



14 March 2023

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

Committee Members: Aldermen – T Campbell and J Smyth

Councillors – A Bennington, H Cushinan, S Flanagan,
R Kinnear, R Lynch, M Magill, R Swann 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 20 March 2023 at 6.00 pm.**

You are requested to attend.

Yours sincerely

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

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

PLEASE NOTE: Refreshments will be available from 5.00 pm

For any queries please contact Member Services:

Tel: 028 9034 0048/028 9448 1301

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – MARCH 2023

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

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

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

PART ONE - Decisions on Planning Applications

3.1 Planning Application No: LA03/2022/0042/O

Mixed use development comprising petrol filling station and local neighbourhood supermarket, care home and consequential modifications to the housing layout approved under planning reference U/2008/0155/RM and realignment to access road serving St Enda's Gaelic Athletic Club and the Gaelscoil Eanna.

3.2 Planning Application No: LA03/2022/1015/F

Proposed storage and distribution facility comprising freezers, coolers, warehousing, cold dock, offices and staff welfare accommodation together with ancillary plant equipment and structures; site preparation work, including regrading of site levels; access parking areas; associated landscaping including detention pond; truck marshalling area with vehicle maintenance facility and associated fuel tanks, associated staff car park and loading/unloading areas and installation of photovoltaic panels. Access to the site via Nutts Corner Road.

3.3 Planning Application No: LA03/2022/0497/F

Construction of 1 no. bridge access over existing railway line to replace 2no. existing manually operated user worked crossings, includes associated access to public road, associated earthworks, bat barn, landscaping, ancillary development and demolition of vacant buildings at 159 Belfast Road at lands to the south of Belfast Road between 127 and 163 Belfast Road, lands to south of existing railway line and lands at 159 Belfast Road.

3.4 Planning Application No: LA03/2022/0184/F

Development of 18 No. 1-bed apartments for supported living, associated landscaping and car parking and access including upgrade of existing access road at land to the rear of 40 to 74 Main Street and 5 Park Street, Ballyclare

3.5 Planning Application No: LA03/2022/1049/F

Retention of beauty salon in rear garden of dwelling operating from a modular building at 6 Temple Hall, Ballyclare, Templepatrick, BT39 0FH.

3.6 Planning Application No: LA03/2022/0377/F

Retention of farm building and farmyard at 80m SSW of no 223 Seven Mile Straight, Crumlin

3.7 Planning Application No: LA03/2022/1118/F

Erection of stables building for private use only including ancillary siteworks at 120m NE of 16 Rickamore Road, Templepatrick, BT39 0ET.

3.8 Planning Application No: LA03/2022/0968/O

Site for dwelling at 40m SE of 4 Crosskennan Road Antrim BT41 2QL.

3.9 Planning Application No: LA03/2022/1084/O

Dwelling and garage (Infill Site) at 35m North West of 38 Speerstown Road Moorefields Ballymena

3.10 Planning Application No: LA03/2022/1087/O

Dwelling and Garage (Infill Site) at 35m North West of 38 Speerstown Road Moorefields Ballymena

3.11 Planning Application No: LA03/2022/1012/F

Managers dwelling and garage in conjunction with adjacent residential home at lands approx. 50m northwest of Ard Na Grainde PRH, 15 Moneyrod Road, Randalstown, BT41 3JB

3.12 Planning Application No: LA03/2022/0886/F

Detached dwelling house and detached domestic garage, change of house type to (T/2013/0396/F) at lands approximately 100m West of No.10 Eskylane Road, Antrim, BT41 2LL

PART TWO – Other Planning Matters

- 3.13 Delegated Planning Decisions and Appeals
- 3.14 Proposal of Application Notices for Major Development
- 3.15 Planning Portal Update
- 3.16 Local Development Plan Update
- 3.17 Northern Ireland Audit Office Planning Fraud Risks Guide
- 3.18 Department for Infrastructure Correspondence – Cancellation of Quarter 3 2022/23 Planning Statistics
- 3.19 Engagement with Department for Infrastructure Strategic Planning Division, Planning Improvement Workshop

PART TWO – Other Planning Matters - In Confidence

- 3.20 Planning Protocol and Scheme of Delegation

PART ONE - Decisions on Enforcement Cases - In Confidence

- 3.21 Enforcement Case LA03/2020/0264/CA – In Confidence

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 20 MARCH 2023**

PART ONE

PLANNING APPLICATIONS

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2022/0042/O
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	Mixed use development comprising petrol filling station and local neighbourhood supermarket, care home and consequential modifications to the housing layout approved under planning reference U/2008/0155/RM and realignment to access road serving St Enda's Gaelic Athletic Club and the Gaelscoil Eanna
SITE/LOCATION	Land to the south of Hightown Road and 30m East of Holly Manor and 20-30 (evens) Hollybrook Manor Glengormley
APPLICANT	Conway Estates Ltd
AGENT	MBA Planning Ltd
LAST SITE VISIT	19 th May 2022
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information</p>	
SITE DESCRIPTION	
<p>The application site comprises 3.6Ha and is located within the development limit and zoned for housing as identified in the Belfast Urban Area Plan (BUAP) 1984 – 2001. The application site is also within the development limit within draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP) and is also zoned for housing (Zoning MNY 05/21).</p> <p>The western boundary of the site is defined by mature vegetation running along the existing access road and separating the site from the existing residential dwellings within Holly Manor and Hollybrook Manor. The northern boundary is undefined and abuts the Hightown Road which provides the point of access to the proposed development.</p> <p>The site is situated directly east of Hollybrook Manor and Holly Manor, west of a housing development currently under construction and Edmund Rice College. The application site is north of St Enda's GAC club within the South Antrim Hills, and Six Mile Water valley. The site is located within a semi-rural setting; the site is a section of agricultural land that has previously been granted planning permission under the planning reference U/2008/0155/RM.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2021/0478/PAN Location: Land to the south of Hightown Road and immediately east of Holly Manor and Nos 20-30 (evens) Hollybrook Manor Glengormley</p>	

Proposal: Mixed use development comprising petrol filling station and local neighbourhood supermarket with apartments on first floor, nursing home and consequential modification to the housing layout approved under planning reference U/2008/0155/RM and realignment to access road serving St Enda's Gaelic Athletic Club and Gaelscoil Eanna
Decision: PAN Acceptable (18 May 2021)

Planning Reference: LA03/2022/0613/PAN
Location: Lands approx. 245m south of the existing St Enda's GAC clubhouse, Hightown Road, Glengormley
Proposal: Proposed new 7no classroom primary school and nursery unit, associated site works, infrastructure and landscaping with access from Hightown Road
Decision: PAN Acceptable (11.07.2022)

Planning Reference: LA03/2021/0316/PAD
Location: Vacant lands immediately to the east of Nos. 2, 3, 5 and 9 Holly Manor and no 24 Hollybrook Manor, south across Hightown Road from Nos. 1 and 3 Hollybrook Road and south west of housing under construction (approved under LA03/2018/0421/F), Newtownabbey.
Proposal: Proposed mixed use development comprising petrol filling station and associated canopy, supermarket, 8no first floor apartments, car parking, the upgrade and realignment of the existing access to St Enda's GAA complex, communal amenity space, bin storage and associated site works
Decision: PAD Declined

Planning Reference: LA03/2021/0200/F
Location: Access road serving St Enda's GAC and Gaelscoil Eanna, Hightown Road, Glengormley
Proposal: Proposed access in substitution of previously approved access arrangements under U/2008/0155/RM
Decision: Permission Granted (24.08.2021)

Planning Reference: LA03/2018/0503/F
Location: Lands between 112 & 120 Hightown Road and immediately West of Edmund Rice College, Newtownabbey, BT36 7AU
Proposal: Erection of 28no. dwellings (change of house type to previous approval U/2008/0155/RM) including landscaping, garages, access and all other associated site works
Decision: Permission Granted (20.06.2019)

Planning Reference: LA03/2018/0421/F
Location: Lands between 112 and 120 Hightown Road and immediately west of Edmund Rice College, Newtownabbey, BT36 7AU
Proposal: Erection of 38 no. dwellings (Change of house type to previous approval U/2008/0155/RM) including landscaping, garages, access and all other associated site works.
Decision: Permission Granted (23.05.2019)

Planning Reference: LA03/2017/0443/LDE
Location: Lands between 112 & 120 Hightown Road, Newtownabbey (identified as Units 1-4 in planning permission LA03/2016/0670/F)

Proposal: Operational development consisting of foundations for apartment block (containing units 1-4) representing commencement of development in accordance with planning approval LA03/2016/0670/F
Decision: Consent Granted (10.05.2017)

Planning Reference: LA03/2016/0670/F

Location: Lands between 112 & 120 Hightown Road, Newtownabbey

Proposal: Residential development comprising 348 dwellings (Variation of conditions 6 & 7 of U/2008/0155/RM and variation of Conditions 10, 11, 12, 13 and 14 of U/2003/0753/O, to permit occupation of no more than 55 houses and 12 apartments prior to approved road improvements at Hightown Road / Upper Hightown Road and Hightown Road/Antrim Road junctions at Lands between 112 and 120 Hightown Road, Newtownabbey - Amended description to include U/2003/0753/O)

Decision: Permission Granted (21.03.2017)

Planning Reference: LA03/2016/0925/DC

Location: Lands between 112 and 120 Hightown Road, Newtownabbey, BT36 7AU

Proposal: Site for residential development comprising 348 dwellings including landscaping, parking and access (discharge of condition 14 regarding submission of archaeological work) relating to approval reference U/2008/0155/RM

Decision: Condition not discharged (23.03.2017)

Planning Reference: LA03/2016/0600/DC

Location: Lands between 112 and 120 Hightown Road, Newtownabbey, BT36 7AU

Proposal: Site for residential development comprising of 348 dwellings including landscaping, parking and access. Discharge of Condition 11 (Landscape management plan) of Planning Approval U/2008/0155/RM for 348 dwellings

Decision: Condition Discharged (20.12.2016)

Planning Reference: U/2008/0155/RM

Location: Lands between 112 & 120 Hightown Road, Newtownabbey, BT36 7AU

Proposal: Site for residential development comprising of 348 dwellings including landscaping, parking and access (amended plans).

Decision: Permission Granted (30.03.2015)

Planning Reference: U/2003/0753/O

Location: Land at Hightown Road, Glengormley

Proposal: Site for residential development including associated landscaping, parking and access

Decision: Permission Granted (16.01.2007)

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 zoned for housing. The plan contains relevant retail based planning policies (S2, S5 and S7) with the core shopping strategy seeking to control the location, scale and kind of retail developments to ensure that proposals do not seriously affect the vitality and viability of either Belfast City Centre as a whole or existing shopping centres.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The application site forms part of a site zoned for housing under MNY 05/21 with Key Site Requirements however, the site has the benefit of a previous planning permission (Reference: U/2008/0155/RM).

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.

Planning Strategy for Rural Northern Ireland: sets out planning policies and associated practice for the planning and control of development in rural areas.

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

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

CONSULTATION

Council Environmental Health Section – No objection, subject to condition

Northern Ireland Water: No objection

Department for Infrastructure Roads: No objection, subject to conditions

Department for Infrastructure Rivers: No objection

Department for Communities Historic Environment Division: No objection

Northern Ireland Environment Agency: Water Management Unit: No objection

Northern Ireland Environment Agency: Regulation Unit: No objection, subject to conditions

Northern Ireland Environment Agency: Natural Environment Division: No objection

Northern Ireland Electricity: No objection

Defence Infrastructure Organisation LMS: No objection

Belfast City Airport: No objection

Shared Environmental Services: No objection

REPRESENTATION

Forty-two (42) neighbouring properties were notified and four (4) letters of objection have been received from three (3) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk> and the Council's website, under additional information.

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

- Overlooking / loss of privacy;
- No justification for a further petrol filling station;
- Hazardous substances;
- Additional traffic generation;
- Noise and disturbance from the proposed development including construction noise;
- Contaminants to the stream;
- Impact on wildlife/ protected species without suitable mitigation;
- Impact on European sites;
- Omissions in outline CEMP (Document 5) and Preliminary Ecological Appraisal (Document 7); and
- Request for clarification for times for construction activity

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Preliminary Matters

Habitats Regulation Assessment

This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Antrim and Newtownabbey Borough Council which is the competent authority responsible for authorising the project. Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.

Environmental Impact Assessment

As the development falls within Category 2, 10 (B) (The carrying out of development to provide for 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 category of a Major planning application as defined by the Planning (Development Management) Regulations (Northern Ireland) 2015 and as such was subject to a Pre-Application Community Consultation carried out on behalf of the applicant.

To comply with the pre-application notification requirements of Section 27 of the Planning Act (NI) 2011 the applicant submitted a Proposal of Application Notice (PAN) on 14th May 2021 (Reference: LA03/2021/0478/PAN). Residents within a 200 metre radius of the site were provided with details of the proposed development and advised of the online consultation arrangements which were to replace the community consultation public event temporarily suspended due to the Covid-19 Emergency. Elected Members for the District Electoral Area, relevant MPs and MLAs, residents and local businesses were included in the consultation. No response was made to the proposal at any stage of the community consultation exercise and no members of the public felt the need to attend the zoom sessions. Accordingly, no change has been made to the layout, design or use of the proposal. The planning application was received following expiration of the 12-week period following submission of the PAN thus satisfying the requirements of Section 27 of the 2011 Act.

Policy Context and Principle of Development

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

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

The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans and is zoned for housing as identified in the Belfast Urban Area Plan (BUAP) 1984 – 2001 and within dBMAP (Zoning MNY 05/21). The application site formed part of a larger approval for residential development granted under planning application U/2008/0155/RM and 93 dwellings were previously approved within the application site boundary.

SPPS Para 5.72 states that 'planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance'.

The SPPS Paragraph 4.16 adopts the dBMAP policy to facilitate a mixed-use approach to the development of new residential areas. It points out that 'the planning process has an important role to play in the delivery of good quality housing that supports the creation of more balanced communities'. It states that 'offering a variety of house types, sizes and tenures in housing schemes will therefore help with meeting the diverse needs of all the community and enhance opportunities for shared neighbourhoods'. The aim should be to create well linked, mixed tenure neighbourhoods, with opportunities for communities to share access to local employment, shopping, leisure and social facilities'.

SPPS Paragraph 6.137 says that planning authorities must deliver sustainable forms of development. Amongst these, it says that 'mixed use development should be encouraged' and that 'local facilities, services and adequate infrastructure should be integrated into new housing development to meet the needs of the community'.

The application site is approximately 3.6 ha in size and the proposal seeks outline planning permission for a mixed use development comprising a petrol filling station, local neighbourhood supermarket, a care home, consequential modifications to the housing layout approved under planning reference U/2008/0155/RM and realignment to the access road serving St Enda's Gaelic Athletic Club and the Gaelscoil Eanna.

Although the proposal seeks outline permission, indicative drawings have been submitted. The proposed indicative drawings denote a 6no pump petrol filling station and associated retail shop with total internal floorspace of c.880sqm (made up of 303 square metres of net retail area (Class A1), c.168sq metres retail ancillary space, c.148 square metres of retail storage, 109.5 square metres of hot food and c.111 square metres hot food open plan seating area. The indicative drawings also denote an Elderly Residential Nursing Home; private apartments; and alterations to the adjacent residential masterplan (Planning Ref: U/2008/0155/RM).

With regards to the principle of the residential development the application site is located within the development limits of Metropolitan Newtownabbey and has the benefit of a live permission which includes the application site and wider lands (U/2008/0155/RM).

In order to assess the principle of development of the remaining elements the proposal is broken down taking each element in turn including, the loss of housing lands due to the proposal including retailing and a care home on a site zoned for residential use, the petrol filling station element, the associated retail shop (considering the sequential assessment, retail need, and retail impact), the hot food units and the nursing home element of the proposal.

Loss of Housing Lands

dBMAP (published 2004) Policy SETT 2 indicates that on zoned sites, planning permission will only be granted for proposals that comply with the specified use. The application site forms part of a site zoned for housing under MNY 05/21 with Key Site Requirements within dBMAP. However, the site forms part of a larger area which has an extant planning permission for a residential development for 348 dwellings (Planning Reference U/2008/0155/RM).

It is considered that the proposal for a petrol filling station does not prejudice the zoned housing lands as it would not be unusual to have supporting services adjacent to residential development. The care home will provide long term residential care facility for residents. The petrol filling station and supermarket complex occupies about 0.6 hectares or about 5% of the housing allocation. It is considered to be a small portion and subordinate to the overall housing zoning and the community benefit of the care home element of the proposal has been weighted to compensate for the loss of housing lands.

Petrol Filling Station

With regards to the proposed petrol filling station (PFS) element of the proposal (the associated retail shop will be considered separately), objections have been received stating that there is no justification for a further petrol filling station with four already available and a further at the Centra on the Mayfield Link.

The SPPS operates a 'town centre first' approach for uses considered to be of the main town centre. These are identified within the SPPS as community and cultural facilities, leisure, entertainment and businesses). PFS's are classed as Sui Generis, as set out in S.3 (4) (g) of the Planning (Use Classes) Order (NI) 2015. Therefore, notwithstanding the proposal for the PFS includes an associated retail unit (the principle of the retail unit is considered below), for the reasons stated above it is

considered that the proposal petrol filling station element of the proposal does not conflict with the SPPS.

There is no specific policy referring to PFS within settlements. Policy IC 15 of 'A Planning Strategy for Rural Northern Ireland' states that the provision of roadside service facilities on the trunk network in the open countryside may be considered acceptable where there is a clear indication of need. In this case, the site is not located within the open countryside, rather it is within a settlement limit and as a consequence it is considered that Policy IC 15 is not applicable. Therefore, as there is no policy precluding the use of a PFS within the settlement limits, the use of a PFS on the application site can be assessed on its own merits and the compatibility of the use in the context of the adjacent uses. There is no policy requiring a needs test for a PFS, however, the associated retail shop has been considered in more detail below.

Associated Retail Shop

A supermarket is proposed adjacent to the PFS. Indicative drawings have been provided indicating 303 square metres of net retail space, an additional 2no. hot food prep areas totalling 109.5 square metres each with an open plan seating area of 111.1 square metres, a further 168 square metres of ancillary retail space to include switch room, office, cash office, WCs, lobby, plant room and staff rooms. Retail storage areas are also proposed totalling 148.32 square metres. The total gross internal floor area is 876.9 square metres.

The supporting statement indicates that the supermarket will facilitate payment of fuel but will also provide locally accessible convenience goods for the growing population around the Hightown Road. The statement indicates that the retail facility will deliver a range of benefits associated with local centres that include the provision of local convenience shopping close to where people live, meeting local needs, sustaining the community and contributing to economic growth.

PPS7 Paragraphs 4.17 – 4.20 deal with the incorporation of local neighbourhood facilities within new housing areas. Within the definition of 'local neighbourhood facilities' it specifies local shops and says that their provision is one of the means to increase vitality, provide a sense of community and enhance the social and economic sustainability of the development. PPS7 Paragraph 4.19 requires that these are incorporated into the overall design and layout of the development, designed to a high standard and located to provide focal points and landmark features. It indicates that the location and design of such facilities should respect the amenities of the proposed and existing housing.

The application site occupies a position at the bottom of the retail hierarchy and comprises a whiteland site outwith any designated retail centre within Belfast Urban Area Plan (BUAP). Within BUAP, Policy S2 and S5 provides the policy for shopping development outside the city centre and states that new shopping schemes away from existing centres will be permitted only where they meet the genuine needs of large residential neighbourhoods, especially if these are currently under-shopped, or an area is in need for new investment and requires an element of retailing to secure regeneration.

Policy S7 of BUAP provides the policy context for local shops. It states that daily shopping needs in new housing areas and other areas where there is a deficiency will

be met by permitting the development of local shops within walking distance of homes.

The BMA Retail Strategy within dBMAP states that outside city and town centres the scale, nature and location of new retail development will be controlled in order to protect the vitality and viability of centres. Convenience and comparison shopping, of a scale appropriate to meet local needs will be focused on designated shopping / commercial areas on arterial routes and the designated Local Centres. Policy R 7 of draft BMAP states that planning permission will only be granted for local shops where proposals are for less than 200 square metres gross floorspace.

Whilst the application site is not located within the designated Local Centre of Glengormley, in order to ascertain what is considered 'small scale' retailing provision, Policy R 6 states that within Local Centres (such as Glengormley) planning permission will be granted for retail development proposals to serve local needs provided they do not exceed 500 square metres gross floorspace for convenience shopping and 100 square metres comparison shopping. This policy also states that planning permission will be granted for small scale retail services and catering outlets.

The net sales area of the retail shop indicated on the indicative plans is 303 square metres. Document 13, date stamped 23rd August 2022 sets out the requirements for the size of the development from Musgrave group. The document highlights that there is now a much higher expectation and demand from consumers in comparison with the food stores of 15 – 20 years ago. The document states that the total sales area and breakdown of retail floor space is the minimum requirement for what is now required for an adequate retail offering. It is stated within the document that the store will be mainly stocked by using cages of produce delivered by lorries and therefore will require a significant amount of storage space to ensure that an adequate selection of products can be stored on the premises at any one point in time. The document also highlights that fit out costs have risen substantially and as a direct result it is necessary to have a reasonably sized store in order to justify the overall investment.

As well as the above locational and need criteria set out in the Plans, the SPPS sets out a number of matters that consider the acceptability in principle of a retail development on this site including a sequential test, needs test and retail impact. These matters are considered in turn below.

Sequential Test

The SPPS defines a town centre use as 'cultural and community facilities, retail, leisure, entertainment and business'. The SPPS in general terms promotes a town centre first approach for retail development; applications for main town centre uses should be considered in the following order: primary retail core, town centres, edge of town centre and out of centre locations.

The SPPS states that where retail uses are proposed outside of 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.

The closest local centre to the proposal is Glengormley. The application site occupies a position at the bottom of the retail hierarchy and comprises a whiteland site in an out of centre location, outwith any designated primary retail core, town centre, local or district centre, edge of centre location.

The applicant's supporting information (Document 16, date stamped 15th September 2022) states that a local shopping function, cannot reasonably be by definition a main town centre use' and that the response to a local shopping need can only be addressed where that deficiency arises. The statement argues that the proposed development is not a main town centre use and therefore the sequential test does not apply. However, the statement goes on to consider the proposal's catchment area to determine whether there are any protected centres within it.

Metropolitan Newtownabbey is unique in that it does not have a defined town centre but the closest primary retail core to the site is Belfast which is approximately 6 miles to the southeast and the closest town centre is Ballyclare which is 7 miles to the northwest. The applicant's supporting information states that the limited size of the proposed store means it will serve local shopping needs, its catchment is small and it does not extend to these centres.

The applicant's supporting information states that the M2 Motorway splits the Hightown Road and separates the larger southwestern stretch of it from the portion to the northeast on the Glengormley side. There is a flyover bridge across the M2 but travelling over this gives a sense of leaving one area and entering another. The area to the northeast around Glengormley is lower lying, is much more commercialised and housing densities tend to be higher. The southwestern side is higher land rising up along the lower contours of Cavehill and has a much more suburban, residential neighbourhood feel to it. The applicant's supporting information at Page 11 defines the proposals catchment which does not have any defined retail centres.

The closest centres to the catchment are Glengormley Local Centre, Northcott District Centre as designated in dBMAP. Even if they were in the catchment, they are not primary retail cores, town centres or edge of centre locations. Given the fact that Glengormley has other Spar/ Eurospar PFS complexes located along the Antrim Road and combined with the change in topography compared to the application site, means that residents to the northeast of the M2 are unlikely to make a specific trip up to the Hightown Road to use the proposed shop.

Paragraph 6.389 of the SPPS expects applicants to identify and demonstrate why alternative sites within the catchment are not suitable, available and viable. As indicated above the applicant's case is that the catchment area does not have any defined retail centres, primary retail cores, town centres or edge of centre locations. The applicant contends that this is an out of centre location to provide a shopping facility to complement the large housing areas adjacent to the application site.

Taking into account the applicant's justification outlined above, it is accepted that sufficient detail has been provided to satisfy the provisions of the SPPS with regards to the sequential assessment. The remaining tests within the SPPS including retail need and retail impact are considered below.

Retail Need

The publication of the SPPS contains the most recent expression of planning policy regarding retailing development and states that in new residential areas the aim should be to create well linked, mixed tenure neighbourhoods, with opportunities for communities to share access to local employment, shopping, leisure and social facilities. Paragraph 6.137 states that local facilities, services and adequate infrastructure should be integrated into new housing developments to meet the needs of the community.

Paragraph 6.282 of the SPPS states that in the absence of an up-to-date Local Development Plan, an assessment of need that is proportionate to the proposal should be provided. 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.

The retail floorspace of the proposed development does not exceed the threshold and therefore while a full assessment of retail impact is not required, an assessment that is proportionate is required. It needs to be demonstrated that the location of the retail store offers an opportunity to provide additional choice and convenience for both commuters and the surrounding population within the area to meet their day to day convenience needs that are not adequately provided by existing stores in the local area.

It has been raised through letters of objection that there are 4 PFS's already available on the Antrim Road between Sandyknowes Roundabout and O'Neill Road (including a Tesco petrol station at Jubilee Way) and a further petrol station at the Centra on Mayfield Link and that there is no retail need at this location.

The applicant's supporting statement (Document 16, date stamped 15th September 2022) seeks to demonstrate a 'need' for the proposal and is discussed below. It states that 'Need' is not defined in the SPPS. In the case of the Queen on the application of Cherkley Campaign Limited v Mole Valley District Council and Longshot Cherkely Court Limited [2014] EWCA Civ 567, the English Court of Appeal held that it can mean necessity at one end of the spectrum and demand or desire at the other.

The supporting information also highlights that the population of the catchment has grown significantly over the last 20 years with new residential development including The Beeches, Mayfield, Anna's Grove, Holly Manor, Hollybrook Hill and Cashelton Manor. It now has a sizeable population of around 2,985 (1,070 residential unit's times local average household size of 2.79) but has no convenience stores. There is a small Tesco Express store just outside it at Mayfield High Street however, it is 1.4km from the site. The closest Spar/ Eurospar stores in Glengormley are 1.2km and 1.4km from the site and so there are no shops within easy walking distance for many people in the catchment, meaning that those with access to a car will choose that mode of transport which increases the number of local vehicle trips and carbon dioxide emissions.

Considering the catchment diagram in the applicant's supporting statement, the applicant makes the case that the site is conveniently located in the centre of the Hightown Road to serve the housing that has recently been developed. Furthermore,

it is located at the entrance to a large residential allocation that will increase the local population by 795 (285 units times household size of 2.79, should the revised scheme proceed). The applicant contends that the application site is also conveniently located close to the Edmund Rice College and the access to St Enda's GAA and the local primary and nursery schools means that there will be linked trips further enhancing the sustainability of the proposal. It follows from this that there is a need for this proposal within the catchment which is not fulfilled by committed retail development or allocated sites in the area plan.

The supporting information highlights that the proposal will meet the local shopping needs of the catchment, it will reduce the need to travel by private transport and encourage walking, it will reduce carbon dioxide emissions and it will help improve health and wellbeing, a core planning principle of the new planning system as set out in the SPPS. The applicant's supporting document (Document 16, date stamped 15th September 2022) outlines the approved retail floorspace at Carnmoney Village (Ref: LA03/2016/0393/F), however, in this case there was a previous car show room with a retail element on the site. It also raises a retail development at Mallusk (Ref:LA03/2020/0738/F) however, it was considered that the redevelopment of the existing development does not introduce a new 'out of town' retail facility but rather an enhancement of what already exists on site. Therefore, it is considered that these cases do not sit on all fours with the proposed development.

The applicant raises that in relation to the Mallusk approval the Council determined that the size of the supermarket (involving an increase of net sales of 240 square metres was considered to be 'modest in size' and would 'ensure that the scale of the trade remains local, serving the need of the local community and existing workforce.' Overall, with regards to retail need, the applicant's case has been considered and owing to the location, size and scale of the proposed shop it is considered that sufficient information has been provided in order to justify the quantitative and qualitative need for the proposed shop to serve the local population.

Retail Impact

The SPPS also requires that all applications for retail or town centre type developments above a threshold of 1000sqm which are not proposed in a town centre should be required to undertake a full assessment of retail impact as well as need. SPPS Paragraph 6.290 sets out a number of matters to be considered in assessment of impact and Paragraph 6.291 states that where an impact on one or more of these is considered significantly adverse or where in balancing the overall impacts of each of the criteria the proposed development is judged to be harmful, then it should be refused.

The applicant makes the following points in support of the proposal in terms of retail impact in Document 17, date stamped 14th November 2022. It highlights that the proposed store will be a small-scale local shopping facility under the 1,000 square metre threshold and its impact will be relative to this scale.

The supporting information states that the proposal will have a small turnover of about £1.88 m on the basis of a net sales area of 303sqm and a sales density of £6208/sqm (based on an average of Spar and Centra sales density in Mintel Retail Rankings Report 2020). It states that the proposals turnover equates to 8.5% of the

retail turnover of Glengormley Local Centre. However, it goes on to state that the proposal would not divert all or even a significant portion of its trade from Glengormley Local Centre due to the local deficiency in shopping facilities and would assume that only 25% of the proposal's turnover will come from local spending growth. As the zoning on Hightown Road will increase the population by around 795 this means there will be an increase of convenience retail expenditure of £1.7m. About 20% (approx. £0.4m) of this turnover would come from passing trade, a proportion that reflects the fact that the shop is linked to a PFS.

Supporting information indicates that a small amount of trade will be diverted from existing stores outside the catchment including the Tesco Express store at Mayfield High Street, the Centra petrol filling station at Mayfield Link, Glengormley Local Centre which has a Eurospar PFS and Northcott District Centre which is anchored by a Tesco Extra superstore; The first two stores are not in policy protected locations. Glengormley and Northcott Centres are designated in dBMAP but will not be harmed by this small proposal. They have respective retail turnovers of £22.2m and £32.4m in accordance with the 2019 Antrim and Newtownabbey Retail and Commercial Leisure Study (see pages 65 and 69). Glengormley's turnover will have increased by then because the Eurospar has been extended which the applicant contends indicates a need for more convenience floorspace.

A table has been provided within Document 17, date stamped 14th November 2022 indicating trade that will be diverted from other convenience shops within the Glengormley/Mallusk area and the impact on each shop this would have which ranges from 0.9% to 8.3%. The report also found that Glengormley has a very low vacancy rate of 10.5%, the lowest in the Borough and well below the NI average of 18.1% and the report states that the proposal will have a negligible impact on these centres. The document states that the scale and nature of the proposed supermarket development is such that it will not adversely affect the vitality and viability of Belfast City Centre, Ballyclare Town Centre, either District Centre or Glengormley Local Centres.

The proposal provides two small hot food units with a total floorspace of approximately 109.5sqm each for the purposes of hot food and seating, designed as a single building using a sole point of access. The applicant's supporting information states that the hot food uses are designed to be ancillary to the supermarket albeit an important element of its overall offer. Hot food units are 'sui generis' uses as defined by The Planning (Use Classes) Order (NI) 2015. Given the size and scale of these small hot food units, it is considered that they will not have a detrimental impact or undermine nearby centres and will complement the PFS similar to other service stations.

Taking the above information into consideration, it is therefore concluded that there is sufficient retail information to comply with the provisions of the SPPS and the proposal has demonstrated that there would not be a detrimental impact arising from the proposal on the vitality and viability of existing centres. It is therefore concluded that the principle of retail development on the application site is acceptable.

Nursing Home

The care home is a specialist institution that provides a long-term home for patients with a range of care needs that include dementia, challenging behaviour and general nursing.

While DCAN 9: Residential and Nursing Homes is not a planning policy it does provide guidance on issues including locational acceptability. DCAN 9 paragraph 2.1 says: 'it is to be expected that, other than in exceptional circumstances, residential and nursing homes will be located in cities, towns and villages where services are readily and conveniently available.'

It is important to note that full planning permission was previously granted on the application site for 'proposed 64-bedroom nursing home to provide EMI (Elderly Mentally Infirm) and general residential care facilities including landscaping and associated site and site and access works' on 13 August 2010 under reference U/2010/0070/F.

Overall, it is therefore considered that the proposed residential care home is acceptable in principle.

Design and Impact on Character and Appearance of the Area

The proposed development seeks outline permission however; indicative layout and elevation drawings have been provided. There are significant level differences within the application site and between the residential developments adjacent. Indicative cross sections have been provided through the site given the level differences within the site and between the existing residential developments adjacent.

Access is to be taken from Hightown Road and is to include the realignment to the existing access road serving St Enda's Gaelic Athletic Club and the Gaelscoil Eanna. With regards to the proposed housing, the proposed indicative housing layout in the main is in similar positions to the extant permission under Ref:U/2008/0155/F, however, the revised access and internal road network arrangement results in an amended position of some of the residential units within the proposed development. The main differences include a roadside apartment block (Block A) in place of dwellings and a further apartment block (Block B) adjacent to an area of open space. The indicative drawings indicate a variety of house types comprising apartments, dwellings consisting of a mix of detached and semi-detached and terraced dwellings with areas of open space. Each of the residential dwellings are illustrated on the indicative drawings to have as a minimum 40 square metres of garden space which, although towards the lower end of the minimum provision within the Creating Places guidance, it is not dissimilar to the approved and extant layout under Ref:U/2008/0155/F.

Policy OS 2 of PPS 8 states that open space for public use is only required for new residential developments of 25 or more units or on sites of one hectare or more. The agents letter, dated 23rd August 2022 details that the total site area for the residential development as a whole (excluding the PFS, nursing home and new road) totals 10.63 hectares. In total there is 1.22 hectares of amenity which includes watercourses to the southeast of the site resulting in 11.48% open space for the development. Further consideration can be given to provision of open space at Reserved Matters

stage. It is considered that appropriate provision can be made for communal open space as an integral part of the development.

With regard to the residential component abutting the Hightown Road, the proposed development indicates an apartment block (Block A) and while the indicative elevation drawings note a three storey building, it is considered that in the context of the adjacent development and levels at this position within the site that a two storey building would be more appropriate. As this is an outline planning application a condition restricting the ridge height of Apartment Block A to 9.5 metres above the finished floor level of 161.9 AOD is considered necessary (Condition Number 12).

The proposed apartment building adjacent to the open space area (Block B) will be viewed from four internal estate roads. Careful consideration will therefore have to be given to the detailed design at Reserved Matters stage to ensure these aspects address and provide frontages to the road. Although the indicative plans indicate fencing along the roadside, the boundary treatments will need to be considered further at Reserved Matters stage to ensure no detrimental visual impact as a result of the proposed boundary treatments.

The proposed scheme will require a significant level of cutting into the site and the indicative plans indicate this at approximately five metres at some points to accommodate the PFS. Details of levels and retaining walls will therefore be required at Reserved Matters stage and a condition (Number 14) is considered necessary to achieve this.

The PFS and associated shop is located along the western boundary of the application site and abuts the Hightown Road with parking provision and the proposed forecourt along the roadside.

With regards to the care home element of the proposal, DCAN 9 paragraph 2.2 sets out the matters to which regard will be given. These include siting, locality: the existing (and anticipated) character of the area and the compatibility of the use within it, the existence or otherwise of similar establishments will be considered from the point of view as precedent as well as the cumulative effect of such establishments on the character of an area; traffic aspects and amenity: that there will be no harmful impact on the visual or residential amenity of the area.

The care home is to be set back off the main Hightown Road and therefore given the existing and proposed roadside development views will be limited to across the frontage of the application site. More critical views will be apparent from within the site. The topography of the site rises away from the Hightown Road into the site. The indicative drawings indicate that the building will be two to three storeys in height, cutting into the site will be required to facilitate the three storey element of the building to keep the ridge height below that of the neighbouring dwellings in Hollybrook Manor. A communal amenity area is indicated in the centre of the site and to the rear. Proposed parking is broken up and indicated in four separate areas. It is considered that the detailed design and landscaping proposals are a matter to be considered further at Reserved Matters Stage.

Overall, this outline application provides sufficient detail to assess the acceptability of the site and it is considered that a suitable layout could be provided with the detail

and design to be considered at Reserved Matters stage. A condition is recommended (Condition 4) stipulating that the buildings shall be sited as indicated on Drawing No. 03/3 date stamped 07/03/2023.

Neighbour Amenity

Existing residential developments within Hollybrook are located adjacent to the southwest and to the northwest of the application site. Approved development currently under construction is also located to the east and south of the application site. Objectors to the development raised concerns with regards to overlooking / loss of privacy.

Upon entering the proposed development site, an apartment block (Block A) is annotated on the indicative drawings with the proposed building providing frontages to both the internal estate road and parking area to the south of the building and the Hightown Road. This is to replace the previously approved three dwellings on this portion of the application site. The distance between the rear of the proposed apartment block and the boundary with the neighbouring gardens to the east at Glen Manor Road is noted on the illustrative drawings as being approximately seven (7) metres. The indicative layout plan indicates a distance of approximately twenty-two (22) metres between the rear of the proposed apartment block and Nos. 1 and 3 Glen Manor Road to the east. Indicative drawings have been provided as to the design of the proposed apartment block however, it is considered appropriate to condition a two storey building to this portion of the site, particularly as this portion of the site is elevated above the neighbouring dwellings within Glen Manor Road and to ensure there is no impact on residential amenity of these properties by way of dominance and overlooking.

The car park associated with apartment block A is indicated as abutting Nos. 3 and 5 Glen Manor Road. Previously No. 3 & 5 Glen Manor Road would have backed onto housing as opposed to a carpark. There is a three (3) metre level difference between the existing dwellings (lower) and the proposed car park. The impact on Nos. 3 and 5 Glen Manor Road is not considered to be significant providing appropriate boundary treatment is put in place with the detail to be considered at Reserved Matters stage. It is considered that an apartment block could be provided without significant detrimental impact on residential amenity.

Adjacent to apartment block A to the south and backing onto Nos. 7 and 9 Glen Manor Road the previously approved four (4) dwellings have been reduced to three (3) on the indicative plans. An overall separation distance of 18 metres back-to-back is indicated between the existing and proposed units and these proposed properties are elevated some five (5) metres above the existing properties within Glen Manor Road. However, while the separation distances fall short of Creating Places guidance it is similar to the arrangement of the previously approved dwellings and therefore the applicant has a fallback position and could build these units at any time (Ref: U/2008/0155). Taking the above into consideration the arrangement is considered acceptable in this instance with the final detail considered at Reserved Matters.

The remaining proposed dwellings backing onto Glen Manor Road are arranged in the same layout and position as those previously approved and therefore it is considered that dwellings could be designed to ensure there is no additional significant impacts as a result of this proposal than the previously approved scheme.

The proposed PFS is indicated on the illustrative plans in the northwestern corner of the application site. The proposed canopy and car parking associated with the PFS is located abutting the road with a six (6) metre graded landscaped bank between the edge of the road and the proposed car parking spaces. Approximately 3.5 metres is indicated between the existing residential units at 1 – 4 Holly Manor and the closest car parking spaces which is considered a sufficient distance to ensure appropriate boundary treatment to ensure that the parking spaces will not impact on the residential amenity of these units.

The PFS shop building is set approximately 42 metres back from the Hightown Road and is located adjacent to residential dwellings and apartments at 5 – 23 Holly Manor. The proposed building is to be set back approximately eight (8) metres off the boundary with these properties. Site sections have been provided (Drawing 09/1) which indicate the relationship between the PFS building and the Holly Manor development where it is proposed to cut into the application site to accommodate the proposed PFS shop, resulting in the finished floor level of the proposed building sitting approximately 4.5 metres below the existing dwellings at 5 – 15 Holly Manor. It is therefore considered that the building could be designed to ensure no overlooking to neighbouring properties.

With regards to the proposed care home, again the indicative drawings propose cutting into the application site to accommodate the proposed building which is indicated to have a ridge height lower than the existing dwellings within Hollybrook Manor. The indicative drawings indicate a two to three storey building set with approximately twenty (20) metres separation between the care home building and the existing properties within Hollybrook Manor. It is considered that a building could be designed to ensure no significant impact on residential amenity by way of overlooking or overshadowing. The detail with regards to parking layouts and positioning of bin stores can be considered at Reserved Matters to ensure no significant detrimental impact on residential amenity. The proposed access road is indicated to abut the rear of No. 30 Hollybrook Manor however, this is an internal access road for the care home only and is to provide a hammerhead turning area which is set approximately three (3) metres back from the boundary and approximately twelve (12) metres from the rear of the existing dwelling. Sufficient boundary treatment and landscaping can be detailed at reserved matters stage to ensure there will not be an unacceptable impact on residential amenity.

Noise

The potential impact on residential amenity from noise and disturbance resulting from the proposal has been raised through letters of objection. A Noise Impact Assessment (Document 06/1, date stamped 23rd August 2022) and further noise information (Document 18, date stamped 4th January 2023) has been received for the proposal. Objections to the proposal include the impact on residential amenity as a result of noise, including construction noise. The Council's Environmental Health Section (EHS) has been consulted and has indicated no objection to the proposal, subject to conditions following the removal of apartments from above the petrol filling station.

Under the heading of 'Impact of Extraction System' on page 2 of the applicant's submission, it is stated that due to the stage of this outline application, the detail on the extract system is not available and will not be known until a tenant is identified.

The submission suggested the use of a condition requiring details of the noise generating plant to be submitted at reserved matters stage.

Impact of Extraction System

Document 06/1 presented a Rating Level of 63dB(A) Lr at 1m from the proposed duct outlet in order to achieve the target level presented of 39 dB(A) at the existing residential properties approximately 15m from the ducting location.

The odour impact assessment, Document Number 12, indicates the location of the flue to the retail unit as being on the western façade of the retail unit. The odour impact assessment also indicates the location of the flue to the care home as being on the northern façade of the care home whereas the indicative drawing, Drawing Number 07/2, date stamped 14th November 2022' shows the location of the care home flue as being on the western façade of the care home.

The odour impact assessment assumes that each extraction termination point will be set to discharge 1m above the eaves at a discharge rate of more than 10m/sec. However, Drawing Number 07/2, stamped 'Planning Section Received 14 Nov 2022' shows the extraction termination point to the care home as discharging at eaves height rather than 1m above eaves height.

EHS are of the opinion that a high level of odour control installed to the care home extraction/ventilation system is sufficient to protect amenity at nearby receptors, should the flue be located on the northern or the western façade of the facility.

EHS advise that drawings showing the location of the flues to be installed, will be required at Reserved Matters stage. It is understood that details of the extraction system are not available at this stage and it is noted that within Document 06/1 it states that systems can be designed to ensure that suitable noise targets are achieved and that if necessary, an in-line silencer can be provided to ensure that the appropriate noise targets are achieved.

Cumulative Impact

It is likely that the retail unit and filling station, and the care home facility will be operated separately. EHS are of the opinion that noise from each operation should be assessed separately and then an overall cumulative impact provided in order to aid enforceability should it be required.

At Reserved Matters stage, a detailed noise impact assessment will require to be submitted which assesses the cumulative impact of all noise sources from the retail unit and filling station operations on nearby sensitive receptors. EHS advise that the assessment will also require the cumulative assessment of all noise sources associated with the operation of the care home facility on nearby sensitive receptors. In addition to this, the assessment will need to demonstrate that the overall cumulative impact of both the retail unit and filling station, and the care home facility, shall not exceed the existing background noise level to ensure that nearby sensitive receptors are not adversely impact by noise from the proposed development.

As EHS understand, this is an outline application to determine the principle of development and not approve the final detail. The noise impact assessment provided indicates that noise from the petrol filling station, depending on the final

design, can be controlled to an acceptable level with conditions. It is recommended that a final detailed noise assessment, based on the final design and layout of the proposed development is provided at Reserved Matters stage taking into account the comments detailed above.

Odour

The proposed development has the potential to cause an impact regarding odour nuisance due to the extraction and ventilation of emissions associated with food preparation. As such, an Odour Impact Assessment (Document 12, date stamped 20th January 2022) has been submitted. The report considers the potential for adverse effect because of the proposed development and identifies necessary odour control measures to minimise and where practicable prevent odour nuisance.

The assessment provides odour control and maintenance recommendations for the considered kitchen ventilation systems. The report concludes that providing those measures are incorporated into the development design and fully implemented, it is considered that the potential for loss of amenity due to odour releases will be substantially reduced and that the residual effect would not be significant. The proposed extraction systems will be required to be properly maintained on a routine basis to prevent and minimise potential odour nuisance and it is unlikely that odour would cause a significant impact on amenity in the future.

The termination point for the extraction ventilation system pertaining to the Petrol Filling Station and retail area is to be sited on the western façade of the building, linking to the 'Hot Food Prep 2' area. With regard to the proposed care home, the extraction ventilation termination point is to be located along the northern façade of the respective building. The assessment assumes that each extraction termination point will be set to discharge 1m above the eaves at a discharge rate of more than 10m/sec.

EHS advise that an odour risk assessment was undertaken referencing the DEFRA and EMAQ+ guidance for the proposed development's kitchen extraction systems. The assessment indicated that a high level of odour control should be applied at each of the food production facilities to be introduced. EHS advise that they would seek to secure this by way of suitably worded conditions.

EHS has raised no objection to the odour aspect of this proposal (subject to conditions). It is therefore considered that the proposal can be designed to ensure no significant adverse impact on residential amenity as a result of odour from the development.

Lighting

An Artificial Light Impact Assessment Document 19, date stamped 16th January 2023 has been submitted. The Environmental Health Section has been consulted and has raised no objection in this regard, subject to conditions. It is therefore considered that a lighting scheme can be provided for the development that will not have an adverse impact on residential amenity.

The report references The Institution of Lighting Professionals (ILP) Guidance Note 01/21, The Reduction of Obtrusive Light. The assessment classifies the area of the proposed development as falling within Environmental Zone E3, Suburban. Table 3 of

the ILP guidance gives the maximum values of vertical illuminance on premises for Environmental Zone E3 as being 10 lx pre-curfew and 2 lx post-curfew.

The report submitted states that the site will not operate beyond 11pm, therefore the post-curfew limit of 2 lux does not apply.

EHS therefore seek to condition this to ensure that no artificial lighting operates prior to 7am or beyond 11pm in order to protect amenity at nearby sensitive receptors, both existing and proposed.

The assessment calculates the impact in the vertical plane of light spill from the artificial lighting proposed to the filling station, to the facades of nearby sensitive receptors, existing and proposed. The assessment indicates that existing residential receptors would experience levels above 2 lx should the artificial lighting proposed, operate after 23:00 hours. This would be an indication of an adverse impact and the reason why EHS seek to ensure the artificial lighting does not operate after 23:00 hours.

Should this restriction on operating hours of the artificial lighting not be acceptable to the applicant, night time hours (23:00 – 07:00) will require to be assessed and mitigation measures detailed to ensure amenity is protected.

Some level of disturbance and impact on amenity is likely to result from the addition of a PFS and care home within close proximity to residential properties. However, with the imposition of the attached conditions in relation to the retention of the existing vegetation along the southwestern boundary and restriction of the building heights, it is considered that potential impact on residential amenity could be sufficiently mitigated. It is therefore considered that the buildings could be designed to ensure no significant impact on residential amenity which can be considered further at Reserved Matters stage.

Natural Heritage

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

The applicant has submitted a Preliminary Ecological Appraisal and Bat Roost Potential survey (Document 07, date stamped 7th January 2022) in support of their application.

The site consists of primarily semi-improved neutral grasslands bordered by native species-rich hedgerows and treelines. The main borders surrounding the site have a barbed wire mesh fencing. A fast-flowing stream with surrounding broadleaved woodland is also present 150m east from the site flowing north, and eventually offsite.

The application site is not located within any sites that are designated for their nature conservation importance, however it is 170m north of the Cave Hill: Local Wildlife site along the southern boundary. Additionally, the results identified 6 international

designations within approx. 5km of the site including: Bellevue ASSI 417 (1.2km east), Inner Belfast Lough ASSI 029 (3.7km away), Belfast Lough RAMSAR (3.7 km away) UK12002, Belfast Lough SPA UK9020101 (3.7 km away), Outer Belfast Lough ASSI 104 (4.3km east), Belfast Lough Open Water SPA UK9020290 4.4km southeast and 29 local designations.

It has been raised through letters of objection that the proposal would result in an impact on wildlife and European sites without suitable mitigation. The objector points out that mitigation measures are recommended within the PEA (Document 07, date stamped 7th January 2022) including a surface water management plan and lighting plan. The ecologist within the PEA states that these mitigation measures are recommended to reduce the risk of contamination to the stream 150m east and any designated sites that may be downstream of this site. The objector goes on to state that the applicant's PEA and outline Construction Environmental Management Plan (Document 05, date stamped 7th January 2022) does not contain any information about which standards either the surface water management plan or lighting plan should meet in order to mitigate any effects and that as a result, an effect on a European Protected Species is presented but no mitigation is secured, which is an offence and must be considered as part of the application consenting process.

It has also been raised through letters of objection that further mitigation is recommended in the Landscape Management Plan (Document 11/2, date stamped 14th November 2022), however, the Outline CEMP (Document 05, date stamped 7th January 2022) does not mention this requirement. The objector therefore raises concern with regards to the robustness of the outline CEMP as an instrument to deliver environmental protection because of this and other omissions.

While concerns have been raised with regard to the oCEMP, it is important to note that the applicant has offered this document voluntarily and not at the request of a statutory consultee. Neither SES nor NED indicate that a condition requiring the submission of a final CEMP is necessary in this case. SES advise in their HRA stage 1 screening that it has found no viable pathway to a feature of a European Site from the proposal as detailed in the application. As such it is not considered reasonable or necessary to condition the submission of a Final CEMP to be submitted at Reserved Matters stage.

With regard to the impact on bats NED advise that given the necessary removal of internal hedgerows with trees, the ecologist completed a bat roost potential survey for trees required to be felled/subject to other arboricultural works. The ecologist notes that the majority of potential roosting sites are located to the east of the site, along the fast-flowing stream. These trees are located off site and will not be impacted by the proposed development.

The remaining trees on site were found to have negligible roosting potential, therefore NED are content that no significant impacts on roosting bats are considered likely as a result of the proposal.

Potential impacts on bats may however arise through the introduction of artificial light, therefore light spill should be avoided along the western boundary of the application site and the retained hedgerow vegetation as a means of maintaining foraging and commuting resources for bats.

NED initially recommended the submission of a wildlife friendly lighting plan at Reserved Matters stage, however, the applicant has submitted an 'Artificial Light Impact Assessment' (Document 19, date stamped 16th January 2023). NED highlight that the lighting report submitted makes no mention of wildlife friendly lighting or the 1 lux or less lightspill on boundary vegetation, however when assessing the isolux map of Circulation Areas (Page 15), NED note that lightspill appears to be within or below 1 lux along the western boundary of the application. Considering the potential significance of the vegetated boundary features of the application site, on this occasion, NED are content with the lighting report submitted.

With regard to potential impacts on Otter, NED advise that the stream to the east of the application site may be of importance to otter, however given its distance, approximately 150m, from the proposals boundary, NED do not consider significant impacts on otter or on this stream likely as a result of the proposal.

With regard to nesting birds NED advise that vegetation on site is likely to provide commuting, foraging and refuge opportunities for breeding/nesting birds, therefore vegetation removal within the bird breeding season (1st March – 31st August inclusive) should be avoided where possible. NED further advise that they are content that no suitable habitat for smooth newt was observed by the ecologist, and therefore consider significant impacts on this species as a result of the proposal, unlikely.

Overall, taking account of the objection and consultation responses from NED and SES offering no objection to the proposal, it is considered that there will be no significant impact on Protected Species or their Habitats, nor on any European site as a consequence of this development.

Flood Risk and Drainage

DfI Rivers Flood Map (NI) indicates that the development does not lie within the 1 in 100-year fluvial floodplain therefore, the proposal does not conflict with Policy FLD 1.

The applicant has submitted adequate drainage drawings and calculations to support their proposals. Furthermore, the applicant has provided evidence from DfI Rivers giving Consent to discharge Storm run-off to an Undesignated watercourse as indicated in the DA, including NI Water response granting requisition foul & sewer to serve proposed development under Article 154/156 of The Water and Sewerage Services (NI) Order 2006.

Therefore, DfI Rivers while not being responsible for the submitted Drainage Assessment accepts the applicant's logic and has no reason to disagree with its conclusions. An informative can be added to bring to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to section 5.1 of Revised Planning Policy Statement 15).

Impacts on Features of Archaeological Importance

The application site had archaeological conditions previously attached to it (Planning Application Reference: U/2008/0155/RM). Phase 1 of the development site was subject to archaeological testing in May 2017 (AE/16/205). The remainder of the

development site has not been subject to archaeological mitigation. Historic Environment Division (Historic Monuments) has been consulted and is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. It is therefore considered that the proposal will not have a significant impact on features of archaeological importance.

Access, Movement and Parking

The proposed access to the site has been moved from the existing access position to reflect the access granted under application Ref: LA03/2021/0200/F and the proposal includes the realignment to the access road serving St Enda's Gaelic Athletic Club and the Gaelscoil Eanna. The development of the wider site has a live planning permission currently under construction under planning application Ref:U/2008/0155/F, subsequent variation of condition approval (Planning Ref:LA03/2016/0670/F) and commencement of development approval through a Certificate of Lawful Development application (Planning Ref: LA03/2017/0443/LDE).

The impact on traffic generation as a result of the proposal has been raised through letters of objection. The Transport Assessment (Document 10) concludes that the proposals have been developed to minimise the impact on road safety by providing sufficient car parking for site users so that there is no risk of overspill onto the surrounding road network. It also states that the site benefits from bus stops located in close proximity to the site. Bus stops along Hightown Road typically provide a timetable and flagpole and the nearest bus stop to the site is located circa 200m east of the site access and serves routes which provide connections to Belfast and Glengormley. The operational capacity assessment has concluded that the junctions in the surrounding area can accommodate the predicted level of traffic generated by the development proposals with no knock-on impacts on the local road network.

A Transport Assessment Addendum (Document 15, date stamped 23rd August 2022) has been submitted. DfI Roads has been consulted with the proposal and the objections received and has raised no concern with the proposal with regards to road safety, transport, parking, access arrangements or circulation within the site. It is considered the proposal complies with Planning Policy Statement 3, 'Access, Movement and Parking' and Parking Standards guidance.

Other matters

Drainage

The applicant's P1 form indicates that foul sewerage will be directed to mains and it is proposed to connect surface water drainage from most of the site to the installed storm water drainage system in the adjacent phase housing area (ACC site) which forms part of the wider masterplan of the Hightown Road development. The runoff from the changed part of the site has hardstanding areas draining to the undesignated Blackwater Tributary. Consent to discharge has previously been granted by DfI Rivers.

NI Water advise that although Whitehouse catchment is operating at capacity, this proposal can be approved on the basis of extant planning approval on the site, Planning Ref: U/2008/0155/RM. The application proposes to dispose of foul sewage to

a Northern Ireland Water Limited (NIW) sewer. NI Water has advised through its consultation response that there is a public foul sewer within 20m of the proposed development boundary and also a public surface water sewer within 20m of the proposed development boundary which can adequately service these proposals. DAERA Water Management Unit has been consulted and has raised no objection to the proposal. Separate discharge consent will be required for the proposal under the terms of the Water (NI) Order 1999.

Contamination

DAERA Regulation Unit Land and Groundwater Team has advised that there are no significant sources of previous potentially contaminating land uses on this application site or in the adjacent area and has raised no objections to the development provided conditions & informatives are placed on any decision notice, as recommended. With regards to human health, Environmental Health Section has raised no concerns with regards to contamination.

Hazardous Substances

It has been raised through letters of objection that hazardous substances will be stored on the site. The applicant's agent has confirmed that the storage of LPG would be in the region of 0.4 tonnes and liquid petroleum would be approximately 40,000 litres. The quantities are below the controlled threshold as set out in the Planning (Hazardous Substances) (No.2) Regulations (Northern Ireland) 2015 and therefore hazardous substances consent is not required. EHS has raised no objection to the proposal with regards to hazardous substances.

Northern Ireland Electricity

NIE Networks has been consulted and has advised that there is currently LV (low voltage) underground cabling in the area and also HV (high voltage) lines close by the development boundary and associated equipment in the area for development and the distance from these should be addressed in any future application.

The proposed development should take into account the position of any NIE Networks' equipment in the area to ensure safety. The developer should maintain statutory clearance from NIE Networks' equipment during the construction and operational phases of the project and also during future maintenance programmes in accordance with HSE Guidance Note GS6 "*Avoidance of Danger from Overhead Electric Lines*" and HSE Booklet HS(G)47 "*Avoiding danger from underground services*". Further information is also available at www.nienetworks.co.uk/Safety-Environment.

Economic Impacts

The applicant has indicated that the proposed development represents an investment within the Borough of circa £10 million. It is estimated that the project could sustain 300 construction jobs and when open would create up to 150 post construction jobs.

CONCLUSION

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

- The principle of the development is considered to be acceptable;
- It is considered a development can be designed to ensure there will be no significant impact on the character and appearance of this area;

- It is considered the proposal can be designed to ensure there is no detrimental impact on the amenities of nearby residents and the proposed use will be compatible with surrounding land uses;
- It is considered the proposed development can be suitably mitigated so as to ensure it will not result in an adverse impact on features of natural heritage or any European site;
- There is no significant issue of flood risk prompted by the development proposal; and
- Matters of access, road safety, parking and circulation are considered acceptable

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:

The expiration of 5 years from the date of this permission; or

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. The buildings hereby permitted shall be sited as indicated on Drawing No. 03/3 date stamped 07/03/2023.

Reason: To ensure a quality residential environment.

5. The net retail floorspace of the shop unit shall not exceed 303 square metres when measured internally and 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 to the Planning (Use Classes) (Northern Ireland) Order 2015. No internal operations increasing the floorspace available for retail use shall be carried out without the prior written consent of the Council.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres in line with retail planning policy.

6. The gross retail floorspace of the shop unit including hot food units shall not exceed 877 square metres when measured internally.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres in line with retail planning policy.

7. No internal operations including the installation / extension of mezzanine floors shall be carried out to increase the gross retail floorspace available for retail use without the prior written consent of the Council.

Reason: To enable the Council to retain control over the nature, range and scale of retail activity so as not to prejudice the continued vitality and viability of existing retail centres.

8. The retail unit hereby approved shall not be subdivided or otherwise modified to create additional units without the prior written approval of the Council.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

9. A site plan and cross sections shall be submitted at Reserved Matters stage indicating floor levels of the proposed development in relation to existing and proposed ground levels.

Reason: In the interest of visual amenity.

10. No part of the proposed care home building shall exceed 13 metres in height above 166.90 AOD.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

11. The proposed Petrol Filling Station building shall have a ridge height of less than or equal to 11 metres above 163.10AOD.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

12. Apartment Block A shall be a maximum of 9.5 metres above 161.9 AOD.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

13. Apartment Block B shall be a maximum of 9.5 metres above 166.8 AOD.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

14. Full details of any retaining structures shall be submitted in writing to the Council at Reserved Matters Stage and shall be carried out as approved.

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

15. Full details of the proposed bin stores for the apartment blocks shall be submitted in writing to the Council at Reserved Matters Stage and shall be implemented as approved.

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

16. 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. 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. This strategy should be completed by competent persons in accordance with Land Contamination: Risk Management (LCRM) guidance, available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

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

17. After completing the remediation works under Condition 16 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Council. This report should be completed by competent persons in accordance with the Model Procedures for the Land Contamination: Risk Management (LCRM) guidance. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

18. 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 in consultation with Historic Environment Division, Department for Communities. 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.

19. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 18.

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

20. 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 18. 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.

21. A 1:500 plan shall be submitted at Reserved Matters stage indicating the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

22. Trees along the southwestern boundary shall be retained at a minimum height of six metres and hedging along the same boundary shall be retained at a minimum height of three metres unless necessary to prevent danger to the public, in which case a full explanation shall be submitted to and agreed in writing with the Council.

No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

23. At Reserved Matters stage a landscaping scheme showing the location, numbers, species and sizes of trees and shrubs to be planted shall be submitted to the Council and retained thereafter.

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

24. At Reserved Matters stage a landscape management and maintenance plan shall be submitted to and approved by the Council. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The landscape management plan shall be carried out as approved.

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

25. The open space and amenity areas shall be managed and maintained in accordance with the Landscape Management Plan approved under Condition 24 and any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

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

26. At the Reserved Matters stage, a wildlife friendly lighting plan, to include an isolux drawing of predicted lightspill, must be submitted to the Planning Authority for assessment. The plan shall include, but is not limited to, the following:

- a) Specifications of lighting to be used across the site, including model of
- b) luminaires, location and height;
- c) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.
- d) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site; Please note that light spill on boundary vegetation should be no more than 1 lux, which should be clearly shown on the isolux drawing.

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

27. There shall be no car wash, air, water or vacuum systems installed at the filling station development.

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

28. The retail unit shall not operate outside the following hours:
07:00 – 23:00 Hours.

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

29. There shall be no deliveries to the retail unit, filling station and care home, outside of the following hours:
07:00 – 23:00 hours.

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

30. Excluding extraction plant, plant fitted to the retail unit shall be
3 x no. condenser units with SPL 43db (A) at 10m
3 x no. AC outdoor units with SWL 68dB LW

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

31. All ventilation/extraction plant and ducts installed at the retail unit and care home facility shall be acoustically isolated from the building structure.

Reason: In order to control structure borne vibration/noise transfer into residential property above the retail unit, and into the care home.

32. At Reserved Matters stage, a noise impact assessment shall be submitted detailing the following:

- The cumulative noise level of all noise sources associated with the retail unit and filling station.
- The cumulative noise level of all noise sources associated with the care home.
- Demonstrate the overall cumulative level for all noise sources, (including the retail unit, filling station and care home), shall not exceed the existing background noise level of 54 dB L_{A90} *between 07:00 and 23:00 hours, when measured within the external amenity area of any nearby noise sensitive receptor and assessed in accordance with British Standard 4142:2014 +A1:2019.*

Reason: In order to protect amenity at sensitive receptors.

33. 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 retail unit and care home.

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

34. The extracted air from the odour abatement system installed to the retail unit and care home, shall be discharged not less than 1m above the eaves level of their respective buildings and shall be capable of achieving 10m/s discharge.

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

35. The extraction and ventilation system to the retail unit and the care home, must be cleaned and maintained in perpetuity with the lifetime of the development to ensure compliance with Condition 33 above and in line with Section 5.0 of Document Number 12, date stamped received 20 Jan 2022'.

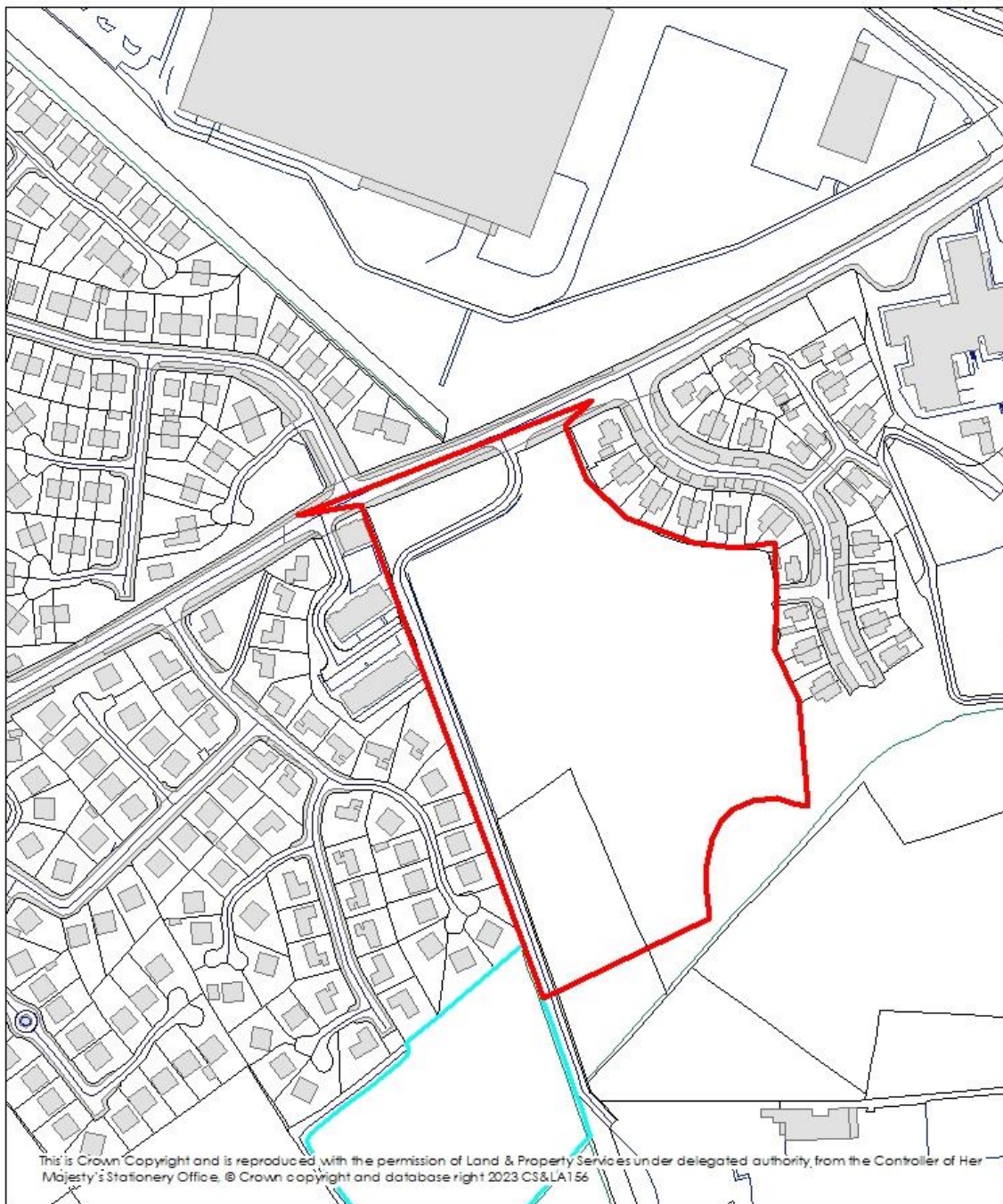
Reason: In order to protect amenity at nearby residential dwellings from adverse impacts of cooking odours.

36. External Artificial Lighting to the filling station development shall not be operational on anytime between 23:00hrs and 07:00hrs.

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

37. Light intrusion from the development into windows at nearby sensitive properties shall not exceed 10 Ev (lux) on anytime between 07:00 and 23:00hrs.

Reason: In order to protect amenity at nearby



Planning Application Reference: LA03/2022/0042/O

Location: Land to the south of Hightown Road and 30m East of Holly Manor and 20 - 30 (evens) Hollybrook Manor, Glengormley

Proposal: Mixed use development comprising petrol filling station and local neighbourhood supermarket, care home lighting and consequential modification to the housing layout approved under planning reference U/2008/0155/RM and realignment to access road

Scale: 1:2500



Site Location



COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2022/1015/F
DEA	ANTRIM
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed storage and distribution facility comprising freezers, coolers, warehousing, cold dock, offices and staff welfare accommodation together with ancillary plant equipment and structures; site preparation work, including regrading of site levels; access parking areas; associated landscaping including detention pond; truck marshalling area with vehicle maintenance facility and associated fuel tanks, associated staff car park and loading/unloading areas and installation of photovoltaic panels. Access to the site via Nutts Corner Road.
SITE/LOCATION	Lands approximately 135 metres south west of Nutts Corner Roundabout and 88 metres east of 79 Nutts Corner Road Crumlin Antrim.
APPLICANT	Heron Bros Ltd
AGENT	Turley
LAST SITE VISIT	07.02.2023
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext 40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information	
SITE DESCRIPTION	
<p>The application site is located along the Nutts Corner Road, immediately to the southwest of the Nutts Corner roundabout.</p> <p>The application site extends to 7.89 hectares and is irregular in shape, comprising a flat parcel of land with no buildings situated on the site. The eastern boundary of the site follows the Moira Road, from the south of the adjacent Cosentino warehouse site to the area of hardstanding associated with the former airfield use.</p> <p>The site is currently open and exposed with limited screening along the site boundaries. There is a post and wire fence along Nutts Corner Road and a wooden fence along the Moira Road. Access to the site is proposed via the existing access onto the Nutts Corner Road.</p> <p>There are several commercial/industrial uses located to the north of the site. Immediately joining the site on its northern boundary is a warehouse unit, Cosentino. Lands to the west of the site are in mainly agricultural use. The Nutts Corner Market and Raceway are located to the south. There are three dwellings along the roadside</p>	

of Nutts Corner Road. There is strong vegetation to the rear and side boundaries of No.79 Nutts Corner Road.

The Lidl Regional Distribution Centre is located immediately east of the proposed site, split by the A26 and south of the Nutts Corner Roundabout. A current application for a further storage and distribution warehouse (Ref: LA03/2022/0996/F) is currently under consideration on a parcel of land off Dundrod Road, close to Nutts Corner, south of the existing Lidl Distribution unit.

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2022/0704/PAD

Location: Lands south west of Nutts Corner Roundabout, Antrim, BT29 4SJ

Proposal: Storage and distribution facility comprising freezers, coolers, warehousing, cold dock, offices, and staff welfare accommodation together with ancillary plant equipment and structures; site preparation works, including regrading of site levels; access & parking areas; associated landscaping including detention pond; and truck marshalling area with Vehicle Maintenance Facility and associated fuel tanks. Access to the site provided via Nutts Corner Road along with internal circulation, associated staff car park, and loading/unloading areas. Installation of photovoltaic panels on the roof.

Decision: Under Consideration

Planning Reference: LA03/2022/0591/PAN

Location: Lands South West of Nutts Corner Roundabout, Antrim

Proposal: Proposed storage and distribution facility comprising freezers, coolers, warehousing, cold dock, officer and staff welfare accommodation together with ancillary plant equipment and structures; site preparation works, including detention pond; and truck marshalling area with Vehicle Maintenance Facility and associated fuel tanks. Access to the site provided via Nutts Corner Road along with internal circulation, associated staff car park and loading/unloading areas. Installation of photovoltaic panels on the roof

Decision: PAN Concluded (05th July 2022)

Planning Reference: T/2003/1107/O

Location: Land south-west of Nutts Corner roundabout, Antrim

Proposal: Proposed storage/distribution centre including associated landscaping, access, parking and infrastructure works.

Decision: Appeal Allowed (2006/A1563) (12th March 2010)

Planning Reference: T/2013/0080/RM

Location: Lands SW of Nutts Corner Roundabout, Antrim

Proposal: Storage/Distribution centre including landscaping, access, parking and infrastructure works

Decision: Permission Granted (24th October 2013)

Planning Reference: LA03/2015/0456/DC

Location: Land south-west of Nutts Corner roundabout, Antrim

Proposal: Discharge of Condition 6 from PAC decision 2006/A1563

(storage/distribution centre including associated landscaping, access, parking and infrastructure works)

Decision: Condition Discharged (16th October 2015)

Planning Reference: LA03/2015/0528/DC

Location: Lands south west of Nutts Corner Roundabout, Antrim

Proposal: Discharge of Conditions 4 and 5 of T/2013/0080/RM

Decision: Conditions Discharged (13th November 2015)

Planning Reference: LA03/2017/1090/F

Location: Lands directly south west of Nutts Corner Roundabout, Antrim

Proposal: Erection of B4 storage and distribution unit with associated car parking (on part of the site with extant approval T/2013/0080/RM for storage and distribution use)

Decision: Permission Granted

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, 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 Plan identifies the applications site as being within the rural area of Antrim. Paragraph 25 of the AAP highlights the policies in place for this area and discussed below under the principle of development.

Nutts Corner Antrim Policy Guidance Note (Jan1999): This guidance was never formally adopted, however, it was discussed with Antrim Borough Council at its Planning Committee Meeting on 26th January 1995. As the document was never adopted, it contains no planning policies which are material to this application site.

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

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

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

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

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

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

A Planning Strategy for Rural Northern Ireland sets out Public Service and Utilities policies for Northern Ireland.

CONSULTATION

Council Environmental Health Section

No objections subject to conditions.

Northern Ireland Water

No objection.

Department for Infrastructure Roads

No objection, subject to conditions.

Department for Infrastructure Rivers

No objection. DfI Rivers advises the Council to engage the services of those who are expert in the area of SUDs to provide an assessment of this proposal.

Department for Communities Historic Environment Division

No objection.

Northern Ireland Environment Agency: Water Management Unit

No objection.

Northern Ireland Environment Agency: Natural Heritage

No objection, subject to conditions.

Northern Ireland Environment Agency: Regulation Unit

No objection, subject to conditions

Belfast International Airport

No objections subject to conditions.

Shared Environmental Services

No objection.

Northern Ireland Electricity Networks Limited.

No objections.

REPRESENTATION

Eight (8) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Design, Layout and Appearance
- Neighbour Amenity
- Compatibility with Adjacent Land Uses
- Flood Risk
- Natural and Built Heritage
- Access, Movement and Parking
- Crime and Personal Safety
- Effluent
- Economic Impacts

Preliminary Matters

Environmental Impact Assessment

As the development falls within Category 2, 10 (B) (The carrying out of development to provide for 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 category of a Major planning application as defined by the Planning (Development Management) Regulations (Northern Ireland) 2015 and as such was subject to a Pre-Application Community Consultation carried out on behalf of the applicant.

To comply with the pre-application notification requirements of Section 27 of the Planning Act (NI) 2011 the applicant submitted a Proposal of Application Notice (PAN) on 28th June 2022 (Reference: LA03/2022/0591/PAN). This was accompanied by indicative drawings. Following this submission, the Council deemed the PAN acceptable.

Residents within a 200 metre radius of the site were provided with details of the proposed development and the proposal was advertised in the Antrim Guardian. Elected Members for the District Electoral Area, relevant MPs and MLAs, residents and local businesses were included in the consultation. Seventeen (17) responses were made during the community consultation process. The planning application was received following expiration of the 12-week period following submission of the PAN thus satisfying the requirements of Section 27 of the 2011 Act.

A Pre-Application Community Consultation Report (Document 02, date stamped 11th November 2022) has been submitted.

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. The site is in a rural area as defined in the AAP. Nutts Corner is addressed in Section 25.0 of the AAP. This section confirms the site to be largely rural and unsuitable for any substantial development due to potential impacts on the roundabout and potential capacity issues relating to NI Water. The applicants supporting statement (Document 01, date stamped 17th November 2022) highlights that the commentary within the AAP is over almost 38 years old and does not reflect more recent changes and developments in the area. It also states that The AAP was referenced in the case officers report for the approved development relating to application Ref: LA03/2017/1090/F. The report notes that the AAP does not explicitly rule out proposals in the Nutts Corner area, it merely states a preference for a location within Antrim.

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interest of acknowledged importance.

Should any conflict arise between the SPPS and any policy retained under the transitional arrangements, the conflict must be resolved in favour of the policy provisions in the SPPS. In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained in the following PPSs which provide the relevant regional policy context for consideration of the proposal:

- PPS 2: Natural Heritage;
- PPS 3: Parking and Movement;
- PPS 4 Planning and Economic Development;
- PPS 15: Planning and Flood Risk;
- PPS 18: Renewable Energy;
- PPS 21: Sustainable Development in the Countryside.

Policy CTY 1 of PPS 21 sets out a range of development types, which are considered to be acceptable in principle in the countryside. With regard to non-residential development, it lists 9 categories of development including, inter alia, industry and business uses in accordance with Planning Policy Statement 4 – Planning and Economic Development (PPS4). Policy CTY 1 states 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.

PPS 4 Policy PED 1 deals with economic development in settlements. It states that a

development proposal for a Class B4 storage or distribution use will be permitted in an area specifically allocated for such a purpose in a development plan. Nutts Corner is not a designated settlement, however, the emerging Plan Strategy for Borough indicates that the Nutts Corner areas is being identified as a Strategic Employment Location where by a variety of uses including storage and distribution use are acceptable. While the Plan Strategy is not yet adopted and significant weight cannot yet be given to the future provisions of what a plan may include, it does give an indication as to the acceptability of such uses in this area.

Policy PED2 (Economic Development in the Countryside) of PPS4 states that proposals for economic development uses in the countryside will be permitted in accordance with the provisions of policies PED3 (The Expansion of Established Economic Development Uses), PED4 (The redevelopment of and Established Economic Development Use), PED5 (Major Industrial Development), and PED6 (Small Rural Projects).

On the lands comprising the current application site and the Cosentino site adjacent and to the north, an outline planning application (Ref: T/2003/1107/O) was submitted for a storage and distribution centre in September 2003. The application sought approval for 11 storage and distribution units totalling c.36,000 sqm in floorspace.

This application was refused in June 2006 and was subsequently appealed (Ref: 2006/A1563) to the Planning Appeals Commission which dismissed the appeal in January 2009. Following a judicial review of the decision, in September 2009 the High Court quashed the decision and asked the Planning Appeals Commission to consider the materiality and weight to be attributed to draft PPS 21 – Sustainable Development in the Countryside. Subsequently, the Department of the Environment withdrew all four reasons for refusal and the appeal was allowed in March 2010. The outline planning permission established the principle for the development of storage and distribution uses on the site with a concept plan indicating a total of 36,000 square metres of floorspace.

Following the grant of outline planning permission at appeal, a Reserved Matters application was submitted (T/2013/0080/RM) in March 2013. This application was approved in October 2013, for 11 storage and distribution units to a ridge height of 9.6 metres. All pre-commencement conditions on the outline and Reserved Matters approvals have subsequently been discharged: Condition 6 (Ref: LA03/2015/0456/DC) approved in October 2015 and Conditions 4 & 5 (Ref: LA03/2015/0528/DC) was approved in December 2015.

The access to the site from Nutts Corner Road was constructed as per the above approvals, resulting in an implemented approval for a storage and distribution centre totalling 11 units with total floorspace of circa 36,000sqm. This was confirmed as a fallback position for the site within the case officers report for application Ref:LA03/2017/1090/F for the Cosentino site adjacent.

The Cosentino permission (Ref: LA03/2017/1090/F) granted "a B4 storage and distribution unit with associated car parking (on part of the site with extant approval T/2013/0080/RM for storage and distribution use)." The site is 0.92 hectares; and the proposal had a total floorspace of 2,804 sqm. The planning permission was granted in

March 2018 and the development has subsequently been constructed and is now in operation.

The case officer's report into the above development confirms that the previous planning permission (outlined above) was conditioned to commence before 24th October 2015. Whilst no Certificate of Lawful Development was submitted to the Council to establish the commencement of works prior to this date, all pre-commencement conditions were discharged prior at this date and prior to the creation of the access to the site from Nutts Corner Road. The case officer confirms in their report that the approved access was in place, and this remains insitu. The case officer's report then states that, as a consequence of the above, it is accepted that the developer is likely to be able to establish a genuine fall-back position. The planning history of the site in combination with the lack of constraints on the development site led to the conclusion that the principle of Use Class B4 (storage and distribution) development on the site was acceptable.

The current application acknowledges this fall-back position confirmed via the approval of the Cosentino development and the agreed status of the site as being a site with an implemented planning permission for storage and distribution development. Furthermore, when considering the total floorspace provision of the Cosentino site (2,804 sqm) against the wider approval for 36,000 sqm it is evident that the principle of over 33,000 sqm in additional storage and distribution floorspace on the wider site has been accepted.

The application site is approximately 7.89 ha in size and is for industrial development providing 24,383 sqm of floorspace for class B4 storage and distribution warehouse including ancillary office space and HGV maintenance unit, associated fuel tanks and installation of photovoltaic panels. Although the application site occupies a smaller portion of the previously approved site, it is considered that the floorspace is within that which was previously approved and therefore can be accepted in principle.

Solar Panels

The proposal also includes solar panels on the roof of the building which have a generation capacity of 0.96MW. Policy CTY1 of PPS21 states there are a range of types of development which in principle are considered acceptable in the countryside and that will contribute to the aims of sustainable development. It states that planning permission will be granted for non-residential development in the countryside for renewable energy projects in accordance with PPS18. Other types of development will be permitted where there are overriding reasons why that development is essential.

The aim of PPS18 is to assist the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy. This aim is consistent with the aim of the SPPS for the siting of renewable energy facilities. Policy RE1 Renewable Energy Development of PPS18 states that development that generates energy from renewable sources will be permitted provided the proposal will not result in an unacceptable adverse impact on five criteria:

- (a) public safety, human health, or residential amenity;

- (b) visual amenity and landscape character;
- (c) biodiversity, nature conservation or built heritage interests;
- (d) local natural resources, such as air quality or water quality; and
- (e) public access to the countryside.

Further to policy set out by PPS18, paragraph 6.225 of the SPPS states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted. The applicant indicates that the proposed solar PV array on the roof of the proposal will have no unacceptable adverse impact on any of the criteria set out in Policy RE1. The issues raised within Policy RE 1 of PPS 18 are discussed further below.

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

The SPPS para. 6.70 states that all development in the countryside must integrate into its setting and respect the rural character of the area.

Criterion (j) of Policy PED 9 of PPS 4 requires the applicant to ensure the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity.

Policy CTY 13 – 'Integration and Design of Buildings in the Countryside' states that a new building(s) will be unacceptable where the site lacks long established natural boundaries; is unable to provide a suitable degree of enclosure for the building to integrate into the landscape or relies primarily on the use of new landscaping for integration.

In total, 24,383 sq. metres Gross External Area (GEA) of floorspace is proposed for storage and distribution use, including ancillary office space and HGV maintenance unit. The office/admin area is situated to the (western) front of the building. HGV docks are indicated along the eastern (Moirs Road) side of the building with the main part of the building occupied by freezer, cooler and dry storage areas. The applicant has indicated that the main building and ancillary buildings including the Vehicle Maintenance Facility (VMF) will be operated for storage and distribution and ancillary operations only, under Use Class B4 (Storage and Distribution).

The main section of the building is approximately 210 metres in length and 104 metres wide. It measures approximately 12.7 metres in height to the ridge and 11.1 metres to the eaves.

The proposed Vehicular Maintenance Facility (VMF) building measures approximately 9.4 metres to the ridge and 8 metres to the eaves. It is approximately 46.6 metres by 30.4 metres in width. The offices to the front part of the building are indicated as 15.6 metres wide and 40.5 metres long with a maximum height of 12.9 metres. The second floor is stepped back from the front and side elevations of the office unit, with the main roof to the frontage sitting at 10.6 metres above finished floor level. The transport office to the rear is approximately 9.3 metres high and projects from the rear of the main building by 19.5 metres, in line with the HGV docking spaces.

On the roof, there are 8 no. chill pod units proposed which will measure up to 10 metres by 10 metres, with a height of 3.5 metres above roof level. These will be clad to match the finishes of the proposed building with walkway access for servicing. The pods are required to contain the equipment for the operation of the refrigeration processes within the building.

The office section to the west of the building is lower in height to provide a step-down in scale facing towards the closest residential dwelling. Contemporary industrial materials will be used to the external walls. External materials will use a variety of vertical & horizontal metal composite cladding panels.

With regards to the design of the proposal, the main unit will be large in terms of floorspace covered but not excessively high relative to its scale, and of a height appropriate for the established industrial character of Nutts Corner. The applicant indicates that the height is necessary due to the internal storage racking requirements of up to 9 metres. This, in addition to space for air circulation and roof structure, results in an eaves height of just over 11m, rising to 12.7m at the ridge level.

The Cosentino building sits over 6 metres higher at ground level than the southern part of the application site. Therefore, the ridge of the approximately 11-metre-high Cosentino building will sit higher than the proposed building, reducing the overall visual impact of the proposal relative to its setting.

In order to visually break up the width of the main building elevations facing both the internal access road and Moira Road, three different cladding colours are proposed, to clearly define the different building elements. The majority of the elevations will be formed using vertical light grey panels (akin to the existing Cosentino warehouse). Dark grey coloured vertical panels have also been introduced at intervals between the main loading docks, to define building entry/exit routes.

Visual Impact

The applicant has provided a Landscape and Visual Impact Assessment (LVIA) (Document 08, date stamped 11th November 2022) in support of their proposal. Using terrain-modelling techniques combined with the proposed development specification a map was created which identified areas from which the proposed development may theoretically be visible. The significance of effects on landscape features and character is determined by considering both the sensitivity of the feature or landscape character and the magnitude of impact.

A review of the Northern Ireland Regional Landscape Character Area (RLCA) indicates that the proposed development is in RLCA 19 – South Antrim Hills and Six Mile Water. The applicant's LVIA states that it is important to note that the proposed development is situated on the boundary between RLCA 14 and RLCA 19 but the landscape character at the site of the proposed development is consistent with the key characteristics of RLCA 14 only. A review of the Northern Ireland Landscape Character Assessment 2000 (LCA) indicates that the proposed development is located within one Landscape Character Area (LCA); Expansive Crumlin Farmland LCA (113). The applicant's LVIA concludes that the predicted significance of landscape effects on the RLCA and LCA's are considered to be minor and not significant.

A total of 6 viewpoints have been assessed within the LVIA, for both construction and operational phases of the proposal. The LVIA concludes that no viewpoints have been assessed as having significant effects due to a combination of the distance of view and the screening effects of urban built form, vegetation and topography.

The existing view available from Dundesert Road is low-lying within existing farmland that is flat in character with strong hedgerows and trees at the boundaries that screen low level views. Glimpse views above the hedgerows are available to the existing Lidl Distribution Warehouse adjacent to the A26 as well as the outline of the distant Belfast Hills beyond. Overall, the view is enclosed in nature. The upper portions of the proposed development will be partially visible through vegetation but will be read with the existing Lidl Distribution Warehouse with little noticeable change in visual resource.

From Ballydonaghy Road approximately 1km south of the application site, the relatively flat nature of the landscape across the proposed development site and existing vegetation cover within the immediate middle distance means that the proposed development will be screened at ground level and only the upper parts of the proposed building and roof partially visible. The proposed development will be read in the context of the urban landscape character visible from this viewpoint particularly the existing Lidl facility that is visible in the view and urban clutter in the view.

Tullywest Road is located 750 metres west of the application site and the Longrig Road is located to the north of the development. From both these viewpoints, the relatively flat nature of the landscape at the proposed development site in combination with within the strong hedgerow and trees in the foreground of the view means that the proposed development will be well screened in views from this location. Only the upper roof portions of the proposed development will be visible but read in the context with adjacent development that is visible in the view. A similar view is experienced from the Belfast Road to the northwest of the application site.

Views of the proposal will be evident from Nutts Corner Road however; the building is set back off the roadside and existing buildings will provide some level of screening. It is considered that the most critical viewpoint of the proposed development is from the Moira Road. The applicant's LVIA states that from the A26 Moira Road, due to the absence of screening vegetation in the foreground the upper parts of the proposed development will be directly visible from this viewpoint. Due to the relatively flat nature of the landscape the proposed earth banks at the Nutts Corner Raceway will partially screen lower level ground activities at the proposed site. The proposed development will appear as a new feature in the view but will be read in the context of the urban landscape character visible from this viewpoint particularly the existing Lidl building and adjacent built form that is visible in the view.

Notwithstanding the applicant's efforts to reduce the visual impact there is some concern with regard to the prominence and integration of the proposed building and associated lorry parking along the Moira Road. There is limited existing landscape features within the site or along the perimeter of the site to help absorb this development into the landscape when viewed in transit along the Moira Road in both directions. To offset the visual impact of the development the applicant proposes to introduce a significant level of planting to the boundaries of the site. The

eastern boundary to Moira Road will be characterised with a 5-metre-deep buffer consisting of a raised earth bund to a height of up to 2 metres above the level of the HGV yard, with dense tree and screening shrub planting along the top of the bund. This planting will be continued along part of the northern boundary of the site.

The applicant's agent has confirmed (email dated 2nd March 2023) that the proposed berm and landscaped buffer is the maximum height and width which can be provided on site whilst retaining a useable yard area for HGV manoeuvring. The cross sections provided by the applicant illustrate the predicted sight lines from the road and the effectiveness of the berm and proposed landscaping. The applicant indicates that the maximum density of planting is proposed through a mix of deciduous and evergreen shrub and tree planting which would fully screen the HGVs/yard area, whilst ensuring the health and ability of individual plants to grow to their full potential and provide optimum screening. This is likely to take a number of years to mature to a level that would adequately screen lorries parking adjacent to the Moira Road.

With regards to additional boundary treatments, a triangular area of planting is proposed to the southeast corner of the site to enhance biodiversity and soften the visual impact of the development. Trees and grass areas will be planted along the access road to the north and west of the site to enhance the approach to the building and the appearance of the proposal when viewed from the Nutts Corner Road. A 2.4 metre green palisade fence is proposed around the perimeter of the site to provide security. To the Moira Road boundary, this fence will be situated behind the landscaped bund.

In general, the proposed landscaping is to be welcomed as it will soften the visual impact of the development to some extent, the applicant has also provided A Landscape Management and Maintenance Plan (Document 16, date stamped 11th November 2022) in order to ensure the long term management of the site.

In terms of the visual impact associated with the solar panels the applicant proposes an expansive solar array on the roof of the proposed building. The solar PV array spans the majority of the roof of the building and equates to 9,594 square metres and a generation capacity of 0.96MW.

PPS 18 Policy RE 1 indicates that development that generates energy from renewable sources will be permitted where there will not be an unacceptable adverse impact on visual amenity and landscape character. The LVIA submitted with the application concludes that due to a combination of distance of view and the screening effects of urban built form, vegetation and topography, there will be no significant effects on the landscape from the development as a whole, including solar panels to the roof. The proposed solar panels measure 1.1m x 2.25m in length and have been designed to sit close to flush with the roof pitch to reduce the overall visual impact.

With regard to visual impact on existing residential properties it is noted that there are limited residential properties in close proximity to the development. The nearest properties (No. 63, 69, & 71 (noted as No. 79 on the proposed site plan)) are located along the southern side of A52 Nutts Corner Road and consist of a mix of single and

two storey properties. These properties front onto Nutts Corner Road but have potential rear views towards the application site.

The LVIA indicates that the properties do have tall hedgerows and trees at their rear boundaries that screen views towards the proposed development. The immediate surroundings of the three properties consists of visible existing buildings and other built form. In views from the rear of these properties there is potential for glimpse views of the proposed development broken by existing garden vegetation, however, the proposal will give rise to some visual impact on the area and on the residents in the area. The landscape architect indicates that the predicted significance of effect for properties on the southern side of A52 Nutts Corner Road during operational stage will be moderate and not significant.

It is considered there will also be potential for direct but filtered views of the solar PV array, however having regard to the nature of the solar PV array, its location, intervening vegetation and buildings, including the design of solar panels generally having a black appearance, it is considered that there will be some visual impact associated with the panels, however, this is not likely to be significant and similar in appearance to a dark grey/black roof.

Overall, the design, layout and appearance of the building, including its scale and massing, are considered to be similar to other storage and distribution buildings within the wider Nutts Corner area and having regard to the proposed landscaping it is considered that the proposal is acceptable in terms of the policy provisions of the SPPS, PPS4 and PPS 21 with regard to the design and integration of the proposal.

Neighbour Amenity

Criterion (b) of Policy PED 9 of PPS 4 requires development proposals not to harm the amenity of nearby residents. While criterion (e) states that proposals should not create a noise nuisance. These matters are discussed further below.

There are a number of residential properties in close proximity to the application site including Nos. 78, 80 located on the northern side of the Nutts Corner Road and Nos. 63, 69 and 71 (noted as No. 79 on the site layout plan). There are also a number of additional residential properties further northwest of the application site. The location map submitted indicates that residential property at 71 Nutts Corner Road (annotated as No. 79 on site location plan) is under control of the applicant.

Noise

The applicant has submitted a Noise Impact Assessment prepared by Lester Acoustics, (Document 05, date stamped 11th November 2022) and Noise Impact Assessment Addendum (Document 19, date stamped 7th February 2022).

CadnaA Noise Modelling

The acoustic consultancy has presented CadnaA noise models to demonstrate the noise impact of the proposed development. The Council's Environmental Health Section (EHS) advise that they do not have access to noise modelling software, and are therefore unable to validate the acoustic consultancy's presented noise model. The following comments are based on the assumption that the presented noise model is valid.

Vehicle Maintenance Facility

Drawing Number 08, stamped 'Planning Section Received 23 Nov 2022' shows a Vehicle Maintenance Facility (VMF). 'Roof mounted extract plant' is marked on the drawing as well as 2x wash bays (1x external wash bay and 1x internal wash bay) and 3x bay entrances and exits for the vehicle maintenance. Further information on the vehicle maintenance facility (VMF) has been provided which details the hours of operation of the VMF as 11:00 to 20:00 hours and the HGV refuelling bay as 19:00 to 03:00 hours.

Further noise monitoring has been undertaken over a period of 1 week from 26th January 2023 to 1st February 2023 with the longer term monitoring reducing the uncertainty in the assessment. The assessment presents a daytime background noise level of 48dB LA90, and night time background sound level of 38dB LA90 and an early morning background (5am -7am) of 45 dB LA90.

The applicant has confirmed that the storage and distribution element is to operate 24 hours a day. EHS are of the opinion that the proposed development can operate without adverse impact on amenity at nearby sensitive receptors, subject to noise control conditions with regards to a number of the individual elements of the proposal. It is therefore considered subject to the conditions below that residential amenity can be suitably protected.

Contaminated Land

The applicant has submitted a contaminated land report (Document 13, date stamped 11th November 2022) for consideration. The report concludes that no significant pollutant linkages are considered to be present within the study area. The report indicates that no further investigation or assessment is required for the proposed end use. The report recommends that if unexpected contamination is encountered during construction works, that samples should be obtained and sent for chemical analysis and that an updated risk assessment should be completed. The report states that should unacceptable risks be identified, then appropriate remedial works should be conducted and agreed with the relevant regulatory bodies.

EHS and NIEA Regulation Unit Land & Groundwater Team support the conclusions within the contamination reports and have no objection to the development subject to conditions relating to potential unknown contamination. It is therefore considered that there is no significant contamination risks associated with this site.

Lighting

A Light Impact Assessment (Document 10, date stamped 11th November 2022) has been submitted for consideration.

The assessment classifies the area as Environmental Zone E2, Low District Brightness Area, applicable to rural locations with relative darkness. Predicted horizontal and vertical lux was calculated using lighting analysis software. A vertical lux calculation grid was added in the direction of the nearest residential receptors, between the proposed development and the residential dwellings. The predicted vertical lux at this point was shown to be zero indicating that no obtrusive light is predicted to impact the nearby residential dwellings.

EHS are of the opinion that the proposed development can operate without adverse impact on amenity at nearby sensitive receptors, subject to artificial light control condition. This condition is considered necessary to ensure that there is no significant impact on nearby residential receptors.

Air Quality

The applicant has also submitted an Air Quality Impact Assessment Report, Document Number 06, date stamped received 11 Nov 2022. The report concludes that the proposed development will not have an adverse impact on air quality in the vicinity of the site and that there will be a negligible air quality impact on residents in proximity to the proposed development site. No operational phase mitigation measures are proposed as all predicted pollutant levels in proximity to the proposed development site are within UK objective levels for Nitrogen Dioxide and Particulate Matter (PM10).

The report presents a construction phase dust impact assessment at Appendix B, which details site-specific mitigation measures. EHS advise that there are no significant concerns with matter relating to air quality and as such there is unlikely to be a detrimental impact on the amenity of nearby residential receptors as a result of this development. In addition, as EHS have advised that there is no significant air quality concerns with the proposal it is considered that the proposal meets with criterion (d) of Policy RE 1 of PPS 18

Compatibility with Adjacent Land Uses

Policy PED 8 of PPS 4 seeks to safeguard existing or approved economic development uses from incompatible development that would prejudice future operations. This is also echoed in Policy PED 9 criterion (a) of PPS 4.

Policy PED 8 provides additional protection for existing 'sensitive industrial enterprises' through the land use planning system. The policy requires 3 tests to be met, as follows:

- The proposal is in the vicinity of an existing or approved economic development use,
- The proposal is incompatible with the existing or approved use,
- The proposal would prejudice the future operation of the existing or approved use.

The application site while located within the countryside is surrounded by a variety of uses including industrial and residential and uses. It is bound by cleared land forming part of the former Nutts Corner airfield to the south and west of the site. The recently constructed Cosentino warehouse is situated to the north of the site. There is a large Lidl regional distribution centre located to the east of the site, separated by the Moira Road. Having regard to the storage and distribution nature of the proposal it is unlikely that there will be significant effects on nearby industrial premises. Further to site inspection, it is considered that there are no sensitive industrial enterprises in this area that would be significantly impacted upon as a result of this development, nor would the proposed development have a significant impact on the future operation of any existing or proposed uses within this immediate area.

With regard to compatibility with the isolated dwellings, the separation distances between the dwellings and the proposed facility and the proposed landscaping as discussed above, it is considered the proposed development will not have a

significant impact on residential amenity. EHS has also been consulted and has indicated no objection to the proposal on residential amenity grounds.

It is therefore considered that the proposed development is compatible with the adjacent residential properties. Overall, it is considered that the proposed development is compatible with existing and approved uses in this area.

Natural Heritage

PPS 2 sets out the Executive's commitment to sustainable development, conserving, and where possible, enhancing and restoring natural heritage. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states 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.

Policy RE1 Renewable Energy Development of PPS18 reiterates this position stating that development that generates energy from renewable sources will be permitted provided the proposal will not result in an unacceptable adverse impact on biodiversity, nature conservation or built heritage interests.

The applicant further indicates that the supporting Ecological Impact Assessment concludes that the proposed development will have no significant effects on any protected species or on the wider ecology of the area as a whole, including in relation to birds. The applicant has submitted an Ecological Impact Assessment (EclA) (Document 14, date stamped 11th November 2022 and an Outline Construction Environmental Management Plan (oCEMP) (Document 12, date stamped 11th November 2022).

Bats

Bats are a European Protected Species under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and are subject to a strict level of protection. NED notes from the EclA that the site does not have any trees, buildings or structures that could potentially host roosting bats. The site has moderate bat foraging and commuting potential. NED advises that it welcomes the proposed landscaping indicated on Drawing 05 'Site layout and Landscaping plan' date stamped 11/11/22, of boundary hedges and trees, a wildflower meadow and a damp meadow in the detention basin and considers this will provide additional habitat to for foraging and commuting bats.

NED further advise that bats are nocturnal species and are highly sensitive to artificial lighting in their environments. The Lighting Impact Assessment, date stamped 11/11/22, and lighting details outlined in the OCEMP, indicates that the lighting will be low level, directional, with motion sensors and will have additional accessories such as baffles or hoods, where necessary. It is considered this will minimise any potential disturbance from lighting to commuting bats. NED recommends the external lighting has a light spill of under 1 lux on all boundary hedgerows, and the damp meadow area to further minimise disturbance for bats.

Birds

All wild birds are protected under Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended). The OCEMP states that vegetation clearance will be avoided during the bird breeding season which spans from 1st March to 31st August inclusive. NED has advised that should this prove impracticable/impossible, then any such works scheduled within the bird nesting season should be preceded by a pre-work nesting inspection and/or breeding bird survey by a suitably experienced ecologist. In the event that an active nest is discovered at any stage during the works, works in that area should cease until all young birds have fledged.

Badgers and Otters

The EclA details that a survey for badgers and otters was carried out and no evidence was found. NED is therefore content no further surveys are required.

Landscaping

NED has advised within their consultation response that it welcomes the additional planting proposed which will benefit birds, bats, invertebrates and considers it sufficient compensation for the loss of habitat for this development. NED also recommend planting with a higher proportion of native species, such as replacing the proposed Common Hornbeam, *Carpinus betulus*, hedge to that of a native species to further enhance the biodiversity of the site. However, as they have indicated that the proposed landscaping is acceptable with a preference for higher proportion of native species planting it is considered that the proposed planting is sufficient in this case.

Designated Sites

The application site is in close proximity to the Crumlin River which is hydrologically connected to Lough Neagh Lough Neagh and Lough Beg Special Protected Area (SPA) and Ramsar site and Lough Neagh Area of Special Scientific Interest (ASSI). The site plans to discharge storm water into the Crumlin River which is hydrologically connected to Lough Neagh ASSI, SPA and Ramsar site, 11km downstream.

NED has assessed the OCEMP and the shadow Habitat Regulations Assessment (sHRA) in Appendix II of the EclA. Provided all mitigation and pollution prevention measures outlined in the OCEMP, sHRA and Drawing No. 21 Proposed Drainage Layout, date stamped 17/11/2022, are implemented as outlined, any potentially significant impacts to designated sites can be minimised.

Shared Environmental Services has been consulted and has raised no objection to the proposal. Having considered the nature, scale, timing, duration and location of the project, it is concluded that it would not be likely to have a significant effect on any European site, either alone or in combination with any other plan or project and therefore an Appropriate Assessment is not required. In reaching this conclusion, no account was taken of measures intended to avoid or reduce potential harmful effects of the project on any European site. There are no viable pollution pathways for effects on any European site.

With regards to the proposed solar panels, the supporting Ecological Impact Assessment concludes that the proposed development will have no significant effects on any protected species or on the wider ecology of the area as a whole, including in relation to birds. NED has raised no objection to the proposed solar

panels. It is therefore considered that the proposed solar panels will not have a detrimental impact on biodiversity or nature conservation.

Overall, it is considered that the proposal will not have a detrimental impact on features of natural heritage, protected species or protected sites.

Impact on Features of Archaeological Importance

PED 9 criterion (c) requires development proposals to not adversely affect features of the natural or built heritage.

Historic Buildings

There are no listed buildings within the application site or within a reasonable proximity to the application site. It is therefore considered that the application site is sufficiently far removed from historic buildings within the area to have any significant impact upon them.

Archaeology and Cultural Heritage

The proposed development site has previously been assessed for archaeology under a previous discharge of condition application (Ref: LA03/2015/0528/DC) relating to an earlier planning permission on the site. The report submitted with the discharge of condition application was classified as final, and therefore HED (Historic Monuments) has assessed the application and on the basis of the information previously provided and its content. It is therefore considered that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. Therefore, it is considered that there are no significant archaeological concerns with the proposal.

Drainage and Flood Risk

PED 9 (d) of PPS 4 requires that development it is not located in an area at flood risk and will not cause or exacerbate flooding. PPS15 reinforces this position with a series of Policies for the applicant to adhere to.

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. An undesignated unadopted culvert is located along the southern boundary of the site.

The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. An undesignated unadopted culvert is located along the southern boundary of the site. Under 6.32 of Policy PPS 15 FLD 2, an adjacent working strip along a watercourse must be retained to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5m, but up to 10m where considered necessary, and be provided with clear access and egress at all times. The working strip should be protected from impediments including tree planting, hedges, and permanent fencing.

Under 6.33 of the Policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. A suitable maintenance strip of minimum 5m must also be in place. Based on the proposed site layout, DfI Rivers has no reason to sustain an objection under policy FLD 2.

A 'Drainage Assessment' by RPS (Document 07, date stamped 11th November 2022) has been submitted. The Drainage Assessment submitted confirms that a separate storm drainage network will be installed as part of the proposed development. The storm drainage system will connect to the existing undesignated culvert at a rate limited to greenfield run off rate. A Schedule 6 agreement is in place for discharge to this culvert at a rate limited to greenfield run-off for the entire site under the developer's ownership, which includes the current development site.

The effectiveness and function of the proposed attenuation method is reliant on the SuDS system being designed and constructed in accordance with the correct industry specifications and having a long-term maintenance programme in place to ensure its ongoing function.

DfI Rivers advises the Council to engage the services of those who are expert in the area of SUDs to provide an assessment of this proposal. Until the design and long-term maintenance programme of the private SuDS system has been fully assessed and approved, DfI Rivers advises that the potential flood risk to the development and elsewhere has not been dealt with satisfactorily, therefore, Revised PPS 15 FLD 3 has not been satisfied.

A letter, date stamped 2nd March 2023 has been provided by the drainage engineer confirming the purpose, performance and maintenance of the SuDS features on the site and has confirmed that the detention basin is designed in accordance with CIRIA SuDS Manual.

The attenuation method proposed for within the applicaiton site includes a detention basin and a high void ration stone (30% voids ration) within inlets through perforated pipes and permeable paving. The drainage engineer's letter states that the basic concept of the drainage design is that the storm outlet to the culvert will be restricted to adhere to the agreed flow rate using a flow control device and the pond and stone attenuation will act as storage during the design storm events. It has been noted that the attenuation methods are designed to provide volumetric storage behind a flow control device. Discharge through infiltration to the ground is not proposed for these attenuation systems and they will be lined with impermeable liner.

The proposed detention basin is formed as a landscaped depression which is normally dry but will fill up during and immediately after storm events. The bottom of the pond has an area of 697 square metres and is 2.4 metres deep. The proposed depth of storage is proposed to be 1.2 metres giving a storage volume of 1172 cubic metres storage volume.

The detention basin has a suitable inlet arrangement, outlet arrangement and pre-treatment including; pre-treatment using sumps in manholes, channel outlets and gullies, a sediment forebay and a gabion berms. A maintenance regime has been provided within Document No. 20, date stamped 2nd March 2023 and a condition (No. 15) has been recommended to ensure that that the detention basin is management and maintained appropriately.

The high void ration stone comprises of coarse graded aggregate provided in areas beneath the car park and service yard. The total stormwater storage provided in these areas is 1162.5 square metres. The inlets comprise of permeable paving and

perforated pipe which also act as outlets and allow storm water to back up into the attenuation stone during a storm event.

It is considered that sufficient detail and assurance has been provided from a suitably qualified drainage engineer to ascertain that the proposed attenuation methods proposed are suitable for the proposed development.

Policy FLD4 in relation to artificial modification of watercourses and FLD 5 in relation to development in proximity to reservoirs are not applicable to this site.

In conclusion, it is considered that the proposed development complies with Planning Policy Statement 15 and there is no significant flood risk associated with this proposed development.

Road Safety, Traffic, Parking and Transport Issues

Policy PED 9 (g) of PPS 4 requires that the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified. While criterion (h) requires that adequate access arrangements, parking and manoeuvring areas are provided. Planning Policy Statement 3 Access, Movement and Parking also seeks to ensure that prejudice to road safety does not occur as a result of development.

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

Applicable policies include: -

- Policy AMP 1- Creating an Accessible Environment;
- Policy AMP 2 -Access to Public Roads – Permission will be granted for a development involving access to a public road where it will not prejudice road safety or significantly inconvenience the flow of traffic;
- Policy AMP 3 - Access to Protected Routes
- Policy AMP 7 - Car Parking and Servicing Arrangements – requires proposals to provide adequate provision for car parking and appropriate service arrangements.
- Policy AMP 9 - Design of Car Parking requires a high standard of design, layout and landscaping to accompany all proposals for car parking.

The main access to the site will be via the existing Nutts Corner Road via the approved and constructed access. The internal access road will be extended further south into the site. From the above, staff, visitor and ancillary access will be to the western side of the site where the main car parking area is proposed. 218no. parking spaces are proposed for staff and visitors within the car parking area to the north of the site, including accessible parking (12no. spaces). There is sufficient space for additional EV charging points should demand require it in future. Cycle parking for up to 25 cycles is proposed to the northwest corner of the site adjacent to the offices.

HGV access for distribution will be separate and confined to the northern side of the main building, with a truck marshalling area to the north and 50no. HGV parking 11 spaces to the eastern side, in addition to 20no. trailer parking spaces. 30no. spaces for smaller lorries will also be provided in this area.

With regard to Policy AMP 2, DfI Roads has no objection to the access arrangements as proposed by the applicant and as such, it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic and accords with policy AMP2 of PPS3 and also the policy provisions of PPS 4.

Policy AMP3 of PPS3 restricts new accesses and the level of use onto Protected Routes, however, it does allow for exceptions in certain circumstances. The proposed site will be accessed via the A53 Nutts Corner Road, which is a protected route outside of a designated settlement limit. Criterion (d) 'Other Categories of Development' applies which indicates that approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road. In this case, there are no alternative routes available to serve this site as the application site is sandwiched between both the A26 (Moira Road) and the A53 Nutts Corner Road both protected routes and there are no minor roads from which the proposal can connect. It is important to note that DfI Roads has no objection to the access onto the protected route. Overall, it is considered that the proposal complies with Criterion (d) of Policy AMP 3 of PPS 3.

PPS 3 policy AMP 7 requires developments '*to provide adequate car parking*' having regard to the Parking Standards. The applicant indicates that 154 car parking spaces are required to meet DfI Parking Standards. The requirement for storage and distribution development is for 1 space per 250 sqm of gross floor area. Based on floorspace, this results in a requirement for 92 spaces (not including space used for offices). As there will be 1,429 sqm of ancillary office space for staff working at the premises, the relevant standard has been applied, resulting in a further requirement for 62 spaces, including visitor parking.

The site plan illustrates formal parking for 218 No. Car parking spaces and 12No. parking spaces will be provided to the western side of the applications site and set behind a landscape strip. Staff and visitor parking will exceed the standard requirements, with 218 spaces provided in total. The applicant indicates that the level of provision acknowledges the rural location of the proposal and the need for parking space provision to cover the period during shift changes. HGV and smaller lorry parking will total 119 parking bays, again meeting the DfI standards for a storage and distribution development. In this regard, the proposal is compliant with policy AMP7 of PPS 3.

DfI Roads have not raised any concerns with the parking arrangements. In terms of car parking design, the parking is located on the peripheries of the site and will be screened to some extent from the public road by existing and proposed landscaping within the site and beyond. Overall, it is considered that adequate parking has been provided while the design, layout and landscaping to accompany the proposals for car parking is acceptable. The proposal is considered to be compliant with policy AMP9 of PPS3

Crime and Personal Safety

Criterion (L) of Policy PED 9 of PPS 4 requires that the site is designed to deter crime and promote personal safety. The applicant indicates that the proposed scheme has been designed to secure by design requirements. The site and the properties within are delineated and will be enclosed by 2.4m high paladin security fencing and gates

(colour green). It is indicated that security lighting will be installed and shift work on site will ensure that a level of staff presence will be maintained on a 24hr basis. The proposal accords with criterion (l) of policy PED 9 in this regard.

Movement Pattern

Criterion (i) of Policy PED 9 of PPS 4 requires a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport.

The applicant anticipates that the majority of journeys to and from the site will be via car. The site benefits also from a bus stop on Belfast to Crumlin Lisburn to Antrim routes, which is situated at the site entrance should users wish to avail of it. The surrounding road network does not provide separate cycle lanes or links to cycle or pedestrian networks.

Nevertheless, the applicant intends to provide safe and convenient cycle access and parking within the site adjacent to the offices block with 25 cycles spaces, with shower and changing facilities provided within the building. The Department for Infrastructure's published cycle parking standards require a minimum of 2 spaces per unit or 1 space per 100sqm, whichever is greater, for this type of development. Due to the scale and nature of the development and the shift-based nature of operations, a lower number of cycle parking spaces has been provided based on expected demand. Should demand increase, the applicant indicates that further cycle parking can be provided on site as required. As such, the needs of cyclists have been taken into account in accordance with policy AMP8 (Cycle Provision).

In terms of meeting the needs of people whose mobility is impaired the applicant indicates that the building has been designed to provide a level access to the building while 12No. accessible parking spaces are to be provided adjacent to the main staff entrance to the office blocks.

Based on the information provided it is considered that the Criterion (i) of Policy PED 9 of PPS 4 and Policy AMP1 of PPS 3 has been complied with.

Emissions and Effluent

A further criteria (f) of Policy PED 9 of PPS 4 requires that the proposed development is capable of dealing satisfactorily with any emission or effluent. Having regard to the storage and distribution nature of the proposal it is unlikely that there will be any significant emissions or effluent from the proposed development beyond noise and disposing of foul sewage. EHS has raised no concerns on this matter. With regard to potential effluent the applicant proposes to dispose of foul sewage by a privately managed sewage package treatment plant which will discharge to a watercourse. NI Water and NIEA Water Management Unit have raised no objections in this regard. In addition, it is considered that there is no significant water quality impacts associated with this development from the solar panels and as such the proposal is compliant with Policy RE 1 of PPS 18.

NI Water Infrastructure

The P1 application form (date stamped 17th January 2023) states that the source of water supply is mains, surface water will be disposed of via an attenuation pond and existing culvert, and foul sewage will be disposed of via a package treatment plant. Therefore, the only public NI Water infrastructure connection required in respect of this proposal is a connection to the existing water distribution network. Due to the size of this proposal, associated anticipated water demand and the relatively small diameter pipework within the existing water distribution network, NI Water requested and received a Water Impact Assessment application.

NI Water has been consulted and has advised that the Water Impact Assessment for this proposal has been completed. NI Water has recommended approval subject to a maximum demand flow of 1litre/sec and providing the applicant notifies NI Water operational staff when filling large 1000m³ water storage tank. The applicant's agent has confirmed that internal water systems will be designed to ensure compliance with the above.

The NIW response follows direct discussions between NI Water and the applicant in relation to the Water Impact Assessment, which was considered outside of the planning process. The applicant's agent has confirmed that the above requirements do not prejudice the details of the planning application as proposed and that the demand flow reflects the nature of the proposal as a storage and distribution warehouse which will not generate significant water demand. An informative can be added with regards to this matter.

Economic Impacts

An Economic Benefits Statement (Document 03, date stamped 23rd November 2022) has been received in support of the application. The report sets out that the proposal represents an investment of £35 million in the construction sector, the creation of up to 200 temporary jobs per annum during construction, a productivity boost of up to £20.5 million GVA throughout the construction period. It is estimated that the proposal will create circa 230 permanent jobs in a range of occupations once the tenant (Sysco) is operating from the site helping to strengthen the transport and storage industry in the district. A productivity boost of £19.6 million GVA is estimated every year of operation and up to £6.0 million wage expenditure annually – helping to sustain local businesses and services and £550,000 business rates revenue generated every year.

Other Matters

Belfast International Airport

The application site is within proximity to Belfast International Airport. The proposal has been examined from an aerodrome safeguarding aspect. Belfast International Airport has been consulted and has no objection to the proposal subject to conditions.

BIA raised the matter of the detention pond attracting birds into the area and the potential impact for bird strike to arise. This point was raised with the applicant's agent and they advised that with the earth berm, fencing and the building being closely situated to the side of the detention basin, that the detention pond area is quite constrained and it is likely that it would be difficult for birds to land should the detention basin ever be full. It was also stated that the detention basin would be

empty for the majority of the operational phase of the development proposed. It was also raised that Lough Neagh is closer to BIA than the site. The proposed landscaping provided ensures that the proposed planting does not include bird-attracting plants (berries etc).

Discussions with Belfast International Airport and the applicant's agent have indicated that suitable bird repellent measures at the basin would be an acceptable mitigation which would avoid the need for regular bird-monitoring on site. The applicant's agent has advised this has been discussed with the project ecologist who has suggested that there are several methods to reduce impacts. It is therefore considered that the matter can be controlled by condition stipulating the details of bird repellent measures to the detention basin to be provided to the Council for approval should planning permission be forthcoming.

With regards to the proposed solar panels, a Glint and Glare survey has been provided with an Aviation Risk Assessment which concludes that there will be no unacceptable impact from the panels on the operations of Belfast International Airport which raised no objection to the solar panels. As such, the proposal complies with Criteria (a) of Policy RE 1 in that the proposal will not have an unacceptable impact on public safety.

Public Access to the Countryside

Policy RE 1 of PPS 18 requires that for renewable energy proposals such as this, with the inclusion of solar panels, that consideration is given to public access to the countryside. Given that the proposed solar panels are on the roof of the proposed building, this criteria is not relevant to the proposal.

CONCLUSION

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

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

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

2. The building hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No 04 bearing date stamp 23rd November 2022, to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

3. The Vehicle Maintenance Facility (VMF) as shown on Drawing Number 07, date stamped 11 November 2022 shall not be operational at anytime between 20:00hrs and 07:00hrs.

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

4. The HGV refuelling bays as shown on Drawing Number 07, date stamped 11th November 2022 shall not be operational at anytime between 03:00 and 07:00 hours.

Reason: In order to reduce night time impact at nearby noise sensitive receptors.

5. There shall be no fuel deliveries to the development site at anytime between 23:00hrs and 07:00hrs.

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

6. The cumulative noise impact of all noise generating sources associated with the development for day time and night time hours, shall not exceed the cumulative noise levels outlined within the Table below, as detailed within Table 14 of Document Number 05, date stamped 11th November 2022.'

Receiver	Cumulative Noise Level (DB LAeq,1hr)	
	Day (07:00-23:00 hrs)	Night (23:00-07:00hrs)
NSR 1 80 Nutts Corner Rd	45.3	40.5
NSR 2 78 Nutts Corner Rd	41.9	37.1
NSR 3 71 Nutts Corner Rd	42.0	37.1
NSR 4 69 Nutts Corner Rd	40.3	35.8
NSR 5 63 Nutts Corner Rd	37.6	33.5

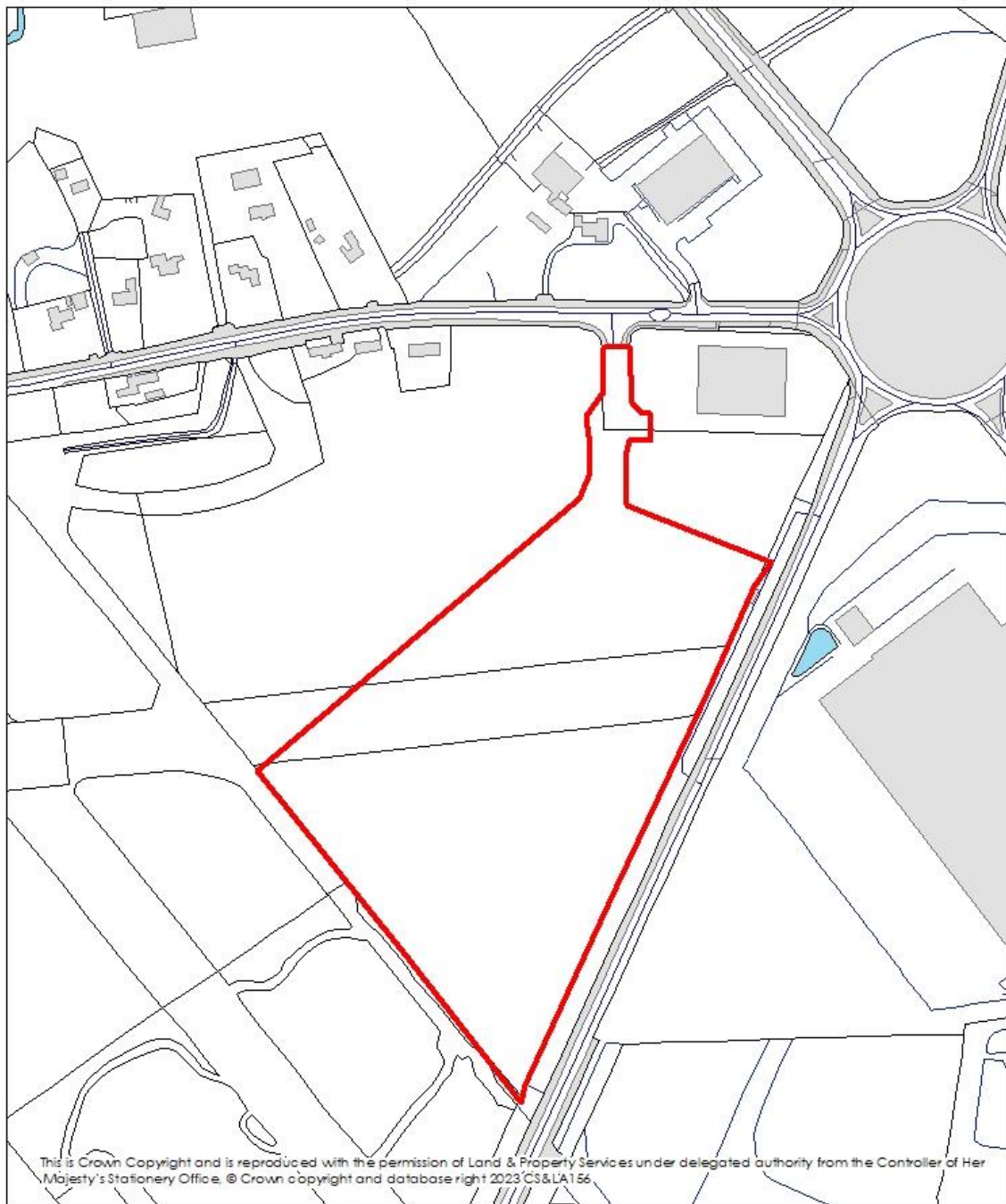
Reason: In order to protect amenity at nearby noise sensitive receptors.

7. Only heavy good vehicles using electric powered integral refrigeration units shall be used within the permitted development as detailed within Section 5.2 of Document Number 05, date stamped 11 November 2022.

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

8. The development shall operate in accordance with the Operation Phase Mitigation Measures detailed within Section 5.2 of Document Number 05, date stamped 11th November 2022.
- Reason: In order to protect amenity at nearby noise sensitive receptors.
9. Light intrusion from the development into windows at nearby sensitive properties shall not exceed 5 Ev (lux) on anytime between 07:00 and 23:00hrs and 1 Ev (lux) on anytime between 23:00 and 07:00 hours.
- Reason: In order to protect amenity at nearby sensitive receptors.
10. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.
- 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 and to control any risk to human health arising from land contamination.
11. After completing all remediation works under Condition 10 and prior to operation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>
- The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.
- Reason: Protection of environmental receptors to ensure the site is suitable for use and to control any risk to human health arising from land contamination.
12. The proposed landscaping indicated on Drawing No. 05 and Drawing No. 06, date stamped 11th November 2022 and Plant Schedules Document 17, date stamped 11th November 2022 shall be carried out within the first planting season following the completion of the development hereby approved and shall be retained in thereafter at a minimum height of 3 metres for hedging and 8 metres for trees unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.
- Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

13. The landscaped areas indicated on the stamped approved Drawing No. 05 and Drawing No. 06, date stamped 11th November 2022 shall be managed and maintained in accordance with the Landscape Management Plan, (Document 16, date stamped 11th November 2022) and any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.
- Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.
14. The drainage for the proposed development shall be carried out in accordance with the Drainage Plan, Drawing No. 21, date stamped 17th November 2022; the Drainage Assessment Document No. 07, date stamped 11th November 2022 and Document 20, date stamped 2nd March 2023.
- Reason: To safeguard against flood risk to the development and elsewhere and to ensure protection to the aquatic environment.
15. The drainage regime for the proposed development shall be managed and maintained in accordance with the Drainage Assessment (Document No. 07, date stamped 11th November 2022) and Document 20, date stamped 2nd March 2023 and the discharge rate shall not exceed 140.9l/s
- Reason: To safeguard against flood risk to the development and elsewhere and to ensure protection to the aquatic environment.
16. External lighting to be included in the development shall be of flat glass, full cut off design with horizontal mountings so that there is no light spill above the horizontal.
- Reason: In the interests of aviation and public safety.
17. Prior to the commencement of the detention basin details of bird repellent measures for the attenuation basin shall to be submitted to and agreed with the Council. The agreed bird repellent measures shall be put in place prior to the detention basin becoming operational and shall be retained thereafter.
- Reason: In the interests of aviation and public safety.
18. All external lighting onto all boundary hedges and the damp meadow area shall not exceed 1 lux light spill.
- Reason: In the interests of bat protection.



Planning Application Reference: LA03/2022/1015/F

Location: Lands approximately 135 metres south west of Nutts Corner Roundabout and 88 metres east of 79 Nutts Corner Road Crumlin Antrim.

Scale: 1:3500



Site Location

Proposal: Proposed storage and distribution facility together with ancillary plant equipment and structures; site preparation work, including regrading of site levels; access parking areas; associated landscaping including detention pond; truck marshalling area with vehicle maintenance facility and associated fuel tanks, associated staff car park and loading/unloading areas and installation of photovoltaic panels. Access to the site via Nutts Corner Road.



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2022/0497/F
DEA	AIRPORT
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Construction of 1 no. bridge access over existing railway line to replace 2no. existing manually operated user worked crossings, includes associated access to public road, associated earthworks, bat barn, landscaping, ancillary development and demolition of vacant buildings at 159 Belfast Road
SITE/LOCATION	Lands to the south of Belfast Road between 127 and 163 Belfast Road, lands to south of existing railway line and lands at 159 Belfast Road.
APPLICANT	NI Transport Holding Company (t/a Translink)
AGENT	Gravis Planning
LAST SITE VISIT	11/12/2022
CASE OFFICER	Tel: 028 90340423 Email: Kieran.oconnell@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information.</p>	
SITE DESCRIPTION	
<p>The application site is situated in a countryside location outside the settlement limit of Antrim Town within the Muckamore area. The site is located on lands to the south of the Belfast Road between No.127 and No.163 Belfast Road. The site is located between used worked crossing (XL14, XL16) along the Belfast to Londonderry railway line and comprises approximately 2.02Ha of land including railway lands, agricultural lands and vacant buildings at No. 159 Belfast Road. No.59 Belfast Road is derelict and within Translink's control.</p> <p>The site is adjacent to a group of residential properties at No.163-173 Belfast Road (grade B2 Listed buildings) to the east, agricultural lands leading to the Six Mile Water River to the south and residential properties within the settlement limit and a NI Water facility to the west.</p> <p>The XL14 crossing serves the properties at No.159 Belfast Road and 1-9 Muckamore View, horse stables, a commercial yard and circa 20 acres of farmland. The XL16 serves NI Water works to the south of the Belfast Road, the crossing is also used by NIR to access the line. The crossing is locked off by pedestrian gates.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history	

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, 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 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people, property and the environment.

CONSULTATION

Council Environmental Health Section

No objections.

Northern Ireland Water

No objections.

Department for Infrastructure Roads

No objections subject to conditions.

DfI Rivers

No objection subject to conditions.

DfC Historic Environment Division: Historic Buildings.

No objection subject to conditions.

DfC Historic Environment Division: Historic Monuments.

No objections subject to conditions.

Belfast International Airport

No objection.

Northern Ireland Electricity (NIE)

No objection.

DAERA Water Management unit.

No objection subject to conditions.

DAERA Regulation Unit (RU) Land and Groundwater Team

No objections subject to conditions.

DAERA Natural Environment Division (NED)

No objections subject to conditions.

Council Shared Environmental Services

No objection.

REPRESENTATION

Seventeen (17) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Translink Case for Development
- Design and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Built Heritage
- Archaeology
- Natural Heritage
- Road Safety, Traffic, Parking and Transport Issues
- Flood Risk
- Other Matters

Preliminary MattersEnvironmental Impact Assessment

As the development falls within Categories 2 10 (f) (The carrying out of development to provide for the construction of roads) 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 category of a Major planning application as defined by the Planning (Development Management) Regulations (Northern Ireland) 2015 and as such was subject to a Pre-Application Community Consultation carried out on behalf of the applicant.

To comply with the pre-application notification requirements of Section 27 of the Planning Act (NI) 2011 the applicant submitted a Proposal of Application Notice (PAN) on 22nd April 2021 (ref: LA03/2021/0374/PAN). Residents within a 100 metre radius of the site were provided with details of the proposed development and advised of the online consultation arrangements which were to replace the community consultation public event temporarily suspended due to the Covid-19 Emergency. Elected Members for the District Electoral Area, relevant MPs and MLAs, residents and local businesses were included in the consultation. A number of comments were made during the consultation process. The planning application was received following the expiration of the 12-week period following submission of the PAN thus satisfying the requirements of Section 27 of the 2011 Act.

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).

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

- PPS 2: Natural Heritage;
- PPS6: Planning Archaeology and the Built Environment.
- PPS 3: Parking and Movement;
- PPS 15: Planning and Flood Risk.

The application site is located within the countryside outside of any settlement 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 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 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. It further states 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.

Within this policy context, it is considered the principle of a bridge on this site is a response to site specific circumstances and would be acceptable in principle subject to the development complying with the Plan's provisions and also that of relevant planning policy statements as considered in detail below.

Translink Case for the Development.

The application site is located between the user worked crossing XL 14 and XL 16 user crossings along the Belfast to Londonderry railway line.

XL14 currently serves four residential properties, horse stables, a commercial yard and circa 20 acres of farm land. XL14 provides warning of an approaching train via the level-crossing predictor and miniature stop lights in combination with the user worked barriers. Translink indicates that this crossing is unique to the NIR network. At XL14 there have been 6 near miss incidents and 156 open gate incidents recorded since the barriers were commissioned in September 2007. The combination of miniature stop lights and user operated barriers appears to be causing confusion amongst users as this solution allows the barriers to raise on a red light.

XL16 serves NI Water Works to the south of the Belfast Road. The crossing is locked off by gates and vehicle crossing is completed using the fixed telephone. As a result of these safety concerns, Translink have been reviewing suitable solutions to eliminate the risk at XL14 and XL16 user worked crossings. Translink indicate that the preferred solution is the removal of user worked crossings XL14 and XL16 and the provision of an alternative access via a bridge and laneway. Translink believe that the proposed development will avoid the potential for fatal accidents for both adjacent landowners and railway workers. In addition, the bridge will limit the damage to NI

Railways property and disruption to the public transport services. Translink state that there is a clear need for the proposed development on safety grounds.

Design and Impact on Character and Appearance of the Area

The proposed development comprises the construction of a new bridge over the existing railway line and associated access lanes on each side of the railway line, providing access to the residential properties in Muckamore View to the east and access to the NI Water facility to the west.

In terms of design, the bridge structure will be supported on new reinforced earth abutments and the access lanes will be located on new embankments. The proposed over-line bridge comprises four reinforced earth walls (two positioned either side of the bridge) with concrete reinforcing panels and pre-cast, pre-stressed concrete beams forming the vehicular access over. The bridge also includes fixed mesh panels either side.

The proposed access road will be taken from the Belfast Road towards the eastern corner of the existing agricultural field. The site is separated from the Belfast Road by a generous grass verge, therefore limited vegetation removal is necessary to provide site access and visibility splays. Sufficient clear space is available for visibility splays of 2.4m x 120m in either direction minimising the visual impact that this development may have at this countryside location.

The bridge is positioned approximately 6.5m above the level of the top of the existing railway and is 4m wide. The proposed road connecting the Belfast Road and the proposed bridge is 6m wide and rises in gradient with a proposed maximum 70° reinforced earth slope to the north of the road and a proposed maximum 45° reinforced earth slope to the south of the road.

To the south of the railway line, the road continues and widens again to 7.7m to accommodate a proposed passing bay. To the south of the passing bay is a road connection to the NI Water Facility to the west which is 4m at its smallest widening to 7m on four occasions along the road to allow for passing vehicles. To the east of the 7.7m proposed passing bay is a short road connection which is 4m wide to the Muckamore View properties to the west.

As part of the proposal, seven single leaf gates are also proposed along the southern roadway to gain access to the agricultural fields to the south. A number of utility poles also require relocation as part of the proposals to facilitate the proposed development. A drainage outfall is also proposed to discharge into the Six Mile Water River.

DAERA Natural Environment Division requires that a bat barn is erected as an alternative bat roost for the buildings to be demolished. An indicative floorplan and elevations have been submitted in support of the application, these plans indicate that the bat barn is 6.6m x 4.6m and 5.7m in height with a pitched roof containing bat access tiles integrated with the roof tile. The roof tiles are to be anthracite slate effect tiles with white rendered walls.

In terms of the overall design and appearance of the proposal it is considered that the bridge, access laneways and ancillary features are all of standard design for

such developments and as such are considered acceptable. With regard to the impact on the character of this area the bridge and associated laneway will cause some visual intrusion into the landscape on the northern side of the railway line, however, this is unlikely to be significant in this particular landscape given that views will only be achieved when passing the site in either direction along the Belfast Road. The proposed bat barn and access road to the southern side of the railway line will have limited public views and is therefore considered acceptable. Further consideration is given to the visual impact upon the adjacent listed buildings below.

Neighbour Amenity

Under the SPPS (para 3.9), the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The impact on residential amenity is one such consideration. In this case it is unlikely that there will be a significant impact on the residential amenity of the adjacent residential properties by way of noise, nuisance or disturbance. There may even be some betterment as a result of the proposed development as it will see the removal of tonal alarms from level crossings as a train approaches. The applicant also indicates that the construction of the bridge and embankment will see the removal of all level crossing infrastructure and alarms which is likely to reduce the noise levels around the residential properties.

With regard to the impact on residential amenity the Council's Environmental Health Section has been consulted and indicated that they have no objections to the proposal and as such it is considered that there is unlikely to be any significant impact on the amenity of nearby residential properties.

Built Heritage

Policy BH11 of PPS6 is entitled 'Development affecting the Setting of a Listed Building'. It states that "The Department will not normally permit development which would adversely affect the setting of a listed building. HED (Historic Buildings) has considered the impact of the proposal on nearby listed buildings. The site is in close proximity to HB20/12/002A-F No.163-173 Belfast Road, Muckamore (Grade B2 x 6) which are of special architectural and historic interest, protected by Section 80 of the Planning Act (NI) 2011.

The row of listed buildings comprises six picturesque dwellings that are of note for their style, character and arrangement along the front of the road, originating from the early Victorian period. The proposed bridge will form part of their wider setting as viewed along the Belfast Road. It should be noted that the impact on setting includes visual and ambient aspects (refer to HED's Setting Guidance at Informative No.8 for further explanation). The drawings provided indicate that the raised bank is to be higher than the ridge of the listed building at No.163 Belfast Road (HB20/12/002A) and as such HED have carefully considered the impact this development may have on the nearby listed buildings.

Based on the additional visualisations (Doc 11 & 12), amended landscape proposals (Drawing No.12), and the agent's letter dated 12th Oct 2022, HED Historic Buildings considers that the impact of the proposal on the setting of the listed buildings is moderately adverse, however, with the mitigation proposed, their significance will

remain largely intact. HED Historic Buildings noted the agent's confirmation that there will be a reduction in noise levels around the listed properties, which they welcomed.

HED Historic Buildings advised that there are no formal designed views towards these listed buildings. Located along the roadside, they were always intended to be experienced as part of a peripheral or incidental view. The raised bank will be visible in the background as viewed from the east and in the foreground from the west, however, the photomontages provided illustrate that mitigation in the form of landscaping, screens the development from view and allows these listed buildings to retain sufficient presence as a picturesque group. Any distraction will be fleeting and considered in the mix of the surrounding rural context. The raised bank does not compete for attention to the extent that the appreciation and understanding of their special architectural or historic interest is significantly diminished.

HED Historic Buildings has raised some concerns however, with the general arrangement drawings indicating stock proof fencing either side of the crash barrier to the raised bank which in the photomontage images, stands out as being incongruous in their opinion. HED Historic Buildings assumes that this stock proof fencing will be formed in timber posts with wire mesh in between and will be allowed to weather naturally so that it turns silver with age and integrates sensitively within the rural landscaping. HED Historic Buildings has requested a condition (No. 9) to overcome this concern. HED Historic Buildings also notes that no lighting or signage is included as part of the proposal.

Having reviewed the information provided by the applicant and also the comments of HED Historic Buildings, it is accepted that there will be some visual impact on the adjacent listed buildings. However, having regard to the public safety benefit of this scheme and in combination with the proposed landscaping and provision of appropriate boundary fencing (both of which can be secured by condition), the potential impact is mitigated to a reasonable extent to ensure that there is no significant impact on the on the adjacent listed buildings. It is considered that the proposal is acceptable with regard to policy PPS6 BH11 and SPPS paragraph 6.12.

Archaeology

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

The application site is located on the edge of Antrim Town and in close proximity to the Six Mile Water River. Historic Environment Division - Historic Monuments (HED - HM) considers that this increases the archaeological potential of the application site. The site also includes the location of the former Muckamore Sidings and Halt (IHR 01339:089), which is a site of industrial archaeology interest on the Industrial Heritage Record.

HED - HM has considered the impacts of the proposal and has indicated that they are content that the proposal satisfies SPPS paragraph 6.12 PPS 6 policy requirements,

subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works, including a mitigation strategy focussing on the industrial archaeological remains of the site. This is to identify and record any industrial archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. It is considered that there are no archaeological concerns with this proposal subject to the stated conditions should planning permission be forthcoming.

Natural Heritage

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

The applicant has submitted a series of reports in support of their application, including:

- Doc 04 & 04/1 - Drainage Assessment
- Doc 05 - Ecological Appraisal
- Doc 06 - Shadow Habitats Regulations Assessment
- Doc 07 - Bat Assessment Report
- Doc 09 Bat Mitigation Plan

NIEA Natural Environment Division (NED) advise that the application site is hydrologically connected to the Six Mile Water River which flows into the Lough Neagh and Lough Beg Area of Special Scientific Interest (ASSI), Special Protection Area (SPA) and Ramsar Site. The site contains bats, a European protected species under the Habitats Regulations and are a Northern Ireland Priority Habitats (NIPH). Bats are known to use the nearby linear hedgerows which are in close proximity to the Six Mile Water River. The site also contains breeding birds, including starlings, which are a Northern Ireland priority species and are protected under the Wildlife (Northern Ireland) Order 1985 (as amended).

NED has considered the impacts of the proposal on designated sites and other natural heritage interests (habitats, birds, invasive species, lizards, otters, bats and badgers), on the basis of the information provided, has no concerns subject to conditions relating to vegetation retention and clearance, provision of a Bat Mitigation Plan, external lighting, and the provision of a final Construction Environmental Management Plan.

Shared Environmental Services (SES) has also been consulted with regard to the impact on designated sites. SES advise that; 'This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council which is the competent authority responsible for authorising the project.'

SES further advise that following an Appropriate Assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, the project would not have an adverse effect on the integrity of any

European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation proposed. SES advise that this conclusion is subject to mitigation conditions, one for the submission of a final Construction Environmental Management Plan (CEMP) and the other regarding no refuelling, storage of oil/fuels, concrete mixing, washing areas, storage of machinery/materials/spoil etc. within the floodplain along the northern section of the site as identified on Figure 5.1 of the Flood Risk Assessment, March 2022. Both conditions are considered necessary in this instance to ensure that there is no adverse impact on the integrity of any European Site.

Having considered the SES advice, it is considered that the Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, adopt the HRA report, and conclusions therein, prepared by Shared Environmental Service.

Overall it is considered that the proposal accords with the provisions of PPS 2, PPS 4 and PPS 6.

Road Safety, Traffic, Parking and Transport Issues

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

Policy AMP2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

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

The proposed development comprises the closure of two existing access points (XL14 and XL16 manually operated user worked crossings) and proposes the provision of an alternative 1 no. single access via a bridge and laneway from the Belfast Road (A6). As mentioned earlier in the report, the applicant indicates that there have been 6 near miss incidents and 149 open gate incidents recorded since the crossing was commissioned in September 2007. Translink further state that the user-operated barriers are causing confusion amongst users as it is possible for the barriers to raise while a red light is showing. As a result of safety concerns, Translink are seeking an alternative solution to this problem. The applicant considers this proposal to be the best solution going forward to improve safety for road and rail users using the respective routes.

The proposed development reduces the number of access points, however, given the limited traffic flows it will not bring about any significant intensification of the proposed access during the operational phase of the development. It is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic and is likely to create a much safer access arrangement for the affected properties.

Policy AMP3 (PPS3 Clarification) seeks to restrict the number of new accesses and control the level of use of existing accesses onto protected routes. The Belfast Road (A6) is a protected route, however, there are currently two existing accesses off the A6 which are to be removed and consolidated into one access proposed as part of this planning application.

Under 'Other Protected Routes – Outside Settlement Limits', Policy AMP3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.

The applicant indicates that access cannot be reasonably obtained from any adjacent minor road and acknowledges that although, there are two existing access points off the Belfast Road at XL14 and XL16, which are causing significant safety issues. The aim of the proposal is to address safety concerns associated with the existing manually operated user worked crossings at XL14 and XL16. The applicant indicates that an alternative means of access cannot be reasonably obtained from any adjacent minor road.

Furthermore, the applicant states that due to the low volume of traffic the proposed development will generate, it will not create any material intensification of the existing access points onto the Belfast Road. DfI Roads were consulted and have raised no concerns with the proposed development from a road safety access or intensification perspective. As such, the proposed development is considered to be compliant with Policy AMP 2 and Policy AMP3 of PPS 3.

Flood Risk

The main policy objectives of the Revised PPS 15 seek to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere. With regard to flood risk associated with this development the applicant has provided Drainage Assessment (DOC 04) date stamped '25 MAY 2022' and Drainage Assessment Addendum (DOC 04/1) and additional information (DOC 10) by Amey Consulting dated August 2022.

The site lies in close proximity to a designated watercourse under the terms of the Drainage (Northern Ireland) Order 1973, namely, 'Six Mile Water River'. A further watercourse which is undesignated generally flows from north to south and is located within the site approximately 80m south of 136 Belfast Road, Muckamore.

The application site does not lie within the 1 in 100 year fluvial or 1 in 200-year coastal flood plain, although DfI Rivers advise that a portion of the site boundary map which extends to the Six Mile Water River, is shown to indicate the position of the drainage outfall from the site, lies within the 1 in 100 year fluvial extents. Whilst development in floodplains is contrary to FLD 1, it is inevitable that the culvert outfall will be within the flood areas. Therefore, DfI Rivers would have no reason to object to the proposed development from a drainage or flood risk perspective. DfI Rivers further advise that the area of floodplain containing the culvert outfall should not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions.

The additional information by the applicant confirms that the existing maintenance strip to the undesignated watercourse that flows from north to south within the site will be left in place and that no works are proposed to the undesignated watercourse that flows from north to south within the site.

A Drainage Assessment and a Drainage Assessment Addendum (DOC 04/1) were submitted and subject to consultation with DfI Rivers. The preliminary Drainage Assessment demonstrated that the design and construction of a suitable drainage network is feasible. However, in order to ensure compliance with PPS 15, DfI Rivers requested that the potential flood risk from exceedance of the network, in the 1 in 100-year event, is managed by way of a condition which should be attached to any decision notice, should planning permission be forthcoming.

Other Matters

NIE Networks.

NIE initially objected to this proposal, however, following clarification from the applicant they have removed their objection to the proposed scheme indicating that the applicant, has agreed that prior to the construction stage that they will apply for an alteration to the overhead line in order to maintain the safety clearances required to these lines

CONCLUSION

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

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

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 bearing the date stamp 25th May 2022, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The gradient(s) of the access road shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses a footway, the

access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. 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.

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

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

6. 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 4. 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.

7. The existing natural screenings of this site as shown on approved Drawing No.12 date stamped 17/10/2022 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal.

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

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site and to ensure the proposal is adequately screened from view and to aid integration within the existing setting to the listed buildings.

8. The proposed landscaping works as indicated on Drawing No.12 date stamped 17/10/2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice during the first planting season after the commencement of development. The proposed landscaping shall be retained thereafter.

If any proposed tree or vegetation is removed, uprooted or destroyed or dies it shall be replaced within the next planting season by another tree, trees or vegetation in the same location of a species and size as specified by the Council

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site and to ensure the proposal is adequately screened from view and to aid integration within the existing setting to the listed buildings.

9. The proposed stock proof fencing shall be formed in timber posts with wire mesh in between and shall be allowed to weather naturally so that it turns silver with age and integrates sensitively within the rural landscaping.

Reason: to protect the character of the setting to the listed buildings in line with PPS6 Policy BH11 and SPPS para 6.12.

10. No development activity shall take place until a Bat Mitigation Plan (BMP) has been submitted to and approved in writing by the Council. The approved BMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved BMP, unless otherwise agreed in writing by the Council. The BMP shall include the following:
- a. Details of the provision of alternative roosting locations for bats, including the number, model, specifications and location (including height and aspect) of any proposed bat boxes and the finalised bat barn designs;
 - b. Details of the methodology and timing of works and the implementation of mitigation measures;
 - c. Details of updated bat surveys prior to any demolition works commencing and the development of any additional mitigation measures should bats be found;
 - d. Details of the appointment of a suitably qualified and experienced bat
 - e. ecologist to oversee all works and the implementation of mitigation measures.

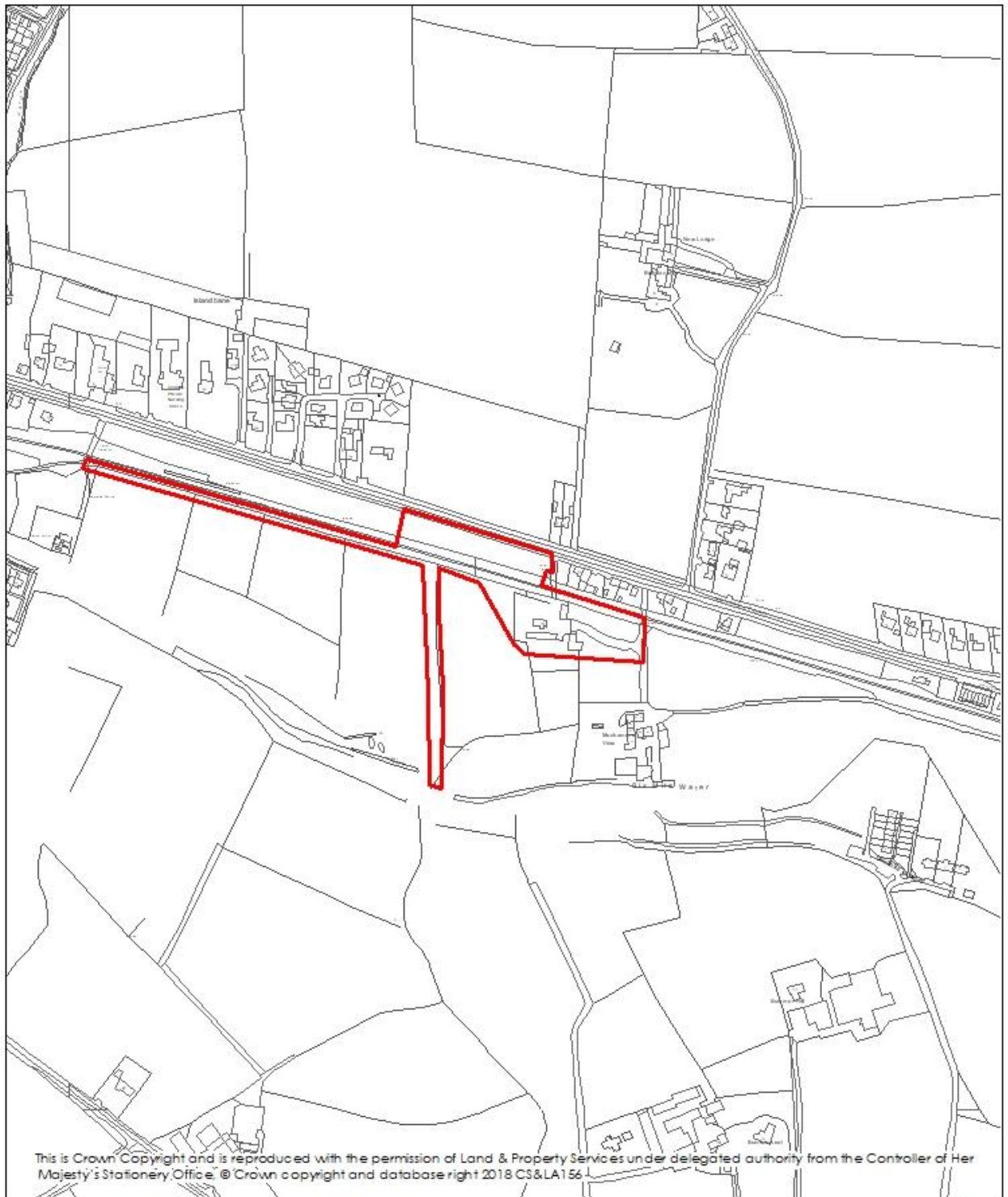
Reason: To mitigate for impacts on bats using the site.

11. There shall be no external lighting associated with the proposed development without the prior written consent of the Council.

Reason: To minimise the impact of the proposal on bats.

12. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Council. The CEMP shall include the following:
- a. Construction methodology and timings of works;
 - b. Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
 - c. Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
 - d. Spoil Management Plan; including identification of spoil storage areas, management and handling of spoil and details of the reinstatement of excavated soil;
 - e. Details of appropriate mitigation measures to protect otters, bats, badgers, lizards and birds during construction, to include all recommendations in 5.3 of the Preliminary Ecological Appraisal (PEA), date stamped 25/05/2022 by the Council, as outlined in the OCEMP;
 - a. Water Quality Monitoring Plan;
 - b. Environmental Emergency Plan;
 - c. Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

Reason: To protect Northern Ireland priority habitats and species, to ensure implementation of mitigation measures identified within the Environmental Statement and to prevent likely significant effects on the name of designated site.

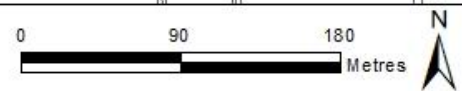


Location Map

Planning Reference: LA03/2022/0497/F

Location: Lands to the south of Belfast Road between 127 and 163 Belfast Road lands to south of existing railway line and lands at 159 Belfast Road, Muckamore, Antrim

Proposal: Construction of 1 no. bridge access over existing railway line to replace 2no. existing manually operated user worked crossings.



 Site Boundary



COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2022/0184/F
DEA	BALLYCLARE
COMMITTEE INTEREST	COUNCIL INTEREST
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Development of 18 No. 1-bed apartments for supported living, associated landscaping and car parking and access including upgrade of existing access road
SITE/LOCATION	Land to the rear of 40 to 74 Main Street and 5 Park Street, Ballyclare
APPLICANT	Norlin EV, 14 Gresham Street, Belfast, BT1 1JN
AGENT	Scottish Provident Building, 7 Donegall Square West, Belfast, BT1 6JH
LAST SITE VISIT	February 2023
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information.</p>	
SITE DESCRIPTION	
<p>The application site is located on lands to the rear of Nos. 40-74 Main Street and No. 5 Park Street, Ballyclare, within the development limits of Ballyclare and the proposed Town Centre and the draft Ballyclare Area of Townscape Character.</p> <p>The site is a previously developed area of land that sits to the rear of the existing development fronting onto Main Street and a portion of Park Street. The application site is bounded by palisade fencing to the common boundary with Home Bargains to the north, mature vegetation including mature trees along a section of the southwestern boundary as well as palisade fencing where the application site abuts the Old Presbyterian Church. Both the eastern and southern boundaries of the application site are undefined. The topography of the site is generally flat finished in concrete with a gradual slight drop in topographical levels towards the southeast.</p> <p>Adjoining land uses include Home Bargains to the north, the Six Mile Water Leisure Centre to the east, a range of retail and service based uses to the west fronting Main Street and the Old Presbyterian Church. Clare Farm Supplies is located to the northwest on Park Street. An industrial building is located immediately south of the application site within lands edged blue on the site location plan, and is proposed to be retained. The Six Mile Water Leisure Centre, is located approximately 140 metres to the northeast, and is orientated towards the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2018/0206/PAD Location: 28-32 Main Street Ballyclare and back lands to the rear of 28-66 Main Street, Ballyclare</p>	

Proposal: Regeneration of existing supermarket, car parking and adjoining site incorporating demolition of existing building, replacement with ground floor retail units fronting onto Main Street and first and second floor apartments above with dwellings to the rear (approx. 50 in total), pedestrian connections to Six Mile Water Park and Main Street and vehicular access off existing roadway from Main Street. Decision: PAD Concluded.

PLANNING POLICY AND GUIDANCE

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

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

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

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the development limit of Ballyclare and upon lands proposed as being zoned for Public Open Space/Leisure Development. Policy R1 of the Plan states that the planning authority will seek to protect and encourage the development of private and public open spaces for recreational use and to allocate land for new public open space facilities in Ballyclare and the villages. Policy H2 of the Plan states that planning applications for new housing will be carefully assessed to ensure that the character is preserved, and if possible, enhanced. The application site is surrounded on three sides by the proposed town centre boundary.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the development limit of Ballyclare and also within the proposed Town Centre ((BE 22) and proposed Area of Townscape Character (BR 15). There are no specific operational policies or other provisions relevant to the determination of the application contained in this Plan.

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection subject to conditions.

Northern Ireland Water – No objection.

Department for Infrastructure Roads - No objection subject to conditions.

Department for Infrastructure Rivers - No objection.

Department for Communities Historic Environment Division - No objection.

Northern Ireland Environment Agency: Water Management Unit: No objection.

Northern Ireland Environment Agency: Natural Environment Division: No objection.

Northern Ireland Environment Agency: Regulation Unit and Groundwater Team: No objection subject to conditions.

REPRESENTATION

Fifty-one (51) neighbouring properties were notified and no letters of representation have been received.

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> and the Council's website, under additional information.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Preliminary Matter – Council Interest

A portion of land within and along the eastern edge of the application site comprising an earth embankment and the pedestrian footpath contiguous with the Six Mile Water River required to facilitate the proposed development is within the ownership of the Council. Additionally, the Council owns a piece of land at the junction of Main Street and Avondale Drive. Both of these areas of land are located within the red line of the site location plan (Drawing Number 01/1 date stamped 4th August 2022). The applicant has completed Form P2A, dated 22nd June 2022, and has served the requisite notice upon the Council. Part A of the Council's Scheme of Delegation is entitled 'Planning Applications required under the Planning Act (Section 79) to be determined by the Planning Committee.' For the reasons set out above this planning application must be presented to the Council's Planning Committee for determination.

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

Each of the relevant development plans identify the application site as being within the development limits of Ballyclare. Within draft BMAP 2004, the application site is located within the proposed Town Centre and a proposed Area of Townscape

Character. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

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

- PPS 2: Natural Heritage;
- PPS 3: Access, Movement and Parking;
- PPS 6: Planning, Archaeology and the Built Heritage;
- PPS 7: Quality Residential Environments;
- PPS 15: Planning and Flood Risk.

Design and Appearance and Impact on the Character of the Area

The development proposal seeks full planning permission for a residential development consisting of eighteen (18) 1 x bed apartments for supported living. The apartment building is sited to the northwestern corner of the application site and is orientated south-eastwards. There is a separation distance of 9 metres between the proposed building and the rear (northwestern) boundary, where a 2-metre-high acoustic barrier is to be erected and continues to define a portion of the southwestern boundary. The building is separated from this boundary by approximately 10 metres. A parking bay and turning head arrangement are provided to the front elevation of the building with the lands immediately adjoining the building.

The proposed four (4) storey building has a 23.5 metre frontage, a depth of 15 metres and a height of 13 metres. The schedule of finishing materials indicates that the roof is to be metal standing seam, walls are to be finished in red brick with the lower band of brick projecting by 10mm. A string course and plinth of reconstituted stone are also to be provided. Windows and doors are to be painted hardwood. The design of the proposed building is considered to be acceptable in the context of the surrounding area.

The application site is a back land location set to the rear of Main Street. Although there are varying land uses contiguous with the application site and in the immediate area, only the Six Mile Water Leisure Centre is orientated towards the proposed building. The other adjoining land uses back onto the application site.

It is noted that while the application site lies within the proposed Ballyclare Area of Townscape Character (ATC) this ATC remains in draft form and for this reason the policy provisions of Policy ATC 2 'New Development in an Area of Townscape Character' of the Addendum to PPS 6 Areas of Townscape Character are not applicable to the assessment of this development proposal. The area of the application site and its immediate surrounding environs do demonstrate a character of their own and this matter falls to be considered under Policy QD 1 of PPS 7.

Given the secluded location of the proposed building on the brownfield site, the retention of existing trees, provision of a new road way and pedestrian footpath and the largely back-to-back relationship with the neighbouring buildings, it is considered that this development proposal will make a positive contribution to the local character and environmental quality of the area. It is noted that the existing access to the rear of the Old Presbyterian Church is to be retained as part of this development proposal, which is an additional benefit.

The indicative soft landscaping will evolve to soften the appearance of the development, add visual interest and boost biodiversity. It is noted that the proposed hard landscaped areas and building footprints do not encroach upon the root protection areas of trees and/or hedgerow to be retained as part of the development. Although no specific details of the soft landscaping have been provided this matter can be controlled by an appropriately worded planning condition to ensure that a proposed scheme of soft landscaping and its long term management are provided. This should be provided to the Council for its written approval prior to the occupation of the first unit, and the landscaping scheme and management plan are implemented in the first available planting season after the occupation of the first unit in the interests of providing and maintaining a high quality of landscape.

It is considered that the proposed layout and arrangement of buildings, hardstanding and amenity space areas will create a high quality and sustainable residential environment that shall not cause an unacceptable impact to the local character and environmental quality of the area. For these reasons it is considered that the development proposal complies with the relevant policy provisions of the SPPS and PPS7 and is therefore acceptable.

Residential Amenity

The application site is located on lands to the rear of Nos. 40 – 74 Main Street and No. 5 Park Street, Ballyclare. Adjoining land uses include Home Bargains to the north, the Six Mile Water Leisure Centre to the east, a range of retail and service based uses to the west fronting Main Street, including the Old Presbyterian Church and Clare Farm Supplies to the northwest. A tyre and auto industrial type building is located within the confines of the application site and is to be retained.

A Noise Impact Assessment (Document 08 date stamped 12th September 2022) and an additional 'Memo' (Document 10 date stamped 24th October 2022) have been submitted in support of the development proposal. The applicant has proposed an acoustic fence 2 metres in height along the northwestern and southwestern site boundaries in order to achieve noise levels of 50-55dB L_{Aeq} within the external amenity area. The agent has indicated that the surface weight of the acoustic fence is to be 15kg/m². Additionally, the applicant has noted that glazing systems of at least 30-33dB R_w are to be installed with regards to the proposed residential units and a similar requirement will be implemented for the ventilation system. In its consultation response the Council's Environmental Health Section has offered no objections to the development proposal subject to conditions to protect the amenity of potential future occupiers.

Given the location of the development proposal and the separation distance between neighbouring buildings it is considered that there shall not be an adverse

impact to the residential amenity of potential future residents by reason of overlooking, privacy intrusion, loss of light or dominance. For the reasons set out above it is considered that the development proposal complies with the relevant policy provisions of the SPPS and Policy QD 1 of PPS 7.

Access, Movement and Parking

Policy AMP 2 'Access to Public Roads' of PPS 3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic.

Visibility splays of 4.5 metres x 70 metres are indicated on Drawing Number 07, date stamped 13th April 2022. This drawing details the provision of an access road way leading to the proposed building, which has a width of 5.5 metres with a 2-metre-wide footpath to the northern edge. Pedestrian access can also be achieved via the existing footpath located adjacent to the Six Mile Water River, which abuts a portion of the eastern site boundary. The drawing also indicates eight (8) car parking spaces to the front of the building, two (2) of which are disabled car parking spaces, along with forty (40) car parking spaces located approximately 70 metres to the southeast of the proposed building, which lies within lands edged blue on the Site Location Plan, Drawing Number 01/1 date stamped 4th August 2022. In its consultation response, DfI Roads, has offered no objection to the development proposal subject to the imposition of planning conditions.

It is considered that the development proposal will provide a safe and convenient vehicular access to the public road that will not prejudice road safety or significantly inconvenience the flow of traffic. It is also considered that an appropriate quantum and physical arrangement of car parking spaces has been provided. For these reasons, the development proposal is considered to meet with the relevant policy requirements of the SPPS and PPS 3 and is therefore acceptable.

Flood Risk

A 'Flood Risk Assessment, Drainage Assessment and Reservoir Flood Risk Assessment' (FRA), Document 03 date stamped 7th February 2022, and a copy of a Schedule 6 Consent for a discharge rate of 6.89 litres/second to be controlled by a hydro brake and with on-site storm water attenuation, Document 11 date stamped 25th August 2022, was submitted. The Department for Infrastructure Rivers (DfI Rivers) has reviewed the said documents and has stated that it accepts the applicant's logic and has no reason to disagree with its conclusions.

DfI Rivers continues to state that the drainage proposals are preliminary and request that a planning condition be imposed in order to safeguard against flood risk to the development and elsewhere through the submission of a detailed drainage network design. However, as DfI Rivers has expressed no significant concerns with this proposal, it is considered that there is no significant flood risk associated with this proposal and as such there is no requirement to progress this matter.

It is considered that the development proposal has demonstrated that, in so far as possible, it will likely not be subject to flooding nor exacerbate flooding elsewhere. For this reason, it is considered that the development proposal complies with the relevant policy provisions of the SPPS and PPS 15.

Archaeology and Built Heritage

The application site is recorded as being archeologically sensitive and is in proximity to several listed buildings. In its consultation response the Department for Communities: Historic Environment Division: Historic Buildings conclude that it has considered the impacts of the proposal on the Grade B1 listed building reference HB21/05/012 - Ulster Bank, 49 Main Street, Ballyclare, and on the basis of the information provided, advises that the development proposal is sufficiently removed from these buildings and the limited scale of development is such that it will have a negligible impact on the listed buildings.

Regarding archaeological sensitivity, Historic Environment Division: Historic Monuments conclude that due to the extent of previous ground disturbance it is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

For the above reasons it is considered that the development proposal is compliant with the relevant policy provisions of the SPPS and PPS6 and is therefore acceptable.

Other Matters

Ecology and Water Quality

A Northern Ireland Bio-Diversity Checklist (Document 04, date stamped 11th August 2022) and an outline Construction Environmental Management Plan (CEMP) (Document 09, date stamped 24th October 2022) have been submitted in support of the development proposal. The Northern Ireland Bio-Diversity Checklist indicates that a mature Beech tree is located in the western corner of the application site which has dense ivy growth present. The tree is described as being of a size and age where potential bat roost features may be present. The tree is described as being reasonably able to be retained as part of the development and this is reflected in the proposed site plan, Drawing Number 02/3, date stamped 24th October 2022, along with two other trees.

DAERA Water Management Unit in its consultation response dated 8th November 2022 advised it has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the development proposal, subject to standing advice.

In its consultation response dated 8th November 2022 DAERA Natural Environment Division (NED) advised that it has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, offers no objection to the development proposal.

The planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on behalf of Antrim and Newtownabbey Borough Council which is the competent authority responsible for authorising the project. In its consultation response Shared Environmental Services (SES) offer no objections to the proposal.

For the reasons set out above it is considered that the proposal is compliant with the provisions of the SPPS and PPS2.

Contaminated Land

A Generic Quantitative Risk Assessment (Document 03 date stamped 26th July 2022) has been provided in support of the development proposal and which states that no unacceptable risks to environmental receptors have been identified subject to mitigation. Both the Council's Environmental Health Section and DAERA: Regulation Unit have considered the report and have offered draft planning conditions in order to mitigate against potentially unacceptable risks to environmental receptors should planning permission be forthcoming. The report refers to contamination arising from previous on-site activities and to include, for example, asbestos and nickel. The conclusion of the report is that a detailed Remediation Strategy should be submitted to and approved by the Council prior to the commencement of any other development that may be granted planning permission.

For the reasons set out above it is considered that subject to mitigation, the development proposal shall not have an unacceptable impact to environmental receptors. It is considered necessary to impose a number of draft planning conditions to this effect.

Tree Retention and Landscaping

It is considered necessary to control by way of planning condition the retention of the existing trees on the application site as identified for retention in the submitted block plan (Drawing Number 02/3 date stamped 24th October 2022) at a minimum height of 8 metres for the lifetime of the development along with an additional condition relevant to the replacement of trees to the satisfaction of the Council should existing trees have to be removed. These trees shall require protection during the construction phase in order to maintain the character and appearance of the locality. Additionally, a protective tree fencing condition is required to protect the trees during the construction process.

Should planning permission be granted it is also considered necessary to control the provision of landscaping for the development during the first available planting season following the occupation of the first apartment and in accordance with an agreed Landscape Management Plan.

Additionally, it is considered necessary to control the occupancy of the proposed development relevant as both staff and residents shall occupy the building overnight and in order to retain control over the nature of the development proposal.

CONCLUSION

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

- The principle of the development can be established;
- The design and appearance of the development is considered acceptable;
- The proposal does not harm the environmental quality or character of the local area;
- There is no detrimental impact on residential amenity;
- There is no detrimental impact on natural heritage and water quality;
- There is no detrimental impact to archaeology and built heritage interests;
- The development proposal is likely not to be subject to flooding or exacerbate flooding elsewhere; and
- There are no objections from interested third parties or consultees.

RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSED CONDITIONS	
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Number 02/3, date stamped 24th October 2022, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>3. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10 metres outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.</p> <p>4. No operation(s) from the building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing Number 02/3, date stamped 24th October 2022, to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.</p> <p>Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.</p> <p>5. All habitable rooms to the dwellings shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least 33dB Rw, as detailed within Document Number 08 'Noise Impact Assessment' date stamped 12th September 2022.</p> <p>Reason: In order to ensure a suitable internal noise environment is achieved within the dwellings.</p> <p>6. All habitable rooms to the dwellings shall be fitted with passive or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 33dB Rw, as detailed within Document Number 08 'Noise Impact Assessment' date stamped 12th September 2022.</p>	

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

7. Prior to occupation of the development, a 2.0-metre-high acoustic barrier shall be installed along the northwestern and southwestern boundaries as indicated in Drawing Number 02/3, date stamped 24th October 2022, and as detailed in Document Number 10, date stamped 24th October 2022. The barrier shall have a surface weight density of not less than 15kg/m², be of solid construction, (i.e. no holes or gaps present for sound to pass through) and if it is a fence, it shall be of the ship-lapped design.

Reason: In order to protect amenity at the permitted development.

8. No construction activities shall be undertaken within the permitted development, until a detailed remediation strategy and implementation plan, has been submitted to and agreed in writing with the Council.

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

9. The development hereby permitted 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 written satisfaction of the Council.

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

10. 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.

11. Verification documentation shall be submitted to the Council in the form of a verification report. The report shall describe all the remediation and monitoring works undertaken and shall demonstrate the effectiveness of the works in managing and remediating all risks posed by contamination.

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

12. If during the development works, a new source of contamination and risks are found, which had not been previously identified, works should cease and the Council's Planning Section shall be notified immediately. Any new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR 11) and/or Land Contamination: Risk Management (LCRM) Guidance, available online at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>, as applicable.

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

13. Should an unacceptable risk to human health be identified, a remediation strategy shall be submitted to and agreed in writing with the Council, prior to implementation.

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

14. No development shall take place until measures have been agreed in writing with the Council to protect existing trees as indicated in Drawing Number 02/3, date stamped 24th October 2022, from damage during the construction period. The agreed measures shall be put in place before the commencement of the development and retained throughout the construction period.

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

15. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council.

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

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

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

20. The existing trees along the northwestern and southwestern boundaries of the site as indicated on Drawing Number 02/3 date stamped 24th October 2022, shall be retained at a minimum height of 8 metres and shall be allowed to grow on or as agreed in writing with the Council

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

21. Prior to the occupation of any apartment permitted herein, a landscaping scheme shall be submitted to and approved in writing by the Council showing the retention of the existing vegetation along the western boundary of the application site and the location, numbers, species and sizes of trees and shrubs to be planted elsewhere within the development.

The scheme of planting as finally approved shall be carried out during the first planting season after the occupation of the first apartment within the development.

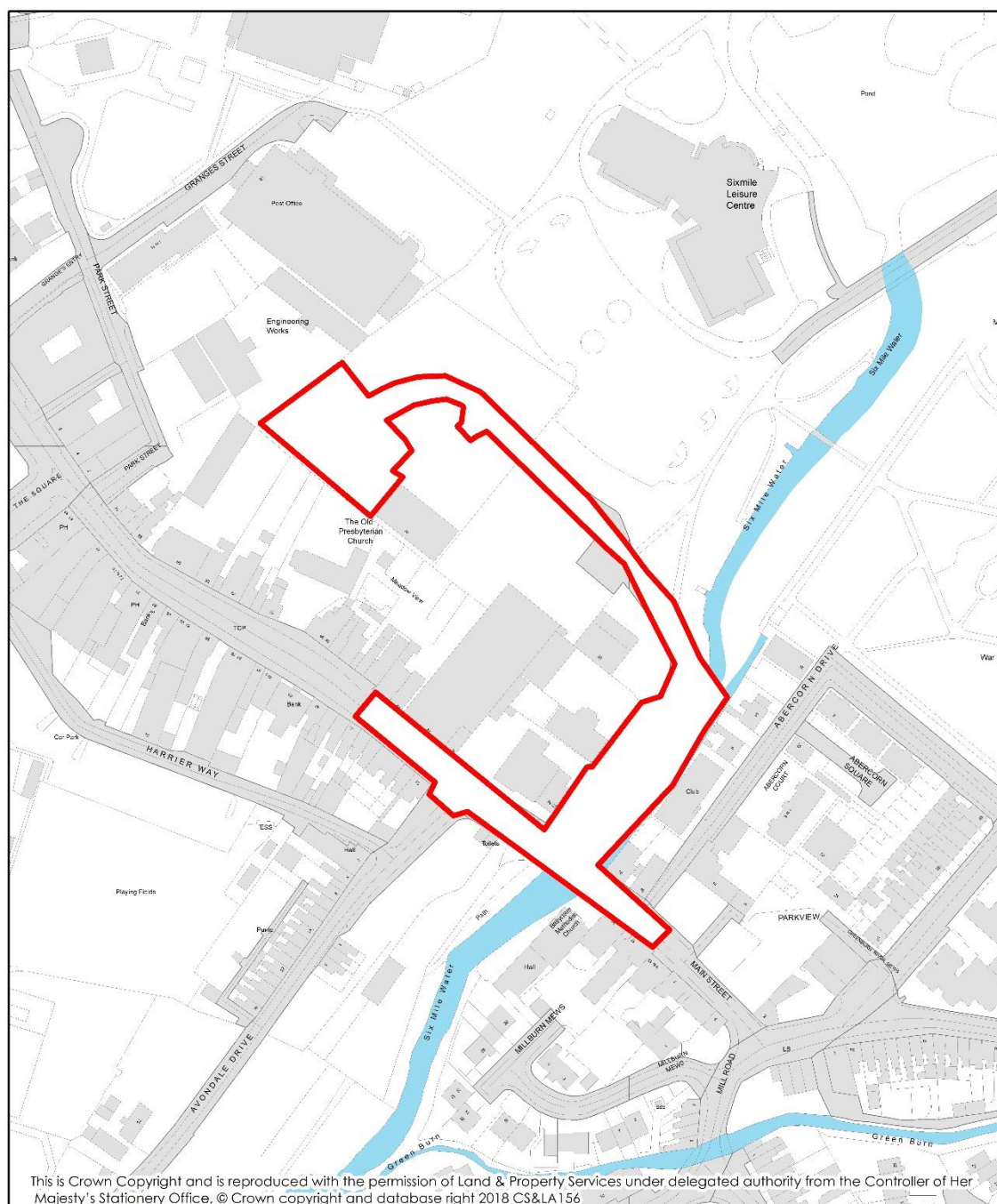
Reason: In the interest of visual amenity and to ensure the provision of a high standard of landscape.

22. If, 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.

23. Prior to the occupation of any apartment permitted herein, a landscape management plan shall be submitted to and approved in writing by the Council setting out the period of the plan, long-term objectives, management responsibilities, performance measures and maintenance schedules for all landscaped areas. The landscape management plan shall be carried out as approved.

Reason: To ensure the successful establishment and ongoing management and maintenance of the open space and amenity areas for the lifetime of the development and in the interests of visual and residential amenity.



Site Location Plan

0 40 80
Metres



 Site boundary

Application Reference: LA03/2022/0184/F

Location: Lands to the rear of 40 to 74 Main Street and 5 Park Street, Ballyclare

Proposal: 18no. 1 bed apartments for supported living, associated landscaping and car parking and access including upgrade of existing access road



COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2022/1049/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retention of beauty salon in rear garden of dwelling operating from a modular building
SITE/LOCATION	6 Temple Hall, Ballyclare, Templepatrick, BT39 0FH
APPLICANT	Grace Dunlop
AGENT	Arca Design
LAST SITE VISIT	1st February 2023
CASE OFFICER	Leah Hingston Tel: 028 90340403 Email: leah.hingston@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 and the Council's website under additional information.</p>	
SITE DESCRIPTION	
<p>The application site is located at No. 6 Temple Hall which is within the development limits of Templepatrick village as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The site comprises a semi-detached dwelling and the subject modular unit which serves a beauty salon. The site boundaries to the rear of the dwelling are provided by a 1.8-metre-high close boarded fence and the fencing runs alongside the modular unit defining part of the northwestern boundary. The remainder of the northwestern and southeastern boundaries are undefined, as is the northeastern boundary within this open plan housing development.</p> <p>The site is located within a residential housing development known as Temple Hall which has a mix of two storey detached and semi-detached properties finished in brick and render. To the east and south of the Temple Hall development, the area becomes rural in nature as it is located on the periphery of Templepatrick village. There are residential properties to the west and north of Temple Hall and Templepatrick Primary School and Wallace Park are located to the northwest.</p>	
RELEVANT PLANNING HISTORY	
<p>Reference: T/2013/0375/RM Location: Lands south of temple rise adjacent to Lylehill Road & 7 Kilmakee Road Templepatrick BT39</p>	

Proposal: Proposed residential development consisting of 105 no. detached & semi-detached dwellings and all other associated site works. Includes new access via a new mini - roundabout located on the Lylehill Road, Templepatrick (based upon outline ref T/2011/0055/O)

Decision: Permission Granted (23rd September 2014)

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 within the settlement limit of Templepatrick village 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.

CONSULTATION

DFI Roads- No objection

Environmental Health- No objection subject to condition

REPRESENTATION

Six (6) neighbours were notified of the application and no representations have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Amenity Space, Parking and Manoeuvring

- 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 regional planning policy is also material to the determination of the proposal. The application site is within the settlement limit of Templepatrick village as defined by the AAP however, there are no specific operational policies relevant to the determination of the application in the plan.

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

The application seeks retrospective planning permission for a beauty salon which is a sui generis use as it is not included within any class listed in the Planning (Use Classes) Order (Northern Ireland) 2015. Planning permission is required to change from or to a sui generis use.

The SPPS directs commercial business use to town centres with the aim to promote sustainability through utilising underused space, maintaining the fabric of buildings and contributing to the overall vitality and viability of town centres. Paragraph 6.271 sets out the 'town centre first approach' within a list of regional strategic objectives.

A town centre first approach requires to be adopted for retail and main town centre uses; the SPPS defines town centre uses as being cultural/community facilities, retail, leisure, entertainment and businesses. The proposed beauty salon is a business offering a service and would be commonly found along high streets in the centres of towns and villages.

The SPPS states 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.

Within Templepatrick the main commercial core is considered to be the commercial units at the Antrim Road, namely the Twelfth Milestone, which include the Eurospar and an adjacent group of shops and restaurants and as such acts as a quasi-commercial centre. The subject beauty salon is within the curtilage of a dwelling located within the Temple Hall residential development and given the direction provided by the SPPS, it is considered that the principle of development at this location is not acceptable.

Scale, Massing, Design and Appearance

The modular building is sited adjacent to the northwestern common boundary and has a width of approximately 3 metres, a depth of 3.7 metres and a flat roof with a height of approximately 2.7 metres. The modular building is of an acceptable scale and appearance, it is finished in grey and timber cladding with a single door and window on the principal (northeastern) elevation. The building has no signage to indicate that it operates as a beauty salon and has the external appearance of a domestic garden room or shed.

The existing modular building is sited to the rear of the dwelling and subject to limited public views. The scale, massing, design and external materials of the modular building are sympathetic to the appearance of the existing property and will not detract from the visual appearance and character of the area.

Neighbour Amenity

The modular building, which operates as a beauty salon, is located adjacent to the northwestern common boundary shared with No. 4 Temple Hall which comprises a 1.8-metre-high timber fence. The proposal does not contribute to overlooking and does not have an unacceptable impact on the amenity of neighbouring residents by way of loss of light or overshadowing.

The beauty salon has an area of approximately 11sqm to accommodate 2 persons, the beautician and the client, as indicated on Drawing Number 01/1 date stamped 10th January 2023. The application form states that there is an average of one (1) employee and three (3) others attending the premises daily. It is not considered that the beauty salon would contribute to an unacceptable level of noise or disturbance.

Amenity Space, Parking and Manoeuvring

Creating Places requires a minimum of 40sqm private amenity space for dwellings in the urban area. The modular building does not have an unacceptable impact on the amenity provision and sufficient space remains within the curtilage of the dwelling for recreational and domestic purposes.

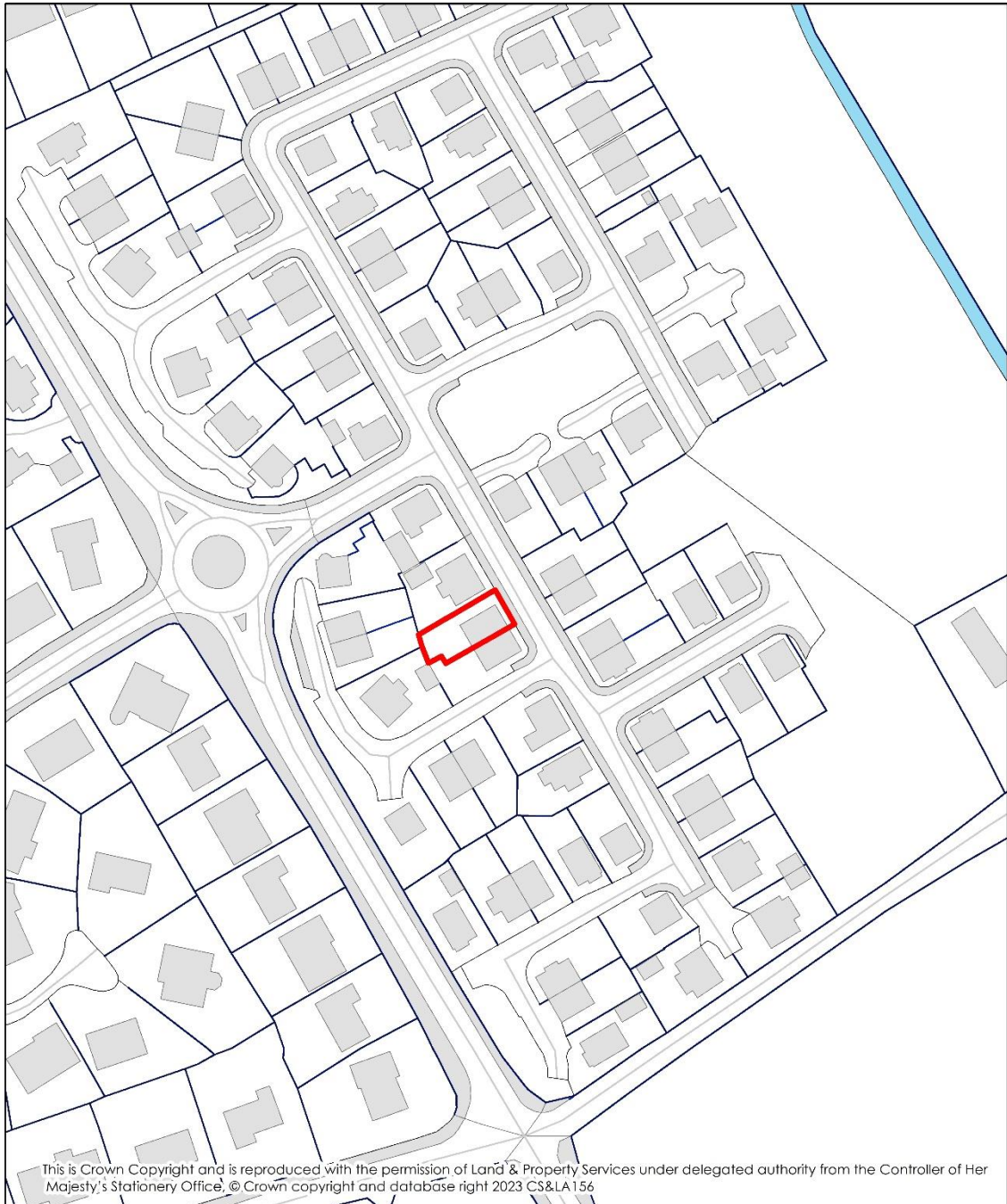
Drawing Number 01/1 date stamped 10th January 2023 demonstrates that one (1) car parking space is provided to serve the dwelling house and one (1) car parking space is provided to serve those visiting the beauty salon. The dwelling retains two in-curtilage parking spaces and there is sufficient on-street parking available for any visitors. In relation to the parking and manoeuvring of vehicles, DfI Roads has been consulted and has made no objection to the proposal.

CONCLUSION

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

- The principle of development is considered unacceptable;
- The proposed design and appearance of the proposal is considered acceptable;
- The proposal does not have a significant detrimental impact on neighbour amenity; and
- Sufficient parking provision remains on site.

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 beauty salon lies outside any designated town centre or other retailing area within Templepatrick and it has not been demonstrated that a suitable site does not exist within the town centre or other retailing area.</p>	



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Planning Application Reference: LA03/2022/1049/F

Location: 6 Temple Hall, Templepatrick

Proposal: Retention of beauty salon in rear garden of dwelling operating from a modular building.

Scale: 1:1250



Site Location



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2022/0377/F
DEA	AIRPORT
COMMITTEE INTEREST	RECOMMENDED REFUSAL
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retention of farm building and farmyard
SITE/LOCATION	80m SSW of no 223 Seven Mile Straight, Crumlin
APPLICANT	Mr Gary Anderson
AGENT	Weir + Weir Architects Ltd
LAST SITE VISIT	02/08/2022
CASE OFFICER	Tierna Mc Veigh Tel: 028 90340401 Email: tierna.mcveigh@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information.</p>	
SITE DESCRIPTION	
<p>The application site is located 80 metres south of No. 223 Seven Mile Straight and is within the countryside outside of any development limits as designated within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The site is located in the northeastern corner of a large agricultural field and is separated from the field by ranch style fencing between 1.5 and 2 metres in height. Access to the site is via a gravel laneway from the Seven Mile Straight which follows the northwestern boundary of the field. The laneway leads to a concrete hardstanding directly to the rear garden of No. 223 Seven Mile Straight and is used for horse trailer and vehicular parking. The lane continues and serves access to the existing two (2) horse stables occupying the site, which have metal and wood cladding with shallow mono-pitched roofs and are not visible from the public road.</p> <p>The application site slopes northeastwards towards the road. The site boundaries are comprised of ranch style fencing between 1.5 and 2 metre high and 2 metre high hedging. The surrounding area is characterised by roadside dwellings, some with associated outbuildings, and a number of farmsteads surrounded by agricultural land. A single storey dwelling set in a mature roadside plot at No. 223 Seven Mile Straight abuts the site. Dwellings at Nos. 224 and 226 Seven Mile Straight are located opposite the site. The Seven Mile Straight road rises to the east of the site and the entrance to the site lies at the bottom of the hill.</p>	

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2021/0844/LDE

Location: 80m SSW of No 223 Seven Mile Straight, Crumlin, BT29 4YS

Proposal: Stables and yard, erected in December 2015

Decision: Permitted Development (11/01/2022)

Planning Reference: T/2013/0343/F

Location: 28 m south of 223 Seven Mile Straight, Crumlin, Antrim.

Proposal: Retention of farm building.

Decision: Permission Refused (05/03/2014)

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 in the countryside and the Plan offers no specific policy or guidance on this proposal.

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

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 Northern Ireland Countryside.

CONSULTATION

- **Environmental Health Section** - No objection
- **DfI Roads** – Requested amendments
- **NI Water** – No objection
- **DAERA Countryside Management Branch** – Confirms applicant's farm ID has been established in excess of 6 years.
- **Belfast International Airport** – No objection

REPRESENTATION

Three (3) neighbouring properties were notified, and two (2) letters of objection have been received from two (2) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk> and the Council's website under additional information.

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

- One objector seeks the Council to take account of their original objections lodged under previous application T/2013/0343/F and planning appeal reference 2014/A0106;
- The access gate has since been relocated from that previously shown on the plans submitted under T/2013/0343/F;
- The watercourse on the site leads to the Clady River;
- Increase in flies especially during summer months; and
- Concerns that the conditions imposed by the PAC planning appeal are not being adhered to.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Design, Appearance and Impact on the Character of the Local Area
- Impact on Environmental Quality of the Area
- Neighbour Amenity
- Access Arrangements
- Other Matters

Preliminary Matters

To provide context to this application, the applicant under planning application reference T/2013/0343/F sought to retain a single farm building on the land used as stables for horses, however, the application was refused as it was deemed contrary to Policy CTY 12 of PPS 21. The applicant subsequently appealed the decision and the Planning Appeals Commission (PAC), under reference 2014/A0106, dismissed the appeal on 3rd February 2015.

Following the PAC decision, the subject farm building was removed from the site. However, a new shed was erected some 20 metres south of the removed building and an earth bank constructed, which screened the shed. This shed including the yard was subsequently the subject of a Certificate of Lawful Use or Development (CLUD) application under reference LA03/2021/0844/LDE and was approved on 18th January 2022, having been in situ for more than 5 years and therefore immune from enforcement action. The description of the CLUD approved read 'Stables and yard, erected in December 2015'.

It is noted in the Case Officer's report, relating to LA03/2021/0844/LDE, that the building (stables) had been extended to the rear (southeast) and side (southwest) and that an additional farm building had been constructed on the site, which appeared to be associated with the stables. The report concluded that the extension to the stables and the newly constructed farm building had not been erected for more than 5 years and were thus omitted from the CLUD proposal.

Consequently, this application has been submitted in an attempt to seek approval for the retention of the new farm building and the extensions to the approved stables.

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 AAP identifies the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained within this 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.

The applicant within the submitted P1C Form provided a flock number and stated that he owns and breeds broad mares and leases studs/stallions. The applicant also advises that he rents twelve (12) acres of land and owns four (4) acres. Clarity was sought from the agent with respect to the flock number, and the agent advised that the development is to be utilised by both horses and sheep. At the time of the site visit there was no evidence of any animals on the site or on adjoining lands; however, it was apparent that the buildings were being utilised as stables and farm storage.

In order to ensure an accurate assessment of the application, several requests for the submission of additional supporting information were made to the agent on the following dates: 29th September 2022; 21st November 2022; 21st December 2022; and 23rd January 2023. This information included:

- A supportive statement indicating the specific use of the buildings;
- The submission of farm maps;
- The number of animals the applicant owns;
- The submission of herd/flock books and horse passports;
- Detailed floor plans showing the internal layout and arrangements of the farm buildings; and
- Revised plans illustrating the required visibility splays and the associated signed certificates of ownership and notices served on landowners, as requested by DfI Roads.

Submission of the above information has not been forthcoming and without the required information, it is not possible to accurately determine this application. Notwithstanding this, the most appropriate policy in the assessment of this development proposal is PPS 21.

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 states 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.

Following consultation with DAERA Countryside Management Branch, it has been confirmed that the farm business ID is a Category 3 and has been active and established for a period of more than six years. Criterion (a) of Policy CTY 12 requires that the development is necessary for the efficient use of the agricultural

holding. The applicant has provided limited information about the nature of the farm business and has provided no evidence that the development is essential for the efficient use of the agricultural holding. Due to the lack of the requested information, there is no persuasive evidence that this is the case and as such the applicant has failed to satisfy Policy CTY 1 and criteria (a) of CTY 12.

Policy CTY 12 goes on to state that where a new building is proposed sufficient information should be provided to confirm there are no suitable existing buildings on the holding that can be utilised and that the proposal needs to be sited beside existing farm buildings. Policy CTY 12 adds that exceptionally, consideration may be given to alternative sites away from existing farm 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 to allow for a siting away from the farm buildings. As the applicant has failed to advise of the location of all the land on the agricultural holding and the location of any other buildings on the holding, it is considered that this exceptional provision to the policy has not been met nor has it been effectively demonstrated that the existing lawful buildings do not meet with the needs of the farm business. In summary the applicant has not proffered any overriding reasons why the development is essential at this rural location and the proposal is therefore contrary to criterion (a) of Policy CTY 12.

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.

Design, Appearance and Impact on Rural Character of the Area

There are two (2) buildings, a concrete pad for vehicle parking and associated farm yard located within the application site. The buildings are situated in the southwestern corner of the site and are positioned in a 'L' shape creating a small farm yard. For ease of reference the buildings are referenced as Building 1 and Building 2. The concrete pad is 71.5sqm in area and is positioned some 6 metres to the north of Building 1; at the time of the site visit, a horse box and a high sided trailer were parked within this area.

As noted above, Building 1 including the yard, was the subject of a CLUD application under reference LA03/2021/0844/LDE and was approved on 18th January 2022. The description of the approved CLUD read 'Stables and yard, erected in December 2015'. As referred to above, the extensions to the rear (southeast) and side (southwest) of the building were omitted from the CLUD approval. Retrospective permission is now being sought for the extensions to these buildings.

Building 1 faces northwest into the farm yard and the southeastern (rear) extension to Building 1 extends 2.6 metres in width and 7.2 metres in length. The extension is open sided on the northeastern side. The southwestern (side) extension extends 3.7 metres in width and 4.9 metres in length and is open sided on the northwestern elevation. Both flat roofed extensions are approximately 2.8 metres in height and are illustrated on Drawing Number 02/1 as lying-in shelters. The buildings have grey metal cladding walls and roof, and match that of the existing stables.

Building 2 faces southwest into the farmyard and measures 10.1 metres in length, 3.8 metres in width and has a mono-pitch roof approximately 2.8 metres in height. There are three (3) openings on the southwest elevation. As illustrated on the plans, this building is split into two (2) sections and provides a store and lying in shelter. The finishing materials comprise grey metal cladding walls and roof.

Criteria (b) and (c) of CTY 12 and Policy CTY 13 requires that any new building integrates into the local landscape and that it is appropriate in terms of character and scale for its location. The extended buildings are set back some 97 metres from the Seven Mile Straight and positioned directly to the rear of No. 223 Seven Mile Straight. The site avails from a high degree of enclosure provided by the existing dwelling and the roadside vegetation to the north, east and west. The roadside vegetation and existing boundary treatment defining the entire application site restricts views on approach from both directions along the Seven Mile Straight. Given the current landform and existing landscaping, it is considered that the proposal visually integrates into the local landscape.

Overall, it is considered the scale, design and siting is appropriate for the rural area and that the development would integrate with surrounding landscape and would not result in a detrimental change to the character of the rural area in accordance with Policies CTY 12, 13 and 14 of PPS 21.

Neighbour Amenity

Criterion (e) of Policy CTY 12 states it must be demonstrated that the proposal 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. The nearest dwelling not associated with the application is No. 223 Seven Mile Straight which is positioned some 43 metres to the northeast of the application site and approximately 62 metres northeast of the first farm building to be retained.

No. 223 Seven Mile Straight has four (4) windows on its southeastern elevation facing the access lane with a separation distance of some 10 metres between the two. Although there is dense vegetation along the party boundary, in the winter months, when trees have lost their leaves there is potential for overlooking of the dwelling's facing rooms by users of the lane as well as light pollution from vehicle headlights. Given the proximity of the farmyard and buildings to the rear garden of No. 223 there is the potential for noise and disturbance by virtue of vehicular movements and of other noise emanating from activities associated with the use of the buildings. Notwithstanding the dwelling's roadside location, this localised activity would have the potential to detract from its occupants' residential amenity.

Due to the building's size, height, design, its separation distance from No. 223, the presence of the earth mound and the vegetation on the party boundaries ensures minimal overlooking, loss of privacy and/or loss of light to the dwelling to the detriment of residential amenity. For the reasons set out above, it is considered that the development will not have a dominant or overbearing effect on the dwelling's habitable space.

Concerns have also been raised by this resident with respect to an increase of flies towards the rear of his property as a result of the development. The applicant has a legal duty of care to dispose of waste in a lawful manner. If the applicant fails to take adequate measures to stop the development becoming infested with flies or vermin, statutory action can be taken by the Council's Environmental Health Section.

Furthermore, no information has been given on where used bedding and animal waste would be stored and disposed of. Although the Council's Environmental Health Section has no objections to the development, it is considered that as no information has been submitted in respect of the storage of animal bedding and waste that the development has the potential to give rise to odour and vermin nuisances upon the occupants of No. 223 Seven Mile Straight.

Impact on Natural Environment

Concerns have been raised by an objector regarding the development's close proximity to a watercourse which runs along the western boundary of the application site, before heading north/northeast into the Clady River which is some 260 metres north of the application site.

There are concerns in respect of the development's proximity to the watercourse along the site's boundary and its connection with Clady River. In order to establish the potential impact of the development on the natural environment, advice was sought from DAERA, Natural Environment Division (NED). NED advised that if the development is within 7.5km of any designated sites and will house animals then this should be modelled for that time period e.g., 1 month per year, and the storage of manure also modelled. NED further stated that if the proposal is solely used for vaccinating/checking animals only and not housing, modelling would not be required.

As stated above, additional information was requested from the agent including the specific agricultural purpose/use of the farm buildings, livestock numbers, horse passports and detailed floor plans to illustrate the internal layout and arrangements of the buildings, however, no such information has been forthcoming. Consequently, it has not been possible to ascertain whether further assessments or consultations are required. Given the precautionary approach that must be taken in relation to European Designated sites it is considered that the development may have the potential to adversely impact on, or damage habitats or natural features and thus be deemed contrary to Policy NH5 of PPS 2.

The agent indicates that the surface water would be disposed of to an existing ditch. As no details have been given as to waste disposal, or how seepage or leachate from the stored product of 'mucking out' would be dealt with, there is potential for pollution of local watercourses. Accordingly, the proposal is contrary to criterion (e) of Policy CTY 12 and to the policy as a whole.

On this basis, it is considered that it has not been sufficiently demonstrated that the development would not have a significant negative impact on the surrounding natural environment.

Access Arrangements

Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where it will not prejudice safety or significantly inconvenience the flow of traffic.

The proposal seeks to use an existing unaltered access to the Seven Mile Straight. DfI Roads was consulted on the proposal and in its response dated 1st June 2022 requested visibility splays of 2.4 x 160 metres be provided in both directions and for these to be indicated on a block plan (Scale 1:500) and Certificate C of the P1 Form to be amended and notice served on landowners. The agent provided an updated block plan, Drawing Number 02/1 date stamped 11th August 2022 and in correspondence stated that the applicant contests that the required visibility splays can be provided within the curtilage of the site and the road verge, without third party land.

DfI Roads was reconsulted and in its response dated 7th September 2022 states that the required visibility splays are not indicated in both directions and whilst the applicant contests third party land is not required the revised drawing clearly shows the visibility splays going through third party land, thus supporting the view that Certificate C is required for land on both sides. DfI Roads in its response reiterates the requests for visibility splays to be fully detailed on the plan, for notice to be served on landowners and for the P1 Form to be amended.

Further correspondence from the agent dated 12th October 2022 reiterates that the applicant is convinced that he can provide the visibility splays within the public grass verge and asked if the Council would proceed on this basis.

It is worth noting that to the southeast of the site the road crosses a crest and it was observed during the site inspection that traffic was travelling downhill towards the application site at high speed along this long straight stretch of the Seven Mile Road. It is considered the sightline requirements indicated by DfI Roads are necessary and that the proposal is contrary to Policies AMP 2 of PPS 3 and CTY 12 of PPS 21 in that it would if permitted prejudice the safety and convenience of road users.

Other Matters

One of the letters of objection requested that the Council considers the original objections submitted under application T/2013/0343/F. This previous application was decided under the former Department of Environment (DoE) and the Council is not in a position to consider previous objections submitted on a previously determined planning application. Each planning application received by the Council is assessed on its own merits, with a decision being made based on the development plan relevant policies, the development plan prevailing at that time and other material considerations.

Furthermore, advertisement of the current application has been carried out in the line with statutory requirements and neighbour notification letters have been issued to all properties in line with neighbour notification procedures. Therefore, the opportunity to raise concerns in relation to the current application has been provided.

CONCLUSION

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

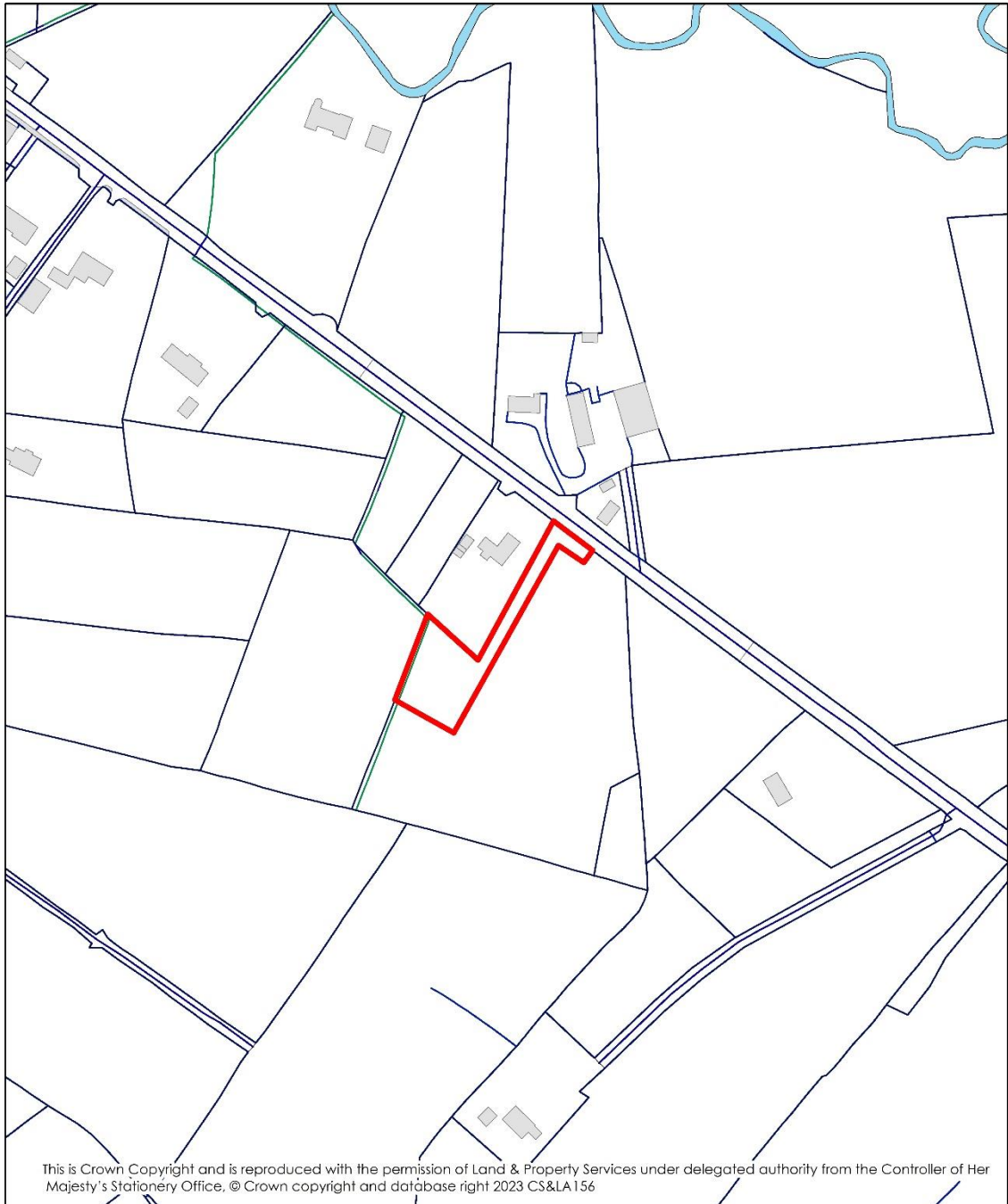
- The principle of development test has not been met as it has not been demonstrated that the development is necessary for the efficient use of the agricultural holding;
- The design and appearance of the development is considered acceptable;
- The proposal has the potential to adversely affect the natural environment;
- The proposal has the potential to determinately impact on residential amenity by way of noise, smell and pollution; and
- The proposal if permitted would prejudice the safety and convenience of road due to the lack of visibility splays.

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 Policy CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the building is necessary for the efficient use of an active and established agricultural holding, and it has not been demonstrated that there are no alternative sites available at another group of buildings on the farm holding.
3. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside, as it has not been demonstrated that the development, if permitted, would not have a detrimental impact on neighbour amenity by way of noise, smell and pollution.
4. The proposal is contrary to Policy AMP 2 of PPS 3 and Policy CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside in that it would, if permitted, prejudice the safety and convenience of road users since it proposed to use an existing access at which clear visibility splays of 2.4 metres x 160 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note (DCAN) 15.
5. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside and Policy NH 1 of PPS 2: Natural Heritage, in that the proposed development may have a detrimental impact on the site selection features of a European Designated Site through increased ammonia emissions.



Planning Application Reference: LA03/2022/0377/F

Location: 80m SSW of no 223 Seven Mile Straight, Crumlin

Proposal: Retention of farm building and farmyard

Scale: 1:2500 

 Site Location



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2022/1118/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Erection of stables building for private use only including ancillary siteworks.
SITE/LOCATION	120m NE of 16 Rickamore Road, Templepatrick, BT39 0ET
APPLICANT	S Nicholson & R McAlonan
AGENT	Planning Services
LAST SITE VISIT	20 th January 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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 120m northeast of 16 Rickamore Road, Templepatrick. The application site is located within the countryside as defined within the Antrim Area Plan (1984-2001).</p> <p>The application site consists of a section of a larger agricultural field that is partially defined along the northeastern and southwestern boundaries by a mixed species hedgerow, with the southeastern boundary remaining undefined. The northwestern boundary abutting the Rickamore Road is a 2-metre-high hedgerow. The topography of the application site is flat, with the surrounding land rising to the southwest.</p> <p>The site is located within a rural area with the land use being predominantly agriculture. There are a number of detached dwellings located in the vicinity of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2022/0185/F Location: 120m NE of 16 Rickamore Road, Templepatrick, BT39 0ET Proposal: Erection of agricultural building (cattle shed) including ancillary siteworks in association with existing established and active farm business Decision: Permission Refused (21.10.2022)</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus</p>	

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

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

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

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 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.

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

CONSULTATION

Council Environmental Health Section – No objection
Department for Infrastructure Roads- No objection subject to condition
Historic Environment Division- No objection
Department for Infrastructure Rivers- No objection

REPRESENTATION

No neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Impact on Character and Appearance of the Area
- Neighbour Amenity
- 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). The SPPS retains some existing Planning Policy Statements (PPS) one of which is 'Sustainable Development in the Countryside' (PPS21).

Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It goes on to say that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. One of these types of development is for outdoor sport and recreational uses in accordance with PPS 8. Taking into account the transitional arrangements of the SPPS, retained PPS 8 provides the relevant policy context for the proposal.

In this case, the application seeks permission for the erection of a stable building for private use only including ancillary siteworks. The agent has indicated via an email dated 17th February 2023 that the application should be considered under Planning Policy Statement 8 'Open Space, Sport and Outdoor Recreation (PPS 8) and confirmed that the proposed stables are to be used by the applicant and their family for recreational use and not in association with any commercial venture. Planning Policy Statement 8 states 'For the purposes of this Planning Policy Statement, open space is taken to mean all open space of public value, including not just land, but also inland bodies of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and outdoor recreation and can also act as a visual amenity'.

Policy OS 3 of PPS 8 outlines that; the keeping and riding of horses for recreational purposes is increasingly popular in many parts of the countryside. Policy OS 3 goes on to indicate that outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle, provided the scale of the ancillary buildings is appropriate to its location and can be integrated into their landscape surroundings. Wherever, possible, consideration should be given to the reuse of existing traditional or redundant farm buildings in association with such proposals.

The current proposal is located on existing agricultural lands and seeks permission for an area of hardstanding and one building subdivided to provide 4 stable stalls with an associated area of hardstanding. No element of the proposal provides an outdoor recreational use, no paddock area, no sand arena or any other associated recreational use is included within the overall proposal. It is considered that the proposal does not offer important opportunities for sport and outdoor recreation, with no recreational element contained within the application site, rather the proposal appears to provide accommodation for horses only.

As indicated by the agent, the stable block is for personal use and is not for commercial equestrian use, Policy OS 3 of PPS 8 does not distinguish between facilities for personal use and larger commercial premises, despite the implication of a difference between public and private use, it is not explicitly stated anywhere in policy. Notwithstanding the fact that policy does not distinguish between public and private use, no recreational use has been provided within the overall scheme.

Additionally, the justification and amplification of Policy OS 3 states that wherever possible, consideration should be given to the reuse of existing traditional or redundant farm buildings in association with such proposals. In this case, the planning history on the site is a material consideration in the determination of the proposal. Under the previous application (Ref: LA03/2022/0185/F) the applicant applied for an agricultural building (cattle shed) on the same lands as this current application. During the previous assessment it was evident that an extensive farm holding and farm lands are located with numerous farm buildings at the applicant's home address as indicated on the P1 form, which is located 500 metres from the application site as per the submitted farm maps under LA03/2022/0185/F. The applicant has not demonstrated why any of these buildings are unsuitable for repurposing, or why the new building is required to be located at the proposed location away from the applicant's home, particularly as the proposal is for domestic purposes.

Policy OS 3 of PPS 8 requires development of proposals for outdoor recreational use in the countryside to meet a number of subsequent criteria in order to be deemed acceptable. While the proposal is considered to meet the additional criteria outlined in Policy OS3, the principle of development has not been established as no element of outdoor recreation has been provided, therefore the proposal is considered to fail the policy test.

Impact on Character and Appearance of the Area

The proposed site must also meet the requirements of Policies CTY 13 and CTY 14 of PPS 21 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 sits on flat land at the foot of a gently sloping hill that rises in a southwesterly direction towards No. 16 Rickamore Road which provides a backdrop for the proposed building. The site is well defined along three (3) of the four boundaries by mature, tree lined hedgerows which will provide a further degree of integration and enclosure, screening the majority of views towards the application site from public view along the Rickamore Road and the Old Coach Road. It is considered therefore that the proposed building would not be unduly prominent in the landscape. The scale, massing and design of the proposal is considered acceptable. The proposal is considered to respect the rural character of the area, appearing similar to existing agricultural buildings in the surrounding landscape.

Overall, it is considered that for the reasons outlined above that the proposal meets the requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

Neighbour Amenity

The site is located approximately 120 metres from the nearest occupied neighbouring property. Given the separation distance, existing mature boundary treatments, and the changes in ground levels, it is considered that there will be no detrimental impact to any neighbouring properties as a result of the development.

Other Matters

DfI Roads were consulted regarding the development, whereby a new access is to be created onto the Rickamore Road. *DfI Roads* responded with no objections, subject to a number of conditions.

Historic Environment Division (HED) were consulted regarding the development as the site is located within the zone of influence for two (2) archaeological sites and monuments. HED response indicated that they have no objections to the proposed development.

DfI Rivers were consulted regarding the development and responded highlighting an undesignated watercourse running along the northern boundary of the application site. They have requested that a riparian strip of a minimum of 5 metres is retained to allow access for maintenance by *DfI Rivers*. Should planning permission be granted, a condition will be added to ensure this riparian strip is implemented.

CONCLUSION

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

- The principle of development cannot be established as the proposal fails to fulfil the policy requirements of OS3 of PPS 8 in that the proposal is for the private usage of the applicant and their family, and does not possess a recreational element;
- The proposal could successfully integrate into the surrounding area;
- There are no concerns regarding neighbouring amenity; and
- There are no concerns regarding flood risk, road safety, or natural heritage.

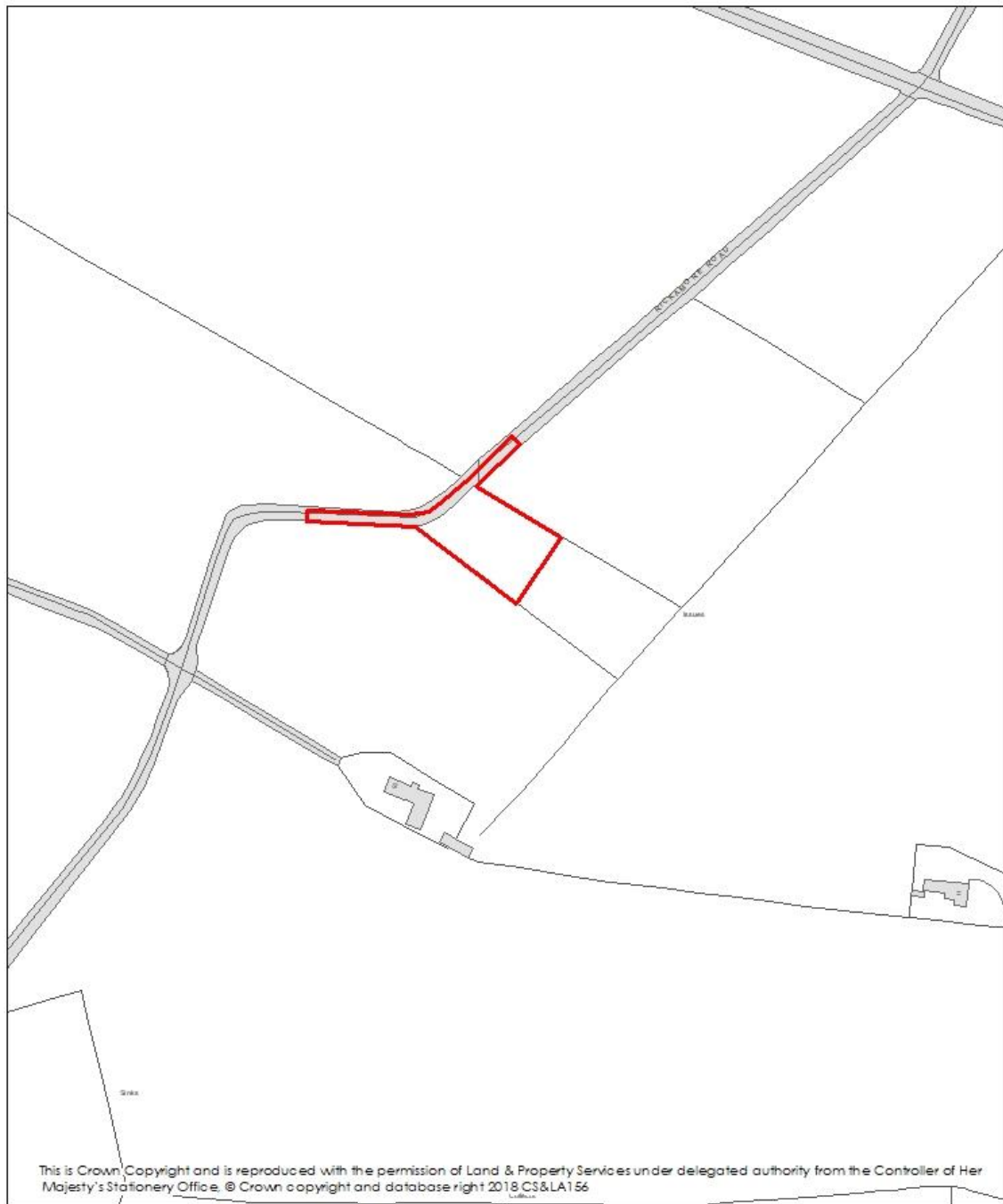
RECOMMENDATION REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement, Sustainable

Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy OS3 of Planning Policy Statement 8, Sustainable Development in the Countryside, in that the proposal does not possess a recreational element and there are other existing buildings which could be utilised.




Site Location Plan

Application Reference: LA03/2022/1118/F

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

Proposal: Erection of stables building for private use only including ancillary siteworks.



 Site boundary



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2022/0968/O
DEA	ANTRIM
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for dwelling
SITE/LOCATION	40m SE of 4 Crosskennan Road Antrim BT41 2QL
APPLICANT	Neill Park
AGENT	Robin Park
LAST SITE VISIT	7 th December 2022
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@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 40 metre southeast of No. 4 Crosskennan Road, Antrim and within the countryside as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The application site occupies a corner plot at the Crosskennan Road and Greystone Road junction and comprises overgrown shrubbery. The application site is elevated and sits above the Greystone Road by approximately 2 metres. The topography of the site falls gently in a southeasterly direction towards the Greystone Road. The northern, eastern and southern boundaries of the site are defined by a 1-metre-high ranch style fence. The remaining western boundary is defined by mature vegetation approximately 4-6 metres in height.</p> <p>The application site is situated approximately 350 metres east of Antrim and the character of the area is defined mostly by agricultural fields and rural dwellings.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, 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 6: Planning, Archaeology and the Built Heritage: sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.

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

CONSULTATION

Department for Infrastructure Roads- No objection subject to condition.

Council Environmental Health Section – No objections.

NI Water- No objection.

DAERA Countryside Management Inspectorate Brach- DEARA advised that the Farm Business ID has been in existence for more than 6 years and that the applicant has claimed payments through the Basic Payment scheme or Agri Environment scheme in all of the last 6 years.

Department for Communities Historic Environment Division – No objection subject to conditions requiring the submission of an archaeological programme of works prior to the commencement of development.

REPRESENTATION

Four (4) neighbouring properties were notified and three (3) letters of objection were received from one (1) identified property and (1) other. The full representations made regarding this proposal are available for Members to view online at the Planning Register (<https://planningregister.planningsystemni.gov.uk>).

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

- Archaeological implications due to the proximity to Trench Mount;
- Loss of view;
- Loss of privacy;
- New dwelling would be required to blend in with the countryside;
- Location of septic tank to the front of existing dwellings;
- The site is too small to accommodate drainage and soakage;
- Lands previously rented to the applicant are no longer available and all other associated lands are located approximately 25 miles away.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

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

The 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 CTY10 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. 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.

The Department for Agriculture Environment and Rural Affairs (DAERA) were consulted on the proposal with regards to the Farm ID submitted as part of the application. DAERA responded stating the Farm Business ID identified on the P1C form has been in existence for more than 6 years (since 4th May 2006). DAERA also confirmed that the farm business is Category 1 and that the applicant has been claiming through the Basic Payment Scheme or Agri Environmental Scheme in each of the last 6 years. Therefore, the proposal is compliant with CTY10 criterion (a) of PPS21.

Criteria (b) of this policy states that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. The provision in the case of this application is therefore the 7th November 2012. The policy goes on to say that planning permission granted under this policy will only be forthcoming once every 10 years. For the purposes of this policy 'sold off' means any development opportunity disposed of from the farm holding to any other person including a member of the family. The applicant has confirmed on Q5 of the P1C Form accompanying the proposal that no dwellings or development opportunities have been sold off from the farm holding in the last 10 years.

A planning history search has been completed for all lands identified on the farm maps submitted with the application as indicated on Document 02 date stamped 14th December 2022. Additionally, a planning history search of the farm business ID provided and the applicants name has been carried out. The applicant's farm maps include a number of lands across a number of different areas. A planning history search of the applicant's farm maps outlines that a dwelling on a farm was granted approval on a field identified as 005/1 within Document 02 under planning Ref: T/2009/0551/O. There was no subsequent Reserved Matters or full application submitted on the site and therefore this outline permission has lapsed. However, it is acknowledged that this application was granted under a different farm business ID therefore this would not represent an opportunity for land to be sold off from the applicant's farm holding.

CTY 10 further highlights that planning permission granted under this policy will only be forthcoming every once every 10 years. A planning history search of the applicant's farm business does not correspond with any previous application. Therefore, the proposal is compliant in this regard.

Overall, in the absence of evidence to suggest otherwise it is not considered that the relevant lands have been sold off within the last 10 years and comprise part of the applicants' farm holding.

The third criteria (c) laid out in Policy CTY 10 states that a new building should be visually linked or sited to cluster with an established group of buildings on the farm. The agent has highlighted in Document 01 date stamped 7th November 2022 that the applicant farms 100 acres of land, however, most of this land is rented and approximately 8.4 acres of this is owned by the applicant.

A third party has outlined that the applicant previously rented other farmlands close to the application site which are no longer available and all other grounds in the vicinity of the site are farmed by his family. The remaining grounds shown on the map

are allocated approximately 25 miles away. This comment further states that a herd book would potentially show if he had animals to stock these fields.

The extent of the applicant's farmlands and the associated considerations are highlighted further below.

The applicant's existing dwelling is located at No. 69 New Lodge Road, which is sited approximately 330 metres southwest of the application site. Document 01 outlines that the dwelling and associated outbuildings at this location are owned by the applicant and these existing outbuildings store a tractor, machinery, animal feed and young stock. The agent has outlined that sheds are rented elsewhere to keep livestock in over the winter period.

The agent has stated that the only buildings under the ownership of the applicant are located at No. 69 New Lodge Road and there is no capacity to build a farm dwelling at this location. The agent has confirmed that there are no buildings on any of the farm lands owned by the applicant.

The agent states that a form of sequential test has been carried out on the lands owned by the applicant within Document 01 to rationalise an appropriate site away from the existing farm holding at No. 69 New Lodge Road. The alternative sites included within the sequential test include lands at Steeple Road, Crosskennan Lane and Crosskennan Road (application site). The application site was deemed to be the most appropriate as this is the smallest field under the applicants' ownership and comprises lands which are least suitable for farming. Additionally, the amenity of neighbouring properties can be suitably protected by siting the dwelling away from these neighbours and the access and visibility splays can be easily provided.

It is acknowledged that the application site does not appear within the farm maps provided. However, the field at Crosskennan Road comprising the application site is identified by a field number within a letter titled, 'Summary of Single Application 2022'. Correspondence was carried out directly with DAERA to confirm if the field number corresponded with the lands at Crosskennan Road. DAERA were able to confirm the location of the field and therefore the application site is part of the wider farm holding.

In this regard, the explanation within the supporting documentation limits the visual linkage of the proposed farm dwelling to lands which it is claimed are the only lands under the ownership of the applicant. There has not been any verifiable evidence submitted by the agent or through DAERA that the lands shown within the farm maps are not under the control of the applicant. In any case the wording of Policy CTY10 is clear a, 'new building is visually linked or sited to cluster with an established group of buildings on the farm'. Therefore, this clustering or visually linkage is not limited to buildings that are only owned by the applicant but rather this includes all buildings that are used as part of the wider farming activities. If the applicant rents additional buildings to carry out farming activities, the policy would suggest that a dwelling should be visually linked to buildings on the farm, whether rented or owned.

Policy CTY 10 exceptionally gives consideration to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- demonstrable health and safety reasons; or

- verifiable plans to expand the farm business at the existing building group(s).

As outlined above the applicant and the existing outbuildings are located at No. 69 New Lodge Road, although it is noted that the large shed located at No. 69 does not appear to benefit from planning permission. Despite this, it is accepted that this shed has existed in excess of 5 years. Notwithstanding the above, concerns were raised with the agent via email correspondence on the 13th January 2022 that the locations of the rented buildings and a reason why a dwelling could not be sited to visually link with these buildings had not been provided. No other additional information to this effect was provided.

Overall, it is considered that it has not been sufficiently demonstrated within the requirements of Policy CTY 10 that an alternative site away from an available farm group is necessary for health and safety reasons or verifiable plans to expand the farm business as the existing farm group. The proposal fails criteria (c) of Policy CTY 10.

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

All dwellings in the countryside must integrate with its 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.

As the application seeks outline permission, no details have been provided regarding the proposed design or layout of the dwelling.

The application site lacks established boundaries along the northern and eastern boundaries with the exception of a short strip of trees to the northeastern corner of the site which are approximately 4 metres high. The southern boundary is also limited to ranch style fencing to the eastern section turning to mature vegetation towards along the western section. The application site as mentioned above is situated at a roadside location on a prominent corner between Greystone Road and Crosskennan Road. The ground levels within the site are situated approximately 2 metres higher than the Greystone Road and the lands rise gradually to the north as this follows the natural rise of Crosskennan Road.

Critical viewpoints of a dwelling within the application site on approach from a westerly direction along Greystone Road would be mostly screened by the existing roadside vegetation which defines the roadside verge. However, as the southern roadside boundary is only partially defined, the application site opens up to critical views due to the elevated nature of the site. In addition, on approach from a northeasterly direction along Greystone Road, views of a dwelling within the application site would be significantly greater as the contours of the public road provide longer views from this direction.

As the application is a corner plot, prominent views of a dwelling would also be achieved upon egress and ingress at the junction with Crosskennan Road. Critical views travelling southward would be limited from any long distance views due to the densely vegetated roadside boundary, however, once approaching the application site views of a dwelling would be significant as the site is elevated above the road

and lacks any established vegetation at this roadside boundary. The proposal is therefore contrary to criteria (b) and (c) of CTY13 as the proposal is unable to provide a suitable degree of enclosure and relies primarily on new landscaping for integration.

Additionally, the application site slopes in a northerly direction and although there is some vegetation providing a backdrop, the elevated nature of the site appears open and exposed. Whilst neighbouring dwellings No's 2 and 4 Crosskennan Road would be situated to the rear of the application site, these dwellings are setback from both the Greystone and Crosskennan Road with views mostly limited to the roofscape associated with the existing pair of semi-detached dwellings. Therefore, the proposal is considered contrary to Policy CTY 13 criterion (f) as a dwelling within the application site would fail to blend with the existing landform, existing trees, buildings, slopes and other natural features.

Policy CTY 13 criterion (g) further states that in order for a dwelling on a farm to be integrated into the surrounding landscape and it should be visually linked or sited to cluster with an established group of buildings on a farm. As noted above it is not considered that the proposed site would accommodate a dwelling and garage that would be visually linked to farm buildings associated with the farm holding and therefore the proposal fails this test.

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 an area. As outlined above the application site occupies elevated grounds and is open and exposed to critical view points from both Greystone Road and Crosskennan Road. A proposed dwelling within the application site as outlined above would be unduly prominent in the landscape and therefore fails to comply with criterion (a) of policy CTY 14 of PPS 21.

Overall, the proposal fails to meet the policy provisions set out in the SPPS and Policies CTY13 and CTY14 of PPS21.

Neighbour Amenity

As the application seeks outline permission, limited details have been provided regarding the proposed design. The application site is located approximately 15 metres southeast of a pair of semi-detached dwellings (No's 2 and 4 Crosskennan Road). These adjacent properties front towards Greystone Road. An objection has raised concern that a dwelling within the proposed site is located on high ground and would therefore ruin the view and privacy of these neighbouring properties. The loss of view is not considered a material planning consideration and is therefore not weighted heavily in the determination of this application.

The dwelling within the application site would be situated in front of the principle elevations of No. 2 and 4. A front-to-back relationship would be created which is not usually deemed appropriate, however it is considered that a suitable siting condition to the northeastern section of the application site would remove the bulk of the built form away from the frontage of these neighbouring properties. The location of a dwelling within this section of the site would also prevent a proposed dwelling from having a significant impact on the privacy of these neighbouring dwellings. Therefore, it is considered that a dwelling could be appropriately designed for the

site to ensure that the privacy and amenity of the existing properties are not negatively impacted upon.

Movement, Access and Parking

The proposed farm dwelling is to be accessed using a section of public roadway that runs adjacent to the northwestern boundary of the application site and terminates in front of No. 2 Crosskennan Road. This section of the road is shared by both No. 2 and No. 4. Consultation was carried out with DfI Roads who raised no objections to the proposal. Therefore, it is deemed that the access point to serve the site will not prejudice road safety or cause a significant inconvenience to traffic.

Other Matters

Archaeological Impacts

Objections received have raised concern that the construction of a dwelling would have an impact on Trench Mount and works should not be carried out without archaeological excavations. Consultation was carried out with Historical Environmental Division (HED) as the application site is located opposite Rathmore Rath (ANT050:016). This is identified as a monument of regional importance scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995. Policy BH 1 of PPS 6 and paragraph 6.8 of the SPPS apply. HED have stated that the proposed development area is well screened from the rath and therefore HED contends that the proposed development will not have an adverse impact upon the setting of the rath. However, there is the potential for below-ground archaeological remains to be encountered during the course of development works and archaeological mitigation is therefore warranted under Policy BH 4 of PPS 6.

HED is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. Therefore, it is not considered that the proposal would have a significant archaeological impact on an identified rath that could not be sufficiently mitigated by way of conditions.

Septic Tank

A third party has raised concern that the location of a septic tank serving the proposed dwelling would be situated in front of neighbouring properties and the site is too small for adequate drainage and soakage.

The location of the septic tank has not been provided, however, given that the application site has not been considered acceptable in principle, the location of the septic tank was not requested. In addition, the applicant would be required to apply for consent to discharge with Northern Ireland Environmental Agency which requires a separate application and is dealt with under separate legislation.

CONCLUSION

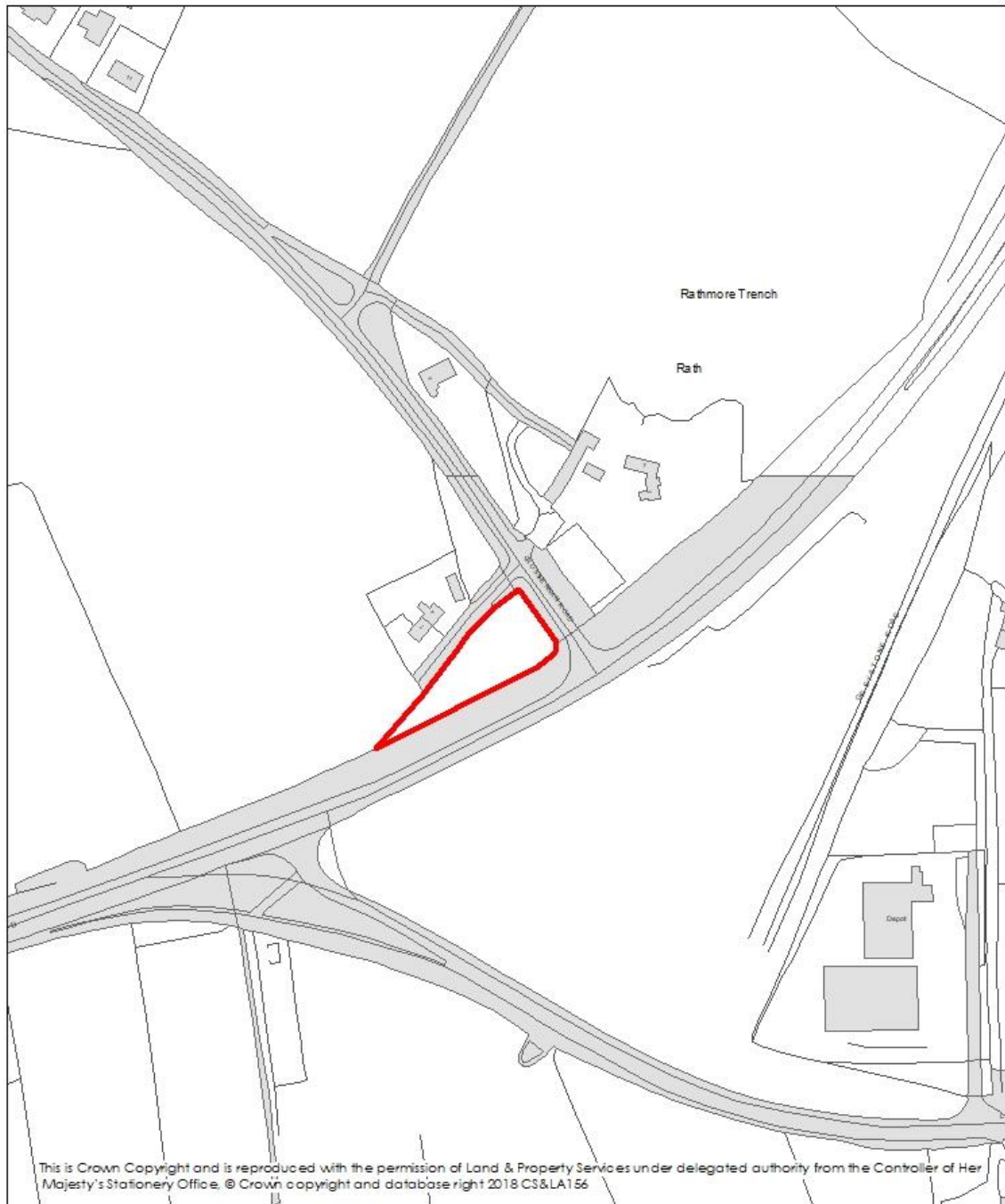
The following is a summary of the main reasons for the recommendation:

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of CTY 1 and CTY 10 of PPS 21;

- The application site is unable to provide a suitable degree of integration as it is not visually linked or clustered to existing farm buildings and would appear unduly prominent in the landscape;
- The proposal would not have a significant impact on any archaeological remains;
- An appropriately designed dwelling on site would not have a detrimental impact on neighbour amenity; and
- There are no road safety concerns with the proposal.

RECOMMENDATION
REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 10 and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building if permitted, would not be visually linked with an established group of farm buildings on the farm holding.
2. 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, the building would be a prominent feature in the landscape; the proposed site lacks long established natural boundaries and relies on new landscaping and the site fails to blend with the existing landform.




Site Location Plan

Application Reference: LA03/2022/0968/O

Site for dwelling

40m SE of 4 Crosskennan Road Antrim BT41 2QL

0 60 120 Metres

 Site boundary



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2022/1084/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Dwelling and Garage (Infill Site)
SITE/LOCATION	35m North West of 38 Speerstown Road Moorefields Ballymena
APPLICANT	Leigh McBride
AGENT	J E McKernan & Son
LAST SITE VISIT	23 rd January 2023
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@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 and the Council's website, under additional information.</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 35 metres northwest of No. 38 Speerstown Road which is located within the countryside as defined within the Antrim Area Plan (1984-2001).</p> <p>The application site encompasses part of an agricultural field, extending approximately 50 metres along the road frontage with a maximum depth of 48 metres. The southern boundary lies adjacent to No 38 Speerstown Road and is defined by 2-3-metre-high mature vegetation. The northern boundary which runs adjacent to a site for a concurrent application Ref: LA03/2022/1087/F is defined by post and wire fence and intermittent vegetation. The western roadside boundary is defined by 1-metre-high grass verge coupled with combination of sparse vegetation and a post and wire fence. The eastern boundary is undefined as the site is a contrived portion of land cut out of a larger agricultural field. The topography of the application site is relatively flat with a gradual downward slope in a northerly direction.</p> <p>The application site is one part of a proposal for two infilling dwellings, with the adjacent site pending consideration under application Ref: LA03/2022/1087/O. The frontage incorporating both sites extends to approximately 86 metres. The site is located within a rural area with the surrounding land use being predominantly agricultural. There are a number of detached dwellings located in the direct vicinity of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2022/1087/O Location: 75m North West of 38 Speerstown Road Moorefields Ballymena Proposal: Dwelling and Garage (Infill Site) Decision: Under Consideration</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 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

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

CONSULTATION

Council Environmental Health Section – No objection.

Northern Ireland Water – No objection.

Department for Infrastructure Roads- No objection subject to condition.

REPRESENTATION

Six (6) neighbouring properties were notified and two (2) letters of objection have been received from two (2) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Register (<https://planningregister.planningsystemni.gov.uk>).

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

- Road safety;

- Drainage and flooding;
- Heavy machinery utilising the right of way;
- Contrary to infill policy;
- Decrease property value; and
- Loss of view

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, 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 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 the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

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

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

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

The current application is being assessed in association with a concurrent application on an adjoining site Ref: LA03/2022/1087/O as part of a double infill opportunity which proposes to subdivide an existing agricultural field. The agricultural lands are located between dwelling No. 38 to the south and an existing shared laneway to the north. The policy requires that a substantial and continuously built up frontage is made up of three buildings along a road frontage. Third party objections have indicated that both applications would create a terrace type effect and do not represent infill sites as the applications are contrary to planning policy.

In relation to whether a substantial and continuously built up frontage exists, the following dwellings front onto Speerstown Road, No. 38 and No. 34. A detached outbuilding is located to the rear of No. 38, however the policy is clear that a substantial and continuously built up frontage discounts developments to the rear. When travelling along the Speerstown Road there is no awareness of this building given that it only projects a small distance beyond the gable of No. 38 and therefore it cannot be considered that this building has a road frontage. Additionally, while there is an elongated group of existing buildings to the rear of No. 34, these buildings sit within a separate curtilage which does not extend to, or front onto the Speerstown Road. This group of buildings is accessed using a separate vehicular access which runs along the southern boundary of No. 34.

Whilst it is accepted that there is a perception of a wider build-up of development at this location which includes dwelling No's 28C, 28D, 30, 32, 32a and 36 Speerstown Road. These dwellings do not provide frontages onto Speerstown Road and are served by shared laneways set back from the public road. A section of roadside land comprising overgrown vegetation is located to the north of the application site beyond the shared laneway. This parcel of land coupled with the agricultural field comprising the application site provides a substantial visual break in the built form and given that three road buildings fronting onto the road cannot be identified it is considered that a substantial and continuously built up frontage does not exist at this location.

The second element of Policy CTY8 requires the gap site 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 development pattern along the frontage in terms of size, scale, siting and plot size. The overall plot frontage of the application site measures approximately 50 metres. The justification and amplification text at paragraph 5.34 of policy CTY8 is clear that the gap is between dwellings or other buildings, and not the frontage of the

application site. Therefore, the gap between dwellings No. 32 and No. 38 Speerstown Road measures approximately 176 metres.

The overall plot frontage of dwelling No. 38 measures 42 metres and dwelling No. 34 measures 24 metres, providing an average frontage of 33 metres. Taking into consideration the average plot frontage, a gap width of 176 metres could accommodate more than two dwellings whilst still respecting the existing established pattern of development. Therefore, the gap is considered to be a significant gap which could accommodate more than two dwellings and as such is not considered to be small as defined by the Policy. Additionally, the gap between No.38 and No.34 provides an important visual break in the built up appearance, consequently, it is considered that the proposal fails to meet element 'b' this policy as the gap is not considered to be a small gap sufficient to accommodate a maximum of two dwellings.

It is accepted that the resulting frontage of the application site (50 metres) would not be significantly different from the frontage displayed by No. 38 (42 metres), however, as outlined above it is considered that there is no substantial and continuously built-up frontage at this location and the overall gap could accommodate more than two dwellings. The proposal therefore fails to meet the policy provisions outlined in CTY 8.

There does not appear to be any other evidence to suggest that the proposal falls to be considered under any other category of development that is noted as acceptable in principle in the countryside in accordance with Policy CTY1 of PPS 21, as such it is considered that there are no other overriding reasons as to why this development is essential at this location and could not be located within a settlement.

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

All dwellings in the countryside must integrate with its 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 and will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. 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 the application seeks outline permission, no details have been provided regarding the proposed design or layout of the dwelling, however, it is noted that all of the dwellings located along this section of road are characterised as detached single storey dwellings. The application site is a roadside location that is accessed directly off the Speerstown Road.

The application site is bound by vegetation to the northern, southern and western boundaries. However, the boundary definitions provided by the existing vegetation are low level and sparse, notably along the northern field boundary. The southern boundary of the application site, which lies adjacent to No. 38, is defined by established landscaping approximately 3 metres in height. Critical views on approach from a southern direction towards the site would be limited due to the intermitting vegetation provided by the boundaries associated with No. 38's

domestic curtilage. Public views from this direction would be limited to along the site frontage. In contrast, critical views on approach from a northern direction along the Speerstown Road would be exposed due to the sloping nature of the site on elevated lands and the lack of sufficient landscaping defining the northern field boundary of the site. Therefore, with the exception of the southern boundary running adjacent to No. 38, the application site lacks long established boundaries. Overall, given the removal of the roadside vegetation and the sloping nature of the application site the proposal relies heavily on new planting in order to integrate the proposal into this rural landscape.

Overall, it is considered that this site cannot provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape as critical views of the dwelling would be achieved via a long stretch of public road. The proposed development therefore relies on new planting to successfully integrate a new dwelling at this location and is therefore contrary to Policy CTY 13.

Policies CTY 8 and CTY 14 indicate that development which creates or adds to a ribbon of development will be unacceptable. The proposed development and the adjacent site under consideration (Ref: LA03/2022/1087/O) will result in the addition of two dwellings along this stretch of Speerstown Road, which would be visually linked with existing buildings, creating a ribbon development resulting in a detrimental impact on the character of this rural area. In addition, as noted above, a number of existing dwellings are located within the immediate vicinity. It is considered that the development of the application site would add to the built-up appearance of the area, furthering eroding the rural character.

Therefore, due to the failure to comply with Policy CTY 8, it is considered that the application, if permitted, would result in the creation of ribbon development and a suburban style build-up of development further eroding the character of this rural area, therefore the proposal fails to comply with the policy provisions of Policy CTY 14.

Neighbour Amenity

As the application seeks outline permission, limited details have been provided regarding the proposed design, however, it is considered that a dwelling could be appropriately designed within the application site to ensure that the privacy and amenity of the existing properties is not negatively impacted upon.

Movement, Access and Parking

A new vehicular access is proposed directly off the Speerstown Road. A third party objection has raised concern that further entrances onto the Speerstown Road would impact the visibility of their existing access. In this respect, DfI Roads were consulted on the application in relation to road safety and they have raised no objections to the proposal. Should outline planning permission be forthcoming, the applicant would have to provide the necessary visibility splays required by DfI Roads, the detail of which is to be provided on appropriate plans submitted at Reserved Matters stage. In that circumstance it is considered that the proposed access would not prejudice road safety or cause a significant inconvenience to traffic.

Other Matters

A third party has raised concern that drainage in the area is a significant issue with all houses in the area requiring drainage ditches and decreased soakaways will

inevitably lead to flooding in other areas, including onto the Speerstown Road, No. 38 and the shared laneway. There are no flooding designations within the application site, the shared laneway which abuts the northern boundary of the application site, is located adjacent to a small watercourse and is prone to surface water flooding. However, it is not considered that a dwelling within the application site would exacerbate flooding to the surrounding area.

A further issue of concern raised by an objector indicated that the applicant has a right of way on the laneway to the north and previous agreements restricted access of heavy machinery. The objector has stated that the applicant does not own this laneway and if application Ref: LA03/2022/1087/O was approved the access to the land at the rear of 36A would require the applicant to use the laneway further deteriorating its condition and increasing danger to other users of the laneway. The use of the existing laneway for domestic or farming purposes and the relevant agreements restricting the use of the laneway are civil matters between the relevant parties and as such cannot be arbitrated upon within the remit of a planning application.

Lastly, concerns have been raised that the proposal would devalue neighbouring properties; result in a loss of view and increase destruction on surrounding land and lanes. The devaluation of properties and the loss of views are not material planning considerations and can therefore not be heavily weighted in the determination of this planning application.

Ecology

Informal consultation was carried out with Shared Environmental Services (SES) as there is a small land drain located to the northern boundary of the application site. SES have outlined that this drain is located over 25km by indirect hydrological routes upstream from the nearest European Sites at Lough Neagh. The proposed works are of small scale and any potential construction/operational related pollution would be diluted to an insignificant level over that distance. SES therefore confirmed that no formal consultation was required.

CONCLUSION

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

- The principle of the development cannot be established as the proposal is contrary to the policy requirements of Policy CTY 8 of PPS 21;
- The application site is unable to provide a suitable degree of integration;
- The proposal will create a ribbon of development and a suburban style build-up of development that would further erode the character of the rural area;
- There are no road safety concerns with the proposal; and
- There are no concerns with flooding on the site, nor would it increase the risk of flooding elsewhere.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASONS FOR REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and fails to meet with the provisions for an infill dwelling in accordance with Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site is not within an otherwise substantial and continuously built up frontage and the proposal does not represent a small gap site sufficient only to accommodate a maximum of two dwellings. 3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, create a ribbon of development and a suburban style of build-up, further eroding the rural character of the area. 4. The proposal is contrary to the policy provisions of the Strategic Planning Policy and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely on the use of new landscaping for integration. 	



Site Location Plan


Application Reference: LA03/2022/1084/O

Dwelling and Garage (Infill Site)

35m North West of 38 Speerstown Road
Moorefields Ballymena

0 30 60
Metres



 Site boundary



COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2022/1087/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Dwelling and Garage (Infill Site)
SITE/LOCATION	75m North West of 38 Speerstown Road Moorefields Ballymena
APPLICANT	Leigh McBride
AGENT	J E McKernan & Son
LAST SITE VISIT	23 rd January 2023
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@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 and the Council's website, under additional information.</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 75 metres northwest of No. 38 Speerstown Road which is located within the countryside as defined within the Antrim Area Plan (1984-2001).</p> <p>The application site encompasses part of a larger agricultural field, extending approximately 38 metres along the road frontage with a maximum depth of 48 metres. The northern boundary of the site runs adjacent to a shared laneway serving dwelling No's 32, 32a, 36 and 36a Speerstown Road. The southern site boundary is defined by post and wire fence and intermittent vegetation and trees. The western roadside boundary is defined by a 1-metre-high grass verge coupled with a combination of sparse vegetation and post and wire fencing. The eastern boundary is undefined as the site is a contrived portion of land cut out of a larger agricultural field. The topography of the application site falls in a northerly direction which also follows the natural contours of the public road.</p> <p>The application site is one part of a proposal for two infilling dwellings, with the adjacent site pending consideration under application Ref: LA03/2022/1084/O. The frontage incorporating both sites extends to approximately 86 metres. The site is located within a rural area with the surrounding land use being predominantly agricultural. There are a number of detached dwellings located in the direct vicinity of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2022/1084/O Location: 35m North West of 38 Speerstown Road Moorefields Ballymena Proposal: Dwelling and Garage (Infill Site) Decision: Under Consideration</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 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

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

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection subject to condition

REPRESENTATION

Six (6) neighbouring properties notified and two (2) letters of objection have been received from two (2) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Register (<https://planningregister.planningsystemni.gov.uk>).

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

- Road safety;
- Drainage and flooding;
- Heavy machinery utilising the right of way;
- Contrary to infill policy;
- Decrease property value; and
- Loss of view

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, 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 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 the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Whilst the main thrust of Policy CTY8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the

policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

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

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

The current application is being assessed in association with a concurrent application on an adjoining site Ref: LA03/2022/1084/O as part of a double infill opportunity which proposes to subdivide an existing agricultural field. The agricultural lands are located between dwelling No. 38 to the south and an existing shared laneway to the north. The policy requires that a substantial and continuously built up frontage is made up of three buildings along a road frontage. Third party objections have indicated that both applications would create a terrace type effect and do not represent infill sites as the applications are contrary to planning policy.

In relation to whether a substantial and continuously built up frontage exists, the following dwellings front onto Speerstown Road, No. 38 and No. 34. A detached outbuilding is located to the rear of No. 38, however the policy is clear that a substantial and continuously built up frontage discounts developments to the rear. When travelling along the Speerstown Road there is no awareness of this building given that it only projects a small distance beyond the gable of No. 38 and therefore it cannot be considered that this building has a road frontage. Additionally, while there is an elongated group of existing buildings to the rear of No. 34, these buildings sit within a separate curtilage which does not extend to, or front onto the Speerstown Road. This group of buildings are accessed using a separate vehicular access which runs along the southern boundary of No. 34.

Whilst it is accepted that there is a perception of a wider build-up of development at this location which includes dwelling No's 28C, 28D, 30, 32, 32a and 36 Speerstown Road, these dwellings do not provide frontages onto Speerstown Road and are served by shared laneways set back from the public road. A section of roadside land comprising overgrown vegetation is located to the north of the application site beyond the shared laneway. This parcel of land coupled with the agricultural field comprising the application site provides a substantial visual break in the built form and given that three buildings fronting onto the road cannot be identified it is considered that a substantial and continuously built up frontage does not exist at this location.

The second element of Policy of CTY8 requires the gap site 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 development pattern along the frontage in terms of size, scale, siting and plot size.

The overall plot frontage of the application site measures approximately 50 metres. The justification and amplification text at paragraph 5.34 of policy CTY8 is clear that the gap is between dwellings or other buildings, and not the frontage of the application site. Therefore, the gap between dwellings No. 32 and No. 38 Speerstown Road measures approximately 176 metres.

The overall plot frontage of dwelling No. 38 measures 42 metres and dwelling No. 34 measures 24 metres, providing an average frontage of 33 metres. Taking into consideration the average plot frontage, a gap width of 176 metres could accommodate more than two dwellings whilst still respecting the existing established pattern of development. Therefore, the gap is considered to be a significant gap which could accommodate more than two dwellings and as such is not considered to be small as defined by the Policy. Additionally, the gap between No.38 and No.34 provides an important visual break in the built up appearance, consequently, it is considered that the proposal fails to meet element 'b' this policy as the gap is not considered to be a small gap sufficient to accommodate a maximum of two dwellings.

It is accepted that the resulting frontage of the application site (50 metres) would not be significantly different from the frontage displayed by No. 38 (42 metres), however, as outlined above it is considered that there is no substantial and continuously built-up frontage at this location and the overall gap could accommodate more than two dwellings. The proposal therefore fails to meet the policy provisions outlined in CTY 8.

There does not appear to be any other evidence to suggest that the proposal falls to be considered under any other category of development that is noted as acceptable in principle in the countryside in accordance with Policy CTY1 of PPS 21, as such it is considered that there are no other overriding reasons as to why this development is essential at this location and could not be located within a settlement.

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

All dwellings in the countryside must integrate with its 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 and will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. 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 the application seeks outline permission, no details have been provided regarding the proposed design or layout of the dwelling, however, it is noted that all of the dwellings located along this section of road are characterised as detached single storey dwellings. The application site is located along the roadside which is accessed directly off the Speerstown Road. The topography of the application site at the most northern section is situated slightly below road level before rising gradually in a southerly direction.

The application site is bounded by vegetation to the northern, southern and western boundaries. However, the boundary definitions provided by the existing vegetation are particularly low level and sparse, notably along the southern field boundary. The existing western (roadside) boundary requires removal to facilitate the necessary visibility splays and therefore coupled with the rise in topography, leaves the application site largely open and exposed to critical views on approach from a southern and northern direction along the Speerstown Road. With the exception of the northern boundary running adjacent to a shared laneway, the application site lacks long established boundaries. Overall, given the removal of the roadside vegetation and the sloping nature of the site the proposal relies heavily on new planting in order to integrate a dwelling into the landscape.

Overall, it is considered that this site cannot provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape as critical views of the dwelling would be achieved via a long stretch of public road. The proposed development therefore relies on new planting to successfully integrate a new dwelling at this location and is therefore contrary to Policy CTY 13.

Policies CTY 8 and CTY 14 indicate that development which creates or adds to a ribbon of development will be unacceptable. The proposed development and the adjacent site under consideration (LA03/2022/1084/O) will result in the addition of two dwellings along this stretch of Speerstown Road, which would be visually linked with existing buildings, creating a ribbon development resulting in a detrimental impact on the character of this rural area. In addition, as noted above, a number of existing dwellings are located within the immediate vicinity. It is considered that the development of the application site would add to the built-up appearance of the area, furthering eroding the rural character.

Therefore, due to the failure to comply with Policy CTY 8, it is considered that the application, if permitted, would result in the creation of ribbon development and a suburban style build-up of development further eroding the character of this rural area, therefore the proposal fails to comply with the policy provisions of Policy CTY 14.

Neighbour Amenity

As the application seeks outline permission, limited details have been provided regarding the proposed design, however, it is considered that a dwelling could be appropriately designed within the application site to ensure that the privacy and amenity of the existing properties is not negatively impacted upon.

Movement, Access and Parking

A new vehicular access is proposed directly off the Speerstown Road. A third party objection has raised concern that further entrances onto the Speerstown Road would impact the visibility of their existing access. In this respect, DfL Roads were consulted on the application in relation to road safety and they have raised no objections to the proposal. Should outline planning permission be forthcoming, the applicant would have to provide the necessary visibility splays required by DfL Roads, the detail of which is to be provided on appropriate plans submitted at Reserved Matters stage. In that circumstance it is considered that the proposed access would not prejudice road safety or cause a significant inconvenience to traffic.

Other Matters

A third party has raised concern that the applicant has right of way to the shared laneway which is not in good condition and requires maintenance. The objection continues that drainage and runoff from the proposed development would increase flooding to the existing laneway causing further damage. There are no relevant flooding designations within the application site. The shared laneway located approximately 60 metres north of the application site is located adjacent to a small watercourse and is prone to surface water flooding. However, it is not considered that a dwelling within the application site would exacerbate flooding to the surrounding area.

Lastly, concerns have been raised that the proposal would devalue neighbouring properties; result in a loss of view and increase destruction on surrounding land and lanes. The devaluation of properties and the loss of view are not material planning considerations and can therefore not be heavily weighted in the determination of this planning application.

Ecology

Informal consultation was carried out with Shared Environmental Services (SES) as there is a small land drain located approximately 46 metres from the northern boundary of the application site. SES have outlined that this drain is located over 25km by indirect hydrological routes upstream from the nearest European Sites at Lough Neagh. The proposed works are of small scale and any potential construction/operational related pollution would be diluted to an insignificant level over that distance. SES therefore confirmed that no formal consultation was required.

CONCLUSION

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

- The principle of the development cannot be established as the proposal is contrary to the policy requirements of Policy CTY 8 of PPS 21;
- The application site is unable to provide a suitable degree of integration;
- The proposal will create a ribbon of development and a suburban style build-up of development that would further erode the character of the rural area;
- There are no road safety concerns with the proposal; and
- There are no concerns with flooding on the site, nor would it increase the risk of flooding elsewhere.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. 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 why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and fails to meet with the provisions for an infill dwelling in accordance with Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site is not within an

otherwise substantial and continuously built up frontage and the proposal does not represent a small gap site sufficient only to accommodate a maximum of two dwellings.

3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, create a ribbon of development and a suburban style of build-up, further eroding the rural character of the area.
4. The proposal is contrary to the policy provisions of the Strategic Planning Policy and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely on the use of new landscaping for integration.




Site Location Plan

Application Reference: LA03/2022/1087/O

Dwelling and Garage (Infill Site)

75m North West of 38 Speerstown Road
Moorefields Ballymena

0 30 60
Metres

 Site boundary



COMMITTEE ITEM	3.11
APPLICATION NO	LA03/2022/1012/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Managers dwelling and garage in conjunction with adjacent residential home
SITE/LOCATION	Lands approx. 50m northwest of Ard Na Grainde PRH, 15 Moneyrod Road, Randalstown, BT41 3JB
APPLICANT	J McCann
AGENT	Russell Finlay
LAST SITE VISIT	23 rd January 2023
CASE OFFICER	Michael Tomlinson Tel: 028 903 40442 Email: michael.tomlinson@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 and the Council's website, under additional information.</p>	
SITE DESCRIPTION	
<p>The application site is located 50m northwest of Ard Na Grainde PRH, 15 Moneyrod Road, Randalstown. This is a countryside location beyond any development limits as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site is located on lands adjacent to the Ard Na Grainde residential home to the west of the building. The site is currently overgrown and the topography of the land rises sharply to the northeast. The southwestern boundary is defined by a 1-metre-high mixed species hedgerow while the northwestern boundary is defined by a mixed hedgerow between 2 and 3 metres in height. The northeastern boundary is a 7-metre-high leylandii hedgerow while the southeastern boundary is defined by a 1.8-metre-high close boarded timber fence.</p> <p>The application site is located within the rural area with the land use being predominately agricultural.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2022/1088/F Location: Ard Na Grainde PRH 15 Moneyrod Road Randalstown BT41 3JB Proposal: Extensions to provide 12 additional bedrooms, dining space and associated services. Decision: Under consideration.</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p>	

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection.

Northern Ireland Water – No objection.

Department for Infrastructure Roads- Amendments to red line drawing required.

Belfast International Airport – No objection.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development.

- Impact on Character and Appearance of the Area.
- Neighbour Amenity; and
- Access.

Policy Context and Principle of Development

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

The application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a dwelling for a non-agricultural business enterprise under Policy CTY 7. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Policy CTY 7 of PPS 21 requires a clear demonstration that it is essential for one of the firm's employees to live at the site of their work to justify the need for a proposed dwelling house in connection with an established non-agricultural business enterprise. The policy goes on to state that the presence of a business in itself is not sufficient justification to grant planning permission. In the acceptance of such a need, the dwelling will need to be located beside or within the boundaries of the business enterprise and integrate with the other existing buildings on the site.

In this case, the application site is located within a section of land that is separated from the Ard Na Grainde private residential home by a 1.8-metre-tall close boarded timber fence. It is accepted however that this land directly abuts the business and therefore meets with this requirement of the policy.

In order to demonstrate the need for a dwelling in connection with Ard Na Grainde private residential home, the agent has submitted Document No. 01 (date received 30th January 2023). Within the document, there are a number of reasons given as to the perceived need for the proposed dwelling adjacent to Ard Na Grainde. Firstly, it is explained that the proposed dwelling is required for a manager. The supporting statement indicates that the applicants currently split their time between two (2) residential homes within their ownership, the other residential home is referred to as 'Strawberry Fields' Care Home which is located at Staffordstown Road, Randalstown.

The supporting statement explains that one of the applicants (Mrs McCann) is required on-hand at all times in their other facility at Strawberry Fields and as a consequence lives 'in-house' at this location. Whilst Mr McCann splits his time between the two care homes, it is notable that the applicant's address on the P1 form is Ard Na Grainde. The supporting statement explains that the applicant's plan is for retirement in the near future and contends that there is a need for a manager's dwelling adjacent to the home to prevent the need for long journeys at unsociable hours and to delegate the day-to-day running of the home to the manager.

As per the justification and amplification for CTY 7, applicants must provide sufficient information to show that there is a site specific need which makes it essential for one of the firm's employees to live at the site of their work, as against a general desire for a dwelling in association with the business. Document 01 does not in itself sufficiently demonstrate this need, despite the suggestion that it would be convenient for the applicants to have a manager's dwelling in close proximity to the business, no site specific need has been demonstrated.

The justification and amplification of CTY 7 goes on to state that a business which has been in operation without residential accommodation will be expected to demonstrate why accommodation is now considered necessary to enable the enterprise to function properly. Both existing businesses owned by the applicant appear to be operating satisfactorily without additional and separate accommodation for a manager within the site. Although the applicant has indicated the reason for the change is due to retirement, no other options have been explored within the supporting statement. It is not unusual for managers of private nursing homes to live off-site with cover provided through routine staff shifts. Additionally, it is important to note that a current application (Ref: LA03/2022/1088/F) is pending with the Council's Planning Section for an extension to the existing premises and no accommodation options for a manager appear to be included within this scheme.

It is therefore considered that the principle of development has not been established on the application site.

Design, Layout 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 13 and CTY 14 also require that any building should not be a prominent feature in the landscape. As indicated above the application site is located adjacent to the nursing home, however, has a separate access arrangement and its own defined curtilage. The proposed dwelling will front onto the Moneyrod Road and have an 8.5 metre ridge height above finished floor level. It will take a rectangular plan form and will have two floors of living

accommodation, with the proposed garage being single storey. The finishes are to be consistent on both dwelling and garage and include white rendered walls, black uPVC rainwater goods, windows and doors.

It is noted that the topography of the application site rises sharply from the southwest to the northeast, with a 7-metre-high leylandii hedging providing a backdrop the site. Whilst the application site has a reasonable backdrop provided by the 7-metre-high leylandii hedgerow along the northeastern boundary, given the existing topography of the site a two storey dwelling set back 15 metres from the roadside would appear visually prominent when travelling in both directions. Short distance views are achieved when travelling along the Moneyrod Road and long-distance views when travelling along the Artlone Road on the approach to the junction with the Moneyrod Road. Furthermore, given the low-level nature of the vegetation within the application site and along the southwestern roadside boundary, it is considered that a two storey dwelling would not be provided with sufficient natural boundaries to suitably enclose and integrate a dwelling. As such a two storey dwelling on the application site would have a detrimental impact on the rural character of the area.

Due to the principle of development on the application site not having been established, a topographical survey and subsequent amendments to the dwelling were not requested from the agent in order to prevent unnecessary expense. It is considered therefore that the proposal will be visually prominent and cannot be suitably integrated into the surrounding landscape contrary to Policies CTY 13 and CTY 14.

Neighbour Amenity

The only neighbouring dwelling abutting the application site is the Ard Na Grainde private residential home to the east of the application site. Given that the proposed dwelling and garage are to provide a function that is inexplicably linked to the functioning of the business, it is considered that there will be no significant detrimental impacts on the amenity of the residents of the residential home or the proposed dwelling. There are no other neighbouring dwellings that may be impacted upon as a result of this development.

Access

DfI Roads were consulted as part of this planning application and have indicated that amendments to the site location plan and block plan are required to show extended visibility splays and the access to be fully dimensioned on the block plan. Due to the principle of development not having been established, requesting these amendments would put the applicant to an unnecessary expense and these were not requested. It has however, not been demonstrated that the proposal will not cause an adverse impact on the safety and convenience of other road users.

CONCLUSION

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

- The proposal does not comply with Policy CTY 7 of PPS 21 and therefore the principle of development has not been established;
- The proposal will have an adverse impact on the character and appearance of the area due to prominence and a lack of integration;
- The proposed dwelling and garage will not have a significant impact on any neighbouring properties; and

- It has not been demonstrated that the proposal will not prejudice the safety and convenience of other road users.

RECOMMENDATION	REFUSE PLANNING PERMISSION
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PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 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 CTY 7 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it has not been clearly demonstrated that it is essential for a new dwelling to be constructed for an employee to live at the site.
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 a dwelling on this site would, if permitted be a prominent feature in the landscape.
4. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that, the design of the dwelling is inappropriate for the site and its locality and the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
5. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users as it has not been sufficiently demonstrated that the necessary visibility splays can be provided.

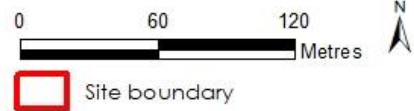


Site Location Plan

Application Reference: LA03/2022/1012/F

Location: Lands approx. 50m North West of Ard Na Grainde PRH,
15 Moneyrod Road, Randalstown, BT41 3JB

Proposal: Managers dwelling and garage in conjunction with adjacent
residential home



COMMITTEE ITEM	3.12
APPLICATION NO	LA03/2022/0886/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Detached dwelling house and detached domestic garage, change of house type to (T/2013/0396/F).
SITE/LOCATION	Lands approximately 100m West of No.10 Eskylane Road, Antrim, BT41 2LL
APPLICANT	Mr Daniel McManus
AGENT	Blackgate Property Services Ltd
LAST SITE VISIT	9 th November 2022
CASE OFFICER	Michael Tomlinson Tel: 028 90340442 Email: michael.tomlinson@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 and the Council's website, under additional information.</p>	
SITE DESCRIPTION	
<p>The application site is located 100 metres west of No. 10 Eskylane Road. This is a countryside location as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site is a section of a larger field bounded to the west by an agricultural building associated with the dwelling known as No. 10 Eskylane Road and a 1.2-metre-high post and wire fence. The southern boundary is a 1.8-metre-high block wall, continued with 1.2-metre-tall post and wire fencing while the northern boundary is a 1.8-metre-tall hawthorn hedge and the western boundary is undefined. Foundations and blockwork for a building exist in the northern half of the application site. The topography of the application site rises gradually from the south to the north.</p> <p>The surrounding area is predominately agricultural with a number of agricultural and domestic buildings in the area.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2009/0172/O Location: 100m West of 10 Eskylane Road, Antrim. Proposal: Site for dwelling on farm. Decision: Permission Granted (02/06/2009)</p> <p>Planning Reference: T/2010/0271/RM Location: 100m West of 10 Eskylane Road, Antrim Proposal: Dwelling and detached garage Decision: Permission Granted (09/07/2010)</p> <p>Planning Reference: T/2013/0396/F Location: 100m West of 10 Eskylane Road, Antrim</p>	

Proposal: Erection of dwelling and garage: change of house type from that previously granted under Reserved Matters approval ref: T/2010/0271/RM Increase in site curtilage

Decision: Permission Granted (19/03/2014)

Planning Reference: LA03/2021/0382/LDP

Location: 100m West of 10 Eskylane Road, Antrim

Proposal: Completion of dwelling and garage as approved under T/2013/0396/F

Decision: Permission Granted (22/06/2021)

Planning Reference: LA03/2021/0245/F

Location: 100m West of 10 Eskylane Road, Antrim

Proposal: Proposed dwelling and garage (change of design from that approved under T/2013/0396/F)

Decision: Permission Granted (08/07/2021)

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection.

Northern Ireland Water – No objection.

Department for Infrastructure Roads- No objection.

Department for Communities Historic Environment Division – No objection.

REPRESENTATION

Two (2) neighbouring properties were notified and seven (7) letters of objection and one (1) letter of support have been received from seven (7) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (<https://planningregister.planningsystemni.gov.uk>) and the Council's website under additional information.

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

- The proposal does not meet with the provisions of Policy CTY13 of PPS 21;
- The proposal will be prominent;
- The proposed design is divergent from the local character;
- The information provided within the supporting documents is disingenuous;
- The other dwellings in the area are single storey or one and a half storey; and
- Issues with flood lighting within the application site.

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

- No objection to the ridge height;
- The objection point regarding no precedent of two storey dwellings along the laneway is incorrect;
- The roof type is a good example of rural design for dwellings in the countryside;
- The dwelling is a significant improvement on the design of previous approvals;
- The applicant is an excellent neighbour and assisted the supporting party; and
- Traffic associated with a business along the laneway stopping at the supporting party's dwelling.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

The Antrim Area Plan (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 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 proposal seeks full planning permission for a detached dwelling and domestic garage, as a change of the design to previous planning approval Ref: T/2013/0396/F. The application site benefits from having an extensive planning history, the principle of development for a dwelling within the application site was previously established under planning Ref: T/2009/0172/O for a dwelling on 2nd June 2009 and subsequent Reserved Matters application (Ref: T/2010/0271/RM) approved on 9th July 2010. A further change of house type application (Ref: T/2013/0396//F) was granted on 19th March 2014. Development commenced on the aforementioned applications and a Certificate of Lawful Development was granted by the Council under application Ref: LA03/2021/0382/LDP. This Certificate of Lawful Development provides the applicant with a valid legal fall-back position and maintains the principle of development for a dwelling on the application site.

It is considered that the principle of development for the proposal has been established subject to the application meeting with all other policy and environmental requirements.

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. Concerns in relation to the proposed design has been raised as a point by a number of objectors who believe the height of the dwelling is taller than the surrounding dwellings and the appearance does not reflect the local character. It should be noted that an amended design was submitted during the process of the application, this assessment therefore relates to the amended scheme.

The proposed two storey dwelling consists of three (3) sections. The southern section of the dwelling consists of a symmetrical block with a flat roof porch and pitched roof. It has a ridge height of 7.5 metres above finished floor level. The link section which connects the southern block to the northern block has a flat roof and makes use of floor to roofline windows. Whilst the link section is not provided with two floors, it has a roof height of 5.5 metres above finished floor level. The link section runs perpendicular to the southern block on its northwestern elevation. The eastern elevation of the link section turns through an angle of 30° to the northwest, before connecting into the northern block. The northern block has a 7 metre ridge height and a hipped roof. It has a single storey side return and sun terrace.

Paragraph 5.60 of Policy CTY 13 of PPS 21 states that the assessment of integration will be judged from critical views along stretches of the public road network and shared private lane-ways serving existing or approved dwellings. It is considered that the ridge height and the topography of the surrounding lands will not enable any significant views of the proposed dwelling along the Eskylane Road. Critical views will be achieved from along the shared laneway, which continues a further 460 metres to the northwest, terminating at the dwelling known as No. 6B Eskylane Road. In this case, the southern and western elevations of the dwelling will be visible when travelling along the laneway in both directions when passing the application site.

The form and proportions of a new building are key elements in the design and strongly influence its visual impact on the landscape. A letter of support and additional information received by the agent indicates that the proposal is a significant improvement on the dwelling previously granted planning permission under Ref: T/2013/0396/F. It is accepted that the previous design was a large two storey dwelling, with a similar footprint to the proposed dwelling. However, the rear return on the previous approval was stepped down to single storey which helped to break up the overall scale and massing. In this instance a two storey link is provided linking the main body of the dwelling with a two storey rear return with a gable depth of 22 metres from the front elevation to the rear, which is considered to be significantly dominant side elevation and not characteristic of the area. Paragraph 5.66 of PPS 21 states that where the scale, form or massing of a building would make it dominant or incongruous in the local landscape, planning permission will be refused. As indicated above critical views of the site are achieved when travelling along the shared laneway, and on approach to the dwelling in a western direction the proposed dwelling will appear as a continuous and dominant building with an extensive scale and massing which is out of keeping with the rural character of the area.

Supplementary Planning Guidance 'Building on Tradition – A Sustainable Design Guide for Northern Ireland Countryside' states that size and scale should be relative to what is existing in its surroundings. The prevailing character of the surrounding location consists of mostly one and a half storey dwellings with the exception of No. 10 Eskylane Road which is a traditional two storey farm house. It is considered that a proposed dwelling of this scale and massing is unacceptable in the context of the site and surrounding area.

It is acknowledged that the applicant has been provided with a valid legal fall-back position for a dwelling within the footprint of the existing foundations on the application site, however it is considered that the dwelling proposed within the

current planning application will be a dominant and incongruous feature in the local landscape.

Neighbour Amenity

The closest neighbouring dwelling to the application site is No. 12 Eskylane Road. The separation distance from the siting location of the proposed dwelling is 30 metres. Whilst the southeastern boundary consists of a 1.2-metre-tall post and wire fence, there is a 2-metre-tall leylandii hedgerow within this neighbours' property that will screen any significant visibility from the first floor of the proposed dwelling towards the private amenity space of this neighbour's property. It is considered that due to the separation distance and the existing boundary treatments, there will not be a significant impact on this neighbours' property.

No. 10 Eskylane Road is located 50 metres to the east of the proposed siting location of the dwelling. It is considered that the separation distance and the farm buildings between the application site and this property will reduce any significant impact the proposed dwelling may have on the amenity of this property and its residents.

Other Matters

Historical Environment

The application site is within the zone of influence for a scheduled enclosure (ANT044:063). Historic Environment Division within the Department for Communities were consulted and have provided no objection to the proposal. The proposal therefore complies with the relevant policy provisions of PPS 6.

Road Safety

The proposal accesses onto an existing shared private laneway which then accesses onto the Eskylane Road. Department for Infrastructure (DfI) Roads were consulted in light of this planning application and in its response has provided no objections to the proposal. It is therefore considered that the proposal will not have a significant impact on the safety and convenience of other road users.

Representations

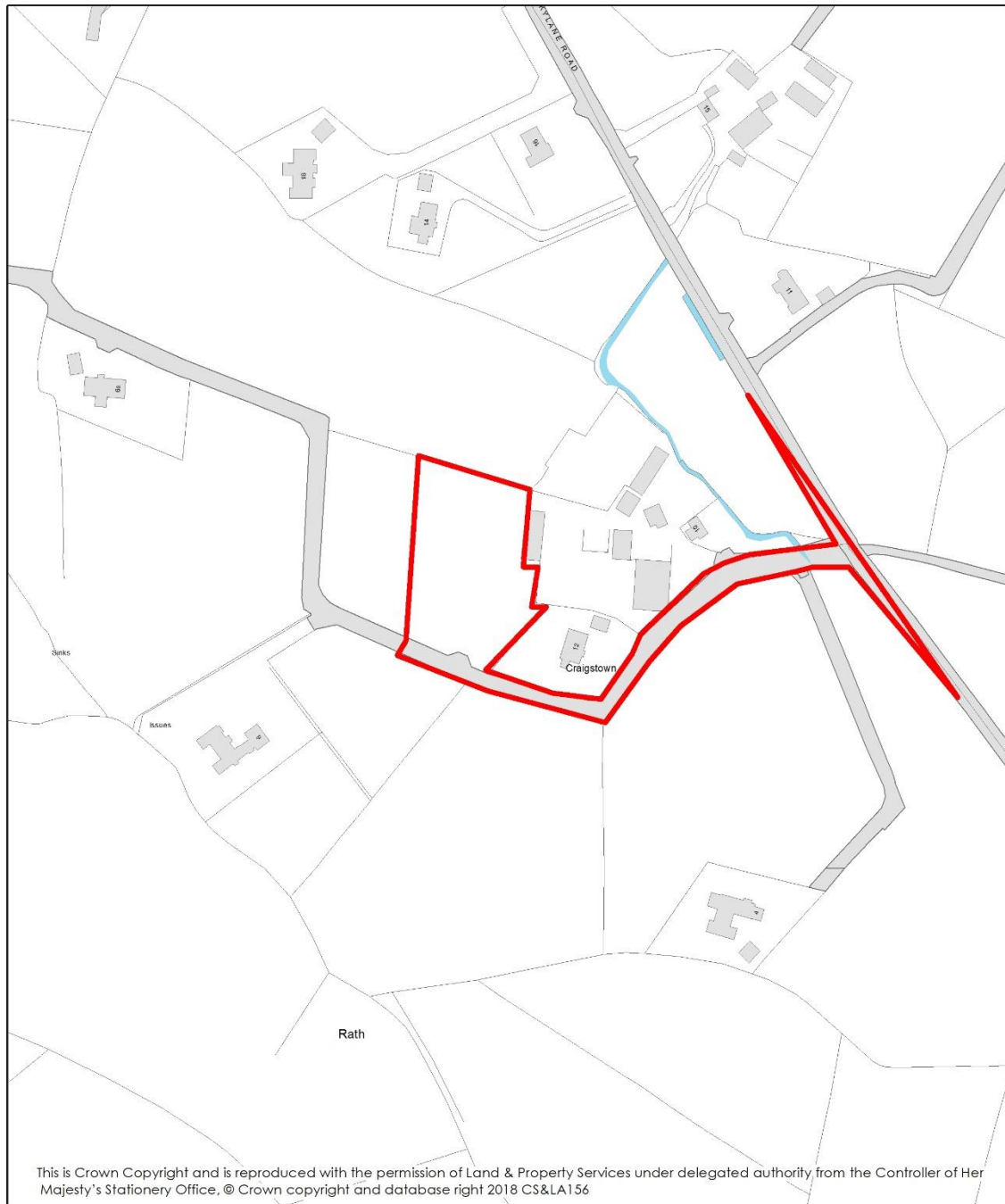
Whilst the most of the points of objection have been considered within the body of the report, an objector has pointed out that an elevated flood light exists within the application site. This is a matter not under consideration as part of this planning application and therefore has not formed part of this recommendation. The letter of support mentions traffic along the laneway associated with a photography business. This is not associated with this planning application and therefore has not formed part of this recommendation.

CONCLUSION

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

- The principle of the development has been established;
- The proposal would have a negative impact on the character and appearance of the area;
- The proposed dwelling will be prominent in the landscape;
- There would not be a significant impact on any neighbouring properties from an appropriately designed dwelling;
- The points of support and objection have been considered; and
- There have been no objections to the proposal from the consultees.

RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASON FOR REFUSAL	
<p>1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside as the design of the building is inappropriate in this rural landscape due to its scale and massing.</p>	

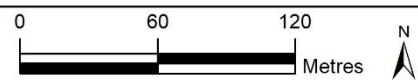


Site Location Plan

Application Reference: LA03/2022/0886/F

Lands approximately 100m West of No.10 Eskylane Road,
Antrim, BT41 2LL

Detached dwelling house and detached domestic garage, change of house
type to (T/2013/0396/F).



 Site boundary

1:2,500



PART TWO

OTHER PLANNING MATTERS

ITEM 3.13

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during February 2023 under delegated powers together with information relating to planning appeals is **enclosed** for Members information.

One appeal was dismissed during February 2023 by the Planning Appeals Commission (PAC) in relation to LA03/2021/0431/O (2021/A0166), proposed dwelling and garage on a farm approximately 40m North of No.4 Cranfield Road, Randalstown, a copy of the decision is **enclosed**.

RECOMMENDATION: that the report be noted.

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

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.14

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

Prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks' notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). Two (2) PANs were registered during February 2023.

PAN Reference:	LA03/2023/0065/PAN
Proposal:	New industrial facility comprising the erection of a manufacturing/ assembly building, storage warehouse, office building, with car parking, landscaping and associated works.
Location:	140m north of Unit 1, Global Point Business Park, Newtownabbey, BT36 5TB
Applicant:	CDE Global
Date Received:	18 February 2023
12 week expiry:	13 May 2023

PAN Reference:	LA03/2023/0021/PAN
Proposal:	Proposed redevelopment of the CAFRE Greenmount Further Education Campus comprising demolition of Fulton Hall, Boyd Hall, the Technology Building and modular storage & student accommodation units; construction of new student accommodation, teaching facilities, conference building, and staff offices & facilities; energy centre; access parking and landscaping.
Location:	Lands at CAFRE Greenmount Campus, 45 Tirgracy Road, Antrim, BT41 4PS
Applicant:	Seamus Fay
Date Received:	8 February 2023
12 week expiry:	27 April 2023

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

RECOMMENDATION: that the report be noted.

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

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.15

P/PLAN/1 PLANNING PORTAL UPDATE

At the recent most recent meeting of the Planning Portal Governance Board, attendees were advised that a programme of fixes continues to be applied to the new Planning Portal. Progress has been made in a number of areas but work remains ongoing. It is anticipated that it will be business as normal from 1 April 2023. The Planning Section has continued to bring forward its own internal steps to rectify where feasible in house issues, working alongside provider fixes.

At the meeting, attendees were advised that an updated priority work programme would be forthcoming and that communications were to be improved in relation to how the new portal was being improved.

Officers have asked the Department for an official update for the benefit of Elected Members.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.16

P/FP/LDP/1 LOCAL DEVELOPMENT PLAN UPDATE

Departmental Publication

Correspondence has been received from the Department for Infrastructure regarding the publication of Development Plan Practice Note 11 (DPPN 11) 'Receipt of Independent Examination (IE) Report and Adoption of a Development Plan Document' (February 2023). A copy is **enclosed** for information. This practice note focuses on the key legislative requirements in relation to the consideration of the Independent Examination (IE) Report and adoption of a Development Plan Document (DPD) by a council.

The Chief Executive has recently written to Julie Harrison, Permanent Secretary (**enclosed**), requesting the Report from the Planning Appeals Commission (PAC) should be released to the Council at the same time as the Department. A response is awaited.

Planning Appeals Commission

Members will recall that the next stage of the process is for the PAC to submit their IE Report to the Department. Section 12 (1) of the Planning Act (Northern Ireland) 2011 Act states that the Department must consider the recommendations made under section 10(8) and direct a council to: (1) adopt the development plan document as originally prepared; (b) adopt the development plan document with such modifications as may be specified in the direction; or (c) withdraw the development document.

Members are reminded that the PAC previously advised in the closing notes of IE that they hoped to deliver the IE Report to the Department by the end of January 2023. On 31 January 2023 the PAC subsequently revised this date to the end of February 2023. On 28 February 2023 (**enclosed**) the PAC advised that there will be a further delay and that they are not in a position to provide a delivery date of the IE Report to the Department.

The Council's Chief Executive has now written directly to the PAC's Chief Commissioner, Ms Andrea Kells, asking for clarification on the reason for the delay and an estimation of timescales (**enclosed**).

In anticipation of this, the Council's Planning Section continues to engage with statutory partners and progress preparatory work on the next stage of the Local Development Plan, the draft Local Policies Plan.

RECOMMENDATION: that the report be noted.

Prepared by: Simon Thompson, Local Development Plan and Enforcement Manager

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.17

P/PLAN/1 NORTHERN IRELAND AUDIT OFFICE (NIAO) PLANNING FRAUD RISKS GUIDE

The Northern Ireland Audit Office published a short Guide on Planning Fraud Risks on 1 March 2023. The purpose of the Guide (enclosed) is to raise awareness across Local Government in Northern Ireland about what planning fraud might look like, the conditions that might give rise to planning fraud risks, and the controls that can be put in place to combat the risks. It is relevant for Councillors, Planning Committee Members and Officers within organisations who are involved in any way, no matter how small, in the planning process.

The Guide will also be useful for auditors reviewing planning arrangements, helping them to see the warning signs (or “red flags”) of potential fraud. Internal audit in organisations have a key role in providing assurance over the design and operation of the controls put in place by management across the planning process, therefore the Deputy Director is currently engaging with the internal audit and legal teams to ensure awareness and put the necessary training in place for staff.

RECOMMENDATION: that the report be noted.

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

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.18

P/PLAN/1 DEPARTMENT FOR INFRASTRUCTURE (Dfi) CORRESPONDENCE - CANCELLATION OF QUARTER 3 2022/23 PLANNING STATISTICS

Correspondence (**enclosed**) has been received from the Department for Infrastructure, Analysis, Statistics and Research Branch (ASRB) advising it has been necessary to withdraw the publication of Quarter 3 2022/23 Planning Statistics which were planned for publication in late March 2023. This is to allow more time to fully develop the data extracts from the new Planning Portal that provide the ASRB within the Dfi the necessary information to produce the quarterly statistics.

At present DFI ASRB plan to publish the 2022/23 Annual Planning Statistics Report in June/July 2023, at which point specific information relating to all unique quarters within the year will be available from the accompanying excel tables.

Further updates will be provided as work progresses.

RECOMMENDATION: that the report be noted.

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

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.19

P/FP/LDP/6 ENGAGEMENT WITH DEPARTMENT FOR INFRASTRUCTURE (DfI) STRATEGIC PLANNING DIVISION, PLANNING IMPROVEMENT WORKSHOP

Members are reminded that a report was presented to last month's Planning Committee regarding correspondence received from The Department for Infrastructure (DfI) and the approach to the Planning Improvement Programme (PIP). The report contained a number of recommendations including one that the Department and Councils work in partnership to review current Local Development Plan (LDP) timetables to ensure they are realistic and achievable, and to identify what support Councils need to fulfil these recommendations.

A meeting of the Local Development Plan Working Group (DPWG) took place on 23 February 2023 at the ecosHUB Centre, Ballymena hosted by Mid and East Antrim Borough Council. Attended by Senior representatives from DfI's Strategic Planning Directorate and each Council's Forward Planning team, the meeting set out the suggested joint approach to the PIP LDP work streams to include: (1) necessary reporting mechanisms, (2) a work programme, and (3) actions/owners and timelines, a copy of the DfI presentation is **enclosed**.

Officers from the Council's Forward Planning team will continue to engage with DfI Strategic Planning Division regarding the LDP PIP, and a range of actions will be presented to Members for consideration in due course.

RECOMMENDATION: that the report be noted.

Prepared by: Simon Thompson, Planning Manager, Local Development Plan and Enforcement

Agreed by: Sharon Mossman, Deputy Director of Planning

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