



12 October 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 17 October 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](mailto:memberservices@antrimandnewtownabbey.gov.uk)

## **AGENDA FOR PLANNING COMMITTEE – OCTOBER**

**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: LA03/2021/0162/F

Replacement transformers with integral coolers and construction of replacement 33KV switch house. Demolition of existing transformer bunds, 33KV switch house and ripple house will be required at Glengormley main substation, accessed via lane between 409 and 413 Antrim Road, Newtownabbey, BT36 5ED.

#### 3.2 Planning Application No: LA03/2022/0327/F

Extension to building for workshop and storage space for existing trailer hire company at 11 Ormonde Avenue, Newtownabbey, BT36 5AT.

#### 3.3 Planning Application No: LA03/2022/0078/F

Proposed infill housing scheme consisting of 2no one-bedroom ground floor apartments and 1no two bedroom first floor apartment at 970-974 Shore Road, Newtownabbey.

#### 3.4 Planning Application No: LA03/2022/0189/F

Conversion of No.7 Main Street, Ballyclare to 3No. apartments with 2 No.new-build dwellings to rear and accessed off Millburn Mews.

#### 3.5 Planning Application No: LA03/2022/0441/O

Proposed site of housing development at 14 Niblock Road, Antrim.

3.6 Planning Application No: LA03/2022/0605/F

Change of use from engineering workshop to Tachograph Centre and alteration of existing vehicle access to create one-way vehicle access system for both the engineering works and the Tachograph Centre at 29 Cargin Road, Toomebridge, Co Antrim, BT41 3NU.

3.7 Planning Application No: LA03/2022/0185/F

Erection of agricultural building (cattle shed) including ancillary siteworks in association with existing established and active farm business at 120m NE of 16 Rickamore Road, Templepatrick BT39 0ET.

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

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

3.9 Planning Application No: LA03/2022/0349/F

Erection of an agricultural shed 250m NE of 60 Crosskennan Road, Antrim, BT41 2RE.

3.10 Planning Application No: LA03/2022/0639/O

Site for dwelling and domestic garage on a farm based on Policy CTY 10, 50m north west of 69 Oldwood Road, Randalstown, BT41 2PP.

3.11 Planning Application No: LA03/2022/0676/O

Site for proposed dwelling and garage on a farm Approximately 25m south east of 17 Mount Shalgus Lane, Randalstown.

3.12 Planning Application No: LA03/2022/0418/O

Site for detached farm dwelling and garage with associated site works at lands approx. 50m South East of 15 Crosshill Road, Crumlin, BT29 4BQ.

3.13 Planning Application No: LA03/2022/0700/F

Proposed replacement of existing garden centre with a single dwelling and removing all commercial buildings at 24a Donegore Hill, Muckamore, Antrim.

3.14 Planning Application No: LA03/2022/0762/O

1 No. Two Storey House approx. 180m<sup>2</sup> at Site 22m South of 41 Hydepark Road Grange of Mallusk, Newtownabbey, BT36 4PY.

3.15 Planning Application No: LA03/2021/0499/O

Proposed infill site for dwelling and garage 90m N W of 156 Ballymena Road, Ballyclare.

3.16 Planning Application No: LA03/2022/0698/F

Site for dwelling and garage (variation of condition 6 from planning approval LA03/2021/1031/O to change ridge height limit from 5.5m to 7Mat lands 50m NW of 90 Roguery Road, Toome.

3.17 Planning Application No: LA03/2022/0530/F

Re-surfacing of existing car park and the provision of 3 new 6m high lighting columns with LED lamps, Public Car Park, 25m southeast of 17 Portglenone Road, Randalstown, Co. Antrim, BT41 3BE.

3.18 Planning Application No: LA03/2022/0727/F

Demolish rear conservatory and erect a new sun lounge, a new porch to the front entrance and render finish to the existing external walls at 22 Liester Park, Ballyrobert.

**PART TWO – Other Planning Matters**

3.19 Delegated Planning Decisions and Appeals September 2022

3.20 NISRA Planning Statistics 2022/2023 – First Quarterly Bulletin for the Period April to June 2022

3.21 Local Development Plan Quarterly Update (Q2) July to September 2022

3.22 Regionally Significant Planning Application – Kells Solar Farm (Reference LA03/2015/0234/F)

**4. Any Other Business**

**PART TWO – Other Planning Matters – IN CONFIDENCE**

3.23 Northern Ireland Planning Portal Update - In Confidence

3.24 Northern Ireland Planning Statistics Enforcement Quarterly Update (Q1) 2022/2023 April to June 2022 – In Confidence

**PART ONE – Decisions on Enforcement Cases – IN CONFIDENCE**

3.25 Enforcement Case - LA03/2022/0122/CA – In Confidence

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 17 OCTOBER 2022**

**PART ONE**

**PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>3.1</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0162/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Replacement transformers with integral coolers and construction of replacement 33KV switch house. Demolition of existing transformer bunds, 33KV switch house and ripple house will be required
<b>SITE/LOCATION</b>	Glengormley main substation, accessed via lane between 409 and 413 Antrim Road, Newtownabbey, BT36 5ED
<b>APPLICANT</b>	James McCann NIE Networks Ltd
<b>AGENT</b>	N/A
<b>LAST SITE VISIT</b>	21 <sup>st</sup> April 2021
<b>CASE OFFICER</b>	Ashleigh Wilson Tel: 028 903 Ext 40429 Email: <a href="mailto:ashleigh.wilson@antrimandnewtownabbey.gov.uk">ashleigh.wilson@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at Antrim Road, Glengormley and is located within the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan and draft Belfast Metropolitan Area Plan (published 2004).</p> <p>The application site is the existing Glengormley Main Substation which is enclosed and bound on all sides by existing galvanised metal palisade security fencing of approximately 2.4 metres in height. The site encompasses a ripple control house, a 110/33/6/6 kV transformer with cooler, a 33/6.6kV transformer with cooler; a 33kV switch house, a building housing the 6.6 &amp; 33kV control room and the 6.6kV switch room. The remaining area of the application site is covered in maintained grass.</p> <p>The surrounding area comprises residential properties, retail development and a builder's yard.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2022/0088/CA Location: NIE Substation, 409 -413 Antrim Road, Newtownabbey, Antrim Nature: Alleged unauthorised works LA03/2021/0162/F</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<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</p>	

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

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

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. 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.

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

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

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

## **CONSULTATION**

**DAERA Water Management Unit** – No objection

**DAERA Regulation Unit** – No objection, subject to conditions.

**Council Environmental Health Section** – No objection, subject to conditions

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads** – No objection

**Department for Infrastructure Rivers** – No objection

**Public Health Agency** – No response

**Health and Safety Executive (NI)** – No comments

**Shared Environmental Services** – No objection

## **REPRESENTATION**

Sixteen (16) neighbouring properties notified and eighteen (18) letters of objection have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Out of keeping with the area
- The proposal is for a larger facility than the existing
- Visual impact
- Overbearing
- Impact on health and wellbeing
- Adverse environmental impact
- Loss of light / Overshadowing
- Impact on privacy
- Noise impact
- Concerns with the detail of the Noise Impact Assessment
- Affects on the value of neighbouring properties
- Intrusive / intimidating outlook
- Effects on enjoyment and relaxation of family in the home and garden
- Notification was not received for some time after the application was received
- Work carried out on site
- A blast wall was proposed to be erected around a substation in Randalstown in the countryside – LA03/2016/0858/F
- No consultation by the applicant to occupants of neighbouring properties
- No measurements indicated on the plans
- Fire hazard

## **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 within the settlement limit of Metropolitan Newtownabbey in both Plans. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The existing Glengormley main substation is a strategic node on the electrical network which supplies customers and businesses in the area. The substation contains a ripple control house, a 110/33/6/6 kV transformer with cooler, a 33/6.6kV transformer with cooler; a 33kV switch house, a building housing the 6.6 & 33kV control room and the 6.6kV switch room.

The proposal has been submitted following the NIE Networks asset replacement program and required to be upgraded. The proposal includes the replacement of the existing 2no. transformers (1no. 110/33/6.6 kV transformer and 1no. 33/6.6kV transformer) with 3no. transformers (1no. 110/33kv transformer and 2no. 33/6.6kv transformers). The proposal also includes construction of replacement 33KV switch house. Demolition of existing transformer bunds, 33KV switch house and ripple house will be required.

The applicant has provided the justification for the proposal (letter dated 26<sup>th</sup> May 2022) in that the age and condition of both exiting transformers and the switch gear is such that they are now approaching end of useful life and the switch house is in poor structural condition. It has been set out within the applicant's letter that the proposal is now deemed as 'critical' and that maintaining the existing assets is not feasible beyond the short term due to the age of the equipment and difficulty sourcing strategic spare parts. The applicant, NIE has advised that delaying the replacement of the assets identified could potentially lead to electricity supply in the area being compromised during periods of high demand.

The supporting letter, dated 26<sup>th</sup> May 2022 also states that the utility regulator has set challenging targets for the overall improvement of network reliability, the proposed works will help improve performance through increased network reliability and quicker fault response. The proposed works are also required to meet projected demand from customers and will facilitate the envisaged increasing level of renewable connections and the uptake of low carbon technologies.

Based on the policy context and existing land use within the application site it is considered that the principle of the proposed development is acceptable at this location. The main considerations are compatibility with surrounding land uses, siting, design and layout, visual impact and impact on residential amenity.

#### **Compatibility with surrounding land uses**

The proposed development is situated within an existing NIE substation and is bound on three sides by existing residential properties. While the proposed equipment is moving closer to some properties, an electricity substation is currently in operation on

the site and therefore it is considered that the proposed use is compatible with the residential properties surrounding the site. The northern boundary abuts Northcott Shopping Centre car park.

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

The proposal involves the demolition of the existing 33kv switch house located in the southwestern corner of the application site. A new 33kV switch house is to be erected in the northwestern corner of the site at approximately 7.6 metres in height. The outer leaf is to be red facing brick and reinforced concrete hardstanding will be positioned to the north of this building.

Within the middle portion of the site are currently transformers and surrounding bund. The proposal includes the retention of the existing bund and a red brick perimeter wall, approximately six (6) metres in height surrounding the existing transformer bund to be retained. A portion of the existing brick built transformer enclosure is to be demolished. Two new replacement transformers will be placed within this existing bund.

The existing ripple house building located at the northeastern end of the application site, measuring approximately 7metres by 13 metres and 3.4 metres in height, is to be demolished and a new transformer is proposed in its place. A proposed concrete bund with a red brick wall and concrete coping at a height of approximately 5.5 metres will house the transformer. Additional 3no. high level aluminium busbar arrangement and standalone earth switch arrangements will project beyond the bund and will be exposed. Due to the topography of the land at the highest point the equipment will be 8.1 metres in height from ground level.

There is no significant change to the 6.6 and 33kV Combined Control Room within the southwestern end of the site which is to be retained. The existing oil tanks within the site are to be replaced with 6no. 88 litre buried header oil tanks and 8no. 300 litre oil tanks. These tanks are to be buried underground within the confines of the site and therefore will have limited visual impact.

Concerns have been raised through letters of objection regarding the visual impact of the proposal and that it would be out of keeping with the residential properties and have a detrimental impact on the character and appearance of the area. Views of the equipment will be largely restricted from the public road due to the set back from the road and intervening residential development. However, views will be evident from the Northcott Shopping Centre car park adjoining the northern boundary of the site and from neighbouring properties abutting the site.

The site is currently used as a NIE Substation and while the overall equipment will be larger than the existing and positioning and heights of some of the equipment will be greater, it is considered the overall visual impact will not be so significant as to warrant refusal of the planning application on this basis. Impact on neighbouring properties has been considered below.

### **Neighbour Amenity**

Existing residential properties back onto and gable onto the application site. The proposal has been subject to revisions; the agent has advised that this was primarily

in response to matters raised by 3rd parties including the repositioning of transformers as far as practical from the domestic houses in Kirkdale.

Concerns have been raised regarding noise impact from the proposed equipment and also construction noise given the proximity of neighbouring properties. A Noise Impact Assessment (Document 01/1, date stamped 26<sup>th</sup> January 2022) and a further Clarification Document (Document 03, date stamped 1<sup>st</sup> July 2022) has been received in support of the proposal. In addition, further mitigation measures have been proposed including a wall enclosure around the 110/33kv transformer to reduce any potential noise impact.

It has been raised through letters of objection that the distances stated in the Noise Impact Assessment to noise sensitive receptors is inaccurate. Further clarification has been provided within the Noise Clarification Document (Document 03, date stamped 1st July 2022) with regards to distances and it was highlighted that the original measurement was taken from the centre of the noise sensitive receptor. Further measurements have been provided from the edge of the noise sensitive receptors.

Section 3.2.5 of the updated document has predicted the low frequency noise arising from the proposed development at nearby sensitive receptors and compared to the criterion curve contained within the University of Salford procedure for low frequency noise complaints 2011 document. The document has demonstrated that low frequency noise arising from the proposed development will not exceed the criterion curve.

In addition, Section 3.2.1 of the document has compared the predicted octave band mid-frequency noise arising from the proposed development against noise rating curves NR 25 & NR15 and demonstrated that the predicted noise impact will not exceed these curves internally at noise sensitive receptors in both an open window (approx. 20cm) and window closed scenarios.

Environmental Health Section has been consulted and has considered the objections received and the noise documents submitted and has no objection to the proposal, subject to conditions. Any construction noise is likely to be temporary and overall it is considered that the proposal is not likely to have a significant noise impact to residential properties.

Concerns have been raised through letters of objection regarding the impact on neighbour amenity from residents within Kirkdale.

No. 27 Kirkdale sits at a slightly lower level to the application site and is positioned with its gable elevation onto the application site separated by the existing security fencing and a timber fence on the neighbouring side. The existing ripple and control house equipment is approximately 18 metres from the boundary with this property and is approximately 3.4 metres in height. The proposal involves the demolition of this existing equipment and the erection of a proposed 110/33 kV Transformer with concrete bund to house this equipment and 3no. high level aluminium busbar with standalone earth switch and cable sealing end projecting beyond the side of the bund with varying heights with the highest point of approximately 8.1 metres. The bund is proposed to be eighteen (18) metres from the boundary with this

neighbouring property and the aluminium busbars are approximately 21 metres from the neighbouring boundary. The underground cabling is proposed to run between this proposed transformer and the switch house and is approximately 13 metres from the boundary with No. 27 Kirkdale.

The occupants of this property have raised concerns that this equipment is intimidating as it is fully exposed and highly intrusive. In addition, the occupants consider it will have a detrimental impact on mental health and wellbeing as a result of the overbearing effects on their view and enjoyment and relaxation within their home and garden area. This property sits gable end onto the application site and therefore it is considered any impact on the outlook from this property will not be significant. Any views from windows in this property will be at an angle, the view from this garden area is not restricted by the proposed development, instead it is a change of view from that which exists at present and given the separation distances between the edge of the neighbouring garden and the proposed exposed equipment at approximately 21 metres, it is not considered that the change of view is so significant as to warrant refusal of the application.

Existing dwellings 29 – 37 Kirkdale back onto the application site and abut the southeastern elevation of development. It has been raised through letters of objection that the existing equipment is screened by walls etc. while the proposed is exposed. While the exposed equipment will be visible from a number of these properties it is considered, on balance that there is adequate separation distance and any visual impacts of the proposal would not warrant a refusal of the proposal. The existing brick built transformer enclosure is to remain and the switch house will be lower in height than the existing. Therefore, it is considered the outlook of these properties will not be significantly adversely affected by the proposed development.

No. 19 Mossgrove Park is positioned gable onto the southwestern elevation of the proposed development. It is considered there will be no significant difference to the visual impact of the proposal from this property.

Nos. 1 – 11 Mossgrove Park also back onto the application site and the northwestern elevation abuts these properties. The proposed switch house will be approximately one metre closer to the boundary with No. 11 Mossgrove Park and will be a total length of 19 metres and 7.2 metres in height. It is considered that due to the intervening vegetation between these properties and the site and the separation distances proposed, the visual impact will not be significant.

It is considered that due to the separation distances, the proposal will not result in a significant overshadowing impact or detrimental impact by way of loss of light to the neighbouring properties. The proposal is also considered to have limited impact on the privacy of the existing occupants of neighbouring properties. On balance, while there will be a change visually from the proposed equipment, it is not considered so significant as to warrant refusal of the application.

### **Impact on Health and Safety**

#### Electromagnetic Field

Concerns have been raised regarding the implications on health from the electromagnetic field (EMF) from the equipment including the cabling proposed. In relation to possible impact on human health, no evidence has been presented to

suggest human health will be adversely impacted by this proposal however, it is accepted within the applicant's supporting letter, dated 26<sup>th</sup> May 2022 that International and National health protection bodies have reviewed extensive research carried out on EMFs and have recommended conservative guidelines for public EMFs exposure, set to protect health.

Guidelines have been published by an independent non-profit organisation, the International Commission on Non-Ionizing Radiation Protection (ICNIRP). They have been adopted in the UK on the basis of advice from the government's scientific health advisors, in the form of a Code of Practice agreed with the electricity industry. This specifies reference levels that should not be exceeded in order to ensure public health protection. The applicant's letter also states that a Code of Practice agreed between the energy Networks Association (ENA) and government/public health, states that compliance with the public exposure guidelines set to protect health may be assumed for all overhead lines, underground cables and substations operated at 132kV or less without the need for more detailed assessment, on the basis of evidence published by the ENA showing that by design such infrastructure is not capable of causing exceedance of the public exposure guideline limits.

Para 6.249 of the SPPS deals specifically with telecommunications and other utilities. Proposals for the development of new power lines are required to ensure that exposures to power line Electro Magnetic Fields (EMFs) should comply with the 1998 International Commission on Non-Ionizing Radiation Protection (ICNIRP) Guidelines in line with current Government policy. A statement (Document 02, date stamped 3<sup>rd</sup> February 2022) provides confirmation from the applicant that the proposal complies with the ICNIRP guidelines.

The Public Health Agency was also consulted and notified of the objections received in this regard and did not provide a response, however, the Environmental Health Section of the Council has indicated no objection on health grounds. It is therefore considered that the proposal would not have a significant impact on human health.

### **Natural Heritage**

The application site is within the confines of the existing site and no changes are proposed to periphery vegetation. It is therefore considered that there will be no significant impacts on biodiversity.

Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. HRA Stage 1 screening of the proposal has found no viable environmental pathway from the proposal to any European Site or mobile feature at either construction or operational phases.

### **Water Quality and Flood Risk**

There are no watercourses which are designated under the terms of the Drainage (NI) Order 1973 within this site. An undesignated culverted watercourse is located adjacent to the northeastern boundary of the site. The site may be affected by undesignated watercourses of which DfI Rivers has no record.

The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200-year coastal flood plain however, the development lies in

proximity to the 1 in 100-year climate change fluvial flood plain. Adopting the precautionary approach embodied by PPS 15, DfI Rivers recommends that the finished floor levels of the proposed development are set with a minimum freeboard of 600mm.

An undesignated culverted watercourse is located adjacent to the northeastern boundary of the site. Under 6.32 of Policy PPS 15 Policy FLD 2 an adjacent working strip along a watercourse is required to facilitate future maintenance by DfI Rivers, other statutory undertaker of the riparian landowners. The working strip should have a minimum width of 5m, but up to 10m where considered necessary and be provided with clear access and egress at all times.

NIEA Water Management Unit has been consulted and has raised no objection however, has noted the applicant's response uploaded to the portal on 17th August 2021 which mentions an existing cesspool serving the WC and hand basin with no known detail on discharge location. The applicant has since provided clarification that this is an existing WC and hand basin that leads to an existing manhole and connects into the existing NI Water sewer system and that this was installed in the 1970's. It is within the control room building to which there is no proposed changes or additional foul sewage to be generated as a result of this proposal. The agent's email dated 17<sup>th</sup> January 2022 confirms that the works associated with this application generate no additional foul sewage and the NI Water response dated 21<sup>st</sup> April 2021 states that there is no foul sewage discharge from this proposal.

Overall, it is considered that the proposed development is unlikely to increase flood risk or have a detrimental impact on the surface water environment subject to the applicant adhering to best practice during construction and adherence to other consenting regimes outside the control of planning.

### **Other Matters**

#### Contamination

The potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water has been considered. DAERA Regulation Unit and Environmental Health has been consulted and has raised no objection in this regard, subject to conditions.

#### Property Values

Concerns have been raised regarding the effect the proposal will have on property values. The perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case no specific or verifiable evidence has been submitted to indicate what effect this proposal is likely to have on property values. As a consequence, there is no certainty that this would occur as a direct consequence of the proposed development nor would any indication that such an effect in any case be long lasting or disproportionate. Accordingly, it is considered that that this issue should not be afforded determining weight in the determination of this application.

#### Neighbour Notification

It was highlighted through letters of objection that the neighbour notification letters were not received until sometime after the submission of the application. However,

at the time the letters were issued there was a delay in the Council's normal processing times and there were large volumes of applications. For this reason, neighbour notification letters did not issue as quickly as they normally would. However, due procedures were followed and sufficient time was provided in order for occupants of neighbouring properties to fully consider the proposed plans.

It was also noted by the occupants of neighbouring properties that there was no consultation by the applicant prior to the submission of the application. While neighbouring consultation by the applicant is encouraged, it is not a requirement prior to the submission of such a planning application.

#### Works carried out prior to the submission of the planning application

It has been highlighted through letters of objection that works have been carried out by the applicants prior to notification of the planning application. The applicant has been advised that any works carried out without the benefit of planning permission are at the applicants own risk and the matter has been referred to the Council's Enforcement Section.

#### No measurements indicated on the plans

Objectors highlighted that there were no measurements indicated on the plans. Ground levels in relation to eaves heights of the proposed buildings have been annotated on the plans. In addition, all plans are to scale.

#### Impact on the environment

Objectors raised concerns regarding the potential impact on the environment. The Council's Environmental Health Section and various sections of DAERA's Environment Agency have been consulted with regard to this proposal and have indicated no objection with regards to pollution or unacceptable environmental impact. It is considered that the environmental impact is not likely to be significant within this urban context.

#### Fire Risk

Further objection received raised concerns with regards to potential fire risk, particularly due to the storage of oil and pointed out that a blast wall was proposed to be erected around a substation in Randalstown in the countryside (Planning Reference LA03/2016/0858/F). With regards to this it is worth noting that each application is considered on its own merits.

The oil is to be stored underground in tanks. The agent's letter, date stamped 26th May 2022 sets out the existing oil storage as 41468 litres and the proposed oil storage of 59928 litres. This equates to an additional 18460 litres of oil. The agent also confirmed, via email dated 18th August 2022 that the proposed development will not involve the use or storage of any hazardous substances listed within Section A-C of the P1A form. The letter also sets out the consideration and mitigation of fire risk and states that the transformer oil is low flammability and is contained within secure metal vessels displacing oxygen and therefore removing a necessary component to result in internal ignition. Potential ignition from external arcing is further addressed through design where if a leak occurs, the heat is rapidly dissipated due to emergency shut down when any loss of pressure is detected and mitigated. In the unlikely event that there is a fire, transformer protection devices will automatically de-energise the transformer and signals will be sent to the Grid Control Centre for the Fire Brigade to

attend. In the unlikely event that a fire does take hold, the oil is contained within a fire proof bunded area that exceeds the volume of oil used to prevent the spread of fire and facilitate safe fire suppression. The proposed buildings will be internally equipped with smoke and fire detection equipment which is remotely monitored. Fire retardant components, materials and standard industry practice will furthermore reduce fire risk. The applicant's letter points out that this substation has been in operation since the mid-1970s with zero number of incidents of fire. It is considered that the safety risks from the development have been adequately addressed.

**CONCLUSION**

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

- The principle of the development is considered acceptable;
- The design of the works is considered acceptable for this type of development in the context of the existing substation;
- It is considered that the neighbour amenity of surrounding properties will not be unduly impacted upon by way of this development;
- It is considered that there will be no detrimental impact upon natural or man-made heritage at the site;
- Although the works will bring a change to the appearance of the site, it is not considered so significant as to change the character of the surrounding area;
- There is no significant increase to flood risk on the site;
- Any potential health and safety risk has been adequately mitigated against; and
- DfI Roads offer no objections to the development.

<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
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**PROPOSED CONDITIONS**

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

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

2. As part of site clearance works, all remaining fuel storage tanks and associated infrastructure shall be fully decommissioned in line with Guidance on Pollution Prevention No. 2 (GPP2) & Pollution Prevention Guidance No. 27 (PPG27). Soil and groundwater sampling shall be undertaken for a suitable analytical suite. Should contamination be identified the requirements of Condition 3 will apply.

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

3. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>  
In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Department in writing, and subsequently implemented and verified to its satisfaction.



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

4. After completing any remediation works required under Condition 2 and prior to operation 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 Land Contamination: Risk Management (LCRM) guidance. 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.

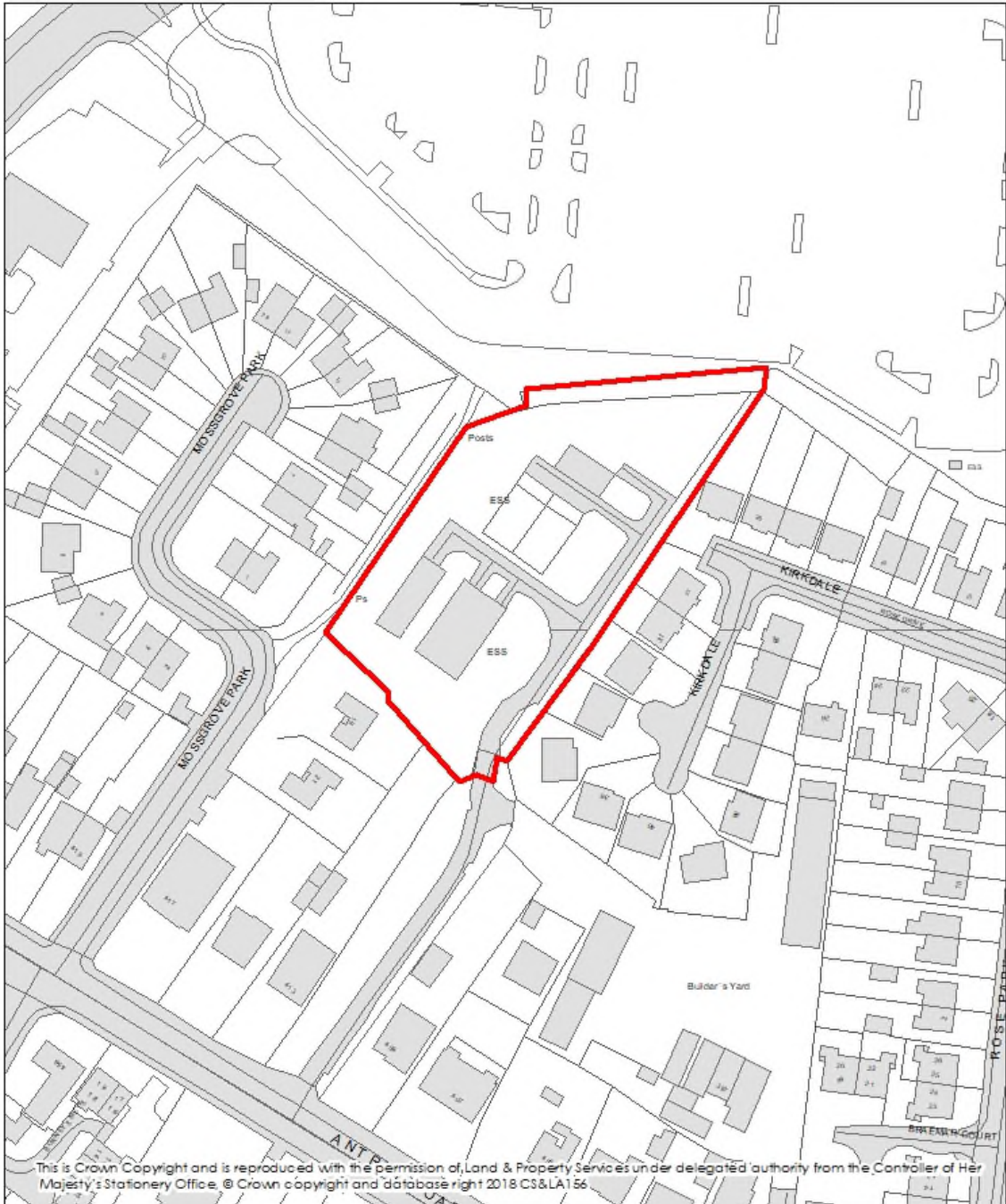
Reason: Protection of environmental receptors to ensure the site is suitable for use.

5. The 6-metre-high and 5-metre-high concrete walls outlined within Drawing No. 06/4, date stamped 25<sup>th</sup> August 2022 shall be maintained for the lifetime of the development.

Reason: In order to protect amenity at nearby residential dwellings.

6. Within one month of the development becoming operational (and at any other time requested by the Council), a noise report shall be undertaken, submitted to and agreed in writing with the Council. This report should measure and report both the unweighted sound pressure level across the 1/3 octave bands and the overall A-weighted broadband sound pressure level, when measured at 2m distance in any direction from each of the 2no. 33/6.6KV transformers and 1no. 110/33kv transformer.

Reason: In order to protect amenity at nearby residential dwellings.




**Site Location Plan**

Application Reference: LA03/2021/0162/F

Replacement transformers with integral coolers and construction of replacement 33KV switch house. Demolition of existing transformer bunds, 33KV switch house and ripple house will be required.

Glengormley main substation, accessed via lane between 409 and 413 Antrim Road, Newtownabbey, BT36 5ED



 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.2</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0327/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Extension to building for workshop and storage space for existing trailer hire company
<b>SITE/LOCATION</b>	11 Ormonde Avenue, Newtownabbey, BT36 5AT
<b>APPLICANT</b>	Ashcroft Trailer Hire Warehousing
<b>AGENT</b>	Henry Marshall Brown Architectural Partnership
<b>LAST SITE VISIT</b>	09/06/2022
<b>CASE OFFICER</b>	Tierna Mc Veigh Tel: 028 90340401 Email: <a href="mailto:tierna.mcveigh@antrimandnewtownabbey.gov.uk">tierna.mcveigh@antrimandnewtownabbey.gov.uk</a>
<b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at 11 Ormonde Avenue, within the development limit of Metropolitan Newtownabbey as defined by the draft Belfast Metropolitan Area Plan, published 2004 (dBMAP).</p> <p>The site is set within an existing industrial/commercial yard associated with Ashcroft Trailer Hire. An existing warehouse unit occupies the site and a small agricultural shed is located to the southeast.</p> <p>Part of the southern site boundary is defined by mature hedging and trees between two (2) and six (6) metres in height. Part of the western site boundary is defined by the gable end of the existing warehouse unit, and post and wire fencing approximately 1 metre in height defines the northern and eastern boundaries. The topography of the site falls slightly in a southerly direction.</p> <p>The northern, eastern and southern site boundaries abut agricultural land, which is surrounded by residential development and the neighbouring industrial/commercial units.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: U/1996/0064 Location: Gilbert Ashcroft, 4 Ormonde Avenue, Ballyhenry Road, Newtownabbey. Proposal: Demolition of existing store and erection of new workshop and office accommodation for existing trailer hire firm Decision: Permission Granted</p> <p>Planning Reference: U/1991/0068 Location: 3a Ballyhenry Road, Glengormley Proposal: Extension to commercial premises Decision: Permission Granted</p> <p>Planning Reference: U/1984/0081</p>	

Location: 3a Ballyhenry Road, Glengormley.  
Proposal: Extension to Existing Commercial Premises  
Decision: Permission Granted

Planning Reference: U/1976/0283  
Location: Ballyhenry Road, Newtownabbey  
Proposal: Commercial Building for Wholesale Storage  
Decision: Permission Granted

### **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 settlement limit of the Belfast Urban Area. The Plan offers no specific guidance on this proposal.

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. 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 interests of acknowledged importance.

Planning Policy Statement 3 (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.

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

Planning Policy Statement 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**

- **Antrim and Newtownabbey Environmental Health** – Approve subject to conditions
- **DfI Roads** – Approve
- **NI Water** – No objection
- **Historic Environment Division (HED)** – No objection

#### **REPRESENTATION**

Twenty-six (26) neighbouring properties were notified, and six (6) letters of objection have been received from five (5) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Environmental concerns i.e. increase in noise, dust and fumes generated by additional vehicles;
- Loss of a view;
- Devaluation of house property prices;
- Concerns regarding the closeness of the proposal to residential properties;
- Concerns of additional traffic to and from the site;
- Loss of Open Space;
- Requests for boundary landscaping to the east;
- Drainage and water run-off concerns;
- Requests for climate change measures to be incorporated into the proposal i.e. use of water butts, solar panels, electric vehicles; and
- Enquiries whether planning permission was required to expand the existing trailer parking provision.

#### **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

- Policy Context and Principle of Development
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Compatibility with Adjacent Land Uses
- Natural and Built Heritage
- Road Safety and Parking
- 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 application site is located within the development limits of the Belfast Urban Area as defined within the Belfast Urban Area Plan (BUAP) and within the development limits of Metropolitan Newtownabbey as defined in the draft Belfast Metropolitan Area Plan (dBMAP) published in 2004. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

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 the consideration of the proposal:

- PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006);
- PPS 4: Planning and Economic Development; and
- PPS 6: Planning, Archaeology and the Built Heritage:

Although the application site does not benefit from a designated industrial zoning as per the designations in draft BMAP published 2004, the site is within a small industrial/commercial yard which contains several small-scale warehouse units. A review of the sites' planning history confirms that an industrial/commercial use has been operating on the site since 1976.

Policy PED 1 of PPS 4 states that a proposal to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED 9. Policy PED 9 General Criteria for Economic Development identifies several criteria that proposals must satisfy. In this case the proposal relates to the construction of a single storey side extension to provide extra workshop and storage space in support of the existing trailer hire company.

As the application site is located within the settlement limits of Metropolitan Newtownabbey and within an established employment area, it is considered that the proposal is acceptable in principle subject to consideration of a number of design and amenity criteria contained within Policies PED 1 and PED 9.

### **Scale, Massing, Design and Appearance**

Criterion (j) of Policy PED 9 of PPS 4 requires that the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity and criterion (k) requires that appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view.

The proposed extension is located on the eastern side elevation of the existing warehouse unit. Due to the topography of the land falling some 2 metres to the south, an area of fill is proposed over a course of 13 metres to support the proposed structure. The proposed building measures 14.9 metres in width, 29 metres in length and has a maximum height of 6.9 metres above ground level, which is 1 metre lower than the ridge height of the existing warehouse unit. The proposed building has a low angle pitched roof, similar to the existing neighbouring buildings. A roller shutter door and pedestrian door is proposed on both the eastern and northern elevations.

The external finishing materials of the proposed extension include grey corrugated panels to the roof and part of the side walls, with the majority of the lower half of the building finished in grey facing brick. These materials largely match the existing finishes of the existing buildings on the site.

As illustrated on Drawing Number 02 date stamped 4th April 2022 the proposal seeks to establish two (2) areas of additional yard space to the north (68.6 sqm) and to the east (47.04 sqm). These areas allow for the access and manoeuvring of vehicles to and from the proposed workshop and storage building.

In line with criterion (k) of Policy PED 9, the application site is set back some 140 metres from the main public Ballyhenry Road and is screened from public view by the presence of the southern boundary treatment (mature hedging and trees some 2 – 6 metres in height). At present views of the existing warehouse unit and the industrial yard are limited when travelling along the Ballyhenry Road and the location and orientation of the dwelling houses at No. 1 and No. 3 Ormonde Avenue, directly south of the proposal, further restrict public views. Critical views of the proposal can only be viewed from the inner road network of the residential development at Glencroft Gardens. Notwithstanding the omission of any proposed boundary treatments, it is considered that the proposal is adequately screened from public view and thus compliant with criterion (k).

An objector requested the inclusion of a landscaped eastern boundary to soften the appearance of the proposal. At present no eastern boundary treatment exists other than a post and wire fence which separates the agricultural grazing land from the warehouse unit. Given the proposal is adequately screened from public view, is subordinate to the existing warehouse unit and has a maximum height of 6.9 metres, it is considered that a landscaped western boundary is not necessary. It is considered that the scale, massing, design and external materials of the proposal is sympathetic with the built form and appearance of the existing property and is considered an acceptable addition.

### **Neighbour Amenity**

Criterion (b) and (e) of Policy PED 9 state that proposed works shall not harm the amenity of nearby residents or create an unacceptable noise nuisance. The nearest neighbouring properties outside the ownership of the applicant are those dwellings located to the east in Glencraig Close and Glencroft Road/Gardens. These dwellings are some 60 - 80 metres from the proposed extension and are separated by an agricultural field and hedging some 1.5 - 2 metres in height.

Concerns from objectors were also raised with regards to the proximity of the proposal to residential properties and the associated noise and disturbance from the proposed development. Although there is potential for noise nuisances during the construction phase of development, this should not arise outside reasonable times and would be temporary in nature. Given the context of development some noise and disturbance is to be expected, however this is likely to be at a low level associated with the daily workings of the warehouse and commercial yard. The Council's Environmental Health Section (EHS) was consulted on the proposal and requested a Noise Impact Assessment (NIA) be conducted. EHS was re-consulted following submission of a NIA, Document 01 date stamped 18th August 2022, and has stated that the proposed development can operate without adverse impact on nearby receptors subject to noise conditions being attached to any forthcoming decision notice.

It is considered that the proposed development has been designed so that there will not be any significant impact upon residential amenity by way of visual impact, noise, disturbance, loss of light or dominance. Accordingly, it is considered that the development proposal will not result in a significant detrimental impact on residential amenity.

#### **Compatibility with Adjacent Land Uses**

The proposed development is sited within an existing industrial and commercial area. In line with Policy PED 1 and Policy PED 9 of PPS 4 it is considered that the proposal is compatible with the predominant industrial/employment use which exists on the site. In addition, due to the size, nature and scale of the proposal, it is considered that the proposal will not be significantly more detrimental to the surrounding residential properties.

#### **Natural and Built Heritage**

Criterion (c) of PED 9 states works shall not adversely affect features of the natural or built heritage; on this occasion there are no features of natural heritage on the site, however located some 170 metres to the northwest is an archaeological site bearing reference ANT051:068. Historic Environment Division (HED) was consulted on the proposal and offer no objection to the proposal.

#### **Road Safety and Parking**

In relation to road safety and parking, Policy PED 9 states the following; -  
(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified; and  
(h) adequate access arrangements, parking and manoeuvring areas are provided.

Concerns were raised by objectors regarding an increase in the number of vehicles to and from the site as a result of the proposal. As per question 25 of the P1 application form, it is stated that no additional traffic is to be generated as part of the proposal. DfL Roads was consulted on the proposal and has responded with no objections subject to informatives. With adequate parking remaining and a safe access in place, it is considered that the proposal is in accordance with Policy PED 9.



## **Other Matters**

### Loss of a View

Several concerns were raised regarding loss of views from those objectors whose properties back onto the proposal and who look out over the application site. The objectors view is not restricted by the proposed development, instead it is a change of view from that which exists at present and it is not considered that the change of view is detrimental to the outlook of the existing dwellings. In any case the potential impact of a proposed development on private views is not generally viewed as a material planning consideration. Private individuals do not have a right to a view and even if a new development changes a view from a private property, this is not normally sufficient grounds to withhold planning permission

### Decrease in Property Value

With respect to concerns regarding the devaluation of residential properties, the perceived impact of a development upon property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case no specific or verifiable evidence has been submitted to indicate what exact effect this proposal is likely to have on property values. As a consequence, there is no certainty that this would occur as a direct consequence of the proposed development nor any indication that such an effect in any case would be long lasting or disproportionate. Accordingly, it is considered that this issue should not be afforded determining weight in the determination of this application.

### Site Drainage

Concerns were raised with regards to the impact the proposal will have on surface water runoff and drainage. A review of DfI Flood Maps (NI) shows that the site is not affected by surface water flooding and in accordance with Policy FLD 3 of PPS 15, the proposal does not exceed 1000sqm, therefore a drainage assessment was not required to be submitted as part of this application. As per Question 17 of the P1 application form the surface water will be disposed via the existing drainage network.

### Climate Change Design

Requests were made by an objector for the proposal to include climate change mitigation measures as part of the proposals construction and design. Whilst such measures would be a positive benefit to the environment, it is not a policy requirement for the use of climate change mitigation measures to be incorporated as part of the proposal. In this instance the absence of climate change measures is not sufficient grounds to withhold planning permission.

### Breach of Planning

Several objectors voiced concerns regarding the expansion of the trailer parking area and questioned whether planning permission was required for this. This matter was referred to the Council's Enforcement Team and dealt with retrospectively under application LA03/2022/0596/F. Retrospective planning permission was granted for the extended curtilage/lorry parking on 19th August 2022.

### Loss of Open Space

Concerns were raised by an objector over the loss of open space to facilitate the proposal. The proposal seeks to utilise an area of existing hard standing within the existing curtilage of the existing business and a small area of agricultural land. Some 1.4 hectares of agricultural land remains and will be unaffected by the proposal.

### **CONCLUSION**

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

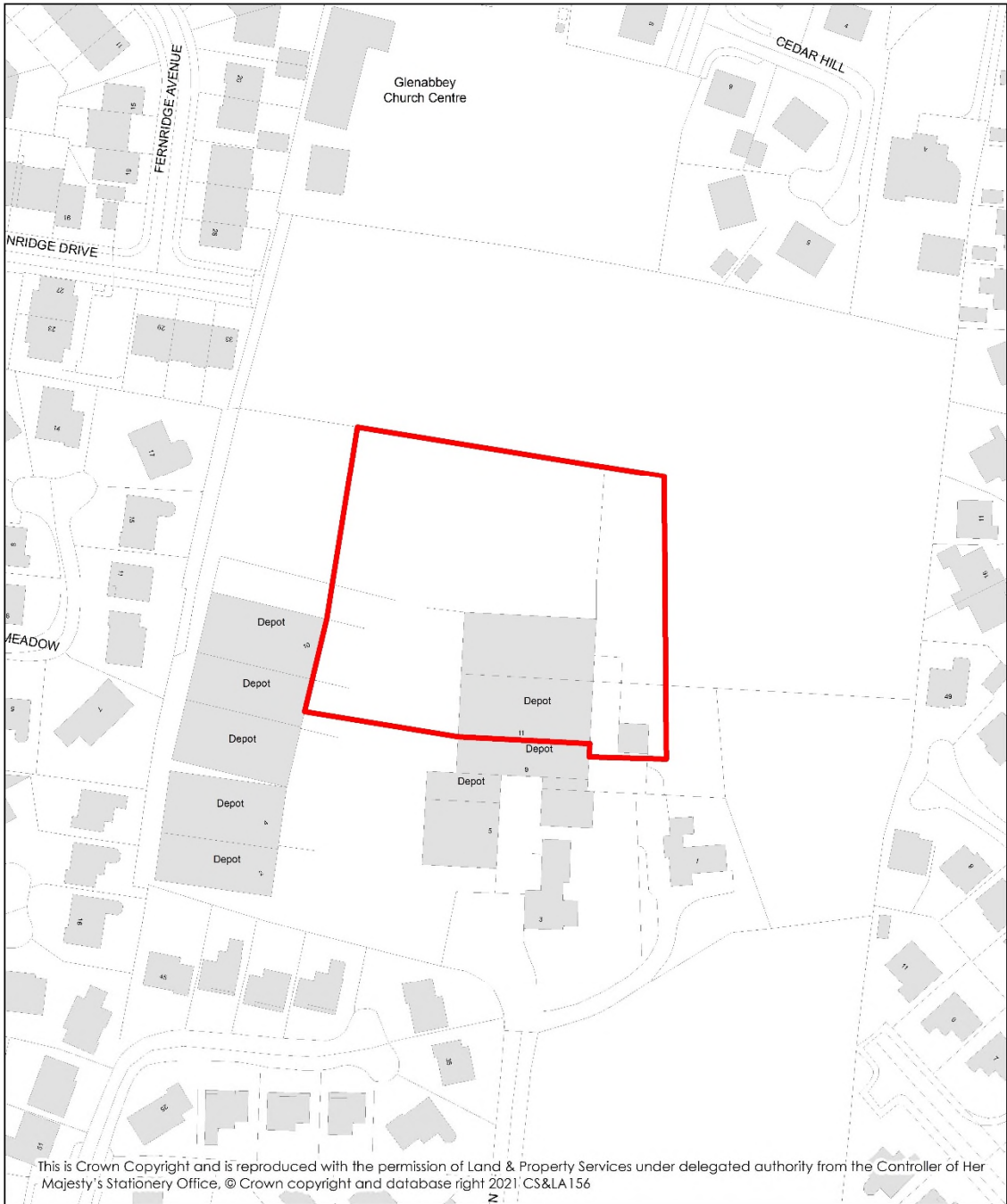
- The principle of the development has been established and is acceptable;
- The design and appearance of the development is considered acceptable;
- The proposal does not harm the environmental quality or character of the local area;
- There is no detrimental impact on residential amenity;
- There is no detrimental impact on road safety; and
- The proposal complies with Policies PED 1 and PED 9 of PPS 4.

### **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 development hereby approved shall not operate at any time between 23:00 and 07:00 hours.  
  
Reason: In order to protect night time amenity at nearby sensitive receptors.
3. All doors, including roller shutter doors, serving the development hereby approved, as shown on Drawing Number 04 date stamped 4th April 2022, shall remain in the closed position at all times, except for ingress and egress.  
  
Reason: In order to protect amenity at nearby sensitive receptors.



**Site Location Map**

Reference: LA03/2022/0327/F

Location: 11 Ormonde Avenue, Newtownabbey, BT36 5AT

Proposal: Extension to building for workshop and storage space for existing trailer hire company

Scale 1:1250



 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.3</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0078/F</b>
<b>DEA</b>	<b>MACEDON</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed infill housing scheme consisting of 2no one bedroom ground floor apartments and 1 no two bedroom first floor apartment
<b>SITE/LOCATION</b>	970-974 Shore Road, Newtownabbey
<b>APPLICANT</b>	MEA Ltd
<b>AGENT</b>	McClellan & Forte
<b>LAST SITE VISIT</b>	April 2022
<b>CASE OFFICER</b>	Michael O'Reilly Tel: 028 90340424 Email: <a href="mailto:michael.oreilly@antrimandnewtownabbey.gov.uk">michael.oreilly@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site comprises vacant lands at 970-974 Shore Road, Newtownabbey, which is within the Metropolitan Newtownabbey Area in the Belfast Urban Area Plan 2001 and the draft Belfast Metropolitan Area Plan, published 2004 (dBMAP).</p> <p>The site is a corner plot at the junction of Shore Road to the east, and Mount Street to the north. A 2-metre-high paladin fence, coloured black, is set back from the Shore Road side of the application site and encloses the remainder of the application site. The topography of the site rises westwards from the Shore Road towards the rear of the site.</p> <p>A terrace of three single storey flat roof dwellings abuts the site to the northwest and a light engineering works abuts the site to the south. Lands to the north are vacant, whilst lands to the west and northwest are predominantly residential.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2020/0501/F Location: 1a Mount Street, Newtownabbey Proposal: Retrospective Change of Use and conversion of existing non-residential building into 3no. terraced bungalows Decision: Permission Granted: 02.06.2005.</p> <p>Planning Reference: LA03/2017/0624/F Location: Land bounded by Mount Street, Shore Road, Dandy Street and Newton Gardens, Newtownabbey. Proposal: Construction of 44 dwellings with associated car parking and landscaping. The mix consists of 10no. 3P2B apartments, 2 no. wheelchair 3P2B apartments, 4 no. 2P1B apartments, 10 no. 5P3B houses and 18 no. 3P2B houses Decision: Application Withdrawn: 20.03.2018</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.

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. 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 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

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

## CONSULTATION

**Council Environmental Health Section** – Clarification required in relation to proposed acoustic barriers and an amendment to the noise impact assessment may be required.

**Northern Ireland Water** – Refusal recommended on the basis there is insufficient capacity at the nearby Waste Water Treatment Works.

**Department for Infrastructure Roads-** No objection subject to the Council's Planning Section accepting that no additional parking is required.

#### **REPRESENTATION**

Fourteen (14) 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 and Appearance
- Residential Amenity
- Impact on Character and Appearance of the Area
- 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 within the settlement limit of Metropolitan Newtownabbey in both Plans. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

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;
- PPS 3: Access, Movement and Parking; and
- PPS 8: Open Space, Sport and Outdoor Recreation.

Within this policy context, it is considered the principle of residential development on the site would be acceptable, subject to 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.

### **Design and Appearance**

The development proposal seeks full planning permission for a proposed infill housing scheme consisting of two (2) one-bedroom ground floor apartments and one (1) two-bedroom first floor apartment.

The apartment building has an 'L' shaped footprint and is predominantly two storeys in height. The building has a 13.5 metre frontage to the Shore Road, a pitched roof 6.5 metres in height and a depth of 5.2 metres. A single storey rear return, 2.7 metres in height, has a first floor amenity area on top, and extends 6.5 metres westwards along Mount Street. The rear return has a depth of 6.5 metres.

The proposed material finishes comprise Cedral Trutone grey roof slates, Cedral fibre cement vertical board walls coloured grey at first floor with the groundfloor walls being smooth white render. There are a variety of differently sized triple glazed windows with slate grey frames. The first floor garden area is enclosed by a 1.8-metre-high decorative aluminium laser cut acoustic screen barrier coloured grey along its northern boundary, a 1.8-metre-high decorative screening barrier along its western, northern and southern edges.

New boundary walls and pillars, finished in blue/black brickwork with laser cut aluminium panels at the top of the wall and between the pillars, enclose the proposed development at its northern and eastern boundaries. The wall has a maximum height of 2.7 metres along the eastern boundary at Shore Road, decreasing to a minimum height of 1.8 metres along the northern boundary at Mount Street, as the topography of Mount Street rises in a westerly direction towards High Street. The southern boundary is defined by a 1.8-metre-high close boarded timber fence. There is no boundary treatment proposed along the western common boundary with the three existing terraced single storey flat roof dwellings to the immediate west of the application site. This matter could be controlled by way of planning condition to include boundary treatment at this edge of the application site.

It is noted that two of the apartments proposed are single bedroom units and are between 40sqm and 45 sqm in area. The apartment at the first floor level of the proposed development is a two-bedroom unit equating to 59.8 sqm in area. These units meet the minimum space standards for this type of residential accommodation as identified in the Addendum to PPS 7.

The proposed external amenity areas; one communal amenity area at ground level and a second private garden area at the first floor level which is for the sole use of the upper floor apartment. This can be regarded as adequate to achieve an appropriate standard of private open space and are therefore considered to be acceptable. Given that the application site is located at a corner plot, fronting both the Shore Road to the east and Mount Street to the north, it is considered that the provision of the 2.7-metre-high perimeter wall will provide the standard of security and personal safety required by Policy QD 1 of PPS 7.

It is considered that the design and appearance of the proposed development is acceptable in the context of the receiving environment, which is characterised by a light engineering building located immediately to the south, the terrace of three (3) single storey flat roof dwellings to the west and the vacant site opposite the

application site to the north. It is considered that the proposal is compliant with the relevant policy provisions of the SPPS and PPS 7.

### **Residential Amenity**

A Noise Impact Assessment (NIA), Document 03/1 date stamped 16th August 2022, has been submitted in support of the development proposal. In its consultation response, the Council's Environmental Health Section (EHS) indicated a number of areas of concern including matters relating to the Shore Road boundary, the rooftop garden and the groundfloor external amenity area.

With reference to the Shore Road boundary, EHS has commented that the top section of the proposed boundary wall abutting the Shore Road has decorative laser cut panels that suggests gaps within the panels, which would affect the acoustic properties of the barrier. No information has been provided to indicate that the top section of the boundary wall can be considered as an acoustic barrier and EHS has expressed concern that any reduction in solid wall/barrier height would impact noise levels within the proposed dwellings. EHS concludes that should the decorative design at the top of the boundary wall have any gaps then the Noise Impact Assessment needs to be reviewed to ensure the proposed mitigation measures are sufficient to protect residential amenity, or alternatively require them to be updated.

Regarding the rooftop garden, EHS notes that the NIA states that the 1.8-metre-high rooftop barrier will be formed from a double boarded acoustic timber fence with no gaps and a mass of at least 15 kg/sqm with a decorative outer finish. However, the submitted drawings indicate a 1.8-metre-high decorative laser cut screen barrier along the western roof garden boundary. EHS notes that laser cut panels suggest gaps within the material which would affect the acoustic properties of the barrier. EHS concludes that the description within the NIA does not match the details set out in the submitted plans and consequently sought clarification on the design of the barrier.

Due to the ambiguity between the information contained within the NIA and the details indicated on the submitted plans, it is not possible to accurately determine what is actually being proposed. For this reason, it is considered that there is potential for a significant adverse impact by reason of noise and general disturbance to be experienced by potential future occupiers of the proposed residential units. The applicant has failed to demonstrate that the proposed development will create a quality and sustainable residential environment for potential future residents, and as such the proposal is contrary to the relevant policy provisions of the SPPS and PPS 7.

With regards to the groundfloor amenity area, EHS notes that the NIA states that a 1.8-metre-high barrier is to be erected along the southern boundary in order to reduce the impact with the external amenity area to noise levels below 55 dB. EHS also notes that the NIA states that the provision of this acoustic barrier appears to reduce the levels within the groundfloor external amenity area by 1 dB but that an acoustic barrier would be expected to reduce levels by around 10 dB if placed close to the noise source or close to the receiver as in this case. EHS therefore sought clarification why only a 1 dB reduction is achieved. EHS confirms that the acoustic barrier functions to reduce the noise levels in the groundfloor external amenity area to 55 dB or below, which is generally acceptable for areas that are generally subjected to higher levels of noise than most residential environments.



It is noted that no boundary treatment is indicated at the common boundary between the application site and the terrace of three single storey dwellings immediately to the west of the site. Whilst it is possible to control the boundary definition by way of an appropriately worded planning condition, it is noted nonetheless that there is a separation distance of only 9 metres from the rear elevation of the proposed two storey apartment building to the nearest elevation of the terrace of three units. Windows serving habitable rooms within the terrace of three units look directly eastwards towards the rear of the apartment building. At both the ground and first floor levels there are habitable rooms in the apartment building orientated westwards with an aspect directly towards the habitable rooms of the terrace block of dwellings.

Overlooking from the groundfloor apartments could be mitigated through the development of a boundary wall along the common boundary of the application site and the terrace of three dwellings. A screen wall would prohibit direct views from the application site towards the habitable rooms of the existing dwellings to the immediate west. This boundary treatment would need to be conditioned should planning permission be forthcoming. In contrast at first floor level there is a limited separation distance of only 9 metres and it is considered that the future residents of the first floor apartment building will have a direct and uninterrupted line of sight towards the habitable rooms of the terraced dwellings. It is not considered that there is any suitable form of mitigation to screen views.

It is considered that the development fails to respect the surrounding context and that the proposed layout and design of the apartment building will create conflict with adjacent land uses by reason of overlooking and privacy intrusion. The proposal is therefore contrary to the relevant policy provisions of the SPPS and PPS 7.

### **Impact on Character and Appearance of the Area**

It is considered that the general layout and arrangement of buildings, hardstanding and amenity space areas is acceptable within the context of the receiving environment, which is characterised by the building used as a light engineering facility to the south, the terrace of three single storey dwellings to the west, the vacant site opposite to the north, and the four lane Shore Road to the east which leads directly to the M2/A2 'on-slip'. For these reasons it is considered that the development shall not cause an unacceptable impact to the local character and environmental quality of the area. It is considered that the development proposal is compliant with the relevant policy provisions of the SPPS and PPS 7 and is therefore acceptable.

### **Other Matters**

#### Disposal of Foul Sewage

NI Water has recommended refusal of the proposed development due to network capacity issues with respect to the public foul sewer and because there is insufficient capacity in the Whitehouse Waste Water Treatment Works, which the applicant wants to serve this proposal. The foul sewer capacity issues establish a significant risk of detrimental effect to the environment and a detrimental impact on existing properties. For these reasons, NI Water is recommending any new connections to the public sewerage system are curtailed. The applicant was advised of this issue and to date has failed to demonstrate an alternative and satisfactory means of dealing with

the foul sewage from the proposed development, nor appears to have engaged with NI Water through the engagement process to seek a solution which would identify possible mitigation to the issue of a lack of capacity in the foul sewer network.

Although the applicant's agent has received a statement from NI Water entitled Development Encroachment/Odour Assessment, NI Water has indicated that potential future residents of the proposed development will not be subject to nuisance due to the proximity of the development to the operations of the existing Whitehouse Waste Water Treatment Works. This satisfies the relevant policy provisions of the SPPS and PPS 11.

#### Access, Movement and Parking

The development proposal seeks planning permission for three residential units, however, no in-curtilage car parking has been proposed. In its consultation response, DfI Roads, the competent authority for such matters, has indicated that it would require a minimum of one (1) car parking space per unit but having considered the Parking Survey, Document 02, date stamped 24th May 2022, has commented that should the Council be minded to grant planning permission, then a series of informatives should be attached to the grant of planning permission.

The Parking Survey submitted in support of the application was undertaken over two days, namely 19th and 20th May 2020, and either prior to 07:00 hours or after 19:00 hours, the peak times for demand of residential car parking spaces. The report concludes that there were between 28 – 30 available car parking spaces at the time of survey within a 100 metre radius of the application site along Mount Street and Finlay Street.

With reference to 'Parking Standards' a piece of supplementary planning guidance, 4.5 car parking spaces in total would be required to facilitate the 2 no. 1 bed apartments and 1 no. 2 bed apartment comprising the development proposal.

It is considered that there is an availability of car parking spaces recorded as being available at peak times which could adequately accommodate the proposed car parking requirement which is consistent with several other properties in the immediate area, which has a reliance upon on-street car parking to facilitate the development proposal and meets with the policy requirements of the relevant provisions of the SPPS, PPS 3 and PPS 7.

#### **CONCLUSION**

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

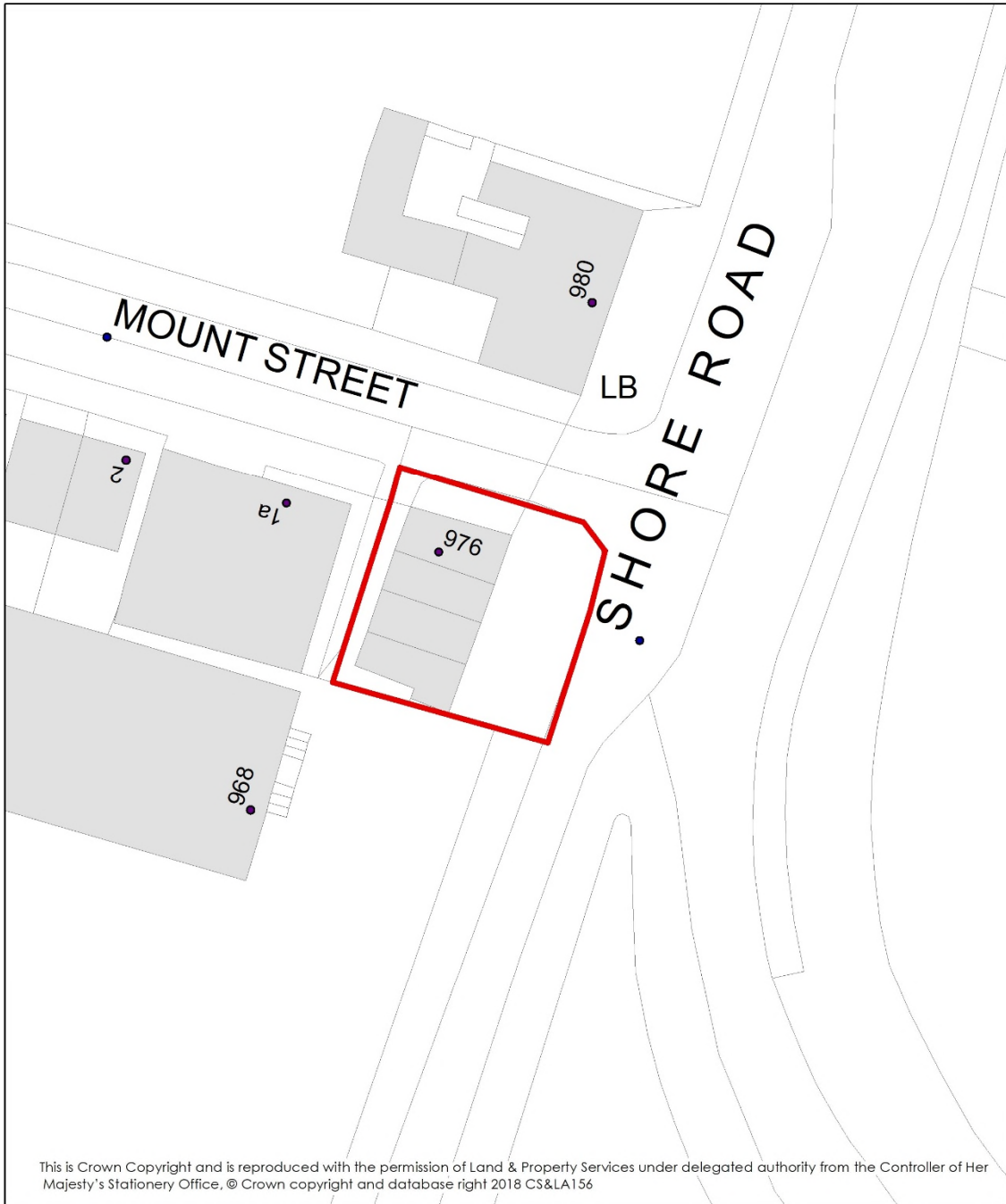
- The principle of the development is acceptable;
- The design and appearance of the development is acceptable;
- The impact to the local character and appearance of the area is acceptable;
- The proposal will result in an adverse impact to the residential amenity of proposed residents by reason of noise, nuisance and disturbance;
- The proposal will have an unacceptable impact to existing residents at Number 1A, 1B and 1C Mount Street by reason of overlooking and privacy intrusion;
- The proposal will not result in the creation of a quality and sustainable residential environment; and

- The proposal has failed to demonstrate that it can adequately deal with foul sewage generated by the development.

<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
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<b>PROPOSED REASONS OF REFUSAL</b>
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1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' in that it has not been demonstrated that there will not be any unacceptable adverse effects on the proposed properties in terms of noise and general disturbance.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' in that the proposed development represents an overdevelopment of the site as it fails to respect the surrounding context given the proposed layout and design of the apartment building will create conflict with adjacent land uses by reason of overlooking and privacy intrusion.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would cause harm to an interest of acknowledged importance, namely sewage disposal, as it has not been demonstrated that there is a satisfactory means of dealing with sewage associated with the development.



**Location Map**

**Application Reference: LA03/2022/0078/F**

**2no one bedroom ground floor apartments  
and 1no two bedroom first floor apartment**

**970-974 Shore Road  
Newtownabbey**



 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.4</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0189/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Conversion of No.7 Main Street, Ballyclare to 3No. apartments with 2 No.new-build dwellings to rear and accessed off Millburn Mews.
<b>SITE/LOCATION</b>	7 Main Street Ballyclare and site to rear accessed off Millburn Mews, Ballyclare
<b>APPLICANT</b>	Tony Burdett
<b>AGENT</b>	Crockard Building Design
<b>LAST SITE VISIT</b>	5th August 2022
<b>CASE OFFICER</b>	Michael Tomlinson Tel: 028 903 40442 Email: <a href="mailto:michael.tomlinson@antrimandnewtownabbey.gov.uk">michael.tomlinson@antrimandnewtownabbey.gov.uk</a>

**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](http://www.planningni.gov.uk)**

#### **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

At the September Planning Committee, a decision was taken to defer the application to allow the agent time to submit additional information in an attempt to justify the layout and quantum of development proposed on the application site. Subsequently, the agent has submitted an amended block plan, floor plans and elevations (Drawing No. 02/2 and No. 03/2 date received 3<sup>rd</sup> October 2022).

The amended block plan (Drawing No. 02/2 date received 3<sup>rd</sup> October 2022) shows the reduction of dwelling units from three (3) townhouses to two (2) detached, two-storey dwellings. It is noted that with the reduction in the size of the scheme from three (3) to two (2) houses, there is an allowance for a larger separation distance between House Type A and No. 3 Millburn Mews of 1.6 metres. The relationship between the proposed and the existing dwelling is gable to rear with a separation distance of 8.8 metres from the northeastern (rear) elevation of No. 3 Millburn Mews and the gable elevation of the proposed dwelling with a separation distance of 4.4 metres from the common boundary. It is critical to note that No. 3 Millburn Mews is a single storey dwelling, whilst the ridge height of House Type A is proposed to be 8 metres and neither of the proposed dwellings have been reduced in scale or massing. Given the relationship between the existing single storey dwelling and the proposed two storey dwelling along with the limited separation distance of 8.8 metres, it is considered that the domineering impact upon the residents of No. 3 Millburn Mews still exists and is unacceptable.

Additionally, the amended proposal does not remove the potential impact of overlooking to No. 5 Millburn Mews. House type A abuts the rear garden area of the two storey dwelling at No. 5 Millburn Mews and the rear sunroom and garden area is open to views from the upper floor windows of House Type A. It is considered that

due to the insufficient separation distance of 8.5 metres between the proposed and existing dwelling this will result in an unacceptable level of overlooking. Additionally, No. 1 Millburn Mews is positioned so that it is offset to the front elevation of House Type B with a front-to-rear relationship and directly adjacent to the access to the site. Given the absence of any private amenity space or buffer between the rear elevation of No.1 Millburn Mews and the parking area for the proposed apartments, it is considered that the proposal will result in a significant negative impact on No.1 Millburn Mews by reason of general disturbance and it is unclear how this can be mitigated. Overall, it is considered that the proposal will have a significant impact on the amenity of the existing neighbouring dwellings.

The removal of one of the units results in a greater provision of private amenity space for the remaining two units (Unit A - 92sqm, Unit B – 58sqm). The level of amenity space provided for the two proposed units is therefore considered acceptable in the context of the site and surrounding area.

The agent has provided a further amendment to the block plan (Drawing No. 02/2 date received 3<sup>rd</sup> October 2022) in an attempt to address the concerns raised by Dfl Roads which had requested 2.4 metres by 33 metre sightlines at the access point and the parking provision to be in accordance with Parking Standards. Whilst a dashed red line is shown at the entrance to the application site, it has not been fully triangulated to suitably demonstrate that this is achievable, nor has the red line of the site location plan been amended to reflect this matter (Drawing No. 01 date received 7<sup>th</sup> February 2022). It is noted with the P1 form that the agent has completed Certificate A implying actual possession of every part of the land which is the subject of this planning application. The site location plan, however, does not demonstrate that the area for the visibility splays to be provided are within the actual possession of the applicant, as such it is unclear if the correct certificate of ownership has been submitted and if notice should have been served on the relevant land owners. The amended information received by the Council in Drawing No. 02/2 date received 3<sup>rd</sup> October 2022 does not directly address the concerns raised by Dfl Roads, as a result, Dfl Roads were not consulted with the amended plans. It is therefore considered that the necessary visibility splays have not been provided and it has not been demonstrated that they can be achieved.

In accordance with Parking Standards, 9 spaces would be required for this development, however, 8 have been proposed. In order to address this matter the agent stated in the additional supporting information (Document 01, date received 20<sup>th</sup> September 2022) that the applicant is prepared to commission a parking survey to demonstrate the availability of off-site parking spaces in the immediate area surrounding the application site. The agent has been aware that the parking provision falls short for the development type proposed and no parking survey has been forthcoming to date. It is therefore considered that the parking provision falls below the standard and no evidence has been provided to justify a relaxation of the standards.

It is considered that the amendments submitted do not sufficiently address the previous concerns, including overdevelopment of the site, overlooking, overshadowing, dominance, insufficient provision of private amenity space, road safety and parking provision.

The remaining concerns in relation to the potential for land contamination and the requirement for an NI Biodiversity Checklist to be completed prior to the proposed

demolition of the buildings immediately to the southwest of No. 7 Main Street remain as indicated on the full Planning Committee report. It is considered that the proposal is unacceptable and the recommended refusal reasons remain.

**CONCLUSION**

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

- The proposal represents overdevelopment of the site and results in a cramped and unacceptable layout;
- The proposal will have a detrimental impact on the residential amenity of existing and proposed properties due to dominance resulting in an overbearing impact on neighbouring dwellings and general disturbance;
- It has not been demonstrated that the issue of potential contamination on the site has been adequately considered;
- It has not been demonstrated that adequate access arrangements can be provided; and
- It has not been demonstrated that the development proposal will not have a detrimental impact on matters of biodiversity.

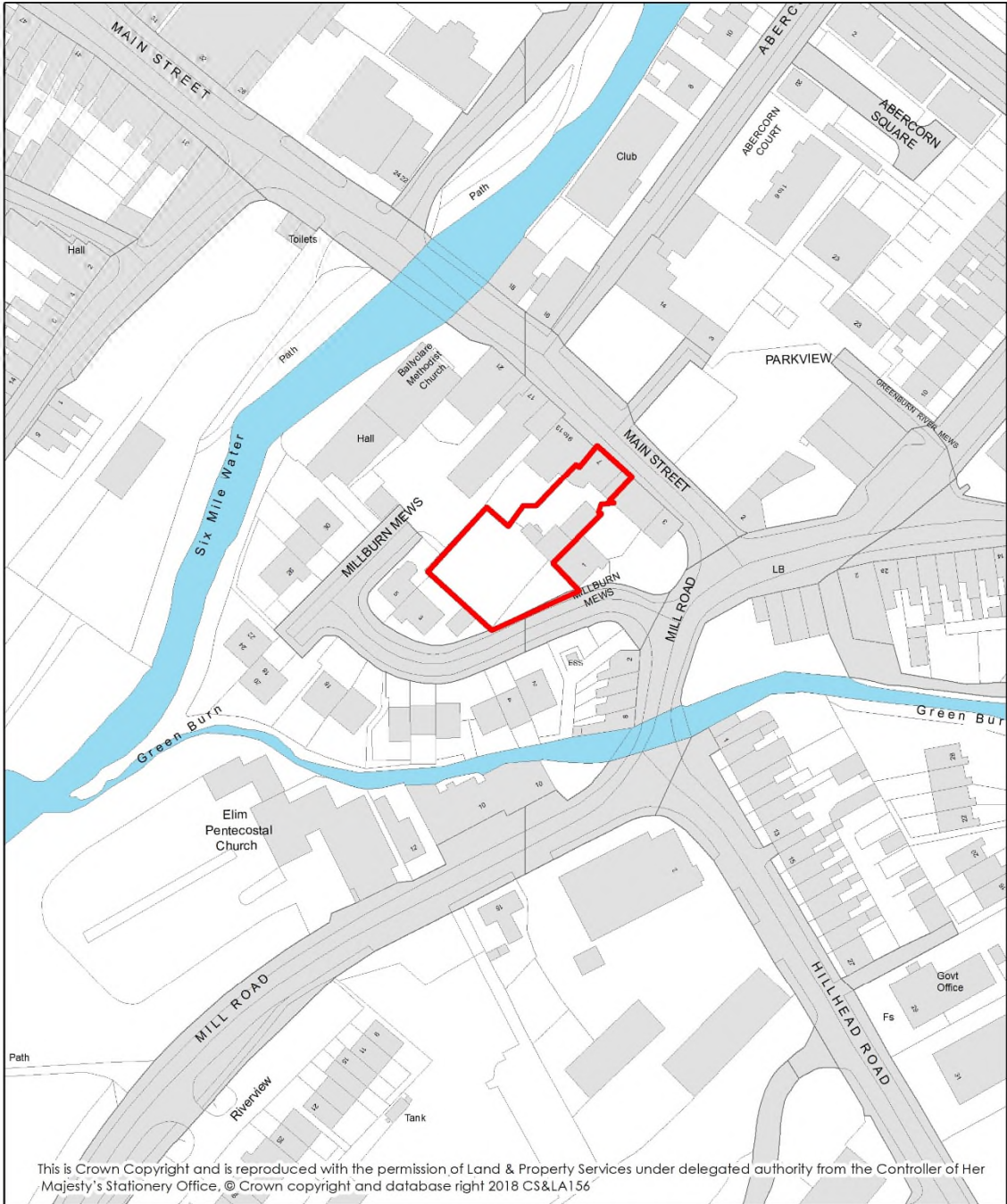
**RECOMMENDATION**

**REFUSE PLANNING PERMISSION**

**PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that, if permitted would result in an unacceptable adverse effect on both existing and proposed properties in terms of overlooking and existing properties in terms of dominance and general disturbance.
2. The proposal is contrary to the SPPS and PPS 3 in that it has not been demonstrated that *adequate parking provision* and visibility splays can be provided where the proposed access joins Millburn Mews and that the development would not prejudice the safety and convenience of road users.
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.
4. The proposal is contrary to the SPPS and PPS 2 as it has not been demonstrated that the development would not have a detrimental impact on biodiversity and protected species.





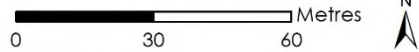
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### Site Location Plan

Application Reference: LA03/2022/0189/F

Location: 7 Main Street Ballyclare and site to rear accessed off Millburn Mews, Ballyclare

Porposal: Conversion of No.7 Main Street, Ballyclare to 3No. apartments with 3No.new-build townhouses to rear and accessed off Millburn Mews.



 Site boundary





<b>COMMITTEE ITEM</b>	<b>3.5</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0441/O</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed site of housing development
<b>SITE/LOCATION</b>	14 Niblock Road, Antrim
<b>APPLICANT</b>	James Fee
<b>AGENT</b>	J E McKernan & Son
<b>LAST SITE VISIT</b>	August 2022
<b>CASE OFFICER</b>	Michael O'Reilly Tel: 028 9034 0424 Email: <a href="mailto:michael.oreilly@antrimandnewtownabbey.gov.uk">michael.oreilly@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located on lands at 14 Niblock Road, Antrim.</p> <p>This is an area of land within the development limit of Antrim, as identified in the adopted Antrim Area Plan 1984 – 2001. There are no designations or zonings applicable.</p> <p>The application site comprises lands associated with the existing dwelling at No.14 Niblock Road, is essentially flat with a shallow fall in levels moving north to south, and all boundaries are well defined by a mixture of mature hedgerow and trees. There are some inaccessible areas at the northeastern corner of the application site and where there are two outbuildings.</p> <p>An overhead electricity line runs northwest to southeast through the paddock type area to the left hand side of the dwelling. The railway line is located approximately 50 metres to the west of the dwelling at No.14 Niblock Road. A railway level crossing is located the same distance from the application site along the front of the road.</p> <p>The application site is recorded as being archaeologically sensitive.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2018/0888/RM  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  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  Decision: No decision.</p>	

Planning Reference: T/2012/0320/O

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: 08.11.2013 (Appeal reference 2013/0034)

### **PLANNING POLICY AND GUIDANCE**

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

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

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

Antrim Area Plan 1984 - 2001: The application site lies upon unzoned land within the development limit of Antrim. Paragraph 16.6 of the Plan indicates that development will be permitted provided the uses are satisfactory for the locations proposed and that no physical or other problems are involved.

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

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

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

PPS 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 10: Telecommunications: sets out planning policies for telecommunications development.

PPS 11: Planning & Waste Management (and the November 2013 update on Best Practicable Environmental Option): sets out planning policies for the development of waste management facilities.

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

## **CONSULTATION**

**Council Environmental Health Section** – Request the submission of a Generic Quantitative Risk Assessment detailing sampling, monitoring and/or other intrusive site investigations and a remediation strategy that has been developed as a result of the findings. Comment made that noise matters associated with train line have been resolved through the previously submitted noise report.

**Northern Ireland Water** – No objection.

**Department for Infrastructure Roads**- Request that the access is moved at least 100 metres from the railway line level crossing and visibility splays of 4.5 x 120m to be provided at access.

**Department for Infrastructure Rivers** – No objection.

**Department for Communities Historic Environment Division** – Conditions for approval.

**Belfast International Airport** – No objection.

**Department of Agriculture, Environment and Rural Affairs: Environment, Marine and Fisheries Group and NIEA:**

Natural Environment Division – Advice is provided to enable the Council to determine if further consultation is required. The submitted Northern Ireland Bio-Diversity Checklist indicates that there are no protected species, protected habitats, or other natural heritage interests present on the application site.

Regulation Unit – State that the Preliminary Risk Assessment is incomplete however potential unacceptable risk to human health is identified and further investigation is required leading to a Generic Quantitative Risk Assessment to support the development proposal.

## REPRESENTATION

No neighbours were notified of the application as no occupied properties about the site. 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 and Appearance
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Access, Movement and Parking
- Flood Risk
- Natural Heritage
- Contaminated Land
- 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.

Within the AAP the application site is an urban location within the development limit of Antrim with no applicable designations or zonings. Paragraph 16.6 of the Plan indicates that development will be permitted provided the uses are satisfactory for the locations proposed and that no physical or other problems are involved.

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

In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained in the following 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.

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

### **Design and Appearance**

Policy QD 1 of PPS 7 is entitled 'Quality in New Residential Development'. The policy headnote states that "planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The 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."

In accordance with the policy provisions of Policy QD 2 of PPS 7 the agent has submitted a concept statement and indicative conceptual layout. The Concept Statement refers to the design of the scheme being reflective of the form and scale of traditional properties in the area, which is described as being a mix of semi-detached and detached residential properties, both single and two storey, whilst picking up on vernacular features and respecting the prevailing density of development in the area and as indicated in the reserved matters application on lands abutting the application site for approximately 525 dwellings (LA03/2018/0888/RM), which is under consideration. The Concept Statement goes on to describe the conceptual layout as being set back from and having a dual aspect to the public roads with the design, layout and orientation of the dwellings ensuring that no detrimental overlooking or overbearing effects occur on the adjoining properties. It is additionally stated that proposed dwellings are to be two storeys in height with careful consideration of proportions, materials, form and scale and the design aspects of the area. No drawings to support this assertion have been provided. Regarding access and car parking it is noted that access will be from Niblock Road and to adoptable standards with an appropriate number of incurtilage car parking spaces provided. Regarding landscaping the agent notes that all existing landscaping will be retained with the exception of the road side hedgerow and trees that will need to be removed for visibility splay provision. With reference to the submitted block plan it is noted that the model of development seeks to provide ten dwellings in 5 sets of semi-detached units. 3 sets of semi-detached dwellings (6 units) are set to the western side of the internal estate road which, in essence, runs perpendicular to the Niblock Road and with two pairs of semi-detached dwellings (4 units) on the eastern side of the estate road. Three of the four units have garages indicated to the rear of the identified plot. The two dwellings closest to the Niblock Road at the foot of the layout are double fronted so as to address both the Niblock Road and the estate road. Aside the road side boundary, which is indicated as being completely removed to facilitate the required visibility splays, the concept layout indicates that all other landscaping will be retained.

It is considered that the conceptual layout and information contained within the Concept Statement have demonstrated that a residential development comprising ten dwellings (5 sets of semi-detached units) along with three garages could be accommodated upon the application site in such a fashion as to provide a reasonable and logical layout of development that that could lead to a quality and sustainable residential environment. The application site appears as having sufficient

space to accommodate the proposed dwellings given the reasonably sized plot sizes and varying shapes, which provide for an appropriate quantum of private amenity space and are of at least ten metres in depth, which is consistent with guidance in *Creating Places*. The dwellings at the foot of the layout closest to the Niblock Road are indicated as being double fronted with other dwellings orientated to face towards and have an aspect over the internal estate road. This arrangement appears as a logical response to the characteristics of the site and will provide informal surveillance and increase personal safety. It is noted that the conceptual layout has also sought to respect the layout of development proposed in the reserved matters application on lands surrounding the application site with appropriate separation distances evident and in order to respect the residential amenity of potential future residents of both proposed developments. Additionally, it is noted that boundary vegetation, which comprises mature trees and hedgerow, will be retained at three of the four boundaries of the application site to aid both the integration of the development into the landscape but also assist in the protection of amenity for potential future residents of both this and the adjoining proposed development. Although no detailed design of the dwellings has been provided it is anticipated that an appropriately designed suite of dwellings that draws upon the best local traditions of form, materials and detailing could be agreed in the reserved matters submission, should planning permission be granted.

As noted above, the development proposal seeks to retain three of the four site boundaries. The road side boundary, which is set back by approximately 2m from the edge of the Niblock Road and separated from it by a grass verge, is to be removed in order to provide visibility splays. Two outbuildings within the application site are to be removed, as is the existing dwelling house. While it is considered that the development proposal could be accommodated upon the application site and that, generally speaking, the layout and arrangement of development is acceptable, it is noted that the entire road side boundary is to be removed for the purposes of visibility splays provision. In the absence of persuasive ecological information clearly demonstrating that no adverse impact to priority habitats or species will occur by reason of the removal of the dwelling, outbuildings and the road side hedgerow, it cannot be concluded that the development proposal respects the site and its surrounding context nor that landscape features are identified and integrated in a suitable manner into the overall design and layout of the development. For these reasons it is considered that the development proposal fails to comply with the relevant policy provisions of the SPPS and Policy QD 1 of PPS 7 (criterion (a) and (b)).

### **Neighbour Amenity**

As noted above, it is considered that the indicative layout demonstrates that there is sufficient space within the confines of the application site to accommodate the yield of ten dwellings comprising five sets of semi-detached units along with three garages with the layout demonstrating that sufficiently deep, sized and varied shapes of private amenity space areas are provided. Additionally, the layout demonstrates that each of the dwellings proposed would have a reasonable relationship with its neighbours and also those potential future residents of the development set out in the reserved matters application abutting the application site and such that no adverse impact to residential amenity is likely to occur. This conclusion would though have to be informed by cross sections along with consideration of the dwellings proposed in any subsequent reserved matters application.

Given that the railway line is approximately 20m from the western boundary of the application site a Noise and Vibration Report has been submitted by the agent. In its consultation response the Council's Environmental Health Section has indicated that it has no objection to this aspect of the development proposal and that draft planning conditions can be made available.

For these reasons it is considered that the development proposal complies with the relevant policy provisions of the SPPS and PPS 7 and is therefore acceptable in these regards.

### **Impact on Character and Appearance of the Area**

It is considered that the general layout and arrangement of buildings, hardstanding and amenity space areas are acceptable and that the design appearance of the dwellings can be reserved by way of planning condition for consideration at a later stage of the planning process, should planning permission be granted. It is considered that the development proposal is of a reasonable density and shall not result in town cramming.

Notwithstanding that the development proposal could be accommodated upon the application site the road side boundary requires to be removed in order to facilitate the necessary visibility splays. This matter is referred to in more detail below under 'Natural Heritage' but the significance of this is such that the development proposal would likely have an unacceptable impact upon the local character and environmental quality of the area as the development proposal is considered as failing to respect the context of the application site and neither protecting nor integrating landscape features in a suitable manner and this is contrary to the policy provisions of the SPPS, PPS 7 and the Plan.

### **Access, Movement and Parking**

Policy AMP 2 of PPS 3 is entitled 'Access to Public Roads.' The policy head note states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The Niblock Road is not a protected route and criterion 'b' is not therefore relevant.

With reference to criterion 'a' it is noted that in its consultation response the Department for Infrastructure for Roads (DfI Roads) has indicated that the proposed point of vehicular access to the development must be at least 100 metres from the Level Crossing, that forward sight distance is required to be 120m and that visibility splays of 4.5 x 120m are required at the vehicular access. The agent has conceded that it will not be possible to achieve the required separation distance of the required location of the vehicular access from the Level Crossing and as such no further information has been provided by the agent in this regard. For this reason, it is considered that the development proposal is unable to demonstrate that the vehicular access as proposed will not prejudice road safety or significantly inconvenience the flow of traffic. This is contrary to criterion 'a' of Policy AMP 2 of PPS 3 and a draft reason for refusal is provided at the end of this report.

### **Flood Risk**

A Drainage Assessment (DA) has been provided in support of the development proposal. The proposed drainage regime seeks to discharge surface water run-off at greenfield rates (10 litres per second per hectare) that will be attenuated through oversized pipes and manholes to NI Water infrastructure which the utility provider has consented to.

In its consultation response the Department for Infrastructure Rivers has indicated that it does not object to the logic, findings or conclusions of the DA. It is therefore considered that the proposal shall not be subject to flooding or exacerbate flooding elsewhere. For this reason, the development proposal is compliant with Policy FLD 3 of PPS 15. With reference to FLD1, 2, 4 and 5, it is noted that DfI Rivers has no objections to the development proposal.

It is noted however that DfI Rivers has included a caveat that the DA is labelled 'preliminary' and that a draft planning condition is proposed requiring that a final DA is agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network in a 1:100-year event.

The Council is of the position that the drainage regime as proposed is the drainage regime for this development proposal. Should any adjustments have to be made it is the responsibility of the developer to determine whether or not a new planning application is required to address any potential changes.

### **Natural Heritage**

A Northern Ireland Bio-Diversity Checklist has been submitted in support of the development proposal. In its consultation response the Department of Agriculture, Environment and Rural Affairs: Natural Environment Division has commented that it has had sight of the checklist and that it has provided guidance to enable the planning authority to review the checklist and determine if further consultation is required.

Under Article 191 of the Lisbon Treaty, environmental policy continues to be based on the precautionary principle, which exists in order to protect the environment, where there are threats of serious or irreversible damage. Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or internationally significant landscapes or natural heritage resources. This is reiterated at paragraph 3.9 of the Strategic Planning Policy Statement which states that 'in determining planning applications planning authorities will also be guided by the precautionary approach where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of over-riding public interest.

It is noted that the boundaries of the application site are comprised of mature deciduous trees and thick, dense hedgerows along with several areas of overgrown scrub type planting and that there are several outbuildings in a state of dis-repair. The age of the existing detached dwelling is unclear but it may be pre-1960. Each of these features offer not insignificant potential for natural heritage interests, including bats and badgers, which are European Protected Species, to commute, forage, rest and breed within the evident mature planted elements enveloping the application



site or the number of buildings that are to be removed to facilitate the proposed development.

It is noted that the agent for the planning application has completed the checklist. It is considered that there are several errors within the responses. For instance, with respect to Designated Sites and Priority Habitats the agent has indicated that there are no grasslands within 50m of the application site yet it is surrounded by open fields. The agent has indicated that no hedgerows or mature tree lines, more than 30m long and that consist mainly of native species, are not removed. The indicative block plan clearly indicates the entire removal of the existing road side hedgerow that includes deciduous trees. With reference to Protected and Priority Species the agent has indicated that there will be no demolition of buildings located within 50m of woodland or the demolition or removal of a pre-1960 building or structure within 200m of woodland and/or water. While it is accepted that the boundary treatments may not readily fall to be termed 'woodland' there is no doubt that there are notable tracts of mature planting evident at the peripheries of the application site. Paragraph 5.12 of the Justification and Amplification section of Policy NH 5 states 'Other' natural heritage features worthy of importance are most likely to include trees and woodland which do not fall under the priority habitat or long established woodland categories but are in themselves important for local biodiversity.

It is considered that given the identification of flaws in the answers provided in the NI Bio-Diversity Checklist that additional survey work undertaken by a qualified ecologist would be required in order to further assess the potential impact of the development to priority habitats and/or priority species. In the absence of clarity about the potential impacts to priority habitats and priority species it is considered necessary to adopt the precautionary approach in order to protect against environmental harm where there are threats of serious or irreversible damage to the environment. The planning officer has discussed this matter with the agent and whom agrees that the production of further reports would be nugatory work on the basis of the problem with the vehicular access and as previously referred to.

It is considered that the development proposal has not demonstrated that there will not be an unacceptable impact to either European or Nationally Protected Species or that there shall not be an unacceptable impact to priority habitats or priority species. For these reasons and in adopting the precautionary principle the proposal has failed to demonstrate it complies with the policy provisions of Policy NH 2 'Species Protected by Law' and Policy NH 5 'Habitats, Species or Features of Natural Heritage Importance' of PPS 2.

### **Contaminated Land**

A contaminated land preliminary risk assessment has been submitted in support of the development proposal. Both the Council's Environmental Health Section (EHS) and NIEA: Regulation Unit indicate that further survey work is required and to include, where appropriate, sampling, monitoring and/or other intrusive site investigations that are to be reported on and mitigation offered in the form of a Generic Quantitative Risk Assessment. The reason for this is that potentially unacceptable risk is identified within the report and this may impact to human health. This matter has been discussed with the agent and who concedes that given the significant problem with the vehicular access point that any further survey work would be nugatory and would put the applicant to unnecessary additional expense. For the reason set out

above it has not been demonstrated that the development proposal will not be at risk from possible sources of land contamination that may impact upon human health receptors. For this reason, a draft refusal reason with respect to the guiding principle of the Strategic Planning Policy Statement as set out at paragraph 3.8 of that document is provided at the end of this report which relates to the potential impact upon human health receptors and residential amenity by reason of possible land contamination.

**Other Matters**

With respect to the range of criterion based tests set out at Policy QD 1 of PPS 7 and which have not been referred to either specifically or more broadly as set out above, it is considered that neighbourhood facilities are not required for a development of this scale nor is open space provision a requirement of a development of this size or site area. It is considered that the development proposal is compliant with these elements of Policy QD 1 of PPS 7.

**CONCLUSION**

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

- The principle of the development can be established.
- The layout and arrangement of development is acceptable.
- The proposal may result in an adverse impact to legally protected species and habitats which is contrary to the policy provisions of PPS 2 and the Plan.
- The design appearance of the dwellings can be controlled by planning condition.
- There are no insurmountable archaeology or flooding issues.
- The development cannot facilitate an appropriately located and sized vehicular access point.
- There are no objections from interested third parties; and
- Consultation responses have been considered within the main body of the report.

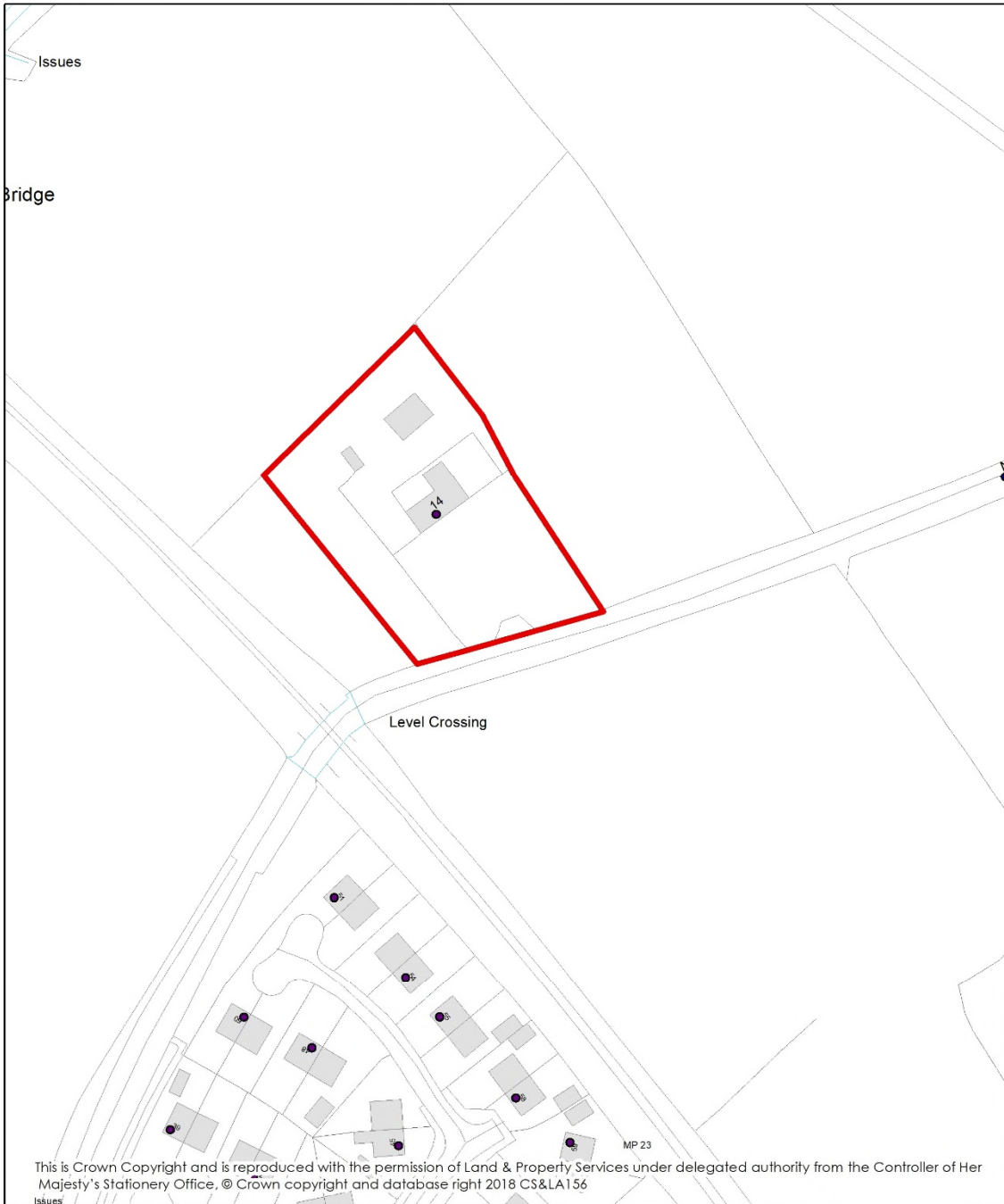
**RECOMMENDATION**

**REFUSE OUTLINE PLANNING PERMISSION**

**PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and criteria 'a' and 'b' of Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' in that the proposed development fails to respect the characteristics of the application site and landscape features are not protected and integrated in a suitable manner into the overall design and layout of the development.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and criterion 'a' of Policy AMP 2 of PPS 3 'Access, Movement and Parking' in that it has not been demonstrated that the development proposal will not prejudice road safety or significantly inconvenience the flow of traffic.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies NH 2 and NH 5 of Planning Policy Statement 2 'Natural Heritage' as it has not been demonstrated that the development proposal will result in environmental harm to Species Protected by Law and Species or Features of Natural Heritage Importance.

4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement as it has not been demonstrated that the development proposal would not cause harm to an interest of acknowledged importance, namely human health, as it has not been demonstrated that the identified risk to human health can be satisfactorily mitigated against.

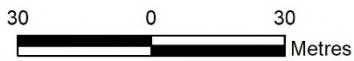


**Location Map**

**Application Reference: LA03/2022/0441/O**

Proposed site of housing development

14 Niblock Road  
Antrim



 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.6</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0605/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Change of use from engineering workshop to Tachograph Centre and alteration of existing vehicle access to create one way vehicle access system for both the engineering works and the Tachograph Centre.
<b>SITE/LOCATION</b>	29 Cargin Road, Toomebridge, Co Antrim, BT41 3NU
<b>APPLICANT</b>	Mr and Mrs Duffin
<b>AGENT</b>	Quinn Design Associates
<b>LAST SITE VISIT</b>	12 <sup>TH</sup> August 2022
<b>CASE OFFICER</b>	Michael Tomlinson Tel: 028 903 40442 Email: <a href="mailto:michael.tomlinson@antrimandnewtownabbey.gov.uk">michael.tomlinson@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 29 Cargin Road, Toomebridge. This is a countryside location beyond any development limits as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site consists of a collection of conjoined industrial buildings and workshops and associated yard area. The subject building is the southernmost building within the complex which runs perpendicular to the other buildings, has a pitched roof and is constructed mostly from corrugated iron sheeting. The topography of the site is flat and it abuts the listed building at No. 29 Cargin Road to the east. The southern boundary abuts the public road and consists of a 2-metre-tall mixed species hedge. The western boundary is a 2-metre-tall hedge with interspersed trees. The northern boundary abuts an agricultural field and is defined by a mix of a tree lined hedgerow up to 7 metres in height and by the rear elevation of the industrial buildings within the application site. The western boundary is partially defined by the dwelling known as No. 29 Cargin Road and a 3-metre-tall laurel hedgerow.</p> <p>The surrounding location is countryside, with agricultural fields being the dominant land use. Some dwellings are visible from within the application site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2022/0620/LDE  Location: D Engineering, 29 Cargin Road, Toomebridge, Co. Antrim  Proposal: Engineering works  Decision: Permitted Development (13.09.2022)</p>	

## PLANNING POLICY AND GUIDANCE

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

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

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

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

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, requests working hours' restriction condition is attached subject to planning permission.

**Department for Infrastructure Roads**- No objection subject to standard conditions.

**Department for Communities Historic Environment Division** – No objection.

## REPRESENTATION

One (1) neighbouring dwelling abuts the application site, however this is the applicant's dwelling and therefore no neighbours were notified in this application.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

- Policy Context and Principle of Development
- Impact on Character and Appearance of the Area
- Neighbour Amenity
- Other matters

### Policy Context and Principle of Development

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

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to 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 4: Planning and Economic Development provides the relevant policy context for the proposal.

Policy PED 2 of PPS 4 indicates that there are certain types of economic development acceptable in principle in the countryside. There are a number of cases when planning permission will be granted for economic development in the countryside. One of these is the 'Expansion of an Established Economic Development Use' under Policy PED 3.

The application site is located at No. 29 Cargin Road, the subject building forms part of a wider building utilised as engineering works associated with D Engineering Ltd. It is acknowledged that the engineering works is an established use at this location; a Certificate of Lawful Use was certified on 13<sup>th</sup> September 2022 (LA03/2022/0620/LDE). The application seeks to change the use of a section of the building which is currently known as 'workshop 5' of the existing engineering works to a tachograph centre. The proposal includes the alteration of the access to provide a one-way system to both the tachograph centre and engineering workshop.

As indicated above Policy PED 3 of PPS 4 allows for the expansion of an established economic development. The proposal however seeks to introduce a new separate use onto the application site and therefore does not constitute as the expansion of

an established economic development use within this countryside location under PED 3 of PPS. A supporting statement (Document 01 date stamped 14<sup>th</sup> September 2022) was submitted in support of the application. The applicant outlines within the supporting statement that the engineering works need to diversify; the works currently carried out on site include the repair of vans and trucks, which require to be recalibrated for use on the road, and the applicant contends that the diversification into a tachograph centre was a logical step.

The supporting information includes generic information in relation to the location of existing tachograph centres within Northern Ireland. It is indicated that there are 29 tachograph centres within Northern Ireland, with all being ancillary to another business. The applicant contends that a tachograph centre does not generate enough income and therefore is offered in association with another business. Although no supporting financial information was submitted in order to demonstrate the applicant's assertion, the location of 29 existing tachograph centres was provided. It is noteworthy that only seven (7) are within the open countryside whilst the remainder are located with industrial estates and or within established development limits.

The fact that the change of use relates to part of an existing building does not negate the fact that the proposal introduces a new use onto the site. The introduction of a standalone business that is not associated with the existing works does not present itself as an expansion of an established economic development but rather the introduction of a new economic development use and therefore is contrary to Policy PED 3 of PPS 4.

In addition, Policy PED 4 of PPS 4 allows for the redevelopment of an established economic development use in the countryside. The proposal does not however constitute the redevelopment of an established economic development use, the proposal seeks to retain the existing engineering works and introduce a new separate use and as such does not comply with Policy PED 4 of PPS 4.

The supporting statement details that the proposal would secure the existing fifteen (15) jobs and strengthen the company's resilience, it is noted that this is in conflict with the P1 form which states that the existing staff on site is two (2) with an expected staff increase of two (2). Notwithstanding the conflict in staff numbers it is acknowledged that expansion of a business is desirable for job creation, however, in this case the introduction of an additional economic use within this rural area has the potential to radically change the nature of the enterprise and have a significant adverse impact on the rural area.

The proposal is contrary to PED 3 and PED 4 of PPS 4 and as such the principle of development has not been established.

#### **Impact on the Character and Appearance of the Area**

The change of use results in limited changes to the external fabric of the building, and does not introduce any new buildings onto the site. However, the proposal does include a reformation of the existing site layout to provide a turning area and parking bays for articulated vehicles. The introduction of a tachograph centre onto the site, will by its very nature attract an increase in traffic along the Cargin Road, in particular additional heavy goods vehicles to avail of the services provided.



It is noted that the number of visitor/ customer vehicles attending the site in this case will rise from one (1) to six (6), however this number may rise and fall with demand. However, given the nature of the existing use on the site of an engineering works it is accepted that heavy goods vehicles would visit the site currently. On balance it is considered that the reformation of the site layout will not significantly change the existing character of the area.

**Neighbour Amenity**

The closest neighbouring property to the application site (29 Cargin Road) is under the ownership of the applicant. The Council's Environmental Health Section were consulted on the planning application and have determined that given the existing use of the engineering workshop that abuts the application site, a Noise Impact Assessment (NIA) is not required. The closest dwelling to the application site that is not associated with the business is approximately 130 metres to the south at No. 3 Carmon Road, with No. 13 Cargin Road located 190 metres to the northeast. Environmental Health have recommended a planning condition requiring no operations on the site in relation to the proposed use of the building between the hours of 23:00 and 07:00 to protect the night time amenity of surrounding neighbouring properties. Overall it is considered that there will be no significant detrimental impacts on any neighbouring properties.

**Other Matters**

Historic Environment

The application site forms part of the curtilage of the grade B2 listed dwelling of No. 29 Cargin Road (HB20/01/024). Department for Communities (DfC) Historic Environment Division were consulted and have provided no objection in their response. It is therefore considered that the planning application meets the requirements of the SPPS and PPS 6.

Road Safety

DfI Roads were consulted on this planning application to determine the impact the application may have on the safety and convenience of other road users within this location. They have provided no objection to the proposal subject to the inclusion of planning conditions regarding visibility splays and the gradient of the access.

**CONCLUSION**

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

- The principle of the development has not been established on the application site;
- The development will not result in a significant negative impact on the character of the area;
- There will be no significant impact on the amenity of the neighbouring dwellings and land uses;
- The application will not impact on the listed building HB20/01/024; and
- There have been no objections from any third parties.

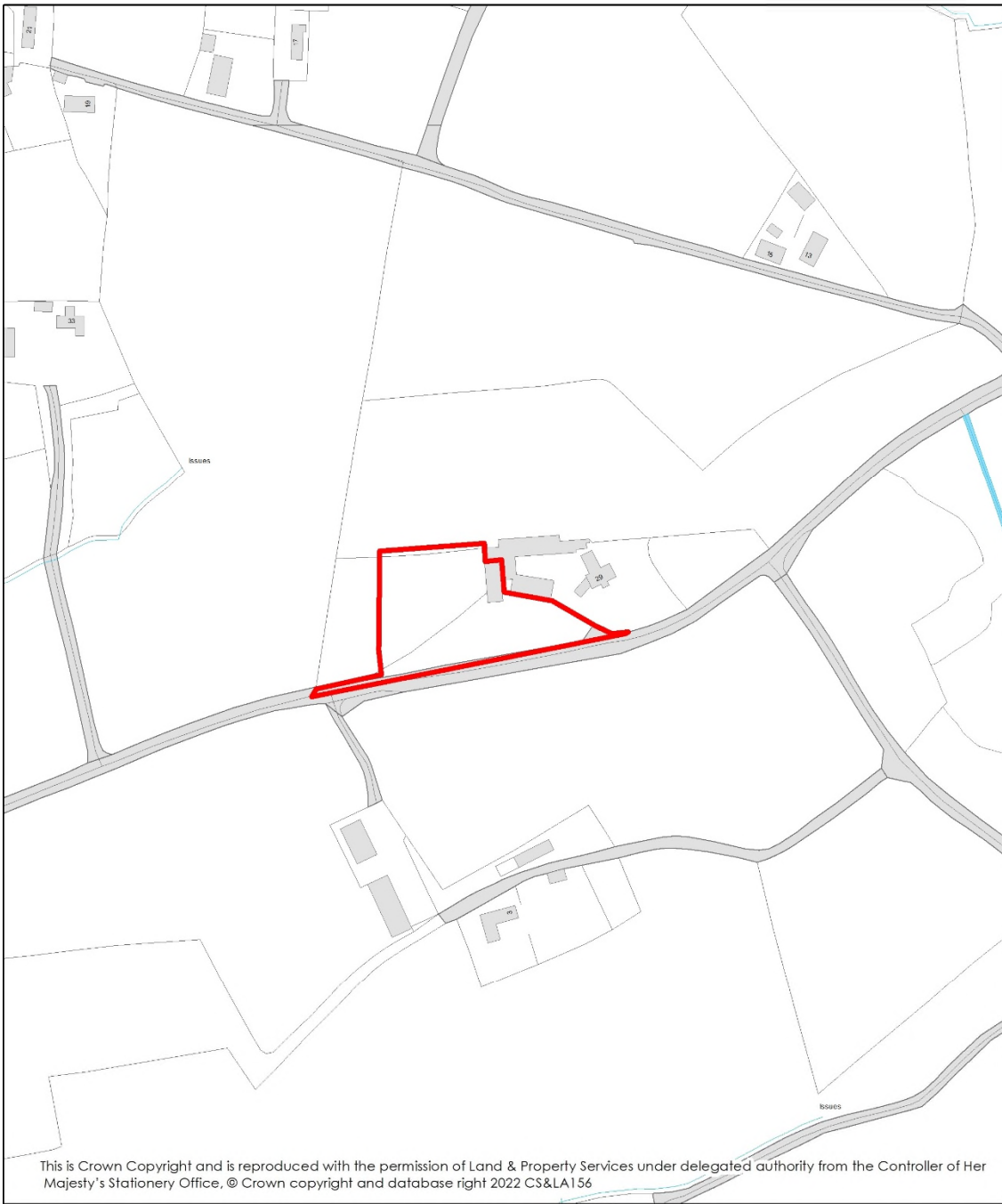
**RECOMMENDATION**

**REFUSE PLANNING PERMISSION**

**PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies PED 2, PED 3 and PED 4 of Planning Policy


Statement 4, Planning and Economic Development in the Countryside, in that the change of use does not constitute the expansion of an existing economic development or the redevelopment of an established economic development in the countryside and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.



Reference: LA03/2022/0605/F

Location: 29 Cargin Road, Toomebridge, Co Antrim, BT41 3NU

Proposal: Change of use from engineering workshop to Tachograph Centre and alteration of existing vehicle access to create one way vehicle access system

Scale: 1:2500 

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.7</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0185/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Erection of agricultural building (cattle shed) including ancillary siteworks in association with existing established and active farm business
<b>SITE/LOCATION</b>	120m NE of 16 Rickamore Road Templepatrick BT39 0ET
<b>APPLICANT</b>	S, R & A Nicholson
<b>AGENT</b>	Planning Services
<b>LAST SITE VISIT</b>	5 <sup>th</sup> August 2022
<b>CASE OFFICER</b>	Michael Tomlinson Tel: 028 903 40442 Email: <a href="mailto:michael.tomlinson@antrimandnewtownabbey.gov.uk">michael.tomlinson@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located 120 metres northeast of No. 16 Rickamore Road, Templepatrick. This is a countryside location beyond any development limits as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site consists of a section of a larger agricultural field that is partially defined along the northeastern and southwestern boundaries by a mixed species hedgerow, with the southeastern boundary remaining undefined. The northwestern boundary abutting the Rickamore Road is a 2-metre-tall hedgerow. The topography of the application site is flat, with the surrounding land rising to the southwest.</p> <p>The surrounding location is agricultural fields, with intermittent dwellings and farm buildings visible.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history	
<b>PLANNING POLICY AND GUIDANCE</b>	
<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 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 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 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

**Department for Infrastructure Roads**- No objection subject to the inclusion of draft planning conditions.

**Department for Infrastructure Rivers** – No objection

**Department for Communities Historic Environment Division** – No objection

**Department of Agriculture Environment and Rural Affairs** – No objection, farm is active and established

**Northern Ireland Environment Agency:**

**Water Management Unit** – Unable to determine the impacts of the proposal on the surface water environment and requests additional information.

**Natural Environment Division** – Advise that relevant DAERA Standing Advice documents are considered, and the relevant information in Appendix 2 of the DAERA 'Standing Advice – NED - Supplementary Note to Standing Advice Note 19' are submitted with the planning application. A Nutrient Management Plan (NMP) may also be required.

#### **REPRESENTATION**

One (1) neighbouring property was notified and no letters of representation have been received.

#### **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

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

- Policy Context and Principle of Development
- Impact on the Natural Environment
- Design and Appearance
- Neighbour Amenity
- 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 Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to the determination of the proposal.

The application site is located within the countryside outside any 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) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of its council area. The SPPS retains some existing Planning Policy Statements (PPS) one of which is 'Sustainable Development in the Countryside' (PPS21).

Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It goes on to say 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.

One of these types of development is for development on an active and established agricultural or forestry holding in accordance with the policy provisions of CTY 12. For the purposes of defining an active and established farm paragraph 5.56 of Policy CTY 12 indicates that the definition for an active farm is the same as that provided within Policy CTY 10.

This policy requires that a farm business is to be active and established. DAERA's Countryside Management Branch have been consulted on the application and have responded to confirm that the Farm Business ID was issued on 1<sup>st</sup> May 2017. At the date of validation, the business ID would have been forty-five (45) days short of being active for a full six (6) years. It is noted in DAERA's response however, that the business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri-Environment Schemes in each of the last six (6) years. DAERA's response also highlights that the proposed site is on lands associated with the farm business. Whilst at the time of validation, the farm business had not reached full maturity to satisfy the needs of Policy CTY 10 and CTY 12 with regards to being established, it is considered that the farm business ID is now six (6) years old and the farm business can be considered as active and established.

It is noted that the lands associated with the farm business are extensive (520 hectares) and according to the farm maps, there appears to be groupings of a number of farm complexes located at different locations spread across a large geographical area. The P1 form and P1C form indicates the address of the applicant to be 29 Cullyburn Road where a number of agricultural buildings exist. Policy CTY 12 requires that any new buildings should be sited beside existing farm buildings, exceptionally consideration may be given to an alternative site away from existing farm buildings provided there are no other sites available at another group of buildings and where it is essential for the efficient functioning of the business or where there are demonstrable health and safety reasons. A supporting statement was requested from the applicant in order to establish why the proposed building is to be located away from the existing farm complex. A supporting document (Document 01 date stamped 14<sup>th</sup> September 2022) was submitted which confirms that a further group of existing farm buildings are located at 20 Carlisle Road.

The supporting documentation details that the farm building is needed on lands at Rickamore Road as the Old Coach Road currently separates the 135 acres of land to the south of the Old Coach Road. The applicant contends that the lands to the south of the Old Coach Road are disadvantaged by having no practicable access to the nearest existing farm buildings located 0.46km away. The agent has provided further rationale for the requirement for the agricultural building on the application site including dry housing for cattle for bovine tuberculosis testing without the requirement for cattle to be moved across the Old Coach Road for testing, however no rationale has been given as to why testing cannot be carried out on these lands within a safe segregated area through the use of a cattle crush.

The supporting statement continues by stating that rounding up cattle for testing from open fields is frustrating for both the cattle and the farmer and moving cattle across the road makes them agitated and nervous with the potential for injuries for both the livestock and farmer. Whilst it is accepted that there may be difficulties and frustration in moving livestock, it is not an unusual situation for livestock to be moved across public roads or between pockets of lands with many farm holdings being divided by roads or located at a distance from existing farm buildings.

In this case the application site is removed from the existing farm buildings at Carlisle Road by 0.46km, across the Old Coach Road, the siting of an additional agricultural building away from any of the existing farm complex is not considered essential for the efficient functioning of the business and there are no demonstrable health and

safety reasons. The proposed development does not provide an exceptional case for a new farm building sited at an alternative site away from the existing farm business and its buildings. It is considered therefore that the application does not meet with the requirements of Policy CTY 12 and therefore the principle of development has not been established.

### **Impact on the Natural Environment**

The proposal seeks permission for an agricultural building for cattle, although the supporting statement indicates the end use of the building is not proposed to winter or house cattle on any large scale, permanent basis, nevertheless the proposal indicates the building is for cattle. As such in order to establish the potential impact the proposed development may have on the natural environment, consultation was carried out with DAERA, Natural Environment Division (NED) and Water Management Unit (WMU). Additional information was requested from both WMU and NED including livestock numbers, details relating to the proposed flooring, details of manure and effluent management and a detailed drainage management plan, additionally attention was drawn to the current position on nitrogen emissions and indicates that a Nutrient Management Plan may be required.

The applicant has acknowledged the additional information required by DAERA and has requested additional time be provided for the submission of these documents, however, this information was not requested as the principle of development has not been established and would result in an unnecessary expense to the applicant. Therefore, it has not been demonstrated that the proposal would not have a significant negative impact on the surrounding natural environment.

### **Design and Appearance**

The proposed shed is to be located alongside the northeastern boundary of the application site, with a yard area surrounding the proposed shed to the northwest, southwest and southeast. The access to the shed will then be taken from the location of the existing agricultural access along the northwestern boundary with the Rickamore Road. The shed will be of precast concrete and green coated aluminium cladding. The main double door access will be provided on its northwestern elevation and a smaller access will be provided to the southeastern (rear) elevation. A further pedestrian access is to be provided on the southwestern elevation. The shed will have a maximum ridge height of 5.8 metres. The design and appearance in terms of its scale, massing and finishing materials are of a consistent format of a common agricultural shed which are widely visible within farm complexes, including that at No. 20 Carlisle Road.

The application site sits within flat land at the foot of a gently sloping hill that rises in a southwesterly direction towards No. 16 Rickamore Road which provides a suitable backdrop for the proposed building. The site is well defined along three (3) of the four boundaries by mature, tree lined hedgerows which will provide a further degree of integration and enclosure, screening the majority of views towards the application site from public view along the Rickamore Road and the Old Coach Road. It is considered therefore that the proposed building would not be unduly prominent in the landscape.



Overall it is considered that the design, appearance and location of the shed is acceptable in terms of integration and rural character and therefore complies with Policies CTY 13 and CTY 14 of PPS 21.

### **Neighbour Amenity**

The existing dwelling at No. 16 Rickamore Road is the closest occupied neighbouring dwelling. It is located approximately 120 metres to the southwest of the application site. This neighbour has been notified of the application and has made no objections to the application. Given the separation distance from this dwelling together with the existing mature boundary treatment at the application site it is considered that there will be no significant detrimental impact on this neighbouring property resultant from the proposal.

### **Flood Risk**

The application site is partially impacted by an area of known flood pondage. DfI Rivers were consulted on this matter and have acknowledged the existence of an undesignated watercourse running along the northeastern boundary of the application site. It has requested that a riparian strip of a minimum of 5 metres is retained to allow access for maintenance by DfI Rivers. It is noted that Drawing 02a, date stamped 12<sup>th</sup> May 2022, shows a distance of 5 metres from the northeastern elevation of the proposed shed to the watercourse. Should planning permission be granted, a planning condition will be added requiring this strip to be retained for the lifetime of the development to allow access to the watercourse if required.

### **Other Matters**

#### Historical Environment

The application site is within the zone of influence for two (2) archaeological sites and monuments. To determine the potential impact this development may have on the historical environment, Historical Environment Division (HED) within the Department for Communities was consulted and has concluded that it is content with the proposal. It is considered therefore that the application meets with the requirements of the SPPS and PPS 6 in regards to its impact on the historic environment.

#### Road Safety

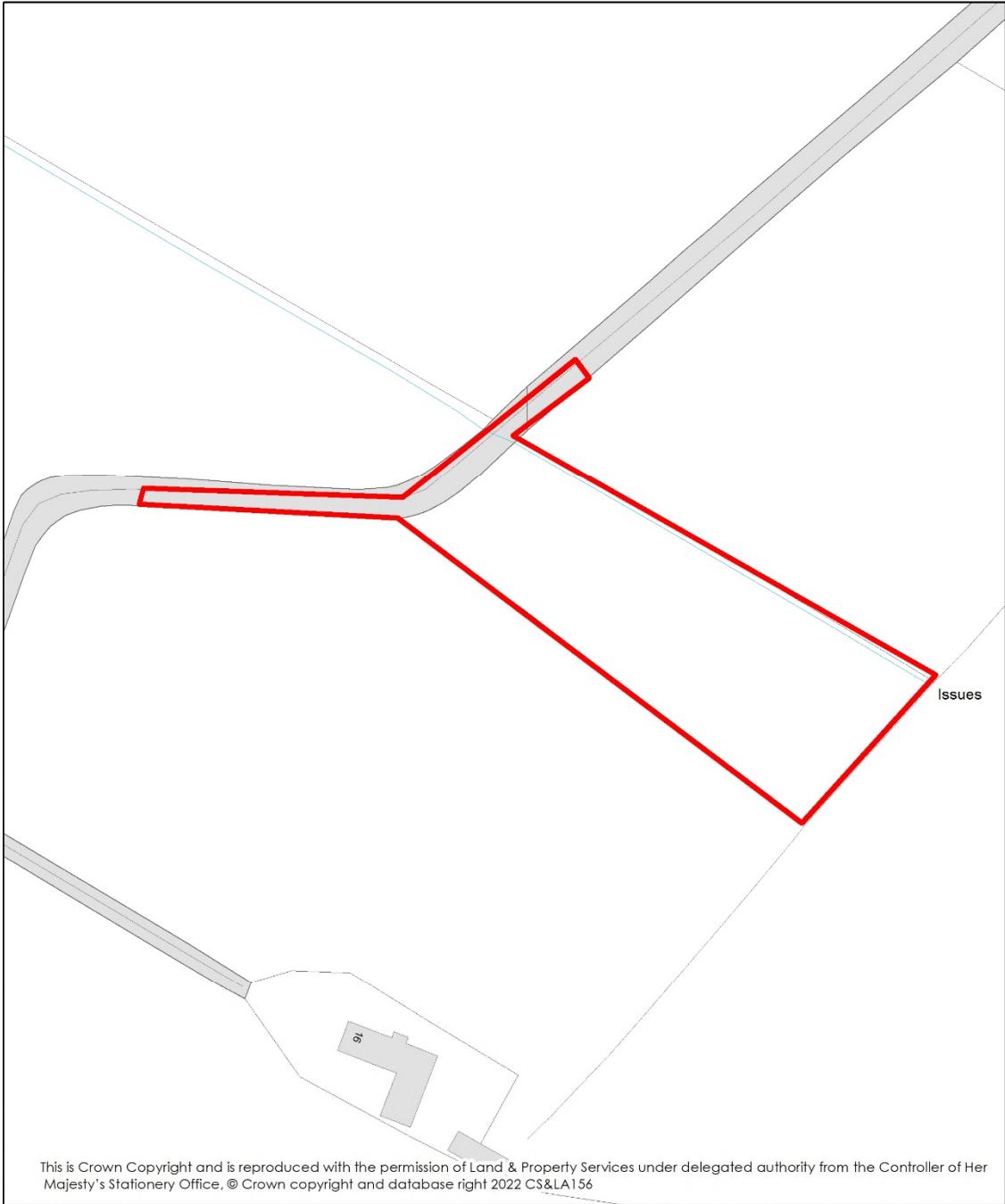
To determine the potential impact that the application may have on the safety and convenience of other road users, DfI Roads were consulted on the matter. DfI Roads raised no objections subject to conditions.

## **CONCLUSION**

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

- The principle of the development is considered unacceptable given the site's location away from the existing farm business.
- The proposal would not have a significant detrimental impact on the character of the rural area.
- The proposal could successfully integrate into its receiving rural environment.
- There are no concerns in relation to neighbour amenity.
- It has not been demonstrated that the proposal would not have a detrimental impact on natural heritage in terms of emissions.


RECOMMENDATION	REFUSE PLANNING PERMISSION
<b>PROPOSED REASONS OF REFUSAL</b>	
<ol style="list-style-type: none"> <li data-bbox="193 300 1436 560">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, in addition it has not been demonstrated that there are no alternative sites available at another group of buildings on the farm holding.</li> <li data-bbox="193 582 1436 728">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.</li> <li data-bbox="193 750 1436 969">3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside and Policy NH1 of PPS2 Natural Heritage, in that the proposed development may have a detrimental impact on the site selection features of a European Designated Site through increased ammonia emissions.</li> </ol>	



Reference: LA03/2022/0185/F

Location: 120m NE of 16 Rickamore Road, Templepatrick,  
BT39 0ET

Proposal: Erection of agricultural building (cattle shed) including  
ancillary siteworks in association with existing established  
and active farm business

Scale: 1:1250 

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.8</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0609/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Retrospective application for retention of existing farm shed.
<b>SITE/LOCATION</b>	100m SW of 12a Irish Hill Road, Ballyclare, BT39 9NQ
<b>APPLICANT</b>	Mr William Wells
<b>AGENT</b>	W M McNeill
<b>LAST SITE VISIT</b>	15 <sup>th</sup> July 2022
<b>CASE OFFICER</b>	Gareth McShane Tel: 028 903 40411 Email: <a href="mailto:gareth.mcshane@antrimandnewtownabbey.gov.uk">gareth.mcshane@antrimandnewtownabbey.gov.uk</a>
<b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 100 metres southwest of 12a Irish Hill Road, Ballyclare, which is a countryside location beyond any development limits as defined within the Draft Belfast Metropolitan Area Plan 2004.</p> <p>The application site contains a single storey farm shed, measuring 14.4 metres in length and 9.2 metres in width, with a ridge height of 5 metres. A number of temporary structures are also located within the site, including a wooden shed for hay storage and a hen compound which contains three hen sheds. The farm shed is setback approximately 100 metres from the Irish Hill Road and is accessed via a shared laneway. The shed is located in the northeastern corner of the agricultural field, which is planted with indigenous trees measuring approximately 3-4 metres in height. The northern and eastern boundaries are defined by a post and wire fence, with the southern and western (roadside) boundaries defined by mature hedgerows measuring approximately 2 metres in height.</p> <p>The surrounding character is open countryside, with dwellings and outbuildings spread out intermittently.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2022/0009/O  Location: 140m south west of no 12A Irish Hill Road, Ballyclare,  Proposal: Proposed dwelling and garage on a farm  Decision: Application Withdrawn 10.05.2022</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<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</p>	

Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Draft Newtownabbey Area Plan 1984-2001: The application site is located outside any development limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

Draft Belfast Metropolitan Area Plan (2004): The application site is located outside any development limit and lies in the countryside within Local Landscape Policy Area (LLPA) SD 04. The Plan states that in designated LLPAs, planning permission will not be granted for development that would be liable to adversely affect those features, or combination of features, that contribute to environmental quality, integrity or character.

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.

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**

**Northern Ireland Environment Agency: Regulation Unit** - Regulation Unit Land and Groundwater Team have no objections to the retention of the development however the applicant has not provided information that ensures safe development and end-use of the site regarding land contamination.

**Department for Agriculture, Environment and Rural Affairs**- The Farm Business ID was allocated in November 1991. The business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last six years.

**Environmental Health**- No objections to the proposal.

## REPRESENTATION

One (1) neighbouring property was notified and no letters of representation have been received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design, Integration, and Impact on Rural Character
- Neighbour Amenity
- Other matters

### **Policy Context and Principle of Development**

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. Up until the publication of draft BMAP (dBMAP) in 2004, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in the assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. Both of the relevant development plans identify the application site as being within the countryside and outside any development limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of

sustainable development. There are a number of cases when planning permission will be granted for non-residential development. One of these is agricultural development in accordance with Policy CTY 12.

Policy CTY 12 outlined that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that;

- a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- b) in terms of character and scale it is appropriate to its location;
- c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- d) it will not have an adverse impact on the natural or built heritage; and
- e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- a) there are no suitable existing buildings on the holding or enterprise that can be used;
- b) the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- c) the proposal is sited beside existing farm or forestry buildings.

The Department for Agriculture, Environment and Rural Affairs (DAERA) advised in a consultation response dated 9<sup>th</sup> August 2022 that the associated farm has been in existence for more than 6 years, the farm ID having been allocated in November 1991. Their response also confirms that the farm business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years.

Given that the farm business does not claim single farm payment, the applicant supplied evidence for the last six years (2016 – present) in order to display that the farm holding is active and established. This evidence includes invoices for poultry grain, piping, fencing supplies, vet invoices, animal feed and accountant fees. Herd Records were also provided which show movements into the business from 2017, 2018, 2019, 2020 and 2021. A letter from 'Glenn and Company – Accountants' confirms that they have been engaged to act for the applicant in his farming activity since 1989 and that all accounts have been submitted to HMRC.

Taking account of all evidence submitted, it can be considered that the applicant is currently active and has been established for at least six years.

The principle farm dwelling is located at 9 Belfast Road, Ballynure and contains a dwelling and two outbuildings. The applicant owns two further farmlands, one at 12a Irish Hill Road (application site), and another at Mullaghboy Road, Islandmagee (where an existing group of farm buildings are located).

Two further areas of land are rented, one at Logwood Road and another further up Irish Hill Road. The below table lists the extent of each farmland and their distance to the principle dwelling at 9 Belfast Road, Ballynure.

<b>Lands</b>	<b>Distance to Principle Farm Holding (miles)</b>	<b>Extent of holding</b>
<b>12a Irish Hill Road</b>	2.6	2 agricultural fields (approx. 8 acres)
<b>Mullaghboy Road, Islandmagee</b>	14.4	3 agricultural fields and 2 farm sheds (approx. 10 acres)
<b>Logwood Road</b>	4.1	1 agricultural field (approx. 3 acres)
<b>53 Irish Hill Road</b>	2.5	1 agricultural field (approx. 3 acres)

In the statement of case, the agent states that the farm dwelling at 9 Belfast Road, Ballynure is of insufficient size to carry out farming. The statement continues that due to the applicants' personal circumstances, he has moved the principle farm buildings and animals to Irish Hill Road, closer to his home address (9 Belfast Road) than the holding at Islandmagee. This move was to be close at hand to the animals in compliance with the Animal Welfare Regulations. The building is to be used for the storage of agricultural machinery, feed and other miscellaneous items and will not be used for the storage of animals, who will be housed at Islandmagee during the winter months and at Irish Hill Farm during the summer months. It is noted that the applicant sold a group of agricultural buildings at Islandmagee in 2014, while still retaining two agricultural sheds there.

As outlined within the statement of case, the applicant is to use the shed for the storage of materials and equipment. At the main farm holding at 9 Belfast Road, two outbuildings are located to the rear elevation of the property. A further two agricultural sheds are located at the Islandmagee holding. It is considered that given the size of the entire holding, a sufficient level of outbuildings are already provided.

Furthermore, insufficient evidence has been submitted by the applicant's agent to demonstrate that a new agricultural building at this location is necessary for the efficient use of the applicant's holdings, nor has sufficient information been submitted by the agent to demonstrate the proposal as being an exception to the policy. Having taken the above into account it is considered that there are no exceptional reasons why the proposed building is located away from existing farm buildings nor has it been demonstrated that the proposal is necessary for the efficient use of the agricultural holding.

On the evidence provided the principle of the agricultural building is not acceptable at this site as it does not fulfil the policy criteria as set out under Policy CTY 12 - Agricultural and Forestry Development.

#### **Design, Integration, and Impact on Rural Character**

Criteria (b) and (c) of Policy CTY12 requires that the building integrates into the local landscape and that it is appropriate in terms of character and scale for its location.



The agricultural shed measures 14.4m in length, 9.2m in width and has a ridge height of 5m. The walls and roof of the shed are finished in dark green corrugated sheeting, with the windows finished in translucent corrugated sheeting. A sliding door is located to the north elevation, with an additional door opening to the south elevation. Three windows are located to the west elevation, facing Irish Hill Road. The internal floor is concrete.

The agricultural shed is sat within a rural setting where it is common to view agricultural buildings. Given the current landform and existing tree coverage, the shed is completely screened from public views when travelling North along Irish Hill Road, and is only partially visible when travelling in the opposite direction. The development is also setback a considerable distance from the roadside boundary, with mature trees providing a backdrop for the development. It is considered that the building visually integrates into the local landscape and does not have an unacceptable impact on the character or appearance of the rural area.

Overall, it is considered the scale, design and siting is appropriate for the rural area and the agricultural building integrates with surrounding landscape and does not cause a detrimental change to the character of the rural area in accordance with Policies CTY 12, 13 and 14 of PPS 21.

#### **Neighbour Amenity**

The nearest residential property is located approximately 100 metres northeast of the application site, and is not within the applicants' farm holding. Given the considerable separation distance between the farm shed and neighbouring dwelling, it is considered that residential amenity will not be detrimentally affected by noise, odour, pests etc.

The Council's Environmental Health Section were consulted in relation to the proposal and offered no objection. One (1) neighbouring property was notified and no representations were received. It is therefore considered that the development will not result in an unacceptable impact on the amenity of any neighbouring properties.

#### **Other Matters**

Environmental Health were consulted regarding the impacts of the development and responded with no objections in principle to the proposal.

A Ground Investigation Report (Document 03 date stamped 23<sup>rd</sup> June 2022) was submitted with the application. Consultation was carried out with DAERA, Regulation Unit Land and Groundwater Team (RULGW) who indicated that whilst they have no objections to the retention of the building, no information has been provided to ensure safe development and end-use of the site. Given that the principle of development has not been established, this additional information has not been requested in order to prevent an unnecessary expense to the applicant.

#### **CONCLUSION**

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

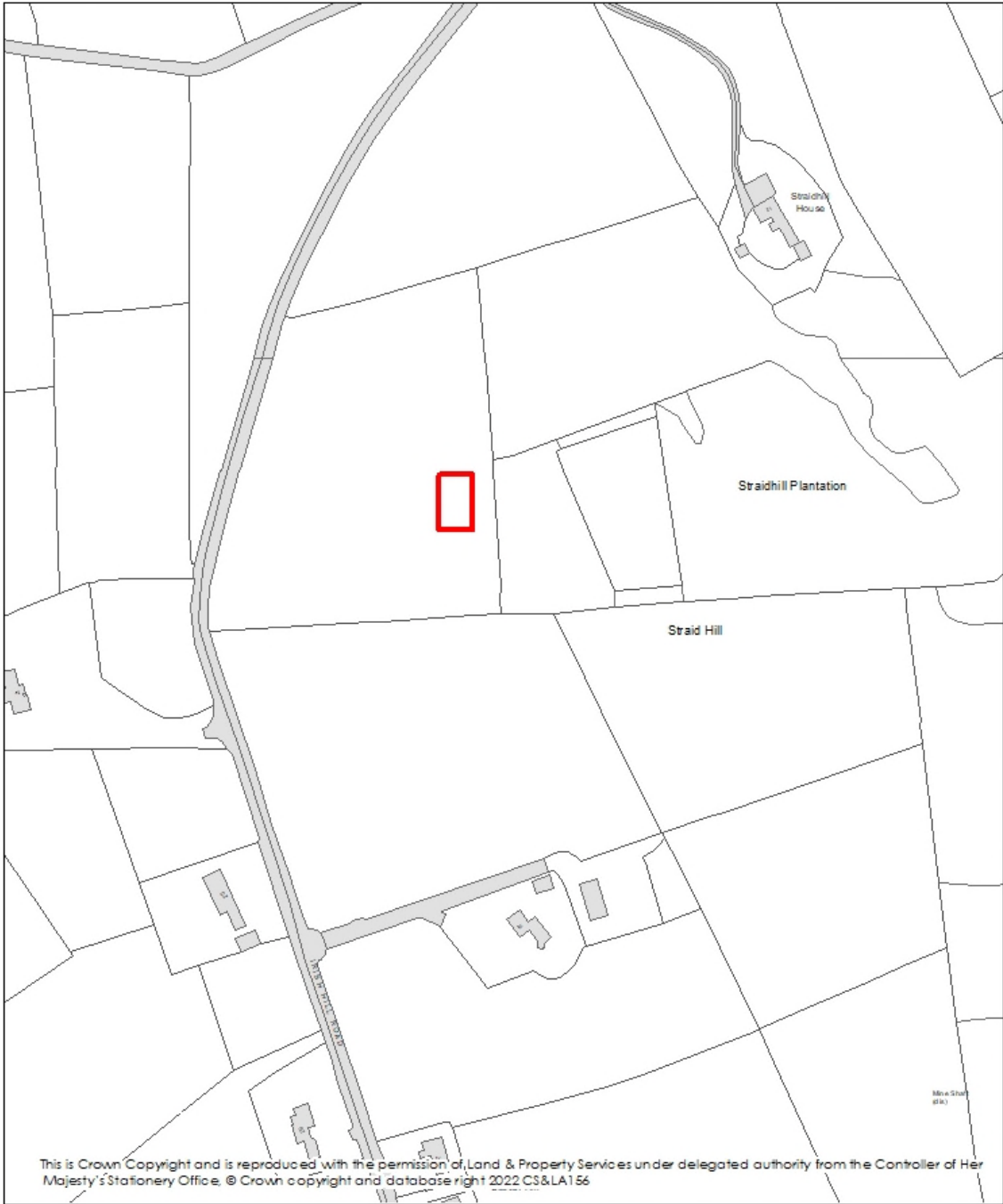
- The principle of development test has not been met as it has not been demonstrated that the proposed building is necessary for the efficient use of the agricultural holding or why the proposed building is located away from existing farm buildings;

- The design and appearance of the proposal is considered acceptable;
- The proposal is seen as meeting the requirements of Policies CTY 13 and CTY 14 of PPS 21; and
- The proposal will not unduly affect the privacy or amenity of neighbouring residents.

<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
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**PROPOSED REASONS OF REFUSAL**


1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 and Policy CTY12 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the building is necessary for the efficient use of an active and established agricultural holding, in addition it has not been demonstrated that there are no alternative sites available at another group of buildings on the farm 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



<b>COMMITTEE ITEM</b>	<b>3.9</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0349/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Erection of an agricultural shed
<b>SITE/LOCATION</b>	250m NE of 60 Crosskennan Road, Antrim, BT41 2RE
<b>APPLICANT</b>	Marion Simmons
<b>AGENT</b>	Richard Burnside Architecture
<b>LAST SITE VISIT</b>	09/06/2022
<b>CASE OFFICER</b>	Tierna McVeigh Tel: 028 90340401 Email: <a href="mailto:tierna.mcveigh@antrimandnewtownabbey.gov.uk">tierna.mcveigh@antrimandnewtownabbey.gov.uk</a>
<b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>Members will recall at September's Planning Committee that the application was deferred for a period of one (1) month to allow the case officer to consider the additional information submitted by the applicant's agent.</p> <p>In the originally submitted Supporting Statement referenced as, Document 02 date stamped 8th April 2022, the agent specified that the proposed agricultural shed is to be used primarily for the storage of farm machinery, implements, fodder and feed stuffs to include fertilizer and hay storage.</p> <p>On the afternoon of the Planning Committee, the applicant's agent submitted a further Additional Supporting Statement referenced as, Document 03 date stamped 20th September 2022. An addendum was composed summarising the main points and in summary the Additional Supporting Statement stated that the agricultural shed is also required for lambing and temporary sheltering of animals. This aspect of the proposal did not form part of the initial assessment, nor did the submitted plans reflect the end use of the agricultural shed.</p> <p>While the rationale provided in the Additional Supporting Statement was noted previously, it was still considered that the proposal still fundamentally failed to be considered as an exceptional case in line with planning policy.</p> <p>Following on from Septembers Planning Committee, the agent was offered the opportunity to submit a supporting statement outlining the specific end use of the agricultural shed including the justification for its location and was requested to amend the submitted plans to show the various end uses. The agent has submitted amended drawings referenced as Drawing Number 01/1 and 02/1 date stamped 03rd October 2022.</p>	

Drawing Number 01/1 shows that the proposed agricultural shed has been repositioned some 36 metres closer to the southwest boundary and some 1.5 metres closer to the northwest boundary. As a result, the access has also been repositioned some 51 metres closer to the northwest boundary. Also showing on the plans, which was previously included, are two (2) areas of hardcore to the southwest and southeast of the shed.

The repositioning of the proposed shed to this location was suggested by Historic Monuments of Historic Environment Division (HED) in their response dated 26th July 2022. Historic Monuments stated that this relocation would mitigate the impact of the proposal on the setting of the scheduled monument (motte ANT 044:044); to integrate better with the existing farm building and to improve the screening effect of the existing hedgerow.

Drawing Number 02/1 shows the ground floor of the agricultural shed split into two (2) areas, one for sheep and one for cattle. The area for sheep includes four (4) lambing pens and the intended use is stated as being a temporary shelter, feeding, cleaning, injecting, weighing dosing area and for the transportation of lambs. The area for cattle is intended to be used as temporary shelter only between the Spring/Summer months (March-October) and not during the Autumn/Winter months (October – March). The agricultural shed is also proposed to be used for calving, dehorning, feeding, cleaning, injecting and dosing of cattle. It is stated on the plans that machinery will only be housed in the shed when animals are not present.

A mezzanine floor is proposed within the shed which is to be used for the storage of fertilizer, animal feed, veterinary and cleaning products and also the apparatus for the solar panels which are proposed on the roof.

Although Drawing Number 02/1 states that the sheltering of sheep and specifically cattle will only occur temporarily over the summer months (March to October) and not over the wintering months (October to March), the proposal nevertheless is for livestock. As such in order to establish the potential impact the proposed development may have on the natural environment, advice was sought from DAERA, Natural Environment Division (NED). They advised that if the shed is within 7.5km of any designated sites and will house animals for lambing and calving then this should be modelled for that time period e.g. 1 month per year, and the storage of manure also modelled. NED further stated that if the proposal is solely used for vaccinating/checking animals only and not housing, NED wouldn't need to see the modelling.

Policy CTY 12 requires that any new buildings should be sited beside existing farm buildings, exceptionally consideration maybe given to an alternative site away from existing farm buildings provided there are no other sites available at another group of buildings and where it is essential for the efficient functioning of the business or where there are demonstrable health and safety reasons.

In this case the application site is removed from the existing farm buildings at 62 Crosskennan Road by some 600metres, across the Crosskennan Road. The applicant owns lands surrounding the main farm holding and it is concluded that it has still not been sufficiently demonstrated why this additional shed could not be located closer to the existing farm group.

It is considered that the siting of an additional agricultural building away from the existing farm holding is not essential for the efficient functioning of the business and there are no demonstrable health and safety reasons. The proposed development does not provide an exceptional case for a new farm building sited at an alternative site away from the existing farm holding and its buildings. It is considered therefore that the application does not meet with the requirements of Policy CTY 12 and therefore the principle of development has not been established. The recommendation to refuse planning permission remains the same.

**CONCLUSION**

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

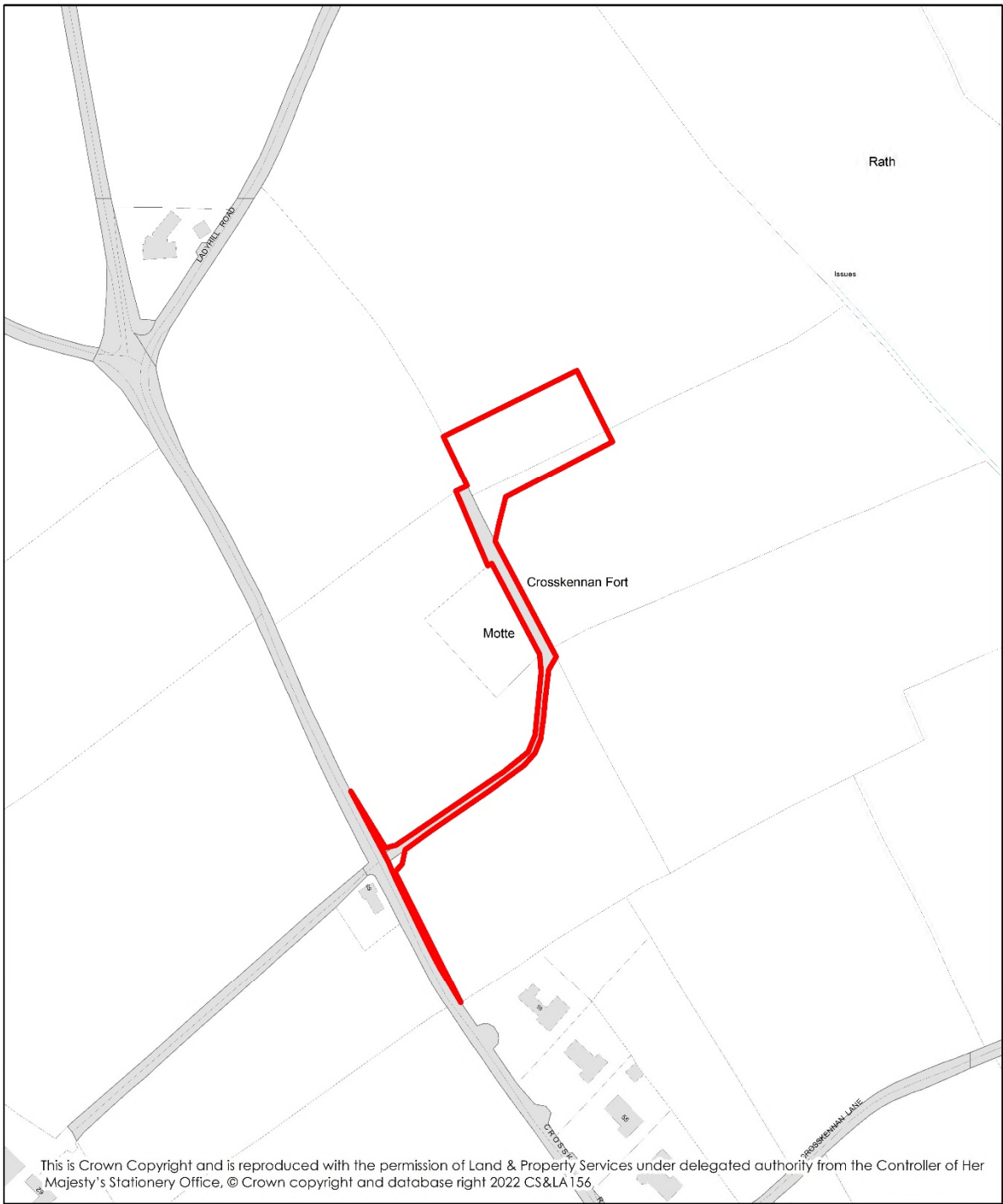
- The principle of development test has not been met as it has not been demonstrated that the proposed building is necessary for the efficient use of the agricultural holding or why the proposed building is located away from existing farm buildings;

**RECOMMENDATION**

**REFUSE PLANNING PERMISSION**

**PROPOSED REASONS FOR REFUSAL**

1. The proposal is contrary to 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 policy provisions of the Strategic Planning Policy Statement and Policies CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside and Policy NH1 of PPS2 Natural Heritage, in that the proposed development may have a detrimental impact on the site selection features of a European Designated Site through increased ammonia emissions.



Planning Application Reference: LA03/2022/0349/F

Location: 250m NE of 60 Crosskennan Road, Antrim, BT41 2RE

Proposal: Agricultural Building

Scale: 1:2500



Site Location



<b>COMMITTEE ITEM</b>	<b>3.10</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0639/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for dwelling and domestic garage on a farm based on Policy CTY 10
<b>SITE/LOCATION</b>	50m north west of 69 Oldwood Road, Randalstown, BT41 2PP
<b>APPLICANT</b>	Mr Paul Jordan
<b>AGENT</b>	CMI Planners Ltd
<b>LAST SITE VISIT</b>	29 <sup>th</sup> July 2022
<b>CASE OFFICER</b>	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 50m northwest of 69 Oldwood Road, Randalstown which is located within the countryside as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The application site is located off the Oldwood Road and forms a rectangular shape. The topography of the land is generally flat and at the time of the site visit appeared to be used for agricultural purposes. The northeastern boundary is well defined by trees measuring approximately 6-8metres in height. The southwestern and northwestern boundaries are defined by mature hedgerows approximately 2.5m in height. The southeastern boundary is defined by a post and wire fence, where it abounds No.69.</p> <p>The surrounding character is open countryside, with dwellings and outbuildings spread out intermittently.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history	
<b>PLANNING POLICY AND GUIDANCE</b>	
<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 limit and lies in the countryside as designated by the Plan which offers no specific policy or guidance pertinent to this proposal.

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

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

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

#### **CONSULTATION**

**Council Environmental Health Section** – No objection.

**Northern Ireland Water** – Approved, with standard conditions

**Department for Infrastructure Roads**- No objection, subject to compliance with attached RS1 Form.

**Department for Agriculture, Environment and Rural Affairs**- The Farm Business ID was allocated in September 2016. The business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last six years. The response also states that the proposed site is located on land associated with another farm business.

#### **REPRESENTATION**

One (1) 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 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 9<sup>th</sup> August 2022 that the associated farm has been in existence for more than 6 years, the farm ID having been allocated in September 2016. Their response also confirms that the farm business has not 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 associated with another farm business.

In order to establish that the farm business is active and established, the agent submitted evidence consisting of invoices relating to a range of activities. The policy stipulates that the farm business is active for at least the last six years, therefore the assessment period is 2017-2022.

For the purposes of the SPPS 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013 which states agricultural activity means production, rearing or growing agricultural products, including harvesting, milking, breeding animals, and keeping animals for agricultural purposes whilst paragraph 5.39 of PPS 21 adds 'or maintaining the land in good agricultural and environmental condition' to that definition.

#### Invoices from Owen McConnon

Yearly invoices have been submitted for the period 2017-2022 in relation to hedge cutting, amounting to six in total. The invoices list the applicants name and home address as per the submitted P1 form, however do not provide details of where the works were carried out. Therefore, this information is not recorded as being specific to the applicants holding.

Yearly invoices have also been submitted for the period 2017-2020 in relation to 'black bales'. The average quantity for 2017, 2019, 2020 was 58 bales, however it is noted that in 2018, 334 bales were extracted. The invoice lists the applicants name and home address as per the submitted P1 form, however does not provide details of where the works were carried out. Therefore, this information is not recorded as being specific to the applicants holding.

Additionally, there is no business name or VAT details on the submitted invoices. An internet search of the name 'Owen McConnon' does not provide any identifiable source and no other corroborating evidence with respect to this business has been provided.

#### Invoices from Davidson's Garage

An invoice dated 3<sup>rd</sup> June 2021 was submitted which lists 'engine oil, oil filter, fuel filter, air filter, drop link, and labour' from Davidsons garage. The invoice is addressed to the applicant with 'Quad' in brackets, alongside the applicant's home address.

#### Invoices from Fane Valley Stores

An invoice dated May 2021 was submitted for 15 six-foot round posts. The invoice has been written on in pen, listing 'P Jordan Oldwood Road, Randalstown'. An additional invoice was submitted dated June 2021 for 25kg of pellets. 'P Jordan, Oldwood Road, Randalstown' is printed on the docket.

#### Invoices from McClelland and Sons Auctions

Three invoices were submitted for the 2017 and 2020 for a total of five sheep and one ewe. The applicants' name and address is listed on the invoice.

#### Invoices from Crumlin Livestock Market

One invoice was submitted for the 2019 for 1 ewe. The applicants' name and address is listed on the invoice.

All evidence is available in hard copies in the casefile. It is considered that insufficient evidence to demonstrate farming activity over the requisite 6-year period has been provided. The application relies wholly on the invoices which are pen written on generic dockets or invoices that are not specific to the agricultural lands, the Council is unable to attach significant weight to these materials given their ambiguity. Additionally, clarification was also sought from the agent as to how the applicant is extracting silage from the land which is associated with another farm business, as commented upon in DAERA's response.

The agent was given the opportunity to submit additional information in support of the application. This included the opportunity to provide relevant information in relation to accounts (redacted where necessary) as a means to verify the invoices provided. It is acknowledged that while the applicant was invited to submit bank

statements to help verify that payments were made relating to the invoices, it is not a requirement and there is a range of mechanisms to demonstrate active farming.

No additional supporting information was forthcoming, in considering the submitted evidence to date, agricultural activity has not been demonstrated over the required six-year period. Clarification regarding the land being associated with another farm business was also not provided. As such, the Council, having assessed the submitted invoices, considers that the application fails 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 form P1C 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 to the existing farm holding, which contains a dwelling and detached garage. It is considered that a dwelling and garage could be sited appropriately whereby they visually link and cluster with the existing grouping. The proposal is considered to comply 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 surrounding landscape, and that any building is of an appropriate design and will not erode the rural character of the area.

This application is for outline permission only, the design elements of the dwelling would normally be considered under a subsequent Reserved Matters application, however, it is considered that a suitably designed dwelling would be acceptable on the site without appearing as a prominent feature within the landscape. The site benefits from mature hedgerows and tree coverage to the northeast, southwest and northwest boundaries, with minimal additional planting required to further aid integration. There is nothing to suggest that ancillary works would not integrate into the surroundings. A siting and curtilage condition would ensure the proposal integrates appropriately, respecting the surrounding character.

Policy CTY 14 of PPS 21 indicates that a new building will be unacceptable where it would be unduly prominent in the landscape, results in a suburban style build-up of development and does not respect the traditional pattern of development. Proposals that also create or add to a ribbon of development will also be unacceptable. The application site comprises an agricultural field adjacent to No. 55a and No. 69 Oldwood Road. The application site if approved for a dwelling and garage would extend built form in a northwestern direction. The proposed dwelling would read with the existing built form in a linear pattern of development, resulting in a form of ribbon development.

#### **Neighbour Amenity**

As the application seeks outline 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, change in ground levels, and existing mature boundary treatments.

### **Access and Parking**

Access to the application site is to be gained from the Oldwood Road. DfI Roads were consulted regarding the application and responded with no objections to the proposed means of access, subject to compliance with the attached RS1 Form.

### **Other Matters**

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

## **CONCLUSION**

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

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of CTY 1 and CTY 10 of PPS 21;
- It is considered a dwelling could be accommodated within the site and integrate appropriately within the landscape, respecting the rural character of the area;
- An appropriately sited dwelling would not have a detrimental impact on neighbouring amenity;
- The proposal will result in the creation of a ribbon of development which would not respect the existing pattern of development contrary to CTY 14.
- There are no road safety concerns with the proposal.

## **RECOMMENDATION**

## **REFUSE OUTLINE PLANNING PERMISSION**

## **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the farm business has not been active for at least 6 years.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, would result in the creation of ribbon development along Oldwood Road.



**Location Map**

Planning Application Reference: LA03/2022/0639/O

Location: 50m north west of 69 Oldwood Road, Randalstown, BT41 2PP

Proposal: Site for dwelling and domestic garage on a farm based on Policy CTY 10

N  
1:1,250

 Site Boundary

For Information Only



<b>COMMITTEE ITEM</b>	<b>3.11</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0676/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for proposed dwelling and garage on a farm
<b>SITE/LOCATION</b>	Approximately 25m south east of 17 Mount Shalgus Lane, Randalstown
<b>APPLICANT</b>	Mr Eamon Robb
<b>AGENT</b>	CMI Planners
<b>LAST SITE VISIT</b>	12 <sup>th</sup> August 2022
<b>CASE OFFICER</b>	Alexandra Tipping Tel: 028 903 40216 Email: <a href="mailto:alexandra.tipping@antrimandnewtownabbey.gov.uk">alexandra.tipping@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located in the countryside approximately 25 metres southeast of No.17 Mount Shalgus Lane, Randalstown outside of any settlement defined in the Antrim Area Plan 1984-2001.</p> <p>The application site comprises an irregular portion of land and forms part of a larger agricultural field. It is located on the western side of Mount Shalgus Lane, immediately to the south of a two storey detached dwelling (No.17). A rectangular shaped, flat roofed corrugated iron structure is located on a flattened gravel area in the southeastern corner of the site. Post and wire fencing has been erected around the area of hardstanding, with an agricultural gate providing access into the agricultural field which rises in southwesterly direction to the rear of the site.</p> <p>The northern boundary of the site is defined by 1.1-metre-high D-rail wooden fencing. Some overgrown vegetation and overhanging branches belonging to No.17 have encroached into parts of the lands along the north and northeastern corners of the site. The eastern roadside boundary is defined by a mixture of vegetation, interspersed with mature trees. An agricultural gate located in the southeastern corner provides access into the site, post and wire fencing with mature trees define the southern boundary. The western boundary is undefined as it currently forms part of larger agricultural field which runs behind Nos. 11 and 17 Mount Shalgus Lane.</p> <p>Access is taken via an existing agricultural gate onto Mount Shalgus Lane, a private laneway which provides access to a number of detached dwellings, farms, Randalstown Forest and the World of Owls visiting centre. The site is located at the end of a linear stretch of road along Mount Shalgus Lane just before it swings sharply in an easterly direction.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2021/0062/O Location: Approximately 25m south east of 17 Mount Shalgus Lane, Randalstown</p>	

Proposal: Site for dwelling and domestic garage (infill)  
Decision: Permission Refused

### **PLANNING POLICY AND GUIDANCE**

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

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

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

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

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

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

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

### **CONSULTATION**

**Northern Ireland Water** – No Objection

**Department for Infrastructure Road Section** – No Objection

**Environmental Health Section** – No objection

**Belfast International Airport**- No Objection



**Department for Agriculture Environment and Rural Affairs – Unable to complete consultation (No Business ID)**

## **REPRESENTATION**

Two (2) neighbouring properties were notified of the application and no representations 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
- Impact on Character and Appearance of the Area
- Neighbour Amenity
- Other matters

### **Policy Context and Principle of Development**

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (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 a dwelling on a farm in accordance with Policy CTY 10 of PPS 21. This policy states that planning permission will be granted for a dwelling house on a farm where a number of criteria can be met.

Criteria (a) states that the farm business should be currently active and has been established for at least 6 years. DEARA's Countryside Management Branch have

been consulted on the application and have responded to confirm that they cannot complete the consultation as no Farm Business ID has been provided. The justification and amplification text provided with CTY 10 states that 'The applicant will be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period.' Following the response from DAERA the agent has confirmed that the applicant does not have a Business ID as he does not claim Single Farm Payment.

In the absence of a farm business ID and the claiming of single farms payments, the applicant is required to provide sufficient evidence in order to demonstrate that he is an active and established farmer in accordance with the policy requirements. The policy stipulates that the farm business must be active for at least the last six years, therefore the assessment period is 2017-2022. For the purposes of the SPPS 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013 which states agricultural activity means production, rearing or growing agricultural products, including harvesting, milking, breeding animals, and keeping animals for agricultural purposes whilst paragraph 5.39 of PPS 21 adds 'or maintaining the land in good agricultural and environmental condition' to that definition.

A number of invoices have been provided with the application. These date from 2017- 2022. All of the invoices provided are addressed to a Mr James Robb who according to the P1 form submitted with the application is the land owner but not the applicant. It is noted that the applicant's name (Eamon Robb) appears jointly on only a small number of the invoices over the required 6-year period.

Notwithstanding the fact that the invoices provided are not in the applicant's name, and although covering the required 6 years' period, there appears to be a number of anomalies with the invoices. The extent of the land relates to one field (application site) extending to 0.26 hectares, although a further parcel of lands is indicated to be under the applicant's control as outlined in blue. This parcel of lands is occupied by a domestic dwelling and therefore not applicable, the farm map supplied by the applicant is dated 2012 and therefore not an up to date plan of the extent of the farm holding. The invoices in relation to the round baling indicates that for the years 2018 -2022, 65 bales are yielded from the site per year. Although the number of round bales yielded from the land is dependent on a number of factors, in general an acre of land can produce about 8 to 10 round bales. Therefore, there appears to be a large disparity between the number of round bales on the invoices provided and the reasonable amount that could be yielded on lands extending to 0.26 hectares. Furthermore, the invoices in relation to the round baling are from a business known as 'J & D Contracts' with no VAT details on the invoices, an internet search of the name 'J & D Contracts' does not provide any identifiable source and no other corroborating evidence with respect to this business has been provided.

Overall although it is acknowledged that invoices have been provided for the requisite 6-year period, there is a conflict with the service provided on the lands in question and therefore casts doubt over the legitimacy of maintenance claimed. Nevertheless, none of the information has demonstrated that the applicant maintains the lands in good agricultural condition as required by CTY 10.

Criteria (b) of this policy states that no dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application. The applicant has advised on Question 5 of the P1C Form that no dwellings or development opportunities have been sold off the farm since 25th November 2008. The Council's records have been checked in relation to the applicant's surname (Robb) and there does not appear to have been any potential development opportunities approved which could have been sold off. In the absence of a Farm Business ID or any official maps to confirm the total extent of the farm holding, it cannot be definitively concluded that no dwellings or development opportunities have been sold off from the farm holding. The proposal therefore fails to meet criteria (b) of Policy CTY 10.

The third criteria laid out in Policy CTY 10 states that a new building should be visually linked or sited to cluster with an established group of buildings on the farm.

In this case, the application site is located immediately to the southeast of the dwelling at No. 17 Mount Shalgus Lane. Although this is not the applicants dwelling, it is the dwelling which appears to be associated with the lands and the active farming evidence provided with the application. This dwelling can be accepted as a building on the farm but it should be noted that the policy specifically refers to an established group of buildings on the farm (plural). There appears only to be one standalone building (the dwelling) on the plot at No. 17.

It is noted that there is a corrugated metal shed type building located within the application site. A planning history search has revealed that this building does not benefit from the grant of planning permission, nor has its lawfulness been declared through the submission of a Certificate of Lawful Development. It is noted that this matter was raised with the applicant during the processing of a previous application on the site (LA03/2021/0062/F). Google Earth Imagery does not clearly demonstrate the presence of this building on site in excess of five years but regardless of this, it is the responsibility of the applicant to demonstrate the lawfulness of the building through the appropriate mechanism (submission of a Certificate of Lawful Development). Given that this shed does not benefit from planning permission and therefore cannot be considered as an established building for the purposes of this policy, the proposed new dwelling is therefore not visually linked or sited to cluster with an established group of buildings on the farm and the proposal is considered contrary to criteria (c) of Policy CTY 10.

It is therefore concluded that the proposal cannot comply with the policy criteria laid out under Policy CTY 10 of PPS 21, in that; it has not been established that the farm business is active and established, the building if permitted, would not be visually linked or sited to cluster with an established group of buildings on the farm holding and it has not be satisfactorily demonstrated that no development opportunities outwith settlement limits have been sold off within 10 years of the date of application.

For the reasons noted above, the principle of a new dwelling on the application site is not acceptable.

#### **Impact on Character and Appearance of the Area**

Policy CTY 10 states that the proposed site must also meet the requirements of Policies CTY 13 and CTY 14 in relation to integration and rural character. Policy CTY 13

states that in order for a dwelling on a farm to be integrated into the surrounding landscape it should be visually linked or sited to cluster with an established group of buildings on a farm. As noted above for the purposes of this policy the application site is not associated with a group of existing buildings on the farm and therefore it is also deemed that the proposal is contrary to CTY 13 in this regard.

Policy CTY 14 states that a building will not be permitted in the rural area where 'it results in a suburban style build-up of development when viewed with existing and approved buildings; or it creates or adds to a ribbon of development'

In this case it is considered that a new dwelling on the application site would result in both an unnecessary build-up of development and the creation of ribbon development along the Mount Shalgus Lane. It is considered that a dwelling on the site when read cumulatively with the existing development at No. 17 and No. 11 would undermine the existing rural character of the area and create a built up ribbon of development along the existing road.

Overall, it is concluded that a dwelling on this site would fail to comply with Policy CTY 13 in that it would not be visually linked or sited to cluster with an established group of buildings on the farm and the proposal would also be contrary to Policy CTY 14 in that proposal would lead to a suburban style build up and the creation of ribbon development along the Mount Shalgus Lane. The proposed development therefore fails to comply with Policies CTY 13 and CTY 14 of PPS 21.

**Neighbour Amenity**

As this application seeks outline planning permission, no details have been provided regarding the proposed design or layout for the dwelling house. It is however considered that an appropriately designed dwelling on the application site would not compromise the amenity experienced at any nearby property. The closest neighbouring dwelling is No. 17 which is within the blue line of the application site.

**CONCLUSION**

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

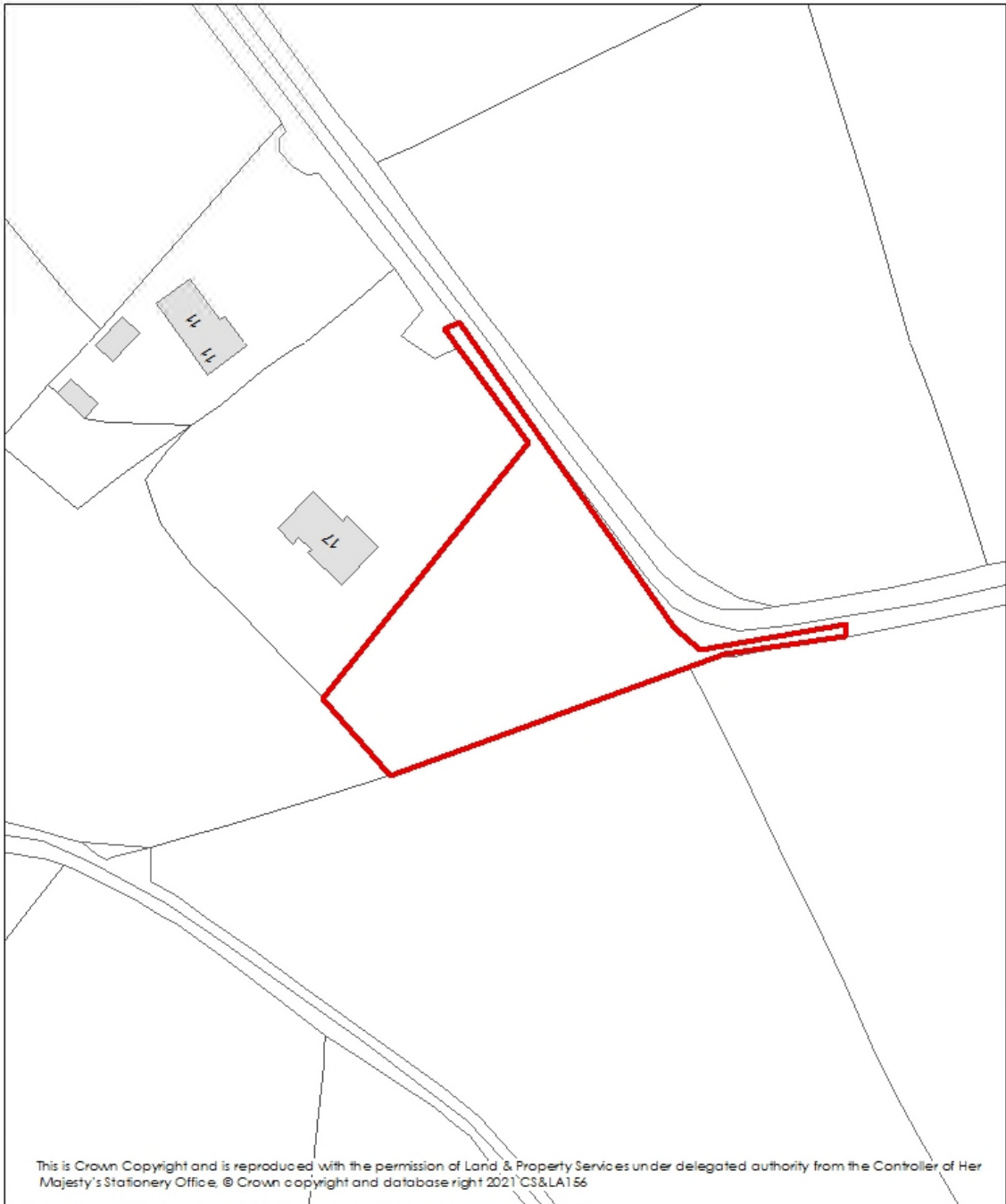
- The principle of the development is considered unacceptable as it does not comply with Policy CTY 10.
- The proposal will not integrate and will have a detrimental impact on the rural character of the area.
- The proposal would not likely have a significant detrimental impact on neighbour amenity if designed appropriately.

<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
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**PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY1, CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that, it has not been demonstrated that the farm business is active and established and it has not been satisfactorily demonstrated that no dwellings or development opportunities (outwith settlements) have been sold off the farm holding within 10 years from the date of application and the building if permitted, would not be visually linked or sited to cluster with an established group of buildings on the farm holding.

2. 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 Mount Shalgus Lane.




**Location Map**

Reference: LA03/2022/0676/O



Location: Approx 25m south east of 17 Mount Shalgus Lane, Randalstown, BT41 3LE

Proposal: Site for proposed dwelling and garage on a farm

 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.12</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0418/O</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for detached farm dwelling and garage with associated site works
<b>SITE/LOCATION</b>	Lands approx. 50m South East of 15 Crosshill Road, Crumlin, BT29 4BQ
<b>APPLICANT</b>	Mr McKavanagh
<b>AGENT</b>	NI Planning Permission
<b>LAST SITE VISIT</b>	26 <sup>th</sup> May 2022
<b>CASE OFFICER</b>	Dani Sterling Tel: 028 903 40438 Email: <a href="mailto:dani.sterling@antrimandnewtownabbey.gov.uk">dani.sterling@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 50 metres southeast of No. 15 Crosshill Road, Crumlin and is within the countryside as defined within the Antrim Area Plan (1984-2001).</p> <p>The site comprises part of an agricultural field located on lands between Nos. 9 and 15 Crosshill Road, which is to the northeast of Crumlin. The northern boundary of the application site, which abuts No. 15 Crosshill Road, is defined by a 2.5-metre-high wall and farm building, turning to a 2 metre hedge along the easternmost section. The eastern boundary is defined by a 2-metre-high mature hedge with some semi-mature trees and the western roadside boundary is defined by a 2-metre-high mature hedge. The southern boundary is undefined as the site is cut out of a wider agricultural field.</p> <p>Access to the site is achieved by an agricultural gate to the northern side of the western roadside boundary. The topography of the site slopes gradually in a northerly direction and is on a similar ground level to the public road. The surrounding area is mostly characterised by agricultural fields and detached bungalows. A small industrial yard and buildings are located directly opposite the application site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2017/0855/F  Location: Lands between 9 and 15 Crosshill Road, Crumlin, BT29 4BQ  Proposal: Proposed development of 2 detached dwellings and detached garages with associated landscaping, site works and access in accordance with PPS21 CTY8  Decision: Withdrawn (17.01.2018)</p> <p>Planning Reference: LA03/2021/0225/F  Location: 15 Mount Road, Nutts Corner, Crumlin</p>	

Proposal: Proposed farm shop, farm diversification demolition of building "E", provision of chiller and store and associated works (parking)  
Decision: Permission Granted (02.07.2021)

### **PLANNING POLICY AND GUIDANCE**

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

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

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

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

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

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

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

### **CONSULTATION**

**Northern Ireland Environmental Agency** – No objections subject to recommendations on advice and guidance

**Council Environmental Health Section** – No objection

**Northern Ireland Water** – No objection

**DAERA Countryside Management Inspectorate Branch-** DAERA advised that the Farm Business ID has been in existence for more than 6 years and that the applicant has



claimed payments through the Basic Payment scheme or Agri Environment scheme in all of the last 6 years.

**Department for Infrastructure Roads-** No objection subject to condition

**Belfast International Airport** – No objection subject to a maximum 8 metre height restriction

## REPRESENTATION

Two (2) neighbouring properties were notified and no letters of representation have been received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy CTY1 of PPS21 sets out the types of development that are considered acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY 10.

Policy CTY 10 states that all of the following criteria must be met:

- (a) The farm business is currently active and has been established for at least 6 years;

- (b) No dwellings or development opportunities out-with the settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm.

The Department for Agriculture Environment and Rural Affairs (DAERA) were consulted on the proposal with regards to the Farm ID submitted as part of the application. DAERA responded stating the Farm Business ID identified on the P1C form has been in existence for more than 6 years (since 19th November 1991). DAERA also confirmed that the farm business is Category 1 and that the applicant has been claiming through the Basic Payment Scheme or Agri Environmental Scheme in each of the last 6 years. Therefore, the proposal is compliant with CTY10 criterion (a) of PPS21.

Criteria (b) of this policy states that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application, in this case that being from the 5th May 2012. The policy goes on to say that planning permission granted under this policy will only be forthcoming once every 10 years. For the purposes of this policy 'sold off' means any development opportunity disposed of from the farm holding to any other person including a member of the family.

The applicant has stated on Q5 of the P1C Form accompanying the proposal that no dwellings or development opportunities have been sold off from the farm holding in the last 10 years. A planning history search has been completed for all lands identified on the farm maps submitted with the application as indicated on Drawing No. 03 date stamped 5th May 2022. Additionally, a planning history search of the farm business ID and the applicant's name has been carried out. A farm dwelling was approved (T/2009/0418/F) on the 28th September 2009, on lands 45 metres southwest of 90 Moira Road using the applicant's farm business ID. Given that this application was granted in excess of 10 years ago, the proposal is considered compliant with the element of policy that allows a farm dwelling once every 10 years.

However, a land registry check on aforementioned site, indicates that these lands have been sold off from the farm business to a family member before the 31st July 2014. It is noted that the previous planning approval (T/2009/0418/F) expired on the 28th September 2014, therefore it is considered that a land opportunity has been sold off from the farm within the last 10 years. Whilst it is acknowledged that the dwelling approved under T/2009/0418/F does not appear to have been constructed on site, the policy is clear that a development opportunity cannot have been sold off from the farm business. The justification and amplification paragraph 5.40 further reiterates sold off includes any lands disposed of from the farm holding to any other person including a member of the family. The proposal is therefore considered contrary to criterion (b) of CTY 10.

A second application associated with the applicant's farm business ID is LA03/2021/0225/F which granted approval for a farm diversification scheme at No. 15 Mount Road. The Council has no record to suggest that any other dwellings or development opportunities have been sold off from the farm holding in the last ten

years. Overall, as outlined above the proposal is considered contrary to Policy CTY10 criterion (b) of PPS21.

The third criteria (c) laid out in Policy CTY 10 states that a new building should be visually linked or sited to cluster with an established group of buildings on the farm. The proposal seeks to cluster with a dwelling and farm buildings located adjacent to No. 15 Crosshill Road. In this case, there is a conflict with the information provided by the applicant, the P1 form and P1C form states that the applicant resides at No. 15 Crosshill Road, however, the agent has outlined on supporting documentation that the applicant resides at No. 15 Mount Road and not at No. 15 Crosshill Road. Confirmation was sought from DAERA in relation to the registered address of the farm business, DAERA confirmed with Officers that the registered address of the farm business is No.15 Mount Road, this is further supported by documentation on the previous approval (LA03/2021/0225/F).

It is acknowledged that the lands at Crosshill Road comprising the application site and wider agricultural fields form part of the applicant's wider farm holding as demonstrated within the accompanying farm maps. However, a land registry check of the lands at Crosshill Road confirm that these lands and associated farm buildings are not under the ownership of the applicant. It is therefore assumed that the applicant rents the lands from the landowner on a conacre agreement. The agent has stated that the dwelling at No. 15 Crosshill Road is owned by a family member who helps with the active working on the farm.

The justification and amplification paragraph 5.41 outlines that it will not be acceptable to position a new dwelling with buildings which are on a neighbouring farm holding. Although indicated by the applicant (email correspondence date 15<sup>th</sup> September 2022) that the farm buildings are utilised as part of the farm business, in this case it has not been demonstrated that the buildings located at No. 15 Crosshill Road are occupied by the applicant as part of the farm business.

Policy CTY10 however, does allow for the exceptional consideration of an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- It is essential for the efficient functioning of the business; or
- There are demonstrable health and safety reasons.

The agent has stated that a dwelling is required at the application site for a member of the family to assist in the workings of the farm and to continue to grow the farm into a further viable business. Other farm buildings known to comprise part of the agricultural holding are those at No. 15 Mount Road, the applicant has not provided evidence as to why the proposed location is essential for the efficient functioning of the business. The only justification for the location chosen relates to the applicant being able to provide a dwelling for a family member to carry out further farming activities within the agricultural holding. This is not considered to be an exceptional; circumstance given that No. 15 Mount Road is located approximately 3.5 miles from the application site.

Overall, it is considered that as the proposal does not visually link to or is sited to cluster with an established group of buildings on the farm that the proposal fails criteria (c) of Policy CTY 10.

### **Impact on Character and Appearance of the Area**

The SPPS paragraph. 6.70 states that all development in the countryside must integrate into its setting and respect rural character. Policy CTY 13 - Integration and Design of Buildings in the Countryside states that a new building will be unacceptable where it would be a prominent feature in the landscape and as such would not integrate and is of an appropriate design.

As the application site is located on a cut out of a larger agricultural field, the southernmost boundary is undefined, it is therefore considered appropriate that the applicant submits a detailed landscaping plan with the application at the Reserved Matters stage proposing supplementary planting in order to aid integration of a dwelling on the site. No.15 Crosshill Road and other nearby roadside properties including No's 14 and 9 Crosshill Road which are characterised as single storey detached bungalows. It is considered appropriate that, in order to ensure the integration of the proposed development into the surrounding landscape, that the height of the dwelling should be restricted to a maximum ridge height of 5.5 metres which is sufficient to allow an appropriately sized two storey dwelling.

Critical views would be screened by existing built form comprising No. 15 and associated farm buildings on approach to the site from a northern direction. However, notwithstanding the above CTY 13 states that in the case of a proposed dwelling on a farm a new building is unacceptable if it is not visually linked or sited to cluster with an established group of buildings on the farm. As stated above, the buildings associated with No. 15 Crosshill Road are under the ownership of a third party and as such it has not been sufficiently demonstrated that the applicant operates from this group of buildings as part of the farm business. Therefore, it is not considered that a dwelling on this site could be successfully integrated into the surrounding rural landscape contrary to policy provisions outlined in CTY 13 of PPS 21

Policy CTY 14 of PPS 21 indicates that a new building will be unacceptable where it would be unduly prominent in the landscape, results in a suburban style build-up of development and does not respect the traditional pattern of development. Proposals that also create or add to a ribbon of development will also be unacceptable. The application site comprises part of an agricultural field between No. 15 and No. 9 Crosshill Road. The application site if approved for a dwelling and garage would extend built form in a southern direction towards No. 9 Crosshill Road. The proposed dwelling would read with the existing built form directly north comprising No. 15 and associated farm buildings, and as a result would be considered to create a form of ribbon development. However, a siting condition could be imposed on the grant of any permission requiring the dwelling to be set back to the rear of the site which would ensure the dwelling reads as a visual entity in the landscape and removing the linear form of development.

It is considered that for the reasons outlined above that the proposal fails to meet the requirements of the SPPS and Policies CTY 13 of PPS 21.

### **Neighbour Amenity**

The site is located within a rural area and the closest neighbouring property dwelling No. 15 Crosshill Road which is located approximately 20 metres to the north. The existing agricultural buildings associated with No. 15 Crosshill are situated between and behind the application site and the existing farm dwelling which would further

offset any direct views from the application site to the neighbouring property. Given the separation distances from the neighbouring farm dwelling it is considered that a dwelling could be designed to ensure there is no significant impact on the amenity of this residential property. Further detailed consideration can be given to neighbour amenity when the detailed design is submitted at Reserved Matters stage.

**Access Arrangement**

The proposed farm dwelling is to be accessed off Crosshill Road. Consultation was carried out with DfL Roads who raised no objections to the proposal subject to conditions. Therefore, it is deemed that the access point to serve the site will not prejudice road safety or cause a significant inconvenience to traffic.

**Other Matters**

Belfast International Airport (BIA) has outlined that a building at this location would infringe upon the protected surface aerodrome which causes aviation safety concerns. However, on the submission of additional information BIA has outlined that given the existence of adjacent obstacles and buildings that would overshadow the proposed development that a building with a maximum height of 8 metres can be erected at this location despite the infringement upon the protected surface area. Therefore, the proposed development is not considered to prejudice aviation safety at Belfast International Airport.

**CONCLUSION**

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

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of CTY 1 and CTY 10 of PPS 21 in that a development opportunity has been sold off from the farm in the last 10 years and the application site is not visually linked or clustered to existing farm buildings.
- The application site is able to provide a suitable degree of enclosure for the proposed development, however would not visually linked or cluster to existing farm buildings contrary to Policy CTY 13 of PPS 21.
- An appropriately designed dwelling on site would not have a detrimental impact on neighbour amenity.
- There are no issues with the proposed access arrangement and road safety.
- The proposed development would not prejudice aviation safety at Belfast International Airport.

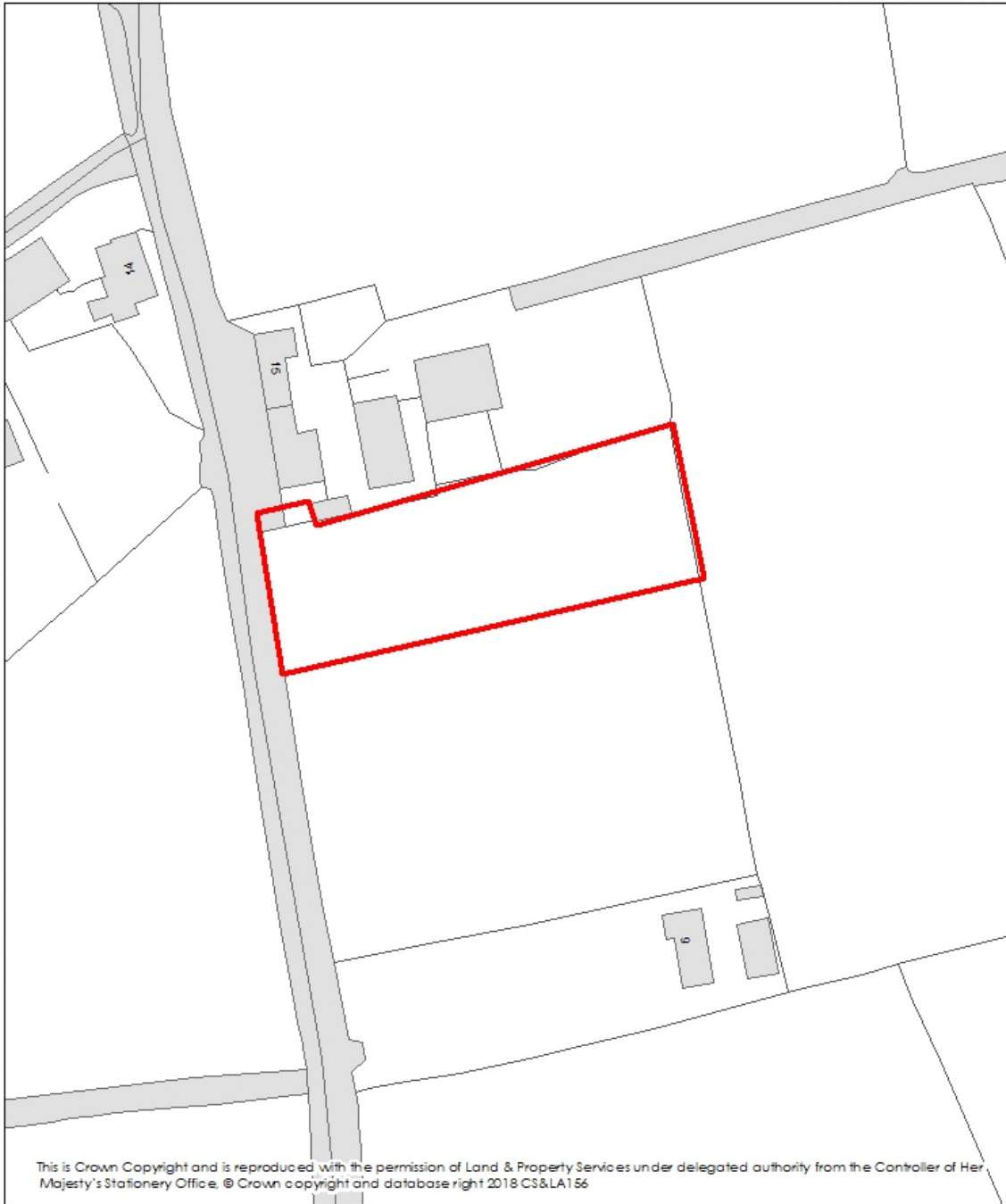
**RECOMMENDATION**

**REFUSE OUTLINE PLANNING PERMISSION**

**PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it has not been demonstrated that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application.

3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 10 and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building if permitted, would not be visually linked with an established group of farm buildings on the farm holding.




**Site Location Plan**

Application Reference: LA03/2022/0418/O

Site for detached farm dwelling and garage with associated site works

Lands approx. 50m South East of 15 Crosshill Road  
Crumlin, BT29 4BQ



 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.13</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0700/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed replacement of existing garden centre with a single dwelling and removing all commercial buildings
<b>SITE/LOCATION</b>	24A Donegore Hill, Muckamore, Antrim, BT41 2HW
<b>APPLICANT</b>	Kaye Campbell
<b>AGENT</b>	Warwick Architects
<b>LAST SITE VISIT</b>	22 <sup>nd</sup> August 2022
<b>CASE OFFICER</b>	Dani Sterling Tel: 028 903 40438 Email: <a href="mailto:dani.sterling@antrimandnewtownabbey.gov.uk">dani.sterling@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at 22A Donegore Road, Antrim and lies within the countryside as defined within the Antrim Area Plan (1984-2001).</p> <p>The application site encompasses part of a disused garden centre occupied by 'Donegore Garden Centre'. The garden centre has since ceased operations at the site but the commercial buildings still remain. A large expanse of car parking that once served the garden centre is located beyond the northern boundary of the site. The application site is served by an existing vehicular access to the east which is separate to the commercial accessed site further north.</p> <p>The northern boundary of the application site is defined by a 3-metre-high mature hedgerow. The southern boundary is partially undefined as it is cut out of the wider commercial yard and partially defined by a section of the commercial building. The eastern roadside boundary is defined by mature landscaping approximately 4-5 metres in height and the western boundary is defined by mature vegetation. The topography of the lands falls in a southerly direction.</p> <p>Donegore Orange Hall lies directly to the north of the application site and landscaped gardens once associated with the garden centre lie to the west. Beyond the southern boundary of the site lies St. Johns Church of Ireland.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2016/0300/F Location: 24A Donegore Hill, Antrim, Proposal: Change of use of former Garden Centre to Open Farm to include the provision of external animal viewing pens and also inside an existing building. Decision: PERMISSION GRANTED (10/06/2016)</p>	



Planning Reference: T/2007/0073/F

Location: The Landscape Centre, 24 Donegore Hill, Dunadry

Proposal: Demolish part of existing garden centre buildings and replace with new sale area, storage, toilets and conference areas.

Decision: PERMISSION GRANTED (19/12/2007)

Planning Reference: T/2013/0096/F

Location: 24 Donegore Hill Dunadry Antrim,

Proposal: Material change of use from a garden centre to children's party venue

Decision: PERMISSION GRANTED (07/05/2013)

Planning Reference: LA03/2021/0771/F

Location: 22 Donegore Hill, Muckamore, Antrim, BT41 2HW,

Proposal: Proposed conversion and alteration of existing Orange Hall to dwelling with alteration to existing access.

Decision: PERMISSION GRANTED (26.01.2022)

Planning Reference: LA03/2021/0814/F

Location: 24A Donegore Hill, Muckamore, BT41 2HW,

Proposal: Proposed site for 2 dwellings, including amended vehicular access to main road

Decision: PERMISSION GRANTED (31.05.2022)

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

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

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

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

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

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 objections

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads**- No objection subject to conditions

**Department for Communities Historic Environment Division** – Historic Buildings and Historic Monuments: No objection subject to conditions

#### **REPRESENTATION**

Ten (10) 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, Appearance and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Access Movement and Parking
- 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 settlement 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 the development of a replacement dwelling in accordance with Policy CTY 3 of PPS 21 'Replacement Dwellings'. Policy CTY 3 states that favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

The building subject to this planning application is a large commercial building which is characterised by two linear buildings mostly comprised of glazing with integrated shed type buildings with associated poly tunnel type features to the front. This planning application seeks to replace the central building once occupied by the garden centre. The subject building is substantially intact, with roof, windows and walls all complete. The agent has outlined under Document 01 date stamped 4<sup>th</sup> August 2022 that the replacement of the commercial building with an individual domestic dwelling would bring with it significant environmental benefits. These environmental benefits include the reduction in traffic accessing the site and a visual reduction by replacing a large shed structure with that of a modest domestic dwelling. Document 01 states that further benefits include the retention of and further integration of trees and hedgerows creating new biodiverse habitats for flora and fauna.

In this case, the environmental impacts outlined above are not considered to be so significant to warrant a replacement of a non-residential building. Given that the commercial business on the site has ceased for some time, and traffic generation to the site would be limited to those accessing the applicants' own dwelling at No. 22 Donegore Hill, as the only property using the existing vehicular access serving the site. In addition, the reduced visual impact of the proposed building comparative to the existing commercial building is not considered a significant environmental impact as presently, the existing building is almost entirely screened from public views given the setback distance and existing roadside boundary vegetation. Therefore, the existing building does not have a negative visual amenity therefore its replacement to a domestic dwelling would not be considered a significant environmental benefit. Lastly, the retention of vegetation and further integration of trees and hedge to create biodiverse habitats to flora and fauna is not considered a significant environmental impact given that a substantial section of existing roadside vegetation

requires removal to accommodate visibility splays which in turn could significantly impact existing flora and fauna.

For the purposes of clarity, it is also not considered that the application falls to be determined under any other relevant policy provision. The application fails against Policy CTY 8 as a building already exists within the application site, and therefore it is not considered possible under CTY 8 to afford a further development opportunity as no gap exists to allow infilling to occur. Similarly, the application fails against CTY 2A as the application site is not bound on at least two sides with other development in the cluster.

It is considered that in this case there are no significant environmental benefits that would be realised through the demolition and replacement of this building. It is considered that the application fails to meet with the requirements of Policy CTY 3 of PPS 21 and therefore the principle of development has not been established.

### **Design, Appearance and Impact on Character and Appearance of the Area**

The proposed dwelling is rectangular in nature, with an appropriate and vertically emphasised solid to void ratio. External finishes include smooth render, timber cladding and natural stone to external walls and natural slate to the roof. A single storey integrated garage is proposed to the northern gable. The proposed dwelling coupled with the extant approvals on the wider site all share general design characteristics but each have a slight variation which is sufficient to create a level of architectural interest across the wider redevelopment of the commercial site.

The character of the area will undoubtedly alter from a commercial use, to a residential use. However, it is considered that given the extant approvals within the wider site and the prominence of residential properties north and south of the site, including No. 25 Donegore Hill on the opposite side of the main road from the site. It is not considered that the cumulative change in character would be so significantly detrimental to the surrounding area.

The proposed dwelling is set back from the public road by approximately 42 metres, which is further back than the existing commercial building to be replaced. The proposed rear garden is significantly in excess of the 70sqm of private amenity space as recommended by departmental guidance. In-curtilage car parking is provided for at least 2no. cars to the front of the proposed dwelling. The application proposes landscaping to define the domestic curtilage and the existing vegetation to the western boundary is to be retained.

All necessary services are either already readily available at the existing building or can be provided with ease without any adverse impact on the environment or character of the locality given the previous use of the existing building. It is not considered that there will be any adverse effect on the character and appearance of the locality.

### **Neighbour Amenity**

The closest residential property to the application site is No. 24 Donegore which is sited 18 metres to the north of the proposed dwelling and is under the ownership of the applicant. The lands across the application site and the wider commercial grounds fall steeply in a southern direction. As a result of this the proposed dwelling is

set on lower ground comparative to No. 24. This is considered a sufficient distance to ensure that the proposed development would create no overshadowing or have a dominance to this adjacent neighbour. Three ground floor windows are proposed to the northern elevation of the proposed dwelling to serve a WC and a garage, which are both considered non-habitable rooms. In addition, the northern boundary of the application site is defined by a 3-metre-high maintained hedgerow and therefore there is not considered to be any overlooking towards this neighbouring property.

Other buildings in close proximity include No. 22 which Donegore Orange Hall which was recently granted approval (LA03/2021/0771/F) for a conversion to a dwelling. This property is located 21 metres northeast of the proposed dwelling and is set on higher land and close to the public road. It is considered that there would be no overshadowing, overlooking or dominance to this adjacent neighbour.

The two dwellings approved under LA03/2021/0814/F directly south of the application site are not yet constructed, however, the proposed plans outline that the proposed dwelling would be sited 10 metres away from the northern gable of 'Site 2', which is the closest approved dwelling. Given the drop in land levels the proposed dwelling would be sited on lands approximately 3 metres higher than 'Site 2' but is separated sufficiently to ensure that there would be no significant overshadowing or domineering impact to 'Site 2'. The southern elevation of the proposed dwelling features two lounge windows at ground floor and two bedroom windows at first floor, all of which are considered to be habitable rooms. In this case the northern gable 'Site 2' approved under LA03/2021/0814/F features ground floor kitchen windows and one first floor ensuite window. Given the drop in land levels to the south, the proposed dwelling would have views mostly across to the first floor level and roof slope of 'Site 2' and given there are no first floor habitable windows to the northern gable of 'Site 2' it is considered that this dwelling would not be significantly impacted by overlooking.

Overall, it is not considered that the proposed dwelling would have any detrimental neighbour amenity impacts by way of overlooking, loss of privacy or dominance to this adjacent property. There are no other neighbouring dwellings within close proximity of the site that would be impacted by the proposal.

### **Access, Movement and Parking**

DfI Roads were consulted on the application in relation to road safety. They have responded and advised that they are content with the application subject to conditions being attached to any forthcoming approval notice. Therefore, it is deemed that the proposed access point to serve the dwelling will not prejudice road safety or cause a significant inconvenience to traffic.

### **Other Matters**

Historical Environmental Division (HED): Historic Buildings has been consulted regarding the potential impacts of the proposal on the nearby listed buildings (HB20/06/0003 A & B, Donegore Parish Church and Watch House, both Grade B1) and advises that subject to a condition that the existing trees to the west and southwest of the application site as shown on Drawing No.03 are retained, it satisfies the requirements of SPPS para 6.12 and PPS6 policy BH11. The condition is requested to protect the quality and character of the setting to the listed buildings.

HED: Historic Monuments has assessed this proposal and is content that there will be no adverse impact upon the setting of any of the scheduled historic monuments in the vicinity. 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.

Overall, subject to conditions there are not considered to be any significant archaeological impacts as a result of the development and the proposal is considered acceptable in this instance.

### **CONCLUSION**

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

- The principle of development for a replacement of a redundant non-residential building to a single dwelling cannot be established;
- It is considered that the proposed dwelling will integrate into the surrounding landscape without resulting in a detrimental impact on the character of the rural area.
- The proposal will not be resultant in any significant detrimental impact on neighbour amenity.
- There are no road safety concerns with this proposal.
- There are not considered to be any significant archaeological impacts created as a result of the proposal.

### **RECOMMENDATION**

### **REFUSE PLANNING PERMISSION**

### **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY3 of Planning Policy Statement 21 'Sustainable Development in the Countryside', in that the proposal fails to meet the provisions for replacement of a redundant non-residential building as it has not been demonstrated that redevelopment proposed would bring significant environmental benefits.




**Site Location Plan**

Application Reference: LA03/2022/0700/F

Proposed replacement of existing garden centre with a single dwelling and removing all commercial buildings

24A Donegore Hill, Muckamore, Antrim  
BT41 2HW



 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.14</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0762/O</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	1 No. Two Storey House approx. 180m <sup>2</sup>
<b>SITE/LOCATION</b>	Site 22m South of 41 Hydepark Road Grange of Mallusk, Newtownabbey, BT36 4PY
<b>APPLICANT</b>	Mr and Mrs C Press
<b>AGENT</b>	N/A
<b>LAST SITE VISIT</b>	8th September 2022
<b>CASE OFFICER</b>	Michael Tomlinson Tel : 028 90340442 Email: <a href="mailto:michael.tomlinson@antrimandnewtownabbey.gov.uk">michael.tomlinson@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located 22 metres south of No. 41 Hydepark Road, Newtownabbey. This is a countryside location as identified in the Belfast Metropolitan Area Plan (2004).</p> <p>The application site consists of overgrown hardstanding that is bounded by a steep embankment to the west that runs down to a stream. The northern boundary is defined by a 1.2-metre-tall post and wire fence. The southern and eastern boundaries are undefined. The topography of the application site is flat. The application site is close to the development limit of Metropolitan Newtownabbey, however falls entirely within the countryside.</p> <p>The surrounding location is countryside however there is an urban character within the surrounding area to the north of the access laneway.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2018/0331/F Location: Site adjacent to 41 Hydepark Road, Grange of Mallusk, Newtownabbey, BT36 4PY Proposal: Two storey single family detached house and garden with on-site parking (amended plans received) Decision: Permission Granted (20.12.2018)</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<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</p>	



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 and Draft Belfast Metropolitan Area Plan: The application site is located outside any development limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

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

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

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

#### **CONSULTATION**

**Council Environmental Health Section** – Requests additional information in relation to noise and contaminated land.

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads-** No objection subject to conditions.

**Department for Communities: Historic Environment Division** – No objection

#### **REPRESENTATION**

Three (3) neighbouring properties 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
- Impact on Character and Appearance of the Area
- Neighbour Amenity

- Other matters

### **Policy Context and Principle of Development**

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

The 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 assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. Both of the relevant development plans identify the application site as being within the countryside outside any development limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

A Supporting Statement (Document 01, date stamped 20<sup>th</sup> September 2022) has been submitted by the applicant contending that the application presents as an infill opportunity under Policy CTY 8 of PPS 21. The application site is located along a

shared laneway that is accessed off the Hydepark Road. Along this laneway, there are four (4) dwellings with No. 41 Hydepark Road located to the north of the application site. It is critical to note that the development limit boundary is located to the immediate north of the application site and as such No. 41 Hydepark Road is located within the settlement limit. For the purposes of PPS 21, development within the settlement limit cannot be considered to contribute towards the built up frontage as such there is no development to the north of the application site and therefore a dwelling on this site does not infill a gap.

The development of a new dwelling immediately outside the development limits would be considered urban sprawl. The principle of drawing a settlement limit is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the built-up area and surrounding countryside. It is considered that building a dwelling immediately outside the development limit would mar the distinction between the development limit and the surrounding countryside leading to urban sprawl which is in direct contradiction to the purpose of the settlement limit. As a consequence, the development is considered contrary to Policy CTY 15.

There does not appear to be any other evidence to suggest that the proposal falls to be considered under any other category of development that is noted as acceptable in principle in the countryside in accordance with Policy CTY1 of PPS 21. Furthermore, it is not considered that there are any other overriding reasons as to why this development is essential at this location and could not be located within a settlement given the proximity of the existing dwelling.

#### **Impact on Character and Appearance of the Area**

Policies CTY 13 and CTY 14 in relation to integration and rural character. Policy CTY 14 states that a building will not be permitted in the rural area where 'it results in a suburban style build-up of development when viewed with existing and approved buildings; or it creates or adds to a ribbon of development'.

It is noted that this is an outline application and no indicative siting location or elevations have been submitted at this time. It is considered that the application site benefits from a mature treeline boundary treatment along the western boundary that will provide a suitable backdrop. It is considered that a suitably designed dwellinghouse would integrate within the surrounding location.

In this case it is considered that a new dwelling on the application site would result in both an unnecessary build-up of development and the creation of ribbon development along the laneway. It is considered that a dwelling on the site would read cumulatively with the existing development and would undermine the existing rural character of the area and create a built up of development and a ribbon of development along the existing laneway.

#### **Neighbour Amenity**

Due to the outline nature of this planning application, there are no indicative designs submitted to fully consider the potential impacts a dwelling at this location may have on the neighbouring properties. It is considered however an appropriately designed dwelling would not significantly impact on the neighbouring dwellings.

## **Other Matters**

### Noise and Land Contamination

The Council's Environmental Health Section (EH) has requested a Noise Impact Assessment to be received from the applicant and has identified that the application site is potentially affected by land contamination due to the former and current land uses. EH has therefore requested a suitable desk study and conceptual model that will identify the site history, the existence, nature and extent of contaminant sources and potential receptor pathways, with the potential of further risk assessments, investigations and mitigation strategies depending on the outcome of the desk study. It further advises Land and Resource Management Unit within the Department Agriculture, Environment and Rural Affairs is consulted. Due to the principle of development not being established on the application site, both the NA and the desk study on land contamination have not been requested from the applicant due to the unnecessary financial burden this would place upon them.

It is considered therefore that the application does not meet with the requirements of SPPS and therefore it cannot be demonstrated that a dwelling on the application site will not be subject to noise pollution and land contamination.

### Road Safety

DfI Roads were consulted on this planning application and have recommended no objections subject to conditions.

## **CONCLUSION**

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

- The principle of the development has not been established;
- A suitably designed dwellinghouse would significantly impact the appearance of the surrounding area;
- A dwelling on the site would lead to urban sprawl and mar the distinction between the settlement limit and the countryside;
- A suitably designed dwellinghouse within the application site would not significantly impact on the amenity of the existing neighbouring dwellings; and
- It has not been demonstrated that issue of potential contamination and noise on the site has been adequately considered.

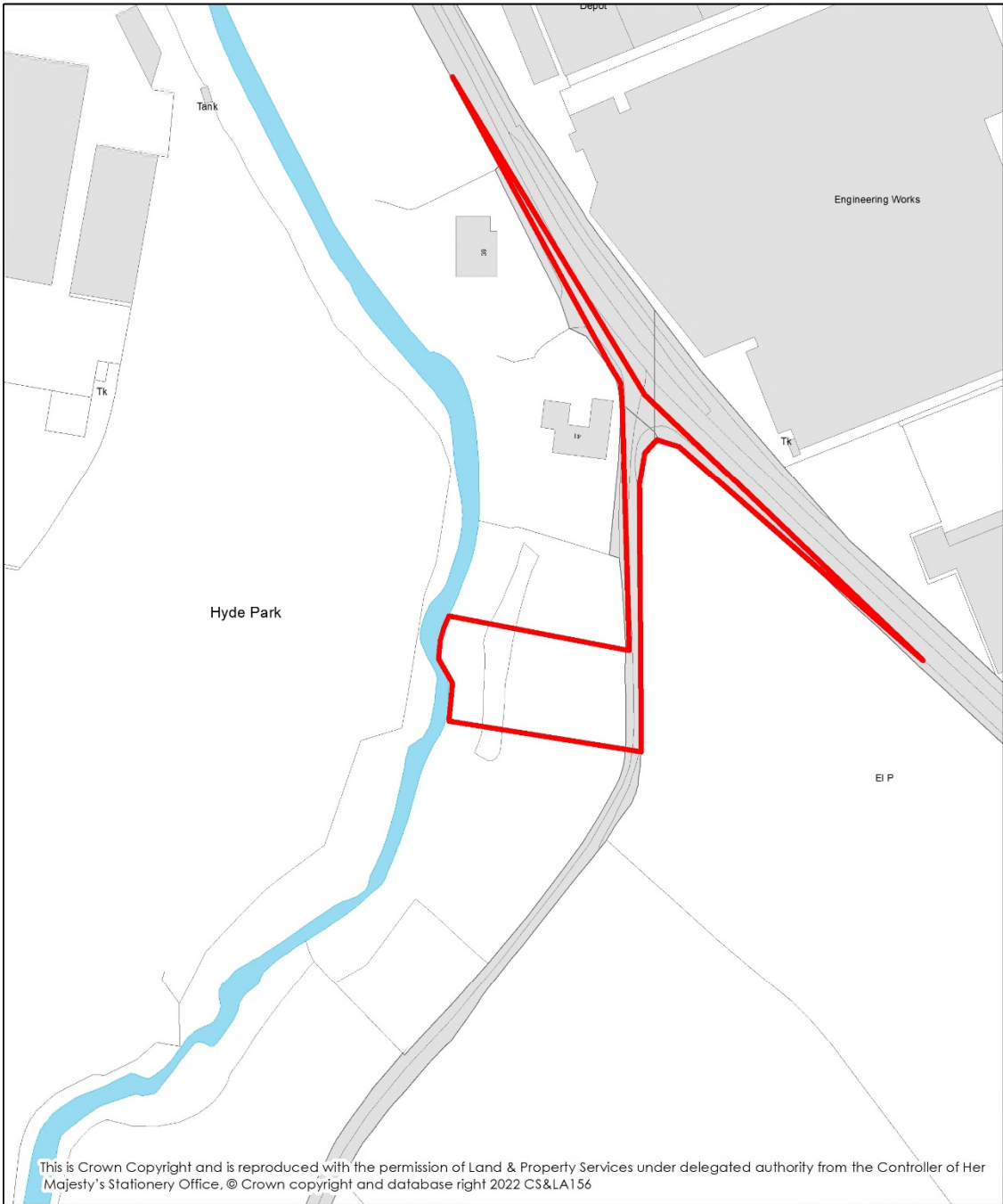
## **RECOMMENDATION**

## **REFUSE OUTLINE PLANNING PERMISSION**

## **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of PPS 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement and it fails to meet with the provisions for an infill dwelling in accordance with CTY8 of PPS21.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY15 of PPS 21, Sustainable Development in the Countryside, in that if permitted, would mar the distinction between the settlement limit and the countryside and would result in urban sprawl.


3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site would, if permitted, create a build-up of development in this area and add to a ribbon of development that will result in a detrimental change to, and erode, the rural character of the countryside.
4. 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 noise or any contamination present on the application site.



Reference: LA03/2022/0762/O

Location: Site 22m South of 41 Hydepark Road, Grange of Mallusk, Newtownabbey BT36 4PY

Proposal: 1 No. Two Storey House approx. 180m<sup>2</sup>

Scale: 1:1250 

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.15</b>
<b>APPLICATION NO</b>	<b>LA03/2021/0499/O</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed infill site for dwelling and garage
<b>SITE/LOCATION</b>	90m N W of 156 Ballymena Road, Ballyclare
<b>APPLICANT</b>	Pauline Pollock
<b>AGENT</b>	Arca Design
<b>LAST SITE VISIT</b>	5 <sup>th</sup> August 2022
<b>CASE OFFICER</b>	Michael Tomlinson Tel : 028 903 40442 Email: <a href="mailto:michael.tomlinson@antrimandnewtownabbey.gov.uk">michael.tomlinson@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located 90 metres northwest of 156 Ballymena Road, Ballyclare. This is a countryside location beyond any development limits as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site is an overgrown field with an open stream running along its southeastern boundary and mature tree lined boundaries along the southwestern, northwestern and northeastern boundaries. The southwestern boundary abuts No. 156 Ballymena Road, with a 2-metre-tall leylandii hedge running on the neighbour's side, parallel to the stream. The topography of the application site falls away in a southwesterly direction.</p> <p>The surrounding location is countryside, with a number of buildings along this section of the Ballymena Road displaying a suburban character along the southwestern side of this section of the roadside.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/1987/0150 Location: Ballymena Road, Doagh, Ballyclare Proposal: Bungalow with garage Decision: Permission Granted (08.09.1987)</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which</p>	

contain the main operational planning policies for the consideration of development proposals.

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

Antrim Area Plan 1984 – 2001: The application site is located outside any 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 2: Natural Heritage: sets out planning policies for the conservation, protection and enhancement of our natural heritage.

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

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

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** – No objection

**Department for Infrastructure Roads**- Additional information required.

**Department for Infrastructure Rivers** – No objections

**Northern Ireland Environment Agency: Natural Environment Division** – Additional information required.

## **REPRESENTATION**

Five (5) neighbouring properties were notified and 3 letters of objection have been received from one (1) property and one (1) non-committal response has been received from one (1) property. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).



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

- Flooding on the site;
- Loss of livestock due to flooding in the surrounding area;
- Road safety;
- Ecology and wildlife on the site;
- Land contamination within the application site;
- Issues of landownership; and
- Contribution to a ribbon of development.

#### **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 the Natural Environment
- Layout and Impact on the Character and Appearance of the Area
- Road Safety
- 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 the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of

development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Whilst the main thrust of Policy CTY8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

- (a) The gap site is within an otherwise substantial and continuously built up frontage;
- (b) the gap site is small sufficient only to accommodate up to a maximum of two houses;
- (c) the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size; and
- (d) the proposal meets other planning and environmental requirements.

For the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. A building has frontage to the road if the plot in which it stands abuts or shares a boundary with the road.

The application site is located 90 metres northwest of No. 156 Ballymena Road, Ballyclare. There are two (2) dwellings located to the southeast of the application site and one (1) substantially completed dwelling and surrounding outbuildings located to the northwest of the application site. Abutting the application site to the southwest is a dwelling known as No. 156 Ballymena Road, with a plot frontage of 42 metres onto the road. The dwelling known as No. 154 Ballymena Road is located further to the southeast along the Ballymena Road and has a plot frontage of 95 metres. Continuing to the northwest, a substantially completed new build dwelling is sited with a road frontage of 60 metres.

Each of these three (3) buildings are set back from the roadside between 10 and 20 metres and are orientated towards it. The average plot frontage size along this section of the Ballymena Road is 66 metres, with the application site having a frontage of 48 metres. It is noted that the gap including the abutting open field to the application site is 93 metres. The gap presented in this case would be sufficient only to accommodate a maximum to two (2) houses when read with the abutting field. The application site meets with the requirements of Policy CTY 8 of PPS 21 insofar as it can be considered as a gap site. It is considered that the principle of development can be established subject to the application meeting with all other planning and environmental requirements.

### **Impact on the Natural Environment**

A letter of objection raised concerns in relation to the impact the proposal would have on ecology. Consultation was carried out with Department of Agriculture, Environment and Rural Affairs (DAERA) Natural Environment Division (NED) who requested a NI Biodiversity Checklist, which was received (Document 01 date stamped 8<sup>th</sup> September 2021) identifying a number of areas requiring the submission of a Preliminary Ecological Appraisal (PEA). A PEA (Document 02 date stamped 23<sup>rd</sup> March 2022) was received and further consultation was carried out with NED who indicated that the development would be likely to harm bats and potentially the Marsh Fritillary Butterfly which are protected species. NED advised that insufficient information has been submitted to demonstrate that the development would not have an unacceptable adverse impact on priority habitats & natural heritage. NED

go on to indicate that the PEA carried out by the applicant recommends that a further survey is carried out in relation to the national vegetation, known as a National Vegetation Classification (NVC) survey.

The concerns highlighted by NED in relation to bats was specific to one mature tree in the southern corner of the site, however this tree is shown to be retained (Drawing No 02C date stamped 23<sup>rd</sup> March 2022) as such it is considered that there will be no harm to bats by the proposal. Notwithstanding this NED concerns in relation to the vegetation on the site and the potential for the Marsh Fritillary Butterfly which is a protected species still remains. It is noteworthy that a number of the required reports are time constrained between the months of June to August for an NVC Survey and between May and June for a Marsh Fritillary Butterfly survey.

The applicant has indicated that they cannot carry out the necessary reports at this stage in the season due to the time constraints and that it will be May 2023 before works on these reports can commence. However, the information required by NED was highlighted to be required by the applicants' ecologist as detailed within the PEA (Document 02 date received 23<sup>rd</sup> March 2022) prior to the previous season commencing. Furthermore, email documentation submitted includes details from the ecologist to the applicant providing details of dates the relevant reports would be required to be carried out and also options for alternative professionals to use if necessary.

In summary the ecological information required had been identified by 23<sup>rd</sup> March 2022. Despite this, however the information required from the applicant was not forthcoming, therefore the earliest date these surveys can be conducted and finalised is May 2023. It has therefore not been demonstrated that the proposal will not result in any detrimental impact to natural heritage and protected species and therefore is contrary to Policies NH2 and NH5 of PPS 2.

Consultation was carried out with Shared Environmental Service (SES) due to DfI Rivers commenting on the proposed soakaway being provided via percolation through the soil strata and the presence of a watercourse adjacent to the site. SES have advised that the site boundary connects to Lough Neagh and Lough Beg SPA/RAMSAR 19km downstream. It has considered due to this separation distance, there will be no conceivable effects on these SPA/RAMSAR sites and construction discharges would be localised, temporary and not of a scale that could impact on the downstream European sites. Notwithstanding this the consent to discharge is a separate legislative requirement carried out by DAERA.

#### **Layout and Impact on Character and Appearance of the Area**

It is noted that the planning application is for outline permission and as such the details are limited, however it is considered that an appropriately designed dwelling within the application site would appear sympathetic to the surrounding location. DfI Rivers have commented that the application site is adjacent to the Q100 floodplain. Although it is acknowledged the site is outside the floodplain DfI Rivers as a precautionary approach recommend any dwelling on the site should have a freeboard of 600mm.

It is acknowledged that any dwelling on the site will read in context with the neighbouring properties located at No. 154 and 156 Ballymena Road, both of which are single storey dwellings. It is considered necessary that a ridge height restriction

should be required via a planning condition, restricting the ridge height to a maximum of 6.1 metres therefore if planning permission is forthcoming two conditions should be imposed, one requiring an underbuild of 0.6 metres in the interests of flood risk and the other condition requiring a ridge height of no more than 5.5 metres above finished floor level in order to ensure the proposal is in keeping with the character and appearance of the area.

### **Road Safety**

Concerns in relation to road safety were included with objection letters. Consultation was carried out with DfI Roads on this planning application on three (3) occasions. DfI Roads requested amendments to the block plan and the requirement for the Certificate of Ownership to be amended to Certificate C of the P1 form as third party lands are required to achieve the necessary visibility splays.

The Council has requested the additional information from the agent, although it is accepted that amended plans were received on three occasions, two of the block plans did not address the concerns of DfI Roads. Additionally, the third amended block was not forwarded to DfI Roads as no amended Certificate of Ownership accompanied the additional information despite numerous requests. It is considered therefore that the planning application cannot successfully demonstrate that the proposed development would not prejudice the safety and convenience of other road users. The planning application therefore fails to comply with Policy AMP 2 of PPS 3.

### **Other Matters**

#### Flood Risk

As indicated above, the application site abuts a fluvial flood zone along its southwestern boundary as such, DfI Rivers were consulted. In addition to requesting a 600m freeboard on any dwelling, DfI Rivers also requested a riparian strip of a minimum of 5 metres to facilitate future maintenance by DfI Rivers along the watercourse. Given the size of the application site a suitably sited dwelling will ensure an appropriate riparian strip is provided.

#### Neighbour Amenity

Due to the outline nature of this planning application, there are no indicative designs submitted to fully consider the potential impacts a dwelling at this location may have on the neighbouring properties. It is considered however an appropriately designed dwelling would not significantly impact on the neighbouring dwellings.

#### Objection Points

There are two (2) further issues raised by the objections that have not been directly addressed in this report. Firstly, an objection point was raised in relation to land contamination. The Council's Environmental Health Section (EH) were consulted and did not request any land contamination reports to be prepared. It is considered therefore that the application site does not present a significant risk as a result of land contamination.

Secondly, an objector's comment describes how flooding in the wider area has resulted in the drowning of livestock. As indicated above consultation has been carried out with DfI Rivers in relation to flood risk, DfI Rivers raised no objections to the proposal subject to conditions. If planning permission is forthcoming, it is the responsibility of the applicant to ensure adequate drainage measures are implemented on site.

**CONCLUSION**

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

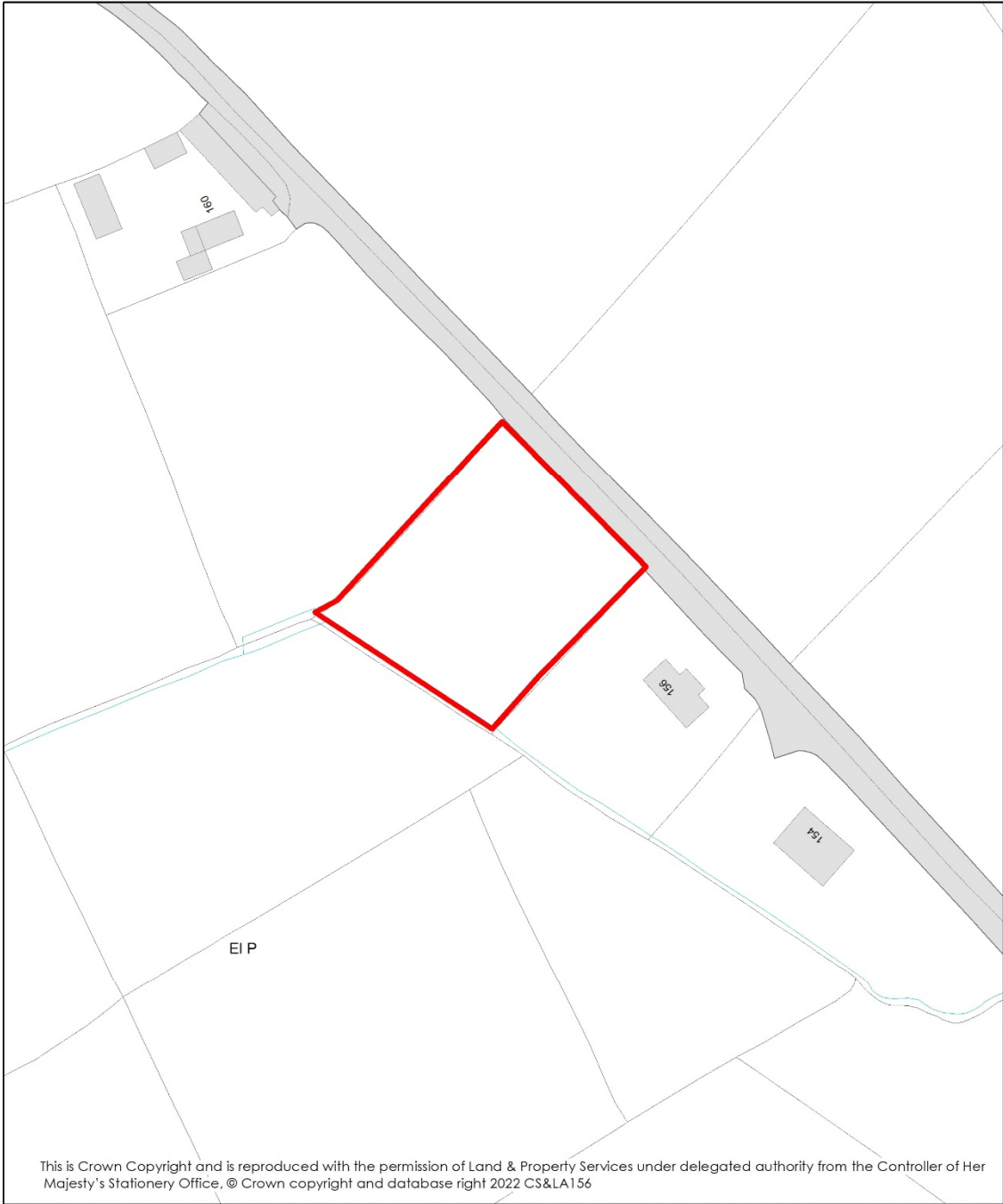
- The principle of the development has been established;
- The impact on the natural environment is considered to be unacceptable;
- A suitably designed dwelling would not significantly impact the appearance of the surrounding area;
- A suitably designed dwelling within the application site would not significantly impact on the amenity of the existing neighbouring dwellings;
- The flood risk is considered to be acceptable;
- The proposal would potentially prejudice the safety and convenience of other road users.

**RECOMMENDATION**

**REFUSE OUTLINE PLANNING PERMISSION**

**PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the SPPS and Policies NH2 and NH5 of Planning Policy Statement 2, Natural Heritage, as it has not been demonstrated that the development would have no impact on biodiversity and protected species, namely the Marsh Fritillary butterfly.
2. The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking, in that if permitted, would prejudice the safety and convenience of road users as it has not been sufficiently demonstrated that the necessary visibility splays can be provided.



Reference: LA03/2021/0499/O

Location: 90m N W of 156 Ballymena Road, Ballyclare

Proposal: Proposed infill site for dwelling and garage

Scale: 1:1250


  
 Site Location



<b>COMMITTEE ITEM</b>	<b>3.16</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0698/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for dwelling and garage (variation of condition 6 from planning approval LA03/2021/1031/O to change ridge height limit from 5.5m to 7m)
<b>SITE/LOCATION</b>	50m North West of 90 Roguery Road, Toomebridge, BT41 3PT
<b>APPLICANT</b>	Paul McErlain
<b>AGENT</b>	FMK Architecture Ltd
<b>LAST SITE VISIT</b>	8 <sup>th</sup> September 2022
<b>CASE OFFICER</b>	Michael Tomlinson Tel: 028 903 40442 Email: <a href="mailto:michael.tomlinson@antrimandnewtownabbey.gov.uk">michael.tomlinson@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 50 metres north west of 90 Roguery Road, Toomebridge. This is a countryside location beyond any development limits as defined in the Antrim Area Plan (1984-2001).</p> <p>The application site is situated at a roadside location and comprises a large section of an existing agricultural field. Land levels across the site fall considerably in both a northern and western direction.</p> <p>The southeastern boundary of the application which runs parallel to Roguery Road is defined by a 1-metre-high ranch style timber fence which also comprises some sparse low level shrubbery. The northeastern common boundary lies adjacent to neighbour dwelling No. 90 Roguery Road and two large outbuildings associated with No. 90 and is defined partially by a 1-metre-high ranch style timber fence towards the southern section and includes some low level shrubbery to the northern section. The remaining northwestern and southwestern boundaries are undefined as the site is a cut out of a wider agricultural field.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2021/1031/O Location: Approx. 50m North West of 90 Roguery Road, Toomebridge, BT41 3PT Proposal: Site for dwelling and garage (amended proposal) Decision: Permission Granted (29.03.2022)</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<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 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.

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**

No consultations were carried out on this application.

#### **REPRESENTATION**

One (1) neighbouring property notified and no letters of representation have been received.

#### **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

- Policy Context and Principle of Development
- Impact on Character and Appearance of the Area

##### **Policy Context and Principle of Development**

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



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

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

The principle of development has been established on the application site under planning reference LA03/2021/1031/O which was approved on 24<sup>th</sup> March 2022. This application seeks to vary condition 6 of LA03/2021/1031/O to allow for an increased ridge height of 1.5 metres from 5.5 metres to 7 metres.

#### **Impact on Character and Appearance of the Area**

Condition 6 of LA03/2021/1031/O reads:

*The proposed dwelling shall have a ridge height of no greater than 5.5 metres above finished floor level.*

*Reason: To ensure that the development is satisfactorily integrated into the landscape and respects the scale of the adjoining buildings.*

As indicated above, the application seeks to vary condition 6 of LA03/2021/1031/O to allow for a dwelling with a ridge height of 7 metres. The application site is a road frontage site and abuts No. 90 Roguery Road to the west. The topography of the site falls sharply in a southwesterly and northwesterly direction. The southwestern boundary which abuts the Roguery Road is defined by a ranch style fence with low level gorse running along the bottom rungs of the fence line. The site is therefore open and exposed to long distance critical views when travelling along the Roguery Road in a northeastern direction.

A photomontage (Document 02 dated 4<sup>th</sup> August 2022) was submitted with the application, in an attempt to demonstrate how the proposed dwelling with a 7 metre ridge height would read in context with the adjacent agricultural buildings and the neighbouring property. The neighbouring property (No.90 Roguery Road) is a modest, single storey bungalow with an immediate roadside frontage and a ridge height of approximately 4 metres. The outbuildings located to the southwest of No. 90 Roguery Road are visible entities, however read as part of a cluster with No. 90 Roguery Road. The siting for the proposed dwelling as previously approved will sit at the high point of the land adjacent to the agricultural buildings which it was considered would provide a visual backdrop for a dwelling with a ridge height of 5.5 metres, when

travelling along the Roguery Road in a northeastern direction. The increase in the ridge height of a building within the application site above 5.5 metres would remove the backdrop provided by the existing agricultural buildings, further increasing the prominence of the proposed dwelling within the application site at this countryside location.

Additionally, there is no substantive landscaping along the southwestern, northwestern and northeastern boundaries and no sense of enclosure which would help to aid integration of a dwelling on the application site. The reliance of the agricultural buildings providing a backdrop to the previously approved dwelling was critical to the previous assessment.

Due to the topography of the applications site, the lack of a suitable backdrop and lack of long established natural boundaries, an increase in the ridge height of 1.5 metres would result in the proposed dwelling having a ridge height of 7 metres. A dwelling with a ridge height of 7 metres on the application site would result in the dwelling being unduly prominent in the landscape and contrary to the requirements of CTY 13 and 14 of PPS 21. As such it is considered that the ridge height restriction applied in Condition 6 of LA03/2021/1031/O of 5.5 metres is a significant requirement in ensuring that the dwelling does not appear prominent in the landscape.

**CONCLUSION**

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

- The principle of the development has already been established under planning reference LA03/2021/1031/O; and
- The increase in ridge height will result in the proposed dwelling being unduly prominent in the landscape.

**RECOMMENDATION**      **REFUSE PLANNING PERMISSION**

**PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 13 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, result in a prominent feature in the landscape.




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Reference: LA03/2022/0698/F

Location: 50m North West of 90 Roguey Road, Toomebridge,  
BT41 3PT

Proposal: Site for dwelling and garage (variation of condition 6 from  
planning approval LA03/2021/1031/O to change ridge  
height limit from 5.5m to 7m)

Scale: 1:2500 

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.17</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0530/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>COUNCIL APPLICATION/INTEREST</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Re-surfacing of existing car park and the provision of 3 new 6m high lighting columns with LED lamps.
<b>SITE/LOCATION</b>	Public Car Park, 25m southeast of 17 Portglenone Road, Randalstown, Co. Antrim, BT41 3BE.
<b>APPLICANT</b>	Antrim and Newtownabbey Borough Council
<b>AGENT</b>	Antrim and Newtownabbey Borough Council
<b>LAST SITE VISIT</b>	29/06/2022
<b>CASE OFFICER</b>	Morgan Poots Tel: 028 90340419 Email: <a href="mailto:morgan.poots@antrimandnewtownabbey.gov.uk">morgan.poots@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site hosts a public car park accessed from Neillsbrook Park, located off Portglenone Road, situated within the settlement limit of Randalstown as identified within the Antrim Area Plan 1984-2001. The application site also lies within the Randalstown Conservation Area.</p> <p>The public car park, which contains one electric vehicle charging point, has no defined boundaries, however landscaped areas abut the site to the northwest, southwest and southeast. Mature trees and hedging to the northeast of the application site screen the site when travelling northwards from Main Street to Portglenone Road.</p> <p>There are a mixture of land uses surrounding the application site. Residential development is located to the northeast of the application site at Neillsbrook View and along Portglenone Road to the northeast and southeast. Randalstown Orange Hall and an area of carparking to the fore is located opposite and to the west of the application site. Randalstown Presbyterian Church is located opposite and southwest of the site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
There is no relevant planning history on site.	
<b>PLANNING POLICY AND GUIDANCE</b>	
Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.	

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

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

Antrim Area Plan 1984 – 2001: The application site is located within the settlement limit of Randalstown 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.

#### **CONSULTATION**

**Environmental Health** - No Objection

**Historic Environment Division** – No Objection

**Department for Infrastructure Roads** - No Objection

#### **REPRESENTATION**

Eight (8) neighbouring properties were notified of the development proposal and no representations 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 and Appearance Impact on Character and Appearance of the Area (Including Randalstown Conservation Area)
- Neighbour Amenity
- Amenity Space, Parking and Manoeuvring

### **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 regional planning policy is also material to the determination of the proposal.

The application site is located within the development limit of Randalstown as identified within Antrim Area Plan 1984-2001. There are no specific operational policies relevant to the determination of the application 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.

This application seeks full planning permission for the re-surfacing of an existing car park and the provision of three (3) new six (6) metre high lighting columns with LED lamps.

Given that the application site lies in the urban area and the proposed works are taking place within an existing public car park, it is considered that the proposed works will improve and enhance safety in this car park, and as such the proposal is considered to be acceptable in principle, subject to all other planning and material considerations being met.

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

There are currently no lighting columns located within the application site. Three (3) six (6) metre high lighting columns with new LED lamps are proposed; two lighting columns are located on the footpath adjacent to the southeastern site boundary, and one lighting column is located on the northwestern site boundary in close proximity to the site entrance. The existing landscaping beyond the site boundaries is to be retained and will aid integration and provide natural screening and as such the development proposal is considered acceptable in the landscape.

The existing car park is to be resurfaced using tarmac, and the layout and number of the car parking bays are not proposed to be altered. As noted above the application site is located within Randalstown Conservation Area. The proposal relates to upgrading works of an existing car park, including the resurfacing of the car park and three (3) six (6) metre high lighting columns, which are deemed to be in keeping with the character of the surrounding area. Therefore, it is considered that the proposal will not have an unacceptable impact on the character of the Randalstown Conservation Area. Furthermore, it is considered that any views of the proposal along Portglenone Road would be short and

fleeting. The proposal is therefore considered to comply with Policy BH 12 of PPS 6 and the SPPS.

Advice was sought from the Council's Forward Plan Team who provide advice and guidance on Conservation Area Matters and whom advised that as the proposal is relatively minor, with the addition of three (3) lighting columns on the edge of the Conservation Area, the proposal would not have a significant impact on the character and appearance of the Conservation Area.

The neighbouring Randalstown Presbyterian Church, listed building reference HB20/04/001, is located some 25m to the southwest of the application site and it is considered to be located a sufficient distance from the application site to remain unaffected by the proposal.

DfC Historic Environment Division (HED) has considered the effects of the proposal on the setting of Randalstown Presbyterian Church and considers the proposal does not represent a demonstrable negative impact on the listed building or its setting.

The layout, scale and design of the proposal is considered to be acceptable and will not detract from the appearance or character of the surrounding area. Overall, it is considered that there will be no significant impact on the adjacent historic buildings or on the Randalstown Conservation Area.

#### **Neighbour Amenity**

The nearest residential properties to the application site are located approximately 10 metres to the northeast and northwest of the application site at Portglenone Road and Neillsbrook View.

The Council's Environmental Health Section was consulted with regards to the proposal and responded with no objections to the proposal subject to the inclusion of a condition with respect to light intrusion mitigation.

#### **Amenity Space, Parking and Manoeuvring**

The development proposal relates solely to the re-surfacing of the existing car park and the provision of three (3) lighting columns and as such the layout of and provision of car parking spaces within the car park will not be affected by the proposal. DfI Roads has been consulted with regards to the proposal and has raised no objection in terms of parking or road safety matters.

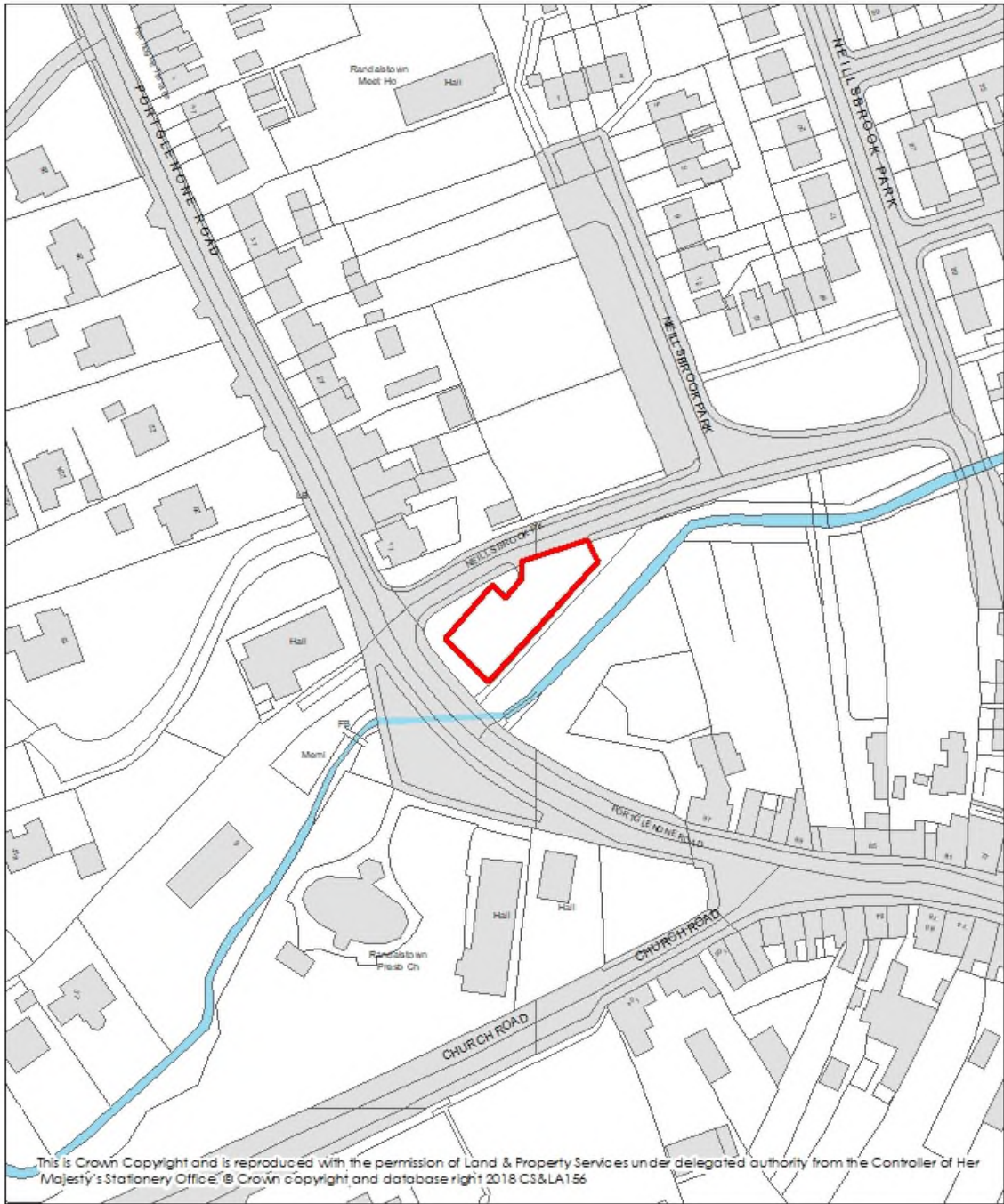
### **CONCLUSION**

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

- The principle of development is considered acceptable;
- The layout, scale and design of the proposal is appropriate;
- There will be no detrimental impact on the character and appearance of the Conservation Area;
- The proposal will not unduly affect the amenity of neighbouring residents; and
- The proposal will not have a negative impact on amenity space, parking and manoeuvring.

RECOMMENDATION	GRANT PLANNING PERMISSION
<b>PROPOSED CONDITIONS</b>	
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Light intrusion from the development into windows at nearby sensitive properties shall not exceed 10 Ev (lux) at any time prior to 23:00hrs and 2 Ev (lux) at any time post 23:00hrs.</p> <p>Reason: In order to protect amenity at nearby sensitive dwellings.</p>	





**Location Map**

Planning Reference: LA03/2022/0530/F

Location: 25m SE of 17 Portglenone Road  
Randalstown



Site Boundary

Proposal: Re-surfacing of existing car park  
and the provision of 3 new 6m  
high lighting columns with LED lamps



1:1,250

For Information Only



<b>COMMITTEE ITEM</b>	<b>3.18</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0727/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>APPLICANT DECLARED INTEREST</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Demolish rear conservatory and erect a new sun lounge, a new porch to the front entrance and render finish to the existing external walls
<b>SITE/LOCATION</b>	22 Liester Park, Ballyrobert
<b>APPLICANT</b>	Campbell Dixon
<b>AGENT</b>	JWA Design
<b>LAST SITE VISIT</b>	23 <sup>rd</sup> September 2022
<b>CASE OFFICER</b>	Dani Sterling Tel: 028 903 40438 Email: <a href="mailto:dani.sterling@antrimandnewtownabbey.gov.uk">dani.sterling@antrimandnewtownabbey.gov.uk</a>
<p><b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 22 Leister Park and within the settlement development limits of Ballyrobert as defined within the draft Belfast Metropolitan Area Plan (2004).</p> <p>The application site is situated at a turning head within the Leister Park residential development and comprises a facing brick detached bungalow that features a gable fronted projection and a rear conservatory. A detached garage is located to the rear of the main dwelling along the northwestern boundary. The topography of the site rises gradually in a northeastern direction and therefore the subject dwelling sits higher than the public road. Access is achieved from an existing driveway situated to the southwestern corner of the application site.</p> <p>The northeastern boundary lies adjacent to an agricultural field and comprises an approximately 2-metre-high hedgerow. The southeastern boundary is defined both by a 0.3-metre-high facing brick wall and decorative planting. The southwestern boundary is defined by a 1-metre-high timber fence turning to a 1.8-metre-high fence towards the northernmost section. The northwestern rear boundary is defined by approximately 2-metre-high hedging supplemented by approximately 3-metre-high trees.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history	
<b>PLANNING POLICY AND GUIDANCE</b>	
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 (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 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 Ballyrobert. 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 Ballyrobert. 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.

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

#### **CONSULTATION**

No consultations were carried out on this application.

#### **REPRESENTATION**

Six (6) neighbouring properties 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
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Impact on Trees and Environmental Quality of this Area.
- Amenity Space, Parking and Manoeuvring

#### **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 within the development limits of Ballyrobert as defined within the Draft Belfast Metropolitan Area Plan (published November 2004), there are no specific operational policies 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.

No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this proposal. Consequently, the relevant policy context is provided by the Addendum to Planning Policy Statement 7 - Residential Extensions and Alterations (APPS 7). Policy EXT 1 of APPS 7 indicates that planning permission will be granted for a proposal to extend or alter a residential property where four specific criteria are met.

Policy EXT 1 of APPS7 indicates that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

APPS7 also advises that the guidance set out in Annex A of the document will be taken into account when assessing proposals against the above criteria. The application seeks an extension and alterations to an existing dwelling, as such the principle of development has been established.

### **Scale, Massing, Design and Appearance**

Planning permission is sought for the replacement of an existing conservatory with a sunroom, a new front porch and change of external finishes to the main dwelling from facing brick to render.

The proposed rear extension follows the footprint of the existing rear conservatory which is to be replaced and projects from the rear elevation by 4 metres and measures a length of 4.1 metres. The maximum ridge height of the proposed extension measures 3.5 metres from ground level. The proposed dimensions do not exceed the dimensions of the existing conservatory and given the rear location of the proposed extension it would not be visible from any critical viewpoints. The

proposed external finishes to the rear extension include render and concrete roof tiling.

The application also proposes a flat roofed front porch located between the projected gable and principle elevation. The proposed porch measures 1.6 metres by 1.7 metres and features a flat roof with a maximum height of 2.5 metres from ground level. The proposed porch would be visible from public viewpoints given the front facing location, however the proposed works are considered subordinate and subservient to the main dwelling as required by Policy EXT1 of Addendum to PPS7 and are therefore acceptable in this instance.

Lastly, the application proposes to replace the facing brick finish of the existing dwelling to render. It is noted that the majority of dwellings within the Leister Park residential development feature some element of render to principle elevations, however the majority finish remains facing brick. Notwithstanding the above, in contrast to this there are a number of dwellings, most notably No's 17 and 28 Leister Park which comprise mostly of an entire render finish or with minor elements of facing brick.

As a result, it is not considered that the change of such materials would be out of character with the context of the surrounding properties.

It is considered that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.

### **Neighbour Amenity**

Paragraph A27 of the Addendum to PPS7 states that it is important that the amenity of all residents is protected from 'unneighbourly' extensions as these can cause problems through overshadowing/loss of light, dominance and loss of privacy. The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass and location of an extension and window positions.

As mentioned above the proposed rear extension replaces an existing conservatory and follows approximately identical dimensions. Therefore, there are no concerns in relation to overshadowing, loss of light or dominance. Fenestration proposed to the western elevation of the proposed sunroom would face directly into the garage associated with the main dwelling. A set of bi-fold doors are proposed to the rear elevation which provides access to the private amenity area associated with the subject dwelling. It is not considered that neighbouring properties No's 10 and 11 Leister Park beyond the rear boundary would be impacted by the proposed works given the single storey nature, the retained 30 metre separation distance and the common boundary treatment comprising 2-3-metre-high vegetation.

There are no significant impacts to any neighbours beyond the eastern boundary as the application site lies adjacent to an agricultural field.

It is not considered that the proposed porch would create any significant neighbour amenity concerns given that it does not project beyond the principle elevation of the main dwelling which fronts out onto the public road.

The proposal having been considered will not result in any significant detrimental impacts on the amenity of neighbouring properties.

**Impact on Trees and Environmental Quality of this Area**

It is considered that the proposal will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality because the proposed works are sited a sufficient distance from trees to not be impacted upon.

**Amenity Space, Parking and Manoeuvring**

The private amenity space remains in excess of 200sqm to the rear which is considered sufficient within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

**CONCLUSION**

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

- The scale, massing, design and appearance of the proposed extension and alterations to the existing dwelling are considered acceptable.
- The proposal will not unduly affect the privacy or amenity of neighbouring residents.
- The proposal will not have a detrimental impact on trees or the environmental quality of this area.
- Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

**RECOMMENDATION**

**GRANT PLANNING PERMISSION**

**PROPOSED CONDITION**

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.






**Site Location Plan**

Application Reference: LA03/2022/0727/F

Demolish rear conservatory and erect a new sun lounge, a new porch to the front entrance and render finish to the existing external walls

22 Liester Park, Ballyrobert



 Site boundary



**PART TWO**  
**OTHER PLANNING MATTERS**



### **ITEM 3.19**

#### **P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS**

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

One (1) appeal was upheld during September by the Planning Appeals Commission (PAC) in relation to LA03/2021/0167/O (PAC 2021/A0055) erection of 2 no infill dwellings and associated works at land between 149 and 151 Seven Mile Straight, Ballytweedy, Muckamore and a copy of this decision is also **enclosed**.

**RECOMMENDATION: that the report be noted.**

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

Agreed by: Sharon Mossman, Deputy Director of Planning

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

## ITEM 3.20

### **P/PLAN/83 NISRA PLANNING STATISTICS 2022/2023 – FIRST QUARTERLY BULLETIN FOR THE PERIOD APRIL TO JUNE 2022**

The first quarterly provisional planning statistics for 2022/23 produced by the Analysis, Statistics and Research Branch of the Department for Infrastructure (DfI) were released on 29 September 2022, a copy of which is **enclosed**.

The Quarterly Bulletin advises that both planning activity and processing performance in 2021/22 continued to be impacted upon by the restrictions put in place due to the coronavirus (COVID-19) pandemic and that during January and February 2022, the Northern Ireland Planning Portal was inaccessible for a period of time. DfI indicates that both these issues should be borne in mind and recommend caution when interpreting figures and making comparisons with other time period and performance across Councils.

The figures show that during the period from April to June 2022, the total number of planning applications received in Northern Ireland was 3,061, a decrease of over three percent on the previous quarter (Q4, 2021/22) and down by nearly twenty-three percent on the same period a year earlier. This comprised of 3,027 local and 34 major applications.

During this first quarter period a total of 203 new applications were received by the Council, a decrease of 63 from the same period in 2021/22. Whilst this pattern of decrease was also experienced by all Councils in Northern Ireland, Antrim and Newtownabbey Borough Council were the third ranked Council to experience the least decreased of new applications.

#### **Major Planning Applications**

In relation to performance against statutory targets, whilst the Council did not determine any **Major** planning applications within the 30-week target time in the first three months of 2022/23, DfI highlights that across Councils there was an insufficient number of major applications processed to decision or withdrawal during the first three months of both the current and previous year to allow any meaningful assessment of their individual performance. Comparison against the target and across Councils becomes more robust as the year progresses, with more applications being processed.

However, the Council determined three Major applications within the first quarter of 2022/23, an increase of one on the same period last year (2021/22).

#### **Local Planning Applications**

The DfI figures show that the Council took on average 13.5 weeks to process and decide **Local** planning applications during the first three months of 2022/23 against the statutory target of 15 weeks. This represents a 0.5-week improvement for the same period last year (2021/22). This performance ranks the Council as one of four Councils to meet the target compared to the average of 16.6 weeks for all Councils.

### **Enforcement**

In relation to enforcement, the DfI figures indicate that the Council concluded 85.6% of cases within the statutory target of 39 weeks during the first quarter of 2022/23 and took an average 15 weeks to conclude. This represents a significant improvement from the same quarter last year, when 80.8% of cases were concluded within the statutory target with an average of 28.4 weeks to conclude.

Combined with Newry, Mourne and Down District Council, the Council closed the most enforcement cases by local authority for the first quarter of 2022/23 with 111 cases closed, an increase in 9 from the same period last year.

**RECOMMENDATION: that the report be noted.**

Prepared by: Sharon Mossman, Deputy Director of Planning

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

## **ITEM 3.21**

### **P/FP/LDP/1 LOCAL DEVELOPMENT PLAN, QUARTELY UPDATE (Q2) JULY TO SEPTEMBER 2022**

The Council's Local Development Plan (LDP) advises that progress reports will be submitted on a quarterly basis to the Planning Committee. This report covers the second quarter (Q2) of the 2022-23 business year (July to September 2022).

#### **Local Development Plan Independent Examination**

Following a report presented at the August 2022 Planning Committee, the Council anticipates that the Planning Appeals Commission (PAC) report on the Independent Examination (IE) of the Council's Draft Plan Strategy (DPS), which concluded on 29 June 2022, will be submitted to the Department for Infrastructure (DfI) at the end of January 2023.

The Forward Planning Team has commenced work on the next stage of the LDP process, the Local Policies Plan (LPP). This will set out 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 DPS. A meeting of the reconvened LDP Members Steering Group is due to take place in October 2022, and Officers intend to bring forward a draft LPP Work Plan to Members in due course.

In compliance with paragraph 2.28 of the Council's Planning Statement of Community Involvement, Officers from the Forward Planning Team are currently engaging with representatives from a range of key strategic partners regarding possible strategic priorities to be considered as work progresses on the LPP.

A LDP training event took place on 20 September 2022 between the Council's Forward Planning Team, respective Officers from Fermanagh and Omagh District Council (FODC), Mid and East Antrim Borough Council (MEABC) and Mid Ulster District Council (MUDC), and each Council's shared legal Counsel regarding shared experience of IE and priorities for draft LPP programmes. This was followed up by a capacity building meeting on 29 September 2022, hosted the Council, involving Senior Forward Planning Officers from all Councils in Northern Ireland regarding shared knowledge of DPS, IE.

#### **Local Development Plan Working Group Updates**

##### **(a) Belfast Metropolitan Area Spatial Working Group**

A meeting of the Belfast Metropolitan Area Spatial Working Group (MASWG) took place virtually on 23 August 2022, hosted by the Council and chaired by the Chairman of the Council's Planning Committee. Updates were received from various councils and consultees in relation to LDP matters. Presentations were received from (a), Dr Marie Cowan, Director and Dr Rob Raine, Energy Geologist Geological Survey for Northern Ireland regarding geothermal resources and potential, and (b) Scientific Officers from the Department of Agriculture,

Environment and Rural Affairs (the Northern Ireland Environment Agency) regarding the designation of environmental and landscape assets at LPP stage.

Members are advised that both Lisburn and Castlereagh City Council (LCCC) and MEABC have now completed the IE of their respective draft DPS publications. A copy of the agreed minutes for the previous meeting which took place on 24 May are **enclosed** for Members information. The next MASWG meeting is due to take place on 1 November 2022, hosted by MEABC.

#### (b) Belfast Metropolitan Transport Plan, Project Board Meeting

Members are reminded that the DfI, Traffic Planning Management Unit (TPMU) has commissioned Atkins (Transport Planners) as partnering consultant to provide professional services in relation to the preparation and delivery of a draft Belfast Metropolitan Transport Plan (BMTP).

Whilst the BMTP encompasses five Council areas including the Council, it is envisaged the first draft of the BMTP will meet the terms of the wider Belfast Metropolitan Urban Area. Successive drafts will incorporate additional work as Draft Plan Strategies of other BMTP 2035 Councils are adopted. It is therefore proposed the third draft BMTP will include BCC, LCCC, and the Council. Although being proposed in phases, the final BMTP 2035 will be published as one document and will be subject to a public consultation exercise.

The BMTP Project Board met on 26 September 2022 and updates were provided from representatives from DfI, TPMU and Aktins. Other updates provided included: (b) Project Terms of Reference, (c) Methodology, (d) Communications Strategy, and (e) Integrated Sustainability Assessment. These documents are **enclosed** for Members consideration. The next meeting of the BMTP Project Board is due to take place in January 2023 (date, venue tbc).

#### (c) Climate Change

Officers from the Council's Forward Planning Team attended a DAERA/Solace NI workshop on 'Climate Change and Green Growth' on 28 September at Belfast City Hall.

The workshop involved discussions on: (a) the key requirements and timelines of the Climate Change Act (NI) 2022 which came into operation on 7 June 2022, (b) the main areas of interest and the potential roles for local government in these, (c) an update on the draft Green Growth Strategy; and (d) key issues, challenges and opportunities faced by local government in relation to Green Growth and Climate Change. A summary of the Green Growth Strategy and Climate Change Act is **enclosed** for Members information.

Departments across the NI Civil Service continue to work collaboratively on policy areas that will deliver against the Green Growth agenda, including Energy, Agriculture, Transport, Buildings and Land Use. Land use planning will play a key role in both regulating and enabling climate action and green growth. As such, this workshop formed part of early collaborative engagement with local government which is a critical and encouraging step towards aiding government to inform

effective policy and enable timely and effective climate action across all of Northern Ireland.

(d) Northern Ireland Minerals Working Group

Correspondence was received from Mr Paul Duffy, Acting Director of Development (MEABC) on 9 September 2023, directed to DfI Regional Planning Directorate seeking clarification regarding reconvening this working group to: (a) ensure a sufficient regional supply of minerals, and (b) to ensure adequate data demands are provided from operators which will assist Councils in the development of their minerals policies going forward - Copy **enclosed** for Members' information.

**RECOMMENDATION: that the report be noted.**

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

Agreed by: Sharon Mossman, Deputy Director of Planning

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

### ITEM 3.22

#### **P/PLAN/071 REGIONALLY SIGNIFICANT PLANNING APPLICATION - KELLS SOLAR FARM (REFERENCE LA03/2015/0234/F)**

Members will be aware that Department for Infrastructure (DfI) was processing the following regionally significant planning application which straddles the Council's boundary with Mid and East Antrim Borough Council with the larger portion of the site lying within the Antrim and Newtownabbey Borough Council area (site location map of the development is **enclosed** for information only).

**Application Reference:** LA03/2015/0234/F  
**Proposal:** 50MW Solar Farm  
**Location:** Lands located East and West of Whappstown Road and to the North of Doagh Road, Northwest of Kells, Co Antrim.  
**Applicant:** Elgin Energy Esco Ltd

The Planning Appeal Commission's (PAC) hearing into the Department's Notice of Opinion to approve planning permission was held on 23-25 June and 01 & 02 July 2021. The PAC report (**enclosed**) with the recommendation to grant planning permission for the Kells Solar Farm was received by the Department on 01 April 2022.

On 06 October 2022 the Department notified the Council that following consideration of the PAC's report, the Infrastructure Minister, John O'Dowd had decided to grant planning permission for the Kells Solar Farm. A copy of the Department's decision notice and addendum report is available to view on the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk) and is **enclosed** for Member's information.

A copy of the Department's Regulation 25 (2)(b) Statement under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015, which details the reasons why the application was approved, is also **enclosed** for Member's information.

**RECOMMENDATION: that the report be noted.**

Prepared by: Simon Russell, Senior Planning Officer

Agreed by: Sharon Mossman, Deputy Director of Planning

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