



15 May 2024

Committee Chair: Councillor R Foster

Committee Vice-Chair: Councillor H Cushinan

Committee Members: Aldermen – T Campbell, M Magill and J Smyth

Councillors – J Archibald-Brown, A Bennington,
S Cosgrove, S Flanagan, R Kinnear, AM Logue and
B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill** on **Monday 20 May 2024 at 6.00 pm.**

You are requested to attend.

Yours sincerely

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

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

PLEASE NOTE: Refreshments will be available from 4.45 pm

For any queries please contact Member Services:

Tel: 028 9448 1301/ 028 9034 0107

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – 20 May 2024

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 Presentation by the Royal Town Planning Institute.
- 4 Report on business to be considered:

PART ONE - Decisions on Planning Applications

4.1 Planning Application No: LA03/2023/0957/F

Erection of extension to existing school and other ancillary/associated works at Antrim Primary School, 31 Station Road, Antrim, BT41 4AB.

4.2 Planning Application No: LA03/2023/0958/F

Erection of extension to existing school and other ancillary/associated works at Fairview Primary School, Hillmount Avenue, Ballyclare, BT39 9HS.

4.3 Planning Application No: LA03/2023/0600/F

Demolition of part of the existing Tramways Shopping Centre, proposed extension to existing Eurospar retail unit along with additional associated forecourt parking and new landscaped space to link beside remaining Tramways Shopping Centre at 290 Antrim Road, Newtownabbey, BT36 7QT.

4.3 Planning Application No: LA03/2023/0963/F

Proposed development of vacant land for storage and distribution of fireworks including erection of storage units, office accommodation, associated site works, concrete set down area, perimeter fence, gates and security protection system at 120m east of No. 23 Ladyhill Road, Ladyhill Quarry, Antrim, BT41 2RF.

4.5 Planning Application No: LA03/2024/0117/F

Hairdressing Salon Building in garden (Retrospective) at 11 Roxhill, Antrim, BT41 3ER.

4.6 Planning Application No: **LA03/2023/0328/O**

Site for infill dwelling and garage at Lands approx. 90m North West of 154C Seven Mile Straight, Muckamore, Antrim, BT41 4QY.

4.7 Planning Application No: **LA03/2023/0329/O**

Site for infill dwelling and garage at Approx 30m NW of 154c Seven Mile Straight, Muckamore, Antrim, BT41 4QY.

4.8 Planning Application No: **LA03/2024/0115/F**

Replacement Dwelling at 214 Belfast Road, Muckamore, Antrim, BT41 2EY.

4.9 Planning Application No: **LA03/2024/0004/F**

Retrospective application for farm storage shed at Approx. 190m SW of 50 Maghereagh Road, Randalstown.

4.10 Planning Application No: **LA03/2024/0042/F**

Proposed shed for housing sheep at 140M NE of No. 89 Ballyrobin Road, Antrim, BT41 4TF.

4.11 Planning Application No: **LA03/2023/0951/F**

Erection of a farm dwelling and retention of two buildings to provide a garage and storage shed at 100m west of 54b Templepatrick Road, Ballyclare, BT39 9TX.

4.12 Planning Application No: **LA03/2024/0029/O**

Erection of dwelling and garage at 30 metres south of No 33 Lisglass Road, Ballyclare.

4.13 Planning Application No: **LA03/2024/0057/F**

Extension of residential curtilage, construction of general purpose garage and feed store, secure parking area for vehicles including horse boxes, tractors and privately owned cars used for stock car racing, circulation space and parking area for three lorries plus provision of paddock/exercise area for ponies to the rear of 13 Ballyhill Road, Ballyhill Lower, Crumlin, BT29 4TN.

4.14 Planning Application No: **LA03/2023/0949/O**

Dwelling & Garage at Site 50 Metres North East of No. 3 Carmorn Road, Antrim, BT41 3NX.

4.15 Planning Application No: **LA03/2023/0326/O**

Site for Dwelling and Double Garage at Lands 250m SE of 275 Ballymena Road,
Tardree, Antrim

PART TWO – Other Planning Matters

4.16 Delegated Planning Decisions and Appeals

4.17 Proposal of Application Notices for Major Development

4.18 Publication of the Annual Housing Monitor Report 2024

4.19 Preliminary End of Year Planning Review

PART ONE - Decisions on Enforcement Cases – IN CONFIDENCE

4.20 Enforcement Case LA03/2023/0041/CA – In Confidence

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 20 MAY 2024**

PART ONE

PLANNING APPLICATIONS

COMMITTEE ITEM	4.1
APPLICATION NO	LA03/2023/0957/F
DEA	ANTRIM
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Erection of extension to existing school and other ancillary/associated works.
SITE/LOCATION	Antrim Primary School, 31 Station Road, Antrim, BT41 4AB.
APPLICANT	Education Authority
AGENT	Gravis Planning
LAST SITE VISIT	18 th August 2023
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: Alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the settlement limit for Antrim Town as defined within the Antrim Area Plan (1984-2001).</p> <p>The site is located at the junction of the Station Road and Castle Way with a frontage onto Station Road. The site comprises of Antrim Primary School and its associated infrastructure which includes the main school building and a number of temporary prefabricated units. Access to the site is achieved via Station Road with an area of hardstanding located to the southwest corner of the site which is utilised for parking. Boundaries to the site are defined by mature planting and hedgerow with the exception of the front boundary which is defined by paladin fencing inset with ornamental landscaping. Associated open space areas are located to the rear of the existing school building.</p> <p>Residential development is located to the northeast and northwest of the application site, with commercial and community uses located to the south of the site. A former workhouse is located opposite the site which is a Grade B1 Listed Building, the site is located outside the immediate periphery of Antrim Conservation Area.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2023/0542/PAN Location: Antrim Primary School, 31 Station Road, Antrim, BT41 4AB. Proposal: Extension to existing school and other ancillary/associated works Decision: PAN Acceptable (16/08/2023)</p> <p>Planning Reference: LA03/2016/0191/F Location: Antrim Primary School, 31 Station Road, Antrim, BT41 4AB. Proposal: Removal of existing hedge and installation of 116m of new metal wire security fencing. Decision: Permission Granted (15/04/2016).</p>	

Planning Reference: T/2015/0032/F

Location: Antrim Primary School, 31 Station Road, Antrim, BT41 4AB.

Proposal: Alterations to existing site boundary to provide a taller 2.4m high fence for security of primary school site and buildings.

Decision: Permission Granted (19/06/2015)

Planning Reference: T/1995/0565/F

Location: Antrim Primary School, 31 Station Road, Antrim, BT41 4AB.

Proposal: Three replacement temporary classrooms.

Decision: Permission Granted (03/12/1995)

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section: No objection.

Northern Ireland Water: No objection.

DfI Roads: No objection.

DfI Rivers: No objection.

DAERA Water Management Unit: No objection.

DAERA Natural Environment Division: No objection.

Historic Environment Division, Historic Monuments: No objection, subject to conditions.

Historic Environment Division, Historic Buildings: No objection.

Northern Ireland Electricity: No objection.

REPRESENTATION

Forty-Seven (47) neighbouring properties were notified and no letters of representation have been received.

It is noteworthy that during the Pre-Application Community Consultation (PACC) a number of representations were made and feedback was provided on the individual issues which are summarised within the PACC report (Document 02).

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Legislative Framework
- Policy Context and Principle of Development
- Design, Layout and Appearance
- Impact on Character and Appearance of the Area
- Neighbour Amenities
- Road Safety, Traffic, and Parking
- Natural Heritage
- Other Matters

Legislative Framework

Environmental Impact Assessment

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

Pre-Application Notice

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

A PAN (ref: LA03/2023/0542/PAN) was submitted to the Council and was deemed to be acceptable on 16th August 2023. The Pre-Application Community Consultation Report (PACC) (Document 02) submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

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) operates as the local development plan for the development proposal. The application site is located within the settlement limit of Antrim Town. The AAP provides an overarching strategy for the Borough however, it does not provide specific operational policy in terms of the assessment of an application of this nature. The AAP merely states that as capacity exists there is no proposals to build new primary schools within the plan period and any increase in demand will be met through an extension to existing facilities.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications and its guiding principle in determining applications is that sustainable development should be permitted having regard to the development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The proposal albeit for an educational facility falls under the definition of a community facility, the SPPS defines "town centre uses" as including community facilities and seeks to secure a 'town centre first' approach. As indicated the application site is located within the settlement of Antrim immediately outside the town centre boundary. The provisions of the SPPS require that an assessment of need should be carried out and a sequential assessment should be undertaken.

However, in this case the proposal seeks permission for an extension to the existing school facilities and as such the planning history of the site is an important consideration. The existing school has been in existence and operating for an extensive number of years at this location. The principle of a school is therefore acceptable and there have been a number of planning permissions over the years for alterations, extensions and temporary classrooms. The built form of the primary school currently consists of the main school building and six mobile units, storage

containers and shelter area with a mix of hard and soft play areas. The current proposal seeks to replace the existing temporary prefabricated buildings with the extension providing additional classrooms and flexible teaching accommodation. It is indicated within supporting documentation that the proposal is required to meet the immediate and pressing needs within the school environment. It is highlighted that the proposed pupil and staff numbers will remain as existing that being 600 pupils and 82 staff.

In conclusion, the principle of an extension to the existing school at this location is acceptable subject to all other policy and environmental considerations being met.

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

The SPPS indicates that good design identifies and makes positive use of the assets of a site and the characteristics of its surroundings to determine the most appropriate form of development. Design is an important material consideration in the assessment of all proposals and must be encouraged across the region.

The proposed extension is located in the southwestern section of the site and consists of a single storey extension extending from the northwestern corner of the existing building with a glazed link connecting the existing building to the proposed extension. The proposal will result in the removal of the existing school library and storage containers, which are located on the footprint of the proposed extension, the 6 temporary mobile classrooms located to the northeastern section of the site will be removed in the final phase of the development.

The proposal takes the form of an 'L' shape which results in an open courtyard area between the proposed extension and existing school building. The proposal measures 51 metres in length along the northwestern elevation, 51.3 metres along the southwestern elevation with the southern gable measuring 20.5 metres and an overall height of 5.2 metres from ground level. In totality the floorspace provided by the extension measures some 1,600sqm gross external floorspace. The roof profile takes the form of a mono pitch sloping downward to the perimeter with a reduced external eaves line, below that of the existing school.

The proposed extension provides 12 additional classrooms with associated stores, shared cloakrooms and toilet, three resource areas with associated stores, one multi-purpose room, a medical inspection room, hygiene room, ancillary toilets and storage areas. The proposed extension will have an 'ensuite' style classrooms with toilets and cloakroom facilities arranged with individual entrances that are shared by two classrooms. The finishes of the proposal are typical of that found on educational buildings including red brickwork, cement cladding, glazing and rainwaters goods. Access to the proposed development will be provided by way of the existing access road of Station Road, the existing car parking area will be reformatted to allow for higher car parking provisions. The proposal will result in a loss of a small area of amenity landscaping and existing trees, which are located along the front of the existing boundary and the edge of the existing parking area.

For the reasons outlined above it is considered that the design, layout, and appearance of the proposed extension including its scale and massing are considered acceptable within the context of the site and surrounding area.

Impact on Character and Appearance of the Area

The application site has a frontage onto the Station Road, the roadside boundary is defined by palisade fencing with interspersed landscaping and as such the application site is open and exposed to critical views travelling along Station Road. A former workhouse is located opposite the site at No. 30 Station Road which is a Grade B1 Listed Building. Policy BH11 of Planning Policy Statement 6 'Planning, Archaeology and the Built Heritage (PPS 6) deals with development affecting a listed building. Consultation was carried out with Department for Communities, Historic Environment Division (HED) who indicated that the proposal is sufficiently removed in situation and scale, as to have negligible impact on the significance of the listed building.

In relation to the character of the wider area, the proposal is located within an area which has a mix of land uses and a variety of architectural styles and appearances. The proposal will read as a natural extension to the existing primary school, the extension is set back from the front elevation and as such does not overly dominate the host building. The open courtyard which is to be utilised as a play area helps to break up the overall built form. The height, scale and massing is respectful of the existing context and the materials are reflective of the surroundings. Overall it is considered that the setback nature and the proportions of the proposed development will respect the surrounding context and will be in keeping with the overall character and environmental quality of the area.

Neighbour Amenity

The SPPS requires that there is no unacceptable impact on the amenities of people living nearby a proposed development. Residential development is located to the northeast and northwest of the application site, with commercial and community uses located to the south of the site. The proposed extension is located to the southwestern section of the site and therefore will not create a significant impact of the nearby residential properties due to its location and separation distance. Some level of disturbance is to be expected on the removal of the temporary classrooms located in the northeastern section of the site, however this will be short term and during daytime hours. Taking into consideration the context of the wider site and the separation distance from any neighbouring properties it is considered that the proposal will have minimum impact on the amenity of nearby residents.

In relation to artificial lighting the Councils Environmental Health Section (EHS) indicated that light spills are evident to the south of the proposed development. EHS note that this is where the car parking area is located and that no residential properties are located in close proximity.

Road Safety, Traffic, and Parking

With regards to transportation the SPPS aims to secure improved integration with land-use planning, to facilitate safe and efficient access, movement and parking. Additionally Planning Policy Statement 3 Access, Movement and Parking PPS 3 seeks to ensure that prejudice to road safety does not occur as a result of development. Policy AMP 2 of PPS 3 requires that any proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

The application site can be accessed via the existing access arrangement on the Station Road, the proposal does not include any changes to the existing access

arrangement. A Transport Assessment Form (TAF) (Document 08) was submitted in support of the application, it is indicated within the TAF that as the proposal is for an extension and upgrade to the existing facilities that all traffic associated with the site is already existing on the local and wider road network. It is highlighted that the proposed pupil and staff numbers will remain as existing that being 600 pupils and 82 staff. The proposed development is not anticipated to increase the number of trips to the site, there are no proposed changes to the existing drop-off areas, crossing points, set down areas. DfL Roads has indicated that if it is accepted that there is no intensification of use then DfL Roads have no objection to the access arrangements. As indicated above it is advised that there is no increase in either pupil or staff numbers and as such it is accepted that there is no intensification in use. It is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

Collectively Policies AMP 1, AMP 7 and AMP 9 of PPS 3 require that an accessible environment is created with adequate provision for car parking and appropriate service arrangements and the design of car parking is of a high standard of design, layout and landscaping. As stated the proposal will not result in an increase in staff or pupil numbers and therefore there are no additional car parking requirements arising from the proposed school extension. However, it is indicated that in order to improve the parking provision on site the current proposal includes an additional 38 car parking spaces in addition to the existing 37 car parking spaces, therefore the proposal provides a total of 75 car parking spaces. Although this would lead to additional traffic entering the site and utilising the car parking area, it does not generate additional vehicular activity as the pupil/staff numbers are to remain the same. In line with principles for disabled access and welfare provision the proposal has undertaken to provide level access on approach to the school, to external spaces and to the sports facilities.

Natural Heritage

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

The majority of the application site is located on brownfield land which has been previously developed and which is currently utilised for existing buildings which are to be demolished as part of the proposal, the proposal also results in the removal of a small portion of trees and decorative landscaping. The applicant has submitted a Preliminary Ecological Appraisal (PEA) (Document 06) and Bat Survey Report (Document 05) in support of their application. The PEA concluded that two of the existing buildings had moderate bat roost potential. The Bat Roost Survey Report indicated that during the surveys no foraging, no flight paths or bat roosts were observed. Consultation was carried out with DAERA's Natural Environment Division (NED) who raised no objections to the proposal.

Other Matters

Archaeology

Planning Policy Statement 6 (PPS 6) deals with archaeology and built heritage. The application site is located on the site of a World War I Royal Engineers barracks which was set in the grounds of the former Union Workhouse. Six officers and 330 other ranks were accommodated within the barracks, with an additional 300 horses. Consultation was carried out with HED Historic Monuments who are 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. It is further indicated that an acceptable programme of works should clearly focus on the recovery and recording of remains associated with the former army camp.

Flood Risk

PPS15 seeks to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere. Policy FLD 3 of Planning Policy Statement 15 'Planning and Flood Risk' (PPS15) requires any change of use involving new buildings and or hardsurfacing exceeding 1000 square metres in an area to be accompanied by a Drainage Assessment. A Drainage Assessment (Document 07/1) was submitted in support of the application and consultation was carried out with DfI Rivers, who have indicated that the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. DfI Rivers has reviewed the applicant's Drainage Assessment and advised that while not being responsible for the preparation of the Flood Risk Assessment, they accept its logic and have no reason to disagree with its conclusions.

NIE Networks

An existing NIE distribution substation is located within the site boundary. Consultation was carried out with NIE Networks who have raised no objection to the proposal based on the application and associated documentation that has been submitted.

CONCLUSION

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

- The principle of the development has previously been established;
- The design, layout and appearance of the proposal on balance is acceptable;
- There are no significant neighbour amenity concerns;
- There is no significant flood risk associated with this development;
- There are no significant natural and built heritage concerns;
- There are no significant access concerns, with the parking provision within the context of the site considered acceptable;

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

2. Within 12 weeks of the development hereby permitted becoming operational the existing buildings coloured green on the approved plan, Drawing Number 01 date

stamped 13th December 2023 are demolished, all rubble and foundations removed and the site restored in accordance with the details on the approved plans.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

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

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

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

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

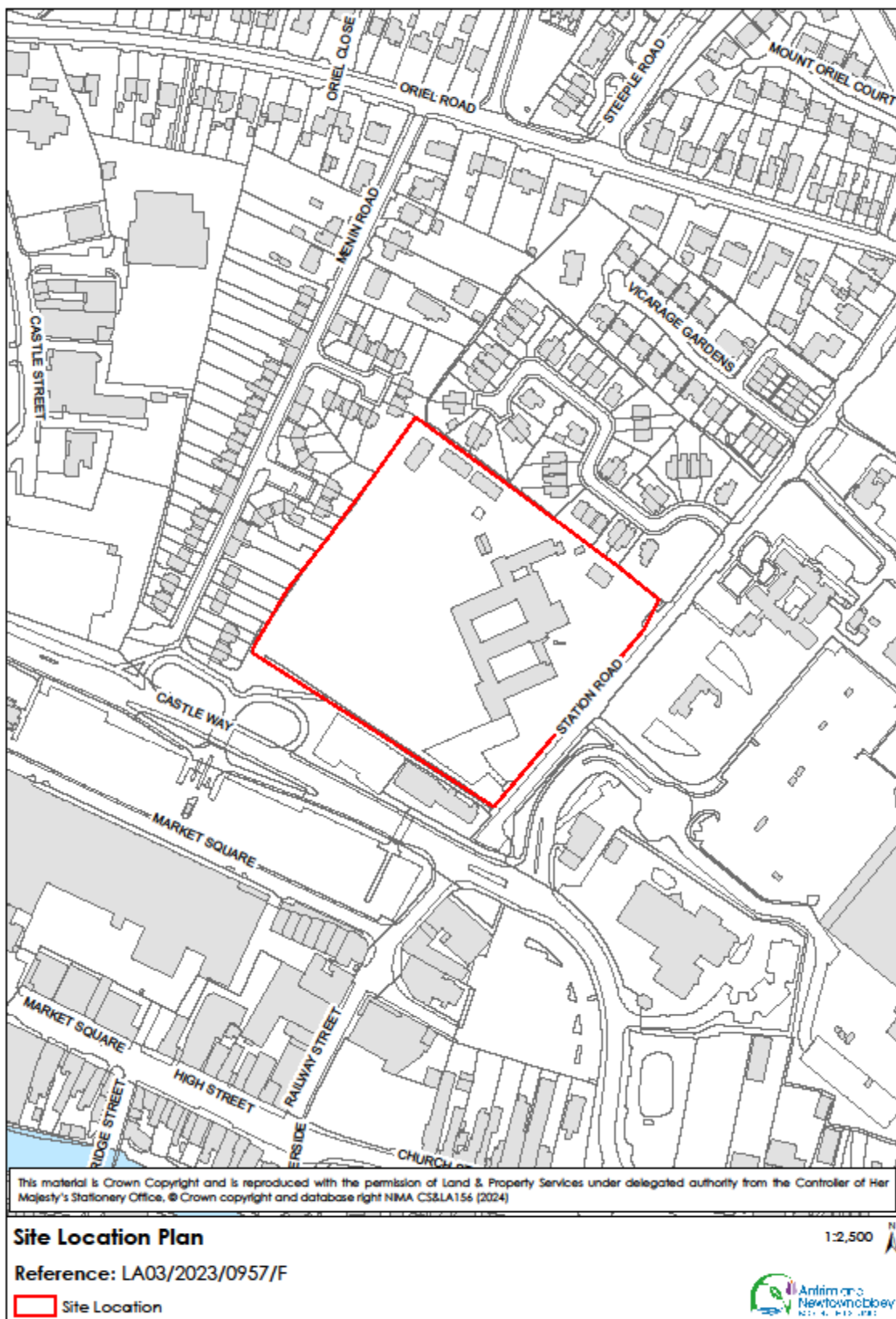
5. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 2.
These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

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

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

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

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



COMMITTEE ITEM	4.2
APPLICATION NO	LA03/2023/0958/F
DEA	BALLYCLARE
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Erection of extension to existing school and other ancillary/associated works.
SITE/LOCATION	Fairview Primary School, Hillmount Avenue, Ballyclare, BT39 9HS
APPLICANT	Education Authority
AGENT	Gravis Planning
LAST SITE VISIT	18 th August 2023
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: Alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the settlement limit for Ballyclare as defined within both the draft Newtownabbey Area Plan (dNAP) and draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The site is located at the end of Hillmount Avenue, the site comprises of Fairview Primary School which includes the main school building, playing fields and a number of temporary prefabricated units. Access to the site is achieved via Hillmount Avenue with an area for parking and turning located to the south of the site. Boundaries to the site are defined by mature planting and hedgerow with the exception of the front boundary which is defined by paladin fencing inset with ornamental landscaping. Associated open space areas are located to the front and rear of the existing school building. The topography of the land rises in a northern direction which results in the school building sitting at a high level than the public roadway.</p> <p>Residential development is located to the north, east and west of the application site, with community open space occupied by Grange Rangers Football Club which is located to the south of the site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2023/0539/PAN Location: Fairview Primary School, Hillmount Avenue, Ballyclare, BT39 9HS. Proposal: Extension to existing school and other ancillary/associated works Decision: PAN Acceptable (16/08/2023)</p> <p>Planning Reference: U/2014/0370/F Location: Fairview Primary School, Hillmount Avenue, Ballyclare, BT39 9HS.</p>	

Proposal: New car parking areas within site curtilage. New site fencing. New entrance gates to school and bus shelter to turning circle. Replace existing street lights to turning circle.

Decision: Permission Granted (24/02/2015).

Planning Reference: U/2003/0576/F

Location: Fairview Primary School, Hillmount Avenue, Ballyclare, BT39 9HS.

Proposal: Erection of temporary classroom.

Decision: Permission Granted (13/11/2003)

Planning Reference: U/2002/0246/F

Location: Fairview Primary School, Hillmount Avenue, Ballyclare, BT39 9HS.

Proposal: Two temporary classrooms.

Decision: Permission Granted (28/6/2002)

Planning Reference: U/2002/0344/F

Location: Fairview Primary School, Hillmount Avenue, Ballyclare, BT39 9HS.

Proposal: Proposed extensions to rear, provision of disabled access ramps and new steps to front and side entrances with new canopy over front entrance.

Decision: Permission Granted (05/07/2002)

Planning Reference: U/1996/0040/F

Location: Fairview Primary School, Hillmount Avenue, Ballyclare, BT39 9HS.

Proposal: Erection of temporary classroom.

Decision: Permission Granted (16/09/1996)

PLANNING POLICY AND GUIDANCE

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

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

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

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

Draft Belfast Metropolitan Area Plan (dBMAP): The application site is located within the development limit of Ballyclare.

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.

CONSULTATION

Council Environmental Health Section: No objection.

Northern Ireland Water: No objection.

DfI Roads: No objection.

DfI Rivers: No objection.

DAERA Water Management Unit: No objection.

DAERA Natural Environment Division: No objection.

Historic Environment Division: No objection.

REPRESENTATION

Forty-Nine (49) neighbouring properties were notified and no letters of representation have been received.

It is noteworthy that during the Pre-Application Community Consultation (PACC) a number of representations were made and feedback was provided on the individual issues which are summarised within the PACC report (Document 02).

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Legislative Framework
- Policy Context and Principle of Development
- Design, Layout and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Road Safety, Traffic, and Parking
- Natural Heritage

- Other Matters

Legislative Framework

Environmental Impact Assessment

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

Pre-Application Notice

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

A PAN (ref: LA03/2023/0539/PAN) was submitted to the Council and was deemed to be acceptable on 16th August 2023. The Pre-Application Community Consultation Report (PACC) (Document 02) submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

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 purportedly adopted Belfast Metropolitan Area Plan 2015 (BMAP 2015) was for a period of time deemed to be the statutory development plan for this area, however the purported adoption of the Plan by the then Department of the Environment in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) and draft Newtownabbey Area Plan (dNAP) are also a material consideration in this application. The application site lies within the settlement limit of Metropolitan Newtownabbey on unzoned lands. Policy CF 2 of dBMAP is applicable to educational facilities within the Metropolitan development limit and indicates that planning permission will be granted for educational facilities within the settlement limit subject to a number of specified criteria.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications and its guiding principle in determining applications is that sustainable development should be permitted having regard to

the development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The proposal albeit for an educational facility falls under the definition of a community facility, the SPPS defines "town centre uses" as including community facilities and seeks to secure a 'town centre first' approach. As indicated the application site is located within the settlement of Ballyclare, outside the town centre boundary. The provisions of the SPPS would require that an assessment of need should be carried out and a sequential assessment should be undertaken.

However, in this case the proposal seeks permission for an extension to the existing school facilities and as such the planning history of the site is an important consideration. The existing school has been in existence and operating for an extensive number of years at this location. The principle of a school is therefore acceptable and there have been a number of planning permissions over the years for alterations, extensions and temporary classrooms. The built form of the primary school currently consists of the main school building and nine mobile units, storage containers and shelter area with a mix of hard and soft play areas. The current proposal seeks to replace the existing temporary prefabricated buildings with the extension providing additional classrooms and flexible teaching accommodation. It is indicated within supporting documentation that the proposal is required to meet the immediate and pressing needs within the school environment. It is highlighted that the proposed pupil and staff numbers will remain as existing that being 525 pupils and 50 staff.

In conclusion, the principle of an extension to the existing school at this location is acceptable subject to all other policy and environmental considerations being met.

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

The SPPS indicates that good design identifies and makes positive use of the assets of a site and the characteristics of its surroundings to determine the most appropriate form of development. Design is an important material consideration in the assessment of all proposals and must be encouraged across the region.

The proposed extension is located in the western section of the site and consists of a single storey extension extending from the northwestern corner of the existing building with a glazed link connecting the existing building to the proposed extension. The 9 temporary mobile classrooms located to the northwestern and northeastern section of the site will be removed as part of the final phase of the development. The topography of the site sits higher than the adjacent road which results in the school sitting at a higher level. The proposal has been designed to respect the natural topography of the site with the extension being located in an area of flat topography which will prevent any significant levelling or infilling.

The proposal takes the form of a rectangular shape measuring 57.1 metres in length along the southwestern elevation, 60.1 metres along the northwestern elevation with the southern gable measuring 24.5 metres and an overall height of 5.2 metres from ground level. In totality the floorspace provided by the extension measures some 1,357 gross external floorspace. The roof profile takes the form of a mono pitch sloping downward to the perimeter with a reduced external eaves line, below that of the existing school.

The proposed extension provides 10 additional classrooms with associated stores, shared cloakrooms and toilet, three resource areas with associated stores, one multi-purpose room, a vice principal's office, caretakers store and ancillary toilets and storage areas. The proposed extension will have 'ensuite' style classroom with toilets and cloakroom facilities arranged with individual entrances that are shared by two classrooms. The finishes of the proposal are typical of those found on educational buildings including buff coloured facing brick, with a series of decorative panelling to add dimension to the elevation with the introduction of texture. It is indicated that the brick and mortar colour proposed is to create a gentle contrast with the schools existing red/brown brick.

Access to the proposed development will be provided by way of the existing access road of Hillmount Avenue, with an area of circulation parking located to the south of the existing school. It is indicated that there are no proposed changes to the existing parking/drop-off areas, crossing points or set down areas. The proposal will result in a loss of an area of hardstanding currently utilised for a hard play area, however, the existing play provision will be replaced on the lands that currently comprise the existing temporary classrooms.

In relation to the character of the wider area the proposal is located within an area with a mix of land uses with residential development located to the north, east and west and Grange Rangers Football Club which is located to the south. The site has a frontage onto Hillmount Avenue, however, given the topography, the site configuration and the presence of mature trees to the southwestern section, it is anticipated that there will be limited views of the proposed extension. The proposal will read as a natural extension to the existing primary school building, the extension is set back from the front elevation and as such will not overly dominate the host building. The height, scale and massing is respectful of the existing context and the materials are reflective of the surroundings. Overall it is considered that the setback nature and the proportions of the proposed development will respect the surrounding context and will be in keeping with the overall character and environmental quality of the area.

For the reasons outlined above it is considered that the design, layout and appearance of the proposed extension including its scale and massing are considered acceptable within the context of the site and surrounding area.

Neighbour Amenity

The SPPS requires that there is no unacceptable impact on the amenities of people living nearby a proposed development. Residential development is located to the north, east, west and partially to the south of the application site. The proposed extension is located to the northwestern section of the site which results in the built form extending closer to residential properties within Fairview Farm Road, with greater separation distances from the properties on Merrion Avenue from that of the existing temporary classrooms. The common boundary with the properties on Fairview Farm Road is mature hedging which is indicated to be retained, a condition should be imposed on the grant of planning permission in order to ensure the retention of this boundary in the interests of neighbour amenity. An existing walkway is located between the rear boundary of the properties on Merrion Avenue and the northeastern boundary of the site. Given the retention of the existing boundary treatment, the scale and layout it is considered that the proposal will not create a

significant impact upon the nearby residential properties. Some level of disturbance is to be expected on the removal of the temporary classrooms located in the northeastern section of the site, however, this will be short term and during daytime hours. The Councils Environmental Health Section (EHS) highlights that the proposal shows a small plant room located to the northern façade of the proposed development, approximately 12m from the nearest residential property and they have recommended that the doors to the plant room are kept in the closed position, except for the purposes of ingress and egress. This is to protect amenity at nearby sensitive receptors. If planning permission is forthcoming, this can be included as a planning condition.

Road Safety, Traffic, and Parking

With regards to transportation the SPPS aims to secure improved integration with land-use planning, to facilitate safe and efficient access, movement and parking. Additionally Planning Policy Statement 3 Access, Movement and Parking PPS 3 seeks to ensure that prejudice to road safety does not occur as a result of development. Policy AMP 2 of PPS 3 requires that any proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

The application site can be accessed via the existing access arrangement on the Hillmount Avenue, the proposal does not include any changes to the existing access arrangement. Initially clarification was sought from the applicant regarding a proposed temporary construction access onto Merrion Avenue, however, it has been confirmed that this is not part of the proposal and reference was removed from the site plan. A Transport Assessment Form (TAF) (Document 08) was submitted in support of the application, it is indicated within the TAF that as the proposal is for an extension and upgrade to the existing facilities that all traffic associated with the site is already existing on the local and wider road network. It is highlighted that the proposed pupil and staff numbers will remain as existing that being 525 pupils and 50 staff. The proposed development is not anticipated to increase the number of trips to the site, there are no proposed changes to the existing parking/drop-off areas, crossing points or set down areas. DfI Roads has indicated that if it is accepted that there is no intensification of use then DfI Roads has no objection to the access arrangements, as indicated above it is advised that there is no increase in either pupil or staff numbers and as such it is accepted that there is no intensification in use. It is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

Collectively Policies AMP 1, AMP 7 and AMP 9 of PPS 3 require that an accessible environment is created with adequate provision for car parking and appropriate service arrangements and the design of car parking is of a high standard of design, layout and landscaping. The proposal will not result in an increase in staff or pupil numbers and therefore there are no additional car parking requirements arising from the proposed school extension. The proposal does not include any amendments to the existing car park arrangements.

Natural Heritage

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

only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

The majority of the application site is located on brownfield land which has been previously developed and which is currently utilised for existing buildings and or hardstanding which are to be demolished as part of the proposal. The proposal also results in the removal of a small portion of trees and decorative landscaping. The applicant has submitted a Preliminary Ecological Appraisal (PEA) (Document 05) and Bat Survey Report (Document 06) in support of their application. The PEA concluded that the existing mobile buildings had moderate bat roost potential. The Bat Roost Survey Report indicated that during the surveys no foraging, no flight paths or bat roosts were observed. Consultation was carried out with DAERA's Natural Environment Division (NED) who raised no objections to the proposal.

Other Matters

Flood Risk

PPS15 seeks to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere. Policy FLD 3 of Planning Policy Statement 15 'Planning and Flood Risk' (PPS15) requires any change of use involving new buildings and or hardsurfacing exceeding 1000 square metres in area is to be accompanied by a Drainage Assessment. A Drainage Assessment (Document 07/1) was submitted in support of the application and consultation was carried out with DfI Rivers, who indicated that the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. DfI Rivers has reviewed the applicant's Drainage Assessment and advise that while not being responsible for the preparation of the Flood Risk Assessment, they accept its logic and have no reason to disagree with its conclusions.

CONCLUSION

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

- The principle of the development has been established;
- The design, layout and appearance of the proposal on balance is acceptable;
- There are no significant neighbour amenity concerns;
- There is no significant flood risk associated with this development;
- There are no significant natural and built heritage concerns;
- There are no significant access concerns, with the parking provision within the context of the site considered acceptable;

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

2. Within 12 weeks of the development hereby permitted becoming operational the existing buildings coloured green on the approved plan, Drawing Number 01 date stamped 14th December 2023 are demolished, all rubble and foundations

removed and the site restored in accordance with the details on the approved plans.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

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

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

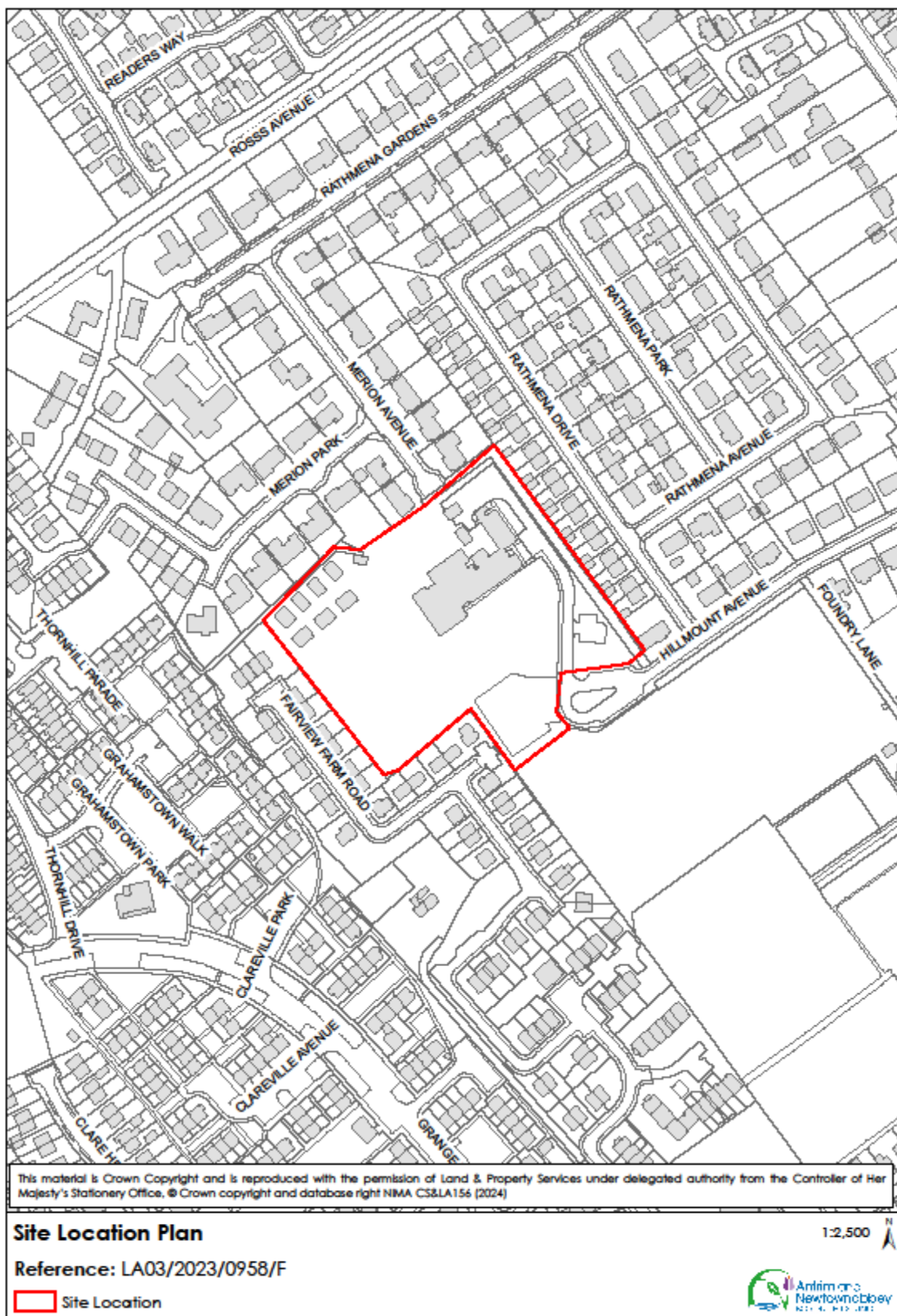
Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

4. The existing hedgerow and vegetation along the western boundary of the site as indicated in purple of Drawing No 04 date stamped 14th December 2023 shall be retained at a minimum height of 2 metres or as agreed in writing with the Council.

Reason: To ensure the maintenance of screening to the site.

5. If any retained tree or hedgerow is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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



COMMITTEE ITEM	4.3
APPLICATION NO	LA03/2023/0600/F
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	CALLED IN BY MEMBER
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Demolition of part of the existing Tramways Shopping Centre, proposed extension to existing Eurospar retail unit along with additional associated forecourt parking and new landscaped space to link beside remaining Tramways Shopping Centre.
SITE/LOCATION	290 Antrim Road, Newtownabbey, BT36 7QT
APPLICANT	Henderson Group
AGENT	Fleming Mounstephen Planning
LAST SITE VISIT	31 st January 2024
CASE OFFICER	Morgan Poots Tel: 028 90340419 Email: morgan.poots@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located at 290 Antrim Road, Glengormley, which is within the development limits of the Belfast Urban Area within the Belfast Urban Area Plan. The site is located within the development limits of Metropolitan Newtownabbey and designated as a Local Centre (MNY 21) as defined in the draft Belfast Metropolitan Area Plan (published 2004).</p> <p>The site comprises an existing Eurospar retail unit with three (3) retail/hot food units located in the southwestern corner of the site with existing petrol forecourt and parking provision to the northeast of the site. The site also includes part of the existing Tramways Shopping Centre to the northwest.</p> <p>The roadside boundary of the site is partially defined by a 1m high metal fence and partially open to the Antrim Road. The remainder of the site is defined by 2m high security fencing. The surrounding area is characterised by a mix of uses including retail units, financial services, hot food takeaways and a primary school directly adjacent to the site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2003/0480/F Location: Unit 6, Tramways Centre, Antrim Road, Glengormley, BT36 7TS Proposal: Change of use from retail unit to cafe Decision: Permission Granted (08/09/2003)</p> <p>Planning Reference: U/2006/0087/F Location: Unit 1, Tramways Centre, Antrim Road, Glengormley, BT36 7QN Proposal: Change of use from retail unit to bingo club Decision: Permission Granted (15/03/2007)</p>	

Planning Reference: U/2005/0509/F

Location: 290 Antrim Road, Collinward, Newtownabbey

Proposal: Erection of replacement forecourt and convenience store and 3no. retail units and offices to include demolition of existing forecourt, convenience store and tyre depot.

Decision: Permission Granted (11/09/2007)

Planning Reference: U/2010/0287/F

Location: Spar/BP Glenwell, 290 Antrim Road, Glengormley, Newtownabbey

Proposal: Proposed replacement Spar convenience store with petrol court and 3no. attached hot food units

Decision: Permission Granted (05/04/2011)

Planning Reference: U/2013/0230/F

Location: Unit 1 290 Antrim Road, Glengormley, Belfast

Proposal: Proposed change of use from hot food unit to retail unit

Decision: Permission Granted (04/10/2013)

Planning Reference: LA03/2018/0700/A

Location: Tramways Shopping Centre, Farmley Road, Newtownabbey, BT36 7TS

Proposal: LED sign

Decision: Consent Granted (05/10/2018)

Planning Reference: LA03/2019/0262/F

Location: Eurospar, 290 Antrim Road, Glengormley, BT36 7QT

Proposal: Proposed single storey rear extension and proposed single storey first floor extension on existing flat roof. Internal reconfiguration of existing shop, changes to elevations, removal of car wash and alterations to existing car parking.

Decision: Permission Granted (04/07/2019)

Planning Reference: LA03/2019/0694/A

Location: Eurospar, 290 Antrim Road, Glengormley, BT36 7QT

Proposal: Shop signs and replacement totem

Decision: Consent Granted (08/10/2019)

Planning Reference: LA03/2023/0235/F

Location: Lands adjacent to 242-382 Antrim Road, 1-29 & 2-36 Ballyclare Road, the Lilian Bland Community Park, 2-6 Hightown Road, 2-4 & 1-17 Farmley Road, 1-3 Carnmoney Road, 170-178 & 167 Church Road, Farrier Court, 1 Glenwell Road, 1-3 Church Way and the Tramways Centre, Glengormley

Proposal: Public realm improvements comprising the resurfacing of existing footpaths and spaces and new roadside kerbs; new/replacement tree planting and soft landscape; new/replacement feature lighting; new/replacement railings and walls; new/replacement street furniture and realignment of pedestrian crossings and parking areas

Decision: Permission Granted (25/09/2023)

PLANNING POLICY AND GUIDANCE

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

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

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

Belfast Urban Area Plan (BUAP): The application site is located within the development limit. The application site is not located within any designated city or town centre. BUAP states that new shopping schemes outside the city centre should be located in or near existing shopping centres and be of an appropriate scale.

Draft Belfast Metropolitan Area Plan and Belfast Metropolitan Area Plan (published 2004): The application site is located within the development limit of Metropolitan Newtownabbey. The site is located within a local centre (MNY 28).

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.

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

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

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

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

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

CONSULTATION

Belfast International Airport- No objection

DfI Rivers- No objection

DfI Roads- No objection

Environmental Health Section- No objection

Northern Ireland Water Strategic- Refusal Recommended

DAERA: Natural Environment Division- No objection

DAERA: Regulation Unit – No objection, subject to conditions

DAERA: Water Management Unit- No objection

Shared Environmental Services- No objection, subject to conditions

REPRESENTATION

Thirty-nine (39) neighbouring properties were notified of the application and two (2) letters of objection have been received on behalf of one (1) notified property.

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

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

- Impact on existing retail stores;
- Lack of linkages to Tramways;
- Poor design;
- Demolition of existing archway;
- Increases the use of the private car;
- Out of character with the area; and
- Lack of landscaping.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Design, Layout and Impact on Character and Appearance of the Area
- Residential Amenity
- Land Contamination
- Access, Movement and Parking
- Flood Risk
- Other Matters

Preliminary Matters

Environmental Impact Assessment

The proposed development falls within Category 2, 10 (B) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. Regulation 12 of the Planning (Environmental Impact Assessment) (EIA) Regulations (NI) 2017 requires the Council to make a determination as to whether the proposed development would or would not be deemed EIA development. In this case the development falls to be considered within Category 2 (10) (B) of the Planning (EIA)

Regulations (NI) 2017: 'Urban development projects, including the construction of shopping centres and car parks'. An EIA is required where the area of the development exceeds 0.5 Hectares. In this case the application site measures 0.55 hectares in area and in accordance with the Regulations, a screening exercise must be carried out in order to determine whether or not an Environmental Statement is required. It was concluded that an Environmental Statement was not necessary on this occasion as it is considered that the environmental impacts will not be significant.

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

The application site is located at 290 Antrim Road, Glengormley, and comprises an existing petrol filling station, convenience shop (Eurospar) and part of an existing shopping centre (Tramways). The current Eurospar has 836 square metres of floorspace of which 433 square metres is retail sales and 64 square metres of food preparation area giving an existing total net retail floorspace of 497 square metres. The proposal seeks to demolish part of the Tramways Centre and extend the retail and hot food preparation area of the existing Eurospar.

The proposed extension consists of an additional 539 square metres of floorspace, of which 367 square metres is indicated for retail, 127 square metres for food preparation area for a butchers/bakery and 28 square metres for a post office. The proposed extension therefore has a total retail floorspace of 522 square metres. The overall floorspace of the Eurospar is indicated as 1375 square metres of which a total of 955 square metres is retail.

The application site is located within the settlement limit of the Belfast Urban Area and comprises white land (i.e. It is unzoned for any purpose) as defined in the extant plan, the Belfast Urban Area Plan. Whilst the BUAP has a number of shopping policies, the retail policy set out in the SPPS now takes precedence over the shopping policies contained in BUAP and form the most relevant policy context for the assessment of this aspect of the current development proposal.

The SPPS requires a 'Town Centre First' approach to the consideration of applications for retail and main town centre uses. The SPPS defines 'town centre uses' as including 'cultural and community facilities, retail, leisure, entertainment and business' and generally precludes any such proposal that would cause unacceptable harm to any protected centre. Although the hot food element of the proposal is classified as 'sui generis' as defined by The Planning (Use Classes) Order (Northern Ireland) 2015, the retail extension and hot food preparation area fall within main 'town centre uses'.

The SPPS states that where retail uses are proposed outside the main town centres, a sequential test should be applied to establish whether or not sequentially preferable sites exist within the catchment area of the proposal, paragraph 6.389 of the SPPS expects applicants to identify and demonstrate why alternative sites are not suitable, available and viable.

Paragraph 6.281 of the SPPS states that applications for main town centre uses should be considered in the following order of preference and consider all of the proposal's catchment:

- primary retail core;
- town centres;
- edge of centre; and
- out of centre locations, only where sites are accessible by a choice of good public transport modes.

In addition, Paragraph 6.283 of the SPPS requires that all applications for retail or town centre type developments above a threshold of 1,000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the local development plan should be required to undertake a full assessment of retail impact as well as need.

The closest primary retail core to the application site is Belfast City Centre which is approximately 7 miles away from the application site. Metropolitan Newtownabbey is unique in that it does not have a defined town centre but is well served by two district centres; Abbeycentre and Northcott.

Whilst the site is not identified within any particular zoning or town centre location as defined within BUAP, Glengormley has a wide range of retailing, commercial and town centre uses within close proximity to the application site. For this reason, Glengormley is considered to function as a local centre. This is substantiated by the zoning of Glengormley as a Local Centre (MNY 28) within draft Belfast Metropolitan Area Plan (dBMAP). Given the functionality of Glengormley as a local centre, and the size of the proposed retail provision which falls under 1000 square metres, it is not considered necessary for an assessment of need or a retail impact assessment to be provided for the proposal.

One (1) objector raised concerns over the impact that the proposal would have on existing retail units in the area. As outlined above, the application site is located within Glengormley which functions as a local centre. The proposal results in an additional 422 square metres of retail floor space (including retail sales area, butcher, bakery and post office) providing an overall retail floorspace of 955 square metres. Given the functionality of Glengormley as a local centre, it is considered to be an appropriate location for the retail provision proposed. The proposal involves

the demolition of an existing 780 square metres of retail space within the Tramways Centre, albeit these are smaller, individual units. Given the size and scale of the proposal and its location within a functional local centre, it is considered that the proposed development will not undermine the viability or vitality of Northcott or Abbey Centre District Centres and the variety of uses contained within.

Policy R6 of draft BMAP states that along arterial routes and within Local Centres, including Glengormley, planning permission will be granted for retail development proposals to serve local needs provided that they do not exceed 500 square metres of gross floorspace for convenience shopping. The proposal will result in a total retail floor space of 955 square metres which is in excess of the 500sqm stipulated in Policy R6. The adopted plan covering the application is BUAP, and although the draft BMAP is a material consideration, it is considered that this is a draft Policy and the weight attached to this policy is not determining in this case.

In conclusion, due to the functionality of Glengormley as a local centre, the established retail use on site along with mixed use facilities in the wider area, the acceptable scale and nature of the proposed development which is considered appropriate to the site and location, the principle of development is therefore acceptable, subject to all other material considerations.

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

As outlined above the proposal involves an extension to an existing retail unit and partial demolition of the existing shopping centre. The partial demolition of the Tramways Centre involves one of the two blocks, the one to be demolished comprises 7no. units consisting of a casino and games arcade, food retail units, a gym, a clothes shop and café. The demolition also relates to the existing entrance and archway associated with Tramways.

One (1) objector raised concerns over the design of the proposal and how it appears out of character in the area. The design of the proposal reflects a continuation of the approved design of the existing petrol filling station on site and will read in association with this use. The extension measures approximately 8m in height, 12.6m in width and 22m in length. The extension is finished in grey and dark grey aluminium cladding, double glazed curtain walling and feature red surrounds. The proposal also includes the upgrade of the existing petrol filling station including replacement of the existing windows. The scale and massing of the proposal is considered appropriate and will not appear out of character in the context of the site of the wider surrounding area.

While the proposal includes proposed window displays and entrance doors, the elevation which faces onto the remainder of the Tramways building will have a relatively blank gable with the exception of a wraparound window adjacent to the car park area. However, the Tramways Centre consists of several vacant retail units and a blank elevation at the Casino Slots Games Arcade which do not provide an attractive outlook to the remaining centre. The proposal is also considered to provide an attractive frontage on to the main Antrim Road which is viewed as an improvement. Therefore, the design and appearance of the proposal is considered on balance to be acceptable.

One (1) objector raised concerns over the demolition of the existing archway to the front and rear to accommodate the proposal as it is deemed to be an important

feature for identifying the access to the remaining units in the Tramways Centre. The archway to the rear of the site adjacent to the car park is to be replaced with a 1.8m high paladin fence and gates. It is considered that the proposal represents a change to the existing access but it is not considered that the removal of the archways will prevent visitors from being able to locate and access the remaining units within the Tramways Centre. The proposal will also open up the entrance from the public car park which the applicant has stated is preferable in terms of accessibility. It will also be enhanced with new landscaping and seating.

One (1) objector raised concerns over the landscaping associated with the proposal, the lack of linkages to the Tramways Centre and a lack of natural surveillance. The proposal includes areas of landscaping along the northwestern boundary of the site adjacent to the remaining Tramways units. The landscaping consists of planted areas wrapped around the additional car parking area and along the boundary of the site with rendered walls to the perimeter. Benches are proposed to be interspersed between the planted areas with steps down to the extended petrol filling station. The proposal provides active linkages and connectivity between the Antrim Road and the remaining units within Tramways Centre which is considered to be more attractive than what currently exists. The landscaped area and pathway is to be closed off at night which is thought to ameliorate any concerns over surveillance.

Critical views of the site are achieved when travelling along the Antrim Road in both directions which generates a high level of vehicular activity. However, the proposal is considered to be appropriate for the centre of Glengormley and does not appear out of character in the context of the site and the wider area. The design and appearance of the extension is modern but is considered to be an enhancement in terms of the visual amenity of the area.

Residential Amenity

The application proposes an extension to the existing retail unit and partial demolition of the existing Tramways Centre. The surrounding area is characterised by mixed use development consisting of retail, hot food takeaways, gyms and financial and professional services. The nearest residential property is located approximately 80m southwest of the proposed extension. It is considered that the proposal is compatible with the surrounding area and land uses and there is not thought to be any significant neighbour amenity concerns.

Odour and Noise Impact Assessments were submitted, Documents 03 and 04 date stamped 27th July 2023. The Council's Environmental Health Section has reviewed these documents and are content that the proposal can operate without any adverse impact on surrounding properties subject to the inclusion of a condition restricting opening hours and noise and odour levels.

Land Contamination

The proposed development is within an existing petrol filling station, which have historically been known to be a possible source of contamination. Given the potential risks of contamination on the site, a Generic Quantitative Risk Assessment (GQRA) (Document 10, date stamped 1st November 2023), a Preliminary Ecological Appraisal (PEA) (Document 11, date stamped 1st November 2023) and Preliminary Risk Assessment (PRA) (Document 07 date stamped 27th July 2023) were submitted to identify any potential land contamination issues for the application site.

Natural Heritage

A Preliminary Ecological Appraisal, dated June 2023 (Document 11) has been submitted in support of the application. NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.

It is therefore considered the proposal complies with Planning Policy Statement 2 'Natural Heritage'.

The Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Services. This found that the project would not have an adverse effect on the integrity of any European site. Shared Environmental Services has raised no objection to the proposal, subject to conditions.

Access, Movement and Parking

The application site fronts on to the Antrim Road, a main arterial traffic route. The existing two (2) vehicular access points will remain unaltered by the proposal. The existing one-way system throughout the site will continue to operate.

A Transport Assessment Form (Document 05, date stamped 27th July 2023) outlines that sixteen (16) additional car parking spaces are proposed as part of the development which will be located in the northern corner of the site where the Tramways Centre is to be demolished. This will give a total of 78 car parking spaces and twelve (12) fuel pumps for the entire site.

Based on DfI Parking Standards it has been calculated that 107 parking spaces are needed for a premises of this size and scale. The parking provision at the site at present is operating at approximately 85% of the required parking spaces as set out within Parking Standards. The proposed site layout drawing indicates adequate parking for the proposed extension to uphold the level of parking to 85% of what is required. Therefore, although there is a shortfall of 17no. spaces for the overall site, the parking shortfall will not be exacerbated by the proposed development. It is therefore considered that the level of parking is acceptable in this urban location.

Furthermore, the application site is within an urban location in the centre of Glengormley and well connected to existing public transport links with several bus stops located in the local vicinity. The site is connected to the existing public footway network along the Antrim Road and is within easy walking distance of the neighbouring residential areas including Farmley Road, Harmin Park and Carnmoney Road which will reduce the demand for car parking. It is also considered that the proposal will attract a number of shared trips to the surrounding uses including hot food takeaways, beauty salons and professional services.

One (1) objector raised concerns that the proposal would lead to an increased demand for private car travel. However, as outlined above and within the submitted Transport Assessment Form, Document 05, date stamped 27th July 2023, the proposal is located in the centre of Glengormley and is well served by pedestrian footpaths and public transport. While it is accepted the proposal may result in an increase in the number of visitors to the site, it has been demonstrated that the proposal does

not rely solely on car use and as such it is not considered that the proposal would lead to a significant increase in private car use.

DfI Roads was consulted and offered no objections subject to conditions. It is considered that for the reasons outlined above, the shortfall in parking provision is not determining in this instance.

Flood Risk

Planning policy set out in PPS 15 introduces a presumption against development in the Q100 fluvial floodplain. However, the application site is not located within the 1 in 100-year fluvial floodplain but is within an area of surface water flooding. A Drainage Assessment, Document 06, date stamped 27th July 2023, was submitted as part of the application. DfI Rivers and DAERA Water Management Unit were consulted on the application and are content with the submitted Drainage Assessment. It has been demonstrated that adequate measures would be put in place to mitigate any surface water flooding to the proposed development and the surrounding area.

Other Matters

NI Water

NI Water was consulted on the proposal and has responded recommending a refusal as the receiving foul sewer network in the area has reached capacity. The issue of a connection to the public sewer is a matter controlled by separate legislation, namely, Article 161 of the Water (Northern Ireland) Order 1999. The role of the planning system is not to duplicate the regulatory controls of other statutory bodies and matters which lie outside the control of planning should not form part of the decision making process unless it is demonstrated that the development would result in adverse impacts on the environment. In this case the adverse impacts would arise from the development causing capacity issues to Waste Water Treatment Works resulting in an overloading of the system.

NI Water can make an assessment of whether the sewage infrastructure has sufficient capacity to cope with the development and then decide to grant or refuse consent to connect to the sewer. Provided that no development could commence until such times as the necessary Article 161 agreement was obtained then no adverse impacts would arise. This is a matter which could be negatively conditioned should planning permission be forthcoming and therefore a reason for refusal on this issue could not be sustained.

In conclusion, the imposition of the recommended planning condition will ensure the proposed development has no significant risk of environmental harm and public disamenity including pollution, flooding and detrimental impact on existing properties.

Economic Benefit

The applicant sets out within Document 01, date stamped 27th July 2023 that the development represents a significant investment of £2.95M and there will be an additional 12 approx. jobs in a range of full and part time positions at the Eurospar. The jobs will include a range of managerial, supervisory and customer service roles. Due to the nature of the work many Henderson Retail employees live local to the shops in which they work. Additional salaries of £180,000 approx. per annum will be generated and these will support the local economy. Document 01 also states that the development will support a range of local suppliers and support a range of

construction jobs throughout the construction period. In addition, the extended Eurospar is expected to provide further rates income in the region of some £25,000 per annum to support the delivery of public services.

CONCLUSION

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

- The principle of development has been established on site;
- The design and layout of the proposal is considered to be acceptable;
- The proposal is not considered to have a negative impact on nearby residential neighbours and is compatible with surrounding land uses;
- It has been demonstrated that adequate parking and access arrangements can be achieved without prejudicing road and pedestrian users;
- Appropriate water and drainage conditions have been imposed to ensure details regarding site drainage and water connections are addressed prior to commencement; and
- It has been demonstrated that adequate measures would be put in place to mitigate any flood risk to the proposed development and elsewhere.

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: To comply with the requirements of Section 61 of the Planning Act (Northern Ireland) 2011.

2. The total net retail floorspace of the retail unit 01 (as outlined in red on drawing 07 dated 27 July 2023 shall not exceed 955 square metres measured internally.

Reason: To enable the Council to control the nature, range and scale of retailing to be carried out at this location.

3. The net retail floor space of the retail unit hereby approved shall be used only for the retail sale of convenience goods and for no other purpose, including any other purpose in Class A1 of the Schedule of the Planning (Use Classes) Order (NI) 2004.

Convenience goods for this purpose are hereby defined as:-

- a. food, drink and alcoholic drink;
- b. tobacco, newspapers, magazines and confectionery;
- c. stationery and paper goods;
- d. toilet requisites and cosmetics;
- e. household cleaning materials
- f. other retail goods as may be determined in writing by the Department as generally falling within the category of 'convenience goods'.

Reason: To enable the Council to control the nature, range and scale of retailing to be carried out at this location.

4. There shall be no deliveries at the rear of the building between 23:00 and 07:00 hours.

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

5. The retail/hot food units outlined in red or blue on Drawing No. 07, date stamped 27th July 2023 shall not be amalgamated without the prior written consent from the Council.

Reason: To enable the Council to control the nature, range and scale of retailing to be carried out at this location.

6. Prior to the development hereby approved becoming operational a 'high level of odour control', commensurate with the high level of odour control specified in EMAQ+ "Control of Odour and Noise from Commercial Kitchen Exhaust Systems' shall be installed into any commercial kitchen within the development and shall be retained for the lifetime of the development.

Reason: In order to prevent any adverse odour impact on amenity at nearby sensitive receptors.

7. During the operational lifetime of the development hereby permitted the extracted air from the odour abatement system shall be discharged not less than 1m above eaves height of the approved development and shall be capable of achieving 10-15m/s discharge.

Reason: In order to prevent any adverse odour impact on amenity at nearby sensitive properties.

8. The extraction and ventilation system must be cleaned and maintained in perpetuity for the lifetime of the development and in line with maintenance detailed within Section 3.0 of Document Number 03, date stamped 27th July 2023 to ensure compliance with Condition 7.

Reason: In order to protect amenity at nearby sensitive receptors from adverse impacts of cooking odours.

9. No construction activities shall be undertaken within the development hereby approved, until a detailed remediation strategy and implementation plan, has been submitted to and agreed with the Council.

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

10. The approved development shall not be occupied until the mitigation measures as presented within the agreed remediation strategy and implementation plan have been fully implemented and verified to the satisfaction of the Council.

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

11. There shall be no amendments or deviations from the remediation and verification recommendations contained within the agreed detailed remediation strategy and implementation plan without the prior written approval of the Council.

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

12. Should an unacceptable risk to human health be identified, a remediation strategy shall be submitted to be agreed with the Council before being implemented.

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

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

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

14. After completing the remediation works under Condition 13 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

15. Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) should be submitted to the Council, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. The final CEMP must identify all potential risks to the water environment and must incorporate all of the pollution prevention measures detailed in the outline CEMP. The approved final CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the Council.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and to ensure the project will not have an adverse effect on the integrity of any European Site.

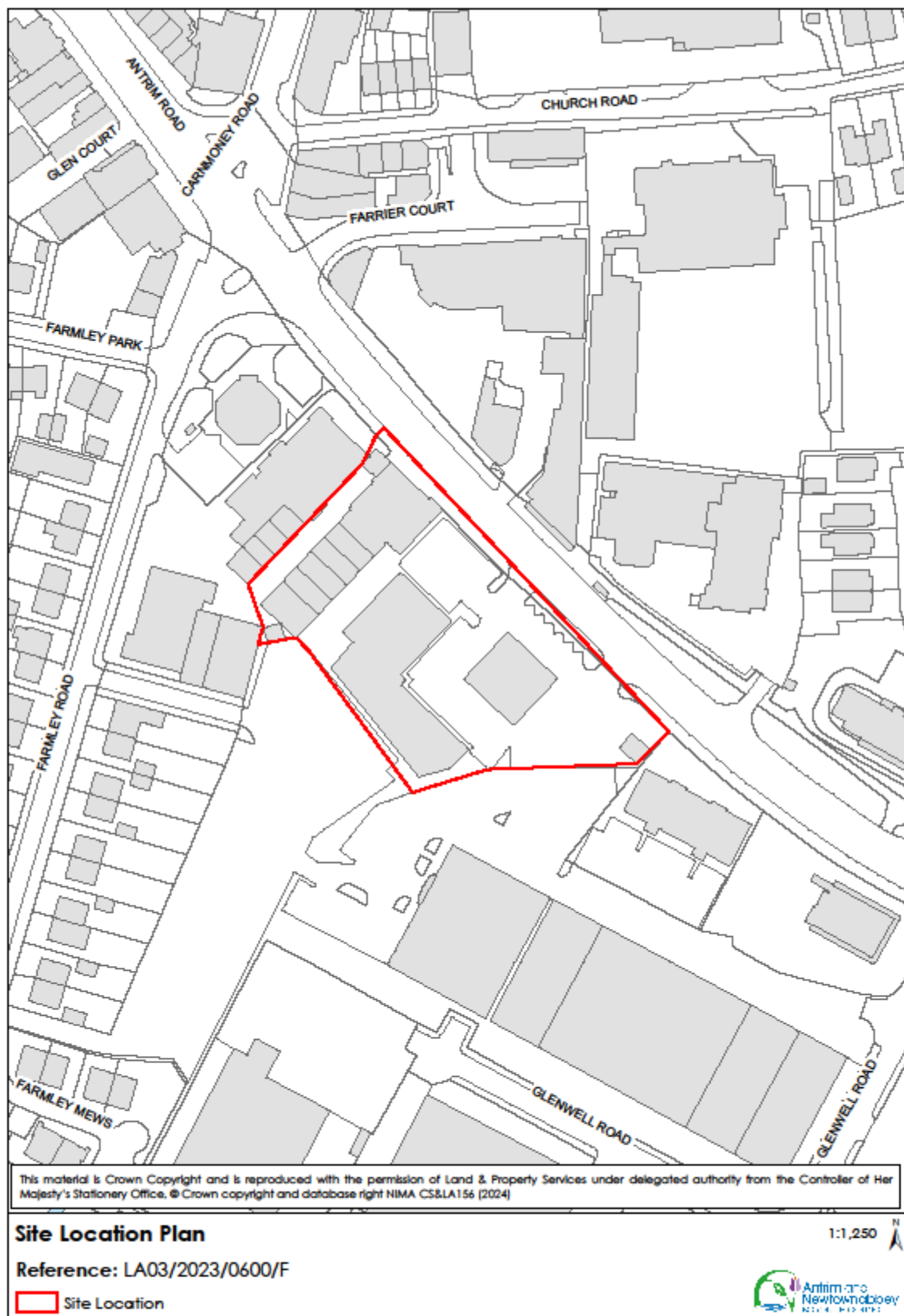
16. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers,

species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

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

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

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



COMMITTEE ITEM	4.4
APPLICATION NO	LA03/2023/0963/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed development of vacant land for storage and distribution of fireworks including erection of storage units, office accommodation, associated site works, concrete set down area, perimeter fence, gates and security protection system
SITE/LOCATION	120m east of No. 23 Ladyhill Road, Ladyhill Quarry, Antrim, BT41 2RF
APPLICANT	FW Imports
AGENT	Mark Campbell
LAST SITE VISIT	14 th February 2024
CASE OFFICER	Morgan Poots Tel: 028 90340419 Email: morgan.poots@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located approximately 120m east of No. 23 Ladyhill Road, Antrim within the former Ladyhill Quarry site. The site is situated approximately 2.5 miles northeast of Antrim Town and is within the countryside, outside any designated development limit as defined in the Antrim Area Plan 1984-2001.</p> <p>The site currently consists of an area of vacant land within the former Ladyhill Quarry site and measures approximately 0.95 ha in area. The quarry site is surrounded by existing 2m high security fencing.</p> <p>Outside the former quarry site, the surrounding area is characterised predominately by open countryside with single dwellings and agricultural fields located along Ladyhill Road. Existing warehouse units are located at 19 Ladyhill Road, whilst there is no planning history available for these units, images obtained from Google Street View show they have been in existence from at least September 2008.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2014/0486/F Location: Ladyhill Quarry, 23 Ladyhill Road Proposal: Quarry Site (Variation of Condition 03 of planning approval T/2002/0020/F to decrease landfilling operations to 07:00 - 18:30 Monday to Friday and 07:00 - 17:00 on Saturdays with exceptional Sundays) Decision: Permission Granted (15/06/2015)</p> <p>Planning Reference: T/2002/0020/F Location: Ladyhill Quarry, 23 Ladyhill Road</p>	

Proposal: Change of use from a quarry to a site for the disposal of refuse & waste by landfilling.

Decision: Permission Granted (25/11/2008)

Planning Reference: T/1979/0080

Location: 23 Ladyhill Road

Proposal: Existing quarry development

Decision: Permission Granted (13/03/1980)

Planning Reference: T/1974/0282

Location: 23 Ladyhill Road

Proposal: Quarry development

Decision: Permission Granted (30/07/1976)

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

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

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

PPS 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

Northern Ireland Water Strategic- No objection

Department for Infrastructure Roads- No objection

The Department of Justice, Firearms and Explosives Branch – No objection

DfI Rivers- No objection

Northern Ireland Electricity- No objection

PSNI Information and Communications Services- No objection

DAERA Water Management Unit- No objection

DAERA Regulations Unit- No objection

Health and Safety Executive for Northern Ireland- No objection subject to condition

REPRESENTATION

Six (6) neighbouring properties were notified and one (1) letter of objection has been received on behalf of one (1) notified property.

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

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

- Non-compliance with planning policy;
- Previous approval;
- Potential export/import hub;
- Future precedence; and
- Impact on biodiversity

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Design and Appearance and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Flood Risk

- Access, Movement and Parking
- Other Matters

Preliminary Matters

Environmental Impact Assessment

The proposed development falls within Category 2, 10 (B) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. Regulation 12 of the Planning (Environmental Impact Assessment) (EIA) Regulations (NI) 2017 requires the Council to make a determination as to whether the proposed development would or would not be deemed EIA development. In this case the development falls to be considered within Category 2 (10) (B) of the Planning (EIA) Regulations (NI) 2017: 'Urban development projects, including the construction of shopping centres and car parks'. An EIA is required where the area of the development exceeds 0.5 hectares. In this case, the application site measures 0.95 hectares in area and in accordance with the Regulations, a screening exercise must be carried out in order to determine whether or not an Environmental Statement is required. It was concluded that an Environmental Statement was not necessary on this occasion as it is considered that the environmental impacts will be limited.

Planning History

One (1) objector raised concerns over a previous permission for landfill at the site and the impact the previous approval would have on the current application. It is noted that planning permission was granted for the change of use from a quarry to a site for the disposal of refuse and waste by landfilling (Ref: T/2002/0020/F and subsequent discharge of condition application, Ref: T/2014/0486/F) for the wider site on 4th September 2008. The objector raises concerns that if this permission is live then significant environmental hazards would need to be addressed under the current application, for the storage of fireworks in an area where landfill use would result in the release of combustible gases.

It has been confirmed in an email from the agent, dated 20th March 2024, that this permission was commenced as the pre-commencement conditions outlined in application Ref: T/2014/0486/F including the access, sight splays and fencing have been put in place. However, the agent has confirmed that no waste landfill operations have commenced.

It is considered that this current application is essentially a standalone application for the storage and distribution of fireworks, if the agent wished to ascertain whether works were commenced lawfully on site for T/2002/0020/F, a CLUD (Certificate of Lawful Use or Development) could be submitted to the Council.

Separate licences are required for the possession of fireworks under the Pyrotechnic Articles (Safety) Regulations 2015 and the responsibility is with the applicant to ensure they have the necessary licences. The Health and Safety Executive has been consulted on the application and responded with no objection subject to condition regarding suitable edge protection fencing. The Department of Justice, Firearms and Explosives Branch were consulted and indicated that they have no objections in principle to the siting of the facility.

Hazardous Substances

The agent confirmed in an email dated 17th April 2024 that the types and quantity of hazardous substances to be stored on site falls under the threshold for a Hazardous Substance Consent in line with The Planning (Hazardous Substances) Regulations (Northern Ireland) 2015. The applicant seeks to store under 2 tonnes of potassium nitrate, which can give off irritating/toxic fumes (or gases) in a fire. Whilst there is no information submitted from the agent concerning safety or fire risk, no further information has been requested, as the principle of development is considered unacceptable as outlined below.

Policy Context and Principle of Development

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

The Antrim Area Plan (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 the 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 CTY1 of PPS21 states that there are a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It says that planning permission will be granted for non-residential development in the countryside for industry and business uses in accordance with PPS4. It also acknowledges that there are a range of other types of non-residential development that may be acceptable in principle in the countryside but that these will continue to be considered in accordance with existing published planning policies. Policy CTY1 also requires that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.

PPS4 'Planning and Economic Development' sets out the planning policies for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans. For the purposes of this PPS, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015. Class B4 covers the use for storage or as a distribution centre. The proposed development is for the storage and distribution of fireworks in the countryside. Policy PED2 of PPS 4 sets out the policy context for considering economic development in the countryside.

Policy PED 2 of PPS 4 'Economic Development in the Countryside' outlines that proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:

- The Expansion of an Established Economic Development Use – Policy PED 3
- The Redevelopment of an Established Economic Development Use – Policy PED 4
- Major Industrial Development – Policy PED 5
- Small Rural Projects – Policy PED 6

The headnote of Policy PED 2 states that all other proposals for economic development in the countryside will only be permitted in exceptional circumstances. No information has been submitted by the agent as to how these circumstances can be considered to be 'exceptional'. In this instance, the agent has outlined within the submitted Supporting Statement (Document 02, date stamped 8th March 2023) that the proposal falls to be considered under Policy PED 4 of PPS 4 'Redevelopment of an Established Economic Development Use in the Countryside'.

One (1) objector raised concerns that the proposal does not meet with any of the policy criteria for countryside development. The objector refers to a similar proposal which was approved within the development limits in Armagh (Application Ref: O/2013/0460/F).

Policy PED 4 states that a proposal for the redevelopment of an established economic development use in the countryside for industrial or business purposes (or a sui generis employment use) will be permitted where it is demonstrated that all the following criteria can be met:

- (a) the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area;
- (b) there would be environmental benefits as a result of the redevelopment;
- (c) the redevelopment scheme deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site; and
- (d) the overall visual impact of replacement buildings is not significantly greater than that of the buildings to be replaced.

It is stated the redevelopment of an established industrial or business site for storage or distribution purposes will only be permitted in exceptional circumstances. The proposal seeks permission for a storage and distribution use and it is considered that there are no exceptional circumstances outlined that would allow for such a use on the application site.

With regards to any visual impacts or potential impact on the character of the area this is discussed in further detail below. It is considered that there are no environmental benefits as a result of the redevelopment proposal. There are currently no buildings on the site and the proposal seeks to erect 20no. shipping containers and an office.

Criterion (C) of PED 4 outlines that the redevelopment scheme deals comprehensively with the full extent of the site. One (1) objector raised concerns over the impact the proposal would have on a future precedent for piece-meal development resulting in numerous businesses operating within the site. The agent has stated within their Supporting Statement that the scope and extent of the development will be contained within the red boundary line. However, the application site encompasses a small section of the wider former Ladyhill Quarry site, with no justification submitted as to how the wider site will be redeveloped under this application. It is not considered that the proposal deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site as per the requirements of criterion (c) of PED 4. The wider site will remain unaltered by the current proposal and would be at risk of future piece-meal development. As such, it is not considered that the proposed storage and distribution proposal can be viewed as a redevelopment proposal.

The Supporting Statement, Document 02, date stamped 8th March 2024, also makes reference to Policy PED 6 'Small Rural Projects' which allows for a flexible approach to ensure adequate provision is made where firm proposals exist for a small rural enterprise that is associated with a village or smaller rural settlement but cannot be accommodated within the settlement. Paragraph 5.25 of Policy PED 6 states that the nature of some small industries may be such as to require physical separation from built up areas because of potential nuisance for instance, noise or smell. In this instance the proposal is sited significantly outside of Antrim Town, however, as the proposal is for the storage and distribution of fireworks, it is not considered that any physical separation from the built up area is likely to be required. As such, it is not considered that Policy PED 6 is the applicable policy context for this proposal. Nevertheless, PED 6 requires that a sequential test is applied in respect of identifying other suitable sites, the Supporting Statement (Document 02) details that this site was chosen to make use of the existing vacant land within the site and utilise the existing vehicle access for security reasons which is not considered to be adequate information to demonstrate an acceptable sequential test.

The proposal is contrary to Policy PED 2 of PPS 4 as it is not (i) the expansion of an established economic development use, (ii) the redevelopment of an established economic development use, (iii) major industrial development or (iv) a small rural project.

Given that the proposal does not meet the criteria set out within the above policies, it is considered that the principle of development is unacceptable as the proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons provided as to why this development is essential in this rural location and could not be located within a settlement. The proposal is

also contrary to Policy PED 2 in that no exceptional circumstances exist as to why the development must be located in this rural location.

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

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area.

In addition, proposed buildings should blend sympathetically with their surroundings and should not appear incongruous in the landscape. The siting and design of new buildings are important to ensure they integrate harmoniously with their surroundings in order to protect the amenity and character of the countryside.

The proposal consists of 20no. 12x2.4m shipping containers for the storage and distribution of fireworks. The proposal also includes a modular office building measuring 12x3m and a toilet measuring 1m². An additional storage container is located north of the office building measuring 6x3m. 3m security fence is proposed around the boundaries of the site to secure the site. The proposed works are set back approximately 200m from the roadside where the topography of the site rises towards the road meaning the proposal will be set at a lower level than Ladyhill Road meaning it will not be visible to road users travelling along this stretch of the road. Therefore, the design of the storage containers and ancillary modular buildings will not have a detrimental impact on the character of this area.

As noted above, the proposal is located within the existing quarry site and set back from the roadside, the proposal will not be visible from the roadside and will be screened by the existing quarry site and the existing warehouse units along Ladyhill Road. Whilst no new planting has been proposed, the proposal does not rely wholly on new landscaping but rather reinforces and utilises the existing roadside defined boundary treatment.

The proposal is thought to comply with the above policy as it will not appear prominent in the landscape, is of appropriate design and makes use of the naturally defined backdrop along the rear of the site. It is considered that the design and appearance of the proposal is acceptable and does not unacceptably impact on the character and appearance of the rural area and complies with policies CTY 13 and 14 of PPS 21 in this regard.

Neighbour Amenity

The application site is located approximately 120m east of No. 23 Ladyhill Road, approximately 215m southeast of No. 26 Ladyhill Road and approximately 200m northeast of No. 21 Ladyhill Lane.

The proposal is for the storage and distribution of fireworks and due to the separation distance from any residential property, the Council's Environmental Health Section has offered no objection to the development proposal.

For the reasons set out above, it is considered that the development proposal is sufficiently removed from nearby sensitive residential receptors that a significant

adverse impact to the residential amenity of those residents by reason of noise nuisance and general disturbance will not occur.

Flood Risk

The Flood Maps (NI) indicates that the site lies outside the 1 in 100 year fluvial and 1 in 200 year costal flood plains. However, a portion of the wider Ladyhill site is subject to surface water flooding.

DfI Rivers has indicated that a Drainage Assessment is required in this instance as the proposal involves the change of use involving hard standing in excess of 1000 sqm as per Policy FLD 3 of PPS 15. A Drainage Assessment, Document 03, date stamped 15th March 2023 was submitted and sent to DfI Rivers and DAERA Water Management Unit who have indicated they are content with the associated drainage of the site. The proposal is considered to comply with PPS 15 in this regard.

Access, Movement and Parking

The proposal utilises the existing access from Ladyhill Road which is to remain unaltered. The proposal includes the provision of 5no. car parking spaces for the modular office building and an area for the loading and unloading of lorries. DfI Roads were consulted on the proposal and raised no objections. The proposal is not considered to prejudice road safety or provide any significant road safety concerns and is therefore considered to be acceptable with regards to PPS 3 'Access, Movement and Parking'.

Other Matters

Consultations

Consultation was carried out with Northern Ireland Electricity, PSNI Information and Communications Services and the Health and Safety Executive for Northern Ireland who offered no objections to the proposal subject to condition.

European Import/Export Hub

One (1) objector raised concerns that the proposal would be used as an EU hub for the import of fireworks into the Republic of Ireland due to the Northern Ireland Protocol/Windsor Agreement as the applicant's address is registered to mainland UK. However, this is considered to be an assumption and no evidence has been submitted to substantiate this claim. It is not considered that this issue can be afforded determining weight in the determination of this planning application.

Impact on Biodiversity

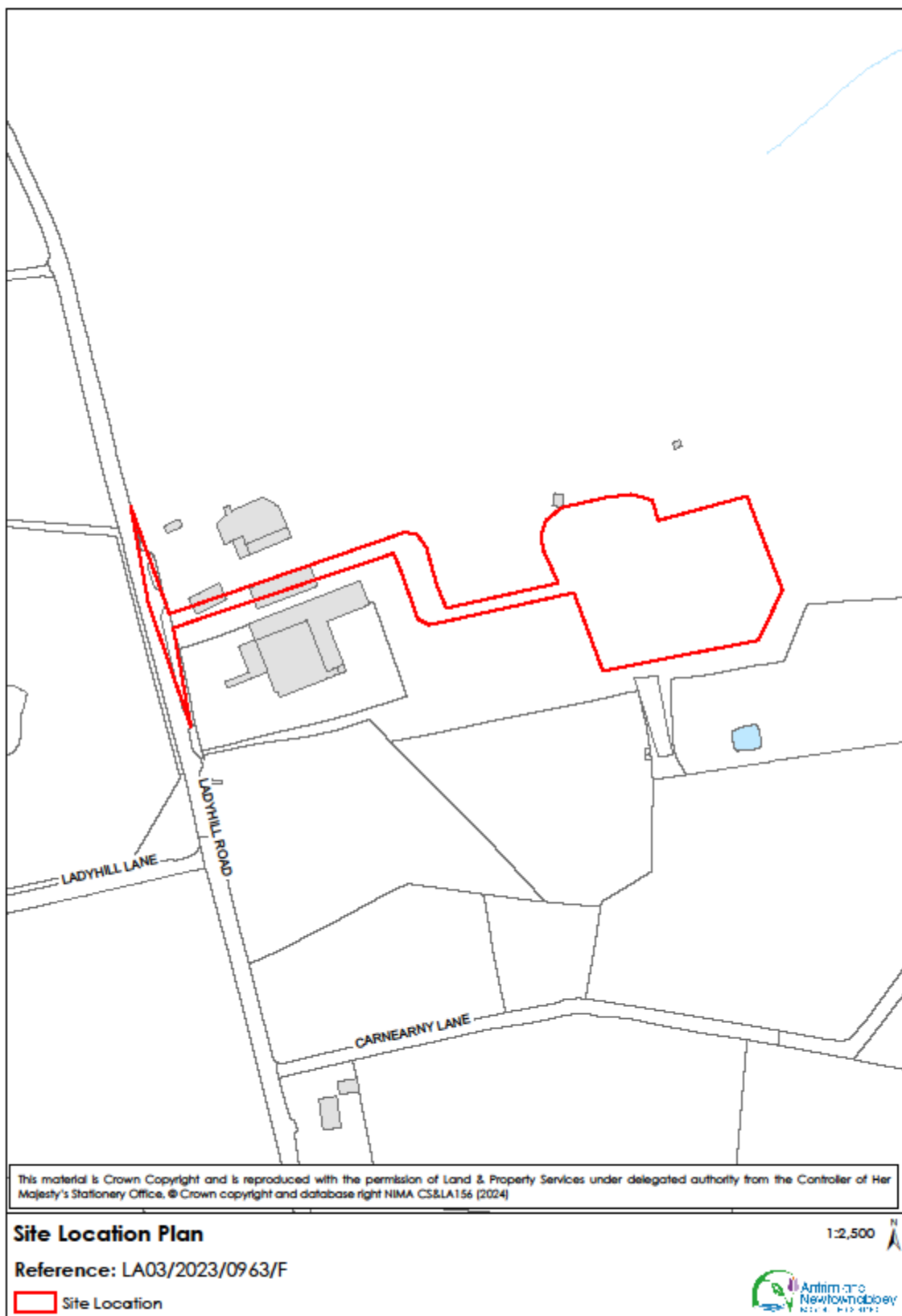
One (1) objector raised concerns over the impact the proposal would have on biodiversity including endangered birds from the impact of noise and light from commercial activity. The proposal is situated at the former Ladyhill quarry which is now disused, the proposal does not include the removal of any trees, vegetation or habitats and as such it is not considered that the proposal will have a significant negative impact on the biodiversity of the area.

CONCLUSION

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

- The principle of the development has not been established as it has not been demonstrated that the proposal complies with any policy outlined in PED 2 of

<p>PPS 4 and no exceptional circumstances exist as to why the development must be located in this rural location;</p> <ul style="list-style-type: none"> • The design and appearance of the proposal is considered acceptable and will not appear out of character in the surrounding area; • The development would not appear prominent and would integrate into the local landscape; • There are no residential amenity issues; • Access, movement and parking arrangements are acceptable; and • It has been demonstrated that there is no flood risk associated with the development proposal. 	
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASONS FOR REFUSAL	
<ol style="list-style-type: none"> 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 PED 2 of Planning Policy Statement 4 "Planning and Economic Development", in that no exceptional circumstances exist as to why the development must be located in this rural location. 	



COMMITTEE ITEM	4.5
APPLICATION NO	LA03/2024/0117/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Hairdressing Salon Building in garden (Retrospective)
SITE/LOCATION	11 Roxhill, Antrim, BT41 3ER
APPLICANT	Joanne McNeilly
AGENT	Aidan McKendry
LAST SITE VISIT	12 th April 2024
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at 11 Roxhill, Groggan, Antrim, which is within the development limits of Groggan as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site is triangular in shape and contains a two storey semi-detached dwelling, single storey garage, and the single storey modular subject building. On-street car parking is provided to the front elevation of the dwelling, with incurtilage parking provided to the rear of the property. Amenity space is also provided to the rear elevation, with the boundaries defined by a 1.8m high timber fence.</p> <p>The surrounding area is predominantly residential, with a mix of house types two storey in height.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2015/0405/F Location: 11 Roxhill, Randalstown Proposal: Single storey rear extension to dwelling and detached garage Decision: Permission Granted (01.10.2015)</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account 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.

CONSULTATION

Council's Environmental Health Section- No objection, subject to condition

Department for Infrastructure Roads- No response

REPRESENTATION

Six (6) neighbouring properties were notified of the proposal and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Amenity Space, Parking and Manoeuvring
- Other Matters

Policy Context

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements including PPS3 Access, Movement and Parking.

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

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

A Supporting Statement, Document 01 date stamped 17th February 2024, in the form of a letter was submitted alongside the application. The letter outlines that the applicant began operating a hairdressing business from her home after the pandemic, and as her client base grew, the subject building was constructed in order to carry out her business without impacting on her home life.

The Statement advises that the business operates from 9am to 5pm on four days of the week, and from 9am to 9pm on one day of the week. The business runs a strict 'appointment only' policy as the business consists solely of the applicant. Therefore, there is a maximum of only 2 clients on the site at any one time, thereby minimising traffic movements. All vehicles are able to drive into the property, park, turn and leave in forward gear.

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

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

Whilst the LDP in this case is not up to date, no assessment of need has been submitted or a sequential test applied regarding the retailing element. No evidence has been submitted to justify the location of the proposal within the curtilage of a dwelling house and it is considered that there are no overriding reasons as to why this business cannot be accommodated within the town centre.

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

Scale, Massing, Design and Appearance

The single storey modular building from which the hairdressing salon operates is located in the rear garden of the existing dwelling. The building measures 7.1m in length, 4.1m in width and 2.7m in height. Internally, the building has the main salon, and two additional rooms providing a kitchen and a toilet. The building is finished in grey wall and roof cladding with black double glazing windows. The building has no external signage to indicate that it operates as a hairdressing salon. The building is set back some 35 metres from the public road and is entirely screened from public view due to its positioning in the rear garden and intervening buildings which block any critical views. Given the limited views of the proposal, it is considered acceptable in terms of size, scale, design and integration.

Neighbour Amenity

Given the small scale nature of the building, existing intervening boundary treatments and structures, and separation distances to neighbouring properties, no detriment by way of loss of light, overshadowing, overlooking or dominance is expected to occur to neighbouring amenity.

The Council's Environmental Health Section was consulted on the proposal and raised no concerns, subject to an attachment of a condition ensuring the development does not operate between the hours of 23:00 and 07:00. Given the context of the development on the site, some noise and disturbance is to be expected, however, this is likely to be at a low level and should not arise outside normal working hours.

Amenity Space, Parking and Manoeuvring

DfI Roads was consulted on the proposal and at the time of writing had not responded to the consultation, however, given the objections in principle to the development it is not considered necessary to delay decision making while awaiting a response.

CONCLUSION

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

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

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



COMMITTEE ITEM	4.6
APPLICATION NO	LA03/2023/0328/O
DEA	AIRPORT
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	Site for infill dwelling and garage
SITE/LOCATION	Lands approx. 90m North West of 154C Seven Mile Straight, Muckamore, Antrim, BT41 4QY
APPLICANT	Mel Lucas
AGENT	Ryan McBirney
LAST SITE VISIT	18 th April 2023
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on lands approximately 90m northwest of No. 154c Seven Mile Straight, Muckamore, Antrim, within the countryside as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site forms a rectangular plot cut out of a wider agricultural field, with an approximate area of 0.49 hectares. The northeastern site boundary is defined by a mature hedgerow measuring approximately 1m in height, with the southwestern (roadside) boundary defined by a 1m high wooden post and rail fence. The remaining boundaries to the southeast and northwest are undefined. A large agricultural outbuilding is located immediately north of the application site and No. 154 Seven Mile Straight is located immediately to the west, both of which are under the ownership of the applicant.</p> <p>A current planning application for a proposed dwelling under application Ref: LA03/2023/0329/O (which will be referred to as Site 2) is located immediately to the southeast of the application site, which is also to be assessed against Policy CTY 8 of PPS 21.</p> <p>The surrounding area is open countryside with a number of dwellings and buildings of an agricultural appearance within the wider area.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2023/0329/O Location: Approx 30m NW of 154c Seven Mile Straight, Muckamore, Antrim, BT41 4QY Proposal: Site for infill dwelling and garage Decision: Under consideration</p> <p>Planning Reference: LA03/2021/0529/F</p>	

Location: Approx 30m East of 154b Seven Mile Straight, Antrim
Proposal: Retrospective application for dwelling and garage
Decision: Permission Granted (07.09.2021)

Planning Reference: LA03/2019/0703/F
Location: Approx 30m East of 154b Seven Mile Straight, Antrim
Proposal: Dwelling and garage on a farm
Decision: Permission Granted (01.11.2019)

Planning Reference: LA03/2018/0706/O
Location: Approx 30m East of 154b Seven Mile Straight, Antrim
Proposal: 1 no. farm dwelling
Decision: Permission Granted (08.10.2018)

PLANNING POLICY AND GUIDANCE

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.

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

Belfast International Airport- No objection, subject to conditions

Council Environmental Health Section – No objection

Department for Communities Historic Environment Division – No objection

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

Northern Ireland Water- No objections

REPRESENTATION

Fifteen (15) neighbouring properties were notified and eight (8) letters of representation have been received from four (4) neighbour notified properties. One (1) additional letter of representation was received from a property outside the neighbour notification area.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal:

(<http://www.planningregister.planningsystemni.gov.uk/simple-search>)

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

- Proposals compliance with policy;
- Creation of further ribbon development;
- Impact on rural character;
- Impact on neighbouring amenity;
- Increased traffic/road safety concerns;
- Loss of outward views;
- Impact on wildlife;
- Devaluation of property; and
- Incorrect site address.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Impact on Character and Appearance of the Area
- Neighbour Amenity
- 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 Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the

transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

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

Whilst the main thrust of Policy CTY 8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

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

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

Both the current application (Site 1) and the adjoining site under planning application Ref: LA03/2023/0329/O (Site 2) will be assessed in conjunction with each other as both proposals are for infill dwellings. The two sites are positioned along the Seven Mile Straight, whereby Site 1 bounds an agricultural field to the west and Site 2 bounds the existing dwelling at No.154c to the east.

No. 154 Seven Mile Straight (approved under application Ref: LA03/2021/0529/F) is located directly west of the site. This permission has been enacted, therefore, the Council is content that a gap exists within an otherwise substantial and continuously built up frontage, made up of Nos. 154c, 154, 154b and 152b Seven Mile Straight. A number of objection letters refer to the properties, which lie adjacent to the site and comment that none of these dwellings have a frontage onto the roadway. This matters relating to each of the aforementioned properties is discussed in further detail below.

The second element of Policy CTY 8 requires the gap to be a small gap site sufficient only to accommodate a maximum of two dwellings. Additionally, the third element

of Policy CTY 8 states that the proposal should respect the existing pattern along the frontage in terms of size, scale, siting and plot size.

The agent submitted a 'Supporting Statement' Document 01 date stamped 2nd May 2023. The agent notes Nos.152 and 152a Seven Mile Straight as having a frontage onto the road when in fact the properties are setback from the public roadway, with only the shared laneway which serves both properties having frontage onto the Seven Mile Straight.

Nos. 152b, 154b, 154 and 154c Seven Mile Straight are considered to form the substantial and continuously built up frontage. These properties are all set back from the road, with each having their curtilage and accesses having a frontage onto the roadway. The objection letters note that these were approved as 'flagpole sites set back and conditioned to be screened by landscaping from the road'. Whilst this may have been the case, a dwelling and its curtilage can be considered to have frontage onto a road even if there is a limited degree of visibility.

The Site Layout, Drawing 02, displays an indicative layout for two dwellings on the application sites, with each dwelling exhibiting a similar siting and characteristics as those dwellings located on either side, as well as having a similar frontage onto the Seven Mile Straight. It is considered that the proposal can accommodate a maximum of two dwellings, whilst respecting the existing patterns along the frontage in terms of size, scale, and siting and plot size. The principle of development is therefore considered acceptable.

Objectors have commented that there is accompanying development to the rear of the application site. Although it is noted that there is an existing building to the rear of the development this is not considered to be 'accompanying development to the rear' as the proposal is not considered to be tandem development when considered in the context of the policy.

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

All proposals in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires that a dwelling in the countryside will not be prominent in the landscape and will integrate into its surroundings, whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

The application site forms a roadside plot located off the Seven Mile Straight, extending to a depth of 110m. As this application is for outline permission only, the design and layout of the proposal have not been provided at this stage. However, it is considered that a suitably designed dwelling would be acceptable on the application site given the opportunity to set it back from the roadside whereby it will not appear as a prominent feature within the landscape, similar to the existing built context along this stretch of roadway. In combination with a sufficient set back distance, it is considered that intervening structures and boundary treatments will screen long term views of the proposed dwelling, allowing it to integrate appropriately with the surrounding landscape.

The northern boundary currently benefits from an existing hedgerow, and if the proposal is approved, this boundary will be conditioned for retention in order to provide enclosure to the site and define the curtilage. If approved, a condition will also be attached requiring the submission of a landscaping scheme to provide additional levels of enclosure for the site. The proposal is considered to meet the policy requirements of Policy CTY 13.

The proposal is considered to respect the traditional pattern of development exhibited in the surrounding area, exhibiting a plot area and depth similar to those in the immediate context. A number of objectors have commented that the proposal will impact upon the rural character of the area. Whilst it is accepted that the addition of two dwellings will result in the loss of a greenfield site, Policy CTY 8 permits the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. As discussed above, the proposal is considered to meet this criteria.

Furthermore, the immediate context of the site is noted. This stretch of the Seven Mile Straight consists of a number of dwellings, which are set back from the roadway, creating a sense of localised build up not normally seen within the open countryside. The development of this infill site is not considered to detrimentally affect the rural character when read with the immediate context.

Neighbour Amenity

The application site bounds No. 154 Seven Mile Straight to the west, which is under the control of the applicant. Given that this is an outline application, limited details of the proposal have been provided. It is considered that with appropriate siting, orientation and layout of the proposal, in combination with the existing built garage structure within the curtilage of No. 154 Seven Mile Straight, which screens views, alongside separation distances, a dwelling could be accommodated within the lands without negatively impacting upon neighbouring amenity.

A proposed dwelling under planning application Ref: LA03/2023/0329/O is positioned directly east of the application site and forms Site 2. If approved, it is considered that with the appropriate siting, orientation, and layout of both proposals at Reserved Matters stage, no negative impact upon neighbouring amenity will be experienced.

A number of objectors raised the issue of the proposal's impact on neighbouring amenity, in particular a loss of privacy and overlooking. No. 154c Seven Mile Straight is located approximately 80m southeast of the application site. This sits at a higher ground level and has a number of trees to the front elevation, which provide a degree of screening. Given the siting and orientation of the neighbouring dwelling, in combination with the 80m separation distance and ground levels difference, no detrimental impact to the neighbouring amenity is expected to occur with appropriate siting, design and layout proposed at the Reserved Matters stage.

No. 154a Seven Mile Straight is located approximately 120m northeast of the application site, which is also located at a higher land level. Given the separation distance and higher ground level of No.154a, in combination with the intervening boundary treatments, no detrimental impact to neighbouring amenity is expected to occur with appropriate siting, design and layout proposed at Reserved Matters stage.

It is considered that there will be no detrimental impact to any neighbouring amenity by way of overshadowing, loss of light or dominance given the separation distances to neighbouring property.

Other Matters

DfC Historic Environment Division (HED) was consulted regarding the proposal due to the site being located within a consultation zone for a number of scheduled monuments. HED responded that the application site is located on, or in close proximity to a site of local importance (ANT055:094), and as such would require additional information in order to permit an informed and reasonable planning decision to be taken. The agent subsequently submitted an Archaeological Programme of Works, Document 02 dated 13th September 2023, and following the implementation of this programme, an Archaeological Evaluation Report Document 03 dated 5th February 2023 was submitted. HED was consulted and responded stating that 'no archaeological remains of the monument survive...no further archaeological mitigation is required'. The proposal is therefore considered to meet the policy provisions of the SPPS and PPS 6.

The Council's Environmental Health Section was consulted regarding the application and responded with no objections subject to the attachment of a number of informatives.

A number of objectors raised concerns in relation to road safety and the increase in traffic levels. DfL Roads was consulted in order to assess the development in relation to road safety, the proposed visibility splays and the development's impact on the flow of traffic. DfL Roads responded with no objections to the development and as the statutory consultee with regards to new accesses onto the public highway, its comments are given determining weight. As no objections were raised from DfL Roads, the Council has no reason to refuse the application on road/pedestrian safety concerns. The development is therefore considered to meet the policy provisions of PPS 3.

Belfast International Airport was consulted regarding the proposal and responded with no objections, subject to the attachment of a condition and number of informatives.

Concerns with the loss of outward views were also raised by objectors. It is considered that the neighbours 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.

With respect to concerns raised regarding the devaluation of existing neighbouring property, the perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case, no 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 would there be 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.

An objector also stated that the development of the site will have an enormous impact on the rural character and wildlife of the area. Following a site visit, it was noted that the field was sown in grass, with a hedgerow located along the northern boundary. If approved, this hedgerow is to be conditioned for retention. Whilst it is accepted that the development of the land will result in the loss of a greenfield site, it is not considered to possess substantial potential for biodiversity or be of nature conservation importance. The site did not meet the requirements to trigger a Biodiversity Checklist, or subsequent additional supporting information.

An objector raised the matter of the use of an incorrect address to reference the site. This was subsequently amended and the neighbour notification letters were re-issued and the application was re-advertised.

CONCLUSION

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

- The principle of the development has been established in accordance with the policy provisions of CTY 8;
- It is considered that a proposal of appropriate design and layout could integrate appropriately with the surrounding landscape;
- It is considered that the proposal respects the existing character exhibited in the area;
- There are no concerns in relation to neighbour amenity; and
- There are no concerns from any statutory bodies.

RECOMMENDATION

GRANT OUTLINE PLANNING PERMISSION

PROPOSED CONDITIONS

1. Application for approval of the Reserved Matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced,

Reason: This is outline permission only and these matters

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. At the reserved matters stage full details of the retention of existing landscaping and all proposed tree and shrub planting and a programmed of works shall be submitted to and approved in writing with the Council. The works shall be carried out during the first available planting season after the occupation of any part of the development or in accordance with a programme to be submitted to and agreed in writing with the Council.

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

5. If any retained tree or hedgerow is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

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

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

7. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

8. The proposed dwelling shall have a ridge height not exceeding 6.5 metres above finished floor level.

Reason: To ensure that the development satisfactorily integrates with the adjacent residential dwellings.

9. The proposed dwelling and garage shall be sited in the area shaded orange on Drawing No. 01 date stamped 2nd May 2023

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.



COMMITTEE ITEM	4.7
APPLICATION NO	LA03/2023/0329/O
DEA	AIRPORT
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	Site for infill dwelling and garage
SITE/LOCATION	Approx 30m NW of 154c Seven Mile Straight, Muckamore, Antrim, BT41 4QY
APPLICANT	Mel Lucas
AGENT	Ryan McBirney
LAST SITE VISIT	18 th April 2023
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 30m northwest of No. 154c Seven Mile Straight, Muckamore, within the countryside as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site forms a broadly rectangular shape, which is a cut out of two agricultural fields. A laneway intersects the site, which serves a large agricultural building (located northwest of the site). The laneway is defined by a mature hedgerow to either side, which measures approximately 2m in height. The northern boundary is defined by a 2m high mature hedgerow, with the eastern boundary defined by a post and wire fence. The southern boundary is partially defined by an approximate 1.2m high concrete wall, with the remainder defined by a rail and post fence. The site bounds No. 154c Seven Mile Straight to the east.</p> <p>A current planning application for a proposed dwelling under application Ref: LA03/2023/0328/O (which will be referred to as Site 1) is located immediately to the west of the application site, which is also to be assessed against Policy CTY 8 of PPS 21.</p> <p>The surrounding location is countryside with a number of dwellings and buildings of an agricultural appearance within the wider area.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2023/0328/O Location: Lands approx. 90m North West of 154C Seven Mile Straight, Muckamore, Antrim, BT41 4QY Proposal: Site for infill dwelling and garage Decision: Under consideration</p> <p>Planning Reference: LA03/2021/0529/F Location: Approx 30m East of 154b Seven Mile Straight, Antrim</p>	

Proposal: Retrospective application for dwelling and garage
Decision: Permission Granted (07.09.2021)

Planning Reference: LA03/2019/0703/F
Location: Approx 30m East of 154b Seven Mile Straight, Antrim
Proposal: Dwelling and garage on a farm
Decision: Permission Granted (01.11.2019)

Planning Reference: LA03/2018/0706/O
Location: Approx 30m East of 154b Seven Mile Straight, Antrim
Proposal: 1 no. farm dwelling
Decision: Permission Granted (08.10.2018)

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 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 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

Belfast International Airport- No objection, subject to conditions

Council Environmental Health Section – No objection

Department for Communities Historic Environment Division – No objection

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

Northern Ireland Water- No objection

REPRESENTATION

Fifteen (15) neighbouring properties were notified and eight (8) letters of representation have been received from four (4) neighbour notified properties. One (1) additional letter of representation was received from a property outside the neighbour notification area.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal:

(<http://www.planningregister.planningsystemni.gov.uk/simple-search>)

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

- Proposals compliance with policy;
- Creation of further ribbon development;
- Impact on rural character;
- Impact on neighbouring amenity;
- Increased traffic/road safety concerns;
- Loss of outward views;
- Impact on wildlife;
- Devaluation of property; and
- Incorrect address.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

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

Whilst the main thrust of Policy CTY 8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

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

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

Both Site 1 (the adjoining site under current planning application Ref: LA03/2023/0329/O) and Site 2 (this application) will be assessed in conjunction with each other as both proposals are for infill dwellings. The two sites are positioned along Seven Mile Straight, whereby Site 1 bounds an agricultural field to the west and Site 2 bounds the existing dwelling at No.154C to the east.

No. 154 Seven Mile Straight (approved under application Ref: LA03/2021/0529/F) is located directly west of the site. This permission has been enacted, therefore, the Council is content that a gap exists within an otherwise substantial and continuously built up frontage, made up of Nos. 154c, 154, 154b and 152b Seven Mile Straight. A number of objection letters refer to the properties, which lie adjacent to the site and comment that none of these dwellings have frontage onto the roadway. This matter relating to each of the aforementioned properties is discussed in further detail below.

The second element of Policy CTY 8 requires the gap to be a small gap site sufficient only to accommodate a maximum of two dwellings. Additionally, the third element of Policy CTY 8 states that the proposal should respect the existing pattern along the frontage in terms of size, scale, siting and plot size.

The agent submitted Document 01 titled 'Supporting Statement' date stamped 02 May 2023. The agent notes No.152 and No.152a as having frontage onto the Seven Mile Straight when in fact the properties are setback from the public roadway, with only the shared laneway which serves both properties having frontage onto the Seven Mile Straight.

Nos. 152b, 154b, 154 and 154c Seven Mile Straight are considered to form the substantial and continuously built up frontage. These properties are all set back from the road, with each having their curtilage and accesses having a frontage onto the roadway. The objection letters note that these were approved as 'flagpole sites set back and conditioned to be screened by landscaping from the road'. Whilst this may have been the case, a dwelling and its curtilage can be considered to have frontage onto a road even if there is a limited degree of visibility.

The Site Layout, Drawing 02, displays an indicative layout for two dwellings on the application sites, with each dwelling exhibiting a similar siting and characteristics as those dwellings on either side, as well as having a similar frontage onto the Seven Mile Straight. It is considered that the proposal can accommodate a maximum of two dwellings, whilst respecting the existing patterns along the frontage in terms of size, scale, and siting and plot size. The principle of development is therefore considered acceptable.

Objectors have commented that there is accompanying development to the rear of the application site. Although it is noted that there is an existing building to the rear of the development this is not considered to be 'accompanying development to the rear' as the proposal is not considered to be tandem development when considered in the context of the policy.

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

All proposals in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires that a dwelling in the countryside will not be prominent in the landscape and will integrate into its surroundings, whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

The application site forms a roadside plot located off the Seven Mile Straight, extending to a depth of 100m. As this application is for outline permission only, the

design and layout of the proposal have not been provided at this stage, however, it is considered that a suitably designed dwelling would be acceptable on the site in question given the opportunity to set it back from the roadside whereby it will not appear as a prominent feature within the landscape, similar to the existing built context along this stretch of roadway. In combination with a sufficient set back distance, it is considered that the intervening structures and boundary treatments will screen long views of the proposal, allowing it to integrate appropriately with the surrounding landscape.

The site benefits from a hedgerow to the northeastern boundary, with the remaining boundaries defined by post and wire fencing and a concrete wall. If approved, a condition will also be attached requiring the submission of a landscaping scheme. This landscaping is to primarily define the sites boundaries, however, this will provide additional levels of enclosure to the site. The proposal is considered to meet the policy requirements of CTY 13.

The proposal is considered to respect the traditional pattern of development exhibited in the surrounding area, exhibiting a plot area and depth similar to those in the immediate context. A number of objectors have commented that the proposal will impact upon the rural character of the area. Whilst it is accepted that the addition of two dwellings will result in the loss of a greenfield site, Policy CTY 8 permits the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. As discussed above, the proposal is considered to meet this criteria.

Furthermore, the immediate context of the site is noted. This stretch of the Seven Mile Straight consists of a number of dwellings, which are set back from the roadway, creating a sense of localised build up not normally seen within the open countryside. The development of this infill site is not considered to detrimentally affect the rural character when read with the immediate context.

Neighbour Amenity

Site 1 (Ref: LA03/2023/0328/O) is positioned directly to the west of the subject application site. If approved, it is considered that with the appropriate siting, orientation, and layout of both proposals at Reserved Matters stage, no negative impact upon neighbouring amenity will be experienced.

The application site is located approximately 80m east of No. 154 Seven Mile Straight, which is under the control of the applicant. Given that this is an outline planning application, limited details of the proposal have been provided. However, given the separation distance, no significant adverse impacts are anticipated.

A number of objection letters were submitted raising the issue of the proposal's impact on neighbouring amenity, in particular a loss of privacy and overlooking. No. 154C is located adjacent to and southeast of the site. It is noted that the neighbouring property sits at a higher ground level and has a number of trees to the front elevation, which provide a degree of screening. The property is also orientated in a southwesterly direction. Whilst it is accepted that the application site adjoins the neighbouring property, if the principle of development is established, with careful consideration given to design, layout, orientation and landscaping at the Reserved

Matters stage, it is considered that a dwelling could be accommodated within the site without having a detrimental impact on the neighbouring amenity.

No.154a Seven Mile Straight is located approximately 100m northeast of the application site whereby it is situated at a higher land level. Given these factors, in combination with the intervening boundary treatments, no detrimental impact on neighbouring amenity is expected to occur subject to appropriate siting, design and layout being considered at Reserved Matters Stage.

It is considered that there will be no detrimental impact to any neighbouring amenity by way of overshadowing, loss of light or dominance given the separation distances to neighbouring property.

Other Matters

DfC Historic Environment Division (HED) was consulted regarding the proposal due to the site being located within a consultation zone for a number of scheduled monuments. HED responded that the application site is located on, or in close proximity to a site of local importance (ANT055:094), and as such would require additional information in order to permit an informed and reasonable planning decision to be taken. The agent subsequently submitted an Archaeological Programme of Works, Document 02 dated 13th September 2023, and following the implementation of this programme, an Archaeological Evaluation Report Document 03 dated 5th February 2023 was submitted. HED was consulted and responded stating that 'no archaeological remains of the monument survive...no further archaeological mitigation is required'. The proposal is therefore considered to meet the policy provisions of the SPPS and PPS 6.

The Council's Environmental Health Section was consulted regarding the application and responded with no objections subject to the attachment of a number of informatives.

A number of objectors raised concerns in relation to road safety and the increase in traffic levels. DfI Roads was consulted in order to assess the development in relation to road safety, the proposed visibility splays and sightlines, and the development's impact on the flow of traffic. DfI Roads responded with no objections to the development and as it is the statutory consultee with regards to new accesses onto the public highway, its comments are given determining weight. As no objections were raised from DfI Roads, the Council has no reason to refuse the application on road/pedestrian safety concerns. The development is therefore considered to meet the policy provisions of PPS 3.

Belfast International Airport was consulted regarding the proposal and responded with no objections, subject to the attachment of a condition and number of informatives.

Concerns with the loss of outward views were also raised by objectors. It is considered that the neighbours 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.

With respect to concerns raised regarding the devaluation of existing neighbouring property, the perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case, no 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 would there be 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.

An objector also raised concerns that the development of the site will have an enormous impact on the rural character and wildlife of the area. It is noted that this application site forms two greenfield sites, whereby an access laneway dissects the centre of the red line. The laneway is lined by a mature hedgerow approximately 2m in height and given their position in the centre of the site, it would be anticipated that their removal is required to accommodate a dwelling and garage. This would result in the loss of native hedgerows which extend for approximately 30m in length, therefore triggering the requirement of a Biodiversity Checklist to judge the effects of the proposal upon priority habitats.

The agent subsequently submitted 'NI Biodiversity Checklist', Document 04 dated 16th April 2024. The document notes the potential for nesting birds within the hedgerow which is to be removed. The Ecologist provides mitigation by way of removal of the hedgerows outside of the bird nesting season from 1st March until 31st August, alongside compensatory planting. An informative regarding this matter will be added should outline planning permission be forthcoming. The proposal is considered to meet the policy provisions of PPS 2.

An objector raised the matter of the use of an incorrect address to reference the site. This was subsequently amended and neighbour notification letters were re-issued and the application was re-advertised.

CONCLUSION

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

- The principle of the development has been established in accordance with the policy provisions of CTY 8;
- It is considered that a proposal of appropriate design and layout could integrate appropriately with the surrounding landscape;
- It is considered that the proposal respects the existing character exhibited in the area;
- There are no concerns in relation to neighbour amenity; and
- There are no concerns from any statutory bodies.

RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSED CONDITIONS	
<p>1. Application for approval of the Reserved Matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-</p> <p>i. the expiration of 5 years from the date of this permission; or</p> <p>ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p>	
<p>2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced,</p> <p>Reason: This is outline permission only and these matters</p>	
<p>3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.</p> <p>Reason: To enable the Council to consider in detail the proposed development of the site.</p> <p>4. At the reserved matters stage full details of the retention of existing landscaping and all proposed tree and shrub planting and a programmed of works shall be submitted to and approved in writing with the Council. The works shall be carried out during the first available planting season after the occupation of any part of the development or in accordance with a programme to be submitted to and agreed in writing with the Council.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p>	
<p>5. If any retained tree or hedgerow is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.</p> <p>Reason: To ensure the continuity of amenity afforded by existing hedgerows.</p>	
<p>6. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.</p>	

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

7. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

8. The proposed dwelling shall have a ridge height not exceeding 6.5 metres above finished floor level.

Reason: To ensure that the development satisfactorily integrates with the adjacent residential dwellings.

9. The proposed dwelling and garage shall be sited in the area shaded orange on Drawing No. 01 date stamped 2nd May 2023

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.



COMMITTEE ITEM	4.8
APPLICATION NO	LA03/2024/0115/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Replacement Dwelling
SITE/LOCATION	214 Belfast Road, Muckamore, Antrim, BT41 2EY
APPLICANT	Sam Morrison
AGENT	Warwick Architects
LAST SITE VISIT	5th April 2024
CASE OFFICER	Harry Russell Tel: 028 903 40408 Email: harry.russell@antrimandnewtownabbey.gov.uk
<p>The full details of this application, including the application forms, relevant drawings, consultation responses and any representations made are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk.</p>	
SITE DESCRIPTION	
<p>The application site is located at 214 Belfast Road, Muckamore, Antrim, within the countryside and outside any development limits defined by the Antrim Area Plan 1984-2001.</p> <p>The application site comprises a 2-storey detached dwelling and a single storey detached garage finished in brick and concrete roof tiles, within a sizeable plot. The site comprises the associated curtilage of the existing dwelling and encompasses a portion of the agricultural field to the east. A 2m high hedgerow and mature trees which vary between 4-10 metres in height define the southern (roadside) boundary. A 2m high hedgerow defines the western boundary and a 1m post and wire fence defines the northern boundary. A 1m post and wire fence to the east of the dwelling separates it from the agricultural field and the eastern boundary of the site is undefined. The topography of the site rises gradually to the north from the roadside and the dwelling and garage are elevated above the Belfast Road.</p> <p>The application site is situated within the countryside, however the application site is situated at the end of a suburban style ribbon of development.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2017/0399/F Location: 214 Belfast Road, Antrim, BT41 2EY Proposal: Proposed Replacement Dwelling (Change of House type from that approved under T/2014/0417/F Decision: Permission Granted 18.07.17</p> <p>Planning Reference: LA03/2016/0718/O Location: Lands between No. 214 Belfast Road and No. 2 Islandreagh Road, Antrim Proposal: Site for 2 dwellings Decision: Permission Refused 22.11.16</p> <p>Planning Reference: T/2014/0417/F</p>	

Location: 214 Belfast Road, Antrim, BT41 2EY
Proposal: Proposed Replacement Dwelling
Decision: Permission Granted 12.08.15

PLANNING POLICY AND GUIDANCE

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

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

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

Antrim Area Plan 1984-2001: The application site is located within the development limits of Antrim. The Plan offers no specific guidance on this proposal.

Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material.

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

PPS 21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Council Environmental Health Section - No objection

Northern Ireland Water - No objection

Department for Infrastructure Roads - No objection, subject to conditions and informatives

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations.

Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is Policy CTY 3 for a replacement dwelling.

The dwelling was previously granted as a replacement dwelling under both planning application Ref's: T/2014/0417/F and LA03/2017/0399/F. The subject building displays the essential characteristics of a dwelling and is therefore a valid replacement opportunity and as such the proposal is acceptable in principle.

Under both planning application Ref's: T/2014/0417/F and LA03/2017/0399/F, the curtilage of the dwelling was extended to the east to facilitate the proposed larger

footprint of the replacement dwelling. The area of the approved extended curtilage was the same in both applications and resulted in a more rectangular curtilage but did not extend the plot width along the roadside boundary.

This application seeks to further extend the curtilage of the dwelling to the east by an additional 12.5m approximately. As a result of the proposed layout of the dwelling, the entire main body of the dwelling falls outside the original curtilage of the dwelling with only the single storey garage and part of a single storey linkage section to the dwelling falling within the original curtilage. The individual dwellings previously approved on the site were partially located outside the original curtilage, however in each case the majority of the dwelling was situated within the original site curtilage.

In circumstances where the replacement dwelling does not fall within the established curtilage, it must be demonstrated that either the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

Regarding the size of the curtilage, the dwelling approved under planning application Ref: LA03/2017/0399/F is of a similar size and design to the proposed dwelling within the subject application. Previously the dwelling was sited within a smaller curtilage than the proposed curtilage of the subject application and the majority of the dwelling itself fell within the original curtilage. Accordingly, it is considered the proposed extended curtilage of the subject application is not necessary to accommodate this dwelling.

The agent has advised in an email that the positioning of the dwelling was chosen to:

- Minimise the chance of overlooking from the windows of the neighbouring one and a half storey garage and dwelling;
- Provide parking provision further back from the road, to facilitate safer parking and manoeuvring for vehicles given the topography of the site; and
- Allow vehicles to park at the side of the dwelling for security and visual amenity reasons.

Regarding the potential overlooking from the neighbouring garage, a gable-to-gable relationship already exists between the neighbouring dwelling to the west and the subject dwelling. Views from the first floor window of the neighbouring garage towards this property are oblique, whilst the views from the first storey side gable windows of the neighbouring property are of the blank gable of the existing dwelling. Furthermore, it was considered that the siting of the previously approved dwellings were not prejudiced by overlooking by the neighbouring dwelling.

Regarding the parking and manoeuvring of vehicles, the position of parking to the front of the dwelling is a common feature for dwellings within the surrounding context of the site. No information has been provided to demonstrate parking provision to the side of the dwelling is more secure. Furthermore, the parking provision within the previously approved dwellings on the site was situated at a similar distance back from the road whilst being to the front of the dwelling.

Consequently, as it has not been demonstrated why the majority of the dwelling cannot be contained within the curtilage of the existing dwelling, the principle of development is unable to be established.

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

All proposals in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires that a dwelling in the countryside will not be prominent in the landscape and will integrate into its surroundings, whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

The replacement dwelling is proposed to be sited further to the east of the existing dwelling and mature trees to the southern (roadside) boundary provide a degree of screening to the site from the Belfast Road. The site also enjoys mature boundary treatments to the west. There is little by way of soft landscaping proposed to define the northern and eastern boundaries. It is acknowledged that the current northern and eastern boundaries of the current curtilage lack mature treatments. Nonetheless, it is considered a condition requiring a landscaping scheme could be imposed if planning permission were to be granted. This would assist a dwelling on the site to integrate into the surrounding landscape, particularly from critical views when travelling westwards along the Belfast Road.

The design of the dwelling is similar to that approved under application Ref: LA03/2017/0399/F. The proposed dwelling is a two storey with a hipped roof, which is in keeping with the current dwelling on the site. It has a height of approximately 9.2m from finished floor level and a main frontage of 15.8m with additional side returns of 10.5m. The proposed finishes of the dwelling have not been detailed on the plans, despite amended plans detailing them having been requested by the Council.

The siting of the dwelling within this application site greatly differs from what was approved under planning application Ref's: T/2014/0417/F and LA03/2017/0399/F and also from the existing dwelling. Firstly, the subject replacement dwelling is situated closer to the roadside than the previous grants of planning permission. Whilst this has brought the main body of the dwelling more in line with building line of the dwellings to the west which front onto this section of this Belfast Road, it has resulted in the attached garage being situated to the front of the building line by approximately 8m. This results in the garage appearing as a more prominent feature within the landscape and does not respect the existing pattern of development exhibited in the area.

The proposed replacement dwelling is also situated further to the east of the site than the previous approvals, which has been enabled due to the extent of the proposed extension to the site curtilage eastwards by approximately 12.5m. The proposed eastern elevation of the replacement dwelling is sited approximately 22.6m to the east of the eastern elevation of the existing dwelling, with the side projection of the replacement dwelling extending this further to 24m. Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development, whilst Policy CTY 14 states a new building will be unacceptable where it creates or adds to a ribbon of development. There is a gap measuring approximately 14m from the western elevation of the proposed dwelling to the

western site boundary, which is proposed to facilitate an area of car parking. As this dwelling is situated at the end of an existing ribbon of development, the proposal further extends the built form into the landscape, adding to a ribbon of development and as a result, the proposed dwelling will visually intrude into the open countryside. Whilst the curtilage of the dwelling has been extended in previous grants of planning permission, this was to provide a more rectangular curtilage to contain the approved replacement dwelling which had a larger footprint, however, this did not extend the roadside plot frontage. In addition, the proposed replacement dwelling extends to the east beyond both the original curtilage and the curtilage approved under planning application Ref's T/2014/0417/F and LA03/2017/0399/F.

As the proposal contributes to extending and thereby adding to a ribbon of development, it is considered to have a detrimental impact upon the rural character of the area and is therefore considered contrary to Policies CTY 8 and CTY 14 of PPS 21.

Neighbour Amenity

No. 212 Belfast Road abuts the application site to the west. It has a separation distance from the dwelling of approximately 25m, which extends to approximately 32.5m for the main body of the dwelling. Given this separation distance, it is considered the amenity of this property will not be adversely impacted by this development.

Nos. 51, 53 and 55 are situated to the south of the application site on the opposite side of the Belfast Road. There is a minimum separation distance of 50m from the proposed dwelling and these properties, as such, it is considered the proposal will not adversely impact the amenity of these neighbouring properties.

No. 2 Islandreagh Road, which has an access and site frontage onto the Belfast Road, is located approximately 124m to the east of the existing dwelling. Locating the proposed dwelling further eastwards within the application site reduces the separation distance between the proposed dwelling and the neighbouring dwelling to the east to 100m. Given this separation distance between the proposed and existing dwelling at No. 2 Islandreagh Road, it is considered the proposal will not adversely impact the amenity of this neighbouring property.

Access and Parking

The access for the site is onto the A6 Belfast Road, which is a protected route. Under Policy AMP 3 of PPS 3 development involving direct access onto a protected route is acceptable where an existing access onto the protected route exists. In this instance, it is proposed to use the existing access for the replacement dwelling. It is also considered ample parking is provided on the site. DfI Roads was consulted in relation to the proposal and has no objections to the proposal.

CONCLUSION

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

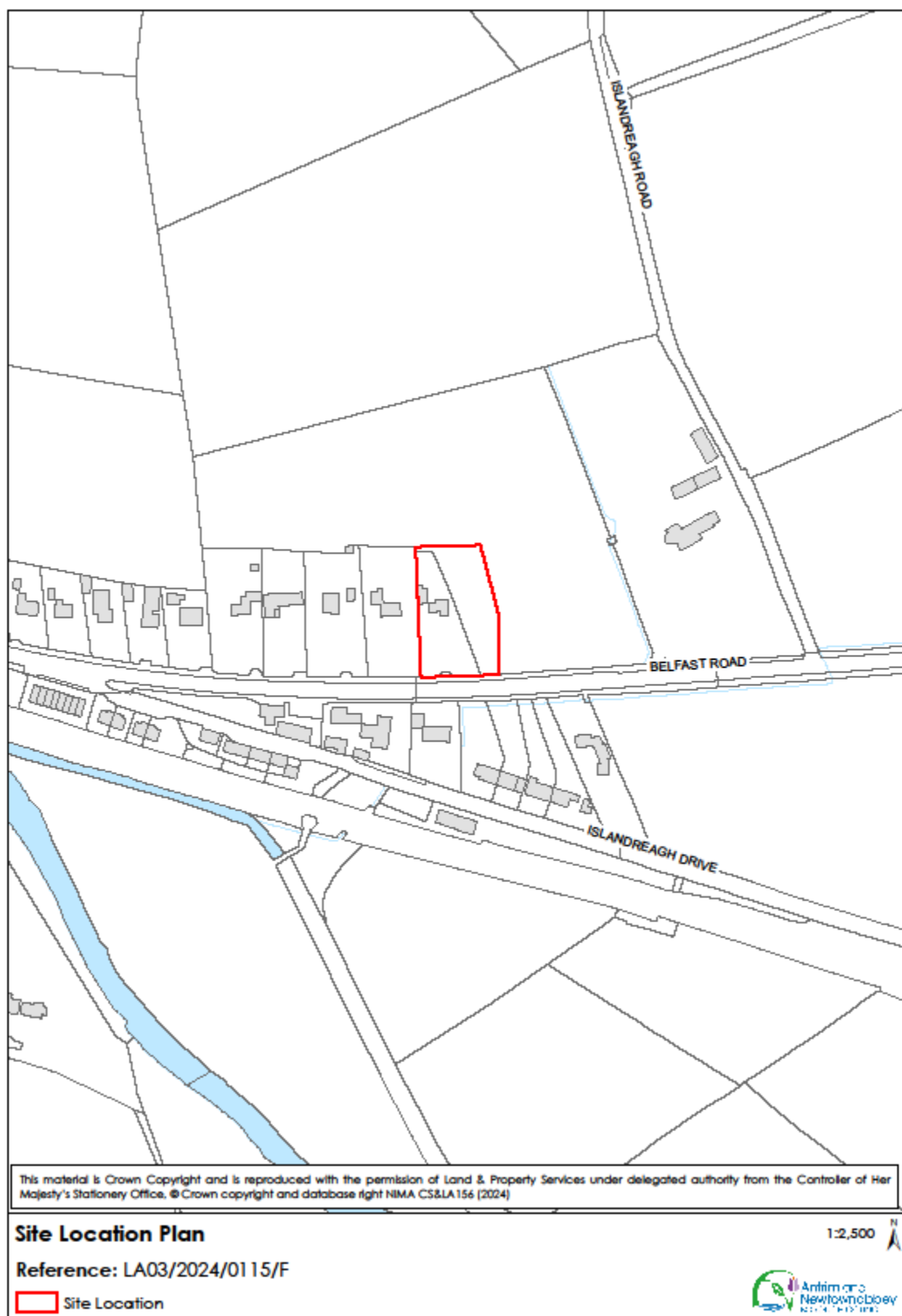
- The principle of the development has not been established in accordance with the policy provisions of Policy CTY 3 of PPS 21;
- It is considered that the proposal will integrate appropriately with the surrounding landscape;

- The proposal would add to a ribbon of development, and is therefore contrary to Policies CTY 8 and CTY 14 of PPS 21;
- The proposal is not considered to have an adverse impact on the residential amenity of neighbouring properties; and
- The proposal is not considered to prejudice road safety.

RECOMMENDATION	REFUSE PLANNING PERMISSION
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PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the Policy provisions of the Strategic Planning Policy Statement and Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why a sizeable portion of the replacement dwelling does not fall within the established curtilage of the existing building.
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, Sustainable Development in the Countryside, in that the building would add to an existing ribbon of development within the countryside.



COMMITTEE ITEM	4.9
APPLICATION NO	LA03/2024/0004/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retrospective application for farm storage shed
SITE/LOCATION	Approx. 190m SW of 50 Maghereagh Road, Randalstown
APPLICANT	Thomas Downey
AGENT	CMI Planners
LAST SITE VISIT	26 th January 2024
CASE OFFICER	Harry Russell Tel: 028 903 40411 Email: harry.russell@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 190m southwest of No. 50 Maghereagh Road, Randalstown, which is located within the countryside and outside any development limit as defined in the Antrim Area Plan 1984-2001.</p> <p>The application site encompasses what appears to be a single storey farm shed under construction and is set back approximately 210m from the Maghereagh Road. The site is part of an existing field within the applicant's ownership and is accessed via a laneway from the Maghereagh Road. The northern and western boundaries are defined by mature trees approximately 6m in height, whilst the eastern and southern boundaries are undefined. The topography of the site is generally flat.</p> <p>The application site is located in the open countryside, however, the immediate area is characterised by ribbon development along the Maghereagh Road reflecting a suburban style build up of development.</p>	
RELEVANT PLANNING HISTORY	
There is no relevant planning history.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, 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</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 within the development limits of Antrim. 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 6: Planning, Archaeology and the Built Heritage: sets out planning policy and guidance for the protection and conservation of archaeological remains and features of the built heritage.

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

Department for Agriculture, Environment and Rural Affairs- The applicant is not associated with any Farm Business ID. The proposed site is located on land not claimed by any farm business.

Environmental Health- No objections, subject to conditions

Department for Infrastructure Roads – No objection

Department for Communities Historic Environment Division – No objection

REPRESENTATION

Five (5) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- 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 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 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 applicant has not provided a farm business ID number within the application form. The Department for Agriculture, Environment and Rural Affairs (DAERA) advised in a consultation response dated 2nd February 2024 that the applicant is not associated with any farm business nor is the site located on lands claimed by any farm business.

The agent has made reference to an applicant reference number within the application form, however, DAERA have not accepted this as a farm business ID. It is unclear as to what the number pertains to and the agent has not clarified this upon request. In order to establish if 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 2018-2024.

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 Stanley J Bovill Excavation Contractor

Fourteen (14) invoices regarding hedge cutting and drain cleaning dating from 2017 to 2023 were submitted to the Council. The invoices are addressed to the applicant, however, there is no specific address as to where the work takes place other than the Maghereagh Road, nor are they addressed to the address of the applicant. Therefore this information is not recorded as being specific to the applicant's holding or the application site. The hedge cutting and drain cleaning is stated to take between 7-10 hrs for each job which would appear be an excessive amount of time to undertake these jobs using machinery on a field with a perimeter less than 500m. Furthermore, whilst the contracting business appears on some online directories, the invoices do not contain any VAT details.

SJ McIntyre Agricultural Contractor

Ten (10) invoices regarding grass topping and fertiliser dating from 2017 to 2022 were submitted to the Council. The invoices are addressed to the applicant, however there is no specific address as to where the work takes place other than the Maghereagh Road, nor do they exhibit the address of the applicant. Therefore, this information is not recorded as being specific to the applicant's holding or the application site. Furthermore, whilst a social media page was found for "McIntyre Contracts", which contains the same address as SJ McIntyre on the invoices, the invoices do not contain any VAT details for the business.

JA McCracken

Five (5) invoices dating from 2017 to 2022 which refer to works carried out including boundary fence maintenance, pipes and fittings, removal of a fallen tree, the supply of a hawthorn hedge and a post and wire fence were submitted to the Council. These invoices are addressed to the applicant, however, there is no specific address as to where the work takes place other than the Maghereagh Road, nor are they addressed to applicant's address. Therefore this information is not recorded as being specific to the applicant's holding or the application site. Furthermore, no address is

provided on the invoice for the business, nor does it contain any VAT details for the business.

In summary, giving consideration to the matters discussed above, the submitted information provided alongside the application has not demonstrated that the applicant has been actively farming for the requisite period.

The agent submitted a Farm Map, Drawing No. 04/1 date stamped 15th March 2024, which details the field in which the proposed shed is to be situated off the Maghereagh Road. The Supporting Statement, Document 01 date stamped 13th March 2024, states that the application site is 8 miles from the main holding. This is assumed to be No. 21 Culnafay Road, Toomebridge, the home of the applicant, as the Statement also states this address as being 8 miles from the application site. This address appears to consist solely of the dwelling and its associated garage and domestic curtilage and the farm map does not include any additional lands around this location.

The proposal is not sited beside any existing farm buildings and is sited on a field some 8 miles away from the main holding. Policy CTY 12 states that exceptional consideration may be given to an alternative site away from the 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 Supporting Statement has not demonstrated why an existing building at the principal holding cannot be used. Nonetheless, it is noted that the holding at No. 21 Culnafay Road appears to consist of solely a dwelling, a garage and its curtilage.

Within the Supporting Statement the agent states that the shed will enable the applicant to lock vehicles, expensive items and equipment inside a secure building or part of a building when not in use, as well as storing fertilisers, straw, animal meals, petrol, diesel and other fuels in a secure area and isolate sick, injured and calving animals.

The construction of a shed this size for the reasons above for a field less than 1 hectare in area is not considered essential for the efficient functioning of a farm business, especially when the applicant has attempted to demonstrate that much of the maintenance of the land is carried out by external contractors. No information has been submitted to indicate whether this arrangement would be or has been changed. Furthermore, as a number of the above stated reasons for the shed relate to the keeping of animals, herd books were requested from the applicant, however these have not been provided. An email from DAERA states that a herd/flock number has not been granted to the applicant. As such, the applicant currently is not in possession of any sheep/cattle in spite of this being one of the reasons stipulated for the shed. Given the above, whilst it is acknowledged that a shed at this location may afford greater convenience to the applicant, it is not considered the proposed shed is essential to allow the efficient running of the farm business.

There are no demonstrable health and safety reasons presented within the supporting information to demonstrate why this building needs to be sited away from

the existing dwelling. It has therefore not been demonstrated that the development provides an exceptional case for a new farm building sited at an alternative site away from the existing main 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 approximately 16.2m in length, 2.5m in depth and has a ridge height of 5.2m. The walls and roof of the shed are finished in panel cladding with a roller shutter door and an additional door located on the eastern (front) elevation. The proposal is situated within a rural setting where it is common to view agricultural buildings and enjoys mature boundary trees to the western and northern boundaries. Furthermore, given the wider mature field boundaries, the separation distance from the roadside and the built up frontage along the Maghereagh Road, the site is generally screened from critical views. It is considered that the proposal visually integrates into the local landscape and will 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 proposed building would integrate harmoniously with surrounding landscape and would not cause a detrimental change to the character of the rural area in accordance with Policies CTY 12, CTY 13 and CTY 14 of PPS 21.

Neighbour Amenity

A dwelling and garage approved under planning application Ref: T/2014/0100/RM is situated approximately 55m to the southwest of the proposed shed. It would appear that this approval is under construction and given its proximity to the proposed development, the Council's Environmental Health Section has recommended a condition be imposed upon the grant of planning permission restricting the shed to storage use only.

The laneway serving the proposed development, abuts properties along the Maghereagh Road. However given the minimum separation distance from the proposal of approximately 150m, it is considered the development is unlikely to have an adverse impact upon the amenity of these properties.

Accordingly, It is considered that the proposed development will not create any significant impacts on the amenity of any neighbouring properties subject to the inclusion of a planning condition, should planning permission be forthcoming.

Access and Parking

Access to the application site is to be gained from a recently laid laneway which adjoins the Maghereagh Road. DfI Roads was consulted regarding the application and responded with no objections, subject to a number of conditions.

Other Matters

The application site lies within the zone of influence for a number of archaeological sites and monuments to the east of the site. DfC Historic Environment Division (HED) was consulted with regards to the development proposal and offered no objections. Therefore, it is considered that the proposed development would have no impact upon these archaeological features in compliance with PPS 6.

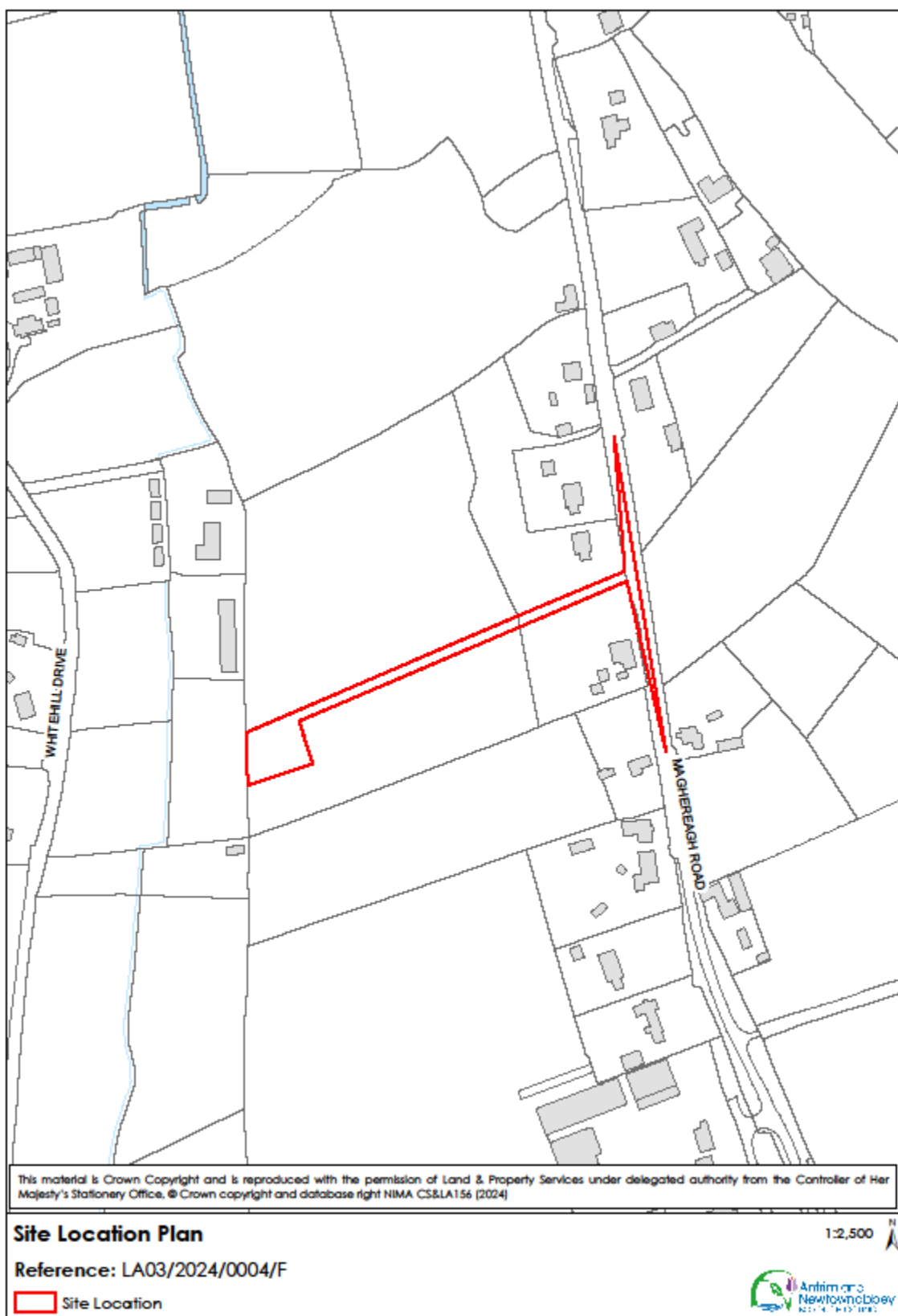
CONCLUSION

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

- The principle of development has not been established as it has not been demonstrated that the agricultural holding is active and established, nor has it been demonstrated that the proposed building is necessary for the efficient use of the agricultural holding;
- The design and appearance of the proposal is considered acceptable;
- The proposal meets the policy requirements of Policies CTY 13 and CTY 14;
- The proposal will not unduly affect the privacy or amenity of neighbouring Residents; and
- There are no archaeological concerns with this proposal.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy statement and Policy CTY 1 and Policy CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to demonstrate that the agricultural holding is active and established and the applicant has not provided sufficient information to demonstrate that the building is necessary for the efficient use of an active and established agricultural holding.



COMMITTEE ITEM	4.10
APPLICATION NO	LA03/2024/0042/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed shed for housing sheep
SITE/LOCATION	140M NE of No. 89 Ballyrobin Road, Antrim, BT41 4TF
APPLICANT	Tara Gardiner
AGENT	Park Design Associates
LAST SITE VISIT	12 th March 2024
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located 140m northeast of No. 89 Ballyrobin Road, Antrim, which is within the countryside and outside the development limit of any settlement defined in the Antrim Area Plan 1984-2001.</p> <p>The application site comprises a small part of a larger agricultural field. The site is positioned at the roadside and is accessed via an existing agricultural access gate. It lies adjacent to the field's eastern boundary, which is defined with existing hedging and interspersed trees. The other site boundaries remain undefined. The topography of the site is elevated above the road at the site entrance but falls away in main part in a northerly direction away from the Ballyrobin Road.</p> <p>The area in which the application site is located is rural in character.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2019/0627/O Location: 60m E of 89 Ballyrobin Road, Antrim Proposal: New dwelling and garage Decision: Withdrawn</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984-2001. Account 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.

PPS 21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection

Belfast International Airport – No objection

DAERA Food, Farming and Rural Affairs Group - No objection

REPRESENTATION

Two (2) neighbouring properties were notified of the application and no objections 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
- Access and Parking

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations.

Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

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

This application seeks permission for a proposed sheep house. Policy CTY 12 states that planning permission will be granted for development on an active and established holding subject to the proposal meeting a number of specific criteria. This policy refers to using the policy determining criteria for an active and established business as set out under Policy CTY 10.

DAERA's Food, Farming and Rural Affairs Group has confirmed that the applicant's Category 1 farm business has been in existence from 2012 and has claimed Single Farm Payment (SFP) in each of the last six years. This is sufficient to demonstrate that the farm business is active and established for the purposes of the proposal. As per the farm maps submitted with the application, this farm business includes only the two fields (approximately 3.56 ha) at Ballyrobin Road.

Criteria (a) requires that the proposal is necessary for the efficient use of the agricultural holding. Clarification was sought from the applicant in relation to the necessity of this shed.

The applicant has advised that the shed is required to provide modern day standards for the welfare of sheep to include for vet visits, for use during lambing season and for hay storage etc. The agent has explained that the applicant usually keeps around 30 sheep, which she rears for approximately 3 months at a time and sells for slaughter.

It is noted that the applicant resides at the address 136 Braepark Road, which is located approximately 12.5 miles from the application site. Information provided with

the application advises that buildings at the farmyard at Braepark Road are used for the applicant's husband's livestock and suggests that given they have separate flocks of sheep, that the applicant's sheep cannot be within these same buildings.

It is noted that the applicant has sustained the farm business in excess of six years without the requirement of a building on these lands (at Ballyrobin Road) and thus additional information was requested from the applicant to detail any change in circumstance that would now see the requirement of a new shed for the efficient use of the agricultural holding. No further rationale was provided to explain any changing circumstance that would now necessitate a new shed on the application site.

Given that the applicant has sustained the farm business in excess of six years and that no justifiable information has been provided to demonstrate that a new sheep shed is necessary for the efficient use of the agricultural holding, it is considered that the proposal fails to meet criteria (a) of Policy CTY 12.

The proposed sheep shed is approximately 6 metres in length, 6 metres in width with a ridge height of 4 metres. It is to be finished in dark green corrugated cladding with a dark green coloured sliding door on its front elevation. The building is to be located approximately 38 metres back from the field boundary along the Ballyrobin Road.

Criteria (b) of policy CTY 12 requires that in terms of character and scale, the proposal must be appropriate to its location.

Although the design of the building is modest and typical of that found in the rural area and it is acknowledged that the building is to be set back from the immediate roadside, it is considered that the siting of the proposed shed towards the front of the field will result in the creation of a ribbon of development and the build-up of development along the Ballyrobin Road when viewed with the existing buildings at No. 89 Ballyrobin Road. Therefore the proposal is also considered to be contrary to criteria (b) of Policy CTY 12.

Criteria (c) of Policy CTY 12 requires that a new building will visually integrate into the local landscape. The proposed shed is located immediately to the west of the existing established field boundary. Given that this boundary is defined with existing mature hedging and a number of trees, together with the size and scale of the proposed shed and the topography of the site, the building would sit at a lower level than the road and beyond a raised verge. It is considered that the proposal could satisfactorily integrate into its surroundings.

Given the proposed use, scale and siting of the proposed shed it is considered that the proposal would not have any adverse impact on natural or built heritage or result in a detrimental impact on amenity of residential dwellings outside of the holding and thus can comply with criterion (d) and (e) of Policy CTY 12.

Given that the proposal does not comply with criterion (a) and (b) of Policy CTY 12 the principle of a new agricultural building on the application site cannot be established.

Design, Layout and Appearance of the Area

All buildings in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires that a new building in the countryside will not be prominent in the landscape and will integrate into its surroundings. While Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

As discussed above, the application site avails of a heavily vegetated eastern boundary and is located on lands, which fall away from the Ballyrobin Road in a northern direction, which will allow the modest and appropriately designed building to integrate into the surrounding rural environment.

Despite being acceptable in terms of integration as there will also be limited views to the proposed shed again due to the existing vegetation, topography and travel speed along the road, the building at its proposed location would be considered to add to a ribbon of development along the Ballyrobin Road. As per the justification provided with Policy CTY 8 buildings that are sited back, staggered and with gaps between them can represent a ribbon. The ribbon would consist of the subject shed and the buildings at No. 89 Ballyrobin Road (dwelling and garage).

Given that the proposal would result in suburban style of build up when viewed with the existing dwellings in the vicinity and create a ribbon of development along the Ballyrobin Road it is considered that the proposal would be detrimental to the rural character of the area and would thus be contrary to Policy CTY 14 and Policy CTY 8 of PPS 21.

Neighbour Amenity

The dwellings at No. 81A and No. 83 Ballyrobin Road are located in closest proximity to the proposed shed but lie on the opposite side of the Ballyrobin Road. No. 89 is located approximately 140 metres to the north of the application site. Given the ample separation distances (95 metres minimum) from any neighbouring properties together with the proposed use, size and scale of the proposal, it is considered that the proposed shed would not have any significant detrimental impact on the amenity experienced at any nearby neighbouring property. Additionally, the Council's Environmental Health Section have raised no objection to the proposal.

Access and Parking

The proposed access is to be taken from the Ballyrobin Road, which is a protected route designated under the Antrim Area Plan. Policy AMP 2 of PPS 3 and the consequential amendment contained within Annex 1 of PPS 21 indicates that there is a presumption against the creation of a new access onto a protected route, apart from a limited number of exceptions which are listed under the policy.

Criteria (d) of this policy allows for the justification of the approval for 'other developments' in the countryside which would meet the criteria for development in the countryside and access cannot be reasonably obtained from an adjacent minor road.

Given that the principle of development cannot be established, the proposal is

considered to fail to comply with category (d) of Annex 1. The proposal therefore is contrary to the provisions of AMP 3 of PPS 3 and Annex 1 of PPS 21.

CONCLUSION

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

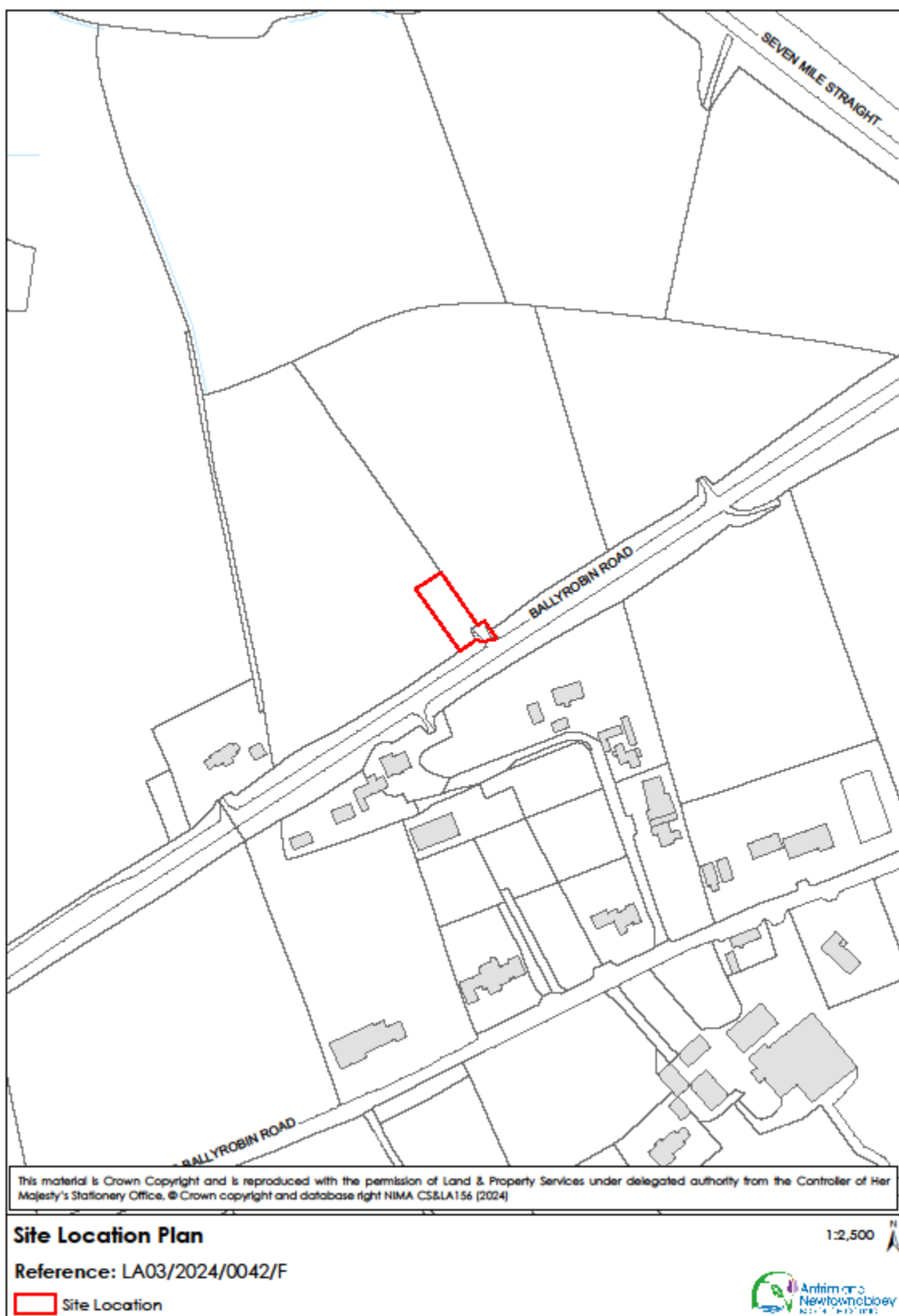
- The principle of the development has not been established in accordance with the policy provisions of Policy CTY 12;
- The proposal would result in a detrimental impact on the character of the area;
- The proposal would not have a detrimental impact on neighbour amenity; and
- The proposal is contrary to Policy AMP 3 of PPS 3 in relation to protected routes.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 and Policy CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that it has not been demonstrated that a new building is necessary for the efficient functioning of the farm.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal, if permitted, will result in ribbon development and a suburban style build- up of development when viewed with existing surrounding buildings.
3. The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Annex 1, Policy AMP 3 Access to Protected Routes (Consequential Revision), in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic.



COMMITTEE ITEM	4.11
APPLICATION NO	LA03/2023/0951/F
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Erection of a farm dwelling and retention of two buildings to provide a garage and storage shed
SITE/LOCATION	100m west of 54b Templepatrick Road, Ballyclare, BT39 9TX
APPLICANT	Mr N Woodside
AGENT	RT Studio
LAST SITE VISIT	22nd February 2023
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 100m west of No. 54b Templepatrick 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 is set back approximately 470 metres from the Templepatrick Road and is accessed via a shared laneway. The site forms an irregular shape and incorporates a disused farmyard and a portion of an adjacent agricultural field. Two ruinous buildings, a dwelling and outbuilding, are located within the disused farmyard. The northern boundary is defined by a 1.5m high hedgerow, the eastern, southern and western boundaries undefined. The topography of the land falls from east to west.</p> <p>The surrounding character is open countryside, with dwellings and outbuildings spread out intermittently.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning reference: LA03/2022/0752/O Location: 150m SW of 54 Templepatrick Road, Ballyclare Proposal: Site for new dwelling and garage on farm Decision: Application withdrawn (25.01.2023)</p> <p>Planning reference: LA03/2022/0470/O Location: 85m north of 54a Templepatrick Road, Ballyclare Proposal: Site for replacement dwelling and garage Decision: Withdrawal (08.07.2022)</p> <p>Planning reference: U/2003/0149/O Location: Adjacent to 54 Templepatrick Road, Skilganaban, Ballyclare, Northern Ireland, BT39 9TX Proposal: Site for replacement dwelling.</p>	

Decision: Permission Refused (15.05.2003)

Planning reference: U/1989/0378

Location: Adjacent to 54 Templepatrick Road, Ballyclare

Proposal: Erection of replacement dwelling

Decision: Permission Granted (31.08.1989)

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, 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.

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 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.

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

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection, subject to proposal meeting the requirements of the Protected Routes Policy

Department for Agriculture, Environment and Rural Affairs - The Farm Business ID was allocated in November 1991. The business has 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 for which farm payments are being claimed by the farm business

Department for Communities Historic Environment Division - No objection

Belfast International Airport - No objection

REPRESENTATION

Twelve (12) neighbouring properties were notified and one (1) letter of objection has been received from a neighbour notified property.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal (<https://planningregister.planningsystemni.gov.uk>).

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

- Flooding; and
- Road safety.

These issues are discussed in detail below.

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

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in the assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. Both of the relevant development plans identify the application site as being within the 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 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 16th April 2024 that the associated farm has been in existence for more than 6 years, the farm ID having been allocated in November 1991. Its response also confirms that the farm business has claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years. Its response also states that the proposed site is located on land for which farm payments are being claimed by the farm business. The Council, having regard to DAERA's response, considers that the application meets criterion (a) of Policy CTY 10.

A site history check has been carried out on the lands submitted as shown on the farm maps and there does not appear to have been any development opportunities sold off from the farm holding. This is further confirmed by the answer to Q5 of the Form P1C which states that there have been no dwellings or development opportunities sold off from the farm holding within the last 10 years. As such, the proposal complies with criterion (b) of Policy CTY 10.

The application site forms an irregular shape, which contains two ruinous buildings; one dwelling and one outbuilding, and a portion of an agricultural field. At the time of the site visit it was noted that the dwelling had no roof, no first floor, or windows intact. The roof and first floor had collapsed inwards to the ground floor, with vegetation now heavily growing within the structure. It is noted that the dwelling has been previously replaced under planning approval Ref: U/1989/0378 and was conditioned to be demolished within 6 weeks of the date of occupation of the new dwelling, however, this condition was not complied with. The outbuilding also had no roof, doors or windows. It is considered that given the ruinous state of the buildings, they cannot be considered to be an established group of buildings on the farm.

The main farm dwelling and associated outbuildings, totalling eight (8) structures is located 150m northwest of the application site. At the time of the site visit, the dwelling was inhabited and the outbuildings were in good condition, appearing to be used to support the farming activities. The land under the applicant's ownership is extensive, with fields to every aspect of this farm grouping.

It is noted that a planning application for a dwelling and garage was previously submitted under planning application Ref: LA03/2022/0752/O at the same location. During the processing of the application the agent was contacted regarding the concerns with the site's location at a group of ruinous buildings and not being sited at the main farmyard. At that time, three buildings were located within the disused farmyard. A meeting was held with the agent and the applicant whereby the Council's position was outlined and explained as well as allowing the opportunity for the agent to submit supporting information. Subsequently, the agent submitted a Supporting Letter, Document 01 date stamped 19th October 2022, which outlined the history of the now ruinous buildings. The statement also outlined how the yard is still used yearly for farming activities, including the storage of machinery, manure and silage. Whilst the submitted letter was not contested, the storing of materials within the yard does not meet the policy test for an established group of buildings on the farm. The application was subsequently withdrawn by the applicant.

The current application seeks full planning permission for a dwelling which is proposed to group with the aforementioned buildings. The key differences with this application in comparison to the proposal submitted under planning Ref: LA03/2022/0752/O is that the red line has been increased to incorporate a portion of the adjacent agricultural field and the application is for full permission (with details of the design and layout of the dwelling). Following a site visit, it was noted that a building previously located to the western portion of the site had been demolished, with the dwelling and outbuilding located to the northeastern portion of the site still remaining. It was also noted that the remaining outbuilding had undergone partial rebuilding to wall-plate height.

Whilst the rebuilding of the outbuilding has been noted, it does not alter the previous concerns. The dwelling which was previously replaced does not have all of its external walls substantially intact. Furthermore, as previously discussed, this dwelling was to be demolished upon completion of the dwelling approved under planning application Ref: U/1989/0378.

Therefore, it is considered that the proposal does not group with an established group of buildings on the farm and therefore it is considered the proposal fails to comply with criterion 9 (c) of Policy CTY 10.

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

The proposed site must also meet the requirements of Policies 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.

The application site incorporates an existing disused farmyard and part of an agricultural field. The application proposes a dwelling, which forms an 'r' shape, alongside the retention of the existing buildings, which are to be repurposed to a storage shed and garage. The site benefits from an existing hedgerow to the northern boundary and to a small section of the southeastern boundary. The remaining boundaries of the site remain undefined. Both long and short views of the application site are experienced along the shared laneway given the sites slightly elevated position above that of the laneway, and limited/sparse intervening boundary treatments. This results in the site appearing open and expanse, with limited opportunity for a backdrop to be provided for the proposal. The proposal would require new landscaping to provide any form of enclosure, which would require numerous growing seasons to provide any substantive screening.

Paragraph 5.67 of PPS21 states that successful rural designs are based upon simple shapes and forms of traditional buildings and simplicity of design, which will help to enhance the appearance off a new building. The proposed dwelling is two storeys in height to the southern element, and single storey in height to the northern element. The proposal has a total length of 24m, and width of 15m at the most extreme points. The dwelling possesses a mix of roof styles including pitched, flat and mono-pitched. The shape of the dwelling results in a significant built form. A variety of window styles are also proposed within the design, including fenestration with a horizontal emphasis and apex windows, and the entire two storey western elevation entirely constructed of glass, with an accompanying balcony and a protruding canopy. A variety of finishes are proposed to the different elements, including: timber cladding, smooth render, stone feature panels, and blue/black slates.

Whilst 'Building on Tradition' may indicate that more contemporary styles of dwellings are acceptable in the rural area, it must also be acceptable in the context of the site and the surrounding rural area. It is considered that given the open and expanse views of the proposal, and previously stated design elements, the proposal would appear as a prominent feature in the landscape, lacking any substantial form of boundary treatments/backdrop which would provide enclosure for the site. The design of the dwelling is also out of character with the surrounding built form. Indeed, no dwelling along the shared laneway possesses such a significant mix of window styles, materials, roof styles, or built form. The proposed design does not respect the site or surrounding context and it is considered detrimental to the rural character exhibited in the area.

Furthermore, the existing ruinous buildings within the site are to be repurposed to provide a garage and a storage shed. No detailed drawings of these proposals were provided, however, it is considered that the cumulative effect of the dwelling,

ancillary garage and storage shed would result in the suburban style build-up of development within the countryside, having a detrimental impact on rural character.

Overall, it is considered the development proposal fails the requirements of Policies CTY 13 and CTY 14.

Neighbour Amenity

No impact to neighbouring amenity is considered to result from the development proposal given the significant separation distance of 90m to the nearest neighbouring property.

Access and Parking

Access to the application site is gained from an existing shared laneway, which adjoins the Templepatrick Road. DfI Roads was consulted regarding the development proposal and responded with no objections, if the proposal meets the exception criteria for the intensification of the use of an existing access onto a protected route under Policy AMP 3 of PPS 3. The Council considers the proposal to meet the exception criteria for a farm dwelling. The proposal is therefore considered acceptable, subject to the attachment of informatives.

Other Matters

The Council's Environmental Health Section was consulted regarding the proposal and responded with no objections.

DfC Historic Environment Division was consulted regarding the proposal and responded stating it was content that the proposal satisfies the archaeological policy requirements of the SPPS and PPS 6.

Belfast International Airport was consulted regarding the proposal and responded with no objections to the proposal.

A neighbour notified property objected to the development proposal and raised flooding and road safety concerns, commenting that water runoff from the property creates flooding on the Templepatrick Road, creating dangerous driving conditions and causing damage. The objector has stated that the matter has become worse following the construction of new properties, with excess water previously retained in the fields now being redirected to the road. Following examination of the DfI Rivers Flood Maps, the site is not affected by any fluvial, pluvial or surface water flooding. The proposal does not trigger the requirement for the submission of a Drainage Assessment under Policy FLD 3 of PPS 15 as the proposed buildings and hardstanding do not exceed 1000 square meters.

Whilst it is acknowledged that the development of the site results in more hard-surfacing and ultimately a lesser permeable area, given the location of the proposed development and the topography of the land which falls towards the agricultural field to the south, it is considered that any runoff from the development would travel towards the permeable agricultural field. The development of the site would not cause significant increased surface runoff. Furthermore, the Templepatrick Road is located 470m from the application site, with numerous intervening fields. It is considered that any runoff generated from the proposal would permeate the soil before reaching the road. With regards to runoff, the laneway is 600m in length, with

numerous curves, bends, ridges and dips. As such, it is not considered that the proposal would result in the significant increase in runoff which would reach the Templepatrick Road. Furthermore, no substantive evidence was provided which sustains the claims.

CONCLUSION

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

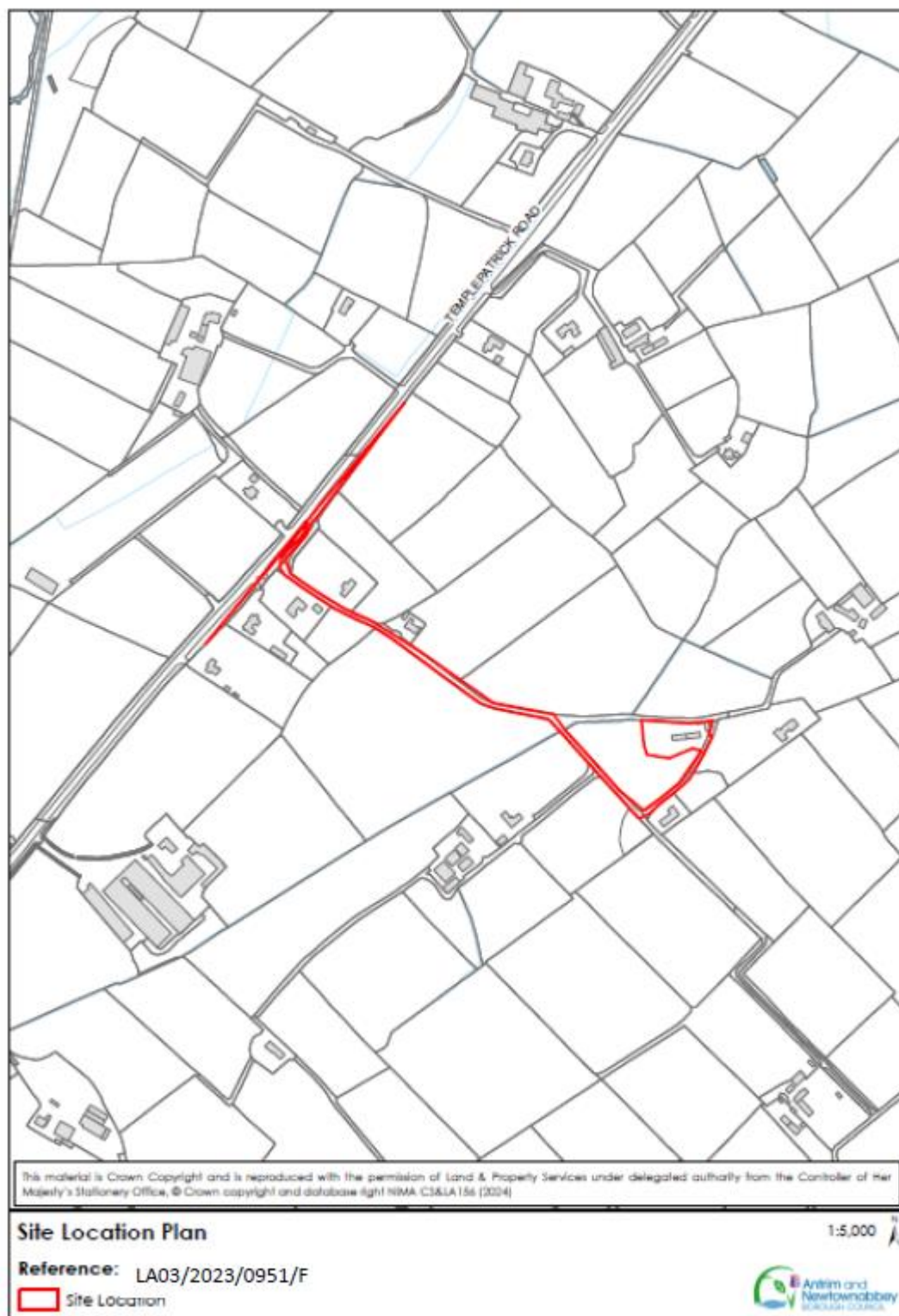
- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of Policy CTY 10 of PPS 21;
- The site lacks any form of long established boundary treatments and relies primarily on new landscaping for integration;
- The proposal fails to blend with the landform and will appear prominent within the landscape;
- The proposal does not group with an established group of buildings on the farm;
- The proposal will result in a suburban style build up when viewed with existing development;
- The proposal does not respect the traditional pattern of development exhibited in the area;
- The proposal would not have a detrimental impact on neighbouring amenity; and
- The proposal is considered an exception to Policy AMP 3 of PPS 3 and there are no road safety concerns with the proposal.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. 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 c) the new building is not visually linked or sited to cluster with an established group of buildings on the farm.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and fails to meet with the provisions for a farm dwelling in accordance with Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal will appear prominent within the landscape and the site lacks any form of long established boundary treatments and relies primarily on new landscaping for integration and fails to blend with the landform.
3. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and fails to meet with the provisions for an farm dwelling in accordance with Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal will appear prominent within the landscape and result in a suburban style build-up of development when viewed with existing development.



COMMITTEE ITEM	4.12
APPLICATION NO	LA03/2024/0029/O
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Erection of dwelling and garage
SITE/LOCATION	30 metres south of No 33 Lisglass Road, Ballyclare
APPLICANT	Sean Magee
AGENT	Dermot Monaghan MBA Planning
LAST SITE VISIT	12 th March 2024
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 30 metres south of the existing detached dwelling at No. 33 Lisglass Road, Ballyclare. The site lies outside the development limit of any settlement defined in the draft Belfast Metropolitan Area Plan (2004).</p> <p>Although the red line of the application site has been drawn to include the existing dwelling at No. 33, the site for the proposed dwelling is in the rear garden of this property in the southeastern corner of the plot, adjacent to an existing domestic garage. The site is enclosed by mature hedging along all of its boundaries which prevents open public views of the existing dwelling at No. 33 and the area of the site identified for the proposed dwelling. The topography of the site is generally flat.</p> <p>The character of the area is typically rural but the application site is located in the garden of a ribbon of six (6) dwellings (Nos. 33-41) along the Lisglass Road.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/1997/0197 Proposal: Erection of Dwelling with attached double garage and stable block Location: Rear of 33 Lisglass Road, Ballyclare Decision: Permission Refused – 23rd July 1997</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account 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.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the greenbelt area as designated in the plan. The plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the greenbelt area as designated in the plan. 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 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's Environmental Health Section – No objection

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection subject to condition

REPRESENTATION

One (1) neighbouring property was 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
- Design and Appearance
- Neighbour Amenity
- Access and Parking

Policy Context and Principle of Development

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

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

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in the assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

Both of the relevant development plans identify the application site as being within the countryside, outside of any defined settlement. 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 for a new dwelling in an existing cluster in accordance with Policy CTY 2a. Policy CTY 2a states that planning permission will be granted subject to a number of criteria being met.

In this case, the application site is located at No. 33 Lisglass Road and the proposal is for a new dwelling in the southwestern corner of the rear garden of the existing dwelling house.

There are six (6) dwellings located along the Lisglass Road adjacent to and east of the application site. These existing dwellings are located along the roadside in a linear ribbon of development extending from No. 33 to No. 41 Lisglass Road. The agent identifies these six dwellings as being the 'existing cluster' within the supporting information provided in Document 01 bearing the date stamp 29th January 2024.

The first criteria of Policy CTY 2a requires that the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings), of which at least three are dwellings. The policy then goes on to require that the cluster appears as a visual entity in the landscape and that it is associated with a focal point such as a social/community building or is located at a cross roads.

It is acknowledged that there is a build-up of development in the locality of the site, formed by a linear pattern of development which can be argued constitutes an 'existing cluster' which appears as a visual entity in the local landscape. A focal point is formed by the existing crossroads to the southwest. The policy goes on to require that the site provides a suitable degree of enclosure and is bound on at least two sides with other development in the cluster and that the proposed development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter the existing character or visually intrude into the open countryside.

Notwithstanding the above, the proposed site for the dwelling as indicated on the Site Block Plan, Drawing No. 02/1 date stamped 13th March 2024 would be bound by the existing dwelling and garage at No. 33 Lisglass Road to the north but does not benefit from enclosure provided by any other existing development. Given the location of the site which is positioned beyond the dwelling at No. 33 when viewed from both the Lisglass Road and the Rushvale Road, it is considered that the application site is not consolidating or rounding off and is rather extending the built form further towards the open countryside. This would be detrimental to the rural character of the area and would not align with the policy provisions provided in Policy CTY 2a.

Although it has been indicated that the site is to be assessed against Policy CTY 2a, the proposal has also been considered against all other potentially relevant policies for residential development in the countryside and it does not appear to meet any other policy criteria.

The proposal is therefore contrary to the provisions contained in the Strategic Planning Policy Statement, Policies CTY 1 and CTY 2A of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal fails to comply with the policy provisions for new development in existing clusters and there are no other overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Design, Layout and Appearance of the Area

All dwellings in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

Policy CTY 13 requires that a dwelling in the countryside will not be prominent in the landscape and will integrate into its surroundings, whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

The application seeks outline planning permission and thus no specific details in relation to design have been provided. It is however considered that a suitably designed dwelling could integrate on the site given the presence of the existing mature boundary vegetation (particularly along the southeastern boundary) and the existing development surrounding the proposed location for the dwelling.

As discussed above, given that the application site does not meet the policy requirements of Policy CTY 2a it is considered that a dwelling on site would further exacerbate the suburban style build-up of development along the Lisglass Road. The siting of a new dwelling on the application site would also be considered to add to an existing ribbon of development, which would extend northeastwards from the application site along the Lisglass Road to No. 41. Development that adds to a ribbon of development is contrary to the policy provisions of Policy CTY 8.

This unnecessary build-up of development and addition to an existing ribbon of development would be detrimental to the rural character expressed in the area and is thus contrary to Policies CTY 8 and CTY 14 of PPS 21.

Neighbour Amenity

Given that the application seeks outline planning permission, no specific details of the proposal have been provided. It is, however, considered that with appropriate siting, orientation and layout, in combination with landscaping and separation distances, a suitable dwelling could be accommodated within the application site without negatively impacting upon the amenity experienced at other nearby neighbouring properties.

Access and Parking

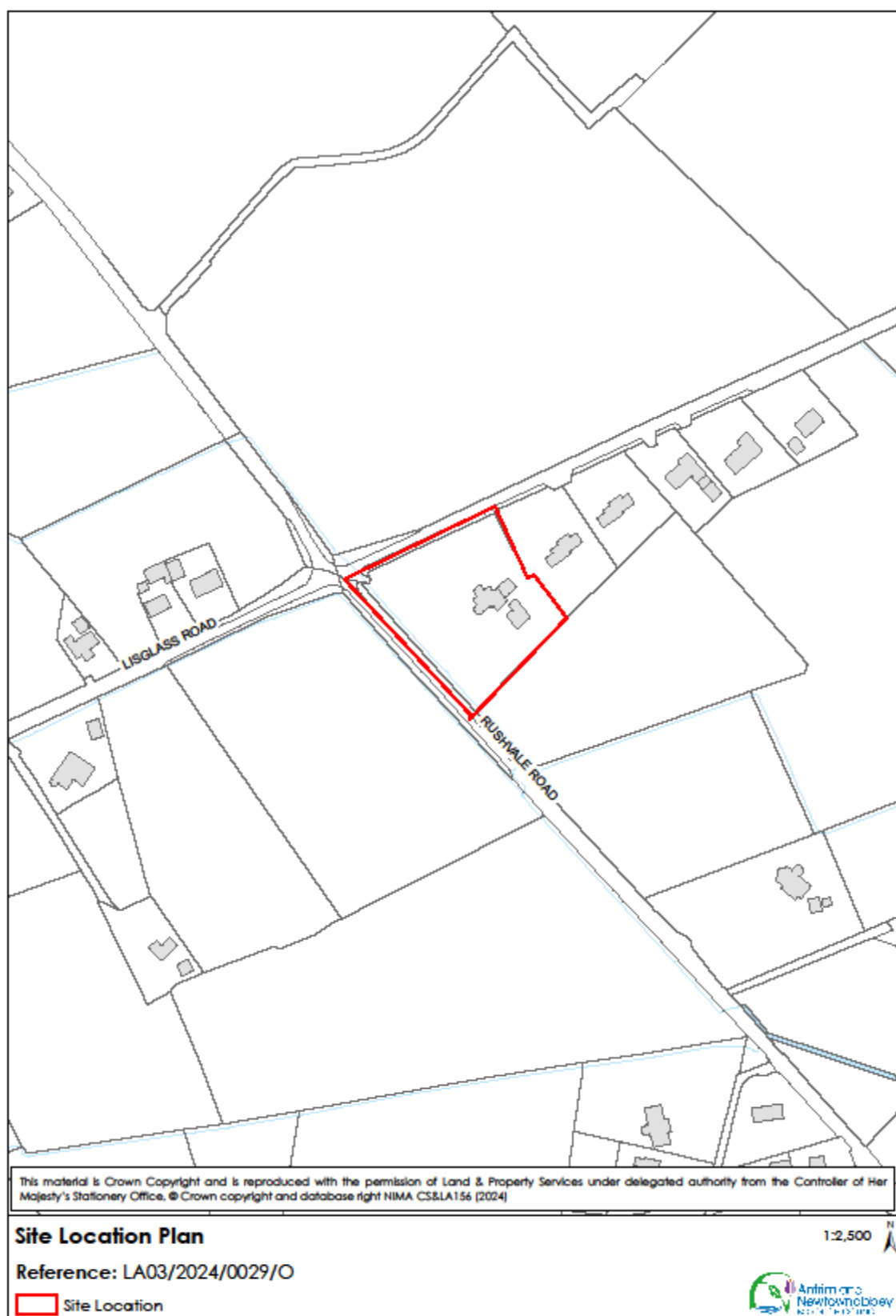
DfI Roads has been consulted in relation to the development proposal and has offered no objection to the proposal subject to a condition being attached to any forthcoming planning approval. It is noted that the proposed access is to be a new access taken off the Rushvale Road. The provision of this new access may result in the removal of parts of the mature hedgerow that exists along the sites roadside boundary in order to achieve acceptable visibility.

CONCLUSION

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

- The principle of the development has not been established in accordance with the policy provisions of Policy CTY2a;
- The proposal would result in a detrimental impact on the character of the area;
- It is considered that an appropriately designed dwelling on the application site would not compromise the amenity of neighbouring occupiers.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASONS FOR REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the 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 within the Strategic Planning Policy Statement and fails to meet the provisions for a new dwelling in an existing cluster in accordance with Policy CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside. 3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site would, if permitted, add to an existing build-up and ribbon of development that would result in a detrimental change to, and erode, the rural character of the countryside. 	



COMMITTEE ITEM	4.13
APPLICATION NO	LA03/2024/0057/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Extension of residential curtilage, construction of general purpose garage and feed store, secure parking area for vehicles including horse boxes, tractors and privately owned cars used for stock car racing, circulation space and parking area for three lorries plus provision of paddock/exercise area for ponies.
SITE/LOCATION	To the rear of 13 Ballyhill Road, Ballyhill Lower, Crumlin, BT29 4TN
APPLICANT	Paul Crooks
AGENT	Paul Crooks (Applicant)
LAST SITE VISIT	14 th February 2024
CASE OFFICER	Harry Russell Tel: 028 903 40408 Email: harry.russell@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located to the rear of No. 13 Ballyhill Road, Ballyhill Lower, Crumlin which is within the countryside as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The site is located off the Ballyhill Road and contains a bungalow and detached store which front onto the roadway. A number of additional structures are located in the northwestern corner of the site, positioned to the rear of No. 9 Ballyhill Road. The site is expansive, with a total area of approximately 1.2 hectares, which incorporates the existing curtilage of the dwelling and an area located to the rear of the established curtilage which measures approximately 0.96 hectares. This area is finished in hardcore and at time of the site visit contained numerous damaged vehicles, shipping containers and vehicle transporting equipment.</p> <p>The existing curtilage of the dwelling at No. 13 Ballyhill Road is defined by a 1.8m high concrete wall to the northern (roadside) boundary. The remaining curtilage boundary treatments include a 1.2m high hedgerow, a concrete wall and fence and the neighbouring outbuilding of No. 15 Ballyhill Road to the east. The southern site boundary is defined by a 1.5m high wall and trees measuring approximately 6-8 metres in height. The western site boundary is defined by a 1.8m high timber boarded fence and trees measuring approximately 6-8 metres in height. The proposed extended area located to the rear of the established curtilage is defined by hedgerows along the eastern, southern and western boundaries. The northern extended boundary is defined by trees. No. 9 Ballyhill Road abuts the application site to the northwest and is bound by two aspects by the site, with the dwelling at No. 15 Ballyhill Road abutting the application site to the east.</p>	

The surrounding area is open countryside, with dwellings and agricultural outbuildings spread throughout intermittently.

RELEVANT PLANNING HISTORY

Planning reference: LA03/2023/0041/F

Location: To the rear of 13 Ballyhill Road, Ballyhill Lower, Crumlin, BT29 4TN

Proposal: Extension of residential curtilage, construction of general purpose building incorporating 4 stables, tack room, dry feed storage, and bedding facilities, secure parking area for vehicles including horse boxes, tractors and privately owned cars used for stock car racing, circulation space and parking area for three lorries plus provision of paddock/exercise area for ponies.

Decision: Application Withdrawn (15.05.2023)

Planning reference: T/2009/0422/F

Location: 13 Ballyhill Road, Nutts Corner, Crumlin, BT29 4TN

Proposal: New Access

Decision: Permission Refused (23.10.2009)

Planning reference: T/2006/0191/F

Location: 13 Ballyhill Road, Nutts Corner, Crumlin, BT29 4TN

Proposal: New laneway and hayshed/stables

Decision: Permission Refused (29.11.2006)

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, 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.

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.

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

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

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 - Requires further information

DFI Roads - No objection

REPRESENTATION

Three (3) neighbours were notified of the application and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and 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 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 application seeks full planning permission for an extension to the residential curtilage of No. 13 Ballyhill Road, the construction of a general purpose garage and feed store, parking area for vehicles, provision of a paddock and exercise area, and the retention of a roadside boundary wall.

A Planning Statement, Document 01 date stamped 11th March 2024 accompanied the application. The document outlines that the applicant wishes to move to the dwelling within the application site at No. 13 Ballyhill Road, in order to accommodate the family's hobby of keeping ponies, stock car racing and to provide an area of storage for numerous vehicles. The proposed building is to be divided in two, with one element encompassing a tack room and storage area for feed and bedding for the ponies and the other larger unit providing internal storage for vehicles, which include those used for the applicant's business as well as vehicles associated with the applicant's stock car racing hobby. The Planning Statement notes that the client owns a break-down recovery business, and on occasions damaged vehicles may be parked temporarily on the hardstanding should an emergency arise and the vehicle transporter is required at short notice. The Statement continues that the building will be solely used for the applicant's vehicles and ponies, and no business will operate from the site. Images of the vehicles owned by the applicant, including: a horsebox, a lorry cab, a low loader trailer and a tractor were submitted.

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. Policy CTY 1 indicates that development not falling into one of the listed categories will be permitted only where there are overriding reasons why it is essential and could not be located within a development limit. There is no provision for residential land use to be extended further into the neighbouring countryside within Policy CTY 1 which directs consideration of an extension to a residential curtilage in the countryside to the addendum of PPS 7 'Residential Extensions and Alterations'. The general purpose building is also assessed under the Addendum to PPS 7 - Residential Extensions and Alterations (APPS7).

As directed by Policy CTY 1, the APPS7 allows for the principle of development to be established for the extension to a residential curtilage in the countryside, so far as it also meets the additional policy requirements of Policies CTY 13 and CTY 14. In this case, it is considered that the extension to the curtilage is not of a domestic scale and is so excessive that it will fail to visually integrate into the surrounding landscape thereby resulting in the detrimental change to the rural character of the area. These concerns are further outlined below, however as a result the principle of development is unable to be established.

Furthermore, since the principle of development has not been established for the extension to the curtilage, the proposed general purpose building would be located

on lands within the open countryside. Whilst the agent has provided justification for the building to be located within the proposed extended curtilage as assessed under APPS7, no justification has been provided as to why this building should be located within the rural countryside. As such, the principle of development for the general purpose building cannot be established under APPS7 and meets no other policy test as described within Policy CTY 1.

The proposal also includes a number of recreational elements including a paddock area, a ménage and an associated feed store located within the proposed building, which is assessed against the policy criteria of Policy OS 3 Outdoor Recreation in the Countryside of PPS 8 Open Space.

The submitted Planning Statement sets out the justification for the recreational elements of the development proposal. The agent draws attention to an appeal decision (2012/A0057) which notes that Policy OS 3 does not specifically relate to public use and states that private use recreation is acceptable as long as it meets the additional policy tests. Whilst there are no concerns regarding the private use of the recreational elements, the proposal is considered to fail a number of criterion set out within Policy OS 3, which includes that the proposal would have an adverse impact on visual amenity and character of the local landscape, the development cannot be readily absorbed into the landscape by taking advantage of existing vegetation or topography and satisfactory arrangements for drainage disposal have not been demonstrated. Furthermore, whilst it is noted that the ancillary building is primarily for the internal storage of vehicles, a tack room and feed store is also contained within the building. The building, which has a height of 6m is considered an excessive scale for the recreational use and is consequently not considered necessary to support the recreational activities. The remaining concerns outlined are addressed below.

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

All proposals in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires that a dwelling in the countryside will not be prominent in the landscape and will integrate into its surroundings, whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

The extension to the curtilage is to extend to a depth of 72m into the open countryside, with an approximate width of 114m, giving the extended curtilage an approximate area measuring 0.96 hectares. A general purpose building is proposed to be located to the eastern section of the site, approximately 15m to the south of the current rear boundary of the subject dwelling and approximately 26.5m to the west of the eastern boundary of the extended curtilage. The building measures approximately 15.3m in length, 8m in width, and 6m in height and is to be finished in dark green profiled cladding with roller shutter doors and a pitched roof.

The proposed general purpose building has reduced in size and is located approximately 18m to the west and 3m to the north of the general purpose building currently proposed under application Ref: LA03/2023/0041/F, which was subsequently withdrawn. As this proposal is further from the eastern boundary of the site and closer to the mature trees along the southern boundary of the curtilage of the existing

dwelling, the short views of the building from the Ballyhill Road would be largely restricted or fleeting. However, the proposed building will be visible from long views (up to 1km away) when travelling westwards along the Ballyhill Road and the extended curtilage area visible from both short views and long views. The sparse boundary treatment along the eastern boundary appears in a poor state of growth, further exposing the site to views. This is further compounded by ground level differences, whereby the topography of the site is at a significantly higher level than certain sections of the roadway, from where long views will be experienced. These combined factors will result in the building and extended curtilage appearing as prominent and incongruous within the landscape, lacking any kind of enclosure or backdrop that could potentially mitigate their visual impact.

As previously mentioned, the eastern boundary is poorly defined. Additional landscaping will be required in order to provide sufficient levels of screening and integration, however, given the scale and siting of the proposal, it is considered that this new planting will provide minimal mitigation. Furthermore, numerous growing seasons will be required before the planting provides any substantive level of screening.

The application proposes the retention of a boundary wall, which extends along the roadside northern boundary. The wall, which does not benefit from planning permission, is currently approximately 1.6m in height with 10 piers approximately 2m in height. The proposal seeks to reduce the wall to 1.2m in height with 4 pillars (2 at the entrance and 2 at either end of the roadside boundary) approximately 2m in height.

Paragraph A23 of the APPS7 states, 'Walls and fences, particularly in front gardens, can also have a significant effect on the appearance of the property and streetscape. Both the visual and road safety aspects of a wall or fence will be assessed when proposals are being considered. Materials should always complement the character of the property and the neighbourhood.'

The boundary wall is visible from both long and short views when travelling along the Ballyhill Road. In its current form it appears dominant and overbearing along the carriageway due to its size, scale and design. The proposed reduction in height and scale of the wall reduces the visual impact of the wall. Furthermore, within the site's wider context, lower rendered roadside walls are exhibited. As such, if planning permission for the development were to be granted, a condition requiring the wall to be finished in render should be imposed.

Having considered the above, it is deemed that the boundary wall when lowered and finished in render is of a scale, design and uses materials which 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.

The design of the building is finished in materials to be sympathetic to the existing dwelling and outbuilding on the site. However, whilst the floor space of the storage building would appear similar in size to the existing garages on the application site, its ridge height of 6m results in a large scale building when considering the site's locality. The scale of the building combined with its location, which is over 40m away from the dwelling and approximately 25m from the nearest outbuilding on the site, results in the building not appearing to be designed as part of the overall layout of the rural

buildings. Consequently, the building is considered inappropriate for the site and locality, failing to blend with the landform and resulting in a detrimental impact on visual amenity.

The significant extension of the curtilage will also result in the unnecessary encroachment into the open countryside, eroding the rural character whilst not having respect to the traditional pattern of settlement exhibited in the surrounding area. The vast majority of roadside dwellings located in the vicinity of the application site have modest plot depths and do not draw attention from critical viewpoints. The proposal will result in a total plot depth of 126m, appearing as an anomaly within the landscape, especially for a residential curtilage. The proposal is considered out of character for such a rural and exposed location and is considered to result in a detrimental impact on the existing character of the area, therefore failing Policies CTY 13 and CTY 14.

Neighbour Amenity

No. 15 Ballyhill Road is located adjacent to and east of the application site. The proposed general purpose building is located approximately 63m from the neighbouring property, which is considered to have a sufficient separation distance not to have a detrimental impact on amenity. Given the siting of No. 15 along the roadside in relation to the application site, no detrimental impacts to amenity are expected to occur from the recreational elements of the proposal.

No. 9 Ballyhill Road is located adjacent to and northwest of the application site whereby it is bound on two aspects by the site. The proposed general purpose building is located approximately 68m from the neighbouring property, which is considered to have a sufficient separation distance not to have a detrimental impact on amenity. The paddock area is located immediately to the rear of the curtilage of No. 9 Ballyhill Road. Given the nature of this element, no impacts from overlooking, overshadowing, loss of light or dominance are expected to occur.

No. 5 Ballyhill Road is located to the west of the application site on the opposite side of a laneway. The proposed general purpose building is located approximately 95m from this neighbouring property, which is considered to have a sufficient separation distance not to have a detrimental impact on amenity. Given the siting of No. 5 Ballyhill Road, only a small portion of the paddock area is situated on the opposite side of the laneway from No. 5. Accordingly, given the siting of the neighbouring dwelling and the nature of this element of the site, no impacts from overlooking, overshadowing, loss of light or dominance are expected to occur.

Other Matters

The agent states within the Planning Statement, Document 01 date stamped 11th March 2024, that the proposed building will provide an area of storage for vehicles used daily in his business (break-down recovery) and advises that the area of hardstanding will be used for the temporary storage of vehicles used in his business activities.

The Council's Environmental Health Section was consulted regarding the proposal and responded by stating that reference was made to the applicant operating a break-down service business with the Planning Statement accompanying the planning application under Ref: LA03/2023/0041/F. It is noted that reference is also

made to this business within the Planning Statement which accompanied the subject application, therefore the Council's Environmental Health Section advised that it requires further information in relation to vehicle movement activities. It is noted that this application relates to a domestic expansion of curtilage and a domestic fee has been paid for the proposed building. As such, a condition would be imposed if planning permission were to be granted restricting the use of the building to domestic use only.

DfI Roads was consulted and had no objections to the proposal subject to informatives being included in any forthcoming planning approval.

PPS 15 Planning and Flood Risk

Policy FLD 3 Development and Surface Water (pluvial) Flood Risk Outside Flood Plains of PPS 15 requires a Drainage Assessment for a change of use involving new buildings and/or hardstanding exceeding 1000sqm in area. The area of the application site is in excess of the 1000sqm threshold and therefore requires the submission of a Drainage Assessment in order for DfI Rivers to make an assessment of the development from a flood risk perspective.

As the principle of development has not been established this information was not requested. As such, it has not been demonstrated that satisfactory arrangements are provided for drainage to mitigate potential flood risk to the proposed development and development elsewhere.

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 Policy CTY 1 of PPS 21 and Policy OS 3 of PPS 8;
- The proposal would appear unduly prominent within the landscape;
- The design of the building is inappropriate for the site and location, and the site lacks established boundary treatments for integration;
- The proposal would fail to blend with the existing landform;
- The proposal does not respect the traditional pattern of development exhibited in the area;
- There are no neighbour concerns regarding the impact on neighbour amenity;
- Environmental Health Section requires further information before making an assessment; and
- It has not been demonstrated that the development will not impact other development by way of surface water runoff.

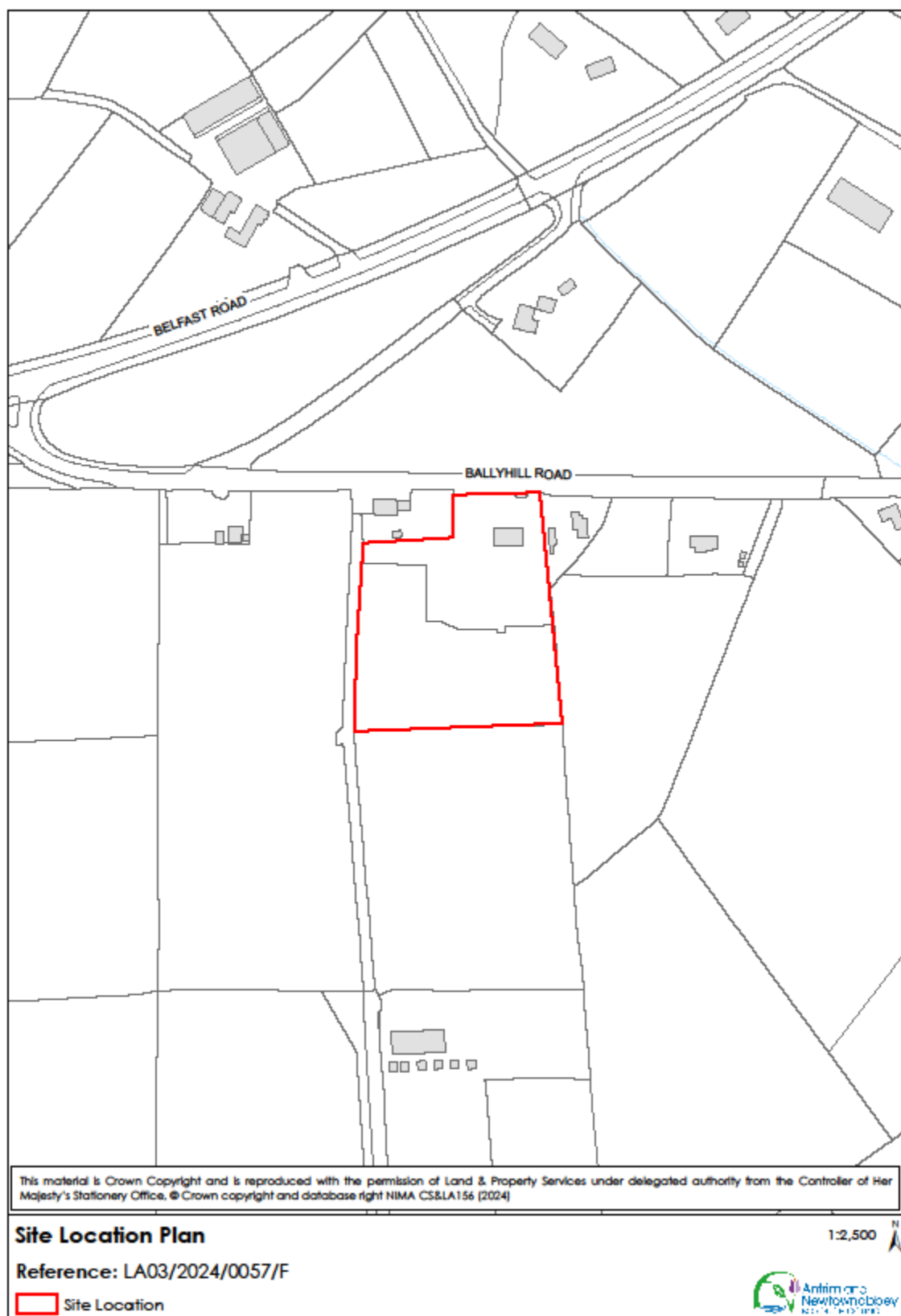
RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) 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.

2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy OS 3 of Planning Policy Statement 8 Open Space, Sport and Recreation, in that the proposal is not readily absorbed into the landscape and would have an adverse impact on the visual amenity and character of the local landscape; and the scale of the ancillary building is not considered appropriate to the local area.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would appear as a prominent feature in the landscape; the site lacks long established boundary treatments; the site relies primarily on new landscaping for integration; the design of the building is inappropriate for the site and locality; the proposal fails to blend with the existing landform; and the proposal does not respect the traditional pattern of settlement exhibited in the area.
4. The proposal is contrary to the policy provisions in the Strategic Planning Policy Statement, Policy OS 3 of Planning Policy Statement 8 Open Space, Sport and Recreation and Policy FLD 3 of Planning Policy Statement 15 Planning and Flood Risk in that it has not been demonstrated that satisfactory arrangements are provided for drainage to mitigate potential flood risk to the proposed development and development elsewhere.



COMMITTEE ITEM	4.14
APPLICATION NO	LA03/2023/0949/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Dwelling & Garage
SITE/LOCATION	Site 50 Metres North East of No. 3 Carmorn Road, Antrim, BT41 3NX
APPLICANT	Gabriel Bateson
AGENT	Gary Lamont
LAST SITE VISIT	22nd February 2024
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located 50 metres northeast of No. 3 Carmorn Road, Antrim, within the countryside and outside the development limits of any settlement defined in the Antrim Area Plan 1984-2001.</p> <p>The application site forms a rectangular shape and contains an existing single storey outbuilding. The site is accessed by an existing private laneway, which currently serves No. 3 Carmorn Road (which is also under the control of the applicant). The site benefits from mature trees and hedgerows to the northern and eastern boundaries. An additional outbuilding is located to the west and No. 3 Carmorn Road is located to the southwest of the site.</p> <p>The application site is located within the countryside with dwellings and agricultural outbuildings spread throughout intermittently.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2021/0215/O Location: 50m NE of 3 Carmorn Road, Toomebridge, Antrim, BT41 3NX Proposal: Site for proposed replacement dwelling Decision: Withdrawn (11.08.2021)</p> <p>Planning Reference: T/2009/0055/F Location: 50m East of 3 Carmorn Road, Toomebridge, Antrim Proposal: Dwelling Decision: Permission Granted (01.05.2009)</p> <p>Planning Reference: T/2005/0835/O Location: 50m East of 3 Carmorn Road, Toomebridge Proposal: Site of dwelling and garage Decision: Permission Granted (21.02.2006)</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 settlement limit and lies in the countryside as designated by the Plan, which offers no specific policy or guidance pertinent to this proposal.

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

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

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

PPS 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's Environmental Health Section – No objection

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection, subject to a condition

REPRESENTATION

One (1) neighbouring property was notified of the application and no letters of representation were 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
- Access 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 development limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is Policy CTY 6 for a new dwelling related to personal and domestic circumstances.

This policy states that permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal and domestic circumstances. The granting of this permission is subject to a number of criteria being met.

The criteria requires that:

- a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
- b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or

reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

In this case, the application seeks outline approval for a dwelling and garage. A Supporting Statement, Document 01 date stamped 22nd December 2023 accompanied the application. The document states that the current dwelling at No. 3 Carmorn Road is occupied by the applicants who share their home with their son, daughter-in-law and twin grandchildren.

The Supporting Statement advises that the application is to provide a new dwelling for the applicants to reside in, with their son, daughter-in-law and grandchildren remaining in the dwelling at No. 3 Carmorn Road. It continues that the new dwelling will provide a separate space for the applicants to live whilst allowing them to be close to support their family and be a vital part of the children's care plan. An accompanying letter from a medical health professional outlined the medical conditions of the applicant's grandchildren, which commented that the children would benefit from having family close by to help with care.

Following the review of Document 01, the agent was contacted and asked to provide the following additional information:

- Verification from a GP confirming the registered carers of the children;
- The children's daily care regime;
- The level of care that the children's grandparents provide;
- The children's grandparents' current address; and
- What alternative solutions were explored (such as an extension to or an attached annex to the existing dwelling) and why these options were not considered to be suitable.

The agent submitted further information on the 12th April 2024 via an email. The submitted information failed to provide verification of the registered carers of the children, nor confirmed if the applicants were the children's registered carers. Information regarding the medical condition of the applicants' grandchildren was provided in an email from the applicant's daughter-in-law and an additional email commented that the children's grandparents (the applicants) provide daily practical support, helping their son and daughter-in-law manage their busy lives, however no information regarding the exact level of care which the grandparents provide was provided.

The information also noted that the applicants currently live in a property at No. 336 Rathmore Gardens in Antrim, which conflicts with the information contained within the Supporting Statement (Document 01) which states that they live at No. 3 Carmorn Road with their son, daughter-in-law, and grandchildren. However, a land registry check confirms the owner of the property at No. 336 Rathmore Gardens in Antrim to be Gabriel Bateson of 3 Carmorn Road, Toomebridge (the applicant). Nevertheless, the agent has stated that to have the applicants located adjacent to their family and grandchildren would make life so much easier for both parties.

The agent has stated that the provision of an extension or annex to the existing dwelling was explored. He added that this was not an option as the applicants' son's family are currently in the process of obtaining an N.I.H.E. grant to considerably alter

and extend the bungalow. He stated that the dwelling is currently not fit for purpose in terms of the long-term care that the children will need and new bedrooms are being provided for each of the girls and additional space is being created to allow room for the family to grow. He also advised that existing bedrooms are also being converted to storage rooms to contain specialist equipment, medical supplies etc. and it is simply not possible or practical or in terms of privacy for the family and grandparents to live together under one roof.

Having reviewed the information submitted, specific and clear details as to the level of care required by the grandchildren has not been provided, nor has the level of care which the grandparents provide been outlined. Furthermore, it has not been demonstrated that genuine hardship would be caused if planning permission were refused.

Following a site history check, it was noted that planning approval was granted for a dwelling under planning application Ref: T/2009/0055/F for the same applicant as the current application at 50m East of 3 Carmorn Road, Toomebridge, Antrim. Aerial imagery shows that the foundations have been constructed and poured prior to the five year expiration date of the planning permission. The foundations are not currently visible on the ground due to dense tree coverage, which was planted following the pouring of the foundations.

The agent was contacted and asked why this site could not provide an alternative means of accommodation. It is noted that no Certificate of Lawfulness exists for the site, however it appears to have been commenced within the time limit. The agent responded stating that the said site is for the applicants' other son. The land subject to planning approval Ref: T/2009/0055/F is outlined in blue on the location plan, which indicates the land is in the ownership of the applicant. A follow up land registry check confirmed that the applicant has ownership of the said land, however in March of this year a new application was submitted to Land Registry for the transfer of the land. The exact details of the transfer are not available to view as it has not yet been processed.

It is considered that an alternative solution for a dwelling was not fully explored by the applicant when they applied for planning permission for a dwelling and garage under the current planning application, as at the time of submission the land subject to planning approval Ref: T/2009/0055/F was still in their ownership. The exact details of the transfer are not viewable as it has not yet been processed.

Having reviewed the information, it is not considered that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused, and that all alternative solutions have not been fully explored.

Design, Layout and Appearance of the Area

All dwellings in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

Policy CTY 13 requires that a dwelling in the countryside will not be prominent in the landscape and will integrate into its surroundings, whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

The application site is set back approximately 140m from the Carmorn Road and is accessed via a private laneway. No critical views of the site are achievable given the set back distance and the intervening boundary treatments and structures. As the application is for outline permission, no details of the design and layout have been provided. However, it is considered that a dwelling could be accommodated on the site without appearing prominent and could integrate appropriately within the landscape given the lack of critical viewpoints. If deemed acceptable, the existing boundary treatments to the northern and eastern boundaries would be conditioned for retention in order for them to provide screening for the development from the Cargin Road. If approved, an additional condition restricting the ridge height to 5.5m would be imposed to ensure the proposal respects the built form and character exhibited in the adjacent outbuilding and No. 3 Carmorn Road.

The application site is considered to respect the existing settlement pattern exhibited in the area. Overall, it is considered that the proposal would integrate appropriately within the rural area subject to the attachment of conditions and as such complies with the policy provisions of Policies CTY 13 and CTY 14.

Neighbour Amenity

No. 3 Carmorn Road is located 50m to the southwest of the application site and is under the control of the applicant. Given that the application seeks outline planning permission, no specific details of the proposal have been provided, however, the submitted Location Map, Drawing 01 date stamped 22nd December 2022 has been provided which provides an indicative layout of the scheme. It is considered that with a similar siting, orientation and layout of the proposal as shown on Drawing 01, in combination with the intervening laneway, a dwelling could be accommodated within the application site without negatively impacting upon the amenity of the neighbouring property. If approved, a condition requiring the dwelling to be sited in general conformity with that shown on Drawing 01 would be attached.

Natural Heritage

The development proposal involves the demolition of an existing outbuilding in order to accommodate a new dwelling and garage. Having completed a site visit, it was noted that the building was watertight and all doors and windows were permanently closed. No openings in the walls were evident and the roof was constructed in tin. Therefore, it is considered that there is a negligible bat roost potential within the building. As such the proposal is considered to comply with the policy provisions of PPS 2.

Access and Parking

DfI Roads has been consulted in relation to the development proposal and has offered no objection to the proposal subject to conditions being attached to any forthcoming planning approval.

Other Matters

The Council's Environmental Health Section (EHS) was consulted regarding the proposal and responded that the proposed development is in close proximity to an engineering yard and farmyard, however acknowledges that the applicants have been residing in the house adjacent to the proposed site for a number of years and are therefore aware of the existing environment. EH recognises that the location of the proposed development increases the separation distance from the farmyard and as

such has no objections to the application. However, it is recommended that an informative is attached should planning approval be forthcoming.

CONCLUSION

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

- The principle of the development has not been established in accordance with the policy provisions of Policy CTY 6;
- A dwelling on the site would not have a detrimental impact on the character of the area;
- An appropriately designed dwelling would not have a detrimental impact upon neighbouring amenity; and
- The proposal is considered acceptable in terms of PPS 2 and PPS 3.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 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 within the Strategic Planning Policy Statement and fails to meet the provisions for a dwelling and garage in accordance with Policy CTY 6 Personal and Domestic Circumstance in that it has not been sufficiently demonstrated that there are compelling and site specific reasons for the requirement of a dwelling at this location related to personal or domestic circumstances, and all alternative solutions have not been explored to meet the particular circumstance of the case.



COMMITTEE ITEM	4.15
APPLICATION NO	LA03/2023/0326/O
DEA	DUNSILLY
COMMITTEE INTEREST	HEAD OF SERVICE REFERRAL
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	Site for Dwelling and Double Garage
SITE/LOCATION	Lands 250m SE of 275 Ballymena Road, Tardree, Antrim
APPLICANT	Audrey Currie
AGENT	Audrey Currie
LAST SITE VISIT	12/09/2023
CASE OFFICER	Dan Savage Tel: 028 90340438 Email: daniel.savage@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>At the April 2024 meeting of the Planning Committee, Members agreed to defer this application to provide an opportunity for Officers to provide more information to Members on the issues of 'active farming' and visual linkage.</p> <p>Criteria (a) states that the farm business should be currently active and has been established for at least 6 years. As indicated on the P1C Form the applicant has confirmed they do not have a Business ID or claim Single Farm Payment. The SPSS indicates that for the purposes of the policy 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013.' For the purposes of this Regulation, agricultural activity means:</p> <p>(i) production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes,</p> <p>(ii) <u>maintaining an agricultural area in a state which makes it suitable for grazing or cultivation</u> without preparatory action going beyond usual agricultural methods and machineries, based on criteria established by Member States on the basis of a framework established by the Commission, or</p> <p>(iii) carrying out a minimum activity, defined by Member States, on agricultural areas naturally kept in a state suitable for grazing or cultivation'</p> <p>In the absence of a farm business ID and the claiming of Single Farm Payments, the applicant is required to provide sufficient evidence in order to demonstrate that they are 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 6 years therefore the assessment period is 2017-2023.</p> <p>A number of invoices have been provided for the requisite 6-year period 2018-2023:</p> <ul style="list-style-type: none"> 7/3/17 – Invoice for pipe bedding of existing quarry and GM Merchants over the period 2017; 	

- 9/4/17 – Invoice from McMordie Transport at Doagh Road, Tardress for slurry
- 30/6/17 – Invoice for Sam Currie at Doagh Road for delivery of a manhole cover and land drainage;
- 25/4/18 – Invoice from McMordie Transport at Doagh Road, Tardress for slurry;
- 31/7/18 – Sheep wire invoice and drainage for Sam Currie, The Meadows
- 4/1/19 – Invoice for fencing and tools for Sam Currie;
- 11/3/19 - Invoice from McMordie Transport at Doagh Road, Tardress for slurry;
- 9/4/20 – Invoice from McMordie Transport at Doagh Road, Tardress for slurry
- 30/4/20 – Invoice for cement at Clydes Building Supplies for Sam Currie
- 30/6/20 – Sales invoice for fencing and tools for Sam Currie
- 19/4/21 – Invoice from McMordie Transport at Doagh Road, Tardress for slurry
- 20/10/21 – Sales invoice for fencing and tools
- 20/10/21 – Sam Curry Invoice from Moore concrete “cash sales”. No address given
- 14/3/22 – Invoice from McMordie Transport at Doagh Road, Tardress for slurry
- Motor Insurance / Commercial vehicle insurance for Mr Sam Currie for Year 22/23;
- Affidavit from McMordie Transport to state that Mr Currie uses his machinery and has witnessed spreading of slurry etc.

It is considered that the evidence provided above is considered, on balance to be sufficient to demonstrate that the applicant (and her late husband, Mr Sam Currie) maintains the lands in good agricultural condition as required by CTY 10.

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. The applicant advises on Question 5 of the P1C Form that no dwellings or development opportunities have been sold off the farm holding within the last 10 years. Following a detailed search of the folio map provided by the applicant and using specific search parameters within the Planning Portal, this has been verified and no such opportunities have been sold from the farm holding within the last 10 years.

The third criteria (c) states that a new building should be visually linked or sited to cluster with an established group of buildings on the farm. In this instance, the applicant has confirmed in Q6 of the P1C Form that there are no existing buildings on the farm and that the site represents the only development opportunity on the farm.

While the Policy specifically states that any dwelling on the farm should be visually linked to other buildings on the farm, there are circumstances where a departure from the policy is acceptable. The policy specially refers to a group of buildings on the farm which effectively stipulates that the proposed dwelling should be sited beside more than one existing building on the farm. In the circumstances where the applicant does not have a group of buildings on the farm holding, the Council may then consider whether the applicant could site beside any singular buildings on the farm (see Lamont's (David John Stewart and Elaine) Application [2014] NIQB 3).

The next step in that process may be to consider the circumstance where the absence of any buildings on the farm holding should be determining in the assessment of the application. It is acknowledged that a failure in obtaining

planning permission for a dwelling given the absence of any buildings would be to set the applicant on a path to applying for planning permission for some agricultural buildings on the holding. It has been established that the applicant is an 'active farmer', and it is considered that planning permission could be difficult to resist for an agricultural building on the farm given that none exist at present. It is considered that there is no benefit to be derived from requiring the applicant to construct agricultural building(s) in order to obtain planning permission for a dwelling, this would only result in nugatory expense to the applicant and the creation of a cluster of buildings which would be detrimental to the visual amenity of the countryside. The thrust of PPS 21 and Policy CTY10 is to ensure that new buildings in the countryside visually link with existing built form, in this case there is none. It is considered that a departure from the policy is acceptable, however, greater weight needs to be applied to the policy requirements of Policies CTY 13 and CTY 14 of PPS 21.

Overall, it is considered that the proposal complies with the requirements of Policy CTY 10, the principle of development is considered acceptable subject to all other policy and environmental considerations being met.

CONCLUSION

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

- The principle of the development is considered acceptable;
- It is considered a dwelling could be accommodated within the site and could integrate appropriately within the landscape, while respecting the rural character of the area;
- An appropriately sited dwelling would not have a detrimental impact on neighbouring amenity;
- There are no road safety concerns with the proposal.

RECOMMENDATION

GRANT OUTLINE PLANNING PERMISSION

PROPOSED CONDITIONS

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwelling integrates into the landform.

5. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

6. The proposed dwelling shall have a ridge height not exceeding 5.5 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

7. The proposed dwelling shall be sited in the area shaded green on Drawing Number 01/1, date stamped 11th July 2023.

Reason: To ensure that the development is not prominent and satisfactorily integrates into the landscape in accordance with the requirements of Planning Policy Statement 21.

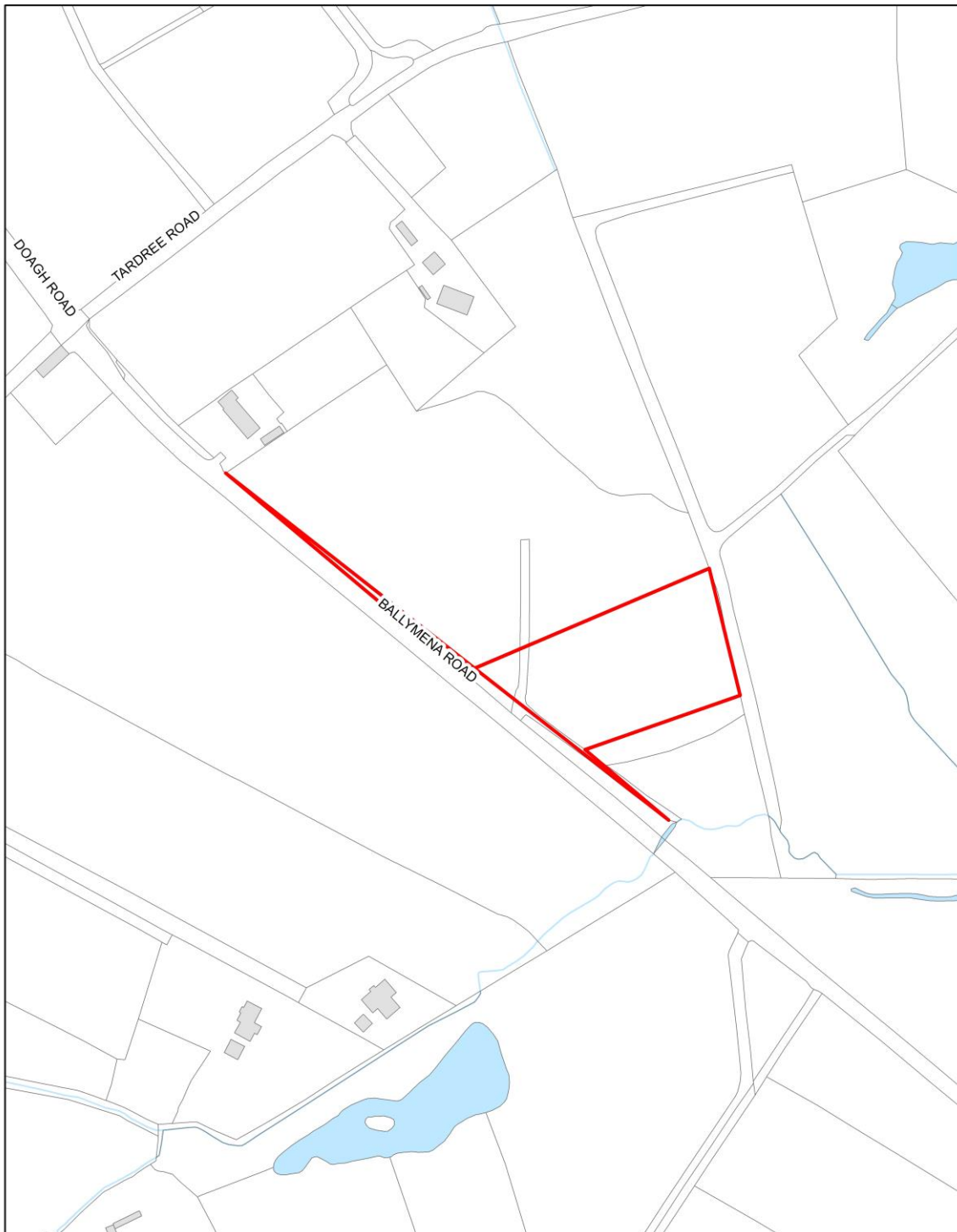
8. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the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

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

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

9. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access location to be constructed and other requirements in accordance with the attached RS1 form.

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



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Site Location Plan

1:2,500 

Reference: LA03/2023/0326/O

 Site Location



PART TWO

OTHER PLANNING MATTERS

ITEM 4.16

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

1 Purpose

The purpose of this report is for Members to note the planning applications decided under delegated powers and decisions issued by the PAC in April 2024.

2. Delegated Decisions of Council

A list of planning decisions issued by Officers during April 2024 under delegated powers together with information relating to planning appeals is **enclosed** for Members' information.

3. Planning Appeal Commission Decisions

Three (3) appeals were dismissed during April 2024 by the Planning Appeals Commission (PAC).

Planning application:	LA03/2022/0220/O
PAC reference:	2022/A0139
Proposed Development:	Site for dwelling and garage and associated ancillary works
Location:	50m NW of 28A Crosshill Road Crumlin
Date of Appeal Submission:	20/01/2023
Date of Appeal Decision:	09/04/2024

Planning application:	LA03/2022/0221/O
PAC reference:	2022/A0140
Proposed Development:	Site for dwelling and garage and associated ancillary works
Location:	30m SE of 28E Crosshill Road Crumlin
Date of Appeal Submission:	20/01/2023
Date of Appeal Decision:	09/04/2024

Planning application:	LA03/2023/0158/F
PAC reference:	2023/A0059
Proposed Development:	Retention of an external storage area for 30no. Wind turbine towers
Location:	Approximately 37m South of 55a Nutts Corner Road
Date of Appeal Submission:	20/09/2023
Date of Appeal Decision:	16/04/2024

One (1) Enforcement Notice was quashed at appeal and development granted planning permission through Ground A appeal.

Planning application:	LA03/2021/0276/CA
PAC reference:	2022/E0052
Proposed Development:	Unauthorised battery energy storage facility (not in accordance with planning appeal approval 2018/A0248)
Location:	Lands at Doagh Road, Kells (Approx 137m NE of Kells Substation and Approx 56m SW of 3 Whappstown Road
Date of Appeal Submission:	30/03/2023
Date of Appeal Decision:	26/04/2024

A copy of the decision is **enclosed**.

4. **Recommendation**

It is recommended that the report be noted.

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

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 4.17

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

1 Purpose

The purpose of this report is for Members to note the proposal of application notice received during April 2024.

2. Background

Under Section 27 of the 2011 Planning Act prospective applicants for all development proposals which fall into the Major development category are required to:

- give at least 12 weeks' notice to the Council that an application for planning permission is to be submitted.
- consult the community in advance of submitting a Major development planning application.

Where, following the 12-week period set down in statute, an application is submitted this must be accompanied by a Pre-Application Community consultation report outlining the consultation that has been undertaken regarding the application and detailing how this has influenced the proposal submitted.

3. Proposal of Application Notices

PAN Reference:	LA03/2024/0283/PAN
Proposal:	Proposed commercial development comprising of unmanned retail petrol forecourt, HGV bunkering facility, drive thru coffee pod, offices including surface level solid fuel area and bunkering, lance washers, valet bays, covered car wash conveyor, commercial unit and proposed roundabout, site accesses and alterations to existing food store entrance
Location:	Lands immediately North West of Asda, 150 Junction One Retail Park, and approximately 130m South East of Homebase, 140 Junction One retail Park, Antrim, BT41 4LQ
Applicant:	LCC Group Ltd
Date Received:	26 April 2024
12 week expiry:	July 2024.

4. Recommendation

It is recommended that the report be noted.

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

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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



ITEM 4.18

P/FP/LDP19 PUBLICATION OF THE ANNUAL HOUSING MONITOR REPORT 2024

1. Purpose

The purpose of this report is to advise Members that the Annual Housing Monitor Report for 2024 has now been prepared.

2. Introduction/Background

Members will recall that the Annual Housing Monitor for the Borough is undertaken by the Forward Planning Team in order to inform the Local Development Plan process and gain an understanding of the amount of housing land supply that remains available within the 30 settlements of the Borough.

The Monitor takes account of all sites within settlements, where the principle of housing has been established. As a result, it includes details of the number of dwellings approved on unzoned sites (whether through extant or expired permissions), as well as information on the number of dwellings approved or that could be provided on zoned housing land. Information from Building Control commencements and completions are inputted into the survey and used to inform the results of the Monitor.

3. Key Issues

The 2024 Monitor, a copy of which is **enclosed**, covers the period 1 April 2023 to 31 March 2024, and indicates that there is remaining potential for some 8,725 dwelling units on 404 hectares of housing land within the settlements of the Borough. Some 483 dwellings were completed during this period, a significant reduction from the 738 units built in the 2022/2023 reporting period.

Whilst unconfirmed, this reduction may be attributed to rising inflation, the increase in the UK (Bank of England) interest base rate, the cost of living 'crises' and/or continued bottlenecks in global supply chains.

Details for the individual sites are set out in a series of maps and associated tables. It is intended that the findings of the 2024 survey will now be made available to the public on the Council's website.

4. Summary

The Annual Housing Monitor 2024 has been prepared and a copy is **enclosed**.

5. Recommendation

That the report be noted and that the Annual Housing Monitor 2024 be published on the Council website.

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

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 4.19

P/PLAN/1 PRELIMINARY END OF YEAR PLANNING REVIEW

1. Purpose

The purpose of this report is to recommend Members note a summary of the planning decisions made during 2023/24.

2. Introduction

As set out in the Protocol, on an annual basis Members of the Planning Committee should inspect a sample of implemented planning decisions in order to assess the quality of decision making. This should include a sample of decisions delegated to Officers to give assurance that the scheme of delegation is operating effectively and in line with the Council's views. An event will be held in due course for Elected Members on this matter.

As a preliminary end of year review, this reports sets out a summary of the decisions made by planning committee and by Officers through delegated powers.

Planning Performance 2023/24

In the year 1 April 2023 to year end March 2024:-

1. The PC decided a total of 119 planning applications and 9 enforcement cases
2. 19 majors
3. 3 overturns

A summary of the key decisions made during this period include:-

Burn Road Residential Development

Residential development comprising of 187 no. dwellings

Craighill Quarry Masterplan

Residential-led masterplan (c. 300 units); local community and neighbourhood facilities (including local retail and services units (Use Class A1/A2), a community hub, children's playground and medical/fitness facilities.

Airport Hotel

Hotel development comprising 81 bedrooms, food and beverage offer.

AMIC Global Point

Proposed industry-led research facility, roof mounted PV panels, car parking and associated site works.

Tamar Selby Ltd Nutts Corner

Industrial development providing floorspace for class B4 storage and distribution warehouse with ancillary buildings, car parking and areas of circulation and hardstanding.

Nutts Corner Storage and Distribution Facility

Storage and distribution facility comprising freezers, coolers, warehousing, cold dock, offices and staff welfare accommodation together with ancillary plant equipment and structures; regrading of site levels; access parking areas; associated landscaping including detention pond; truck marshalling area with vehicle maintenance facility and associated fuel tanks.

Diageo Baileys Extension

Extension to Diageo Baileys Global Supply facility to support production demand. The extension will include additional warehouse capacity, staff facilities, solar PV and associated external plant equipment. Increase in staff car parking. EV charging points, trailer bays, improved site access, associated landscaping, external lighting columns and all associated site works.

AI Services redevelopment

Partial redevelopment of the site to include; demolition of existing sheds and erection of 4 no. new sheds including single storey midden, machinery and hay shed, livestock holding pens and two storey office, staff facilities and store.

Abbey Community College

New post-primary school, ancillary accommodation and sports facilities with associated hard and soft play areas, parking, landscaping, replacement of floodlighting for 3G pitch.

Gaelscoil & Naíscoil Éanna

New 7No. classroom primary school and nursery unit associated site works, infrastructure (including PV panels, Waste Water Treatment Works) and landscaping.

Monkstown Boxing Club

Demolition of existing boxing club and construction of The Box - Community Wellbeing Hub - comprising boxing club, gymnasium, classrooms and training rooms, music and dance studio, climbing zone, four social enterprise units, training kitchen, coffee dock and ancillary accommodation.

Ulster University Jordanstown Sports Centre

Two storey extension (2,794 gross sqm external) to the existing Sports Centre to include: a gym; fitness suites; physio room; student sports clubhouse with bar; teaching/event space; extended reception area; internal café space; changing rooms; equipment stores; plant rooms and ancillary multipurpose rooms.

Glengormley Public Realm Improvements

Comprising the resurfacing of existing footpaths and spaces and new roadside kerbs; new/replacement tree planting and soft landscape; new/replacement feature lighting; new/replacement railings and walls; new/replacement street furniture and realignment of pedestrian crossings and parking areas
In the year 1 April 2023 to year end March 2024 officers under delegated powers issued:-

637 delegated planning decisions
302 determinations in relation to other planning matters such as Pre application advice, non material changes, discharge of planning conditions, and work to protected trees.

The Council during this period achieved an average processing time of 13 weeks for local applications and 21 weeks for major applications making it one of the best performing Councils in NI.

2. Recommendation

It is recommended that the report be noted.

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

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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