



16 November 2022

Committee Chair: Alderman F Agnew
Committee Vice-Chair: Councillor J Archibald-Brown

Committee Members: Aldermen – T Campbell, J Smyth

Councillors – A Bennington, H Cushinan, S Flanagan,
R Kinnear, R Lynch, M Magill, R Swann, 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 Monday 21 November at 6.00 pm.**

You are requested to attend.

Yours sincerely

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

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

PLEASE NOTE: Refreshments will be served in the Chief Executive Meeting Room for Planning Committee Members only and available in the Café for all others from 5.20 pm

For any queries please contact Member Services:

Tel: 028 9034 0048/028 9448 1301

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – NOVEMBER

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

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

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

PART ONE - Decisions on Planning Applications

3.1 Planning Application No: LA03/2022/0726/F

Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units (Variation of condition 13 and removal of condition 14 from planning approval LA03/2018/0917/F relating to Heavy Goods Vehicles) at lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey.

3.2 Planning Application No: LA03/2021/0809/F

Extension to existing commercial yard/depot, containing precast concrete material storage bunkers, a storage shed, HGV and car parking at lands 85m North of 386A Ballyclare Road, Newtownabbey, BT36 4TQ.

3.3 Planning Application No: LA03/2018/0888/RM

525 residential units (comprising 200 detached, 164 semi-detached, 77 townhouses and 84 apartments) and associated site works, 6 retail units (local shops), public open space and an equipped play park at Lands/fields to the north east and south of 14 Niblock Road, Antrim (fields bounded by rail line to west and Dunsilly/Holywell Burn to north). Land situated between Durnish Road/Mull Road and railway line east and NE of meadow Lands north of Arran Street and Tiree Street north of Orkney Street and west of Niblock Oaks.

3.4 Planning Application No: LA03/2021/0520/F

Development of 43 dwellings (34 semi-detached and 9 detached), new access from the Mill Road, landscaping with central open space

and associated operational development fronting Mill Road Doagh to the north east of the Mill Green housing development and 30m south east of 1 Carson Terrace Mill Road Doagh.

3.5 Planning Application No: LA03/2021/1013/F

Renewal of planning approval LA03/2015/0286/F (Proposed single wind turbine with 40m hub height and 30m rotor diameter) at lands approximately 287m South of 133 Ballyhill Road, Ballyutoag, Belfast.

3.6 Planning Application No: LA03/2022/0731/F

5 wind turbines, up to a maximum of 92.5m base to blade tip height, up to 57m hub height and up 71m blade diameter (Removal of Condition 21 from planning approval T/2014/0478/F regarding implementation of Radar Mitigation Scheme) at Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS.

3.7 Planning Application No: LA03/2022/0326/F

Retention of building for use as embroidery workshop and office at 22 Hollybrook Road, Randalstown.

3.8 Planning Application No: LA03/2022/0776/F

Retention of building as hairdressing salon at 3 Brookfield Road, Burnside, Doagh, Ballyclare.

3.9 Planning Application No: LA03/2022/0609/F

Retrospective application for retention of existing farm shed 100m SW of 12a Irish Hill Road, Ballyclare, BT39 9NQ.

3.10 Planning Application No: LA03/2022/0610/O

Site of dwelling and garage on a farm 30m Approx. South East of 76 Crosskennan Road, Antrim.

PART TWO – Other Planning Matters

3.11 Delegated Planning Decisions and Appeals October 2022

3.12 Proposal of Application Notices for Major Development October 2022

3.13 Planning Portal Governance Board

3.14 Department for Infrastructure (DfI) Public Consultation on Validation Checklists for Planning Applications

3.15 Department for Infrastructure (DfI) Public Consultation to Planning Permitted Development Rights to Protect the Environment

3.16 Local Development Plan (LDP) Update – Draft Local Policies Plan (LPP)
Project Plan

PART TWO – Other Planning Matters - In Confidence

3.17 Planning Appeals Commission and Dfl Response to Planning Appeal

3.18 Legal Advice on Planning Application LA03/2022/0418/O

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 21 NOVEMBER 2022**

PART ONE

PLANNING APPLICATIONS

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2022/0726/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units (Variation of condition 13 and removal of condition 14 from planning approval LA03/2018/0917/F relating to Heavy Goods Vehicles)
SITE/LOCATION	Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey
APPLICANT	Kemark No 2 Ltd
AGENT	TSA Planning
LAST SITE VISIT	26 th September 2022
CASE OFFICER	Ashleigh Wilson Tel: 028 90340429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located outside the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and is within the development limits as defined in the draft Belfast Metropolitan Area Plan (published 2004). The site comprises an area of land situated off the Doagh Road, made up of a series of agricultural fields, which are largely rectangular in shape. An extant planning permission was previously granted on the site for the erection of 1 no. storage and distribution centre and 3no. light industrial units (Planning Application Reference LA03/2018/0917/F) and is currently under construction.</p> <p>At its northern boundary, the application site partially abuts the Doagh Road for some 120 metres and partially abuts the rear gardens of No's 612, 616, 618, 620 and 626 Doagh Road. The southern boundary of the application site abuts a watercourse and the railway line with the eastern and western boundaries defined by agricultural hedgerows. Hedgerows define the individual field boundaries which intersect the application site.</p> <p>The dwellings at No's 610 – 626 Doagh Road are a mix of single and one and a half storey dwellings while No.616 Doagh Road is a two storey dwelling. Most of the rear boundaries of the properties along the Doagh Road are well defined with mature trees. The topography of the application site falls from north to south.</p> <p>The Three Mile Water River flows along part of the southern boundary of the application site. There are a number of drainage ditches within the site which run north to south and connect to a small undesignated watercourse to the west of the application site which connects to the Three Mile Water River.</p>	

An existing vehicular access point with a right turn pocket from the Doagh Road has previously been constructed on foot of an alternative planning permission which serves the application site and adjoining lands.

Mossley Mill and Mossley Train Halt are approximately 1 mile to the east, Houston's Corner Roundabout, which links to the Ballynure Road (A8), is approximately 0.2 miles to the west.

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2022/0539/DC

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

Proposal: Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units, associated car parking (Discharge of condition 9 from planning approval LA03/2018/0917/F regarding the submission landscaping scheme)

Decision: Condition not Discharged (13.09.2022)

Planning Reference: LA03/2022/0506/F

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

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

Decision: Application Withdrawn (30.08.2022)

Planning Reference: LA03/2022/0393/DC

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

Proposal: Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units, associated car parking, site access from Doagh Road, landscaping and all associated site and access works (Amended Plans/Additional Information) [Discharge of Condition 3 of planning approval LA03/2018/0917/F regarding the submission of a programme of archaeological works]

Decision: Condition Discharged (21.06.2022)

Planning Reference: LA03/2022/0260/PAN

Location: Lands approx. 255m south/east of MT Wholesale Warehouse, Houston Business Park, and immediately south of 610-626 Doagh Road, Newtownabbey

Proposal: Proposed erection of 1 no. storage and distribution warehouse and 1 no. light industrial unit, associated car parking/service yard, landscaping and all other associated site and access works

Decision: Proposal of Application Notice is Acceptable (11.04.2022)

Planning Reference: LA03/2021/1032/DC

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

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

Decision: Condition Not Discharged (07.01.2022)

Planning Reference: LA03/2018/0917/F

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

Proposal: Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units, associated car parking, site access from Doagh Road, landscaping and all associated site and access works

Decision: Permission Granted (15.04.2019)

Planning Reference: LA03/2018/0187/NMC

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

Proposal: Non-Material Change to Planning Approval Ref No LA03/2017/0135/F for (Erection of Warehousing/Distribution Unit with Associated Offices and Car Parking). Reduction in length of the warehouse by 30.2m. Reduction of eaves height by 1.3m. Omission of the external single storey office accommodation and inclusion of the same within the building envelope of the warehouse.

Decision: Non-Material Change Granted: 24.05.2018

Planning Reference: LA03/2017/0941/PAD

Location: Approx. 350 metres South East of 632 Doagh Road and 150 metres South of 618 Doagh Road, Newtownabbey,

Proposal: Proposed erection of 1no. storage and distribution centre and 3no. light industrial units. associated car parking, site access from Doagh Road, landscaping and all associated site and access works

Decision: PAD concluded.

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: U/2009/0055/F

Location: Lands on the south side of Doagh Road and on the east side of Ballynure Road, Ballyearl, Newtownabbey.

Proposal: Erection of light industrial units & warehousing/distribution units with associated parking.

Decision: Permission Granted: 22.08.2011

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 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 settlement limit of Metropolitan Newtownabbey and also within the Employment Zoning for a Major Employment Location: Global Point/Ballyhenry (Ref MNY07). A number of key site requirements are set out in dBMAP.

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.

CONSULTATION

Council Environmental Health Section – No objection, subject to conditions

REPRESENTATION

Fifty-three (53) neighbouring properties were notified and four (4) letters of objection have been received from one (1) property and three (3) email addresses. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Noise impacts;
- Light pollution;
- Impacts on amenity;
- Impacts on the welfare of horses;
- The proposal lacks sounding evidence as the Sound Impact Assessment using values limited to 10 HGVs and so should be updated;
- Condition No. 14 allows a level of control and audit;
- Enforcement matters;
- Suggestions to the developer to improve the situation have been disregarded and concerns that discussions with the developer will be ignored;
- Devaluation of properties;
- Traffic;
- Health and wellbeing of neighbouring residents; and
- A meeting would be beneficial to discuss the issues.

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
- Condition to be Varied
- Neighbouring Amenity
- Other Matters

Preliminary Matters

A previous application on the same site (Planning Application Reference LA03/2022/0506/F) sought to completely remove conditions 13 and 14 from LA03/2018/0917/F, which restricted the number of HGV's on the site to ten (10) and requested that a log book of HGVs be kept. This application was presented to Planning Committee on 15th August 2022 and the Planning Committee subsequently voted to refuse planning permission, however, the application was withdrawn by the applicant prior to the decision being issued.

The current application seeks to vary condition 13 to prevent HGV lorries parking within the areas closest to the existing residential properties at Doagh Road (within an area shaded on the site layout drawing) between 11pm and 7am and remove condition 14 to dispense with the need to keep a service log of HGV lorries entering/exiting the site between 11pm and 7am as discussed in more detail below.

Policy Context and Principle of Development

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.

In this case the principle of development has been established by the planning permission granted by the Council on 15th April 2019 under planning application reference LA03/2018/0917/F. This permitted the erection of 1 no. storage and distribution centre and 3no. light industrial units, associated car parking, site access from Doagh Road, landscaping and all associated site and access works.

As the current application seeks to amend conditions attached to this permission the principle of the development cannot therefore be revisited. Consideration will be given to the proposed removal and variation of the conditions imposed on the previous approvals and whether the removal or variation of the conditions is considered acceptable.

Condition to be varied

The current application seeks the variation of Condition No. 13 which restricted the number of HGVs servicing Unit 4 to ten (10) between the hours of 11pm and 7am. The variation of this condition proposes to lift the restriction on the number of HGVs servicing Unit 4 between 11pm and 7am however, as an alternative it proposes a restriction on where these vehicles can be parked or stored i.e. away from the areas closest to the residential dwellings along the Doagh Road between the hours of 11.00pm and 7.00am.

The current wording of Condition No. 13 of LA03/2018/0917/F states:

"There shall be no more than ten (10) Heavy Goods Vehicles Servicing Unit 4 between the hours of 23:00 - 07:00.

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

Condition to be removed

The proposal also seeks the removal of Condition No. 14 to remove the requirement for the operator of Unit 4 to maintain a service log of all HGVs to and from the unit between 23:00 and 07:00 hrs.

Condition No. 14 of LA03/2018/0917/F states:

"The operator of Unit 4 shall maintain a service log of all Heavy Goods Vehicle movements to and from the unit between the hours of 23:00 - 07:00.

The service log shall be made available to the Council within two (2) weeks of a written request being made by the Council.

Reason: To enable the Council to properly monitor compliance with Condition 13 and to control vehicular activity at Unit 4 during the hours of 23:00 - 07:00 hours in the interests of the residential amenity of existing residents at No's 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road."

The reason for these conditions being stipulated on the previous permission (LA03/2018/0917/F) was in order to protect residential amenity and therefore this has been given consideration below.

Neighbouring Amenity

Noise and Disturbance

Concern has been raised through letters of objection that the proposal would result in an unacceptable impact on residential amenity by virtue of disruption and noise impact and that this would also lead to an impact on health and wellbeing. The nearest residential dwellings, not associated with the site, are approximately 80m north of the proposal. Distribution centres are typically associated with high levels of noise from plant, equipment and vehicle movements.

It was also raised through letters of objection that the proposal lacks sound evidence with the Noise Impact Assessment using values limited to 10 HGVs and so should be updated. The initial Noise Impact Assessment (NIA) (Document 07, date stamped 12th October 2018) submitted in support of the original development proposal included 4 HGV and 12 car movements. Following the decision taken at Planning Committee in 2019 the applicant was granted approval for up to 10 HGV vehicles to service Unit 4 during night time hours. The applicant seeks to remove this condition.

The Environmental Health Section was consulted and requested that the original NIA be reviewed by the applicant to account for the deviation from the original application. An updated NIA (Document 01, date stamped 10th October 2022) has been submitted and provides a review of the original NIA making the following points:

- The original NIA (Document 07) was based upon a 1.8-metre-high acoustic barrier (as indicated on Drawing 03 of Planning Application LA03/2018/0917/F). In addition, the number of vehicles approved by the Planning Committee was 10 after 23:00-07:00, and the Committee also required that the Acoustic Barrier be increased in height to 2.1 metres;
- In reviewing the calculations performed at the time of the original NIA by Lester Acoustics, the fact that the acoustic barrier is to be 2.1 metres in height has been taken account of along with the details contained within the cross-sectional drawing of Drawing 1556-02 500 01 E (Planning Drawing 18 for LA03/2018/0917). This detail differs from the matters considered in the original NIA; and
- Recalculations have been carried out and an iterative process has found that if there are 18 HGV and 10 car movements per hour as associated with Unit 4, comparison of the combined rating levels with the typical background sound level of 37dB LA90, results in differences of -1.5dB, -0.9dB, and -0.1dB. As these differences do not exceed zero, the guidance of BS4142: 2014 + A1:2019 is that this can be considered to be a low impact.

The Environmental Health Section has been consulted on the proposal including the updated NIA and the objections received. The Environmental Health Section has responded advising that amenity can be protected at nearby noise sensitive

receptors subject to the attachment of additional noise control conditions, should planning permission be granted. These conditions stipulate that:

- no more than 18 HGVs and 10 car movements per hour are permitted along the northern access road to Unit 4 during the night time period (23:00 to 07:00 hours);
- servicing/loading/unloading of HGV's shall be restricted to the southern façade of Unit 4 during the night time period (23:00 to 07:00 hours);
- 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); and
- the rating levels at nearby sensitive receptors shall not exceed those stated in Table 1 Section 2.6 of the Lester Acoustics report, 'Document Number 01', date stamped '10th October 2022' at the identified receptors.

Essentially, with the imposition of the above proposed conditions, up to 18 HGVs and 10 cars per hour may travel along the northern access road and enter the site between 23:00-07:00, however, any servicing or parking of HGVs will not be permitted in the shaded areas closest to the residential properties during this time and parking will be restricted to the southern façade of Unit 4 furthest away from the neighbouring properties. In addition, a further condition stipulates that the rating levels at nearby noise sensitive receptors shall not exceed the figures stated within the revised NIA (Document 01, date stamped 10th October 2022).

Supporting information from the applicant, dated 26th August 2022 has been received and sets out the reasons for the request for the variation of Condition No. 13 and the removal of Condition No. 14. It is stated by the agent in the supporting information that the conditions have proven to be a significant barrier to end users and that the applicant has undertaken a continuous marketing campaign for the site. High levels of interest have been generated, with Unit 4 shortlisted on several occasions for selection by multi-national PLC tenants to operate a storage and distribution hub within the Antrim and Newtownabbey Borough. However, the supporting information states that the presence of the above conditions has proven burdensome to negotiations, with the site subsequently being discounted from further consideration as a result. The supporting information further highlights that following protracted negotiations, agreement has now been reached with a tenant for Unit 4 and that the terms of the agreement, determining whether this investment comes forward, now falls firmly to the dispensing of Conditions 13 and 14 as in their current form the long lease tenant cannot agree on occupancy.

Since the time of the previous applications (LA03/2018/0917/F and LA03/2022/0506/F) a discharge of condition application has been submitted (Planning Reference LA03/2022/0539/DC) with regards to the landscaping scheme for the site. The proposed landscaping scheme (Drawing Number 01/2 date stamped 26th August 2022) indicates the location, numbers and sizes of the native species trees and shrubs to be planted to buffer the area between the existing dwellings on Doagh Road and the development. The Council has reviewed and assessed the information contained in the proposed landscaping scheme and considers that it contained the necessary information required to partially discharge Condition 9 of LA03/2019/0917/F. The condition will only be fully discharged once the scheme of planting has been carried

out during the first available planting season following the use of any building or part there of becoming operational.

Taking into account the applicant's supporting information dated 26th August 2022, the revised NIA (Document 01, date stamped 10th October 2022) and the consultation response from Environmental Health concurring with the findings of the report, it is considered that the potential for noise impact can be mitigated to a reasonable extent to ensure there is no significant impact on neighbour amenity. With the approved landscaping and the imposition of additional conditions with regards to the mitigation of noise, there would be no technical reason to retain condition 13 of planning approval reference LA03/2018/0917/F in its current form. The additional conditions proposed to be attached to any future grant of planning permission are sufficient to reduce the noise generated by the proposal to an acceptable level.

Condition 14 requires that a service log book, is retained, however, it is considered that there is no planning reason why this condition is necessary and is not required by the Environmental Health Section. It is therefore considered the removal of condition 14 is acceptable.

Overall the applicant has provided sufficient information which has been verified by the Environmental Health Section to allow for the variation of condition 13 and the removal of condition 14 subject to the imposition of additional conditions to mitigate against any significant noise impacts that may arise from the proposed development. It is therefore concluded that subject to the stated conditions the proposal would not have a significant adverse impact on the residential amenity of the existing residents along the Doagh Road by way of noise and disturbance.

Light Impact

It has been raised through letters of objection that the removal of conditions and subsequent presence of HGVs at the site during night time hours would have a detrimental impact on residential amenity in terms of light impact.

EHS has been consulted and has raised no objection with regards to the light impact of the proposal. An "Artificial Lighting Assessment", (Document 15, date stamped received 6th March 2019) was submitted with the original proposal and it was demonstrated that amenity will not be adversely impacted by light arising from the proposed development subject to the attachment of a condition that floodlighting is installed and operated in accordance with the submitted Light Assessment. This condition is to remain as part of the original granting of planning permission and EHS did not consider it necessary to impose additional conditions restricting the number of HGVs servicing the units at night. It is considered that any light impact resulting from the proposal is not likely to be significant given; the proposed separation distances, level differences and the proposed boundary at a height of 2.1 metres along the rear of the properties at Doagh Road which will assist in reducing any potential light impact from HGV vehicles. In addition, the maturing landscape will also assist in mitigating any light spill onto the residential properties.

Other Matters

Traffic

Objections raised concerns regarding the additional traffic attracted to the site. The Transport Assessment (TA) concludes that the surrounding highway network can accommodate the level of traffic that will be generated by the proposal, without the requirement for mitigation measures or conditions 13 and 14 restricting the number of HGVs throughout the night. DfI Roads previously offered no objections to the proposal.

It is considered that the application site has adequate parking, turning and circulation spaces within the site for vehicles that will be attracted to the development. It is concluded that the proposal is compliant with the policy provisions of PPS3 and supplementary planning guidance.

Impact on horses

A point of objection was the impact from the proposal on the welfare of horses being stabled adjacent to the application site. The entrance to the site is in line with an existing paddock which is used on a daily basis to exercise, ride and turn out horses. Objectors pointed out that due to ongoing construction noise, horses have been hurt and have had to be re-stabled elsewhere which means that horses cannot be ridden. The grant of planning permission stands on this site regardless of the outcome of this application.

Enforcement Matters

Enforcement matters against alleged breaches are dealt with as separate matters.

Devaluation of properties

Concerns have been raised that the development will undermine property values. It should be noted that the impact of a development on the value of property is not generally considered to be a material planning consideration. In any case no evidence has been adduced to support this concern and given the lack of evidence it would be difficult to attribute any significant weight to the issue.

Landscaping

A condition requiring a landscaping scheme to be submitted was stipulated on the original permission (LA03/2018/0917/F). This condition has since been partially discharged under application reference LA03/2022/0539/DC following the submission of an acceptable landscaping scheme. Therefore, the landscaping condition attached to this permission (Condition No. 7) has been amended accordingly.

Requests for a meeting

An objector stated that a meeting would be beneficial to discuss the issues. The objector was contacted and informed that if the applicant and/or agent wanted to meet all residents and a meeting was arranged planning staff would attend. This meeting has been arranged and should there be anything significant from the meeting an addendum report will be prepared.

CONCLUSION

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

- The principle of the development has been established through the granting of planning permission LA03/2018/0917/F;
- It is considered that there is no technical reason to retain condition No. 13 in its current form and condition 14 of planning permission LA03/2018/0917/F;
- The Environmental Health Section has no objection to the proposal, subject to conditions;
- It is considered that neighbouring residential properties will not be significantly impacted by the proposal and noise can be suitably controlled through conditions; and
- Representations from interested third parties have been considered.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

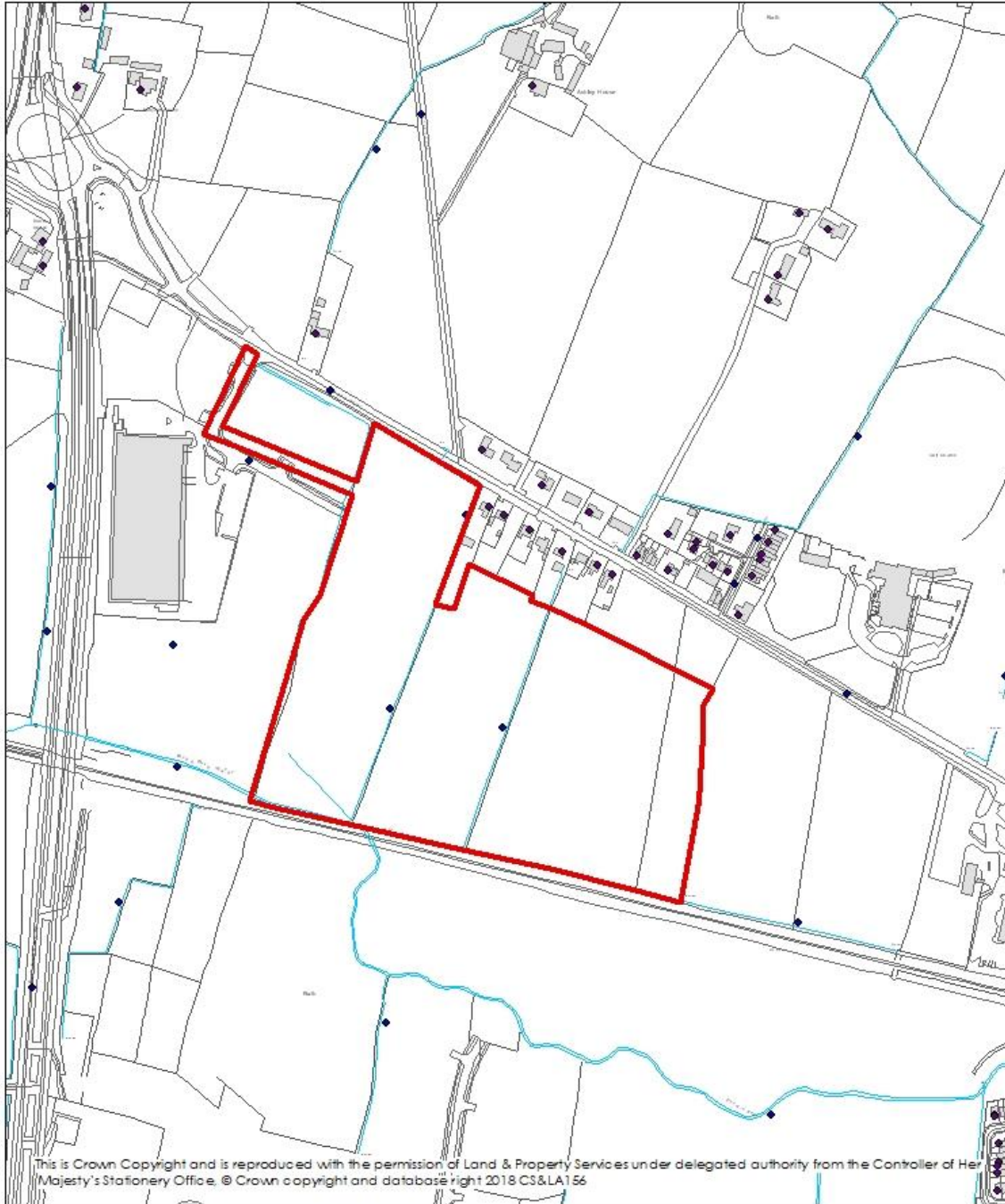
Reason: In order to protect night time amenity at nearby sensitive receptors.

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

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

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

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



Location Map

Application Reference: LA03/2022/0726/F

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

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



 Site Boundary



COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2021/0809/F
DEA	AIRPORT
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Extension to existing commercial yard/depot, containing precast concrete material storage bunkers, a storage shed, HGV and car parking
SITE/LOCATION	Lands 85m North of 386A Ballyclare Road, Newtownabbey, BT36 4TQ
APPLICANT	EJC Contracts Ltd
AGENT	G Patrick
LAST SITE VISIT	23 rd March 2022
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the countryside as designated in the Belfast Urban Area Plan 2001 and the draft Belfast Metropolitan Area Plan (published 2004).</p> <p>The site is located on the southern side of the Ballyclare Road, and accessed via an existing concrete laneway which is lined with hedgerows on both sides. The land rises in a southerly direction from the public road towards the application site. The entire site area is grassed, with existing buildings and a storage area associated with the existing facility beyond the southern boundary. The boundaries of the site are defined by mature hedging.</p> <p>The area is rural in character with a number of residential dwellings within close proximity to the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2020/0109/LDE Location: 386a/388 Ballyclare Road, Newtownabbey, BT36 4TQ Proposal: Utilities and road surfacing contractors' storage depot Decision: Permitted Development (26.02.2020)</p> <p>Planning Reference: LA03/2019/0395/F Location: 386 Ballyclare Road, Newtownabbey, BT36 4TQ Proposal: A single storey (with attic) office building Decision: Permission Granted (04.07.2019)</p> <p>Planning Reference: LA03/2019/0058/CA Location: 384a Ballyclare Road, Newtownabbey</p>	

Proposal: Alleged unauthorised change of use of land and buildings for utilities and road surfacing contractors

Decision: Enforcement case closed (17.04.2019) immune from further enforcement action.

Planning Reference: LA03/2019/0416/F

Lands 85m NE of 386 Ballyclare Road, Newtownabbey, BT36 4TQ

Widening of lane/entrance serving existing commercial yard (retrospective)

Permission Granted (02.07.2019)

Planning Reference: LA03/2021/1152/F

386A Ballyclare Road, Newtownabbey

Retention of existing retaining wall

Permission Granted (28.01.2022)

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 countryside. The Plan offers no specific guidance on this proposal.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within 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. The Plan offers no specific guidance on this proposal.

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

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

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

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.

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, subject to condition

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection, subject to conditions

Department for Infrastructure Rivers – No objection, subject to condition

Department for Communities Historic Environment Division – No objection

Northern Ireland Environment Agency: Water Management Unit – No objection, subject to condition

Northern Ireland Environment Agency: Natural Environment Division – No objection, subject to condition

Shared Environmental Services – HRA not required.

REPRESENTATION

Six (6) neighbouring properties were notified and twenty-one (21) letters of objection have been received from (6) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- The application description is incorrect – it is described as an extension to a yard when it should be described as a change of use;
- Out of keeping with the area;
- Road safety;

- Additional traffic;
- The three metre palisade fence is not in keeping with the character of the area;
- Impact of lights;
- Noise pollution will increase;
- The field is used for grazing cows and should not be changed into a yard;
- No need for the facility as there are 3 existing industrial areas within close proximity;
- There will be a detrimental impact on the rural area;
- Environmental impact;
- Increased flood risk from small stones blocking drains;
- Impact from noise and movement on horses being ridden regularly in the area
- The business recently closed additional premises within Mallusk and the proposal will therefore bring no additional benefit to the area;
- Impact on human right, protocol 1, protecting our right to enjoy our property peacefully;
- Impact on health and personal wellbeing;
- Safety for pedestrians;
- Hazardous materials;
- Impacts on sewerage/water/air facilities;
- Impact on climate change.

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 Appearance
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Flood Risk
- Other Matters

Policy Context and Principle of Development

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

The 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.

The application site lies outside the settlement limit of Metropolitan Newtownabbey in both Plans. In both the Belfast Urban Area Plan and the draft Newtownabbey Area Plan the application site is located in the countryside.

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. Policy CTY 1 allows for industry and business uses in accordance with Planning Policy Statement 4 (PPS 4).

PPS 4 allows for the expansion of an established economic development use in the countryside in accordance with Policy PED 3. PED 3 allows for the expansion of an economic development use in the countryside where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

A Certificate of Lawfulness was granted on the site for a utilities and road surfacing contractors storage depot under planning reference LA03/2020/0109/LDE. The proposal seeks full planning permission for an extension to the existing commercial yard/depot, containing precast concrete material storage bunkers, a storage shed, HGV and car parking.

Need for the proposal and economic considerations

It has been raised through letters of objection that there is no need for this facility as there are existing facilities within close proximity rather than having to use existing prime agricultural land. In addition, objectors raise the point that the business recently closed additional premises within Mallusk and the proposal will therefore bring no additional benefit to the area. There is a current and lawful business at this premises and planning policy allows for the extension of an established economic development site within the countryside in accordance with PED 3 of PPS4.

A submission has been made regarding the need for the facility and the economic investment for the proposal. Document 13, date stamped 21st July 2022 outlines the need for the proposed development. The statement highlights that the current contracts are demanding an increase in storage areas as the company can't hold the stock to meet the demand. In addition, the company has recently been awarded a multi-million pound, five-year contract with Virgin Media O2. This will require stocking ahead of the time and stock will increase by approximately 6%. The components include fibre and microduct which are more sensitive to weather conditions (rain and sunlight) and need to be housed appropriately. They are also expensive and require a more secure facility. The new storage area will create security system/maintenance company, two (2) new storage staff and an apprentice scheme for at least one apprentice. The company employ circa 150 staff between this and their Mallusk facility.

Planning applications are determined on their individual merits in accordance with the development plan, planning policies and material considerations, which may include the economic benefit of the development. The SPPS states that Planning authorities should take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority. Planning authorities should also recognise and encourage proposals that could make an important contribution to sustainable economic growth when drawing up new plans and taking decisions. The economic considerations and the operational need for the proposal are material considerations in assessing this scheme. The proposal is needed to facilitate the growth of the company, and this has been considered in the overall assessment of the proposal.

As previously stated, there is a current and lawful business at this premises and planning policy allows for the extension of an established economic development site within the countryside in accordance with PED 3 which states that proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. However, the current adjoining buildings are in use, therefore, the proposal for the addition of storage bays, storage areas and the proposed stores are necessary for the expansion of the existing facility at this location.

Throughout the processing of the application concerns were raised with the size of the proposed expansion. The applicant subsequently reduced the size of the site to a level that is considered acceptable in principle subject to a consideration of the issues set out below.

Design, Appearance and Impact on Character of Area

Policy PED 3 of PPS 4 requires that the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. The original proposal indicated a major extension to the enterprise which extended to the main road. The proposal was subsequently reduced and is now set back some 35 metres from the public road. The proposal involves a large extension to the site area at 63 metres in length at the longest point and 47 square metres in length in comparison to the existing yard at approximately 95 metres in length.

The proposal involves a concrete yard and closest to the existing yard is a proposed store measuring approximately 33 metres x 16.5 metres. An access is proposed along the western boundary to access the new yard. A lorry turning area is proposed in front of the store with proposed storage bays and car parking.

The building is approximately eight (8) metres in height. The scale and material finishes of the proposed store of rough dash white walls, goosewing grey kingspan roof and galvanised steel doors are considered acceptable in the context of the existing facility. Given the current topography of the site on a slope, careful consideration was given to the siting of the building so as to ensure it would not be prominent. The proposal includes the site extensively being cut into to allow for the building to be set down into the site. The cutting will require retaining structures of approximately 4.4metres.

The SPPS para. 6.70 states that all development in the countryside must integrate into its setting and respect the rural character of the area. Policy CTY 13 - Integration and Design of Buildings in the Countryside states that a new building(s) will be unacceptable where the site lacks long established natural boundaries; is unable to provide a suitable degree of enclosure for the building to integrate into the landscape or relies primarily on the use of new landscaping for integration. Proposed buildings should blend sympathetically with their surroundings and should not appear incongruous in the landscape. The siting and design of new buildings are important to ensure they integrate harmoniously with their surroundings in order to protect the amenity and character of the countryside.

The determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site will blend in unobtrusively with its immediate and wider surroundings when judged from critical views along stretches of the public road network.

Views of the proposed buildings are limited when approaching the site in a northwesterly direction due to the existing vegetation along the roadside and cutting into the site proposed. However, critical views will be evident when in front of the site and when travelling in a southeasterly direction when approaching the site. The existing hedging along the roadside within the visibility splay is proposed to be removed, however, proposed new fencing and a new native species hedge is proposed to be planted behind the splays.

While a significant amount of cutting is proposed into the site to set the building down into the landform, this will reduce the prominence of the building therefore reducing the visual impact of the building from the road. In this case, the existing side boundaries of the application site will help to provide integration and while views will be apparent in front of the site, a landscape bund is proposed between the roadside and the application site which involves regraded grass and a shrubbery area. The application site is set back 33 metres from the road. New native trees are proposed to be planted within the landscape bund, at a minimum height of 4.5 metres. Overall, it is considered that while the proposal will result in a change in the landscape, on balance the visual impact is not likely to be so significant as to warrant a refusal of the application.

Policy PED 9 requires that the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity. Policy PED 9 also requires that the proposal is compatible with surrounding land uses and appropriate boundary treatment and means of enclosure are provided and any areas of outside storage are adequately screened from public view.

The boundaries of the site are indicated on the plan with the roadside boundary to be defined by a new native species hedge planted behind the visibility splay. A landscape bund is then proposed behind the hedging and grading the land towards the application site. Beyond this, within the site, native trees are proposed to be planted between the Ballyclare Road and the proposed development within the landscape bund which will soften the visual impact of the proposal. New hedgerow boundaries are indicated on either side of the application site and a paladin fence

of three (3) metres in height is proposed between the site and the roadside at the edge of the landscape bund.

Due to the extensive cutting required to accommodate the development, retaining walls at a maximum height of approximately 4.6 metres are required. It is considered that the proposal will inevitably result in some change to the rural character of this area, however, given the mitigation proposed by way of landscaping and the cutting into the site to reduce the overall height and prominence of the development, the visual impacts will be reduced to an acceptable level so as not to significantly erode the rural character of this area. On balance, it is considered that the proposal is acceptable in this regard. It is considered that the proposal is compatible with surrounding land uses and appropriate boundary treatments and means of enclosure are provided.

Neighbour Amenity

Objection has been received with regards to the potential noise impact from the development and it is stated within a further objection that horses are ridden in the area and that the noise impact from the proposal is likely to spook the horses.

Policy PED 9 states that the proposal shall not harm the amenities of nearby residents. The proposed extension to the facility will bring yard activities to within 70 metres of a residential property at No. 10 Gravelhill Road. The applicant was requested to undertake a Noise Impact Assessment to demonstrate the noise impact likely to be experienced at nearby residential dwellings and recommend any mitigation measures necessary to ensure amenity at residential properties will not be adversely impacted upon.

A Noise Impact Assessment (Document 09), date stamped 29th April 2022 was submitted. The report states that the proposed storage shed will be primarily used for the storage of electrical ducting. The report also indicates that the proposed development is likely to have a low noise impact. The Environmental Health Section has not raised any concerns with regards to impact from noise. Therefore, it is considered that any noise impact from the proposal is not likely to be significant.

Floodlighting associated with the security of the premises can cause artificial light intrusion and has the potential to adversely impact upon amenity. A Light Impact Assessment (Document 10, date stamped 29th April 2022) and associated lighting drawing (Drawing No. 07, date stamped 29th April 2022) has been submitted. Elevations of the lighting columns indicate that they will be at a height of approximately eight (8) metres. It is proposed to fit 4 no. wall mounted external lights at 6m in height to the proposed storage shed and 4 no. columns with lighting at 8m in height along the site boundary. Drawing Number 07 shows Isolux contours plotted for 1 lux and 2.5 lux. The report concludes that the anticipated levels of illumination within the site itself will be minimal and the levels of light spillage around the site will be acceptable and there will be zero light spillage onto the nearby Ballyclare Road. The Council's Environmental Health Section was consulted and has stated that a Light Impact Assessment in line with ILP Guidance Note 01/21, The Reduction of Obtrusive Light, is not required on this occasion. The Environmental Health Section has not raised any concerns with regards to impact on air quality.

The Environmental Health Section has raised no objection, subject to conditions. These conditions have been recommended to be included in any future grant of planning permission and include restricting operating hours to between 07:00 – 23:00 hours; doors remaining closed other than when being used for access and egress; handling vehicles being fitted with broadband reversing alarms and the 'Proposed Store' being restricted to use for storage purposes only. In addition, any light fixtures are to be positioned/directed to ensure amenity is not adversely impacted at neighbouring dwellings by artificial light (Condition 10).

The proposed buildings are considered to have sufficient separation distance from neighbouring properties so as to ensure there is no loss of light or impact on neighbouring amenity as a result of the structures to be erected on site.

It is therefore considered that any impact on residential amenity can be suitably mitigated against through the use of conditions.

Natural Heritage

A Biodiversity checklist (Document 12, date stamped 19th May 2022 and an Ecology Statement (Document 11, date stamped 19th May 2022) has been submitted. The proposal involves the loss of hedgerows within the site. Hedgerows, especially those that are native, are Northern Ireland Priority Habitat due to their ecological functionality and therefore a condition is recommended to be attached to any future grant of planning permission that any vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season as recommended by NIEA Natural Environment Division (NED).

The proposal also involves the use of artificial lighting which can have a significant adverse effect on the natural behaviour of bats such as foraging or commuting, causing disturbance and/or displacement and affecting their ability to survive. Drawing No. 07, External Lighting Map, date stamped 29th April 2022 notes that there is 1 lux on boundary vegetation. NED has been consulted and has advised that the proposal is unlikely to have a significant adverse impact on the local bat population.

The proposed site plan indicates that additional planting is proposed on the site with native species. NED has been consulted and welcomes this additional planting and considers it is sufficient compensation for the loss of existing hedgerows on the site. NED has raised no objection to the proposal subject to conditions and informatives.

NIEA has been consulted and has advised that the proposal is unlikely to have significant effects on any designated sites due to its distance from the sites and the scale and nature of the development. Having considered the project, it is concluded that it is eliminated from the need for a Habitats Regulations Assessment because it could not have any conceivable effect on a European/International designated site. This is concluded because no viable pathways have been identified whereby the proposal could have a negative impact on a European/International designated site.

It is therefore considered that the proposal will not have a significant impact on features of natural heritage and the proposal complies with PPS 2 in this regard.

Flood Risk and Drainage

Objectors raised concerns with regards to the potential impact of the development on sewage and water and a further point of objection raised concerns regarding the increased flood risk from small stones blocking drains in the area.

The applicant has submitted adequate drainage drawings and calculations to support their proposals. DfI Rivers responded advising that they require Schedule 6 approval response from DfI Rivers consenting to the discharge of the attenuated 18.34 l/s of storm water to the undesignated watercourse 80m to the southeastern boundary of the site as indicated in the Drainage Assessment. However, it is considered that this matter can be addressed through the imposition of a condition that the development shall take place in accordance with the Drainage Assessment.

Water Management Unit notes on the site layout drainage plan that the applicant proposes to install an interceptor on the new storm drain which discharges to the watercourse. This discharge will require consent to discharge from NIEA which has been consulted and has recommended a condition with regards to the need for a Discharge Consent being granted prior to development, however, it is considered more appropriate to add this as an informative as this will be required under the terms of the Water (NI) Order 1999.

The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100-year fluvial floodplain and neither within a predicted flooded area as indicated on the Surface Water Flood Map. DfI Rivers has been consulted and has raised no objection from a flood risk perspective.

Access, Movement and Parking

Concern has been raised through letters of objection to the proposal regarding the additional traffic the proposal will generate, road safety and the safety for pedestrians on the narrow footpath. The P1 application form indicates an expected increase of nine (9) additional goods vehicles, one (1) visitor vehicle and five (5) staff vehicles to the site daily. DfI Roads has been consulted and has raised no objection to the proposal subject to conditions. It is considered the proposal is acceptable in this regard and complies with Planning Policy Statement 3.

Other Matters

Archaeological Interests

The proposal is located within close proximity to features of historical importance and therefore PPS 6 applies. The proposal has been assessed against the SPPS and PPS 6 in this regard and Historic Environment Division has been consulted and has no objection. It is considered the proposal will not have a significant impact on features of archaeological importance.

Impact on Health and Personal Wellbeing from Hazardous Materials

In relation to possible impact on human health, no evidence has been presented to suggest human health will be adversely impacted by this proposal. Objection was received with regards to the health impact from diesel fumes and man-made particulars. It was also queried whether other hazardous substances would be stored on the site. The applicant's P1 form confirms that the proposal does not involve the storage of any hazardous waste and the agent has confirmed via email that the items to be stored are limited to fibre optic cabling and associated construction

material for the utilities contract. The Environmental Health Section of the Council was consulted on the proposal and has indicated no objection on health grounds. It is considered that the proposal will not have a significant impact on health and wellbeing.

Impact on Human Rights

Concern was raised through letters of objection regarding the potential impact on human right, protocol 1, protecting the right to enjoy a person's property peacefully. Planning applications often encounter competing and conflicting private interests, in this case the various conflicting interests have both had rights to make representations to the Council, through the processing of the planning application and ultimately through the consideration of the application by the Planning Committee. It is considered that the recommendation to approve development is in compliance with planning policy, all parties to the application have been given a fair hearing, the points raised by them have been given proper consideration and the Councils obligations under the Human Rights Act have been fulfilled.

Climate Change

It is considered that this proposal for storage of fibre cabling and associated construction material for a utilities contract would not have a significant impact on climate change.

Environmental Impact

Concern has been raised through letters of objection regarding the environmental impact of the proposal. An Environmental Impact Assessment determination was carried out and it was considered the environmental impacts were not so significant to warrant the need for the application to be accompanied by an environmental statement. Furthermore, reports on noise, lighting, biodiversity/ecology and drainage have been submitted in support of the application. It is considered the environmental impacts of the proposal are not likely to be significant.

CONCLUSION

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

- The principle of the development accords with the local development plan provisions of BUAP, draft BMAP, SPPS and PPS 4;
- The scale and design of the proposal is considered acceptable on balance;
- It is considered the proposal will not have a detrimental impact on neighbouring properties;
- The proposal is not likely to increase the risk of flooding; and
- Adequate parking has been provided

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 vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 05/1 bearing the date stamp

4th April 2022, 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.

3. 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.

4. The building hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 05/1 bearing date stamp 04th April 2022 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.

5. The permitted development shall not operate at any time outside 07:00 – 23:00 hours.

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

6. All doors, including roller shutter doors to the permitted development shall remain in the closed position except when used for access and egress.

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

7. All forklift trucks and materials handling vehicles used on site shall be fitted with broadband reversing alarms during the lifetime of the permission.

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

8. The 'proposed store' as indicated on Drawing Number 05/1, date stamped 4th April 2022, shall be used for storage purposes only.

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

9. The drainage for the proposed development shall be carried out in accordance with DOC 01 Drainage Assessment date stamped 9th August 2021 and in accordance with Drawing No. 03 date stamped 9th August 2021.

Reason: To safeguard against flood risk to the development and elsewhere and to ensure protection to the aquatic environment.

10. Light fixtures are to be positioned/directed to ensure amenity is not adversely impacted at neighbouring dwellings by artificial light.

Reason: In order to protect amenity at nearby sensitive receptors from artificial light intrusion.

11. No vegetation clearance shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

12. The existing hedgerows as indicated on Drawing No. 05/1 date stamped 4th April 2022 shall be retained at a minimum height of two metres and trees within the hedgerow shall be allowed to grow on.

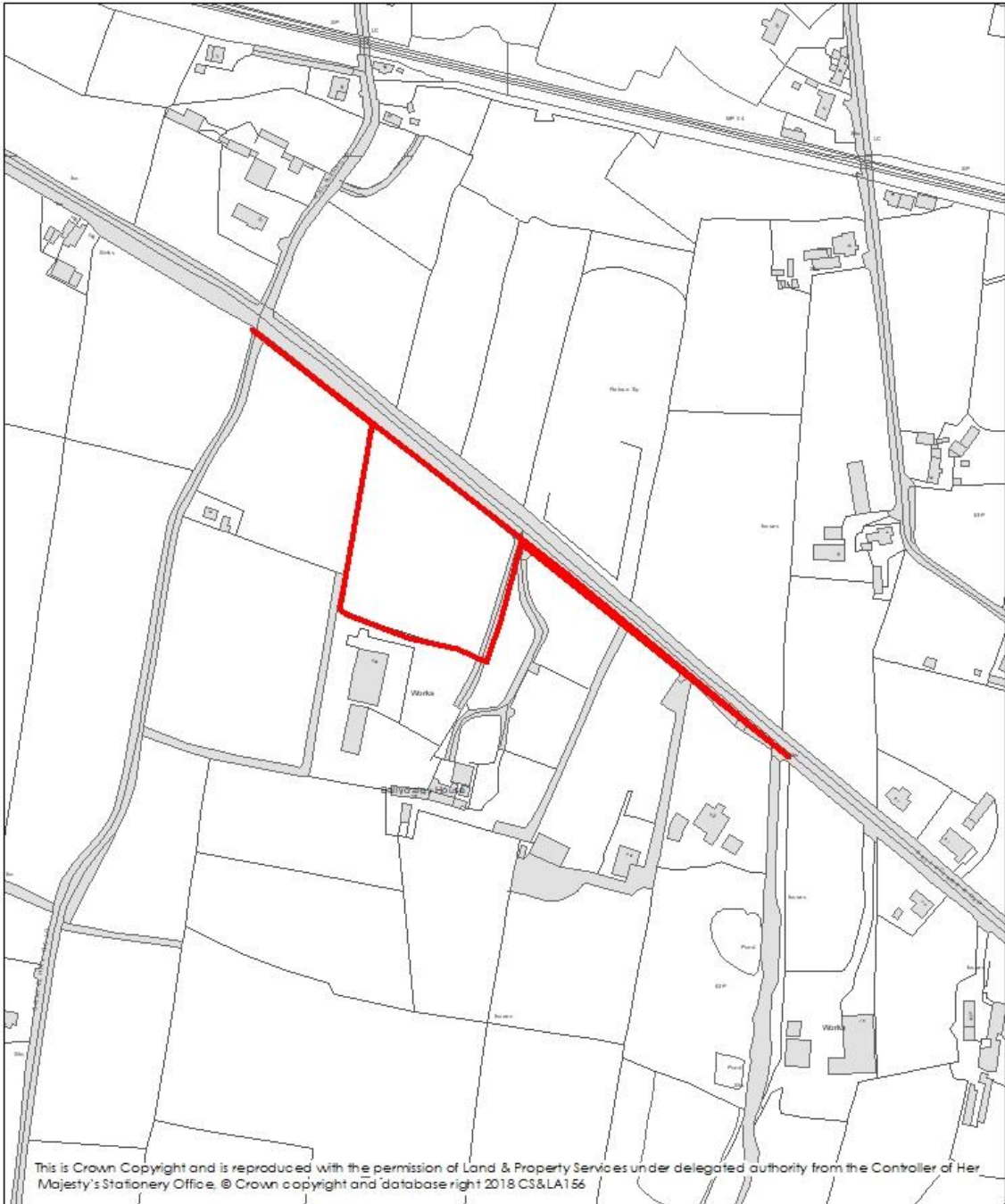
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

13. The proposed planting shall be carried out in accordance with approved Drawing Number 05/1 date stamped 4th April 2022. Planting shall be carried out in the first available season after occupation of the building hereby approved.

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

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

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

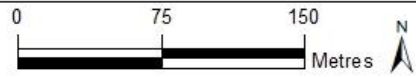



Site Location Plan

Application Reference: LA03/2021/0809/F

Extension to existing commercial yard/depot, containing precast concrete material storage bunkers, a storage shed, HGV and car parking and floodlighting

Lands 85m North of 386A Ballyclare Road, Newtownabbey, BT36 4TQ



 Site boundary



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2018/0888/RM
DEA	ANTRIM
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	525 residential units (comprising 200 detached, 164 semi-detached, 77 townhouses and 84 apartments) and associated site works, 6 retail units (local shops), public open space and an equipped play park.
SITE/LOCATION	Lands/fields to the north east and south of 14 Niblock Road, Antrim (fields bounded by rail line to west and Dunsilly/Holywell Burn to north). Land situated between Durnish Road/Mull Road and railway line east and NE of meadow Lands north of Arran Street and Tiree Street north of Orkney Street and west of Niblock Oaks.
APPLICANT	D.R. Mitchell Ltd
AGENT	Inaltus Limited
LAST SITE VISIT	06/11/2022
CASE OFFICER	Kieran O'Connell Tel: 028 9034 0423 Email: Kieran.oconnell@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limits of Antrim Town on a site of approximately 26ha in size. Specifically, the application site is located on lands/fields to the northeast and south of 14 Niblock Road, Antrim (fields bounded by the railway line to the west and Dunsilly/Holywell Burn to the north). The application site further extends to lands situated between Durnish Road/Mull Road and the railway line east and northeast of the Meadow Lands residential area and north of Arran Street and Tiree Street, north of Orkney Street and west of Niblock Oaks.</p> <p>This area is characterised by small to medium sized agricultural fields defined by hedgerows and trees of various varieties and sizes (hawthorn, ash, oak and willow). The application site is framed by Holywell Burn, mature trees and hedgerows to the north while the railway line runs adjacent to the western boundary of the application site. Hedgerows and trees define the eastern boundary adjacent to Niblock Oaks while the Niblock Road bisects the application site in two. On the southern side of the Niblock Road the site is bounded by high density residential developed at Angus Street/Shetland Street and Orkney Street and an area of public open space and housing associated with the Springfarm estate. A 'finger' of the site projects south as far as Stiles Way. To the west the site is bounded by the railway line, beyond which is the residential area of Meadowlands.</p>	

Within close proximity of the application site other landmarks include The Junction 500m south and west of the applications site, Antrim GAA Centre of Participation (500m north) and Dunsilly Park and Ride and M2 Motorway (1km north). Lough Neagh (Ramsar site, Area of Special Scientific Interest (ASSI) and Special Protection Area (SPA)) is located within 2km south of the application site.

RELEVANT PLANNING HISTORY

Planning Reference: T/2012/0320/O

Planning Appeal Reference: 2013/A0034

Location: Lands/fields to North East and South of 14 Niblock Road Antrim (Fields bounded by rail line to west and Dunsilly/Holywell Burn to North).

Proposal: Residential development on land zoned for housing. Dwellings range from detached and semis to townhouses and apartments. Local shops and open space areas also included

Decision: Permission Granted on appeal.

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 (AAP): The application site is located within the settlement limits of Antrim Town. The application site in the main is located on phase two residential land as identified on AAP Proposal Map No. 3. Paragraph 16.4 of the AAP states, 'the amount of land inside the development limit leaves too wide a choice of development sites to ensure that the town grows in compact fashion. As a consequence, two development phases for residential land have been introduced. The phase one lands are to be developed between 1984-1996 while the AAP indicates the phase two lands will only become available during the second development phase i.e. 1996-2001. The remaining lands to which this application relates falls within unzoned (white) lands adjacent to the railway line and Tiree and Arron Street.

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

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

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

SPPS: Town Centres and Retailing: sets out planning policies for town centres and retail developments and incorporates a town centre first approach for retail and main town centre uses.

PPS 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 objections.

Shared Environmental Services – No objection subject to conditions.

NI Water – No objections.

DfI Roads – No objections subject to conditions.

DAERA Regulation Unit – No objections subject to conditions.

DAERA Natural Environment Division (NED) – No objections subject to conditions.

DAERA Drinking Water Inspectorate (DWI) – No objections.

DAERA Industrial Pollution and Radiochemical Inspectorate (IPRI) – No objections.

DAERA Water Management Unit (WMU) – No objections.

Northern Ireland Transport Holding Company – No objection.

DfI Rivers – No objections.

Historic Environment Division (HED)

HED (Historic Buildings) – No objections subject to conditions.

HED (Historic Monuments) - No objections subject to conditions.

REPRESENTATION

Two hundred and eight (208) neighbouring properties were notified. A total of six (6) objections have been received with five (5) no. letters of representation have been received from five (5) properties and one (1) from an elected representative. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Road safety and traffic congestion;
- Detrimental impact on the amenity of residents on Mull Road by way of noise and disturbance;
- Public safety due to close proximity to railway lines;
- Increased pressure on sewerage system;
- St. Comgalls GAC would like the development to provide an opportunity for a future access to Antrim GAA centre of participation; and
- Impact on property values.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design, Layout and Appearance
- Retail Element
- Density
- Neighbour Amenity
- Public and Private Amenity Space
- Parking and Road Safety
- Crime and Personal Safety
- Flood Risk
- Archaeology
- Built Heritage
- Natural Heritage
- Flood Risk

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.

This application seeks Reserved Matters approval and as such does not re-examine the principle of development on this site. This was established with the outline planning approval T/2013/0320/O (2013/A0034). The matters for consideration in this instance are restricted to matters reserved i.e., siting design external appearance, means of access. The assessment also includes a consideration of all other material planning matters and in particular those matters where further environmental information has been provided to update the environmental impacts previously assessed and where outline planning conditions required the submission of certain details.

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

The application site is located within the settlement limit of Antrim in AAP and comprises land zoned for residential development (83%/20.704ha), while the remainder is within unzoned white land (17%/4.258ha). Paragraph 5.10 of AAP states that the approach of the planning authority will be to encourage orderly growth in the residential sectors of each settlement and that particular attention will be given to environmental considerations concerning the size, siting and layout of proposed residential developments.

The AAP contains no Key Site Requirements for this housing zoning however, Paragraph 16.4 of the AAP states, the amount of land inside the development limit leaves too wide a choice of development sites to ensure that the town grows in compact fashion. As a consequence, two development phases for residential land have been introduced. The phase 1 lands are to be developed between 1984-1996 while the AAP indicates the phase two lands will only become available during the second development phase i.e. 1996-2001. As the application site was applied for post 1996, it is considered that this proposal complies with the provisions of the AAP.

It is considered the principle of a housing development on the application site is acceptable subject to the development complying with the Plan's provisions for residential development and the creation of a quality residential environment as well as meeting other requirements in accordance with regional policy and guidance, which are addressed in detail below. Overall, the principle of development is considered to be acceptable and is supported by the AAP and by the planning history.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs).

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

- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas;

- PPS 2: Natural Heritage;
- PPS 3: Parking and Movement;
- PPS 6: Planning Archaeology and Built Heritage;
- PPS 8: Open Space, Sport and Outdoor Recreation; and
- PPS 15: Planning and Flood Risk.

Design, Layout and Appearance

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) refers at paragraph 6.137 to the need to deliver increased housing without town cramming and that within established residential areas. It is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. The SPPS further acknowledges that good design contributes to the creation of places to live that are safe, attractive and also key to achieving sustainable development.

Policy QD1 of PPS7 provides operational policy on new residential development and indicates that planning permission will only be granted where it is demonstrated that the proposal will create a quality and sustainable residential environment. It further states that the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. It indicates that housing development proposals will not be permitted where they would result in unacceptable damage to the local character or environmental quality of established residential areas. The policy sets out a number of criteria that all proposals will be expected to conform to.

The proposed development consists of the erection of 525 residential units consisting of a mix of detached (3&4 bed), semi-detached dwellings (2-5 bed), townhouses (3 bed) and apartments (2 bed). The dwellings proposed are two storey in height and are finished in a mix of either red brick, render, brick/render or stone render combination. A number of apartment complexes have been provided as part of the scheme to provide additional variety within the overall development proposal, these apartment buildings are 2-3 storey's in height and act as focal buildings within the development. These apartment buildings are finished in similar detail to the dwellings. It is considered that the design and appearance of the dwellings and apartments is acceptable in this urban area and consistent with other developments in Antrim Town.

Regarding layout matters, the applicant has provided a layout which is in general conformity with the approved concept plan. In addition, the applicant has provided a phasing plan (C03) indicating three housing phases (green, blue, red) each with sub phases and a separate commercial phase. The purpose of this plan is to assist in the delivery of the necessary roads infrastructure and provide an understanding of how each section of the road network will open up the appropriate phases of development accessing those roads.

The proposed layout has been designed to cross the site gently and avoid the use of any significant retaining features and provides a mixture of hard and soft landscapes within the various residential areas. These include provision of front gardens decorative walls, retention of protected trees (where possible) significant additional

landscaping to offset the loss of existing trees, provision of areas of open space and defensible space in order to create a quality residential environment.

Overall, it is considered that the design, layout and appearance of the proposed development is appropriate to the character and topography of the site and respects its surrounding context.

Retail Element

The applicant has provided a retail supporting statement within their Environmental Statement (Appendix 9 of Vol. 1). The supporting statement indicates that outline planning permission (DoE Ref: T/2012/0320/O PAC Ref: 2013/A0034) was granted subject to 12 conditions. However, none of the conditions controlled the size or number of shops.

In respect of new residential developments Planning Policy Statement 7 Quality Residential Environments policy AD1 criterion (d) requires that "adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development". PPS 7 paragraphs 4.17 to 4.20 elaborates on the provision. Such services can increase vitality, provide a sense of community and enhance the social and economic sustainability of the development. It states that, "Local neighbourhood facilities include social and community uses such as schools, crèches, surgeries, local shops and play facilities".

The Reserved Matters application before members provides the details of six local shops that combined would typically be classed as a "Local Centre" to serve the new community. The Local Centre is proposed to be located in the heart of this large residential development and has already been granted permission in principle given it was specifically mentioned in the application description granted under the outline permission. The applicant further states that it was a policy requirement in order to gain permission for the scale of new housing to be provided.

As an integral part of the Concept Master Plan the detailed design of the development has located the new Local Centre southeast of the new Niblock Road roundabout, which is the focal point for the movement of people and traffic in the development.

The Local Centre is located south of the Niblock Road. It provides 6 shop units in two blocks (Block 1-4 and Block 5-6). It comprises about 1,287 sqm gross floor space provided in the following units:

- Unit 1 is 120 sqm gross floorspace;
- Unit 2 is 687 sqm gross floorspace (suitable for a local supermarket); and
- Units 3 to 6 are each 120 sqm gross.

The Local Centre has 119 surface level customer car parking spaces and also has dedicated cycle parking spaces. The shops have a side service yard for delivery vehicles.

The Strategic Planning Policy Statement (SPPS) was published in September 2015. It provides the policy for assessing retail proposals. SPPS para 6.269 states that the SPPS seeks to 'encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand'. The SPPS aims to

'support and sustain vibrant town centres across Northern Ireland, through promotion of established town centres as the appropriate first choice location of retailing and other complementary functions'.

The strategic objectives of the SPPS seeks to secure a town centre first approach for the location of future retailing and other main town centre uses. Footnote 58 advises that other main town centre uses includes cultural and community facilities, retail, leisure, entertainment and businesses.

SPPS paragraph 6.276 states "Planning authorities should retain and consolidate existing district and local centres as a focus for local everyday shopping and ensure their role is complementary to the role and function of the town centre". The SPPS does not define what size a Local Centre would be, the key test is that it should provide local shopping and be complementary to the town centre.

The SPPS para 6.280 sets out the nature of the sequential test that will be applied to main town centre use proposals that are not in an existing centre and are not in accordance with an up to-date LDP. SPPS para 6.281 sets out the sequence for considering alternative locations. The proposal is a Reserved Matters application for a group of Local Shops as part of a large housing development. While the proposed shops are technically a 'town centre use' the applicant indicates that proposal does not need to satisfy the sequential test as it is required to meet the needs of the new residential development and must be integral to that development and suitably located to serve the new residential population.

SPPS para 6.282 advises that in the absence of a current and up-to-date LDP, Councils should require applicants to prepare an assessment of need which is proportionate to support their application. The applicant indicates that the need for this proposal is a policy driven need, where PPS 7 makes it a very clear requirement that adequate provision is made for local neighbourhood facilities as an integral part of the development. Indeed, the SPPS paragraph 6.137 bullet 2 page 70 notes that "Local facilities, services and adequate infrastructure should be integrated into new housing development to meet the needs of the community".

The applicant further indicates that as the proposal has been granted permission, there is no requirement to assess further its impact, provided it is clearly designed to meet local needs. All shops are small and only suitable to provide local shopping opportunities. As such despite being over 1,000 sqm gross total floorspace, there is no requirement to assess the retail impact of the proposed Local Centre.

Creating Places is guidance, which helps to inform the design of housing development and achieving a quality residential environment. Section 6 of Creating Places deals with local neighbourhood facilities and recognises that local neighbourhood facilities help to increase vitality, provides a sense of community and enhances its social and economic sustainability.

It requires local facilities to meet the demands of the local community; reduce their need to travel; increase intensity of activity and provide visual diversity and distinct spaces. The guidance advises discussion at an early stage with local providers and lists local shops such as a chemist, newsagents, grocery shop and sub post office as possible uses. The applicant has been in discussion with a large Northern Ireland

retailer and the size of the main supermarket reflects the size of shop that is required for a development of this size. The development will be attractive to other local service providers and there is likely to be keen interest from pharmacy, off licence and other local shop providers.

The applicant further indicates that in being consistent with Creating Places, the location of the Local Centre has been selected so that any passing traffic from outside the area will be able to use it. This will improve the viability of the Local Centre. The proximity of the Local Centre to the main roads of the development and its accessibility by cycle and walking makes it well located. The position of the Local Centre at the main roundabout on Niblock Road gives it a landmark presence. As required by Creating Places the Local Centre is designed as a single storey development which respects the low level housing development that will be built in the area.

The applicant recognises that the development could introduce uses that have potential to conflict with residential use, and the layout and design of the Local Centre and nearest housing has paid regard to the need to avoid any nuisance being caused. The location of the service yard has been kept to the side of Unit 1 and the buildings will screen the housing to the south at Units 366 to 372 from any noise or disturbance. A 10m landscape buffer is proposed to the rear of the shops keeping the shops away from the rear gardens of the nearest dwellings.

Compliance with Retail Policy

The principle of providing local shops in this development has been established by the outline planning permission. The approved Concept Master Plan (page 5) sets out the area where retail will be provided. The applicant is required by Condition 4 of the outline planning permission to provide a detailed layout that is in general conformity with the Concept Master Plan. The applicant has maintained the retail development in the location that is required under the Concept Master Plan.

The applicant indicates that the nature of the retail being proposed is of a local nature. It is the provision of 5 small shop units of 120sqm gross and supported by a single modest sized supermarket of 687sqm gross. The size and nature of these small shops are designed to attract small local businesses to provide local day to day facilities for the immediate community and the wider community that pass the site.

The applicant states that the proposal does not compete with any shops in Antrim Town Centre and acknowledges that Antrim is a strong town centre, which is anchored by a large covered shopping mall and has a large Tesco food superstore on its edge. The supermarket at Niblock Road would not cater for shoppers carrying out a weekly food shop. It is intended for local residents to use it for top up day to day convenience shopping.

The applicant further indicates that the need for the proposal has already been established. It is initially a policy driven need that is required by PPS 7, the SPPS and Creating Places. However, in the specific design of the development the size and layout of the retail shops has been dictated by the applicant's discussions with the likely end user of the supermarket. There is a clear need recognised by the market that the format of a supermarket with adjacent shop units is a model that is needed

for this development, and indeed is a model that has been successful in other large residential developments across Northern Ireland.

Having regard to the comments provided by the applicant, it is considered that the proposed Local Centre is acceptable in principle and supported by the planning history of the site. While the size and location of the individual shop units are such that it is unlikely to have a significant effect on the vitality or viability of Antrim Town Centre or other surrounding centres particularly having regard to the scale of the residential development proposed.

Density

Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity of the second addendum to PPS7 deals with the issue of density within residential areas. It states that the proposed density should not be significantly higher than that found in the established residential area. Given the edge of settlement location and the variety of densities adjoining the application site the proposal includes a mix of densities, with higher density character areas promoted to the south of the site, reducing to medium density development along the northern side of the Niblock Road.

The southern lands abut higher density social housing areas so higher forms of housing types are indicated in this area. These areas include townhouses and small semi-detached houses with some small-scale apartment buildings at significant points such as ends of vistas or at corner situations where double-sided elevations are appropriate. This is an average density of 29 per hectare.

The most northerly lands are identified for the larger detached and semi-detached house types, reflecting the higher value seen in this area of the site. This area has an average density of 12 per hectare.

The largest portion of land to the north of Niblock Road is shown as medium density, medium-sized detached and semi-detached house types. An average density of 18 per hectare is proposed in this area. At a number of key nodes within the site, there are a number of larger apartment buildings to provide focal buildings of interest. Some at the end of a long vista, others addressing areas of open space and 'Gateway' buildings at each end of the Niblock Road.

Given the layout and density of neighbouring residential development, it is considered that the density of the proposed development will not result in an adverse impact on the character of this area.

Public and Private Open Space

Public Amenity

The concept masterplan proposes a comprehensive residential development having regard to the constraints of the site. The applicant has provided 4.2ha of open space in seven parcels of land across the development site; five parcels of multi-functional open spaces are contained within the northern section of the site, which include the wildlife corridor/river walk, open space and a play area. The main area of public open space within the northern section of the development contains an equipped play park and a series of pedestrian links, which connect this public space to the surrounding residential dwellings and to the development south of the Niblock Road.

An additional area of open space is also provided adjacent to the western boundary of the application site and again has a series of landscaped pedestrian walkways, which provide permeability to the surrounding residential dwellings.

On the southern side of the Niblock Road, two parcels of public open space have been provided which assist in connecting the residential dwellings to the Local Centre while also acting as a buffer to the existing residential dwellings located at Arran Street. This assists in softening the impact of the higher density area. PPS 8 Policy OS 2, indicates that a normal expectation of at least 15% public open space should be provided for residential developments of over 300 units. In this case the applicant has provided 4.2ha (15.67%) which is in excess of the 3.9ha that would be required to fulfil the policy requirements. Given the location of the site it also benefits from being within walking distance of The Junction retail and leisure destination while there are a number of sporting and open spaces with 1km of the application site.

The main sports pitches are located within 0.2km of the proposed development. These areas of open space are associated with Dunsilly GAA Centre of Participation located to the northwest of the proposed site. There are also minor open areas of recreation space close to residential areas within 0.2km.

Private Amenity Space

Criterion (c) of Policy QD1 (PPS7) requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided in 'Creating Places: Achieving Quality in Residential Developments'. It 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 40sqm for any individual house.

In this case all of the proposed dwellings have in excess of 40sqm minimum requirement with a high percentage in excess of 70sqm. It is considered that adequate provision has been made for private rear garden space within the individual dwellings. For apartment developments of 1&2 bedrooms Creating Places indicates that communal space can be provided ranging from 10-30sqm. It is considered that this requirement has been met.

Overall, it is considered that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees have been provided along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area.

Neighbour Amenity and Impact on Adjacent Land Uses.

The proposed scheme has been designed to ensure there will be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The layout of the proposed dwellings has been designed and arranged to ensure all properties will have in excess of the minimum rear garden depth of 10 metres while the apartments have in excess of the 20m separation distance required from first floor opposing windows to the adjacent properties. It is considered that the separation distances proposed ensure that the proposed development will not have an adverse impact on the adjacent properties

by way of dominance, overshadowing, loss of light or overlooking of either existing or proposed properties.

The proposed development abuts existing residents at five locations:

- Niblock Oaks/Niblock Grove,
- Orkney Street,
- Tiree/Arran Street,
- Durnish/Mull Road
- No.14 Niblock Road.

The proposed dwellings adjacent to the eastern boundary of the application site abut Niblock Oaks and Grove and have back garden depths of 12m+. This is considered to be an acceptable separation distance to prevent a significant adverse impact on the amenity of the existing residential properties. The impact is further mitigated with the retention of a series of mature trees along the boundary with the existing residential properties.

On the southern side of Niblock Grove, the applicant proposes two apartment blocks (HT A1 & A10). The A1 apartment block is two storey and is on the opposite side of the Niblock Road and separated from No.6 Niblock Grove by 27m. This is considered to be an acceptable separation distance to avoid a significant adverse effect from occurring at first floor level from the apartment block, and it is not anticipated to have any significant impact from ground level. The A10 apartment block is again two storey, however, it is gable ended to the Niblock Road and some 28m back from No.1 Niblock Grove which also has a rear garage and a number of sheds which assist in protecting their amenity space. It is considered that the three windows at first floor level will not have a significant impact on this property.

In addition, at first floor level the windows proposed are primarily bedrooms and bathrooms and ensuites, which are frosted and unlikely to result in overlooking of adjacent properties. Where dwellings are positioned with their gables orientated towards existing residents this tends to be for stairwell windows or ensuites and are unlikely to result in a significant degree of overlooking that would result in a detrimental impact on the amenity of the adjacent properties.

It is considered the dwellings at Shetland Street and Orkney Street will not be significantly impacted by the proposed development. The proposed dwellings are largely gable ended to the existing dwellings with no high occupancy rooms overlooking private gardens. The proposed dwellings are separated from the existing dwellings by the Orkney Street internal estate road and have a separation distance in excess of 20m which is considered acceptable in this instance. The applicant proposes two apartment blocks A1 and A10 adjacent to the Niblock Road/Springfarm Road. These buildings are approximately 30m from existing dwellings and therefore unlikely to result in a significant impact by way of overlooking loss of light or dominance.

The existing dwellings located at Arran Street and Tiree Street on their northwestern side are gable ended onto the rear of proposed dwellings and internal parking bays associated with the proposed apartment blocks. It is considered the proposed development will not have a significant impact on the amenity of the adjacent properties. There is a sufficient separation distances (13-22m) while the

interrelationship of the proposed dwellings and apartments ensures that there will be no significant overlooking or loss of light on the existing properties.

On the western side of the existing dwellings located at No's 14-24 Arran Street, the applicant proposes an area of public open space while there are a number of mature trees along the rear boundaries of these properties, which are to be retained. The provision of the public open space and the retention of the existing vegetation is unlikely to result in significant amenity concerns for these residents.

The existing residents located at No.'s 40-49 Durnish Road and those at Jara Street and Mull Road are unlikely to be significantly impacted by this proposal. These dwellings back onto a proposed internal estate road with the proposed dwellings located 25m west of the rear of the existing properties while the apartment blocks proposed are located 20m west of the existing dwellings.

No. 14 Niblock Road is located on the northwestern side of the application site and is surrounded on two sides by proposed detached and semi-detached dwellings. The proposed dwellings have rear garden depths of 15m while the proposed dwellings are in excess of 30m from this property. Given the separation distances involved there is unlikely to be any significant loss of amenity for this dwelling given the urban context in which it exists.

Overall it is considered that the proposed development will not have an adverse impact on the amenity of existing properties in this area while appropriate separation distances have been observed throughout to ensure the proposed dwelling's will not have a detrimental impact on the amenity of the proposed occupants.

Parking and Road Safety

Criterion (f) of Policy QD 1 (PPS7) requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total numbers of parking spaces to be provided for residents, visitors and other callers. The layout of the proposal makes provision for in-curtilage parking for the private residential dwellings (generally two spaces per dwelling), while communal parking has been provided for the apartment blocks and local centre units. It is considered that adequate and appropriate provision is made for parking within the development.

Road safety and congestion has been raised by third parties as an area of concern with the introduction of a development of this size and scale to this area. The applicant has provided a Traffic Assessment considering the effects of the additional travel demand created from the proposed development on lands adjacent to Niblock Road in Antrim Town. This Traffic Assessment concludes that the existing transport network together with Niblock Road improvements is sufficient to accommodate the additional travel demand generated by the proposed residential units.

DfI Roads has indicated no objection to the proposal in terms of parking or road safety matters with this proposal. The proposal accords with the provisions of the outline masterplan. Had there been significant concerns with the development of this site with regards to congestion and road safety the fundamental principle of development would have considered this at outline planning stage. As this application is for Reserved Matters and as the statutory consultee has indicated no

objections to the proposal, it is considered that while this area may experience an increase in traffic generation and subsequent queuing at junctions, the impact is not considered to be so significant as to merit the refusal of planning permission.

Movement Pattern

Criterion (e) of Policy QD 1 of PPS 7 requires a movement pattern to be provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures.

Footpaths have been provided throughout the development to ensure there is sufficient permeability within and around the application site, these further and assist in linking this development to the wider road network and public transport services available within Antrim Town.

A series of public open spaces, amenity areas and a river walkway have been provided as an integral part of the proposed development. Each of these public open spaces is readily accessible to those in and around the surrounding environs and further afield. The main area of open space is located centrally on the northern side of the Niblock Road and has a series of paths alongside an equipped play area. There are no known issues with public rights of way.

Traffic calming measures have been included in the design of the development with the provision of speed control bends and flat top humps/ speed cushions and raised tables in accordance with the Creating Places design guide provided for the internal estate roads while the main Niblock Road improvements have been designed to the appropriate (DMRB) standards.

Overall, it is considered that a movement pattern has been provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates appropriate traffic calming measures.

Crime and Personal Safety

Criterion (i) of Policy QD 1 (PPS7) requires that residential development proposals are designed to deter crime and promote personal safety.

Consideration has been given to the site layout to ensure that there are no isolated areas of communal open space which are not overlooked and that could give rise to anti-social behaviour. The dwellings have been arranged to overlook the areas of open space within the site to allow passive surveillance for the safety and security of those using the areas. The communal areas will be appropriately and adequately lit by street light at night. It is considered that the development is designed to deter crime and promote personal safety.

Overall, it is considered that the proposed development has been designed to deter crime and personal safety with windows on gable elevations allowing for passive surveillance of the public open space.

Local Neighbourhood Facilities

Criterion (d) of Policy QD1 (PPS7) requires adequate provision for necessary local neighbourhood facilities is provided as an integral part of this development. In this

instance, the applicant proposes to provide what will essentially be a small local centre on the southern side of the Niblock Road adjacent to the main road network. The Niblock Road is to be upgraded to an appropriate standard to ensure that it can handle much higher volumes of traffic and assists in making the Local Centre accessible to the wider development and surrounding area. The proposed local centre is positioned centrally within the overall development site adjacent to the new roundabout and will enjoy a highly visible and accessible location when travelling along the enhanced Niblock Road. The location also assists in managing the traffic movements within this area.

Policy OS 2 of PPS 8 states that for residential developments over 100 units an equipped children's play area will be required. This is to be provided on the northern side of the Niblock Road within the main area of open space.

It is considered that adequate provision is made for necessary local neighbourhood facilities, in accordance with the approved master plan.

Archaeology and Built Heritage

Built Heritage

In relation to the impact on listed buildings, Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and policy BH 11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage are the applicable policy context.

Historic Environment Division, Historic Buildings (HED: HB) indicated, on the basis of the information provided, the application site was sufficiently removed from the B1 listed buildings at Holywell Hospital and would have no impact on the buildings particularly as there is housing between the listed building and the application site.

Having reviewed the HED: HB response and in light of the prevailing planning policy, it is considered that given the distance to the listed buildings, the intervening land uses, vegetation cover and scale of the buildings proposed there will be no significant impact on historic buildings or their settings as a result of this proposal.

Archaeology

Policy BH 4 of PPS 6 is entitled 'Archaeological Mitigation'. It states that where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the Council will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences.

DfC Historic Environment Division (Historic Monuments) has reviewed Chapter 8 in the Environmental Statement, and concurs with its conclusion that there are no known cultural heritage assets within the red line boundary of the application site. The report does acknowledge that it is possible that previously unknown assets, for which there are now no surface expressions could exist sub-surface within the development area. It was assessed that should such assets exist then these could be negatively impacted upon through development and a mitigation strategy has been proposed.

DfC Historic Environment Division (Historic Monuments) is content that the proposal satisfies 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. The suggested conditions in this instance are not required as archaeology conditions have been imposed by the outline planning permission which will ensure that there is no significant impact on subsurface archaeology. It is therefore considered that there are no significant archaeological concerns with this proposal subject to the conditions stated in the outline planning permission.

Natural Heritage

An Environmental Statement and associated addendums have been submitted in support of this application. These documents concluded that there was no significant impact on Designated Sites, Protected Species (bats, badgers, newts, otters, birds) or their Habitats subject to mitigation measures including protection of trees, provision of appropriate lighting, additional compensatory planting, provision of a Construction Environmental Management Plan (CEMP) and appropriate buffers to all water courses during the construction period are provided. DAERA, Natural Environment Division (NED) has considered the impacts of the proposal on Designated Sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.

With regard to Designated Sites, the application site is hydrologically connected to Lough Neagh and Lough Beg SPA/Ramsar and Lough Neagh ASSI (hereafter referred to as the designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002. Both DAERA NED and Shared Environmental Service (SES) have considered the impacts of the proposal on the designated sites and advises that it has no objection subject to conditions.

SES advise that this planning application has been considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) on behalf of the Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having considered the nature, scale, timing, duration and location of the project SES concluded that, provided the mitigation measures conditioned below (relating to the provision of a CEMP and no dwelling being occupied until such time as a foul mains connection has been provided by NI Water) form part of any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

Overall, it is therefore considered that the development proposal will have no significant detrimental impact on natural heritage interests subject to conditions and therefore the proposal complies with the policy provisions of PPS 2.

Flood Risk

The main policy objectives of the Revised PPS 15 include to seek to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere; to ensure that the most up to date information on flood risk is taken into account when determining planning applications; to adopt a precautionary approach to the determination of development proposals in those areas susceptible to flooding where there is a lack of precise information on present day flood risk or future uncertainties associated with flood estimation, climate change predictions and scientific evidence; to seek to protect development that is permitted within flood risk areas by ensuring that adequate and appropriate measures are employed to mitigate and manage the flood risks to the development and elsewhere.

With regard to flood risk associated with this development the applicant has provided a Water Report and a number of appendices within the Environmental Statement including technical note and additional calculations in support of their application. DfI Rivers has been consulted with regard to this document and indicated no objection to the proposal.

The site is bounded at the north and northeast by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973, and known to DfI Rivers as 'Hollywell Burn'.

Policy FLD1 – 'Development in Fluvial and coastal Flood Plains'.

DfI Rivers Flood Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial nor Q100 Climate Change Floodplain. DfI Rivers advise that they would have no specific reason to object to the proposed development under this sub-policy FLD 1. In light of DfI Rivers response it is considered that there is no significant flood risk associated with this development.

Policy FLD2 – 'Protection of Flood Defence and Drainage Infrastructure'.

The proposed layout drawings indicate the required maintenance strips along both watercourses. As such, the requirements of Policy FLD 2 is satisfied.

Policy FLD3 – 'Development and Surface Water'.

DfI Rivers Local Area Office has issued Schedule 6 Consent to discharge the greenfield runoff of a total maximum of 107 l/s at: Outfall location 1, 65 l/s at outfall location 2 and 86 l/s at outfall location 3 to the Hollywell Burn watercourse as detailed in Sheet No. 60563598-SHT-10-CT-0501.

The proposal is to attenuate surface water within oversized pipes and manholes in the overall development and limit/restrict the discharge to green field rate. Drainage design is to comply with NI Sewers for Adaption standards. Exceedance flow routes for an event great than a 1:30 year storm event have been identified and will be retained on site.

DfI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions.

Policy FLD4 - Artificial Modification of watercourses.

Not applicable to this site.

Policy FLD5 - Development in Proximity to Reservoirs.

It remains the case that currently it has not been demonstrated to DfI Rivers that the condition, management and maintenance regime of Upper Potterswall impoundment is appropriate to provide sufficient assurance regarding reservoir safety so as to enable a portion of the development to proceed, as required under Policy FLD 5.

DfI Rivers advise that Upper Potterswall Reservoir is owned and managed by the Northern Health and Social Care Trust. The Trust intend to discontinue this reservoir and they have advised that they have been unable to commence works as planned during March / April and would therefore not now be able to discontinue it this year.

DfI Rivers has also carried out an assessment of flood risk to people at this site (based on the Defra / Environment Agency's "Hazard to People Classification using Hazard Rating") for an uncontrolled release of water emanating from Upper Potterswall impoundment should it occur.

As a result of this analysis, the overall hazard rating for a portion of the site along the eastern boundary is considered high. This is therefore considered by DfI Rivers to be an unacceptable combination of depth and velocity for particular areas of the development proposal.

DfI Rivers has indicated that it has been established using Master Site Layout, that Site Numbers 24 – 27 including sites 33 and 34 are in locations considered to be an unacceptable combination of depth and velocity. DfI Rivers has provided the above assessment of flood risk to people as a material consideration for the Council in its decision making process. It is noted that Doc 10 (Technical Note by Aecom Consultants dated 13/1/2021, stamped received 2/2/2021), recommends a negative condition be applied to these particular dwellings. DfI Rivers advises that this is not a matter for them but for the Council to adjudicate upon. Having regard to the outline master plan and approved design concept it is considered that the use of a negative condition is appropriate in this instance to ensure that no development on the identified sites commences until it has been demonstrated that there will be no significant flood risk from Upper Potterswell Dam.

Overall the proposed development has no significant impact on the efficiency of the floodplain. The proposed re-profiling works are minor in nature and have no material impact on pre-existing flood levels. The proposed development has no adverse impact on flood levels or the floodplain which extends beyond the application site boundary.

Impact on Trees

Two blanket Tree Preservation Orders have been placed on the application site under TPO Reference TPO/2013/0002 and TPO/2005/0033. It is accepted that there will be some loss of TPO trees and vegetation within the application site following the grant of outline planning permission by the Planning Appeals Commission.

The applicant has indicated within their Environmental Statement and associated addendums that they wish to retain as much of the natural major landscape features as practical, believing that their retention will add greatly to the completed scheme. An arboriculturist surveyed the trees and compiled a report. The applicant advises

that this has been used to identify the best features which then was used to determine the best way to develop the site.

The major improvements required to the Niblock Road means that the trees and hedgerow on the southern side of the road have to be removed and this is unavoidable. The applicant indicates that substantial replacement landscaping will be provided to recreate this appearance on completion of the road scheme. Furthermore, the applicant indicates that the southern side of the road was identified to minimise the associated ecological impact due to the higher levels of functional ecological connectivity and wildlife activity within the northern section of the site. Otherwise, the proposed layout has been developed to incorporate the trees which have been recommended for removal by the arboriculturalist and minimise the level of 'elective' tree and hedgerow loss. Where possible, sections of hedgerow which are important for the maintenance of a reasonable level of functional ecological connectivity within the site and within the local landscape, and particularly in the northern section, have been retained. It is indicated that total losses will be realised gradually, as the site is developed in phases over the course of probably 10-15 years and, as noted, the landscape design respects the floodplain of the Holywell Burn and incorporates a 0.01km buffer of retained and enhanced riparian woodland along the river corridor.

In order to mitigate the impact of the proposed development on protected trees the applicant has proposed a number of measures to assist in offsetting significant effects from this development. These include:

- Proposed planting will help integrate the proposed development into the surrounding landscape, provide screening where needed, reflect vegetation patterns of local habitats, and minimise the effect on the landscape character of the area;
- Provision of sufficient protection for trees to be retained in areas close to construction works (as described in BS 5837:2012);
- Any lighting used should be kept to a minimum, providing for site safety only and shall be directed into the site and away from adjacent residential properties. Lighting shall be shielded to avoid light spill onto adjacent properties and roads;
- Planting of a 5m wide strip of native woodland screening mix adjacent to boundary of No.14 Niblock Road property,
- The row of existing mature trees along the northeastern site boundary adjacent to Niblock Grove and Niblock Oaks properties is to be retained and protected during construction works in accordance with BS 5837:2012.
- Existing boundary planting to be strengthened by additional native woodland planting where necessary; and
- Planting along the site boundary perpendicular to Arran Street and Tiree Street to be strengthened by introduction of semi mature tree planting, 20-25cm girth, min. 2m high clear stem, planted at 7.5m centres.

Having reviewed the information provided there are no fundamental objections to the approach adopted by the applicant and suggested conditions are proposed should planning permission be granted. However, some concerns have been raised with regards to the ability to retain TPO trees (No. 334-342) to the east of the entrance to phase 1A stretching toward Niblock Oaks. The submitted plans indicate encroachment of the proposed footpath into the existing soil verge where the majority of roots will be located. The applicant has indicated that it is their intention

to try and retain these trees even if strict adherence to the appropriate standards cannot be met in this instance. The rationale for not being able to meet full standards with regard to these trees relates to the need to tie in the proposed footpath with the existing footpath at Niblock Oaks. There is some concern that the trees are in danger during construction and therefore a construction method statement should be provided by the applicant illustrating how the trees can be retained.

It is considered that while 9 trees may be at risk due to the encroachment of the footpaths along the northern side of the Niblock Road. However, when taken in isolation is not considered to be so significant as to merit the refusal of planning permission given the public safety requirement for a footpath to be provided. In addition, as the applicant indicates a desire to try and retain these trees it is considered appropriate to give the trees the opportunity to be retained rather than be removed at this stage.

As the trees are protected by TPO a Construction Method Statement is recommended to be provided via condition for the applicant to demonstrate how the trees can be retained. Should it be found that the trees cannot be retained the applicant may have to apply to vary conditions and/or apply to the Council for the removal of these trees, in which case further compensatory planting may be required to offset the loss of these trees.

Overall and on balance it is considered that there is unlikely to be a significant effect on TPO trees or the visual amenity that they provide as a result of this scheme.

Impact on the Railway Line

Translink has been consulted on this application with regard to any potential impact on the NI rail network. Translink has indicated that they have no objection in principle to the Reserved Matters application subject to a series of conditions being met in the interest of public safety at the Niblock Road Level Crossing due to the forecasted increase in risk as a result of this proposed development. The conditions suggested by Translink are largely civil matters between the parties involved and relate to safety and traffic management matters during the construction stage and do not meet the tests for conditions, however, an informative is recommended to be placed on any future decision notice alerting the applicant to issues raised by Translink.

Economics

The applicant has indicated that this scheme will create 70. No construction jobs, and between 80-100 post construction retail/service jobs. The proposed development represents a capital investment in the region of £100million.

CONCLUSION

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

- The principle of the development is considered acceptable;
 - The design, layout and appearance and density is considered acceptable;
 - There are no significant neighbour amenity concerns;
 - There are no parking, road, or personal safety concerns with this proposal;
 - There is no significant flood risk associated with this development;
 - There are no archaeological, natural or built heritage concerns with the proposal;
- and

- There is no significant impact on TPO Trees.

RECOMMENDATION	GRANT PLANNING PERMISSION
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PROPOSED CONDITIONS

1. The development to which this approval relates must be begun by whichever is the later of the following dates: -
 - I. before expiration of a period of 7 years from the grant of outline planning permission; or
 - II. The expiration of a period of 2 years from the date hereof.

Reason: Time limit as required Outline Planning permission reference T/2012/0320/O.

2. All glazing, including frames to dwelling windows within plot numbers 433 & 508-511 to the development shall be capable of achieving a sound reduction of at least 35 dB Rw when measured from outdoor to indoors.

Reason: To ensure a suitable internal noise environment is achieved.

3. Passive and mechanical ventilation, in addition to that provided by open windows, shall be provided to dwelling rooms within plot numbers 433 & 508-511 to the development and shall be capable of achieving a sound reduction of at least 35 dB Rw when measured from outdoor to indoors.

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

4. All glazing, including frames to dwelling windows within the development (with the exception of plot no.'s 433 & 508-511) shall be capable of achieving a sound reduction of at least 33 dB Rw when measured from outdoor to indoors.

Reason: To ensure a suitable internal noise environment is achieved.

5. Passive and mechanical ventilation, in addition to that provided by open windows, shall be provided to dwelling rooms within the development (with the exception of plot numbers 433 & 508-511) and shall be capable of achieving a sound reduction of at least 33 dB Rw when measured from outdoor to indoors.

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

6. Dwellings identified within Plates 2 & 3 of Section 3.2.1.2 to 2nd Environmental Statement Addendum, date received 2nd September 2020 shall not be occupied until the vibration isolation measures to these dwellings as detailed within Plate 1 of Section 3.2.1.2 have been fully implemented and verified to the satisfaction of the Council.

Reason: To protect future occupants from adverse effects of passing train vibration

7. The appointed contractor must submit a final Construction Environmental Management Plan (CEMP) for each phase of the development hereby approved to the Council, for consultation and agreement with DAERA, prior to the commencement of any works. The CEMP must reflect and detail all the pollution prevention, mitigation and avoidance measures to be employed, as detailed within the Environmental Statement and include the detailed drainage design. If any in river works are required for outfalls the CEMP must include method statements to demonstrate pollution prevention measures. The approved CEMP shall be implemented strictly in accordance with the approved details, unless otherwise agreed in writing by the Council.

Reason: To ensure that the appointed contractor is cognisant of all mitigation and avoidance measures required to ensuring that there is no adverse effect on site integrity of Lough Neagh and Lough Beg Ramsar/SPA.

8. No building hereby approved shall be occupied 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.

Reason: To ensure no adverse effects on the site integrity of Lough Neagh and Lough Beg Ramsar/SPA and to ensure adequate waste water treatment capacity is available to serve this development.

9. If during the development works, new contamination and risks to the water environment are encountered which has 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/land-contamination-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 to its satisfaction.

Reason: Protection of human health and other environmental receptors to ensure the site is suitable for use.

10. After completing any remediation works required, and prior to occupation of the development, a verification report shall be submitted in writing and agreed with the Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

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

Reason: Protection of human health and other environmental receptors to ensure the site is suitable for use.

11. The vehicular access, including visibility splays and any forward sight distance, for each phase of the development shall be provided in accordance with drawing

numbers. 05/3, 06/3, 07/3, 08/2, 09/2 & 10/2 bearing the date stamp 27 AUG 2021 and drawing numbers D232, D233 & D234 bearing the date stamp 12 MAY 2022 prior to the commencement of any other development hereby permitted within that phase. 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.

12. 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 numbers. 05/3, 06/3, 07/3, 08/2, 09/2 & 10/2 bearing the date stamp 27 AUG 2021 and drawing numbers D232, D233 & D234 bearing the date stamp 12 MAY 2022.

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

13. The development hereby permitted shall be not occupied until the works necessary for the improvement of a public road in the relevant phase have been completed in accordance with the details outlined blue on Drawing Numbers 06/3, 07/3, 08/2, 09/2 & 10/2 bearing the date stamp 27 AUG 2021 and drawing numbers D232, D233 & D234 bearing the date stamp 12 MAY 2022.

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

14. The development shall be carried out in accordance with the stamped approved drawing numbers: D218, D219 & D220 bearing the date stamp 04 MAR 2021 and drawing numbers E211, E212 & E213 bearing the date stamp 16 JUN 2021 and drawing numbers 05/3, 06/3, 07/3, 08/2, 09/2 & 10/2 bearing the date stamp 27 AUG 2021 and drawing numbers D232, D233 & D234 bearing the date stamp 12 MAY 2022

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

15. A detailed programme of works and any required / associated traffic management proposals for each phase/sub-phase of the development hereby approved shall be submitted to and agreed by the Council, prior to the commencement of any element of road works within that phase/sub-phase.

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

16. 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

17. No development activity, works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone(s) (as shown on Drawing number C210 (ecological mitigation), date stamped 7 November 2019) without the consent of the Council unless an appropriate Wildlife Licence has been obtained from DAERA. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect Badgers and their setts

18. No development activity, including ground preparation or vegetation clearance, shall take place until protection zones within the red line boundary, clearly marked with posts joined with hazard warning tape, has been provided around each otter (*Lutra lutra*) couch at a radius of 30 metres (as shown on Drawing number C210, date stamped 7 November 2019). No works, clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone(s), except under the terms of an appropriate Wildlife Licence from the Northern Ireland Environment Agency. The protection zones shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect otters and their holts.

19. No development activity, including ground preparation or vegetation clearance, shall take place until a competent ecologist has been appointed as an Ecological Clerk of Works (ECoW) and the details, roles and responsibilities of the ECoW submitted to, and agreed in writing by, the Council.

Reason: To ensure effective implementation of the Biodiversity Mitigation Plan and carry out any necessary updated surveys or pre-checks.

20. Bat mitigation measures for each phase of development shall be implemented as outlined in Appendix 4C Bat Roost Report section 3 prior to commencement of each phase as identified on Drawing No. C03 date stamped 06/06/2021.

Reason: To mitigate for impacts on bats using the site.

21. There shall be no external lighting on the site until a Lighting Plan has been submitted to and approved in writing by the Council. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council. The Plan shall include the following:
- Specifications of lighting to be used across the site, including model of luminaires, location and height;
 - All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.
 - A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site;

- Wildlife corridors and retained hedgerows to be kept free from any artificial lighting.

Reason: To minimise the impact of the proposal on bats and other wildlife.

22. A 10m buffer zone to the Holywell Burn within which all vegetation shall be retained, shall be permanently retained as per drawing D04 date stamped 16/06/2021 by the Council.

Reason: To protect the biodiversity value of Holywell Burn.

23. No development activity, including vegetation clearance, infilling, disturbance by machinery, dumping or storage of materials, shall take place within 10 metres of the Holywell Burn.

Reason: To minimise the impact of the development on the biodiversity value of Holywell Burn.

24. The existing natural screenings of this site as indicated on the drawing No's D04, D07, D08, D09, D10, D11, D12D13, D14 date stamped 16/06/2021 shall be retained. Any tree which requires lopping, topping or crown reduction shall require prior written consent of the Council.

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 maintenance of screening to the site and to ensure the continuity of the biodiversity value afforded by existing trees.

25. No retained tree as indicated on Drawing No's D04, D07, D08, D09, D10D11, D12, D13, D14 date stamped 16/06/2021 shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the prior written consent of the Council.

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

26. A protective barrier no less than 2m in height comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts and securely supported weldmesh panels (as illustrated in Figs 2 & 3 of BS5837:2012) shall be erected at least the distance from protected trees as identified on Drawing No. Drawing No's D04, D07, D08, D09, D10D11, D12, D13, and D14 date stamped 16/06/2021 prior to commencement of that phase or sub phase as identified on site phasing plan Drawing No. C03 date stamped 06/06/2021 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.

27. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no operational development other than that expressly authorised by this permission shall commence within the Area of Tree Protection Zone as identified on Drawing No's D04, D07, D08, D09, D10D11, D12, D13, D14 date stamped 16/06/2021 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.

28. Any works including boundary treatments to be undertaken within the area of tree protection zone as identified on Drawing No's D04, D07, D08, D09, D10D11, D12, D13, D14 date stamped 16/06/2021 shall be erected by hand digging only. Recommendations contained within paragraph 7.5.5 of BS5837:2012 (Trees in relation to design, demolition and construction – Recommendations) shall be adhered to.

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

29. For each phase/sub-phase (as identified on Drawing No. C03 date stamped 06/06/2021) of the development hereby approved, a Construction Method Statement shall be submitted and approved by the Council in writing prior to any works within the area of root protection zone of any protected and retained trees. The Construction Method Statement shall show how the existing trees along the northern section of the road will be protected during the construction of the approved road and shall be adhered to during construction.

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

30. The proposed landscaping indicated on Drawing No's D04, D07, D08, D09, D10D11, D12, D13, D14 date stamped 16/06/2021 shall be carried out within the first planting season after the commencement of the relevant phase/sub-phase (as identified on Drawing No. C03 date stamped 06/06/2021) of development hereby approved and shall be retained in thereafter at a minimum height of 2 metres for hedging and 6 metres for trees unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

31. No development/works shall take place on sites No.24-27 inclusive and Sites No. 33 & 34 (as indicated on Master Site Layout Drawing No. D04 date stamped 16/06/2022) within the Upper Potterswall inundation zone until it has been demonstrated that condition, management and maintenance regime of Upper Potterswall impoundment is appropriate to provide sufficient assurance regarding reservoir safety so as to enable a portion of the development to proceed.

Reason: To ensure that the risk of reservoir flooding affecting the stated sites and neighbouring land is satisfactorily addressed.

32. The open space and amenity areas indicated on the Landscape Management Area Plan (contained within, (DOC 08 'Landscape Management Plan') date stamped 07/11/2019) shall be carried out in a phased manner in accordance with Site Phasing Plan Drawing No. C03 date Stamped 09/05/2022.

The open space and amenity areas for each phase/sub-phase of development shall be provided in full prior to the occupation the 25th dwelling within the relevant sub-phase as indicated on Drawing No. C03 date stamped 09/05/2022.

The open space and amenity areas within each phase/sub phase of the development hereby approved shall be managed and maintained in accordance with the Landscape Management Plan, (DOC 08 date stamped 07/11/2019) 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.

33. Except as otherwise agreed in writing with the Council details of the specification of the equipment within the play area shall be submitted to and agreed in writing with the Council.

The proposed equipped play area shall be completed prior to the occupation of the 100th dwelling.

Reason: To ensure the delivery of the equipped play area.

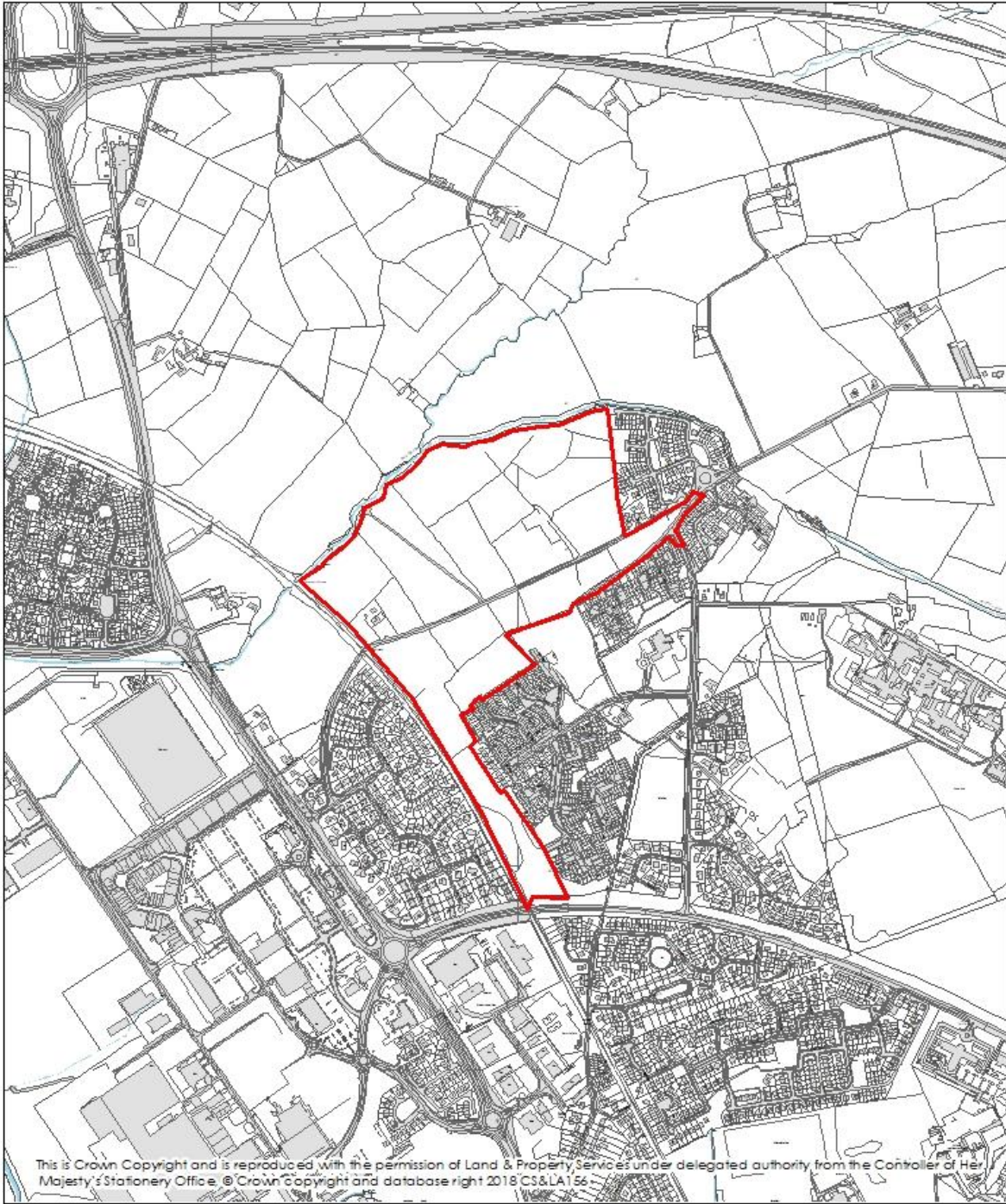
34. The gross floor space of retail units 1, 3, 4, 5 & 6, shall not exceed 120sqm. In addition, the gross floorspace of retail unit 2 shall not exceed 695sqm.

Retail Unit 1-6 hereby approved shall be used for the sale of convenience goods only.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity and ancillary uses to be carried out at the site so as not to prejudice the continued vitality and viability of existing retail centres and to ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

35. No internal operations, including the construction of mezzanine floors, shall be carried out within the building hereby approved to increase the gross floorspace available without the express grant of planning permission by the Council.

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



Site Location Plan

Application Reference: LA03/2018/0888/RM

0 70 140 280 420 560

Metres



Proposal: 525 residential units, associated site works, 6 retail units (local shops), public open space and an equipped play park

 Site boundary

Location: Lands/fields to the north east and south of 14 Niblock Road Antrim (fields bounded by rail line to west and Dunsilly/Holywell Burn to north). Land situated between Durnish Road/Mull Road and railway line east and NE of meadow Lands north of Arran Street and Tiree Street north of Orkney Street and west of Niblock Oaks



COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2021/0520/F
DEA	BALLYCLARE
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Development of 43 dwellings (34 semi-detached and 9 detached), new access from the Mill Road, landscaping with central open space and associated operational development.
SITE/LOCATION	Fronting Mill Road Doagh to the north east of the Mill Green housing development and 30m south east of 1 Carson Terrace Mill Road Doagh.
APPLICANT	Kenny Homes
AGENT	Fleming Mounstephen Planning
LAST SITE VISIT	21/10/2022
CASE OFFICER	Kieran O'Connell Tel: 028 9034 0423 Email: kieran.oconnell@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on the northern edge of the settlement limit of Doagh on lands fronting Mill Road Doagh to the northeast of the Mill Green housing development and 30m southeast of No. 1 Carson Terrace, Mill Road, Doagh.</p> <p>The application site is a large expansive agricultural field at present, the southwestern (roadside) boundary is defined by a wooden ranch style fence (1.2m) with hedging (1.5m) to the rear. The northwestern boundary in part abuts Carson Terrace which is a two storey residential terrace with a mix of finishes. The remainder of the northwestern boundary is defined by post and wire fence (1.2m). The northeastern and southeastern boundary of the application site are undefined and forms part of the larger agricultural field.</p> <p>The area to the north and east of the application site is defined by agricultural lands. Development on the western side of the application site is defined by medium to high density housing in the form of terrace rows of dwellings and apartments being the prevailing character of the area.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2004/0702/O Location: Land to East of Mill Road and South East of Mill Row, Doagh, Newtownabbey Proposal: Site for housing development. Decision: Permission Granted (14.06.2007)</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, 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 2005 (NAP): The application site is located within the settlement limit of Doagh. 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 limit of Doagh and forms part of a larger site zoned for housing (policy designation DH 04/01).

The DH 04/01 designation covers 3.48 hectares and includes 3 'Key Site Requirements':

- housing development shall be a minimum gross density of 15 dwellings per hectare and maximum of 25 dwellings per hectare;
- access shall be from Mill Road; and
- housing layout shall be designed to ensure dwellings front on to Mill Road.

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 objections subject to conditions.

Northern Ireland Water

No objections subject to conditions.

Department for Infrastructure Roads:

No objections subject to conditions.

Department for Infrastructure Rivers Agency

No objection subject to conditions.

DfC Historic Environment Division (HED)

HED (Historic Buildings)

No objections.

HED (Historic Monuments)

No objection subject to conditions.

Northern Ireland Electricity (NIE)

No objection.

DAERA Water Management Unit

No objection

DAERA Regulation Unit

No objection subject to conditions

DAERA Natural Environment Division:

No objection.

Shared Environmental Services:

No objection subject to condition

REPRESENTATION

Fifty-Eight (58) neighbouring properties were notified and three (3) letters of objection from three (3) properties were received while there is one (1) letter in support and one (1) non-committal letter provided. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Traffic congestion/inadequate road infrastructure.
- On street parking within the village causes congestion.
- Noise during construction phase.
- Maximise privacy for existing residents.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design Layout and Appearance
- Density
- Public and Private Amenity Space
- Neighbour Amenity
- Parking and Road Safety
- Crime and Personal Safety
- Flood Risk
- Archaeology
- Historic Buildings
- Natural Heritage
- Protected Sites and Habitats Regulation Assessment
- Contamination
- NI Water Infrastructure
- Economic Impacts

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 and its adoption in 2014, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published

in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in 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 settlement limit of Doagh. dBMAP identifies three key site requirements, however, there are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

Within this policy context, it is considered the principle of a housing development on this site would be acceptable subject to the development complying with the Plan's provisions for residential development and the creation of a quality residential environment as well as meeting other requirements in accordance with regional policy and guidance which are addressed in detail below.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs).

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

- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas;
- PPS 2: Natural Heritage;
- PPS 3: Parking and Movement;
- PPS 8: Open Space, Sport and Outdoor Recreation and
- PPS 15: Planning and Flood Risk.

Design, Layout and Appearance

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

Policy QD 1 of PPS7 promotes a high quality of design, layout and landscaping in all new housing developments to ensure more attractive and sustainable residential environments for present and future generations. 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 townscape. Policy QD1 states

that development which would result in unacceptable damage to the local character, environmental quality or residential amenity of established residential areas will not be permitted and requires compliance with a number of listed criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The proposal comprises 43 no. residential units consisting of 9 no. detached, 34 no. semi-detached dwellings with all dwellings being two storey in height with the exception of the dwelling on site 16 which is three storey and considered to be the landmark building within the development. The proposed dwellings are to be finished in a mix of red/yellow clay brick and an off-white silicon render. The roofs are finished with anthracite fibre cement slates. Additional features finishes to these dwellings include lead sheeting, cedar boards and self-coloured silicone render throughout the development.

A large area of public open space is proposed to the centre of the development and acts as the focal point for this development. This open space and another pocket of smaller open space adjacent to the rear of sites 41 & 43 represent circa 2,114 sqm of public open space that equates to 9.5% of the total site area.

The application site is largely devoid of vegetation cover except for the roadside boundary. Much of this vegetation will be replaced in order to create an access point to the public road. As a consequence, the applicant proposes a significant buffer of woodland screen planting on the northeastern and northwestern site boundaries. The roadside boundary is to be defined by additional planting comprising of a mix of extra heavy standard trees and hedgerows.

Overall it is considered that the proposed design and layout in terms of its general arrangement, form, materials and detailing is acceptable and 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.

Density

Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity of the second addendum to PPS7 deals with the issue of density within residential areas. It states that the proposed density should not be significantly higher than that found in the established residential area. Draft BMAP indicates within its Key Site Requirements that the density of the site should be between 15-25 dwellings per ha. The proposed development accords with the density requirement and sits at 19.28 dwellings per ha which is considered to be a low-medium density area and in keeping with the local character of the area.

Given the layout and density of neighbouring residential development, it is considered that the density of the proposed development will not result in an adverse impact on the character of this area.

Public and Private Amenity Space

Criterion (c) of Policy QD1 of PPS 7 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on

amenity space is provided in 'Creating Places: Achieving Quality in Residential Developments'. It 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 40sqm for any individual house. Creating Places further indicates that development of this nature requires an average of 70sqm.

Private amenity space is provided for residents in the form of rear gardens. It is considered that adequate provision has made for private rear garden space within the individual dwellings. Gardens range from 79sqm on site 34 to 335sqm on site 10. The average garden size within this development is in the region of 128sqm. Each of the proposed dwellings has well in excess of 40sqm minimum requirement with a high percentage in excess of 70sqm and therefore considered acceptable.

Policy OS2 of PPS 8 requires residential developments in excess of 25 units, or on sites of one hectare or more to provide public open space as an integral part of the development. Both Policy OS 2 of PPS 8 and Para 5.04 of Creating Places indicates that a normal expectation for new green-field development may be around 10% of the site area or greater. This development incorporates 2,114 sqm of public open space that equates to circa 9.5 % of the total site area. This figure is marginally lower than what is required by PPS 8 however, the difference is not considered significant in this case having regard to the significantly above average private gardens provided within the development. A large area of public open space is proposed to the centre of the development and acts as a key feature of this development.

The public open space is to be provided by the developer in the first instance while the management and maintenance responsibilities for the communal open space will be transferred to a management company to ensure the long terms upkeep of the public open space.

It is considered that sufficient public open space has been provided for within this development while the long term management and maintenance arrangements for this site are also acceptable.

Neighbour Amenity

The layout of the proposed development has been designed and arranged to ensure properties will generally have in excess of the minimum rear garden depth of 10 metres. Where the proposed dwellings on sites 30-33 back onto sites 34-40 the separation distances are in the region of 24 -24.8m from the main elevation. It is considered that the separation distance proposed should ensure that the proposed development will not have an adverse impact on the adjacent properties by way of dominance, overshadowing, loss of light or overlooking.

One representation was received from No.1 Carson Terrace while not objecting to the scheme asks that the proposed scheme maximises the privacy of existing residents. The proposed scheme has been designed to ensure that there will be no significant impact on the amenity of adjacent properties by way of overlooking. Site 29 is adjacent to Carson Terrace and the dwelling on this site (house type M) is 15.6m at the closest point to Carson Terrace (No.1) and is orientated at an angle to Carson Terrace. In addition, the only window on the side elevation of House Type M is a stairwell window which is unlikely to result in a significant level of overlooking.

Site 43 is adjacent to the eastern side of No. 1 Carson Terrace and is set back from Mill Road and No.1 Carson Terrace in a gable-to-gable arrangement. A wall 1.5-1.8m pertaining to No. 1 Carson Terrace sits adjacent to the common boundary with Site 43. There is also a single storey garage within the boundary of No.1 Carson Terrace adjacent to Site 43 which assists in protecting the amenity of No. 1 Carson Terrace. House type S is proposed on Site 43, this house type has three windows at first floor level with two bedroom windows and one stairwell. The windows serve low occupancy rooms and are therefore unlikely to result in significant levels of overlooking. The arrangement of site 43 to No.1 Carson Terrace further ensures that there is no significant overlooking of No.1 Carson Terrace. It is unlikely that there will be a significant impact in terms of overlooking from groundfloor level.

Noise during construction was raised as a concern from adjacent residents. This is unlikely to be significant due to the temporary nature of the construction phase, in addition the Council's Environmental Health Section has not raised any noise related concerns with this proposal. Should there be any significant noise complaints received during the construction phase of development residents may report incidents to the Council for investigation.

Parking and Road Safety

Policy Statement 3 Access, Movement and Parking also seeks to ensure that prejudice to road safety does not occur as a result of development.

PPS 3 further seeks to promote a more accessible environment for all, including the specific needs of people with disabilities and others whose mobility is impaired.

Applicable policies include: -

- Policy AMP 1- Creating an Accessible Environment;
- Policy AMP 2 - Access to Public Roads – Permission will be granted for a development involving access to a public road where it will not prejudice road safety or significantly inconvenience the flow of traffic; and
- Policy AMP 7 - Car Parking and Servicing Arrangements – requires proposals to provide adequate provision for car parking and appropriate service arrangements.

Criterion (f) of Policy QD 1 within PPS 7 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total numbers of parking spaces to be provided for residents, visitors and other callers. The layout of the proposal makes provision for in-curtilage individual dwellings with some on street communal visitor parking along the open space area.

Representations have been received raising concerns with traffic congestion/inadequate road infrastructure and also concerns with on street parking within the village causes congestion. The congestion within the village due to present on-street parking arrangements is beyond the scope of this application to deal with and as such is not considered to be a determining concern in this instance.

DfI Roads has been consulted in relation to the development and raises no objections to the proposed access arrangements or the parking arrangements nor have they raised concerns relating to congestion on the wider road network. It is therefore considered that there is no significant road safety, access parking or congestion concerns with this proposal.

Crime and Personal Safety

Criterion (i) of Policy QD 1 of PPS 7 states that proposed residential development should be designed to deter crime and promote personal safety. It is considered that the proposed development has been designed to deter crime and personal safety with windows on gable elevations allowing for passive surveillance of the public open space area.

Flood Risk

PPS 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people, property and the environment to which this proposal must comply. In support of this application a Drainage Assessment (DOC 07) and Drainage Calculations (DOC 11) have been provided for consideration. These documents indicate that there is no significant flood risk associated with this development. DfI Rivers has reviewed the information provided and has no significant concerns with this proposal indicating that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973.

Policy FLD 1- Development in Fluvial and Coastal Flood Plains of PPS 15. DfI rivers has advised that the development does not lie within the 1 in 100-year fluvial or 1 in 200-year coastal floodplain.

Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure of PPS 15 – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.

Policy FLD 3 of PPS 15 requires the submission of a Drainage Assessment for all development proposals that exceed any of the following thresholds;

- A residential development comprising of ten or more dwelling units.
- A development site in excess of one hectare.
- A change of use involving new buildings and / or hard surfacing exceeding 1000 square metres in area.

The Drainage Assessment 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 in the online attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. DfI Rivers advise that further assessment of the drainage network will be made by NIW prior to adoption. However, in order to ensure compliance with PPS 15, DfI Rivers requests that the potential flood risk from exceedance of the network, in the 1 in 100-year event, is managed by way of a condition which is provided in the list of draft conditions at the end of the report.

Policies FLD 4 - Artificial Modification of Watercourses and FLD 5 Development in Proximity to Reservoirs is not applicable to the proposed development.

Policy FLD5 - Development in Proximity to Reservoirs. DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Tildarg Dam Reservoir. It has not been demonstrated to DfI Rivers that the condition, management and maintenance regime of Tildarg Dam Reservoir is appropriate to provide sufficient assurance regarding reservoir safety, as required under Policy FLD 5, so as to enable the development to proceed.

However, in relation to this site, DfI Rivers has carried out an assessment of flood risk to people (based on the Defra / Environment Agency's "Hazard to People Classification using Hazard Rating") for an uncontrolled release of water emanating from Tildarg Dam Reservoir.

The overall hazard rating at this site is considered low, however, in the event of an uncontrolled release of water there will be risk to some including children, the elderly and infirm; as these groups can be more vulnerable to risks associated with flood water. Nevertheless, as the overall risk at this site is low, it is considered to be an acceptable combination of depth and velocity, apart from development that involves the more vulnerable groups listed above.

DfI Rivers has provided the above assessment of flood risk to people as a material consideration for the Planning Authority in its decision making process. As DfI Rivers has indicated that the potential impact from Tildarg Reservoir is low it is considered that there is unlikely to be a significant impact on this site from an uncontrolled release of water from the reservoir.

Archaeology

Historic Environment Division (Historic Monuments) has reviewed the Archaeological Impact Assessment (AIA) uploaded to the planning portal on 28th May 2021. HED (Historic Monuments) concur with the conclusions of the AIA. Historic Environment Division (Historic Monuments) advises that it is content that the proposal satisfies 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.

It is therefore considered that there is no significant impact upon subsurface archaeology and that the proposal is satisfactory to SPPS, PPS 6 archaeological policy requirements and criterion b of Policy QD1 of PPS 7.

Historic Buildings

The application site is in close proximity to Fisherwick Lodge, 5 & 7 Mill Road, Doagh (Grade B+), which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division (HED), Historic Buildings, has considered the impacts of the proposal on the listed building and on the basis of the information provided, advises that It is content with the proposal, without conditions. HED Historic Buildings advise that the proposal does not represent a demonstrable negative impact on the listed building as the application site is removed sufficiently from the listed building. In addition, the listed building is sufficiently screened by mature planting to its east and modern structures to its north provide adequate separation between it and the proposed residential development, which is of modest height and integrates into the surroundings by landscaping to the perimeter edges.

In light of the consultation response from HED Historic Buildings the proposed development accords with the provisions of paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6:

Planning, Archaeology and the Built Heritage and criterion b of Policy QD1 of PPS 7 Quality Residential Environments.

Natural Heritage

A Preliminary Ecological Assessment (PEA), Document 04 date stamped 18/05/21, was submitted by the applicant, which concluded that there will be no significant impact on priority habitats, species or protected sites.

The PEA concludes that the site is of low ecological value any loss caused as a result of the development can be mitigated by additional landscaping and bat friendly lighting.

NED welcomes the additional planting and considers it provides sufficient compensation for the loss of existing trees and hedgerows. The landscape plan drawing No.14/1 has been updated to ensure more native species planting are included and those which are not native to Northern Ireland removed in line with NED's recommendations.

As hedgerows are potential habitat for breeding birds, protected under Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended), in order to avoid potential offences through killing/injury of nesting birds and/or their young and/or the destruction/damage of their active nests. NED advise that any necessary clearance of vegetation should be undertaken outside the bird nesting season, which runs from 1st March to 31st August inclusive. This will be included in an informative should planning permission be granted.

NED notes from the PEA that there are two Ash trees of low-negligible Bat Roost Potential (BRP) along the southwestern boundary (roadside) of the site. There are also ash trees in the hedgerow to the southeast of the site with low BRP, however, these are outside of the site boundary and therefore do not impact the determination of this application.

Bats are a European protected species under the Habitats Regulations. NED is content that no further surveys are required and the proposal is unlikely to have a significant impact on roosting bats. With regard to foraging and commuting bat potential NED agrees with the ecologist's recommendation in the PEA that 'A sensitive lighting plan to maintain dark corridors on boundary hedgerows and trees' is developed. This information has not been submitted with the application however it can be dealt with through the imposition of a condition (No. 10) should planning permission be forthcoming.

NED also welcomes the Ecologist's enhancement recommendations of 'erection of bat and bird boxes at appropriate locations', these have not been confirmed with the plans submitted and therefore a condition is considered necessary to ensure that that the location and design of these buildings are in appropriate locations.

It is considered that the proposal complies with the policy provisions of the SPPS and PPS 2 Natural Heritage as there will be no significant impact on natural heritage features including priority habitats and species.

Impact on Designated Sites / Habitats Regulation Assessment

With regard to protected sites the PEA indicates that there will be no significant impact on protected sites. NED agree with this finding stating that: 'The proposal is unlikely to have significant effects on any designated sites due to its distance from the sites and the scale and nature of the development'.

Shared Environmental Services (SES) has also been consulted with regard to the impact on Designated Sites. SES advise that '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 which is the Competent Authority responsible for authorising the project.

SES advise 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. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation proposed.

Having regard to the SES advice, it is considered that 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, adopt the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 24/06/2022. Overall it is considered that the proposal accords with the provisions of PPS 2, PPS 4 and PPS 6.

Contamination

A Preliminary Contamination Risk Assessment has been provided by the applicant, (Document Number 06, date stamped received 18 May 2021) in support of this planning application. The report found there were no on-site sources of contamination and therefore the site is not likely to pose any unacceptable risks to human health. In addition, the report found that potential third-party contamination sources, are not likely to pose an unacceptable risk to the site given the geographical/environmental setting. The report concludes that there are no pollutant linkages that require further investigation at the site.

DAERA Regulation Unit Land and Groundwater Team concurs with the findings of the report and has no objections to the development provided that two standard conditions are included in any decision notice should planning permission be granted.

The Environmental Health Section also reviewed the information submitted and has no objections to the proposed development again subject to two standard contamination conditions similar to those proposed by DAERA.

Overall, it is therefore considered that the development proposal will have no detrimental impact on nearby sensitive receptors or natural heritage interests subject to conditions. The proposal is considered to comply with the policy provisions of both the SPPS and PPS 2.

NI Water Infrastructure

NI Water initially raised concerns with the proposal due to the sewer network being at capacity in the Ballyclare catchment and sewer flows spilling from CSOs into the environment. The applicant has subsequently undertaken a Waste Water Impact Assessment and is in receipt of a Solutions Engineered Report from NI Water indicating that a solution is available to serve this development. NI Water have further advised that they are content in this instance to withdraw their objection subject to a negative condition to ensure that the necessary infrastructure can be put in place to serve this development. It is considered that the condition should be worded to restrict development from commencing 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. It is considered that the restriction prior to development commencing is more appropriate in this instance to ensure adequate waste water treatment capacity and infrastructure is available and to ensure the project will not have an adverse effect on the integrity of any European site and will stop a non-viable development from being partially constructed.

Economic Impacts

The applicant has indicated that the proposed development represents a £8M - £9M investment in the Borough with an estimated 30-40 construction jobs created.

CONCLUSION

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

- The principle of the development is considered acceptable;
- The design, layout and appearance of the proposal is acceptable;
- The proposed density is acceptable;
- There is no significant impact on the residential amenity of existing or proposed residents;
- There is no significant flood risk or drainage concerns associated with the development;
- There are no significant archaeological concerns with this proposal;
- There are no significant built or natural heritage concerns with this proposal; and
- There are no significant road safety access or parking concerns with the 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. 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.

3. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 2.

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

4. 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 2. 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.

5. If during the development works, new contamination or risks to the water environment are discovered which have not previously been identified, works shall 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/land-contamination-how-to-manage-the-risks>.

Reason: To control any potential risks to human health and other environmental receptors from any undiscovered land contamination and to ensure the site is suitable for use.

6. In the event of unacceptable risks being identified to human health or other environmental receptors, a remediation strategy shall be submitted to and agreed with the Council in writing before being implemented. The remediation strategy will be carried out as agreed.

Reason: To control any potential risks to human health and other environmental receptors from any undiscovered land contamination and to ensure the site is suitable for use.

7. After completing all remediation works under Condition 6 and prior to occupation of any dwelling impacted by the identified contamination a verification report shall be submitted to 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/land-contamination-how-to-manage-the-risks>.

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

Reason: To control any potential risks to human health and other environmental receptors from any undiscovered land contamination and to ensure the site is suitable for use.

8. No development shall commence 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.

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

9. The discharge rates for the proposed development shall be carried out in accordance with the drainage calculations provided within DOC 11 date stamped 01/07/2022.

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

10. No development shall commence until details of a lighting plan, showing bat friendly lighting and no more than 1 lux light spill on retained and boundary vegetation, has been submitted to and agreed with the Council.

The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.

The Plan shall include the following:

- a) Specifications of lighting to be used across the site, including model of luminaires, location and height;
- b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.
- c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site;
- d) Predicted illuminance on retained trees/hedgerows to be less than 1 lux.

Reason: To minimise the impact of the proposal on bats and other wildlife.

11. No dwelling shall be occupied until: -

- (1) a plan detailing the location of proposed bat boxes has been submitted to, and agreed in writing with, the Council, and
- (2) the bat boxes have been installed. The bat boxes shall be permanently retained thereafter.

Reason: To minimise the impact on local and bird populations and to ensure the ecological enhancements are carried out in accordance with the Preliminary Ecological Appraisal (Document 04 date stamped 18/05/2021).

12. The communal open space and amenity areas indicated on Drawing 14/1 date stamped 21/12/2021 shall be delivered in full following the completion of the 25th dwelling within the development hereby approved and shall be managed and maintained in accordance with the Landscape Management Plan, DOC 03 date stamped received 18/05/2021. Any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

The proposed landscaping works within the communal areas of open space as indicated on Drawing No. 14/1 date stamped 21/12/2021 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice during the first available planting season following the delivery of the communal open space and amenity areas.

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.

13. The proposed landscaping works for each individual dwelling and along the perimeter of the site as indicated on Drawing No. 14/1 date stamped 21/12/2021 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 following the commencement of the relevant individual dwelling.

The proposed landscaping shall be retained thereafter a minimum height of 2 metres for shrubs/hedges and existing trees as shown shall be retained at a minimum height of 6m.

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

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. 16/1 date stamped 01/07/2022 and Drawing No. 30/1 bearing the date stamped 05/09/2022.

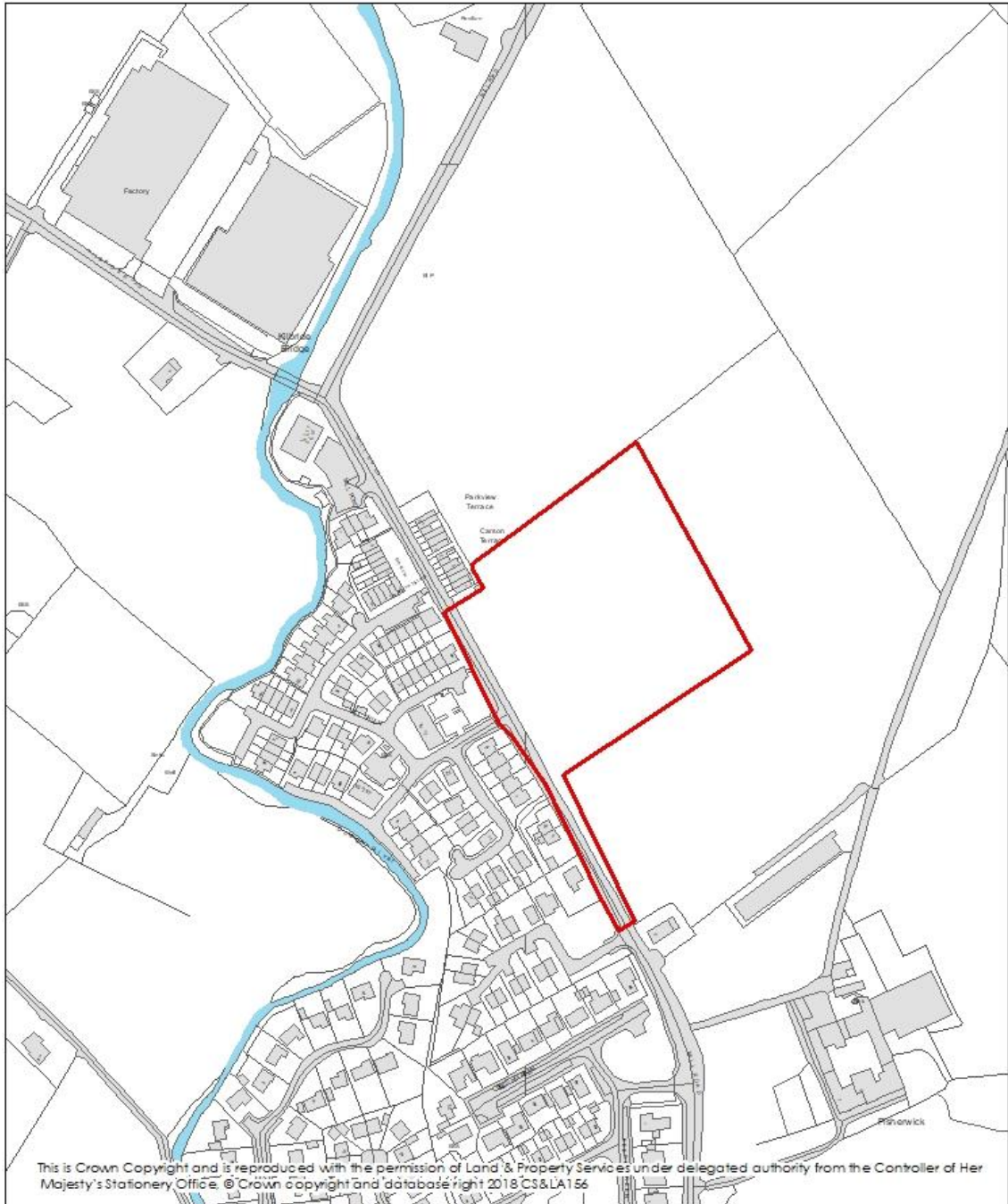
Reason: To ensure there is a safe and convenient road system within the development.

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 Number 30/1 bearing the date stamp 05/09/2022.

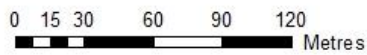
Reason: To ensure there is a safe and convenient road system within the development.

16. 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.



Site Location Plan



Application Reference: LA03/2021 /0520/F

Proposal: Development of 43 dwellings, new access from the Mill Road, landscaping with central open space and associated operational development.

Location: Fronting Mill Road Doagh to the north east of the Mill Green housing development and 30m southeast of No.1 Carson Terrace Mill Road Doagh

 Site boundary



COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2021/1013/F
DEA	AIRPORT
COMMITTEE INTEREST	RECOMMEND REFUSAL
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Renewal of planning approval LA03/2015/0286/F (Proposed single wind turbine with 40m hub height and 30m rotor diameter)
SITE/LOCATION	Lands approximately 287m South of 133 Ballyhill Road, Ballyutoag, Belfast
APPLICANT	Mr C Fleming
AGENT	N/A
LAST SITE VISIT	3rd November 2021
CASE OFFICER	Sairead de Brún Tel: 028 903 40406 Email: sairead.debrun@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located in the countryside outside any settlement limit as designated in the Antrim Area Plan 1984 – 2001. The site falls within the Landscape Character Area 111: Divis Summits and is accessed from an existing farm lane off the Ballyhill Road.</p> <p>The site is approximately 287 metres south of No. 133 Ballyhill Road, in the southern corner of the host field. The topography of the surrounding landscape rises from the Ballyhill Road towards the application site and continues to rise beyond the site to the northeast. The boundaries of the site are not formally defined, and the land surrounding the site is fairly open, with only a few scattered trees along the field boundaries.</p> <p>The surrounding area is mountainous in nature and characterised by dispersed single dwellings and farm complexes located within an upland area of rising, rough grazing land. There are also a number of operational wind turbines within the vicinity of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2015/0286/F Location: 950m East of 84 Budore Road, Ligoniel Proposal: Lands approximately 287m south of 133 Ballyhill Road, Ballyutoag, Belfast. Decision: Permission Granted (17.10.2016)</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>	

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

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

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

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

PPS 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 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.

CONSULTATION

Environmental Health – No objection subject to conditions

DfI Roads - No objection

DAERA: Natural Environment Division - Bat Survey and Water Features Report required

Belfast International Airport - No objection subject to conditions

Belfast City Airport - No objection

National Air Traffic Services - No objection

UK Crown Bodies: DIO LMS - No objection

UK Crown Bodies: DIO Safeguarding - No objection

NI Water Windfarms No objection

REPRESENTATION

There are no neighbours within 250 metres of the application site. One letter of objection has been received from an address outside the statutory notification process.

The key points of objection raised are summarised below:

- Cumulative visual impact of the proposal on the landscape;
- Impact on ecology, archaeology, and cultural heritage;
- Impact of new infrastructure to service the site;
- Health and safety concerns including noise;
- Impact on dwellings, public rights of way and tourism sites;
- Economics of the proposal; and
- Impact on bats.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Impact on residential amenity
- Impact on protected species and protection of natural habitats
- Cumulative visual impact
- Impact on archaeology and cultural heritage
- Impact on public rights of way and tourism sites
- Economics of the proposal
- Public Safety
- Proximity to Road and Railways
- Aviation Interests

Policy Context and Principle of Development

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

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to determination of the proposal. The application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside.

Planning permission will be granted for non-residential development in the countryside in the following cases:

- Renewable energy projects in accordance with PPS 18.

Policy RE 1 of PPS 18 states that development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact. The general thrust of the policy is that renewable energy development will be permitted unless it fails to meet with the listed criteria in Policy RE 1.

Planning permission was granted for the erection of a single turbine with a 40 metre hub height and a 30 metre rotor diameter on the application site in October 2016. The principle of a wind turbine on this application site has therefore been established. The key issues for consideration in the current planning application are the potential impact on the residential amenity of nearby properties resulting from noise and shadow flicker, the potential impact on protected species and their natural habitat, and the potential cumulative visual impact.

Impact on Residential Amenity

A wind turbine, both individually and when taken cumulatively with other turbines, has the potential to adversely affect neighbouring properties due to noise and this is a matter raised in the letter of objection. Nos. 131 and 133 Ballyhill, located approximately 280 metres north of the application site, are the nearest noise sensitive dwellings. A Noise Impact Assessment was submitted as part of the previous planning application (Document 01 date stamped 7th July 2015 from LA03/2015/0286/F). The Council's Environmental Health Section is satisfied that this earlier assessment satisfactorily demonstrates that residential amenity will not be unduly affected by reason of noise and requests that the previous noise control conditions are applied to this renewal application.

A wind turbine also has the potential to cause shadow flicker. Only properties within 130 degrees either side of north of the turbine can be affected; turbines do not cast long shadows on their southern side. In relation to this turbine, there are two properties that could potentially be affected by shadow flicker; Nos. 131 and 133 Ballyhill Road. Under the previous application, it was considered that the residential amenity of these properties would not be significantly adversely impacted upon. As there have been no changes to the separation distances or policy regarding shadow flicker since the previous approval, it is considered that the renewal of the previous planning permission does not give rise to any additional residential amenity impacts.

Impact on Protected Species and Protection of Natural Habitats

Part (c) of Policy RE 1 in PPS 18 states that renewable energy development will only be permitted when it will not have an unacceptable adverse impact on nature conservation interests. Policy NH 2 of PPS 2 'Natural Heritage' deals with species

protected by law and states that planning permission will only be granted for a development proposal that is not likely to harm a European Protected Species. In addition, this matter has been raised by the objector. Bats are a European Protected Species under the Habitats Regulations and are subject to a strict level of protection. They are at risk from the proposal through direct collisions, barotrauma, disorientation, disturbance or displacement from foraging and commuting habitats.

Whilst it is acknowledged that this is an application to renew a previous planning permission for the installation of the same wind turbine, it must be noted that although the preceding application was accompanied by a Bat Survey, dated May 2015, which concluded the nearest feature with the potential to be utilised by bats is outwith the recommended NIEA buffer zone and as such no significant impact on bats will arise should the proposal proceed, in its consultation response dated 6th December 2021 DAERA Natural Environment Division (NED) stated it will only accept surveys that are no more than two (2) years old. Consequently, NED requested the submission of an appropriate bat survey carried out by a suitably qualified ecologist, based on current guidance. The applicant was advised of the need to submit a bat survey in letters dated 14th December 2021 and 8th September 2022. No survey has been submitted to date, and in the absence of this information, it is considered that the proposal is contrary to PPS 2 and the SPPS.

A Water Feature Survey was submitted with the previous application, however it is dated June 2016 and DAERA Land and Groundwater Team, Regulation Unit has advised that it is unable to make a decision based on this report as it is not up to date. The applicant was consequently requested to submit a Groundwater Risk Assessment on 14th December 2021 and 8th September 2022, however, no report has been submitted to date.

Cumulative Visual Impact

Policy RE 1 of PPS 18 indicates that the supplementary planning guidance from the Northern Ireland Environment Agency 'Wind Energy Development in Northern Ireland's Landscape' is taken into account when assessing all wind turbine proposals. Each landscape area has a different capacity for accommodating wind energy development.

This proposal falls within Landscape Character Area (LCA) 110 Divis Summits, which has been described in the above document as a dramatic and widely visible backdrop to the city of Belfast. The south, west and north facing ridges around the edges of the hills, although less dramatic in shape, also form prominent skylines over wide areas. This LCA is in a highly prominent location and has high landscape and visual sensitivity, and it is recommended that any turbine development in this LCA is closely associated with and reflects the scale of groups of buildings and trees.

The application site is located in the southern corner of a roadside field, where the land rises upwards from the road towards the application site and beyond. As previously considered under planning application reference LA03/2015/0286/F, there are open views of the application site when travelling along the Ballyhill Road in both directions, and the proposed turbine will be visible from this public road. Nevertheless, it is not a test of invisibility and given the overall height of wind turbines, public views are to be expected. The visual impact of the proposed development was considered acceptable in the assessment of LA03/2015/0286/F

and there have been no significant changes in the landscape or policy considerations since then which would give rise to changes in the assessment of visual impact.

There are a number of wind turbines approved and installed on lands surrounding the application site which the turbine will be visually linked with, however, it is considered this turbine will not result in an unacceptable adverse impact on visual amenity and landscape character either individually or cumulatively with other installed turbines in the area. This matter was raised as a matter of objection, however, for the reasons outlined above it is not considered to be determining.

Impact on Archaeology and Cultural Heritage

The letter of objection raised concerns with the impact of the proposal on sites of archaeological importance, however, the application site is not located close to, or adjacent to, an Area of Significant Archaeological Interest and it will not have an adverse impact on archaeological or cultural heritage.

Impact on Public Rights of Way and Tourism Sites

The objector also stated that the development would affect public rights of way and tourism sites. The application site is located to the southeast of National Trust land at Divis and Black Mountain where there are a variety of walks and trails. The proposed development will not have a detrimental impact on the amenity and recreational value of these sites.

Impact on Infrastructure Including New Service Roads

The proposal will be partly accessed via an existing farm lane, with only a small section of a new service road required to be constructed from this lane to the location of the wind turbine. The proposal will generate additional traffic during construction and decommissioning phases. However, it is considered that the existing road network can safely accommodate this proposal. There are no public rights of way over which the proposal will cross and DfI Roads have raised no issues regarding the proposal and the impact on existing infrastructure is negligible. The issues raised on this matter in the letter of objection are not sustained.

Economics of the Proposal

The objector queried the economic benefits associated with the development proposal. Wind energy is one of the cheapest forms of renewable energy generation and the wind turbine will contribute to the Strategic Energy Framework which sets out the renewable energy targets for Northern Ireland.

Public Safety

Experience indicates that properly designed and maintained wind turbines are a safe technology and that there are very few incidents which have occurred involving injury to humans which have been caused by failure to observe manufacturers' and operators' instructions for the operation of the machines.

To satisfy safety requirements, the fall over distance, i.e., the height of the turbine to the tip blade, plus 10% is taken as best practice separation distance. There are no buildings within a distance of 110 metres from the proposed turbine and it is considered that the safety aspect of the turbine has been properly addressed.

Proximity to Road and Railways

Wind turbines erected in accordance with best engineering practice are considered to be stable structures; they should be set-back at least the fall over distance plus 10% from the edge of any public road, public right of way or railway line so as to achieve maximum safety. The proposed siting of the turbine is in excess of 200 metres from the nearest public road (Ballyhill Road). It is not anticipated that there will be a significant road safety concern as a result of this proposal due to its location. In addition, the Best Practice Guidance establishes that turbines do not attract significant vehicle movements.

The Best Practice Guidance advises that concern is often expressed over the effects of wind turbines on car drivers, who may be distracted by the turbines and the movement of the blades. Drivers are faced with a number of varied and competing distractions during any normal journey and it is their responsibility to take reasonable care to ensure their own and others' safety. Wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous.

Aviation Interests

Wind turbines may have an adverse effect on two aspects of air traffic movement and safety. Belfast City Airport has no safeguarding objection to the proposal. Similarly, Belfast International Airport (BIA) has no safeguarding objections but has requested a number of conditions to be imposed should the application be approved.

Electromagnetic interference

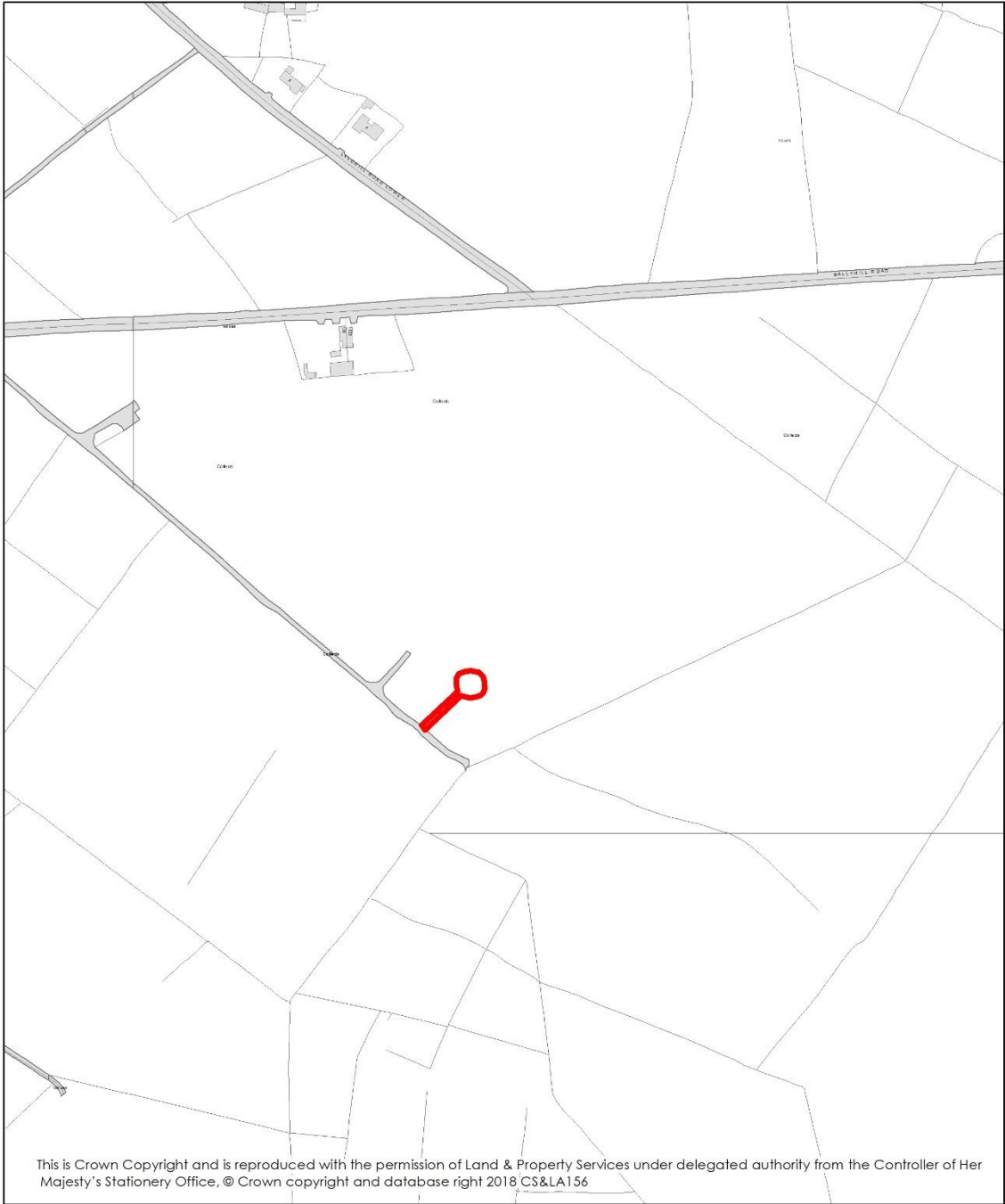
Data available on Ofcom's Spectrum Information portal regarding fixed links within the vicinity of the application site shows that there are two fixed links, operated by Airspeed and EE that may be affected by the proposed development. Both service providers were contacted via email, with only Airspeed providing a response indicating that the proposed development will not cause any electromagnetic interference on its communication infrastructure. EE acknowledged receipt of the email but did not provide any further comment, and consequently it is presumed it has no concerns with the proposed development.

CONCLUSION

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

- The principle of the development is acceptable;
- There is no detrimental impact on residential amenity in terms of shadow flicker;
- It has not been demonstrated that the proposal will not have an adverse impact on protected species and natural habitats;
- The proposal will not result in an unacceptable adverse impact on visual amenity;
- The application site is not in proximity to any archaeology or cultural heritage;
- The proposal will not have an impact on public rights of way or tourism sites;
- There are economic benefits to the proposal; and
- There are no safety implications to the proposal.

RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASON FOR REFUSAL	
1. The proposal is contrary to the SPPS and Policy NH 5 of PPS 2 in that insufficient information has been submitted by the applicant to demonstrate that there will be no adverse impact on bats and the groundwater environment.	



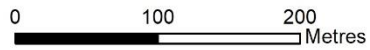
Location Map

Application Reference: LA03/2021/1013/F

Lands approximately 287m South of 133 Ballyhill Road,
Ballyutoag, Belfast

Renewal of Planning Approval LA03/2015/0286/F
(Proposed single wind turbine with 40m hub height
and 30m rotor diameter)

 Site Boundary



For Information Only



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2022/0731/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	5 wind turbines, up to a maximum of 92.5m base to blade tip height, up to 57m hub height and up 71m blade diameter (Removal of Condition 21 from planning approval T/2014/0478/F regarding implementation of Radar Mitigation Scheme)
SITE/LOCATION	Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS
APPLICANT	Ballyutoag WF Ltd
AGENT	SiEnergy
LAST SITE VISIT	29/09/2022
CASE OFFICER	Tierna Mc Veigh Tel: 028 90340401 Email: tierna.mcveigh@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at lands approximately 1km north of No. 71 Ballyutoag Road, Belfast. The site comprises an elevated site located in the rural area as defined in the Antrim Area Plan.</p> <p>The site, which is located on the western side of McIlwahn's Hill, is accessed via a gravel laneway 160 metres west of No. 60 Ballyutoag Road. The site sits within an agricultural upland landscape defined by undulating agricultural fields used for the grazing of livestock. Field boundaries in the area are generally defined by hedgerows and hedgerow trees.</p> <p>The surrounding area is characterised by single dwelling houses and farmsteads, whilst Hightown Quarry is located 1km to the northwest of the application site. The site is located within Landscape Character Area 11 Divis Summits as identified in the 'Wind Energy Development in Northern Ireland Landscapes'. This landscape is relatively open with radio masts situated on the highest summits which represent prominent features in the landscape.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2022/0683/LDE Location: Approx. 1km North of, No. 71 Ballyutoag Road, Belfast, Co. Antrim, BT14 8SS Proposal: 42.25m² concrete base/Hardstand for the provision of an Anemometer/Wind Monitoring Mast and Associated Hardstanding Decision: Permitted Development 19th October 2022</p>	

Planning Reference: LA03/2022/0681/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, Co Antrim, BT14 8SS,

Proposal: 5 wind turbines, up to a maximum of 92.5m base to blade tip height (up to 57m hub height and up 71m blade diameter), associated transformers, a permanent anemometer mast, extension of existing and construction of new site access tracks, gates and road improvement works at the site entrance, substation and site control room, communication tower, electrical cabling, temporary site compound and all other associated and ancillary works. (Discharge of Condition 14 from planning approval T/2014/0478/F, regarding submission of Breeding Bird Monitoring Interim Report)

Decision: Under Consideration

Planning Reference: LA03/2022/0201/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, Co Antrim, BT14 8SS,

Proposal: 5 wind turbines (Discharge of Condition 15 of T/2014/478/F regarding submission of bird monitoring programme)

Decision: Condition not Discharged 20th October 2022

Planning Reference: LA03/2022/0202/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, Co Antrim, BT14 8SS,

Proposal: 5 wind turbines (Discharge of Condition 19 of T/2014/478/F regarding submission of final habitat management plan)

Decision: Condition not Discharged 20th October 2022

Planning Reference: LA03/2021/0465/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS.

Proposal: 5no wind turbines (Discharge of Condition 15 regarding submission of Preliminary Ornithology Monitoring Report and Condition 17 regarding submission of Badger Compliance Report from planning approval T/2014/0478/F)

Decision: Condition Not Discharged 28th September 2021

Planning Reference: LA03/2020/0518/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast,

Proposal: 5no wind turbines (Discharge of Condition 11 - Archaeological Programme of Work; Condition 15 - Bird Monitoring Plan; Condition 17 - Updated Habitat Survey & Badger Mitigation Method Statement; Condition 19 - Final Habitat Management Plan and Condition 16 from planning approval T/2014/0478/F)

Decision: Condition Not Discharged 20th November 2020

Planning Reference: LA03/2020/0853/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS.

Proposal: 5 wind turbines (Discharge of Condition 11 from approval T/2014/0478/F relating to submission of archaeological testing report)

Decision: Condition Not Discharged 17th February 2021

Planning Reference: LA03/2020/0855/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS.

Proposal: 5 wind turbines (Discharge of Condition 17 from approval T/2014/0478/F regarding submission of updated badger survey)

Decision: Condition Discharged 17th August 2021

Planning Reference: LA03/2020/0545/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS.

Proposal: 5 wind turbines (Discharge of Condition 18 from T/2014/0478/F regarding submission of Construction Environmental Management Plan)

Decision: Condition Not Discharged 20th November 2020

Planning Reference: LA03/2019/0633/ DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS.

Proposal: Discharge of Conditions 20 (Radar Mitigation Scheme) and 22 (Omnidirectional red obstacle light) of planning approval T/2014/0478/F for: 5 wind turbines, up to a maximum of 92.5m base to blade tip height (up to 57m hub height and up 71m blade diameter), associated transformers, a permanent anemometer mast, extension of existing and construction of new site access tracks, gates and road improvement works at the site entrance, substation and site control room, communication tower, electrical cabling, temporary site compound and all other associated and ancillary works.

Decision: Condition Discharged

Planning Reference: T/2014/0478/F

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS.

Proposal: 5 wind turbines, up to a maximum of 92.5m base to blade tip height (up to 57m hub height and up 71m blade diameter), associated transformers, a permanent anemometer mast, extension of existing and construction of new site access tracks, gates and road improvement works at the site entrance, substation and site control room, communication tower, electrical cabling, temporary site compound and all other associated and ancillary works.

Decision: Permission granted 22nd December 2015

Planning Reference: T/2013/0250/F

Location: 220m SW of 49 Greenhill Road, Belfast

Proposal: Erection of 1 no. 250KW wind turbine with a hub height of 40m

Decision: Permission granted on 7th May 2014

Planning Reference: T/2012/0395/F

Location: approximately 238m southwest from 72 Boghill Road, Newtownabbey

Proposal: Wind turbine up to 250kw, with a hub height of 41.5m and 56.0m to the blade tip complete with control room

Decision: Granted on Appeal 7th July 2014

Planning Reference: T/2012/0418/F

Location: 300mts northwest of no. 40 Aughnabrack Road (Ballyutoag), Mallusk, Newtownabbey

Proposal: Wind turbine on a tubular tower height of 51.5m with blade tip height of 66.5m with associated switch room

Decision: Granted on Appeal 10th October 2013

Planning Reference: T/2012/0419/F

Location: 300mts East of 105 Boghill Road, (Ballyutoag), Mallusk, Newtownabbey

Proposal: Wind turbine on a tubular tower, height up to 32.5m with blade tip height up to 47.5m with associated switch room (up to 250 KW)

Decision: Appeal allowed 7th July 2014

Planning Reference: U/2012/0372/F

Location: 500m North of No 63 Boghill Road (Ballyutoag) Mallusk Newtownabbey

Proposal: Installation of a 225kw wind turbine on a tubular tower - height up to 51.5m with blade tip height up to 65m with associated switch room

Decision: Permission granted 19th February 2014

Planning Reference: T/2010/0319/F

Location: 218m east of No 20 Greenhill Road, Ballyutoag

Proposal: Proposed 225KW Wind Turbine

Decision: Permission granted 7th April 2011

Planning Reference: T/2009/0641/F

Location: 20 Greenhill Road, Belfast

Proposal: 335 KW Wind Turbine

Decision: Permission granted 28th May 2010

PLANNING POLICY AND GUIDANCE

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

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

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

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

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 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.

CONSULTATION

- **Belfast International Airport** – Refusal

REPRESENTATION

Six (6) neighbouring properties were notified of the application and no representations have been received in respect of the proposal.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Legislative Context
- Principle of Development
- Aviation Safety

Legislative Context

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 grant of planning permission will continue to exist whatever the outcome of the current application.

Principle of Development

The principle of development was established on the site under planning application reference T/2014/0478/F which was approved on 23rd December 2015. This application seeks to remove Condition 21 of the approval. Supplementing the application is a Site Location Plan, Drawing Number 01, and a covering letter. The covering letter provides the agents justification for the removal of the condition.

Condition 21 states:

"The wind farm shall not become operational until all the measures and time scales in the RMS have been implemented and met. The development shall

thereafter operate in accordance with the RMS which will be in place for the period during which the radar remains in operation.

Reason: In the interests of aviation safety."

Condition 21 of the permission requires that an approved Radar Mitigation Scheme (RMS) is implemented prior to the proposed wind farm becoming operational and that the wind farm continues to be operated in accordance with that RMS thereafter. This condition was recommended by Belfast International Airport (BIA) in its consultation response dated 6th February 2015, stating that the proposed wind turbines could have the potential to cause a major safety issue to aircraft arriving and departing from BIA. The proposed development is in a clear line of sight to the radar, and as such will paint a false display on the radar screen, when the turbine is rotating. BIA further stated that this would have a significant negative impact on the Air Traffic Control (ATC) radar service provision to both arriving and departing aircraft at BIA.

Aviation Safety

To provide context to this application, a request was made to the Council to discharge conditions 20, 21 and 22 under planning application LA03/2019/0633/DC on 23rd July 2019 by TCI Renewables, on behalf of the applicant (Ballyutoag Wind Farm Ltd). Conditions 20 and 21 both relate to a Radar Mitigation Scheme, whilst condition 22 relates to the requirement for an omnidirectional red obstacle light to be positioned at the top of the turbines. As stated within the case officer's report, the applicant proposed to install the Thales STAR Next Generation radar upgrade as a Radar Mitigation Scheme (RMS), of appropriate performance, suitable for mitigating the impact of the development upon the operations of BIA ATC radar and operations. BIA was consulted and was satisfied with the proposed RMS and thus condition 20 was discharged. It was noted that in order to comply with condition 21 the applicant is required to implement the RMS agreed and thereafter operate in accordance with it.

Within the submitted covering letter (Document 01), the agent advises that the approved RMS requires an upgrade to the Thales STAR-2000 radar installation currently in operation at BIA, however at no stage has the necessity for such an upgrade, been evidenced.

BIA was consulted on the 22nd September 2022 and a response was received from its solicitors Carson Mc Dowell on the 5th October 2022. Within the response reference is made to the request to discharge conditions 20, 21 and 22 under planning application LA03/2019/0633/DC and that under condition 20 the applicant agreed to install the Thales STAR Next Generation radar upgrade as a Radar Mitigation Scheme (RMS). Further reference is also made to the fact that Condition 21 was agreed and noted by the applicant, however, was not discharged, as it exists in perpetuity with the permission. Carson Mc Dowell on behalf of BIA contests that the aviation safety issues and the circumstance regarding the imposition of Condition 21 have not changed since the grant of the permission.

In the absence of the agreed RMS being implemented and becoming operational there is a clear and obvious risk to aviation safety and therefore

Condition 21 must remain. Consequently, the removal of Condition 21 remains both unjustifiable and unacceptable.

CONCLUSION

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

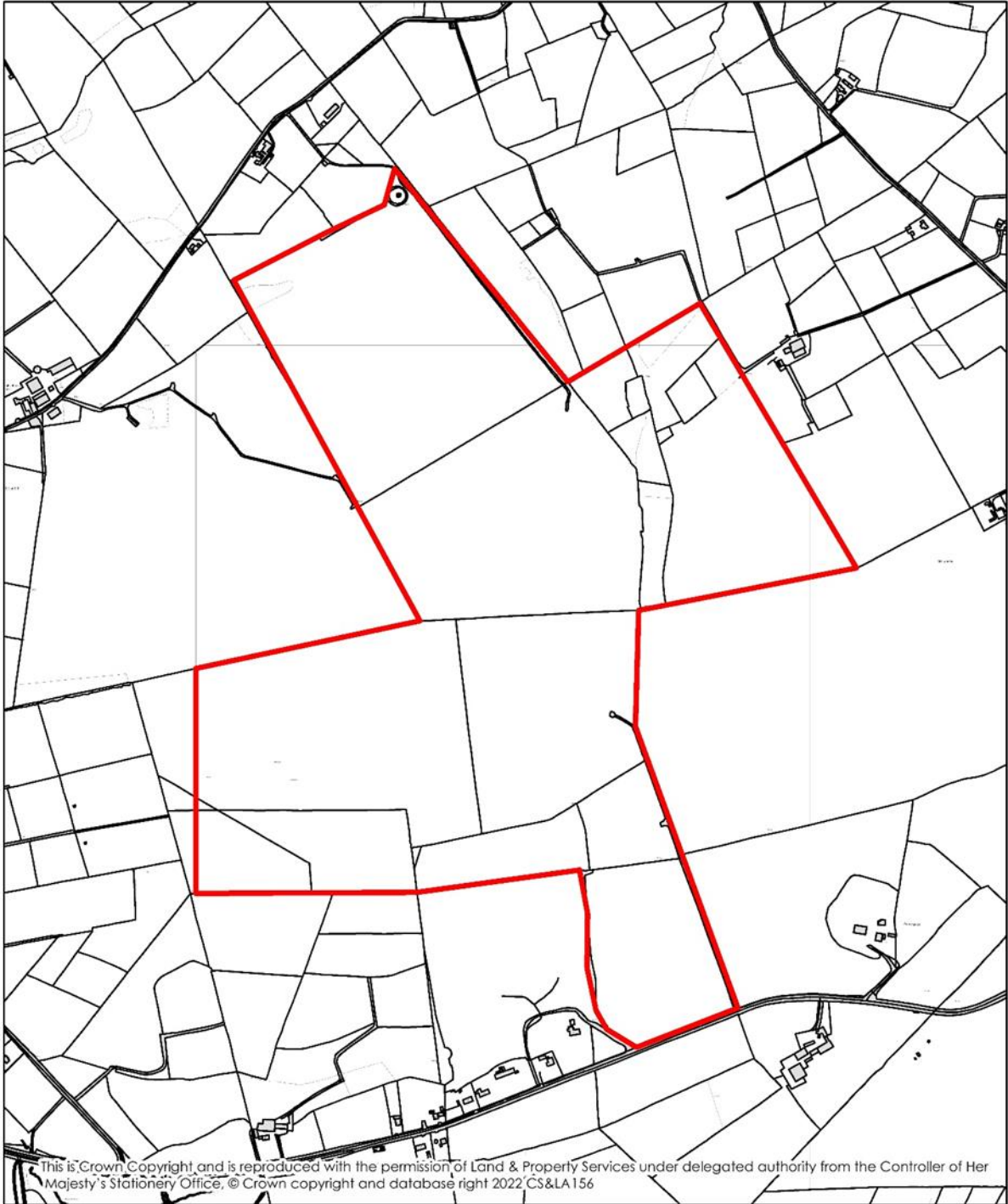
- It is considered that the removal of the condition will have a significant negative impact on aviation safety.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL

1. The proposed removal of condition 21 is contrary to the policy provisions of the SPPS and Policy RE 1 of PPS 18 in that it would, if permitted, have an unacceptable adverse impact on aviation safety.



Reference: LA03/2022/0731/F

Location: Land approximately 1km North of No. 71 Ballyutoag Road
Belfast, BT14 8SS

Proposal: 5 wind turbines, up to a maximum of 92.5m base to blade
tip height, up to 57m hub height and up 71m blade
diameter (Removal of condition 21 from planning
approval T/2014/0478/F regarding implementation of
Radar Mitigation Scheme)

Scale: 1:10,000 

 Site Location



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2022/0326/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retention of building for use as embroidery workshop and office
SITE/LOCATION	22 Hollybrook Road, Randalstown
APPLICANT	Mr James Gray
AGENT	CMI Planners Ltd
LAST SITE VISIT	August 2022
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on lands at No. 22 Hollybrook Road, Randalstown which is within the countryside and outside of any development limit as designated by the Antrim Area Plan 1984 - 2001.</p> <p>The site is located approximately 500 metres south of the Hollybrook Road and is served by an existing laneway. The site is located approximately 10 metres to the southwest of an existing dwelling at No. 22 Hollybrook Road, and contains a single storey building which is currently being used as an embroidery workshop with an ancillary office.</p> <p>The building is predominantly finished with a rough cast render and openings in the front elevation which include a pedestrian doorway and a roller shutter door, coloured black. There is a stoned yard area to the front of the embroidery workshop.</p>	
RELEVANT PLANNING HISTORY	
There is no relevant planning history on the application site.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 - 2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p>	

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

Antrim Area Plan 1984 – 2001: The application site is located outside any settlement development 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.

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

Northern Ireland Water – No objection.

Department for Infrastructure Roads - No objection subject to conditions

Department for Agriculture, Environment and Rural Affairs – Countryside Management Inspectorate Branch – Standard response

REPRESENTATION

Twenty-five (25) neighbouring properties were notified, and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Farm Diversification
- Access Movement and Parking

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 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).

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 that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for non-residential development in the countryside, which includes farm diversification proposals in accordance with Policy CTY 11. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Policy CTY 11 'Farm Diversification' of PPS 21 states that planning permission will be granted for a farm or forestry diversification proposal where it is demonstrated that it is to be run in conjunction with the agricultural operations on the farm and where several criteria can be met. The consideration of these criteria based tests are set out below.

Farm Diversification

The first criterion of Policy CTY 11 requires that the farm business is currently active and established. Paragraph 5.49 of the Justification and Amplification section of Policy CTY 11 states that the determining criteria for an active and established business is set out under Policy CTY 10. Criterion (a) of Policy CTY 10 requires that the farm business is currently active and established for at least 6 years.

DAERA advised in its consultation response that the farm business has not claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years and the application site is not on land for which payments are currently being claimed by the farm business.

In order to demonstrate that the farm business has been active for the necessary period of six (6) years the agent has provided supporting evidence between the years 2015 – 2021, however, no information has been provided for the year 2022.

For the year 2015 the agent has submitted the following four (4) pieces of evidence: a bill of sale from Hugh Millar and Son's Millmore Farm relating to the spreading of fertiliser over 10 acres; a bill of sale from C.D and S.J Morrison of Lismorty Farm, Ballymoney relating to a 5 bar field gate; a bill of sale from Mr G Turner to the

applicant referring to a fence; and a bill of sale from Mackle Building Supplies, 3 Market Square, Toomebridge relating to a 30 metre MDP water pipe.

For the year 2016 the agent has submitted the following four (4) pieces of evidence: a bill of sale from Mr G Turner to the applicant and refers to the 'repair of a wire fence and fallen tree'; a bill of sale from C.D and S.J Morrison of Lismorty Farm, Ballymoney and relates to the 'repair of 3 gates and supply of a 5 bar field gate'; a bill of sale from Hugh Millar and Son's Millmore Farm relating to the spreading of fertiliser over 10 acres; and a bill of sale from Mr G Turner to the applicant and refers to 'hedges cut and maintained'.

For the year 2017 the agent has submitted the following five (5) pieces of evidence: a bill of sale from Mr G Turner to the applicant and refers to the 'cleaning of drains'; a bill of sale from McManus Hardware in Randalstown; a bill of sale from McManus Hardware; a bill of sale from Gates and Accessories; and the fifth piece of evidence is from Hugh Millar and Son's Millmore Farm, Antrim and refers to the spreading of fertiliser over 10 acres.

For the year 2018 the agent has submitted the following four (4) pieces of evidence: a bill of sale from G Turner for the renewing and fitting of new sheep wire; a bill of sale from Hugh Millar and Son's, Millmore Farm, Antrim, which refers to the spreading of fertiliser over 10 acres; a purported bill of sale from G Turner stating 'cutting and removal of fallen tree'; and a bill of sale from Plumbfix addressed to James Gray Plumbing and Heating Ltd.

For the year 2019 the agent has submitted six (6) pieces of evidence: a bill of sale from Mr G Turner to the applicant and refers to digger work to clean drains; three (3) bills of sale from Plumbfix which refer to the sale of a hedge trimmer, an 'elbow bend' and two-stroke oil; a bill of sale from McManus Hardware in Randalstown and a bill of sale from Hugh Millar and Son's Millmore Farm referring to the spreading of fertiliser over 10 acres.

For the year 2021 the agent has submitted four (4) pieces of evidence; a bill of sale from C.D and S.J Morrison of Lismorty Farm, Ballymoney referring to the 'fencing of farmlands (labour only)'; a bill of sale from Beatty Hardware and Farms and two purported bills of sale from Mr G Turner to the applicant referring to 'new drainage and piping completed as requested' and additionally the 'repair and replace gate panels and rehang'.

For the year 2020 the agent has submitted four (4) pieces of evidence: a bill of sale from Beattie Hardware Farm Shop, Antrim referring to the supply and fit of a concrete field trough; a bill of sale from C.D and S.J Morrison of Lismorty Farm, Ballymoney, relating to 'drainage on farmland'; a bill of sale from Mr G Turner to the applicant and refers to hedges being cut in a bog area; and a bill of sale from Hugh Millar and Son's Millmore Farm, Antrim and refers to the spreading of fertiliser over 10 acres.

With respect to the evidence provided for the years 2015 - 2021 inclusive, it is considered that the purported bills of sale are not specific to the holding, they are not signed by a person identifiable as being a representative of the farm business, on occasion there is no business name or any explanation provided as to how the

bills of sale relates to the agricultural business. In addition, a bill of sale submitted for the year 2018 appears to relate to the applicant's plumbing and heating business and not the agricultural enterprise. Some bills of sale submitted for years 2019 – 2021 inclusive, are obscured and it is not possible to determine who the bill is for, the works they relate to or where it relates to. With respect to the evidence provided for the year 2020 the business name provided on the bill of sale differs from the business name provided on the internet for that same business, and for 2021 a bill of sale has no identifiable business name. It is therefore considered that the information provided is not specific to the development proposal and is therefore not conclusive.

The agent also submitted a Planning Statement, Document 01 date stamped 7th September 2022, which states the following: the 12-acre farm is run entirely as an arable farm, producing hay, barley and potatoes on a rotational basis; the business supports the applicant's daughter, her husband and one part time employee; the business has allowed the family to branch out from more traditional farming by adding a new money-making activity; and the business supports the small farm holding enabling the applicant to continue his farming activities as a viable business.

In support of this stated position the agent has submitted three (3) collection receipts for potatoes from James Donnelly and Sons Ltd (Potato Merchants) of Portglenone; the first receipt is dated 10th November 2016 for 400 bags of 25 Kg potatoes, the second receipt is dated 27th November 2018 for 500 bags of 25Kg potatoes and the third receipt is dated 23rd December 2020 although no quantity of potatoes collected is referred to.

These pieces of evidence are not considered as demonstrating a continuous business use on the farm holding for the requisite period as described in criterion (a) of Policy CTY 10. It is noted also that the supporting statement sets out that the arable farm operates on a rotational basis for potatoes, barley and hay. No other information in the form of bills of sale for hay or barley has been provided for assessment nor are there any business accounts.

In summary, it is considered that it has not been demonstrated that the farm business is active and has been established for at least 6 years in accordance with the requirements of criterion (a) of Policy CTY 10 of PPS 21 and in turn criterion (a) of Policy CTY 11.

Criteria (b) of Policy CTY 11 requires that the proposal in terms of character and scale is appropriate to its location. Policy CTY 14 'Rural Character' also relates to the assessment of development proposals and their impact to the character of the area. In this instance the development proposal seeks to re-use an existing out-building for the purposes of the embroidery shop. The building is set to the rear of the applicants dwelling at No. 22 Hollybrook Road and is separated from it by approximately 10 metres. It is considered that the scale of the building is acceptable and will not result in an unacceptable impact on the character of the area.

The fourth criterion, criterion (d), requires that the proposal will not result in a detrimental impact on the amenity of nearby residential dwellings including

potential problems arising from noise, smell and pollution. The embroidery business is housed in a building of permanent construction which is set to the rear of the applicant's dwelling and is located approximately 240 metres from the nearest neighbouring dwelling. There are a limited number of people working within the embroidery shop and the business attracts a low level of vehicular movements per day. It is considered that the proposal will not have a significant impact upon the amenity of any nearby residential dwellings.

Overall, whilst it is considered that criterions (b), (c) and (d) of Policy CTY 11 of PPS 21 have been complied with, criterion (a) which requires the applicant to demonstrate that the farm business is currently active and established for at least 6 years, has not been satisfied. The supporting information submitted is neither specific to the farm holding nor conclusive that active farming has taken place for the requisite period.

Access, Movement and Parking Regarding the existing use of the building, the P1 Form states there are four (4) employees which attracts four (4) vehicle movements daily. To determine the potential impact that the application may have on the safety and convenience of other road users, DfI Roads was consulted and raised no objections subject to conditions.

CONCLUSION

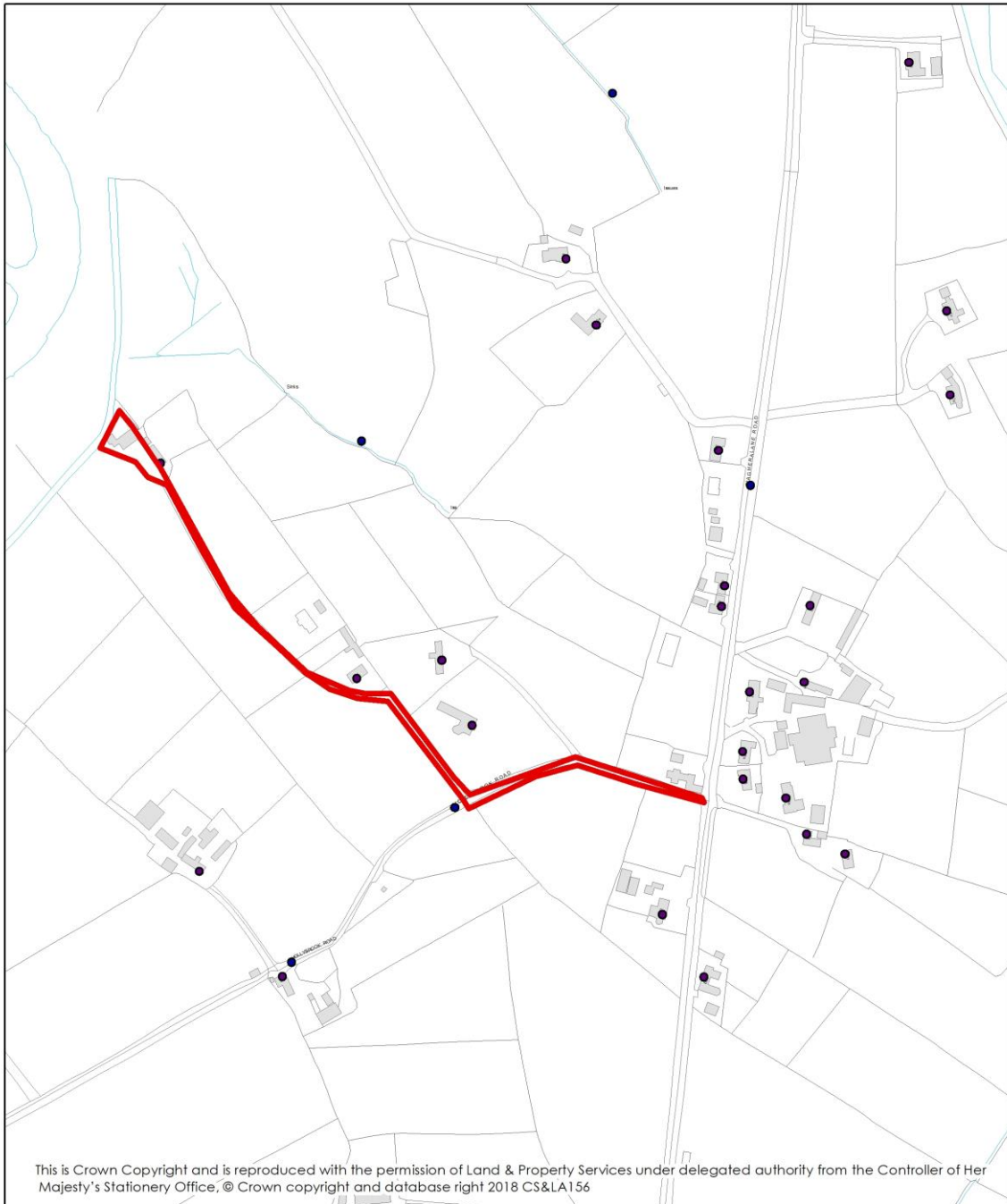
The following is a summary of the main reasons for the recommendation:

- The principle of the development is not acceptable as it has not been demonstrated that the farm business is currently active and established;
- The character and scale of the proposal are acceptable to the location;
- There are no road safety concerns with this proposal;
- The proposal will not have an adverse impact on the natural or built heritage;
- The proposal will not result in a detrimental impact on the amenity of nearby residential dwellings; and
- There are no objections from interested third parties or consultees.

RECOMMENDATION	REFUSE PLANNING PERMISSION
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PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 1 and CTY 11 of PPS 21: Sustainable Development in the Countryside, in that the use of the building does not merit being considered as an exceptional case as the farm business is not shown to be established for 6 years.

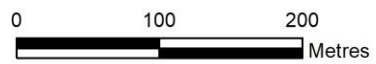


Location Map

Application Ref: LA03/2022/0326/F

Development: Retention of building for use as embroidery workshop and office

Location: 22 Hollybrook Road
Randalstown



 Site Boundary



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2022/0776/F
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retention of building as hairdressing salon
SITE/LOCATION	3 Brookfield Road, Burnside, Doagh, Ballyclare
APPLICANT	Jennifer Christie
AGENT	Park Design Associates
LAST SITE VISIT	16/09/2022
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 www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located at 3 Brookfield Road, Burnside, Doagh, which is within the development limits of Corgy/Kilbride as defined by the draft Belfast Metropolitan Area Plan published 2004 (dBMAP). The site hosts a one and a half storey detached dwelling and a single storey shed located to the rear of the property. This shed is the subject of this application.</p> <p>The site is surrounded by residential properties on all sides and is defined to the rear by a 1-metre-high timber boarded fence. The topography of the site falls gradually to the east of the defined curtilage of No. 3 Brookfield Road.</p> <p>The surrounding area is characterised by mixture of detached dwellings to the north and south. To the southeast is the Old Mill Mews residential development, which consists of two storey semi-detached dwellings.</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 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</p>	

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 Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Corgy/Kilbride. The plan offers no specific guidance on this 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 interest of acknowledged importance.

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

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

CONSULTATION

DFI Roads- No objection

Council's Environmental Health Section- No objection

Historic Environment Division- No objection

REPRESENTATION

Seven (7) neighbouring properties were notified of the proposal 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
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Amenity Space, Parking and Manoeuvring
- Other Matters

Policy Context

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 inside the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and the draft Belfast Metropolitan Area Plan, published 2004 (dBMAP). There are no specific operational policies relevant to the determination of the application in the 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 including PPS3 Access, Movement and Parking.

The provisions of the SPPS require that planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.279 requires retailing to be directed to town centres. It goes on to state that as a general exception to this policy approach, retail facilities which may be considered appropriate outside of development limits include farm shops and shops serving recreational facilities. It concludes by stating that all proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment area and meet the requirements of policy elsewhere in the SPPS.

The SPPS contains a dedicated section on Town Centres and Retailing, which replaced retail policy as was previously contained in Planning Policy Statement 5- Retailing and Town Centres. At paragraph 6.271 it lists a series of regional strategic objectives for town centres, including a town centres first approach for the location of future retailing and other main town centre uses. The SPPS defines town centre uses as being cultural/community facilities, retail, leisure, entertainment and businesses.

In accordance with The Planning (Use Classes) Order (NI) 2015, a hairdressing salon is defined as a Class A1 use, which relates to shops which includes hairdressers. For the purposes of clarity Class A1 uses are commonly found within town centres and as stipulated in paragraph 6.279 of the SPPS, Class A1 uses such as hairdressing will be directed to town centres.

The SPPS further advises that a sequential test should be applied for main town centre uses that are not in an existing centre and in the absence of a current and up to date Local Development Plan (LDP), Councils should require applicants to prepare an assessment of need which is proportionate to support their application. It is noted that the use of the word 'should' suggests that this is not mandatory. The policy goes on to state that this may incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites.

Whilst the LDP in this case is not up to date, no assessment of need has been submitted or a sequential test applied regarding the retailing element. No evidence has been submitted to justify the location of the proposal within the

curtilage of a dwelling house and it is considered that there are no overriding reasons as to why this business cannot be accommodated within the town centre.

For the reasons set out above, it is considered that the principle of development on this site is not established, and the proposal is deemed unacceptable.

Scale, Massing, Design and Appearance

The single storey building in which the hairdressing salon operates from is located in the rear garden of an existing dwelling and has a maximum height of 2.6 metres and creates 16sqm of floorspace. Internally, the building has two (2) rooms, a main salon and a WC. Externally, the building is finished in timber boarding to the walls, black PVC windows and doors and felt roofing. The building has no signage to indicate that it operates as a hairdressing salon.

The building is set back some 22 metres from the public road and is partially screened from public view due to its positioning in the rear garden. It is considered that the design and appearance of the building is sympathetic with the built form and appearance of the existing residential premises and will not detract from the appearance and character of the surrounding area.

Neighbour Amenity

The nearest neighbouring property potentially affected by the proposal is No. 1 Brookfield Road located directly to the south. The building is located along the boundary of the application site and the existing garage of No. 1 Brookfield Road, which is separated by a 1-metre-high timber boarded fence. There are no windows on the gable elevation of the building meaning that there are no significant concerns with regards to overlooking or loss of amenity. Given the existing boundary treatments, it is considered that the proposal will not unduly affect the privacy or amenity of neighbouring residents.

The Council's Environmental Health Section was consulted on the proposal and raised no concerns. Given the context of development on the site, some noise and disturbance are to be expected, however, this is likely to be at a low level and should not arise outside normal working hours.

Amenity Space, Parking and Manoeuvring

DfI Roads was consulted on the proposal, and in its response dated 28th September 2022 requested amended plans and revisions to the P1 form. These amendments have not been requested as the principle of development has not been established and the request for further information would result in nugatory work and unnecessary expense to the applicant.

Other Matters

An archaeological monument bearing reference ANT045:031 is located approximately 120 metres to the southeast of the application site. DfC Historic Environment Division (HED) was consulted and has no objections to the proposed development.

CONCLUSION

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

- The principle of development is considered unacceptable;

- The proposal is contrary to the policy provisions in the SPPS;
- The proposal design and appearance of the proposal is considered acceptable; and
- The proposal will have no significant detrimental impact on neighbour amenity.

RECOMMENDATION	REFUSE PLANNING PERMISSION
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RECOMMENDATION	REFUSE PLANNING PERMISSION
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PROPOSED REASON FOR REFUSAL

- | |
|---|
| PROPOSED REASON FOR REFUSAL |
| 1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement in that the retailing element of the development lies outside any designated town centre or other retailing area within Doagh and it has not been demonstrated that a suitable site does not exist within the town centre or other retailing area. |



Location Map

Planning Reference: LA03/2022/0776/F

Location: 3 Brookfield Road, Burnside,
Doagh, Ballyclare, BT39 0SW

Proposal: Retention of building as hairdressing salon

 Site Boundary



1:1,250

For Information Only



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2022/0609/F
DEA	BALLYCLARE
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retrospective application for retention of existing farm shed.
SITE/LOCATION	100m SW of 12a Irish Hill Road, Ballyclare, BT39 9NQ
APPLICANT	Mr William Wells
AGENT	W M McNeill
LAST SITE VISIT	15 th July 2022
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>At the October Planning Committee, the applicant's father submitted Document 04 'Offer of Support to Planning Reference LA03/2022/0609/F', date stamped 02 November 2022, which was not available to Members for consideration. The information submitted is in support of the application, and attempts to address the refusal reasons alongside providing aerial imagery of the wider agricultural holding and development at Irish Hill.</p> <p>In relation to refusal reason one it is stated that the need for the agricultural shed was outlined in the Statement of Case (SoC) which was taken into consideration in the assessment of the application. The agent states the refusal of the shed would result in there being no facilities for the storage of machinery or the undertaking of livestock handling, including TB testing, calving and animal treatment, thereby creating an animal welfare issue. Transport costs were highlighted, with the use of another farms cattle handling facilities being required. It is noted within the SoC that the applicant retains two farm sheds at Mullaghboy Road, Islandmagee, having sold off a number of other outbuildings in 2014. The information states the applicant no longer manages his farm at Islandmagee. No further information was provided regarding this point as to whether or not the applicant still has access to the farm sheds at this holding for cattle facilities.</p> <p>A number of personal circumstances are outlined within Document 04, and while the Council is sympathetic to these points, these matters are not part of the policy considerations under Policy CTY 12.</p> <p>Regarding refusal reason two, Document 04 states that two hens' sheds and two small wooden sheds are located within the Irish Hill Road holding. The agent states that there is no definition of what constitutes farm buildings/sheds. These stated buildings are considered temporary structures, with no foundations or permanent fixtures. Under the Planning Act (2011) "development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of</p>	

any material change in the use of any buildings or other land. For the purposes of this Act "building operations" includes:

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alteration of or addition to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

It is considered that the placement of a number of wooden sheds on the lands and the erection of temporary fence panels do not have the benefit of planning permission nor is there a Certificate of Lawfulness for these structures. As there is no evidence to show that these structures are lawful, they cannot be taken into account in the consideration of the application.

The submission in regards to refusal reason three states a condition can be attached or an updated version of the Preliminary Risk Assessment be submitted which displays no risks to human health as the result of any contamination present on the application site. As the principle of development has not been established, the Council did not wish to put the applicant to any further cost.

A number of aerial images were submitted from 2017 to 2020. These images display the position of the temporary shed structures and the application building, which is dated 2022. It is considered that the submitted information has not addressed the previous concerns, and therefore the reasons for refusal remain.

CONCLUSION

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

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

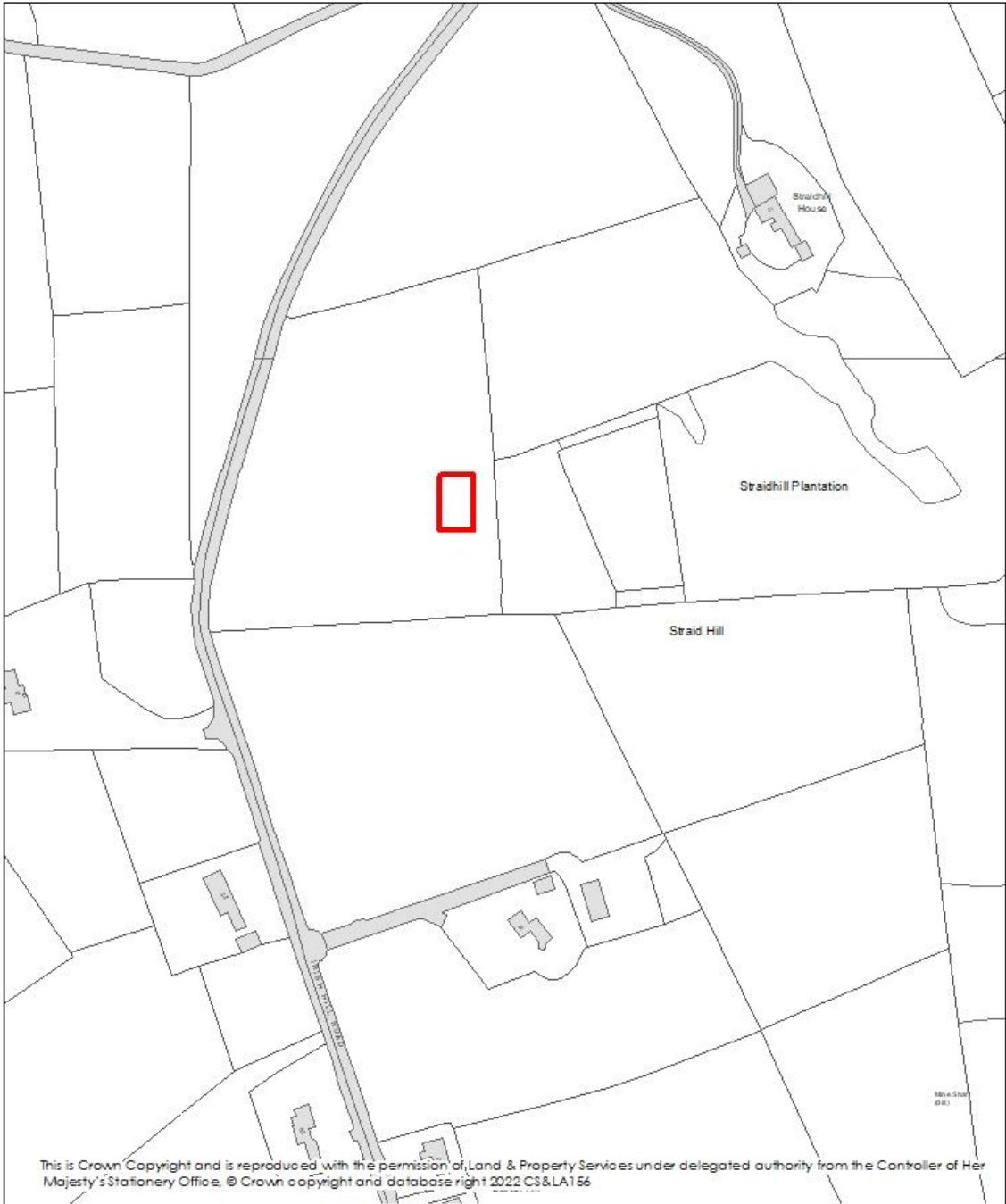
RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 and Policy CTY12 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the building is necessary for the efficient use of an active and established agricultural holding.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy statement and Policy CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the development, if approved, would not be sited beside existing farm buildings.

3. The proposal is contrary to the SPPS as it has not been demonstrated that there are no risks to human health as the result of any contamination present on the application site.



Reference: LA03/2022/0609/F

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

Proposal: Retrospective application for retention of existing farm shed

Scale: 1:2500



Site Location



COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2022/0610/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site of dwelling and garage on a farm
SITE/LOCATION	30m Approx. South East of 76 Crosskennan Road, Antrim
APPLICANT	Mr William Hurst
AGENT	Ivan McClean
LAST SITE VISIT	29 th July 2022
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located approximately 30m southeast of 76 Crosskennan Road, Antrim, which is a countryside location beyond any development limits as defined within the Antrim Area Plan (1984-2001).</p> <p>The application site is set back off the Crosskennan Road and forms a contrived portion of a larger agricultural field. The application site bounds No.76 to the northwest and the northern boundary is defined by a 1.2m high picket fence which marks the established curtilage of No.76. The eastern (roadside) boundary is defined by a 1.5m high hedgerow, with a small section defined by a 1.2m picket fence. The southern and western boundaries are undefined and the topography of the land rises towards the northeast.</p> <p>The surrounding character is open countryside, with dwellings and their associated outbuildings spread out in a dispersed settlement pattern.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning reference: LA03/2015/0338/O Location: Lands adjacent to and south of 76 Crosskennan Road, Ladyhill, Antrim, BT41 2RG Proposal: Erection of 2 no. dwellings and associated detached garages in compliance to PPS21 Policy CTY8 Decision: Appealed Dismissed (01.02.2017)</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 outside any development 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.

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.

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.

Northern Ireland Water- Approval subject to conditions.

Department for Infrastructure Roads- No objection.

Department for Agriculture, Environment and Rural Affairs- The Farm Business ID was allocated in November 1992. The business has claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last six years. Their response also states that the proposed site is on land which payments are currently being claimed by the farm business.

Department for Communities Historic Environment Division- No objection.

Belfast International Airport- No objection.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design, Layout and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Movement and Access
- Other Matters

Policy Context and Principle of Development

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

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to determination of the proposal. The application site is located within the countryside outside any development limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is 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.

The Department for Agriculture, Environment and Rural Affairs (DAERA) advised in a consultation response dated 18th October 2022 that the associated farm has been in existence for more than 6 years, the farm business ID having been allocated in November 1992. Their response also confirms that the farm business has claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each

of the last 6 years. Their response also states that the proposed site is located on land for which payments are currently being claimed by the farm business. The Council, having regard to DAERA's response, considers that the application meets criterion (a) of CTY 10.

A site history check has been carried out on the lands submitted and shown on the farm maps and there does not appear to have been any development opportunities sold off from the farm holding. This is further confirmed by the answer to Q5 of the PIC form which states that there have been no dwellings or development opportunities sold off from the farm holding within the last 10 years. The proposal complies with CTY 10 (b).

The application site is located adjacent and directly southeast of No.76 Crosskeenan Road, the main farm dwelling with a garage and agricultural buildings located beyond the dwelling. It is considered that the proposal could be sited within the proposed application site so to cluster with the established group of buildings. The proposal complies with CTY 10 (c).

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

The proposed site must also meet the requirements of CTY 13 and CTY 14 which require all development to visually integrate into the countryside, and that any building is of an appropriate design and will not erode the rural character of the area.

The topography of the application site rises in a northeasterly direction towards the adjoining roadside boundary/curtilage boundary with No.76, whereby the land then falls quite significantly with panoramic views over Antrim Town and Lough Neagh. The dwelling and outbuildings located to the northwest of the application site would not provide any significant degree of enclosure given the change in ground levels whereby they would be partially/totally obscured as a result of the development. It is considered that when travelling north along the Crosskennan Road, the development would lack any backdrop and would appear incongruous within its surroundings and landscape. It is considered that a proposed dwelling and garage would read as a prominent feature within the landscape.

The site benefits from a 1.5m high hedgerow along the eastern (roadside) boundary, however, given the rising ground levels when travelling north along the roadway, the natural boundary will provide little integration/screening for the development. The southern and western boundaries are undefined, thereby allowing direct views of the proposal when travelling north. The proposal would rely heavily on new planting, which would require several years to reach maturity and provide a sufficient level of enclosure for the development.

Locating a dwelling and garage on such an open and exposed site is considered detrimental to the rural character of the surrounding area. Furthermore, the positioning of a development and garage at this location would create a linear form of development within the open countryside, resulting in a suburban style build-up of development. Overall, it is considered the site fails the requirements of CTY 13 and 14.

Neighbour Amenity

As the application seeks outline planning permission, limited details have been provided regarding the proposal, however, it is considered that a dwelling could be sited appropriately so not to have a detrimental impact on the amenity of any existing properties due to separation distances, topography, and existing mature boundary treatments.

Access and Parking

Access to the application site is to be gained from the Crosskennan Road and Dfl Roads were consulted regarding the application and responded with no objections, subject to compliance with the attached RS1 Form.

Other Matters

The Environmental Health Section of the Council were consulted regarding the impacts of the proposal in relation to noise and odour, they have responded with no objections to the proposal.

Historic Environment Division were consulted to ascertain if there were any impacts on historic monuments, however, they have responded with no objections.

Due to the elevation of the site in the surrounding landscape Belfast International Airport were consulted regarding the proposal and responded with no objections to the proposal.

CONCLUSION

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

- The principle of the development has been established in accordance with CTY 10 of PPS21;
- It is considered a dwelling could not be accommodated within the site and integrate appropriately within the landscape, eroding the rural character of the area;
- No detrimental impact to neighbouring amenity is considered to occur given the separation distances, changes in ground level and existing boundary treatments;
- There are no road safety concerns with the proposal.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new buildings would appear as prominent feature within the landscape.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 8 and CTY 14 of Planning Policy Statement 21, in that

a new dwelling, if permitted, would result in a suburban style build-up of development; and the creation of ribbon development along the Crosskennan Road.




Site Location Plan

Application Reference: LA03/2022/0610/O

Site of dwelling and garage on a farm

30m Approx South East of 76 Crosskennan Road, Antrim



 Site boundary

1:1,250



PART TWO
GENERAL PLANNING MATTERS

ITEM 3.11

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during October 2022 under delegated powers together with information relating to planning appeals is **enclosed** for Members information.

One (1) appeal was upheld during October by the Planning Appeals Commission (PAC) in relation to LA03/2020/0410/O (PAC 2020/A0135) proposed site for a dwelling and attached domestic garage approximately 200m southeast of 178 Staffordstown Road, a copy of this decision is **enclosed**. One (1) further appeal was dismissed during October by the PAC in relation to LA03/2020/0007/F (2020/A0133) an agricultural building southwest of 17 Whitehill Drive, Randalstown, and a copy of this decision is also **enclosed**.

RECOMMENDATION: that the report be noted.

Prepared by: Stephanie Boyd, Planning and Economic Development Business Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.12

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

Prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks' notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). Three (3) PANs were registered during October 2022 the details of which are set out below.

LA03/2022/0862/PAN

Proposed erection of 2no distribution warehouse buildings with ancillary facilities, including parking and landscaping

Land approx. 80m south of 3 Ballyearl, Newtownabbey, BT36 5SW

Montgomery Developments, 607 Antrim Road, Newtownabbey, BT36 4RF

4 October 2022

12 week expiry: 27 December 2022

LA03/2022/0863/PAN

Proposed storage and distribution facility comprising: warehousing, research and development building, officers, steel storage yard, ancillary plant equipment, parking, loading; unloading areas, landscaping and all associated site works. Relocation of existing builders' storage and farm machinery sales yard. Newt right turn land access provided via Nutts Corner Road.

50 Nutts Corner Road, Nutts Corner, Crumlin.

Hannon Group, 21 Brankinstown Road, Aghalee, BT67 0DF.

4 October 2022

12 week expiry: 27 December 2022

LA03/2022/0923/PAN

Development of 2 no. modular bed wards with link corridor to existing hospital; new 2 storey car park containing approx. 210 spaces; modular office building and electrical sub-station

Lands at Antrim Area Hospital, Bush Road, Antrim, BT41 2RL

NHSCT Antrim Area Hospital, Bush Road, Antrim, BT41 2RL

25 October 2022

12 week expiry: 17 January 2023

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

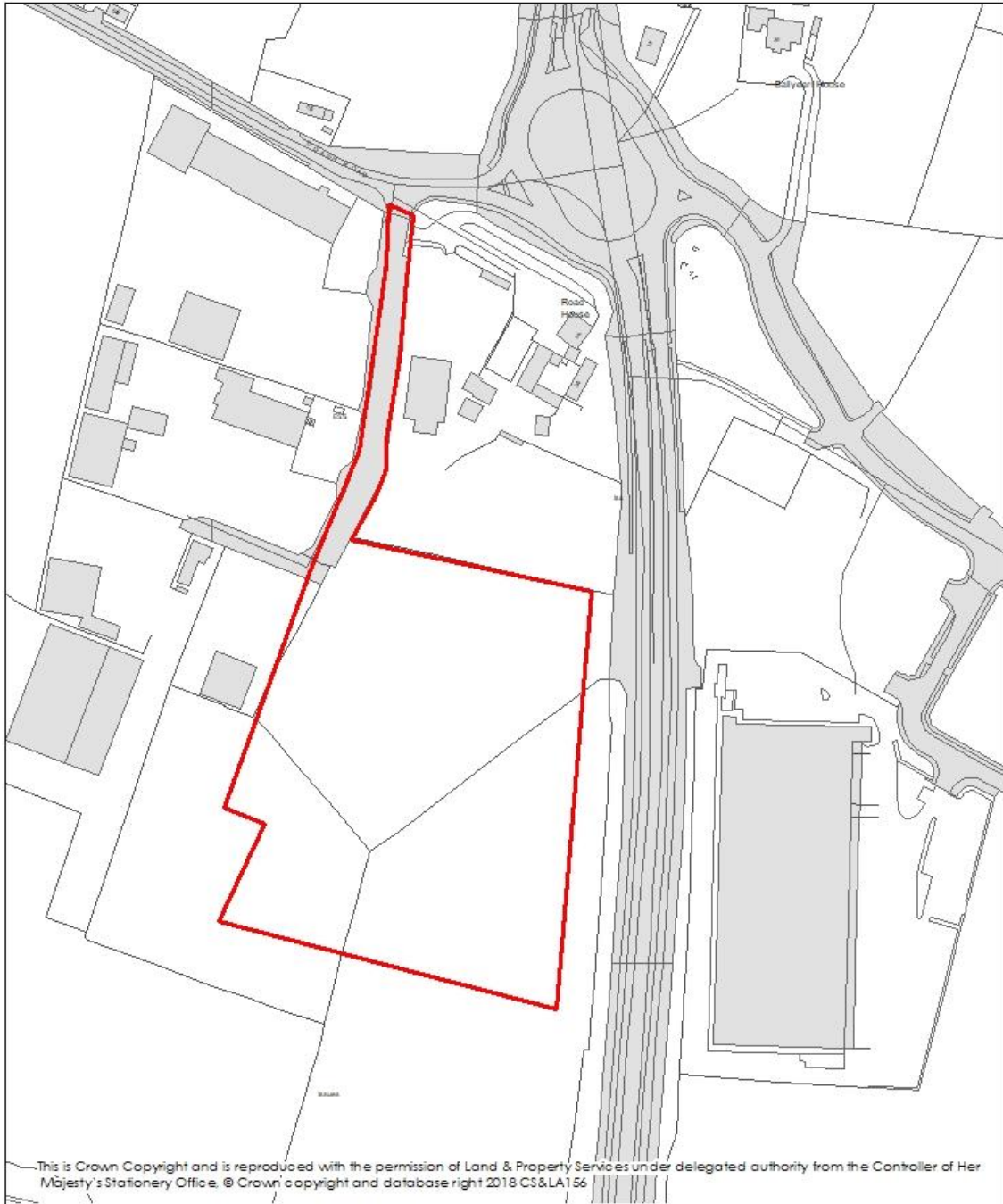
the consultation that has been undertaken regarding the application and detailing how this has influenced the proposal submitted.

RECOMMENDATION: that the report be noted.

Prepared by: Stephanie Boyd, Planning and Economic Development
Business Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning

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



Site Location Plan

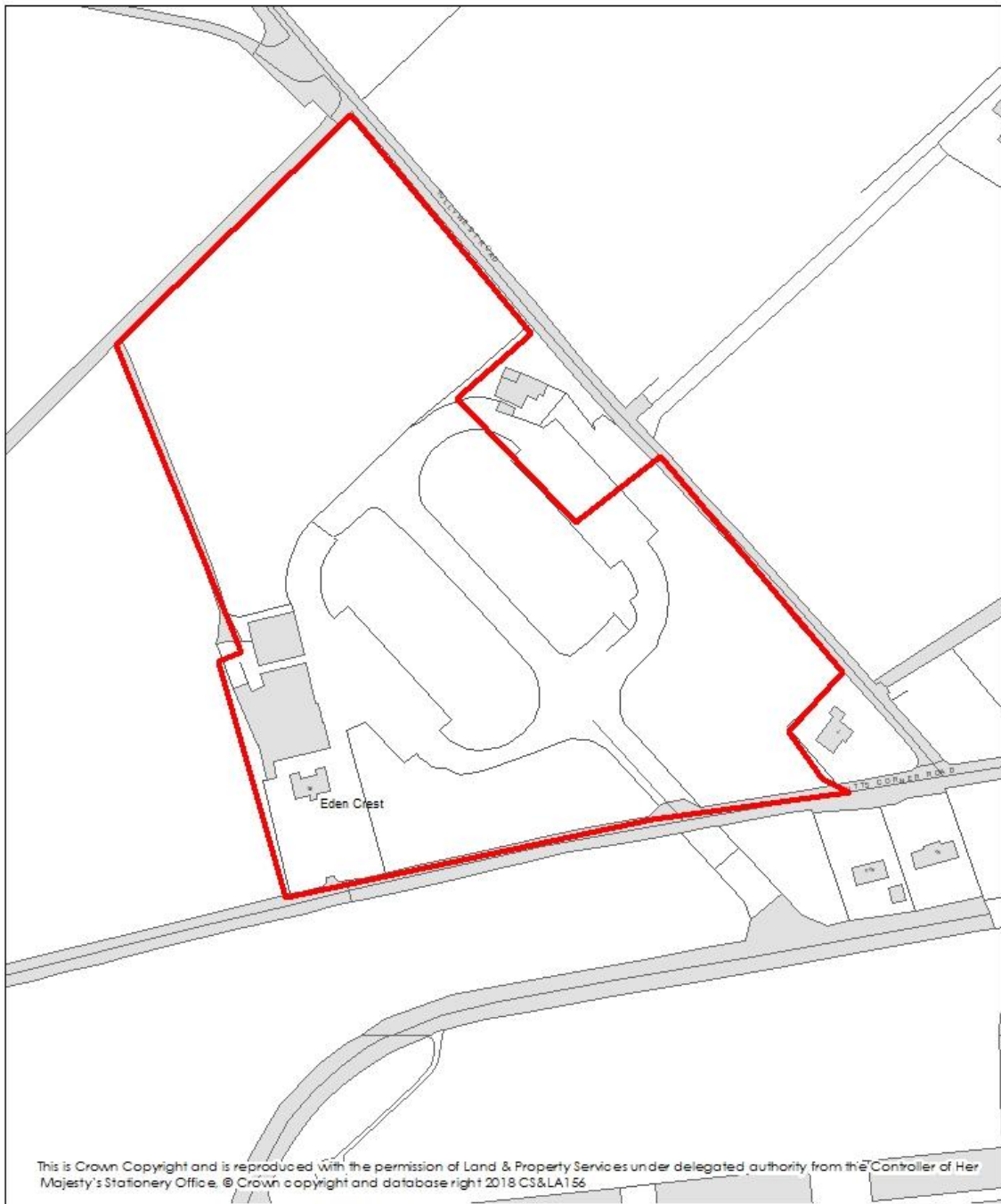
Application Reference: LA03/2022/0862/PAN

Proposal: Proposed erection of 2no distribution warehouse buildings with ancillary facilities, including parking and landscaping

Location: Land approx. 80m South of 34 Ballynure Road
Ballyearl, Newtownabbey, BT36 5SW

0 15 30 60 90 120 Metres

Site boundary



Site Location Plan

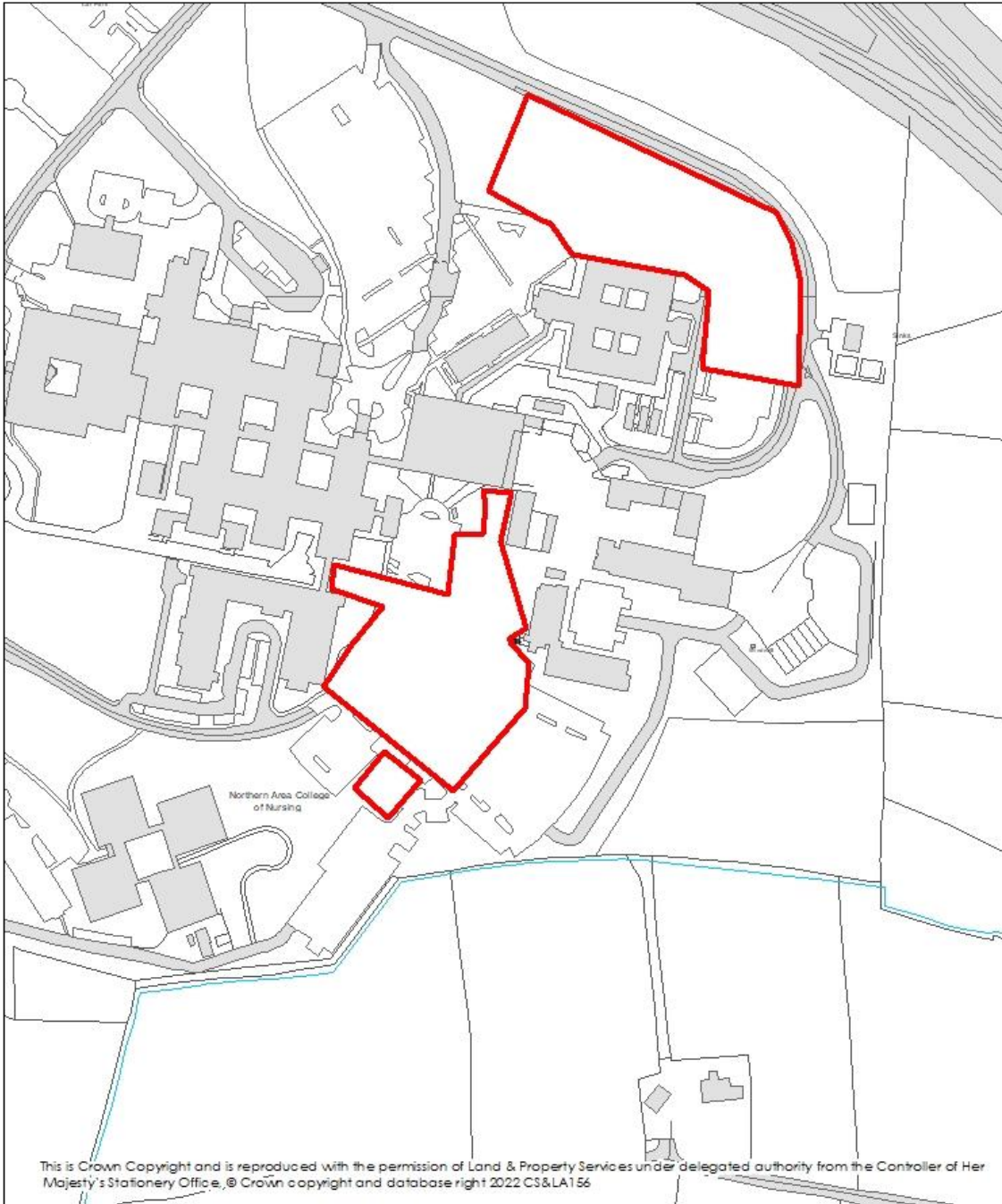
Application Reference: LA03/2022/0863/PAN

Proposal: Storage and distribution facility

Location: 50 Nutts Corner Road,
Nutts Corner, Crumlin

0 15 30 60 90 120 Metres

Site boundary



Planning Application Reference: LA03/2022/0923/PAN

Location: Lands at Antrim Area Hospital, Bush Road, Antrim, BT41 2RL

Proposal: Development of 2 no. modular bed wards with link corridor to existing hospital; new 2 storey car park containing approx. 210 spaces; modular office building and electrical sub-station

Scale: 1:2500 

 Site Location



ITEM 3.13

P/PLAN/012/VOL2 PLANNING PORTAL GOVERNANCE BOARD

As advised previously work is ongoing on the delivery and implementation of the new Northern Ireland Planning Portal which will replace the current Northern Ireland Public Access.

The Department has advised at a meeting held on 11 November that the system is ready for 'go live'. The date is scheduled for 5 December 2022.

As previously reported there will be system downtime to facilitate the transition from the current system to the Planning Portal. The Portal closes on 18 November with read only access for both Planning Staff and the public. Training is currently being rolled out for staff and Members on the new Portal.

In order to ensure a consistent approach to the publication and availability of planning information for all citizens in NI the Planning Senior Administrative Officer Group, which includes representation from Mid Ulster District Council, have now reviewed the position and are proposing a Planning Publication Policy (copy **enclosed**) which is consistent across all Councils.

Additionally, the Planning Section has reviewed its Privacy Notice to ensure that all persons using the Planning Service are aware of our policy. A copy has been **enclosed**.

RECOMMENDATION: that the report be noted.

Prepared by: Kathryn Bradley, Economic Development and Planning
Business Support Manager

Approved by: Sharon Mossman, Deputy Director of Planning

ITEM 3.14

P/PLAN/1 DEPARTMENT FOR INFRASTRUCTURE (Dfi) PUBLIC CONSULTATION ON VALIDATION CHECKLISTS FOR PLANNING APPLICATIONS

Correspondence (**enclosed**) has been received from the Department for Infrastructure regarding the announcement of a public consultation on the introduction of a statutory power for Councils and the Department to provide validation checklists for planning applications. The consultation closes on 6 January 2023 and a copy of the consultation is **enclosed** for information.

Validation checklists will aim to improve the quality of applications being submitted and speed up the overall processing times for applications.

It has been well recognised by the Northern Ireland Audit Office and the Public Accounts Committee that there is a need to review the current validation system, which has a low bar in terms of information to be submitted to progress an application. In addition, it is the experience of Officers that a stronger validation system supported by legislation would be beneficial in relation to progressing applications.

The proposal includes amending The Planning (General Development Procedure) Order (NI) 2015 to allow a planning authority to prepare and publish checklists above the current minimum statutory requirements which would remain unchanged, setting out the additional supporting information/evidence which would be required to accompany different types of planning application. There will be some flexibility for individual Councils to take an approach that suits their local area and planning issues. In addition, the consultation raised the issue of validation disputes. This is where the applicant disputes whether the application is valid. Similar provision is made in England and Wales and the Department recommends a similar procedure in Northern Ireland to reduce the risk of Judicial Review. Further details on the options available is set out in the enclosed consultation report.

Officers consider that the introduction of validation checklists will be of benefit to the delivery of planning applications and consider that a corporate response should issue welcoming the amendment to legislation. Should the legislation be amended consideration will be given to the content of the Councils new validation checklist.

RECOMMENDATION: that Council welcomes the introduction of validation checklists and amended legislation.

Prepared by: Stephanie Boyd, Planning and Economic Development
Business Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.15

P/PLAN/1 DEPARTMENT FOR INFRASTRUCTURE (Dfi) PUBLIC CONSULTATION TO PLANNING PERMITTED DEVELOPMENT RIGHTS TO PROTECT THE ENVIRONMENT

The Department for Infrastructure opened a consultation on proposed changes to the Permitted Development Rights for Domestic Microgeneration Equipment and Reverse Vending Machines (**enclosed**) on 27 October 2022. The consultation seeks views on proposals to revise permitted development rights for the installation of domestic microgeneration equipment such as heat pumps and provide new permitted development rights for reverse vending machines.

Full details of the consultation and a link to the survey are available at: <https://www.infrastructure-ni.gov.uk/consultations/consultation-changes-planning-permitted-development-rights-protect-environment-and-help-address>

The survey will be open until **5pm on Friday 23 December 2022**.

Members may wish to respond on a corporate, individual or party political basis.

Members instructions are requested.

Prepared by: Stephanie Boyd, Planning and Economic Development
Business Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.16

P/FP/LDP/5 LOCAL DEVELOPMENT PLAN (LDP) UPDATE - DRAFT LOCAL POLICIES PLAN – PROJECT PLAN

Members are reminded that the Council's Planning Section's Forward Planning Team has commenced work on the next stage of the Local Development Plan (LDP) process, the draft Local Policies Plan (LPP). This Plan will set out the site-specific proposals, local policy designations and reasoned proposals for uses of land that will be required to deliver the vision, objectives, spatial strategy and strategic policies that are defined in the Council's Draft Plan Strategy (DPS).

Officers discussed a preliminary LPP Project Plan at the reconvened LDP Members Steering Group which took place on 11 November 2022.

It is proposed to hold a LDP Members workshop to provide a high level overview of the next stage of the Local Development Plan process. A date will issue to all Elected Members and papers will be circulated in advance.

Dfl Updates

Correspondence has been received from the Department for Infrastructure (DfI) with regard to:

- (a) Final Draft, Development Plan Practice Note 11, 'Receipt of Independent Examination Report and Adoption of a Development Plan Document' (October 2022) – **enclosed**. This guidance relates to the key requirements for the adoption of Development Plan Documents and deals primarily with procedures as well as good practice.;
- (b) NI Minerals Group - Mr. Alistair Beggs (DfI, Director of Strategic Planning Directorate) – **enclosed**. Following the DfI recommendation that this group be reconvened to assist in the collection of returns on annual mineral statement to the Department of the Economy (DfE), a meeting of the reconvened group took place on 17 November 2022 hosted by Mid and East Antrim Borough Council.

RECOMMENDATION: that the report be noted, and that a Members workshop be arranged to provide a high level overview of the Local Policies Plan.

Prepared by: Simon Thompson, Principal Planning Officer (Interim)

Agreed by: Sharon Mossman, Deputy Director of Planning

Approved by: Majella McAlister, Deputy Chief Executive of Economic Development and Planning