infrastructure Organisation Land Management Services – No objection

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Whilst the main thrust of Policy CTY8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the

policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

- (a) The gap site is within an otherwise substantial and continuously built up frontage;
- (b) the gap site is small sufficient only to accommodate up to a maximum of two houses;
- (c) the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size; and
- (d) the proposal meets other planning and environmental requirements.

For the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. A building has frontage to the road if the plot in which it stands abuts or shares a boundary with the road.

The first requirement of the policy is to determine whether a continuously built up road frontage exists. The application site is located to the western side of No. 31 Ballyarnot Road and to the eastern side of No. 29A Ballyarnot Road and its associated detached outbuilding. Beyond No. 29A is No. 29 Ballyarnot Road and its associated outbuildings. While No. 31 is orientated gable to the road, it is considered that its curtilage abuts Ballyarnot Road. Each of these three dwellings therefore have a curtilage which abuts the road. It is considered that there is a substantial and built up frontage, which includes more than three buildings, with the application site sitting to some extent between them.

The second requirement of the policy is to determine whether the gap is small and sufficient only to accommodate up to a maximum of two houses. The justification and amplification explains that the gap is the distance between buildings. A gap of approximately twenty (20) metres exists from No. 31 to the detached garage/outbuilding associated with No. 29A. It is considered that the gap could only accommodate one dwelling and therefore the proposed development meets with this requirement of the policy.

To comply with this policy the site must also respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. The frontage of No. 31 as existing is approximately forty (40) metres (including the existing laneway). The frontage of No. 29A is approximately forty (40) metres and the frontage of No. 29 is approximately seventy six (76) metres. The proposal would not respect this existing development pattern along the frontage in terms of plot size. The application site proposes a frontage of approximately twenty (20) metres which is approximately half the size of the existing plots. It would also significantly reduce the plot size and frontage of No. 31 to approximately twenty (20) metres which, again, does not respect the existing development pattern. For this reason it is considered that the proposal is contrary to Policy CTY 8.

The supporting information submitted with the application refers to previous applications which have been granted planning permission under Policy CTY 8 for an infill dwelling with a similar sized frontage. Examples included planning application reference T/2014/0130/F which approved a site for a dwelling with a site frontage of 13.8metres. A further example, planning application reference LA03/2016/0715/O was also highlighted in the supporting statement, which granted permission for an infill dwelling with a site frontage of 24m. However, it is considered that these

examples are not comparable with the application site as they related to the development of long linear plots which were in keeping with the character of the surrounding area and were able to accommodate dwellings on the site with ample amenity space to the rear. The dwelling proposed on the application site would result in a contrived plot with a restricted curtilage. Furthermore, it is considered that the amenity of No. 31 Ballyarnot Road would be unacceptably restricted and detrimentally impacted upon by the proposed dwelling which is discussed in more detail below.

In addition, the applicant's supporting statement states that the proposed dwelling would be sited in line with No. 29A and as such the application site has been extended beyond the existing defined rear boundary of No. 31 which runs in line with No. 29A. The requirement to extend the proposed curtilage into an adjoining field appears contrived and again highlights that the proposal does not respect the existing development pattern. The pushing back of the proposed dwelling into the site would have the effect of removing the "book end" that No. 31 currently provides to this existing development resulting in no gap site between existing dwellings.

Overall, it is concluded that the proposal submitted does not represent a suitable gap site and therefore does not comply with the principle of development set out in Policy CTY 8 of PPS 21 and the SPPS.

Neighbour Amenity

It is considered that a gap of such a size would not be sufficient to accommodate a dwelling without having an adverse impact on the amenity of the existing dwelling at No. 31 Ballyarnot Road. The amenity space for No. 31 would be significantly reduced and this is considered insufficient in this context. The supporting statement proposes that the dwelling could be pushed back into the site in line with No. 29A however, this would not overcome concerns regarding the potential impact on the residential amenity of No. 31 given the limited separation distances available within the confines of the site.

The Environmental Health Section of the Council was consulted and made reference to three poultry sheds which are located in close proximity, one of which is less than 100 metres to the east of the site. Poultry sheds can be associated with high levels of noise and odour and as such there is potential for the proposed residential site to be adversely impacted by noise and odour. Environmental Health requested that the applicant undertake an odour and noise impact assessment, however, given that the proposal is considered unacceptable in policy terms no further information has been requested from the agent for the proposal as this would constitute nugatory work leading to unnecessary expense.

Impact on the Character and Appearance of the Area

All dwellings in the countryside must integrate in accordance with the policy requirements of the SPPS and Policies CTY1 and CTY 13 of PPS 21. The proposed dwelling is set along the roadside with views available from the public road and the laneway, which serves other existing dwellings. The proposed site appears contrived and extends into an adjoining field without boundary definition to the southwest. In addition, part of the hedge along the laneway will be removed to facilitate the access. It is considered that the site itself lacks any significant trees or hedgerows

and a dwelling with this extended curtilage would therefore not integrate to a satisfactory level. The proposal therefore fails criterion (b) and (c) of Policy CTY13.

Policy CTY14 of PPS 21 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. Criterion 'd' of the policy indicates that a new building will be unacceptable where it creates or adds to a ribbon of development. As the applicant proposes the dwelling to be pushed back into the site there would be no dwelling providing a "book end" and the curtilage is proposed to be extended out into the neighbouring field. It is considered a proposed dwelling on this site would therefore result in a detrimental impact to rural character.

Flood Risk

DfI Rivers has been consulted as the Council's constraints map indicates that the front portion of the site onto Ballyarnot Road may be affected by surface water flooding. At time of writing a response is still outstanding and whilst DfI Rivers may suggest additional information is required from the applicant to address this matter, Officers do not consider this matter is likely to be fatal to the proposed development. Given that the application is for outline permission and the proposal is seen as unacceptable in policy terms no further information has been requested from the agent at this time as this would constitute nugatory work leading to unnecessary expense. Based on the overall precautionary approach to flood risk a reason of refusal is recommended at this time, but this should be removed should DfI Rivers confirm it is content or advise that the matter could be adequately addressed by appropriate conditions.

Access, Parking and Road Safety

DfI Roads was consulted and offered no objection to the proposed means of access, subject to conditions to provide visibility splays of 2.4m x 45m. It is considered that the proposal complies with Policy AMP 2 of PPS 3 'Access, Movement and Parking'.

Other Matters

The proposal falls within the consultation zone for Belfast International Airport (BIA) given the sites proximity to the Airport. BIA has been consulted and has no objections subject to consultation at Reserved Matters stage should planning permission be granted.

The application site lies within close proximity to an archaeological monument. Historic Environment Division has been consulted and has raised no objection to the proposal. Accordingly, it is considered the proposal complies with the SPPS and PPS 6 archaeological policy requirements.

CONCLUSION

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

- The principle of the development is considered unacceptable as the proposal is not considered to be a suitable infill opportunity in accordance with CTY8 of PPS21;
- A proposed dwelling could not be integrated into the landscape;
- The proposal fails to meet with Policy CTY14, as it will cause a detrimental change to, and further erode the rural character of the area due to a build-up of development;

- A dwelling on the application site could not be designed without having an unacceptable impact on the residential amenity of existing residents at No.31 Ballyarnot Road by reason of restricted amenity provision, overlooking and privacy intrusion.

RECOMMENDATION : REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement and it fails to meet with the provisions for an infill dwelling in accordance with Policy CTY8 of PPS21.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside as the site is unable to provide a suitable degree of enclosure for a building to integrate.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal, if permitted, would further erode the rural character of the area due to a build-up of development.
4. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement as the development, if permitted, would have an unacceptable impact on the residential amenity of existing residents at No.31 Ballyarnot Road by reason of restricted amenity provision, overlooking and privacy intrusion.
5. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement in that it has not been demonstrated that there will be no unacceptable adverse effects on the proposed property in terms of noise disturbance and odour from the nearby poultry sheds.
6. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy FLD 3 of PPS15, Planning & Flood Risk, in that it has not been demonstrated the development, if permitted, would not result in an unacceptable increase in flood risk through increased surface water runoff.



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Location Map

Application Reference: LA03/2018/1128/O



Proposed infill dwelling and garage
Between no. 31 and 29a Ballymot Road, Muckamore, Antrim

For Information Only

 Site Boundary



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2018/1091/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION

PROPOSAL	Proposed new dwelling and garage on a farm
SITE/LOCATION	130m north east of 2 Ballydunmaul Road, Randalstown, Co Antrim, BT41 3JD
APPLICANT	Mr Lyle McIntyre
AGENT	S W Marcus Architectural Services
LAST SITE VISIT	4 th January 2019
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk

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

SITE DESCRIPTION

The application site is located approximately 130 metres northeast of No. 2 Ballydunmaul Road, Randalstown on lands within the countryside as designated in the Antrim Area Plan 1984-2001. The site consists of a small square portion which is cut out of a larger agricultural field. The northern and southwestern boundaries are undefined while the northeastern boundary is defined with post and wire fencing together with a number of mature trees. The site's southeastern boundary is defined with native species hedging. The site sits approximately 1 metres below the level of the Ballydunmaul Road. A laneway runs adjacent to the sites northeastern boundary with Mackenzies Equestrian Centre further beyond this laneway. A range of farm buildings are located approximately 50 metres to the southwest of the site.

RELEVANT PLANNING HISTORY

There is no relevant planning history on site. The application detailed below relates to a farm dwelling under the same Business ID.

Planning Reference: T/2012/0034/O

Location: Adjacent to 99 Clonkeen Road, Randalstown, Antrim

Proposal: Proposed Site of New Dwelling and Garage on a Farm

Decision: Permission Granted (12.03.2012)

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.

Antrim Area Plan 1984 – 2001: 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.

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

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

CONSULTATION

Council Environmental Health Section – No Objection

NI Water – No Objections

DfI Roads – No Objections subject standard access conditions

DfI Rivers – Response still awaited

DEARA (Countryside Management Inspectorate Branch) – No Objections

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:

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

- Neighbour Amenity
- Other Matters

Policy Context and Principle of Development

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

The Antrim Area Plan (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 of PPS 21 states that planning permission will be granted for a dwelling house on a farm where a number of criteria can be met. Criteria (a) states that the farm business should be currently active and has been established for at least 6 years. DAERA's Countryside Management Branch have been consulted on the application and have responded to confirm that the farm business has been in existence for more than six years. The Business ID provided has made claims for Single Farm Payment or the Basic Payment Scheme from 2005- 2018. It can be considered that the criteria (a) of Policy CTY 10 is met.

Criteria (b) of this policy states that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. In this case it can be noted that there was an approval

granted under T/2012/0034/O for a farm dwelling. This application relied on the same Business ID and is located on lands that remain to be under the ownership of the applicant. This outline permission was granted on the 12th March 2012. There is no record however that this outline application was ever supplemented with a Reserved Matters application, nor is there any record of a full application being submitted in relation to this site. Given that the time limit on this application has now lapsed and that the land is still under the ownership of the applicant it is considered that this approval has no implications in relation to this application. A history search has been completed for all other lands identified on the farm maps submitted with the application and it does not appear that any other dwellings or development opportunities have been sold off from the farm holding in the last ten years. It is considered that criteria (b) of Policy CTY 10 is also met.

The third criteria laid out in Policy CTY 10 states that a new building should be visually linked or sited to cluster with an established group of buildings on the farm. The policy goes on to say that in exceptional circumstances consideration may be given to an alternative site provided that there are no other sites available at another group of buildings on the farm or out-farm and where there are either ; demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group.

The application site is located approximately 40 metres away from the nearest building in the farm group at No. 2 Ballydunmaul Road. When viewed travelling in a northeasterly direction along the Ballydunmaul Road it is considered that the dwelling would appear visually separated from the farm group and there would be a distinctive gap between the existing buildings and the application site. Although there are only short views towards the site when travelling southwest it is also considered that a dwelling on this site would not visually link with the farm group.

Overall, given the distance of the application site from the group of farm buildings, it is not considered that a dwelling on this site would visually link with the existing buildings on the farm.

Drawing No. 01 bearing the date stamp 5th December 2018 makes reference to the site between the farm group and the application site being required for future expansion of the existing farm buildings. There is a policy requirement where the proposed dwelling is to be sited away from the group of buildings on the farm that verifiable evidence of farm expansion plans are submitted. A planning history search has been undertaken and there is no record of any application having been submitted or approved in relation to this site in order to verify this planned expansion. Furthermore, there has been no evidence submitted to verify the case that there are plans to expand the farm at this location and on that basis it is considered that this cannot be used as a valid reason for the proposal to be considered as an exception.

Given that the proposal does not comply with criteria (c) of Policy CTY 10 it is considered that the principle of development cannot be established.

Impact on Character and Appearance of the Area

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

Policy CTY 13 states that in order for a dwelling on a farm to be integrated into the surrounding landscape it should be visually linked or sited to cluster with an established group of buildings on a farm. As noted above it is not considered that the proposed site could host a dwelling that would visually link to the farm buildings associated with No. 2 Ballydunmaul Road.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. In this case it is considered that a dwelling on the application site would be detrimental to the rural character of the area as it would create a tendency towards ribbon development along the Ballydunmaul Road. Given that the application site is located away from the farm group if approved it would essentially create a further gap site which then in turn may then lead to another development opportunity and thus create a further build-up of development in this countryside location and be detrimental to the rural character of this countryside area.

It is noted within the policy that in order to protect the rural character of an area that a new building in the countryside should integrate sensitively along with a group of existing buildings such as a farm complex. Given that the site at its closest point is located 40 metres from the farm complex it is not considered that a dwelling at this location would integrate sensitively with the existing farm group, again demonstrating that the proposal would have a detrimental impact on the character and appearance of the rural locality.

Neighbour Amenity

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

Other Matters

DfI Rivers has been consulted as the Council's constraints map indicates that a small portion of the site may be affected by surface water flooding. At time of writing a response is still outstanding and whilst DfI Rivers may suggest additional information is required from the applicant to address this matter, Officers do not consider this matter is likely to be fatal to the proposed development. Given that the application is for outline permission and the proposal is seen as unacceptable in policy terms no further information has been requested from the agent at this time as this would constitute nugatory work leading to unnecessary expense. Based on the overall precautionary approach to flood risk a reason of refusal is recommended at this time, but this should be removed should DfI Rivers confirm it is content or advise that the matter could be adequately addressed by appropriate conditions.

CONCLUSION

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

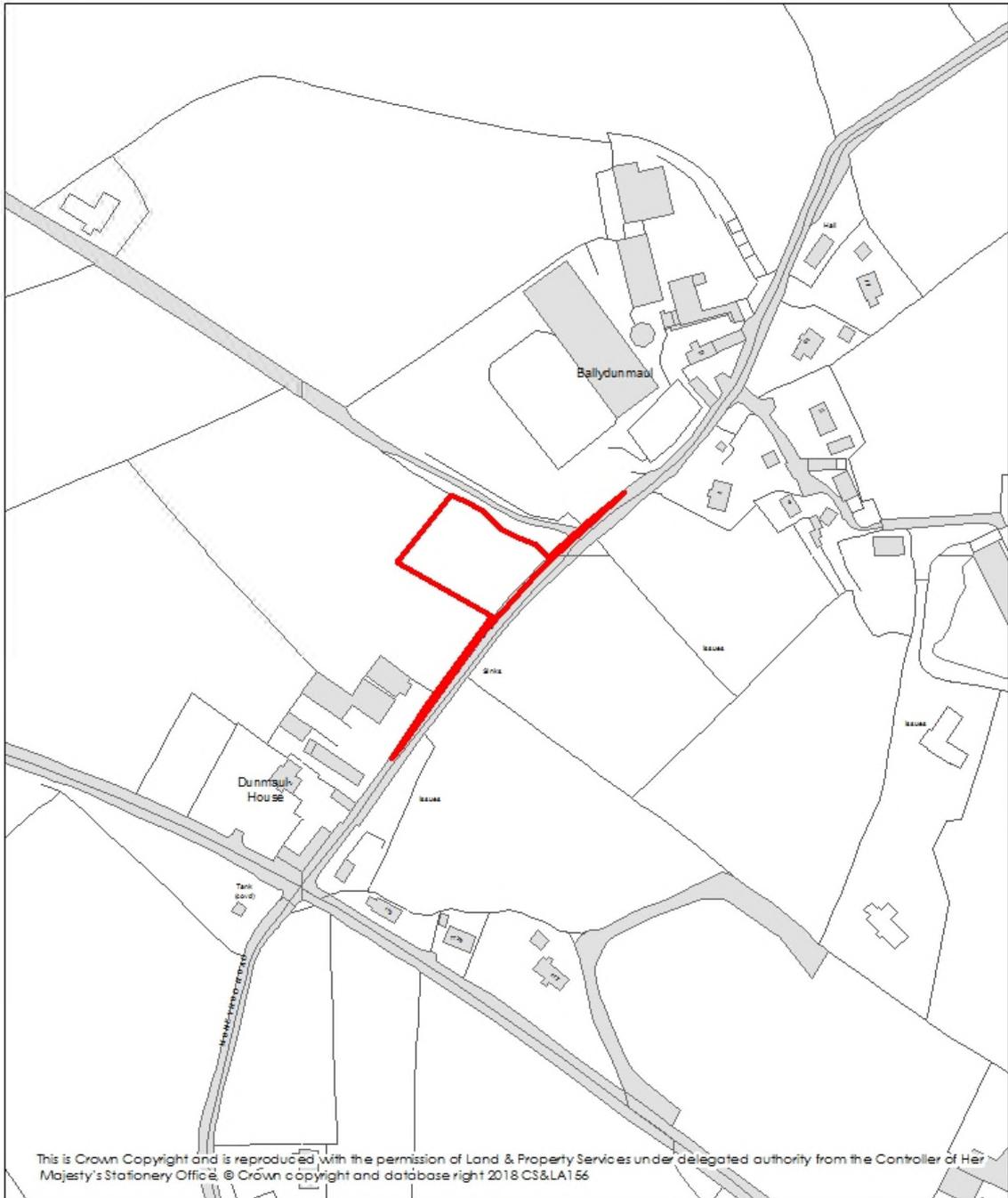
- The principle of the development is not established as the proposal does not comply with the criteria laid out in Policy CTY 10.
- It is considered that a dwelling on this site would create a ribbon of development and would be of detriment to the rural character of the area and thus the proposal is contrary to Policy CTY 14.

- It is considered that an appropriately designed dwelling on the site would cause no detrimental impact on neighbour amenity.

RECOMMENDATION : REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 10 and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building if permitted, would not be visually linked with an established group of farm buildings on the farm holding.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, create a ribbon of development and would therefore result in a detrimental change to, and further erode, the rural character of the countryside.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy FLD 3 of PPS15, Planning & Flood Risk, in that it has not been demonstrated the development, if permitted, would not result in an unacceptable increase in flood risk through increased surface water runoff.



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Location Map

Application Reference: LA03/2018/1091/O

Proposed new dwelling and garage on a farm

130m north east of 2 Ballydunmaul Road
 Randalstown
 Co Antrim
 BT41 3JD

 Site Boundary



For Information Only



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2018/1068/F
DEA	MACEDON
COMMITTEE INTEREST	CALLED IN BY COUNCILLOR BRETT
RECOMMENDATION	GRANT PLANNING PERMISSION

PROPOSAL	Retention of 10 semi-detached dwellings in two blocks (change of house types approved under LA03/2017/0414/F)
SITE/LOCATION	8 Longlands Avenue, Newtownabbey.
APPLICANT	Choice Housing Ireland Ltd
AGENT	Turleys
LAST SITE VISIT	4 th December 2018
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk

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

SITE DESCRIPTION

The application site is located within Metropolitan Newtownabbey as designated in the Belfast Metropolitan Area Plan (BMAP) published September 2014. The application site is a large rectangular shape measuring 40 metres by 80 metres and is zoned as a committed housing site MNY 03/03 within draft BMAP.

Construction works are currently ongoing on the site with works substantially complete, for the erection of 10 semi-detached dwellings and an apartment building. The boundaries to the site are defined by a mix of retaining walls of varying heights and timber fencing. The levels of the site is on a lower ground level from the adjacent dwellings to the southwest.

The area is characterised by a mix of uses of residential, industrial and commercial properties with the house types being a mix of different styles and finishes.

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2018/0616/F

Location: 8 Longlands Avenue, Newtownabbey.

Proposal: Proposed retaining walls to northeast and southwest boundaries of site and amendment to 1.8m fence around bin store and drying area approved under planning permission LA03/2017/0414/F for 16 no social housing units.

Decision: Permission Granted (16.11.2018)

Planning Reference: LA03/2017/0414/F

Location: 8 Longlands Avenue, Newtownabbey.

Proposal: Demolition of existing vacant industrial unit, the construction of 16 No. social housing units consisting of 6 No. apartments and 10 No. dwellings including new vehicle and pedestrian access.

Decision: Permission Granted (16.02.2018)

Planning Reference: U/2009/0224/F

Location: 8 Longlands Avenue, Newtownabbey.

Proposal: Proposed housing development of 13 dwelling units comprising of 3 detached, 8 semi-detached and 2 apartment units. (Amended description)

Decision: Permission Granted (15.06.2010)

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 on unzoned lands within the development limit of Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (2004): The site is located within Metropolitan Newtownabbey on lands zoned as an area for existing employment/industry under MNY 13.

Belfast Metropolitan Area Plan 2015 (published September 2014): The site is located within Metropolitan Newtownabbey on lands zoned for housing under MNY 03/03.

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

No consultations were carried out on this application.

REPRESENTATION

Seventeen (17) 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 and Appearance
- Private 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) 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.

In the Belfast Metropolitan Area Plan published in September 2014 the application site is zoned for housing as a committed site (reference: MNY 03/03). Furthermore there have been two previous approvals for housing granted on the application site. The latest approval (application reference: LA03/2017/0414/F) granted permission on 16 February 2018 for the demolition of an existing vacant industrial unit and the construction of 16 No. social housing units consisting of 6 No. apartments and 10 No. dwellings including new vehicle and pedestrian access. Planning permission was then granted on 16 November 2018 (application reference: LA03/2018/0616/F) for amendments to the proposed boundary treatment at the site, which included the erection of retaining walls.

Development on the site is well advanced and the current application seeks permission for the retention of 10 semi-detached dwellings in two blocks as a change

of house types from those approved under LA03/2017/0414/F. The principle of residential development on this site is supported by the zoning in BMAP and has been established through the planning history associated with the site. The current application for change of house type therefore stands to be considered on its individual merits against regional planning policy and all other environmental considerations.

Design and Appearance

Policy QD1 of PPS 7 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. The proposal seeks permission for the retention of 10 semi-detached dwellings in two blocks (change of house types approved under LA03/2017/0414/F). There is no increase in the number of residential units or changes to the footprint of the dwellings as previously approved. No changes are required to the footprint of the proposed dwellings than that previously approved due to the ground floor of the dwellings being previously separated by pedestrian alleyways.

The main changes relate to the removal of the upper section of the previously approved dwellings which effectively adjoined a row of terraced dwellings and as a consequence amendments to the roof profiles are also required. The amendments result in a change of house types from two rows of terraced dwellings to two sections of semi-detached dwellings. One section located along the southwestern boundary consists of 6 dwellings (three sets of semi-detached dwellings) with the dwellings along the eastern boundary consisting of four dwellings (two sets of semi-detached dwellings). The dwellings are internally reconfigured and meet the space requirements as outlined within Criteria c of LC 1 of Addendum to PPS 7.

The remainder of the design and appearance of the dwellings is to remain as previously approved with the external finishes of the buildings to match that previously approved. It is considered that the amendments to the design and appearance of the dwellings does not significantly alter the overall appearance of the wider development. The proposal respects the surrounding context in terms of scale and massing and is considered acceptable.

Private Amenity

Planning permission LA03/2018/0616/F was granted on the site for the erection of retaining walls to the northeast and southwest boundaries of the site. As a consequence of the need for retaining walls due to the topography of the site, the private amenity space on sites 1-6 located along the southwestern boundary was reduced by 9.5 sqm. No reduction to the separation distance was required between the dwellings on sites 1-6 and the dwellings to the rear along Longlands Avenue, which remains as previously approved under the original approval LA03/2018/0414/F.

The amenity space of unit's 1-6, as approved under planning approval LA03/2018/0616/F measures 45sqm, which does not meet the higher test of 70sqm of private amenity space on average across the development. The private amenity space ranges from 45sqm to 58sqm, which is above the minimum standard of 40sqm as outlined with Creating Places. In addition, an area of communal community space of approximately 208sqm is located within the development. Proximity of the

site to the large areas of recreation and amenity space within the V36 Valley Park was also taken into consideration in relation to the level of open space.

As outlined above, the layout of the development and the amenity space reflects that previously approved under both LA03/2017/0414/F and LA03/2018/0616/F.

Other Matters

As the application is for the retention of 10 semi-detached dwellings in two blocks as a change of house type from the previously approved application LA03/2017/0414/F. It is considered necessary to repeat any relevant conditions from the previous grants of planning permission under the current application.

CONCLUSION

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

- The principle of the development has been established through the previous history on the site.
- The design and appearance of the dwellings does not significantly alter the overall appearance of the wider development.
- The level of amenity space is to remain as previously approved under application LA03/2016/0616/F.

RECOMMENDATION : GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. 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 15/1 bearing the date stamp 27th October 2017.

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

2. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 15/1 bearing the date stamp 27th October 2017. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

3. 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.

4. The development hereby permitted shall not be occupied until the remediation measures as described in Section 5 (Conclusions) and Section 6 (Remediation Strategy) as detailed within Document 01 'Contamination Assessment and Remediation Strategy' date stamped 25th May 2017 have been fully implemented and verified to the satisfaction of the Council.

There shall be no amendments or deviations from the remediation strategy contained within Document 01 'Contamination Assessment and Remediation Strategy' date stamped 25th May 2017 without the prior written approval of the Council.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

5. After completing any remediation works required under Condition 5, and prior to occupation of the development, a verification report shall be submitted to the Council. The report shall 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.

As outlined in Section 6.4 of Document 01 'Contamination Assessment and Remediation Strategy' date stamped 25th May 2017 the appropriate records must be maintained with regard to the decommissioning of the oil storage tank and infrastructure as necessary Vapour Protection Measures in line with CIRIA C735.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

6. If, during the development works, a new source of contamination and risks are found, which had not previously been identified, works should cease and the Council shall be notified immediately. Any new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CRL11).

Should an unacceptable risk to human health be identified, a remediation strategy shall be submitted to and agreed by the Council prior to being implemented.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

7. All bedroom and living rooms within the development shall be fitted with a double glazing unit of 6-16-4 capable of achieving sound reductions from outside to inside of at least 28 dB Rtra/32 dB Rw.

Reason: In order to ensure a suitable internal noise environment is achieved within the dwellings.

8. Prior to occupation of the proposed dwellings, all bedrooms and living rooms within the development shall be fitted with passive and mechanical ventilation in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside of at least 33 dB Dn,e and 28 Dn + e = Ctr.

Mechanical ventilators shall not have an inherent sound pressure level (measured at 1m) in excess of 30dB(A), whilst providing a flow rate of at least 15 litres per second.

Reason: To ensure a suitable internal noise environment is achieved within dwellings without jeopardising the provision of adequate ventilation.

9. Notwithstanding the detail on drawing no 02 bearing the date stamp 26th November 2018, a 1.8 metres high acoustic barrier shall be erected along the northeastern, southeastern and southwestern boundary of the site. The barrier shall have a surface weight of not less than 25kg/m² and be of solid construction (i.e. no holes or gaps for sound to pass through) if it is a fence, it should be of the ship-lapped design. The barrier shall be erected prior to occupation of any of the dwellings and must remain in place for the lifetime of the site.

Reason: In order to protect the amenity of the proposed dwellings.

10. The hard and soft landscape works shall be carried out in accordance with the approved details on Drawing No 05/3 date stamped 27th October 2017 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out in the first available planting season after the occupation of any part of the dwellings.

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

11. Trees or shrubs either existing or proposed which die, are removed or have become seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of visual amenity and to ensure the provision and continuity of a high standard of landscape



Location Map

Application Reference: LA03/2018/1068/F

8 Longlands Avenue, Newtownabbey

Retention of 10 semi-detached dwellings in two blocks (change of house types approved under LA03/2017/0414/F)

 Site Boundary



For Information Only



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2018/0350/F
DEA	MACEDON
COMMITTEE INTEREST	CALLED IN BY CLLR DAVID HOLLIS
RECOMMENDATION	GRANT PLANNING PERMISSION

PROPOSAL	Construction of premises for sale of hot food for consumption off the premises
SITE/LOCATION	Site adjacent to and southwest of 1 Abbots Cross, Newtownabbey, BT37 9QT
APPLICANT	James Braniff
AGENT	Architectural Design Consultant
LAST SITE VISIT	22 nd May 2018
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk

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

SITE DESCRIPTION

The application site is located on unzoned lands within the development limits of Metropolitan Newtownabbey as defined in BUAP and within both versions of BMAP.

The application site is located off the Doagh Road within the Abbots Cross complex and is set back from the existing row of commercial units within Abbots Cross and immediately adjacent to the commercial units ancillary buildings and domestic garages associated with the residential units above. The application site takes the form of an unkempt grassed area with the topography of the site being relatively flat. The boundaries to the site are undefined with the exception of the rear boundary which is defined by mature trees and hedgerow.

Abbots Cross comprises three blocks laid out in a 'U' shape, arranged around an area for car parking and open space. Commercial units occupy the ground floor with residential units on the upper three floors. The commercial units provide a mix of retail and professional services.

RELEVANT PLANNING HISTORY

Planning Reference: U/2012/0215/F
Location: Site adjacent to and to the south west of No.1 Abbot's Cross, BT37 9QT
Proposal: Erection of a retail unit.
Decision: Permission Granted (22.06.2011)

Planning Reference: U/2011/0007/F
Location: Site adjacent to and South West of 1 Abbot's Cross, Newtownabbey.
Proposal: Erection of premises for sale of hot food for consumption off the premises
Decision: Permission Granted (16.01.2013)

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 within the development limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (2004) and Belfast Metropolitan Area Plan 2015 (published September 2014): The site is located within Metropolitan Newtownabbey. The Plans offer 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.

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.

CONSULTATION

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

NI Water – No objection

DfI Roads – No objections

REPRESENTATION

Eighteen (18) neighbouring properties were notified and three (3) letters of representation have been received from number 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).

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

- Need
- Traffic and parking concerns
- Noise nuisance
- Anti-Social behaviour
- Impact of odour on adjacent properties

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Principle of Development
- Design and Appearance
- Neighbour Amenity
- Impact on Character and Appearance 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.

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 both Plans. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) sets out that a transitional period will operate until such times that 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.

With regard to retailing, Paragraphs 6.267 - 6.292 of the SPPS deals with 'Town Centres and Retailing' and incorporates a town centre first approach for retail and other main town centre uses. However, it also acknowledges that there are often local retail centres in other locations, outside of town centres. The proposal is for the

erection of a building for the sale of hot food for consumption off the premises which is defined as being a sui generis use within The Planning (Use Classes) Order (Northern Ireland) 2015. The application site is located on unzoned lands at Abbots Cross. It should be noted that planning permission was previously granted on site for an identical proposal under application U/2012/0215/F which expired on 16th January 2018.

Abbots Cross consists of a development of commercial units on the ground floor with residential units on the first, second and third floors. A wide range of services are provided including a number of retail, financial and professional services. Whilst Abbots Cross is not defined as a local centre within BUAP or either version of BMAP, it provides all the functions and services of one and as such acts as a 'defacto' local centre. The proposed building creates a floorspace of 60sqm, the scale and nature of the proposal ensures that it will meet only local needs and is unlikely to have a detrimental impact on other existing shops in the area. Additionally, there are no town centres in Metropolitan Newtownabbey, as such, there will be no adverse impact.

The proposal, when considered in the context of the surrounding varied land uses is acceptable in principle. The proposal for the sui generis use is considered a compatible use, of a scale, nature and form appropriate to the location, and the principle of development is considered acceptable subject to all other policy and environmental considerations.

Design, Layout and Appearance

The proposed development is located adjacent to and set back approximately 9 metres from the existing row of commercial units at Abbots Cross. The proposed building measures 8 metres in width, 7.5 metres in depth with a ridge height of 6.4 metres from existing ground level. The proposed building has a flat roof with red facing brick to the lower section and a render finish to the upper section with a band of facing brick in the centre of the upper section. The proposed building is located directly adjacent to the commercial units ancillary storage buildings.

An area for the provision of the bins is located to the rear of the property, with a low level timber gate providing pedestrian access to the rear. The rear boundary is defined by a mature hedgerow with a 1.8 metre close boarded timber fence and a small area of landscape to the southwest of the site. Access to the site is achieved from the Doagh Road from the existing access which serves the wider Abbots Cross development, parking and turning is also facilitated from the existing parking arrangements.

The proposed building has been designed to reflect the design characteristics of the buildings in the immediate vicinity and as such the design and appearance of the proposed building are considered acceptable. The siting and scale of the development is arranged in such a manner that the building appears to be a part of the overall Abbots Cross complex.

Impact on Character and Appearance of Area

The proposed building is located adjacent to and set back from an existing row of commercial units, immediately adjacent to the commercial unit's ancillary buildings. The building is designed to front onto the adjacent Doagh Road. Critical views of the

site are limited when travelling along the Doagh Road in a northern direction due to the mature vegetation along this boundary. Views of the site are achieved when travelling in a southern direction from Abbots Cross Primary School, opposite the site. From these perspectives the proposed building reads as part of the overall Abbots Cross complex, this is aided with the use of similar design features and finishes of the wider Abbots Cross complex. It is considered that the proposed building due to its design, size and scale will not significantly alter the character or appearance of the local area.

Neighbour Amenity

As outlined above residential units are located adjacent to the site, above the existing retail units in Abbots Cross. Objections have been received raising concerns that the proposed development will impact on the amenity of neighbouring properties for a number of reasons. Consideration will be given to each area of concern.

Noise

Objections were raised regarding the level of noise and general disturbance that would be created by traffic from both customers and delivery vehicles. A Noise and Odour Impact Assessment and subsequently an addendum to the Assessment was submitted. The Councils Environmental Health Section were consulted and raised no objections subject to conditions.

The Noise and Odour report advises that the building will be operational from lunchtime to 11pm. Taking into consideration, the close proximity of the building to the existing commercial units, the shared access and parking provisions, the opening times and the scale of the proposal, it is considered that there will not be a significant increase in noise and general disturbance.

It is not anticipated that the noise associated with the proposed development will not unduly impact on the amenity of neighbouring properties, however, conditions considered necessary to protect residential amenity will be included as part of any approval. Any additional concerns arising from noise levels within the development are a matter for the Council's Environmental Health Section to investigate.

Odour

The impact of odour nuisance was also raised as a concern due to the nature of the use. As outlined above A Noise and Odour Assessment, Document 02, and its Addendum, Document 02A was submitted to the Council. The Odour Assessment determines the level of odour control likely to be needed at a commercial kitchen premises to ensure nearby sensitive receptors are not adversely affected by odour. In determining the level of odour control required, a significance score is assigned for a number of factors including the proximity of receptors, size of kitchen, dispersion capabilities and the odour and grease loading nature of the cooking type to be undertaken at the premises. In this case it was determined that a 'very high level' of odour control would be required. Consultation with the Councils Environmental Health Section was carried out and they have no objections to the proposed mitigation measures proposed subject to conditions.

Anti-Social Behaviour

Concerns were raised that the proposal will give rise to anti-social behaviour. No evidence has been submitted to show that the proposal would lead to increased levels of anti-social behaviour. If at any time it is considered that anti-social behaviour is taking place within the application site this should be reported to the business operator or the PSNI who can investigate.

Access and Parking

Access is proposed from the Doagh Road via an existing access serving the Abbots Cross complex which operates a one way system within the internal road layout. Parking provision is provided at the existing car park facilities. One letter of objection raised concerns regarding the impact of traffic flow and parking provision.

A Parking Survey was submitted to the Council which states that deliveries to the premises will be via an existing service road to the rear of the existing commercial premises at 1-6 Abbots Cross. DfI Roads was consulted regarding the proposal and has raised no objections to the proposal subject to conditions.

Given the information submitted and the comments received from DfI Roads it is considered that the provisions for access and parking at the site are acceptable.

CONCLUSION

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

- The principle of the development is acceptable given the present use of the site.
- The design, appearance and layout of the development is considered acceptable at this location.
- The proposal will not significantly alter the character or appearance of the local area.
- The proposal will not unduly impact on the privacy or amenity of neighbouring properties.

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 total rating noise level from plant associated with the development shall not exceed 46dB_{LAeq,1hr} when measured within the external amenity area of any nearby noise sensitive receptor and assessed in accordance with British Standard 4142:2014.

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

3. The development shall not be operational at any time between 23:00 – 07:00 hours.

Reason: To protect the amenity at nearby residential properties.

4. No deliveries shall be made to the development at any time between 23:00 – 07:00 hours.

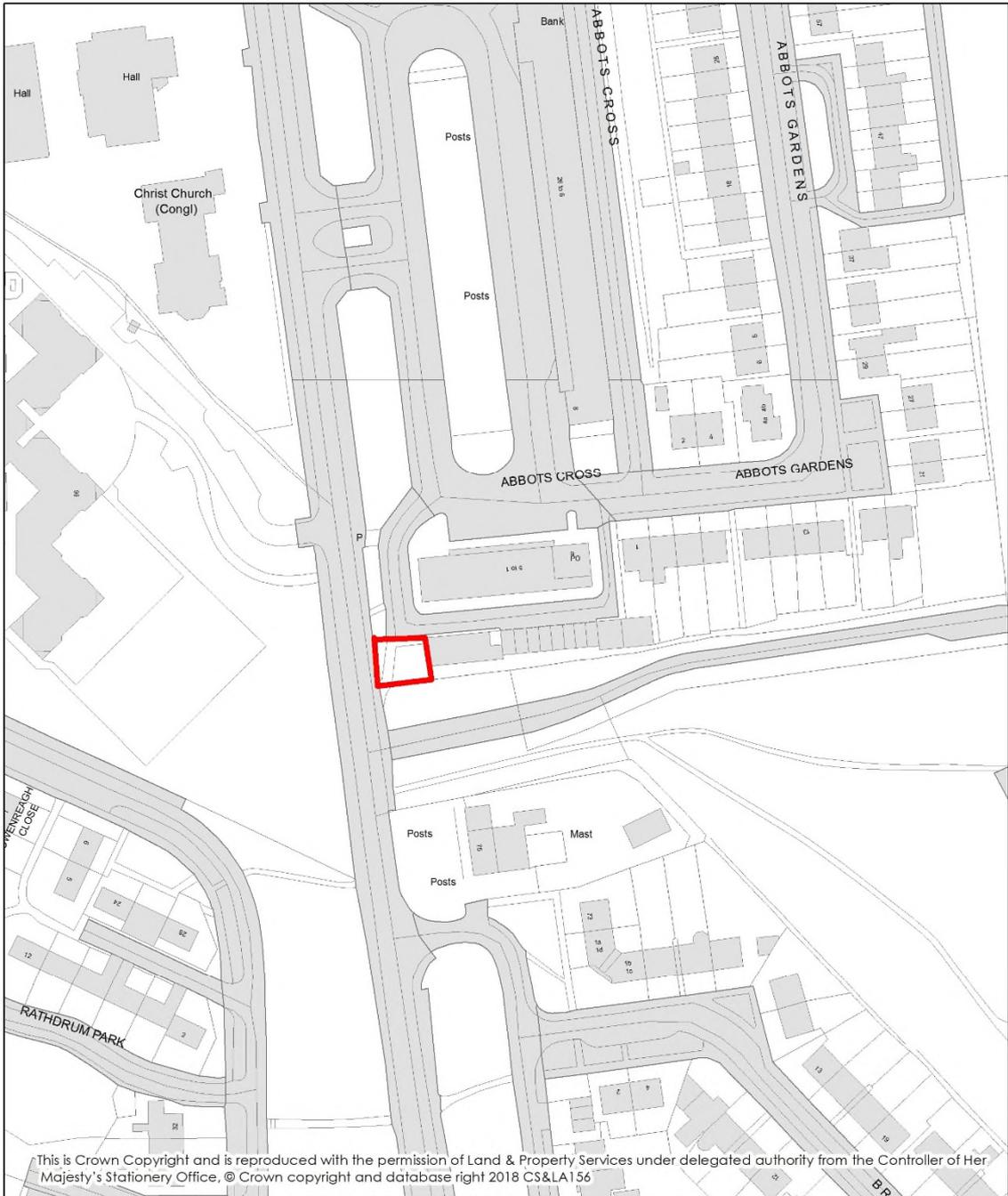
Reason: To protect the amenity at nearby residential properties.

5. All internal machinery associated with the development shall be mounted on resilient material, acoustically isolated from the building structure.

Reason: In order to suitably control structure borne sound transmission to protect the amenity at nearby residential properties.

6. Prior to the development hereby approved becoming operational details of a very high level odour control system shall be submitted to and agreed in writing with the Council and thereafter incorporated into any commercial kitchen and shall be installed as specified in DEFRA document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" (January 2005).

Reason: To protect the amenity at nearby residential properties.



Location Map

Application Reference: LA03/2018/0350/F



Site adjacent to and southwest of 1 Abbott's Cross, Newtownabbey. Construction of premises for sale of hot food for consumption off the premises.

 Site Boundary

For Information Only



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2018/0784/A
DEA	THREEMILEWATER
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE ADVERTISEMENT CONSENT

PROPOSAL	Advertisement hoarding
SITE/LOCATION	44 Old Carrick Road, Newtownabbey, BT37 0UE
APPLICANT	Mr. Kenneth Rookes
AGENT	N/A
LAST SITE VISIT	12/09/18
CASE OFFICER	Leah Nelson Tel: 028 903 Ext 40413 Email: leah.nelson@antrimandnewtownabbey.gov.uk

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Background

Members will recall that this application for retrospective advertisement consent was previously brought before the Planning Committee on 22nd November 2018 as it was recommended for refusal. This followed a previous deferral from the October 2018 meeting.

At the November meeting the Committee again deferred the application to provide the applicant with a further opportunity to submit an amended proposal. Such amended plans were received on 4th December 2018.

This addendum report will consider the amended sign proposal as shown in Drawing 04/1, date stamped 4th December 2018 and Drawing 05/1, date stamped 4th December 2018, rather than the existing, unauthorised sign which initially sought retrospective consent.

Amenity, Design and Appearance

Policy AD1 of Planning Policy Statement (PPS) 17 – Control of Outdoor Advertisements sets the policy context for the assessment. 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.

The application site includes a residential dwelling and its curtilage which is located within a countryside location immediately outside of the development limits of Metropolitan Newtownabbey. The proposed sign is located at the road frontage within the curtilage of the existing dwelling and is to be installed atop of the 1.2m high stone wall. The proposed sign is to be mounted upon two 50mm galvanized poles according to Drawing No. 04/1 date stamped 4th December 2018.

The proposed sign is to be located at a prominent roadside location along the Old Carrick Road and consists of two identical sign elevations, one facing east and one facing west. The signage is 0.75m in height with a width of 1.2m. The signage displays the company name, description, slogan and logo, contact numbers, a website and a directional arrow pointing toward the dwelling located at No. 44 Old Carrick Road. The colours used are predominantly white and blue as shown in Drawing No. 04/1, date stamped 4th December 2018.

Paragraph 4.8 of Policy AD1 suggests advertisements in the countryside should be small in scale and should not detract from the quality and character of the local landscape. Only small scale directional signage relating to an operational business premises is permitted at countryside locations.

The location is highly visible to the road users of the Old Carrick Road and the proposed sign will be seen for approximately 50m away. The proposed signage does not spatially direct road users to a business premises but to a residential dwelling. The proposed signage is not subservient in nature, the design is not simplistic and remains unsympathetic to the rural landscape which is a designated Area of High Scenic Value. It is considered that the design of the signage is considered to be inappropriate within the rural setting and detrimental to the character, appearance and amenity of the local area.

Public Safety

Policy AD1 of Planning Policy Statement (PPS) 17 – Control of Outdoor Advertisements sets the policy context for the assessment. Consent will be given for the display of an advertisement where it does not prejudice public safety.

In terms of road users, the signage must not pose a distraction or obstruction to drivers or cyclists on the Old Carrick Road. The use of colour in this proposal avoids confusion with road signs and the sign is non-illuminated. DfI Roads was consulted and has indicated that it has no objection to the signage subject to conditions. In conclusion, the proposed signage does not jeopardise public safety.

CONCLUSION

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

- The proposal will negatively impact the visual amenity and appearance of the area.
- It is considered the proposal will not prejudice public safety.

RECOMMENDATION : **REFUSE ADVERTISEMENT CONSENT**

PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy AD1 of Planning Policy Statement 17: Control of Outdoor Advertisements, in that the proposed signage would result in an unacceptable detrimental impact on the visual amenity of the area and the proposal does not constitute a simple form of directional signage to a business premises.

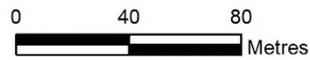


Location Map

Application Reference: LA03/2018/0784/A

Advertisement hoarding with associated LED lighting

44 Old Carrick Road,
Newtownabbey, BT37 0UE



Site Boundary 

For Information Only



**PART TWO FORWARD PLANNING MATTERS - LOCAL DEVELOPMENT
PLAN, PLANNING POLICY AND CONSERVATION**

OTHER PLANNING MATTERS

ITEM 3.10

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during January 2019 under delegated powers is **enclosed** for Members attention together with information received this month on planning appeals.

RECOMMENDATION: that the report be noted.

Prepared by: John Linden, Head of Planning

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

ITEM 3.11

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 January 2019 the details are set out below.

PAN Reference:	LA03/2019/0073/PAN
Proposal:	Demolition of existing derelict former Carnview Children's Home and construction of 24 No. elderly apartments; 21 No. General Needs apartments; 20 No. houses and 2 No. wheelchair bungalows and associated site works and landscaping
Location:	41 Knockenagh Avenue, Newtownabbey
Applicant:	Mainline Contracts Limited
Date Received:	31 January 2019
12 week expiry:	25 April 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.

Prepared by: John Linden, Head of Planning

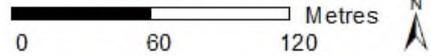
Approved by: Majella McAlister, Director of Economic Development and Planning



Location Map Application Reference: LA03/2019/0073/PAN

 Site Boundary

41 Knockenagh Avenue
 Newtownabbey
 Co Antrim
 BT36 6AQ



For Information Only

Demolition of existing derelict former Carnview Childrens Home and construction of 24no. elderly apartments; 21no. GN apartments; 20no. houses and 2no. wheelchair bungalows and associated site works and landscaping



ITEM 3.12

RESERVED MATTERS APPLICATION MADE TO THE DEPARTMENT FOR INFRASTRUCTURE FOR MAJOR RESIDENTIAL DEVELOPMENT IN WEST BALLYCLARE - REFERENCE LA03/2018/1116/RM

The Department for Infrastructure has issued a consultation to the Council under Article 13 of the Planning (General Development Procedure) Order 2015 for the following Reserved Matters application for northern section of the proposed Ballyclare Relief Road on lands to the west of Ballyclare.

Application Reference:	LA03/2018/1116/RM
Proposal:	Northern Section of Ballyclare Relief Road and Associated Works.
Location:	Lands adjacent to the north west of Ballyclare including lands bounded by Cogry Road/Rahee Road north of Ross Avenue/Clare Heights and north east and west of Ballyclare Rugby Cl.
Applicant:	Ballyclare Developments Ltd

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

This Reserved Matters application is linked to a number of earlier applications which came before the December 2018 Planning Committee and a further Section 54 application also being reported this month which is seeking to vary the conditions on one of the core outline approvals that require full delivery of the Ballyclare Relief Road in advance of any further housing at this location. In effect the applicant is seeking to introduce a phasing plan for delivery of the Ballyclare Relief Road with the first phase involving construction between the Templepatrick Road and the Doagh Road as outlined in the previously reported Reserved Matters application. The current Reserved Matters application is seeking consent for the detail of the remainder of the Relief Road.

The Council is one of a number of bodies which has been consulted on this application by DfI. Any comments made by the Council will be considered as part of the processing of the application together with all other consultation replies and other representations received.

When considering the application Officers understand DfI will follow the procedure laid down in Section 26 of the Planning Act 2011. Under this legislative provision, DfI may cause a Public Local Inquiry to be held by the Planning Appeals Commission or a person appointed by the Department. Where a public inquiry is not held, Section 26 sets out that the Department must, before determining the application, serve notice in writing on the applicant and the appropriate Council indicating the decision it proposes to make on the applications. Within 28 days of such notice the applicant or Council may request an opportunity of appearing before and being heard by the Planning Appeals Commission or a person appointed by the

Department for that purpose. Whichever route is followed the decision of the Department on these applications shall be final.

While the Council is a statutory consultee, there is no obligation on the Council to provide a corporate view on the development. Indeed, Members will recall that in the linked cases reported to Committee in December the Council agreed not to provide a corporate view leaving it open to individual Members or parties to express support for or object to the development if they so wished.

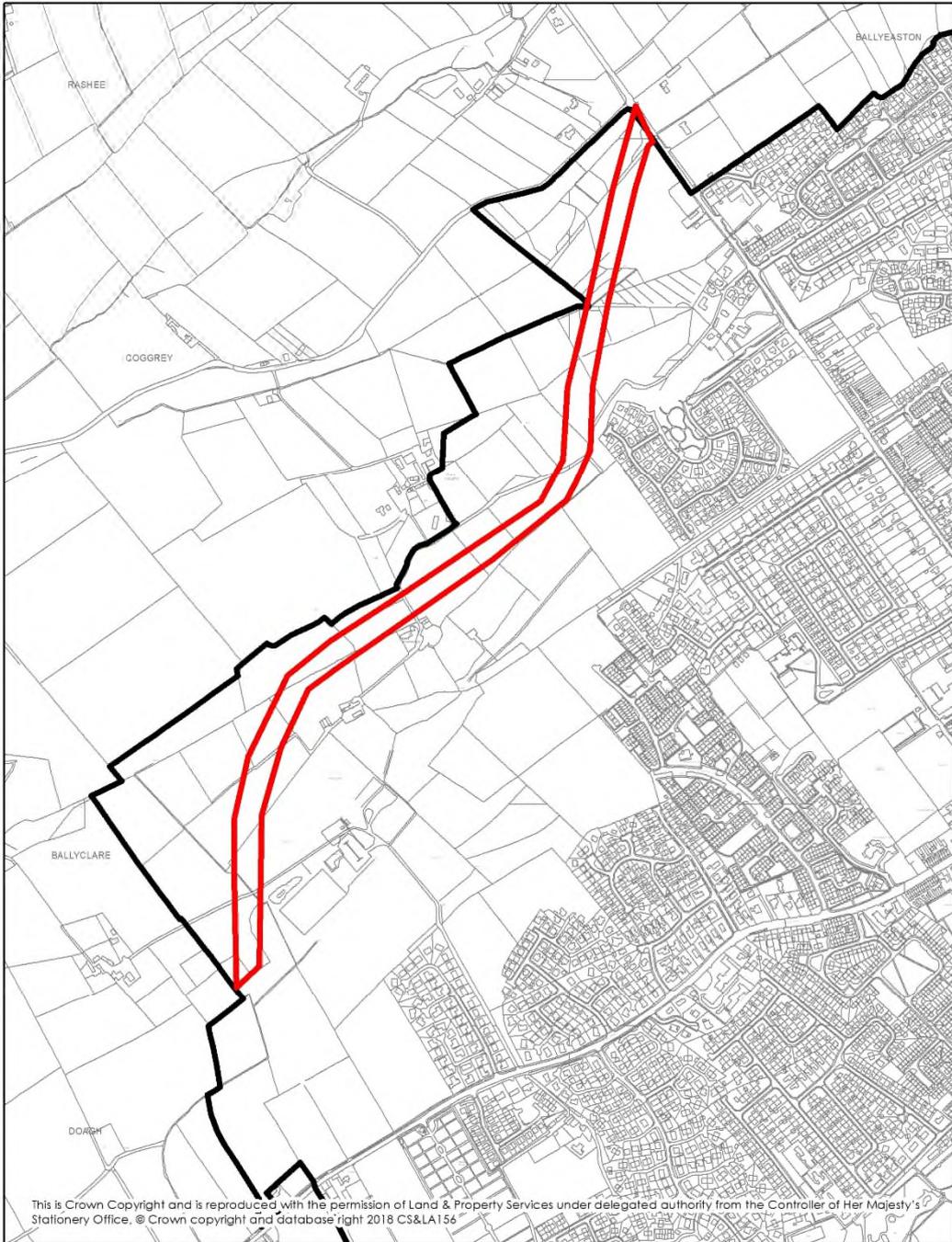
As with the previously considered applications there are a number of options available to the Council in responding to the consultation by DfI:

1. Provide a corporate view in support of the development.
2. Provide a corporate view opposing the development.
3. Provide no corporate view on the development. In this case individual Members or parties may express support for or object to the development.
4. Linked to any of the above options indicate corporately whether the Council would or would not support the holding of a Local Public Inquiry.

the Committee's instructions are requested.

Prepared by: John Linden, Head of Planning

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



Location Map

Application Reference: LA03/2018/1116/RM
Northern Section of Ballyclare Relief Road
and Associated Works



 **Site Boundary**



ITEM 3.13

CONSULTATION BY THE DEPARTMENT FOR INFRASTRUCTURE (DFI) UNDER ARTICLE 13 OF THE PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER (NORTHERN IRELAND) 2015 – SECTION 54 APPLICATION MADE TO DFI TO VARY PLANNING CONDITIONS ATTACHED TO OUTLINE PERMISSION U/2006/0377/O IN BALLYCLARE - REFERENCE LA03/2019/0051/F

The Department for Infrastructure has issued a consultation to the Council under Article 13 of the Planning (General Development Procedure) Order 2015 for the following Section 54 application.

Application Reference:	LA03/2019/0051/F
Proposal:	Application to Vary Condition 3 (revised Transport Statement), and Condition 10 (delivery of the entire relief road prior to commencement) and removal of Condition 8 (400 Unit limit) of Planning Permission U/2006/0377/O for major urban extension to include; residential neighbourhood, southern section of Ballyclare Relief Road, local centre, riverside park and other open spaces, children's play areas and associated works.
Location:	Lands extending from north of Doagh Road (opposite No. 141 Doagh Road) to the Templepatrick Road, Ballyclare immediately west of the cemetery, Huntingdale and Dennisons Industrial Estate.
Applicant:	Ballyclare Developments Ltd

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

This Section 54 application is seeking to vary /delete a number of conditions attached to the outline planning permission granted for major residential development incorporating part of the proposed Ballyclare Relief Road on lands to the west of Ballyclare between the Templepatrick and Doagh Roads. As the application is seeking to vary / delete conditions attached to an outline planning permission granted by the then Department of the Environment under Article 31 of the Planning Order (NI) 1991 (the equivalent of a Regionally Significant application), the current legislative framework introduced on the transfer of the bulk of planning responsibilities to Councils in April 2015 requires that the application be processed and determined by the Department for Infrastructure.

As previously reported to Committee this application is linked to a number of other applications which taken together are seeking to introduce a phasing plan for delivery of the Ballyclare Relief Road with the first phase involving construction between the Templepatrick Road and the Doagh Road. The current application is specifically seeking to alter conditions on the core approval to allow for housing to be built and occupied at this location subject to provision of the first stage of the Relief Road.

The Council is one of a number of bodies which has been consulted on this application by Dfl. Any comments made by the Council will be considered as part of the processing of the application together with all other consultation replies and other representations received.

When considering this application Dfl will follow the procedure laid down in Article 21 of the Planning (General Development Procedure) Order (NI) 2015. Under this legislative provision, Dfl may cause a Public Local Inquiry to be held by the Planning Appeals Commission or a person appointed by the Department. Where a public inquiry is not held, Article 21 sets out that the Department must, before determining the application, serve notice in writing on the applicant and the appropriate Council indicating the decision it proposes to make on the application. Within 28 days of such notice the applicant or Council may request an opportunity of appearing before and being heard by the Planning Appeals Commission or a person appointed by the Department for that purpose. Whichever route is followed the decision of the Department on the application shall be final.

While the Council is a statutory consultee, there is no obligation on the Council to provide a corporate view on the application. Indeed, Members will recall that in the linked cases reported to Committee in December the Council agreed not to provide a corporate view leaving it open to individual Members or parties to express support for or object to the development if they so wished.

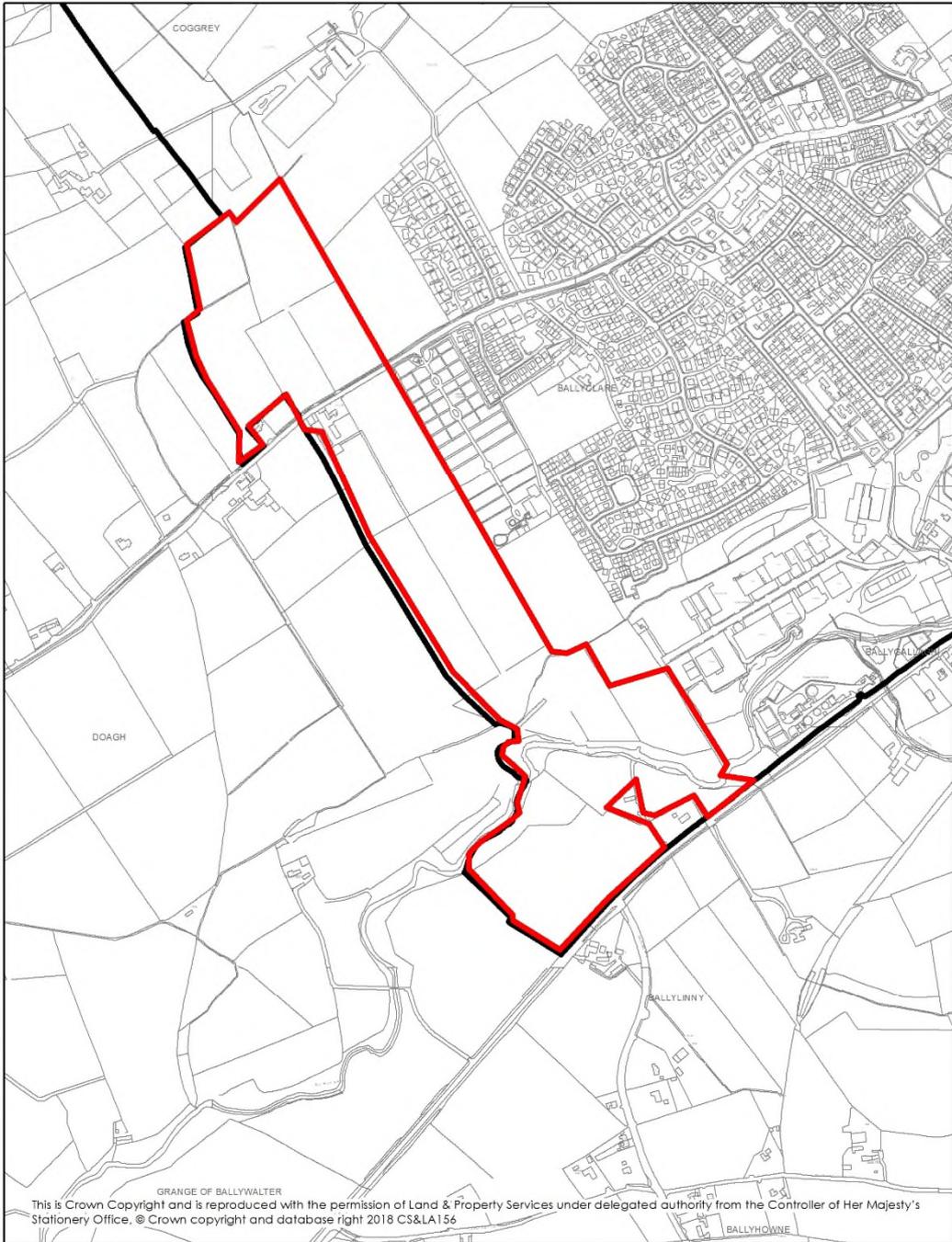
As with the previously considered applications there are a number of options available to the Council in responding to the consultation by Dfl:

1. Provide a corporate view in support of the development.
2. Provide a corporate view opposing the development.
3. Provide no corporate view on the development. In this case individual Members or parties may express support for or object to the development.
4. Linked to any of the above options indicate corporately whether the Council would or would not support the holding of a Local Public Inquiry.

the Committee's instructions are requested.

Prepared by: John Linden, Head of Planning

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



Location Map

Application Reference: LA03/2019/0051/F
 Application to Vary Condition 3 and Condition 10
 and removal of Condition 8 of U/2006/0377/O



 **Site Boundary**



ITEM 3.14

HR/LD/5 PLANNING SECTION – EMPLOYEE ENGAGEMENT REPORT

Members will be aware of the Council's 'Engage and Deliver' programme as part of the Employee Engagement and Well-Being Strategy.

As an organisation we are committed to developing a culture of employee engagement, promoting health and well-being, providing employees with opportunities to reach their potential and enabling staff to make a difference and contribute to organisational success.

As part of this ongoing programme of work, employee engagement 'pulse surveys' are being conducted across the organisation.

At the regular monthly team meetings held in January within the Planning Section, 35 staff participated in the employee engagement survey (100% return rate). The results of the survey are very positive with the results as follows:

- 95% satisfied overall with their job
- 100% satisfied with communication in their team
- 97% satisfied that their job is important to the Council
- 94% satisfied with the health and wellbeing opportunities
- 94% satisfied with communication in the Council
- 91% satisfied with training opportunities available to them
- 80% satisfied with the praise and recognition they received
- 9% satisfied with the Employee App (majority of staff do not use the app)

These results are extremely positive for senior staff within the Planning Team, who will respond to the feedback from comments added by staff to continue to improve.

Employee Engagement survey results from other service areas will be reported to Members in due course.

RECOMMENDATION: that the report be noted.

Prepared by: Fiona Gunning, Organisation Development Officer

Reviewed by: Helen Hall, Head of Performance and Transformation

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