

COMMITTEE ITEM	3.1 - ADDENDUM
APPLICATION NO	LA03/2022/0726/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	GRANT PLANNING PERMISSION

PROPOSAL	Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units (Variation of condition 13 and removal of condition 14 from planning approval LA03/2018/0917/F relating to Heavy Goods Vehicles)
SITE/LOCATION	Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey
APPLICANT	Kemark No 2 Ltd
AGENT	TSA Planning
LAST SITE VISIT	26th September 2022
CASE OFFICER	Ashleigh Wilson Tel: 028 90340429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Officers were invited to attend a meeting between objectors and the applicant on Wednesday 16 November 2022 following a request by a resident for Councils Officers to be in attendance. An Officer attended in a listening capacity and observed discussions between the applicant, the applicant's agent and concerned residents. The objectors outlined concerns with the proposal and the applicant and their agent outlined their response to those concerns. The objectors stated that they retained their concerns and the meeting concluded with no agreement between parties.

An objector has requested that clarification be provided to Members regarding the number of property addresses from which email objections were received from. Four (4) objections have been received from three (3) postal addresses.

The matters raised do not alter Officers opinion on this application and the recommendation is therefore to grant planning permission.

CONCLUSION

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

- The principle of the development has been established through the granting of planning permission LA03/2018/0917/F;
- It is considered that there is no technical reason to retain condition No. 13 in its current form and condition 14 of planning permission LA03/2018/0917/F;
- The Environmental Health Section has no objection to the proposal, subject to conditions;

- It is considered that neighbouring residential properties will not be significantly impacted by the proposal and noise can be suitably controlled through conditions; and
- Representations from interested third parties have been considered.

RECOMMENDATION	GRANT PLANNING PERMISSION
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PROPOSED CONDITIONS

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

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

2. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 03, date stamped received 12th October 2018, to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

3. If during the development works unexpected contamination or risks are encountered works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

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

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

4. After completing the remediation works under condition 3 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

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

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

5. Prior to the commencement of any other development hereby approved a 2.1-metre-high acoustic barrier shall be erected in the position indicated in Drawing 03, date stamped received 12th October 2018.

The acoustic barrier shall be of double boarded overlapped construction with no holes or gaps and the surface weight shall be at least 6 Kilograms per square metre.

The acoustic barrier shall be retained for the lifetime of the development.

Reason: In order to provide the necessary sound reduction required to preserve the amenity of existing residential properties at No's 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

6. All floodlighting approved herein shall be erected and operated in accordance with the Doc: 15 "Artificial Lighting Assessment, Distribution Centre, Doagh Road Ballyearl Newtownabbey", date stamped received 6th March 2019.

Reason: In order to preserve amenity at existing residential properties at No's 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

7. Proposed planting shall be carried out in accordance with approved drawing No. 01/1, date stamped 23rd August 2022.

The scheme of planting as finally approved shall be carried out during the first available planting season following the use of any building or part there of coming into operation.

Reason: In the interest of visual amenity, to ensure the provision, establishment and maintenance of a high standard of landscape and in the interests of promoting bio-diversity.

8. Prior to the use of any building or part there of coming into operation a landscape management and maintenance plan shall be submitted to and approved in writing by the Council. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The landscape management plan shall be carried out as approved.

Reason: To ensure the successful establishment and ongoing management and maintenance of all landscaped areas in the interests of visual amenity and the residential amenity of existing residents at Nos. 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

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

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

10. A final Construction Environmental Management Plan (CEMP) associated with the development approved herein shall be submitted to and agreed in writing with the Council by the appointed contractor at least eight weeks prior to the commencement of any development approved herein.

The (final) CEMP shall include a Construction Method Statement (CMS) reflecting and detailing all mitigation measures set out in Doc: 27 'Works to Watercourses', date stamped received 15th March 2019, and to include the methodology for the abandonment works set out at point 8 of that report.

The (final) CEMP shall reflect all the mitigation and avoidance measures to be employed as identified in the outline CEMP, Doc 06, date stamped received 12th October 2018, approved herein and to include the specific measures for the use, care and attention of oil and chemicals as set out on page 14 of the outline CEMP.

The (final) CEMP shall include confirmation of the appointment of the Environmental Clerk of Works and the roles and responsibilities of that employment posting.

The final CEMP, including the CMS, shall be implemented strictly in accordance with the approved details, unless otherwise agreed in writing with the Council.

Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the integrity of any European designated site.

11. Within four (4) weeks of a written request by the Council following a noise complaint from an occupant of any dwelling on Doagh Road abutting the site the operator of Unit 4 shall, at their expense, employ a suitably qualified and competent person to assess the level of noise immissions from Unit 4 at the complainant's property. Details of the noise monitoring survey shall be submitted to the Council for written approval prior to any monitoring commencing. The Council shall be notified not less than two weeks in advance of the date of commencement of the noise monitoring.

Reason: In the interests of the residential amenity of existing residents at Nos. 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

12. Within six (6) months of the use of Unit 4 coming into operation the operator shall, at their own expense, employ a suitably qualified and competent person to assess the level of noise immissions from Unit 4 at existing residential properties abutting the site.

Details of the noise monitoring survey shall be submitted to the Council for written approval prior to any monitoring commencing.

The Council shall be notified not less than two (2) weeks in advance of the date of commencement of the noise monitoring.

Reason: To ensure Unit 4 is operating in accordance with the predicted mitigated night-time rating levels identified in Figure F of Doc 07: Outward Sound Level Impact Assessment and as referred to at Section 5.2 of that assessment and in the interests of the residential amenity of existing residents at Nos. 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

13. There shall be no more than 18 HGVs and 10 car movements per hour along the Unit 4 Northern Access Road during the Night-time period (23:00 to 07:00 hours).

Reason: In order to protect night time amenity at nearby sensitive receptors.

14. Servicing/loading/unloading of HGVs shall be restricted to the Southern façade of Unit 4 during the Night-time period (23:00 to 07:00 hours).

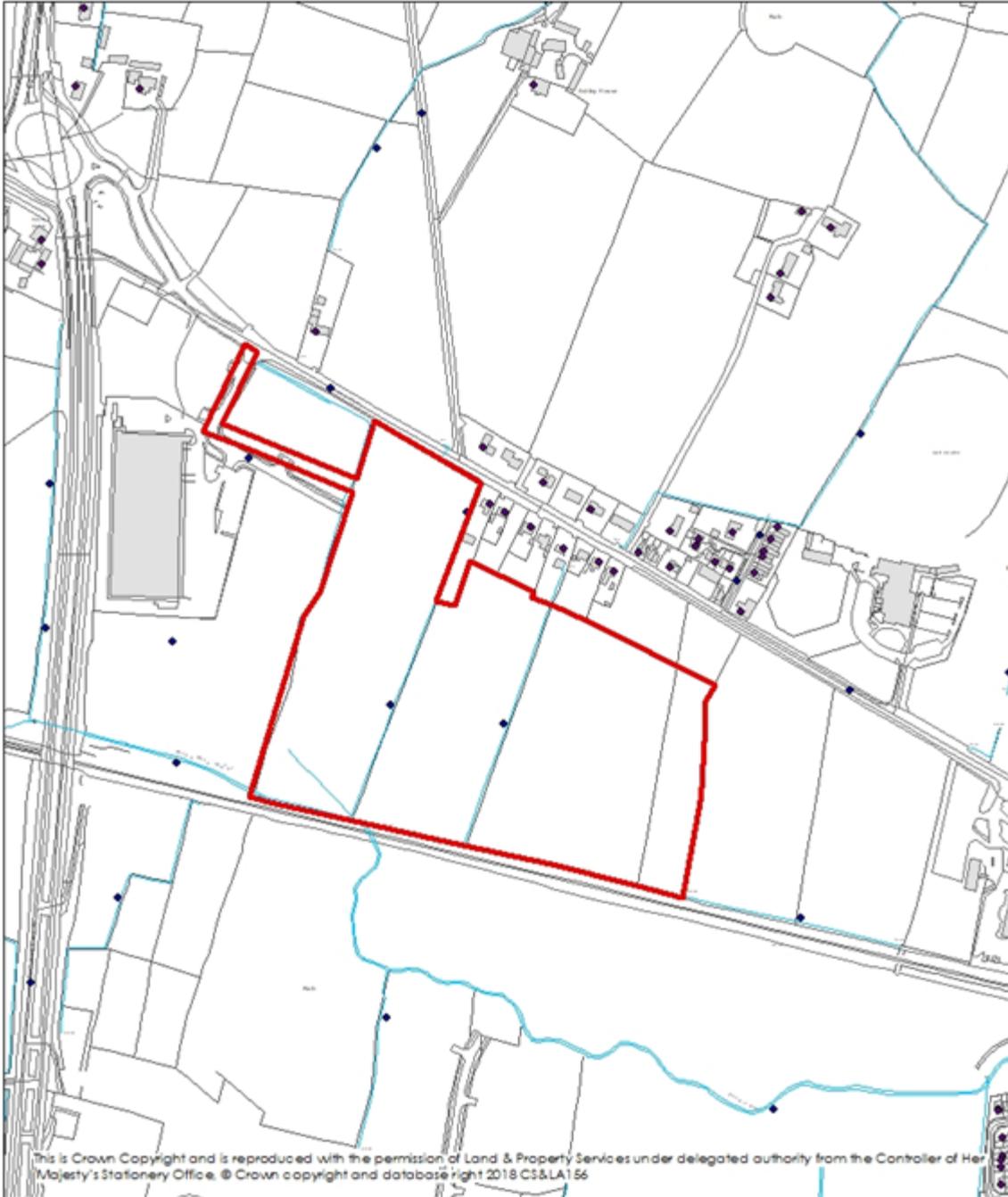
Reason: In order to protect night time amenity at nearby sensitive receptors.

15. There shall be no servicing, parking or storing of HGV's for Unit 4 as indicated in the areas shaded on "Drawing Number 02/1" date stamped "Planning Section received 14 Sep 2022" during the Night-time period (23:00 to 07:00 hours).

Reason: In order to protect night time amenity at nearby sensitive receptors.

16. The rating levels at nearby sensitive receptors shall not exceed those stated in Table 1 Section 2.6 of the Lester Acoustics report stamped 'Document Number 01', date stamped '10th October 2022' at the identified receptors.

Reason: In order to protect night time amenity at nearby sensitive receptors.



Location Map

Application Reference: LA03/2022/0726/F

Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units (Variation of condition 13 & removal of condition 14 from planning approval LA03/2018/0917/F relating to Heavy Goods Vehicles)

Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey



 Site Boundary



COMMITTEE ITEM	3.9 - ADDENDUM
APPLICATION NO	LA03/2022/0609/F
DEA	BALLYCLARE
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE FULL PLANNING PERMISSION
PROPOSAL	Retrospective application for retention of existing farm shed.
SITE/LOCATION	100m SW of 12a Irish Hill Road, Ballyclare, BT39 9NQ
APPLICANT	Mr William Wells
AGENT	W M McNeill
LAST SITE VISIT	15 th July 2022
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>At the October Planning Committee, the applicant's son submitted Document 04 'Offer of Support to Planning Reference LA03/2022/0609/F', date stamped 02 November 2022, which was not available to Members before the meeting for consideration. This information has since been addressed in a previous Addendum, however, further additional information has since been received regarding the proposal. Document 5 titled 'Offer of support to Planning Reference: LA03/2022/0609/F' date stamped 18th November 2022 was received, which has also been circulated to Members. The enclosed matters are addressed below.</p> <p>A number of points within Document 4 have been reiterated within the newly submitted Document 05, however, additional details regarding the applicants medical and personal circumstances have also been included. While the Council is sympathetic to the details outlined within the document, Policy CTY 12 does not contain any provisions for personal/medical circumstances.</p> <p>The document also notes that the removal of the shed will result in a two hour journey from Straid to Islandmagee, having to load and transport the animals there along with the daily commute required to check on the health of the livestock. The current cattle stock is outlined as 20 cattle, 14 of which are in calf. The shed was noted as containing: 100 bales of hay and two large round bales of straw, animal feeds, a cattle crush, a cattle trailer, an open trailer, a car cattle trailer, four tractors and a tractor tipping trailer.</p> <p>Issues regarding the compulsory veterinary testing were also highlighted, alongside the welfare of the animals. The applicant's dwelling at No.9 Belfast Road was noted as not having any cattle facilities, and only having enough room in an existing shed to house one of the smaller trailers. It was also included that the agricultural shed at Islandmagee was structurally damaged over a year ago, with an aerial map included. The document summarises that the shed is required for the efficient operation of the farm business, providing a facility for animal welfare and for the storage of machinery and other materials.</p>	

A number of additional images were submitted which display the internals of the shed with a tractor and trailer stored, two additional temporary wooden sheds located within the wider site, and external shots of the application building. A number of agricultural guides were also attached, titled 'Your Essential Guide to Health and Safety in Agriculture', 'Animals Found on a Person's Land', and 'Animals Found Wandering on the Road'.

It should be noted that neither submitted document contained information of where the animals are housed during the winter months. The application building has a concrete floor, with no slots in place so it is unlikely it can be used to house animals over the winter months.

CONCLUSION

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

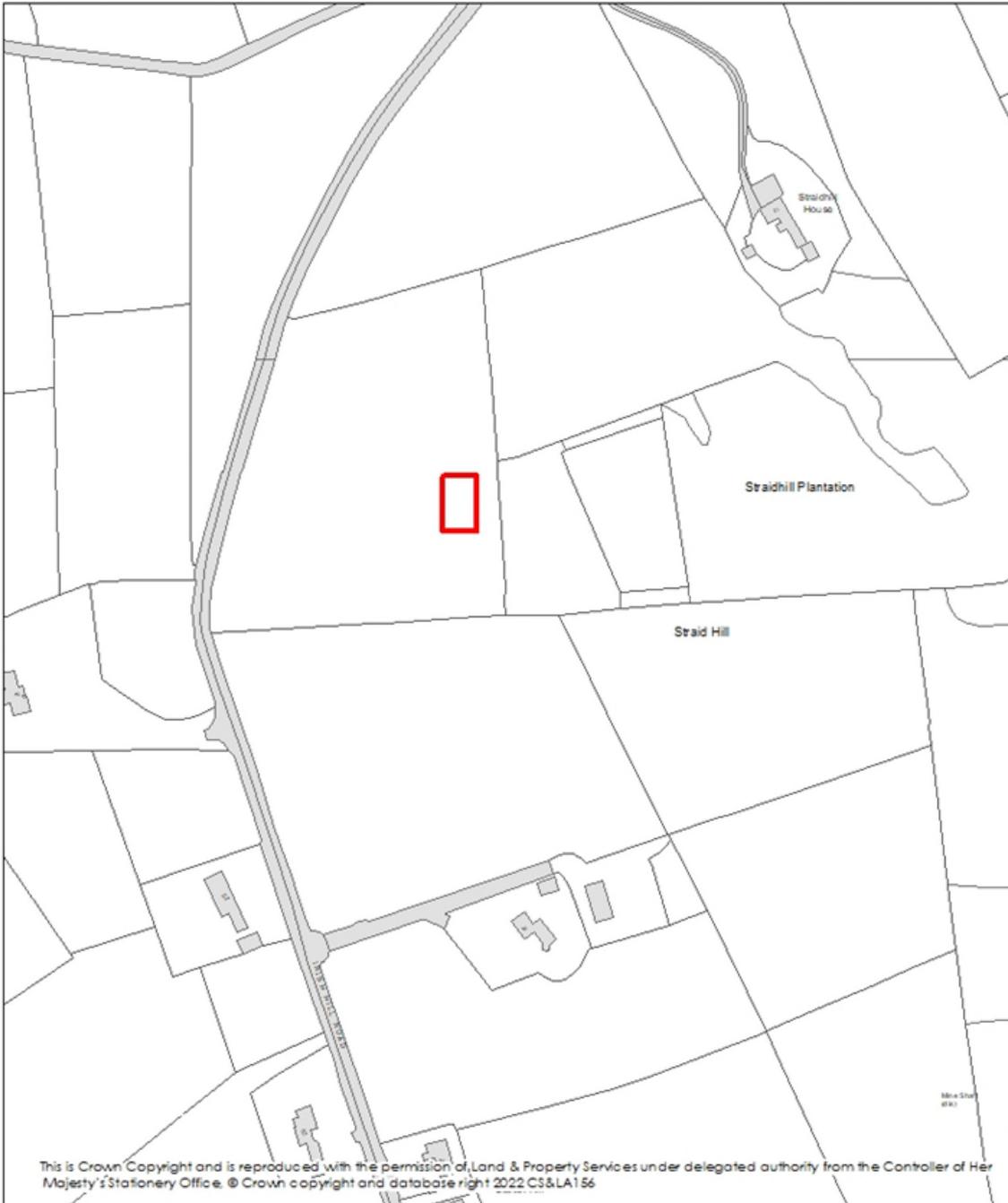
- The principle of development test has not been met as it has not been demonstrated that the proposed building is necessary for the efficient use of the agricultural holding or why the proposed building is located away from existing farm buildings;
- The design and appearance of the proposal is considered acceptable;
- The proposal is seen as meeting the requirements of Policies CTY 13 and CTY 14 of PPS 21; and
- The proposal will not unduly affect the privacy or amenity of neighbouring residents.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 and Policy CTY12 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the building is necessary for the efficient use of an active and established agricultural holding.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy statement and Policy CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the development, if approved, would not be sited beside existing farm buildings.
3. The proposal is contrary to the SPPS as it has not been demonstrated that there are no risks to human health as the result of any contamination present on the application site.



Reference: LA03/2022/0609/F

Location: 100m SW of 12a Irish Hill Road, Ballyclare, BT39 9NQ

Proposal: Retrospective application for retention of existing farm shed

Scale: 1:2500



Site Location

