



14 April 2021

Committee Chair: Alderman T Campbell
Committee Vice-Chair: Councillor S Flanagan
Committee Members: Aldermen – F Agnew, P Brett and J Smyth
Councillors – J Archibald-Brown, H Cushinan, R Kinnear,
R Lynch, M Magill, R Swann and B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A remote meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 19 April 2021 at 6.00pm.**

All Members are requested to attend the meeting via "Zoom".

Yours sincerely

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

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

PLEASE NOTE: refreshments will not be available.

For any queries please contact Member Services:

Tel: 028 9034 0048 / 028 9448 1301 memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – April 2021

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

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

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

PART ONE - Decisions on Planning Applications

- 3.1 Planning Application No: LA03/2019/0833/F
Proposed development of 2no. detached dwellings on land north and east of 1A Nursery Park, Antrim
- 3.2 Planning Application No: LA03/2021/0107/O
Site for infill dwelling and garage on lands between 142 and 144 Seven Mile Straight, Muckamore, Antrim
- 3.3 Planning Application No: LA03/2020/0515/O
Site for dwelling and garage on a farm on land 20m North of 135 Castle Road, Randalstown
- 3.4 Planning Application No: LA03/2020/0380/F
Retrospective permission sought for change of use from retail to coffee shop at 1 – 3a Main Street, Straid
- 3.5 Planning Application No: LA03/2020/0844/LBC
Stonework repairs to masonry arch at the North entrance of the Barbican Gate, Barbican Gate Lodge, Market Square, 52 High Street, Antrim

PART TWO – Other Planning Matters

- 3.6 Delegated planning decisions and appeals March 2021
 - 3.7 Proposal of Application Notification
 - 3.8 NI Planning Statistics 2020-21 Third Quarterly Bulletin Oct-Dec 2020
 - 3.9 LDP – Quarterly Update
 - 3.10 Judicial Review of DFI Advice on Battery Energy Storage Systems
4. Any Other Business

PART TWO – Other Planning Matters – In Confidence

3.11 LDP Steering Group Minutes

3.12 Review of Planning Act

3.13 Planning Enforcement Report 2020-21 - Quarter 3

3.14 Enforcement Case: LA03/2020/0109/CA

PART ONE – Decisions on Enforcement Cases – In Confidence

3.15 Enforcement Case: LA03/2020/0067/CA

3.16 Enforcement Case: LA03/2020/00697/CA

3.17 Enforcement Case: LA03/2020/0081/CA

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2019/0833/F
DEA	ANTRIM
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed development of 2no. detached dwellings
SITE/LOCATION	Land north and east of 1A Nursery Park, Antrim
APPLICANT	Katy Dawson
AGENT	Ivory Architects
LAST SITE VISIT	22.10.2019
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: Orla.Burns@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on land north and east of No. 1A Nursery Park, Antrim. The site is located on unzoned land within the development limits of Antrim as identified within the Antrim Area Plan 1984-2001.</p> <p>The site is an irregularly shaped plot of land that sits at a slightly lower level than the Belfast Road that runs adjacent to the northern boundary of the site. The northern boundary is bounded by an existing stone wall approximately 2 metres in height. To the northeast of the site is a listed Grade B2 graveyard which is enclosed by a 2-metre high stone wall. The remaining boundaries of the site remain physically undefined. An existing laneway, which serves No's 1 and 1A Nursery Park, runs adjacent to the eastern boundary and along part of the southern boundary.</p> <p>The site benefits from mature vegetation and trees within the site. A number of trees within the application site are protected by an existing Tree Preservation Order (TPO/2005/0092).</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2016/0831/O Location: Land north and east of 1A Nursery Park Proposal: 3 detached dwellings Decision: Permission Refused 23.05.2017</p> <p>Appeal Reference: 2017/A0112 Location: Land north and east of 1A Nursery Park Proposal: 3 detached dwellings Decision: Appeal Dismissed.</p>	

PLANNING POLICY AND GUIDANCE

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located within the settlement limits of Antrim and is un-zoned. Paragraph 16.6 of the Antrim Area Plan states that proposals for developments will be considered “provided the uses are satisfactory for the locations proposed and that no physical or other problems are involved.”

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: planning policies for the protection and conservation of archaeological remains and features of the built heritage.

Development Control Advice Note 15: Vehicular Access Standards: sets out the current standards for sightlines, radii, gradient etc. that will be applied to both new access and intensified use of an existing vehicular access onto existing public roads.

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

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas: sets out planning policy and guidance on the protection of local character, environmental quality and residential amenity within established residential areas,

villages and smaller settlements. It also sets out policy on the conversion of existing buildings to flats or apartments and contains policy to promote greater use of permeable paving within new residential developments.

CONSULTATION

Council Environmental Health Section – No Objection

Northern Ireland Water – No Objection

Department for Infrastructure Roads- No Objection

Department for Infrastructure Rivers – No Objection

Department for Communities Historic Environment Division – No Objection

Northern Ireland Environment Agency: Natural Environment Division – No Objection

Northern Ireland Environment Agency: Water Management Unit: No Objection

REPRESENTATION

Eighteen (18) neighbouring properties were notified and seven (7) letters of objection have been received from four (4) 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:

- Proposal is contrary to PPS7 and Creating Places as it will not be in keeping with the character and pattern of development in the locality.
- Impact on amenity of nearby residents.
- Proposal will have an adverse impact on the trees protected by a Tree Protection Order.
- Objects to the removal of trees 11, 12 and 29 to create an access.
- The removal and/or damage to trees will have a significant impact on the local environment and enjoyment by the public.
- Proposal contrary to PPS2 Natural Heritage; cannot be demonstrated that the proposal will not impact upon priority habitats or biodiversity interests.
- Bats seen around the objectors dwelling.
- Public safety concerns with regards to visibility and access.
- Site ownership dispute.
- Proposal in close proximity to a listed building which may get damaged.
- There is a previous refusal on the site.
- Amenity impact.
- Will have an impact on character and appearance of the area.
- Impact on the environment

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 TPO Trees
- Design and Appearance
- Listed Buildings

- Private Amenity
- Neighbourhood Facilities
- Access, Parking and Movement
- Neighbour Amenity
- Crime and Personal Safety
- Density and Impact of Character of Area
- Natural Environment
- 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 settlement limits of Antrim in AAP and comprises land zoned for residential development. Paragraph 5.10 of AAP states that the approach of the planning authority will be to encourage orderly growth in the residential sectors of each settlement and that particular attention will be given to environmental considerations concerning the size, siting and layout of proposed residential developments. Furthermore, paragraph 16.5 of the AAP states that proposals for development will be considered "provided the uses are satisfactory for the locations proposed and that no physical or other problems are involved."

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).

In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained in the following PPS's which provide the relevant regional policy context for consideration of the proposal:

- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas;
- PPS 2: Natural Heritage;
- PPS 3: Parking and Movement;
- PPS 8: Open Space, Sport and Outdoor Recreation

Within this policy context, it is considered that the principle of housing development on the site would be acceptable subject to the development complying with the Plan's provisions for residential development and the creation of a quality residential

environment as well as meeting other requirements in accordance with regional policy and guidance which are addressed in detail below.

Impact on TPO Trees

There is a Tree Protection Order (reference: TPO/2005/0092) that affects the majority of the application site. The protected trees are distributed throughout the application site and are an important element of the character and environmental quality of the locality. Objections received make reference to the TPO's on the application site and raise concerns that the proposed development will detrimentally harm the TPO'd trees.

Creating Places emphasises that the quality of a residential environment will be enhanced by well-considered landscaping design. The retention of existing landscaping vegetation and new planting can contribute to people's health, wellbeing and quality of life both of potential residents and existing residents in the immediate area. It will also increase biodiversity and help raise awareness of, and appreciation for, the environment. A well-considered landscape design is fundamental to the creation of high quality and attractive surroundings that will be satisfying places in which to live.

Paragraph 6.192 of the SPPS states that planning permission should only be granted for a development proposal which is not likely to result in an unacceptable adverse impact on natural heritage features worthy of protection which includes trees and woodland.

This application seeks full permission for two no. two storey detached dwellings. With regard to the number of dwellings there is an onus on the developer to illustrate that the site can adequately accommodate this level of development and in this case, where protected trees are involved to demonstrate that the proposed development would not cause undue harm to this environmental asset.

The applicant has provided the Council with a Tree Survey and Report – Document 02 date stamped 8th October 2019. Doc 02 states the proposal will remove 3 trees (No's 11, 12 and 29). Objection letters received object to the removal of these trees.

Objection letters state that the removal and/or damage to trees will have a significant impact on the local environment and enjoyment by the public. The Council's Tree Officer has been consulted on this proposal and has no objections as it is considered the removal of these trees is to accommodate the proposed access point on to the laneway, which is the most reasonable location for the access. Furthermore, the Council's Tree Officer states that the (3) trees do not offer a significant wide amenity as Tree No.14 has been described as having Ustilina (tree disease) and No. 21 as being dead. The proposed driveway will incorporate a root protection system as indicated on Drawing No 07/2 date stamped 30th March 2020, and it has been recommended by the Council's Tree Officer that the driveway is of no dig construction in order to protect the root system of tree Nos. 1, 2, 10 and 3. This can be controlled by planning condition on any subsequent approval. The Council's Tree Officer has further stated that the driveway should be developed in accordance with BS5837:12 as stated in paragraph 5 of the applicant's Tree Survey Report (Doc 02). These measures are considered

reasonable in order to ensure the protection of trees within the application site and are included within the suggested condition below.

The applicant proposes a 1.8m high close boarded fence along the common boundary between house 1 and house 2, the Council's Tree Officer has advised that this must be hand dug proposed in order to protect the existing trees. Furthermore, the protective fencing (indicated on Drawing 07/2) is considered to be acceptable so long as it is erected to the specification of paragraph 1 of page 5 as contained within Document 02 date stamped 8th October 2019.

Overall, it is considered that the proposed scheme has given due consideration to the impact it may have on protected trees as an integral part of the development of the site. In addition, the applicant has provided an Appropriate Assessment of the impact the development may have and provided suitable mitigation to ensure that the proposal would not detrimentally impact upon the protected TPO trees within the application site. Therefore, subject to conditions the proposed scheme will not have a detrimental impact on protected trees.

Design and Appearance

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

Policy QD 1 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 first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped hard surfaced area. Objection letters received claim that the proposal is contrary to PPS7 and Creating Places as it will not be in keeping with the character and pattern of development in the locality.

The application site is located within an established residential area characterised by detached dwellings – 1.5 to 2 storeys in height each with private rear gardens. The external materials of the existing dwellings are a mix of red brick and render, whilst the existing walls and walled graveyard to the northeast of the site are basalt stone. The surrounding area is characterised by mature trees and this helps to provide the local context and established character upon which the proposal is considered. The topography of the land is relatively flat, however, it lies at a lower level than the Belfast Road to the north of the site. The proposal does not include any infilling or excavating of the land. Drawing No. 03/2 date stamped 14th November 2019 indicates that all levels are to remain as existing from the 45metre contour towards the boundaries.

The design, appearance and layout of the proposal residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local

neighbourhood and the wider streetscape. As outlined above the application is for two (2), two storey detached dwellings with associated car parking, landscaping and site works.

Drawing No. 03/2 indicates the existing ground level measures 44.85 and the proposed dwellings will have a finished floor level of 45.00. The dwellings mirror one another, measuring 9 metres by 10.1 metres (1,850sq.ft) and will have a height of 7.9 metres. It is considered that the scale and massing of the dwellings are similar to that found in the immediate surrounding area and are considered to be acceptable.

Criteria (g) of Policy QD1 also requires that the design of the development draws upon the best of local traditions of form, materials and detailing. The overall design concept for a new residential environment should seek to provide contrast and interest balanced by unifying elements to provide coherence and identity.

As previously mentioned, the existing dwellings in the immediate surrounding area are finished in a mix of materials. The proposed external finishes to the dwellings will be dash render and black slate coursed natural stone where shown on Drawing No. 04/1 date stamped 24th March 2020. It is recommended that the stonework should be locally sourced Basalt in order to ensure the proposal does not detract from the character of the local area and listed graveyard to the northeast. This matter can be conditioned should planning permission be forthcoming. The roof tiles will be blue/black natural slate and the windows and doors will be hardwood painted. The proposed dwellings will have hipped roofs similar to existing dwellings (i.e. No. 5 Belmont Heights located to the north of the application site). It is considered the proposed materials will not be out of character for this area and are acceptable.

The proposed dwellings will be located within the centre of the application site and access will be achieved through an existing laneway and access from the Belfast Road, before it branches into two separate areas for each dwelling. The two small laneways will be separated by a grassed area with 2 No. trees. As indicated on Drawing 03/2 date stamped 14th November 2019, all boundaries are to remain as existing.

It is considered that the proposed development has been designed appropriately in order to ensure that it is not out of character with the area. The existing mature trees will ensure the development is well screened when viewed from the Belfast Road. It is considered the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped hard surfaced area.

Historic Environment/Listed Buildings

The aim of the SPPS in relation to Archaeology and Built Heritage is to manage change in positive ways so as to safeguard that which society regards as significant whilst facilitating development that will contribute to the ongoing preservation, conservation and enhancement of these assets. PPS 6: Planning, Archaeology and the Built Heritage set out planning policies for the protection and conservation of archaeological remains and features of the built heritage.

Criterion (b) of Policy QD1 of PPS7 also states that features of the archaeological and

built heritage, and landscape features should be identified and, protected and integrated in a suitable manner into the overall design and layout of the development.

The Historic Environment Division (HED) has been consulted on this aspect of the proposal as there is a grade B2 listed structure of special architectural or historic interest located to the northeast of the application site (Walled Graveyard).

HED (Historic Buildings) has considered the effects of the proposal on the listed structure and on the basis of the information provided is satisfied that the policy requirements of SPPS 6.12 and BH11 PPS6, subject to conditions.

To ensure that the proposed development will not have an adverse impact on the historic graveyard HED has recommended that the materials used in the roof, walls windows/doors and rain water goods are conditioned and all existing trees as indicated on the landscaping proposals (drawing 07/2) shall be retained and protected throughout the works to ensure that the development is adequately screened from view of the graveyard. These conditions are considered reasonable and necessary in this instance and are proposed below.

Amenity Space

Criterion (c) of Policy QD1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided in 'Creating Places: Achieving Quality in Residential Developments'. An objection letter received indicates the proposal is contrary to QD1 of PPS7 in that the development would have an unacceptable impact on residential amenity of proposed residents by reason of unsatisfactory layout and arrangement of amenity space.

Creating Places indicates that properties with three or more bedrooms require an average of 70sqm. In this case dwelling No.1 has 845sqm of private amenity space whilst dwelling No.2 has 340sqm of private amenity space. The amenity space will be located in the rear gardens (west of the application site). It is considered that adequate provision has been made for private rear garden space within the individual dwellings.

Creating Places states a quality residential environment will be enhanced by well-considered landscape design. The applicant has proposed both hard and soft landscaping throughout the development. The majority of the landscaping is existing with the exception of the planting along the listed building wall. A 1.8 metre timber fences will define the common boundary between the two dwellings in order to protect the private amenity of residents. Creating Places states that fences and metal railings have a major impact on the visual character of the development and the use of close boarded fencing can greatly detract from the quality of the residential development. However, the use of the close boarded wooden fencing within this development is to protect the private amenity spaces at the rear of the dwellings and will not be visible from the internal road as it stops directly before a planted area that separates the two parking and turning areas and therefore will not have an adverse impact on the character and quality of this area.

It is considered that the proposed layout and arrangement of amenity space is acceptable.

Neighbourhood Facilities

Criteria (d) states adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development. Paragraph 4.17 of PPS7 states large scale housing schemes must provide necessary services and community infrastructure to enable new growth to be satisfactorily accommodated in order not to place further pressure on already overstretched facilities and services and increase the need to travel. In this case, criterion (d) does not apply to this proposal as the development will include 2 dwellings and is small scale. It is considered that two dwellings is not a significant increase that would put additional pressure on facilities and services.

Access, Movement and Parking

The proposal will be accessed via an existing laneway that is accessed off the A6 Belfast Road, which is a designated Protected Route (as indicated in Annex B of PPS3). DfI Roads within the previous application (LA03/2016/0831/O) on the same site never raised any objections regarding the protected route within the settlement limit and offered informatives to be included on any future decision notice. Under the current application DfI Roads has again raised no objections to the proposal on the basis that the proposal meets the criteria set out within Policy AMP3 of PPS3.

Policy AMP 3 contains a policy for development accessing onto a Protected Route within the settlement limit and states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access:

- (a) where access cannot reasonably be taken from an adjacent minor road; or
- (b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

It appears from the information submitted that access cannot be taken from an adjacent minor road while it is also considered that the introduction of two dwellings at the proposed location will not compromise road safety standards or result in a proliferation of access points onto the protected route. DfI Roads indicated no objection with regard to the access point onto the Protected Route and are satisfied the sufficient visibility splays are available to create a suitable access onto the Belfast Road. It is therefore considered that the proposed access complies with Policy AMP 2 Access to Public Roads and does not conflict with Policy AMP3 of PPS3.

Objection letters received state that the proposal will intensify the access which will be detrimental to the health and safety of road users and pedestrians. They go on to state that DCAN 15 advises a minimum of 2.0m by 33m visibility splays are required in order to achieve a safe means of access, which if implemented, would result in a loss of "75% of the graveyard and removal of trees". As previously mentioned DfI Roads has no objections to the existing visibility splays provided and the Council are satisfied the proposal does not conflict with Policy AMP3 of PPS3. Furthermore, DfI Roads completed a Planning Application Consultation (DC) Checklist – under section

"Visibility Splays and Forward Sight Distances (DCAN 15)" DfI Roads state that the requirements are 2.4m x 70m and that these visibility splays are available. DfI Roads go on to state that they have no objections as the visibility exists and there will be adequate turning. Assuming the objector is relating to the proposed new access on to the private laneway, there are no requirements for visibility splays to be achieved on accesses that lead onto private and un-adopted roads.

PAC Decision: 2017/A0112 previously refused an application located on this application site which was for three (3) no. dwellings. The Commissioner for the appeal stated that the access will join the private laneway directly to the south of the graveyard, and due to the presence of the high walls and sharp angle of the bend the Commissioner felt it would be difficult for a vehicle to safely emerge from the proposed access onto the shared laneway. The commissioner went on to state that due to the high walls of the graveyard it would not be possible to see if traffic or pedestrians were entering the shared laneway from the Belfast Road before exiting the proposed driveway. The Commissioner sustained the objection in relation to road safety concerns in so far as they relate to the safety of the proposed internal access arrangements.

Whilst the Council acknowledges the previous refusal of planning permission, the issue of the access onto the shared laneway was not a matter raised by the Council. While it was an issue raised during the previous appeal on the application site, it is noted that the previous refusal's access was located approximately 0.3 metres south of graveyard wall, whilst the current access proposed will be located 1.6 metres south of the graveyard wall. The difference of 1.3 metre is considered significantly greater in terms of visibility afforded to the access. Furthermore, the previous application proposed three (3) no dwellings whilst the current application proposes two (2) no dwellings, which has reduced the number of cars using the access by approximately two (2). Taking these factors into consideration, it is considered that the proposed access onto the private laneway has no significant road safety concerns and the decision of an individual Commissioner while material to the consideration is not determining.

Criteria (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. Supplementary planning guidance document 'Creating Places' sets out the standards of parking spaces required. The development will provide a total of 4 spaces, two in curtilage spaces per dwelling while an additional space is available within the private driveways of each dwelling to accommodate some overspill if necessary. The level of parking provision is considered to be acceptable and there are no road safety concerns with this proposal. In addition, DfI Roads have no objections to the proposed development.

Criteria (e) requires a movement pattern to be provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures.

Objections received state that the laneway is used by the owners/occupiers of No. 1 and 1A Nursery Park as well as school children, pedestrians and dog walkers using the laneway as a through road to the cricket club and the proposed development would create safety concerns. It is unclear whether the Technology Park or the

Cricket and Tennis Lawn Club have a right of way on the laneway. No objections have been received from any of these bodies.

The proposed dwellings are to be accessed via a ramp which ensures it meets the needs of those whose mobility is impaired. The proposed access will be accessed via an existing laneway which is accessed from the Belfast Road.

It is considered the proposal respects existing public rights of way as no additional accesses will be developed onto the public road. It is considered the proposed development is small scale therefore and traffic calming measures are not relevant to this application.

Neighbour Amenity

Criterion (h) of Policy QD 1 states that there should be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. Objections from neighbouring residents raise concerns that if the development were to be approved their amenity would be impacted.

A further objection letter received from No. 1a Nursery Park located to the southwest of the application site states that No.1a is not to scale and is misleading, furthermore they have indicated that they would expect 20 metres between the proposed dwelling and their dwelling which does not look to be the case on the proposed plans. It is noted however that the submitted plans are to scale, at a scale of 1:500.

Creating Places advises that, where a development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate in order to minimise overlooking, with a minimum of around 10 metres between the rear of new houses and the common boundary. In this case there is a minimum back garden depth of 18 metres from the rear of the proposed dwelling No. 2 to the common boundary with No. 1A Nursery Park. The southern section of dwelling No. 2 backs onto No. 1A Nursery Parks amenity space where a side return is also located. However, there will be a 27metre separation distance from the rear elevation of dwelling No. 2 and the side return of No. 1A Nursery Park. This meets the requirements indicated within Creating Places and should ensure that there is no significant adverse impact on the existing residential property by way of overlooking, loss of light or dominance. The remainder of both dwellings back on to a heavily forested area where no dwellings are proposed to be located and it is considered that there are no significant concerns regarding overlooking from the rear windows of these dwellings.

There is a separation distance of 16 metres from the southwestern corner of dwelling No. 2 to the corner of No. 1A Nursery Park. There is no specified distance that should be between dwellings – other than the rear elevations as discussed above. The separation distance of 16 metres is considered significant in that the proposed dwelling will not overshadow No. 1A nor cause a level of unacceptable loss of light. There are no proposed windows on the southern gable of dwelling No. 2 that would cause any concern with regards to overlooking. Drawing 03/2 date stamped 14th November 2019, indicates that all boundaries are to remain as existing. Drawing 08 date stamped 6th Feb 2020 indicates cross sections for the development, it is

considered the existing stone wall (to be retained) which measures 2 metres in height and the mature vegetation will aid screening from the dwelling.

Turning to the impact the proposed dwellings have on one another it is noted that the proposed dwellings are mirrored house types. Both dwellings host a ground floor WC and a first-floor stairway window located on the gables. There is a separation distance of 3.5 metres between the dwellings and a 1.8 metre high timber fence that defines the common boundary. In addition, the downstairs WC have obscure glazing which will reduce any likelihood of overlooking. The stairway window may have fleeting views when occupants are using the stairs, however, as these windows serve a low occupancy area of the house which does not encourage congregation, it is considered that there will not be lingering views from these windows. In addition, the timber fence will aid screening and there will not be significant overlooking from these windows. No. 1 Nursery Park is located at least 24 metres from the red line of the application site. It is considered the development will not have a significant impact with regards to overlooking, dominance or loss of light.

There are no other neighbouring residents within a close proximity of the site that would be impacted upon completion of the development.

Crime and Personal Safety

Finally criterion (i) of Policy QD 1 states that proposed residential development should be designed to deter crime and promote personal safety. It is considered that the proposed development has been designed to deter crime and personal safety as private gardens have been enclosed using walls and fencing. All dwellings front on to the main internal development road which provides an element of surveillance for the residents of each dwelling. It is considered that the development is designed to deter crime and promote personal safety.

Density and Impact on Character of Area

Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity of the second addendum to PPS7 states that in addition to meeting the criteria set out under QD1 of PPS7; LC1 states that the proposed density of the new development should not be significantly greater than that found in the established residential area.

The proposal is for 2 dwellings within a 0.33hectare site. The site is located within an established residential area characterised by residential properties in a cul-de-sac at Nursery Grove and the two detached dwellings at Nursery Park. To the north of the application site lies a low-density housing development comprising of medium to large plots, whilst to the south and east of the application site the proposed development is largely made up of medium to large plots that host detached dwellings. It is considered that the proposal of two detached dwelling would create medium to large plot sizes that would not be significantly greater than that found in the established residential area.

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

Natural Environment

Policy NH 5 of PPS2 states planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

Objection letters received make reference to the proposal having an impact on the environmental quality of the area. NIEA were consulted as part of this application and responded requesting a Bat Survey and made note of the Ecological Impact Assessment nearing the end of its validity.

A bat survey was submitted on 27th July 2020 and NIEA was reconsulted. Natural Environment Division (NED) of NIEA responded on 8th December 2020 stating they had no objections subject to conditions.

Other Matters

Claims have been made within an objection letter received challenging the accuracy of the ownership certificate completed for the development, this related to an area in the northwestern section of the application site.

The applicant has completed Certificate A of the P1 form which indicates that they are in full possession of the lands necessary to carry out this development. The owner of No.1a Nursery Park however claims the section of land belongs to them and has provided a folio map (No. 28321) – if this is the case then Certificate A is incorrectly completed.

The Planning Act 2011 states that a landownership certificate must be submitted with each planning application to satisfy the Council that all those with an interest in the land have consent to, or are made aware, that an application for the development of the land has been made. It is an offence to recklessly or knowingly misrepresent the information set out in the certificate.

Notwithstanding the accuracy of the certificate that has been completed in this instance, it is noted that as the objector has highlighted this issue and as such it is considered that they have not been prejudiced in the consideration of this application. In processing this application and in light of the landownership challenge the agent for the application was contacted and responded via email on 12th January 2020 with a solicitors letter (from Campbell and Haughey Solicitors Ltd.) and attached title maps (No. 28321) and a report confirming the applicant is the full owner of all the lands within the application site.

Both folio maps provided by the objector and the applicant have the same folio numbers, and it appears there may be a civil issue involved with regards to the ownership of the lands in question. As neither party is considered to be prejudiced it is recommended that an informative could be attached to the grant of planning permission, should it be forthcoming which states that the planning permission does not confer title is placed on any future planning approval to ensure that any future purchaser is aware of the issue.

A further ownership issue raised was the private laneway of Nursery Park being coloured in blue on Drawing No. 01 date stamped 8th October 2019. The laneway is owned jointly by the residents of 1 and 1A Nursery Park. The proposal will use the existing access point and northern section of the laneway, a new access point will be created on to the existing laneway, south of the Graveyard wall.

Other matters raised within objection letters refer to the previous planning refusals on the site, and state that the reasons for refusal on the previous applications remain equally as valid. This current application is a different proposal to the previous applications and therefore must be determined under its own merits. The planning history of the site is a material consideration to the assessment of the application, however, the appropriate weight must be given to other aspects of the proposal to determine the outcome of the application on its own merits.

CONCLUSION

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

- The principle of residential development is acceptable.
- It is considered that the removal of 3 TPO trees is acceptable and no other trees will be affected subject to conditions.
- The proposal will create a quality residential environment.
- Listed buildings will not be impacted by the proposal.
- DfI Roads have no objections to the proposal – there will be adequate parking and visibility splays.
- Neighbouring properties will not be significantly impacted.
- The proposed development is considered not to be out of character for the area and will not have a higher density than what is existing.
- NIEA have no concerns with regards to priority species, namely bats, subject to conditions.

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 roofing tiles or slates shall be natural slate and the walls to the dwellings shall be smooth rendered finish.

Reason: To ensure that the proposal does not detract from the setting of the listed structure.

3. The existing natural screenings of the site, as indicated in green, on No. 07/2 date stamped 20/MAR/2020 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

4. The proposed landscaping indicated in drawing No. 07/2 date stamped 20/MAR/2020 shall be carried out within the first planting season following the completion of the development hereby approved and shall be retained in perpetuity at a minimum height of 2 metres of hedging and 4 metres for trees

unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

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

Reason: To ensure the continuity of amenity afforded by existing trees.

6. A protective barrier no less than 2m in height comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts and securely supported weldmesh panels (as illustrated in Figs 2 & 3 of BS5837:2012) shall be erected at least the distance from protected trees as identified on Drawing No. 03/2 date stamped 14th November 2019 prior to commencement of the development hereby approved and shall be permanently retained for the period of construction on the site. There shall be no machinery or stockpiling of materials or soil within this tree protection zone.

Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

7. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no operational development other than that expressly authorised by this permission shall commence within the Root Protection Zone as identified on Drawing No. 03/2 date stamped 14th November 2019 without the grant of a separate planning permission from the Council.

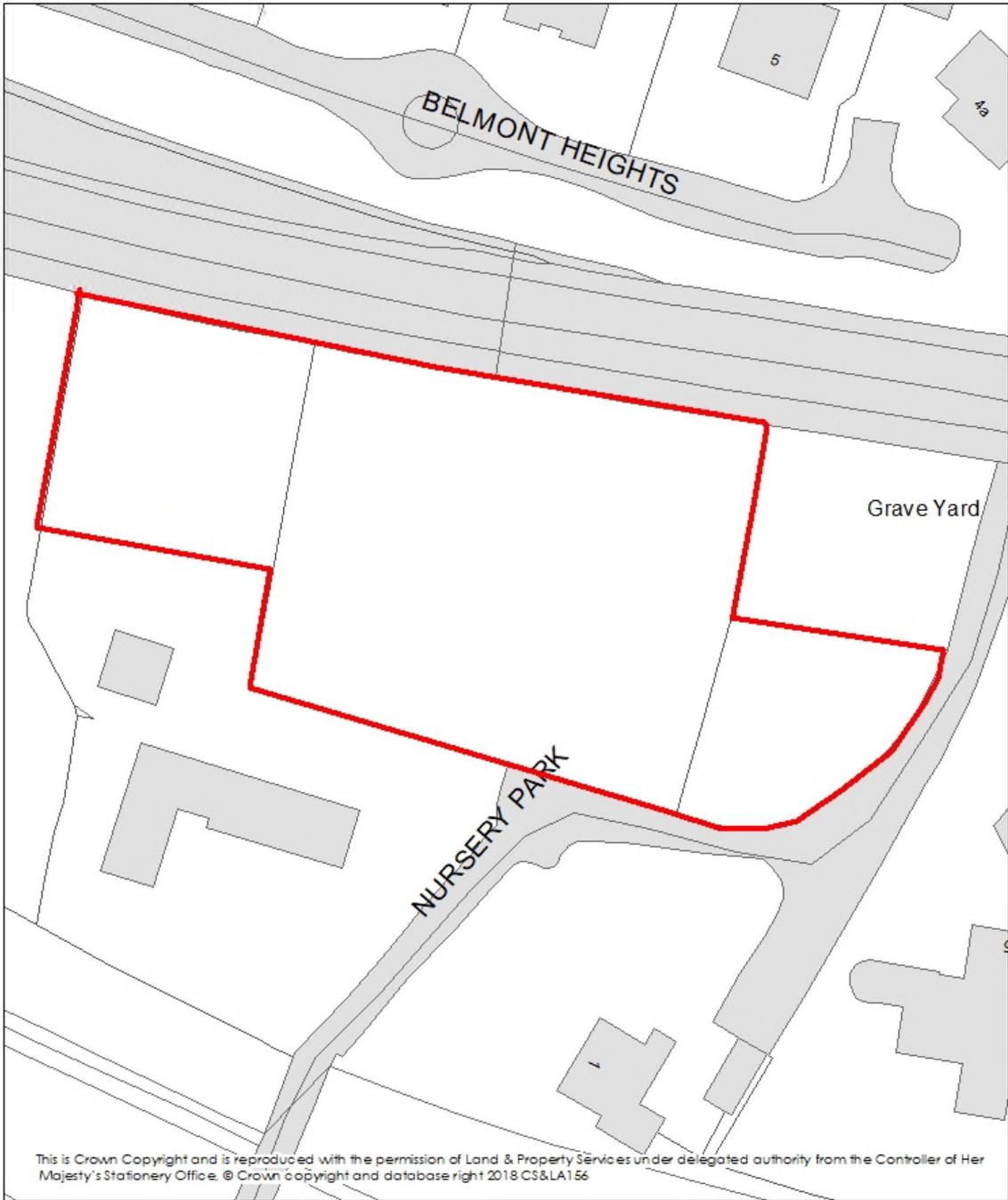
Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations.

8. The boundary treatments to be erected as identified on the grant of a separate planning permission from the Council shall be erected by hand digging only. Recommendations contained within paragraph 7.5.5 of BS5837:2012 (Trees in relation to design, demolition and construction – Recommendations) shall be adhered to.

Reason: To ensure that damage to tree roots of retained trees is minimal.

9. The area identified in yellow on the attached plan (Drawing No. 03/2 date stamped 14th November 2019) shall be constructed using a 'no-dig' construction. Recommendations contained within paragraph 7.5.5 of BS5837:2012 (Trees in relation to design, demolition and construction – Recommendations) shall be adhered to.

Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.



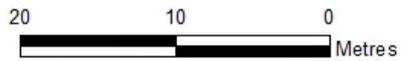
Location Map

Application Reference: LA03/2019/0833/F

Proposed development of 2 no. detached dwellings

Land north and east of 1A Nursery Park
Antrim, BT41 1QR

 Site Boundary



For Information Only



COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2021/0107/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for infill dwelling and garage
SITE/LOCATION	Lands between 142 and 144 Seven Mile Straight, Muckamore, Antrim, BT41 4QT
APPLICANT	Emily Johnson
AGENT	Gravis Planning
LAST SITE VISIT	1st March 2021
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located between No. 142 and No. 144 Seven Mile Straight, Muckamore and within the countryside as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The application site is a large rectangular road frontage site, extending approximately 40 metres along the frontage with a depth of 120 metres. The topography of the site is flat, with the current land use being agricultural. Access to the site is achieved via an existing agricultural access along the Seven Mile Straight. Boundaries to the site are defined by mature trees and hedging along the southwestern (roadside), eastern and western boundaries, whilst the northern boundary is defined by post and wire fencing.</p> <p>The site is located within a rural area with the land use being predominately agricultural. There are a number of detached residential properties located within the immediate vicinity.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning/Appeal Reference: T/2004/1332/O – 2005/A1079 Location: Adjacent to 142 and 144 Seven Mile Straight, Muckamore, Antrim Proposal: Site for dwelling Decision: Permission Refused Appeal Dismissed (05.12.2006)</p> <p>Planning Reference: T/2000/0712/O Location: Between 142 and 144 Seven Mile Straight, Muckamore, Antrim Proposal: Site for dwelling Decision: Permission Refused (10.01.2001)</p>	

Planning Reference: T/1990/0298/O

Location: Between 142 and 144 Seven Mile Straight, Muckamore, Antrim

Proposal: Site for dwelling

Decision: Permission Refused

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

Northern Ireland Water – No objections

Department for Infrastructure Roads- No objections

Historic Environment Division - No objections

REPRESENTATION

Two (2) neighbouring properties were notified. One non-committal letter of representation has been received from a nearby property asking to be kept briefed on the proposal.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design, Layout and Impact on Character and Appearance of the Area
- 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 the determination of the proposal.

The application site is located within the countryside outside any settlement limit defined in the 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 the guidance 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 CTY 8 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 element of Policy CTY 8 requires that a substantial and continuously built up frontage exists. The buildings that the applicant contends make up the substantial and continuously built up frontage are indicated in Document Number 01 dated 1st February 2021. These include a dwelling to the northwest of the application site known as No. 142 Seven Mile Straight, a dwelling at No.144 Seven Mile Straight located to the immediate southeast, additionally the applicant contends that the detached garage associated with No 144 Seven Mile Straight constitutes the third building whilst the fourth building is a dwelling indicated as No. 146 Seven Mile Straight located to the northeast of the application site. It is accepted that the dwelling Nos. 142 and 144 Seven Mile Straight have a frontage onto the road.

The third building referred to by the applicant is the garage associated with No. 144 Seven Mile Straight. This building is a flat roof garage set back to the side and rear of the dwelling, and to the rear of an arched wall and is somewhat obscured from view. The garage is clearly subordinate to the dwelling with no defined curtilage and evidently appears to form part of the curtilage of No 144 Seven Mile Straight. Within Document 01 date stamped 1st February 2020, the applicant refers to a previous appeal decision within a different Council Area (P/2013/0600/O - 2014/A0152) in which the Planning Appeals Commission (PAC) accepted garages that are subordinate and set back from the building line as forming part of a substantial and continuously built up frontage. The PAC did however note that in the context of that particular case the garages were clearly visible from the road. It is considered that the current proposal is not comparable to the PAC decision given that the garage does not only sit back from the building line but does in fact sit to the rear and side of the dwelling and to the rear of an arched wall.

The fourth building at No. 146 Seven Mile Straight to the northeast of the application site does not have a frontage onto the Seven Mile Straight, rather it has an access onto it. A mature hedgerow and parcel of agricultural lands separates this building from the road. The applicant references other appeal decisions outside the Council Area (P/2015/0124/O - 2016/A0058 and R/2013/0448/O - 2013/A0254) in support of the relationship of the curtilage of the dwelling extending to the roadside and the orientation of the dwelling. In this case the argument is not in relation to the orientation of No. 146 Seven Mile Straight but relates to lack of a frontage onto the Seven Mile Straight. The access laneway, albeit with a grass verge, is merely an

access and does not form a frontage to the road, No. 146 Seven Mile Straight is clearly separated from the road by a mature hedgerow and large agricultural field.

For the reasons outlined above it is considered that no substantial continuously built up frontage exists along this section of the Seven Mile Straight.

Notwithstanding, there is no substantial or built up frontage, the second element of Policy CTY 8 requires the gap site to be a small gap site sufficient only to accommodate a maximum of two dwellings. Drawing Number 01 annotates the footprint of the existing dwellings along this stretch of the Seven Mile Straight. The proposed plot has a frontage of approximately 40 metres, No. 142 has a plot frontage of 49 metres, whilst No 144 has frontage of 28 metres. The garage identified by the agent as representing the third building, although not either a frontage building or with its own defined curtilage, has a width of 5 metres. The justification and amplification text at paragraph 5.34 is clear that the gap site is between houses or other buildings, as such for the purposes of policy the gap is between the dwellings at No. 142 and 144. The overall gap that exists between the said buildings measures 39 metres which could accommodate a maximum of two dwellings.

The third element of Policy CTY 8 states that the proposal should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. As outlined above there is no continuous and built up frontage at this location. One of the buildings (No. 146) indicated by the applicant is separated from the Seven Mile Straight by a parcel of agricultural land. The other building takes the form of an ancillary garage which does not have a frontage, is not located on an individual plot with its own defined curtilage, rather it appears as one cluster of buildings associated with No. 144 Seven Mile Straight. As such the application fails to fulfil the policy requirements of Policy CTY 8 in that there is no substantial and built up frontage and the proposal does not respect the existing pattern of development along this stretch of the Seven Mile Straight, there is no infill development opportunity in accordance with Policy CTY 8.

Policy CTY 1 advises that other types of development will only be permitted where there are overriding reasons why it is essential and could not be located in the nearby settlement. No overriding reasons were presented to demonstrate how the proposal is essential and why it could not be located in a settlement. The proposal therefore fails Policies CTY 1 and CTY8 of PPS 21.

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

All dwellings in the countryside must integrate with its surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires that a dwelling in the countryside will not be prominent in the landscape and will integrate into its surroundings, whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

As the application seeks outline permission, no details have been provided regarding the proposed design or layout of the dwelling, however, Document 01 dated 1st February 2021 indicates that the proposed dwelling would be a single storey dwelling of modest scale and size. Policy CTY 13 requires that a new building in the countryside will be unacceptable where the site lacks long established natural

boundaries or is unable to provide a suitable degree of enclosure. In this case the application site lacks established boundaries along the northern boundary; however, a mature hedgerow defines the southwestern (roadside), eastern and western boundaries and as such it is considered that the level of mature vegetation is sufficient to aid integration.

Critical views of the site are achieved when travelling along the Seven Mile Straight in both directions. It is considered that a suitably designed dwelling with a low ridge height and siting condition would integrate into the landscape without appearing conspicuous in the landscape.

Policy CTY 8 and Policy CTY 14 indicate that development which creates or adds to a ribbon of development will be unacceptable. A dwelling on the application site will result in an additional dwelling along this stretch of the Seven Mile Straight which would be visually linked with the existing buildings and would represent a linear form of development creating a ribbon of development. Policy CTY 14 also emphasises that any proposal which causes a detrimental change to or further erodes the rural character of an area will be resisted. Taking into consideration the existing development along this stretch of the Seven Mile Straight, the addition of a dwelling on this site would cumulatively lead to a suburban style of build-up.

It is considered that for the reasons outlined above that the proposal fails to meet the requirements of the SPPS and Policies CTY 8 and CTY 14 of PPS 21.

Neighbour Amenity

As the application seeks outline permission, limited details have been provided regarding the proposed design, however, it is considered that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of the existing properties are not negatively impacted upon.

Other Matters

The proposal is for a direct access onto the Seven Mile Straight. Consultation was carried out with DfI Roads who raised no objections to the proposal subject to compliance with the RS1 form at reserved matters stage should planning permission be forthcoming.

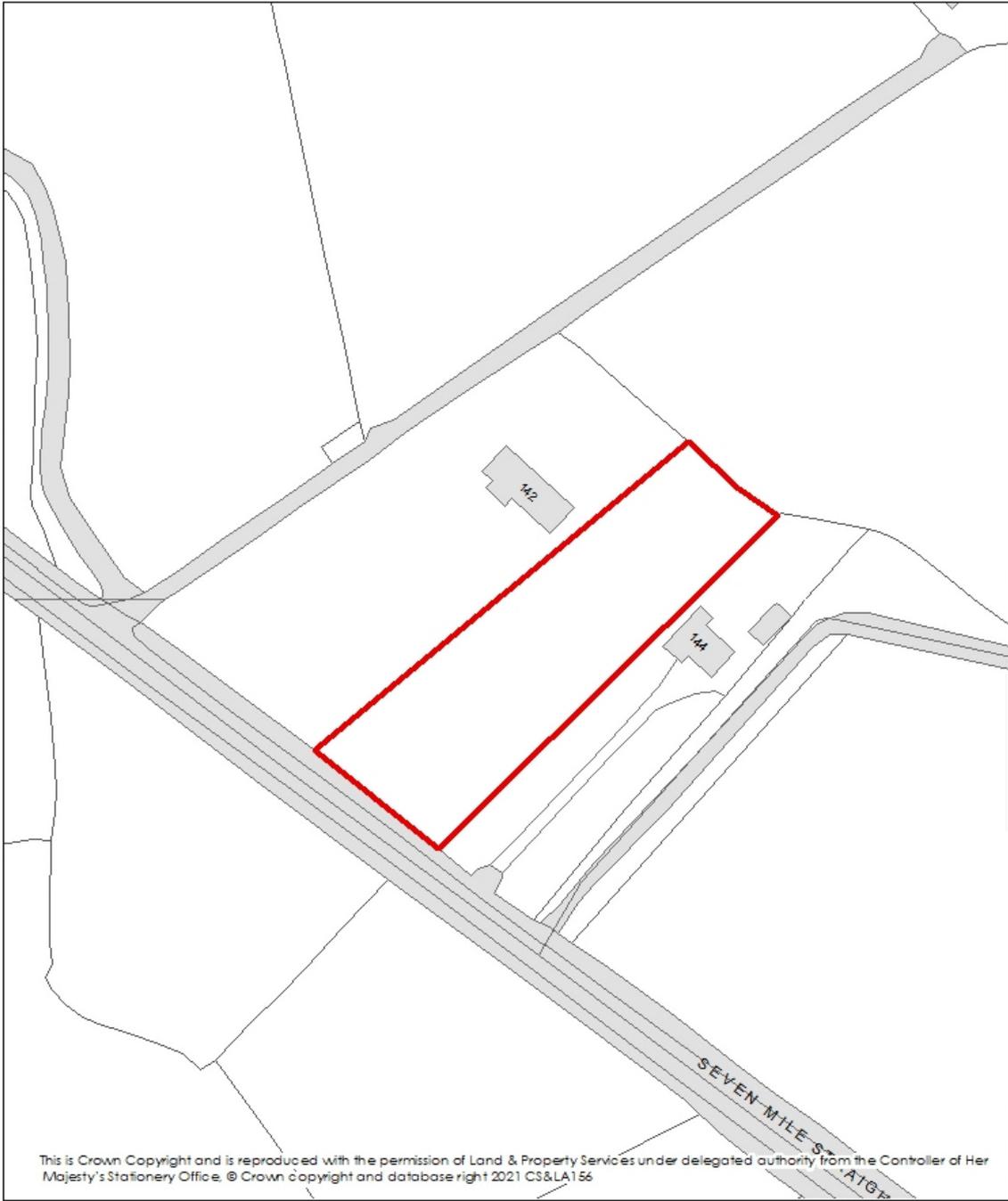
The application site is within the buffer zone for a historic monument, as such consultation was carried out with the Department for Communities, Historic Environment Division (HED), who raised no objections to the proposal.

CONCLUSION

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

- The principle of the development cannot be established as the proposed dwelling is not located within a substantial and continuously built up frontage.
- A suitably designed dwelling with a low ridge height would satisfactorily integrate into this rural area.
- The proposal will result in a ribbon development and in a suburban style build-up of development when viewed with existing and approved buildings.
- There are no issues with the proposed access arrangement and road safety.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL	
<ol style="list-style-type: none"> <li data-bbox="209 309 1401 483">1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. <li data-bbox="209 524 1422 663">2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that it fails to meet with the provisions for an infill dwelling as the application site is not located within an otherwise substantial and continuously built up frontage. <li data-bbox="209 703 1426 878">3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 8 and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site would, if permitted, create a ribbon of development resulting in a suburban style of build-up and further erode the rural character of the area. 	



LA03/2020/0107/O

Scale: 1:2,500 

Lands between 142 and 144 Seven Mile Straight, Muckamore, Antrim BT41 4QT

Site for Infill Dwelling and Garage

 Site Boundary



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2020/0515/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for dwelling and garage on a farm.
SITE/LOCATION	20m North of 135 Castle Road, Randalstown.
APPLICANT	Mr Clifford Stewart
AGENT	CMI Planners Ltd
LAST SITE VISIT	26 March 2021
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on lands 20 metres north of 135 Castle Road, Randalstown which is within the countryside as identified in the adopted Antrim Area Plan 1984 – 2001.</p> <p>The application site has been formed by the subdivision of a larger agricultural field. The field is accessed from a laneway some 400 metres long which accesses the A6 Castle Road to the south.</p> <p>The northern boundary of the application site is physically undefined in the landscape although the northern field boundary which runs contiguous with the M22 Motorway. The southern boundary is partially defined by a short linear stand of hedgerow and trees and following this the remainder of the boundary is physically undefined in the landscape. The eastern boundary is characterised by a linear copse of tall and mature deciduous trees. The western boundary is defined by a typical field hedgerow approximately 1.5 metres in height and that contains the agricultural access to the field.</p> <p>On approach in a northerly direction along the laneway the application site becomes visible after the dwelling and outbuildings located at No.135 Castle Road. These are located immediately adjacent to and south of the application site.</p> <p>When approaching the application site westbound on the M22 motorway the same linear belt of trees that define the eastern edge of the application site changes direction and continues to define a portion of the northern boundary of the field in which the application site is located. This linear copse of trees largely screens views towards and into the site for the majority of this edge of the field. The tree belt ends abruptly at which point views into the site are achievable, albeit for a short distance. The tree belt begins again after approximately 60 metres. When approaching the site when travelling eastbound on the M22 some fleeting views of the application site are</p>	

achievable prior to the gap in the tree belt at which time the application site is exposed to view.

RELEVANT PLANNING HISTORY

Planning Reference: T/2004/0307/O
Location: North East of 135 Castle Road, Randalstown
Proposal: Site of Retirement Bungalow
Decision: Permission Refused: 17.01.2006

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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 – Indicate that given the close proximity of the application site to the M22 motorway the applicant should consider appropriate acoustic design measures to mitigate road traffic noise in order to protect amenity and provide for a suitable internal noise environment.

Northern Ireland Water – No objection.

Department for Infrastructure Roads- No objection subject to conditions.

DAERA Countryside Management Inspectorate Branch – Advise that the farm business identified on the P1C form has been in existence for more than 6 years. The farm ID was allocated in 19/11/1991 and is a category 1 farm.

DAERA advise that the farm business has not claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 10 years.

DAERA further advise the application site is not on land for which payments are currently being claimed by the farm business and stated that prior to 2020, the proposed site was located on land associated with another farm business.

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
- Farm Business
- Impact on Character and Appearance of the Area

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 the 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 CTY1 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 'Dwellings on Farms' in accordance with Policy CTY10. Policy CTY1 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.

The policy head note of Policy CTY10 states that planning permission will be granted for a dwelling house on a farm where all of three criterion can be met. The consideration of these criterion based tests is set out below.

Farm Business

The first criterion of Policy CTY10 requires that the farm business is currently active and has been established for at least six (6) years.

In its consultation response DAERA indicates that although the farm business has been in existence for more than six (6) years no farm payments have been made for the farm in any of those years and that prior to 2020 the field in which the application site is located was associated with another farm business.

In order to demonstrate that the farm business has been active for the necessary period of six (6) years as stated in Policy CTY10 the agent has provided a series of pieces of documentary evidence. Given that the development proposal which is the subject of this planning application was made valid on 4th August 2020 the six (6) year period dates back to 4th August 2015.

For the year 2020 the agent has provided three (3) pieces of evidence. The first is a handwritten receipt from William Wilson Plant Hirer and Contractor (WWPHC). The bill refers to the applicant's address and it is noted that the bill states "Work adjacent 135 Castle Road." The bill refers to the clearing of sheughs and the hiring of a digger. This information has not been signed by a person identifiable as a representative of WWPHC. Additionally, it appears that reference to the year 2020 has been altered from the year 2014 such that this piece of documentation is material to the assessment of this proposal. It is considered the information provided is neither specific nor conclusive and it appears that the date of receipt has been altered.

The second piece of evidence provided is from Smith's Irons. The document is hand written on lined paper, is not addressed to the applicant, does not refer to the applicant's holding, there is no listed business address or contact details for the business nor has the purported bill been signed by a person identifiable as a representative of Smith's Irons. An internet search did not provide any listings for Smith's Irons and no other corroborating evidence with respect to the alleged business has been provided.

The third piece of evidence submitted is a letter from DAERA addressed to the applicant. Within this letter it is set out that the farm business trading name and address have been updated. There is reference to a herd, however, in the letter there is no details of the herd, where it might be located or how it relates to the farm business being active. There is no other form of indication from the agent with

respect to this letter as to how it demonstrates that the farm holding is in active use. The information is therefore neither specific nor conclusive.

For the year 2019 two (2) bills of sale addressed to the applicant and dated 31/5/19 and 5/9/19 respectively have been provided and which refer to CMA Argi Contracts (CMA) carrying out mowing services, providing 50 bales of hay and providing slurry. This information is not recorded as being specific to the applicants holding. There is no listed business address or contact details on either bill of sale and neither of the two receipts have been signed by a person identifiable as a representative of CMA. An internet search did not provide any listings for CMA. The agent has elsewhere indicated that this business is located at 46 Greenan Road, Randalstown and that the contractor is content to support the applicant. Notwithstanding the offer of the contractor it is considered that the information provided is neither specific nor conclusive.

For the year 2018 two (2) bills of sale have been provided along with a soil analysis form. The first bill is from William Wilson Plant Hirer and Contractor (WWPHC). The bill is addressed to the applicant and refers to the cutting of hedges and the hiring of a tractor and hedge cutter. This information is not recorded as being specific to the applicants holding nor has it been signed by a person identifiable as a representative of WWPHC. Additionally, the bill is dated Saturday 3rd January 2018. There was no Saturday 3rd January 2018. It appears that reference to the year 2018 has been altered from the year 2015 when there was a Saturday 3rd January and such that this piece of documentation is material to the assessment of this proposal. It has been noted above that the agent has elsewhere indicated that this business is located at 46 Greenan Road, Randalstown and that the contractor is content to support the applicant. Notwithstanding the offer of support from the contractor it is considered that the information provided is neither specific nor conclusive and it again appears that dates have been altered.

The second piece of information for the year 2018 is presented as a bill of sale from JM Fencing addressed to the applicant for the supply of chicken wire and posts and is dated 10th October 2018. This information is not recorded as being specific to the applicants holding and has not been signed by a person identifiable as a representative of JM Fencing. This purported bill is hand written on a piece of lined paper and has no listed business name or address. An internet search did not provide any listings for JM Fencing. The agent has elsewhere indicated that this business is located at 32 Main Street, Randalstown and that the contractor is content to support the applicant. Notwithstanding the offer of support from the contractor it is considered that the information provided is neither specific nor conclusive.

The soil analysis form is from NRM Laboratories and is dated 18.01.2018. Reference in the documents to the fields that were surveyed are consistent with the fields identified in the farm maps as comprising the farm holding. In the survey results the fields are recorded as being used for grazing and grass production. While it is accepted that this documentation is specific to the agricultural holding it does not indicate that active farming of the holding is or has taken place and is therefore considered not to be conclusive.

For the years 2017, 2016 and 2015, six (6) bills of sale were issued and addressed to the applicant from CMA Argi Contracts. Two (2) bills issued for each year and

generally relating to the months of June and September. The bills refer to CMA carrying out mowing services, providing bales of hay and providing slurry. As per the earlier assessment of information provided by the applicant from CMA in 2019 and as set out above, it is again noted that the information provided for these years:

- Is not recorded as being specific to the applicants holding.
- There is no listed business address or contact details on either bill of sale.
- None of the receipts have been signed by a person identifiable as a representative of CMA Argi Contracts.
- An internet search did not provide any listings for CMA Argi Contracts; and
- The agent has elsewhere indicated that this business is located at 46 Greenan Road, Randalstown and that the contractor is content to support the applicant.

Notwithstanding the offer of support the contractor it is considered that the information provided is neither specific nor conclusive.

The sixth and final year relevant to the assessment of whether or not active farming has occurred on the holding is 2014 with the appropriate date being the 4th August of that year. For the year 2014 two (2) bills of sale have been provided. The first is from CMA Argi Contracts (CMA) and the second is from William Wilson Plant Hirer and Contractor (WWPHC).

The CMA bill refers to the provision of slurry. The same critique of the determining weight in the decision making process that can be attributed to the bills from CMA for other years associated with demonstrating active farming on the holding as set out above remains the same for the year 2014. It is considered that the information provided is neither specific nor conclusive.

With reference to the WWPHC bill it is addressed to the applicant and refers to the hiring of a digger and field drainage. This information is not recorded as being specific to the applicants holding nor has it been signed by a person identifiable as a representative of WWPHC. It is considered the information provided is neither specific nor conclusive.

In summary, it is considered that the entirety of the information provided by the applicant to demonstrate that active farming has occurred on the holding for at least six (6) years is neither specific nor conclusive and is not therefore persuasive. It is also noted that in several examples of important dates on submitted bills of sale appear as having been altered in order to support the planning application. It is considered that it has not been demonstrated that the farm business is active and has been established for at least 6 years in accordance with the requirements of criterion (a) of Policy CTY10 of PPS21.

Criterion (b) of Policy CTY10 of PPS21 requires that no dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application. The planning application was made valid on the 4th August 2020 and the ten (10) year timeframe dates back to 4th August 2010. The farm business map submitted with the planning application is dated 2014 and relates to two (2) fields. The first is the field in which the application site is located and the second field is immediately west and across Castle Road. A planning history

search demonstrates that no development opportunities have either been secured or disposed of in these two fields.

It is noted that the applicant had previously applied for planning permission for a site for a retirement bungalow on the same lands as the application site dating back to 2004. The site location plan accompanying that planning application identified that the applicant, at that time, owned or controlled lands comprising six (6) fields to the north of the M22 motorway. While these fields are not identified as being within the applicants holding in his 2014 farm business map it is nonetheless noted that no development opportunities were either secured or disposed of in those fields. It is considered that the applicant has met with criterion (b) of Policy CTY10 of PPS21.

The third criterion, criterion (c), of Policy CTY10 of PPS21 requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Given that the application site is located adjacent to the existing farm buildings it is considered that should planning permission be granted, suitably worded planning conditions with respect to the siting of the dwelling and garage and their curtilage would ensure that the dwelling and garage are sited to visually link/cluster with the buildings on the farm. It is therefore considered that criterion (c) of Policy CTY10 of PPS21 can be met.

Overall, while it is considered that criteria (b) and (c) of Policy CTY10 of PPS21 have or otherwise can be complied with, criterion (a), that which relates to the demonstration that the farm business is currently active and has been established for at least 6 years, has not been satisfied. This is the case as little information has been provided and it is neither specific to the farm holding relevant to the assessment of this planning application nor conclusive that active farming has taken place for the required period. Additionally, it has been noted above that several dates appear as having been altered in order to support the development proposal.

Impact on Character and Appearance of the Area

Policy CTY13 of PPS21 is entitled 'Integration and Design of Buildings in the Countryside.' The policy head note states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The policy headnote goes on to state that a new building will be unacceptable subject to seven (7) criterion.

With reference to criterion (a), (b) and (c) it is noted that the application site has two defined boundaries and will have a backdrop of buildings provided a suitably worded condition is attached to any grant of planning permission should it be forthcoming. While there would be views of the proposed dwelling when travelling eastbound on the M22 motorway in proximity to the application site, these would be short lived due to the speed of traffic on the road.

Criterion (e) refers to the design of the building being inappropriate for the site and its locality. As an application for outline planning permission only a site location plan has been submitted for consideration. Notwithstanding this matter however, it is considered that should planning permission be granted, a suitably worded planning condition could ensure that an appropriately designed dwelling, consistent with rural vernacular architecture, is provided for on the application site.

The remaining criteria to be considered are (d), (f) and (g). Criterion (d) refers to ancillary works associated with the development not integrating with their surroundings. As an outline planning application only the principle of the development is being tested at this time. It is therefore unclear what, if any, ancillary works would be required to serve the development. It is considered, however, that this matter could be assessed at Reserved Matters stage, should planning permission be granted. Criterion (d) is therefore considered as not being relevant to the assessment of this development proposal at this time.

Criterion (f) refers to the development failing to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop. It is considered that given the application site is largely flat the introduction of a dwelling and a garage would be able to blend with the landform. Additionally, existing trees and buildings in proximity to the application site would likely not be affected by this development proposal and it is therefore considered that the development proposal would likely be able to comply with this criterion.

Criterion (g) refers to farm dwellings being visually linked or sited to cluster with an established group of buildings on the farm. Given that the application site is adjacent to the existing farm buildings associated with this holding it is considered that this criterion has been complied with.

In summary, it is considered that this development proposal is in accordance with provisions of Policy CTY13 of PPS21.

Policy CTY14 of PPS21 is entitled 'Rural Character'. The policy headnote 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. Policy CTY14 contains five (5) criterion based tests that require compliance for a new building to be considered acceptable.

Criterion (b) refers to the development being unacceptable where it would result in a suburban style build-up of development when viewed with existing and approved buildings. Given that the proposed buildings would visually link with other existing buildings it is considered that the development proposal would read as a cluster of development which would comply with criterion (b) of Policy CTY14.

Criterion (c) refers to a new building being unacceptable where it does not respect the traditional pattern of settlement exhibited in the area. In this case it is noted that existing dwellings along the laneway leading to the application site are all located immediately adjacent to the edge of the laneway. It is considered that should planning permission be granted a suitably worded planning condition could be imposed requiring that the proposed development be sited to reflect this settlement pattern characteristic and for this reason it is considered that criterion (c) could be complied with.

Criterion (e) requires that the impact of ancillary works (with the exception of necessary visibility splays) would not damage rural character. It has been noted above under the consideration of Policy CTY13 that as this development seeks outline planning permission only the principle of the development is being tested at this time. It is therefore unclear what, if any, ancillary works would be required to serve the

development. It is considered however that this matter could be assessed at Reserved Matters stage, should planning permission be granted. Criterion (e) is therefore considered as not being relevant to the assessment of this development proposal at this time.

Criterion (d) of Policy CTY14 refers to a new building being unacceptable if it would create or add to a ribbon of development. The policy headnote of Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.33 of the Justification and Amplification section of the policy states that a 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. In this case both No's 131 and 135 Castle Road are located at the road edge of the eastern side. No 131 Castle Road is to the south of No.135 Castle Road. As the principle of development is being sought for a farm dwelling and garage further north of No.135 Castle Road it is considered that a grant of planning permission for the development proposal could potentially add to the existing ribbon of development. This could be mitigated however by setting the dwelling back behind the existing buildings and restricting the curtilage of the dwelling so that it does not have a road frontage.

Overall, it is considered that the proposal is contrary to the policy provisions of Policies CTY1 & CTY10 PPS21 and the relevant provisions of the SPPS for the reasons set out above and several draft refusal reasons are provided to this effect.

CONCLUSION

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

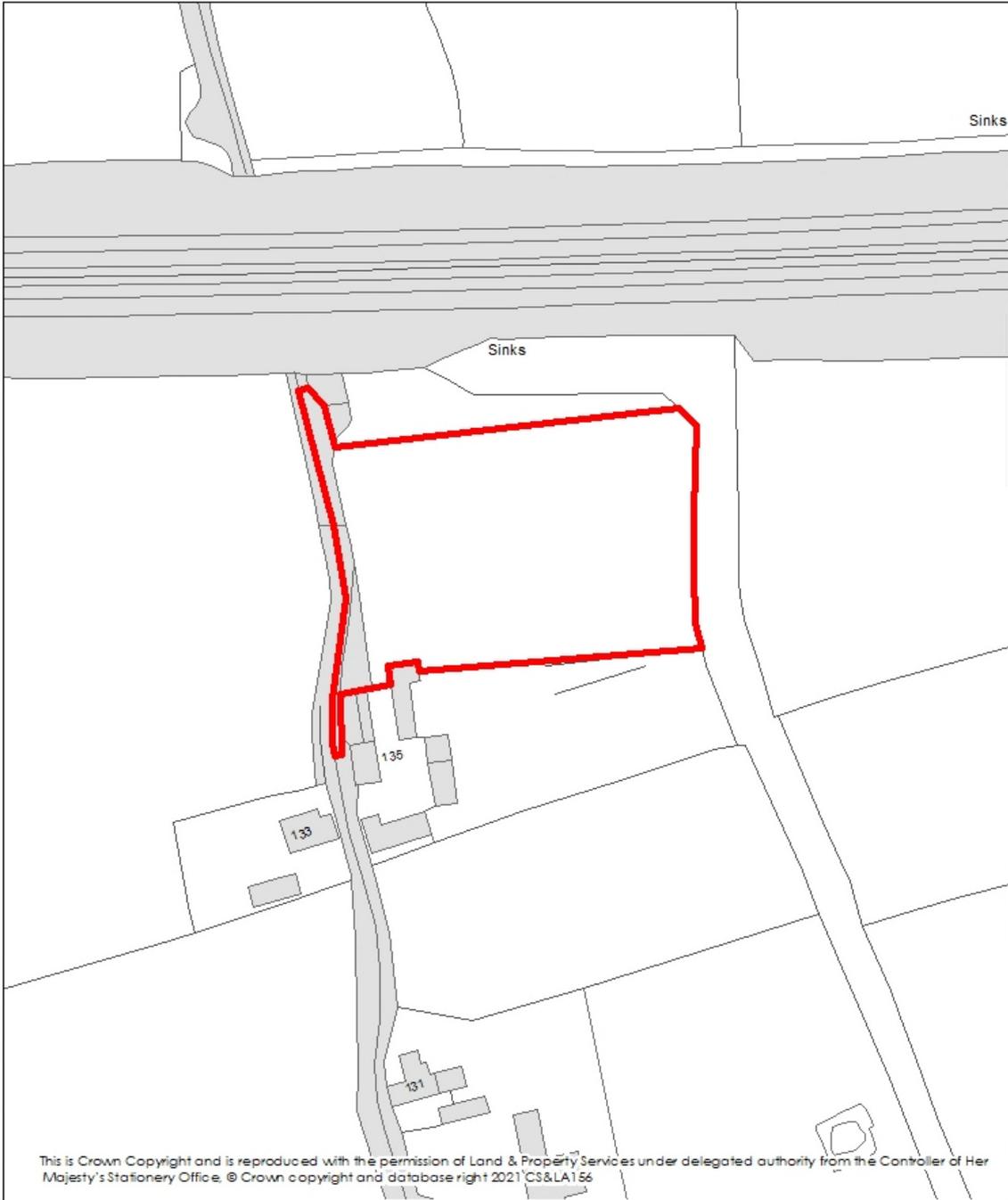
- The principle of the development is not established as it has not been demonstrated that the farm business is currently active and has been established for at least 6 years.
- The development proposal will integrate into the landscape.
- The proposal will not result in ribboning nor will it have an unacceptable impact to the character of the countryside.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASON OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY1 and CTY10 of PPS 21: Sustainable Development in the Countryside, and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active.



LA03/2020/0515/O

20m North of 135 Castle Road, Randalstown

Site of Dwelling and Garage on Farm

 Site Boundary

Scale: 1:1,250 



COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2020/0380/F
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retrospective permission sought for change of use from retail to coffee shop
SITE/LOCATION	1 – 3a Main Street, Straid
APPLICANT	The Hub Coffee Shop
AGENT	Robert Logan Chartered Architect
LAST SITE VISIT	August 2020
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
ASSESSMENT	
<p>This planning application was presented to the Planning Committee on the 15th February 2021 with a recommendation to refuse planning permission.</p> <p>The Planning Committee decided to defer the planning application for a period of three (3) months to provide the applicant with an opportunity to submit the necessary noise and odour assessments for consideration. In doing so however, the Council's Planning Committee also agreed that should this necessary information not be submitted within six (6) weeks of the date of the Planning Committee Meeting, that authority be delegated to officers to issue a refusal of planning permission decision.</p> <p>A Noise Impact Assessment was received from the applicant on 12th March 2021, approximately four (4) weeks after the date of the Planning Committee meeting (15th February 2021). The further information submitted by the applicant was forwarded to the Council's Environmental Health Section for assessment.</p> <p>The Council's Environmental Health Section has indicated that:</p> <ul style="list-style-type: none"> • Both a Noise and an Odour Impact Assessment were required. • Only a Noise Impact Assessment (NIA) has been submitted. • There are issues with the methodology utilised by the applicant's representative. This is despite reference made to the appropriate guidance documents being identified in the original Environmental Health consultation response. • The nearest noise sensitive receptors surveyed for the purposes of the NIA are nineteen (19) metres away whereas the nearest noise sensitive receptor is five (5) metres away to the east of the application site. 	

Reference is made in the NIA to odour at the beginning and end of the NIA and states that, with respect to odour, the extraction unit volume flow rate is well above the capacity required for the type of cooking equipment used by the business and is of a type that would generally be found in a residential kitchen. It is noted however, that the business is advertising pizza and take-away roasts. During the site visit a commercial pizza oven was visible and the Environmental Health Section records that the premises make use of a deep fat fryer, which can cause a lot of odour. The Environmental Health Section also comments that while reference is made to an extraction rate this does not relate to the level of odour control, if any, and that in order to fit an extraction system in the first place the premises must be producing more odour than a residential dwelling would normally do.

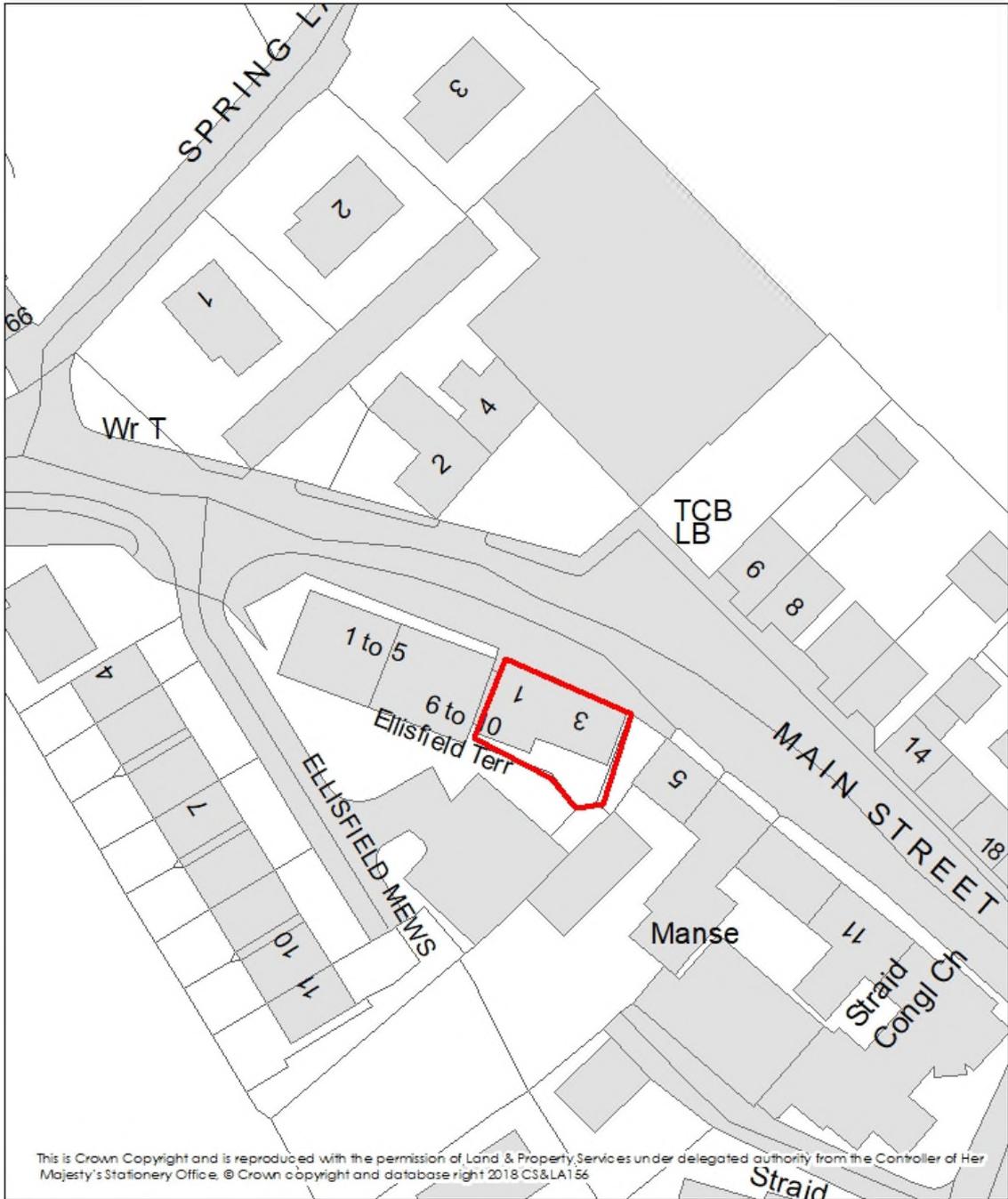
It is considered that despite detailed advice being available to the applicant with respect to the type of information to be provided and how best to carry out the assessments, the submitted NIA is substandard and that no substantive Odour Impact Assessment has been provided for consideration.

Given these circumstances, it is considered that the information provided is unacceptable and that other important information in the form of an Odour Impact Assessment has not been provided. For these reasons it is once again recommended that planning permission be refused.

RECOMMENDATION	REFUSE PLANNING PERMISSION
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PROPOSED REASON OF REFUSAL

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (paragraphs 3.8 and 4.11), Development Control Advice Note 4 – Restaurants, Cafes and Fast Food Outlets and the Noise Policy Statement for Northern Ireland as it has not been demonstrated that the proposal will not cause a detrimental impact to the residential amenity of existing residents at Ellisfield Terrace, Ellisfield Mews and other nearby sensitive receptors on Main Street, by way of noise and odour.



Location Map

Application Reference: LA03/2020/0380/F
 Retrospective permission sought for
 change of use from retail to coffee shop

1-3a Main Street,
 Straid, Ballyclare

0 10 20 Metres

Antrim and Newtownabbey
 BOROUGH COUNCIL

COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2020/0844/LBC
DEA	ANTRIM
COMMITTEE INTEREST	COUNCIL APPLICATION
RECOMMENDATION	GRANT LISTED BUILDING CONSENT
PROPOSAL	Stonework repairs to masonry arch at the North entrance of the Barbican Gate
SITE/LOCATION	Barbican Gate Lodge, Market Square, 52 High Street, Antrim
APPLICANT	Antrim and Newtownabbey Borough Council
AGENT	Alastair Coey Architects
LAST SITE VISIT	19 th March 2021
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at the Barbican Gate Lodge, Market Square, Antrim. The site is located within the settlement limits of Antrim Town and the designated "Central Area" of Antrim Town as defined by the Antrim Area Plan (AAP) 1984-2001.</p> <p>The gate lodge on the site dates from the early 19th century and is designed in a "castle style". Its main purpose was to serve as an entrance to Antrim Castle.</p> <p>An archway is located immediately to the east of the gate lodge which opens to a pathway leading to the nearby Six Mile Water and under-road access to Antrim Castle Gardens to the east.</p> <p>Commercial premises around Market Square and beyond are located to the east and northeast.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p>	

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

Antrim Area Plan 1984 – 2001: The application site is located within the Central Area, within the settlement limits of Antrim Town. The plan notes the existence of various listed buildings around the town centre area but offers no guidance on their upkeep.

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 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.

CONSULTATION

Department for Communities Historic Environment Division – No objection subject to conditions

REPRESENTATION

No neighbours were notified of the application as it is an application for Listed Building Consent. However, the application was advertised in the local press. No objections or other representations were received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Under Section 80 (7) of the Planning Act (Northern-Ireland) 2011 a listed building is defined as a building included in a list compiled under that section and also:

- a) Any object or structure within the curtilage of the building and fixed to the building.
- b) Any object or structure within the curtilage of the building which, although not fixed to the building forms part of the land and has done so since before 1st October 1973.

The application relates to the listed Antrim Castle Gatehouse, Market Square Antrim, a Grade B1 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.

In considering proposals that affect a listed building, Section 91 of the Planning Act (NI) 2011 requires that special attention must be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements. Amongst these is PPS 6 – Planning, Archaeology and the Built Heritage which is relevant to the consideration of this case.

The SPPS contains a subject policy relating to Listed Buildings. Para 6.12 states that "Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses".

Para 6.13 further states development involving a change of use and / or works of extension / alteration may be permitted, particularly where this will secure the ongoing viability and upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired. Proposals should be based on a clear understanding of the importance of the building/place/heritage asset, and should support the best viable use that is compatible with the fabric, setting and character of the building. Applicants should justify their proposals, and show why alteration or demolition of a listed building is desirable or necessary.

PPS 6 reiterates this position in Policy BH 8 (Extension and Alteration of a Listed Building) stating that consent will normally only be granted for proposals for the extension or alteration of a listed building where all three criteria are met;

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the proposed works make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) are in keeping with the building.

The proposal generally involves stonework repairs to the north entrance of the gate lodge. This includes:-

- Stone removal and resetting with new mortar and repointing;
- Bracket to restrain upper section of door and prevent door striking masonry;
- Sandstone to match existing
- Cutting out defective stone and indenting with matching masonry.

Historic Environment Division (HED) was consulted on the proposal and has responded with no objections subject to conditions.

Overall it is considered that the proposed works will satisfy the requirements of the SPPS and PPS 6 and will protect the Barbican Gate from further deterioration. There will be no significant detrimental impact upon the existing listed building.

CONCLUSION

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

- The principle of the development is considered acceptable.
- The repair works are sympathetic to the existing building and will not be detrimental upon its setting

RECOMMENDATION

GRANT LISTED BUILDING CONSENT

PROPOSED CONDITIONS

1. The proposed works must be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.

2. The materials of the works hereby permitted shall be constructed in accordance with the approved plans and elevations.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Sections 80 and 91 of The Planning Act (NI) 2011.

3. Works shall be carried out fully in accordance with the methodology described in the Design and Access Statement Document 01 date stamped 30th November 2020 and shall be overseen by RIBA Specialist Conservation Accredited Architect.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Sections 80 and 91 of The Planning Act (NI) 2011.

4. Prior to the commencement of works, samples of alternative stone for the proposal, shall be submitted to and agreed in writing by the Council in conjunction with Historic Environment Division. The works shall thereafter be carried out solely in accordance with the approved samples. A sample of each material shall be retained on site until the project is complete.

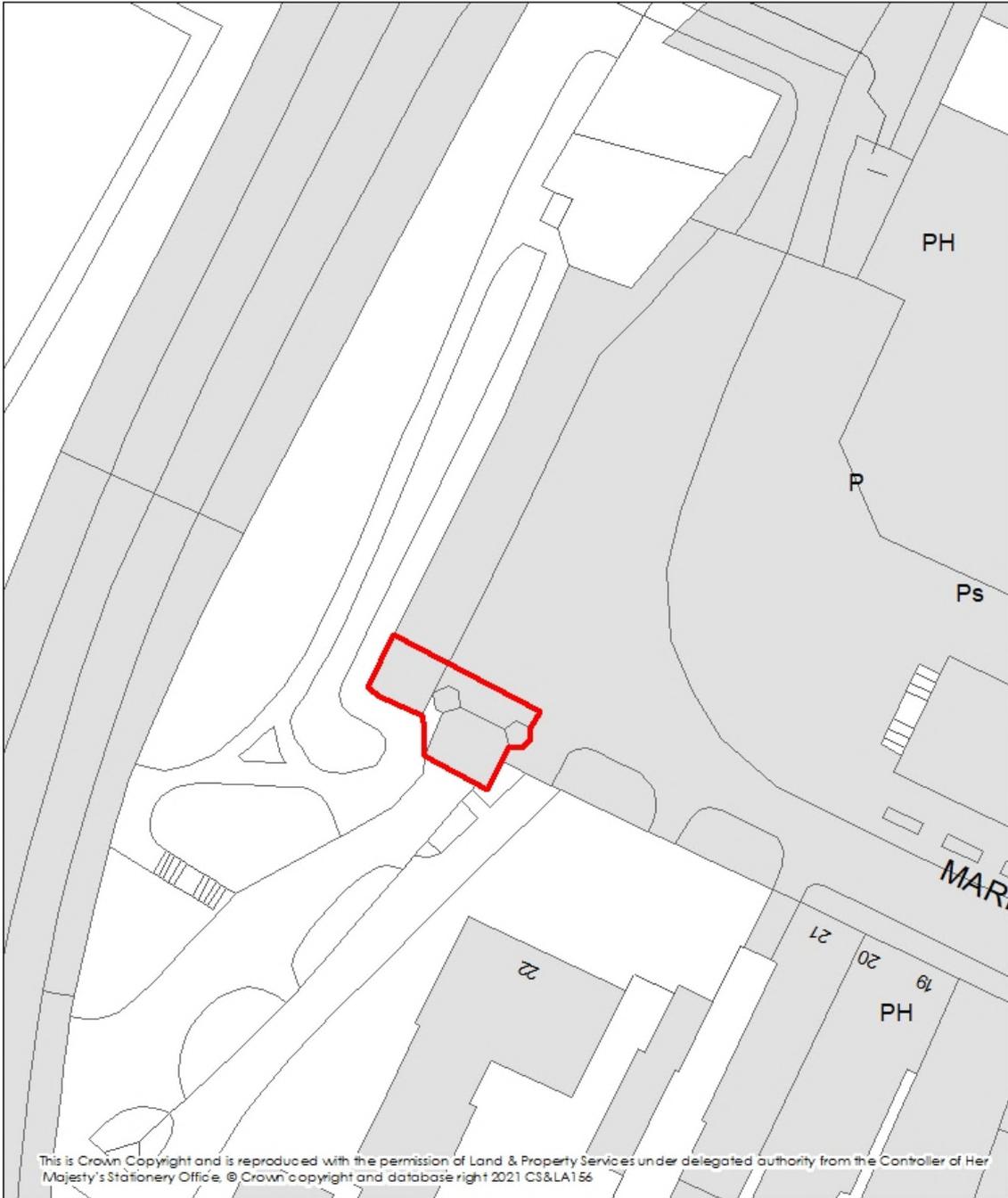
Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Sections 80 and 91 of The Planning Act (NI) 2011.

5. Vegetation removal, raking of joints & repointing shall be carried out by hand or by tools held in the hand other than power-driven tools

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Sections 80 and 91 of The Planning Act (NI) 2011.

6. All works of making good to the existing stone fabric, shall be finished exactly, to match the adjacent existing work with regard to the methods used and the reuse of existing stone with pointing and lime mortar to match existing historic lime mortar. No cementitious mortars to be used within proposed works.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Sections 80 and 91 of The Planning Act (NI) 2011.



LA03/2020/0844/LBC

Barbican Gate Lodge, Market Square, High Street, Antrim

Stonework Repairs to Masonary Arch at North Entrance

 Site Boundary

Scale: 1:500 



PART TWO

OTHER PLANNING MATTERS

ITEM 3.6

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during March 2021 under delegated powers together with information relating to planning appeals is enclosed for Members information. Three appeals were dismissed by the Planning Appeals Commission during March and copies of these decisions are also enclosed.

Members may also wish to note that, whilst not included in the list of current appeals, the application for a residential development of 7 units at Lenamore Drive (reference LA03/2020/0349/F) that was refused at the March Planning Committee is shown on the Planning Appeals Commission website as having been appealed. However, at time of writing this report, the Council has not yet received formal notification of this appeal from the PAC.

RECOMMENDATION: that the report be noted.

Prepared by: John Linden, Head of Planning

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

ITEM 3.7

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

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 March 2021 the details of which are set out below.

PAN Reference:	LA03/2021/0300/PAN
Proposal:	Steel distribution warehouse with ancillary office
Location:	50 Nutts Corner Road, Crumlin (and lands adjacent to the east and north)
Applicant:	Hannon Steel Ltd
Date Received:	31 March 2021
12 week expiry:	23 June 2021

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

As part of its response to Coronavirus, the Department for Infrastructure (DfI) introduced an amendment to subordinate legislation during 2020 to temporarily remove the requirement for a public event as part of the pre application community consultation (PACC). The initial Departmental Regulations were subsequently extended on 1 October 2020 and more recently the Infrastructure Minister, Nichola Mallon, announced on 9 March that the temporary suspension of the PACC requirement was being further extended in light of continuing restrictions associated with coronavirus.

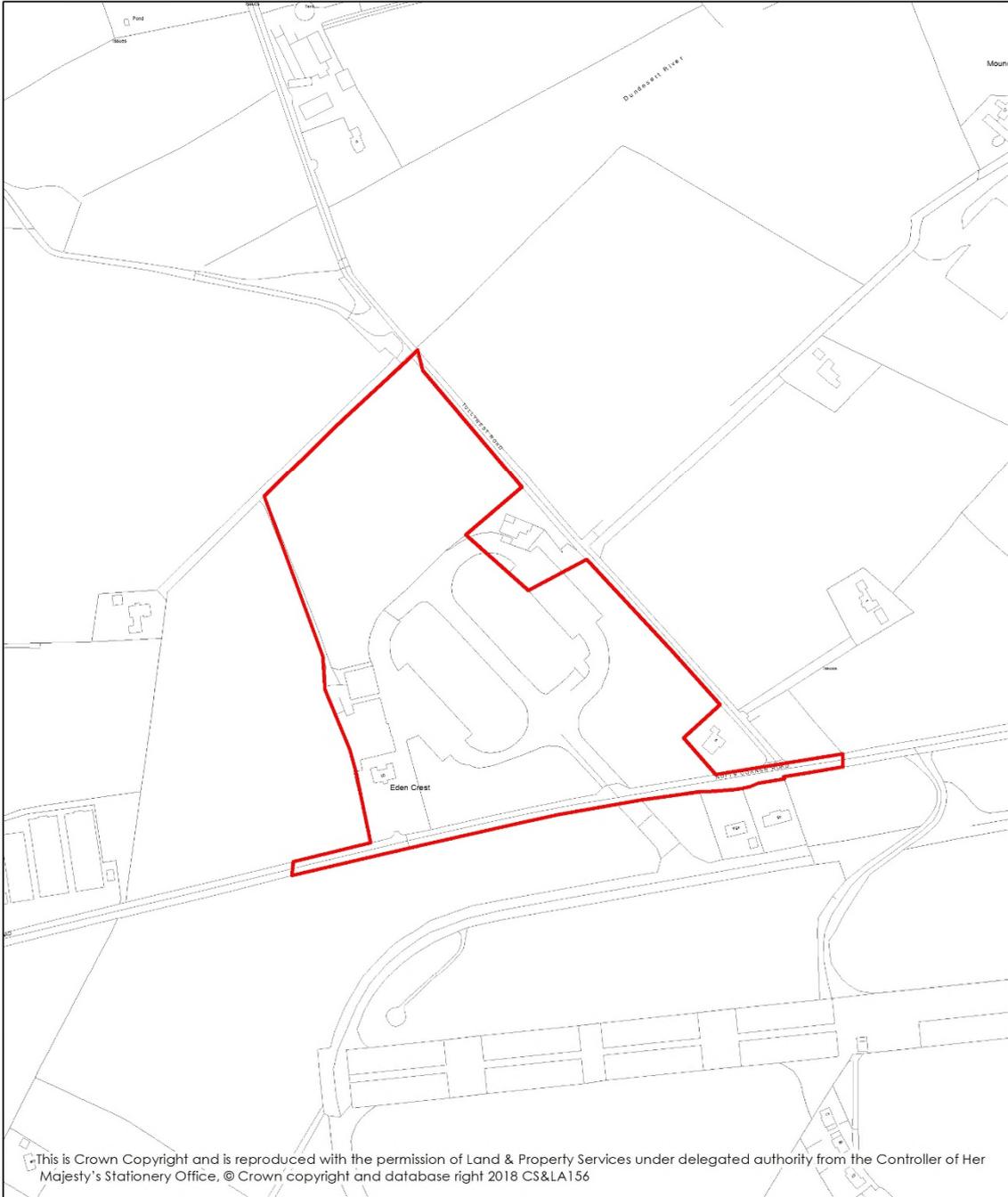
The Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment) Regulations (Northern Ireland) 2021 temporarily amend the Planning (Development Management) Regulations (Northern Ireland) 2015 and will now apply until 30 September 2021. As with the previous Regulations applicants will still need to comply with other requirements to ensure communities are aware of and can input to major development proposals for their areas. However, this temporary change will allow major planning applications to continue to be submitted during the COVID-19 outbreak.

Guidance issued by the Department indicates that specific detail should be included in the PAN application indicating what consultation methods the prospective applicant is proposing to ensure that the local community is able to access, and comment on, information about a proposed development, despite the absence of a PACC public event.

RECOMMENDATION: that the report be noted.

Prepared by: John Linden, Head of Planning

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



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Location Map

Application Reference: LA03/2021/0300/PAN
 Location: 50 Nutts Corner Road, Crumlin
 Proposal: Steel distribution warehouse with ancillary office



 Site Boundary



ITEM 3.8

P/PLAN/1 - NORTHERN IRELAND PLANNING STATISTICS 2020/21 – THIRD QUARTERLY BULLETIN FOR THE PERIOD OCTOBER – DECEMBER 2020

The third quarterly provisional planning statistics for 2020/21 produced by the Analysis, Statistics and Research Branch of the Department for Infrastructure (DfI), a copy of which is **enclosed**, were released on 25 March 2021.

The Quarterly Bulletin advises that planning activity and processing performance during the first three quarters of 2020/21 were impacted by the restrictions put in place due to the coronavirus pandemic. It indicates that this should be borne in mind and caution taken when interpreting these figures and when making comparisons with other time periods and performance across Councils.

The figures show that during the period from October to December 2020, the total number of planning applications received in Northern Ireland was 3,602, marking an increase of some 10% on the previous quarter (July – Sept), and an increase of some 20% on the number received during the same quarter in 2019/20. The total number of decisions issued during this period was 2,992, an increase of almost 25% on the previous quarter, but only slightly down from the number of decisions issued in the same period last year.

During the third quarter a total of 196 new applications were received by Antrim and Newtownabbey Borough Council (similar to the number of applications received for the same period last year and therefore below the NI trend) whilst 153 decisions were issued. Whilst this marks an improvement in the number of decisions issued over the last quarter, it is some 20% less than the number of applications submitted and reflects the impact of the staff furlough scheme which only concluded towards the end of the quarter.

In relation to performance against statutory targets the Department for Infrastructure (DfI) figures confirm that no major applications were decided by the Council during the third quarter. As a consequence, the Council's performance remains as reported for Quarter 2, namely that it took on average 20.8 weeks to process and decide **Major** planning applications up to and including the third quarter against the target of 30 weeks.

Whilst this performance at first reading reflects well when judged against previous years and the other Councils, Members as previously advised, will be aware that the figures relate to a very small number of Major applications (only two applications by the end of the third quarter). Furthermore, the Planning Committee has recently determined three Major applications, all of which were over 2 years old, and this will now impact significantly on the year-end figures. As a consequence, Officers would advise that the Council will not meet the 30 week Major performance target for 2020/21, although 40% (2 of the 5 Major applications determined) have been processed within target.

The DfI figures show that the Council took on average 10.8 weeks to process and decide **Local** planning applications up to and including the third quarter against the target of 15 weeks and also show that some 70% of Local applications were

processed within 15 weeks. Once again these figures should be read with some caution at this time as they relate to a smaller number of decisions taken relative to the number of applications received during the year to date as a result of the introduction of furlough within the Planning Section. Nevertheless, the third quarter performance continues to rank among the top three of the 11 Councils and reflects well against the average processing time of 17.8 weeks across all Councils.

In relation to enforcement the DfI figures highlight that the Council's planning enforcement team took an average of 22.4 weeks to process 70% of enforcement cases to target conclusion. Whilst, at first reading this performance remains in target and compares reasonably with the average processing time of 40.4 weeks among all Councils, as previously reported the Section continued to experience a significant drop in the number of cases dealt with in absolute terms during the Quarter. As a consequence, there were a large number of enforcement cases outstanding at the end of the quarter which remain to be processed.

Overall, Members should note that the impact of the coronavirus on the Planning Section resources together with the introduction of the staff furlough scheme in late May combined with enforcement work being limited to priority cases at that time has inevitably impacted on overall performance in recent months. As such and as the Quarterly Bulletin advises, the performance results for the year to date should be read with a degree of caution as it is anticipated performance will be shown to have declined across Northern Ireland as a result of the impact of coronavirus.

RECOMMENDATION: that the report be noted.

Prepared by: John Linden, Head of Planning

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

ITEM 3.9

P/FP/LDP/1 LOCAL DEVELOPMENT PLAN: QUARTERLY UPDATE JANUARY - MARCH 2021

The Council's Local Development Plan (LDP) Timetable advises that progress reports will be submitted on a quarterly basis to the Planning Committee. This report covers the final quarter of the 2020-2021 business year (January to March 2021).

Submission of the Draft Plan Strategy to the Department for Infrastructure and Preparation for Independent Examination

Following the update to Members in February 2021 regarding the LDP Draft Plan Strategy document (DPS), Officers subsequently updated the submission documentation following the receipt of legal advice. The updated documentation was submitted for further legal review and was then submitted to the Department on 8 March 2021 seeking it to cause an Independent Examination into the DPS in accordance with the statutory provisions of the Planning Act (Northern Ireland) 2011 the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

Notification letters were sent to all statutory consultees in the LDP process, as well as those who made representations and submissions at the counter-representation stage to the DPS. Section 75 and Rural Needs groups were also updated, as well as those individuals/groups listed on the Council's Community Involvement database for the purposes of best practice. The submission stage was also subject to a Public Notice in the local press which was also made available on the Council's website.

This Council is the third in Northern Ireland to submit its DPS to the Department, following submissions made by Belfast City Council and Fermanagh and Omagh District Council.

Cross Boundary Local Development Plan Issues

Members are advised of the following progress updates with regard to the Local Development Plans of neighbouring councils:

1. Belfast City Council: The Independent Examination sessions before the Planning Appeals Commission (PAC) in relation to the BCC DPS took place between the following dates: 16 November to 27 November 2020, and 18 January to 19 March 2021. Due to the ongoing COVID-19 pandemic, these sessions took place via remote hearings. The PAC will now consider its findings and forward a report later this year to DfI, regarding the potential adoption of the BCC Plan Strategy.
2. Lisburn and Castlereagh City Council sent correspondence to the Council on 22 March 2021, indicating that it has also now submitted documentation to DfI seeking it to cause an Independent Examination into its DPS.
3. Mid and East Antrim Borough Council anticipates that supporting documentation will be submitted to DfI in Quarter 1 of the 2021-2022 business year seeking it to cause an Independent Examination into its DPS.

Other Matters

During January to March 2021 the Forward Planning Team attended the following meetings where LDP related matters and cross boundary issues were discussed:

1. The ANBC Climate Change Working Group met remotely on 2 March 2021. Members and Officers discussed a range of issues, including a review of the draft Climate Change Action Plan.
2. The latest LDP Steering Group meeting took place remotely on 9 March 2021. Officers provided an update on the progress of the LDP to date and outlined the next key stages in the process.
3. The fifteenth meeting of the Metropolitan Area Spatial Working Group met remotely on 12 February 2021 and was hosted by LCCC. A range of groups provided a general update including:
 - ANBC and LCCC would shortly be submitting their DPSs to Dfl.
 - Dfl (Planning): Preparing a draft Practice Note regarding the adoption of DPS and supporting documentation once the PAC has completed its IE report into the BCC DPS. No timescales were indicated for its publication.
 - Dfl (TPMU): provided an overview of the Belfast Metropolitan Transport Plan. Recognised delays to the project and indicated a wish to align with the Local Policies Plans that will be prepared by Councils in due course.
4. The latest meeting of the Coastal Forum Working Group took place remotely on 26 January 2021. Items for discussion included updates on:
 - The draft Coastal Forum Programme, the Coastal Management Baseline (LIDAR Project & Coastal Observatory) and the Peace Plus Programme Application.
 - It was agreed that the next meeting would take place in late Spring 2021; date and venue of which to be confirmed.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

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

ITEM 3.10

P/PLAN/58 JUDICIAL REVIEW OF DFI PLANNING ON MATTERS RELATING TO BATTERY STORAGE AND ELECTRICITY GENERATION.

The Council has received a copy of a Pre-Action Protocol letter which has been served on DfI Planning following the publication of the Chief Planner's Update (CPU) on 16 December 2020 which included a "clarification" on the status of Battery Energy Storage Systems (BESS) in Northern Ireland with respect to Sections 25 and 26 of the Planning (NI) Act 2011 (the 2011 Act) and Regulations 2 and 5 and the Schedule to the Planning (Development Management) Regulations (Northern Ireland) 2015 (as amended).

The CPU stated that *"for the purposes of planning in Northern Ireland the Department considered that electricity storage development falls within the meaning of an "electricity generating station". It further states that "Local Planning Authorities (LPAs) are, therefore, advised to adopt this position when processing applications for electricity storage facilities (such as battery energy storage systems). The practical effects of this are that proposals for electricity storage should be considered 'electricity generation' when considering the hierarchy of development and associated provisions of the [2011 Act and the DMR]."*

As a result, BESS are now considered by the Department to fall within paragraph 2 of the table in Schedule 2 as "major development" where capacity is or exceeds 5MW or "regionally significant" development where capacity is or exceeds 30MW.

The clarification provided within the CPU represents a significant shift in the categorisation and processing of these types of applications by Councils which has led to the DfI position being legally challenged. The challenge is being taken by ABO Wind N.I. Ltd and Energia Renewables Company 1 Limited which have commercial interests in the energy sector.

The Council has processed one such application at Doagh Road, Kells (reference: LA03/2018/0984/F) which was treated as a Local application. That application was refused by the Planning Committee in March 2019 and was subsequently appealed to the Planning Appeals Commission (PAC). Following consideration of a range of matters including whether the BESS was electricity storage or generation, the PAC decided that the appeal should be allowed.

A further application for a BESS Ref: LA03/2020/0858/F is under consideration by the Council and is located on lands at Dunore Road, Crumlin.

Whilst the Pre-Action Protocol letter served on DfI Planning was copied to the Council, Officers now understand that formal Judicial Review proceedings have been lodged with the High Court.

Officers would point out that it is the position of DfI as outlined in the CPU that it is under challenge, rather than any decision of the Council. Furthermore, the Council is not a respondent to the proceedings nor is it a Notice Party. However, Officers will be interested in the outcome of the challenge as this may have the implications for how

applications for BESS are to be processed in future and will keep Members briefed on this matter.

RECOMMENDATION: that the report be noted.

Agreed by: John Linden, Head of Planning

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