



12 March 2025

Committee Chair: Councillor J Archibald-Brown

Committee Vice-Chair: Councillor S Cosgrove

Committee Members: Aldermen – T Campbell and M Magill

Councillors – A Bennington, H Cushinan, S Flanagan,
R Foster, R Kinnear, AM Logue, R Lynch and B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Tuesday 18 March 2025 at 6.00 pm.**

You are requested to attend.

Yours sincerely

A handwritten signature in black ink, appearing to read "Richard Baker".

Richard Baker, GM, MSc
Chief Executive, Antrim & Newtownabbey Borough Council

PLEASE NOTE: Refreshments will be available from 5.00 pm in the Café

For any queries please contact Member Services:

Tel: 028 9448 1301/ 028 9034 0107

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – MARCH 2025

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: LA03/2023/0822/F

Development of 38 No. units for active elderly residents (over 55's) – 35 No. 2 bed apartments & 3 No. 1 bed apartments at lands approximately 100m east of No's 23, 25, 27, 29a and 29 Dublin Road, Antrim and accessed from Bridge Street, Antrim (opposite No.11 Bridge Street).

3.2 Planning Application No: LA03/2024/0760/S54

Application for landfilling of non-inert, non-hazardous wastes including revisions to phasing, restoration and surface water management schemes (Variation of conditions 10, 11 and 16 from approval U/2007/0189/F regarding approved plans and netting system at Cottonmount Landfill, 140 Mallusk Road, Grange Of Mallusk, Newtownabbey, BT36 4QN.

3.3 Planning Application No: LA03/2024/0704/S54

Proposed erection of 1 No. storage and distribution centre and 3 No. light industrial units (variation of Condition 7 from planning approval LA03/2022/0726/F regarding the submission of a landscaping scheme) at lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey.

3.4 Planning Application No: LA03/2024/0611/F

Extension of existing storage and distribution facility to erect new warehouse, with associated circulation areas, ground works and boundary treatments at lands approx. 80m south of No. 17 Dundrod Road and approx. 50m north of 15A Dundrod Road, Nutts Corner, Crumlin, BT29 4GD.

3.5 Planning Application No: **LA03/2024/0049/F**

Residential development and renovation of existing dwelling (no. 1 Circular Road) to provide 25No. dwellings, consisting of 6No. detached, 1No. chalet bungalow and 18No. apartments. Proposal includes garages, bike stores, car parking, landscaping and all associated site works at 1 Circular Road, Jordanstown, BT37 0RA.

3.6 Planning Application No: **LA03/2024/0435/F**

Proposed erection of a 79 MW Battery Energy Storage System (BESS) facility including MV skids (transformer and inverter), outdoor switchgear compound, DNO substation control room, welfare unit, spare parts container, switch room, new site boundary fencing, new access, and ancillary development works at lands approximately 342m southeast of Kells Substation and approximately 105m east of 43 Doagh Road, Kells, Ballymena BT42 3PP.

3.7 Planning Application No: **LA03/2024/0182/F**

Battery Energy Storage System (BESS) facility 100MW including, transformers, switch and control room, lighting and CCTV, new site boundary fencing, new access, and ancillary development works at lands approx. 80m west of 92 Parkgate Road, Kells, Ballymena, BT42 3PG.

3.8 Planning Application No: **LA03/2024/0772/F**

Retention of extension of servicing yard area (to accommodate external storage areas, storage container, new concrete aggregate bays and raised concrete hardstanding) Proposed replacement portal frame building and 2.5m high security boundary fencing at 37 Mallusk Road, Newtownabbey, BT36 4PP.

3.9 Planning Application No: **LA03/2024/0797/F**

Detached garage/store at 43 Belfast Road, Nutts Corner, Crumlin, BT29 4TH.

3.10 Planning Application No: **LA03/2024/0709/O**

Site for dwelling on a farm at lands approx. 25m south of 27 Sallybush Road, Newtownabbey, BT36 4TS.

3.11 Planning Application No: **LA03/2024/0796/O**

Dwelling on a farm approx. 20m east of No. 35 Trenchill Road, Ballyclare, BT39 9SJ.

3.12 Planning Application No: **LA03/2024/0931/S54**

Dwelling (Removal of Condition 6 from LA03/2023/0304/O regarding ridge height of dwelling) at lands 45m SW of 24 Kilcross Road, Crumlin.

3.13 Planning Application No: **LA03/2024/0886/F**

Dwelling and garage at lands approx. 40m east of No. 66 and approx. 30m southwest of No. 66a Shore Road, Toomebridge, Antrim, BT41 3NW.

3.14 Planning Application No: **LA03/2025/0016/RM**

Two dwellings approximately 50m southeast of No. 135 Castle Road, Antrim.

3.15 Planning Application No: **LA03/2024/0816/S54**

Dwelling (removal of Condition 10 from approval LA03/2024/0350/F regarding windows on eastern elevation) at rear of 34 Glebecoole Park, Newtownabbey, BT36 6HX.

PART TWO – Other Planning Matters

3.16 Delegated Planning Decisions and Appeals January 2025.

3.17 Delegated Planning Decisions and Appeals February 2025.

3.18 Northern Ireland Water (NIW) Correspondence in Relation to Whitehouse Waste Water Treatment Works (WwTW) Upgrade.

3.19 Any Other Relevant Business

PART TWO – Other Planning Matters - In Confidence

3.20 Local Development Plan Update – In Confidence

3.21 Updated Northern Ireland Planning Portal Service Level Agreement –In Confidence

PART ONE - Decisions on Enforcement Cases - In Confidence

3.22 Enforcement Update **LA03/2025/0030/CA** – In Confidence

3.23 Tree Preservation Order **TPO/2024/0014/LA03** - In Confidence

3.24 Enforcement Case **LA03/2024/0236/CA** - In Confidence

3.25 Enforcement Case **LA03/2023/0297/CA** - In Confidence

3.26 Enforcement Case **LA03/2024/0164/CA** - In Confidence

3.27 Enforcement Case **LA03/2024/0143/CA** - In Confidence

3.28 Enforcement Case **LA03/2024/0232/CA** - In Confidence

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2023/0822/F
DEA	ANTRIM
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Development of 38 No. units for active elderly residents (over 55's) – 35 No. 2 Bed Apartments & 3 No. 1 Bed Apartments.
SITE/LOCATION	Lands approximately 100m east of No's 23, 25, 27, 29a and 29 Dublin Road, Antrim and accessed from Bridge Street, Antrim (opposite No.11 Bridge Street).
APPLICANT	Mainline Contracts Ltd
AGENT	MW Architects
LAST SITE VISIT	14 th August 2024
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located close to the junction of the Dublin Road and Bridge Road within the settlement limit of Antrim Town. The majority of the site, with the exception of a small triangle portion to the south is located on lands zoned within the central area as defined within the Antrim Area Plan (AAP) and the site also lies adjacent to the Antrim Conservation Area.</p> <p>The application site is a brownfield site and is currently vacant and absent of buildings, the site was previously developed as a car dealership up until circa 2006/08. The site sits approximately 3-4 metres below the Dublin Road which lines just beyond the western boundary, with the topography of the site being generally flat with a gentle gradient to the central portion of the site. The boundaries to the site are defined by a mix of paladin fencing and mature trees and landscaping. The Six Mile Water River runs to the eastern boundary of the site and extends to the southern boundary which is spatially separated by an intervening parcel of land. A public car park abuts the northern boundary which is defined by paladin fencing with some sparse vegetation.</p> <p>The immediate vicinity has predominantly a mixed use comprising residential, commercial and educational uses.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2004/0857/F Location: 16 Dublin Road, Antrim Proposal: Local food store with associated parking. Decision: Application Withdrawn (06/07/2005)</p> <p>Planning Reference: T/1994/0464/A Location: Phillips Garage, 16 Dublin Road, Antrim</p>	

Proposal: Signage
Decision: Permission Granted (29/11/1994)

Planning Reference: T/1989/0190/A
Location: 16 Dublin Road, Antrim
Proposal: Wash Bay.
Decision: Permission Granted (03/07/1989)

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 within the settlement limit of Antrim and is located within lands zoned as the Central Area.

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,

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

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

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

PPS 8: Open Space, Sport and Outdoor Recreation: sets out planning policy for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation.

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

CONSULTATION

Council Environmental Health Section – No objection subject to conditions.

Northern Ireland Water – No objection subject to conditions.

Department for Infrastructure Roads- No objection subject to conditions.

Department for Infrastructure Rivers – No objection subject to a condition.

DAERA Natural Environment Division – No objection.

DAERA Regulation Unit, Land & Groundwater – No objection subject to conditions.

DAERA Water Management Unit – No objection subject to condition.

Belfast International Airport -No objection.

Historic Environment Division (Monuments) – No objection subject to conditions.

Shared Environmental Services – No objection subject to a condition.

REPRESENTATION

Two (2) neighbouring properties were notified and three hundred and four (304) letters of objection have been received and two (2) letters of support. The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk>

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

- Overshadowing/loss of light;
- Overlooking/loss of privacy;
- Noise and general disturbance;
- Nuisance from light intrusion;
- Impact on the setting of nearby Antrim Conservation Area;
- Road safety concerns (vital road networks being blocked, impact on pedestrians);
- Lack of parking and the cumulative impact of development on parking;
- Scale, massing and dominance of the proposed buildings;
- Increase in housing density;

- Out of character with the area;
- Sewerage infrastructure (lack of capacity and potential impacts on nearby properties and health implications;
- Flood risk (fluvial flooding, climate change, and cumulative impacts)
- Previous flooding incidents and unsanitary conditions;
- Suitability of flood alleviation measures;
- Ecology and impact on protected species along the Six Mile Water River and consequential impact on Lough Neagh;
- Impact on town wider infrastructure resulting in promotion of a commuter town;
- Lack of a housing need;
- Maintenance of trees along river corridor; and
- Conflict of interest in Council being the decision maker, due to Council lands being required.

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

- The demographic of the end users would not require full parking standards;
- Demonstrable need in the locality for this form of residential accommodation;
- Positive impact of the downstream effect of more housing in relation to the homeless crisis;
- Positive impact on the demographic due to the development type (smaller homes with reduced energy costs and maintenance resulting in more disposable income;
- Greater sense of safety and security whilst providing independent living;
- Development is outside the Q100 floodplain as accepted by DfI Rivers; and
- NI Water is in agreement that a viable solution has been provided.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Design, Layout and Appearance
- Impact on Character and Appearance of the Area
- Open Space
- Flood Risk and Drainage
- Access, Movement and Parking
- Residential Amenity
- Natural Environment
- Archaeology and Built Heritage
- Other Matters

Preliminary Matters

During the processing of the application an amended scheme was submitted reducing the number of residential apartments from 48 apartments to 38 apartments, thereby a reduction of 10 residential units. This assessment therefore relates to the scheme as amended, the current proposal was subject to statutory neighbour notification and advertisement requirements and all concerns raised by third parties are addressed throughout the report.

Additionally an amended Travel Plan and Parking Report (Document 13/1) was submitted. This will require a Section 76 legal agreement to ensure its delivery, should planning permission for the proposal be forthcoming.

Legislative Framework

Habitats Regulation Assessment

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council. The Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the report, and conclusions therein, prepared by Shared Environmental Service, dated 24th June 2024. The report found that the project would not have any adverse effect on the integrity of any European site with the inclusion of conditions.

Environmental Impact Assessment.

As the development falls within Schedule 2, Category 2, 10 (b) urban development projects of the Environmental Impact Assessment Regulations (Northern Ireland) 2017, the Council is obliged under Regulation 12 (1) of these Regulations to make a determination as to whether an application is or is not EIA development. An EIA Screening Determination was carried out and it was determined that the planning application does not require to be accompanied by an Environmental Statement.

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 lies within the settlement limits of Antrim Town and is located within the town centre area. Antrim Conservation Area abuts the site to the eastern boundary spatially separated by the presence of the Six Mile Water.

The application site is a brownfield site and although there are currently no buildings, or operational use on the site, it is indicated that the site was last utilised as a car dealership up until circa 2006/08. The proposal seeks full planning permission for a residential development consisting of 38 No. units for active elderly residents (over 55's) to include access, parking, landscaping and associated site works.

The Strategic Planning Policy Statement (SPPS) indicates that sustainable development should be permitted, having regard to material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS also promotes good design and seeks to make more efficient use of urban land without town cramming.

As indicated above the application site is located within the town centre area, however, the AAP does not preclude residential development within the town centre area. A mix of land uses is notable within the surrounding area with residential properties predominately to the south and east of the site with neighbouring,

commercial and leisure and ecclesiastical uses also in the immediate vicinity. Letters of objection raised concerns in relation to the level of need for housing at this location whilst on the contrary a letter of support outlined that the proposal will go some way on alleviating social housing waiting lists and will have positive impacts on addressing homelessness. Given the unzoned land, the context of the site and the surrounding area, the proposal for the redevelopment of the site with neighbouring residential use accords with the above plan. The principle of residential development is therefore acceptable subject to the development complying with the all other policy and environmental considerations and as such no need is required to be demonstrated.

Design, Layout and Appearance

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Policy QD1 goes on to state that all proposals for residential development will be expected to conform to nine criteria. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider streetscape. Concerns were raised by objectors in relation to the scale, massing and dominance in particular the proposed height of the buildings and the design and appearance of the building being out of character.

The proposal is for a residential development consisting of 38 residential units, subsequently this also includes the; associated access, parking, landscaping and ancillary site works. The general arrangement takes the form of two individual buildings, Block A is located to the north of the site comprising of 32 apartments with Block B to the south of the site comprising the remaining 6 apartments. It is indicated within supporting documentation (Document 02/2) that the 'Housing Our Aging Population Panel for Innovation' (HAPPI) principles are fundamental to the overall arrangement which takes cognisance of the circulation, space, daylight and adaptability amongst other priorities throughout the layout. The proposed arrangement has been arranged to accommodate a central open space area located between the two buildings, with an area for parking provision running parallel to the western elevation of the site, with the access being achieved via Bridge Street.

Block A located to the north of the site is laid out in a 'L' shape which is indicated to allow for a frontage onto the Dublin Road and the adjacent public car park located off Bridge Street. Block A is a three-storey building with a ridge height of 12.5 metres from the proposed ground level with the inner section of the building reducing to 9.5 metres, this is as a result of the inner section having a flat roof profile. It is also worth noting that due to the increase in ground levels that, the overall height of Block A will measure 13.3 metres above existing ground level. Apartment Block A will extend 39 metres along the northern elevation (adjacent to public car park) and 52.7 metres along the eastern boundary (adjacent to the Six Mile Water). The apartments each have a balcony or terrace and are split over 3 floors with common room areas located on the ground floor. Block B takes a similar form and appearance only on a smaller scale and is located to the southern section of the site. This block is three storey with a maximum ridge height of 12.8 metres from proposed ground level and 13.7 metres from existing ground level.

The proposed buildings have a mixture of pitched and flat roof's and includes a mix of finishes with the main finish being facing brick both red and buff coloured. A Design and Access Statement (Document 02/2) (DAS) accompanied the application, and it indicates that the buff brick is proposed for the principle entrance ground floor layer with the red brick to be used on the upper floors.

It is accepted that the application site can accommodate a significant development, in part due to its existing mature boundary vegetation and topography of the land which sits below the Dublin Road. The removal of the upper floor on Block A and the replacement of the flat roof profile on both buildings is to be welcomed, as is the simplification of the finishes and design features. However, the retention of the flat roof structure in the inner section of the buildings (within the courtyard) takes away from the overall design quality of proposed buildings. However, taking into consideration the context of the site and the immediate vicinity, the critical views to this section of the buildings are limited to the western side of the site and from this perspective there is no defined character with a mix of building types and styles including educational, leisure and commercial buildings.

The proposal includes pathways around the periphery of the buildings interspersed with pockets of feature landscaping. The area of open space due to its location within the Q100 floodplain sits approximately 1.3 metres below the apartment buildings and is to be enclosed by retaining walls with 1.1 metre railing above, access for residents is achieved via steps or a ramp way. The boundaries to the site are to be defined by the existing palisade fencing along with the existing mature trees and vegetation. It is indicated within the DAS that the existing boundary to the north at the car park is to be reinforced with native species trees and hedging where it is considered to be sparse. Within the site the remaining soft landscaping will be laid out in grasses and low bed shrubs and raised planter shrub/vegetable beds with medium standard native species specimen trees planted to articulate the boundaries. Soft landscaping will be used to create defensible space to the property and further define boundaries which will take the form of low maintenance ground cover planting and boxed hedges. The level of landscaping to the site is considered to be appropriate, however, no landscape plan or landscape management plan was submitted with the proposal and therefore it is considered that should planning permission be forthcoming a condition requiring the submission and agreement of this prior to the occupation of the building should be imposed.

Policy QD 1 of PPS 7 states that the proposed residential development should be designed to deter crime and promote personal safety. The arrangement lends itself to permitting informal surveillance, whilst at the same time maximising daylight and passive solar gain to the residential units. All of the communal and parking areas are open to views from the apartment buildings. Overall, it is considered that the proposed development has been designed to deter crime and promote personal safety.

On balance the design of the proposed residential scheme is considered to be acceptable in terms of the massing and appearance of the buildings given the site context.

Impact on Character and Appearance of the Area

Policy QD1 of PPS 7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout,

scale and proportions and massing. The Addendum to PPS 7 Safeguarding the Character of Established Residential Units (APPS7) is not considered to be applicable as this brownfield site is located within a designated large town centre with a population of over 5000 thereby the location of the application site meets the exception text as set out with Annex E of APPS 7. Letters of objection raised concerns regarding the impact on the adjacent Conservation Area and the wider historic fabric of Antrim Town being diluted.

Additionally, Policy BH 12 of PPS 6 relates to new development within a Conservation Area, although the application site is outside the Conservation Area, Policy BH12 requires consideration to the impact on the setting of the Conservation Area and is therefore applicable in this instance. The justification and amplification of Policy BH12 expands on this and states that 'special care is needed in the location and design of development proposals close to a conservation area. Inappropriate development proposals close to a conservation area can have a detrimental affect on the character and setting of the area. In such cases new development will be expected to respect the character and appearance of the adjacent conservation area and seek to retain important views in and out of the area.'

As previously indicated the application site is located within the Central Area and immediately adjacent to Antrim Conservation Area, the immediate vicinity is predominantly mixed use in character comprising residential, commercial and educational uses. The residential development to the north of the site is characterised by two storey terrace housing with the dwellings in Riverside spatially separated due to the presence of the Six Mile Water. The dwellings to the south of the site have a higher density and comprise of a mix of apartments with differing heights and the Mill development contains a six storey building whilst the dwellings on the Dublin Road comprise mostly of detached properties on large plots.

Internal advice was sought from the Councils Conservation Section which initially raised concerns regarding the outward visibility of the proposed development from locations within Antrim Conservation Area. The amended scheme particularly the inclusion of a pitch roof to sections satisfies the concerns the Councils Conservation Section with the most recent advice indicating that although the proposed development will still be visible from the Conservation Area, any views will primarily be of the pitched roof and no longer a significant expanse of flat roof architecture and curtail walling/glazing. As such the Councils Conservation Section conclude that owing to the reduced visibility together with the more domestic scale and appearance of the proposal that it will not have a significant detrimental impact upon the views within or out of the Conservation Area.

Paragraph 7.09 of Supplementary Planning Guidance 'Creating Places' indicates that the use of different building heights, frontages and forms will help create variety and interest in the layout thereby enhancing its visual character. This should be balanced by unifying elements in the design, such as careful use of colours, materials and detailing to provide coherence, distinctiveness and local identity. Critical views of the site are limited due to the presence of mature vegetation, however, views that are experienced are fundamental to the character of the wider town setting. Given the fall in topography of Antrim Town in a southern direction, longer distance views of the building will be experienced, for example from the top of Riverside, from this perspective it is considered that the amended scheme will not appear incongruous within the wider town setting. Immediate views are experienced from within the

adjacent public car park and from properties along Bridge Street, however, given the changes to the design of the building, it is considered that the proposal would not appear overly dominant.

Letters of objection raise concern in relation to the density of the proposal, notwithstanding that the policy provisions of APPS7 are not applicable, the overall density is applicable to the pattern of development in the area and the wider character. It is noted that planning policy generally promotes higher density development in inner urban locations as in this case. The site area is 5257m² with 38 dwellings. This equates to a housing density of 72 units per hectare. Taking into consideration the development to the south of the site and the town centre location the density is considered to be acceptable.

Open Space

Criterion (c) of Policy QD 1 requires that adequate provision is made for private and landscaped areas as an integral part of that development. Paragraph 4.31 of the justification and amplification states that developers should make adequate provision for private open space in the form of gardens, patios, balconies or terraces. It adds that for apartment developments, private open space may be provided in the form of communal gardens, where appropriate management arrangements are agreed. Paragraph 5.20 of supplementary planning guidance document 'Creating Places' advises that in the case of apartment developments private communal open space should range from a minimum of 10 square metres to 30 square metres per unit.

Policy OS 2 of PP 8, relates to open space in new residential development and requires that developments with 25 units or more provide communal open space as an integral part of the development with the normal expectation being at least 10%. Policy OS 2 indicates that an exception to the requirement of providing open space will be permitted in the case of apartment developments, as such the provision of 10% of the total site area is not applicable to this scheme.

However, as required by Policy QD1 and indicated above, private communal amenity space is required with the minimum threshold of 10sqm per apartment resulting in a minimum requirement of 380sqm with the upper threshold being 1140sqm. The proposal includes two elements of open space that being private communal open space in the form of landscaped gardens located between the two apartment blocks as indicated on Drawing 05/3 date stamped 31st January 2025. This area provides 639sqm of communal space with a further smaller pocket located to the south of Block B, other pockets of landscaped areas within the development are not seen to be private and although they add to the visual aesthetics of the overall scheme they are discounted from the open space calculation.

The proposal also provides separate terrace/balconies for each of the apartments in order to provide private open space, a breakdown of this provision is provided and indicates that the balconies/terraces are on average 6sqm within Block A and 38sqm on average in Block B. It is noted that the Councils Environmental Health Section have advised that the noise levels on the balconies fronting onto the Dublin Road would be above the upper guideline value of 55dB LA_{eq} for external amenity detailed within BS8233, with the apartments potentially experiencing levels of 59dB LA_{eq}. It is indicated that this level is not suitable for rest or relaxation purposes due to noise arising from road traffic. However, it is recognised that the proposal provides a

level of open space that falls within the parameters set out within Creating Places through the provision of landscaped private communal space and does not rely on the individual balconies/terraces to reach an adequate open space provision. Additionally, recognition is also given to the inclusion of an internal common room within the proposal which will provide areas away from the private living quarters for rest and relaxation. In summary the level of private open space provided is adequate and meets with the guidance set out within 'Creating Places'.

As indicated above the open space area is located between the two apartment blocks and is adjacent to the Six Mile Water with this area also being located within the Q100 floodplain. Policy FLD 1 of PPS 15 prohibits development within the Q100 floodplain however, it accepts its utilisation for open space purposes. It is therefore critical that these areas are not subject to level change with the levels to remain as existing (Drawing 05/3). However due to the topography of the land and in order to accommodate the finished floor levels of the proposed two apartment buildings this results in this pocket of open space sitting at a lower level than the apartment blocks. In order to understand its accessibility and useability a cross section has been provided which shows that the level of the open space area sits on average 1.2 metres below the adjacent path with access achieved via steps and a ramp adjacent to Block B. The area of open space will be defined by a retaining structure with 1.1 metre railings above.

Flood Risk and Drainage

The main policy objectives of PPS 15 seeks to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere. The applicant submitted a Flood Risk Assessment (FRA) (Document 09) and Drainage Assessment (DA) (Document 02), in support of the application. The FRA indicates that portions of the site lie within the 1 in 100 year fluvial floodplain, Policy FLD 1 of PPS 15 prohibits development within the floodplain, save for a limited number of exceptions. As indicated above the area of flooding is proposed to be used as an area of open space which is acceptable in policy terms. It should be noted that a large volume of objections raised concerns in relation to flood risk.

DfI Rivers were consulted on the application and indicate that while a portion of the site does lie within the Q100 floodplain, the built development (apartments and parking areas) are located outside the floodplain, as such DfI Rivers are content that the policy requirements of FLD 1 of PPS 15 are fulfilled subject to a condition requiring no raising of the land or reduction in the flood storage capacity of the area of the site which is the subject of flooding. DfI Rivers go on to advise that any infilling of the floodplain will only serve to undermine the floodplain's natural function of accommodating and attenuating flood flows. It is important that the area of the site affected by floodplain should be kept free from any future development, it is therefore considered that if planning permission is forthcoming conditions requiring no change in levels within the floodplain should be imposed as well as the removal of permitted development rights in order to safeguard against the possibility of any future development within this area. For the avoidance of doubt, it should also be noted that DfI Rivers response in relation to the Council declaring the application an exception under the provisions of FLD 1 relate solely to the allowance of the open space provision as allowed by policy and not for any other exceptional reason.

A large number of representations have raised concerns regarding the risk of flooding on the application site, the increased flood risk to other nearby properties,

the cumulative flooding impact of piecemeal development within Antrim Town and in particular along the Six Mile Water, previous flooding instances within the area and the impact of Climate Change. In contrast a letter of support highlights that the development lies outside the Q100 floodplain. As accepted above the site is partially located (open space area) within the Q100 floodplain, however, it is acknowledged that the entire application site will be subject to flood risk as identified within the climate change flood maps published by DfI Rivers (Q100cc). DfI Rivers has indicated that in accordance with the precautionary approach, that the entire development proposal, is at risk of potential flooding in the climate change scenario and, unless the Council considers it appropriate to apply the 'Exceptions' principle contained within FLD 1, that the proposal would be incompatible with the overall aim and thrust of regional strategic planning policy in relation to flood risk, i.e. to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere. DfI Rivers go on to advise that this is a material consideration. The letters of objection highlight the requirements of the European Union Floods Directive 2007, these requirements are not disputed and the SPPS indicates that The European Directive on the Assessment and Management of Flood Risks came into force in November 2007 and was transposed into local legislation by the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009, thereby both the SPPS and PPS 15 take into account these regulations, in addition the Climate Change Act 2022 and the Climate Change (Reporting Bodies) Regulations 2024 are not prescriptive as to the planning requirements on sites affected by climate change. It is also considered that although the RDS Policy RG12, the Council's Climate Change Action Plan and the Department for Infrastructures Technical Flood Risk Guidance in relation to Allowances for Climate Change in Northern Ireland give cognisance to the effects of climate change from flood risk, however, this has not been transposed into operational planning policy at this stage.

Fundamentally, although the overall thrust of both the SPPS and PPS 15 does require a precautionary approach and does refer to an acknowledgment of the most up to date effects of climate change, the policy provisions, that being FLD 1 and the SPPS specifically indicates the floodplain to be the 1 in 100 year (Q100). The footnote of the SPPS indicates that the limits of the floodplain are defined by the peak water level of an appropriate return period event (currently defined as 1 in 100 year or AEP of 1% for the river or fluvial floodplain and 1 in 200 year or AEP of 0.5% for the coastal flood plain). As such the proposal complies with the current policy requirements in this regard.

Policy FLD 2 states that development will not be permitted where it would impede the operational effectiveness of flood defences and drainage infrastructure or hinder access to enable their maintenance. DfI Rivers advise that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site although the site does sit close to the Six Mile Water River. The site may be affected by undesignated watercourses of which there is no record.

In relation to FLD 3, DfI Rivers highlight that the DA has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained within the attenuation system, when discharging at existing green field runoff rate, and therefore there will be no increased rate of runoff during this event and is in accordance with the requirements of Policy FLD 3 of PPS15. Further assessment of the drainage network will be made by NI Water prior to adoption. It is acknowledged that further assessment of the drainage network would

need to be made by NI Water prior to adoption, however, this is a separate consenting regime which lies outside the remit of planning and of this application. DfI Rivers have indicated that a final Drainage Assessment should be a condition of the grant of planning permission, however, it is considered that the proposed drainage proposals are sufficient for the purposes of planning and any detailed assessment of the drainage proposals for adoption purposes are a separate matter. Any deviation from the proposed drainage proposals may require the grant of planning permission should they not be suitable for adoption and under this circumstance an amended Drainage Assessment and Drainage Layout would be required. It is considered that a condition requiring a final Drainage Assessment is not required for this application.

In relation to previous flood events and the cumulative impact of developments along the Six Mile Water, there has been no evidence provided to demonstrate that this would be the case as a result of the development, furthermore DfI Rivers is the statutory body that holds information in relation to historic flooding events and has the expertise and knowledge in relation to the cumulative impact of development within or adjacent to the floodplain and it is important to note that they have not objected in this regard. Concerns were also raised in relation to the efficacy of the hydrobrake system in a flooding event, it is noted that the provision of adequate drainage infrastructure for the site rests with the developer and ultimately all infrastructure should be maintained to ensure its effectiveness in accordance with the methodology outlined in the Drainage Assessment.

Access, Movement and Parking

Policy AMP 2 of Planning Policy Statement 3 'Access, Movement and Parking' (PPS 3) requires that any development should not prejudice the safety and convenience of road users. Access to the site is achieved directly from Bridge Street and runs along the northern site boundary. Letters of objection raised concerns regarding the increase in traffic leading to a potential increase in road accidents which is compounded by the lack of traffic calming measures and high level of pedestrian activity within the immediate vicinity. Consultation was carried out with DfI Roads who raised no objections in relation to the proposed access arrangement onto Bridge Street.

Policy AMP 7 of PPS 3 and Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking taking account of the DoE's published 'Parking Standards'. Additionally planning guidance 'Creating Places' provides a breakdown of the number of car parking spaces required for each development type. For apartment development the provision is based on the number of bedrooms. In this case 35 two-bedroom apartments and 3 one bedroom apartments are proposed thereby a total of 57 car parking spaces are required. A total of twenty-six (26) inclusive of eight (8) accessible parking spaces have been provided to serve the proposal, this results in a ratio of 0.68 parking spaces per apartment which is a shortfall in the normal parking requirements for the overall proposal. Letters of objection also raised concerns regarding the lack of parking and the cumulative impact of development within the wider town on parking provision.

A letter of support indicates that parking standards as stipulated within both Creating Places and Parking Standards is silent on the demographic of the end user and allows for a reduction in parking in a number of instances. Creating Places does

indicate that a reduction in the level of parking spaces below the standards may be acceptable in inner urban locations and other higher density areas. In addition, Policy AMP 3 of PPS 7 states that a reduced level of car parking provision may be acceptable in a number of circumstances which includes; where a Transport Assessment is submitted which indicates a package of measures to promote alternative transport modes; where the development is in a highly accessible location well served by public transport; or where the development would benefit from spare capacity available in nearby public car parks or adjacent on-street car parking, where shared car parking is a viable option and where the exercise of flexibility would assist in the conservation of the built or natural heritage, and where the reduced level of parking would facilitate a better quality of development or the beneficial re-use of an existing building.

The applicant accepts that the proposal does not provide the required parking provision and has provided supporting information including a Transport Assessment Form (TAF) (Document 08/1) and an updated Travel Plan and Parking Report (Document 13/1) and Parking Analysis Support (Document 14). The applicant contends that the lower provision of parking is acceptable for this development for a number of reasons, one rationale relates to the apartments accommodating social housing for residents over 55. The TAF indicates that car ownership rates are generally lower for elderly occupants of social housing than for privately owned or general market housing. In an attempt to demonstrate that the parking provision for this particular demographic, is lesser than the 'published standards' the Parking Report (Document 13/1) includes a copy of an Atkins report (March 2021) which was prepared for a social housing scheme in Belfast and which includes a survey of 10no. social housing developments within Belfast, Ballymena and Lurgan. It is indicated that parking surveys were carried out in the form of beat surveys before 07.00 and after 19.00. The overall summary highlights that the parking ratios for the social housing developments surveyed required an average of 0.35 spaces per unit whilst the proposal provides 26 spaces for 38 apartments which is a ratio of 0.68, thereby being above the average surveyed.

In addition, the applicant has also provided a letter from Alpha Housing NI (Document 14) who indicate that they own and manage one thousand homes primarily for elderly residents and have significant experience of managing parking with an acute understanding of trends in parking demand and uptake. Alpha Housing Ltd go on to suggest that Category 1 housing accommodation does not as a matter of practise and operation require a full standard of parking provision and housing associations operate similar schemes elsewhere with less than 35% provision and go on to refer to the aforementioned Atkins report.

It is accepted that the particular demographic may allow for an element of reduced parking provision depending on the particular circumstances of the case. Notwithstanding the relevance of the Atkins surveys regarding the utilisation of other developments with similar demographics, it is unclear as to how these particular developments were selected with none of the 10 sites selected relating to development within the Antrim and Newtownabbey Borough. As such, Officers carried out their own parking surveys relating to three sites within the Borough that serve social housing schemes. It is acknowledged that all sites are not completely comparable, however, this was carried out in an attempt to understand the level of parking requirement that is being utilised. As indicated three locations within

Randalstown and Newtownabbey were identified and parking surveys carried out on four occasions on different days and at the times outlined in the table below.

	13 th November 12:00 – 13:00 No of Cars Parked	20 th November 09:00 – 10:00 No of Cars Parked	20 th November 18:00-19:00 No of Cars Parked	26 th November 15:00 – 16:00 No of Cars Parked
Neillsbrook 20 spaces required 17 provided (85%)	8 (40%)	11 (55%)	13 (65%)	5 (25%)
Knockenagh Avenue 58 spaces required, 27 provided (46%)	13 (22%)	17 (29%)	21 (36%)	15 (25%)
Moylinney 21 spaces required, 19 provided(90%)	9 (42%)	13(62%)	9(43%)	5 (24%)

The proposed scheme will provide 26 spaces with the Parking Standard requiring a figure of 57 spaces, thereby the applicant aims to provide 68% of the overall requirement. The above parking survey details the number of cars parked and the percentages relate to the number of cars parked relative to the Parking Standard figure. The table indicates that of the surveys taken the parking demand in the other social housing schemes was similar to the level of parking being provided in the current proposal.

The applicant also highlights the accessibility of the site indicating that it is within easy walking distance of Antrim Town Centre and all of the amenities therein; retail, banking, grocery shopping, entertainment, dentists, and chemists. The Parking Report includes a walking time map (figure 2) which depicts that the site is only a 5 minute walk to Antrim Market Square, a 7 minute walk to the Antrim Forum, a 7 minute walk to Antrim Castle Gardens and a 12 minute walk to Tesco Extra with many amenities within 100m walking distance from the site. It is also highlighted that the site has excellent pedestrian linkages with wide footways that have street lighting providing a safe means of access to the town centre from the site. There are a number of Ulsterbus Antrim Town Service buses (Route 321) that operate regularly from Market Square linking to the main Antrim bus and train hub, Antrim Area Hospital, The Junction, Asda and that the development is located along a highly accessible arterial route/public transport corridor. The central location, accessibility of the site and the surrounding pedestrian infrastructure is not disputed, it is accepted that a range facilities and services are located within walking distance from the application site. However, the main concern relates to the level of under provision of car parking and the consequential impacts that this may have in relation to on-street parking, parking along verges and roadways.

In order to address the parking shortfall the agent has proposed a number of measures to promote a more sustainable mode of transport. These measures include the offer of a Travel Card to one resident in each apartment. It is indicated that this will take the form of the Ulsterbus Town Service Travel Card which will enable residents to travel anywhere around Antrim Town with no limit on the number of journeys per day, 7 days a week. The agent indicates that the cost of an individual card for one month is £47, therefore the cost for one year is £564 per apartment, totalling £21,432 across the 38 apartments. It is also indicated that the incentives also

include the offer of a £200 voucher per apartment towards the purchase of a bicycle with a total value of £7,600. Additionally as indicated above the proposal also includes a mobility scooter parking area within the development which has an estimated construction cost of £40,000 with a cycle storage area with an estimated construction cost of £35,000.

It is noted within correspondence that the proposed travel card will be applicable for a three year period as this is seen to be an adequate time to encourage a transition in behaviours to a more sustainable mode of transport. It is also indicated that other measures will be the responsibility of the travel coordinator whose duties will be incorporated into other management duties, the travel coordinator will help promote car sharing between residents, through the introduction of a car sharing scheme. It will also be promoted to residents to review their business, work and leisure travel, for instance use tele-conferencing rather than travelling to meetings. It is highlighted that in order to assist in this respect, each apartment will have access to broadband via telephone points at three locations within the apartments. These lines will also provide the necessary cable networks for video conferencing facilities.

The aforementioned travel incentives are an attempt to balance the shortfall in parking by encouraging residents to avail of more sustainable modes of transport. It is accepted that these measures will alleviate some of the parking pressures. It is critical to note that the delivery of these incentives will subject to a Section 76 Legal Agreement under the Planning Act (Northern Ireland) 2011 and if planning permission is forthcoming any decision will not issue prior to the Section 76 Agreement being signed.

Therefore, in summary a Section 76 Agreement would contain the following:

- Upon occupation, a Travel Card will be provided to one resident in each apartment in the form of an Ulster bus Town Service Travel Card which will enable residents to travel anywhere around Antrim Town with no limit on the number of journeys per day, 7 days a week for three years.
- Upon occupation, each apartment will be offered a £200 voucher towards the purchase of a bicycle.
- Upon occupation a travel coordinator will be appointed and employed for a period of 3 years to help promote car sharing between residents, and to encourage residents to reduce work related car journeys or work travel.
- Prior to the occupation of the development each apartment will have a telephone line installed.
- Prior to the occupation of the development a mobility scooter parking area and a cycle storage area will be completed.

Collectively Policies AMP 1, AMP 8 and AMP 9 of PPS 3 deal with accessibility, car park design and cycle provision. The parking survey was submitted with the proposal which summarises proposals for promoting sustainable transport modes, such as, cycling, walking and public transport. It is highlighted that a 2 metre wide footway will be provided linking the site to the existing public footway network towards Bridge Street and Dublin Road making it safe for pedestrians to approach and leave the site on foot. It is also highlighted that the site has excellent pedestrian linkages with wide footways that have street lighting providing a safe means of access to the town centre from the site. In addition, it states that all dwellings will be designed to meet

the requirements of the Lifetime Homes standards which take into account the needs of people with mobility impairments for access to and from their dwellings.

In summary although there is an under provision of car parking, with a ratio of 0.68 spaces per apartment and a shortfall of 31 spaces, however, It is considered when taking into consideration the incentives provided within the Travel Plan, the accessibility of the site to the town centre, local amenities and services, together with the proposed demographic and public transport accessibility, that on balance the under provision of parking is considered acceptable in this instance.

Residential Amenity

Criterion (h) of Policy QD 1 requires that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. In this case the development proposal is bound by the Dublin Road to the west of the application site with residential properties opposite, the Six Mile Water and intervening parcel of land bounds the eastern boundary with the Riverside residential area located on the opposing side of Six Mile Water. The northern boundary is defined by a public car park with commercial properties and residential properties in Massereene Street located further to the north while the southern boundary is defined by vegetated lands with residential properties located further south. Concerns were raised by objectors in relation to the impact of the proposal on neighbouring properties in terms of overlooking, loss of privacy, overshadowing and loss of light to the neighbouring properties and their associated gardens.

Paragraph 7.21 of supplementary planning guidance document 'Creating Places' advises that adequate spacing needs to be provided between buildings for privacy purposes and in the case of apartment developments on greenfield sites a separation distance of 30 metres should be observed with a minimum distance of 15 metres from the rear wall of the development and the common boundary. However, paragraph 7.18 of 'Creating Places' goes on to state that greater flexibility will be appropriate in assessing the separation distance for apartments in urban locations or other higher density areas. Neighbouring properties also raised concerns in relation to the insufficient separation distances and the impacts of a loss of privacy, overshadowing and loss of light.

The closest residential properties are located to the rear and south of the site along Riverside and will have a back-to-back relationship with the proposed apartments. The existing properties in Riverside and the proposed apartments are spatially separated by a parcel of intervening lands and the intervening Six Mile Water. The separation distance from the rear wall of the apartments and the rear boundary of the existing dwellings measures 50 metres at a minimum with a further separation between the rear wall of the dwellings and the rear wall of the apartments ranging between 56 metres and 67 metres. The presence of the Six Mile Water acts as a buffer between the rear of the proposed buildings and the existing dwellings in Riverside.

The residential properties located along the Dublin Road are separated from the site by the presence of the Dublin Road and a mature band of trees. Additionally, the topography of the site sits approximately 3 metres below the level of the Dublin Road and the adjacent residential properties. There is a separation distance between the front elevation of the existing residential properties and the front elevation of the

proposed apartments in excess of 80 metres, thereby a suitable separation distance has been provided to prevent any significant impacts on the amenity of the residents along Dublin Road. It is also noted that the other nearby residential properties along Massereene Street and along Bridge Street will be spatially separated from the proposed buildings by adequate separation distances.

Letters of objection raised concerns regarding the impact of dominance, loss of light and overshadowing. A Shadow Analysis has been provided as part of the DAS (Document 02/1). It is indicated that the proposal has been accurately modelled and the sun/shadow analysis demonstrates the before and after effects of the development during the Spring Equinox, Summer Solstice and Winter Solstice. The images provided show that the proposal does not result in overshadowing at any point with the exception of times after 20:00 during the summer solstice, which results in overshadowing to the rear gardens and elevations of a number of properties along Riverside. However, it is accepted that the level of overshadowing and the time period is similar to the effects of existing nearby properties and that some level of overshadowing within an urban environment is to be expected. It is also considered that the impacts of this are not so significant to result in a detrimental impact on the amenity of the nearby residents.

In relation to general disturbance and any subsequent light nuisance, EHS has not raised any objections to the proposal in relation to these issues or the impact on neighbouring properties with the sole concern relation to the noise levels within the private open space area (balconies/terraces), EHS has recommended a number of conditions in relation to noise.

Overall given the separation distances, the topography of the site, the buffer of the Six Mile Water and Dublin Road and the boundary treatments it is considered that the proposal will not create any significant negative impacts on the neighbouring properties, in relation to overlooking, loss of privacy, overshadowing, loss of light or dominance.

Natural Environment

Designated Sites

The application site is located adjacent to the Six Mile Water with an intervening vegetated buffer and is therefore hydrologically connected to Lough Neagh Area of Special Scientific Interest, Lough Neagh and Lough Beg Special Protection Area and Lough Neagh and Lough Beg RAMSAR sites, hereafter referred to as the designated sites, which are of international and national importance and are protected by the Habitats Regulations and the Environment (Northern Ireland) Order 2002 (as amended), which are of international importance and protected by the Habitats Regulations and known as designated sites. As outlined above consultation was carried out with Shared Environmental Services (SES) who on behalf of the Council considered the application in light of the Regulations. SES has concluded that the development proposal would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. Therefore SES has no objections to the proposal subject to the inclusion of recommend conditions.

Other Natural heritage Interests

The site is a brownfield and contains a level of hardstanding, hedgerows, trees and is adjacent to the Six Mile Water. Letters of objection raised concerns regarding the

impact of the development on the Six Mile Water and the protected species utilising the river corridor. A number of documents relating to natural heritage were submitted in support of the application including a Stage 2 HRA (Document 11), a Preliminary Ecological Assessment (PEA) (Document 06), and an Outline CEMP. In addition to the proximity of the Six Mile Water, it is evident that the application site benefits from an extensive level of mature trees and landscape both within and around the periphery of the site. The PEA highlights that the previously developed brownfield site consists mainly of semi-improved grassland and bare ground, the surrounding treelines will be unaffected with the exception of a few immature trees along the northern boundary which will be removed to facilitate site access. These trees hold no bat roosting potential as they are too immature. Following initial consultation with DAERA's Natural Environment Division (NED) further information was requested in relation to the survey parameters for the protected species surveys given that otters may be prevalent on the site. Following the submission of the additional ecology documentation (Document 16), further consultation was carried out with NED, consequently, no further surveys were required and NED have raised no objections to the proposal.

Given the development type, consultation was also carried out with DAERA's Water Management Unit (WMU) who have considered the impacts of the proposal on the water environment and have advised that the proposal has the potential to adversely affect the surface water environment if connection to the mains sewerage is not achievable. In this instance, the proposal is for connection to the mains outlet and development, however, given the potential for pollution to occur it is considered necessary to apply a condition restricting the commencement of development until a sewerage agreement has been obtained from NI Water. This will therefore satisfy the concerns raised by WMU.

Given that the application is a brownfield site supporting documentation in relation to land contamination was submitted with the application (Document 07, Generic Quantitative Risk Assessment). Consultation was carried out with DAERA's Regulation Unit Land and Groundwater Team (RULGW) and EHS who acknowledges receipt of the supporting documents and are of the opinion that contamination at the site can be suitably controlled and mitigated by way of conditions imposed on the grant of any planning permission should it be forthcoming.

Archaeology

Planning Policy Statement 6 (PPS 6) deals with archaeology and built heritage and requires that the proposed development has no adverse effect on the built heritage in relation to both archaeology and listed buildings. Policy BH 4 of PPS 6 is entitled 'Archaeological Mitigation' and deals with development which will affect sites known to contain archaeological remains. The application site is located within the historic core of Antrim Town, one of the major historical/archaeological background aspects of the Antrim area is the presence of the multi-period historic settlement of Antrim Town with Early Medieval monastic, Medieval and Post-Medieval urban phases. An Archaeological Assessment (Document 05) was submitted in support of the application. Consultation was carried out with HED (Historic Monuments) which has considered the impacts of the proposal and are content that the proposal satisfies the policy requirements of the SPPS and PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any

archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

Other Matters

NI Water Infrastructure

Northern Ireland Water (NIW) initially raised concerns with the network and wastewater treatment capacity not being available to service the site, in addition a large volume of objections relate to concerns regarding the sewerage infrastructure. The applicant engaged with NIW and submitted a Waste Water Impact Assessment (WWIA). As a consequence, confirmation was received from NIW Water which confirms sign off on the storm off setting solution and as such re-consultation was carried out with NI Water.

NI Water has indicated that the receiving foul sewerage network has reached capacity. The public system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. However, NI Water and the applicant have agreed a downstream engineering solution to mitigate the foul capacity issue and allow connection for this development proposal. This solution is to be fully funded and delivered by the applicant. Thereby NI Water has raised no objections to the proposal subject to conditions. A connection to the public sewer is a matter controlled by separate legislation, namely, Article 161 of the Water (Northern Ireland) Order 1999. The role of the planning system is not to duplicate the regulatory controls of other statutory bodies and matters which lie outside the control of planning should not form part of the decision making process unless it is demonstrated that the development would result in adverse impacts on the environment. In this case the adverse impacts would arise from the development causing capacity issues to Waste Water Treatment Works resulting in an overloading of the system. NIW can make an assessment of whether the sewage infrastructure has sufficient capacity to cope with the development and then decide to grant or refuse consent to connect to the sewer. Provided that no development could commence until such times as the necessary Article 161 agreement was obtained then no adverse impacts would arise. This is a matter which could be negatively conditioned should planning permission be forthcoming and therefore a reason for refusal on this issue could not be sustained.

Other Objections

Objectors raised concerns in relation to the Council having a conflict of interest in deciding the application given that Council lands are required for the proposal. The applicant has fulfilled the requirements of Section 42 of the Planning Act and completed Certificate C in relation to third party lands and served notice on the Council. The Department of the Environment has issued a Direction Notice in relation to applications decided by Councils 'Planning (Notification of Councils Own Applications) Direction 2015, the direction does not prevent the Council from determining applications in which they have a financial interest, for lands wholly or partly within the Councils ownership or in which it has an interest unless the proposal is significantly contrary to the development plan. In this case the proposal is not contrary to the Antrim Area Plan, thereby the Council are the competent decision maker.

Other concerns in relation to the data available to DfI Rivers and the change in flood maps regarding historic flooding instances was as indicated within the representation

raised with DfI Rivers directly. The capture of data in this regard and the mapping of strategic flood maps remain outside the scope of this planning application.

Other concerns raised relate to the availability and demand of public infrastructure and the pressure as consequence of additional development. There are no objections from the local surgery or education authority. There is no evidence to conclude that the local school, medical services or other public infrastructure in the area would be unable to cope with the extra population and consequently this issue is not considered to be a determining concern.

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION

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

- The principle of the development is acceptable;
- The design and appearance on balance is considered appropriate for the site;
- The proposed development will not result in an unacceptable impact on the character and appearance of the area;
- The proposal will not create any significant impacts on neighbouring properties in relation to overlooking, loss of privacy, overshadowing or loss of light;
- The proposal complies with the policy provisions of the SPPS and PPS15 in regards to flood risk;
- On balance including mitigation and subject to a Section 76 Agreement (the finalisation of which to be delegated to Officers) adequate parking provision has been provided for the development at this location.

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 Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 19/1 date stamped 24th November 2023.

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

3. No development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 18 date stamped 30th October 2023 and Drawing No. 19/1 date stamped 24th November 2023.

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

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

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

5. No development shall commence on site until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from the development. A connection to the public sewer will not be permitted until the Article 161 Agreement has been authorised.

Reason: To ensure adequate wastewater treatment capacity is available and to ensure the project will not have an adverse effect on the integrity of any European site.

6. Prior to the commencement of any construction works and for the duration of the construction phase, a clearly defined buffer of at least 10m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the flood zone as identified in Drawing No. 05/3 date stamped 31st January 2025
7. If during the development works, a new source of contamination and risks are found, which had not been previously identified, works should cease and the Council's Planning Section shall be notified immediately. Any new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) Guidance, available online at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site and to control any risk to human health arising from land contamination.

8. Should an unacceptable risk to human health be identified, a remediation strategy shall be submitted to and agreed in writing before being implemented.

Reason: To control any risk to human health arising from land contamination.

9. After completing the remediation works under Condition 9 and prior to the occupation of the development, a verification report shall be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial

objectives.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site and to control any risk to human health arising from land contamination.

10. All habitable rooms to the permitted development, shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least 38dB Rw and retained for the lifetime of the development.

Reason: In order to ensure a suitable internal noise environment is achieved within each apartment.

11. All habitable rooms to the permitted development shall be fitted with passive and/or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 38dB Rw and retained for the lifetime of the development.

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

12. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Council. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

13. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 12.

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

14. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 12. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated.

15. The proposed landscaping works as indicated on Drawing No. 5/3 date stamped 31st January 2025 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice during the first planting season after the commencement of development.

The proposed landscaping shall be retained thereafter at a minimum height of 2 metres for shrubs/hedges and existing trees as shown shall be retained at a minimum height of 6 metres unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal.

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

16. Prior to the commencement of any part of the development hereby approved a Landscape Management and Maintenance Plan shall be submitted in writing and approved by the Council.

The completion of all aspects of the hard and soft landscaping and open space provision shall be managed and maintained in accordance with the Landscape Management Plan, any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

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

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

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

18. No infilling or change in site levels shall take place any part of the site shown to be within the 1 in 100 year fluvial flood plain as indicated on Drawing No 05/3 date stamped 31st January 2025.

Reason: To safeguard flood risk to the development and elsewhere.

19. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no buildings shall be erected within the curtilage of the development hereby permitted without the grant of a separate planning permission from the Council.

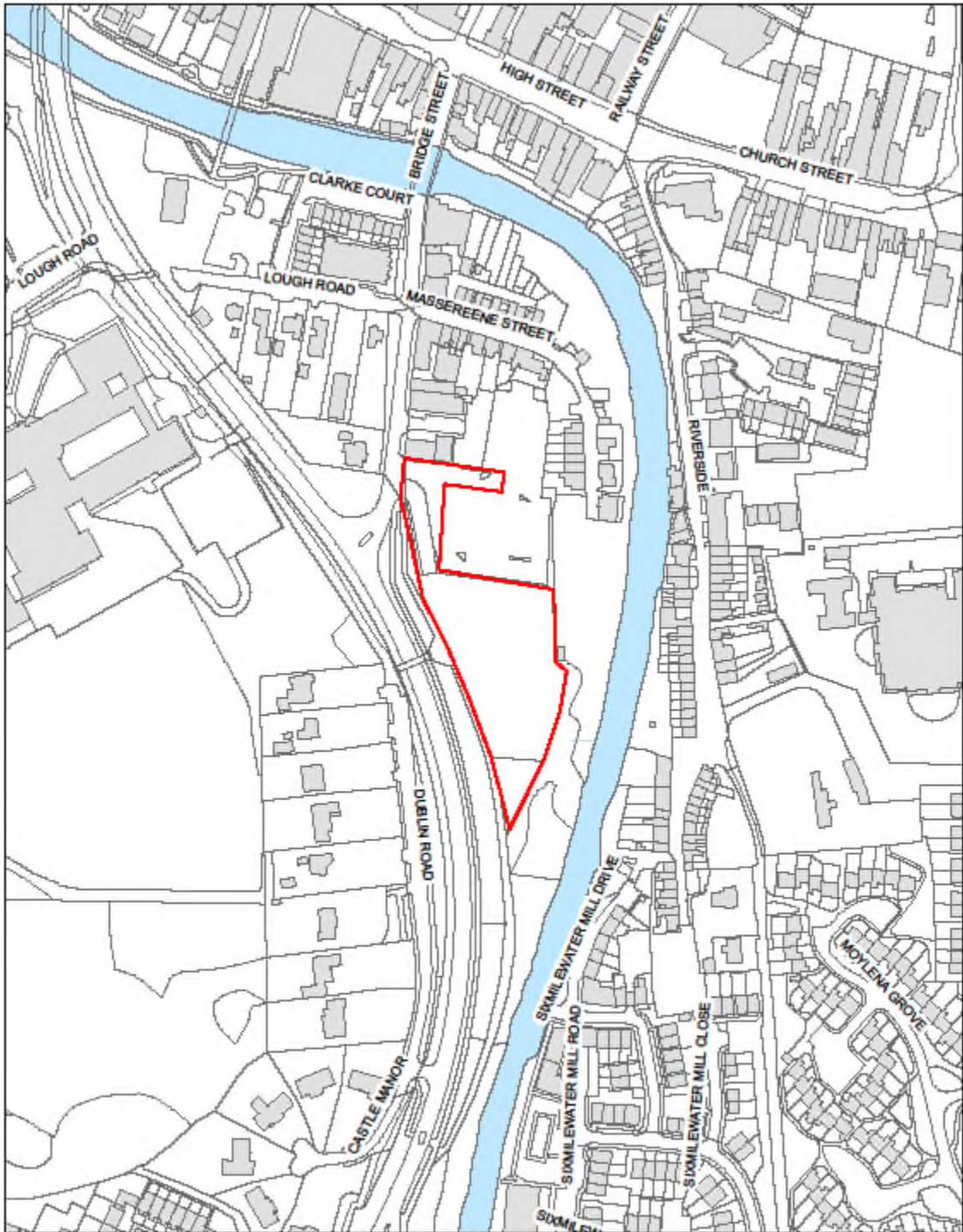
Reason: The erection of buildings within the curtilage of this development requires detailed consideration to safeguard any flood risk.

20. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including alteration to roofs) shall be made to the development hereby permitted and no buildings shall be erected within the curtilage of the development hereby permitted without the grant of a separate planning permission from the Council.

Reason: The further extension of or erection of buildings within the curtilage of the development requires detailed consideration to safeguard the amenities of the surrounding area / in the interests of residential amenity.

21. The occupation of the residential units hereby approved shall be solely for the demographic of Over 55's and shall be operated by a social housing provider during the lifetime of the permission.

Reason: To ensure the level of parking is adequate to meet the needs of the residents.



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Site Location Plan

1:2,500

Reference: LA03/2023/0822/F

Site Location



COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2024/0760/S54
DEA	AIPORT
COMMITTEE INTEREST	MAJOR
RECOMMENDATION	GRANT SECTION 54 APPLICATION
PROPOSAL	Application for landfilling of non-inert, non-hazardous wastes including revisions to phasing, restoration and surface water management schemes (Variation of conditions 10, 11 and 16 from approval U/2007/0189/F regarding approved plans and netting system)
SITE/LOCATION	Cottonmount Landfill, 140 Mallusk Road, Grange Of Mallusk, Newtownabbey, BT36 4QN
APPLICANT	BIFFA Waste Services Ltd
AGENT	SLR Consulting Ireland
LAST SITE VISIT	22 nd October 2024
CASE OFFICER	Alicia Leathem Tel: 028 903 40416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located outside the development limits of Metropolitan Newtownabbey and within the countryside as defined by the Belfast Urban Area Plan (BUAP) and draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The application site is located within Cottonmount Landfill site at 140 Mallusk Road, Newtownabbey. The landfill site is located within an existing hardrock quarry site with both landfill and extraction operations sitting adjacent. The application is an operational landfill facility with a number of the waste cells full completed with further capacity existing within the site.</p> <p>The site is at the edge of Mallusk with a number of different uses in the immediate vicinity including, material extraction, crushing and screening of aggregate, landfill, industrial, commercial and residential.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/1995/0046/F Location: Cottonmount Quarry, 140 Mallusk Road, Mallusk, Newtownabbey, Co Antrim. Proposal: Development of a Fully Engineered Landfill facility to receive non hazardous municipal, commercial and industrial waste together with the restoration of the existing quarry at Cottonmount, Mallusk, Co Antrim. Decision: Permission Granted (19/04/2005)</p> <p>Planning Reference: U/1999/0264/F Location: UK Waste Landfill Site, (Cottonmount Quarry),</p>	

Proposal: Proposed environmental management compound to include gas collection pipework, two gas flares, three electricity generators, transformers, electricity sub-station, boosters and associated infrastructure works. UK Waste Landfill Site, (Cottonmount Quarry), 140 Mallusk Road, Newtownabbey.
Decision: Permission Granted (02.01.2001)

Planning Reference: U/2007/0189/F

Location: Cottonmount Landfill & Quarry, 140 Mallusk Road, Mallusk

Proposal: Application for landfilling of non-inert, non-hazardous wastes including revisions to phasing, restoration and surface water management schemes permitted in accordance with U/1995/0046.

Decision: Condition not Discharged (06.05.2008)

Planning Reference: U/2008/0470/F

Location: Cottonmount Landfill, 140 Mallusk Road, Newtownabbey, BT36 4QN

Proposal: Electricity Substation and Switchgear Room in connection with the approved landfill gas utilisation compound.

Decision: Permission Granted (07.10.2008)

Planning Reference: U/2009/0287/F

Location: Cottonmount Landfill Site, 140 Mallusk Road, Newtownabbey

Proposal: Variation of Condition 3 of planning permission U/2007/0189/F to allow extended operating hours until 2.30pm on the first Saturday following each Public Holiday.

Decision: Permission Granted (02.12.2009)

Planning Reference: U/2010/0265/F

Location: Cottonmount Landfill, Newtownabbey, County Antrim, BT3 64Q

Proposal: Development of a waste management facility to include a waste transfer station and materials recycling facility, the relocation and establishment of the site's offices and ancillary infrastructure

Decision: Permission Granted (23.07.2012)

Planning Reference: U/2012/0374/F

Location: Cottonmount Landfill site, 140 Mallusk Road, Newtownabbey, BT36 4QN

Proposal: Construction and operation of a Stable Non-Reactive (SNR) cell for receipt and disposal of asbestos waste within the confines of the existing landfill development at Cottonmount Landfill, Mallusk.

Decision: Permission Granted (21.05.2014)

Planning Reference: U/2012/0358/F

Location: Cottonmount Landfill Site, 140 Mallusk Road, Newtownabbey, BT36 4QN

Proposal: Installation of a 'Soils Repair Centre' (SRC) for the biological treatment of soils for landfill restoration at Cottonmount landfill site. The facility will comprise two external treatment areas, office/welfare accommodation, car parking and ancillary plant and machinery (including blowers, pumps, sub-station and fuel storage) within the landfill boundary.

Decision: Permission Granted (19.06.2014)

Planning Reference: U/2014/0393/F

Location: 140 Mallusk Road, Newtownabbey.

Proposal: Waste Management Facility (Amendment to Conditions No 3 (external storage of baled RDF), No 4 (storage height of RDF bales), & No 8 (variation to hours of operation) of Planning Approval U/2010/0265/F)

Decision: Permission Granted (20.04.2016)

Planning Reference: LA03/2015/0189/F

Location: Cottonmount Landfill Site 140 Mallusk Road, Newtownabbey, BT36 4QN

Proposal: Modification to the existing Landfill Gas Utilisation Plant (LFGUP) to install a 4th landfill gas engine with stack, an additional landfill gas flare, landfill gas carbon filter system with two seated silos and a PpTek siloxane removal system with gas flare

Decision: Permission Granted (13.11.2015)

Planning Reference: LA03/2016/0419/DC

Location: 140 Mallusk Road, Newtownabbey, BT36 4QN

Proposal: Waste Management Facility (Discharge of Condition 4 (ventilation and odour control) and Condition 6 (landfill gas protection membrane) of Planning Approval U/2014/0393/F)

Decision: Permission Granted (08/06/2016)

Planning Reference: LA03/2017/0135/F

Location: Land approx. 100m to the south of Doagh Road and to the east side of Ballynure Road, Ballyearl, Newtownabbey,

Proposal: Erection of Warehousing/Distribution Unit with Associated Offices and Car Parking

Decision: Permission Granted (26.07.2017)

Planning Reference: LA03/2023/0463/PAD

Location: Biffa Waste Services Limited, 140 Mallusk Road, Newtownabbey, BT36 4QN

Proposal: Variation of planning Condition No 16 of Planning Permission U/2007/0189/F (to amend the stamped approved plans) to allow for a variation to the approved final restoration level/profile.

Decision: PAD Concluded (26.03.2023)

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 remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy

and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Belfast Urban Area Plan (BUAP): The application site is located outside the development limit and is within the inner edge of the green belt. The Plan offers no specific guidance on this proposal.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located outside any settlement limit and is therefore in the countryside. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the countryside and within the greenbelt.

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

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

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

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

PPS 11: Planning & Waste Management: sets out planning policies for the development of waste management facilities.

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

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

CONSULTATION

Council Environmental Health Section – No objection.

Belfast International Airport – No objections, subject to conditions.

Belfast City Airport – No objection, subject to conditions.

DAERA Regulation Unit - No objection, subject to conditions.

DAERA Water Management Unit – No objection, subject to conditions.

DAERA Industrial Pollution & Radiochemical Inspectorate – No objection.

REPRESENTATION

Twenty-One (21) neighbouring properties were notified and twenty-nine (29) letters of representation have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk> and the Council's website, under additional information.

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

- Principle of a landfill site at this location;
- Odour and attraction of flies and impact on residential amenity;
- Traffic and road cleanliness;
- Water pollution;
- Noise pollution;
- Air pollution;
- Quarrying activities and health implications;
- Visual impact;
- Concerns with existing quarrying and landfill operations; and
- Inadequate notice given to neighbours;

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Legislative Framework
- Policy Context and Principle of Development
- Pollution Prevention Control (PPC) Permit
- Assessment of Conditions to be Varied
- Other Matters

Legislative Framework

Pre-Application Notice

The current proposal is a Section 54 application, which relates to an already approved major development granted by the former DoE Planning under application Ref's: U/1995/0046/F and U/2007/0189/F.

The legislation is silent on the issue of a Proposal of Application Notice (PAN) including details of Pre-Application Community Consultation (PACC) in respect of a Section 54 application that relates to an already approved major development. Paragraph 4.12 of Development Management Practice Note (DMPN) 24 further states that if a Section 54 application already relates to an approved major development where a PACC has already been undertaken, then, it is not the legislative intention that it would be subject to PACC.

The purpose of a Section 54 application is not to revisit the principle of development on a given application site rather a Section 54 application must consider only the question of the conditions attached to an extant planning permission. The PACC is a means to engage the communities in the planning system. Paragraph 4.14 of the DMPN 24 advises that Section 54 Applications will be subject to statutory publicity and neighbour notification through which the community may engage in the planning process and interested parties may submit representations. The Council has taken legal advice on the matter which indicates that in the circumstances of this case that a PAN and PACC are not required.

Environmental Impact Assessment

As the development falls within Schedule 2, Category 13, (b) any change to or extension of development of a description listed in Schedule 1 (other than a change or extension falling within paragraph 24 of that Schedule) where that development is already authorised, executed or in the process of being executed of the Environmental Impact Assessment Regulations (Northern Ireland) 2017. The Council is obliged under Regulation 12 (1) of these Regulations to make a determination as to whether an application is or is not EIA development. An EIA Screening Determination was carried out and it was determined that the planning application does not require to be accompanied by an Environmental Statement.

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.

Section 54 of the 2011 Act applies to applications for planning permission which seek to develop land without complying with conditions subject to which a previous planning permission was granted. On receipt of such an application, the Council may only consider the question of the conditions subject to which planning permission should be granted and it cannot revisit the principle of the development. The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the current application.

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, (the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. Within BUAP the application site is located outside the settlement limit and as such falls within the countryside, Policy GB6 addresses refuse sites and indicates that planning permission will only be given to controlled landfill sites where there would be little risk of public nuisance, water pollution or loss of amenity. The application site is also located outside the settlement limit and within the countryside as defined within dBMAP, which refers to the Waste Management Plan identifying a need for regional waste disposal capacity to meet current needs.

The Regional Development Strategy (RDS) 2035 sets out strategic guidelines for development in Northern Ireland with a number of policies including RG9 and RG10 relating to waste management. 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. Paragraph 6.307 of the SPPS recognises the strategic importance of

managing our waste sustainably. In addition Planning Policy Statement 11 (PPS 11) deals with waste management, with Policy WM1 indicating that proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that a number of criteria can be met.

Letters of objection raised concerns regarding the acceptability of a landfill site at this location. In this case, it is critical to note that the principle of a landfill site at this location has been established by the core planning permissions. The previously approved applications granted by the former DoE Planning under Ref's: U/1995/0046/F and U/2007/0189/F accepted waste disposal and landfill operations at this site. Landfill operations at the site have been ongoing for a number of years with Biffa Waste Services Ltd operating from the site which is known as Cottonmount Landfill. The current proposal seeks to vary Conditions 10, 11 and 16 from permission Ref: U/2007/0189/F. Conditions 10 and 11 relate to the requirement for all operational areas to be fully enclosed by a netting system whilst Condition 16 refers to the development being carried out in accordance with a number of stamped approved drawings. Ultimately, in relation to Condition 16 the applicant requires amendments to the cell structure within one section within the southern area of the landfill site.

Fundamentally, as outlined above the current application seeks only to vary conditions attached to the previously approved permission and, as such the principle of development cannot be revisited. Consideration will be given to the conditions imposed and whether the variation of the conditions is considered to be acceptable.

Pollution Prevention Control (PPC) Permit

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

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

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

It is indicated within the supporting documentation that the site is operated under an existing Pollution Prevention Control (PPC) Licence and Waste Management Licence with a copy of the PPC Permit included in the submission. Consultation was carried out with DAERA, Industrial Pollution and Radiochemical Inspectorate who advised that the site's authorisation PPC Permit P0090/07A/V5 for disposal of non-hazardous waste would not be affected by the proposed changes to the current planning application and as such has raised no objections to the proposal.

Assessment of Conditions to be Varied

As indicated above the purpose of this application is to vary conditions 10, 11 and 16 of planning approval Ref: U/2007/0189/F which as outlined above relates to an enclosed netting system and changes to the approved plans. Each of the conditions required to be varied and the effects of these are discussed in detail below.

Enclosed Netting

Condition 10 of U/2007/0189/F reads;

'Prior to the commencement of landfilling operations in the new phasing sequence hereby approved, all operational areas shall be fully enclosed by a netting system which has prior approval in writing from the Department.'

Reason: To ensure a satisfactory form of development.'

Whilst Condition 11 of U/2007/0189/F reads;

'No landfill operations shall take place other than within the phase which is fully enclosed by a netting system which has prior approval in writing by the Department.'

Reason: To ensure a satisfactory form of development.'

The above two conditions require the operator to fully enclose all operational phases of the development by a netting system. Cottonmount landfill site is located on the borders of the officially safeguarded zones surrounding Belfast City and Belfast International aerodromes. Netting at landfill sites is primarily required to control and deter birds and minimise the risk of bird strike due to the proximity of Belfast City and Belfast International Airports.

It is indicated within Document 01 that the need to alter conditions relating to netting arises from the future diversion of municipal waste, including domestic and putrescible food waste, away from Cottonmount Landfill Site. With the anticipated changes to the composition of the waste to be deposited at the site, the landfill site will no longer require netting as it will no longer be receiving such wastes that are particularly attractive for birds. Consequently, it is acknowledged that the continued operation of the landfill facility will require alternative bird management strategies. As such a detailed Bird Hazard Management Program (dated August 2024 and included in Appendix H of Document 03) produced by Birdstrike Management Ltd has been prepared to reflect this change and includes a series of measures that should continue to be implemented to ensure any residual risk from birds is minimised.

Consultation was carried out with both Belfast International Airport (BIA) and Belfast City Airport (BCA) who have both indicated no objections to the proposal subject to the inclusion of conditions. The recommended conditions require the limitation on the

acceptance of certain food wastes, compliance with the submitted bird management plan, access to the site at anytime without notification to carry out site inspections and a site audit at least once a month until advised otherwise.

It is indicated that the remaining waste management practices at the site will remain unaffected, with no increase in waste and the site will continue to be regulated by its existing PPC Permit (P0090/05A/V5). Notably the PPC Permit will require to be amended to remove all of domestic, industrial and putrescible food waste streams from being accepted on site.

Critically the core permission currently allows for the acceptance of these food waste streams, fundamentally the rewording of the condition cannot go so far as to limit the waste currently accepted on the site. Rather any amendment to the condition must ensure that the areas where the restricted food wastes continue to be accepted are enclosed by netting in order to ensure that birds are not attracted to the site.

It is considered that the rewording of Condition 10 to read as outlined below will control operations on the site and safeguard any potential impacts on aviation safety.

'All operational areas which are in receipt of domestic, industrial and putrescible food wastes shall be fully enclosed by a netting system which has prior approval in writing from the Council.'

Additionally Condition 11 will need to be amended to reflect the variation of Condition 10 to read;

'No landfilling operation, which is in receipt of the wastes specified in Condition 09 shall take place other than within the phase which is fully enclosed by a netting system which has the prior approval in writing by the Council.'

The former condition 11 has been redrafted to refer to condition 09 rather than condition 10 to take account of changes to the numbering sequencing of the conditions laid out at the end of this report.

As indicated above following consultation with BIA additional conditions were recommended which included additional requirements to help mitigate the potential for birds to be attracted to the site. The conditions proposed by BIA did not meet the legal tests for conditions, however, they have been redrafted to ensure that the outcomes sought by BIA are achieved while ensuring that the conditions are robust. The conditions are included as conditions 17 & 18 in the list of proposed conditions and relate to the need to carry out the development in accordance with the Bird Hazard Management Program and to allow an independent audit of operations to be carried out to ensure that bird hazard mitigation is operating in an effective manner.

Variations to Approved Plans

The application also seeks to amend the approved restoration profile, the details of which are approved within Drawings 1-9 of Condition 16 of U/2007/0189/F which reads;

'Subject to the above conditions, the development shall be carried out in accordance with the stamped approved drawings No. 01, No. 02, No. 03, No. 04, No. 05, No. 06, No. 07, No. 08 and No. 09 which were received on 22nd August 2007 and No. 10 which was received on 14th January 2008.

Reason: To ensure the development is carried out in accordance with the approved plans.'

The need to amend the restoration profile relates only to the southwestern section of the site. The amendment is required as a result of a current planning application that the Council is currently assessing for the proposed westerly extension to the adjoining Mallusk quarry (Ref: LA03/2022/0430/F).

The proposal for the extension to the quarry includes an interface with the landfill site at the existing quarry wall. Effectively the quarry wall is proposed to be reduced in height, thereby resulting in the lowering of the topography currently approved at the western section of the restoration concept for Cottonmount Landfill Site. The amendment to the landfill restoration site will ensure the continuity of restoration landforms between the proposed quarry extension area and the restoration of the existing approved landfill site.

The amendment to the section of the landfill cell results in the re-profiling of the cell to remove approximately 32 metres from the height of the cell adjacent to the quarry which would result in a lesser provision of waste being accommodated in this section. For the avoidance of doubt, an acceptance of the proposed change to the restoration profile is not an indication of the acceptance for the removal of the quarry wall, it merely allows the current operator to revert to an amended cell landform than that previously approved under application Ref: U/2007/0189/F.

Overall it is considered that the reprofiling of this section of the restoration profile is acceptable in accordance with the submitted plans. As such the variation of the condition is recommended to read;

'Subject to the above conditions, the development shall be carried out in accordance with the stamped approved drawings Nos 01, 02, 03, 04, 05, 06, 08 and No 09 which were received on 22nd August 2007, Drawing No 10 which was received on 14th January 2008 and Drawing No 02 date stamped received 23-CT-2024.

Reason: To ensure the development is carried out in accordance with the approved plans.'

Other Material Considerations

A number of objections have been received raising a variety of concerns in relation to the proposal. The concerns include the negative impact on residential amenity for residents in the area as a consequence of odour emanating from the site and the attraction of flies. Additionally concerns were raised regarding noise, impact on traffic and HGV activity and the cleanliness of the roads from traffic using the site. The impact on air pollution and the consequential health implications were also raised, additionally the impact of water pollution and contamination was also raised as issues. A number of the objections collectively raised concerns regarding the impacts

from the ongoing operations at both the quarry and the landfill site and highlight the volume of complaints to the Council in relation to ongoing activities.

As outlined above the application is a Section 54 application which seeks to vary the aforementioned conditions, the variation of the condition will not increase waste capacity, visitor numbers or effects emanating from the site, rather, it will lower them. Concerns in relation to visual amenity will not be impacted by the current proposal, the removal of the required netting will aid the overall visual impact on the landscape. Other concerns regarding complaints relating to ongoing operations are outside the scope of the current application. In regards to the level of neighbour notification carried out with residents in the vicinity, the application was advertised and neighbour notified in accordance with the statutory regulations.

Given the transfer of planning powers to local Councils under the Review of Public Administrative, amendments have been made to other planning conditions to ensure that the grant of any planning permission refers the developer/operator to the correct planning authority at the time of issuing the decision, namely, Antrim and Newtownabbey Borough Council. In addition, condition 01 referring to time limit has been removed as the facility is currently operational and has clearly commenced development.

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION

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

- The principle of development has previously been established under an earlier grant of planning permission; and
- The amendment to the wording of conditions 10, 11 and 16 are acceptable.

RECOMMENDATION

GRANT SECTION 54 APPLICATION

PROPOSED CONDITIONS

1. In the event of operations ceasing in advance of the infill hereby approved for a continuous period of 3 months and within 1 month of that period of cessation a site restoration plan shall be submitted to the Council for its approval, in writing. This plan shall include the following: -
 - i. the identification of all items of plant, machinery, scrap metal, stockpiles and waste material to be removed;
 - ii. the identification of all areas to be levelled or graded;

- iii. the position of all quarry faces, together with details of measures to be used to ensure that all final faces are left in a safe and stable condition;
- iv. the identification of areas which are liable to flood, together with details of proposed measures to ensure public safety;
- v. details of any additional landscaping measures to be implemented; and
- vi. a timescale for the implementation of the restoration scheme.

The restoration scheme shall be implemented in accordance with the approved plans and within the approved timescale. In the event that agreement is not forthcoming on any issue the Council shall determine the appropriate restoration measures.

Reason: To protect against abandonment of the operations and facilitate restoration of the site.

2. At no time during the initial construction phase, working life of the landfill or site reinstatement shall operations take place on a Sunday or outside the hours 0700 - 1800 Monday to Friday and 0800 - 1300 Saturday.

Reason: In the interests of the amenity of residents living in the surrounding area.

3. Where blasting may be required to facilitate the development hereby permitted, blasting shall not take place on a Sunday or outside the hours 0700 - 1800 Monday to Friday and 0800 - 1300 Saturday.

Reason: In the interests of the amenity of residents living in the surrounding area.

4. Where blasting is to occur to facilitate the development hereby approved, each blasting charge shall be so balanced that a peak particle velocity of 10 mm/second and an air over pressure of 128 dB is not exceeded at any occupied dwelling which is outside the ownership or control of the operator.

Reason: To safeguard the amenity of residents living in the surrounding area.

5. No blasting shall take place within 100 metres of any occupied dwelling which is outside the ownership or control of the operator.

Reason: To safeguard the amenity of residents living in the surrounding area.

6. The operator shall, when requested in writing by the Council, monitor levels of ground vibration and air over pressure at specified locations during blasting operations. The results of this monitoring together with any other details relating to the blast design, charge sizes, etc., shall be made available to the Council. In the event that the levels specified in Condition 4 above are exceeded at any blast then no further blasting shall be permitted until the Council is satisfied that these standards will be met in future blasting operations.

Reason: To safeguard the amenity of residents living in the surrounding area.

7. Prior to the commencement of landfilling operations in the new phasing sequence hereby approved, the existing noise bund to the eastern site boundary, as detailed on stamped approved Drawing No. 12 date stamped 1st September 2008 shall be extended to meet the southern boundary of the site and be increased by 2 meters in height along its entire length, as indicated on drawing No 11 date stamped received 14th August 2008 and on Drawing No 12 date stamped received 1st September 2008.

Reason: To safeguard the amenity of residents living in the surrounding area.

8. At the end of each calendar year the operator shall demonstrate, to the satisfaction of the Council, that quarterly meetings (or as otherwise agreed) have been undertaken with community liaison representatives to discuss the initial environmental report and subsequent monitoring reports on the environmental performance of the development and any related matters arising.

Reason: To address wider public health issues.

9. All operational areas which are in receipt of domestic, industrial and putrescible food wastes shall be fully enclosed by a netting system which has prior approval in writing from the Council.

Reason: To ensure a satisfactory form of development.

10. No landfilling operation, which is in receipt of the wastes specified in Condition 9 shall take place other than within the phase which is fully enclosed by a netting system which has the prior approval in writing by the Council.

Reason: To ensure a satisfactory form of development.

11. The site shall be used only for the disposal of controlled waste as defined in the Waste and Contaminated Land (Northern Ireland) Order 1997 and further prescribed by the Controlled Waste Regulations (Northern Ireland) 2002, and not the disposal of special waste as defined in the Schedule to the Pollution Control (Special Waste) Regulations (NI) 1998.

Reason: In the interests of environmental protection.

12. Prior to the commencement of landfilling operations in the new phasing sequence hereby approved, a Landscape Management Plan shall be submitted to and approved in writing by the Council. The Landscape Management Plan shall include planting plans; written planting specifications; schedules of plants and trees indicating site preparation, planting methods, planting medium and additives together with the species, the size at time of planting, the presentation, location, spacing and numbers; an implementation programme. The Landscape Management Plan shall detail the restoration of the site at 5 year intervals up to a maximum of a 20 year period. The Plan shall be accompanied by a written statement detailing the mitigation and restoration measures which will be completed at each 5 year interval and shall generally comply with the themes of stamped approved drawing No 08 and No 09 which were received on 27th August 2007.

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

13. Within 12 months of completion of each phase of the development hereby approved capping, restoration and landscaping shall be carried out in accordance with the agreed Landscape Management Plan.

Reason: To ensure a satisfactory form of development.

14. Based on the report containing initial benchmarking data and parameters in relation to the environmental conditions on site and effects of the development, the operator/developer shall continue to provide, in writing, updating data on a quarterly basis.

Reason: In the interests of public health.

15. Subject to the above conditions, the development shall be carried out in accordance with the stamped approved drawings Nos 01, 02, 03, 04, 05, 06, 08 and No 09 which were received on 22nd August 2007, Drawing No 10 which was received on 14th January 2008 and Drawing No 02 date stamped received 23-CT-2024.

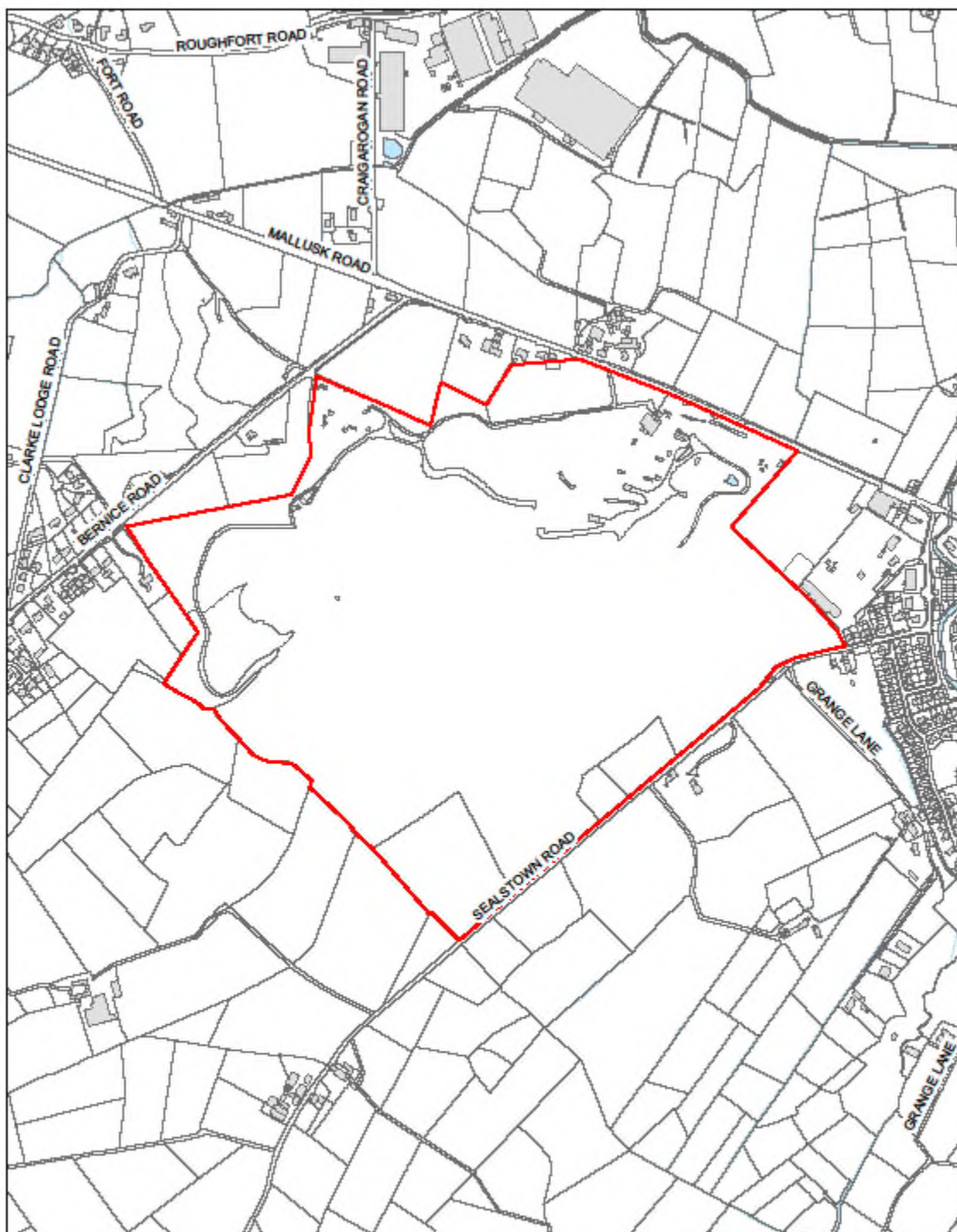
Reason: To ensure the development is carried out in accordance with the approved plans.

16. Following the removal of netting from any part of the site the Bird Hazard Management Program (dated August 2024 and included in Appendix H of Document 03) shall be carried out in full for the lifetime of the development.

Reason: In the interests of aviation safety.

17. Following the removal of netting from any part of the site, the Council, Belfast International Airport (BIA) & its bird Consultant will be allowed onsite at anytime without notification to carry out an independent audit on any part of the site. Should permission be refused, the development must cease. If the audit indicates matters to be addressed, these must be carried out in accordance within a timescale stipulated in writing by the Council.

Reason: In the interests of aviation safety.



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Site Location Plan

1:7,500

Reference: LA03/2024/0760/S54

Site Location



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2024/0704/S54
DEA	THREE MILE WATER
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	GRANT SECTION 54 APPLICATION
PROPOSAL	Proposed erection of 1 no. storage and distribution centre and 3 no. light industrial units (Variation of Condition 7 from planning approval LA03/2022/0726/F regarding the submission of a landscaping scheme).
SITE/LOCATION	Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey.
APPLICANT	Kenmark No 2. Ltd
AGENT	TSA Planning Ltd
LAST SITE VISIT	16 January 2025
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: Alicia.leathem@antrimandnewtownabbey.gov.uk
<p>The full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk/application/692647</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>The application was previously presented to January 2025 Planning Committee with a recommendation to grant planning permission. The application was deferred by Members to allow for additional planting to be incorporated into the landscape buffer located adjacent to the common boundary with No. 626 Doagh Road and additionally for clarification in relation to the measurement of the said landscape buffer.</p> <p>The Council received additional and amended plans on the 17th February 2025 comprising three additional drawings; a Landscape Masterplan; a Phase One Landscape Plan and a Dimensions Plan. The statutory requirement of neighbour notification has been carried out and the opportunity for representations to be made on the amended proposal has been provided.</p> <p>In relation to the concerns regarding the width of the landscape buffer, the Council's Environmental Health Section (EHS) has indicated that the landscaping is not relied upon as a noise mitigation measure and that an acoustic barrier of 2.1m in height is located along the northern boundary of the development. The acoustic barrier is conditioned to be double boarded overlapped construction with no holes or gaps and a surface weight of at least 6kg/m³. Additionally EHS indicate that lighting impact from road vehicles is outside their remit, however, it is noted that the acoustic barrier will screen lights from vehicles up to the height of the acoustic barrier (2.1m).</p> <p>The amended landscape plan indicates a further 14 No. Quercus Ilex trees planted at 2.5 to 3 metres in height. It is also indicated on the Dimensions Plan that the</p>	

landscape buffer is five metres in width while the buffer distance from the acoustic fence to the other side of the watercourse ranges from between 11 to 12 metres.

The landscape buffer is not required for acoustic or light reduction requirements, rather, its purpose is to soften the views of the previously approved development from the existing neighbouring properties. It is considered that the landscape buffer will take some time to establish itself, however, it is considered that the proposed landscaping provided by the applicant is sufficient.

There are no changes to the proposed phasing from that which was previously considered in the earlier Committee Report and therefore there is no change in the recommendation.

CONCLUSION

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

- The principle of development is acceptable; and
- The amendment to the wording of condition 7 is acceptable.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: Retrospective permission.

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. Within 8 weeks of this decision the 2.1-metre-high acoustic barrier as indicated in Drawing No. 01A date stamped received 19th December 2024 shall be completed in full.

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 maintained and 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. All soft and hard landscaping incorporated within Phase One on Drawing Nos 01B and 02B date stamped 17th February 2025 shall be completed in full within the next available planting season following the date of this decision.

All soft and hard landscaping incorporated within Phases Two and Three as shown on Drawing No. 01B date stamped 17th February 2025, Drawing Nos. 03A and 04A date stamped 19th December 2024 shall be completed in full prior to the occupation of any unit within each respective phase.

The landscaping works shall be carried out to the appropriate British Standard or other recognised Codes of Practice. If any tree, shrub or hedge or other landscaped area is 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, within the next available planting season unless the Council gives its written consent to any variation.

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. The landscape areas as indicated on the stamped approved Drawing Nos. 01B & 02B date stamped 17TH February 2025 and stamped approved Drawing Nos. 03A, 04A date stamped 19th December 2024 shall be managed and maintained in accordance with the Landscape Management Plan, DOC 01A received on 19th December 2024 any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

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 within four weeks of this decision.

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).

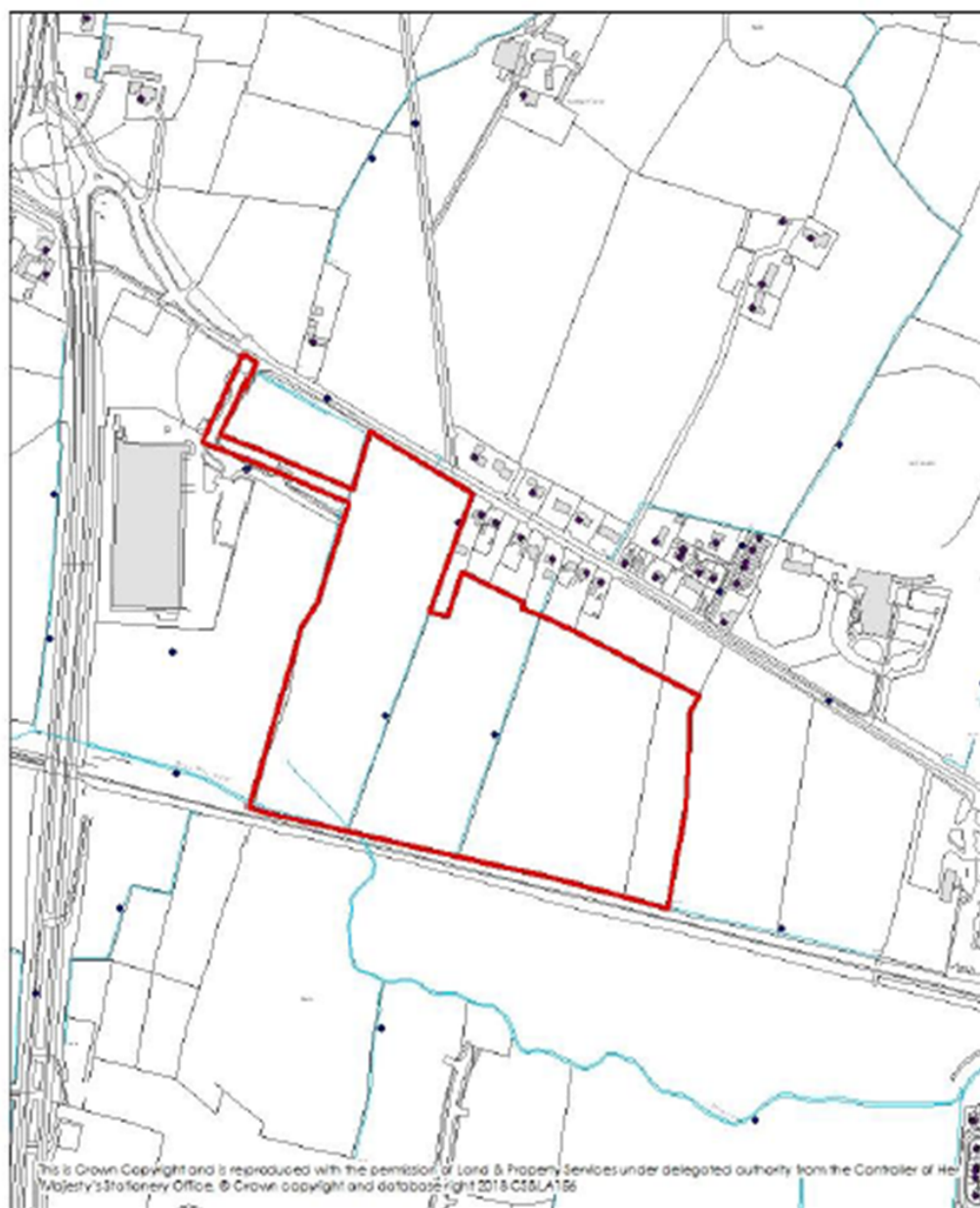
Reason: In order to protect night time amenity at nearby sensitive receptors.

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: LA03/2024/0704/S54



COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2024/0611/F
DEA	AIRPORT
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Extension of existing storage and distribution facility to erect new warehouse, with associated circulation areas, ground works and boundary treatments.
SITE/LOCATION	Lands approx. 80m south of no. 17 Dundrod Road and approx. 50m north of 15A Dundrod Road, Nutts Corner, Crumlin, BT29 4GD
APPLICANT	Bondelivery
AGENT	Arcen
LAST SITE VISIT	4 th December 2024
CASE OFFICER	Alicia Leathem Tel: 028 9034 0416 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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk/application/691705</p>	
SITE DESCRIPTION	
<p>The application site is located within the countryside as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The site is located on the western side of the Dundrod Road, approximately 400 metres south of the Nutts Corner Roundabout. The site is a brownfield site previously developed and occupied by the former NIE training centre complex. The area of the site is approximately 1.57 hectares. The topography of the land is relatively flat and the site has an irregular shape with the boundaries formed by a mixture of fencing, hedgerows and trees. The site is accessed via an existing access that serves the existing Bondelivery distribution hub and the CITB Training Centre.</p> <p>A mix of uses are evident within the immediate vicinity, to the north is the Lidl Regional Distribution Centre (RDC), the Nutts Corner Roundabout, to the immediate west is the CITB Training Centre and the Transport Training Centre.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2024/0583/F Location: Lands immediately south of no.17 Dundrod Road and approx. 100m north west of 15A Dundrod Road, Nutts Corner, Crumlin BT29 4GD Proposal: Proposed overflow lorry and trailer parking area. Decision: Permission Granted</p> <p>Planning Reference: LA03/2024/0320/PAN Location: Lands immediately south of no.17 Dundrod Road and approx. 10m north and 40 m east of Bondelivery, Nutts Corner Business Park, Dundrod Road, Crumlin, BT29 4GD.</p>	

Proposal: Extension of existing storage and distribution facility to erect new warehouse, staff offices, with associated circulation areas, car parking, boundary treatments and associated works.

Decision: Proposal of Application Notice Acceptable.

Planning Reference: LA03/2024/0299/F

Location: Lands 154m south of CITB Northern Ireland, Nutts Corner Training Centre, 17 Dundrod Road, Crumlin, Co. Antrim BT29 4SR and 56m west of Units 1 & 2, Nutts Corner Business Park East, Dundrod Road, Nutts Corner, Crumlin, Co. Antrim BT29 4SS

Proposal: Demolition of three storey concrete framed structure and construction of new training centre for NIE networks comprising 2 no. two storey buildings providing workshops, classrooms, offices, meeting rooms, social areas, stores, plant rooms, welfare facilities, internal distribution road, car parking, services and landscaping with access from Nutts Corner Business park.

Decision: Application Pending.

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 Draft Belfast Metropolitan Area Plan together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Antrim Area Plan 1984 – 2001: The Plan identifies the application site as being within the rural area of Antrim. Paragraph 25 of the AAP highlights the policies in place for this area and discussed below under the principle of development.

Nutts Corner Antrim Policy Guidance Note (Jan 1999): This guidance was never formerly adopted, however, it was discussed with Antrim Borough Council at its Planning Committee Meeting on 26th January 1995. The guidance note considers the development potential for the Nutts Corner Area, and the constraints against development.

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

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

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

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

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

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

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

CONSULTATION

Council's Environmental Health Section (EHS) – No objections, subject to conditions.

NI Water – No objection.

Belfast International Airport (BIA) - No objections subject to conditions.

NIEA Water Management Unit – No objection, subject to condition.

NIEA Regulation Unit Land and Groundwater Team - No objections subject to conditions.

NIEA Natural Environment Division – No objection.

DfI Roads – No objection subject to conditions.

DfI Rivers – No objections.

DfC Historic Environment Division – No objections subject to conditions.

Shared Environmental Services (SES) – No objection subject to condition.

REPRESENTATION

Eleven (11) neighbouring properties were notified and one letter of representation has been received. The full representations made regarding this proposal are available to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk>.

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

- Impacts from the increase of traffic exiting the site onto the Dundrod Road;

- Impact of stationary and idle vehicles parking within the wider business park;
- Exit route from the proposed new facility and impact upon pedestrians currently using this area;
- Lack of public transport accessing the site and the wider need for public transport given the growth within the area;
- The benefits of the increase in jobs are acknowledged.

It is noteworthy that during the Pre-Application Community Consultation (PACC) (Document 02) a number of issues were forthcoming, any issues raised are summarised within the PACC report (Document 02).

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Legislative Framework
- Policy Context and Principle of Development
- Design, Layout and Impact on the Character and Appearance of the Area
- Neighbour Amenity
- Flood Risk and Drainage
- Archaeology and Built Heritage
- Natural Heritage
- Access, Movement and Parking
- Other Matters

Legislative Framework

Habitats Regulation Assessment

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council. The Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 31st January 2025. This found that the project would not have any adverse effect on the integrity of any European site.

Environmental Impact Assessment

As the development falls within Schedule 2, Category 2, 10 (a) Industrial estate development projects of the Environmental Impact Assessment Regulations (Northern Ireland) 2017, the Council is obliged under Regulation 12 (1) of these Regulations to make a determination as to whether an application is or is not EIA development. An EIA Screening Determination was carried out and it was determined that the planning application does not require to be accompanied by an Environmental Statement.

Pre-Application Notice

The application falls within the Major category as prescribed in the Development Management Regulations. Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicants for planning permission to consult with the community in advance of submitting an application. Section 27 also requires that a prospective applicant, prior to submitting a Major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted.

A Proposal of Application Notice application (Ref: LA03/2024/0320/PAN) was submitted to the Council and was deemed to be acceptable on 24th May 2024. The Pre-Application Community Consultation Report (PACC) (Document 02) submitted has demonstrated that the applicant has carried out the consultation requirements set out in Section 27 of the Planning Act (NI) 2011.

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 application site lies within the rural area of Antrim and adjacent to the Nutt's Corner Roundabout. Paragraph 2.5 of The Antrim Area Plan 1984-2001 (AAP) provides specific policies in relation to Nutt's Corner and indicates development constraints within the area, that being infrastructure and water supply. However, the High Court found in a Judicial Review of a planning appeal decision by Heron Properties ([2009] NIQB 75) that 'it was common sense' that the constraints no longer apply as they have been superseded by the operational policies contained within the Planning Strategy for Rural Northern Ireland (PSRNI). Subsequently the PSRNI itself has been superseded by PPS 21 and PPS 4. The AAP at paragraph 25.4 encourages large-scale industrial uses to locate in Antrim Town where there is already a supply of available sites. That said the AAP does not explicitly rule out sites in the Nutt's Corner area and merely states a preference to be located within Antrim Town. Additionally Paragraphs 6.3 and 25.5 of the AAP indicate that permission will normally be given to small-scale industrial activities within disused buildings or on derelict sites.

The proposal seeks full planning permission for the erection of a distribution warehouse building with associated circulation areas, ground works and boundary treatments, the proposal is sought as an extension to an existing storage and distribution facility. Consequently, the planning history of the site is considered an important material consideration in this instance. It is accepted that a transport and logistics use has been established on the site through the core permission (Ref: T/2006/0318/F).

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS states that a key dimension of sustainable development for Northern Ireland is economic growth, which requires the planning system to continue to provide protection to our built and natural environment including our heritage assets while unlocking development potential, supporting job creation and aiding economic recovery. However, the SPPS recognises that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside of settlements must be restricted, save for a number of exceptions. One exception relates to a proposal for a major development where a countryside location is necessary because of its size or site-specific requirements. Such proposals should be able to demonstrate a significant contribution to the regional economy and be otherwise acceptable in terms of any environmental or transport impacts. In any circumstance, an edge of town location should normally be favoured over a

location elsewhere in the countryside. The Policy does not define any thresholds for what constitutes a major application, however 'The Planning (Development Management) Regulations (Northern Ireland) 2015 defines for storage and distribution uses that the exceedance of 5000sqm is a major application.

The SPPS also sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPS's). Therefore, Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) and Planning Policy Statement 4 'Planning and Economic Development' (PPS4) are applicable in this case. Policy CTY 1 of PPS 21 refers to a range of types of development considered acceptable in the countryside. One such development is industrial and business uses in accordance with PPS 4.

The proposal effectively falls between two Policy provisions and as such an assessment of both Policies PED 3 and PED 5 is applicable. Each of the Policies require that any major expansion within the rural area must make a significant long term sustainable contribution to the local economy. The application site is currently occupied by Bondelivery NI Ltd, supporting documentation (Document 01) indicates that Bondelivery is a leading provider of comprehensive logistic services across the UK and Ireland, specialising in secure storage and transportation of goods. It is indicated that Bondelivery is a subsidiary of McBurney Transport Group Ltd which has delivered integrated logistics solutions to prominent 'Blue Chip' companies for over four decades. Supporting information (Document 01) indicates that over the last 2 years the Bondelivery business has experienced significant demand and consequently has identified an urgent need for additional working floorspace to be able to function as efficiently and effectively as possible. It is indicated that the proposal will address the company's requirement for additional manufacturing, research and development space, which will enable the business to realise its strategic growth plans and enhance operational efficiency. Document 01 goes on to indicate that the facility currently handles around 40,000 packages per year and is at absolute capacity within the existing warehouse which places significant pressure on operational efficiencies. The current proposal will allow for an upgrade and the potential capacity to be able to handle around 70,000 packages and expand other parts of the business to meet UK and Ireland market demands.

Operations carried out at the existing facility included several service sectors including retail and pick and pack, internet parcel business and cross-docking. Supporting information indicates that Bondelivery offers a comprehensive warehousing, picking, packing, and distribution services for retailers. This involves bulk storage of the customer catalogue and then picking and packing according to online orders and delivery within a specified timeframe. It is indicated that the company currently provides this service for one of the UK's largest high street retailers, delivering to 43 stores across Ireland and managing the pick/pack and distribution of 7 million parcels annually for the online market. This involves a sophisticated warehousing and IT tracking system. Utilizing the customer's robust supply chain network and IT infrastructure, Bondelivery has successfully onboarded several prominent third-party clients, offering warehousing, distribution, and delivery services to both retail and online customers. The new warehouse depot is required to support the growth of the market by expanding product offerings and enhancing infrastructure to accommodate additional third-party clients. The company's long-

standing relationship with this customer, maintained for over 27 years, is contingent on providing the necessary warehousing capacity. Without this capacity, there is a risk that the business could relocate to hubs in Dublin or Athlone.

Supporting information indicates that Bondelivery operates a fleet of 320 vehicles and manages over 300,000 sqft of warehousing across 7 locations including Nutt's Corner, Ballymena and Dublin. The total capital expenditure of the project is estimated to be in the region of £7 million in terms of land acquisition, building construction, plant and other equipment. It is also indicated that the proposal will create in excess of 100 construction jobs and at least 10 new jobs and sustain an existing workforce. It is accepted that for the purposes of Policies PED 3 and PED 5 that the proposal will make a significant long-term sustainable contribution to the local economy.

The second element of Policies PED 3 and PED 5 collectively requires the need for an alternative site or the relocation of the proposal not being possible. As previously indicated the operations for Bondelivery at this location date back some time, and as indicated by the agent (Document 01) there has already been a significant level of investment in existing infrastructure to support the current operation including more robust server technology, technological upgrades to vehicles through cameras tracking and security features, new equipment to include shelving and conveyor belts and notably a £7 million investment in 160,000sqft of mezzanine flooring over the last ten years. It is accepted that given the scale of the existing infrastructure already developed within the rural area that the relocation of the business, away from the trunk road, would not introduce any significant environmental benefits to the area. Furthermore, as indicated by Policy PED 5 in any circumstance for major development within the countryside, an edge of town location should normally be favoured over a location elsewhere in the countryside. In this case the application site is located adjacent to Nutt's Corner which is home to a number of storage and distribution facilities within the immediate vicinity.

The agent has indicated that the proposed warehouse units will facilitate job security and future growth. The proposal is to be utilised by Bondelivery NI Ltd as a subsidiary of McBurney Transport Ltd and in order to prevent a proliferation of uses operating out of the premises it is considered necessary to impose a condition restricting the use and the end user of the facility should planning permission be forthcoming.

Overall taking into consideration the planning history of the site, the need for the proposal to enable the future growth and stability of Bondelivery, the level of existing infrastructure at the site and the significant contribution to the local economy, it is considered that on balance the expansion of this established use is considered acceptable subject to all other policy and environmental considerations being met.

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

The SPPS states that all development in the countryside must integrate into its setting and respect the rural character of the area with Policy PED 4 supporting this and requiring any economic development within the countryside not to undermine rural character. Policy PED 9 of PPS 4 stipulates that the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and that any proposal is compatible with existing land uses. In addition, as the

application site is located within the rural area, Policy CTY 13 of PPS21 'Integration and Design of Buildings in the Countryside' is also applicable and reiterates the need for new buildings to integrate.

The proposal seeks permission for the erection of a storage and distribution warehouse, with associated circulation areas, ground works and boundary treatment. The proposed warehouse building is located centrally within the site, running gable end to the Dundrod Road, the existing Bondelivery warehouse is located directly opposite the site. The layout of the wider site includes a hardstanding area to be utilised for the turning and manoeuvring of Heavy Good Vehicles (HGVs) with a further area of hardstanding utilised for HGV's vans and cars to the east of the proposed building. The proposed building includes a total of 20 docking bays, 10 bays each on the northern and southern elevations respectively, the proposal also includes a turning and circulation area around the perimeter of the site.

The main building takes a rectangular form with the inclusion of two canopies on the sections to the northern and southern elevation. The main fabric of the building measures 103 metres in length, 36 metres in width with a height of 15.6 metres above finished floor level. The proposal provides approximately 4112sqm of gross floorspace with internal subdivision resulting in approximately 3326sqm of warehouse space and approximately 375sqm of ancillary office space split over three floors with a further 48sqm of floorspace utilised for ancillary WC and changing facilities. The building takes the appearance of a standard industrial style building with a pitched roof, vertical composite panelling to the roof and upper sections of the walls and blockwork to the lower sections. The proposal includes two external canopies along the northern and southern elevations which protrude 6 metres from the building extending to 29 metres in width. The proposal includes 8 windows on the eastern elevation which serve the ancillary office space.

Access to the site is taken from the Dundrod Road which is reflective of the existing access arrangement. It should be noted that a planning permission has recently been granted for a lorry park associated with the existing Bondelivery and the proposed application which is proposed to the northeast of the site adjacent to Dundrod Road (Ref: LA03/2024/0583/F). Boundaries to the site with the exception of access are to be defined by a 3 metre electric fence to match existing which is to be inset with planting. A landscape buffer is proposed along the western site boundary which ranges in width from 6 metres tapering to 3 metres whilst further perimeter landscaping is proposed to the remaining boundaries. The proposed landscaping is considered acceptable and will help soften the overall visual impact, however, no detailed landscaping plan has been submitted, if planning permission is forthcoming a condition should be imposed requiring the submission of a landscape plan and landscape management plan to be submitted prior to the commencement of development.

The application site is located within a relatively flat and exposed landscape area to the southeast of Nutt's Corner. The application site is set back from the Dundrod Road by approximately 200 metres, the application site is located within a cluster on existing built form. Critical views of the site are experienced from along the Dundrod Road, most evidently when travelling across the frontage of Nutts Corner Business Park with long distance views also experienced when travelling along the Moira Road, particularly in a northeasterly direction. Although the application site is

located within the rural area, as noted above the site is nestled between existing built form comprising the CITB NI and the existing Bondelivery warehouse. The existing level of built form effectively presents as an urban form of development within this rural area, which is compounded by additional buildings located at Nutts Corner (Consentino and Sysco) on the western side of the Moira Road. Views from the Moira Road will be specific to the rear elevation of the proposed building and a section of the northwestern elevation. The presence of the existing mature vegetation along the western boundary will aid screening which is to be supplemented by additional proposed planting.

Critical views are also achieved when travelling along the Dundrod Road, from a northern direction, however, views will be somewhat limited due to the presence of the CITB NI building. Views along the Dundrod Road on approach from the west will also be evident, however, from this perspective views are filtered by the presence of intervening built form and vegetation, limiting views to the upper sections of the building. The site is located within the Nutt's Corner Business Park nestled between other forms of economic development, together with the scale, massing and appearance of the other existing buildings within the immediate vicinity means that while the proposal is open to critical views, it is not considered to be out of character with the surrounding area.

Policy PED 9 also requires that any proposal should be compatible with surrounding land uses, having regard to the storage and distribution nature of the proposal. It is unlikely that there will be significant effects on the variety of commercial, industrial, storage and distribution uses within and adjacent to Nutts Corner Business Park including CITB NI, Transport Training Services, Total Blinds and Beatties Distribution Services Ltd.

Overall, the design, layout and appearance of the building including its scale and massing are considered to be acceptable in the context of the surrounding area. The proposed storage and distribution centre will sit comfortably with the existing Bondelivery Distribution Centre and other existing buildings along the Dundrod Road and Nutts Corner Road thereby complying with the policy provisions for design and integration set out in the SPPS, PPS4 and PPS 21.

Neighbour Amenity

Policy PED 9 of PPS 4 requires development proposals not to harm the amenity of nearby residents they should not create a noise nuisance and any proposal should be compatible with surrounding land uses. The application site is located within the existing Nutts Corner Business Park and as such existing development abutting the application site is mostly industrial or storage and distribution uses with the exception of the CITB NI Training centre located to the immediate northeast of the site. Residential properties are located opposite the entrance to the site along the Dundrod Road.

A Noise Impact Assessment (NIA) (Document 06) was submitted in support of the application together with additional Noise Information (Documents 14 & 21). Consultation was carried out with the Council's Environmental Health Section (EHS) which has reviewed the supporting documentation and has concluded that the proposed development can operate without adverse impact on nearby residential amenity subject to noise control conditions restricting the noise level associated with the proposal. In addition, EHS recommend that a proposed backup generator shall

be enclosed by a 2.4 metre acoustic barrier. The details of the location of the proposed generator is not included on the proposed plans as such it is considered that a negative condition requiring this to be agreed in writing with the Council prior to the development commencing should be imposed should planning permission be forthcoming.

Consideration was also given to the impact on air quality and artificial light and no objections have been raised from EHS in this regard. However, EHS have highlighted information in relation to any proposed lighting that will be included as an informative if planning permission is forthcoming.

Flood Risk and Drainage

PPS15 seeks to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere, in addition, Policy PED 9 of PPS 4 requires that development is not located in an area of flood risk and will not cause or exacerbate flooding. The applicant has provided a Drainage Assessment (DA) (Document 17), DfI Rivers Letter (Document 10) and a Schedule 6 Consent (Document 17) in support of their application.

Policy FLD 1 of PPS 15 states that development will not be permitted within the 1 in 100 year fluvial floodplain (AEP7 of 1%) or the 1 in 200 year coastal floodplain (AEP of 0.5%), unless the applicant can demonstrate that the proposal constitutes an exception to the policy. The submitted DA indicates that the proposed built development does not lie within the present day or climate change 1 in 100 fluvial floodplain. Consultation was carried out with DfI Rivers, which has reviewed the applicant's DA and initially requested that clarification in relation to the discharge rate at one manhole and a copy of the Schedule 6 Consent. An updated DA and Schedule 6 were submitted with further consultation carried out with DfI Rivers who advised that while not being responsible for the preparation of the report, they accept its logic and have no reason to disagree with its conclusions. Additionally, DfI Rivers has confirmed that the proposal is not in proximity to any watercourse.

Archaeology and the Built Heritage

Planning Policy Statement 6 (PPS 6) deals with archaeology and built heritage and requires that the proposed development has no adverse effect on the built heritage. Additionally, PED 9 of PPS 4 requires that any proposal does not adversely affect any features of the built heritage. Consultation was carried out with HED who indicated that the application site is located within the extent of the former RAF Nutts Corner airfield. The original aircraft dispersal sites during World War II at RAF Nutts Corner consisted of "frying pan" dispersal sites – effectively large circular concrete pads with access for multiple aircraft and attached to the airfield perimeter track by a single road. By 1942 the huge increase in aircraft numbers made the use of 'frying pans' unworkable and the dispersals were redesigned into 'spectacle' or loop dispersals sited around the perimeter track. They had many advantages over the earlier dispersals, notably they used less material for more parking. Aircraft could taxi onto one end then follow a shallow curve back onto the perimeter track. This reduced the fatigue on airframes and allowed squadrons to be rapidly deployed.

A revised site layout plan (Drawing 03/1) indicates that the extent of the Spectacle Dispersal Site is to be preserved by the use of differentiated surfacing materials - concrete hardstanding vs asphalt. The site layout plan indicates that the outline of

the former WWII trackways is to be depicted onto new surface treatment areas and that the contractor is to use durable and long-lasting materials for demarcations. HED indicate that the final detail will be required to be agreed, therefore, if planning permission is forthcoming a condition to this effect is recommended.

HED concurs with the conclusion of the archaeological evaluation (Document 18) that further archaeological mitigation is required on site, namely the supervision and recording of the removal of the dispersal site. Therefore, HED are content that the proposal satisfies the SPPS and PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation.

Natural Heritage

PPS 2 sets out the Executive's commitment to sustainable development, conserving, and where possible, enhancing and restoring natural heritage. Policy NH5 states that proposals which are likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

The applicant has submitted a series of supporting ecology assessments, including a Preliminary Ecological Appraisal (PEA) (Document 04) and a Biodiversity Checklist (Document 03) in support of their application. Consultation was carried out with DAERA Natural Environment Division (NED) who are content with the findings and welcome the inclusion of native planting around the site boundaries and additional planting to maintain the biodiversity value of the site.

Overall, NED has considered the impacts of the proposal on designated sites and other natural heritage interests (Habitats, and Protected Species) and, on the basis of the information provided, has no concerns subject to a recommended condition.

Designated Sites

The closest open watercourse to the application site is more than 100 metres away from the application site. There is no viable pathway for conceivable effects on European sites during the construction phase. Shared Environmental Services (SES) has been consulted with regard to the impact on Designated Sites. SES have considered the impacts of the proposal and are content that there will be no likely significant impact on any designated site subject to conditions. As indicated above the Council has accepted the Habitats Regulation Assessment as carried out by SES.

Access, Movement and Parking

With regards to transportation the SPPS aims to secure improved integration with land-use planning, to facilitate safe and efficient access, movement and parking. Additionally, Planning Policy Statement 3 Access, Movement and Parking seeks to ensure that prejudice to road safety does not occur as a result of development. Policy AMP 2 of PPS 3 requires that any proposal will not prejudice road safety or significantly inconvenience the flow of traffic. As indicated above access to the site is achieved via an existing access from the Dundrod Road which provides both ingress and egress to the site.

The Dundrod Road is a protected route and Policy AMP3 of PPS 3 restricts new accesses and the intensification of use onto protected routes, however, it does

allow for exceptions in certain circumstances. One such exception indicates that approval may be justified in particular cases for developments within the countryside where access cannot reasonably be obtained from an adjacent minor road. In this case, there are no alternative routes available to serve this site as the application site is sandwiched between both the A26 (Moir Road) and B101 (Dundrod Road) both protected routes and there are no minor roads from which the proposal can access. It is important to note that DfI Roads has no objection to the access onto the protected route. Overall, it is considered that the proposal complies with the criteria set out in Policies AMP 2 and AMP 3 of PPS 3.

A Transport Assessment Form (TAF) (Document 07) was submitted in support of the application, Policy AMP 7 requires developments 'to provide adequate car parking' having regard to the Parking Standards. As indicated above Bondelivery comprises of the existing warehouse located opposite the site, the proposed lorry park which was recently approved under application Ref: LA03/2024/0583/F and the current proposal. The TAF indicates that the proposal will not result in any intensification in use given that the existing premises are beyond capacity and the proposal will result in the relocation of a number of goods from the existing warehouse to the proposed building. It is advised that due to client agreements that products are separated based on individual client requirements, it is also indicated that the proposal allows for growth in the level of returns that can be stored prior to distribution. The TAF indicates that based on supplementary planning guidance 'Parking Standards' that the ancillary office building requires 27 car parking spaces whilst the warehouse requires 17 car parking spaces and 17 HGV spaces, the formal parking provision as indicated on Drawing 03/1 provides 12 car parking spaces inclusive of two accessible spaces and 26 van spaces, additionally there are 20 dock levellers which accommodate further parking provision. As indicated above the wider Bondelivery development includes a proposed lorry park which was recently approved under application Ref: LA03/2024/0583/F. The proposed lorry park provides 33 lorry parking spaces and 56 car parking spaces and is located adjacent to the junction of the Dundrod Road and the site access. The combination of parking provision provided to serve the application site is considered appropriate, DfI Roads have not raised any concerns with the parking arrangements.

Other Matters

Emissions and Effluent

A further criteria of Policy PED 9 of PPS 4 requires that the proposed development is capable of dealing satisfactorily with any emission or effluent. Consultation was carried out with DAERA's Water Management Unit (WMU) who note that the drainage plan indicates that drainage from the refuelling area will pass through an interceptor before joining into the site's main drainage system, before final discharge into a private storm drain. A separate Discharge Consent under the terms of the Water (Northern Ireland) Order 1999 will be required for the discharge of intercepted site drainage from the proposed development. Therefore, WMU has raised no objections to the proposal.

The method of sewage disposal is to be via a Waste Water Treatment Plant, again a Consent to Discharge application is dealt with by DAERA under a separate regulatory regime.

Contaminated Land

The application site is a greenfield site albeit some existing informal parking appears to be carried out on a section of the site. Consultation was carried out with NIEA Regulation Unit Land & Groundwater Team (RULGW) who advise that, based on available information, there are no significant sources of previous potentially contaminating land uses identified on this application site or in the adjacent area. The proposed development is therefore considered likely to be a low risk to the water environment. RU would have no objection to any planning application subject to the recommended conditions in the scenario that unidentified contamination is encountered.

The Council's Environmental Health Section and RULGW support the conclusions within the contamination reports and have no objection to the development subject to conditions relating to potential unknown contamination. It is therefore considered that there is no significant contamination risks associated with this site.

The Draft Plan Strategy

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION

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

- The principle of the development is considered acceptable;
- The design, layout and appearance of the proposal is acceptable;
- There are no significant neighbour amenity concerns;
- There are no significant contaminated land concerns;
- There are no significant concerns with the compatibility with adjacent land uses;
- There is no significant flood risk associated with this development;
- There are no significant natural and built heritage concerns;
- There are no significant access, movement or parking concerns;
- There is no significant concern with regard to NI Water infrastructure; and
- There are significant economic benefits associated with this proposal.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

2. The total noise level from all activities associated with the development shall not exceed a rating level of 40.7dB LAr,1hr when measured within the external amenity area of any nearby noise sensitive receptor and assessed in accordance with British Standard 4142:2014 + A1:2019.

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

3. Within 4 weeks of a written request by the Council, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the site operator shall, at his/her expense employ a suitably qualified and competent person, to assess the total level of noise arising from the approved development, 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 2 weeks in advance of the date of commencement of the noise monitoring.

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

4. The site operator shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Condition 3, including all calculations, and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 1 month of the date of the written request of the Council unless otherwise extended in writing by the Council.

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

5. Should the cumulative level of noise arising from the approved development measured within Condition 3 exceed the level stated within Condition, then mitigation measures to reduce noise levels shall be agreed in writing and carried out within a time frame specified by the Council. Within one month of the completion of further works, a noise survey shall be completed and submitted to the Council to demonstrate the noise levels stated within Condition 2 are not exceeded.

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

6. During the operational lifetime of the development all fork lift trucks and mobile plant operating externally at the proposed warehouse as marked on Drawing No 03/1 date stamped 18th January 2025 shall be electric powered and shall be fitted with broadband reversing alarms.

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

7. Prior to the development hereby approved becoming operational, details of the external backup generator shall be submitted to and agreed in writing with the Council. The external backup generator shall only be operational in emergency circumstances and during periods of maintenance or repair purposes for the building hereby approved. A 2.4 metre high acoustic barrier shall be installed around the generator prior to operation. The barrier shall have a surface weight of not less than 10kg/m², be of solid construction (i.e. no gaps or holes for sound to pass through) and so if it is a fence it should be of the ship-lapped design. The acoustic barrier shall be maintained for the lifetime of the development.

Reason: In order to protect amenity at near-by residential dwellings.

8. No development shall take place on-site until a Consent to discharge in respect of sewage disposal has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

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

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

10. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

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

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

11. After completing the remediation works under Condition 10, and prior to occupation of the development hereby approved, a verification report shall be submitted in writing and agreed with Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

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

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

12. No building hereby permitted shall become operational until the hard surfaced areas associated with the development hereby approved on Drawing No 03/2 date stamped 18th January 2025 and in accordance with the grant of planning permission Ref: LA03/2024/0583/F, have been constructed and permanently marked 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.

13. No site works of any nature or development shall take place until a Programme of Archaeological Work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council. The POW shall provide for:
- The identification and evaluation of archaeological remains within the site;
 - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
 - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
 - Preparation of the digital, documentary and material archive for deposition.

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

14. No site works of any nature or development shall take place other than in accordance with the Programme of Archaeological Work approved under Condition 13.

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

15. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under Condition 13. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

16. Any external lighting to be included in the development shall be of flat glass, full cut off design with horizontal mountings so that there is no light spill above the horizontal.

Reason: In the interests of aviation and public safety.

17. Notwithstanding the approved drawings, no development shall take place until full details of the materials to be used in defining the extent and surface of the Spectacle Dispersal Site have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

18. Reason: To ensure that the appearance of the surfacing material is appropriate in accordance with Policy BH 2 of PPS 6.

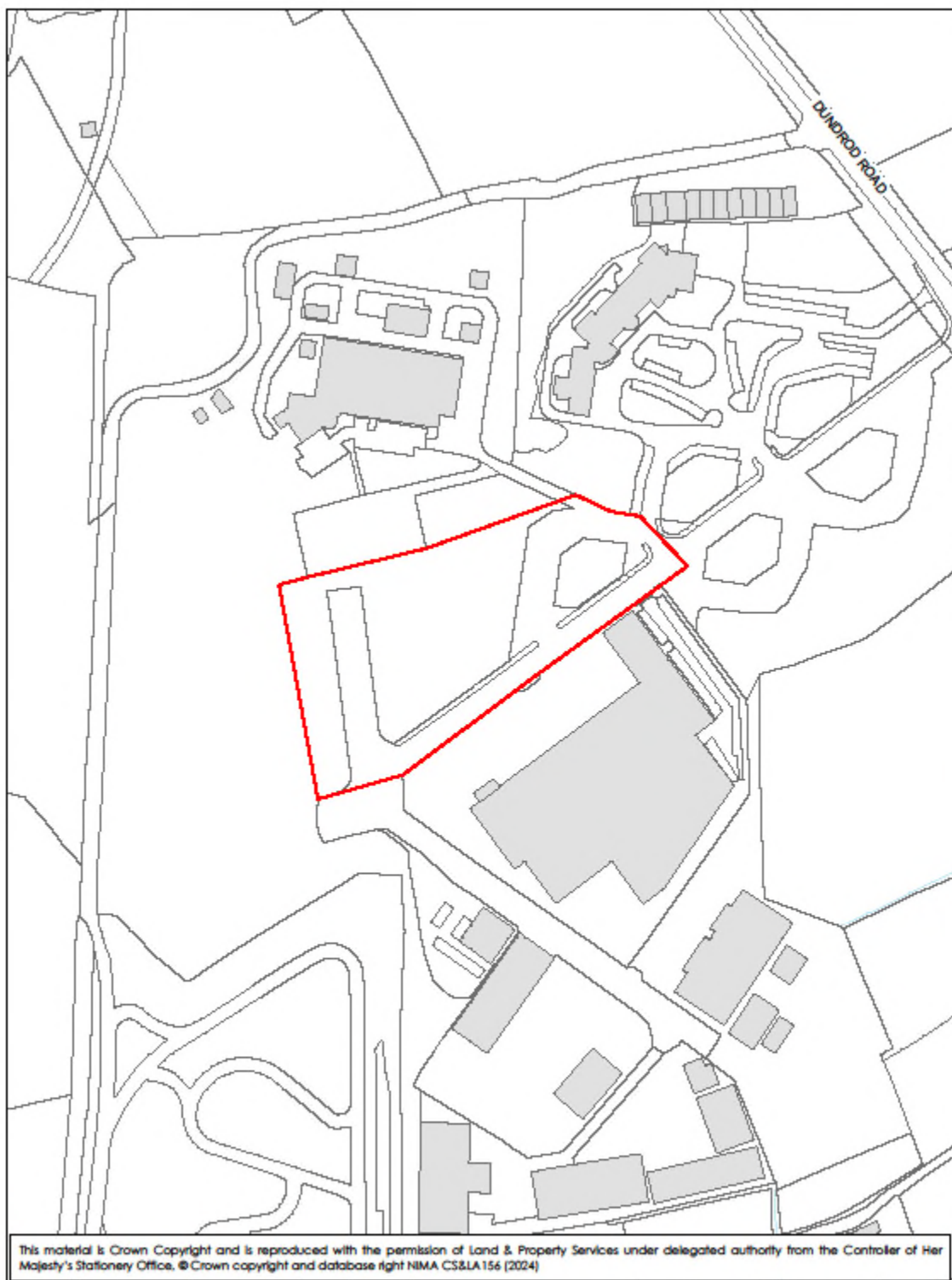
19. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted along the southwestern boundary of the site. The scheme of planting as finally approved shall be carried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

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

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

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

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



Site Location Plan

1:2,500

Reference: LA03/2024/0611/F

 Site Location



COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2024/0049/F
DEA	THREE MILE WATER
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Residential development and renovation of existing dwelling (no. 1 Circular Road) to provide 25no. dwellings, consisting of 6no. detached, 1no. chalet bungalow and 18no. apartments. Proposal includes garages, bike stores, car parking, landscaping and all associated site works.
SITE/LOCATION	1 Circular Road, Jordanstown, BT37 0RA
APPLICANT	Sean O'Kane
AGENT	HERE Architects
LAST SITE VISIT	18 th December 2024
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@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 : https://planningregister.planningsystemni.gov.uk/application/682578</p>	
SITE DESCRIPTION	
<p>The application site is located at 1 Circular Road, Jordanstown, which is within the development limits of Metropolitan Newtownabbey and within the Whiteabbey Area of Townscape Character as designated in the draft Belfast Metropolitan Area Plan (2004) under Policy MNY 36.</p> <p>The application site consists of a large existing dwelling (No. 1 Circular Road) and part of its extensive garden area. The existing dwelling on the site is a large traditional two storey red brick dwelling and it is situated at the rear of the plot on elevated lands which rise away from the Shore Road in a northwesterly direction, with views out towards Belfast Lough.</p> <p>The application site contains a large number of trees protected by a Tree Preservation Order (TPO) predominantly located in the northeastern and northwestern corners of the site along the Circular Road.</p> <p>The immediate area in which the site is located is predominantly residential in character with the site being surrounded by dwellings to the north, east and west. The site is also in close proximity to Whiteabbey Village where a mix of commercial land uses are also present.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2023/0232/F Proposal: Temporary Change of use of ground floor of dwelling to office accommodation Location: 1 Circular Road, Jordanstown, Newtownabbey Decision: Permission Refused – 17/07/2023</p>	

Planning Reference: LA03/2022/0942/F

Proposal: Proposed residential development for 6 no. detached dwellings with access to be taken from Shore Road. Proposal includes garages, car parking, landscaping and all associated site works

Location: 1 Circular road, Jordanstown, Newtownabbey

Decision: Permission Granted – 23/10/2023

Planning Reference: LA03/2022/0623/LDP

Proposal: Commencement of residential development for 3 no. dwellings as approved under LA03/2016/0120/F

Location: 1 Circular Road, Jordanstown, Newtownabbey

Decision: Certified – 01/09/2025

Planning Reference: LA03/2022/0612/LDP

Proposal: Completion of development for erection of 1 no. dwelling approved under U/2005/0717/F

Location: 1 Circular Road, Jordanstown, Newtownabbey

Decision: Not Certified - 28/09/2022

Planning Reference: LA03/2016/0120/F 2

Proposal: 3 no. dwellings (amended layout from U/2014/0288/F)

Location: Land South East and North East 1 Circular Road, Jordanstown, Newtownabbey

Decision: Permission Granted – 10/08/2017

Planning Reference: U/2014/0288/F

Proposal: Erection of 6 no. dwellings

Location: Land South East and North East 1 Circular Road, Jordanstown, Newtownabbey

Decision: Permission Granted – 03/03/2015

Planning Reference: U/2007/0814/F

Proposal: Erection 6 no. dwellings

Location: 1 Circular Road, Jordanstown, Newtownabbey

Decision: Permission Granted – 19/01/2009

Planning Reference: U/2005/0717/F

Proposal: Erection of 1 no. private dwelling

Location: 1 Circular Road, Jordanstown, Newtownabbey

Decision: Permission Granted – 07/04/2006

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, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy

Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Belfast Urban Area Plan (BUAP): The application site is located within the settlement limits of Metropolitan Newtownabbey. The plan offers no specific guidance on this proposal

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limits of Metropolitan Newtownabbey within the Whiteabbey Area of Townscape Character (Policy MNY 36)

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

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

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

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

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

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

PPS 8: Open Space, Sport and Outdoor Recreation: sets out planning policy for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation.

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

CONSULTATION

Council Environmental Health Section – No objection subject to condition

NI Water – No objection

DfI Roads – No objection subject to conditions

DfC Historic Environment Division – No objection

DfI Rivers – No objection subject to condition

NIEA – No Objection subject to condition

REPRESENTATION

Thirty Six (36) neighbouring properties were notified of the application and six (6) representations have been received from four (4) neighbour notified properties.

A summary of the representations has been provided below:

- Road safety concerns including exacerbation of the existing traffic problem in the village, increased traffic congestion, traffic flow problems, access onto Shore Road and proximity to existing bus stop, nuisance from traffic noise, , pollution, parking, and impact on residents safety and wellbeing;
- Impact on landscape being marred by urbanisation;
- Impact on view to existing 100 year old Arts and Craft House (No. 1 Circular Road);
- Density and appearance of the proposed dwellings and apartments area not in keeping with the area;
- Impact on Biodiversity including a loss of habitats for bats, badgers, herons and hedgehogs;
- Loss of flora and fauna;
- Possible spread of Japanese Knotweed;
- Increased pressure on the already struggling sewer system;
- Concerns about overlooking and loss of light;
- Impact on already overwhelmed services and infrastructure e.g. doctors/ dentist/schools;
- Impact of noise during the construction phase of development;
- Impact on existing character and identity of the area;
- Apartment development is not in keeping with the area;
- The proposed apartment building will encroach on the privacy of neighbouring occupants;
- Inadequate parking provision provided; and
- Impact of the removal of trees.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Principle of Development
- Design, Layout and Impact on Character and Appearance of the Area
- Archaeology and Built Heritage
- Private Open Space Provision
- Neighbour Amenity and Impact on Adjacent Land Uses
- Parking and Road Safety

- Flood Risk
- Natural Heritage and Impact on Trees
- Other Matters

Preliminary Matters

An office meeting was scheduled with the agent on 4th July 2024. During this meeting Officers made the agent aware of concerns with the proposed scheme. Officers requested issues to be addressed and for amendments to be submitted by 6th August 2024. The agent requested an extension to this timescale until 16th August 2024, which was agreed by Officers. Amendments to include drawings and updated documents were received on 8th and 15th August 2024. Following a further consultation response from NIEA and the Council's Tree Officer further clarification and amended plans were requested to be submitted by 15th January 2025 and these amendments were received by the Council on this date.

Principle of Development

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan for the area. The provisions of Draft BMAP (2004) are also a material consideration.

The application site lies within the development limits of Metropolitan Newtownabbey as defined in Draft BMAP (2004) and also lies within the Whiteabbey Area of Townscape Character (Policy MNY 36). The detached dwelling at No. 1 Circular Road is listed within the designation as a key feature of the area.

Unlike the position set out for existing Areas of Townscape (ATCs) it is clear from decisions taken by the Planning Appeals Commission that neither the policy nor advice contained in draft BMAP (2004) nor the provisions of PPS 6 (Addendum): Areas of Townscape Character can be applied to these proposed designations in advance of the formal adoption of the Plan. Nevertheless, the impact of development on the character and appearance of these proposed ATCs remains a material consideration and will be discussed as part of the assessment of the development proposal.

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).

The application site is located at No. 1 Circular Road, Newtownabbey and the wider site has been the subject of a number of previous planning approvals for residential development. Given that the current proposal is for residential development on lands which lie within the development limits of Metropolitan Newtownabbey as designated in draft BMAP (2004) it is considered that the principle of housing development on the

application site is acceptable subject to the proposal meeting the policy criteria laid out within PPS 7 Quality Residential Environment and any other relevant planning policy.

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

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) refers at paragraph 6.137 for 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 Planning Policy Statement 7 (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. As noted above the proposal is for new residential development and the renovation of the existing dwelling at No. 1 Circular Road to provide twenty five (25) residential units. This consists of six (6) detached dwellings, one (1) chalet bungalow and eighteen (18) apartments. The proposal also includes garages, bike stores, car parking, landscaping and all associated site works.

The first criterion of Policy QD 1 requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The proposed development scheme consists of six (6) detached, one (1) chalet bungalow, and eighteen (18) apartments provided within two (2) new buildings and one (1) existing building). The access serving the proposed residential units is to be taken off the Shore Road, using the same access for the scheme previously approved under planning application Ref: LA03/2022/0942/F for (six) 6 dwellings.

The proposed detached dwellings are designed to front onto the new internal estate road but are also sited to avail of views towards Belfast Lough where achievable. The two (2) new proposed apartment buildings are to be sited towards the rear (northwest) of the application site, one on each side of the existing dwelling which is to be converted into two (2) apartments. The layout allows for the retention of the majority of the protected trees on the application site, which are primarily located along the site's northwestern boundary along the Circular Road and along the northern boundary in the northeastern corner of the site. These areas will be retained as areas of woodland walk/open space.

The proposal includes a number of different house types. These include house types HT D, HT D1 and HT D2 which are detached dwellings with pitched roofs and glazed rear elevations including enclosed balconies. The dwellings are designed to have the living accommodation at first floor level in order to avail of the open views towards Belfast Lough. The dwellings have a simplistic modern design with vertically emphasised windows and are to be finished in white render, with a small portion of contemporary linear facing brick and zinc standing seam cladding. The windows and sliding doors are to be finished in dark grey PPC aluminium and the roofs finished in black natural slate with dark grey single ply covering the flat roof elements. The dwellings have a maximum ridge height of approximately 8.6 metres (similar to the six dwellings approved under planning application Ref: LA03/2022/0942/F for the adjacent site).

HT D2 is located on a corner plot within the proposed development and therefore has been specifically designed to have a dual aspect onto both internal estate roads in order to achieve an attractive outlook.

HT E is a detached one and half storey dwelling with a maximum ridge height of approximately 6.4 metres located towards the centre of the proposed residential development. It takes a simple design approach and consists of one main block with a single storey rear return. There are two box dormers evident on the front elevation with all first floor windows to the rear being roof lights. The dwelling is designed to have an attractive visual outlook to the front and northern elevations given that these elevations both face onto the internal estate road. The dwelling is to be finished in white render, with a small portion of contemporary linear facing brick and zinc standing seam cladding and the roof finished in black natural slate.

HT F and HT F1 are variations of each other and are detached houses with pitched roofs and linear formation and are sited along the northeastern boundary of the application site (adjacent to the existing dwellings in Chestnut Hill). The ridge height of these proposed buildings is approximately 8.6 metres at the maximum pitch. The dwellings are to be finished in white render, with a small portion of contemporary linear facing brick and zinc standing seam cladding and the roof finished in black natural slate.

Apartment Building G is located in the most northwestern corner of the application site and adjacent to the existing dwelling at No. 1 Circular Road (to be converted). This apartment building consists of two blocks. A larger block to the front and facing towards the Lough with a smaller block located behind. There is a linking element adjoining to the two main accommodation blocks and ensuring the building appears as one. The front block has a pitched roof with a ridge height of 11.4 metres with the linking element and rear block being stepped down with a flat roof to 8.8 and 8.9 metres. This building includes a number of glazed balcony areas to the front and wrap-around balconies on the western side elevation. These balcony areas will again avail of views over Belfast Lough. The building is to be finished in a mixture of white painted render and contemporary linear facing brick with elements of zinc standing seam and grey horizontal fibre cement cladding. As mentioned above the balconies will be glazed. This building provides nine (9) three bedroom apartment units.

Apartment Building H is to be located in the most northern corner of the application site adjacent to the treed area of open space. This building provides three (3) storey accommodation and takes an 'H' shape formation with two pitches evident on the front and rear elevation. It again includes four (4) balconies facing towards the Lough on its front elevation. This building has a maximum ridge height of approximately 11.3 metres to the highest point of the pitches. The building is to be finished in a mixture of white painted render and contemporary linear facing brick with elements of zinc standing seam and grey horizontal fibre cement cladding. As mentioned above the balconies will be glazed. This building provides six (6) three bedroom apartment units.

The existing dwelling is to be converted into two (2) two bedroom apartments and one (1) three bedroom apartment. An existing rear annex is to be demolished and alterations are to be made to the internal layout of the building. In terms of the alterations, the main change to the building's external appearance is the inclusion of new glazed balconies to the building's front elevation in place of existing window and door openings. There is a new door included on the rear elevation of the building in place of an existing window opening. There are also a number of new windows to be

inserted onto the buildings eastern side elevation; (two (2) on the first floor and one (1) on the ground floor.

Private parking areas for the proposed apartments are to be provided forward of Building G and to the rear of the existing dwelling to be converted. Bin and bike stores are also provided to the rear of these apartment buildings.

Each of the detached dwellings has space to the rear for a detached garage. The proposed garages are the same throughout the scheme. The garages are single storey and incorporate a small studio space. The garages are of typical design with a pitched roof and ridge height of 4.1 metres. The garages are to be finished to match the proposed dwellings with white render for the walls with a small portion of grey linear facing brick, dark grey windows and doors and black natural slate roofs.

The topography of the application site rises away from the Shore Road to the north of the site (the rear). The buildings at the back of the site are on elevated lands but avail of a significant backdrop provided by the existing mature trees. There are also a number of tall three (3) storey buildings beyond these trees within Woodgreen (which includes No. 1a and Woodgreen Residential Care Home) which sit on more elevated lands.

It is noted that a number of representations have raised concern that the proposal is not in keeping with the existing character of the area. It is considered that the application site is set within a context where there is no distinct or definitive architectural style and therefore the design and appearance of the proposed dwellings and apartments is considered acceptable and complimentary to the existing development both within the application site (the existing dwelling at No. 1 Circular Road) and within the wider area. Furthermore the design is also similar to that previously approved under planning application Ref: LA03/2022/0942/F for six (6) dwellings immediately southeast of the application site and part of this wider proposed residential development scheme.

Policy LC 1 of the Addendum to PPS 7 deals with the matter of density within existing residential areas. This policy requires that the proposed density is not significantly higher than that found in the established residential area. The SPPS also makes reference to density within an ATC. It advises that in residential areas of distinct townscape character that an increase in density should only be allowed in exceptional circumstances.

The plot at which the application site is located is unique in term of its existing abundant plot size and as such the proposal would inevitably result in an increase in density at the site in terms of what is existing, however, the proposed development layout and density is considered comparable to the surrounding existing development at Circular Road, Loughshore Courtyard and Chestnut Hill and the development previously approved under planning application Ref: LA03/2022/0942/F (for six (6) detached dwellings) and would therefore not be considered to have any significant impact on the character or appearance of the area (draft ATC).

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

Archaeology and Built Heritage

Criteria (b) of Policy QD 1 requires that any features of archaeological and built heritage, and landscape features are identified and, where appropriate protected and integrated into the overall design of the development.

It is noted that the existing building at No. 1 Circular Road is included on DfC's Historic Map viewer as 'record only'. It is noteworthy that this building demonstrates good architectural merit and its retention and adaption to form part of the development scheme is welcomed. DfC Historic Environment Division has assessed the application and is content that the proposal is satisfactory to the archaeological policy requirements of the SPPS and PPS 6.

Private Open Space Provision

Criteria (c) of Policy QD 1 requires that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Supplementary Planning Guidance provided in the 'Creating Places' document states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40m² of private open space for any dwelling house. All of the detached proposed dwelling units range between 102sqm – 315sqm and as such far exceeds the minimum requirement for private open space.

Creating Spaces advises that 'in the case of apartment or flat developments, or 1 and 2 bedroomed houses on small urban infill sites, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10sqm per unit to around 30sqm per unit. The appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept. In this case, Apartment Building G avails of a minimum amenity area of 390sqm, Apartment Building H avails of 107sqm and the existing building to be converted avails of 415sqm. These areas are each in excess of the requirements laid out in the guidance but it is also worth noting that there is also a wealth of public open space provided within the wider scheme which is in proximity to these apartment buildings.

Policy OS 2 of PPS 8 requires that for new residential development with 25 or more units, that public open space is provided as an integral part of the development scheme. The normal expectation is 10% of the total site area. In this instance there is approximately 5000sqm (0.5 ha) of proposed public open space which is in excess of 10 % of the total site area (1.4 ha). These consist mainly of two woodland walk areas through the existing protected trees.

It is considered that an appropriate provision of open space has been provided in line with the previous planning history and the policy requirements of criteria (c) of Policy QD 1.

Neighbour Amenity and Impact on Adjacent Land Uses

Criteria (h) of Policy QD 1 requires that the design and layout of any proposed development will not create conflict with adjacent land uses and that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. Creating Places also recognises the importance of protecting the privacy of existing occupants of surrounding residential properties.

The layout of the proposed development scheme will result in back-to-back relationships with existing directly adjacent neighbouring properties (namely those within Chestnut Hill and Wood Green).

The common boundaries between Plots 8, 9 and 10 with the dwellings at Nos. 4, 5 and 6 Chestnut Hill are a mix of existing mature fir trees and 1.8 metre high fencing. The separation distances between the proposed dwellings and the existing neighbouring dwellings ranges from between 28 – 33 metres. The finished floor levels of the existing and proposed dwellings are generally similar and therefore owing to the separation distances there are no significant detrimental impacts upon amenity in terms of overlooking, privacy, loss of light or dominance. It is noted that the proposed garages are located closer to the common boundaries of existing dwellings, however, these are not considered to have a significant impact given their single storey design and the existing boundary treatment.

HT E on Plot 7 is located approximately 21.5 metres from the adjoining neighbour at No. 3 Chestnut Hill. HT E has been designed to include one and half storey accommodation with only roof light windows on the rear elevation (which faces towards No. 3). Given the design of the proposed dwelling, the separation distance and the existing boundary treatment, it is considered that the proposal would also have no significant impact on this existing neighbouring property.

It is noted that there is a first floor window on the side elevation of HT E that serves as a secondary window for a bedroom. Given that this window would face towards the rear amenity space of an adjacent dwelling previously approved under planning application Ref: LA03/2022/0942/F it is considered appropriate to condition that this window be obscured to ensure there is no undue overlooking opportunity to the most private part of the amenity area at this adjacent approved dwelling.

HT D, D1 and D2 located on Plots 29, 30 and 31 are sited approximately 40 metres from the dwellings on Plots 1-4 of the scheme previously approved under planning application Ref: LA03/2022/0942/F which is located immediately forward of the application site to the southeast. These dwellings are also sited beyond a private road and the carports and garages for the existing approved dwellings. It is noted that the proposed dwellings include large portions of glazing and balconies on their rear elevation (facing towards Plots 1-4) however, owing to the separation distance and the topography of the application site the proposed dwellings will not directly overlook the existing dwellings rather they would look beyond these and towards Belfast Lough.

Given the existing boundary treatment and heavy tree presence along the site's northwestern boundary in common with the Circular Road it is considered that there is no significant amenity concerns relating to the proposal and the existing dwellings beyond the site to the northwest.

Apartment buildings G, H and the existing dwelling (which is to be converted into two (2) apartments) are located in the most northern portion of the site. The rear of each of these buildings faces towards the rear elevations of the existing properties in Wood Green. The common boundary with the dwellings and Willow Tree Lodge Care Home on Wood Green is defined by existing mature trees, which are to be retained as part of the proposed development. The existing buildings at Wood Green sit at a higher level than the proposed apartment buildings. The minimum separation distance of Building G with No. 1a is approximately 33 metres (first floor to first floor). The design of this proposed

building is also considerate to the adjacent site and steps down to 9 metres at the rear block of the apartment building closest to the boundary.

The separation distance between the existing dwelling to be converted and the Willow Tree Lodge Care Home is approximately 38 metres and is the same as the existing development on site. There is a 27 metre separation distance from Building H and the Willow Tree Lodge Care Home, but the siting and off setting of Building H means that there is no direct back-to-back relationship with this existing building.

An area of Woodland Walk (open space) is provided in the section of the site adjacent to the Wood Green Residential Care Home. Owing to the existing mature boundary treatment, the topography of the site and the design and layout of the scheme, it is considered that the proposal would not result in any significant detrimental impact on the adjacent neighbours within Wood Green.

A number of objections have raised specific concerns in relation to potential impact on amenity. Concerns were raised specifically in relation to No. 8 Wood Grange and No. 4 Circular Road. No. 8 Wood Grange is located 67 metres from the closest proposed building on site. The orientation of both this existing dwelling and the proposed layout does not give rise to any significant amenity impacts on this property. Furthermore a number of existing mature trees are situated between the proposed development and this existing neighbouring property which provide another degree of screening.

No. 4 Circular Road is located on the opposite side of the road to the application site and beyond a thick band of mature trees with heights in excess of 8 metres. Again, owing to the proposed layout together with the ample separation distance of over 40 metres there are no significant amenity issues at this existing property.

Neighbours have also raised concerns in relation to impact by noise during the construction phase of the development. The Council's Environmental Health Section has assessed the proposal in relation to impact from noise and has offered no objection in relation to noise generated during construction which will likely be limited to day time working hours and will be for a temporary period.

It is considered that the proposed layout, design, boundary treatments and landscaping also ensures that the proposed dwellings will not negatively impact upon each other by way of overlooking, overshadowing or loss of light.

Overall, it is considered that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance in accordance with the requirements of Policy QD 1 of PPS 7.

Parking and Road Safety

Criteria (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. Section 20 of 'Creating Places' sets out the requirements for the total number of car parking spaces to be provided within a development for residents, visitors and other callers.

The proposed layout provides parking for two (2) in-curtilage vehicles as a minimum on each plot for the seven (7) detached dwellings. This meets the standard requirement for this house type.

There are also thirty-one (31) communal parking spaces provided for the proposed three (3) and two (2) bedroom apartments. These are provided within two (2) separate parking courts adjacent to the apartment blocks. The parking areas are located to the side and rear of the proposed apartment buildings and allow for informal surveillance while ensuring that they do not dominate the character and appearance of the development. The proposal also includes a number of bike stores for the proposed apartment buildings and is considered to be in an area well served by public transport.

DfI Roads has reviewed the proposed development and has offered no objection to the proposal subject to conditions.

Flood Risk

The application site lies outside of the 1 in 100 year fluvial floodplain or 1 in 200 year coastal floodplain and there are no designated watercourses within the site.

DfI Rivers has reviewed the submitted Drainage Assessment, (Document 02/1 dated 24th June 2024), and states that it has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event with an additional allowance for climate change (10%) and urban creep (10%) could be contained in the attenuation system, when discharging at existing green field runoff rate, and therefore exceedance waters can be safely dealt with without breaching the consented discharge rate.

Rivers Directorate advises within its response that based on the most up to date modelling information on predicted flood risk available to the Department, the climate change flood maps indicate that the site does not lie within the 1 in 100 year climate change fluvial flood plain and/or the 1 in 200 year climate change coastal flood plain.

It is noted that Rivers Directorate has requested that the potential flood risk from exceedance of the network, in the 1 in 100 year event, with an additional allowance for climate change (10%) and urban creep (10%) is managed by way of a condition. This would require that the applicant demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event with an additional allowance for climate change (10%) and urban creep (10%). Given that this is not specifically required by planning policy this not considered necessary to be imposed, however, the developer can be made aware of this matter by way of an informative.

Overall, based on the information provided and the response from Rivers Directorate, it is considered that the proposed development will not be subject to flooding or exacerbate flooding elsewhere and is therefore compliant with the policy provisions of the SPPS and PPS 15.

Natural Heritage and Impact on Trees

A Northern Ireland Bio-Diversity Checklist (Document 03) and a Preliminary Ecological Appraisal (Document 05/1) were submitted with regards to the development proposal. As noted above the application site includes a significant number of protected trees and as such it is important to ensure there is no significant detrimental impact on these trees or any protected species that may be using these for roosting purposes.

The Preliminary Ecological Appraisal (PEA) recommends that significant adverse impacts are unlikely on any protected habitats or species and that in the long term, with newly planted trees, grassland and habitat creation (woodland walk and open space),

adverse impacts on the ecological features is considered unlikely. The PEA recommends that pre-construction surveys prior to site clearance are carried out to survey for protected and/or invasive species and that any tree felling and vegetation clearance is timed to outside of the bird breeding season (1st March – 31st August) to avoid disturbance to potential nesting bird species. It is considered appropriate to make the developer aware of this matter by way of an informative on any forthcoming planning approval. The applicant should also be made aware that if any evidence of bat activity /roosts or any other protected species become apparent on the site, all works must cease immediately and further advice must be sought from the Wildlife Team, Northern Ireland Environment Agency.

DAERA Natural Environment Division (NED) has reviewed the proposed scheme and the PEA and has responded to advise that they are content with the proposal subject to the developer adhering to advice which would be referred to via an informative. NED notes that the PEA indicates that all trees to be removed have been assessed as having no bat roosting potential.

NED has also highlighted that no lighting proposals have been included within the proposal and that any lighting would require consideration in relation to potential impact on bats. Any lighting proposal needs to be submitted to DfI Roads for approval and will need to address any impact on bats or other protected species. The onus will be on the applicant to demonstrate that there would be no impact from lighting on any protected species and the developer will be informed of this by way of an informative on any grant of planning permission should it be forthcoming.

It is noted that representations have raised the matter of Japanese Knotweed on the application site. The PEA advises that 'no invasive species were identified on site during the Extended Phase 1 site survey' and that 'if any invasive species become identified then an invasive species management plan or method statement would be prepared and implemented.

DAERA Water Management Unit (WMU) has advised that it is content with the proposal subject to NI Water (NIW) agreeing that the waste water treatment works (WWTW) and associated sewer network for this development can take the additional load, with no adverse effect on the WWTW and sewer network's ability to comply with their Water Order Consents. NIW's response indicates that there is available capacity at the WWTW but that the public foul sewer has reached capacity. According to the consultation response provided by NIW, the applicant and NIW have agreed a downstream engineering solution to mitigate the foul capacity issue and allow connection for this development proposal. This solution is to be fully funded and delivered by the applicant. Given NIW has raised no objection to the proposal, it is considered that WMU would also be content that the proposal would not result in any detrimental impact on the aquatic environment.

Overall, as per the PEA (Document 05/1) although the site is located in close proximity to the Belfast Lough there is no connectivity between the proposed development and the designated sites. The proposal includes a separated drainage system for rainwater and foul drainage and therefore there are no changes to the water quality of the Lough as a result of the proposal. Furthermore, the site does not offer any habitats suitable to the qualifying species at Belfast Lough SPA. Overall, whilst the site is within 100m of Belfast Lough, there are no potential impacts on the designated sites.

In relation to protected trees, it should be noted that a number of trees have already been granted approval for their removal under separate applications and which also included remedial planting. The current application proposes the removal of an additional five (5) trees (001,081, 216, 210 and 211). The applicant has a schedule for the replacement of thirty-eight (38) trees as per the planting schedule detailed on the Amended Landscape Proposal, Drawing No. 42/2. These replacement trees are to be scattered throughout the site and are to be an extra heavy standard mix of species to include oak, beech, rowan, yew, birch, lime and scots pine. On balance and weighing up the existing condition of the trees, their location and visual appearance, against the sustainable reuse of this site, it is considered that the compensatory planting scheme is acceptable mitigation.

The Amended Landscape Proposal, Drawing No. 42/2, and the Construction Method Statement (Document 07/1) were updated to include all relevant root protection areas (RPAs), no dig surfacing, permeable surfacing and appropriate boundary treatments.

Overall, it is considered that provided the development is carried out in accordance with the Amended Landscape Proposal (Drawing No. 42/2) and the Construction Method Statement (Document 07/1). This would ensure that there would be no significant detrimental impact to the trees to be protected and retained within the application site. A number of conditions will be appended to this effect on the grant of planning permission should it be forthcoming.

Other Matters

This section of the report will go on to address matters raised via representation that have not already been covered within the main body of this report.

In relation to concerns raised by objectors regarding the increased pressure on already struggling sewer system, Northern Ireland Water (NIW) has advised within its revised consultation response dated 14th June 2024 that it has no objection to the proposed development.

Concerns have been raised by objectors in relation to the proposal having the potential to exacerbate existing traffic problems in the village causing congestion, traffic flow problems, and nuisance from traffic noise, prolonged travel times, pollution, parking and impact on residents' safety and wellbeing. As noted above, DfI Roads have been consulted in relation to traffic and road safety matters and have raised no objection to the proposal. The Council's Environmental Health Section and DAERA have also raised no objection to the proposed development in relation to pollution potential.

Concerns have also be raised by objectors that the proposal would impact views to the existing 100 year old Arts and Craft House (No. 1 Circular Road). Although inevitably views to this existing house will be more limited following implementation of the proposed development it is considered that owing to the proposed layout there will still be views of the existing dwelling which is to be retained and converted as part of the proposed development. Overall, it is considered that the development proposal promotes and ensures the retention of this building and has been designed around this existing dwelling to ensure it remains as an integral feature.

Concerns have also been raised in relation to overwhelmed services e.g. doctors/ dentist and impact on existing infrastructure such as schools. The availability or demand on schools and medical services in the area is unlikely to be prejudiced by the development of twenty-five (25) dwellings in the area and would represent a small

increase in the overall population. In addition, there are no objections from the local doctor or dental surgeries or education authority. It is hard to conclude that the local school and medical services in the area would be unable to cope with the extra population and consequently this issue is not considered to be a determining concern.

Draft Plan Strategy

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION

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

- The principle of the development is acceptable;
- The design and layout generally respects the surrounding context;
- The proposal will not have any adverse impact on built or natural heritage features;
- Adequate public and private open space has been provided;
- Adequate and appropriate provision has been made for parking;
- There are no overriding concerns in relation to flooding; and
- The proposal is considered acceptable in relation to protected trees.

RECOMMENDATION	GRANT PLANNING PERMISSION
<h3>PROPOSED CONDITIONS</h3> <ol style="list-style-type: none"> 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. Prior to the occupation of any individual residential unit, all habitable rooms shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least 29dB R_{Tra} (or R_w+C_{tr}) as detailed within Table 3 in Document 04 date stamped 25th January 2024. Reason: In order to ensure a suitable internal noise environment is achieved within the dwellings. 3. Prior to the occupation of any individual residential unit all habitable rooms shall be fitted with passive and/or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 29dB R_{Tra} (or R_w+C_{tr}). Reason: To ensure a suitable noise environment is achieved within the dwellings without jeopardising the provision of adequate ventilation. 4. Prior to occupation of any part of the development, a 1.8 m high screen wall, as indicated in yellow, shall be erected at the plots numbered 29, 30 and 31 as 	

marked on Drawing Number 10/3 bearing the date stamp 15th January 2025. The fence shall be retained and maintained for the lifetime of the development hereby approved.

Reason: In order to protect external amenity of the permitted development.

5. Prior to the occupation of the dwelling on plot 8 the first floor window coloured green on Drawing No. 18 bearing the date stamp 25th January 2024 shall be fitted with obscure glazing. This glazing shall be retained for the lifetime of the development.

Reason: In order to protect the residential amenity of adjacent neighbouring dwelling.

6. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: to ensure protection of the aquatic environment and to ensure that a suitable method of sewage disposal is available.

7. The proposed landscaping indicated on Drawing No. 42/2 date stamped 15th January 2025 shall be carried out within the first planting season following the completion of the development hereby approved and shall be retained thereafter at a minimum height of 2 metres for 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.

If within the lifetime of the development following the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place within the next available full planting season, unless the Council gives its written consent to any variation.

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

8. No residential units shall be occupied until a Landscape Management and Maintenance plan has been submitted to and approved 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 successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

9. The proposed replanting to compensate for the loss of the protected trees as indicated on Drawing No. 42/2 date stamp 15th January 2025 shall be carried out in accordance with the detail provided on this plan. The replanting shall be

carried out within one month of the trees removal (or within a timescale as otherwise agreed in writing with the Council). These trees shall be permanently retained and allowed to grow on unless the Council gives written consent prior to its removal.

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

10. If a replacement tree dies within a period of 5 years of planting dies, it shall be replaced within the next available planting season by a tree of the same species, variety and size to that originally planted, in the same location, unless the Council gives its written consent to any request for variation.

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

11. 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 outside the Root Protection Area from protected trees as identified on Drawing No. 42/2 date stamped 15th January 2025 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.

12. The development shall be carried out in accordance with specific construction methods as outlined within Document 07/1 – Construction Method Statement bearing the date stamp 15th January 2025.

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

13. 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 be undertaken within the root protection area of any protected trees as identified on Drawing No. 42/2 date stamped 15th January 2025 without prior approval from the Council.

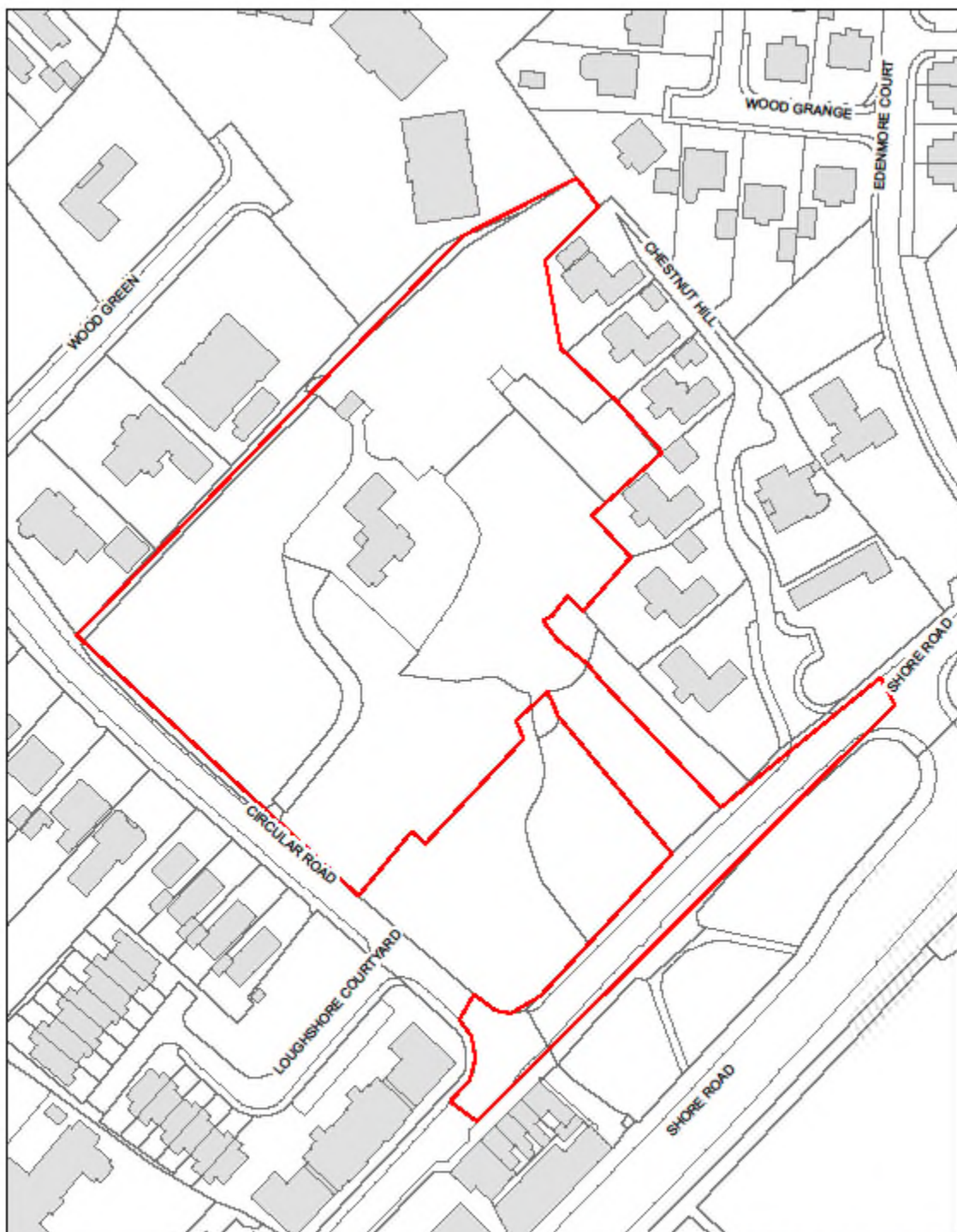
Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations.

14. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 40/1 date stamped 26th February 2025.

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

15. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 41 date stamped 26th February 2025.

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



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Site Location Plan

1:1,250

Reference: LA03/2024/0049/F

 Site Location



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2024/0435/F
DEA	DUNSILLY
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed erection of a 79 MW Battery Energy Storage System (BESS) Facility including MV skids (transformer and inverter), outdoor switchgear compound, DNO substation control room, welfare unit, spare parts container, switch room, new site boundary fencing, new access, and ancillary development works
SITE/LOCATION	Lands approximately 342m southeast of Kells Substation and approximately 105m east of 43 Doagh Road, Kells, Ballymena BT42 3PP
APPLICANT	Green Frog Power (Kells) Limited
AGENT	Gravis Planning
LAST SITE VISIT	19 th July 2024
CASE OFFICER	Morgan Poots Tel: 028 90340419 Email: morgan.poots@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk/application/689261	
SITE DESCRIPTION	
<p>The application site is located approximately 342m southeast of Kells Substation and approximately 105m east of No. 43 Doagh Road, Kells and is outside any development limit defined within the Antrim Area Plan 1986 – 2001.</p> <p>The application site forms part of an existing agricultural field and the land rises gradually away from the public road to the northeast of the site. The northern, northwestern, northeastern and southern boundaries of the site are defined by existing hedgerows and mature trees whilst the eastern boundary is undefined and forms part of the larger agricultural field.</p> <p>The surrounding area is rural in nature and is defined predominately by farm holdings and associated dwellings. Kells Bess Substation is located approximately 342m northwest of the site.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history.	
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 site is located in the rural area outside any designated development limits. The plan states that in rural areas permission will normally be given for small scale commercial and industrial activities in existing buildings or on derelict sites provided there are no objections e.g. Noise, smell or dangerous traffic generation.

Strategic Planning Policy Statement for Northern Ireland (SPPS): 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 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people, property and the environment.

PPS 18: Renewable Energy: sets out planning policy for development that generates energy from renewable resources. This PPS is supplemented by PPS18 Best Practice Guidance and the document Wind Energy Development in Northern Ireland's Landscapes. Supplementary planning guidance on Anaerobic Digestion is also available in draft form.

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.

Planning Strategy for Rural Northern Ireland (PSRNI): Balances the need of new utility infrastructure against the objective to conserve the environment and protect amenity.

CONSULTATION

Environmental Health Section– No objection, subject to conditions.

DfI Roads – No objection, subject to conditions.

Health and Safety Executive- No objection.

Northern Ireland Water – No objection.

DAERA: Natural Environment Division – Advice.

DAERA: Water Management Unit – No response on the latest information.

DfI Rivers- Await - No response on the latest information.

Historic Environment Division- No objection, subject to conditions.

Shared Environmental Services- Further information required.

REPRESENTATION

Four (4) neighbouring properties were notified of the proposal and four (4) letters of objection have been received from three (3) notified properties.

The full representations made regarding the proposal are available to view on the Planning Portal <https://planningregister.planningsystemni.gov.uk/application/689261>
The issues raised in the representation have been considered as part of the assessment of this application.

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

- Error in submitted drawings regarding roads details;
- Development does not comply with Fire Safety Guidance;
- Concerns over potential fire events and impact on environment;
- Development should be set back from public road;
- Negative visual impact; and
- Noncompliance with Development Control Advice Note 15 'Vehicular Access Standards

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Design and Appearance and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Impact on Natural Heritage
- Impact on features of Archaeological Importance
- Flood Risk
- Access, Movement and Parking
- Other Matters

Preliminary Matters

Environmental Impact Assessment (EIA)

Regulation 12 of the Planning 'Environmental Impact Assessment' (EIA) Regulations (NI) 2017, requires the Council to make a determination as to whether the proposed development would or would not be deemed EIA development.

The Chief Planners Update (CPU), December 2020 advised, that for the purposes of planning in Northern Ireland, the Department considers that electricity storage development falls within the meaning of an 'electricity generating station'. The CPU was subject to challenge. The judgement for ABO WIND NI LIMITED and ANOR was delivered on 21 October 2021 and was silent on the issue of EIA. The judgement did state however, that Battery Energy Storage Systems are partially electricity generating and would fall under Category 3 (a) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. Under Schedule 2: Category 3 (a) an EIA is required for industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1) where the area of the site exceeds 0.5 hectares. In this case the application site measures 0.99 hectares and in accordance with the Regulations, a screening exercise must be carried out in order to determine whether or not an Environmental Statement is required. It was concluded that an Environmental Statement was not necessary on this occasion as it is considered that the environmental impacts are not likely to be significant.

Hazardous Substances

Storage of lithium-ion is governed by the Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015. Hazardous substances are defined in Regulation 3 and Schedule 2 of these Regulations. While there is no specific reference to lithium-ion in the Regulations, Schedule 2, Part 3 provides that where it is reasonable to foresee that a hazardous substance (falling within Part 1 or Part 2) may be generated during loss of control of the processes, including storage activities in any installation within an establishment, any substance which is used in that process is itself a hazardous substance.

Lithium-ion batteries have electrolytes containing fluoride salts, which in themselves are not very toxic. However, if they auto-ignite, they release hydrogen fluoride, a toxic gas falling into Part 1 of the Schedule to the Hazardous Substances Regulations. If 5 tonnes or more of hydrogen fluoride are present in the event of a battery fire, then the threshold for applicability of the Regulations is exceeded.

Within Document 02, date received 14th June 2024 the composition of the gases released from a CATL EnerC battery Module when forced into a thermal runaway during a large-scale test were measured and analysed using a combination of Non-Dispersive Infrared Spectroscopy (NDIR), Flame Ionisation Detector (FID) and a Solid-State Hydrogen Sensor. The totals given demonstrate that thresholds for the applicability of the Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015 are not breached, and the development does not require Hazardous Substance Consent.

Request for Information

Concerns were raised with the agent with regards to drainage, fire safety and the site selection on the 25th July, 29th July, 16th September, 18th September, 15th October, 20th November 2024 and 6th February 2025. Although the agent has

engaged with the Council and supporting information has been received this has not adequately addressed the concerns detailed below.

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 1984-2001 (AAP) currently operates as the statutory local development plan for the area where the application site is located, and regional planning policy is also material to the determination of the proposal. The application site is outside any settlement limit defined in the AAP and is located within the countryside. No specific zoning is applied to the site within the plan and no specific mention is made of this type of proposal.

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.

The proposal is for the erection of a Battery Energy Storage System (BESS), located approximately 342m southeast of Kells Substation and includes MV skids (transformer and inverter), outdoor switchgear compound, DNO substation control room, welfare unit, spare parts container, switch room, new site boundary fencing, new access, and ancillary development works.

The Regional Development Strategy (RDS) provides an overarching strategic framework for Northern Ireland. One of the main aims of the RDS is to improve connectivity to enhance the movement of people, goods, energy and information between places. Policy RG5 (Deliver a sustainable and secure energy supply) emphasises the need to increase the contribution that renewable energy can make to the overall energy mix, strengthen the grid and develop 'Smart Grid' initiatives. Paragraph 3.25 of RG9 'Reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality', states that 'consideration needs to be given on how to reduce energy consumption and the move to more sustainable methods of energy production'. The RDS specifically states there will be a requirement to increase the numbers of renewable electricity installations and the grid infrastructure to support them.

Paragraph 4.17 states that increased electricity interconnection capacity, allowing for the export and import of power, will help to ensure security and stability of electricity supply. It will provide increased opportunities for competitive trading in wholesale electricity, encourage new investment in generation and supply, and enhance Northern Ireland's security of supply. It is also important to facilitate the growth in power generation from renewable sources, while managing the challenging network management issues that increasing amounts of renewable integration onto the grid brings. The proposed BESS forms part of the strategic

restructuring and modernisation of the electricity grid and therefore it is considered that the proposal complies with the overarching aims of the RDS.

Paragraph 3.7 of the Strategic Planning Policy Statement (SPPS) aims to further sustainable development by ensuring the planning system plays a role in supporting the executive and wider government policy and strategies in efforts to address any existing or potential barriers to achieving a more sustainable environment. This includes strategies, proposals and future investment programmes for key transportation, water and sewerage, telecommunications and energy infrastructure (including the electricity network).

Paragraph 6.65 states that the aim of the SPPS, with regard to the countryside, is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities. It goes on to state that the aim of the SPPS in relation to utilities is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum.

No conflict arises between the SPPS and extant regional policy set out in Planning Policy Statement 21 (PPS21) and a Planning Strategy for Rural Northern Ireland (PSRNI). Policy CTY 1 of PPS 21 sets out a range of development within the countryside that may be acceptable including a number of non-residential types of development. This includes certain utilities, which will continue to be acceptable in accordance with existing published policies.

Policy PSU 8 New Infrastructure of the PSRNI is the most relevant policy in relation to electricity utilities. It states that the need for new infrastructure will be balanced against the objective to conserve the environment and protect amenity. The explanatory text refers to the planning authority being satisfied that there is an overriding regional or local requirement for the development, and that a thorough exploration of alternative sites has been carried out. There is also a reference to development being sited so as to minimise environmental effects. This policy sets out a number of criteria that are of important consideration which assessing proposals for new infrastructure, one of which is the need for the facility.

The need for this facility is outlined in the Planning Supporting Statement (Document 01, date stamped 14th June 2024). In this document, it is stated that BESS facilities increase the efficiency of energy generation from renewable resources and are becoming more readily recognised as an essential element of the electricity network, aiding the deployment of renewable energy generation across the electricity grid. With regards to this specific proposal, the supporting statement highlights that the proposed BESS is designed to help reduce wind power curtailments, by storing energy which would otherwise be curtailed and discharging it back to the grid at peak times or when generation from the wind turbine(s) is low.

The agent was asked to provide further details on where the energy to be stored in the BESS would come from. In further supporting information contained within Document 15, date stamped 27th September 2024, the agent confirms that the energy to be stored in the BESS will come from the Kells Substation. The agent contends that the application site is in an optimal location, 342m southeast of Kells Substation.

Policy PSU 8 'New Infrastructure' of the PSRNI requires a thorough site selection assessment which details which alternative sites specifically were looked at and why these were dismissed. Information within Document 01, date stamped 14th June 2024, details states:

"The applicant undertook an extensive site search of the lands surrounding the Kells substation and wider area. The site location was identified as the most appropriate site available to the applicant for the development, given its proximity to the sub-station, topography, existing field boundaries and setbacks from residential development."

Further information was requested from the agent in relation to Policy PSU 8 and the site selection process. The agent submitted Document 15, date stamped 27th September 2024 which details that the applicant undertook a site search of the lands surrounding the Kells Substation and the wider area and 19no. alternative sites were considered. The location of the 19no. sites is shown on the map within Document 15.

The agent contends that the application site is in an optimal location, 342m southeast of Kells Substation. The sites considered are largely contained to the northeast and southeast of Kells Substation with only 5no. sites considered to the west, south and northwest.

4no. sites (Sites 2, 12, 18 and 19) were discounted as the sites were unavailable from the landowner. 8no. sites (Sites 4, 5, 6, 7, 8, 9, 10 and 16) were discounted due to their proximity to sensitive residential receptors, Site 16 also is noted as having overhead lines which restrict development on the site along with flooding issues. Site 11 was discounted due to the potential cumulative noise impact associated with the two BESS facilities adjacent to the site.

Site 1 was discounted as the land is associated with Kells Substation and is not available for development along with overhead power lines which restrict the development potential. Site 2 was also discounted for its proximity to residential properties and flooding issues. Site 3 was discounted as there are potential access and flooding issues. Sites 10 and 13 are considered to be too small to cater for the proposal which needs at least 0.99ha of land. Finally, Site 17 was discounted as the site was too steep and would require extensive cut and fill along with access issues.

It is noted that a number of sites were discounted as they were too close to residential properties, no information has been submitted from the agent to detail what guidance they were following in terms of distance from BESS to residential properties.

The agent has concluded that the only remaining site suitable for the proposed 79MW BESS facility therefore is within Site 14, approximately 105m east of No. 43 Doagh Road. The Council acknowledges that the agent has attempted to provide a site selection process and a number of sites were investigated. However, the Council would also contend that this search is not as extensive as it could have been and that the evidence submitted is not sufficient. As outlined above, the alternative sites are largely contained to the northeast and southeast of the Kells Substation with only 5no. sites considered to the west, south and northwest. The agent has also failed to look at the possibility of extending the existing Kells BESS

facility at Doagh Road. It is also noted that a further current application is being considered by the Council for a BESS facility, approximately 2km southwest of the Kells Substation (Ref: LA03/2024/0182/F).

It is considered that the works fall within the relevant section of CTY 1 of PPS 21 for other non-residential development and whilst a relevant need for BESS facilities has been established in line with PSU 8 of PSRNI, it has not been satisfactorily demonstrated that a thorough exploration of alternative sites has been carried out. It is therefore considered that the principle of development is not acceptable, and the proposal is contrary to Policy PSU 8 of PSRNI.

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

Policy PSU 8 of the PSRNI states that the works should not have a detrimental impact on the environment, including visual impact. Policy CTY 13 of PPS 21 allows for development in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design, whilst Policy CTY 14 sets out 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.

The proposed Battery Energy Storage Systems (BESS) consists of 52 no. battery units. Each battery system is paired with its own transformer for improved efficiency and increased safety. The battery units are located to the rear of the site in back-to-back rows, each battery unit's measure approximately 6.1m in width, 3m in height and 2.5m in depth, the battery units are spaced out with a 3m separation distance between each row. The proposal includes 13no. MV skids which are made up of one transformer and 2no. inverters. Each MV skid including the transformer and one inverter either side is 10m in length and 2m in height. The MV Skids along with the battery units will be finished in forest green in order to seek to aid integration into the rural surroundings.

The proposal also includes a switchgear compound which is separated into a customer compound and NIE compound with two separate access points. The overall compound is 56m in length and 28m in width. The compound has a gravel surface finish with hardcore lane access. The compound is surrounded by a 2.4m high palisade security fence. The customer compound allows access to the customer 110kv substation, surge arrestor, and 7m post insulator. The customer and NIE compound are separated by an internal palisade fence and interface kiosk. The NIE substation compound includes the DNO Substation Control Room Building, 7m post insulator, surge arrestors, transformer disconnect, voltage transformers, current transformer, circuit breakers, line disconnect and cable sealing end. The proposed development includes a switch room which comprises a HV switch room and control room within one container. The overall container measures 12m in length, 4m in height and 3.2m in depth. The switch room will be forest green in colour in order to seek to aid integration. The DNO substation control room consists of a switch room, two control rooms, a BESS store and battery room. The building will be traditional in design to give the appearance of a single storey outbuilding with a pitched roof form. The building will be 25m in length, 6m in depth with a 5m ridge height (3m to eaves).

The proposed development includes a welfare cabin consisting of a kitchen and toilet facility, the cabin measures 6m in length, 2.5m in height and 3m in depth. The

proposed development also includes a spare parts container measuring 6m in length, 2.5m in height and 2.4m in depth. Both the welfare cabin and spare parts container will be forest green in colour in order to seek to aid integration into the rural surroundings.

The proposed development is located along the main Doagh Road, however the majority of the development is set back approximately 70m from the roadside. The south and southwestern boundary of the application site are defined by low level hedging which is to be removed and replaced with a new low level hedge behind the sight lines associated with the new access. The proposed access results in a significant level of hardstanding to the front of the application site with an area of planting proposed along the southern and southeastern boundary which abuts the roadside.

Whilst it is acknowledged that the main body of the development is set back approximately 70m from the roadside, the subject land rises in a northeasterly direction away from the public road meaning part of the application site is located on higher lands than the rest. Therefore, the main area of the development will be highly visible along the Doagh Road.

A 2.4m high security fence is proposed along the eastern, western and southern perimeters of the site with a 3m high timber acoustic fence proposed along the northern boundary. The 2.4m high security fence will run for a length of approximately 98m along the southwestern boundary. An area of planting is proposed with a 900m cattle stock fence proposed in front. Although set somewhat back from the public road, there is no existing vegetation to restrict views, and the surrounding landform does not lend itself to providing suitable enclosure. In this regard, it is considered that the proposed boundary treatments will appear visually prominent and incongruous in the rural context.

The existing roadside vegetation is to be removed along the roadside boundary to the southwest of the site to facilitate the visibility splays of 2.4 metres by 140 metres.

Removal of this vegetation will open the site up considerably, and allow for additional views when approaching the site from the northwest along Doagh Road. It is noted that the vegetation is to be reconstructed behind the visibility splays. Policy CTY 13 of PPS 21 sets out that new planting alone will not be sufficient for integration purposes, and development of an unacceptable site cannot be successfully integrated into the countryside by the use of landscaping. In addition, new planting will inevitably take a considerable length of time to mature and in the interim will not mitigate the impact of the new development.

As noted in the site description, the application site is located in the countryside, and whilst Kells Bess Substation is located approximately 342m northwest of the site, the surrounding area is rural in character, largely characterised by agricultural fields and a dispersed settlement pattern; the latter of which is typified by roadside dwellings with an associated farmyard and farm buildings. It is considered that the design of the proposed BESS facility is not reflective of the existing built form, but rather has a utilitarian, industrial appearance that does not mirror, nor respect the existing rural and agricultural design of surrounding dwellings and farm buildings.

With the removal of the roadside hedging, the proposed development would appear as prominent, with the overall design of the facility being incongruous. Due to the lack of an appropriate level of integration, the industrial appearance of the facility would be highly obvious and would lead to a noticeable erosion of the scenic quality of the surrounding area. The proposal seeks to industrialise the neighbouring rural area, the effects of which would be perceptible from both public viewpoints and from adjacent private properties.

Whilst it is accepted that there is a need for this type of facility, the Council considers that the size, scale and massing of the proposed BESS is not subordinate to development in the surrounding rural area, and the site lacks an appropriate level of integration.

Overall, it is considered that the proposal will have detrimental impact on the character and appearance of the rural area and the development is found to be contrary to Policy PSU 8, Policy CTY 13 and Policy CTY14.

Neighbour Amenity

Noise

There are two residential dwellings located within close proximity to the application site, Nos. 41 and 43 Doagh Road which are approximately 110m northwest of the site. The proposed development has the potential to harm residential amenity by creating unacceptable noise impacts.

A Noise Impact Assessment (Document 08, date stamped 14th June 2024) accompanied the application. The assessment included a baseline noise survey undertaken from Tuesday 30th April 2024 to Friday 3rd May 2024, and presented a daytime background sound level of 42dB LA90 and a night time background sound level of 35/36 dB LA90. The report refers to a previous assessment undertaken by another consultancy in 2018 which presented a daytime background sound level of 43dB LA90 and a night time background sound level of 36dB LA90 for a nearby site.

The report uses the more conservative level of 36dB LA90 for night time hours. In accordance with the guidance contained within BS4142:2014, these values became the noise target levels, designed to ensure no adverse impact will be experienced at nearby sensitive receptors.

The assessment identified 3 main noise sources associated with the proposed development, namely battery storage containers which include a chiller at one end, inverters, and transformers. The report recommends noise mitigation measures including the installation of silencer attenuation at the chiller end of the battery storage container to achieve at least 15dB reduction in noise from the battery storage container, and a 3m high acoustic barrier with a density of at least 25 kg/m², and /or an earthen berm along the site boundary. The location of the proposed acoustic barrier is shown on Drawing Number 03/2, date stamped 23rd January 2025.

A noise model of the proposal was generated using CadnaA software and the noise impact at nearby properties predicted, including the proposed mitigation measures, are presented at Table 7 within the report. The noise levels predicted by the noise model showed that background sound levels will not be exceeded during the daytime hours. The assessment indicates that there is a worst case exceedance

of 1.7dB at NSR1 for the night time period. The report states that the predicted noise level of 37.7dB(A) at NSR1 is approximately 7dB below the recommended night-time WHO guideline noise level of 45dB LAeq,8hr. It is noted that this equates to an internal noise level of 22.7 – 27.7dB(A), allowing 10-15dB for an open window.

The Council's Environmental Health Section was consulted and raised no objection, subject to conditions. It is therefore considered that amenity at nearby sensitive receptors can be suitably protected from any adverse noise impact subject to the attachment of noise control conditions to any approval.

Fire Risk

Concerns were raised from letters of objection regarding non-compliance with Fire Safety Guidance and the potential fire events and their impact on the environment.

The safety issues that can potentially result from Battery Energy Storage Systems (BESS) have been considered. Such issues include failures of lithium-ion batteries including 'thermal runaway' whereby a battery cell experiences uncontrollable overheating, often accompanied by the release of large quantities of flammable off-gasses. The container has the potential to catch fire. The failing cell may lead to thermal runaway of adjacent cells, creating a cascading failure across the system resulting in large quantities of heat and gas. If these gases accumulate in an enclosed space such as a BESS container, there is potential for explosion.

It is outlined that within the BESS Evaluation Report, Document 02, date stamped 14th June 2024 that the BESS includes a thermal management system that provides active cooling and heating to the internal BESS components. An external HVAC or thermal system is not required. The thermal system includes a radiator and pumps that circulate an ethylene glycol / water coolant mix through the battery to maintain thermal control. The thermal subsystem is a fully closed-loop system with a compressor, the refrigerant line includes a pressure relief valve that can activate if incorrect maintenance or operation creates excessive pressure. The system operates autonomously and does not require user feedback. In the unlikely event of an uncontrolled thermal runaway incident within a CATL EnerC BESS, UL 9540A testing carried out at Cell, Module and Rack level has demonstrated that no external flaming occurred, no flying debris or explosion was triggered and during post-test observation no further, re-ignitions were observed.

Furthermore, it is detailed within Document 02 that when triggered the inbuilt dry agent fire suppressant will deploy and be retained within the CATL EnerC IP55 enclosure, this coupled with the enclosure 1-hour fire rating aids in preventing the possibility of a fire spreading to neighbouring BESS units. It is also stated within Document 02 that the Large-Scale Fire testing also demonstrated that active firefighting tactics, such as applying water to the unit experiencing thermal runaway, is not required to prevent propagation to neighbouring units.

The Energy Institute (EI) issued 'Battery Storage Guidance Note 2', in which they provide direction on appropriate fire response strategies for BESS sites. It was noted by the agent that active firefighting tactics, such as applying water to the BESS experiencing thermal runaway, is not recommended due to some BESS chemistries having a volatile reaction to water. Applying water to a BESS unit experiencing thermal runaway will only slow its eventual combustion. For these reasons the EI recommend a 'controlled burn down' when dealing with incidents at BESS sites,

meaning that if any active firefighting resources are required these will be limited to defensive tactics to protect nearby exposures, if at all.

Northern Ireland Fire and Rescue Services (NIFRS) is the enforcing authority for The Fire and Rescue Services (Northern Ireland) Order 2006, and The Fire Safety Regulations (Northern Ireland) 2010. Their interest is in relation to fire safety, firefighting, protecting life and property in the event of fires, harm to the environment and other emergencies. NIFRS sets out a number of measures that are considered relevant in the preparation of a planning application. These measures include, but are not limited to, the provision, and the securing of a means of escape; giving warning in the event of fire; reducing the risk of fire and the risk of fire spread; the means of detecting and extinguishing fires; and the provision of facilities for firefighting, including water supplies, fire mains, firefighting shafts, operating mechanisms, smoke venting and compartmentation.

NIFRS provides standing advice in relation to planning applications for BESS developments. With regards to fire suppression, NIFRS advise that 'whilst gaseous suppression systems have been proposed previously, current research indicates the installation of water based suppression systems for fires involving cell modules is more effective', and that 'initial firefighting intervention will focus on defensive firefighting measures to prevent fire spread to adjacent containers'. As a minimum, NIFRS recommends that hydrant supplies for boundary cooling purposes should be located close to BESS containers and should be capable of delivering no less than 1,900 litres per minute for at least 2 hours.

Concerns were raised with the agent with regards to the fire management system on site regarding the lack of any proposed fire hydrant. An amended Drawing No. 100 (Appendix D) of the Drainage Assessment, Document 16/1 date stamped 21st February 2025 shows the location of the proposed fire hydrant (directly south of the BESS containers) and the fire suppression method is detailed within Document 16/1. It is noted where loss of control is limited to a single BESS unit, fire suppression is aerosol based and self-contained within BESS units as outlined above. Firefighting water would potentially be used for cooling of adjacent units.

Document 16/1 details that where water used for cooling becomes contaminated, it will be controlled and prevented from leaving the site laterally (in site drainage) or by migrating vertically to groundwater. Lateral mitigation will be prevented by an emergency control shut-off isolation valve to the site drainage network upstream of the proposed drainage discharge location where it would enter a watercourse. Vertical migration is prevented by ensuring an impermeable liner under the stone formation used to form the unbound surface and subbase at the BESS area.

The volume of storage available within the lined gravel substance (850 cubic metres) exceeds the minimum recommended volume (228 cubic metres) required to contain water used for boundary cooling per the best practice guidance from NFCC. It is considered that the location of the fire hydrant is acceptable and the fire management process for the site would provide sufficient mitigation, if a thermal runaway event were to take place.

The Health and Safety Executive (NI) (HSENI) has been consulted and raised no objection to the proposal, advising that the construction and operation of proposed development will be subject to the Health and Safety at Work (NI) Order 1978

requirements and relevant statutory provisions. The operator is legally required to reduced risks to the lowest reasonably practicable level.

It is considered that the proposal that the works would not cause significant harm to neighbouring communities by means of fire risk.

Impact on Natural Heritage

A Preliminary Ecological Assessment accompanies the application (Document 10, date stamped 14th June 2024). This document identifies that the application site consists of an area of pasture approximately 4km east of Kells. The closest nationally and internationally designated sites are identified as Lough Neagh Area of Special Scientific Interest (ASSI), and Lough Neagh and Lough Beg Special Protection Area (SPA) and Ramsar sites which are located approximately 10m southwest of the site. The site is located within 100m of a minor watercourse which is a tributary of the Kells Water. Informal consultation with Shared Environmental Services (SES) indicated that the site is hydrologically linked to Lough Neagh and Lough Beg SPA/ Ramsar site and as such formal consultation with SES is required to complete a Habitats Regulations Assessment (HRA).

The boundaries of the wider agricultural field in which the application site is located, are bounded by hedgerow and tree vegetation. Hedgerows are a NI Priority Habitat, and the habitats present within the site could provide the potential for protected species including badgers, nesting birds, smooth newts and roosting bats. A site survey and assessment was carried out by a qualified ecologist within the Preliminary Ecological Assessment (Document Number 10, date stamped 14th June 2024) and it was found that the boundary hedging is likely to provide some potential for nesting birds. The proposal includes the removal of hedgerow along the southern and southwestern boundary of the application site and is proposed to be replaced with a new low level hedge behind the sight lines associated with the new access. It is considered that the removal of the hedgerow is unlikely to have a significant impact on foraging and commuting bats and that the replacement planting should compensate for vegetation loss.

The ecological assessment has concluded that the application site is not located within any site that has been designated for its nature conservation importance; that the proposed development is unlikely to impact on protected sites and species.

With regards to the potential for contaminated water, Document 16/1 details that where water used for cooling becomes contaminated, it will be controlled and prevented from leaving the site laterally (in site drainage) or by migrating vertically to groundwater. Lateral mitigation will be prevented by an emergency control shut-off isolation valve to the site drainage network upstream of the proposed drainage discharge location where it would enter a watercourse. Vertical migration is prevented by ensuring an impermeable liner under the stone formation used to form the unbound surface and subbase at the BESS area. The volume of storage available within the lined gravel substance (850 cubic metres) exceeds the minimum recommended volume (228 cubic metres) required to contain water used for boundary cooling per the best practice guidance from NFCC.

The Natural Environment Division (NED) and Water Management Unit of DAERA has been consulted and has raised no objection. Shared Environmental Services were consulted on the application to complete the Habitats Regulations Assessment

(HRA), they indicated that they require further information to inform the HRA including detail regarding the bunding as referenced in the Drainage Assessment along with comments of the NIFRS. As noted above, the NIFRS provide standing advice and therefore were not consulted on this occasion.

Impact on features of Archaeological Importance

An Archaeological Impact Assessment (Document 03, date stamped 14th June 2024) was submitted which indicates that there are no historic monuments located within the application site. However, the application site is located within 1km of a historic rath (Historic Monuments Reference ANT 44:14) and within 1km of a historic flax mill site (IHR No. 7049). The application site is sufficiently removed from any features of archaeological importance to mitigate any potential impacts on their setting. Consultation with the Historic Environment Division (Historic Monuments) (HED) was carried out. HED has assessed the application and on the basis of the information provided is content. It is therefore considered that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements, subject to conditions.

Flood Risk

Planning policy set out in both PPS 15 introduces a presumption against development in the Q100 fluvial floodplain. However, the application site is not located within the 1 in 100-year fluvial floodplain. As the proposal involves a change of use of land in excess of 1000sqm of hardstanding a Drainage Assessment, Document 16/1, date stamped 21st February 2025, was submitted.

DfI Rivers and Water Management Unit were consulted, however they had not responded at the time of the report. It is considered that given the proposed bunding of the site and the need to obtain a Schedule 6 Agreement that adequate measures would be put in place via condition to mitigate any flood risk to the proposed development and the surrounding area.

With regard to Policy FLD2 (Protection of Flood Defence and Drainage Infrastructure), an undesignated watercourse bounds the site to the southwest which is a tributary to Kells Water. Under paragraph 6.32 of Policy PPS 15 FLD 2, it is essential that a working strip of a minimum width of 5m is retained, but up to 10m were considered necessary. DfI Rivers requests that the working strip is protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or any future development by way of a planning condition. Access to and from the maintenance strip should be available at all times. Based on Drawing No. 100 (Appendix D) contained within the Drainage Assessment (Document 16/1, date stamped 21st February 2025) this requirement for a working strip has been complied with.

Therefore, it is considered that the development proposal is unlikely to result in a significant increase in the risk of flooding or exacerbate flooding elsewhere. For the reasons set out above, the proposal is considered to be compliant with the relevant provisions of the SPPS and PPS 15.

Access, Movement and Parking

Concerns were raised from letters of objection regarding errors in the submitted drawings regarding roads detail and how the proposal does not comply with DCAN 15.

A new access is proposed to serve the development where the existing agricultural gate is located, Drawing Number 19/5, date stamped 20th February 2025 shows 2.4m x 140m visibility splays. Information submitted within the Transport Assessment Form (Document 11, date stamped 14th June 2024) indicates that the access is necessary at the construction stage and once constructed the development will not be staffed on a day-to-day basis, instead it will be subject to weekly visits for monitoring purposes. It is considered that traffic generation will be at its highest during the construction phase with construction vehicles and HGVs utilising the site, however this is considered to be temporary in nature.

DfI Roads were consulted on the proposal and offered no objection, subject to conditions. The proposal is considered to comply with Policy AMP 2 of PPS 3 in terms of not prejudicing the safety and convenience of road users.

Other Matters

Other Material Considerations

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION

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

- The principle of the development is not considered to be acceptable in line with PSU 8;
- The design and appearance of the proposed development is not acceptable;
- The proposed development will have an unacceptable impact on the visual appearance of the rural area;
- The proposal will not result in an unacceptable impact on neighbour amenity by reason of fire risk;
- There are no significant concerns relating to access of the site; and
- There is no significant flood risk associated with the site;

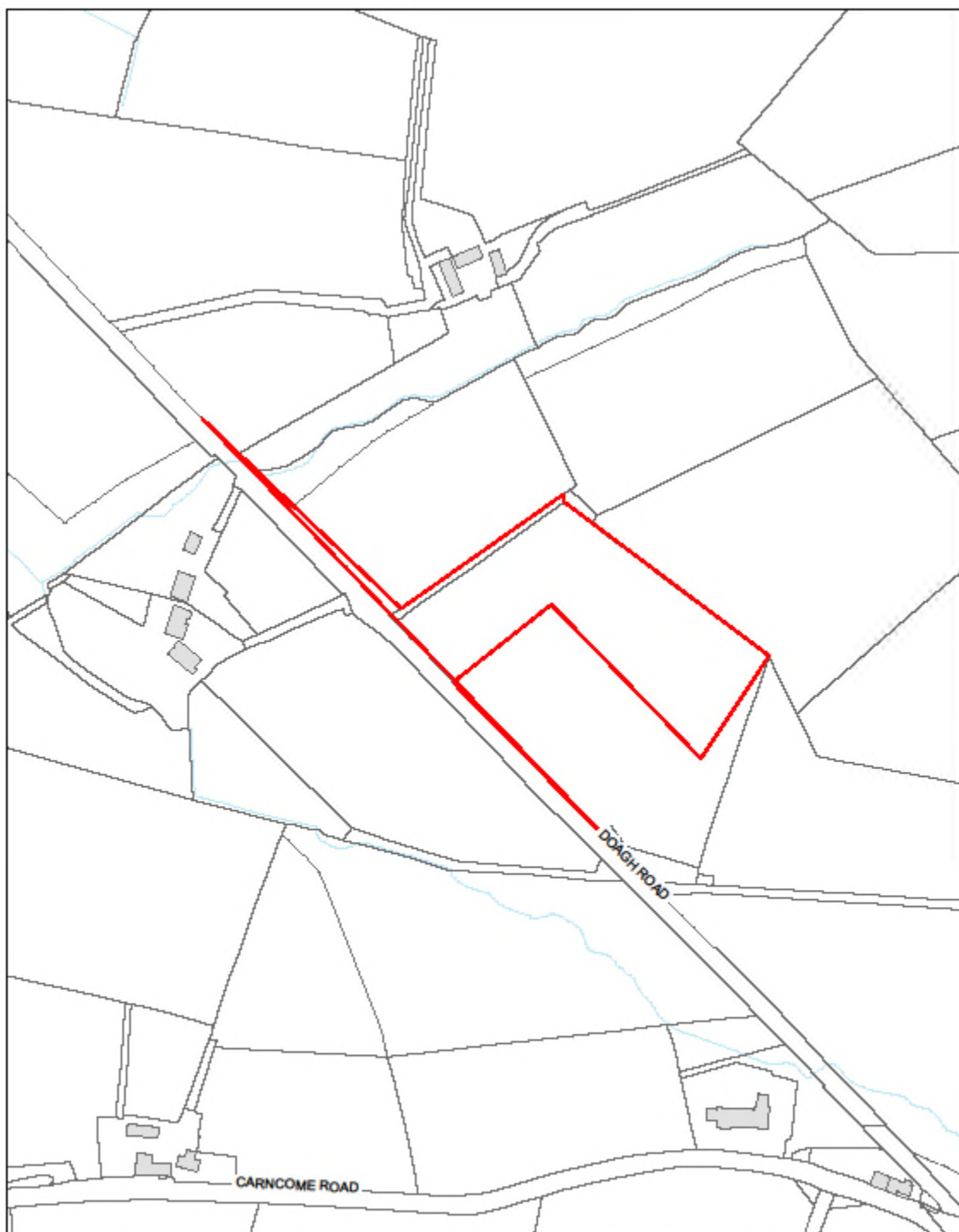
RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy PSU 8 of the Planning Strategy for Rural Northern Ireland in that it has not been satisfactorily demonstrated that a thorough exploration of alternative sites has been carried out.

2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement, Policy CTY 13 and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the application site lacks a sufficient level of integration and the proposed development would result in an unacceptable detrimental impact on visual amenity and character of the rural area.



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Site Location Plan

1:2,500

Reference: LA03/2024/0435/F

 Site Location



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2024/0182/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Battery Energy Storage System (BESS) Facility 100MW including, transformers, switch and control Room, lighting and CCTV, new site boundary fencing, new access, and ancillary development works.
SITE/LOCATION	Lands approx. 80m west of 92 Parkgate Road, Kells, Ballymena, BT42 3PG
APPLICANT	Heron Storage Ltd
AGENT	Gravis Planning
LAST SITE VISIT	19 June 2024
CASE OFFICER	Sairead de Brún Tel: 028 90340406 Email: Sairead.debrun@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk/application/685760	
SITE DESCRIPTION	
<p>The application site is located outside any settlement limit as designated in the Antrim Area Plan 1986 – 2001 and is in the countryside, approximately 80 metres west of No. 92 Parkgate Road, Kells.</p> <p>The red line of the application site encompasses three agricultural fields, with each being separated from the other by a post and wire fence. The access road runs through the roadside field, with the remaining proposed development located in the second and third fields back from the public road. The land is relatively flat, rising slightly towards the southern boundary. The boundaries of the application site are not defined; however, the outer boundaries of the host fields are defined by a post and wire fence, with mature hedging and trees.</p> <p>The surrounding area is rural in nature, characterised by agricultural fields and a dispersed settlement pattern. Corby Knowe wind farm is located to the southwest of the site.</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, 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</p>	

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 site is located in the rural area outside any designated development limits.

Strategic Planning Policy Statement for Northern Ireland (SPPS): 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 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people, property, and the environment.

PPS 18: Renewable Energy: sets out planning policy for development that generates energy from renewable resources. This PPS is supplemented by PPS18 Best Practice Guidance and the document Wind Energy Development in Northern Ireland's Landscapes. Supplementary planning guidance on Anaerobic Digestion is also available in draft form.

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.

Planning Strategy for Rural Northern Ireland (PSRNI): Balances the need of new utility infrastructure against the objective to conserve the environment and protect amenity.

CONSULTATION

Environmental Health – No objection, subject to condition

DfI Roads – No objection

DfI Rivers – No objection

NI Water – No objection

Historic Environment Division – No objection

HSENI – No objection

Natural Environment Division – No objection

Regulation Unit - No objection

Industrial Pollution and Radiochemical Inspectorate – No objection

Water Management Unit - No objection

Shared Environmental Services (SES) – No objection

REPRESENTATION

Three (3) neighbouring properties were notified of the application and no letters of objection have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Principle of Development and Policy Context
- Design, Layout and Appearance
- Amenity Space
- Residential Amenity
- Access, Movement and Parking
- Other Matters

Preliminary Matters

Environmental Impact Assessment (EIA)

Regulation 12 of the Planning 'Environmental Impact Assessment' (EIA) Regulations (NI) 2017, requires the Council to make a determination as to whether the proposed development would or would not be deemed EIA development.

The Chief Planners Update (CPU), December 2020 advised, that for the purposes of planning in Northern Ireland, the Department considers that electricity storage development falls within the meaning of an 'electricity generating station'. The CPU was subject to challenge. The judgement for ABO WIND NI LIMITED and ANOR was delivered on 21 October 2021 and was silent on the issue of EIA. The judgement did state however, that Battery Energy Storage Systems are partially electricity generating and would fall under Category 3 (a) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. Under Schedule 2: Category 3 (a) an EIA is required for industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1) where the area of the site exceeds 0.5 hectares. In this instance, the site area is 0.97 hectares, and an EIA screening is required. An EIA Determination was carried out and it is determined that the planning application does not require to be accompanied by an Environmental Statement.

Hazardous Substances

Storage of lithium-ion is governed by the Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015. Hazardous substances are defined in Regulation 3 and Schedule 2 of these Regulations. While there is no specific reference to lithium-ion in the Regulations, Schedule 2, Part 3 provides that where it is reasonable to foresee that a hazardous substance (falling within Part 1 or Part 2) may be generated during a loss of control of the processes, including storage activities in any installation within an establishment, any substance which is used in that process is itself a hazardous substance.

Lithium-ion batteries have electrolytes containing fluoride salts, which in themselves are not very toxic. However, if they auto-ignite, they release hydrogen fluoride, a toxic gas falling into Part 1 of the Schedule to the Hazardous Substances Regulations. If 5 tonnes or more of hydrogen fluoride are present in the event of a battery fire, then the threshold for applicability of the Regulations is exceeded.

Document 11 'Hazard Substances Report', indicates the gases present in the event of a fire or thermal runaway event at the proposed facility. The totals given demonstrate that thresholds for the applicability of the Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015 are not breached, and the development does not require Hazardous Substance Consent.

Request for Information

The information submitted in regard to the site selection process was requested on 15th August 2024 and submitted on 11th September 2024 however, it was considered to be lacking in detail, and a further request to provide a more thorough site selection process was requested from the agent on 19 September 2024. Additional details were subsequently received on 25 October 2024, however, these did not address the concerns raised.

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 1984-2001 (AAP) currently operates as the statutory local development plan for the area where the application site is located, and regional planning policy is also material to the determination of the proposal. The application site is outside any settlement limit defined in the AAP and is located within the countryside. No specific zoning is applied to the site within the plan and no specific mention is made of this type of proposal.

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.

The proposal is for the erection of a Battery Energy Storage System (BESS), and includes 57 battery systems, 29 transformers and one 11kv transformer, two switch

houses, lighting columns with CCTV cameras attached, a 3.5 metre high acoustic fence around the battery systems, a 2.4 metre high palisade fence around the area which contains the transformers, and a 1.2 metre high timber fence along the new access.

The applicant's supporting statement (Document 01, date received 11th March 2024) states that eight enclosures typically come together to make up one battery system which is paired with its own transformer for improved efficiency and increased safety. These battery units are located to the rear (west) of the application site, furthest from the road and are presented in back-to-back rows, with a 3 metre separation distance between each row. The BESS units are 2.7 metres high to finished ground level.

There are two switch houses proposed; one SONI / NIE and one customer switch house. The former consists of a control room, a separate battery room with a separate access and a WC. The latter includes three different rooms; the switch room, control room and store, each with their own access. External finishes of both switch houses are rendered fair/faced blocks with dark green steel doors. Solar panels are shown on the roof of the customer switch house.

The area in which the battery units are positioned will be surrounded by a 3.5 metre high acoustic fence, with a 2.4 metre high, green palisade fence to be erected around the outer compound. A 1.2 metre timber fence is shown along the access and behind the roadside visibility splays. The site layout (Drawing Number 03C) indicates the retention of existing boundary vegetation and the planting of new hedging behind the new fencing. A new access onto the Parkgate Road is also proposed.

The agent states within the Supporting Statement (Document 01, date stamp received 11 March 2024) that the purpose of the proposed Battery Energy Storage System (BESS) is to help reduce wind power curtailments by storing energy which would otherwise be curtailed, and discharging it back to the grid at peak times or when generation from a wind turbine is low.

The Regional Development Strategy (RDS) provides an overarching strategic framework for Northern Ireland. One of the main aims of the RDS is to improve connectivity to enhance the movement of people, goods, energy and information between places. Policy RG5 (Deliver a sustainable and secure energy supply) emphasises the need to increase the contribution that renewable energy can make to the overall energy mix, strengthen the grid and develop 'Smart Grid' initiatives. Paragraph 3.25 of RG9 'Reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality', states that 'consideration needs to be given on how to reduce energy consumption and the move to more sustainable methods of energy production'. The RDS specifically states there will be a requirement to increase the numbers of renewable electricity installations and the grid infrastructure to support them.

Paragraph 4.17 states that increased electricity interconnection capacity, allowing for the export and import of power, will help to ensure security and stability of electricity supply. It will provide increased opportunities for competitive trading in wholesale electricity, encourage new investment in generation and supply, and enhance Northern Ireland's security of supply. It is also important to facilitate the

growth in power generation from renewable sources, while managing the challenging network management issues that increasing amounts of renewable integration onto the grid brings. The proposed BESS forms part of the strategic restructuring and modernisation of the electricity grid and therefore it is considered that the proposal complies with the overarching aims of the RDS.

Paragraph 3.7 of the Strategic Planning Policy Statement (SPPS) aims to further sustainable development by ensuring the planning system plays a role in supporting the executive and wider government policy and strategies in efforts to address any existing or potential barriers to achieving a more sustainable environment. This includes strategies, proposals and future investment programmes for key transportation, water and sewerage, telecommunications and energy infrastructure (including the electricity network).

Paragraph 6.65 states that the aim of the SPPS, with regard to the countryside, is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities. It goes on to state that the aim of the SPPS in relation to utilities is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum.

No conflict arises between the SPPS and extant regional policy set out in Planning Policy Statement 21 (PPS21) and a Planning Strategy for Rural Northern Ireland (PSRNI). Policy CTY 1 of PPS 21 sets out a range of development within the countryside that may be acceptable including a number of non-residential types of development. This includes certain utilities, which will continue to be acceptable in accordance with existing published policies.

Policy PSU 8 New Infrastructure of the PSRNI is the most relevant policy in relation to electricity utilities. It states that the need for new infrastructure will be balanced against the objective to conserve the environment and protect amenity. The explanatory text refers to the planning authority being satisfied that there is an overriding regional or local requirement for the development, and that a thorough exploration of alternative sites has been carried out. There is also a reference to development being sited so as to minimise environmental effects. This policy sets out a number of criteria that are important considerations when assessing proposals for new infrastructure, one of which is the need for the facility.

The need for this facility is outlined in the applicant's Planning Supporting Statement (Document 01, date stamped 11 March 2024). In this document, it is stated that BESS facilities increase the efficiency of energy generation from renewable resources and are becoming more readily recognised as an essential element of the electricity network, aiding the deployment of renewable energy generation across the electricity grid. With regards to this specific proposal, the supporting statement highlights that the proposed BESS is designed to help reduce wind power curtailments, by storing energy which would otherwise be curtailed and discharging it back to the grid at peak times or when generation from the wind turbine is low.

The agent was asked to provide further details on where the energy to be stored in the BESS would come from, and has mentioned an existing wind farm 'close by', but has also advised that the site is co-located beside an approved single wind turbine on lands approximately 485 metres north-east of 92 Parkgate Road (Ref:

LA03/2023/0749/F) and a proposed single turbine on lands approximately 342 metres north-east of No. 92 Parkgate Road (Ref: LA03/2024/0604/F). The agent has further advised that both wind turbines and the proposed BESS facility will be taken forward by the same developer. In the most recent site selection assessment (Document 15, date stamp received 25 October 2024), the agent has identified the Kells substation and its transmission lines as the optimal connection point for a future BESS proposal.

It is also set out within the Supporting Statement that an extensive site search of the lands surrounding the Kells substation and the wider area was carried out, with the application site being identified as the most appropriate site available to the applicant for the development. No additional details on the site selection process were given within the supporting statement, and so the agent was requested to provide their rationale for choosing this site.

Document 15 is entitled 'Site Selection Assessment' and provides more detail on how the application site was deemed the most suitable for the proposed development. Within this document, the agent has set out their two phase site criteria, looking at proximity to the connection point (substation), proximity to the public road, separation distance from residential receptors, set-back distances from overhead power lines, and susceptibility to flooding in phase 1, with site topography, site size, and level of integration making up phase 2. Nineteen (19) sites in total were investigated.

The agent has identified the Kells substation and its transmission lines as the optimal connection point for a future BESS proposal. This substation is located on the Maxwells Road, approximately 2km northeast of the application site. However, the search area has been limited only to lands southwest of the substation, and although the agent argues that anything closer could lead to a congestion in this type of development, there has been no investigation carried out on lands north, east or west of the substation. The decision issued by the Planning Appeals Commission (PAC) for the existing Kells BESS on the Doagh Road (Ref: LA03/2018/0984/F) sets out that the most efficient way to connect a battery storage facility to the system is to use an 'under the fence' cable connection, and it is noted that the appellant in the previous case (Ref: LA03/2018/0984/F) carried out an assessment of suitable lands close to, and within 500 metres of the Kells substation.

The search area has further been constrained by a 175 metre road buffer, with it being stated within the site selection assessment that 'beyond this distance, this particular installation would no longer be economically viable when the installation of cable and lane upgrades/visibility splay provision is taken into account'. Twelve of the nineteen investigated sites are located along the Parkgate Road, with the remaining seven sites located along the Lislunnan Road.

The agent has also advised that the potential for a site to be suitable for BESS development was restricted by its separation distance from third party receptors. The agent has advised that at an early stage of the development, the applicant engaged with a noise consultant on potential noise implications, with this consultant recommending that a 150 metre buffer to third party residential receptors should be observed in order to avoid potential adverse noise impacts.

It would appear the agent has applied this recommendation and consequently ruled out sites 1, 3, 4, 7, 8, and sites 10 – 19 due to their close proximity to a number of third party residential receptors. The remaining possible sites then are 2, 5, 6 and 9.

Sites 2 and 6 have further been ruled out by reason of their undulating topography, with site 5 being considered unsuitable as the result of a lack of roadside hedging which is claimed would lead to a lack of integration. Site 5 also lies adjacent to a 33kV overhead power line buffer which has reduced the available land to 0.72 hectares, which seemingly is not considered to be of a sufficient site size.

The agent has concluded that the only remaining site suitable for the proposed 100MW BESS facility therefore is site 9. It must be noted that this is also the only site that is within the ownership of the applicant; and despite applying the recommendation of the noise consultant to avoid sites within 150 metres of third party receptors as noted above, there are two third party receptors located within 100 metres of the proposed BESS; Nos. 87 and 92 Parkgate Road.

The Council acknowledges that the agent has attempted to provide a site selection process, and that quite a number of sites were investigated. However, the Council would also contend that this search is not as extensive as it could be; that it is focused only on lands to the southwest of the substation and has ignored lands closer to the Kells substation. A BESS proposal close to the source ensures a more robust connection and therefore contributes to overall sustainability as it optimises existing infrastructure, however, the majority of the sites are located at a considerable distance away from the substation, of at least 2km. The agent has also failed to look at the possibility of extending the existing Kells BESS facility at Doagh Road.

It is also noted that a further current application is being considered by the Council for a BESS facility approximately 342m northwest of the Kells Substation (Ref: LA03/2024/0435/F).

It is considered that the works fall within the relevant section of CTY 1 of PPS 21 for other non-residential development and whilst a relevant need for BESS facilities has been established in line with PSU 8 of PSRNI, it has not been satisfactorily demonstrated that a thorough exploration of alternative sites has been carried out. It is therefore considered that the principle of development is not acceptable, and the proposal is contrary to Policy PSU 8 of PSRNI.

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

Policy PSU 8 of the PSRNI states that the works should not have a detrimental impact on the environment, including visual impact. Policy CTY 13 of PPS 21 allows for development in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design, whilst Policy CTY 14 sets out 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.

The proposed development includes the erection of 57 battery systems, 29 transformers and one 11kv transformer, two switch houses, lighting columns with CCTV cameras attached, a 3.5 metre high acoustic fence, a 2.4 metre high palisade fence, and a 1.8 metre high timber fence along the new access.

Both battery storage control rooms are 6 metres in height, with the SONI / NIE control room occupying a floorspace of 72.25sqm, and the customer control room having a total floorspace of 113.39sqm. External finishes of both buildings are rendered fair/faced blocks with dark green steel doors and black concrete roof tiles. The proposed battery storage units are 2.7 metres in height to finished ground level. The BESS compound will be laid with gravel and bounded by a 3.5 metre high acoustic fence, with 2.4 metre high green palisade fence around the outer site. The access will be laid with gravel and bounded by a 1.2 metre high timber fence. New planting is proposed along new boundaries and behind the visibility splays.

Access to the proposed development is directly off the Parkgate Road, with the creation of a new access lane of approximately 64 metres in length servicing the BESS compound. The battery storage systems, associated transformers and control houses are sited to the west of the public road, and set back approximately 70 metres from this road, with the land falling slightly towards the northwestern corner of the application site. The roadside boundary is presently defined by a grass verge, hedging and trees with existing hedging and trees along the outer boundaries of the site.

As noted above, the application site is located on land that is relatively flat, and the fields on which the development will be located are separated only by a post and wire fence. The existing grass verge, hedging and trees along the roadside boundary need to be removed to provide the required visibility splays of 2.4 metres by 140 metres. Removal of this hedging will open the site up considerably and allow for long ranging views when approaching the site from both directions along the Parkgate Road. In an attempt to aid integration, new hedge planting is proposed behind the visibility splays and along all four boundaries of the site. Policy CTY 13 of PPS 21 sets out that new planting alone will not be sufficient for integration purposes, and development of an unacceptable site cannot be successfully integrated into the countryside by the use of landscaping. In addition, new planting will inevitably take a considerable length of time to mature and in the interim will not mitigate the impact of the new development.

As initially submitted, the boundary of the BESS compound was to be defined by a 2.4 metre high palisade fence. During the processing of the application, and in relation to mitigating potential noise impacts, the applicant replaced part of the proposed palisade fence with a 3.5 metre high acoustic fence. This fence will run for a length of 77 metres along the eastern and western boundaries, and over 64 metres along the northern and southern boundaries. Although set somewhat back from the public road, there is no existing vegetation to restrict views, and the surrounding landform does not lend itself to providing suitable enclosure. In this regard, it is considered that the proposed acoustic fence will appear visually prominent and incongruous in the rural context.

As noted in the site description, the application site is located in the countryside, and whilst Corby Knowe wind farm is located to the southwest of the site, the surrounding area is rural in nature, largely characterised by agricultural fields and a dispersed settlement pattern; the latter of which is typified by roadside dwellings with an associated farm yard and farm buildings. It is considered that the design of the proposed BESS facility is not reflective of the existing built form, but rather has a utilitarian appearance that does not mirror, nor respect the existing rural and agricultural design of surrounding dwellings and farm buildings.

With the removal of the roadside hedging, the proposed development would appear as prominent, with the overall design of the facility being incongruous. Due to the lack of an appropriate level of integration, the industrial appearance of the facility would be highly obvious and would lead to a noticeable erosion of the scenic quality of the surrounding area. The proposal seeks to industrialise the neighbouring rural area, the effects of which would be perceptible from both public viewpoints and from adjacent private properties.

Whilst it is accepted that there is a need for this type of facility, the Council considers that the size, scale and massing of the proposed BESS is not subordinate to development in the surrounding rural area, and the site lacks an appropriate level of integration.

Consequently, it is considered that the proposal will have a detrimental impact on the character and appearance of the rural area and the development is found to be contrary to Policy PSU 8, Policy CTY 13 and Policy CTY14.

Neighbour Amenity

Noise

There are two residential dwellings located within close proximity to the application site; No. 87 Parkgate Road, approximately 109 metres to the northwest, and No. 92 Parkgate Road, immediately opposite the site. The proposed development has the potential to harm residential amenity due to unacceptable noise impacts.

A Noise Impact Assessment, prepared by Aona Environmental (Document 04, date stamped 11 March 2024) accompanied the application. It is noted within the report that the two nearest residential dwellings have a financial involvement in the proposed development. The BS4142 assessment carried out shows the rating level over background sound to be +6.7dB at No. 92 Parkgate Road, and +10.5 at No. 87 Parkgate Road. The assessment would indicate a significant adverse impact or an adverse impact, depending on the context at these receptors.

The Council's Environmental Health Section (EHS) sought clarification on a number of issues, with further noise information being received in August 2024 (Document 13). It is noted within this document that the battery supplier has provided new sound power level data incorporating a new fan design available from 2025 which will be 2dB(A) quieter than the previous data submitted.

Whilst the updated assessment based on the new sound power level data shows a reduction in impact, the results still indicate an adverse impact at a number of receptors, albeit they are financially involved receptors. EHS are of the opinion that the proposed development should be designed in a way to minimise any resulting impact and requested that the applicant give consideration to the erection of an acoustic barrier in order to reduce the predicted impact at nearby receptors. A number of other issues were raised within the Environment Health consultation response dated 13 September 2024 which needed to be addressed by the agent.

Two further documents were submitted by the agent in an attempt to address the concerns of Environmental Health in relation to noise (Document 14, date stamp received 03 October 2024, and Document 16, date stamp received 05 November 2024). Based on all the information received to date, Environmental Health are now of the opinion that amenity at nearby sensitive receptors can be suitably protected,

subject to the attachment of a number of noise and artificial light control conditions.

Fire Risk

The safety issues that can potentially result from Battery Energy Storage Systems (BESS) have been considered. Such issues include failures of lithium-ion batteries including 'thermal runaway' whereby a battery cell experiences uncontrollable overheating, often accompanied by the release of large quantities of flammable off-gasses. The failing cell may lead to thermal runaway of adjacent cells, creating a cascading failure across the system resulting in large quantities of heat and gas. If these gases accumulate in an enclosed space such as a BESS container, there is potential for explosion.

The Fire and Safety Report (Document 10, date received 11 March 2024) states that the site has been set out methodically in rows to reduce the number of batteries connected to make up one system. As noted above, there are 57 battery or "groups", containing no more than 3.854 MWh of batteries. These are then further broken down into enclosures with overall measurements of 1.65 metres x 0.92 metres x 2.79 metres. Eight enclosures come together to make one of the BESS systems, containing approximately 3.854 MWh of batteries. This is then broken down further again into one enclosure, with each enclosure being fully fire separated from the next allowing further fire separation, with one enclosure containing 0.482 MWh of batteries.

Each singular battery enclosure has its own full fire detection and suppression system as set out in the above document. This approach of breaking the systems down into smaller sub-systems allows for greater oversight and control of the batteries, creating smaller more manageable systems and further mitigating any fire risks. Two of eight battery enclosures come together to form one side-by-side group of the 57 BESS systems (29 side-by-side groups). The two groups of eight are also separated by 500mm to ensure fire separation. Battery group separation has been set by the maintenance requirements. This is particularly prudent as each enclosure is individually fire resistant. As described in the Fire and Safety Report, the system is a fire rated enclosure and has its own detection, suppression and cooling systems with all safety features included within the enclosure.

Section 7 of the Fire and Safety Report refers to 'fire response' and states that in the unlikely event of an uncontrolled thermal runaway incident within a Megapack 2XL, it has been demonstrated that no flames will be present, no propagation will occur between adjacent cells and there shall be no flying debris or explosion. Triggering the inbuilt clean agent fire suppressant will deploy and be retained within the BESS enclosure further preventing any possibility of a fire. Therefore, a controlled burn-down in line with Energy Institute Battery Storage Guidance Note 2, would be the most appropriate action. The agent states that active firefighting tactics, such as applying water to the burning unit, is not required to stop fire spread to neighbouring units and if any firefighting resources are required these will be limited to defensive tactics to protect nearby exposures, if at all.

NI Fire and Rescue Services (NIFRS) is the enforcing authority for The Fire and Rescue Services (Northern Ireland) Order 2006, and The Fire Safety Regulations (Northern Ireland) 2010. Their interest is in relation to fire safety, firefighting, protecting life and property in the event of fires, harm to the environment and other emergencies.

NIFRS sets out a number of measures that are considered relevant in the preparation of a planning application. These measures include, but are not limited to, the provision, and the securing of a means of escape; giving warning in the event of fire; reducing the risk of fire and the risk of fire spread; the means of detecting and extinguishing fires; and the provision of facilities for firefighting, including water supplies, fire mains, firefighting shafts, operating mechanisms, smoke venting and compartmentation.

NIFRS provides standing advice in relation to planning applications for BESS developments. With regards to fire suppression, NIFRS advise that 'whilst gaseous suppression systems have been proposed previously, current research indicates the installation of water based suppression systems for fires involving cell modules is more effective', and that 'initial firefighting intervention will focus on defensive firefighting measures to prevent fire spread to adjacent containers'. As a minimum, NIFRS recommends that hydrant supplies for boundary cooling purposes should be located close to BESS containers and should be capable of delivering no less than 1,900 litres per minute for at least 2 hours.

The proposed development does not include a fire hydrant or any other means of water supply, and when the fire suppression method was queried with the agent, it was confirmed that active firefighting tactics, such as applying water to the burning unit, is not required to stop fire spread to neighbouring units in this particular development. While this may be the preferable fire suppression method of the applicant, it is not considered that the fire risk has been properly mitigated against, and if a thermal runaway event were to take place there is the potential for it to have a detrimental impact on the environment and residential amenity in the absence of a suitable fire suppression method.

The Health and Safety Executive (NI) (HSENI) has been consulted and raised no objection to the proposal, advising that the construction and operation of proposed development will be subject to the Health and Safety at Work (NI) Order 1978 requirements and relevant statutory provisions. The operator is legally required to reduce risks to the lowest reasonably practicable level.

Having considered the proposal with regards to fire risk, it is considered that there is the potential for the proposed development to have an undue health and safety risk; the proposal is therefore considered to be contrary to Policy PSU 8 of PSRNI in that the works could cause detrimental harm to neighbouring communities.

Impact on Natural Heritage

A Biodiversity Checklist and Preliminary Ecological Assessment accompanies the application (Document 02, date stamped 11 March 2024). This document notes that the application site does not lie within any site that has been designated for its nature conservation importance.

The closest nationally and internationally designated sites are Lough Neagh Area of Special Scientific Interest (ASSI), Lough Neagh and Lough Beg Special Protection Area (SPA) and Ramsar site, located approximately 8km southwest. These sites are of national and international importance and are protected by the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order, 2002.

The closest locally designated site is Lisnavenagh Site of Local Nature Conservation Importance (SLNCl), approximately 4km south-west of the application site. The closest area of Ancient Woodland is located around 4km west, within Stable Hill SLNCl.

A small stream which is a tributary of the Kells Water, flows along the southwestern site boundary. The Kells Water is hydrologically linked to Lough Neagh and associated nature conservation designations.

The Natural Environment Division (NED) of DAERA has considered the information contained within the Biodiversity Checklist and Preliminary Ecological Assessment, and based on this, NED is content that the proposed development is unlikely to significantly impact protected or priority species or habitats. NED has also provided informatives that should be attached to any forthcoming decision notice.

As the site is hydrologically linked to Lough Neagh, consultation was carried out with Shared Environmental Service (SES). SES considered the application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). In the most recent response, dated 16 December 2024, SES has advised that, following an Appropriate Assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

Impact on features of Archaeological Importance

Accompanying the application is an Archaeological Impact Assessment (Document 03, date stamp received 11 March 2024), which has been reviewed by Historic Environment Division (HED) (Historic Monuments). HED has concluded that there will be no impact on the settings of the surrounding monuments.

Given that the closest monument is over 500m away, and that the application site is a greenfield site of less than 1 ha, it is considered, in consultation with HED, that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements and advises that no further archaeological mitigation is required.

Access, Movement and Parking

Access to the site is via a new entrance off the Parkgate Road and along a new access lane.

DfI Roads has been consulted and initially requested the visibility splays to be extended to 140 metres. Following re-consultation with this amendment, DfI Roads has raised no further objection to the proposal. It is considered that the proposal complies with the provisions of Planning Policy Statement 3, 'Access, Movement and Parking'.

Flooding and Drainage

The applicant has submitted a Flood Risk and Drainage Assessment (Document 06, date stamp received 11 March 2024), with an updated Drainage Assessment received on 03 December 2024. Both documents have been reviewed by DfI Rivers.

The Flood Maps (NI) indicate that the development does not lie within the 1 in 200 year coastal flood plain. There is a culverted watercourse which is undesignated located on the southern boundary of the site, and the site may be affected by other undesignated watercourses of which DfI Rivers have no record.

There is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. It is essential that a working strip of minimum width 5 metres from the top of the bank is retained but up to 10 metres where considered necessary. Figure 5-1 contained within the submitted Drainage Assessment shows the development to be suitably distanced from the culverted watercourse with the required maintenance strip in place. The Rivers Directorate also notes that, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions.

The Rivers Directorate has highlighted however, that it is stated within the Drainage Assessment that the drainage design is '...to be further developed in any detailed design post determination of the planning application' and DfI Rivers has requested that if planning permission is forthcoming, the Council attach a condition requiring the applicant to provide a final drainage assessment, compliant with Policy FLD 3 and Annex D of PPS 15, prior to the construction of the drainage network. The agent has confirmed however (email dated 20th February 2025) that the drainage design presented in the Drainage Assessment is the final design and therefore this condition is not considered necessary. The proposed development is considered to meet with the policy requirements of PPS 15 and it is considered that the development would not give rise to, or exacerbate, the risk of flooding.

Other Matters

Other Material Considerations

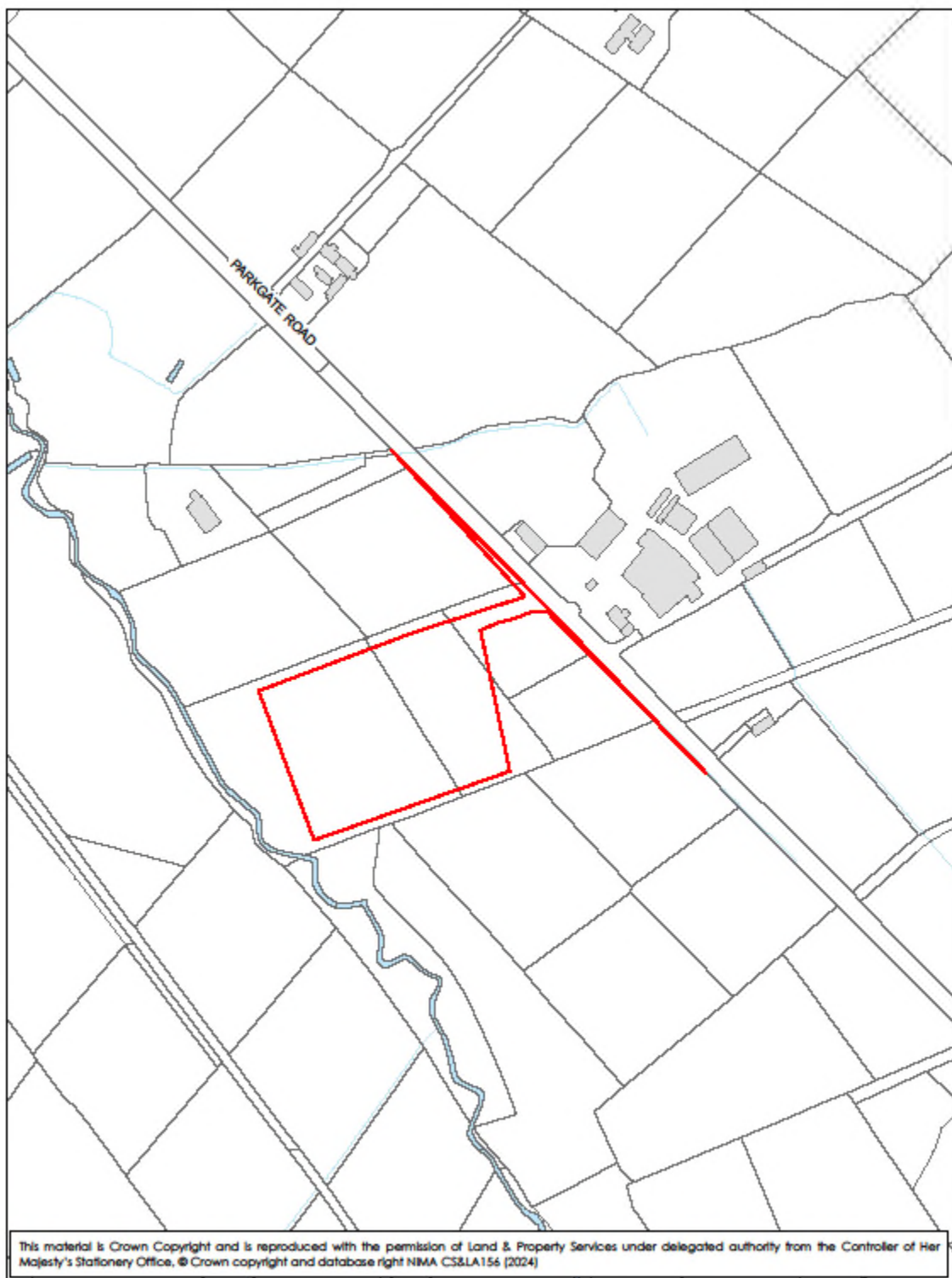
The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION

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

- The principle of the development is not considered to be acceptable;
- The design and appearance of the proposed development is not acceptable;
- The proposed development will have an unacceptable impact on the visual appearance of the rural area;
- The proposal will result in an unacceptable impact on neighbour amenity by reason of fire risk;
- There are no significant concerns relating to access, road safety matters and parking; and
- There is no significant flood risk associated with the site;

RECOMMENDATION	REFUSE PLANNING PERMISSION
REASONS FOR REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy PSU 8 of the Planning Strategy for Rural Northern Ireland in that it has not been satisfactorily demonstrated that a thorough exploration of alternative sites has been carried out. 2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement, Policy CTY 13 and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the application site lacks a sufficient level of integration and the proposed development would result in an unacceptable detrimental impact on visual amenity and character of the rural area. 3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy PSU 8 of the Planning Strategy for Rural Northern Ireland in that it has not been satisfactorily demonstrated that there is a sufficient fire suppression system and the proposed works could cause detrimental harm to residential amenity by way of fire risk. 	



Site Location Plan

1:2,500

Reference: LA03/2024/0182/F

 Site Location



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2024/0772/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retention of extension of servicing yard area (to accommodate external storage areas, storage container, new concrete aggregate bays and raised concrete hardstanding) Proposed replacement portal frame building and 2.5m high security boundary fencing.
SITE/LOCATION	37 Mallusk Road, Newtownabbey, BT36 4PP
APPLICANT	CFM Ltd
AGENT	CFM Ltd
LAST SITE VISIT	5 TH November 2024
CASE OFFICER	Morgan Poots Tel: 028 90340419 Email: morgan.poots@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 https://planningregister.planningsystemni.gov.uk/application/693542	
SITE DESCRIPTION	
<p>The application site is located at 37 Mallusk Road, Newtownabbey and relates to an existing mechanical and electrical business operated by CFM Ltd.</p> <p>The site is located within the development limits of Metropolitan Newtownabbey as defined by the Belfast Urban Area Plan (BUAP) and draft Belfast Metropolitan Area Plan published 2004 (dBMAP). The application site is upon lands designated as 'Existing Employment/Industrial Land' in dBMAP under zoning reference MNY 19.</p> <p>The application site is accessed by an internal estate road off the Mallusk Road. The surrounding area is characterised predominately by light industrial land uses. To the north of the site there are a number of warehouse and light industrial units along Michelin Road and Trench Road. To the south lies the main Mallusk Road with Central Park Business Park located further south.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/1989/0153 Location: Weir and McQuiston, 37 Mallusk Road, Newtownabbey Proposal: Erection of store Decision: Permission Granted (06/06/1989)</p> <p>Planning Reference: U/1994/0203 Location: 37 Mallusk Road, Newtownabbey Proposal: Office extension and recladding of existing electrical sub-contractors premises Decision: Permission Granted (09/07/1994)</p> <p>Planning Reference: U/1997/0533 Location: Weir and McQuiston, 37 Mallusk Road, Newtownabbey</p>	

Proposal: Creation of additional office accommodation at first floor level including alterations to building and site layout
Decision: Permission Granted (05/02/1998)

Planning Reference: U/1998/0140

Location: Weir and McQuiston, 37 Mallusk Road, Newtownabbey

Proposal: Two storey extension to provide office accommodation including alteration to site layout

Decision: Permission Granted (02/10/1998)

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.

Belfast Urban Area Plan (BUAP): The application site is located within the development limit of the Belfast Urban Area (Newtownabbey). The Plan offers no specific guidance on this proposal.

Draft Newtownabbey Area Plan (dNAP): The application site is located within the development limit of Metropolitan Newtownabbey. The plan offers no specific guidance on this particular proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the development limit of Metropolitan Newtownabbey. The site is zoned as Existing Employment and Industry 'Mallusk' (MNY 19). The plan offers no specific guidance on this particular proposal.

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

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

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

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

CONSULTATION

Council Environmental Health Section: Further Information Required

DfI Roads: No objection

DfI Rivers: Advice

REPRESENTATION

Twenty-three (23) neighbouring properties were notified of the application 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:

- Preliminary Matters
- Policy Context and Principle of Development
- Design, Appearance and Impact on the Character of the Area
- Neighbour Amenity
- Access, Movement and Parking
- Flood Risk
- Natural Heritage
- Other Matters

Preliminary Matters

Environmental Impact Assessment

The proposed development falls within Category 2, 10(B) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. Regulation 12 of the Regulations requires the Council to make a determination as to whether the proposed development would or would not be deemed EIA development. In this case the development falls to be considered within Category 2(10) (B) of the Planning (EIA) Regulations (NI) 2017: 'Urban development projects, including the construction of shopping centres and car parks'. In accordance with the Regulations, a screening exercise must be carried out in order to determine whether or not an Environmental Statement is required. It is considered that the environmental impacts will not be so significant to warrant an environmental statement.

Requests for Information

Concerns were raised with the agent with regards visual concerns. The agent was contacted regarding this on the 15th January and the 6th February 2025. Although the agent has engaged with the Council and supporting information has been received this has not adequately addressed the concerns as detailed below.

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 application site is located within the development limits of the Belfast Urban Area as defined within the Belfast Urban Area Plan (BUAP) and within the development limits of Metropolitan Newtownabbey as defined in the draft Belfast Metropolitan Area Plan (dBMAP) published in 2004. The application site is located along Mallusk Road, which operates as an existing mechanical and electrical business, CFM Ltd. The proposal seeks retrospective permission for an extension to the existing servicing yard area to accommodate the storage of shipping containers, new concrete bays and hardstanding along with a proposed replacement portal frame building.

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 Planning Policy Statement 4 'Planning and Economic Development' (PPS 4). Policy PED 1 'Economic Development in Settlements' outlines the specific economic use classes that will be acceptable within development limits but PED 1 concludes with specific reference to extensions within settlements stating that a development proposal to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED9.

The application site is designated as a Major Area of Existing Employment/Industry in draft BMAP under zoning MNY 19. In this instance, the proposal seeks an extension to the existing mechanical and electrical business operated by CFM Ltd which is an existing 'B2 Light Industrial' use. The existing business and proposed extension is considered to be compatible with the surrounding land uses in Mallusk.

In line with Policy PED 1 and PED 9 of PPS 4, it is considered that the principle of an extension to an existing business is acceptable, subject to all other policy and environmental considerations being met.

Design, Appearance and Impact on the Character of the Area

Policy PED 9 requires that the site layout, building design, associated infrastructure and landscaping arrangements are of a high quality and assist with the promotion of sustainability and biodiversity. The proposed extension seeks to retain an extended servicing yard to accommodate external storage area, new concrete bays and hardstanding, along with a replacement portal frame building.

The proposal includes the change of approximately 951sqm of grass area to an area of hardstanding to the south of the site, directly adjacent to Mallusk Road and includes an external storage area and 1no. storage container. The proposal also includes the replacement of a portal frame building which provides a covered area. The frame measures approximately 5m in height by 12.6m in length and 14.3m in width, making it ancillary to the host building. The replacement structure is finished in

silver cladding to the roof and walls, metal roller shutter doors to the front and rear elevation along with steel rainwater goods. The design and finishes of the proposal are thought to be typical of this type of development and will not appear out of character in the surrounding industrial area.

Policy PED 9 also requires that the proposal is compatible with surrounding land uses. As outlined above, the application site is located within the curtilage of an existing economic use and on land which is zoned for employment uses; therefore, the proposal is compatible with surrounding land uses. The scale of the proposal is proportionate to the scale and massing of existing buildings along the Mallusk Road.

Criterion (K) of PED 9 requires that appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view. The proposal also includes a 2.5m security fence along the southern and western boundaries which abuts the Mallusk Road which replaces the existing 2m high chain link fence.

The agent has submitted a photograph taken of the fencing which has been erected along this boundary, contained within Document 02, date stamped 23rd January 2025. Drawing Number 06, date stamped 10th February 2024 was submitted to show elevational details of the fence which consists of privacy panels woven within the wire of the fence. The agent detailed in an email dated 10th February 2025 that the privacy strips have been placed to provide screening to the site and also in terms of security. It is noted by the agent that the privacy strips can be altered if it is considered to be excessive.

It is considered that the fencing provides a level of screening to the site and external storage areas which themselves would raise visual concerns if viewed from the public road. However, the security fencing proposed to screen the site also creates visual concerns.

Whilst it is noted that some privacy strips can be altered, this fencing is 2.5 metres in height and extends approximately 70m along the Mallusk Road and is highly visible from the roadside. The fencing is considered to be out of character with the surrounding area which primarily consists of chain-link fencing along the Mallusk Road. It is considered that the proposal is contrary to PED 9 of PPS 4 as the proposal fails to provide an appropriate boundary treatment and as a result the proposal will negatively impact the character and appearance of the area.

Neighbour Amenity

Policy PED 9 of PPS4 requires that the proposal will not harm the amenities of nearby residents and that no noise nuisance is created. Policy PED 9 also requires that the site is capable of dealing satisfactorily with any emission or effluent. The proposal relates to an existing business to provide additional external storage areas which is not considered to give significant rise to noise or odour concerns. There are no residential properties abutting the application site, the nearest residential properties are located approximately 600m north of the site within Rogan Manor.

The Council's Environmental Health Section (EHS) has been consulted on the proposal and indicated that the aggregate storage area has the potential to impact neighbouring commercial premises by means of dust generation. EHS indicated that details should be provided on how dust arising from the site will be controlled in the

form of a management plan including actions to be taken if complaints arise. This information was not requested by the agent as there are visual concerns associated with the development and this would put the applicant to unnecessary expense.

Therefore, it is considered that the proposal fails to comply with criteria (b) and (f) of Policy PED 9 of PPS 4 in that it has not been demonstrated that the proposal will not harm the amenities of nearby commercial properties by means of dust and it has not been demonstrated that the site is capable of dealing with dust emissions.

Access, Movement and Parking

Policy PED 9 of PPS 4 requires that the existing road network can safely handle any extra vehicular traffic and adequate access arrangements, parking and manoeuvring areas are provided. The existing access arrangements to the site are to remain unaltered by the proposal. The proposal results in the loss of 7no. parking spaces to the south of the site but retains 22no. spaces with an additional accessible parking space which is considered to be acceptable to serve the site. An amended site layout plan, Drawing Number 03/1, date stamped 23rd January 2025 shows a HGV turning space within the area of hardstanding proposed.

The proposal is not considered to result in a significant increase in traffic. DfI Roads were consulted on the proposal and raised no objection. The proposal is considered to comply with Policy PED 9 of PPS 4 and PPS 3 in this regard.

Flood Risk

PPS 15 and PPS 4 have a presumption against development in the Q100 fluvial floodplain. Policy FLD 1 'Development in Fluvial (River) and Coastal Flood Plains' of PPS 15 indicates that development will not be permitted within the 1 in 100 year fluvial floodplain (AEP of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

DfI Flood Maps indicates that part of the application site is located within the fluvial flood plain of the Ballymartin River. DfI Rivers has confirmed this within their consultation response dated 26th November 2024. Within their consultation response, DfI Rivers included a map to show the full extent of the Q100 Climate Change floodplain, it is noted that the proposed hardstanding is located partially inside the floodplain with an area located outside of the floodplain.

However, it is noted that the map provided by DfI Rivers includes the climate change extent. In line with Policy FLD 1 of PPS 15, the Council continues to use the Q100 climate change map which shows that the area of hardstanding is located entirely outside of the floodplain. The only element within the Q100 floodplain is the proposed replacement portal frame building.

Policy FLD 1 allows for exceptions to the policy within 'Un defended Areas' including 'replacement of an existing building' except for those that provide essential infrastructure or bespoke accommodation for vulnerable groups or that involve significant intensification of use. The replacement portal frame building would be considered to meet the exception to the policy. The existing portal frame is already on an area of hardstanding so there is no increase in the hardstanding proposed within the floodplain.

The agent has submitted a Flood Risk Assessment, Document 01, date stamped 19th December 2024. The Flood Risk Assessment states that the proposal is likely to be a betterment in terms of floodplain storage due to the reduction in ground levels. The proposal is considered acceptable in line with FLD 1 of PPS 15 in this regard.

Natural Heritage

The proposal involves the removal of two large tree groups and a row of dense hedgerow located to the south of the site along with additional hedgerow to the northern boundary of the site. The removal of this vegetation would normally require the submission of a bio-diversity checklist and proposed mitigation measures, however, in this case none has been submitted.

Given the concerns regarding visual amenity, this information was not requested as it would lead to nugatory work and unnecessary expense. However, the agent was made aware of this concern and in an email response dated 20th November 2024 detailed that there was existing leylandii hedging on site and gorse bushes, neither of which are native nor a priority species. It is noted that the removal of vegetation was complete prior to the application being submitted but it is considered that a level compensatory planting could be achieved. However, this has not been requested due to the visual concerns associated with the development.

Other Matters

Other Material Considerations

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION

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

- The principle of the development is considered acceptable;
- The design and appearance of the proposal is not considered acceptable and in addition the proposal includes inappropriate boundary treatments which will negatively impact the character and appearance of the area;
- It has not been demonstrated that the proposal will not harm the amenities of nearby commercial properties by way of dust;
- The proposal will not prejudice road safety or significantly inconvenience the flow of traffic and adequate car parking has been retained; and
- The proposal is considered acceptable in terms of natural heritage.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL


1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Criterion (K) of Policy PED 9 of Planning Policy Statement 4 in that the inappropriate boundary treatment will negatively impact the character and appearance of the area.

2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Criteria (b) and (f) of Policy PED 9 of PPS 4 in that it has not been demonstrated that the proposal will not harm the amenities of nearby commercial properties by means of dust and it has not been demonstrated that the site is capable of dealing with dust emissions.



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Site Location Plan

1:1,250 

Reference: LA03/2024/0772/F

 Site Location



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2024/0797/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Detached garage/store
SITE/LOCATION	43 Belfast Road, Nutts Corner, Crumlin, BT29 4TH
APPLICANT	Gary Bates
AGENT	Robin Park
LAST SITE VISIT	6th December 2024
CASE OFFICER	Eleanor McCann Tel: 028 903 40422 Email: Eleanor.mccann@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 https://planningregister.planningsystemni.gov.uk/application/693785</p>	
SITE DESCRIPTION	
<p>The application site is located at No. 43 Belfast Road within the countryside as defined within the Antrim Area Plan 1984-2001.</p> <p>The application site contains a partially collapsed brick outbuilding which was previously attached to a demolished dwelling, a horse riding arena and stables building and the foundations of a recently approved garage (planning approval Ref: LA03/2021/1165/F). The topography of the application site rises from the Belfast Road to the south by approximately 0.5m. The northern, eastern and western site boundaries are defined by mature trees and hedgerows with maximum heights of approximately 8m. The southern boundary is undefined.</p> <p>The surrounding area is open countryside with dwellings and agricultural buildings scattered intermittently throughout.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2021/1165/F Location: 43 Belfast Road, Nutts Corner, Crumlin Proposal: Replacement dwelling house with detached double garage Decision: Permission Granted (14/04/2022)</p> <p>Planning Reference: LA03/2023/0597/F Location: 43 Belfast Road, Nutts Corner, Crumlin, BT29 4TH Proposal: Retention of building as indoor horse riding arena with stables for personal domestic use including the replacement of adjacent old building and increase in domestic curtilage Decision: Permission Granted (07/12/2023)</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 outside of any settlement limit designated in the plan. The Plan offers no specific guidance on this proposal.

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.

Addendum to PPS 7 - Residential Extensions and Alterations: sets out planning policy and guidance for achieving quality in relation to proposals for residential extensions and alterations.

CONSULTATION

DfC Historic Environment Division (HED): No objection

REPRESENTATION

Two (2) neighbouring properties were notified of the development proposal. One (1) letter of objection has been received from a property which was not neighbour notified.

The main points of the objection have been summarised below:

- Objection to a horse arena as the objector has a stud farm and cannot get planning permission under a change of use application, and queries why permission is being given to this application.

The full representations made regarding this development are available for members to view online at the Planning Register:

<https://planningregister.planningsystemni.gov.uk/application/693785>

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters

- Policy Context and Principle of Development
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Impact on Trees and Environmental Quality of the Area
- Amenity Space, Parking and Manoeuvring
- Other Matters
- Other Material Considerations

Preliminary Matters

Concerns were raised with the agent, by email on the 12th December 2024, with regards to the validity of the application as the fee that had been paid was for a domestic garage/store, however, reference was made to the building being used for agricultural purposes which would require the submission of a new application.

The agent responded on 12th December 2024 stating that no new application would be required as the proposal was for domestic use only. The agent also referred to the Planning Statement, Document 01 date stamped 5th November 2024, which accompanied the application which set out the justification for the proposed garage/store and agreed to reduce the size of the proposed building. Consequently, on 19th December 2024 the agent submitted an amended Elevation and Floor Plan, Drawing No. 03/1, reducing the size of the proposed garage/store.

Following the consideration of the agent's submission, the agent was advised by email on 6th January 2025 that whilst the Council accepts that someone can have a tractor and not be a farmer, the concern previously raised with regards to the reference to the 'storage of farm machinery' on the plan was not addressed and if the justification for the size and scale of the proposal relies upon the storage of farm machinery relating to a 24 acre farm holding, then there is a need to explain why the applicant, who, as previously stated, is not a farmer has a domestic need to store farm machinery.

The agent then submitted an amended Elevation and Floor Plan, Drawing No. 03/2 on 9th January 2025 and removed the reference to the storage of farm machinery.

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 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.

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. Amongst these is the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS 7). Taking into account the transitional arrangements of the SPPS, retained APPS 7 provides the relevant policy context for consideration of the proposal.

Policy EXT 1 of APPS7 indicates that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

APPS7 also advises that the guidance set out in Annex A of the document will be taken into account when assessing proposals against the above criteria.

Scale, Massing, Design and Appearance

The proposed garage/store is located to the east of the existing indoor horse riding arena and stables approved under planning application Ref: LA03/2023/0597/F and to the west of a replacement dwelling and double garage previously approved under planning application Ref: LA03/2021/1165/F, the development of which has commenced.

The proposed garage/store measures approximately 12 metres in length, 10.0 metres in width and 4.9 metres in height. Roller shutter doors are proposed to the front (northern) and rear (southern) elevations measuring approximately 3.6m in height and 4m in width, with another roller shutter door proposed on the eastern elevation measuring approximately 3m in height and 3.6m in width.

Fleeting views of the proposed garage/ store will be achievable when travelling in both directions along the Belfast Road. Existing boundary treatments to the east screen the proposal from long views on the westward approach and the existing indoor horse riding area building screens the proposal from long views from the eastward approach.

Although there are only short views of the proposed garage/store, it is considered to be of a substantial size and scale for a domestic garage. A Planning Statement, Document 01 date stamped 5th November 2024, accompanied the application which aimed to justify the size and scale of the development proposal.

The Planning Statement advised that the dwelling and garage approved under planning application Ref: LA03/2021/1165/F, was initially intended for the applicant's daughter, however, circumstances had changed and the applicant and his family now intend to live in the dwelling when complete. It continued that the applicant and his family between them have five (5) cars, a campervan, a work van and a skip lorry (the applicant is the joint owner of 'Batesy Skip Hire').

The Planning Statement further advised that the double garage approved under planning application Ref: LA03/2021/1165/F is not large enough to facilitate the applicant's family and as such, it is not being constructed. This is also indicated on the Proposed Site Plan, Drawing No. 02 date stamped 5th November 2024. The agent has advised that the foundations of the double garage have been dug out and they will be covered over.

The Planning Statement goes on to advise that it is the intention of the applicant to enlarge the approved indoor horse riding arena, (by removing the two areas at the front section allocated for the storage of a tractor, trailer and farm machinery) which he claims necessitate further storage within the proposed garage.

The agent also advises that the applicant would be agreeable to a suitable condition relating to this permission being in substitution for the double garage previously approved under planning application Ref: LA03/2021/1165/F.

The Planning Statement continues that the proposed garage/store (at the location of the recently demolished shed) is intended to have storage for two different aspects: the five (5) family cars, a campervan, a work van and a skip lorry; and the tractor, trailer and farm machinery.

Following discussion with the agent (9th January 2025) in relation to the size, scale and proposed use of the proposed garage the agent agreed to remove the notation for the storage of farm machinery and submitted the amended Elevation and Floor Plan, Drawing No. 03/2 date stamped 9th January 2025, as this application is for a domestic garage and not to be used for agricultural storage.

Additionally, the agent stated that the applicant would find it acceptable for a condition to be included on any forthcoming planning approval that the proposed garage/store is in substitution for the smaller garage approved under planning application Ref: LA03/2021/1165/F.

The rationale provided by the agent is not considered sufficient to justify the size and scale of the domestic garage/storage building, particularly owing to the fact that the applicant already has a very substantial building on the site and it is not clear why the existing building cannot accommodate the applicant's needs.

It is considered that the cumulative impact of the proposed garage/store along with the previously approved indoor horse riding arena, (Ref: LA03/2023/0597/F) and dwelling on the site would result in a detrimental impact on the character and appearance of the area. Additionally the proposed garage/store is situated approximately 19m from the approved dwelling, therefore appearing somewhat divorced from it.

Furthermore, the proposed finishes of the garage/store include prefabricated concrete wall panels on the lower section of the proposed building and a single skin cladding on the upper section of the walls and on the roof. Whilst it is acknowledged that the adjacent horse riding area has similar finishes to that of the proposed garage/store, it is considered that the proposed finishes are not typical for those used for a domestic garage (which are normally sympathetic with the finishes of the host dwelling).

Overall, it is considered that it has not been sufficiently demonstrated why a garage/store of this size and scale (to be used for domestic purposes) is needed on the application site. The scale, massing, design and appearance of the proposal are also not considered acceptable and the proposal when viewed with existing approved development on the application site would result in a detrimental impact on the character and appearance of the area.

Neighbour Amenity

The nearest neighbouring dwelling is on the opposite side of the Belfast Road to the proposed garage/store and is situated approximately 58.3m from the front elevation of the proposal. Given the separation distance from the neighbouring dwelling to the proposal it is considered that the proposed garage would not have any detrimental impact on neighbouring amenity.

Impact on Trees and Environmental Quality of the Area

It is considered that the proposal will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality because there are no trees or other landscape features present where the proposal will be located.

Amenity Space, Parking and Manoeuvring.

It is considered that sufficient space remains within the curtilage of the property for recreational and domestic purposes, and for the parking and manoeuvring of vehicles.

Other Matters

DfC Historic Environment Division (Historic Monuments) (HED) were consulted with regards to the development proposal and responded stating that it has assessed the proposal and on the basis of the information provided is content that the proposal is satisfactory to the archaeological policy requirements of the SPPS and PPS 6.

An objector in their letter of representation stated that they object to the horse arena and go on to state that they have a stud farm and cannot get planning approval for a change of use development proposal and therefore question why this proposal would be given permission.

An indoor horse riding arena with stables for personal domestic use including the replacement of an adjacent old building and increase in domestic curtilage was granted planning approval under planning application Ref: LA03/2023/0597/F on 7th December 2023 because the principle of development was considered to be acceptable in accordance with the SPPS, APPS7 and Policy OS 3 of PPS 8.

The current development proposal is for a garage/store and the Council may only assess what is proposed as part of the current planning application and not revisit previous approvals on the site, although the site history may be a material consideration in any assessment of a development proposal. Furthermore, each planning application received by the Council is assessed on its own merits, with a decision being made based on the development plan and relevant policies prevailing at that time together with other material considerations.

Other Material Considerations

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION

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

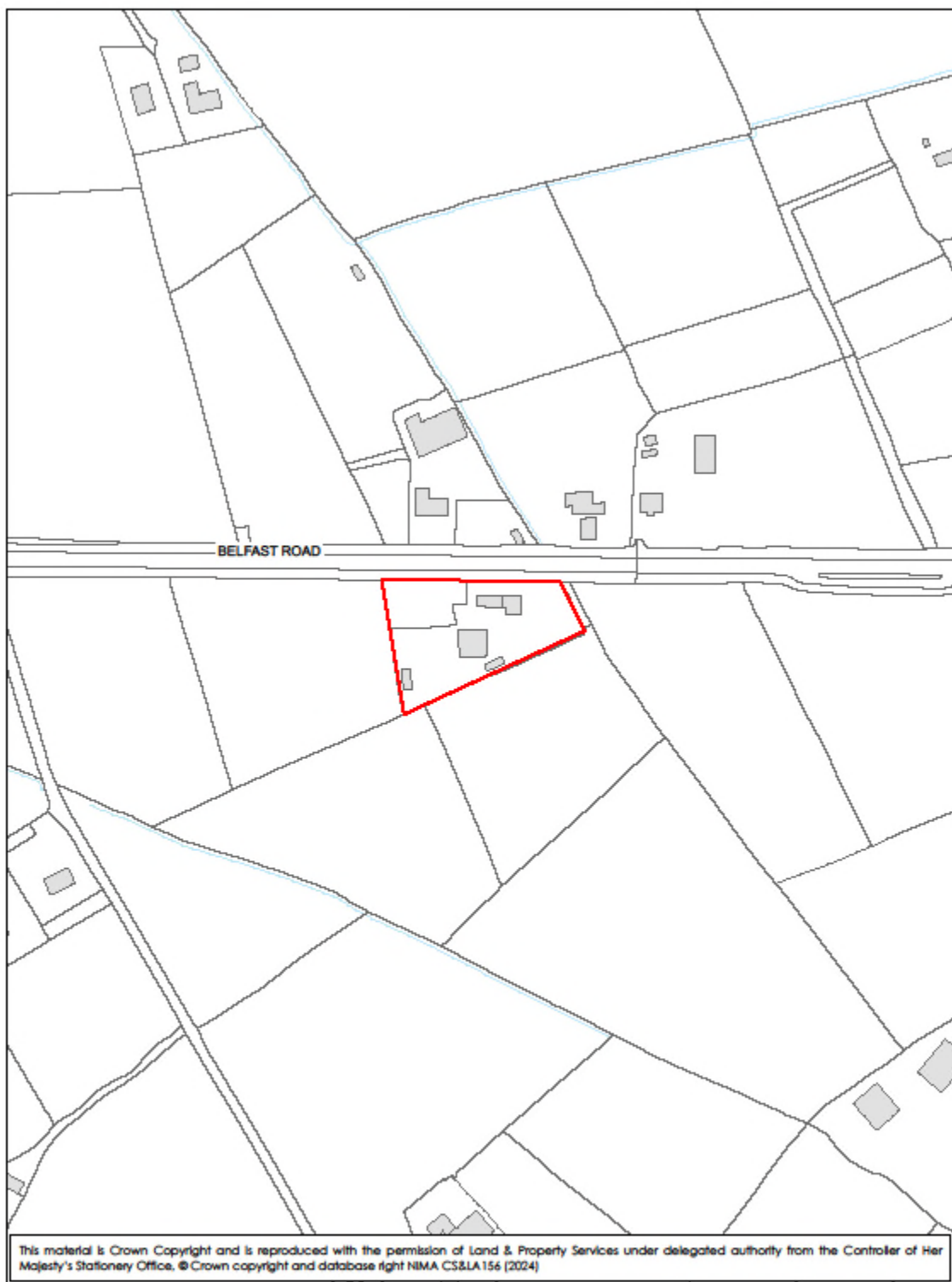
- The principle of the development is considered acceptable;
- The scale, massing, design and appearance of the proposal are not considered acceptable;
- The proposal will not unduly affect the privacy or amenity of neighbouring properties;
- The proposal will not have a detrimental impact on trees or the environmental quality of the area;
- Sufficient space remains within the curtilage of the property for recreational and domestic purposes; and
- Parking provision levels are considered acceptable.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy EXT 1 of APPS7: Residential Extensions and Alterations, in that the scale, massing, design and appearance of the proposal are not considered acceptable and the proposal if approved would result in a detrimental impact on the appearance and character of the surrounding rural area.



Site Location Plan

1:2,500

Reference: LA03/2024/0797/F

 Site Location



COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2024/0709/O
DEA	THREE MILE WATER
COMMITTEE INTEREST	ADDENDUM TO PLANNING REPORT
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for dwelling on a farm
SITE/LOCATION	Lands approx. 25m south of 27 Sallybush Road, Newtownabbey, BT36 4TS
APPLICANT	Arthur Magill
AGENT	N/A
LAST SITE VISIT	29 th October 2024
CASE OFFICER	Harry Russell Tel: 028 903 40408 Email: harry.russell@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: https://planningregister.planningsystemni.gov.uk/application/692771</p>	
SITE DESCRIPTION	
<p>At the January 2025 Planning Committee meeting, Members took the decision to defer this application to allow the applicant to submit additional information and for further engagement to take place with Officers.</p> <p>Following the January Planning Committee meeting, the applicant emailed the Planning Section on the 21st January 2025 and requested a site meeting to discuss the issues with regards to the development proposal. The agent was advised by reply on the same day that the Planning Section would facilitate an office meeting at Mossley Mill on 20th February 2025. The applicant provided additional information at the meeting (Document 02, date stamped 20th February 2025) in support of the application to address each of the Council's proposed refusal reasons.</p> <p>With regards to the first refusal reason relating to the proposal failing to visually link or cluster with an existing group of buildings on a farm, the applicant states that the site is visually linked with the laneway adjacent to Nos. 27 and 29 Sallybush Road which the farm has a right of way over. However, Policy CTY 10 of PPS 21 requires the proposed dwelling to be visually linked with a group of established buildings, not with a laneway. The applicant also notes that No. 29 Sallybush Road, which is situated to the northwest of the site opposite the laneway, is family owned. This dwelling however is not shown to be within the ownership of the applicant on the Site Location Plan, Drawing No. 01 date stamped 26th September 2024.</p> <p>The applicant also made reference to the grant of planning approval for a farm dwelling under planning application Ref: LA03/2019/0677/O at lands approximately 75m northwest of 9 Springwell Road, Ballyclare, which was sited 180m from the farm buildings. Policy CTY 10 states that exceptionally, consideration may be given to an</p>	

alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. Demonstrable health and safety reasons were provided in relation to the siting of the proposed dwelling approved under planning application Ref: LA03/2019/0677/O.

With regards to the proposed siting of the current proposal, the applicant has stated that the dwelling at the proposed location would be situated "a safe distance away from livestock and heavy machinery". This does not meet the policy exception for demonstrable health and safety reasons and it has not been demonstrated why other sites available on the farm which would potentially visually link or cluster with the established farm buildings are not acceptable.

With regards to the second refusal reason, which relates to the proposal adding to an existing ribbon of development along the Sallybush Road, the applicant states that the site has been established for over 30 years. However, as stated within the January Planning Committee Report, the structures on the application site were required to be removed under Condition 3 of planning application Ref: U/2007/0678/F. The applicant has also made reference to planning approval Ref: U/2013/0029/O for a dwelling and garage on a farm adjacent to 43 Sallybush Road, Kingsmoss, which the applicant contends was ribbon development, yet was still approved. With regards to the previous grant of planning approval, it was stated within the case officer's report that a dwelling on the application site would cluster sensitively with the established farm buildings and that the grouping did not constitute an established and built up frontage. In this instance, the proposal does not cluster or visually link with any established farm buildings and extends an existing ribbon of development along the Sallybush Road.

Regarding the third refusal reason, relating to the failure of the applicant to demonstrate that access to the site would not prejudice road safety, the applicant states that the Council advised on 11th November 2024, that the site access drawings were not required until the Reserved Matters stage. However, the applicant was advised by the Council on 11th November 2024 that the amendments requested by DfI Roads were required during the outline stage, however, other detailed information regarding visibility splays would be required at Reserved Matters stage.

Regarding the fourth and final refusal reason relating to the loss of a priority habitat, the applicant has stated that compensatory planting would be undertaken to the rear of the visibility splays. However, no Biodiversity Checklist has been received and as such the fourth refusal reason remains unaltered.

Other Matters

The applicant also raised that planning application Ref: U/1999/0214 was refused planning permission but was shown on the January report as being granted which was a typographical error. The applicant also raised concerns over the Council's assessment of the submitted farm evidence, however, in the January Committee

Report, it was considered that the proposal met criteria A and B of Policy CTY 10 and failed to comply with criteria C which remains unaltered.

Accordingly, it is still considered that the proposal is contrary to Policies CTY 8 and CTY 10 of PPS 21, Policy AMP 2 of PPS 3 and Policy NH 5 of PPS 2 and the recommendation to refuse outline planning permission remains unaltered.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
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PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 and Policy CTY 10 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal does not visually link or cluster with an existing group of buildings on a farm.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 & CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal, if permitted, would add to an existing ribbon of development along the Sallybush Road.
3. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policy AMP 2 of Planning Policy Statement 3, in that it has not been demonstrated that access to the site would not prejudice road safety.
4. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy NH5 of Planning Policy Statement 2, Natural Heritage, in that the proposal will result in the loss of a priority habitat.



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Site Location Plan

1:2,500 

Reference: LA03/2024/0709/O

 Site Location



COMMITTEE ITEM	3.11
APPLICATION NO	LA03/2024/0796/O
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Dwelling on a farm
SITE/LOCATION	Approx. 20m east of No. 35 Trenchill Road, Ballyclare, BT39 9SJ
APPLICANT	Ernest Porter
AGENT	Jackie Milliken
LAST SITE VISIT	14th November 2024
CASE OFFICER	Harry Russell Tel: 028 903 40408 Email: harry.russell@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: https://planningregister.planningsystemni.gov.uk/application/693758</p>	
SITE DESCRIPTION	
<p>The application site is located on lands approximately 20m east of No. 35 Trenchill Road, Ballyclare. The site is located within the open countryside outside any development limit as designated within the draft Belfast Metropolitan Area Plan 2004 (dBMAP).</p> <p>The application site is taken from a section of the garden of No. 35 Trenchill Road. It is set back approximately 180m from the Trenchill Road and is accessed from this road via an existing laneway. The northern and eastern boundaries are defined by mature trees. The western boundary is undefined and the southern boundary is partly defined by an outbuilding and is otherwise undefined. The topography of the site is generally flat and an established group of farm buildings are located directly south and west of the site. The surrounding character is open countryside, with dwellings and outbuildings spread out intermittently.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2013/0316/RM Location: 35m northeast of 35 Trenchill Road, Ballyclare Proposal: Dwelling and garage on a farm Decision: Reserved matters approved (07.02.14)</p> <p>Planning Reference: U/2012/0371/O Location: 35m northeast of 35 Trenchill Road, Ballyclare Proposal: Dwelling and garage on a farm Decision: Outline permission granted (11.07.13)</p> <p>Planning Reference: U/2008/0238/F Location: 35 Trenchill Road, Ballyclare</p>	

Proposal: Replacement Dwelling
Decision: Permission granted (04.02.09)

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.

Draft Newtownabbey Area Plan 1984-2001: The application site is located outside any development limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

Draft Belfast Metropolitan Area Plan (2004): 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.

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

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

PPS 21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Council Environmental Health Section- No objection

Northern Ireland Water- No objection

Department for Infrastructure Roads- No objection subject to RS1 Form

DAERA Ballymena- The Farm Business ID was allocated in May 1991. The business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in any of the last six years.

REPRESENTATION

Five (5) 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:

- Preliminary Matters
- Policy Context and Principle of Development
- Design, Layout and Impact on Character and Appearance of the Area
- Neighbour Amenities
- Access and Parking
- Other Matters
- Other Material Considerations

Preliminary Matters

The Council's concerns regarding the principle of development were advised to the applicant on November 27th 2024. Given the personal circumstances of the agent, more time was afforded to address these concerns and information was submitted (farm evidence) on 9th January 2025. The information submitted was insufficient and additional information was requested on 29th January 2025. The agent submitted further information on 30th January, which included further farm evidence including herd/flock numbers, however, this evidence remains insufficient as discussed in detail below. Additional information relating to the entries of the flock books was requested on 30th January, however this information has not been forthcoming.

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 adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was

subsequently declared unlawful by the Court of Appeal on 18th May 2017. Up until the publication of draft BMAP (dBMAP) in 2004, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in the assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. Both of the relevant development plans identify the application site as being within the countryside and outside any development limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is Policy CTY 10 which states that planning permission will be granted for a dwelling house on a farm where all of the three listed criteria can be met.

Criterion (a) requires the farm business to be currently active and established for at least 6 years. The Department for Agriculture, Environment and Rural Affairs (DAERA) advised in a consultation response that the Farm Business ID was allocated in May 1991. The business however, has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in any of the last six years.

For the purposes of the SPPS 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013 which states agricultural activity means production, rearing or growing agricultural products, including harvesting, milking, breeding animals, and keeping animals for agricultural purposes whilst paragraph 5.39 of PPS 21 adds 'or maintaining the land in good agricultural and environmental condition' to that definition.

In order to establish if the farm business is active and established, the agent submitted evidence consisting of letters, herd registers and invoices. The policy stipulates that the farm business is active for at least the last six years, therefore the assessment period is 2019-2024.

Bovine Herd Register and Sheep Flock Book

Herd registers for both cattle and sheep were submitted, each containing a flock number. DAERA has confirmed that these numbers were linked to the farm business number of the applicant. The agent has only submitted the cover pages of the herd books where movements of animals on and off the farm have not been provided. The entries of the registers were requested by the Council on 30th January 2025, however, they have not been provided. As such, these do not indicate if this activity has been taking place in each of the last six years. Also, the Bovine Register was also only allocated in December 2021. DAERA has confirmed activity in relation to the flock and herd numbers in 2024, however, minimal information has been submitted by the agent to demonstrate activity within the 2019-2024 assessment period.

Invoice from Agriline Products

One invoice was received dated May 2020 relating to a small number of tractor parts. The invoice is addressed to the applicant and to the holding. The invoice contains VAT details and the details of the business correspond to its online details.

Clare Vet Group

Four invoices were received relating to veterinary services dated 2018, 2020 and 2022. Two of the invoices, one from 2018 and one from 2020, state that the services relate to farming and the 2022 invoice makes reference to ewes. The invoice is addressed to the applicant and to the holding. The invoice contains VAT details and the details of the business correspond to its online details.

CR Supplies

One invoice was received dated November 2019 relating to animal feed. The invoice contains VAT details, however, it is not addressed to anyone or to a location. Therefore this information is not recorded as being specific to the applicant's holding.

May Hill Tractors

One invoice was received dated October 2020 relating to a tractor part. The invoice is addressed to the applicant and to the holding. The invoice contains VAT details and the details of the business correspond to its online details.

Alexander Mills

One invoice was received dated January 2022 relating to a single tractor attachment. The invoice is addressed to the applicant and to the holding, however whilst the business details correspond to those found online, it does not contain any VAT details.

Ballymena Mart Shop

One invoice was received dated April 2024 relating to sheep tags. This invoice is addressed to the applicant but not to the holding and does not contain any VAT details. There is no price for the products contained on the invoice.

TB Letters

The agent submitted two letters from DAERA relating to TB tests. The herd number corresponds to the herd number on the register, however, the letters are dated 17th December 2024 and 16th January 2025, both of which are after the submission date of the current planning application.

JA McClelland & Sons

The agent submitted one invoice dated October 2024 relating to sheep sales. The invoice is addressed to the applicant and to the holding, and the invoice contains VAT details.

Crumlin Livestock Mart

The agent submitted one invoice dated March 2024 relating to sheep sales. The invoice is addressed to the applicant and to the holding, and the invoice contains VAT details.

GP Letter

A letter from the applicant's GP was also submitted which indicated that due to personal circumstances, the applicant was unable to carry out farm activities for 6 months. It states that the applicant's daughter and son in law assisted with the farming duties during this time and family members still assist in farming work today. However, the six month time period raised in this letter was prior to the six year assessment period and its contents do not assist in establishing whether the farm is active and established.

No evidence was submitted relating to the years 2021 and 2023. Additionally the invoice received from 2019 was not specific to the site or to the applicant. The remaining evidence is for tractor parts, veterinary services, TB letters, sheep sales and sheep tags from 2020, 2022, and 2024. The purchase of tractor parts does not adequately indicate farming activity on the site, as the maintenance of a tractor can be for purposes other than farming and is not indicative of farming.

The invoices for the veterinary services are limited in number and are only dated for the years 2020 and 2022 within the requisite six year assessment period. Likewise, the sheep tag invoice is limited in detail and is only dated to year 2024. Regarding the herd books, only the cover letters were submitted and the evidence relating to the sheep sales is limited to 2024 only. The TB letters were also dated after the submission date of the subject application. Additional information relating to the entries of the flock books was requested on 30th January, however, this has not been forthcoming.

Accordingly, giving consideration to the matters discussed above, the supporting information submitted has not demonstrated that the applicant has been actively

farming for the requisite period. As such it is considered the proposal does not meet policy criterion (a) of Policy CTY 10.

Criterion [b] requires that no dwellings or development opportunities out-with the settlement limits should have been sold off from the farm holding within 10 years from the date of the application. The policy goes on to say that planning permission granted under this policy will only be forthcoming once every 10 years. The applicant received planning permission for a farm dwelling to the north of the site under planning approval Ref's: U/2012/0371/O and U/2013/0316/RM under the same farm business ID. The permission was granted over ten years ago with the dwelling having since been built and is now known as No. 33 Trenchill Road. A land registry check was carried out on this property and revealed that the site was registered to Gillian and Gary Crowe in March 2017.

Clarification was requested from the agent on this matter and it was advised that the property was transferred to the applicant's daughter and son in law. Clarification from DAERA advised that only Ernest and June Porter were members of the farm business ID provided within the application and that neither Gary nor Gillian Crowe were registered members. The agent advised that Gary and Gillian Crowe assisted in all farming duties in 2018 for a period of 6 months due to the personal circumstances of the applicant. It was also advised however that this was in addition to Gary Crowe operating his own family farm in Larne. As such, given that neither Gary nor Gillian Crowe are included within the Farm Business ID, it is considered that the dwelling at No. 33 Trenchill Road was transferred off the farm holding within the last 10 years. As such, it is considered that the application does not meet the relevant policy requirements identified under criterion (b).

The third criterion states that any farm dwelling should be visually linked or sited to cluster with an established group of buildings on a farm. In this instance, the application site is located adjacent to an established group of buildings on the farm which are situated to the north of site. It is considered that the dwelling visually links and clusters with the existing established grouping of buildings. Access to the site is to be achieved via an existing laneway which serves the established farm buildings. The proposal meets the requirements of criterion (c) of Policy CTY 10.

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

Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed. The proposal must therefore meet the requirements of Policies CTY 13 and CTY 14.

The application site enjoys a sense of enclosure from the existing mature vegetation along the northern and eastern boundaries and by the buildings to the west and south of the site. The site also benefits from screening from existing intervening field boundaries and neighbouring buildings with only partial long distance views of the site being available. The mature trees to the rear of the site provide a backdrop to the site from the public road and on approach from the laneway.

Should planning permission be forthcoming, a number of additional conditions could be imposed to help assist with the integration of a dwelling, including a siting condition to reduce visual impact from the laneway whilst respecting the existing built form. A condition restricting the ridge height to 7.5m will ensure the proposal respects the existing character of buildings in the area.

In summary, it is considered that the proposed development will satisfactorily integrate with its surroundings whilst respecting the rural character of the area.

Neighbour Amenity

As the application seeks outline planning permission, limited details have been provided regarding the proposed design. No. 35 Trenchill Road abuts the application site to the west and No. 33 Trenchill Road abuts the application site to the north. A proposed dwelling at this location would have a gable-to-gable relationship with No. 35 Trenchill Road, which is within the ownership of the applicant. It is considered an adequately designed dwelling could be accommodated here without negatively impacting upon the amenity of this neighbouring property. A condition will be imposed if planning permission is to be granted which would restrict any upper floor windows on the western elevation in order to protect the amenity of this neighbouring dwelling.

No. 33 Trenchill Road would have a front-to-back relationship with a dwelling at this location. It is considered that given the separation distance and the mature trees which define the northern boundary, the amenity of this neighbouring property would not be adversely impacted by the development or adversely impact the amenity of the proposed dwelling at this location.

No. 31 Trenchill Road is situated to the southeast of the site, however, given the separation distance of 40m from the application site and the mature trees along the adjoining laneway, it is considered the amenity of this property would not be adversely impacted by a dwelling at this location.

Accordingly, It is considered that with appropriate siting, orientation and layout of the proposal, in combination with proposed new landscaping and separation distances, a dwelling could be accommodated within the lands without negatively impacting upon the neighbouring amenity.

Access and Road Safety

Access is to be achieved via the alteration of an existing laneway onto the Trenchill Road. DfI Roads was consulted regarding the application and responded with no objections subject to RS1 form.

Other Matters

The removal of the mature roadside hedgerow to accommodate the visibility splays for the proposed development would result in the loss of a priority habitat and would normally require the submission of a bio-diversity checklist and proposed mitigation measures, however, in this case none has been submitted. Given that the principle of

development is considered to be unacceptable, this information was not requested as it would lead to nugatory work and unnecessary expense to the applicant. A reason for refusal has been added to address the lack of information on this point.

The Council's Environmental Health Section was consulted with regards to the development proposal and responded with no objection subject to informatives relating to nuisances from farms being attached to any forthcoming planning approval.

Other Material Considerations

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION

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

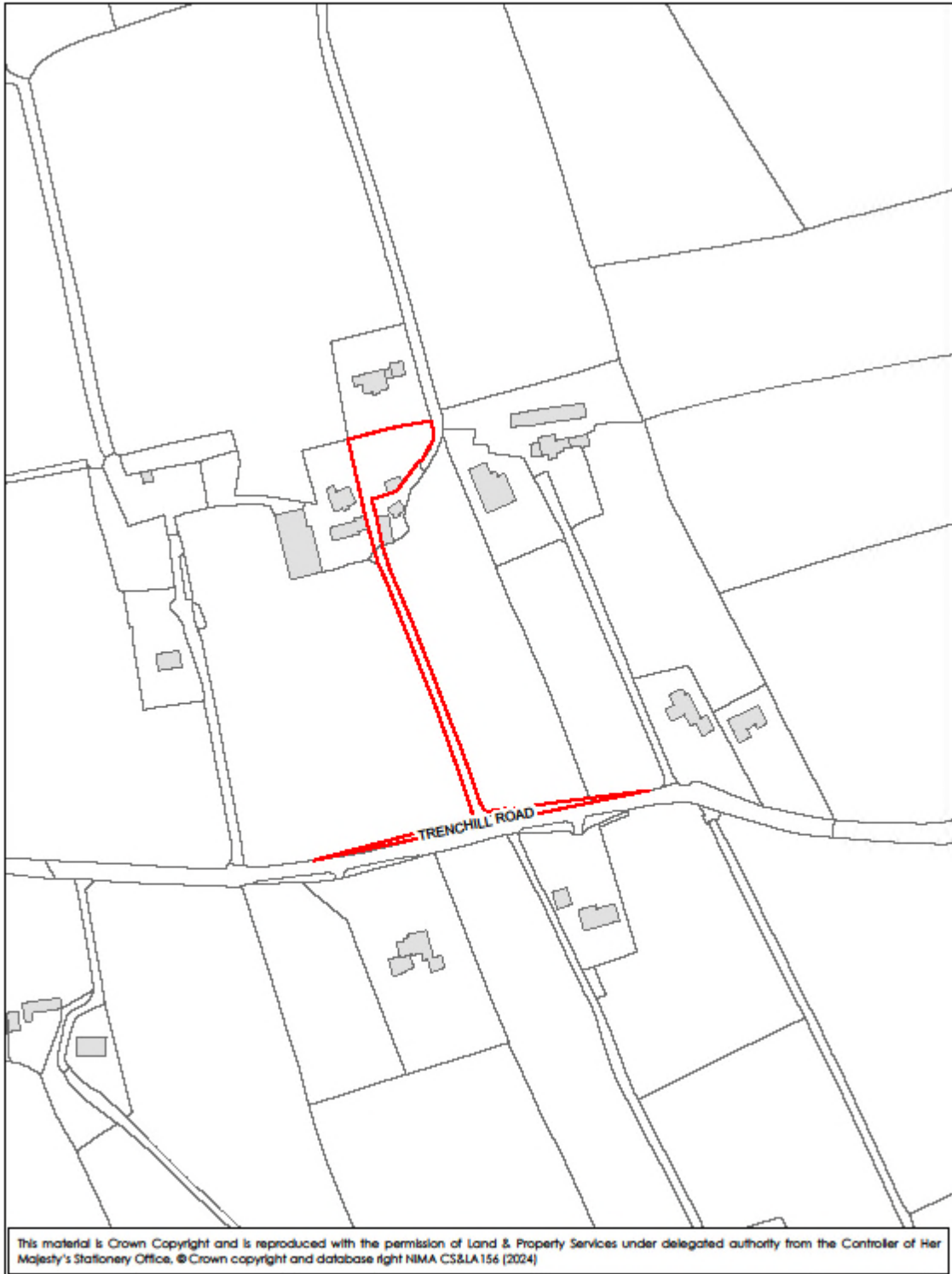
- The principle of development test has not been established in accordance with the policy provisions of PPS 10 as it has not been demonstrated that the farm business is active and established and a development opportunity out-with the settlement limits have been sold within ten years of the date of the application;
- the proposed dwelling is considered to satisfactorily integrate with its surroundings whilst respecting the rural character of the area;
- The proposal will not unduly affect the privacy or amenity of neighbouring residents;
- There are no concerns regarding road safety; and
- It has not been demonstrated that the proposal will not result in an unacceptable adverse impact on, or damage to protected habitats, species or features.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
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PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 and Policy CTY 10 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that it has not been demonstrated that the farm business is active and established and a development opportunity has been sold off from the farm holding within ten years of the date of this application.
2. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies NH 2 and NH 5 Planning Policy Statement 2, Natural Heritage in that insufficient information has been provided to demonstrate that

the proposal will not cause harm to any protected species or result in an unacceptable adverse impact on, or damage to, habitats, species or features.



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Site Location Plan

1:2,500

Reference: LA03/2024/0796/O

 Site Location



COMMITTEE ITEM	3.12
APPLICATION NO	LA03/2024/0931/S54
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE SECTION 54 APPLICATION
PROPOSAL	Dwelling (Removal of Condition 6 from LA03/2023/0304/O regarding ridge height of dwelling)
SITE/LOCATION	Lands 45m SW of 24 Kilcross Road, Crumlin
APPLICANT	Samuel Uprichard
AGENT	L H Design
LAST SITE VISIT	16/01/25
CASE OFFICER	Harry Russell Tel: 028 903 40408 Email: harry.russell@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 Register https://planningregister.planningsystemni.gov.uk/application/695277</p>	
SITE DESCRIPTION	
<p>The application site is located on lands 45m southwest of 24 Kilcross Road, Crumlin, which is located in the countryside as designated by the Antrim Area Plan 1984-2001 (AAP).</p> <p>The application site consists of a small agricultural field which is situated adjacent to a group of agricultural buildings located to the east of the site. The topography of the land gradually falls towards the west and northeastern boundary is defined by a post and wire fence and a coniferous hedgerow. The northwestern and southwestern boundaries are defined by low level hedging and trees approximately 10m in height. The southeastern boundary is generally defined by a post and wire fence. The surrounding character is open countryside, with dwellings and outbuildings spread throughout intermittently.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2023/0304/O Location: Lands 45m SW of Kilcross Road, Crumlin, BT29 4TA Proposal: Dwelling on a Farm Decision: Permission Granted (29.11.23)</p>	
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, 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</p>	

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.

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.

PPS 21: 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

No consultations were carried out with regards to the proposal.

REPRESENTATION

One (1) neighbouring property was 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
- Condition to be Removed
- Other Material Considerations

Policy Context and Principle of Development

Section 54 of the 2011 Act applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. On receipt of such an application, the Council may only consider the question of the conditions subject to which planning permission should be granted and it cannot revisit the principle of the development granted previously. The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the current application.

Condition to be Removed

The application seeks permission for the removal of Condition 6 from planning approval Ref: LA03/2023/0304/O with regards to the removal of the ridge height condition. Condition 6 reads:

"The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape."

It is stated within the application form that the applicant wishes to remove the condition in order to allow for a traditional 2 storey farm dwelling. It is further stated that the farm dwelling would be at a lower level than the existing farm buildings and would not extend beyond the heights of the existing farm buildings. The agent also submitted cross-section drawings, (Drawing No. 02 date stamped 23rd December 2024), in support of the application.

Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed. The proposal must therefore meet the requirements of Policies CTY 13 and CTY 14. In spite of the information submitted by the agent, the application site is highly visible for long sections when travelling northeastwards along the Grange Road. The southwestern boundary vegetation provides a degree of screening from this direction, however, a two storey dwelling would still appear visually prominent at this location, particularly when nearing the Kilcross Road. This was noted within the case officer report for planning application Ref: LA03/2023/0304/O, where it was stated that a two storey dwelling at this location would appear as an overly dominant feature in the landscape when viewed from the Grange Road.

Paragraph 5.61 of the justification and amplification of Policy CTY 13 states that new buildings which read as skyline development will be unacceptable. A two storey dwelling at this location would result in skyline development when travelling northeastwards along the Grange Road, especially on approach to No. 19 Grange Road. A two storey dwelling on the application site would also result in skyline development when travelling northwards along the Kilcross Road, as it would protrude above the backdrop provided by the trees to the southwest and northwest of the site. The condition restricting the ridge height of 6.5m from finished floor level on the application site mitigates this impact.

Accordingly, the removal of the 6.5m ridge height would facilitate a dwelling which is unduly prominent in the landscape, inappropriate for the site and locality and would fail to blend with the landscape by way of skyline development. Consequently, the proposal fails to meet the policy provisions set out in the SPPS and Policy CTY 13 and CTY 14 of PPS 21.

Other Material Considerations

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION	
The following is a summary of the main reasons for the recommendation: <ul style="list-style-type: none">• It is considered that the removal of Condition 6 from planning approval reference LA03/2023/0304/O is unacceptable.	
RECOMMENDATION	REFUSE SECTION 54 APPLICATION
PROPOSED REASON FOR REFUSAL	
1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policies CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if the removal of Condition 6 of LA03/2023/0304/O was permitted, a dwelling at this location would appear unduly prominent within the surrounding landscape and cause a detrimental change to the rural character of the area.	



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Site Location Plan

1:2,500

Reference: LA03/2024/0931/S54

 Site Location



COMMITTEE ITEM	3.13
APPLICATION NO	LA03/2024/0886/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Dwelling and Garage
SITE/LOCATION	Lands approx. 40m East of No. 66 and approx. 30m SW of No. 66a Shore Road, Toomebridge, Antrim, BT41 3NW
APPLICANT	Barry Murray
AGENT	Austin Mullan
LAST SITE VISIT	16.01.2024
CASE OFFICER	Harry Russell Tel: 028 903 40408 Email: harry.russell@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 https://planningregister.planningsystemni.gov.uk/application/694896</p>	
SITE DESCRIPTION	
<p>The application site is situated on lands approximately 40m east of No. 66 and approximately 30m southwest of No. 66a Shore Road, Antrim, which is within the countryside and outside the development limit of any settlement as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site is set back from the Shore Road by approximately 110m and is accessed via a shared laneway from this road. The site consists of a small agricultural field bounded by a dwelling to the east (No. 66a) and a largely constructed dwelling to the west (No. 66). The southern boundary is defined by a mature hedgerow and tree approximately 4m in height. The eastern boundary is defined by a 2m hedgerow and by mature 8m trees to its southern end. The remaining boundaries are undefined and the topography of the site is generally flat.</p> <p>The application site is situated within an area which is suburban in nature as it is situated within a build-up of residential buildings. The surrounding area is open countryside with a number of dwellings and agricultural outbuildings spread out intermittently.</p>	
RELEVANT PLANNING HISTORY	
There is 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</p>	

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 objection.

Department for Infrastructure Roads- Further information required.

Northern Ireland Water- No objection.

REPRESENTATION

Seven (7) neighbouring properties were notified and one (1) letter of representation has been received from one (1) neighbour notified property.

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

- Concerns with regards to visibility splays.

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 and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Access and Movement
- Other Material Considerations

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is Policy CTY 8 which permits the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. 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 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 site is situated off the Shore Road, along a shared laneway. Nos. 66 and 68 Shore Road and their associated outbuildings are situated to the west of the application site and have a frontage onto the shared laneway. No. 66a Shore Road is situated to the east of the application site and adjoins the end of the

laneway. It is considered that No. 66a, while accessed by the laneway, does not have a frontage onto the laneway but rather the laneway ends at the entrance to the dwelling. Accordingly, the application site is not located within a gap within a substantial and continuously built up frontage and the principle of development is unable to be established.

Therefore, the proposal is considered to fail the policy requirements of CTY 8 of PPS 21.

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

All proposals in the countryside must integrate with their 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.

The proposed single dwelling is set back approximately 120m from the Shore Road and has a proposed ridge height of approximately 6.5m from finished floor level. Views of the site from the Shore Road are substantially screened by adjoining development and intervening boundary vegetation. Views of the site are screened when approaching from the laneway by the dwelling at No. 66 Shore Road. Mature boundary treatments to the southern and eastern boundaries, alongside the existing development to the north, east and western boundaries provide a sense of enclosure to the site. Proposed planting further assists the dwelling to integrate within the site.

The dwelling has a rectangular body with side projections to both the eastern and western elevations. The dwelling has a depth of approximately 10.4m with a main body width of 14.7m and overall width of 23.3m. The dwelling is finished in smooth render and slate roof tiles and the fenestration of the dwelling generally maintains a vertical emphasis. The detached garage is of a size and scale which is subordinate to the dwelling and matches the finishes of the dwelling.

The proposal is considered to respect the traditional pattern of development exhibited in the surrounding area, with a plot area and depth similar to those in the immediate context. The proposal is considered to meet the policy provisions of Policies CTY 13 and CTY 14.

Neighbour Amenity

No. 66 Shore Road abuts the application site to the east and is within the ownership of the applicant. The proposed dwelling and garage are set back further from the laneway than the existing dwelling at No. 66 Shore Road. The eastern gable of the proposed dwelling and garage do not contain any windows and the views from the windows on the front gable of the dwelling are limited to oblique views of the neighbouring dwelling. The garage, whilst partly situated to the rear of the neighbouring dwelling, has a separation distance from the rear elevation of approximately 20m and a hedgerow is proposed along this boundary. As such, it is considered the amenity of this dwelling is not adversely impacted by the development.

No. 66a Shore Road abuts the application site to the west and is also within the ownership of the applicant. The proposed dwelling is slightly set back from this

neighbouring dwelling and has a gable to front relationship with this neighbouring dwelling. Views between the two dwellings are oblique and generally screened by the existing hedgerow.

Nos. 64, 64 and 68 Shore Road abut the shared laneway of the application site. The increase in vehicle movements along the laneway would not be of scale detrimental to the amenity of these dwellings. Accordingly, it is considered the proposal will not adversely impact upon the amenities of the neighbouring properties.

Access and Movement

Access is gained from the site via the alteration of an existing shared laneway access. DfI Roads was consulted regarding the application and requested amendments to the block plan, site location plan, and the completion of Certificate C on the application form and the service of notice upon the third party land owner whose land is required to provide the 2.4m x 87m visibility splays.

An amended site location plan and block plan were submitted alongside the completion of Certificate C form indicating that notice had been served upon No. 64 Shore Road. DfI Roads were re-consulted and advised that the block plan required further detail to achieve the required 2.4m x 87m visibility splay and for Certificate C to be amended with notice served upon No. 62 Shore Road in addition to No. 64 Shore Road.

The objector raised concerns over the works required at No. 64 Shore Road to achieve the required visibility splays. The amended Certificate C indicated that notice has been served upon No. 64 Shore Road. Title to land is a legal matter and planning permission does not confer title. Regardless, DfI Roads in its consultation response dated 22nd January 2025 stated that it requires Certificate C of the application form amended to serve notice on No. 62 Shore Road in addition to No. 64 as the 2.4m x 87m visibility splays will affect both third party land owners. DfI Roads added that the amended Site Plan, Drawing No. 02/1 date stamped 14th January 2025 requires further amendment to detail the fences at Nos. 62 and 64 Shore Road to be set back, along with the hedge outside No. 64 Shore Road to achieve the required 2.4m x 87m visibility splay.

As the principle of development has not been established, the applicant was not requested to address the above matters and submitted the additional information on their own accord. Consequently, the proposal is contrary to Policy AMP 2 of PPS 3 as it has not been demonstrated that access to the site would not prejudice road safety.

Other Material Considerations

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION

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

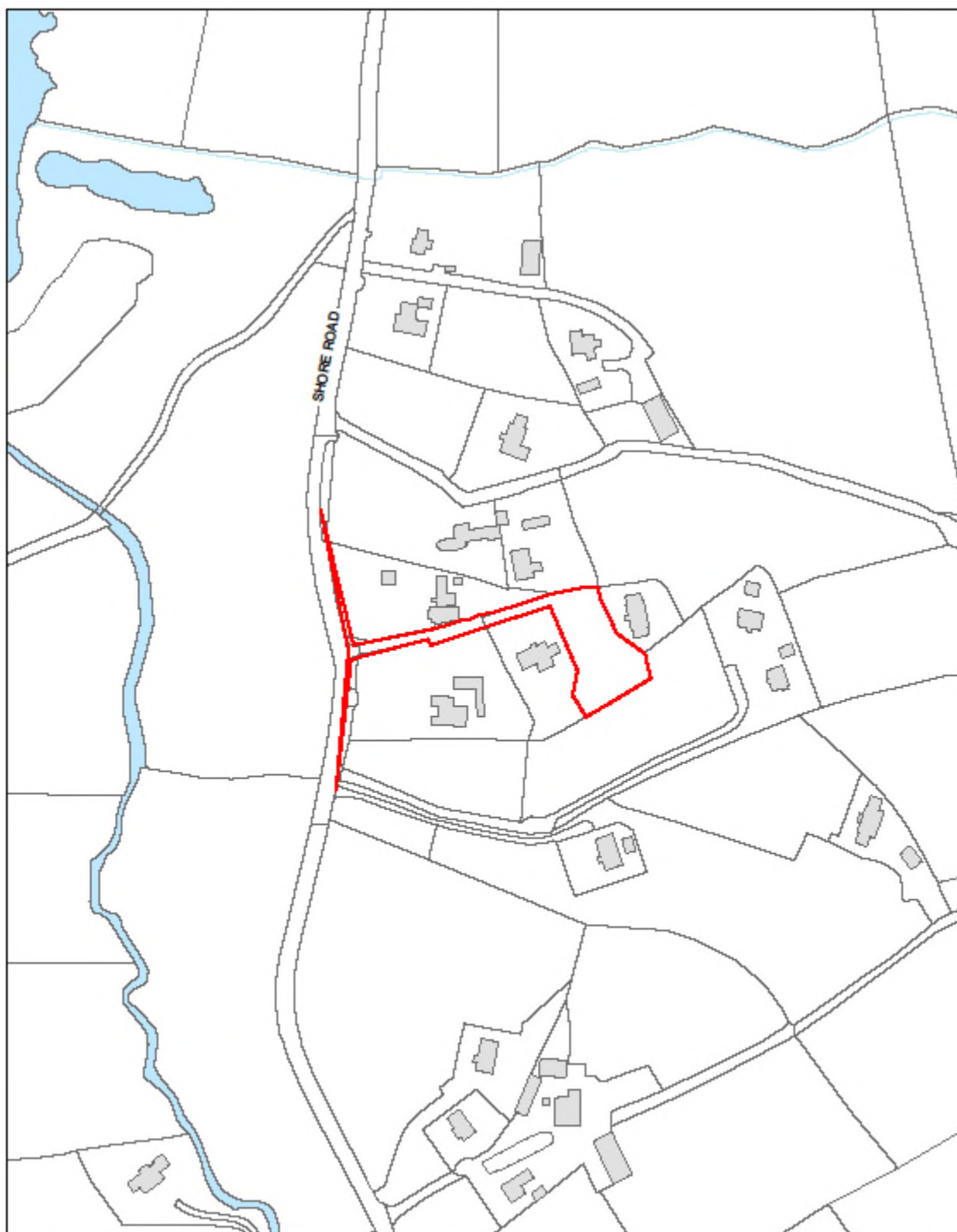
- The principle of the development has not been established in accordance with the policy provisions of CTY 8 of PPS 21.
- The proposal integrates satisfactorily into the surrounding landscape;
- It is considered that the proposal will integrate appropriately with the surrounding landscape;
- The proposal is not considered to result in adverse impacts on neighbouring properties; and
- It has not been demonstrated that access would not prejudice road safety and is therefore contrary to Policy AMP 2 of PPS 3.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions contained in 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.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not represent a gap site within an otherwise substantial and continuously built up frontage.
3. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policy AMP 2 of Planning Policy Statement 3, in that it has not been demonstrated that access to the site would not prejudice road safety.



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Site Location Plan

1:2,500

Reference: LA03/2024/0886/F

 Site Location



COMMITTEE ITEM	3.14
APPLICATION NO	LA03/2025/0016/RM
DEA	ANTRIM
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT RESERVED MATTERS APPLICATION
PROPOSAL	Two dwellings
SITE/LOCATION	Approximately 50m southeast of No. 135 Castle Road, Antrim, BT41 4NG
APPLICANT	Joseph Hughes
AGENT	Park Design Associates
LAST SITE VISIT	31st January 2025
CASE OFFICER	Eleanor McCann Tel: 028 903 40422 Email: Eleanor.mccann@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 https://planningregister.planningsystemni.gov.uk/application/695637</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 50m southeast of No. 135 Castle Road, Antrim, within the countryside and outside any development limit as defined within the Antrim Area Plan (19884-2001).</p> <p>The application site abuts No. 135 Castle Road to the north, No. 132 to the southeast, and abuts a storage building to the southeast. The application site comprises an agricultural field which has a relatively flat topography. The northern, western and eastern boundaries are defined by mature trees and vegetation with maximum heights of approximately 8m. The southern boundary is partially defined by a post and wire fence approximately 1.5m in height along with trees and hedgerow with maximum heights of approximately 5m.</p> <p>The surrounding area is predominantly rural in character with a number of dwellings of varying designs in close proximity of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2023/0080/O Location: Approx. 50m Southeast of 135 Castle Road, Antrim, BT41 4NG Proposal: Proposed two no. dwellings Decision: Permission Granted (23/05/2023)</p>	
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</p>	

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 development limits of Antrim. The Plan offers no specific guidance on this proposal.

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

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

PPS 21: 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

DfI Roads- No objection subject to conditions

Environmental Health- No objection

REPRESENTATION

Four (4) neighbouring properties were notified of the development proposal. Three (3) letters of objection were received from neighbour notified properties.

The full representations made regarding this development are available for Members to view online at the Planning Register

<https://planningregister.planningsystemni.gov.uk/application/694580>

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

- Increase in traffic and road safety;
- Overlooking/Impact on privacy/neighbour amenity;
- Overbearing impact ;
- Over-development and impact on character of the area;
- Light pollution and impact on wildlife;
- Impact on property values;
- Errors in the planning application relating to the planning history;
- Neighbour notification letters
- Timeframe given for submission of objection letters was too short; and

- Consideration should be given to the previous objection letters associated with the earlier outline planning application.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Design and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Amenity space, Parking and Manoeuvring
- Other Matters
- Other Material Considerations

Preliminary Matters

Design amendments were requested on 3rd February 2025 in respect of the proposed dormer windows to be revised to reflect a more traditional design (extending from the wall plate) to be submitted by 19th February 2025. The agent responded on the 4th February 2025 agreeing to make the requested amendments but sought an extension of time to the 19th February 2025. This extension of time was granted and the amended floor plans and elevation plans, Drawing Nos. 06/1 and 07/1, both date stamped 13th February 2025 were submitted, which addressed the concerns raised.

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 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.

The principle of development for a dwelling has been established under planning application Ref: LA03/2023/0080/O granted on the 23rd May 2023. As required by Condition 1 the three year limit for outline planning approval expires on 23rd May 2026. This Reserved Matters application was submitted on 11th January 2025, and has

therefore been submitted within the relevant time period. It is considered that the development proposal meets the necessary requirements of the planning conditions applied under planning application Ref: LA03/2023/0080/O and therefore the principle of development has been established subject to the proposal meeting all other relevant planning and environmental considerations. The main issues to consider include design, layout and appearance, neighbour amenity and access and landscaping in accordance with the SPPS, PPS 21 and PPS 3.

Design and Impact on Character and Appearance of the Area

Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed. The proposal must therefore meet the requirements of Policies CTY 13 and CTY 14.

Both proposed dwellings are two storey in height, of vernacular design and measure approximately 14.2m in length, have a maximum width of 11.3m and are approximately 6.5m in height. The proposed dwellings take a rectangular form with a two storey outshot to the rear and front west onto the Castle Road. The proposed finishes of the dwellings include velux roof windows, black non-profiled roof tiles, black PVC fascias, black PVC rainwater goods, coloured render and PVC doors and windows.

Short views of the proposed dwellings will be achievable when travelling northwards along Castle Road, although the existing dwelling at No. 131 Castle Road and the storage building at 131z Castle Road will offer a degree of screening to the proposal and the existing mature trees along the northern boundary will provide a back drop to the proposal. Additionally, the existing trees along the western site boundary provide a high degree of screening to the proposal when travelling along the Castle Road.

The Site Layout Plan, (Drawing No. 03 date stamped 11th January 2025), details tree removal for approximately 7m along the site frontage to create the dual access into the site to serve the two proposed dwellings. However, this is considered acceptable in this instance as the dwellings will have a sufficient backdrop to successfully integrate the dwellings into the landscape. Additionally the proposed landscaping, which will be conditioned on any forthcoming approval will further aid the integration of the proposal.

Objectors raised concerns that the development proposal is out of character and is not in keeping with the surrounding area as the existing dwellings on the road are large detached properties with significant space between them and that the former dwellings along the road have been replacement dwellings or renovated dwellings. Objectors went on to state that the two proposed dwellings will cause overdevelopment, resulting in a compacted and urbanised form of development, eroding the character of the surrounding environment. An objector also stated that a previous planning application for development along Castle Road had been refused planning permission and they could not understand how two substantial new builds can be approved so quickly.

As stated above, the principle of development was previously established under the grant of outline planning permission Ref:LA03/2023/0080/O for two dwellings, as it was considered that the application site complied with the infill policy (Policy CTY 8 of

PPS21). The current Reserved Matters proposal respects the existing pattern of development and the proposed design of the dwellings is considered to be in keeping with the design and style of dwellings in the surrounding area.

In summary, it is considered that the proposed development will satisfactorily integrate with its surroundings whilst respecting the rural character of the area. The proposal therefore meets the criteria of Policies CTY 13 and CTY 14 of PPS 21.

Neighbour Amenity

Objectors raised concerns with regards to loss of privacy as a result of the proposal. The proposal is not considered to have any detrimental impact in relation to overlooking or loss of privacy to the neighbouring property at No. 133 Castle Road, as the existing boundary treatments, which are approximately 8m in height, are proposed to be retained and will screen views of this property. Additionally, due to the siting and orientation of the proposed dwellings only obscured views of No. 133 could be achieved.

With regards to overlooking of No. 135 Castle Road, there is one window and sliding patio doors proposed on the ground floor northern elevation of the proposed dwelling on Site 2, which serves a kitchen and a sun lounge while a window and a velux window are proposed on the first floor which serves bedrooms. The ground floor window and door are not considered to result in overlooking to the neighbouring property due to the existing boundary treatments offering a high degree of screening. Additionally the first floor windows serve low habitable rooms and are orientated so as they are not directly opposing the neighbouring windows.

Concerns were raised by an objector stating that the positioning and design of the new buildings will result in a direct line of sight into the private garden and amenity space of No. 131 Castle Road, severely diminishing the quiet enjoyment and peaceful use of their property. The objector went on to raise concerns that the proposed orientation of the windows, the sliding door and the velux windows will overlook their private garden, two bedrooms, two bathrooms and private changing area, which will compromise their privacy in these intimate areas of their home. The objector also stated that whilst there are existing trees and vegetation they do not provide any screening and that the lack of screening exacerbates the privacy issues and will negatively impact their enjoyment of their property as they will have awareness of being overlooked.

A window and a sliding door are proposed on the ground floor southern elevation of the proposed dwelling on Site 1, serving a kitchen/dining room and a sun lounge. It is considered that the existing trees and vegetation, with a minimum height of approximately 4m along the southern boundary will provide screening from the windows and door proposed on the dwelling proposed on Site 1 to the neighbouring property at No. 131 Castle Road. A velux window and a window are proposed on the first floor southern elevation of the proposed dwelling on Site 1, which serves two bedrooms. These windows will not give rise to any significant overlooking issues with No. 131 Castle Road due to the separation distance of approximately 27m between the southern gable elevation of the proposed dwelling and the single storey rear outshot of No. 131 Castle Road. It is also noted that direct views will not be achieved from the velux windows. In addition, the window proposed on the first floor southern

elevation of the proposed dwelling on Site 1 is mainly angled on the roof slope limiting direct views from it towards No. 131 Castle Road.

Further concerns were raised by the objector at No. 131 Castle Road that the proposal will have an 'overbearing' impact and a dominant presence in relation to the surrounding properties, as the scale, number and positioning of the proposed dwellings will diminish the residential amenity of the property at No. 131 Castle Road. The objector went on to state that the proposal will create an oppressive feeling in terms of light, outlook, general amenity and visual amenity. The proposed dwellings are two storey in height, which is in keeping with the surrounding dwellings and given the separation distance and existing boundary treatments between the proposed dwellings and existing properties, they are not considered to result in a significant impact on loss of light or dominance to the neighbouring properties.

In summary it is considered that the proposed dwelling will not have any significant detrimental impact on the amenity of any neighbouring properties by way of loss of light, overshadowing dominance or overlooking.

Access and Parking

A number of objectors raised concerns with regards to the flow of traffic and safety along Castle Road (also known as Hooks Lane), which is a narrow lane and stated that amenity vehicles have to reverse up the road due to its narrowness and lack of space for turning. They went on to state, that there are no passing bays or a footpath along the lane and that it is impossible for two cars to pass on any part of the lane meaning that extreme care must be taken by all road users including pedestrians, cyclists and drivers. Concerns were raised that the development proposal will exacerbate the road safety issues as a result in an increase in traffic and particularly by construction vehicles.

It is considered that the principle of the use of the laneway to service the two dwellings was previously accepted under the grant of outline planning permission. Sufficient visibility splays can be achieved to serve the two dwellings and it is considered that the increase in vehicular activity along this section of Castle Road as a result of two additional dwellings will not generate a significant increase in traffic movements along Castle Road.

DfI Roads was consulted with regards to the development proposal and the road safety matters raised in the letters of objection and responded stating it had no objection to the proposal subject to conditions being attached to any forthcoming approval.

Other Matters

An objector raised concerns with regards to the impact of the proposed development on wildlife, stating that bats, are known to roost in an unoccupied storage unit adjacent to the application site, and that that construction works on the application site may have an effect on the bats which are a protected species, and as such a bat survey should be carried out.

Whilst it is appreciated that bats are a protected species under The Wildlife (Northern Ireland) Order 1985, the unoccupied storage area is outside the red line of the application site and therefore it is not considered that the proposal will have any

detrimental impact on the roosting of bats within this property. Additionally, within DAERA Standing advice for single dwellings it is outlined that DAERA Natural Environment Division (NED) need only be consulted on applications that may pose a risk to natural heritage interests, and this proposal is not considered to have any detrimental impact to any natural heritage interests.

Additionally, concerns were raised by the objector stating that the construction of two new dwellings and their outdoor lighting will increase the level of artificial light in the area which will contribute to light pollution and disturb the natural night-time environment impacting the local wildlife and the ability to enjoy the night sky. As stated above DAERA states that NED need only be consulted when it is considered there may be a risk to natural heritage interests, and in this instance the addition of two new dwellings in the area is not considered to pose any significant risk to natural heritage interests.

Additionally the Council's Environmental Health (EH) Section was consulted regarding the development proposal and comments raised by objectors. EH responded stating that it notes the letters of objection and have considered the comments. EH went on to state that the applicant should be made aware that occupants of the proposed dwelling may experience noise, odour and pests from the nearby farm. EH have no objection to the proposal.

Concerns were raised by an objector that the proposed development is likely to have a negative impact on the value of their property and the local housing market which would financially disadvantage the existing residents. With respect to concerns regarding the devaluation of existing neighbouring property, the perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case, no specific or verifiable evidence has been submitted to indicate what exact effect this proposal is likely to have on property values. As a consequence there is no certainty that this would occur as a direct consequence of the proposed development nor is there any indication that such an effect in any case would be long lasting or disproportionate. Accordingly, it is considered that this issue should not be afforded determining weight in the determination of this application.

Concerns were raised by objectors regarding the cumulative impact of multiple new developments in the area and the precedent being set for further development in the area resulting in the erosion of the character of the rural setting and strain on local infrastructure. As each planning application received by the Council is assessed on its own merits, with a decision being made based on the development plan relevant policies, the development plan prevailing at that time and other material considerations, it cannot be said that the approval of this development will automatically lead to the granting of planning permission for any similar proposals submitted in the surrounding area.

An objector referred to errors in the Form P1 as the agent answered 'no' when asked 'Are you aware of a previous application for a similar proposal on the site' as there has been a grant of outline planning approval on the site under planning approval Ref: LA03/2023/0080/O. In making its assessment of the development proposal the Council was aware of the planning history of the application site and that this

Reserved Matters application was submitted in association with the said outline planning approval.

An objector raised concerns with regards to the neighbour notification letters issued by the Council, stating that detailed information with regards to the design of the two proposed dwellings and the impact they may have on neighbouring amenity was not made clear in the neighbour notification letter, that it did not quote the previously approved outline planning application reference or make reference to the objection letters associated with that approval, and that when received, the objector only had twelve (12) days from the date of the letter to submit any concerns or objections.

Article 8 (1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO) requires a planning authority, where a planning application is made to it, to notify any neighbouring occupiers. The notice was given in accordance with Article 8 (2) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO), which stated the date on which the notice was sent; included the reference number given to the application by the Council; included a description of the development to which the application relates; included a description of the location of the land; stated how the application, plans or drawings relating to it and other documents submitted in connection with it may be inspected; and stated that representations may be made to the Council, including information as to how any representations may be made and by what date they must be made (being a date not earlier than 14 days after the date on which the notice is sent). In this case the notified neighbour was advised that being a date not earlier than 14 days after the date on which the notice is sent, which is compliant with the legislation. The objector's comments have been received and considered in full in respect of the issues raised.

An objector stated that they wished their previous objection to the outline planning application Ref: LA03/2023/0080/O to be considered alongside their current objection for the current planning application. The concerns raised within the objection letter submitted in relation to planning application reference LA03/2023/0080/O was considered as part of the outline application and does not form a material consideration as part of this Reserved Matters application which is limited to issues of siting, design, landscaping and access.

Other Material Considerations

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Council's draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION

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

- The principle of development was previously established under the grant of outline planning permission;

- It is considered the proposal will integrate appropriately within the surrounding landscape and will not have a detrimental impact on the character and appearance of the area;
- The proposal is not considered to result in adverse impact on neighbouring properties; and
- The proposal is not considered to prejudice road safety.

RECOMMENDATION

GRANT RESERVED MATTERS APPLICATION

PROPOSED CONDITIONS

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-
 - i. The expiration of a period of 5 years from the grant of outline planning permission; or
 - ii. The expiration of a period of 2 years from the date hereof.

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

2. The existing natural screenings of this site as shown in blue on approved Drawing No. 3 date stamped received 11th January 2025 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 given to the Council in writing prior to their removal. Existing hedging shall be retained and allowed to grow on to a minimum height of 4 metres and existing trees as shown retained at a minimum height of 6 metres. If any retained tree or vegetation is removed, uprooted or destroyed; or dies it shall be replaced within the next planting season by another tree, trees or vegetation in the same location of a species and size as specified by the Council.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site and 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.

3. The proposed landscaping works as indicated in purple on Drawing Number 03 date stamped 11th January 2025 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice during the first planting season after the commencement of development.

Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development

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

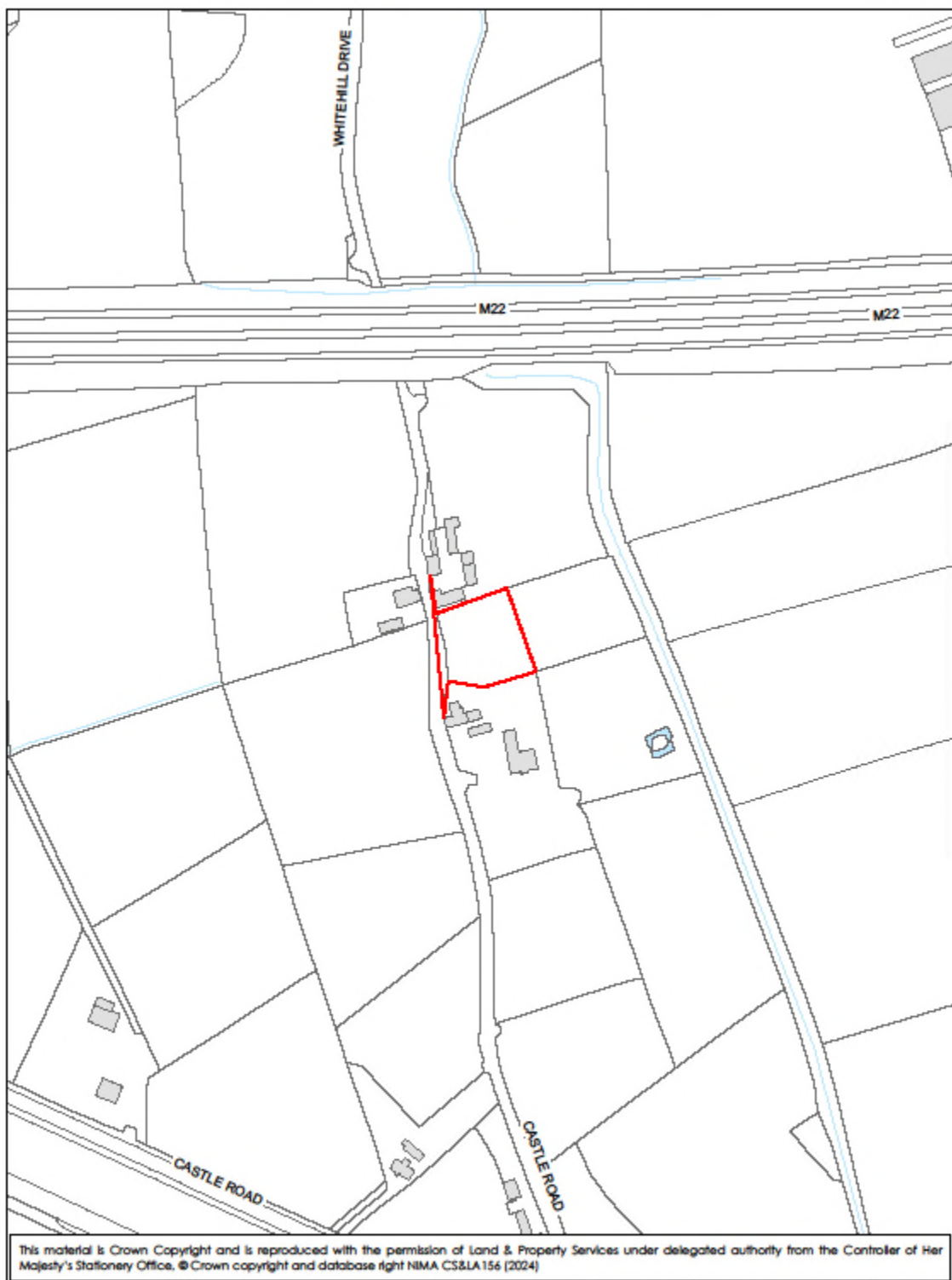
4. The vehicular access(es), including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 03 date stamped 11th January 2025, prior to the commencement of any other development hereby permitted.

The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. The gradient(s) of the access road shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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



Site Location Plan

1:2,500 

Reference: LA03/2025/0016/RM

 Site Location



COMMITTEE ITEM	3.15
APPLICATION NO	LA03/2024/0816/S54
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	PREVIOUS PLANNING COMMITTEE DECISION
RECOMMENDATION	REFUSE SECTION 54 APPLICATION
PROPOSAL	Dwelling (Removal of Condition 10 from approval LA03/2024/0350/F regarding windows on eastern elevation)
SITE/LOCATION	Rear of 34 Glebecoole Park, Newtownabbey, BT36 6HX
APPLICANT	Framework Construction
AGENT	HR Jess Ltd
LAST SITE VISIT	February 2025
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@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 https://planningregister.planningsystemni.gov.uk/application/695905</p>	
SITE DESCRIPTION	
<p>The application site is located at No. 34 Glebecoole Park, Newtownabbey which is within the development limits of Metropolitan Newtownabbey as defined by the Belfast Urban Area Plan 2001 and the draft Belfast Metropolitan Area Plan (published 2004).</p> <p>The application site comprises an existing semi-detached dwelling together with the subject dwelling, which is currently under construction. The subject dwelling is located in the southwestern portion of the application site and to the rear of the dwelling at No. 34 Glebecoole Park.</p> <p>The northern boundary of the site is currently defined with temporary metal fencing. The eastern/southeastern boundary of the application site is defined by existing mature vegetation. It is noted that two (2) portions of this vegetation appear to have been removed/cut back leaving two (2) obvious gaps along the common boundary with No. 1- 3 St Quentin Park. The site's southwestern boundary is also mostly defined with existing vegetation. The rear garden area of the existing original dwelling at No. 34 Glebecoole Park is enclosed by close boarded wooden fencing at a height of 1.8 metres.</p> <p>The topography within the site is relatively flat and the application site is located within an existing residential area. The area is characterised mainly by two-storey, semi-detached, redbrick dwellings with some rendered properties. The Lilian Bland Pavilion is located to the northwest of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2024/0824/S54 Location: Rear of 34 Glebecoole Park, Newtownabbey</p>	

Proposal: Dwelling (Retrospective change of house type from approval LA03/2020/0828/F) (Variation of Condition 11 of LA03/2024/0350/F regarding the erection of a fence.)

Decision: Permission Refused (28th January 2025)

Planning Reference: LA03/2024/0350/F

Location: Rear of 34 Glebecoole Park, Newtownabbey

Proposal: Dwelling (retrospective change of house type from LA03/2020/0828/F)

Decision: Permission Granted (9th August 2024)

Planning Reference: LA03/2024/0209/F

Location: Adjacent to 34 Glebecoole Park, Newtownabbey

Proposal: 2 no. Apartments

Decision: Permission Refused - Appeal ongoing

Planning Reference: LA03/2020/0828/F

Location: 34 Glebecoole Park, Newtownabbey

Proposal: Erection of 1 no. detached dwelling and retention of existing dwelling

Decision: Permission Granted (31st March 2022)

Planning Reference: LA03/2019/0928/F

Location: 34 Glebecoole Park, Newtownabbey, BT36 6HX

Proposal: Erection of 2 no. detached dwellings (& retention of existing dwelling)

Decision: Application Withdrawn (20th July 2020)

Planning Reference: LA03/2018/0843/F

Location: 32 Glebecoole Park, Newtownabbey

Proposal: 4 no. residential apartments with parking, landscaping and associated site works

Decision: Permission Granted (8th January 2019)

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 remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Belfast Urban Area Plan (BUAP): The application site is located on unzoned land within the development limit of the Belfast Urban Area. Policy H7 Infill Housing applies.

Draft Belfast Metropolitan Area Plan (published 2004): The application site is located on unzoned land within the settlement limit of Metropolitan Newtownabbey.

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

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

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

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

CONSULTATION

No consultations were carried out as the application is to vary a condition in relation to planning application reference LA03/2024/0350/F.

REPRESENTATION

Fifteen (15) neighbouring properties were notified and one (1) representation has been received from one (1) notified property.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal (<https://planningregister.planningsystemni.gov.uk>).

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

- Developer not adhering to previous conditions
- The previously conditioned boundary fence has not been implemented
- The obscured window is needed to ensure the privacy of the occupants at No. 1 & 3 St Quentin Park

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Appropriateness of Variation of Condition

Policy Context and Appropriateness of Variation of Condition

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 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).

The purportedly adopted Belfast Metropolitan Area Plan 2015 (BMAP 2015) was for a period of time deemed to be the statutory development plan for this area, however the purported adoption of the Plan by the then Department of the Environment in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) remains the statutory Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application.

Both of the relevant development plans identify the application site as being on unzoned land within the settlement limit of Metropolitan Newtownabbey. Since publication of this Plan regional policy for the consideration of such proposals has been brought forward through Planning Policy Statement 7.

Planning approval was previously granted by the Council's Planning Committee for a dwelling on 22nd August 2024 under planning application Ref: LA03/2024/0350/F.

Condition 10 of planning application reference LA03/2024/0350/F reads:

'Within 4 weeks of the date of this decision notice the windows on the eastern elevation of the dwelling hereby approved and coloured green on Drawing No. 03/1 bearing the date stamp 3rd July 2024 shall be finished in obscure glass which will thereafter be retained for the lifetime of the development.

Reason: In order to prevent overlooking of nearby residential properties.'

The Council's Planning Committee voted to approve this retrospective application with an additional condition which required that within 4 weeks of the date of the decision notice the windows on the eastern elevation of the dwelling hereby approved and coloured green on Drawing No. 03/1 bearing the date stamp 3rd July 2024 be finished in obscure glass which will thereafter be retained for the lifetime of the development. The Committee also required a further additional condition to protect the amenity of the adjoining residential property to the grant of planning permission which is not the subject of this application.

It is noted that the applicant has advised within the application form that the removal of condition is sought due to there being a mature hedge located 1 metre

away from the window which is a ground floor window serving a non-habitable room. They have also alluded to the fact that a 2 metre high fence will be erected along the boundary which will be at a greater height than the ground floor window.

The Planning Committee felt however that the obscuring of the utility room window as well as the WC was a necessary measure to prevent overlooking to the neighbouring dwelling at No. 1- 3 St. Quentin Park. The Committee also imposed a condition in relation to the erection of boundary fencing. Given that there has been no change in circumstances at the application site and the adjacent neighbouring property and that the Committee felt that this additional measure was a necessary element to the granting of the previous permission, it is considered that it would be inappropriate to grant the removal of the condition without significant justification.

A representation raised concerns about overlooking if the condition was removed and that the windows must be obscured in order to retain privacy at No. 1 & 3 St Quentin Park. As noted above the Planning Committee also previously felt that the obscuring of windows was necessary to preserve amenity at this property.

Other Material Considerations

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION

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

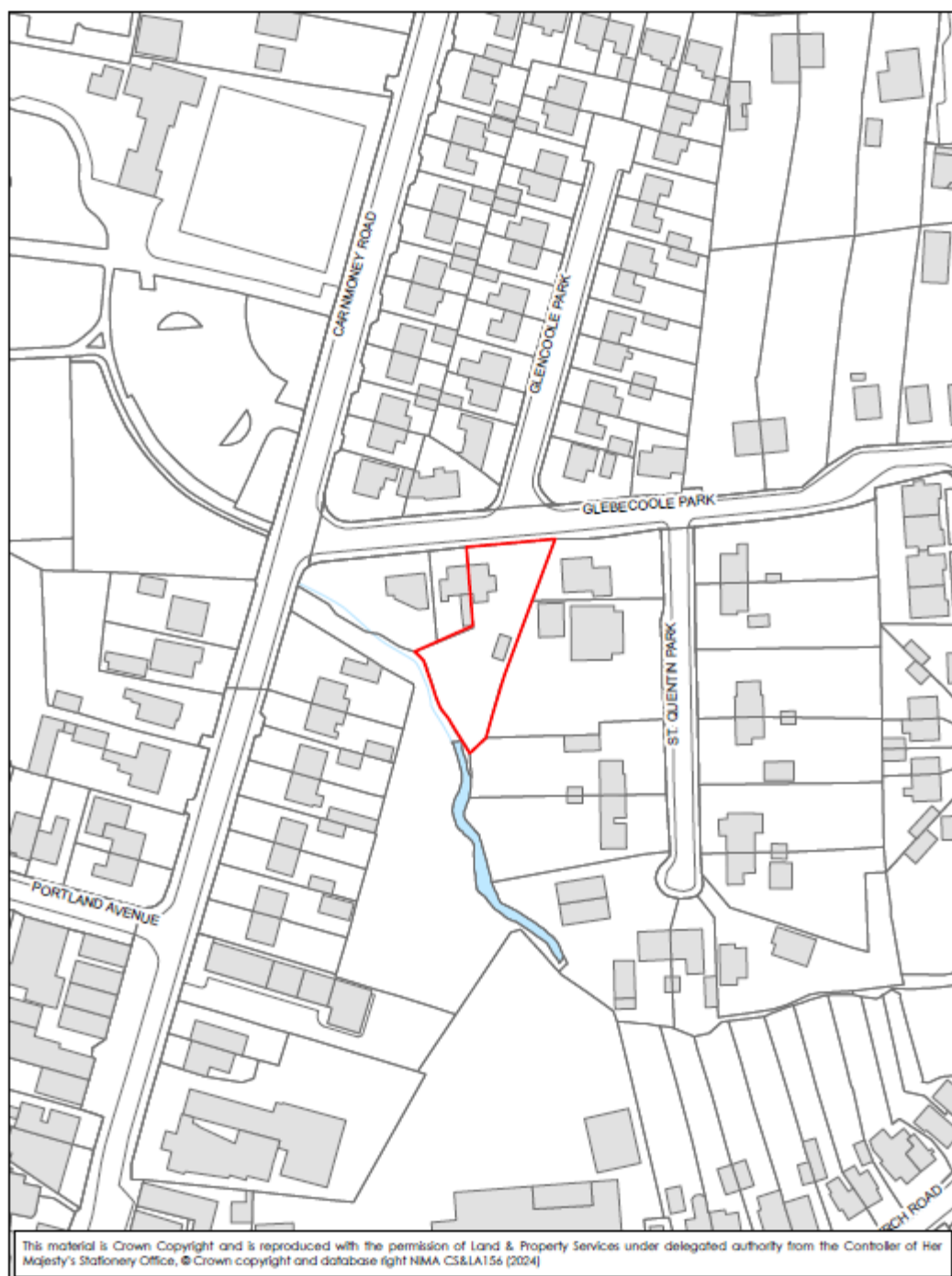
- The proposal would result in a detrimental impact on the amenity experienced at No. 1 – 3 St Quentin Park by way of overlooking and loss of privacy.

RECOMMENDATION

REFUSE SECTION 54 APPLICATION

PROPOSED REASON FOR REFUSAL


1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 7, Quality Residential Environments, in that it would result in a detrimental impact on neighbour amenity by way of overlooking and loss of privacy.



Site Location Plan

1:1,250

Reference: LA03/2024/0816/S54

 Site Location



PART TWO

OTHER PLANNING MATTERS

ITEM 3.16

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS JANUARY 2025

1 Purpose

The purpose of this report is to update Members on the planning applications decided under delegated powers and decisions issued by the Planning Appeals Commission (PAC) in January 2025.

2. Delegated Decisions of Council

A list of planning decisions issued by Officers during January 2025 under delegated powers together with information relating to planning appeals are **enclosed** for Members' information.

3. Planning Appeal Commission Decisions

One (1) appeal was allowed subject to conditions during January 2025 by the PAC.

Planning application:	LA03/2023/0179/F
PAC reference:	2023/A0101
Proposed Development:	The erection of 1 No. detached two storey dwelling and associated site works.
Location:	20 metres south of 21 Abbeyville Place, Newtownabbey.
Date of Appeal Submission:	22/01/2024
Date of Appeal Decision:	16/01/2025

A copy of the decision is **enclosed**.

Four (4) appeals were dismissed during January 2025 by the PAC.

Planning application:	LA03/2024/0280/O
PAC reference:	2024/A0060
Proposed Development:	Dwelling and garage.
Location:	70m northeast of 4a Laurel Lane, Belfast.
Date of Appeal Submission:	23/08/2024
Date of Appeal Decision:	17/01/2025

Planning application:	LA03/2024/0230/F
PAC reference:	2024/A0050
Proposed Development:	Replacement bungalow.
Location:	Lands 110m NE of 25 Ballykennedy Road, Nutts Corner, Crumlin.
Date of Appeal Submission:	31/07/2024
Date of Appeal Decision:	22/01/2025

Planning application:	LA03/2024/0117/F
PAC reference:	2024/A0040
Proposed Development:	Hairdressing Salon (retrospective)
Location:	11 Roxhill, Antrim

Date of Appeal Submission: 02/07/2024
Date of Appeal Decision: 22/01/2025

Planning application: LA03/2024/0319/O
PAC reference: 2024/A0066
Proposed Development: Dwelling and garage
Location: 40m SW of 94 Lylehill Road, Templepatrick, BT39 0HL
Date of Appeal Submission: 17/09/2024
Date of Appeal Decision: 30/01/2025

Copies of the decisions are **enclosed**.

4. Recommendation

It is recommended that the report be noted.

Prepared by: Stephanie Boyd, Planning and Economic Development Business Support Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 3.17

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS FEBRUARY 2025

1 Purpose

The purpose of this report is to update Members on the planning applications decided under delegated powers and decisions issued by the Planning Appeals Commission (PAC) in February 2025.

2. Delegated Decisions of Council

A list of planning decisions issued by Officers during February 2025 under delegated powers together with information relating to planning appeals are **enclosed** for Members' information.

3. Planning Appeal Commission Decisions

One (1) appeal was allowed subject to conditions during February 2025 by the PAC.

Planning application:	LA03/2023/0136/F
PAC reference:	2023/A0050
Proposed Development:	Proposed shed for agricultural purposes
Location:	250m SE of 16 Rathbeg Road, Antrim BT41 2QS
Date of Appeal Submission:	30/08/2023
Date of Appeal Decision:	20/02/2025

A copy of the decision is **enclosed**.

Four (4) appeals were dismissed during February 2025 by the PAC.

Planning application:	LA03/2023/0894/O
PAC reference:	2023/A0111
Proposed Development:	Dwelling and garage.
Location:	Approximately 100m North West of 20 Blackrock Road, Randalstown, BT41 3LF
Date of Appeal Submission:	19/03/2024
Date of Appeal Decision:	6/02/2025

Planning application:	LA03/2023/0171/F
PAC reference:	2023/A0047
Proposed Development:	Covered Livestock Pen (Retrospective Application)
Location:	65m to the North East of 5e Ballyquillan Road, Aldergrove, Crumlin
Date of Appeal Submission:	31/07/2024
Date of Appeal Decision:	12/02/2025

Planning application:	LA03/2024/0005/F
PAC reference:	2024/A0033
Proposed Development:	Conversion and re-use of existing outbuildings of permanent construction to form 4 no. residential units

Location:	Approximately 35m east of 8A Logwood Road, Ballyclare, BT39 9LR
Date of Appeal Submission:	24/06/2024
Date of Appeal Decision:	19/02/2025
Planning application:	LA03/2024/0209/F
PAC reference:	2024/A0062
Proposed Development:	2 no. apartments
Location:	Adjacent to No. 34 Glebecoole Park, Newtownabbey
Date of Appeal Submission:	24/09/2024
Date of Appeal Decision:	28/02/2025

Copies of the decisions are **enclosed**.

4. Recommendation

It is recommended that the report be noted.

Prepared by: Stephanie Boyd, Planning and Economic Development Business Support Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 3.18

P/PLAN/1 NORTHERN IRELAND WATER (NIW) CORRESPONDENCE IN RELATION TO WHITEHOUSE WASTE WATER TREATMENT WORKS (WWTW) UPGRADE

1. Purpose

The purpose of this report is to inform Members of a recent update from Northern Ireland Water in relation to the Whitehouse WWTW.

2. Key Issues

In November 2023 the Council received a planning application, reference LA03/2023/0852/F, for the upgrade of Whitehouse Wastewater Treatment Works comprising demolition of the existing storm tanks, storage compound and other abandoned infrastructure, and provision of new tanks, elevated pipework to / from the storm tank, pumping stations, the installation and operation of ground-mounted and roof-mounted Solar PV panels, additional odour control provisions, drainage rehabilitation works, internal access roads, new electricity supply infrastructure and all other associated site works including landscaping, security fencing and lighting.

In December 2024 the applicant submitted additional environmental information to progress the application. The planning section is currently undertaking a consultation process in relation to this information.

The Council's Planning Section subsequently received correspondence from NIW, **enclosed**, advising that the project is now delayed indefinitely. Members will note that NI Water has requested the planning application continues to be processed so that, should funding be provided, the project could be delivered.

3. Recommendation

It is recommended that the report be noted.

Prepared by: Kathryn Bradley, Planning Economic Development and Building Control Business Support Manager

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 3.19**ANY OTHER RELEVANT BUSINESS**

Any Other Relevant Business (AORB) may be taken at this point.