

COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2024/0671/F
DEA	MACEDON
COMMITTEE INTEREST	ADDENDUM REPORT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Change of use from the existing domestic garage to be converted to a food prep space for a catering business (No hot food) with minor external changes.
SITE/LOCATION	8 Arthur Park, Newtownabbey, BT36 7EL
APPLICANT	Stephanie Redden
AGENT	Pamela McNulty
LAST SITE VISIT	30/10/2024
CASE OFFICER	Dan Savage Tel: 028 90340438 Email: daniel.savage@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</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Since the preparation of the Committee Report, an additional nineteen (19) letters of representation have been received from 14 properties.</p> <p>A number of the issues have previously been addressed within the Committee Report, however, further additional issues have been raised. While no new concerns were raised in eight (8) of the letters of objection, two (2) new issues were raised in four (4) of the letters and have been considered as part of the assessment of this application.</p> <p>A summary of the key points of the objections raised are provided below:</p> <ul style="list-style-type: none"> • Works have already commenced; • Noise; • Odour; • The applicant has extended their curtilage; • Traffic and road safety concerns; • Increase of litter and vermin; and • Impact on residential amenity from a commercial business • Sets a precedent for commercial businesses in residential areas • Working hours <p>As previously mentioned, of these concerns, only two new points of objection have been raised. One of the matters raised in the recent objection letters indicates that there are concerns relating to the hours of operation and the potential for the applicant to increase the working days to include a Sunday. The Councils Environmental Health Section were previously consulted in relation to the application and a condition has been attached in relation to restricting the hours of operation to Monday – Saturday, with no operations on a Sunday.</p>	

Four (4) objections raised concerns with establishing a precedent for businesses to open within this residential area. Each planning application received by the Council is assessed on its own merits, with a decision being made based on the development plan policies prevailing at the 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 a range of business proposals in the surrounding residential area.

While it is also acknowledged that a further four (4) objections, from two properties have been received, all signatures have been placed onto one letter of objection and as such the publication of this letter does not comply with GDPR guidelines and therefore it is not published on the planning portal. It is worth noting that no additional issues have been raised within these letters of objection.

Other concerns raised in relation to the application such as traffic, odours and vermin were considered within the full Committee Report.

CONCLUSION

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

- The principle of the development is considered acceptable as the use of the garage is considered to be a form of homeworking;
- The design and appearance of the proposal is considered acceptable;
- The proposal will not significantly affect the privacy or amenity of neighbouring residents; and
- The access and parking arrangements are considered acceptable.

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 catering business hereby approved shall not remain open for business outside the following hours (including for deliveries): Monday- Saturday – 08:00hours to 18:00hours. Reason: In order to protect night time amenity at nearby sensitive receptors.
3. The catering business hereby approved shall not remain open for business outside the following hours (including for deliveries) Monday- Saturday 08:00 hours to 18:00hours Reason: In order to protect night-time amenity at nearby sensitive receptors.
4. There shall be no cooking of hot food at any time within the building marked 'garage,' on Drawing Number 05 stamped received 22/10/2024. There shall be no cooking of hot food within the dwelling other than for domestic purposes. Reason: In order to protect nearby sensitive receptors.
5. There shall be no customer pickups from the site or from with the Arthur Park development. Reason: To ensure no increase of trip numbers to and from the site in the interest of residential amenity.

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COMMITTEE ITEM	3.13 ADDENDUM
APPLICATION NO	LA03/2024/0586/F
DEA	BALLYCLARE
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retrospective application for retention of existing agricultural shed
SITE/LOCATION	100m SE of No. 30 Belfast Road, Ballynure, Ballyclare, BT39 9QR
APPLICANT	Shane Wilson
AGENT	McNeill Architectural Consultancy
LAST SITE VISIT	9th September 2024
CASE OFFICER	Johanne McKendry Tel: 028 903 40420 Email: Johanne.McKendry@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/691351</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Members, following the circulation of the Planning Committee Report, the agent advised by email on 13th February 2025 that they were not aware that there was insufficient information to address concerns following their previous supporting information submitted on 9th January 2025.</p> <p>In their email of 13th February 2025, the agent requested that presentation of the current planning application at Planning Committee be postponed to allow further information to be submitted regarding why the farm dwelling and buildings at No. 30 Belfast Road, Ballynure were sold off by the applicant.</p> <p>The agent also submitted additional supporting information, which included a letter from the applicant's solicitor dated 12th February 2025, explaining that she had acted on behalf of Shane Wilson (the applicant), in the purchase of the farm at 30 Belfast Road, Ballynure in 2018. She advised that the funds were provided directly by his parents and she was instructed at the time that Mr Shane Wilson would repay the money to his parents in due course. The solicitor also advised that she acted for Shane Wilson in the subsequent sale of the said farmhouse, yard and sheds and the proceeds of sale were paid back to Mr and Mrs Wilson in part payment of the loan extended to their son. The solicitor also confirmed that further payments have been made by Shane Wilson to his parents in settlement of the loan and no further payments are due. Furthermore, the agent in their email of 13th February 2025 advised that the applicant could provide bank statements in relation to payments made, if required.</p> <p>Within the supporting information, the agent also provided six (6) typed invoices addressed to Shane Wilson at 36 Legaloy Road, Ballynure for grass rent dating 26th April 2019, 13th November 2020, 13th May 2021, 9th September 2022, 6th September 2023 and 23th April 2024. The name Sam Hall as well as 'This is not a tax invoice' was stated on all the typed invoices.</p>	

A further typed invoice in the same format as the invoices for the rent of grass, addressed to Shane Wilson at 36 Legaloy Road, dated 29th November 2022 for 'shed rent for cattle', was submitted. The name John Minford as well as 'This is not a tax invoice' was stated on the invoice. No details regarding the address of the cattle shed was provided.

The agent was advised during a telephone call on 13th February 2025 that the application was listed on the Planning Committee agenda scheduled for Monday 17th February 2025, and as such he would need to exercise his public speaking rights where he could make the request for a deferral to the Planning Committee Members.

Overall, it is considered that the information submitted to date does not adequately address the concerns in order to comply with Policy CTY 12 of PPS 21.

CONCLUSION

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

- The principle of development has not been established as it has not been demonstrated that the proposed building is necessary for the efficient use of the agricultural holding as a group of farm buildings previously in the ownership of the applicant have been sold off;
- The proposed agricultural shed is sited away from another group of farm buildings;
- The design and appearance of the proposal is considered acceptable;
- The proposal is considered to respect the rural character of the area and integrate appropriately;
- The proposal will not unduly affect the privacy or amenity of neighbouring residents; and
- The access arrangements are considered acceptable.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policy CTY 1 and Policy CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the building is necessary for the efficient use of an active and established agricultural holding as a group of farm buildings previously in the ownership of the applicant have been sold off and the agricultural shed is sited away from another group of farm buildings.

Reviewed by Head of Planning – Barry Diamond – 17th February 2025

Reviewed by Deputy Director of Planning – Sharon Mossman – 17th February 2025

Reviewed by Director of Planning and Economic Development – Majella McAlister – 17th February 2025

In signing off this report, the officers above have ensured that there is no perceived or actual conflict of interest.