



14 February 2024

Committee Chair: Councillor R Foster

Committee Vice-Chair: Councillor H Cushinan

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

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

Dear Member

**MEETING OF THE PLANNING COMMITTEE**

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 19 February 2024 at 6.00 pm.**

You are requested to attend.

Yours sincerely

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

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

**PLEASE NOTE: Refreshments will be available from 5.00 pm**

**For any queries please contact Member Services:**

Tel: 028 9448 1301/ 028 9034 0107

[memberservices@antrimandnewtownabbey.gov.uk](mailto:memberservices@antrimandnewtownabbey.gov.uk)

## **AGENDA FOR PLANNING COMMITTEE – FEBRUARY 2024**

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

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

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

### **PART ONE - Decisions on Planning Applications**

#### **3.1 Planning Application: LA03/2023/0242/F**

Construction of a 46 bedroom hotel block, spa and leisure facilities, parking and landscaping at 876 and 882 Antrim Road and lands southeast of The Rabbit Hotel, Templepatrick, BT39 0AH

#### **3.2 Planning Application: LA03/2023/0254/F**

Proposed new 7No. classroom primary school and nursery unit for Gaelscoil & Naíscóil Éanna, associated site works, infrastructure (including PV panels, Waste Water Treatment Works) and landscaping, with access from Hightown Road, Glengormley at lands approximately 245m south of the existing St. Enda's Gaelic Athletic Club ('GAC') clubhouse, Hightown Road, Glengormley

#### **3.3 Planning Application: LA03/2023/0595/F**

Proposed partial redevelopment of the site to include; demolition of existing sheds and erection of 4 no. new sheds including single storey midden, machinery and hay shed, livestock holding pens and two storey office, staff facilities and store at AI Services Ltd, 671 Antrim Road, Newtownabbey, BT36 4RL

#### **3.4 Planning Application: LA03/2022/0307/F**

Change of use from existing industrial unit and extension to building for the production, cultivation and processing of medicinal cannabis plants and all associated site works at 23 Rickamore Road Upper, Templepatrick, County Antrim, BT39 0JE

#### **3.5 Planning Application: LA03/2023/0686/F**

Erection of boarding kennels and ancillary enclosed exercise area at 13 Moneyrod Road, Randalstown, BT41 3JB

3.6 Planning Application: **LA03/2023/0903/F**

Erection of storage shed to be used in association with business use approved under LA03/2022/1024/F at 40 metres north-east of No 179 Moneynick Road, Toome, BT41 3QZ

3.7 Planning Application: **LA03/2023/0636/F**

Conversion of building to create 3no. apartments and 2no. detached dwellings on lands to rear accessed off Millburn Mews at 7 Main Street, Ballyclare, BT39 9AB

3.8 Planning Application: **LA03/2023/0931/O**

Site for 1 no. infill dwelling and detached garage at Site 35m west of 14a Carmavy Road and 100m NW 19 Carmavy Road, Nutts Corner, Crumlin, BT29 4TF

3.9 Planning Application: **LA03/2023/0864/O**

Site for Dwelling and Garage at 150M East of 144a Ballymena Road, Doagh, Ballyclare, BT39 0TN

3.10 Planning Application: **LA03/2023/0894/O**

Dwelling & Garage at approx 100m North West of 20 Blackrock Road, Randalstown, BT41 3LF

3.11 Planning Application: **LA03/2023/0896/O**

Dwelling & Garage at approx 50m NE of 16 Blackrock Road, Randalstown, BT41 3LF

3.12 Planning Application: **LA03/2023/0796/O**

Dwelling at 20m South East of 2 Kingscourt, Templepatrick, BT39 0EB

3.13 Planning Application: **LA03/2023/0599/F**

Proposed 22.5m telecommunications column, with 6No. antennae, 15No. ERS & 2No. radio dishes. Proposal includes the creation of a site compound containing 1No. cabinet and associated equipment, enclosed by a 2m high palisade fence and ancillary works at approximately 25m South West of 11 Tidal Industrial Park, Antrim, BT41 3GD

3.14 Planning Application: **LA03/2023/0643/F**

Retention of increase to site curtilage and infilling of land to the rear at 25a Millbank Road, Ballyclare, BT29 0AS

3.15 Planning Application: **LA03/2023/0862/S54**

Site of dwelling and garage on a farm (Variation of Condition 5 from approval LA03/2023/0253/O to increase ridge height from 6m to 7.4m) at approx. 65m east of 82 Clonkeen Road, Randalstown

3.16 Planning Application: **LA03/2023/0839/O**

Dwelling and Detached Garage on a Farm at 45m South West of 40 Craigmore Road, Randalstown, BT41 3HD

3.17 Planning Application: **LA03/2023/0594/O**

2 Dwellings and Garages at lands approximately 30m east of No. 51 Trenchill Road, Ballyclare, BT39 9JJ

3.18 Planning Application: **LA03/2023/0629/F**

2 dwellings and garages at approx. 50m East of 1 Tildarg Brae, Ballyclare, BT39 9ZA

3.19 Planning Application: **LA03/2023/0529/O**

Dwelling at approx 75m South West of 20 Pipe Road, Antrim, BT41 2PR

3.20 Planning Application: **LA03/2023/0663/F**

Temporary Mobile Home (Retrospective) at 25m South of 47 Knockagh Road, Newtownabbey, BT36 5BW

## **PART TWO – Other Planning Matters**

3.21 Delegated Planning Decisions and Appeals January 2024

3.22 Local Development Plan Quarterly Update (Q3) October to December 2023

3.23 Local Development Plan Steering Group Minutes

3.24 DAERA Update on Performance

3.25 DfI Public Consultation – Review of The Planning (Development Management) Regulations (NI) 2015

3.26 Royal Town Planning Institute NI Annual Dinner

## **PART ONE - Decisions on Enforcement Cases - In Confidence**

3.27 Enforcement Case LA03/2020/0192/CA – In Confidence

3.28 Landscape, In-House Review of Existing Tree Preservation Orders – In Confidence

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 19 FEBRUARY 2024**

**PART ONE**

**PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>3.1</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0242/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Construction of an extension to the Rabbit hotel to include a 46 bedroom hotel block, spa and leisure facilities, parking and landscaping
<b>SITE/LOCATION</b>	876 and 882 Antrim Road and lands southeast of The Rabbit Hotel, Templepatrick, BT39 0AH
<b>APPLICANT</b>	Pig and Chicken Inn Ltd
<b>AGENT</b>	David Mounstephen (Fleming Mounstephen)
<b>LAST SITE VISIT</b>	23/01/2023
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 90340416 Email: <a href="mailto:alicia.leathem@antrimandnewtownabbey.gov.uk">alicia.leathem@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is within the settlement limit of Templepatrick as designated in the Antrim Area Plan 1984-2001 (AAP).</p> <p>The site extends to 0.36ha and is located to the rear of the Rabbit Hotel (No.882) Antrim Road, Templepatrick. The site currently comprises a detached dwelling known as No. 876 Antrim Road which is accessed via an adjacent shared laneway. The existing dwelling is a two storey detached property with its former curtilage now an area of hardstanding which appears to be used as an overflow car park for the hotel. There are a number of mature trees located along the perimeter of the site many of which are outside of the red line boundary of the application site.</p> <p>The application site is located adjacent to a lake and the detached residential properties at No's 880, 880a, 878, 878a and 878b Antrim Road which are also accessed via a private lane to the east of the site. A new housing development is under construction beyond the laneway on the eastern side.</p> <p>The Rabbit contains hotel accommodation and associated restaurant, bar, spa and rooms for hire as well as parking and servicing areas.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2023/0564/F  Location: 884 Antrim Road, Templepatrick, BT39 0AH  Proposal: Change of use and alterations to existing buildings to create 9 hotel bedrooms and new build extension to provide 8 bedrooms (17 bedrooms in total) with associated landscaping (Amendments to Planning Approval LA03/2021/0469/F &amp; Listed Building Consent LA03/2021/0473/LBC which was for 18 bedrooms in total).  Decision: Permission Granted 23.11.2023</p>	

Planning Reference: LA03/2022/0244/F

Location: The Templeton Hotel, 882 Antrim Road, Templepatrick, BT39 0AH

Proposal: Proposed change of use from existing hotel back of house areas at basement level to form a new residents' gymnasium and cinema facility

Decision: Permission Granted 25.05.2022

Planning Reference: LA03/2022/0062/F

Location: The Templeton Hotel, 882 Antrim Road, Templepatrick, BT39 0AH

Proposal: New development comprising of an open air, roofed garden structure to provide 105SQM of floor space to accommodate small wedding ceremonies.

Decision: Permission Granted 24.05.2022

Planning Reference: LA03/2021/0469/F

Location: 882a-886 Antrim Road, Templepatrick

Proposal: Change of use and alterations to existing buildings to create 12 hotel bedrooms and new build extension to provide 6 hotel bedrooms (18 bedrooms in total) with associated landscaping

Decision: Permission Granted 04.02.2022

Planning Reference: LA03/2021/0473/LBC

Location: 882-886 Antrim Road, Templepatrick, BT39 0AH

Proposal: Change of use and alterations to existing buildings to create 12 hotel bedrooms and new build extension to provide 6 hotel bedrooms (18 bedrooms in total) with associated landscaping.

Decision: Consent Granted 04.02.2022

Planning Reference: LA03/2021/0550/F

Location: The Templeton Hotel, 882 Antrim Road, Templepatrick, BT39 0AH

Proposal: New development comprising of a portal framed and clad building to provide 350sqm of floor space to accommodate residents' gymnasium and wellbeing facility.

Decision: Permission Granted 24.09.2021

Planning Reference: LA03/2021/0313/F

Location: The Templeton Hotel, 868 Antrim Road, Templepatrick

Proposal: New development comprising spa reception, spa garden with wall, pool, sauna, steam room, plant room and associated ground works. Also proposed change of use from existing hotel ancillary area to 9no. bedrooms at lower ground level. Plus alterations to existing hotel to include provision of fenestration, lightwells and juliet balconies.

Decision: Permission Granted 14.01.2022

Planning Reference: LA03/2020/0303/F

Location: The Templeton Hotel, 868 Antrim Road, Templepatrick

Proposal: New development comprising spa reception, spa garden with wall, pool, sauna, steam room, plant room and associated ground works. Also proposed change of use from existing hotel ancillary area to 9 no. bedrooms at lower ground level. Plus alterations to existing hotel to include provision of fenestration, lightwells and Juliet balconies.

Decision: Permission Granted 28.08.2020

Planning Reference: LA03/2019/0648/F

Location: The Templeton Hotel, 868 Antrim Road, Templepatrick

Proposal: Proposed external works to include extension to provide 2 new lobby entrances and improved ramped access, external raised decking structure with awnings over, external seating areas, timber garden structures and the modification and planting to the existing boundary wall to provide a sound barrier.

Decision: Permission Granted 29.08.2019

Planning Reference: LA03/2017/0809/F

Location: The Templeton Hotel, 868 Antrim Road, Templepatrick.

Proposal: Proposed new bedroom block of 18 new bedrooms built over existing car parking.

Decision: Permission Granted (18/12/2017)

Planning Reference: T/1995/0604/F

Location: No. 882 Antrim Road

Proposal: Refurbishment and extension to reception at hotel complex

Decision: Permission Granted 22.02.1996

Planning Reference: T/1995/0554/F

Location: No. 882 Antrim Road

Proposal: Conversion of attic into 4 bedrooms

Decision: Permission Granted 02.12.1995

Planning Reference: T/1994/0451/F

Location: No. 882 Antrim Road

Proposal: Change of use from multi gym to function room

Decision: Permission Granted 02.11.1994

Planning Reference: T/1993/0553/F

Location: No. 882 Antrim Road

Proposal: New bedroom block, reception and provision of new car parking

Decision: Permission Granted 23.05.1994

#### **PLANNING POLICY AND GUIDANCE**

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the



Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 – 2001: The application site is located within the settlement development limit of the village of Templepatrick. The plan 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 16: Tourism: sets out planning policy for tourism development and also for the safeguarding of tourism assets.

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** – Refusal recommended.

**NIEA Natural Environment Division** - No objections subject to conditions.

**NIEA Water Management Unit** - No objection subject to NIW issues being resolved and standard conditions.

**Department for Infrastructure Roads- Outstanding, previously** No objections to the access arrangement, however, they have advised of substandard parking.

**Department for Infrastructure Rivers** - No objections subject to conditions.

**HED (Historic Buildings)** - No objections.

**HED (Historic Monuments)** - No objection subject to conditions.

**Belfast International Airport** – No objections, subject to conditions.

**Shared Environmental Services – No objections subject to a condition.**

#### **REPRESENTATION**

Eight (8) neighbouring properties were notified and fourteen (14) letters of objection have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal

<https://planningregister.planningsystemni.gov.uk>.

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

- Over development of the site;
- Increased traffic in the area;
- Insufficient parking;
- Impact on amenity through overlooking, loss of privacy, dominance;
- Impact on amenity by way of noise from the existing hotel and spa;
- Impact on health from noise;
- Lack of need for additional hotel rooms in the area;
- Light pollution from lighting within the car park;
- Unauthorised extensions to the existing curtilage;
- Timing of noise surveys Mon-Thur and not at the weekend;
- Health and safety concerns from machinery moving up the lane;
- Impact on character of the residential area;
- Traffic pollution will have health impacts for residents;
- Impact on wildlife;
- Impact on trees;
- Concerns with local infrastructures ability to deal with waste water and flood risk.

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

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

- Legislative Framework
- Policy Context and Principle of Development
- Design, Layout and Character and Appearance of the Area
- Neighbour Amenity
- Parking and Road Safety
- Flood Risk
- Historic Environment
- Natural Heritage
- Other Matters

##### **Legislative Framework**

###### 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 the Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. SES advise, having considered the nature, scale, timing, duration and location of the project, it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on the site integrity of any European site.

### Environmental Impact Assessment

The development falls within Category 12 (C) The carrying out of development to provide for holiday villages & hotel complexes outside urban areas & associated developments and Category 13a of Schedule 2 of the Environmental Impact Assessment Regulations (Northern Ireland) 2017. The Council is therefore 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.

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

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

The Antrim Area Plan 1984-2001 (AAP) operates as the local development plan for the development proposal. The application site is located within the settlement limit of Templepatrick. The AAP provides an overarching strategy for the Borough however, it does not provide specific operational policy in terms of the assessment of an application of this nature. The AAP merely states that there is potential for future development of tourism in the former Antrim Borough Council area with Castle Upton stated to be a feature of tourist interest in the district. Paragraph 6.6 of the AAP states that it aims to, encourage the development of tourist facilities in the area while conserving and enhancing the quality of the natural landscape and protecting wildlife habitats and facilitate an increase in accommodation available in the district provided it is compatible in terms of location, type and scale.

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 guiding principle of the SPPS, set out at Paragraph 3.8, 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 application site is located within the settlement limit of Templepatrick on lands adjoining the existing Rabbit Hotel. Consequently, Planning Policy Statement 16: Tourism (PPS 16), which is identified by the SPPS as a retained policy document, provides the regional policy context. The applicable policies within PPS 16 are Policies TSM 1 - Tourism Development in Settlements and TSM 7 – Criteria for Tourism Development. Policy TSM 1 states that planning approval will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan. Letters of objection raised concerns in relation to the level of need for additional bedrooms given the number

of hotels located in the local area, and a hotel being out of character with the residential area. Policies TSM 1 and TSM 7 do not require a case of need to be provided, while Policy TSM 7 does require that any proposal is compatible with the surrounding land uses. In this case a hotel currently operates on adjoining land to the application site and this proposal is an extension to that facility, therefore a new tourism land use is not being introduced into the area.

Having regard to the existing site context it is considered that the expansion of the Rabbit Hotel to create an additional 46 bedrooms and additional spa facilities taken in the round is supported by the planning policies contained within AAP, SPPS and PPS 16 subject to detailed consideration of all other environmental and policy considerations.

### **Design, Layout and Character and Appearance of the Area**

Policy TSM 1 of PPS16 requires that any proposal respects the site context in terms of layout, design and scale. Furthermore, Policy TSM 7 of PPS 16 outlines additional criteria that all tourism related development must accord with and states that the proposal must not detract from the landscape quality and character of the surrounding area. The site layout, building design and its associated infrastructure and landscaping arrangements must be of a high quality and assist the promotion of sustainability and biodiversity.

The proposal seeks permission for an extension to the existing Rabbit Hotel to provide a 46 bedroom hotel block, spa and leisure facilities, parking and landscaping. It should be noted that the proposal was amended during the processing of the application which resulted in the reduction of the number of proposed bedrooms from fifty (50) to forty-six (46). The proposal extends from the existing hotel facilities in a north-easterly direction and requires the demolition of an existing detached property known as No. 876 Antrim Road. The topography of the land falls gently from the northeast to the south of the site towards the lake, with the adjacent lake sitting at a much lower level.

The proposed building consists of three interlinked sections, the section closest to the existing hotel is two storey with an overall height of 7.5 metres and accommodates a spa area containing a sauna and five (5) treatment rooms on the ground floor with a guest cinema on the first floor. Extending from this is a three-storey section with a ridge height of 8.9 metres that accommodates a stairwell and lift shaft, leading to the remainder of the building which has an overall ridge height of 10.1 metres and accommodates forty-six (46) bedrooms, the south-eastern section steps down to two storey. Ten (10) of the bedrooms are on the ground floor with nineteen (19) on the second floor and the remaining seventeen (17) accommodated on the third floor. The bedrooms on the ground floor have patio doors which access out onto a terrace, the bedrooms on the first floor again have patio doors accessing onto a balcony area while the bedrooms on the first floor have Juliet balconies.

On the ground floor, the applicant proposes an area of car parking with fifteen (15) spaces built into the building which results in an overhang of the second and third floors over this section of the carpark. Due to the design of the building the car park is accessed through an archway in the south-western elevation of the building which has a wall extending outwards resulting in an enclosed courtyard for parking. With regard to materials, the building is to be finished with a red facing brick, grey PPC aluminium windows, doors, coping and rainwater goods. The overall design and

appearance includes decorative details of stone coping along the ridgeline, and canopies above the glazing on each of the second floor bedrooms. The proposed materials are considered acceptable and reflective of the existing hotel.

The proposal includes a landscaped green area between the lakeside and the south-western elevation of the proposed extension, which includes an outdoor pool and seating area with a steam room. Further landscaped areas are located adjacent to a section of the car park and the existing laneway serving No's 880, 880a, 880b and 878 Antrim Road. Concerns were raised in relation to the level of tree loss as a result of the proposal, a tree retention and removal plan (Drawing 07/1) indicates a number of trees to be removed most notably around the lakeside. A proposed planting plan (Drawing 08/1) indicates additional supplementary planting around the lakeside and around the periphery of the site, with the inclusion of heavy standard trees. It is considered that the proposed landscaping plan is reflective of the level of vegetation that currently exists on site.

Concerns have been raised with regard to the impact on the character and appearance of the area and the overdevelopment of the site with objectors referring to the area surrounding the existing hotel development being largely residential. The proposed extension is set back from the Antrim Road to the rear and northeast of the main hotel building. The flat roof nature of the proposal further reduces the visual impact and ensures that the height and scale of the building is comparable to that of the existing hotel. In addition, it is accepted that there will be some change to the area through the loss of a single dwelling however, it is considered that it is not necessary to replicate the existing hotel in order for the proposed extension to respect the character of the area. It is considered that the introduction of the proposed bedroom block and the associated spa and leisure facilities would not represent a dominant feature that is unresponsive to its context nor is it considered to be an overdevelopment of the site with adequate provision made for open spaces and circulation spaces contained within the site.

Overall it is considered that the proposed design and layout in terms of general arrangement, form, materials and detailing is acceptable and it will respect the surrounding context and is appropriate to the character and topography of the site in terms of scale, massing, appearance of buildings, landscaped and hard surfaced areas.

### **Neighbour Amenity**

Criterion (h) of Policy TSM 7 requires that any tourism proposal does not harm the amenities of nearby residents. A cross section (Drawing 06/1) was submitted with the application that provides an understanding of the relationship between the adjoining properties and the proposal. Objections were raised from a neighbouring property (No. 878b) in relation to the impact on amenity through overlooking, loss of privacy, dominance and outlook. The existing property (No. 678b) is located to the eastern elevation (gable) of the proposed extension block and is separated by an existing laneway. This section of the proposed extension block has a stepped down design with the higher section measuring 10.1 metres whilst the lower section has a ridge height of 5.8 metres above ground level. The lower section of the proposed extension is positioned closest to the neighbouring property with a separation distance of 18.2 metres which should assist in mitigating any significant impacts. In addition, the three storey element of the proposed hotel extension is set 23 metres back from the

neighbouring dwelling. It is considered that the stepped down nature of this section of the proposal, together with the separation distance ensures that the proposal will not result in a dominant or overbearing impact on No 678b.

There are two pedestrian accesses on the ground floor of the gable elevation with two windows, one on the first floor and one on the second floor, both serving hallways. Although not habitable rooms, given the nature of the proposal it is envisaged that they will be subject to a high level of activity, therefore it is considered appropriate that should planning permission be forthcoming that the aforementioned windows should be conditioned to be opaque and non-opening. Amended plans saw the removal of an external staircase from this elevation and the introduction of a stepped down approach to the height of the building, this results in a more attractive gable elevation and an improved outlook for No. 678b. It is acknowledged that this common boundary is defined by mature planting, the tree retention and removal plan (Drawing 07/1) indicates the removal of one tree from this boundary and works to a grouping of trees within the south-eastern corner of the site. However, the proposed planting indicates the supplementary planting of a hedgerow and four (4) heavy standard trees.

Residential properties are currently under construction to the northeast of the site, opposite an existing laneway. Drawing No. 01/2 provides the footprint of the approved dwellings with the closest properties gable elevations looking onto the car park area and the northern elevation of the hotel block. The ridge height of the proposed bedroom block sits 0.8 metres higher than the ridge height of the approved properties. A separation distance ranging between 36 – 44 metres exists from the gable wall of the dwellings under construction and the elevation of the first floor bedrooms. It is considered that the relationship between the properties reduces any significant impact of dominance or overlooking that may be perceived from the future occupants of those properties.

In terms of potential overlooking on adjacent properties No.'s 878, 880, 880a & 878a, it is considered that the angle and orientation of the proposed bedroom block is such that it prevents any overlooking of these properties. It is also considered that these properties are a sufficient distance (30m+) to the proposed bedroom block to ensure that there is no significant impact on their amenity by way of loss of light or dominance.

#### Noise and General Disturbance

Third parties concerns include noise complaints emanating from current operations at the existing hotel and spa premises and the potential for further noise impacts from the proposed extension. Concerns in relation to existing noise levels are out-with the scope of this planning application. However, in relation to the proposal, the applicant initially submitted a Noise Impact Assessment (NIA) (Doc 06) to take into account the impact that the proposed development will have on nearby residential dwellings. Consultation was carried out with the Council's Environmental Health Section (EHS) who raised no objections subject to recommended conditions.

Third parties raised concerns with details within the NIA, subsequently a further NIA (Document 06A) was submitted and further consultation was carried out with EHS. Having reviewed the report prepared by Lester Acoustics on behalf of an objector, and the updated assessment submitted by the applicant prepared by Irwin Carr

Consulting, EHS are satisfied that amenity at nearby noise sensitive receptors can be suitably protected subject to recommended noise control conditions.

Additional concerns have been raised with regard to light pollution from lighting within the car park area to the rear of the application site. It is also noted that the EHS has indicated no concerns with regard to lighting from the proposed development.

### **Parking and Road Safety**

Planning Policy Statement 3 Access, Movement and Parking PPS 3 seeks to ensure that prejudice to road safety does not occur as a result of development. Policy AMP 2 of PPS 3 requires that any proposal will not prejudice road safety or significantly inconvenience the flow of traffic. Additionally, Policy TSM 7 of PPS 16 requires appropriate access arrangements and the need for the existing road network to safely handle any extra vehicular traffic the proposal will generate.

A number of objections have been received with regard to the increased traffic in the area and associated impact on road safety and insufficient car parking. The application site has two existing accesses onto the A6 Antrim Road. The eastern access to the site serves guests of the hotel while the western access accommodates staff and delivery vehicles to the site. An updated Transport Assessment Form (Doc 03/1) has been prepared by the applicant which evaluates the potential traffic and transport matters associated with this scheme. The TAF indicates that the proposal together with the previous planning approvals has the potential to generate c.1250 vehicle trips per day. While peak hour trips at the site will increase, the existing main and staff/service access currently provides a right turn pocket to allow vehicles to queue while allowing free flowing traffic along the Antrim Road to continue. Therefore, the transport consultant considers that the existing road infrastructure in the vicinity of the site can accommodate the traffic movements associated with the development proposals and that the vehicle movements associated with the proposed development are not anticipated to cause any noticeable impact on the surrounding area. DfI Roads has been consulted and advises that it has no objections to the proposal with regard to access and egress to the application site and the adjacent hotel development nor has any concerns been raised with regard to road safety.

Policy AMP 7 of PPS 3 deals with car parking and stipulates that a reduced level of parking provision may be acceptable in a number of circumstances including a package of measures to promote alternative transport modes demonstrated through a Transport Assessment where, shared car parking is a viable option; or where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking.

Notwithstanding the fact that DfI Roads did not raise any concerns in relation to the access arrangement or road safety, DfI Roads highlighted that the proposed parking provision is substandard. The Car Parking Assessment (Document 04/1) indicates that the parking provisions is focused on the parking requirements for the additional 46 bedrooms under the current proposal with the car parking requirements for the approved and constructed elements of the site having been addressed through any previous grant of planning permission.

The existing guest car park provides 95 marked parking spaces with an additional existing staff/service car park providing 25 parking spaces. The initial Parking Survey (Doc 04) indicates that the site is required to provide 376 non-operational parking spaces to fully comply with parking standards for the entirety of the existing complex and the proposed extension. However, it must be noted that parking standards apply a recommended parking provision for the individual elements of the hotel complex (bedrooms, bar, restaurant, function room) with no allowance for visitors utilising a range of the existing facilities.

The current proposal provides 136 visitor car parking spaces for the existing complex and the proposed extension, thereby providing an additional 41 spaces. The applicant indicates that the proposal provides an additional 43 spaces, however two spaces from the existing car park were removed to accommodate the proposed extension, as such it is considered that the proposal actually provides an additional 41 spaces. Staff parking will remain as existing. In relation to the proposal to provide an additional 46 bedrooms, parking standards requires one space per bedroom therefore in this case there is a shortfall of 5 parking spaces. Additionally, it is noteworthy that thirty of the proposed parking spaces are double spaces to allow for valet parking which is not an unusual facility for a hotel.

To understand the existing car parking demand at the site Kevin McShane Ltd undertook a number of car parking surveys which recorded the total number of vehicles arriving to and departing from the site each half hour and the overall car park utilisation. Two of the surveys were carried out during typical days of operation (Wednesday 1st February 2023 and Thursday 2nd February 2023 between 05:00am and 21:00pm). On the Wednesday, the maximum number of occupied spaces was 36 recorded between 13:30 – 14:00, while on average 18 spaces were occupied throughout the day resulting in utilisation of 19% and the average number of available parking spaces being 77. On the Thursday, the maximum number of occupied spaces was 59 recorded between 18:30-19:00 and on average 31 spaces were occupied throughout the day resulting in a utilisation of 33% with the average number of available parking spaces being 64.

Letters of objection raised concerns in relation to the timing of the surveys not being conducted during peak times. An amended Car Parking Assessment (Document 04/1) was submitted to reflect the amended scheme (46 rooms) which also included details of a further survey which was carried out when a wedding event was being held thereby being during 'peak operation' on Tuesday 5<sup>th</sup> December 2023. The survey again was carried out between 05:00am and 21:00pm and found that the maximum number of occupied spaces was 88 (93%) recorded between 13:00 – 13:30, while on average 50 spaces were occupied throughout the day resulting in a utilisation of 52% with the average number of available parking spaces being 45.

Based on the information provided it can be concluded that the existing guest car park provision (95 spaces) at the site is currently underutilised and there is reserve capacity within the existing car park while during peak times of operation, the car park operated at 93% utilisation. The transport consultant indicates that the redevelopment proposals are an extension to the existing site use and it is anticipated that parking demand associated with the redeveloped site will be in line with existing behaviour.



In order to provide an indication of the car parking demand associated with the extended redeveloped site, the applicant has consulted the TRICS database. This involves analysing the recorded number of vehicles parked at a similar facility elsewhere in the UK and ROI. A car parking accumulator was developed using the arrival and departure profile and vehicle trips extracted from the TRICS database to assess the level of parking demand at the site. The accumulator has shown that the increase in vehicle trips can be accommodated within the proposed parking provision (136 spaces). Therefore, the transport consultant considers that the parking requirements associated with the development site are overly onerous and that the development proposals will provide sufficient parking supply to accommodate the proposed parking demand. It is acknowledged that the parking surveys extracted from the TRICS database for comparable developments used limited parameters of a Wednesday and a Thursday rather than the entire week or a weekend.

With regard to measures to mitigate impacts/influence travel to the site the transport consultant indicates that pedestrian infrastructure in the surrounding area is excellent and incorporates dropped kerbs, tactile paving and street lighting consistently along Antrim Road, B95 and other surrounding streets. The proposed site benefits from 4 bus-stops located within a 400m walking distance of the site, in-line with the 400m walking catchment available to bus stops as recommended by 'Transport Assessment: Guidelines for Development Proposals in Northern Ireland'. The Templepatrick Park & Ride is located under c.250m Northeast from the hotel, from there public transport users can avail of the bus services. The site is also within the Templepatrick urban area, which allows local patrons to visit the facility without the use of vehicular transport.

It is accepted that the parking provision for the wider hotel complex is less than the standards would suggest, however, in reaching a decision the actual parking demand has to be taken into account which appears to show that the level of parking is sufficient to serve the existing facility. It is a determining factor that the applicant is only required to provide sufficient parking for the proposed development and they are not required to address any existing deficiencies in parking (if they exist). In this case the level of parking which the applicant is required to provide is 46 spaces and they have provided an additional 41 spaces or 89% of the parking standard. The evidence of the applicants parking surveys and the TRICS database, although limited, would tend to indicate that the parking demand would fall below the published Parking Standards of 1 space per bedroom and therefore the shortfall in parking provision could be accommodated within the larger complex and there should not be a detrimental impact to the surrounding neighbourhood.

Overall, it is considered that the proposed access and internal road network are safe and adequate and appropriate provision is made for parking within the development.

### **Flood Risk**

PPS15 seeks to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere, in addition, Policy TSM 7 of PPS 16 requires the utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way. Letters of objection raised concerns in relation to flood risk from the proposal and the issue of flooding within the wider Templepatrick area and the cumulative impacts.

The applicant has provided a Drainage Assessment (DA) (Document 05) in support of their application.

Policy FLD 1 of PPS 15 states that development will not be permitted within the 1 in 100 year fluvial floodplain (AEP of 1%) or the 1 in 200 year coastal floodplain (AEP of 0.5%), unless the applicant can demonstrate that the proposal constitutes an exception to the policy. The submitted DA indicates that the proposed built development does not lie within the present day or climate change 1 in 100 fluvial floodplain. DfI River's Flood Maps (NI) do not indicate any designated watercourses within the site boundary and DfI Rivers advise that Policy FLD 2 'Protection of Flood Defence and Drainage Infrastructure' is not applicable to this site.

Policy FLD 3 deals with development and surface water (Pluvial) flood risk outside of floodplains. The proposed surface water drainage carried out as part of DA indicates that surface water run-off from the proposed site can be safely attenuated within this site and discharged at a controlled rate of 3.5 l/s to the existing pond in accordance with the DfI Rivers Schedule 6 consent located to the south of the site. The Drainage Assessment (Doc 05) indicates that exceedance flood flows have also been considered within the proposed design and have been attenuated within the site boundary with no risk to proposed or adjacent properties.

DfI Rivers advise that while not being responsible for the preparation of the DA, they accept its logic and have no reason to disagree with its conclusions. DfI Rivers go on to expand that the DA provides a detailed drainage design that demonstrates that the issue of out of sewer flooding will be managed by attenuating the 1 in 100 year event within the proposed drainage network and safely disposed of at limited rate. It has been shown that the exceedance from the system during a 1 in 100 year storm event will remain within the boundary of the site.

Overall it is considered that there is no significant flood risk associated with this development with DfI Rivers raising no objections to the proposal.

### **Historic Environment**

Policy BH 11 of PPS 6 deals with development affecting the setting of a listed building whilst Policy BH 4 of PPS 6 addresses archaeological mitigation' with the SPPS supporting these policy requirements. Additionally, Policy TSM 7 of PPS 16 requires that any proposal does not adversely affect features of the built heritage.

### Archaeology

The village of Templepatrick (ANT 051:070) potentially dates from the 14th century and contains a medieval church and burial ground (ANT 051:071), the exact location of which is unknown. This church is traditionally associated with the Knights Templar. A holy well also appears to have been located near this church site. The recorded archaeological sites and monuments nearby are indicators of a high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site. Historic Environment Division (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. It is therefore considered that there

are no archaeological concerns with this proposal subject to the stated conditions below.

#### Built Heritage

HED Historic Buildings advises that the proposed development impacts upon No.884 to No.892 Antrim Road which are buildings of special architectural and historic interest (HB20/12/024 A to E, Grade B2). HED Historic Buildings advises that the listed assets are sufficiently screened by intermediary buildings, and sufficiently removed, to remain unaffected by development at this location. Having regard to HED Historic Buildings comments, it is considered that the proposal is acceptable in relation to the impact on the setting of the nearby listed buildings given that the proposal is sufficiently far removed from any nearby historic buildings.

#### **Natural Heritage**

PPS 2 sets out the Executive's commitment to sustainable development, conserving, and where possible, enhancing and restoring natural heritage. Policy NH5 states that proposals which are likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. Third party concerns have been raised with regard to the potential impact on trees and wildlife as a result of this development.

The applicant has submitted a Preliminary Ecological Appraisal (PEA) (Document 02) and Bat Survey (Document 08) in support of their application. The PEA concludes that there will be no significant impact on protected species or their habitats subject to a condition requiring that there shall be no demolition works carried out on the building with known bat roost prior to the granting of a Wildlife Licence in order to minimise the impact of the proposal on 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.

Consultation was carried out with DAERA Natural Environment Division (NED) who has considered the impacts of the proposal on protected species and their habitats most notably bats along with other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions. NED notes that a bat roost has been identified within the site. In this instance NED agrees that the mitigation measures recommended with Document 08 should be implemented. These measures include the provision of bat boxes, a sensitive lighting plan and retention of trees and hedgerows along the boundaries of the site. NED is content that the destruction of this roost is unlikely to have a significant impact on the local bat population, provided the recommended mitigation and compensation measures detailed are implemented. NED would highlight that a Wildlife Licence must be obtained prior to any works on this building to allow for the lawful destruction of the bat roost. If planning permission is forthcoming, NED recommend conditions should be included to ensure that there is no significant adverse impact on bats.

As indicated above a level of vegetation clearance is indicated as shown on the tree retention plan (Drawing 07/1). The vegetation on the site may support breeding birds which are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), known as the Wildlife Order. NED thus advises that any removal of buildings/structures and vegetation on site should be undertaken outside the bird breeding season which

occurs from 1st March to 31st August, or checked by a suitably qualified ecologist with protective measures undertaken if any active nest is found. NED notes that an area of mixed woodland is found outside the application site boundary, NED is content that this area is unlikely to be impacted by the development and advises that this area should be protected during the construction phase of the proposed development.

#### Designated Sites

The application site is hydrologically linked to Lough Neagh and Lough Beg SPA Lough Neagh and Lough Beg Ramsar Site via the adjacent lake adjoining the site. Shared Environmental Services (SES) has been consulted with regard to the impact on Designated Sites. SES have considered the impacts of the proposal and are content that there will be no likely significant impact on any designated site subject to conditions. As indicated above the Council has accepted the Habitats Regulation Assessment as carried out by SES. NED is content that there will be no likely significant impact from the proposed development on the Designated Sites.

Overall, it is therefore considered that the development proposal will have no detrimental impact on natural heritage interests subject to recommended conditions.

#### **Other Matters**

##### NI Water Infrastructure

Concerns were raised by third parties in relation to the impact on waste water infrastructure. NI Water (NIW) was consulted on the proposal and has responded recommending a refusal, indicating that the receiving foul sewer network in the area has reached capacity. NIW expand that the Antrim catchment is constrained by 2 downstream Unsatisfactory Intermittent Discharges (UIDs) at Templepatrick 2 Wastewater Pumping Station (which discharges to Six Mile Water) and Umyr Lodge Combined Sewer Overflow (which discharges to Holywell Burn). NIW go on to advise that they are currently progressing a Wastewater Impact Assessment (WWIA) application for the proposal and subject to a successful outcome regarding a solution to mitigate the highlighted downstream capacity constraints issues, NIW may reconsider its recommendation. However, the issue of a connection to the public sewer is a matter controlled by separate legislation, namely, Article 161 of the Water (Northern Ireland) Order 1999.

The role of the planning system is not to duplicate the regulatory controls of other statutory bodies and matters which lie outside the control of planning should not form part of the decision making process unless it is demonstrated that the development would result in adverse impacts on the environment. In this case the adverse impacts would arise from the development causing capacity issues to Waste Water Treatment Works resulting in an overloading of the system. NIW can make an assessment of whether the sewage infrastructure has sufficient capacity to cope with the development and then decide to grant or refuse consent to connect to the sewer. Provided that no development could commence until such times as the necessary Article 161 agreement was obtained then no adverse impacts would arise. This is a matter which could be negatively conditioned should planning permission be forthcoming and therefore a reason for refusal on this issue could not be sustained.

### Aviation Safety

Belfast International Airport has advised that the proposed development has been examined from an aerodrome safeguarding aspect and has no safeguarding objection to the proposal subject to informatives.

### Third Party Concerns

Concerns have been raised with regard to the unauthorised expansion of the curtilage to create an overflow car park. This is a separate matter and outside of the remit of this application to consider. Other concerns have also been raised regarding health impacts for nearby residents as a result of increased traffic. The applicant has indicated within their Transport Assessment Form (Document 03/1) that the increase in traffic on the road network is manageable and it is anticipated that there will be no material impact on noise generation and air quality. No evidence has been provided to demonstrate how human health could be impacted upon by this development. In addition the Council's EHS has indicated no significant concerns with regards to amenity impacts nor did they consider it necessary to request an Air Quality Assessment in this instance. As such it is considered that there is unlikely to be any significant health impacts as a result of this development. Other concerns relate to health and safety of construction machinery utilising the adjacent shared laneway. During construction works, the onus is on the developer to ensure adherence to all relevant Health and Safety at Work legislation.

### Economic Impacts

The applicant has indicated that the proposed development is an investment of approximately £8M which is part of a wider £7M+ investment (which itself is further to the £2.5M investment made by the owners in the purchase of the hotel). The spa has been developed, bar and restaurant facilities have been refurbished, banqueting and conference facilities improved and bedrooms upgraded. The investment will bring significant benefits to the local area (whether that be the residents of Templepatrick, the wider Borough or Northern Ireland) and out of country visitors.

The applicant further states that the proposed development will deliver a range of significant economic benefits, including:

- increased visitor numbers, expected to be some 30,000 additional visitor stays per annum and increased visitor spend;
- increased employment through new full and part time posts – with this development likely to result in some 30 new positions;
- support for construction jobs during the construction contract;
- increased business for local suppliers to The Rabbit; and
- on-going rates income to the local authority to support the delivery of public services.

## **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 significant parking, road, or personal safety concerns with this proposal
- There is no significant flood risk associated with this development.
- There are no archaeological, natural or built heritage concerns with the proposal.

- There are significant economic benefits associated with this proposal.

<b>RECOMMENDATION :</b>	<b>GRANT PLANNING PERMISSION</b>
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<b>PROPOSED CONDITIONS</b>
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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 sauna, steam room, outdoor pool and seating area as marked on Drawing Number 02/2 date received 21<sup>st</sup> December 2023 shall not be operational and guest access shall be prohibited to these areas, between the hours of 23:00 and 07:00 hours.

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

3. The cumulative noise impact from the approved development shall not exceed a noise rating level of;

- 40dB LAr, 1hr between the hours of 07:00 and 23:00, and
- 38dB LAr, 15mins between the hours of 23:00 and 07:00

when measured in line with BS4142: 2014 + A1:2019 at any nearby noise sensitive receptor, inclusive of any character corrections.

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

4. Within 4 weeks of a written request by the Council, following a noise complaint from the occupant of a nearby dwelling which lawfully exists or has planning permission at the date of this consent, the applicant/operator of the approved development shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise emissions from the development to determine compliance with Condition 3 above. Details of the noise monitoring survey shall be submitted to the Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: To control the noise levels from the development at noise sensitive locations.

5. The applicant/operator of the development shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Condition 4, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 2 months of the date of the written request of the Council unless otherwise extended in writing by the Council.

Reason: To control the noise levels from the development at noise sensitive locations.

6. If the results of the noise survey required by Condition 4, exceed the noise rating levels detailed in Condition 3, the approved development shall cease to operate until a programme of works to achieve these levels has been submitted to and approved in writing by the Council and implemented. A further noise survey shall be undertaken by an independent acoustic consultant within 4 weeks thereafter, and a report of such submitted to and agreed with the Council to demonstrate compliance with Condition 3.

Reason: To control the noise levels from the development at noise sensitive locations.

7. Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) should be submitted to the Council, at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

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

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

9. 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.

10. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 9.

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

11. 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 9. These measures shall be implemented and a final archaeological report shall be submitted to by the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with by 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.

12. There shall be no demolition works carried out on the building with known bat roost prior to the granting of a Wildlife Licence.

Reason: To ensure that there is not an adverse impact on bats.

13. Prior to the development hereby approved becoming operational the proposed mitigation and compensation and site enhancement measures detailed in the Bat Roost Emergence Survey (Doc 08) date stamped 5<sup>th</sup> July 2023 shall be implemented in full and retained thereafter.

Reason: To ensure that there is not an adverse impact on bats.

14. Prior to works commencing on site, all existing trees shown as being retained on Drawing No. 07/1 date stamped 18<sup>th</sup> January 2024, shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

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

Reason: To protect the biodiversity value of the site, including protected species, to help protect the visual amenity of the area and to restrict overlooking into neighbouring properties.

15. The existing natural screenings of the site, including the hedgerow marked in orange as indicated on Drawing No. 07/1 date stamped 18<sup>th</sup> January 2024, shall be retained at a minimum height 3 metres for hedgerow and 6 metres for trees and shall be allowed to grow on unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council prior to their removal.



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

16. The proposed landscaping indicated on Drawing No. 08/1 date stamped 18<sup>th</sup> January 2024 shall be carried out within the first planting season following the completion of the development hereby approved and shall be retained thereafter at a minimum height of 2 metres for hedging and 6 metres for trees unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

17. 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 01/2 date published 21<sup>st</sup> December 2023 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.



## Site Location Plan

Reference: LA03/2023/0242/F

Location: 876 and 882 Antrim Road and lands southeast of The Rabbit Hotel, Templepatrick, BT39 0AH.

Proposal: Construction of a 46 bedroom hotel block, spa and leisure facilities, parking and landscaping.



Site Location



<b>COMMITTEE ITEM</b>	<b>3.2</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0254/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed new 7No. classroom primary school and nursery unit for Gaelscoil & Naíscoil Éanna, associated site works, infrastructure (including PV panels, Waste Water Treatment Works) and landscaping, with access from Hightown Road, Glengormley
<b>SITE/LOCATION</b>	Lands approximately 245m south of the existing St. Enda's Gaelic Athletic Club ('GAC') clubhouse, Hightown Road, Glengormley
<b>APPLICANT</b>	Maighréad Ní Chonghaile - Principal
<b>AGENT</b>	Tetra Tech
<b>LAST SITE VISIT</b>	19/12/2023
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 9034 0416 Email: <a href="mailto:alicia.leathem@antrimandnewtownabbey.gov.uk">alicia.leathem@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a>.</b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the countryside, outside of any development limit as defined by the Belfast Urban Area Plan (BUAP) and draft Belfast Metropolitan Area Plan (dBMAP). The application site is zoned within dBMAP as Belfast Basalt Escarpment Area of High Scenic Value (Policy COU 6/04) and the site lies within Cavehill/Collinward Site of Local Nature Conservation Importance (SLNCI) as defined within dBMAP.</p> <p>The application site is located on lands approximately south of the existing St. Enda's GAC clubhouse, Hightown Road, Glengormley and extends to over 3 hectares, comprised of existing agricultural fields. The site is bounded to the west and south by open countryside. The western boundary is defined by an existing pedestrian path and field boundary, with vegetation/hedging beyond. The southern boundary is defined by an existing field boundary comprising sparse hedging and vegetation, interspersed with existing trees, the eastern boundary is defined by existing vegetation and trees whilst the northern boundary is undefined.</p> <p>The existing vehicular access laneway from the Hightown Road is also within the site boundary. It provides access to the existing Gaelscoil &amp; Naíscoil Éanna, St Enda's GAC, Croi Éanna, and the open countryside towards Belfast Hills.</p> <p>In the wider context of the site, there is existing residential development located to the north off the Hightown Road. Edmund Rice College is located to the northeast of the site and is also accessed off the Hightown Road.</p>	

## RELEVANT PLANNING HISTORY

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: LA03/2022/0042/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 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

Decision: Permission Granted (24/03/2023).

Planning Reference: LA03/2021/1104/F

Location: Naomh Eanna GAC, Hightown Road, Glengormley, Co. Antrim, BT36 7AU

Proposal: Erection of spectators stand, (with 250 seats, 2 wheelchair spaces with associated access facilities).

Decision: Permission Granted (12/04/2023).

Planning Reference: LA03/2021/0706/F

Location: Naomh Eanna GAC, Hightown Road, Glengormley, Co. Antrim, BT36 7AU

Proposal: Construction of a pitch complete with long ballstop fencing 15m high and 2.4m weldmesh perimeter fence.

Decision: Permission Granted (13/09/2023).

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: LA03/2020/0437/F

Location: Land situated 145m south-west of Edmund Rice College  
Newtownabbey.

Proposal: Erection of 4no dwellings (change of house type on site nos 341-344 of previous approval U/2008/0155/RM) including landscaping, hardstandings, access and all other associated site works

Decision: Permission Granted (28/08/2020)

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: LA03/2018/0503/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: LA03/2017/0013/F

Location: Lands adjacent to St. Endas GAC, Hightown Road, Newtownabbey, BT36 7AU

Proposal: Retention of temporary mobile classroom.

Decision: Permission Granted 09/02/2017

Planning Reference: LA03/2015/0388/F

Location: Lands approximately 215m south east of 108 Hightown Road, Newtownabbey, BT36 7AU

Proposal: Proposed single 250kW wind turbine (hub height up to 40m and rotor diameter up to 29m).

Decision: Permission Granted (24/11/2015)

Planning Reference: U/2014/0292/F

Location: Lands 575m South East of 108 Hightown Road, Newtownabbey

Proposal: Erection of single wind turbine - 30.4m hub height with 14.55m blades, associated access and 2no electricity cabinets

Decision: Permission Granted (24/07/2015)

Planning Reference: U/2013/0171/F

Location: 485Mts South of 108 Hightown Road, Ballybought, Newtownabbey

Proposal: Proposed installation of a wind turbine on a tubular tower with blade tip height up to 67.0m with associated switch room.

Decision: Allowed at Appeal (27/05/2023)

Planning Reference: U/2012/0270/F

Location: Gaelscoil Eanna, Hightown Road, Glengormley, BT36 7AU

Proposal: Proposed modular build server extension to existing school building

Decision: Permission Granted 14/11/2013

Planning Reference: U/2012/0214/F

Location: Hightown Road, Ballybought, Glengormley, Newtownabbey

Proposal: New sports hall, changing facilities, viewing areas and link to existing sports pitch. New vehicular and pedestrian access, car and cycle parking

Decision: Permission Granted (20/12/2012)

Planning Reference: U/2012/0185/F

Location: Lands adjacent to St Endas GAC Hightown Road, Glengormley, BT36 7AX

Proposal: Proposed temporary reconditioned modular naiscoil mobile classrooms, ancillary and associated site works.

Decision: Permission Granted (01/11/2012)

Planning Reference: U/2010/0187/F

Location: Lands adjacent to St. Enda's G.A.C, Hightown Road, Belfast, BT36 7AX

Proposal: Proposed new build school to replace existing temporary units.

Decision: Permission Granted (14/12/2023)

Planning Reference: U/2010/0165/F

Location: Land adjacent to St Endas GAC, Hightown Road, Belfast, BT36 7A

Proposal: Erection of temporary single storey double mobile classroom unit with associated site works.

Decision: Permission Granted 27/08/2020.

Planning Reference: U/2008/0155/RM

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

Proposal: 348 dwellings - Site for residential development comprising of 348 dwellings including landscaping, parking and access.

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 located outside of the settlement limit and is within the countryside. The Plan offers no specific guidance on this proposal.

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located outside of the settlement limit of Metropolitan Newtownabbey and is within the countryside. The site is zoned as Belfast Basalt Escarpment Area of High Scenic Value (Policy COU 6/04) and the site lies within Cavehill/Collinward Site of Local Nature Conservation Importance (SLNCI).

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

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

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

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

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

## **CONSULTATION**

**Council Environmental Health Section** - No objection subject to a condition.

**Northern Ireland Water** - No objection.

**Belfast International Airport** - No objection.

**Defence Infrastructure Organisation: Safeguarding Team** - No objection.

**Defence Infrastructure Organisation: Land Management Services & Disposals NI** - No objection.

**Belfast City Airport** - No objection.

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

**Department for Infrastructure Rivers** – No objection, subject to conditions.

**NIEA Natural Environment Division** - No objection, subject to a condition.

**NIEA Water Management Unit** - No objection.

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

**HED (Historic Monuments)** – No objection.

**Shared Environmental Services** – No objection, subject to a condition.

#### **REPRESENTATION**

Sixty-six (66) neighbouring properties notified and no letters of representation have been received.

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

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

- Legislative Framework
- Policy Context and Principle of Development
- Design, Layout and Appearance
- Impact on Character and Appearance of the Area
- Neighbour Amenity
- Flood Risk
- Natural
- Archaeology
- Road Safety, Traffic, Parking and Transport Issues
- Other Matters

#### **Legislative Framework**

##### 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 the Council. The Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 7<sup>th</sup> August 2023. This found that the project would not have any adverse effect on the integrity of any European site.

##### Environmental Impact Assessment

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

##### Pre-Application Notice

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



Application Notice' (PAN) that an application for planning permission for the development is to be submitted.

A PAN (Ref: LA03/2022/0613/PAN) was submitted to the Council and was deemed to be acceptable on 11<sup>th</sup> July 2022. The Pre-Application Community Consultation Report (PACC) (Document 03) submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

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

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

The 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 lands fall within the countryside and outside any settlement limit within as defined within both the Belfast Urban Area Plan (BUAP) 2001 and dBMAP.

The application site lies within the countryside outwith the settlement limit of Metropolitan Newtownabbey in both Plans. The proposal is for a new primary school and nursery unit consisting of seven (7) classrooms for Gaelscoil & Naíscoil Éanna as a replacement of the existing school and nursery school. In relation to the proposed use, Part D of The Planning (Use Classes) Order (Northern Ireland) 2015, is titled 'Community, Recreation and Culture' which consists of Class D1 'Community and Cultural Uses'. Class D1 includes use for the provision of education.

Policy CF 2 of dBMAP is applicable to educational facilities within the Metropolitan development limit and as such is not applicable to the proposal, however, Policy SETT 6 of dBMAP states that the policy provisions of A Planning Strategy for Rural Northern Ireland (PSRNI) apply to the plan area. Policy PSU 1 of the PSRNI is titled 'Community Needs' and indicates that lands will be identified to meet community needs including education and goes on to indicate that emphasis will be placed upon making the best possible use of existing sites.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications and its guiding principle in determining applications is that sustainable development should be permitted having regard to the development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Notwithstanding the fact that the application site is located within the countryside, the proposal albeit for an educational facility falls under the definition of a community facility, the SPPS defines "town centre uses" as including community

facilities and seeks to secure a 'town centre first' approach. The provisions of the SPPS require that an assessment of need should be carried out and a sequential assessment should be undertaken.

In this case, the existing use and planning history of the site are important considerations, the principle of a school and nursery school within the countryside has been previously granted under of the core planning permission (Ref: U/2010/0187/F). The existing school has been in existence and operating for a number of years at this location, however, it is indicated within supporting documentation that the existing school infrastructure has reached the end of its design life and needs to be upgraded to meet the current Department of Education standards. The existing primary school consists of the main school building and three mobile units with a further mobile unit occupied by the nursery school. The main school building and one of the nursery units are located to the north of the application site separated by a number of buildings occupied by St Enda's GAC and associated playing fields. The remaining three mobile units are located to the northwest of the application site and are interspersed amongst the existing St Enda's GAC buildings.

Supporting information (Document 01) indicates that the existing school site is restricted in relation to size and cannot accommodate a new school or extension to the existing school to a standard that would meet with the Department of Education (DE) specifications. It is acknowledged that a parcel of lands exist to the immediate south, however, this land belongs to St Enda's GAC, it is indicated within supporting documentation that the site is being developed as a further playing field with planning permission previously granted (Ref: LA03/2021/0706/F). It is accepted that given the evident constraints for the existing school facility that there is a necessity to relocate, in this case the application site is located approximately 100 metres to the south of the existing buildings which are also within the countryside. It is indicated that the proposal will allow for additional resource rooms, storage and amenity areas, it is also highlighted that there will not be an increase in the number of classrooms. Given that the school is a replacement school it is assumed that the new premises needs to be located within the same catchment area. As a consequence it is considered that a statement of need or a sequential assessment is not required. It is considered that as the proposal is a replacement facility, if planning permission is forthcoming, a condition should be imposed requiring the demolition of the existing school building and aforementioned mobile units.

Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This includes a necessary community facility to serve the local rural population, in this case the principle of a replacement school within the countryside has been established through the existing school facility. Given the reasons outlined above, the principle of a school at this location has been established subject to all other environmental and policy considerations being met.

### **Design, Layout and Appearance**

The SPPS indicates that design involves shaping how elements of the built and natural environment relate to each other through the construction of new buildings and good design identifies and makes positive use of the assets of a site and the

characteristics of its surroundings to determine the most appropriate form of development.

The proposal consists of two single storey buildings, that being the primary school and the nursery school. Access to the proposed development will be provided by way of the existing access road, which will be extended in a southerly direction to the proposed school site. The proposed development is set out centrally within the site with a turning circle and parking provision located to the front elevation of the building. The front elevation is positioned to face in a westerly direction and includes the main entrance point. Supporting documentation indicates that the position and orientation of the proposed buildings within the site have been chosen to work with the existing sloping topography, thereby, avoiding the use of excessive retaining structures.

The proposed primary school building is laid out as a T shape with a mix of sloping roof plains, the maximum ridge height measures 5.8 metres with the minimum ridge height measuring 3.3 metres. The northern (side) elevation spans 75.5 metres in length whilst the western elevation measures 69.5 metres, however, this elevation is broken up by a number of proposed out-shots. The primary school accommodates seven (7) classrooms, a playroom, a multi-purpose hall, library, ancillary changing and sanitary facilities as well as other storage and ancillary spaces (administration and office spaces, resource areas, school meals accommodation areas, multipurpose rooms, plant areas, and general circulation space). Classrooms face into the secure playground area with ancillary accommodation facing into public areas. The multi-purpose hall is accessible from the public area to allow it to be used after school hours for community events.

The proposed nursery unit is provided in a separate building, adjacent and to the south of the main primary school building. It comprises a main playroom and quiet room, with several additional ancillary rooms, including: staff room, student and staff toilets, internal and external storage areas, utility kitchen, and general circulation space. A mix of materials are proposed for the development which includes, render & paint finish, a brick plinth, aluminium windows, galvanised rainwater goods, bitumen roof membrane and PPC aluminium trim. Supporting documentation indicates that the materials of the proposed building have been designed around a minimalist and considerate palette. Landscape design details included within the Design and Access Statement (Document 02) provides images of the development set within the landscape both before colour mitigation and following colour mitigation, it is evident that the visual impact following colour mitigation is significantly reduced and therefore it is considered that a condition should be imposed on the grant of planning permission requiring the exterior paint colour to be agreed in writing with the Council.

Within the wider site, parking will be provided in the form of 34 car parking spaces inclusive of 3 accessible parking spaces. A one-way pupil set down/pick-up circulation area and provision for bus parking is located to the front of the building. A dedicated service access immediately to the left-hand side on entering the site is provided which allows for an additional 3 car parking spaces for staff/servicing use. This effectively separates service vehicles from all other vehicles using the site. The change of level and proposed landscaping will screen this service area from the access road and car park.

The proposal includes two pockets of amenity grassed areas for the primary school to the north and rear and the inclusion of a hard standing play area with covered play areas. The nursery unit will also benefit from its own bespoke secure outdoor play space in the form of hard and grass play areas to the east and south, which will also include external covered play areas.

The applicant indicates that an additional usable green play area will be provided in the southern area of the site, which brings the overall site's usable areas in line with the schedule of accommodation in the DE's guidelines. In keeping with the applicants sustainable approach to development, roof mounted solar panels will also be provided to assist energy delivery requirements for the school/nursery. It is indicated that the development has been designed, and will be operated, to achieve BREEAM 'Excellent'. This is an accredited standard which ensures the building is designed, constructed and operated whilst reducing the carbon footprint and having a minimal impact on the environment.

A detailed landscaping scheme (Drawing No. 15) has been provided in support of the application. This seeks to provide blocks of planting carefully positioned to provide an attractive local landscape setting for the school/nursery buildings, with planting softening and framing both localised and wider views. The landscape scheme also seeks to provide pockets and areas of native species woodland planting along the northern, eastern and southern boundaries of the site, helping to integrate it and compensate for the loss of existing vegetation/habitat to facilitate the construction. Additional native species woodland planting will also be provided directly to the south of the nursery building, helping to provide enclosure to the open green play area in the southern portion of the site with planting also defining the key routes of access.

Overall it is considered the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

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

The SPSS states that development within the countryside must be sited and designed to integrate sympathetically with their surroundings. Policies CTY 13 and CTY 14 reiterates this and requires that the development does not cause a detrimental change to, or further erode the rural character of the area. The application site is zoned within dBMAP as Belfast Basalt Escarpment Area of High Scenic Value (Policy COU 6/04) which states that the edge of Antrim Plateau is well defined by the steep basalt scarp slope that stretches from Lisburn to Newtownabbey, providing a dramatic backdrop to the northern and western edges of Belfast.

The Regional Landscape Character Areas indicates that the application site is on the northern slopes of Collinward, one of the range of summits (including Cave Hill, Squires Hill and Divis) that form the Belfast Hills. To the north of the Belfast Hills, the shallow valleys of the Ballymartin Water and, further north, the Three Mile Water are separated by the low ridge of the Sentry Hills and by Carnmoney Hill, a rugged outlier of the Belfast Hills. Metropolitan Newtownabbey straddles both valleys, with urban districts surrounding Carnmoney Hill and extending south to the slopes of Collinward.

The summits of the Belfast Hills have an open, windswept character, with a mosaic of grassland, heath and bog habitat. There is a gradual transition to more sheltered farmland on the gentle northern slopes, with pastures subdivided by mature hedgerows. The applicant indicates that the application site is at the point of transition between the open uplands and enclosed farmland on the lower slopes of Collinward. The site is on the western edge of a steep wooded stream gully, which runs downslope from the mid-slope of Collinward to the residential neighbourhood of Hightown Rise. A new residential development (under construction) and the existing Gaelscoil & Naíscoil Éanna are at the foot of the slope and the recently constructed Croi Eanna community building is sited slightly further upslope and immediately to the east of the gully and the application site.

The applicant has provided a Landscape and Visual Assessment within their Design and Access Statement (Doc 02) which aims to demonstrate how the proposed development can fit within its wider landscape setting. The overall visibility of the site suggests that the key views which are predicted to be sensitive to the proposed development include southward views to the Belfast Hills across the Three Mile Water Valley from Carnmoney Hill, which is open access land with promoted recreational routes and visitor facilities. The other key view is northward views downslope and across the Three Mile Water and Six Mile Water Valleys from the recreational route leading up to the summit of Collinward.

Appendix 2.4 of the Design and Access Statement (DOC 02) shows photomontage views, from two viewpoints (Sandyknowes and Carnmoney Hill) over three periods (year 1, year 5 and year 15) with two differing perspectives specific to the finishes of the building. With regard to View point 1 (Sandyknowes) it is accepted that there will be a degree of prominence of the building in the landscape, however, it is also noted that rising ground to the rear of the site provides a backdrop, additionally there is a high level of intervening built form. View point 2 (Carmmoney Hill) is taken from an elevated position in the landscape from this perspective views of the building are experienced.

The applicant indicates that measures were incorporated into the overall design in an attempt to prevent against any significant visual impacts. These include the building being positioned so that its principal axis is aligned to follow the contours and fit into the natural angle and topography of the site. The low ridge height of the proposed building, the choice of materials based on an analysis of the surrounding landscape help blend the building into the surrounding landscape. Additionally the applicant indicates that the inclusion of woodland planting will in time significantly reduce the landscape and visual impact of the building and its associated infrastructure.

Overall, it is considered that the critical views of the proposed development will be experienced, however, these are long distances which have the benefit of a backdrop of rising land, the proposed development over long distance views would read within the context of the existing built form of Mallusk. Taking these factors in combination and the low ridge height it is considered that the proposal will not have significant adverse impact on the character and appearance of this area or on the AOHSV designation.

### **Neighbour Amenity**

The SPPS requires that development proposals do not harm the amenity of nearby residents, that they should not create a noise nuisance and that they should be compatible with surrounding land uses.

The closest residential property has a separation distance in excess of 300 metres from the proposed development, it is therefore considered that the proposed school is sufficiently far removed from nearby residential properties to ensure that there will not be a significant impact on neighbour amenity by way of dominance, noise, odour, or other disturbance. It is further noted that the Council's Environmental Health Section (EHS) were consulted and have responded with no objections to the proposal.

### **Flood Risk**

PPS15 seeks to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere. The applicant has provided a Drainage Assessment (DA) (DOC 11) in support of their application. DfI Rivers has provided comments in accordance with the SPPS and PPS 15 in relation to the proposed development.

DfI Rivers advise that Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. As such it is considered that Policy FLD1 (Development in Fluvial and Coastal Flood Plains) is complied with.

Policy FLD 2 of PPS 15 seeks to protect flood defence and drainage infrastructure, an undesignated culverted watercourse bounds the north-western portion of the existing access road with an undesignated watercourse bounding the southern, eastern and western boundaries and traversing the central and north-western portion of the site. As required by Policy FLD 2 a working strip of minimum width 5m is retained as indicated on Drawing No 04/1. Policy FLD 3 requires the submission of a DA when certain thresholds are exceeded in this case a change of use involving new buildings or hard surfacing exceeding 1000sqm in area. DfI Rivers has indicated that it accepts the logic of the DA and has no reason to disagree with its conclusions and as such DfI Rivers has not raised any objections to the proposed drainage measures.

Policy FLD 4 restricts the artificial modification of a watercourse including culverting, unless there are exceptional circumstances which includes a short length necessary to facilitate access to a development site or that a specific length of watercourse needs to be culverted for engineering reasons where there is no reasonable or practicable alternative. As indicated above an existing culvert bounds the north-western section of the access road which is already in existence. The structural integrity of the existing culverted pipe is currently unknown therefore if planning permission is forthcoming a condition should be imposed requiring the replacement of the existing culverted pipe to a 1350mm pipe prior to any other development commencing on the site. This will ensure that the culvert is of a sufficient size in line with the Schedule 6 agreement that was previously approved for this culvert.

### **Natural Heritage**

PPS 2 sets out the Executive's commitment to sustainable development, conserving, and where possible, enhancing and restoring natural heritage. Policy NH5 states that

proposals which are likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. The application site lies within Cavehill/Collinward Site of Local Nature Conservation Importance (SLNCI) as defined within dBMAP based on the presence of flora, scrub, grassland and heath. In addition, the site is hydrologically linked to Belfast Lough Area of Special Scientific Interest (ASSI), Belfast Lough Ramsar site and Belfast Lough Special Protection Area (SPA),

Policy NH 4 of PPS 2 deals with SLCNIs and states that planning permission will only be granted where it is not likely to have a significant adverse impact on a local nature reserve or a wildlife refuge. In addition, Policy NH 5 requires that any development does not cause an unacceptable adverse impact on a number of habitats; species and features which include priority habitats; priority species and wetlands.

The applicant has submitted a suite of Ecological Assessments in support of the application, including a Preliminary Ecological Appraisal (PEA) (Document 06), a Habitats Regulation Assessment (HRA) (Document 07), an Irish Hare Assessment (Document 08), a Bat Activity Report (Document 09) and Lighting Information (Document 13. Consultation was carried out with DAERA Natural Environment Division (NED) who advise that a limited number of habitats were observed on site, consisting mainly of dense scrub, present continuously across the site, and semi-improved grassland. The boundary of the application site consists of woodland and trees, with a stream flowing outside of the application site to the east.

The Bat Activity Report (Doc 09,) indicates that bat activity was observed across the site in terms of foraging and commuting, however, concentrated along boundary vegetation and the wooded stream corridor to the east of the application. The lighting plans indicate light-spill of 0 LUX on the eastern corridor and a low level of light-spill around the remaining vegetated boundaries, NED are content that based on the information submitted that artificial lighting on site is unlikely to significantly impact upon protected species.

The landscaping plan includes trees, shrub, hedgerow and meadow to be retained on site, with a 'native woodland mix' planted buffer proposed around the majority of the northern, eastern and southern boundaries of the site. In addition, NED are content that the submitted Outline Construction Environmental Management Plan (OCEMP, Doc 10) includes measures to protect the watercourse outwith the site to the east, including the use of buffers from potential pollution pathways and the inclusion of silt fencing.

Overall, NED has considered the impacts of the proposal on designated sites and other natural heritage interests (Habitats, and Protected Species) and, on the basis of the information provided, has no concerns.

#### Designated Sites

The application site is hydrologically linked to Outer Belfast Lough ASSI, Belfast Lough Open Water SPA and Belfast Lough SPA/RAMSAR via a drainage channel adjacent to the eastern boundary connects to the Three Mile Water which flows into Belfast Lough. Shared Environmental Services (SES) has been consulted with regard to the impact on designated sites. SES have considered the impacts of the proposal and

are content that there will be no likely significant impact on any designated site subject to conditions. As indicated above the Council has accepted the Habitats Regulation Assessment as carried out by SES.

Overall, it is considered that there is unlikely to be a significant detrimental effect on designated sites, species or their habitats as a result of this application.

### **Archaeology**

Planning Policy Statement 6 (PPS 6) deals with archaeology and built heritage and requires that the proposed development has no adverse effect on the built heritage. The proposed development site is not located within a buffer zone for any protected or scheduled monuments. However, following consultation with HED, concerns were raised regarding circular cropmarks identified on aerial images which had the potential to be resolved into a substantial new archaeological site.

Subsequently archaeological investigations were carried out and an Archaeological Programme of Works was submitted to the Council (Document 12). Following this test trenching was carried out by the developer in agreement with HED and a corresponding Archaeological Impact Assessment was duly submitted which indicated that no archaeological matters were uncovered. Additional consultation with HED raised no further objections, HED has indicated that it is content that no further archaeological mitigation is required. It is therefore considered that the proposal complies with both the SPPS and PPS 6 archaeological policy requirements and as such there are no significant archaeological concerns with the proposal.

### **Road Safety, Traffic, Parking and Transport Issues**

The SPPS aims to secure improved integration with land-use planning, to facilitate safe and efficient access, movement and parking. The SPPS sets out a number of policy objectives for transportation. Additionally, PPS 3 seeks to ensure that prejudice to road safety does not occur as a result of development. Policy AMP 2 of PPS 3 requires that any proposal will not prejudice road safety or significantly inconvenience the flow of traffic. A Transport Assessment Form (TAF) (Document 05) was submitted in support of the application.

Access to the site is via the existing vehicular access and laneway from the Hightown Road. The TAF indicates that the proposed primary school and nursery unit replaces that which currently exists with the enrolment numbers remaining comparable. It is further stated that no additional traffic will be generated, therefore, no intensification of use of the existing access will occur. This priority access serving the site has recently been upgraded to incorporate dedicated right-hand turning provision. The applicant states that this will ensure the road network will not be affected, nor will any standards of road safety be compromised.

Policy AMP7 of PPS 3 relates to car parking provision and servicing arrangements and requires that adequate and appropriate provision is made for parking. Parking provision has been provided for 34 car parking spaces (31 standard spaces and 3 accessible car parking spaces). A one-way pupil set down/pick-up circulation area accommodating 10 cars, which also doubles up as a parking space for 1 bus is incorporated into the layout. In addition, a dedicated service access is located to the northwest section of the layout which provides for an additional 3 car parking spaces for staff/servicing use. This effectively separates service vehicles from all other



vehicles using the site. The change of level and proposed landscaping will screen this service area from the access road and car park.

It is indicated that the layout and design provide level access, being inclusive and catering for all users. All persons accessing the development will be able to utilise the same entrances, facilities and circulation routes, thereby, ensuring inclusive accessibility.

With regards to road safety, traffic, parking and transport issues DfI Roads has been consulted and has indicated that they have no concerns with the proposed development subject to standard conditions. It is therefore considered that the proposed replacement school will not have a significantly different impact on the road network or road safety than the existing school and as such the proposed development is considered acceptable in this regard.

### **Other Matters**

#### NI Water Infrastructure

NI Water (NIW) has indicated no objections to this proposal. NIW advise that the development will require localised on site pumping to adhere to the current level of service requirements and that the developer should liaise with NIW to determine the most appropriate location for the installation of a pump.

#### Aviation

The application site is within 17km of Belfast International Airport (BIA), the proposal has been examined from an aerodrome safeguarding aspect and consultation carried out with BIA who has no objection to the proposal subject to conditions relating to the proposed solar panels. In addition, the site falls within the Belfast City Airport (BCA) Obstacle Limitation Surfaces (OLS), in the Outer Horizontal Surface, which it will infringe by 43m, however, as there is higher ground/structures in the vicinity, BCA have no objection.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosive storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

DIO advise that this application relates to a site outside of Ministry of Defence safeguarding areas and confirms that the Ministry of Defence has no safeguarding objections to this proposal.

#### Land Contamination

The applicant has submitted a Preliminary Risk Assessment (PRA) (Document 04) to assess the impact that any contaminated land may have on future users of the site. The PRA concludes that the development does not pose a significant risk to environmental receptors and no further investigation is required. EHS has reviewed this document and has indicated no significant contamination risks associated with this development subject to a standard condition in the event of previously unknown contamination being discovered within the application site. Additionally NIEA Regulation Unit supports the conclusions and recommendations within the

applicant's PRA and has recommended two standard conditions relating to the discovery of new contamination.

## CONCLUSION

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

- The principle of the development has been established;
- The design, layout and appearance of the proposal is acceptable;
- There is no significant impact on the character or appearance of the area;
- There are no significant neighbour amenity concerns;
- There is no significant flood risk associated with this development;
- There are no significant natural and built heritage concerns;
- There are no significant access concerns and the parking provision within the context of the site considered acceptable; and
- There is no significant concern with regard to NI Water infrastructure.

## RECOMMENDATION

## GRANT PLANNING PERMISSION

## PROPOSED CONDITIONS

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

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

2. No development shall commence on site until the existing culvert pipe as indicated in orange on Drawing No 04/1 date stamped 23<sup>rd</sup> January 2023 has been replaced with a new 1350mm diameter pipe.

Reason: To ensure that any surface water flooding can effectively be controlled and mitigated.

3. Within 12 weeks of the development hereby permitted becoming operational the existing buildings coloured green on the approved plan, Drawing Number 01/1 date stamped 24<sup>th</sup> September 2023 are demolished, all rubble and foundations removed and the site restored in accordance with the details on the approved plans.

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

4. 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 including human health and to ensure the site is suitable for use.

5. After completing all remediation works under Condition 4 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/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.

6. 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 03/1 date published 20<sup>th</sup> April 2023 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.

7. Prior to the development becoming operational a Traffic Management Plan must be agreed in writing with the Council that prevents conflict between peak hours school traffic and construction traffic.

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

8. No construction works, including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil, shall take place within 10m of the stream/watercourse located to the east of the application site.

Reason: To ensure the protection of a NI Priority Habitat.

9. Prior to works commencing a final Construction Environmental Management Plan (CEMP) must be submitted by the appointed contractor for agreement with the Council. The final CEMP must be site specific and include all necessary mitigation measures for the construction phase of the development to avoid any pollutant egress to Belfast Lough. The approved final CEMP shall be adhered to and implemented in full throughout the construction phase in accordance with the approved details, unless otherwise agreed in writing by the Council.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

10. Prior to works commencing on site, all existing trees shown as being retained on Drawing No. 15 date stamped 30<sup>th</sup> March 2023, shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

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

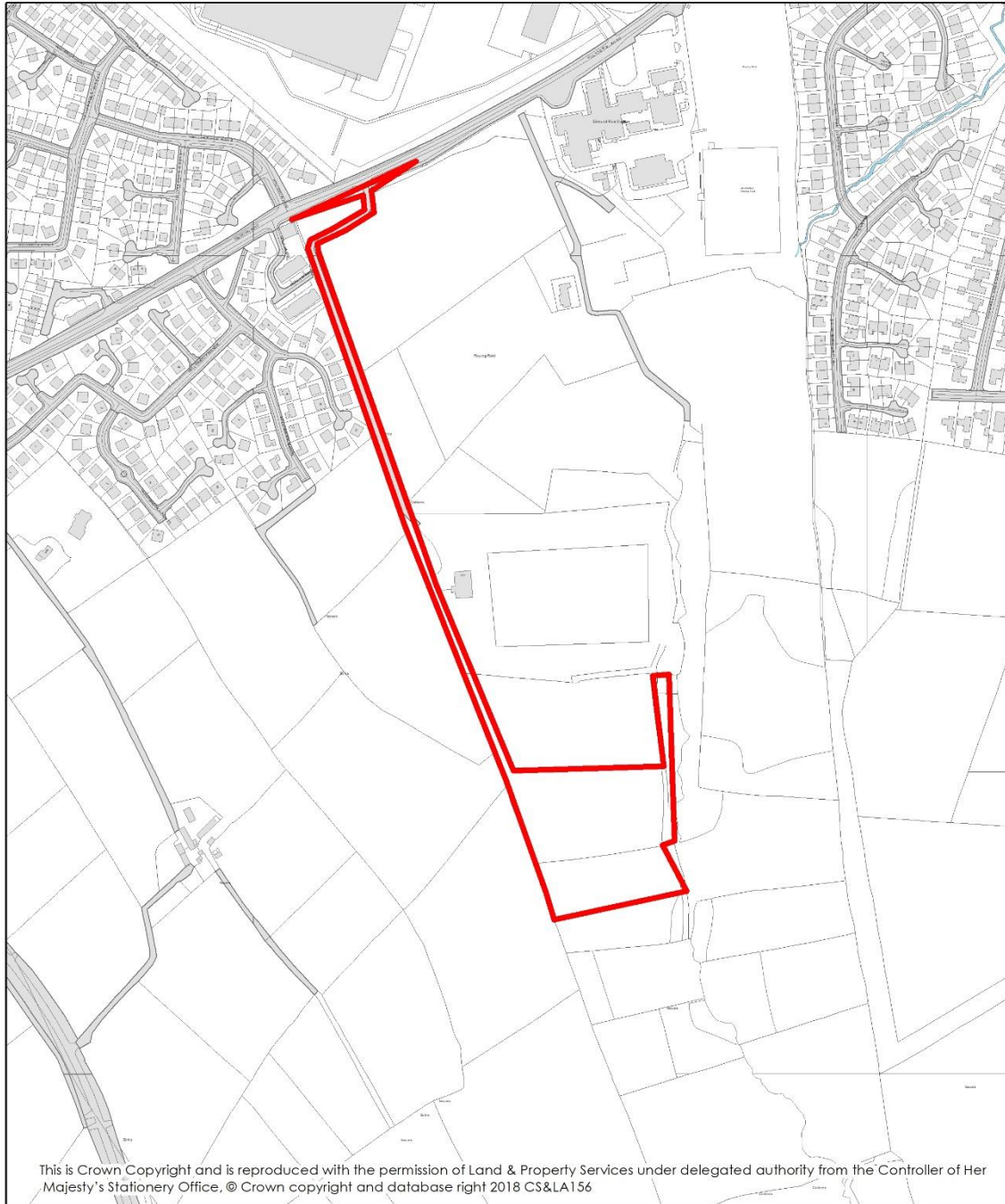
Reason: To protect the biodiversity value of the site, including protected species.

11. The existing natural screenings of the site, as indicated on Drawing No 15 date stamped 30<sup>th</sup> March 2023 shall be retained at a minimum height 3 metres for hedgerow and 4 metres for trees and shall be allowed to grow on unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council prior to their removal.

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

12. The proposed landscaping indicated on Drawing No. 15 date stamped 30<sup>th</sup> March 2023 shall be carried out within the first planting season following the completion of the development hereby approved and shall be retained thereafter at a minimum height of 2 metres for hedging and 6 metres for trees unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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



### Site Location Plan

Application Reference: LA03/2023/0254/F

 Site boundary



Location: Lands approximately 245m south of the existing St.Enda's Gaelic Athletic Club ('GAC') clubhouse, Hightown Road, Glengormley.

Proposal: Proposed new 7No. classroom primary school and nursery unit for Gaelscoil & Naíscóil Éanna (replacement of existing Gaelscoil & Naíscóil Éanna), associated site works, infrastructure (including PV panels, Waste Water Treatment Works) and landscaping, with access from Hightown Road, Glengormley.



<b>COMMITTEE ITEM</b>	<b>3.3</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0595/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed partial redevelopment of the site to include; demolition of existing sheds and erection of 4 no. new sheds including single storey midden, machinery and hay shed, livestock holding pens and two storey office, staff facilities and store.
<b>SITE/LOCATION</b>	AI Services Ltd, 671 Antrim Road, Newtownabbey, BT36 4RL
<b>APPLICANT</b>	AI Services Ltd,
<b>AGENT</b>	MKA Planning Ltd
<b>LAST SITE VISIT</b>	8 <sup>th</sup> September 2023
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 90340416 Email: <a href="mailto:Alicia.leathem@antrimandnewtownabbey.gov.uk">Alicia.leathem@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the countryside, outside of any development limit as defined by the Belfast Urban Area Plan (BUAP) and draft Belfast Metropolitan Area Plan (2014).</p> <p>The application site extends to 2.5 hectares and is located set back approximately 160 metres from the Antrim Road with access achieved via an existing laneway. The site comprises of existing livestock buildings occupied by AI Services Ltd. The buildings are low level buildings arranged in a courtyard style appearance with additional outbuildings located around the periphery of the central courtyard. An existing office building is located along the existing laneway to the west of the agricultural buildings. The site is defined by existing vegetation to the north and northeast with post and wire fencing defining the remainder of the boundaries.</p> <p>Within the wider context of the site, agricultural lands are located to the south, the M2 to the north with Applegreen Service Station located to the immediate northeast, the existing office and residential properties are located to the west, a car service and repair business is located to the east with the Antrim Road located to the south.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2022/0573/PAN  Location: 671 Antrim Road, Newtownabbey, Co Antrim, BT36 4RL  Proposal: Redevelopment of AI Services site, including demolition and replacement of existing sheds and erection of new sheds.  Decision: PAN Concluded (26/06/2022)</p> <p>Planning Reference: LA03/2023/0412/PAD</p>	

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

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

Decision: PAD Concluded (04/10/2023)

Planning Reference: U/1994/0165/F

Location: 671 Antrim Road, Newtownabbey, BT36 4RL

Proposal: Erection of store.

Decision: Permission Granted (09/07/1994)

Planning Reference: U/1994/0165/F

Location: Al Services Ltd, 671 Antrim Road, Newtownabbey, BT36 4RL

Proposal: Construction of new reception entrance and 2 storey extension to existing offices.

Decision: Permission Granted (03/08/1998)

Planning Reference: U/1992/0307/F

Location: 80 metres northwest of 671 Antrim Road, Newtownabbey.

Proposal: Erection of farm building.

Decision: Permission Granted (03/08/1992)

#### **PLANNING POLICY AND GUIDANCE**

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

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

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

Belfast Urban Area Plan: The application site is located outside the development limits of the Belfast Urban Area. The Plan offers no specific guidance on this proposal.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the countryside and outside any settlement limit. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the countryside and outside any settlement limit.

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

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

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

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

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

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

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.

**DfI Roads:** No objection subject to conditions.

**DfI Rivers:** No objection.

**DAERA Natural Environment Division:** No response

**DAERA Water Management Unit:** No response

**Shared Environmental Services:** No objection.

## **REPRESENTATION**

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

It is noteworthy that during the Pre-Application Community Consultation (PACC) no formal objections to the proposal were made, the overall interest was low with no



enquiries being made, the details are summarised within the PACC Report (Document 02).

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

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

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

### **Legislative Framework**

#### 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 the Council. The Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 18<sup>th</sup> January 2024. This found that the project would not have any adverse effect on the integrity of any European site.

#### Environmental Impact Assessment

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

#### Pre-Application Notice

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

A Proposal of Application Notice application (Ref: LA03/2022/0573/PAN) was submitted to the Council and was deemed to be acceptable on 27<sup>th</sup> June 2022. The Pre-Application Community Consultation Report (PACC) (Document 02) submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

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

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

The 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 lands fall within the countryside and outside any settlement limit within as defined within both the Belfast Urban Area Plan (BUAP) 2001 and dBMAP.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS states that a key dimension of sustainable development for Northern Ireland is economic growth, which requires the planning system to continue to provide protection to our built and natural environment including our heritage assets while unlocking development potential, supporting job creation and aiding economic recovery. However the SPPS recognises that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside of settlements must be restricted, save for a number of exceptions. One exception relates to an agricultural development where the proposal is necessary for the efficient operation of the holding or enterprise. In this case the proposal is not for an individual or traditional farm holding but rather for Artificial Insemination (AI) for livestock. The meaning of 'agriculture' as defined within the Agriculture Act (Northern Ireland) 1949 includes livestock breeding and keeping, it is therefore accepted that business falls broadly within the definition of agriculture as defined within the aforementioned 1949 Act.

The SPPS also 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 (PPS's). Therefore, Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) is applicable in this case. Policy CTY 1 of PPS 21 refers to a range of types of development considered acceptable in the countryside. One such development is agricultural and forestry development in accordance with Policy CTY 12 which allows for development on an active and established (for a minimum of 6 years) agricultural holding where a number of stipulations are complied with which include the proposal being necessary for the efficient use of the agricultural holding and there being no suitable existing buildings on the holding or enterprise that can be used.

As indicated above the proposal is not for a traditional farm business but rather an AI service for livestock which houses 60 bulls and other cattle on site. It is accepted that this includes a commercial activity, however, all farm practices have a level of economic activity within the enterprise. As indicated above the activities constitute

the breeding and keeping of livestock and therefore is an agricultural enterprise. Supporting information (Document 01) indicates that Ballycraig Bull Stud was built in the early 1960's, AI services were historically provided by the former Department of Agriculture (DOA) at the application site, which serviced farms throughout NI. AI Services NI Ltd was formed in 1988 when 10,000 farmers and 15 Agrifood Processors bought over the existing AI service from the DOA. Since 1988, AI Service NI Ltd operate from the application site and sub offices in Ballymoney, Augher and Tempo. It is indicated that the existing business is not only a regional service, servicing all of NI but is an EU export approved stud farm and laboratory. All semen collected is eligible for export to the EU with further tests allowing for worldwide export, with exports to New Zealand, Canada, North America and Australia previously been carried out.

The livestock is permanently housed within bullpens at the application site that has capacity for 60 animals and holding pens for up to 200 animals. The proposal seeks full planning permission for the partial redevelopment of the existing premises to accommodate up to 100 bulls and includes the demolition of existing sheds and the erection of 4 no. new sheds including a single storey midden, machinery and hay shed, livestock holding pens, two storey office, staff facilities and store. Supporting documentation indicates that the existing buildings were not built to modern day health and safety standards or animal welfare standards and as such are in need of redevelopment. Additionally it is indicated that native breeds have increased in stature and the modern imported breeds such as Holsteins, Charolais and Simmental are considerably larger again. The redevelopment will allow AI Services to replace their existing out of date livestock buildings with bull pens which are compliant with the highest welfare standards suitable for modern day agricultural activities.

Overall taking into consideration the need for the proposal for the efficient use of the agricultural holding, the unsuitability of the existing buildings on the enterprise and the level of existing infrastructure at the application site, the redevelopment is considered acceptable subject to all other policy and environmental considerations being met.

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

The SPPS paragraph 6.70 states that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. Policy CTY 12 of PPS 21 requires that any development proposal is of a character and scale appropriate to its location and the design and materials to be used are sympathetic to the locality and adjacent buildings. Policy CTY 13 further emphasises the need for any new buildings to be of an appropriate design for the surrounding landscape.

As indicated above, the proposal seeks permission for the partial redevelopment of the site to include the demolition of existing sheds, the erection of 4 no. new sheds including a single storey midden, machinery and hay shed, livestock holding pens and two storey office, staff facilities and store. The application site extends to 2.5 hectares with an existing access arrangement from the Antrim Road, the buildings within the site are laid out in a courtyard style appearance with an existing office building located on approach to the wider site. The proposed buildings take the form of three units, which are internally divided to provide 100 bullpens with a large section of Unit 2 providing accommodation for a machinery shed. A two storey

projection to the west of unit 1 accommodates a working yard area, canteen and office space. A further unit (unit 4) is located to the southeast of the site and accommodates a midden and hayshed.

The footprint of units 1-3 extend from the east to the west, and run parallel to each other from the southeast of the site to the northwest, there is approximately 6 metres separation between each building which allows for an agricultural machinery pathway. Unit 1 is the larger of the units and measures 74 metres in width with a depth of 39.4 metres with a height of 9 metres, Units 1 and 3 measure 52.4 metres in width, 19.6 metres in depth with a height of 6.2 metres, whilst unit 4 measures 20 metres in width, 59.2 metres in depth with a height of 6.8 metres. A low level existing building for cattle is to remain to the rear of the site. The arrangement of the buildings allows for a one way system for traffic servicing the site, which directly feeds off the existing laneway from the Antrim Road. An area for car parking and two heavy goods vehicles is located to the southwest of the application site.

The proposed buildings are finished in rendered masonry to the lower sections of the walls with profiled metal cladding to the upper sections of the walls and roof with the inclusion of roof-lights. Windows and doors are to be aluminium framed with rainwater goods also being aluminium. The south-western section of unit 1 provides office accommodation, which extends to the first floor, a number of large windows are located along this elevation. The proposed buildings take the appearance of standard agricultural style buildings. The proposal is in a rural setting where it is common to view agricultural buildings; as such any views of this building will not be out of keeping with the rural character of the area. Landscaping along the rear boundary common boundary with the M2 motorway is to be retained along with existing hedgerow defining the north-eastern boundary. New landscaping is proposed around the periphery of the site with pockets of trees proposed to the north and further trees and hedgerow proposed along the entirety of the southern boundary.

The application site is nestled between the M2 motorway to the north and the Antrim Road to the south, no critical views of the site are achieved when travelling along the M2 due to the mature vegetation and fall in topography of the adjacent lands. Critical views of the site are, however, evident when travelling along the Antrim Road in both directions. The application site is set back 160 metres from the Antrim Road with the topography of the land rising in a southern to the northern direction resulting in the application site sitting at a higher level than that of the Antrim Road. Views are currently available of the existing facility which reads as one visual entity in the landscape.

It is acknowledged that the proposed buildings are larger in scale and massing from what is existing, particularly the increase in height, however, the style and appearance of the development remains agricultural in nature. The choice of finishes, the set back from the public road together with the additional landscaping helps to minimise the visual impact of the proposed buildings and soften the overall visual appearance. The overall development will appear as an agricultural unit in the rural landscape and consolidated as one visual entity which helps limit the impact of the overall built form.

It is considered that appropriate boundary and landscape treatments have been provided and the layout, design and appearance is considered acceptable.

### **Neighbour Amenity**

Policy CTY 12 of PPS 21 requires development proposals not to harm the amenity of nearby residents outside the farm enterprise including potential problems arising from noise, smell and pollution.

A number of residential properties are located around the periphery of the application site. A Noise Impact Assessment (NIA) (Document 06) and Odour Impact Assessment (OIA) (Document 07) was submitted in support of the application. Consultation was carried out with the Council's Environmental Health Section (EHS) which have reviewed the NIA and OIA and concur with the findings that the proposed development can operate without adverse impact on nearby residential amenity.

### **Road Safety, Traffic, and Parking**

With regards to transportation the SPPS aims to secure improved integration with land-use planning, to facilitate safe and efficient access, movement and parking. Additionally, Policy PPS 3 seeks to ensure that prejudice to road safety does not occur as a result of development. Policy AMP 2 of PPS 3 requires that any proposal will not prejudice road safety or significantly inconvenience the flow of traffic. As indicated above access to the site is achieved via the existing access arrangement from the Antrim Road which is a singular access point for ingress and egress.

A Transport Assessment Form (TAF) (Document 08) was submitted in support of the application, which reiterates that the proposal is for the redevelopment of the existing premises, and will not lead to an intensification in use. Supporting documentation indicates that two technicians collect the semen and liquid nitrogen from the application site and travel throughout NI carrying out AI services at local farms. The TAF provides a breakdown of the vehicular activity visiting the site on a daily basis and indicates that six (6) cars and four (4) small delivery vans per day will visit the site and two (2) livestock lorries per week.

Collectively Policies AMP 1, AMP 7 and AMP 9 of PPS 3 require that an accessible environment is created with adequate provision for car parking and appropriate service arrangements and the design of car parking is of a high standard of design, layout and landscaping. The proposed site layout provides a one way traffic system around the site which directly branches off from the existing laneway which is contended to help improve operations and safety for staff and visitors. There are sixteen (16) car parking spaces provided, four (4) van spaces and two (2) HGV spaces, the proposal also provides for a bicycle shelter with space for six (6) bicycles.

DfI Roads has no objection to the access arrangements or the parking provision, therefore, it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

### **Flood Risk and Drainage**

PPS15 seeks to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere. The applicant has provided a Drainage Assessment (DA) (Document 03) and Schedule 6 Approval (Document

09) in support of their application. Policy FLD 1 of PPS 15 states that development will not be permitted within the 1 in 100 year fluvial floodplain (AEP7 of 1%) or the 1 in 200 year coastal floodplain (AEP of 0.5%), the application site is not located within either floodplain therefore the proposal is compliant with Policy FLD 1.

Policy FLD 3 requires the submission of a DA when certain thresholds are exceeded in this case the redevelopment involving new buildings and hard surfacing exceeding 1000sqm in area. DfL Rivers has stated that the DA has demonstrated that the design and construction of a suitable drainage network is feasible additionally a Schedule 6 approval (Document 09) has already been obtained from DfL Rivers for discharge into a nearby watercourse.

### **Natural Heritage**

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

The applicant has submitted a Preliminary Ecological Appraisal (PEA) (Document 05) in support of their application. The PEA indicates that a number of buildings to be demolished may have bat roost potential. Consultation was carried out with DAERA Natural Environment Division (NED) who requested a Bat Roost Survey, however a Phase 1 Ecology Extended Survey to include bat roost potential (Document 10) was subsequently submitted. Document 10 indicates that an assessment of the existing buildings was carried out and there is no evidence that any of the buildings proposed for demolition on the site are used for bat roosting. Further consultation was carried out with NED and despite the statutory timeframe expiring, NED have not provided a comprehensive response and that the Council should satisfy themselves. A professional Ecologist has carried out a bat survey investigation which indicates that there is no evidence of bat roost within the buildings to be demolished. It is not considered that there is the potential for the project to have any adverse impact on bats in this instance.

Water Management Unit (WMU) initially requested an updated drainage plan showing how livestock manure storage is handled on site and how any contaminated run off from the yard areas will be managed through adequate facilities. An amended site layout plan (Drawing No 03/2) was submitted and further consultation has been carried out with WMU who required further information. However, it is considered that the information requested can be addressed through the use of a negative condition requiring the applicant to submit a final drainage layout prior to development commencing. This has been included on a list of draft conditions at the end of this report. The site is an established Artificial Insemination business which is currently operational and housing cattle, as such manure is generated and animal fodder is stored which will continue to be the case. All livestock handling areas, manure and silage storage must be carried out to ensure compliance with The Nutrient Action Programme (NAP) Regulations 2019.

The proposed development is largely a replacement of the existing buildings on the site, with the development continuing to operate in a similar way with the cattle having dry bedding which is regularly cleaned out and deposited in a midden.

Land-spreading arrangements are indicated to mirror the arrangements for the existing facility and there are no significant concerns in this regard.

#### Designated Sites

Based on the location of the site 18km upstream from Lough Neagh and the short term nature of construction works it can be concluded that there is no viable pathway for effects to downstream European sites in Lough Neagh and no conceivable effects from the construction phase can be concluded. Shared Environmental Services (SES) has been consulted with regard to the impact on designated sites. SES have considered the impacts of the proposal and are content that there will be no likely significant impact on any designated site subject to conditions. As indicated above the Council has accepted the Habitats Regulation Assessment as carried out by SES.

### **CONCLUSION**

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

- The principle of development is considered acceptable;
- The design and appearance of the buildings is considered acceptable;
- The impact on character and appearance of the area is considered acceptable;
- The impact on neighbour amenity by way of noise disturbance, and odour is considered acceptable;
- There are no natural heritage objections with regard to the proposal;
- There no significant concerns in relation to access, movement or parking;

### **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 the hard surfaced areas have been constructed and permanently marked in accordance with Drawing No 03/1 date stamped 29<sup>th</sup> November 2023 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 development hereby permitted shall not commence until a final drainage plan is received and approved with the Council. The drainage plan need to include a slurry tank to collect any effluent run-off from the proposed midden. The drainage for the site shall be constructed in accordance with the approved drainage plan prior to any part of the development becoming operational.

4. Reason: To ensure that any run-off from the site is properly treated and that there are no adverse impacts on any watercourses.
5. The existing natural screenings of the site, as indicated on Drawing 03/1 date stamped 29 November 2023 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 submitted to and agreed in writing with the Council, prior to removal.

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.

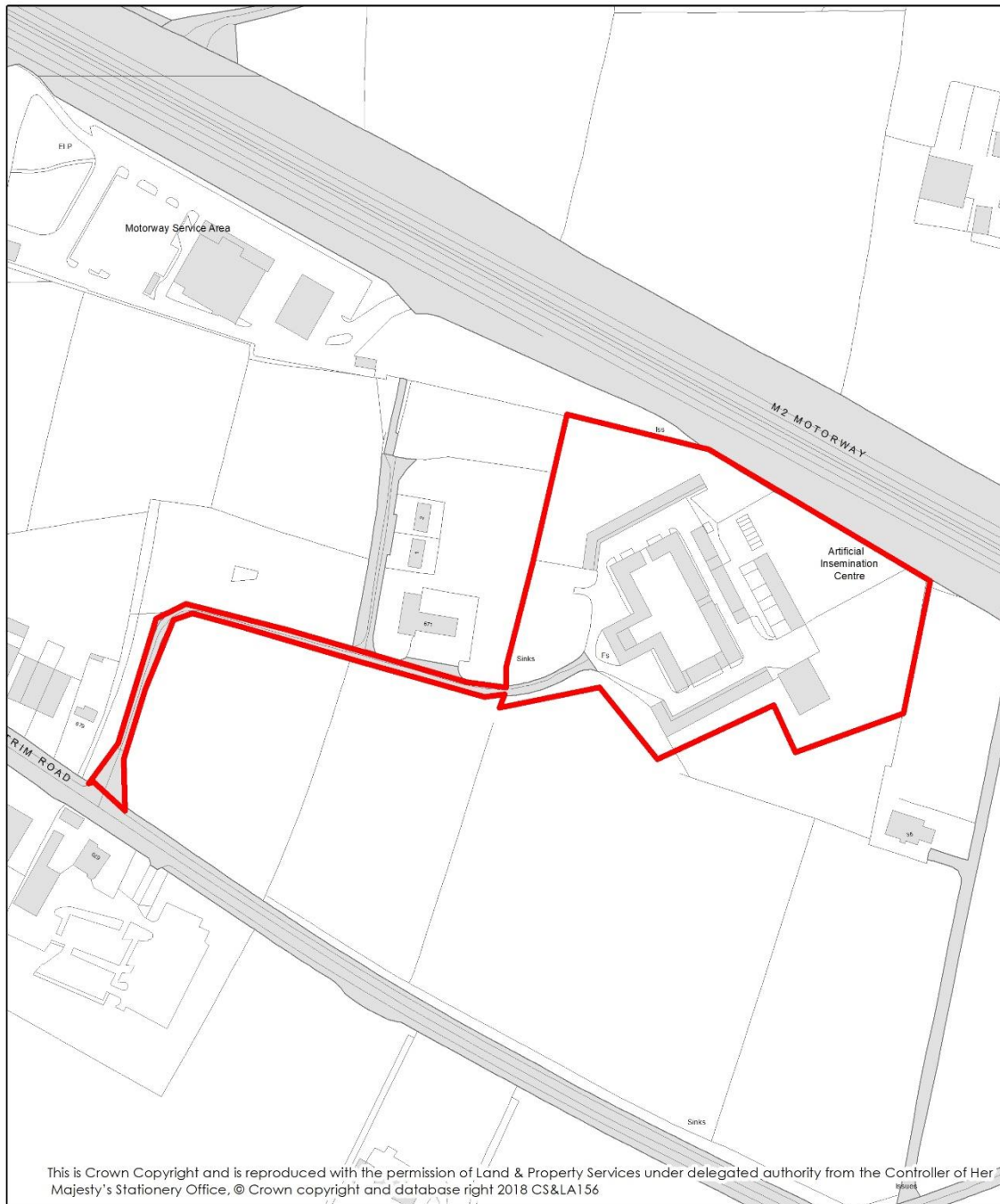
6. The proposed landscaping works as indicated on Drawing No. 03/1 date stamped 29<sup>th</sup> November 2023 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice during the first planting season after the commencement of development. The proposed landscaping shall be retained thereafter at a minimum height of 2 metres for shrubs/hedges and existing trees as shown shall be retained at a minimum height of 6 metres 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.

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

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

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





## Site Location Plan

Application Reference: LA03/2023/0595/F

Location: AI Services Ltd, 671 Antrim Road, Newtownabbey, BT36 4RL

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



<b>COMMITTEE ITEM</b>	<b>3.4</b>
<b>APPLICATION NO</b>	<b>LA03/2022/0307/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM REPORT</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Change of use from existing industrial unit and extension to building for the production, cultivation and processing of medicinal cannabis plants and all associated site works
<b>SITE/LOCATION</b>	23 Rickamore Road Upper, Templepatrick, County Antrim, BT39 0JE
<b>APPLICANT</b>	Rickamore Ltd
<b>AGENT</b>	Mark Campbell
<b>LAST SITE VISIT</b>	09/06/2022
<b>CASE OFFICER</b>	Tierna McVeigh Tel: 028 90340401 Email: <a href="mailto:tierna.mcveigh@antrimandnewtownabbey.gov.uk">tierna.mcveigh@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal</b>  <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a>.</p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>This application was initially presented to the November 2023 Planning Committee where it was decided that the application should be deferred to allow time for the applicant to submit additional information and to allow Environmental Health Officers to carry out visits at other existing facilities for further consideration at the February Committee meeting. This addendum report should be read in conjunction with the previously circulated Committee Report.</p> <p>Officers worked with the applicant and reached out to Local Authorities and facilities in England in an attempt to arrange a site visit however it has not been possible to gain access to another like for like facility.</p> <p><b>Principle of Development</b></p> <p>Further information has been submitted from the applicant's agent including a Planning Supporting Statement (Document 12, date stamped 24<sup>th</sup> January 2024). The Supporting Statement (Document 12) outlines how the applicant considers the proposed development complies with planning policies for development in the countryside, particularly Policy PED 4 'Redevelopment of an Established Economic Development Use in the Countryside' and Policy PED 6 'Small Rural Projects'.</p>	

As previously stated within the Committee Report, the proposal does not fall neatly within any of the policies set out within PPS 4, however, PED 4 allows for the redevelopment of an established economic development use in the countryside for industrial or business purposes (or a sui generis employment use) subject to various criteria. It is considered that in line with Policy PED 4 the proposal will not harm the character and appearance of the rural area as there are minimal external changes to the existing building and in addition, the proposal is considered to result in environmental benefit in that it will bring back into use a vacant and disused industrial building within the countryside.

In addition, in line with Policy PED 4, it is considered that the scale and nature of the proposed development does not harm the rural character or appearance of the area; there is no increase in the site area; and there would be benefits from the redevelopment of the site in terms of bringing a vacant building back into use.

Policy PED 4 also requires that the redevelopment scheme deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site. The lands adjacent to and to the northeast of the application site are in the ownership of the applicant (outlined in blue line on the site location plan) and include a yard area. However, any buildings that were previously on the site have now been demolished and there are currently no existing buildings within these lands adjacent to the application site. In considering the planning history on this adjacent area of land, it is considered that in the absence of any buildings on the site, the permitted uses beyond the application site boundary would be limited.

In addition, given there is a physical separation of mature vegetation between the application site and these adjacent lands, it is considered that the two areas of land are physically separate and therefore it is considered that the redevelopment of the application deals comprehensively with the full extent of the existing site as required under Policy PED 4.

It is considered that the redevelopment of the application site for the proposed use, which is utilising an existing vacant building within an appropriate countryside location is considered to be acceptable and in line with the thrust of Policy PED 4 of PPS 4. It is therefore considered that the proposal complies with the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside.

### **Neighbour Amenity**

Policy PED 9 of PPS 4 requires that any proposal for economic development does not harm the amenities of nearby residents and does not create a noise nuisance. There are three (3) residential properties some 84 metres to the west and some 190 metres and 219 metres to the north-west. No letters of objection have been received in respect of this proposal.

A revised Odour Impact Assessment (Document 09/1, date stamped 22<sup>nd</sup> December 2023), amended drawings and further information has been submitted. The Council's Environmental Health Section (EHS) was consulted on the revised information and its response states that suitably worded conditions can be recommended to deal with any issues regarding odour.

With regards to noise, EHS comments refer to email correspondence from the agent, dated 30 January 2024. In this correspondence the agent states that the revised Odour Impact Assessment and the details of the acoustic barrier took account of the previous comments from EHS. The email correspondence also stated that there were no changes or updates required to the Noise Impact Assessment issued in September 2023.

Having considered the information submitted, EHS are of the opinion that previous comments made in consultation responses dated 04 April 2023 and 18 September 2023 have not been adequately addressed or clarified.

The latest Ventilation Concept 2 Drawing (Drawing 12/1, date stamped 30 January 2024) shows the outline of the proposed acoustic barriers. The drawing also shows an Air Handling Unit (AHU) at first floor level. Clarification is required on whether this is AHU06, referred to on page 12 of the Noise Impact Assessment as being internal.

Previous EHS responses referred to the proposed mitigation measures in particular the recommended acoustic barriers. The applicant has yet to demonstrate the cumulative noise impact during daytime and night time hours at the nearby noise sensitive receptors, when taking into account the installation of the proposed acoustic barriers.

EHS has carried out tentative calculations which indicate an impact of +18dB over the daytime background sound level of 36dB LA90 prior to the installation of the acoustic barriers. The applicant has yet to state the attenuation which is to be achieved following the installation of the acoustic barrier and therefore what the resulting impact would be at the nearby sensitive receptors.

A data sheet for Jakoustic Absorptive fencing (Document No. 13, date stamped 30<sup>th</sup> January 2024) stated, 'Up to 32dB reduction in noise' and a sub note reference stating, 'Laboratory sound reduction 32dB Approximate Superficial Mass 28kg/m2.' EHS has indicated that in its experience that a reduction of 32dB is unlikely to be provided in practice by a timber construction fence.

EHS continue to have concerns regarding the noise impact. It is therefore considered that the proposal has the potential to significantly impact on residential amenity by way of noise and is contrary to the SPPS and criteria (b) and (e) of Policy PED 9: General Criteria for Economic Development of Planning Policy Statement 4: Planning and Economic Development.

## **CONCLUSION**

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

- The principle of development is considered to be acceptable;
- The proposed design is considered acceptable;
- The proposal has the potential to significantly impact on residential amenity by way of noise and odour; and
- Sufficient space is proposed within the curtilage of the application site for parking and manoeuvring of vehicles.

RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASON OF REFUSAL	
<p>1. The proposal is contrary to the Strategic Planning Policy Statement and criteria (b) and (e) of Policy PED 9: General Criteria for Economic Development of Planning Policy Statement 4: Planning and Economic Development as it has not been demonstrated that the development, if permitted, would not have a detrimental impact on neighbour amenity by way of noise.</p>	




## Site Location Plan

0 80 160  
Metres



Application Reference: LA03/2022/0307/F

 Site boundary

Location: 23 Rickamore Road Upper, Templepatrick, BT39 0JE

Proposal: Change of use from existing industrial unit and extension to building for the production, cultivation and processing of plants and all associated site works.



<b>COMMITTEE ITEM</b>	<b>3.5</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0686/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM REPORT</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Erection of boarding kennels and ancillary enclosed exercise area
<b>SITE/LOCATION</b>	13 Moneyrod Road, Randalstown, BT41 3JB
<b>APPLICANT</b>	Patrick & Justine Quigg, 13 Moneyrod Road, Randalstown BT41 3JB
<b>AGENT</b>	P J Carey Architecture, 21 Slaght Lane, Glarryford Ballymena, BT44 9QE
<b>LAST SITE VISIT</b>	October 2023
<b>CASE OFFICER</b>	Ashleigh Wilson Tel: 028 90340429 Email: <a href="mailto:Ashleigh.Wilson@antrimandnewtownabbey.gov.uk">Ashleigh.Wilson@antrimandnewtownabbey.gov.uk</a>
<p><b>The 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 <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>This application was initially presented to the November 2023 Planning Committee where it was decided that the application should be deferred to allow time for the applicant to submit additional information for further consideration at the February Committee meeting. This addendum report should be read in conjunction with the previously circulated Committee Report.</p> <p>No neighbours were notified of the application as no occupied properties abut the site. One letter of representation has been received since the publication of the previously circulated Committee Report. Therefore, a total of one (1) letter of objection has been received to the proposal. The full representations made regarding this proposal are available for Members to view online at the Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a> and the Council's website, under additional information.</p> <p>A summary of the key points of objection raised is provided below:</p> <ul style="list-style-type: none"> <li>• Not suitable to have dog kennels within close proximity to a nearby care home</li> </ul> <p><b>Principle of Development</b></p> <p>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.</p> <p>Further information has been submitted from the applicant's agent including a Planning Supporting Statement (Document 01/1, date stamped 11<sup>th</sup> January 2024).</p>	

No information has been provided by the agent with respect to any research or analysis pertaining to available land or buildings to buy or rent in the urban area, or indeed lands or buildings within the countryside, which might otherwise have been able to accommodate this development proposal.

The additional supporting information includes the applicant's business plan for the dog kennel business. The business plan states that research has been carried out into the demand for such a facility and when the applicant tried to avail of other kennel services, the applicant has had to travel up to 20 miles to access services.

The report identifies four other competitors in the nearby area and while the applicant reports that two of these need to be booked 6 months in advance in order to secure a place, the other two dog kennel businesses this is not cited as an issue and these are noted as being close to Belfast International Airport (BIA) with Ballyharvey Kennels, Antrim being 3.5 miles and Rathmore Kennels, Antrim approximately 7.2 miles from BIA. Both these permissions were granted in 2003 and the circumstances for their approval are considered to differ from the current proposal. The application site is approximately 12 miles from BIA and is not considered to be located within close proximity to it.

The supporting statement also highlights the importance for dog kennels that the facilitator lives on site for the welfare and needs of animals, particularly where they require around the clock supervision, care and / or medication and that this is a requirement within The Animal Boarding Establishments Regulations (NI). While this may be a requirement, it does not make any requirement for the dog kennelling business at this particular site specific location.

The Supporting Statement (Document 01/1) states that there are a total of 123 licenced boarding kennels in Northern Ireland, 10 of which are in the Antrim and Newtownabbey Council area and 100% of those are located outside of settlement limits. No details have been provided as to specific cases however, in any case each application is considered on its own merits and while there may have been circumstances where such a use has been considered acceptable in the countryside, such as the conversion of an existing building in line with Policy CTY 4 of PPS 21, or a farm diversification proposal in line with Policy CTY 12, or the extension of an existing kennel business, in this case it is considered that the applicant has not made a compelling case that would establish the principle of development.

Whilst the applicant has cited Planning Policy Statement 4, Policy PED 9, this policy stipulates general criteria to be applied to economic development proposals. However, it must also meet the provisions of Policy PED 2 of PPS 4 in terms of the principle of development in the countryside. In this case, it is not considered that the criteria within Policy PED 2 has been met in this case.

For this reason, it has not been demonstrated that this development proposal is essential in this countryside location or that the information provided demonstrates that exceptional case applies to the assessment of this development proposal. Therefore, it is considered that the proposal is contrary to the SPPS and Policy CTY 1 of PPS 21.



**Design and Appearance**

The design of the building has been amended slightly to allow for 8no. small windows and increased width to 9.05 metres. It is considered that given the set back of the building from the road, the amendments would not have any significant additional impact on the character and appearance of the area.

**Neighbour Amenity**

One further objection has been received with regards to the impact of the proposal on the residents of a nearby care home. The objection states that the care home has permission to extend to 31no. beds and that most of the residents are vulnerable adults and therefore it is not suitable to have dog kennels in close proximity. This care home is located approximately 100 metres away from the application site with an agricultural field separating the two sites. The responsibility for ensuring the dogs are kept within the application site would be with the developer.

With regards to the potential impact of noise and disturbance, a Noise Report (Document 02, date stamped 11<sup>th</sup> January 2024) has been received. The Council's Environmental Health Section (EHS) has been consulted and has also been notified of the objection received. EHS are satisfied that amenity at nearby sensitive receptors can be suitably protected, subject to the attachment of noise control conditions including there being no more than 10 dogs on the premises at any one time and only 1 dog being exercised at a time (only between 7:00am and 11pm) with a maximum of 2 dogs if they are from the same family. In addition, further conditions include all dogs being kept within the kennels building at all times other than when being exercised and that noise levels should not exceed those detailed in the noise report. It is therefore considered that any perceived impact on the residents of the care home would not likely be significant.

Although 8no. small windows have been added to the front elevation and the building has increased in width to 9.05 metres, it is considered that given the separation distances and orientation of the building that the amendments would not cause any significant impact on neighbour amenity.

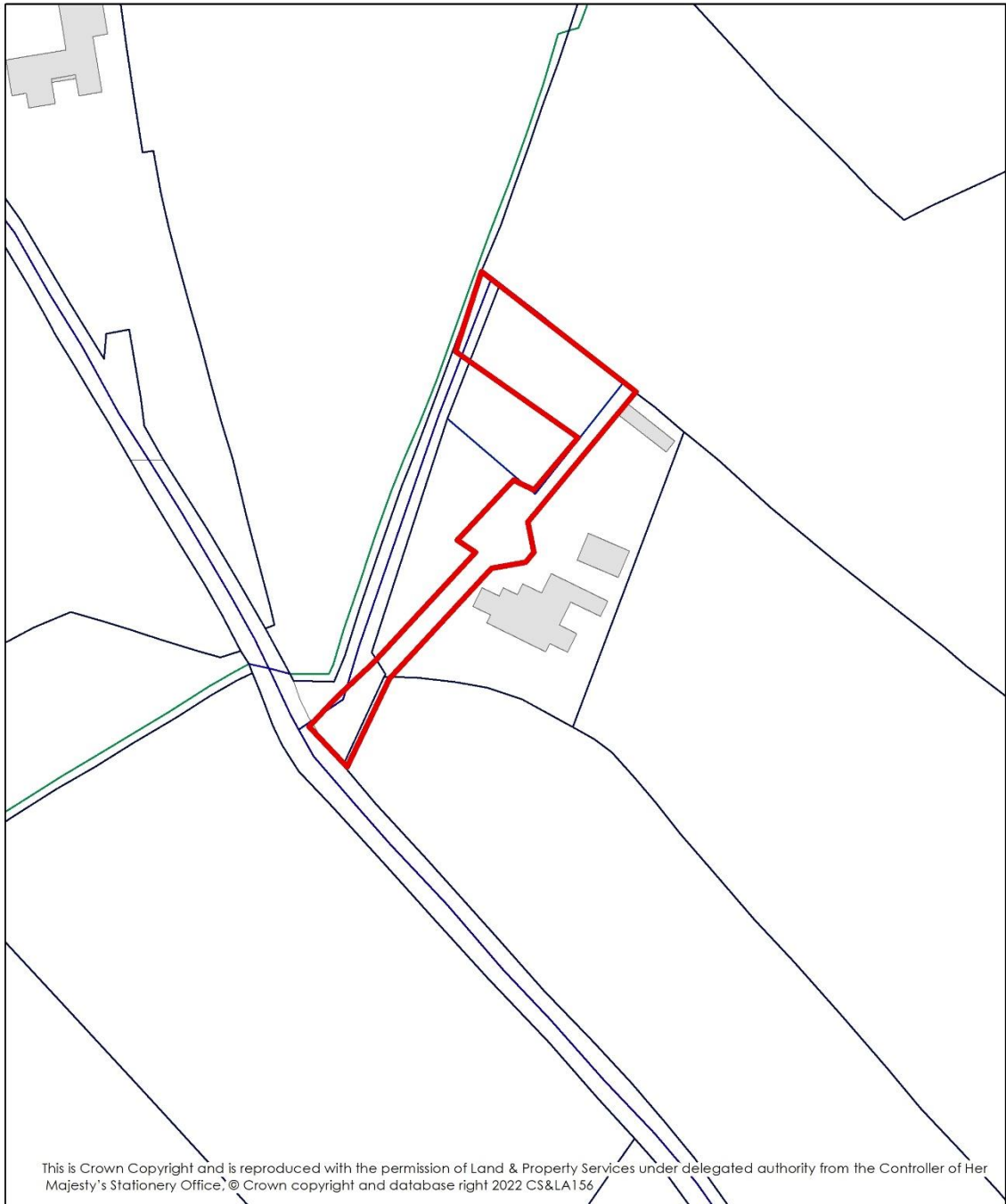
**CONCLUSION**

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

- The principle of the development has not been established;
- The design and appearance of the development is acceptable and shall not have an unacceptable impact on the local character and appearance of the area;
- It is considered that the proposal would not have an unacceptable impact on neighbour amenity, subject to conditions; and
- Access, parking and manoeuvring is acceptable

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

1. The proposal is contrary to the policy provisions contained in 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.



Planning Application Reference: LA03/2023/0686/F

Location: 13 Moneyrod Road, Randalstown

Proposal: Erection of boarding kennels and ancillary enclosed exercise area

Scale: 1:1250



Site Location



<b>COMMITTEE ITEM</b>	<b>3.6</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0903/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Erection of storage shed to be used in association with business use approved under LA03/2022/1024/F
<b>SITE/LOCATION</b>	40m north east of 179 Moneynick Road, Toome. BT41 3QZ
<b>APPLICANT</b>	McCorley Mechanical and Electrical Limited
<b>AGENT</b>	MBA Planning
<b>LAST SITE VISIT</b>	5 <sup>th</sup> January 2024
<b>CASE OFFICER</b>	Morgan Poots Tel: 028 90340419 Email: <a href="mailto:morgan.poots@antrimandnewtownabbey.gov.uk">morgan.poots@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located on lands at 179 Moneynick Road, Toome, within the countryside and outside any development limits identified in the adopted Antrim Area Plan 1984 – 2001.</p> <p>The application site is commonly referred to as Moneynick Service Station and contains a single storey shop, petrol pumps and overhead canopy, a detached single storey office building, a storage building and areas of hardstanding surrounds these buildings. Neither the petrol filling station nor the offices are currently operational. The restaurant building has secured planning permission for a change of use to office accommodation. Both of these buildings are positioned close to the Moneynick Road. The storage building is located at the north-western corner of the application site.</p> <p>The southern boundary of the application site is contiguous with the Moneynick Road and is defined by ranch style wooden fencing with two (2) vehicular access points. The northern boundary is defined by an approximately 2-3 metre high hedgerow. The western and eastern boundaries are defined by vertical wooden board fencing that is approximately 1.8 metres in height. Fencing of a similar height and material encloses an area of land around the building to the north-western corner of the application site. The topography of the application site is generally flat with a gentle upward slope moving north-eastwards.</p> <p>The area surrounding the application site is predominantly agricultural, with a series of three linear dwellings and outbuildings fronting the Moneynick Road located immediately east of the application site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2022/1036/F Location: 179 Moneynick Road, Antrim, BT41 2QZ</p>	

Proposal: Proposed replacement storage shed associated with an existing filling station and shop, associated car parking and site works.  
Decision: Permission Refused (21/08/2023)

Planning Reference: LA03/2022/1024/F  
Location: 179 Moneynick Road, Antrim, BT41 2QZ  
Proposal: Change of Use from restaurant to office accommodation  
Decision: Permission Granted (10/02/2023)

Planning Reference: T/2004/1095/F  
Location: Moneynick Service Station, Moneynick Road, Toomebridge.  
Proposal: Proposed Demolition of Existing Shop and Erection and of Supermarket.  
Decision: Permission Granted (28/06/2005)

Planning Reference: T/2000/0746/O  
Location: Adjacent to 177 Moneynick Road, Toomebridge  
Proposal: Conversion of café to reception area and motel type accommodation (Renewal of T/97/0489)  
Decision: Permission Granted (08/03/2001)

Planning Reference: T/1997/0489  
Location: Adjacent to 177 Moneynick Road, Toomebridge  
Proposal: Conversion of café to reception area and motel type accommodation  
Decision: Permission Granted (23/02/1998)

#### **PLANNING POLICY AND GUIDANCE**

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

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

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

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

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

considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

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

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

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

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

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

## **CONSULTATION**

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

**Northern Ireland Water Strategic** – No objection

**Department for Infrastructure Roads**- No objection

## **REPRESENTATION**

Seven (7) 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
- Expansion of an Established Economic Development Use in the Countryside
- Design and Appearance and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Flood Risk
- Access, Movement and Parking

### **Preliminary Matters**

#### Environmental Impact Assessment

The proposed development falls within Category 2, 10 (B) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. Regulation 12 of the Planning (Environmental Impact Assessment) (EIA) Regulations (NI) 2017, requires the Council to make a determination as to whether the proposed development would or would not be deemed EIA development. An EIA is required where the area of the development exceeds 0.5 hectares. In this case the application site measures 0.64 hectares in area and in accordance with the Regulations, a screening exercise must be carried out in order to determine whether

or not an Environmental Statement is required. It was concluded that an Environmental Statement was not necessary on this occasion as it is considered that the environmental impacts will be limited.

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

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

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

The application site is located within the countryside outside any development limit defined in the AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

Policy 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 for industry and business uses in accordance with PPS 4 'Planning and Economic 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.

The preamble of PPS 4 states that for the purposes of the PPS, economic development uses comprise industrial, business and storage and distribution uses, as defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015. Policy PED 2 of PPS 4 is entitled 'Economic Development in the Countryside'. The policy headnote refers the reader to Policy PED 3 'Expansion of an Established Economic Development Use in the Countryside'.

In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained within both PPS 4 and the following PPSs which provide the relevant regional policy context for consideration of the proposal:

- PPS 3: Access, Movement and Parking;
- PPS 15: Planning and Flood Risk; and
- PPS 21: Sustainable Development in the Countryside

Within this policy context, it is considered the principle of a storage building on the site would be acceptable subject to the development complying with the relevant policy provisions of the SPPS and PPS 4 as well as meeting other requirements in accordance with regional policy and guidance.

### **Expansion of an Established Economic Development Use in the Countryside**

Within the agents 'Planning Statement', Document 01 date stamped 30<sup>th</sup> November 2023, it is stated that the proposed storage shed shall be used for storage associated with McCorley Mechanical and Electrical company who are based in the office building approved under Planning Ref: LA03/2022/1024/F, approximately 40m north east of 179 Moneynick Road. The business requires additional storage space for their mechanical and electrical equipment adjacent to its administrative base.

Policy PED 3 of PPS 4 states that 'the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.' It continues to state that 'proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing buildings and will integrate as part of the overall development.' The policy also states that 'any new extension or new building should respect the scale, design and materials of the original buildings on the site and any historic or architectural interest the original property may have.'

As noted above, the policy head note of Policy PED 3 states that 'proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site.' As noted above, the former restaurant building has permission for the change of use to an office facility. The agent states that the proposed location of the storage shed is the most suitable location to avoid unnecessary trips and to provide a secure storage area for expensive equipment associated with the business.

Within the Planning Statement, it is noted that the existing shop and storage building cannot be used as the shop is going to re-open and the storage building is required to facilitate the shop. However, as it stands the petrol filling station is not currently in use, nor is the approved office use operational. While the agent has indicated that there is an intention to re-open the shop there has been no information submitted to support this assertion. The Moneynick Filling Station was an extremely busy business until the new A6 dual carriageway opened. Shortly after the dual carriageway opened the business closed, supposedly as the Belfast bound traffic no longer passed the site. Given that there are now very limited traffic flows along the Moneynick Road it is difficult to see how a retail shop or filling station could be sustained. For this reason, it has not been demonstrated that the aforementioned

options to accommodate the expansion of this established economic development use in the countryside are not valid options for the developer. This is contrary to the policy provisions of Policy PED 3 of PPS 4.

Policy PED 4 of PPS 4 'Redevelopment of an Established Economic Development Use in the Countryside' allows for the redevelopment of an established economic development use in the countryside. However, as outlined above the proposed storage building is to be used in conjunction with the recently approved office development on site meaning this is not a redevelopment proposal. It is not considered that the proposal deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site as per the requirements of criterion (c) of PED 4. The wider site will remain unaltered by the current proposal. As such, it is not considered that the proposed storage shed can be viewed as a redevelopment proposal.

Policy PED 4 also requires that there would be environmental benefits as a result of the redevelopment. The application site contains three (3) buildings; the petrol station shop, the office building (previously a restaurant) and the existing storage shed at the rear of the site. The proposed storage shed is 7.8 metres in height, 16 metres in width and 25 metres in length, which equates to 368sqm of floor space.

The existing petrol station shop is 4.5 metres in height, 14 m in width and 21 metres in length, which equates to 294sqm of floor space. The office building is 4.5 metres in height, 12.5 metres in width and 20.5 metres in length, which equates to 256.25sqm of floor space. The existing storage shed measures 5.5 metres to the ridge and is 7.7 metres in length and 7.7 metres in depth, which equates to 59.29sqm of floor space.

The proposed building is larger than the existing buildings on the site both in terms of floor space and scale. The building is to be positioned in the corner of the site but it will remain prominent in the streetscape. Given the critical views of the site from both directions along Moneynick Road, the proposed storage building would be out of proportion with the existing buildings, prominent and conspicuous in the landscape and fails to adequately integrate as part of the overall development. As such the proposal is deemed to be contrary to the policy provisions of Policy PED 3 of PPS 4.

Therefore, the Council considers that the proposal does not comply with Policy PED 3 or 4 of PPS 4.

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

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. Policy PED 3 of PPS 4 also refers to the impact of the proposal not causing harm to the rural character or appearance of the local area.

The building consists of two (2) roller shutter doors, a pedestrian door and a window to the front elevation and an additional pedestrian door to the rear. The storage shed is to be finished in dark grey cladding and steel rainwater goods.



As stated above it is considered that the development proposal will not adequately integrate as part of the overall development because the proposed storage building is inappropriate for the site and locality and is unable to provide a suitable degree of enclosure for the building to integrate.

Policy PED 3 states that 'in all cases, measures to aid integration into the landscape will be required for both the extension and the existing site.' It is noted that on the proposed site plan, Drawing Number 02 date stamped 30<sup>th</sup> November 2023, that the existing vegetation along the northern and western boundaries are to be retained. No new planting has been detailed but nevertheless any new landscaping is thought to take several years to mature to a degree that may offset the failure of the development proposal to integrate into the landscape.

For the reasons set out above it is considered that the scale of the development proposal shall harm the rural character and appearance of the local area, which is contrary to the Policy provisions of Policy PED 3 of PPS 4 and Policies CTY 13 and 14 of PPS 21.

### **Neighbour Amenity**

The nearest sensitive residential receptors to the application site are located at Nos. 177, 175 and 173 Moneynick Road, which are located approximately 30 metres, 40 metres and 70 metres respectively from the proposed location of the storage building.

It is noted that in its consultation response the Council's Environmental Health Section has offered no objection to the development proposal subject to the inclusion of conditions restricting hours of operation to day time only and ensuring any roller shutter doors remain closed unless for egress and ingress.

For the reasons set out above it is considered that the development proposal is sufficiently far removed from nearby sensitive residential receptors that a significant adverse impact to the residential amenity of those residents by reason of noise nuisance and general disturbance will not occur. The development proposal is therefore compliant with the relevant policy provisions of the SPPS and PPS 4 in this regard.

### **Flood Risk**

The application site does not lie within any designated flood plain nor does the site have a history of flooding. However, 'Ivy Burn' is located approximately 380 north of the site and is designated under the terms of the 'Drainage (Northern Ireland) Order 1973.

A Drainage Assessment is not required in this instance as the proposal does not exceed 1000 sqm of hard standing, the storage shed has a floor-space of approximately 370sqm and is to be located on an existing area of hardstanding.

For the reasons set out above it is considered that the development is not likely to be at risk of being flooded or at risk of exacerbating flooding elsewhere. As such, the development proposal is considered to be compliant with the relevant policy provisions of the SPPS and PPS 15.

**Access, Movement and Parking**

With reference to the submitted block plan, Drawing Number 02 date stamped 30<sup>th</sup> November 2023, it is noted that visibility splays of 2.4 metres x 160 metres shall be provided at both the vehicular entrance and exit points. The existing parking arrangements for the wider site will remain unaffected by the proposal.

In its consultation response DfI Roads, has offered no objections to the development proposal. For the reasons set out above it is considered that the development proposal complies with the relevant policy provisions of the SPPS and PPS 3 and is therefore considered acceptable.

**Other Matters**

With reference to the criterion based tests of Policy PED 9 of PPS 4 that have not been referred to directly or indirectly within the main body of the report it is considered that the development proposal is compatible with surrounding land uses and it does not adversely affect features of the natural or built heritage. Additionally, no effluent or emissions are associated with the development proposal and there are no outdoor areas of storage that require to be screened via the provision of landscaping. As the site is located within the countryside, it is not practicable to achieve a movement pattern, which fully supports walking, however the site is located approximately 1 mile from Toomebridge.

**CONCLUSION**

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

- The principle of the development has not been established as it has not been demonstrated that the development proposal cannot be accommodated through the reuse or extension of existing buildings;
- The design and appearance of the buildings is considered unacceptable due to its size, scale and proportions being out of keeping with existing buildings on the site;
- The development would appear prominent and would not integrate into the local landscape;
- The proposal would have a detrimental impact on the character and appearance of the local area;
- There are no residential amenity issues;
- There are no natural heritage issues;
- Access, movement and parking arrangements are acceptable; and
- There is no flood risk associated with the development proposal.

**RECOMMENDATION****REFUSE PLANNING PERMISSION****PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy PED 3 of PPS 4, Planning and Economic Development, in that it has not been demonstrated that the development

proposal could be accommodated through the reuse or extension of existing buildings on site and the proposed building is not in proportion with existing buildings.

3. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy PED 4 of PPS 4, Planning and Economic Development, in that; there are no exceptional reasons provided to approve a storage facility in the countryside; the scale and nature of the proposal will harm the rural character or appearance of the local area; there would be no environmental benefits as a result of the redevelopment; the redevelopment scheme does not deal comprehensively with the full extent of the existing site nor does it address the implications for the remainder of the site; and the replacement buildings will have a detrimental visual impact.
4. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy PED 3 of PPS 4, Planning and Economic Development, in that it has not been demonstrated that the development proposal could be accommodated through the reuse or extension of existing buildings on site and the proposed building is not in proportion with existing buildings.
5. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement, Policies PED 3 and PED 9 of PPS 4, Planning and Economic Development, and Policies CTY 1, CTY 13 and CTY 14 of PPS 21, Sustainable Development in the Countryside, in that the proposal does not respect the scale of original buildings and the design of the building is inappropriate for the site and locality; it would appear as a prominent feature in the landscape; the site is unable to provide a suitable degree of enclosure for the proposal to integrate sympathetically as part of the overall development; and measures to aid integration into the landscape have not been provided.



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### Site Location Plan

Application Reference: LA03/2023/0903/F

Location: 40 metres northeast of No. 179 Moneynick Road, Toome, BT41 3QZ

Proposal: Erection of storage shed to be used in association with business use approved under LA03/2022/1024/F

0 100 200 Metres



 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.7</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0636/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Conversion of building to create 3no. apartments and 2no. detached dwellings on lands to rear accessed off Millburn Mews
<b>SITE/LOCATION</b>	7 Main Street, Ballyclare, BT39 9AB
<b>APPLICANT</b>	Tony Burdett
<b>AGENT</b>	Crockard Building Design
<b>LAST SITE VISIT</b>	26 <sup>th</sup> September 2023
<b>CASE OFFICER</b>	Morgan Poots Tel: 028 90340419 Email: <a href="mailto:morgan.poots@antrimandnewtownabbey.gov.uk">morgan.poots@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No.7 Main Street, Ballyclare and includes additional lands to the rear. The site is located within the development limit of Ballyclare as identified in draft Belfast Metropolitan Area Plan (published 2004) (dBMAP).</p> <p>No. 7 Main Street, Ballyclare is a mid-terrace two storey property with a prominent roadside frontage and consists of a former hairdressing salon on the ground floor with living accommodation on the first floor of the building.</p> <p>The rear of the property is accessible through an arched gateway on the north-eastern elevation of the property, No. 7 Main Street, and is defined by three (3) distinct sections. The first section to the immediate rear of No. 7 contains three (3) two-storey outbuildings that defines the south-eastern boundary of this section of the rear yard. A 2.5m high wall extends along the north-eastern boundary, along with a 2.5m high gate. A 1.5m high gate divides this rear yard with a second area to the southeast, which consists of an overgrown area of vacant land to the rear. Mixed species landscaping with a maximum height of six (6) metres extends along the north-western and south-eastern boundaries. The south-western boundary is defined by a 2m high wall. The third south-eastern section of the site abuts Millburn Mews and is overgrown with trees and gorse. The topography of the site is generally flat.</p> <p>The surrounding area is a mix of residential uses including apartment development of Millburn Mews as well as commercial uses in close proximity to the site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2022/0189/F</p> <p>Location: 7 Main Street, Ballyclare and site to rear access of Millburn Mews, Ballyclare</p> <p>Proposal: Conversion of No. 7 Main Street to 3no. apartments with 2no. new build dwellings to rear and access off Millburn Mews.</p> <p>Decision: Permission Refused (21/10/2022)</p>	

## PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, 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 and town centre boundary of Ballyclare. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the development limit and town centre boundary of Ballyclare. The application site is within a draft Area of Townscape Character as designated within the plan, which requires a sensitive approach to new replacement buildings and to reuse and alter existing buildings which is required to avoid further fragmentation of the Towns unique historical and architectural character.

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

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

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

Addendum to PPS 6: Areas of Townscape Character: sets out planning policy and guidance relating to Areas of Townscape Character, for demolition of buildings, new development and the control of developments.

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**

**DfI Roads**- No Objection

**Antrim and Newtownabbey Environmental Health Section**- No Objection

**Northern Ireland Water Multi Units East**- No Objection

**DAERA Regulations Unit** - No Objection

**DAERA Natural Environment Division**- More Information Required

**DfI Rivers**- No Objection

### **REPRESENTATION**

Forty-eight (48) neighbouring properties were notified of the application and no representations have been received on the proposal. Four (4) letters were returned due to there being no such address.

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

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

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

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

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

The application site is located within the development limit of Ballyclare as defined within the draft Newtownabbey Area Plan 2005 and dBMAP 2004. dBMAP identifies the site within a draft Area of Townscape Character, which requires a sensitive approach to new replacement buildings and the reuse and alteration of existing buildings to avoid further fragmentation of the towns unique historical and architectural character.

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 SPPS promotes good design and seeks to make more efficient use of urban land without town cramming. PPS 7 'Quality Residential Environments' and PPS 7 (Addendum) 'Safeguarding the Character of Established Residential Areas' are retained policies under the SPPS and provide the appropriate policy context.

The site is located within the town centre boundary of Ballyclare and the application seeks full planning permission for the conversion of the existing building to create 3no. apartments and also includes 2no. detached dwellings on lands to rear, accessed off Millburn Mews. Given the site abuts an established residential area and there are existing apartments along this stretch of Main Street, the principle of housing on the site is considered to be acceptable subject to the development complying with all other policy and environmental considerations.

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

Policy QD 1 of PPS 7 'Quality Residential Environments' states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. This is qualified in existing residential areas with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS 7 reiterates the need for sensitivity and in Policy QD 1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

The proposal consists of two (2) elements. Firstly, it seeks to convert the existing property at No. 7 Main Street into three (3) apartments and secondly, within the area to the rear of the property to the southwest of the site, two (2) townhouses are proposed with a proposed new access taken directly off the internal estate road from Millburn Mews.

The conversion of No. 7 Main Street will have a limited visual impact on the subject building when viewed along Main Street. Changes to the north-eastern (front) elevation of the existing property include the infilling of the arched gateway to provide additional ground floor living accommodation, the removal of the shop frontage hoarding, a separate front entrance to one of the proposed apartments and reduction in the size of windows, resulting in a residential appearance to the street frontage. Changes to the south-western (rear) elevation include two (2) ground floor doors to allow rear access to the respective apartments and to an area of rear amenity space and car parking.



The scale and design of the proposed apartments share similar characteristics with the abutting apartments at Nos. 9-21 Millburn Mews. It is considered that the layout and impact on the character and appearance of the area will not significantly change. It is also considered that the proposal will not have a significant impact on the draft Ballyclare Area of Townscape Character as a result of the conversion of No.7 Main Street to the three (3) apartments. It is considered the proposal will have a positive impact on the appearance of the building which is currently vacant and at risk of falling into a state of disrepair.

Two (2) detached townhouses and associated parking for the development are proposed to the rear and southwest of No.7 Main Street. The proposed townhouses are orientated towards the internal estate road within Millburn Mews. Both of the townhouses are of a similar style and layout. The dwellings are two (2) storey in nature with House Type B including roof space accommodation. The proposed finishes of the dwellings includes white render and red brick which will be sympathetic to the finishes of the adjacent development at Millburn Mews.

With regards to the design and appearance of the townhouses, it is considered that the proposal is not at odds with the existing pattern of development. There is a similar arrangement at the existing residential development to the south within Millburn Mews. The proposed townhouses are two storey in height which is considered acceptable when viewed in the context of the surrounding area. However, the proposed townhouses lack a front garden area which could be considered out of character in relation to the surrounding houses in Millburn Mews.

Criterion (C) of Policy QD1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided in 'Creating Places' which indicates a minimum requirement of 40sqm for any individual dwellings. Creating Places further indicates that development of this nature requires an average of 70sqm. The rear private amenity space for House A is approximately 101sqm with House B measuring approximately 60sqm. The level of amenity space provided for the two (2) townhouses is therefore considered acceptable and Criterion C of Policy QD1 has been complied with.

Drawing 03, date stamped 29<sup>th</sup> August 2023, outlines the proposed and existing boundary treatments and landscaping works. New planting is proposed along the new site access, adjacent to the bin store area and along the south-western boundary which abuts Millburn Mews. A new entrance wall and pillars are proposed at the entrance to the site along with a 1.8 metre high close boarded fence in front of the existing 1.5 metre blockwork wall to the south-western boundary. In this regard, it is considered that the proposed boundary treatment and landscaping is acceptable.

It is considered that the proposed development respects the surrounding context and character of the area and therefore complies with Policy QD1 of PPS7 and Policy LC1 of APPS7.

### **Residential Amenity**

The proposed siting of the two (2) dwellings results in a maximum separation distance of 4.6 metres between the gable wall of House A and the common boundary of the

existing dwelling at No.3 Millburn Mews with a total separation distance between the properties of 9.4 metres.

It is noted that this will be a gable-to-rear relationship, No.3 Millburn Mews is a single storey dwelling set within close proximity to a two storey townhouse. The boundary treatment along the common boundary consists of a 1.5 metre existing blockwork wall with a 1.8 metre high close boarded fence proposed along this boundary. This relationship has some potential to appear dominant on the neighbouring property, No.3 Millburn Mews.

The rear depths of the back gardens proposed for House A and B are 6 metres and 5 metres respectively. House A abuts the rear garden area of the two storey dwelling at No.5 Millburn Mews to the northwest of the site. This results in a gable-to-rear relationship. The rear garden area and sunroom associated with No.5 Millburn Mews is open to views from the first floor windows of House A. It is noted that some degree of landscaping exists within the western corner which provides some seasonal screening. However, due to the somewhat staggered relationship between this existing dwelling and House A, there will be a level of overlooking between the first floor windows of the proposed dwelling onto the garden areas of existing residential properties. It is considered however, that some degree of overlooking in the urban area is to be expected and that the siting and orientation of the proposed townhouses will not have a significant impact on the amenity of the existing neighbouring dwellings.

No.1 Millburn Mews is positioned so that it is offset to the front elevation of House B with a front-to-rear relationship and is directly adjacent to the access of the site. While not entirely clear, it would appear that the private amenity spaces associated with No. 1 Millburn Mews have been included as part of this planning application which would mean a complete loss to its private amenity space and is unacceptable. Given the absence of any private amenity space or buffer between the rear elevation of No.1 Millburn Mews and the parking area for the proposed apartments it is considered that the proposal will result in a significant negative impact on No.1 Millburn Mews by reason of a lack of privacy, overlooking and general disturbance by pedestrians and traffic on three sides of the existing dwelling and it is unclear how this can be mitigated. Overall, it is considered that the proposal will have a significant impact on the amenity of No. 1 Millburn Mews.

It is therefore considered that the proposal fails to meet criterion (h) of Policy QD1 of PPS 7 in that the layout and design will have a detrimental impact on residential amenity by way of loss of private amenity space, a loss of privacy, overlooking and general disturbance to No. 1 Millburn Mews.

#### **Land Contamination**

Document 01, date stamped 29<sup>th</sup> August 2023, Preliminary Risk Assessment (PRA) and Generic Quantitative Risk Assessment (GQRA) and Remediation Strategy has been submitted and forwarded to the Council's Environmental Health Section and DAERA Regulations Unit. Both consultees responded with no objections subject to conditions.

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

The proposal involves a new access from Millburn Mews along with associated parking for the development. Policy AMP 2 'Access to Public Roads' of PPS 3 applies

which 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."

Drawing 02, date stamped 29th August 2023 shows that 2x33 metres visibility splays are provided in both directions from the new access in Millburn Mews which is considered acceptable.

Criterion (f) of Policy QD1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total number of parking spaces to be provided for residents, visitors and other callers.

Policy AMP 7 of PPS 3 and criterion (f) of Policy QD 1 of PPS 7 requires that adequate and appropriate provision is made for parking. Supplementary planning guidance document 'Creating Places' sets out the standards of parking spaces required. The proposal provides assigned parking spaces for the three (3) apartments, one (1) visitor space and two (2) spaces per dwelling, giving a total of eight (8) parking spaces. In accordance with Parking Standards, nine (9) spaces would be required for this development, falling short by one (1) visitor space.

However, the application site is within an urban location in the town centre of Ballyclare and is well connected to existing public transport with several bus stops located in the local vicinity and is also within walking distance of a variety of shops and services. The site is also served by a dense network of pedestrian footpaths and can be accessed by pedestrians, cyclists and motorists. DfI Roads has been consulted and offers no objections, subject to conditions being attached to any grant of planning permission, should it be forthcoming.

It is considered that despite the shortfall of one visitor parking space, for the reasons outlined above, the proposal is considered acceptable in this regard.

### **Natural Heritage**

Policy NH2 'Species Protected by Law' of PPS 2 'Natural Heritage' states that planning permission will only be granted for a development proposal that is not likely to harm a European Protected Species such as Bats or Badgers.

The site itself appears overgrown and the proposal includes the removal of the existing outbuildings to the rear of the site, these outbuildings are vacant and due to concerns over bat roosting potential within the buildings, a NI Biodiversity Checklist was required to be undertaken.

A NI Biodiversity Checklist and Ecological Statement, Document 02, date stamped 24<sup>th</sup> November 2023 was submitted which concludes that the site is within a dense urban environment with the presence of significant artificial illumination, this along with the nature of the property which has no roofing membranes or wall cavities, means it is considered to hold negligible suitability for roosting bats. DAERA Natural Environment Division has been consulted on the proposal and requested that a Bat Roost Potential Survey be undertaken. This information was requested on 20<sup>th</sup> December 2023 and has not been forthcoming. This matter was also raised as an

issue under the consideration of an earlier planning application on the site Ref: LA03/2022/0189/F.

On this basis, it is considered that it has not been demonstrated that the proposal will not have a detrimental impact on Bats and is contrary to Planning Policy Statement 2, Policies NH 2 and NH 5.

### **Other Matters**

#### Consultations

Northern Ireland Water (Multi Units East) has been consulted on the proposal due to the increase in sewage load associated with the development, however, they offered no objections.

### **CONCLUSION**

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

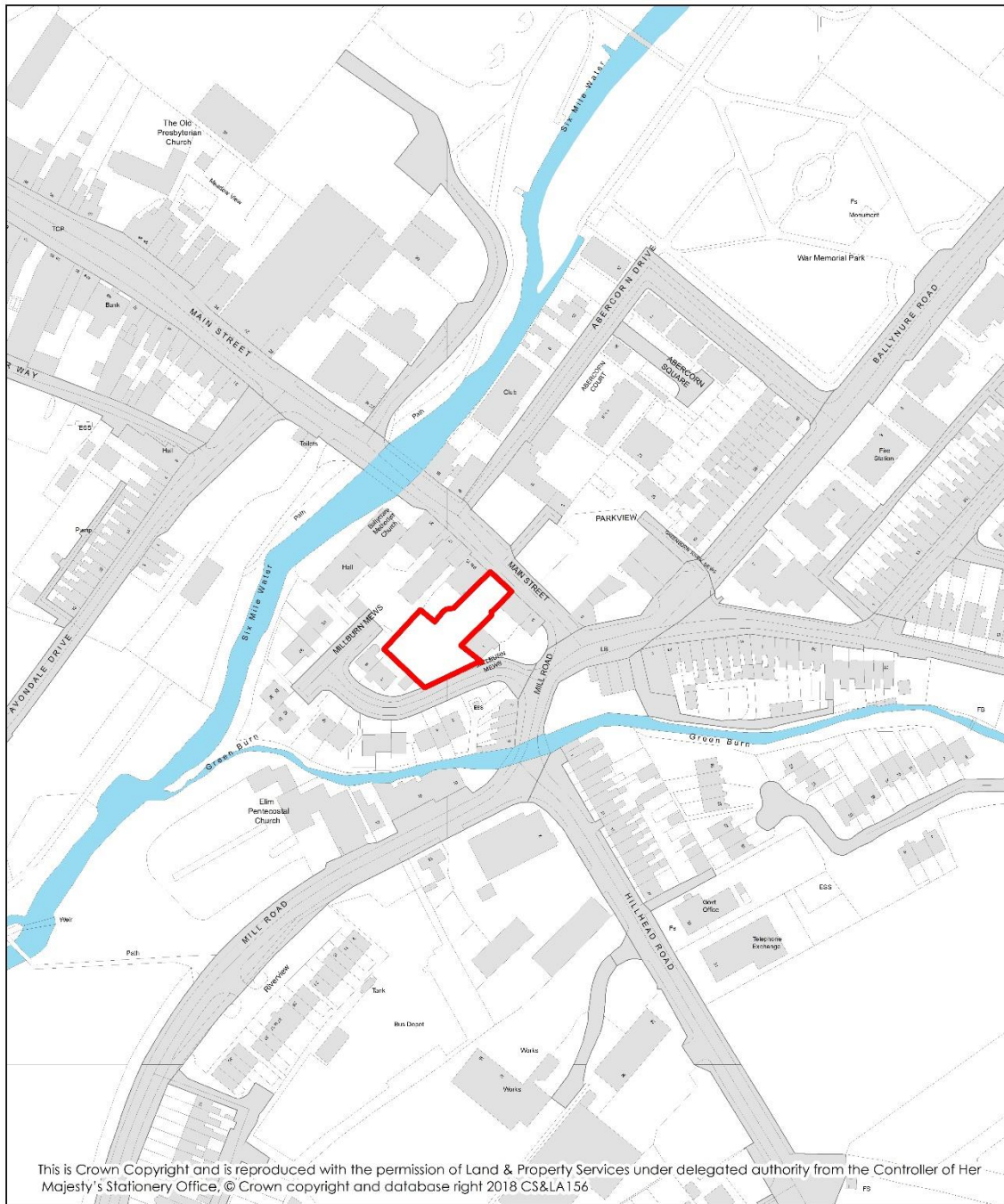
- The principle of development is considered acceptable;
- The layout, design and appearance of the proposal is acceptable and in keeping with the surrounding area;
- The proposal is considered to have a significant detrimental impact on the residential amenity of the existing and proposed properties;
- It has been demonstrated that the issue of potential contamination on the site has been adequately considered and addressed;
- It has been demonstrated that adequate access arrangements can be provided; and
- It has not been demonstrated that the proposal will not have detrimental impact on Bats.

### **RECOMMENDATION**

### **REFUSE PLANNING PERMISSION**

### **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that, if permitted would result in an unacceptable adverse effect on both existing and proposed properties in terms of loss of amenity space, loss of privacy, overlooking and general disturbance.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies NH 2 and NH5, in that it has not been demonstrated that the proposed development will not have a detrimental impact on bats.

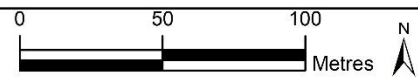


## Site Location Plan

Application Reference: LA03/2023/0636/F

Location: 7 Main Street, Ballyclare, BT39 9AB

Proposal: Conversion of building to create 3No apartments & 2no new detached dwellings on lands to rear and accessed off Millburn Mews



 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.8</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0931/O</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for 1 no. infill dwelling and detached garage
<b>SITE/LOCATION</b>	Site 35m west of 14a Carmavy Road and 100m NW 19 Carmavy Road, Nutts Corner, Crumlin, BT29 4TF
<b>APPLICANT</b>	Mark Patterson
<b>AGENT</b>	MAW Architects
<b>LAST SITE VISIT</b>	9 <sup>th</sup> January 2024
<b>CASE OFFICER</b>	Alexandra Tipping Tel: 028 903 40216 Email: <a href="mailto:alexandra.tipping@antrimandnewtownabbey.gov.uk">alexandra.tipping@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located 35 metres west of No. 14a Carmavy Road and 100 metres northwest of No. 19 Carmavy Road, Nutts Corner, Crumlin. The site lies outside the development limits of any settlement defined by the Antrim Area Plan 1984-2001.</p> <p>The application site consists of part of a wider agricultural field and is located between the existing dwelling at No. 14a Carmavy Road to the east and a private access laneway to the west. The laneway which abuts the western site boundary also sweeps in front of the application site's southern boundary. The northern site boundary is undefined and the southern and western site boundaries are defined with post and wire fencing. The eastern site boundary is defined by mature Leylandii trees. The topography of the site is generally flat.</p> <p>The surrounding area is typically rural in character with dwellings intermittently dispersed throughout the landscape.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history.	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which</p>	

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

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

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

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

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

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

## CONSULTATION

**Council Environmental Health Section** – No objection

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads**- No objection

**Belfast International Airport** – No objection

**Defence Infrastructure Organisation (Land Management of Disposals NI)** – No objection

## REPRESENTATION

Six (6) neighbouring properties were notified of the application and one (1) letter of representation has been received.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningregister.planningsystemni.gov.uk](http://www.planningregister.planningsystemni.gov.uk)).

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

- Concern in relation to the proposal not meeting the criteria for an infill dwelling.

- A covenant has been placed on a neighbouring section of land (adjacent to No. 14) that states 'not to erect any separate dwelling house on the land... a building capable of occupation as a separate residential unit'.

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

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

- Policy Context and Principle of Development
- Integration, Design and Impact on the Character of the Area
- Neighbour Amenity
- Other Matters

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

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is 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 CTY 8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the



policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

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

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

The first element of Policy CTY 8 requires that a substantial and continuously built up frontage exists. In this case, the application site comprises a part of a wider agricultural field between the dwelling at No. 14a Carmavy Road and a private laneway which provides access to a dwelling at No. 14d Carmavy Road. The dwelling at No. 14a Carmavy Road has its own road frontage as the plot on which it stands directly abuts the Carmavy Road.

The agent submitted a Planning Statement which provided supporting information (Document 01 date stamped 14th December 2023)) to advise that the buildings relied upon to demonstrate a substantial and continuously built up frontage are Nos. 14a, 14c and 14d Carmavy Road (identified on Drawing No. 02 as Plots 01, 02 and 03). The agent contends that the dwellings at No. 14d and No. 14c Carmavy Road have a common frontage onto the Carmavy Road. The supporting statement refers to text within the Justification and Amplification section of Policy CTY 8 which states 'for the purposes of this policy a road frontage includes a footpath or private lane'. The agent also asserts within the supporting statement, that the policy states 'A ribbon of development does not necessarily have to be served by individual access nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked'. However, this statement is describing ribbon development (what the policy is trying to resist) and is not referring to the definition of a continuous built up frontage required to permit the development of a small gap site in accordance with policy.

The dwellings at No. 14d and 14c Carmavy Road are not considered to have frontages onto the Carmavy Road. The main plots on which these dwellings are situated are set back a significant distance from the road (210 metres and 140 metres respectively) and therefore do not directly abut the roadside. In this case, it is accepted that it is merely the access laneways to both these dwellings that front onto the main road and not the buildings themselves.

For clarity purposes, it is also considered that Nos. 14e and No. 14f Carmavy Road do not have a frontage onto the Carmavy Road. It is also the case for these two dwellings that it is merely the access laneways to both dwellings that front onto the Carmavy Road and not the buildings themselves.

In addition to the above, it should also be noted that the application site itself is set back some 20 metres from the public road. This is due to the private laneway serving access to No. 14d Carmavy Road and the intermittent grass verge existing between it and the Carmavy Road. The application site therefore is also not deemed to display a direct road frontage.

On the basis of the above it is considered that there is no substantial and continuously built up frontage apparent along this stretch of the Carmavy Road and therefore there is no 'gap site' to infill. The proposal therefore fails to comply with criteria (a) of Policy CTY 8 as noted above.

Other planning and environmental considerations will be discussed below but given that there is essentially no 'gap site' in accordance with policy CTY 8, the principle of a new dwelling on the application cannot be established as there are no overriding reasons as to why this development is necessary in the rural area meaning the proposal is also contrary to Policy CTY 1.

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

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

As the application seeks outline permission, full and proper details to include, scale, siting and design have not been provided. As noted above, the application site encompasses part of a wider agricultural field. The site boundaries to the north, south and west lack any long established natural boundaries to provide a suitable degree of enclosure. The southern and western site boundaries are presently defined by post and wire fencing and the northern boundary remains open and undefined. The eastern boundary is defined by large and mature Leylandii type trees.

Given the lack of established natural boundaries around most of the site, it is considered that a dwelling on the site would rely primarily on the use of new landscaping for integration. There would be long and exposed views to the site when travelling eastwards along the Carmavy Road and although an element of backdrop may be provided by the existing Leylandii type trees along the eastern shared boundary with No. 14a Carmavy Road, this is not considered to be sufficient to allow a new dwelling to successfully integrate into this rural environment. The proposal is therefore considered to be contrary to Policy CTY 13.

Policy CTY 14 advises that a new building in the countryside will not be acceptable where it results in a suburban style build-up of development when viewed with existing and approved buildings, or it creates or adds to a ribbon of development. It is considered that a dwelling on the application site would result in an unnecessary suburban style build-up of development in this rural area when viewed with the existing development in the vicinity.

### **Neighbour Amenity**

As the application seeks outline planning permission, limited details have been provided regarding the proposed siting and design, however, 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.

### **Other Matters**

This section of the report deals with other matters raised within the representation that have not yet been addressed in the main body of the report.

The representation explains that a covenant has been placed on a neighbouring section of land (adjacent to No. 14). The representation advises that this states 'not to erect any separate dwelling house on the land... a building capable of occupation as a separate residential unit'. This covenant does not relate to lands within the application site and regardless of this, any covenant placed on lands would not have any determining weight on a planning application as this would be considered a civil matter that falls outside of the planning remit.

### **CONCLUSION**

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

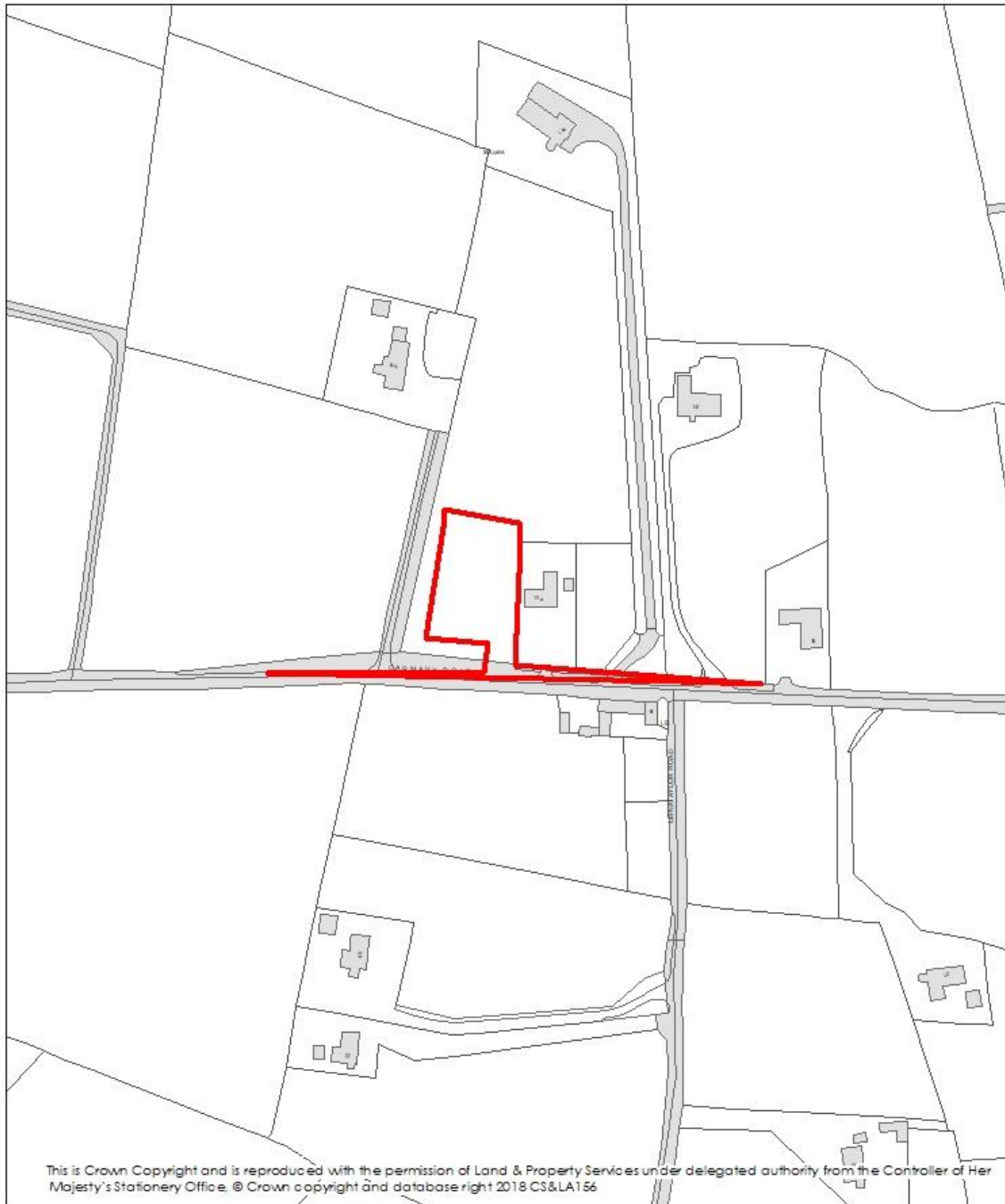
- The principle of the development is not acceptable;
- The proposed development would not integrate into its surroundings;
- The proposed development would result in a detrimental impact on the character of the area; and
- An appropriately designed dwelling on the application site would not have any significant impact on neighbouring amenity.

### **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 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 and it fails to meet with the provisions for an infill dwelling in accordance with Policy CTY 8 of PPS 21 as there is no substantial and continuously built up frontage surrounding the application site.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site would, if permitted, add to an existing build-up which would further erode the rural character of the countryside.
3. 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, in that a new dwelling, if permitted, would lack a suitable degree of enclosure and would rely primarily on the use of new landscaping for integration.

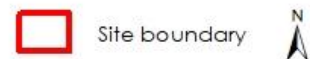


### Site Location Plan

Application Reference: LA03/2023/0931/O

Location: Site 35m west of 14a Carmavy Road and 100m NW 19 Carmavy Road, Nutts Corner, Crumlin

Proposal: Site for 1 no. infill dwelling and detached garage



<b>COMMITTEE ITEM</b>	<b>3.9</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0864/O</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for Dwelling and Garage
<b>SITE/LOCATION</b>	150M East of 144a Ballymena Road, Doagh, Ballyclare, BT39 0TN
<b>APPLICANT</b>	Nigel Coffey
<b>AGENT</b>	Mark Kirkwood
<b>LAST SITE VISIT</b>	15th December 2023
<b>CASE OFFICER</b>	Gareth McShane Tel: 028 903 40411 Email: <a href="mailto:gareth.mcshane@antrimandnewtownabbey.gov.uk">gareth.mcshane@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 150m east of No. 144a Ballymena Road, Doagh, Ballyclare and within the countryside as defined by the draft Belfast Metropolitan Area Plan 2004 (dBMAP).</p> <p>The application site is located off a shared laneway, which adjoins the Ballymena Road. Access to the site is currently achieved via an agricultural entrance. The site forms a rectangular shape cut out of a wider agricultural field. The topography of the land is generally flat throughout and at the time of the site visit appeared to be used for agricultural purposes. The southern and western site boundaries are defined by mature trees and hedgerows. The northern and eastern site boundaries are undefined.</p> <p>The surrounding area is rural in character with a number of dwellings and farm buildings in the vicinity of the site and spread throughout intermittently.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2013/0042/O Location: 40m East of No. 44a Ballymena Road, Doagh Proposal: Proposed dwelling and garage on a farm Decision: Permission Refused (07.08.2013)</p> <p>Planning Reference: T/2000/0083/F Location: Adjacent to 144 Ballymena Road, Doagh Proposal: Change of use of redundant poultry house to iron craft workshop (retrospective) Decision: Permission Granted (29.06.2000)</p>	

## PLANNING POLICY AND GUIDANCE

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

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

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

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan (2004): The application site is located outside any development limits and lies in the countryside as designated by these Plans which offers no specific policy or guidance.

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

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

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

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

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

## CONSULTATION

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

**Council Environmental Health Section** - Further information required

**Northern Ireland Water** - Approve subject to conditions.

**Belfast International Airport** - No objections.

**DfI Rivers** - No objection

## **REPRESENTATION**

Twelve (12) neighbouring properties were notified of the proposal and no (0) letters of representation were received.

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

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

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

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in the assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process.

Both of the relevant development plans identify the application site as being within the open countryside. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

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

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

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

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

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

The application site is positioned between No. 148 Ballymena Road, located to the east of the application site, and two polytunnels located to the west of the application site. A site visit was conducted and it was noted that the polytunnels were extensively damaged. One polytunnel did not have any polythene cover, and had only its frame in place. The second polytunnel had a section of the frame removed, with the remainder of the frame partially enclosed by a polythene cover. It was noted that neither frame was permanently fixed with concrete to the ground.

Following a site history search, it was noted that these structures do not benefit from planning permission, nor do they have the benefit of a Certificate of Lawfulness. Furthermore, these structures are considered temporary in nature, are not permanently fixed to the ground, and are in disrepair. Given this, it is not considered that these structures do not constitute buildings with a frontage onto the road. Therefore, it is considered that the application site is not a small gap site located within a substantial and continuously built up frontage and the principle of development has not been established.

Consequently, the polytunnels are not determined to be buildings along a road frontage and the size of the gap is assessed between No. 148 Ballymena Road and the next closest building, which is a workshop associated with No 144a Ballymena



Road. As such, the gap between the existing buildings would measure 170m, which is not considered a small gap site sufficient only to accommodate a maximum of two dwellings. Therefore, the proposal is considered to fail the policy requirements of CTY 8 of PPS 21.

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

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

The proposed development would be visible from short views when travelling in both directions along the shared laneway, which serves a number of dwellings. As the application seeks outline permission, no details have been provided regarding the proposed design or layout of the dwelling, however, it is considered that a dwelling on the application site would integrate appropriately given the existing site boundary treatments and the intervening boundary treatments providing a degree of screening and a sufficient backdrop depending on the direction of travel.

The application site is considered to respect the traditional pattern of settlement exhibited in the area. In order to further aid integration, a number of conditions would be attached if the application is to be deemed acceptable. A siting condition will ensure the proposal is sited appropriately within the site in order to reduce its visual impact from the roadway while respecting the existing built form. A condition restricting the ridge height to 5.5m will ensure the proposal respects the existing character of buildings in the area. Lastly, conditions relating to the retention of boundary treatments and the submission of a landscaping scheme will ensure the proposal integrates sensitively within the landscape.

Overall, the proposal fails to meet the policy provisions set out in the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

### **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 accommodated on the site without having a detrimental impact on neighbouring amenity given the 80m separation distance to the nearest property.

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

The application site is to achieve access off the shared laneway, which adjoins the Ballymena Road. DfI Roads was consulted with regards to the application and responded with no objections, subject to compliance with the attached RS1 form. The proposal is considered to comply with PPS 3 Access, Movement and Parking.

### **Other Matters**

Belfast International Airport was consulted regarding the impacts of the proposed development and responded with no objection. Further consultation is required at the Reserved Matters stage.

The Council's Environmental Health Section was consulted regarding the impacts of the proposed development and responded requesting a Noise Impact Assessment due to the proposal's proximity to an engineering works, which is located approximately 75m to the west of the application site. Its response also noted that a former hen house has been converted to a welding and fabrication business. This building benefits from planning permission under Ref:T/2000/0083/F for the change of use from a poultry house to an iron craft workshop. The building and its surrounding lands are also within the applicant's ownership. As the principle of development has not been established, this information was not requested as it would cause unnecessary expense to the applicant. A precautionary reason for refusal has been added given the lack of information provided to address the potential impact from noise nuisance upon the proposed dwelling from the previously approved workshop.

## **CONCLUSION**

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

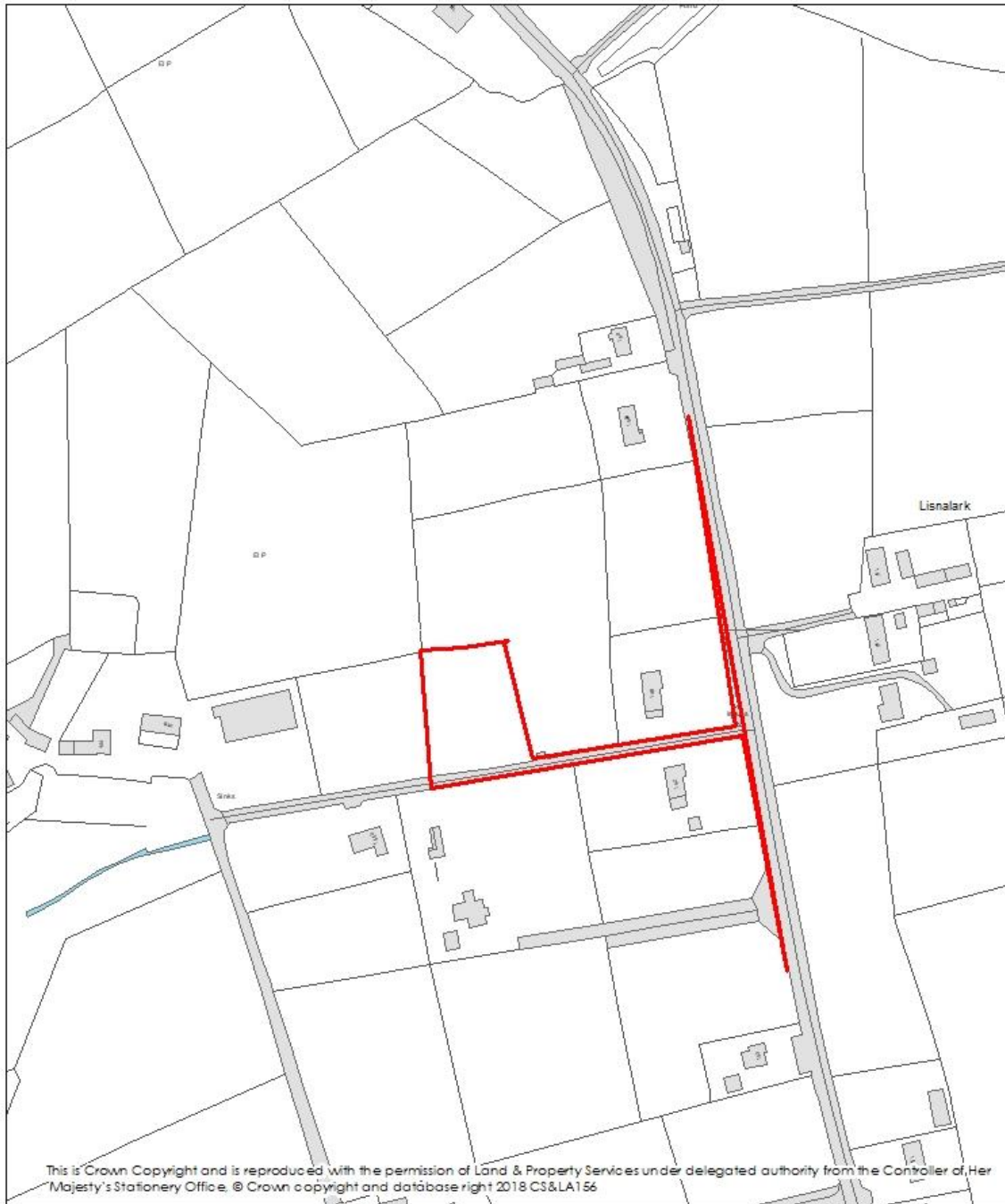
- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of Policy CTY 1 and Policy CTY 8 of PPS 21;
- It is considered that a suitably designed dwelling would integrate appropriately within the landscape while respecting the rural character of the area;
- 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 policy provisions of the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and 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.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement in that it has not been demonstrated that the residential amenity of the development would not unduly impacted by way of noise.



### Site Location Plan

Application Reference: LA03/2023/0864/O

Location: 150m East of 144a Ballymena Road, Doagh, Ballyclare, BT39 0TN

Proposal: Site for Dwelling and Garage



<b>COMMITTEE ITEM</b>	<b>3.10</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0894/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Dwelling & Garage
<b>SITE/LOCATION</b>	Approx 100m North West of 20 Blackrock Road, Randalstown, BT41 3LF
<b>APPLICANT</b>	Michael McErlean
<b>AGENT</b>	Chris Cassidy
<b>LAST SITE VISIT</b>	15 <sup>th</sup> December 2023
<b>CASE OFFICER</b>	Gareth McShane Tel: 028 903 40411 Email: <a href="mailto:gareth.mcshane@antrimandnewtownabbey.gov.uk">gareth.mcshane@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 100m northwest of 20 Blackrock Road, Randalstown which is within the countryside as defined by the Antrim Area Plan 1984-2001 (AAP).</p> <p>The application site is located off the Blackrock Road and forms an irregular shape cut out of a wider agricultural field. The topography of the land falls gently in a north-easterly direction. The north-western, north-eastern and south-western boundaries are defined by mature trees and hedgerows. An agricultural entrance currently provides access to the site. An old railway line is positioned adjacent to and northwest of the application site. The site is also located in close proximity to a RAMSAR site, nature reserve, woodland and wildlife refuge.</p> <p>The surrounding character of the area is rural countryside with dwellings and outbuildings spread throughout intermittently. It is noted that this stretch of roadway is heavily built up with dwellings located along the roadside.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No recent/relevant planning history.	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p>	

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

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

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

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

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

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

## **CONSULTATION**

**Department for Infrastructure Roads** - No objection

**Council Environmental Health Section** - Further information required

**Northern Ireland Water** - Approval recommended subject to conditions

**DAERA Land and Resource Management** - Further information required

## **REPRESENTATION**

No (0) neighbouring properties were notified of the proposal, however, three letters of objection were received from two (2) separate address.

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 comply with the infill policy;
- Increase in traffic and congestion along laneway;
- Maintenance of laneway;
- The adjacent disused railway line is to be brought into use as a walkway
- Laneway/access;

- Impact on the character of the area; and
- Impact on flora and fauna and a natural habitat.

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

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

- a) The gap is within an otherwise substantial and continuously built up frontage;

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

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

The agent submitted a Supporting Statement (Document 01, date stamped 12th December). Within the Statement, the agent contends that the site is bookended by Nos. 24a, 24b and 24c Blackrock Road to the south, and an agricultural building to the west. Having conducted a site history check, it is noted that there is no planning permission for the 'agricultural building' nor a Certificate of Lawfulness granted for it. Following discussions with an objector, they advised that the 'agricultural building' is a retaining structure for the roadway which traverses an old railway bridge. Whilst the Council has no evidence to support this, the structure, has no roof and as such is not considered to be a building, nor can the applicant benefit from the presence of a building which does not have a previous grant of planning permission.

Therefore, it is considered that the gap is not located within a substantial and continuously built up frontage and the principle of development has not been established.

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

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

The application site is visible from both long and short views when travelling along Blackrock Road. As the application seeks outline planning permission, no details have been provided regarding the proposed design or layout of the dwelling, however, it is considered that a dwelling on the application site would integrate appropriately given the existing boundary treatments, which would provide a backdrop and a degree of screening. In order to further aid integration, a number of conditions would be attached if the application is to be deemed acceptable. A siting and curtilage condition will ensure the proposal is sited appropriately within the site in order to reduce its visual impact from the roadway, whilst a curtilage condition will ensure the proposal respects the traditional pattern of settlement exhibited in the area. A condition restricting the ridge height to 5.5m will ensure that the proposal respects the existing character of buildings in the area. Lastly, conditions relating to the retention of boundary treatments and the submission of a landscaping scheme will ensure the proposal integrates sensitively within the landscape, and as such, the development proposal is not considered to have a detrimental impact on the character of the area.

Overall, the proposal is considered to meet the policy provisions set out in the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

### **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 accommodated on the site without having a detrimental impact on neighbouring amenity given the 80m separation distance to the nearest property.

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

Access to the application site is off the un-adopted Blackrock Road. Both objectors raised concerns with regards to an additional dwelling being approved on the Blackrock Road which would result in an increase in traffic, causing an inconvenience to road users and issues of maintenance of the roadway. At the time of the site visit it was evident that the road was in a state of disrepair. However, whilst it is accepted that an additional dwelling on the road would increase traffic movements, maintenance of the un-adopted roadway is a civil matter and the Council cannot refuse planning permission for a dwelling due to the poor condition of a road. DfI Roads was consulted regarding the proposed development and responded with no objections.

### **Other Matters**

An objector raised concerns that the proposed development would have a detrimental impact on a natural habitat and wildlife, including deer, foxes, badgers and field mice. It is noted that the application site is located within 100m of a Ramsar site and 50m of a wildlife refuge; therefore the development proposal would trigger the requirement for the submission of a Biodiversity Checklist by a qualified ecologist. As the principle of development for the development proposal has not been established, the agent was not asked to provide this information as this would cause unnecessary expense to the applicant. A precautionary reason for refusal has been added given the lack of information provided to address the potential for protected species to be active on the site.

The Council's Environmental Health Section (EH) was consulted regarding the development proposal and stated that the site is in close proximity to a former railway line. EH stated that 'railway lines have historically been known to be a source of contamination. Given the potential risks of land contamination resulting from this historic land use it is requested that a Preliminary Risk Assessment (PRA) is provided, to identify potential land contamination issues for the application site'. As the principle of development for the development proposal has not been established, the agent was not asked to provide a PRA as this would cause unnecessary expense to the applicant. A precautionary reason for refusal has been added given the lack of information provided to address the potential implications for contamination on the site.

DAERA Land and Resource management was consulted regarding the development proposal and responded requiring the submission of a Preliminary Risk Assessment (PRA) as a minimum. As the principle of development for the proposal has not been established, the agent was not asked to submit a PRA as this would cause unnecessary expense to the applicant. This matter is consistent with the concerns raised by EH and the same precautionary reason for refusal is applicable.



## CONCLUSION

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

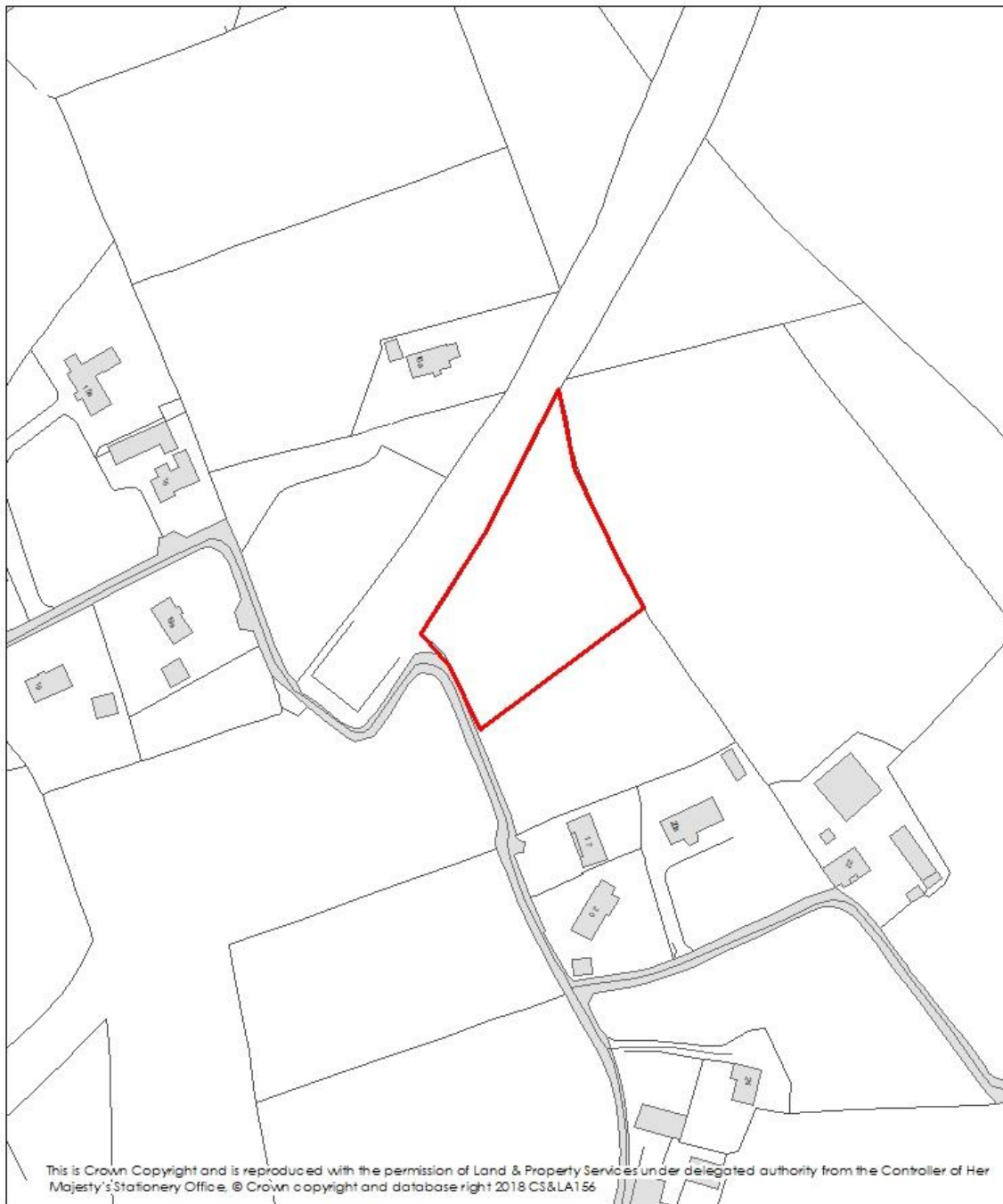
- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of Policy CTY 1 and Policy CTY 8 of PPS 21;
- It is considered that a suitably designed dwelling would integrate appropriately within the landscape whilst respecting the rural character of the area;
- An appropriately designed dwelling on site would not have a detrimental impact on neighbour amenity;
- It has not been demonstrated that the proposal will not cause harm to any protected species or result in an unacceptable adverse impact on a natural habitat;
- It has not been demonstrated that the proposed development will not have a detrimental impact on human health or on the water environment; 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 policy provisions of the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and 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.
3. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies NH1, NH2, NH3, NH4 and NH5 in that insufficient information has been provided in order to ensure that the proposal will not cause harm to any protected species or result in an unacceptable adverse impact on, or damage to, habitats, species or features.
4. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement in the insufficient information has been provided in order to determine that the proposed development will not have a detrimental impact on human health or on the water environment resultant from contamination risks associated with the site's historic land use.

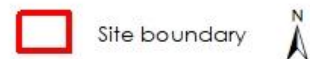


### Site Location Plan

Application Reference: LA03/2023/0894/O

Location: Approx 100m North West of 20 Blackrock Road, Randalstown, BT41 3LF

Proposal: Dwelling & Garage



<b>COMMITTEE ITEM</b>	<b>3.11</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0896/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Dwelling & Garage
<b>SITE/LOCATION</b>	Approx 50m NE of 16 Blackrock Road, Randalstown, BT41 3LF
<b>APPLICANT</b>	Michael McErlean
<b>AGENT</b>	Chris Cassidy
<b>LAST SITE VISIT</b>	15th December 2023
<b>CASE OFFICER</b>	Gareth McShane Tel: 028 903 40411 Email: <a href="mailto:gareth.mcshane@antrimandnewtownabbey.gov.uk">gareth.mcshane@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 50m northeast of No. 16 Blackrock Road, Randalstown and within the countryside as defined by the Antrim Area Plan 1984-2001 (AAP).</p> <p>The application site is located off the Blackrock Road and forms an irregular shape cut out of a wider agricultural field. The topography of the land rises gently in a northerly direction, with access provided via an existing agricultural entrance. The site bounds No.15a and No. 16 Blackrock Road to the west, and No.16a Blackrock Road to the east. The site boundaries are defined to all aspects by mature trees and hedgerows.</p> <p>The site is located in close proximity to a RAMSAR site and nature reserve. The surrounding character is rural countryside with dwellings and outbuildings spread throughout intermittently. It is noted that this stretch of roadway is heavily built up with dwellings located along the road edge.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No recent/relevant planning history.	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p>	

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

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

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

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

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

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

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

## **CONSULTATION**

**Department for Infrastructure Roads**- No objection

**Council Environmental Health Section** – No objection

**Northern Ireland Water**- Approve with standard conditions

**Department of Infrastructure Rivers**- No objection

## **REPRESENTATION**

Five (5) neighbouring properties were notified of the proposal and six (6) letters of objection were received; three (3) from two (2) properties that were neighbour notified and three (3) additional letters of representation were received from two (2) properties located outside the neighbour notification area.

The full representations made regarding this development 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:

- Principle of development;

- Increase in traffic;
- Road condition;
- Proposal encroaches on neighbouring lands;
- Impact on wildlife;
- Impact on rural character; and
- Impact on privacy.

## **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 the development of new dwellings in existing clusters in accordance with Policy CTY 2a. 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 agent submitted Supporting Statement, Document 01 date stamped 12th December 2023. The agent states that the cluster of development consists of eleven

dwelling and is located outside of a farm, and appears as a visual entity within the landscape. The agent also states that the cluster does not have to be associated with a focal point, citing Planning Appeals Commission (PAC) decision reference 2017/A0222 and the Lamont Judicial Review ruling. Lastly, the agent states that the application site is bound on two sides and would consolidate the existing development.

The agent contends that the cluster is made up of eleven properties (Nos. 14c, 14d, 14e, 15, 15a, 16, 18, 18a, 19, 19a, 22a Blackrock Road), which lies outside of a farm and consists of four or more buildings, of which at least three are dwellings. No.16 Blackrock Road is set back from the road by approximately 60m, and is accessed via a private laneway. This dwelling is therefore not considered to form part of the cluster as it appears detached.

It is considered that the cluster appears as a visual entity within the landscape. It is recognised that whilst Policy CTY 2a of PPS 21 lists a number of examples of what may constitute a focal point, this list is not prescriptive and depends largely on the context of the locality. In this case, this section of the Blackrock Road is visibly built up and provides a clear focal point, as it exhibits an uncharacteristically concentrated pattern of development compared to the surrounding lands. Additionally, it is not a typical countryside pattern of development which normally takes the form of interspersed dwellings and buildings. It is therefore considered that the focal point in this case is provided by the built-up arrangement of the buildings in this countryside location.

Policy CTY 2a reads 'the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development within the cluster'. The application site benefits from a suitable degree of enclosure, which is discussed in further detail below. Whilst it is accepted that the site is bounded on two sides with other development, it is considered that No.16a Blackrock Road, which abuts the application site to the east falls outside of the cluster as it is set back from the cluster arrangement by 60m and as such appears detached from the grouping. Indeed, when travelling along the Blackrock Road, No.16a does not read with the grouping, nor is it visible given its separation distance and the intermittent boundary treatments. The other dwellings identified above are located along the roadside, with the exception of No. 15a Blackrock Road, which is situated to the rear of No. 16 Blackrock Road. The proposal is not considered to be bound on at least two sides with other development within the cluster.

Furthermore, as the proposed application site is located on the edge of the cluster, it is considered that the development of the plot would result in the proposed dwelling visually intruding into the open countryside.

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

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

A number of the objection letters received raised issues regarding the impact on rural character. These matters are addressed below.

It is considered that minimal views of the application site are achieved when travelling along Blackrock Road given the separation distance and the intervening boundary treatments. Limited views will be achieved along the laneway, which serves No.16a Blackrock Road, however it is considered that the southern boundary provides a sufficient degree of screening for the development proposal to integrate.

As the application seeks outline permission, no details have been provided regarding the proposed design or layout of the dwelling, however, it is considered that a dwelling on the application site would integrate appropriately given the existing boundary treatments providing enclosure to the site. If deemed acceptable, a number of conditions will be attached to further aid integration. A siting and curtilage condition will ensure that the proposal is sited appropriately within the site in order to reduce its visual impact from the roadside, whilst a curtilage condition will ensure the proposal respects the traditional pattern of settlement exhibited in the area. A condition restricting the ridge height to 5.5m will ensure the proposal respects the existing character of buildings in the area. Lastly, conditions relating to the retention of boundary treatments and the submission of a landscaping scheme will ensure that the proposal integrates sensitively within the landscape, whilst protecting neighbouring amenity.

Overall, the proposal meets the policy provisions set out in the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

### **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 accommodated on the site without having a detrimental impact on neighbouring amenity. If approved, conditions would be attached in relation to the proposal's siting to ensure it does not have a detrimental impact on the amenity of Nos.15a, and 16a Blackrock Road. Careful consideration at the Reserved Matters stage would also be required. Lastly, conditions would be attached requiring the retention of the existing landscape, and the submission of a landscaping scheme which will further aid the protection of neighbour amenity.

An objection letter notes that the proposal will have a detrimental impact on the neighbouring amenity of No. 16 Blackrock Rock, namely loss of privacy. The application site bounds No. 16 to the west. The ground levels at No. 16 Blackrock Road are at a higher level than the application site and it also benefits from mature boundary treatment. It is therefore considered that with appropriate conditions as outlined above, no impact on the neighbouring amenity would occur.

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

The application site is to achieve access off the Blackrock Road. A number of objectors commented on the impact of another proposal on the roadway, causing increased traffic and issues regarding the upkeep of the roadway. It appears the Blackrock Road is not adopted by DfI Roads, and at the time of site visit it appeared to be in a state of disrepair. Whilst it is accepted that an additional dwelling on the road would increase traffic movements, the Council is unable to sustain a reason for

refusal given that no substantial evidence was submitted to warrant it. Additionally, maintenance of the roadway is not a matter for the Council, nor can the Council restrict an additional dwelling on the road due to its condition. DfI Roads was consulted regarding the access arrangements and responded with no objections.

An objector also commented that the site access is on a corner of the lane with a restricted view and that it would also encroach upon their access. The objector provided a land registry map, which shows lands within their ownership. If the application site is overlaid onto the land registry map, it is noted that the proposed access overlaps an area hatched brown, which starts from the application site's access and continues along the Blackrock Road in both directions. The agent was contacted and advised there was a potential challenge to the submitted Certificate A which claims the applicant is in full ownership of the application site, and they were asked to clarify the matter, however, at the time of preparing the report, no further information had been provided.

### **Other Matters**

An objector raised concerns that the proposed development would have a detrimental impact on natural habitat and wildlife, including deer, foxes, badgers and field mice. It is noted that the application site is located within 100m of a Ramsar site and 50m of a Nature reserve; therefore the development proposal would trigger the requirement for the submission of a Biodiversity Checklist by a qualified ecologist. As the principle of development for the development proposal has not been established, the agent was not asked to provide this information as this would cause unnecessary expense to the applicant. A precautionary reason for refusal has been added given the lack of information provided to address the potential for protected species to be active on the site.

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

DfI Rivers was consulted regarding the proposal and responded with no objections, subject to informatives.

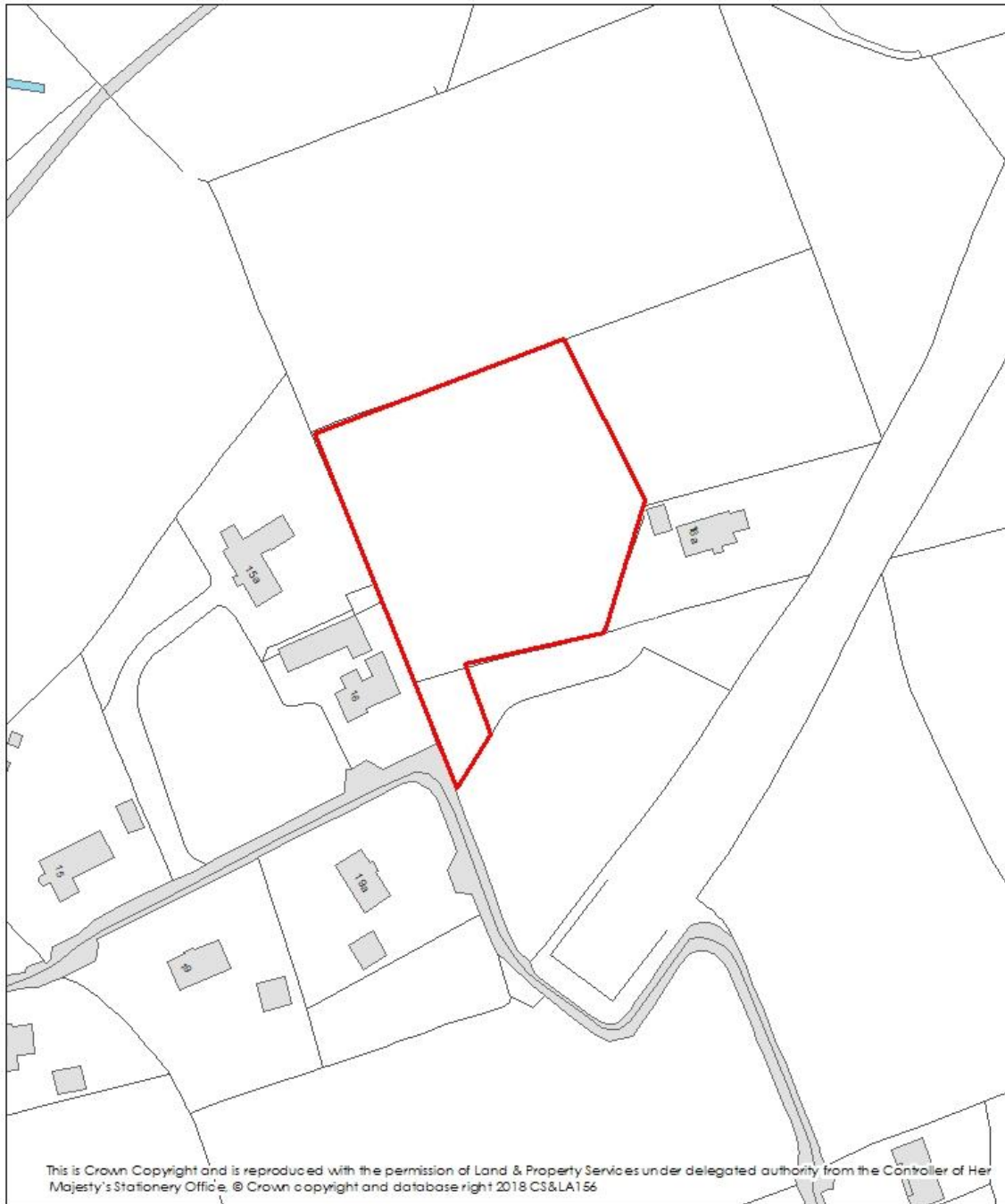
### **CONCLUSION**

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 Policies CTY 1 and CTY 2a of PPS 21;
- It is considered that a suitably designed dwelling would integrate appropriately within the landscape whilst respecting the rural character of the area;
- An appropriately designed dwelling on site would not have a detrimental impact on neighbour amenity;
- It has not been demonstrated that the proposal will not cause harm to any protected species or result in an unacceptable adverse impact on habitats; and
- There are no road safety concerns with the proposal.



RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
<b>PROPOSED REASONS OF REFUSAL</b>	
<ol style="list-style-type: none"> <li>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.</li>   <li>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 2a of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site is not bounded on at least two sides with other development within the cluster, and would result in the visually intrusion into the open countryside.</li>   <li>3. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies NH1, NH2, NH3, NH4 and NH5 of PPS 2 Natural Heritage in that insufficient information has been provided in order to ensure that the proposal will not cause harm to any protected species or result in an unacceptable adverse impact on, or damage to, habitats, species or features.</li> </ol>	

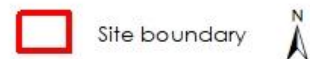


## Site Location Plan

Application Reference: LA03/2023/0896/O

Location: Approx 50m NE of 16 Blackrock Road, Randalstown, BT41 3LF

Proposal: Dwelling and Garage



<b>COMMITTEE ITEM</b>	<b>3.12</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0796/O</b>
<b>DEA</b>	<b>TEMPLEPATRICK</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Dwelling
<b>SITE/LOCATION</b>	20m South East of 2 Kingscourt, Templepatrick, BT39 0EB
<b>APPLICANT</b>	Anthony & Sheila McLornan
<b>AGENT</b>	Warwick Architects
<b>LAST SITE VISIT</b>	28th November 2023
<b>CASE OFFICER</b>	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located 20m southeast of 2 Kingscourt, Templepatrick, which is located within the development limits of Templepatrick as defined by the Antrim Area Plan 1984-2001.</p> <p>The application site is an irregular shape and currently forms part of the curtilage of No. 2 Kingscourt. The site topography rises gradually in a south-western direction, with access to be achieved through the existing front garden of No. 2 Kingscourt. The application site adjoins No. 1 Kingscourt to the west, No. 3 Kingscourt to the northeast, and encloses No. 2 Kingscourt to three aspects. Neillsburn Plantation is located immediately east of the application site. The northern, eastern, southern, and western site boundaries are defined by mature hedgerows and trees. A number of mature trees are also located within the centre of the application site.</p> <p>The surrounding area is predominantly residential, characterised by a mixture of two storey semi-detached and detached dwellings.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2021/0276/F  Location: Approx 15m south east of 22 Kingscourt, Templepatrick, BT39 0EB  Proposal: Proposed new dwelling (change of house type to that previously approved under LA03/2019/0537/F)  Decision: Permission Granted (05.10.2021)</p> <p>Planning Reference: T/2011/0491/RM  Location: Adjacent to No.22 Kingscourt, Templepatrick  Proposal: Proposed 3no. detached dwellings in accordance with approvals T/2009/0428/O and T/2005/1096/O  Decision: Permission Granted (02.02.2012)</p> <p>Planning Reference: T/2009/0428/O  Location: Site adjacent to 22 Kingscourt, Templepatrick</p>	

Proposal: Site of 3 detached dwellings (renewal of previous planning permission T/2005/1096/O)

Decision: Permission Granted (05.10.2009)

Planning Reference: T/2005/1096/O

Location: 22 Kingscourt, Templepatrick

Proposal: 3 no. dwellings

Decision: Permission Granted (10.01.2006)

### **PLANNING POLICY AND GUIDANCE**

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

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

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

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

Strategic Planning Policy Statement for Northern Ireland: 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.

## **CONSULTATION**

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

**Northern Ireland Water** – Refusal recommended.

**The Council's Environmental Health Section** - No objection.

**DfC Historic Environment Division** - No objection.

**Belfast International Airport** - No objection. Further information required at RM Stage.

## **REPRESENTATION**

Five (5) neighbouring properties were notified of the application and one (1) letter of representation was received.

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

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

- Adjacent site history and perceived access to Neillsburn Plantation;
- Density and over-development of the site;
- Impact on property values;
- Overlooking/loss of privacy;
- Impact on nature and biodiversity;
- The felling of trees to facilitate the development and visual impact;
- Noise and disturbance at the construction phase;
- Increased traffic; and
- Parking of construction vehicles.

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

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

- Policy Context and Principle of Development
- Design, Layout and Appearance
- 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.

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

- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas;
- PPS 3: Parking and Movement; and
- DCAN 8- Housing in Existing Urban Areas.

As the application site is located within the development limits of Templepatrick and within an established residential area, it is considered that the principle of residential development is acceptable subject to the proposal creating a quality residential environment in accordance with Policy QD 1 of PPS 7 and the Creating Places Design Guide, as well as meeting other requirements in accordance with regional policy and guidance which are addressed below.

### **Design, Layout and Appearance**

The SPPS emphasises that within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. Good design is paramount and schemes should be sensitive in design terms to people living in the existing neighbourhood and to local character.

In existing residential areas development must be balanced with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS 7 reiterates the need for sensitivity and in Policy QD 1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

The first criterion (a) of Policy QD 1 requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaces areas.

The application site is positioned in the rear garden of No. 2 Kingscourt, a two storey detached dwelling and the application seeks outline planning permission for a

dwelling within this rear garden area. The surrounding established residential area (ERA) comprises the wider Kingscourt development and the dwellings located along the Antrim Road to the south. This area has a distinctive development pattern, characterised predominately of detached properties located within substantial plots. The dwellings are set back from the roadway and benefit from front garden areas and driveways, with generous gaps between each dwelling.

Within the Kingscourt development there is a noticeable higher density located within the south-western corner and to the rear elevation of No.22 Kingscourt. Three detached dwellings were approved by the former Department for Environment under Planning Ref: T/2011/0491/RM. The land developed was previously scrub vegetation, with the access encompassing a portion of No.21 Kingscourt amenity space. More recently, application Ref: LA03/2021/0276/F granted approval for a dwelling within the rear elevation of No.22 Kingscourt. The scheme is similar to the current proposal in some respects.

The application site comprises the rear garden area of No. 2 Kingscourt and is enclosed by mature trees and hedgerows, with mature trees located centrally within the site. It is noted that the topography of the land within the application site rises in a south-easterly direction towards the Antrim Road. The proposed Concept Plan, Drawing 02 date stamped 19th October 2023, shows an indicative layout for the proposed dwelling, which has a side to rear relationship with No. 2 Kingscourt to the north and a separation distance of 11m between the two buildings. The majority of dwellings within the area possess a side-to-side relationship. It is considered that the development of the site will have an adverse impact upon the existing spacious character in the immediate area and the proposed layout will leave both the existing dwelling at No. 2 Kingscourt and the proposed dwelling with substantially smaller plot sizes than is exhibited in the immediate area. Furthermore, the proposal would result in a total of two dwellings on the original plot of No. 2 Kingscourt, and would therefore be of a higher density than that observed in the immediate context of the site.

The Road Visibility Splays and Site Section plan, Drawing 03 date stamped 11th January 2024, displays a cross-section of the site in relation to No. 2 Kingscourt and the Antrim Road. Given the rise in the site topography, the proposed dwelling, which is located 1.5m from the shared boundary with the Antrim Road the proposed development would appear visible when travelling in both directions along it. Most of the dwellings within the area are not located in such close proximity to the public roadway and it is considered that the proposal would have a detrimental impact on the character of the area at this location. Furthermore, the construction of foundations so close to the southern roadside boundary is likely to result in the removal of the existing boundary screening, thereby further exposing the site to critical views when travelling in both directions along the Antrim Road.

Whilst it is acknowledged that planning application Ref: LA03/2021/0276/F is of a similar nature to the proposal, when viewed along the Antrim Road, it has had a significant visual impact when travelling in both directions given its size, scale and proximity to the roadway. This has further been exasperated by the removal of the boundary treatment which abutted the roadway, and the removal of a number of trees which were noted for retention on the approved site layout plan. If approved, it is considered that the proposal will have a similar impact which would detrimentally

impact the character of the area, and it is considered that this type of development should not be replicated along the Antrim Road. Furthermore, planning application Ref: LA03/2021/0276/F is located to the western section of the Kingscourt development, with the immediate established residential area (Upton Court, Castleton and Broadacres) has a higher density of development present, with units positioned closer to the Antrim Road. The section of roadway where the application site is present has dwellings set back, whereby they are not as visually intrusive in comparison to the previous approval and its surroundings. Therefore, it is considered that the proposal fails to respect the character and density within the immediate context.

In summary, the proposal is considered to be a cramped form of development within the plot which is out of character with the surrounding context and would have a detrimental impact on the character of the Antrim Road. Therefore, the proposal is not considered to meet Criterion (a) of Policy QD 1 and Policy LC1 of APPS7.

Criterion (c) of Policy QD 1 requires adequate provision for private and open space as part of the development. As the application is for outline permission, no details regarding private and open space provision have been provided, however the submitted Concept Plan displays an indicative layout. It is considered that the site could provide sufficient amenity space which is far in excess of that required as set out within Creating Places, whilst still providing No. 2 Kingscourt with sufficient amenity space. The proposal is therefore considered to meet criterion (c) of Policy QD 1 of PPS 7.

The Concept Plan also displays three parking spaces and an area for the manoeuvring of vehicles. It is considered that the proposed parking will sufficiently serve the dwelling and meets with criterion (f) of Policy QD 1 of PPS 7.

### **Neighbour Amenity**

Criterion (h) of Policy QD 1 states that the design and layout should not create conflict with adjacent land uses and there should be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

No. 2 Kingscourt is located approximately 11m northwest of the siting of the proposed dwelling and comprises a one and a half storey dwelling. As indicated in the proposed site section on Drawing 03, the application site will require excavation up to a depth of 1.2m, in order to accommodate the proposed development. This will result in the proposed ground levels being approximately 1.8m higher than those at No. 2 Kingscourt. Whilst the proposal is to maintain the same ridge height as No. 2, it is considered that the positioning of a dwelling 11m from the rear elevation of No. 2, with an increased land level of 1.8m will result in some impact to the neighbouring property by way of loss of light and overshadowing. However, given the pathway of the sun and the separation distance between the proposed and existing dwelling, the residential amenity impact on No. 2 Kingscourt it is not considered to be significant. Additionally, no impacts of dominance are expected to occur.

As this application is for outline planning permission, no details of the proposed house design have been submitted, however it is considered that with the appropriate



design and positioning of windows, no detrimental impact on neighbouring properties would occur by way of a loss of privacy or overlooking.

The proposed access to the plot is located 4m from No. 2 Kingscourt, with views into the front living spaces achievable from both pedestrians and car users and as such is considered to have a detrimentally impact on the neighbouring amenity of No.2 by way of overlooking and loss of privacy. In order to mitigate any overlooking from the amenity space towards No. 2 Kingscourt, a 1.8m high fence for a distance of 60m would have to be erected along the entire common boundary which would have a detrimental impact on the character of the surrounding area.

No. 1 Kingscourt is positioned west of the application site and contains a dwelling. No impact on amenity is expected to occur given the existing common boundary treatment and separation distance.

No. 3 Kingscourt is located north of the application site and contains a dwelling. No impact on amenity is expected to occur given the existing common boundary treatment and separation distance.

### **Access and Parking**

DfI Roads was consulted regarding the development proposal and responded with no objections, subject to the attachment of a number of conditions and informatives.

### **Other Matters**

Belfast International Airport was consulted regarding the proposal and responded with no objections at this stage. Further information is required at the Reserved Matters stage.

DfC Historic Environment Division was consulted regarding the development proposal and responded with no objections.

The Council's Environmental Health Section was consulted regarding the development proposal and responded with no objection subject to the attachment of an informative. Its response notes the development's proximity to the Antrim Road, and its location under the flight path of Belfast International Airport, and comments that an increased acoustic performance of the building will ensure no adverse impacts on amenity.

NI Water was consulted regarding the proposal and responded recommending a refusal. Its response notes there is network capacity issues and a Wastewater Impact Assessment would be required to assess the impact of the proposal. The issue of a connection to the public sewer is a matter controlled by separate legislation, namely, Article 161 of the Water (Northern Ireland) Order 1999. The role of the planning system is not to duplicate the regulatory controls of other statutory bodies and matters which lie outside the control of planning should not form part of the decision making process unless it is demonstrated that the development would result in adverse impacts on the environment. In this case the adverse impacts would arise from the development causing capacity issues to the Waste Water Treatment Works resulting in an overloading of the system. NI Water can make an assessment of whether the sewage infrastructure has sufficient capacity to cope with the development and then decide to grant or refuse consent to connect to the sewer.

Provided that no development could commence until such times as the necessary Article 161 agreement was obtained then no adverse impacts would arise. This is a matter which could be negatively conditioned should planning permission be forthcoming and therefore a reason for refusal on this issue could not be sustained.

A number of mature trees and hedgerows positioned within the site may require removal in order to accommodate the proposal. The objector notes their loss would have a detrimental impact upon wildlife. As the principle of the proposed development has not been established, no ecology information or tree survey was requested from the agent so as not to put the applicant to unnecessary expense. Therefore, a precautionary refusal reason is to be attached as it has not been demonstrated that the proposal will not have an adverse impact on habitats or species.

An objection letter was submitted in relation to the development proposal. It is considered that it has been demonstrated that adequate parking provision can be accommodated within the application site. Concerns raised with regards to overdevelopment, impact on amenity, and impact on biodiversity/nature have been discussed above. The remaining issues raised are addressed below.

The objector notes the proposal may act as a staged process for gaining planning approval in the adjacent Neillsburn Plantation. Having completed a site history check it is evident there is no planning permission associated with the said lands. Additionally, each application is assessed on its own merits, and the granting of planning permission of one plot does not necessarily mean the adjacent plot would gain approval.

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

Concerns were raised with regards to noise and disturbance from the proposed development. Although there is potential for noise nuisances during the construction phase of development, this should not arise outside reasonable times and would be temporary in nature. Given the context of development some noise and disturbance is to be expected, however this is likely to be at a low level associated with the daily living requirements of the occupiers of dwellings.

## **CONCLUSION**

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

- The principle of the development is considered acceptable;
- The proposal is considered to result in the overdevelopment of the plot, and is out of character with the immediate surrounding context;

- Sufficient private amenity is provided by the proposal;
- The proposal is considered to adversely impact neighbouring amenity by way of loss of privacy and overlooking;
- Adequate parking provision is provided and there are no road safety concerns; and
- The proposal will not have an adverse impact on, or damage to, habitats, species or features.

**RECOMMENDATION**
**REFUSE OUTLINE PLANNING PERMISSION**
**PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments, and Policy LC1 of the second Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, in that the proposed development does not respect the surrounding context and would result in a cramped form of development that is not in keeping with the overall character and environmental quality of this established residential area.
2. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies NH 2 and NH 5 of Planning Policy Statement 2 Natural Heritage in that insufficient information has been provided in order to ensure that the proposal will not cause harm to any protected species or result in an unacceptable adverse impact on, or damage to, habitats, species or features.



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## Site Location Plan



Application Reference: LA03/2023/0796/O

Location: 20m South East of 2 Kingscourt, Templepatrick, BT39 0EB

Proposal: Dwelling



<b>COMMITTEE ITEM</b>	<b>3.13</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0599/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed 22.5m telecommunications column, with 6No. antennae, 15No. ERS & 2No. radio dishes. Proposal includes the creation of a site compound containing 1No. cabinet and associated equipment, enclosed by a 2m high palisade fence and ancillary works.
<b>SITE/LOCATION</b>	Approximately 25m South West of 11 Tidal Industrial Park, Antrim, BT41 3GD
<b>APPLICANT</b>	Telefonica UK Limited & Cornerstone
<b>AGENT</b>	Les Ross Planning
<b>LAST SITE VISIT</b>	3 <sup>rd</sup> October 2023
<b>CASE OFFICER</b>	Morgan Poots Tel: 028 90340419 Email: <a href="mailto:morgan.poots@antrimandnewtownabbey.gov.uk">morgan.poots@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 25m South West of 11 Tidal Industrial Park, Toomebridge. This is an area of land within the countryside outside of any settlement development limits identified in the adopted Antrim Area Plan 1984 – 2001. There are no designations or zonings applicable.</p> <p>The application has been formed from a small portion of a storage yard for what is described as a shipping container fabrication facility. That business and its yard are located within Tidal Industrial Park, which is located to the northeast of and in close proximity to the village of Toomebridge.</p> <p>The specific area of land is located at the end of the industrial park estate road on its western edge to the rear of the public footpath and behind the fence delineating the yard associated with the shipping container fabrication business. Other businesses within Tidal Industrial Park include a gym, a gymnastics academy, a flooring company, a tile company and a car/lorry tyre company. These business are accommodated within large warehouse style buildings, which are approximately 10 metres in height.</p> <p>Approximately 350m to the north of the application site is Cathcart's petrol filling station and shop. The closest dwelling to the application site is approximately 150m to the southwest and within the village of Toome, which is immediately to the southwest of the application site.</p> <p>The River Bann is approximately 400m to the west of the application site. The application site is identified as being located within the fluvial floodplain of the River Bann.</p>	

## RELEVANT PLANNING HISTORY

Planning Reference: LA03/2023/0495/F

Location: Lands approx. 75m SW of Unit 10, Tidal Industrial Estate, Toome, BT41 3TG

Proposal: Proposed 22.5m telecommunications column, with 6No. antennae, 15No. ERS & 2No. radio dishes. Proposal includes the creation of a site compound containing 1No. cabinet & associated equipment, enclosed by a 2m high palisade fence and ancillary works.

Decision: Application Withdrawn (08/08/2023)

Planning Reference: LA03/2019/0865/F

Location: Units 8 & 9 Tidal Industrial Park, Toomebridge, Antrim, BT41 3GD

Proposal: Proposed change of use to gymnastics club

Decision: Permission Granted (24/01/2020)

Planning Reference: LA03/2017/0737/F

Location: Tidal Industrial Estates 125m NE of 15 Roguery Road Toomebridge Antrim BT41 3GD

Proposal: Proposed retention of existing shed for car valet

Decision: Application Withdrawn (01/12/2017)

Planning Reference: LA03/2017/0103/F

Location: Tidal Industrial Estate, Roguery Road, Toomebridge (125m NE of 15 Roguery Road)

Proposal: Proposed change of use of existing unaltered industrial unit to tyre store & depot, and part of front yard as a car wash & parking area.

Decision: Permission Granted (29/06/2017)

Planning Reference: LA03/2015/0438/F

Location: "Unit 6, Tidal Industrial Estate, Roguery Road, Toomebridge

Proposal: Proposed change of use from tile showroom to gymnasium and workshop for the assembly, repair, strength testing and supply of equipment

Decision: Permission Granted (13/10/2015)

## PLANNING POLICY AND GUIDANCE

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located outside any development limit and lies in the countryside as designated by the Plan. While paragraphs 23.21 to 23.23 inclusive of the Plan contain planning policy for the control of non-residential development in the countryside, telecommunication development is not explicitly referred to. It is considered that the Plan offers no specific guidance on this proposal.

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

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

Planning Policy Statement 10 (PPS10): Telecommunications: sets out planning policies for telecommunications development.

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.

Development Control Advice Note 14 (DCAN 14): Siting and Design of Radio Telecommunications Equipment: provides non-statutory planning guidance to supplement PPS10.

## CONSULTATION

**DfI Roads:** No objection

**Environmental Health Section:** No objection

**Belfast International Airport:** No objection

**P.S.N.I. Information and Communications Services:** No objection

**National Air Traffic Services:** No objection

**Northern Ireland Water Strategic:** No objection

**Defence Infrastructure Organisation Safeguarding:** No objection

## REPRESENTATION

Four (4) neighbouring properties were notified and no representations have been submitted in respect of the proposal.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design, Appearance and Impact on the Character of the Area
- Neighbour Amenity
- Impact on Environmental Quality of the Area
- 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 application site is located outside any development limit and lies in the countryside as designated by the Plan. It is considered that the Plan offers no specific guidance on this 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 and PPS 10: Telecommunications. Taking into account the transitional arrangements of the SPPS, retained PPS 21 and PPS 10 provide part of the relevant policy context for the proposal.

The development proposal seeks full planning permission for a proposed 22.5m telecommunications column, with 6No. antennae, 15No. ERS & 2No. radio dishes, the creation of a site compound containing 1No. cabinet and associated equipment, enclosed by a 2m high palisade fence along with ancillary works.

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. Within the section of Policy CTY 1 referred to as 'Non-Residential Development' there are a range of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development and that proposals for such development will continue to be considered in accordance with existing published planning policies.

PPS 10 'Telecommunications' sets out the planning policy on telecommunications development. Policy TEL 1 'Control of Telecommunications Development' states that such development will be permitted where it will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features or locations.



DCAN 14 'Siting and Design of Radio Telecommunications Equipment' sits below PPS 10 in the hierarchy of relevant documents; it provides complementary advice and advocates minimising the visual and environmental impact of equipment.

With reference to Policy TEL 1 it is noted that proposals for the development of a new telecommunications mast will only be considered acceptable where the requirements of Policy TEL 1 (as noted above) are met, and it is reasonably demonstrated that (a) the sharing of an existing mast or other structure has been investigated and is not feasible; or (b) a new mast represents a better environmental solution than other options.

The agent has submitted a Supporting Statement, Document 03, date stamped 8<sup>th</sup> August 2023 which outlines that the location was chosen as this area of Toome is particularly underserved in terms of telecommunications. It is outlined that several other sites were considered including along Main Street, however, they were unsuitable for a variety of reasons. The mast is to serve 02 customers in the area.

It has been noted above that the application site is identified as being located within the fluvial flood plain of the River Bann. Policy FLD 1 'Development in Fluvial (River) and Coastal Flood Plains' states that development will not be permitted within the 1 in 100-year fluvial flood plain or the 1 in 200-year coastal flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

While it is noted that a Flood Risk Assessment (Document 06, date stamped 15<sup>th</sup> November 2023) has been submitted in support of the development proposal the Council does not consider this development proposal to be an 'exception' to Policy FLD 1 of PPS 15, which operates a presumption against the grant of planning permission for development in fluvial flood plains. This is discussed in more detail below.

Paragraph 3.9 of the SPPS states that in determining planning applications Councils will be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest. While it is noted that the agent purports that there is a need for this development proposal it is also noted that information within submitted supporting documents indicates that the proposed telecommunications mast will only serve 'O2' network provider customers. As an element of infrastructure associated with a private business serving a limited number of people it is not considered that the development proposal is of overriding public interest, nor does it have to be located within the flood plain.

#### Flood Risk and Telecommunication Development

As outlined above, the application site is identified as being located within the fluvial flood plain of the River Bann. Policy FLD 1 'Development in Fluvial (River) and Coastal Flood Plains' states that development will not be permitted within the 1 in 100-year fluvial flood plain or the 1 in 200-year coastal flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. Additionally, Policy TEL 1 of PPS 10 states that the planning authority will permit proposals for telecommunications development where such proposals, together with necessary enabling works, will not result in harm to environmentally sensitive features or locations.

In an e-mail dated 14<sup>th</sup> November 2023 the agent states that this development proposal is an 'exception' to Policy FLD 1 of PPS 15 by reason that the development proposal is a utilities infrastructure development that for operational reasons has to be located within the flood plain. The reason provided is that the application site is the only reasonable option available to the applicant and the development proposal is therefore an exception to the policy. The agent also notes that the footprint of the development is of a negligible scale and that it is much smaller than the 150sq.m threshold defined under the 'minor development' exception set out in within PPS 15.

In light of this, the agent submitted a Flood Risk Assessment (Document 06, date stamped 15<sup>th</sup> November 2023). DfI Rivers were not consulted with the submitted FRA as the Council does not consider the proposal to be an exception to Policy FLD 1 of PPS 15. The agent has submitted a 'Supporting Statement' (Document 03 date stamped 8<sup>th</sup> August 2023), which describes the purported need and purported operational reasons for the proposed telecommunications development to be sited at this location within the fluvial flood plain of the River Bann.

The case made by the agent is that Toomebridge is significantly underserved in terms of telecommunication infrastructure. There is no site covering this area and the area relies upon service provision from existing infrastructure located in Castledawson, which is approximately 4.6 miles to the west, and infrastructure at Gloverstown Road, which is approximately 1.5 miles to the east with the result being that signal provision is intermittent at best as these elements of existing infrastructure are under severe pressure. In addition, the agent states that the intermittent signal causes a loss of quality of voice calls and upload/download speeds and that at peak times other pieces of infrastructure become saturated with additional telecommunication traffic. The agent then continues by stating that those living, working and visiting this area are experiencing zero coverage for voice calls and no download/upload speeds.

The agent points out that the issues with signal will also impact emergency services, transient mobile phone users in the area and local businesses that rely on good service to conduct their daily lives. It is argued by the agent that the proximity of the site to the Roguey Road and the settlement pattern in the locality means that there is great demand (and increasing demand) for good mobile phone coverage and adequate download speeds in this vicinity.

The agent also refers to the benefits with respect to the delivery of educational services, healthcare and 'on the job learning' for engineers as the telecommunication mast will provide 5G coverage.

The alternative sites considered were deemed not to be acceptable by the agent. Those sites are described as;

- Footpath at 27-37 Main Street, Toome;
- BT Exchange site to rear of No.44 Main Street, Toome;
- Within the grass verge adjacent to railway road, Toome; and
- Land adjacent to Mace and associated with Petrol Filling Station at No.10 Main Street, Toome.

In response to the arguments made by the agent it may be the case that the Toomebridge area is underserved. It is noted that within the Supporting Statement

(Document 03 date stamped 8<sup>th</sup> August 2023) arguments are contradicting, at times, it is stated that the existing signal is intermittent but later states that customers are experiencing 'zero coverage' for voice calls and no upload/download speeds.

It is considered that O2 is a private business with its own customers. Should those customers be unsatisfied by the quality of the product they are paying for those customers; individual members of the public, businesses, education or health care providers, are perfectly entitled to avail of an alternative service provider that meets the needs of those impacted customers. There does not appear to be a compelling reason to allow a telecommunications mast in a fluvial flood plain where there is a presumption against development. There is no compelling reason why this development needs to be located in the floodplain and alternative sites close-by, outside of the floodplain should be explored by the applicant. For the reasons discussed above, it is considered that the principle of development at this location is unacceptable as the proposal fails to comply with Policy TEL 1 of PPS 10 and Policy FLD 1 of PPS 15.

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

DCAN 14 'Siting and Design of Radio Telecommunications Equipment' highlights the fundamental principle in siting and designing equipment is to minimise the contrast between the equipment and its surroundings.

The proposed development involves the installation of a 22.5m telecommunications column, with 6No. antennae, 15No. ERS & 2No. radio dishes. This also includes the creation of a site compound containing 1No. cabinet and associated equipment, enclosed by a 2m high palisade fence.

The application site is located within Tidal Industrial Estate, at the foot of the industrial park estate road on its western edge to the rear of the public footpath and behind the fence delineating the yard associated with the shipping container fabrication business. Other businesses within Tidal Industrial Park include a gym, a gymnastics academy, a flooring company, a tile company and a car/lorry tyre company. These businesses are accommodated within large warehouse style buildings, which are approximately 10 metres in height.

The proposed mast is set back approximately 50m from the main Roguery Road and due to the presence of a large warehouse located along the roadside at the entrance to the industrial estate, it is thought that views of the proposal will be limited along the main road. The chosen design for the mast is considered to be the most appropriate and will blend in with the surrounding industrial estate.

It is considered that the proposed structures will not appear incongruous in the landscape nor will have a significant detrimental impact on the visual amenity of the area. The application site is not located within an environmentally sensitive location, nor is it positioned close to an environmentally sensitive feature.

The design and appearance of the proposed telecommunications mast and associated equipment are considered typical of such development. Given the surrounding industrial estate, the proposal will not result in unacceptable damage to visual amenity and will not have a detrimental impact on the character of the area.

### **Neighbour Amenity**

The Council's Environmental Health Section has been consulted with respect to the development proposal and has raised no objections. Due to the location of the proposal within an existing industrial park the nearest residential neighbour approximately 150m to the southwest of the site. Therefore, it is considered that the development proposal will not result in a detrimental impact on residential amenity.

### **Impact on Environmental Quality of the Local Area**

Policy TEL 1 of PPS 10 stipulates that development including telecommunication equipment will be permitted where the proposed development will not result in harm to environmentally sensitive features or locations.

The application site is not located within a nationally or internationally designated site, however, the site is located within the fluvial flood plain of the River Bann. As outlined above, the Council does not consider this development proposal to be an 'exception' to Policy FLD 1 of PPS 15, which operates a presumption against the grant of planning permission for development in fluvial flood plains.

Therefore, it is considered that the proposal would have an unacceptable impact on the environmental quality of the area as the application site is at risk of being flooded or exacerbating flooding elsewhere and may likely cause harm to environmentally sensitive features or locations.

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

As the proposal is located within an existing industrial estate there are no significant road safety concerns. DfI Roads was consulted with regards to the development proposal and has responded with no objections.

### **Other Matters**

#### Health and Safety

Information on health issues relating to telecommunications development is set out in paragraphs 2.16 to 2.20 of PPS 10. The Government asked an independent expert group on mobile phones to report on the health effects of the use of mobile phones and from telecommunications development. Their report recommended a precautionary approach comprising a series of specific measures on the use of mobile phone technologies which was adopted by the Government. One of the recommended measures was that emissions from mobile phone base stations should meet the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) for public exposure to electromagnetic fields.

Policy TEL 1 of PPS 10 requires that applications relating to the development of a mobile telecommunications base station when operational will meet ICNIRP guidelines. The role of the planning system regarding health considerations is set out in the justification and amplification of the policy at paragraphs 6.28 and 6.34 which states that the planning system is not the place for determining safeguards. If a proposed telecommunications development meets the ICNIRP guidelines in all respects, it should not be necessary to consider this aspect further.

A Declaration of Conformity with ICNIRP Public Exposure Guidelines (ICNIRP Declaration Document 01, date stamped 8<sup>th</sup> August 2023), accompanied with the planning application in relation to the proposed telecommunications installation. The

ICNIRP Declaration certifies that the site is designed to be in full compliance with the requirements of radio frequency guidelines of the International Commission of Non-Ionising Radiation Protection for public exposure as expressed in the EU Council recommendation of July 1999.

The PSNI Information and Communications Services assessed the proposal from a technical and safeguarding aspect on the NI Emergency Services Radio Communications and Public Safety Telecommunications Infrastructure and raised no technical safeguarding objections.

Utilising OFCOM's Spectrum Information System (SIS) the proposal has not been identified as falling within the 200-metre Fixed Terrestrial Link consultation buffer. Fixed Terrestrial Links or Fixed Wireless Systems (FWS) refer to terrestrial based wireless systems, operating between two or more fixed points. Using mainly digital technologies, directional antennas and typically operating at very high levels of propagation availability fixed terrestrial links are used to provide network infrastructure and customer access applications across a wide range of frequency bands. As the application site does not fall within the 200-metre Fixed Terrestrial Link consultation buffer, no additional consultations were required.

#### Airport

Belfast International Airport were consulted on the proposal and raised no objection to the proposal from a safeguarding perspective.

### **CONCLUSION**

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

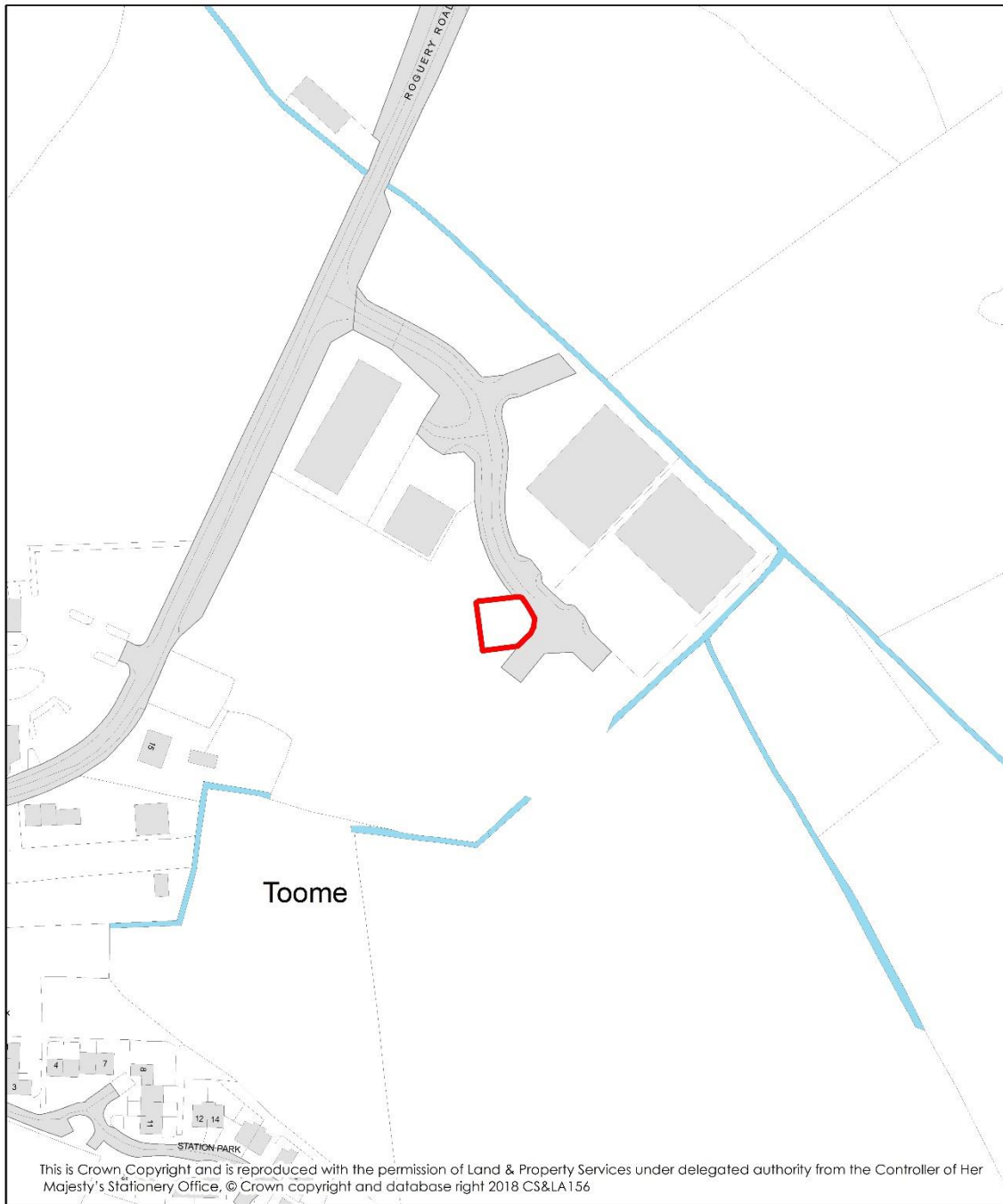
- The principle of the development has not been established on site as the proposal is located within a fluvial flood plain;
- The proposal has not been deemed an exception in relation to Policy FLD 1 of PPS 15;
- The design and appearance of the development is considered acceptable;
- There is no detrimental impact on residential amenity;
- The proposal has the potential to harm the environmental quality or character of the local area through increased flood risk; and
- It is considered there is no detrimental impact on road safety.

### **RECOMMENDATION**

### **REFUSE PLANNING PERMISSION**

### **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy FLD 1 of Planning Policy Statement 15 Planning and Flood Risk, in that it has not been demonstrated that the proposal is an exception for development in a fluvial flood plain.
2. The proposal is contrary to the policy provisions contained within the Strategic Planning Policy Statement and Policy TEL 1 of Planning Policy Statement 10 Telecommunications, in that is considered that the proposal would have an unacceptable impact on the environmental quality of the area in terms of increased flood risk.



### Site Location Plan

Application Reference: LA03/2023/0599/F



Site boundary



Location: Approx. 25m southwest of 11 Tidal Industrial Park, Toome

Proposal; Proposed 22.5m telecommunications column, with 6No. antennae, 15No. ERS & 2No. radio dishes. Proposal includes the creation of a site compound containing 1No. cabinet and associated equipment, enclosed by a 2m high palisade fence and ancillary works.



<b>COMMITTEE ITEM</b>	<b>3.14</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0643/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE FULL PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Retention of increase to site curtilage and infilling of land to the rear
<b>SITE/LOCATION</b>	25a Millbank Road, Ballyclare, BT29 0AS
<b>APPLICANT</b>	Mr Neal Brown
<b>AGENT</b>	Big Design Architecture
<b>LAST SITE VISIT</b>	29th November 2023
<b>CASE OFFICER</b>	Eleanor McCann Tel: 02890340422 Email: <a href="mailto:eleanor.mccann@antrimandnewtownabbey.gov.uk">eleanor.mccann@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at No. 25a Millbank Road, Templepatrick, which is within the development limits of Millbank as defined within the Belfast Urban Area Plan (BUAP) and the Draft Belfast Metropolitan Area Plan (dBMAP). The extension to the site curtilage extends outside the development limits of Millbank and is partially situated in the open countryside.</p> <p>The application site comprises a two storey detached dwelling and small garden shed. The dwelling is finished in a dashed render, black PVC windows and doors and interlocking concrete roof tiles. The area to which the extension to the curtilage applies is finished in grass. The topography of the site is relatively flat to the front of the dwelling. To the rear of the property the topography slopes downwards towards the north by approximately 3.5m in height. The neighbouring property at No. 25 Millbank sits approximately 3m above an area of the extended curtilage. Amenity space is located to the rear (west) of the property and extends to abut the rear of the property at No. 25 Millbank Road. A retaining structure surrounds the septic tank, situated to the northwest of the dwelling. Parking provision is provided to the front (southeast) of the dwelling.</p> <p>The northern, southern and western site boundaries are defined by a close boarded timber fence, approximately 1.8m in height. The eastern boundary, to the rear of No. 25 Millbank Road is undefined. A close boarded timber fence approximately 1m in height extends between the rear building line of the dwelling to the southern boundary to enclose the rear garden area.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
There is no relevant or recent 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.

Draft Belfast Metropolitan Area Plan (2004): The application site is partially located inside the settlement limits Millbank and partially in the open countryside. The Plan offers no specific guidance on this proposal.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is partially located within the settlement limit of Millbank and partially located in the open countryside. The Plan offers no specific guidance on this proposal.

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

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

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

## CONSULTATION

**DfI Rivers** – Objections raised.

## REPRESENTATION

Three (3) neighbouring properties were notified of the application. There has been no letters of objection. One letter of support from one neighbour notified property accompanied the planning application.

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



A summary of the key points raised in the letter of support is provided below:

- The increase in the curtilage of the neighbouring property is to the rear of No. 25 Millbank Road and is at a lower level and therefore there are no concerns of being overlooked; and
- The residents of No. 25 Millbank Road welcome the extension to the neighbour's curtilage as it is beneficial to both properties.

#### **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
- Impact on Trees and Environmental Quality of this Area
- Amenity Space, Parking and Manoeuvring

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

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements. Amongst these is the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS 7). Taking into account the transitional arrangements of the SPPS, retained APPS 7 provides the relevant policy context for consideration of the proposal.

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

- a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;

- c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

APPS7 also advises that the guidance set out in Annex A of the document will be taken into account when assessing proposals against the above criteria. The relevant matters will be discussed below.

As the site lies partially within the countryside, PPS 21 Sustainable Development in the Countryside is applicable to this application. Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. Policy CTY 1 indicates that development not falling into one of the listed categories will be permitted only where there are overriding reasons why it is essential and could not be located in a development limit. There is no provision for residential land use to be extended further into the neighbouring countryside within Policy CTY 1. Policy CTY 1 directs consideration of an extension to a residential curtilage in the countryside to the addendum of PPS 7 'Residential Extensions and Alterations'.

The application seeks full planning permission for an extension to the existing residential curtilage, to include lands outside the development limit of Millbank. In principle the extension to an existing domestic curtilage is considered acceptable, however, the proposal must meet the policy requirements of Policies CTY 13, CTY 14 and CTY 15 of PPS 21.

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

All proposals in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires that a proposal 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 proposal will not cause a detrimental change to, or further erode the rural character of an area. In this instance the policy requirement of Policy CTY 15 must be taken into account. Policy CTY 15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

The extension to the curtilage at No. 25a Millbank Road incorporates an area of an existing agricultural field to the rear of the property and has a maximum length of approximately 30m and has a maximum width of approximately 10m. The increased curtilage also extends northwards to the rear of the adjacent property at No. 25 Millbank. The extended curtilage also has a portion of infilled land, approximately 112.5sqm in area, immediately to the rear of the dwelling to create a flat topography. The extended site curtilage has extensive hard landscaped site boundaries to enclose the extended curtilage. Additionally, a retaining structure has been built around the existing septic tank.

The extended curtilage, located to the rear of the dwelling is for domestic and recreational use. The area of land within the extended curtilage to the rear of No. 25

Millbank Road is approximately 3m lower than the neighbouring dwelling and there is a graded embankment approximately 3m wide. The land to the rear of the dwelling has been infilled by approximately 1.2m to create a flat topography. Due to the existing dwellings and buildings, and the site's location at the end of a cul-de-sac, the boundary treatments enclosing the area of the extended curtilage and the septic tank are not visible from the Millbank Road. However, views of the development are evident from the neighbouring property at 25a Millbank Road and from the Antrim Road to the north.

The development extends partially outside the development limit of Millbank and into the open countryside, which mars the boundary of the residential area and the open countryside. The development also detrimentally changes and erodes the surrounding rural character as the infilling of land has artificially created unnatural land gradients, and hard boundaries, on the edge of the development limits. The Justification and Amplification Section of Policy CTY 15 states that the principle of drawing a settlement limit is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the built-up area and surrounding countryside. It also states that proposals that would mar this distinction or create urban sprawl will therefore be unacceptable. The development is considered to mar the distinction between the boundary of the residential area and the open countryside. The development also detrimentally changes and erodes the surrounding rural character as the topography of the site has artificially created unnatural land gradients, and hard boundaries.

Having considered the above, it is deemed that the development is contrary to Policy CTY 15 in that the extended curtilage mars the distinction between the settlement of Millbank and the surrounding countryside. The development is also contrary to the policy provisions of Policy CTY 14 in that the development causes a detrimental change to and further erodes the rural character of the area.

### **Neighbour Amenity**

Policy EXT 1 of the Addendum to Planning Policy Statement 7- Residential Extensions and Alterations states 'Planning permission will be granted for a proposal to extend or alter a residential property where the proposal does not unduly affect the privacy or amenity of neighbouring residents'.

It is noted that the residents of a neighbouring property submitted a letter of support for the development, outlining that the developed land is at a lower level than their own garden and as such they do not have any concerns with being overlooked. The residents also stated that the arrangement is beneficial to them as the children of the two properties play together.

However, the location of the extended garden at the rear of both properties (Nos. 25a and 25 Millbank) is unacceptable as it results in an intrusive, direct and uninterrupted view from No. 25 Millbank into the rear amenity space of No. 25a Millbank Road. Due to the nature of the development, no significant impacts of loss of light, dominance or overshadowing are expected to occur. In addition, the infilled land to the rear of No. 25a Millbank Road also promotes an intrusive, direct and uninterrupted view from the subject property into the rear amenity space of No. 25 Millbank Road.

The rear private amenity space of the dwelling and garage approved under application Ref: LA03/2020/0718/F, which is located adjacent to and south of No. 25a Millbank Road is not impacted by overlooking due to the location of the garage which screens the associated rear private amenity space.

In summary, the level of overlooking is considered to be unacceptable and as such the development is considered to be contrary to the policy provisions of Policy EXT 1 of the Addendum to Planning Policy Statement 7.

### **Flood Risk**

DfI Rivers was consulted regarding the development proposal and responded stating that The Flood Maps (NI) indicated that the south-eastern area of the site lies within the 1 in 100 year fluvial flood plain. Therefore DfI Rivers considers that the proposal is contrary to Policy FLD 1 of PPS 15 and objects to any such development taking place. However, DfI Rivers has stated that in accordance with policy, development will not be permitted within the 1 in 100 year fluvial flood plain unless the Council deems it to be an 'exception' or of overriding regional or sub-regional importance, as defined in Policy FLD 1.

DfI Rivers advised that the south-eastern section of the site also lies within the 1 in 100 year fluvial climate change flood plain which it considers is at risk of flooding in the climate change scenario. The proposal would therefore be incompatible with the aim of regional strategic planning policy in relation to flood risk, unless the Council considers it appropriate to apply the 'exceptions' principle contained within Policy FLD 1.

The Council does not deem the proposal to be an exception to Policy FLD 1 of PPS 15, due to the infilling of the land, which alters the flood plain, is not considered to be minor development and does not fall within any of the exceptions within PPS 15.

Additionally the reservoir inundation maps indicate that the site is within a potential area of inundation from both Boghill Dam and Hydepark Dam. DfI Rivers is satisfied that Boghill Dam has "Condition Assurance" and has no reason to object to the proposal in respect to Boghill Dam, however, it has not been demonstrated that the condition, management and maintenance of Hydepark Dam is appropriate to provide sufficient assurance regarding reservoir safety so as to enable the development to proceed, as required under Policy FLD 5. DfI Rivers carried out an assessment of flood risk to people at the site for an uncontrolled release of water from Hydepark Dam and determined the overall hazard rating to be high and consequently found it to be an unacceptable combination of depth and velocity for the development proposal.

Albeit, the reservoir inundation maps indicate that the site is within a potential area of inundation, the proposal is for an extension to the curtilage of a dwelling, and on this basis the level of flood risk to the occupants of No. 25a Millbank Road has not considered to be escalated.

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

It is considered that the development will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local

environmental quality because there are no trees of other landscape features present where the proposal will be located.

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

It is considered that there is sufficient space within the curtilage of the property for recreational and domestic purposes. The proposal does not impact upon parking provision.

## **CONCLUSION**

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

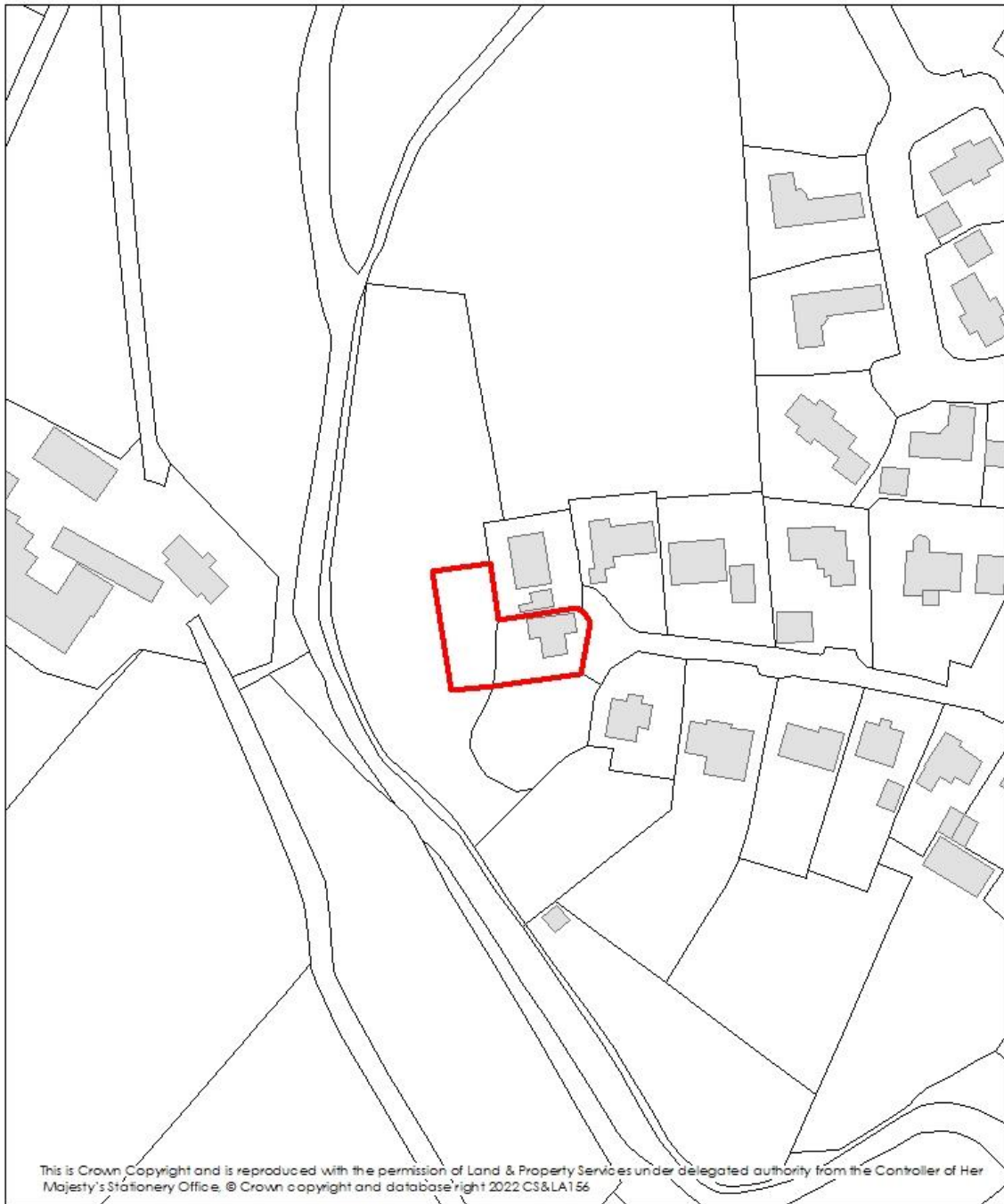
- The principle of the development is unacceptable;
- The design layout and impact on character and appearance of the area are not considered acceptable.
- The development will unduly affect the amenity of neighbouring properties by way of overlooking;
- The development lies within the 1 in 100 year fluvial flood plain and is not deemed to be an exception to Policy FLD 1 of PPS15 and will have a detrimental impact on flood risk;
- The development does not cause the unacceptable loss of or damage to trees or other landscape features; and
- It is considered that sufficient amenity space remains within the curtilage of the dwelling.

## **RECOMMENDATION**

## **REFUSE PLANNING PERMISSION**

## **PROPOSED REASONS OF REFUSAL**

1. The development is contrary to the provisions of the Strategic Planning Policy Statement and Policy EXT 1 of the Addendum to Planning Policy Statement 7- Residential Extensions and Alterations, in that the development will have an unacceptable impact on the amenity of neighbouring residents by way of overlooking.
2. The development is contrary to the provisions of the Strategic Planning Policy Statement and Policies CTY 14 and CTY 15 in that the development will have a detrimental impact on and further erode the rural character of the area and the development will mar the distinction between a settlement and the surrounding countryside and result in urban sprawl.
3. The development is contrary to the provisions of the Strategic Planning Policy Statement and Policy FLD 1 of Planning Policy Statement 15 (Revised) Planning and Flood Risk in that the development would if permitted be at risk of flooding and is likely to increase the risk of flooding elsewhere.



Planning Application Reference: LA03/2023/0643/F

Location: 25a Millbank Road, Ballyclare, BT39 0AS

Proposal: Retention of increase site curtilage and infilling of land to the rear.

Scale: 1:1250



 Site Location



<b>COMMITTEE ITEM</b>	<b>3.15</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0862/S54</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site of dwelling and garage on a farm (Variation of Condition 5 from approval LA03/2023/0253/O to increase ridge height from 6m to 7.4m)
<b>SITE/LOCATION</b>	Approx. 65m east of 82 Clonkeen Road, Randalstown
<b>APPLICANT</b>	Ryan Bonar
<b>AGENT</b>	Ivan McClean
<b>LAST SITE VISIT</b>	15 <sup>th</sup> December 2023
<b>CASE OFFICER</b>	Gareth McShane Tel: 028 903 40411 Email: <a href="mailto:gareth.mcshane@antrimandnewtownabbey.gov.uk">gareth.mcshane@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 65m east of No. 82 Clonkeen Road, Randalstown. The site is located within the countryside outside any development limit as designated within the Antrim Area Plan 1984-2001.</p> <p>The application site is rectangular in shape and is cut out of a wider agricultural field. The site is set back approximately 50m from the roadside. The topography of the land gently falls away from the roadside from east to west. The southern site boundary is defined by a 2m high hedgerow and the western site boundary is defined by trees measuring approximately 3-4m in height. An established group of farm buildings are located directly west of the site.</p> <p>The surrounding character is open countryside, with dwellings and outbuildings spread out intermittently.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2023/0253/O  Location: Approx. 65m East of, 82 Clonkeen Road, Randalstown, BT41 3JJ  Proposal: Site of dwelling and garage on a farm  Decision: Permission Granted (04.08.2023)</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p>	

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

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

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

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

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

## **CONSULTATION**

N/A

## **REPRESENTATION**

Six (6) 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
- Condition to be Varied

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

Section 54 of the 2011 Act applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. On receipt of such an application, the Council may



only consider the question of the conditions subject to which planning permission should be granted and it cannot revisit the principle of the development granted previously. The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the current application.

The principle of development has been established on the site under planning application Ref: LA03/2023/0253/O, which granted outline planning permission for a dwelling and garage on 4<sup>th</sup> August 2023 with an expiry date of 4<sup>th</sup> August 2026, and as such, the planning approval remains extant and the principle of development cannot be revisited.

### **Condition to be Varied**

As indicated above the application seeks permission for the variation of Condition 5 of planning approval reference LA03/2023/0253/O.

Condition 5 of LA03/2023/0253/O reads:

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

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

Condition 4 of LA03/2023/0253/O is also relevant to the application, which reads:

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

Reason: In the interest of visual amenity.'

With regards to the aforementioned conditions, a dwelling with a maximum height of 6.3m from ground level would satisfy both conditions at the Reserved Matters stage.

Question 6 of the RVC1 form states that Condition 5 of LA03/2023/0253/O should be varied to read 'The proposed dwelling shall have a ridge height not exceeding 7.4 metres above finished floor level.' Should the proposed variation of Condition 5 be approved, the maximum height of the dwelling permitted would be 7.7m in height from ground level, resulting in an increase in height of 1.4m.

The initial condition was attached 'to ensure the farm grouping provides a backdrop for the development and integrates appropriately with the surroundings'. The agent was contacted via email and asked to provide existing and finished floor level of the proposed dwelling and buildings, which are positioned directly to the rear of the site, and the ridge height measurements of the proposed dwelling and buildings located to the rear of the site. This information was requested in order to inform whether a ridge height increase of 1.4m would allow a dwelling 7.7m in height to integrate appropriately with the development to the rear and its surroundings.

Consequently, a 'Site Layout Plan with Levels', Drawing 02, date stamped 18th January 2024, was submitted to the Council. The drawing shows that if the condition was to be varied, the ridge height of the dwelling would measure 147.90 OD. The buildings located to the rear of the site, which partly form the associated farm complex and backdrop for the proposed development, have ridge heights which vary between 143.21 – 146.99 OD. Therefore should the variation in Condition 5 be approved, the buildings to the rear would be between 0.91-4.69m lower in height than the approved dwelling.

Critical views of the proposed dwelling would be achieved when travelling in both directions along Clonkeen Road. The proposal was considered acceptable in terms of integration by way of the attachment of Condition 5, ensuring that the buildings to the rear provided a sufficient backdrop for the development to integrate with its surroundings. It is considered that a 1.4m increase in ridge height will make the development appear unduly prominent within the landscape. This is further compounded by the fact the proposed dwelling is sited closer to the roadside than the buildings to the rear (approximately 57m set back from the roadside). The current ridge height condition ensures that the proposal would appear subordinate to a number of buildings located to the rear, ensuring the proposal visually integrates into its surrounding environs. As such, the proposed variation of condition is not considered acceptable.

#### **CONCLUSION**

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

- The principle of the development has been established through planning approval reference LA03/2023/0253/O; and
- It is considered that the variation of condition from planning approval reference LA03/2023/0253/O is unacceptable.

#### **RECOMMENDATION**

#### **REFUSE PLANNING PERMISSION**

#### **PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the policy 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 if the variation of Condition 5 of LA03/2023/0253/O was to be approved, the dwelling would appear unduly prominent within the surrounding landscape and would fail to blend with the existing buildings which provide a backdrop.



### Site Location Plan

Application Reference: LA03/2023/0862/S54

Location: Approx 65m east of 82 Clonkeen Road, Randalstown

Proposal: Site of dwelling and garage on a farm (Variation of Condition 5 from approval LA03/2023/0253/O to increase ridge height from 6m to 7.4m)

 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.16</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0839/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Dwelling and Detached Garage on a Farm
<b>SITE/LOCATION</b>	45m South West of 40 Craigmores Road, Randalstown, BT41 3HD
<b>APPLICANT</b>	Maurice Rainey
<b>AGENT</b>	Andrew Wisener
<b>LAST SITE VISIT</b>	28 <sup>th</sup> November 2023
<b>CASE OFFICER</b>	Gareth McShane Tel: 028 903 40411 Email: <a href="mailto:gareth.mcshane@antrimandnewtownabbey.gov.uk">gareth.mcshane@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 45m southwest of No. 40 Craigmores Road, Randalstown, and is within the countryside as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The application site is located on the northern side of the Craigmores Road and forms a roadside plot cut out of a larger agricultural field. Access is currently provided via an agricultural entrance. The eastern and southern boundaries are defined by mature hedgerows measuring approximately 1.5m in height. The remaining boundaries are undefined. The topography of the land falls in an easterly direction. No.40 Craigmores Road is located to the east of the application site, with a cluster of farm buildings, under the ownership of the applicant, located beyond No. 40 to the east.</p> <p>The surrounding character is open countryside, with dwellings and outbuildings spread out intermittently.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>No relevant/recent site history.</p> <p><b>History Associated with the Farm Holding</b>  Planning Reference: LA03/2016/0045/F  Location: Approx 49m North East of 93 Church Road, Randalstown, BT41 3JW  Proposal: Agricultural storage sheds (2) for hay, straw and machinery (part retrospective)  Decision: Permission Granted (06.12.2016)</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p>	

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

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

Antrim Area Plan 1984 – 2001: The application site is located outside any 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's Environmental Health Section** – No objection.

**Northern Ireland Water** – No objection

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

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

**Department for Agriculture, Environment and Rural Affairs-** The Farm Business ID was allocated in March 1992. The business has claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last six years.

## REPRESENTATION

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

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

### Policy Context and Principle of Development

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is Policy CTY 10 which states that planning permission will be granted for a dwelling house on a farm where all of the three listed criteria can be met.

The Department for Agriculture, Environment and Rural Affairs (DAERA) advised in a consultation response dated 4<sup>th</sup> January 2024 that the associated farm has been in existence for more than 6 years, the Farm Business ID having been allocated in March 1992. Its response also confirms that the farm business has claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years.

A site history check has been carried out on the lands shown on the submitted farm maps and there does not appear to have been any development opportunities sold

off from the farm holding within 10 years of the date of the application. This is further confirmed by the answer to Q5 of form P1C which states that there have been no dwellings or development opportunities sold off from the farm holding within the last 10 years. The proposal complies with CTY 10 (b).

Policy CTY 10 (c) requires the new building to visually link or be sited to cluster with an established group of buildings on the farm. The application site is located 90m from an existing farm grouping under the applicant's control, whereby No.40 is positioned in the intermediate. It is considered that the application site does not visually link nor is to be sited to cluster with the established group of buildings given the separation distance, intervening boundary treatments and structures, and topography of the land.

The applicant's address as noted on the P1 Form is No. 61 Church Road, Randalstown (dwelling and garage). Following examination of the farm maps, it was noted that there were a number of fields immediately adjacent to the said address, providing the opportunity for a new farm dwelling to group/cluster with an existing grouping.

The submitted 'Supporting Planning Statement', Document 01 date stamped 11th November 2023 references planning approval Ref: LA03/2023/0208/O for a farm dwelling. The agent states that the approved site for a dwelling on a farm is similar in nature to the current proposal. However, the quoted application groups with a farm dwelling and outbuildings, whereas this application site is separated from the group of farm buildings by a dwelling, which is not under the ownership of the applicant, nor associated with the farm grouping.

The agent was contacted and asked to provide information as to why the proposal cannot be sited to group with the buildings at No. 61 Church Road. The agent responded by stating that a dwelling on the application site visually links with a group of buildings located at an out-farm, and if a dwelling was to be approved at the proposed location it would minimise the need to travel. As discussed above, the application site is not considered to visually link with the farm buildings and it is also noted that the distance between the applicant's dwelling and application site is only 1.8 miles.

Following a site history check, it was found that the applicant also owns a number of outbuildings at Church Road, approximately 0.3 miles from the applicant's dwelling. Following an examination of the farm maps, it was noted that there were a number of fields immediately adjacent to the outbuildings, providing the opportunity for a new farm dwelling to group/cluster with an existing grouping. The agent was again requested to provide information as to why the proposal could not group with these buildings. The agent responded by email (Documents 04 and 05 both received on 30th November 2023) contending that the applicant does not require a dwelling at this location as it is used for storage, whereas the Craigmole Road site is used for cattle. The agent also notes that the lands that surround the agricultural buildings are not suitable for development as they are too small, would have a negative impact on neighbouring amenity, and would restrict access to other fields should the land be developed. It is considered that there is sufficient lands at this holding to provide a site for a dwelling, or alternatively at the applicant's address at No.61 Church Road.

In summary, it is considered that there are a number of alternative sites whereby the proposal could visually link or be sited to cluster with an established grouping of buildings, therefore the proposal is considered to fail the policy requirements of Policy CTY 10 (c).

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

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

This application is for outline permission only, and as such the design elements of the dwelling would normally be considered under a subsequent Reserved Matters application, should outline planning permission be forthcoming. However, it is considered that a dwelling on the site would not integrate appropriately within the landscape. In order to accommodate the necessary visibility splay, a section of the roadside boundary treatment will have to be removed. This removal of vegetation will expose the site to critical views when travelling in both directions along Craigmore Road, with no vegetation in the foreground to aid integration. Extensive new planting would be required to aid integration, which would need numerous growing seasons to provide any level of screening. Furthermore, no backdrop is provided when travelling westwards along the roadway. The fields located to the north and west of the application site are large and expansive, with no sufficient boundary treatments in place to provide a backdrop. Any form of development on this site would appear highly prominent.

The development of the site will also create a ribbon of development when the development is added to the existing roadside development to the east, namely No. 40 and the adjoining agricultural buildings. The existing and proposed buildings would read as a linear form of development fronting onto the public road which would create a localised sense of build-up and therefore would have a detrimental impact on the rural character of the area. The proposal is therefore considered to fail the requirements of Policies CTY 8, 13 and 14.

### **Neighbour Amenity**

As this is an outline application, details regarding the design, siting and layout of the proposed dwelling have not been submitted. It is considered that a dwelling of appropriate scale, design and orientation could be positioned within the application site as to not have a negative impact upon the adjacent dwelling at No. 40 Craigmore Road, which is located 35m from the centre of the application site. If approved, a siting and ridge height condition will be attached ensuring the proposal does not have any negative impacts on the neighbouring amenity.

### **Access and Parking**

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



**Other Matters**

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

DfC Historic Environment Division (HED) was consulted regarding the development proposal due to its location within a consultation zone for a number of scheduled monuments. HED has responded with no objections to the proposal.

**CONCLUSION**

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

- The principle of development is considered to be unacceptable;
- The proposed dwelling would not be visually linked with a group of buildings on the farm holding;
- It is considered a dwelling on the site would appear prominent within the landscape, thereby having a detrimental impact on the rural character of the area;
- An appropriately sited dwelling would not have a detrimental impact on neighbouring 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 Policies CTY 1 & 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling and garage is not sited to visually link or cluster with an established group of buildings on the farm.
2. 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 proposal would appear a prominent feature in the landscape; the site lacks long established boundary treatments; the site relies primarily on new landscaping for integration; the proposal fails to blend with the existing landform.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would create a ribbon of development along the public road.

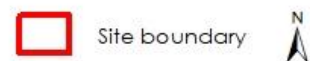


### Site Location Plan

Application Reference: LA03/2023/0839/O

Location: 45m South West of 40 Craigmore Road, Randalstown, BT41 3HD

Proposal: Dwelling and Detached Garage on a Farm Under CTY10 of PPS21



<b>COMMITTEE ITEM</b>	<b>3.17</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0594/O</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	2 Dwellings and Garages
<b>SITE/LOCATION</b>	Lands approximately 30m east of No. 51 Trenchill Road, Ballyclare, BT39 9JJ
<b>APPLICANT</b>	Stafford Houston
<b>AGENT</b>	TSA
<b>LAST SITE VISIT</b>	4 <sup>th</sup> October 2023
<b>CASE OFFICER</b>	Gareth McShane Tel: 028 903 40411 Email: <a href="mailto:gareth.mcshane@antrimandnewtownabbey.gov.uk">gareth.mcshane@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 30m east of No. 51 Trenchill Road, Ballyclare and is within the countryside as defined by the Draft Belfast Metropolitan Area Plan 2004 (dBMAP).</p> <p>The application site forms a rectangular shape cut out of a larger agricultural field. No. 51 Trenchill Road is located to the west of the application site, with farm outbuildings associated with No.47 Trenchill Road located to the east of the site. The topography of the site is generally flat throughout and at the time of the site visit appeared to be used for agricultural purposes. The southern (roadside) and western boundaries are defined by a 1.5m high hedgerow. Access to the site is currently achieved via an existing agricultural entrance.</p> <p>The surrounding character of the area is rural countryside with dwellings and outbuildings spread throughout intermittently.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No recent/relevant planning history.	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which</p>	

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

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

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan (2004): The application site is located outside any development limits and lies in the countryside as designated by these Plans which offers no specific policy or guidance.

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

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

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

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

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

#### **CONSULTATION**

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

**Council Environmental Health Section** - No objections

**Northern Ireland Water** - Approve, with standard conditions

**Historic Environment Division** - No objections

**DfI Rivers** - No objection, subject to informatives

#### **REPRESENTATION**

Five (5) neighbouring properties were notified of the proposal and no (0) letters of representation were received.

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

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

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

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process.

Both of the relevant development plans identify the application site as being within the open countryside. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is Policy CTY 8 which permits the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. Policy CTY 1 goes on to state that other types of development will only be

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

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

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

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

In this case, the application site comprises a gap between No. 51 Trenchill Road (a dwelling and garage) and No.147 Trenchill Road (a dwelling and associated farm outbuildings), all of which front onto the roadway. It is considered that the proposal satisfies the first element of Policy CTY 8 in that the gap is within a substantial and continuously built up frontage.

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

In this case, the frontage widths of properties within the substantial and continuously built up frontage vary between 44m and 90m, with an average of 67m. Both plots under consideration have a site frontage of approximately 38m and 46m and are considered to respect the existing pattern along this stretch of the Trenchill Road.

As this is an outline application, no details of siting, layout, and design have been submitted, however it is considered that a dwelling could be accommodated within the gap whilst still respecting the existing development pattern along this stretch of the Trenchill Road. It is therefore considered that the policy requirements of CTY 8 have been met, however, there is still a requirement to comply with Policies CTY 13 and CTY 14 must be adhered to.

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

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

In this case, the application site lacks established boundaries along the northern and eastern boundaries. Whilst the site does benefit from an existing roadside boundary treatment, the Proposed Site Plan, Drawing 03/1 date stamped 13th October 2023, displays the extent of the visibility splays required for the application site. The implementation of these splays will result in the removal of most of the roadside boundary treatment, exposing the site to extensive open views, which are further compounded by the lack of any backdrop and the flat topography of the land. These views will be achieved when travelling westwards along the Trenchill Road, however, it is accepted that the built form and intervening boundary treatments of No. 51 Trenchill Road will restrict any critical views when travelling eastwards.

Although the plots as indicated on the Proposed Site Plan, (Drawing 03/1), are considered to respect the settlement pattern exhibited in the area, it is considered that the proposal will appear highly prominent within the landscape, lacking any form of natural boundary treatments, which could provide a degree of enclosure or screening for the proposed development. The site relies heavily on new planting, which will require numerous growing seasons to provide a suitable degree of enclosure for the two proposed dwellings to integrate into the landscape or provide any sufficient degree of screening to the two plots.

In summary, it is considered that the proposal will appear prominent within the landscape, the site lacks any form of long established boundary treatments, relies primarily on new landscaping for integration, and fails to blend with the landform. The proposal is therefore considered to fail the policy requirements of Policies CTY 13 and CTY 14 of PPS 21.

### **Neighbour Amenity**

No. 51 Trenchill Road is located adjacent to and west of the application site and contains a dwelling. As this application seeks outline permission, limited details have been provided regarding the proposed design, however, it is considered that with the appropriate siting and layout, the proposed dwellings could be appropriately accommodated on the application site without having a detrimental impact on neighbouring amenity. Furthermore, No. 51 Trenchill Road benefits from a mature hedgerow and trees within its curtilage, which provides an additional level of screening.

There is no detrimental impact on the residential amenity of No. 47 Trenchill Road considered to occur given the positioning of the farm buildings which will screen any intervening views between the proposed dwellings and the existing dwelling. If approved, particular care in regards to design and layout will be required at Reserved Matters stage to ensure no detrimental impact on neighbouring amenity occurs between the two proposed dwellings.

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

A shared access off the Trenchill Road is proposed to serve the two dwellings. DfL Roads was consulted regarding the development proposal and responded with no objections, subject to compliance with the attached RS1 form. The proposal is therefore considered to comply with PPS 3.

**Other Matters**

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

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

DfI Rivers was consulted regarding the proposal and responded with no objections, subject to a number of informatives to be included on any forthcoming approval.

**CONCLUSION**

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

- The principle of the development has been established in accordance with Policy CTY 8 of PPS 21;
- It is considered that the proposal will appear prominent within the landscape; the site lacks any form of long established boundary treatments; relies primarily on new landscaping for integration; and fails to blend with the landform;
- An appropriately designed dwelling on site would not have a detrimental impact on neighbour amenity; and
- There are no concerns from statutory consultees.

**RECOMMENDATION****REFUSE OUTLINE PLANNING PERMISSION****PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and fails to meet with the provisions for an infill dwelling in accordance with Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwellings will fail to blend with the landform, the application site lacks long established boundary treatments and relies primarily on new landscaping for integration.
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 13 and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwellings will appear prominent within the landscape.





### Site Location Plan

Application Reference: LA03/2023/0594/O

Location: Lands approximately 30m east of No. 51 Trenchill Road, Ballyclare, BT39 9JJ

Proposal: 2 Dwellings and Garages



<b>COMMITTEE ITEM</b>	<b>3.18</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0629/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	2 dwellings and garages
<b>SITE/LOCATION</b>	Approx. 50m East of 1 Tildarg Brae, Ballyclare, BT39 9ZA
<b>APPLICANT</b>	James Greer
<b>AGENT</b>	Maine Designs
<b>LAST SITE VISIT</b>	5th October 2023
<b>CASE OFFICER</b>	Gareth McShane Tel: 028 903 40411 Email: <a href="mailto:gareth.mcshane@antrimandnewtownabbey.gov.uk">gareth.mcshane@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 50m east of 1 Tildarg Brae, Ballyclare, within the countryside as identified in the draft Belfast Metropolitan Area Plan (2004).</p> <p>The application site is located off Tildarg Brae and forms an irregular shape, incorporating agricultural fields and an existing farm yard. An existing general purpose shed is positioned east of the application site, which is a concurrent application currently under consideration under application Ref: LA03/2023/0873/F. No.1 Tildarg Brae is positioned adjacent to and west of the application site. Both the aforementioned buildings are under the control of the applicant. The topography of the site rises in a northerly direction.</p> <p>The application site is located within the rural area however there is a noticeable grouping of buildings along Tildarg Brae.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning reference: LA03/2023/0873/F  Location: Approx. 100m east of 1 Tildarg Brae, Ballyclare, BT39 9ZA  Proposal: General purpose agricultural building for the storage of farm vehicles, machinery, animal feed and incorporating a veterinary inspection/isolation unit (retrospective)  Decision: Under consideration.</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area</p>	

Plan and its associated Interim Statement together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

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

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

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

## CONSULTATION

**Council's Environmental Health Section** - No objection, subject to informatives.

**Northern Ireland Water** - No objection.

**Department for Infrastructure Roads** - No objection.

## REPRESENTATION

Eight (8) neighbouring properties were notified and one (1) anonymous letter of objection has been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (<https://planningregister.planningsystemni.gov.uk>).

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

- Principle of development;
- Applicant has had planning approval granted for 2 dwellings in the past 5 years on neighbouring lands;

- The general purpose agricultural building to the southeast has only recently been constructed;
- Noise from construction works and farm vehicles and machinery;
- Traffic concerns: and
- Proximity to a working farm.

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

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

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

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

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

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

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

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

Both of the relevant development plans identify 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 in these Plans.

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

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

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

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

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

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

The application site for two (2) proposed dwellings are accessed via a private laneway which currently serves an agricultural building and surrounding yard area. The retention of this building and yard is currently under consideration under application Ref: LA03/2023/0873/F. The laneway accesses onto Tildarg Brae, which also serves five existing dwellings.

The agent has submitted detailed plans in support of the application; a Site Location Plan, Drawing No. 01 and a Block Plan, Drawing No. 02, both date stamped 25th August 2023. The agent contends within the drawings that a private laneway diverges from Tildarg Brae, continuing past the application site and terminating at the rear elevation building line of the existing general purpose store/shed. The agent confirmed in an email dated 25th September 2023 that 'the agricultural shed was constructed as a farm livestock fodder and machinery shed and is still used for same purpose.'

The submitted Block Plan, Drawing No. 02, clearly annotates a laneway extending through the farmyard in an attempt to demonstrate the presence of a continuous laneway. It is apparent from the site inspection and from google earth imagery that the identified laneway terminates at the south-eastern corner of Site 2, and does not continue past this point. The area to the front of the general purpose store is merely an agricultural yard with an area of hardstanding ancillary to the farmyard,

equivalent to a driveway around a house. Indeed, at time of the site visit, there were numerous pieces of farming equipment stored within the yard and in the area indicated on Drawing No. 02 as forming part of the private laneway.

A recent appeal decision (22nd January 2024) Ref: 2023/A0022 (planning application Ref: LA03/2022/1040/F) within the Borough was dismissed following the refusal of planning permission for the development of a dwelling within a small gap within an otherwise substantial and continuously built-up frontage. As presented in the appeal case, the Council contended that the 'laneway' is not continuous and the area indicated as being the laneway was in fact part of the existing farmyard. The Commissioner agreed with the Council's position that the access to the farm buildings was not part of a through laneway and dismissed the appeal. The current proposal is similar in nature to the appeal case in that it is considered that the access to the general purpose agricultural store and its surrounding yard area terminates at the south-western corner of the application site and is not considered as a through laneway.

Therefore, it is considered that the application site does not demonstrate a small gap site within a substantial and built-up frontage and therefore does not comply with the provisions of Policy CTY 8 of PPS 21.

As the proposed development does not comply with the policy criteria set out in Policy CTY 8, it does not represent one of the types of residential development considered acceptable in principle in the countryside. Policy CTY 1 advises that other types of development will only be permitted where there are overriding reasons why it is essential and could not be located in the nearby settlement. No overriding reasons were presented to demonstrate how the proposal is essential and why it could not be located in a settlement. The proposal therefore fails Policy CTY 1 of PPS 21.

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

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

Given the siting and set back distance of the dwellings from Tildarg Brae, in combination with the existing boundary treatments and structures, it is considered that the proposed development will not appear prominent and will integrate appropriately within the landscape. If the proposal is deemed acceptable, a number of existing boundary treatments will be conditioned for retention to ensure adequate enclosure is provided for the site. New landscaping will provide additional levels of enclosure upon maturity. The proposed dwellings replicate the same design, and are two storeys in height with a subordinate front porch. The proposed finishes include: cement render; dark/grey roof tiles/slates; and zinc cladding to the front porch. Garages are also proposed which match the finishes of the proposed dwellings and also remain subordinate. The design of the proposals are considered acceptable.

The proposal is considered to respect the traditional pattern of development exhibited in the surrounding area, with a plot area and depth similar to those in the immediate context.

It is considered that the proposal will also result in a further suburban build-up of development when viewed with the existing buildings, therefore having a detrimental impact on the rural character of the area. The proposal is not considered to comply with the policy provisions of Policy CTY 14.

### **Neighbour Amenity**

No.1 Tildarg Brae is located directly adjacent to and west of the application site and is under the ownership of the applicant. A three bay, two storey garage is positioned between the neighbouring dwelling and the proposed siting of the proposed dwelling on Site 2, thereby screening any potential views and protecting the neighbouring amenity. No windows are positioned to the rear elevation of the neighbouring garage.

A number of windows are positioned along the ground floor side elevation of Site 1 and Site 2, whereby they face each other. If the proposal is deemed to be acceptable, in order to mitigate any detrimental impacts of overlooking on each property, a 1.8m high fence will be conditioned to be erected along the common boundary. Whilst it is accepted that the use of such a boundary treatment within the rural area is typically not appropriate, given its positioning between the proposed dwellings and the fact that the approval of the overall scheme would be suburban in character, the issue of the fence would not have any additional significant impact.

The proposed dwelling on Site 1 has one bathroom window on its first floor, which faces Site 2. If the proposal is deemed acceptable, a condition is to be attached to ensure the use of obscure glazing in order to protect neighbouring amenity.

The proposed dwelling on Site 2 has a bedroom window on its first floor which faces Site 1. Given the low occupancy nature of the room, and the 11m separation distance between the dwellings, no detrimental impact by way of overlooking is expected to occur.

No impacts by way of dominance, loss of light, or overshadowing are expected to occur between the proposed dwellings given their similar siting and land levels, the 11m separation distance, and the pathway of the sun. Additionally, given the separation distance to the surrounding dwellings, no significant impacts by way of dominance, loss of light/overshadowing are expected to occur.

### **Other Matters**

An objector raised concerns within an objection letter that the laneway is inadequate to accommodate two further dwellings, with it already serving five existing dwellings and being used by agricultural vehicles. DfI Roads was consulted with regards to the development proposal; its impact on road safety, the proposed visibility splays and sightlines, and the development's impact on the flow of traffic. DfI Roads responded with no objections to the proposal and as such the Council has no reason to refuse the application on road safety concerns. The development is therefore considered to comply with PPS 3 Access, Movement and Parking.

Concerns regarding noise and livestock from the adjoining farm were also raised within the objector's representation. The Council's Environmental Health Section (EH) was consulted regarding the proposal and responded with no objections, however it noted that the development is in close proximity to an existing farm. EH has recommended that a number of informatives are attached to the grant of any planning permission in relation to the potential adverse impacts from the adjacent farm and possible mitigation measures.

The objector also raised concerns with regards to noise relating to the construction works in close proximity to the application site. Although it is acknowledged that there is potential for noise nuisances during the construction phase of development, this should not arise outside reasonable times and would be temporary in nature. Given the context of development some noise and disturbance is to be expected, however, this is likely to be at a low level associated with the daily living requirements of the occupiers of dwellings.

The objector also comments upon how the proposal does not comply with Policy CTY 2A and Policy CTY 10 of PPS 21. The proposal is for two (2) infill dwellings on the P1 application Form and as such no assessment has been made with regards to Policies CTY2a and CTY 10, nor was any information provided by the agent for an assessment to be made against these policies.

The objector also stated within their representation that planning permission has been granted for four dwellings along this stretch of Tildarg Road. Paragraph 2.3 of the SPPS states that the planning system operates in the public interest of local communities and the region as a whole. It does not exist to protect the private interests of one person against the activities of another. Planning applications often encounter competing and conflicting private interests. 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. The planning reports and reasoning in relation to the planning approval references referred to in the letter of representation (Ref: LA03/2019/0889/F and LA03/2019/0590/F) are available to view online via the Planning Register.

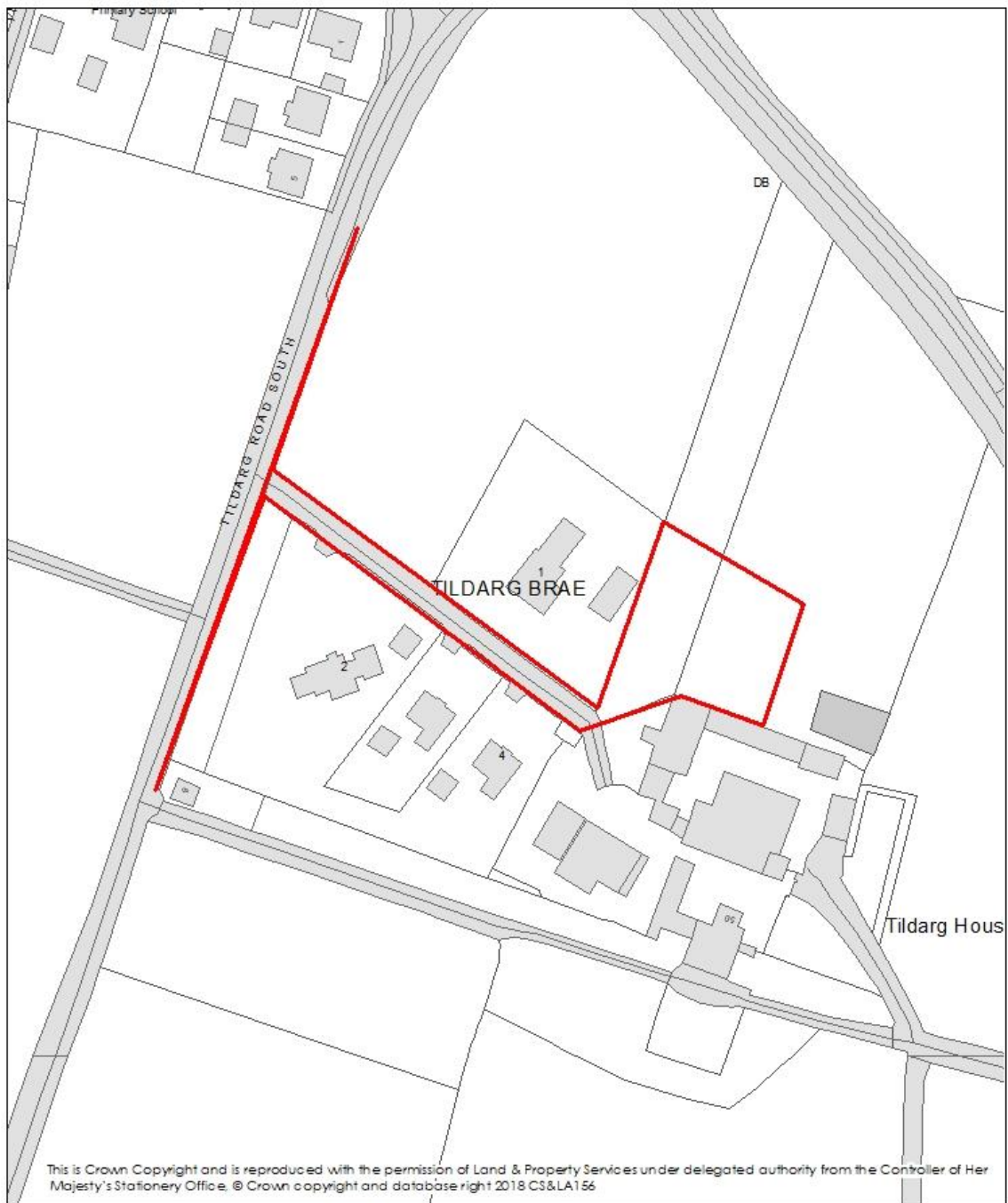
## **CONCLUSION**

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

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of Policy CTY 1 and Policy CTY 8 of PPS 21;
- The design and appearance is appropriate for the site and would integrate appropriately with the surrounding rural area;
- It is considered that the proposal is contrary to Policy CTY 14 as it will further add to the suburban build-up of development in the area when viewed with existing buildings;
- There is no significant impact on any neighbouring properties; and
- There are no road safety concerns associated with the development proposal.



RECOMMENDATION	REFUSE PLANNING PERMISSION
<b>PROPOSED REASONS OF REFUSAL</b>	
<ol style="list-style-type: none"> <li>1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</li>   <li>2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not represent a gap site within an otherwise substantial and continuously built up frontage.</li>   <li>3. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal will add to the suburban style build-up of development when viewed with existing buildings.</li> </ol>	



### Site Location Plan

Application Reference: LA03/2023/0629/F

Location: Approx 50m East of 1 Tildarg Brae, Ballyclare, BT39 9ZA

Proposal: 2 dwellings and garages

 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.19</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0529/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Dwelling
<b>SITE/LOCATION</b>	Approx 75m South West of 20 Pipe Road, Antrim, BT41 2PR
<b>APPLICANT</b>	Patrick Heffron
<b>AGENT</b>	CMI Planners Ltd
<b>LAST SITE VISIT</b>	4 <sup>th</sup> October 2023
<b>CASE OFFICER</b>	Gareth McShane Tel: 028 903 40411 Email: <a href="mailto:gareth.mcshane@antrimandnewtownabbey.gov.uk">gareth.mcshane@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located on lands approximately 75m southwest of No. 20 Pipe Road, Antrim, which is within the countryside location as defined by the Antrim Area Plan 1984-2001.</p> <p>The application site forms a rectangular plot cut out of a wider agricultural field, measuring approximately 0.23 hectares in area. The site is set back approximately 120m from Pipe Road, with the topography of the site rising in a southerly direction away from the roadside. The northern (roadside) boundary is defined by a 1.5m high mature hedgerow. The eastern boundary is defined by a post and wire fence, with mature hedgerows and interspersed trees located to upper portion of the site. The southern boundary is defined by mature hedgerows and mature interspersed trees measuring approximately 6-8 metres in height. The western boundary is undefined.</p> <p>The surrounding location is countryside with a number of dwellings and buildings of an agricultural appearance within the wider area.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No recent/relevant planning history.	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p>	

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

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

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

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

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

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

## **CONSULTATION**

**Belfast International Airport**- No objection.

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

**DAERA**- The Farm Business ID was allocated in September 2005. The business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last six years.

The response also states that the proposed site is located on land associated with another farm business. The Farm Business ID is also noted as being dormant, as it has had no agricultural activity within the last five years.

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

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

**Northern Ireland Water**- No objections.

## **REPRESENTATION**

Four (4) neighbouring properties were notified and no (0) letters of representation have been received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is Policy CTY 10, which states that planning permission will be granted for a dwelling house on a farm where all of the three listed criteria can be met.

The Department for Agriculture, Environment and Rural Affairs (DAERA) advised in a consultation response dated 8th September 2023 that the associated farm has been in existence for more than 6 years, the farm Business ID having been allocated in September 2005. Its response also confirms that the farm business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years.

The response also states that the proposed site is located on land associated with another farm business. The farm business is also noted as being dormant, as it has had no agricultural activity within the last five years.

Consequently, the agent was contacted and requested to provide evidence which displayed farming activity by the applicant over the six year requisite period. The agent responded via an email dated 14<sup>th</sup> September 2023 that the applicant rents the land out in conacre, and provided farm receipts and invoices in an attempt to demonstrate that the applicant has been maintaining the land in good agricultural and environmental condition.

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

As in most situations which involve conacre arrangements, it will generally be the case that it is the conacre tenant who carries out the main agricultural activity on the conacre land and enjoys the decision-making power, benefits and financial risks in relation to this agricultural activity. Therefore, the key issue is whether the submitted evidence displays that the applicant has maintained the land in good agricultural and environmental condition over the requisite six year period.

#### Lease Agreement

A Lease Agreement was submitted between Mr Patrick Heffron (the 'landlord') and Mr Fredrick Alan (the 'tenant'). The document includes aerial imagery of the fields let out, with the application site being included in this imagery. The term of the lease is 1<sup>st</sup> May 2016 to 31<sup>st</sup> April 2026. Part 16 'Maintenance' of the lease notes 'The landlord will, at his sole expense, keep and maintain the hedges, gates, fences and drains repaired during the term and any renewal of this lease'. The document is signed and dated by both parties, alongside witnesses.

#### David J. McKay & Son Agricultural Contractor

Seven invoices relating to hedge cutting were received dating 2016-2022. Each invoice is for '3 hrs hedge cutting' and all are addressed to 'Paddy Heffron, Pipe Road, Randalstown'. Contact details and a VAT number for the contractor are also noted on the invoices.

#### Clady Timber Co. Ltd Building Providers

Five invoices were received from Clady Timber, with three dated outside of the six year assessment period. The remaining two invoices appear to be for the years 2018 and 2019, however, the dates appear to have been written over in pen and so it is not clear. The 2018 invoice is addressed to 'Patrick Heffron' and states 'del Pipe Road, Randalstown', with the 2019 invoice addressed to 'P. Heffron, Pipe Road'. It is noted that the 2019 invoice appears to have been tippexed, with 'Pipe Road' written on it in a different pen colour and handwriting style. Contact details, including a VAT number, have been provided for the supplier. The invoices relates to a black gate, sheep wire, among other items, which are not legible.

#### Dash Developments Ltd

Nine invoices were received from Dash Developments Ltd dating from 2016-2021 (with the exception for the 2020 period). The invoices relate to a range of activities, including: fitting gates, repairing fences, digger work, supplying and delivering stone,

cleaning field drains, removing and replacing defective wire, hedge planting'. All of the invoices list the client as 'Mr P. Heffron, 21 Pipe Road, Randalstown'. Contact information is provided for the contractor, however, no VAT details are provided. The company appears on a Company Search check.

#### W.J. Scarlett & Son Ltd

Four invoices were submitted for the 2019-2020 period from W.J Scarlett & Son Ltd. All of the invoices are addressed to 'Patrick Heffron', with three of the four listing 'Pipe Road, Randalstown'. Contact details, including a VAT number, are provided on the invoices. The invoices were for the following items: 20kg galvanised staples, sledge hammer, wire and bolt cutters, spade and tail shovel, wheelbarrow and treated wooden post.

It is considered that the applicant has submitted sufficient evidence which displays the upkeep and maintenance of the lands for the requisite six year period. Therefore, the Council considers the proposal meets the policy provisions of CTY 10 (a).

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

Policy CTY 10 (c) states 'the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from the laneway'. The applicant's dwelling is located at No. 21 Pipe Road, as per the submitted online application form. This dwelling is located approximately 240m northwest of the application site, and on the opposite side of Pipe Road. The submitted Site Location Plan (Drawing No. 01/2 date stamped 14th September 2023) displays the application site, the applicant's dwelling at No. 21 Pipe Road, and the lands under the applicant's control outlined in blue. It is noted that the applicant does not own any of the fields, which directly adjoin No. 21 Pipe Road, and therefore it is not possible to position a dwelling to visually link with the established group of farm buildings.

The agent was contacted and asked to submit a supporting statement in relation to the proposed siting for the proposed dwelling and garage. Consequently, the agent responded via email on 14th September 2023 stating that because no land in the applicant's ownership surrounds the applicant's dwelling and garage, the agent proposed an alternative site which is 'well integrated has been chosen as the visual impact will be minimal and alleviate any issues with build-up or ribboning'. The agent also referenced the Lamont Case Law whereby Local Authorities do not need to slavishly follow policy, and where departure from policy occurs, clear reasoning must be presented as to why the decision has been arrived at.

In this case, it is accepted that the applicant is unable to site the proposed development directly adjacent to their existing group of buildings. However, the proposed siting of the dwelling is located 240m from the existing dwelling and garage. The applicant owns the fields directly opposite No. 21 Pipe Road, and therefore if a departure from policy is to occur, the most suitable siting for the

proposed dwelling and garage should be in closer proximity to No. 21 Pipe Road, whereby the dwelling would be sited to visually link or cluster with the established group of farm buildings, albeit with an intervening roadway.

The thrust of the policy is for the dwelling to group or cluster with an established group of buildings on the farm. In the current position, the dwelling will appear wholly detached from the existing grouping of farm buildings by nearly 240m, and therefore the proposal is considered to be contrary to Criterion (c) of Policy CTY 10.

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

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

The application site is screened from views when travelling westwards along the Pipe Road given the intervening landform, boundary treatments and existing structures. When travelling eastwards along the roadway, the site will be exposed to both long and short views given the elevated nature of the site in relation to the road. As this application is for outline permission, no details have been submitted regarding the proposal, however it is considered that the trees located along the southern boundary would provide an adequate backdrop for the development. Suitable conditions would be imposed regarding siting, new landscaping and ridge height to further aid integration, however, as the principle of development has not been established, this is not necessary.

The proposal is considered to respect the traditional pattern of development exhibited in the surrounding area, with a plot area and depth similar to those in the immediate context. However, the proposed dwelling and garage will result in the suburban build-up of development when viewed with the existing buildings located to the east of the application site, thereby having a detrimental impact on the rural character of the area. The proposal, if approved, would add to the existing development along Pipe Road (Nos.16, 18, 18a and 20 Pipe Road), creating a sense of build up within the open countryside. The proposal is therefore considered to fail the policy provisions of Policy CTY 14.

### **Neighbour Amenity**

The nearest neighbouring property is No. 20 Pipe Road, which is positioned approximately 70m to the northeast of the application site. Given that this is an outline application, limited details of the proposal have been provided. It is considered that with appropriate siting, orientation and layout of the proposal, in combination with existing intervening boundary treatments and separation distances, a dwelling could be accommodated within the lands without negatively impacting upon the amenity of the neighbouring properties.

It is considered that there will be no detrimental impact on neighbour amenity by way of overshadowing, loss of light or dominance with the appropriate design, siting and layout at Reserved Matters stage if the application is considered acceptable.



**Access and Movement**

DfI Roads was consulted regarding the proposal and responded with no objections, subject to the compliance with the attached RS1 Form. The proposal is therefore considered to meet the policy requirements of PPS 3.

**Other Matters**

The Councils Environmental Health Section raised no objections on issues relating to noise or odours.

Belfast International Airport was consulted with regards to aerodrome safety and responded with no objections.

DfC Historic Environment Division were consulted given the proximity of some known archaeological monuments, however, they responded with no objections.

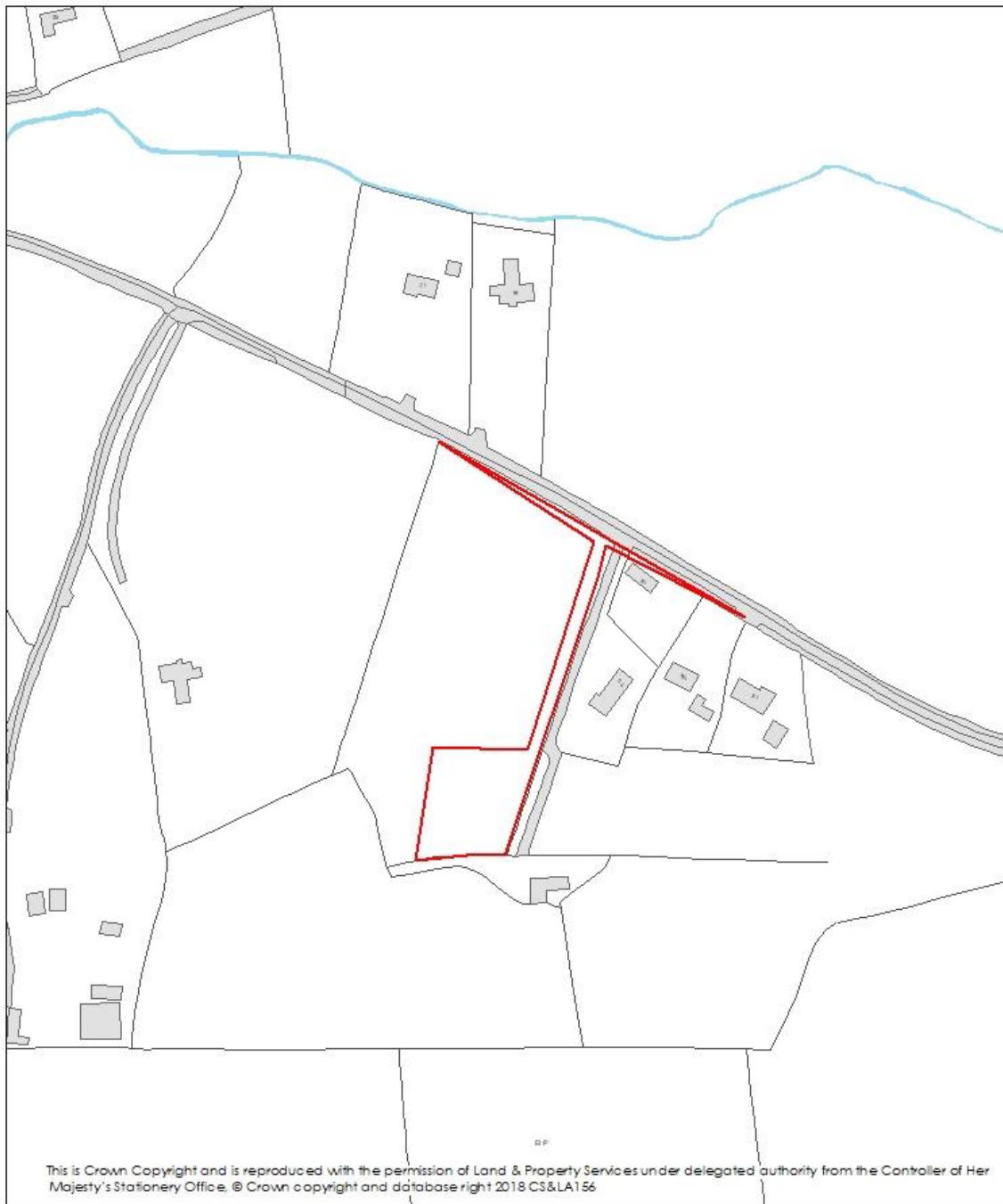
**CONCLUSION**

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

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of Policy CTY 1 and Policy CTY 10 of PPS 21;
- It is considered that a proposal of appropriate design and layout could integrate appropriately with the surrounding landscape;
- The proposal would lead to a build-up of development resulting in a negative impact on the character and appearance of the area;
- There would not be a significant impact on any neighbouring properties;
- There are no concerns in relation to road safety; and
- There are no concerns from statutory consultees.

**RECOMMENDATION****REFUSE OUTLINE PLANNING PERMISSION****PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new building does not visually link or is sited to cluster with an established group of buildings on the farm.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal will result in the suburban style build-up of development when viewed with existing buildings.



### Site Location Plan

Application Reference: LA03/2023/0529/O

Location: Approx 75m South West of 20 Pipe Road, Antrim, BT41 2PR

Proposal: Dwelling and garage

 Site boundary



<b>COMMITTEE ITEM</b>	<b>3.20</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0663/F</b>
<b>DEA</b>	<b>THREE MILE WATER</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Temporary Mobile Home (Retrospective)
<b>SITE/LOCATION</b>	25m South of 47 Knockagh Road, Newtownabbey, BT36 5BW
<b>APPLICANT</b>	Tracy Ferguson
<b>AGENT</b>	Leigh Robinson
<b>LAST SITE VISIT</b>	17th October 2023
<b>CASE OFFICER</b>	Alexandra Tipping Tel: 028 903 40216 Email: <a href="mailto:alexandra.tipping@antrimandnewtownabbey.gov.uk">alexandra.tipping@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site comprises the curtilage of the dwelling at No. 47 Knockagh Road, Newtownabbey as well as lands located 25 metres south of No. 47 Knockagh Road. The site is located within the countryside and outside the development limit of any settlement defined in the Belfast Urban Area Plan (BUAP) and the draft Belfast Metropolitan Area Plan 2004 (dBMAP).</p> <p>An existing mobile home is situated on the land immediately to the south of the curtilage of No. 47 Knockagh Road. The mobile home is a typical modern prefabricated home finished in grey cladding. Mature trees and hedges extend along the boundaries of the curtilage of No. 47 Knockagh Road. There is a boundary hedge with a pedestrian access between the curtilage of No. 47 Knockagh Road and the plot on which the mobile home is situated. A post and wire fence has been erected along the southern site boundary and a section of the south-eastern boundary to the rear of the mobile home remains undefined. The topography of the site is relatively flat with an eastward incline. However, the application site is located on elevated lands, which sits much higher than road level, and promotes expansive views over Belfast Lough.</p> <p>The area in which the site is located is rural in character; however, an existing commercial site (a scaffolding business) which appears to be associated with No. 47 Knockagh Road, is in close proximity to the application site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2023/0758/F  Location: 47 Knockagh Road, Newtownabbey  Proposal: Proposed extension to curtilage of existing yard (retrospective)  Decision: Permission Granted (17/11/2023)</p> <p>Planning Reference: U/2009/0419/F  Location: 47 Knockagh Road, Newtownabbey, BT36 5BW</p>	

Proposal: Variation of Condition 5 of U/1984/0149 to permit the use of a scaffold hire business

Decision: Permission Granted (04/11/2009)

Planning Reference: U/2009/0160/F

Location: 47 Knockagh Road, Newtownabbey, BT36 5BW

Proposal: Erection of single storey side extension

Decision: Permission Granted (07/10/2009)

Planning Reference: U/1984/0149

Location: 47 Knockagh Road, Newtownabbey, BT36 5BW

Proposal: Erection of mobile home and agricultural shed

Decision: Permission Granted (31/07/1984)

Planning Reference: U/1979/0615

Location: 47 Knockagh Road, Newtownabbey, BT36 5BW

Proposal: Erection of replacement dwelling

Decision: Permission Granted (11/01/1980)

#### **PLANNING POLICY AND GUIDANCE**

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

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

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

Belfast Urban Area Plan (BUAP): The application site is located within the greenbelt area as designated in the plan. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the greenbelt area as designated in the plan. The site also lies within an Area of High Scenic Value and an Area of Constraint on Minerals. Other than the designations provided, the plan offers no specific guidance on this proposal.

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

considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

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

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

## **CONSULTATION**

**Council's Environmental Health Section** – No objection

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads-** Amendments required

**Belfast City Airport** – No objection

## **REPRESENTATION**

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

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

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

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Access and Parking

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

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

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

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

Borough and it retains certain existing Planning Policy Statements (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 is for the retention of a temporary mobile home.

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 9 – Residential Caravans and Mobile Homes specifically relates to the provision of temporary residential accommodation. It states that planning permission may be granted for a mobile home for a temporary period only, in exceptional circumstances. One of these exceptional circumstances is 'where there are compelling and site specific reasons related to personal or domestic circumstances. It refers the use of Policy CTY 6 for consideration of such proposals.

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

The criteria requires that:

- a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
- b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

In this case, the application is for the retention of a temporary mobile home. The mobile home is located immediately to the southwest of the dwelling at No. 47 Knockagh Road. The mobile home is situated within its own curtilage and it is proposed to have its own access taken directly off the Knockagh Road. The agent advised that the applicant is the main carer for the inhabitant of the mobile home. Supporting information in relation to how the proposal specifically meets the policy requirements of Policy CTY 6 was initially requested on the 6<sup>th</sup> November 2023 and was due to be submitted by the 20<sup>th</sup> November 2023.

The agent was asked to provide supporting information to include but not be limited to:

- a statement detailing the special personal or domestic circumstances supported if appropriate by medical evidence from a medical or health professional;
- details of the level of care required in relation to any medical condition, again supported by the appropriate health professional, the identity of the main carer, their current address and occupation;

- an explanation of why care can only be provided at the specific location and how genuine hardship would be caused if planning permission were refused;
- details of what alternatives to a new dwelling have been considered e.g. extension / annex to an existing dwelling and why such alternatives are not considered practical to meet the site specific need; and
- any other information considered relevant to the particular case.

On the 15<sup>th</sup> January 2024, the agent submitted a letter from an associated medical practitioner, which briefly outlined the proposed mobile home user's medical history and need. The agent also advised that the applicant was the carer for the proposed mobile home user. This is the only supporting information that has been provided to date. It is relatively vague and does not provide specific and clear details as to the level of care required or any explanation of why care can only be provided at the specific location and how genuine hardship would be caused if planning permission were refused. Nor does it provide details of what alternatives, other than a mobile home have been considered, such as an extension to the existing dwelling.

Given that the information provided is insufficient to satisfactorily demonstrate that a new dwelling is a necessary response to the applicant's particular circumstances and that genuine hardship would be caused if planning permission was refused, it is considered that the proposal is contrary to the policy provisions of Policy CTY 6 and as such is also contrary to Policy CTY 9 of PPS 21.

#### **Design, Layout and Appearance of the Area**

Policy CTY 9 of PPS 21 states that the siting of a residential mobile home will be subject to the same planning and environmental considerations as a permanent dwelling. As such, dwellings in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

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

The subject temporary mobile home is located to the south of the existing dwelling at No. 47 Knockagh Road, beyond the existing hedge/fence boundary. The subject building is a prefabricated mobile home with grey clad walls, grey coloured tiles and grey coloured uPVC windows and doors. Upon site inspection it was evident that the mobile home was also surrounded by an elevated deck area (details of which have not been included within this proposal).

As pointed out in the Justification and Amplification section of Policy CTY 9, the design and finishes of a mobile home limits the ability for successful integration in accordance with Policy CTY 13. In this case, the siting of the subject building although situated on elevated lands is not prominent given its set back position towards the existing hedged boundary and due to the presence of high roadside embankments and the lower levels of the public road. Given the topography of the site and the significantly lower level of the Knockagh Road, there are no significant open views of the mobile home from the Knockagh Road when travelling

northwards. When travelling southwards on the Knockagh Road there are also no open views owing to the presence of existing development and mature roadside vegetation.

Although the mobile home on the application site is not considered to be a prominent feature in the landscape, the proposed access, which extends and abuts the Knockagh Road for a distance of 160m on elevated land, would be visually intrusive in the landscape when approaching the application site in a northward direction, and to a lesser degree when travelling in a southward direction. It is considered that the proposed access arrangements do not comply with Policy 13 in that the proposed access laneway does not sympathetically integrate with its surroundings. Given that the principle of development has not been established, no amendments or alternative access arrangements have been explored with the applicant.

As the proposed access fails to blend with the landform and will not integrate into the surrounding landscape, the proposal is considered to have a detrimental impact on rural character, and as such contrary to Policies CTY 13 and CTY 14.

### **Neighbour Amenity**

No. 47 Knockagh Road, which is owned by the applicant, is the closest neighbouring dwelling to the subject mobile home. Given the siting of the proposed mobile home and the presence of the existing boundary vegetation it is not considered that there will be any significant detrimental impact on the amenity of the nearby dwelling resultant from the erection of the subject mobile home.

The Council's Environmental Health Section (EH) was consulted and noted the proposed temporary mobile is within 54m of a scaffolding yard and associated buildings. EH added that as the applicant has indicated that the proposed temporary mobile home is intended to be used by a family member who is associated with the adjacent scaffolding yard it has no objection to the proposal subject to an informative being attached to any planning permission granted.

Additionally, given the site's distant proximity to any other dwellings there are considered to be no neighbour amenity concerns.

### **Access and Parking**

DfI Roads has been consulted in relation to the development proposal and requires amendments. Given that the principle of development has not been established, the required amendments have not been requested and a refusal reason has been added as a precautionary approach in this regard.

## **CONCLUSION**

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

- The principle of the development has not been established in accordance with the policy provisions of Policy CTY 6 and Policy CTY 9;
- The mobile home would integrate into the surrounding rural environment;
- The proposed access laneway would not integrate into the surrounding rural environment;
- There are no detrimental residential amenity impacts resulting from the proposal; and
- DfI Roads require amendments to the proposal.



RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL	
<ol style="list-style-type: none"> <li>1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</li> <li>2. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and fails to meet the provisions for a mobile home in accordance with Policies CTY 6 and CTY 9 Residential Caravans and Mobile Homes in that it has not been sufficiently demonstrated that there are compelling and site specific reasons for the requirement of a mobile home at this location related to personal or domestic circumstances.</li> <li>3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 13 and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed access fails to blend with the landform and will not integrate into the surrounding landscape and would have a detrimental impact on rural character.</li> <li>4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AMP 2 of PPS 3 Access, Movement and Parking in that it has not been demonstrated the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic.</li> </ol>	



### Site Location Plan

Application Reference: LA03/2023/0663/F

Location: 25m South of 47 Knockagh Road, Newtownabbey

Proposal: Temporary Mobile Home (Retrospective)

 Site boundary



**PART TWO**

**OTHER PLANNING MATTERS**

### ITEM 3.21

#### **P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS JANUARY 2024**

The purpose of this report is for Members to note the planning applications decided under delegated powers and decisions issued by the Planning Appeals Commission (PAC) in January 2024.

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

One (1) appeal was dismissed during January 2024 by the Planning Appeals Commission (PAC).

Planning application:	LA03/2022/1040/F
PAC reference:	2023/A0022
Proposed Development:	Dwelling (within an infill site)
Location:	Lands 20m South East of 20 Umgall Road, Crumlin, BT29 4UJ

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

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

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

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

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

## **ITEM 3.22**

### **P/FP/LDP/1 LOCAL DEVELOPMENT PLAN QUARTERLY UPDATE (Q3) OCTOBER TO DECEMBER 2023**

The purpose of this report is to provide a progress report, which is provided on a quarterly basis to the Planning Committee, on the progress of the Council's Local Development Plan (LDP); this report covers the third quarter (Q3) of the 2023-24 business year (October to December 2023).

#### Local Development Plan, Draft Plan Strategy, Independent Examination

On 4 October 2023, the Council's Planning Section received notification from the Planning Appeals Commission (PAC) that the Antrim and Newtownabbey Independent Examination (IE) Report had been forwarded to the Department for Infrastructure (DfI). The PAC also indicated that the release of the Report is solely a matter for DfI to consider.

Members will be aware that DfI has previously indicated that it is expected to take approximately 10-weeks to consider the content of the Report, before it is released to the Council, alongside the Departmental Direction concerning the adoption. Whilst the Council's Planning Section and Chairperson of the Antrim and Newtownabbey Planning Committee has consistently written to the Department and their Permanent Secretary seeking an in-person meeting to discuss the Report and an indicative timescale for the 'fact checking' of the Report and Direction to be issued by the Department, this has not been facilitated.

Whilst the Council had anticipated the 'fact checking' of the Report would take place on 13 December 2023, the Department corresponded with the Council on 12 and 19 December 2023 to advise that a longer period of time to consider the PAC IE Report was needed due to the 'nature of the report'. Due to the ambiguous nature of correspondence received from DfI, as agreed at last month's Planning Committee, the Chairperson has written again to DfI requesting a meeting.

#### Preparedness for Adoption of Plan Strategy

In anticipation of the release of the IE Report, direction issued by the Department and adoption of the Plan Strategy by resolution of the Council, Officers from the Forward Planning Section have engaged with Strategic Environmental Service, Counsel and statutory partners. Members are reminded that Under Section 12 of the Planning Act (Northern Ireland) 2011, and provisions set out in Regulation 24, the Council must comply with the Direction and any modifications and adopt the Draft Plan Strategy (DPS) as soon as reasonably practicable. Capacity building material relating to the anticipated adoption of the Plan Strategy will be rolled out with Planning Officers and Elected Members in due course.

#### Draft Local Policies Plan

Work has commenced on various work streams relating to the preparation of the Draft Local Policies Plan (DLPP) including:

1. Strategic Landscape, consideration of draft Local Landscape Policy Assessments (LLPAs), and consultant-led, identification of Sites of Local Nature Conservation Importance (SLNCIs); and
2. Heritage – draft Townscape Assessments, to include Areas of Townscape Character (ATC), and Areas of Archaeological Potential (AAP).

Officers are now proceeding to launch procurements in relation to the evidence base for 'Homes' and 'Employment', in support of the DLPP.

#### Local Development Plan, Planning Improvement Programme

The 'Joint Planning Improvement Work Programme' continued to be rolled out by DfI and the eleven (11) Councils during this period. The Council hosted a workshop event on 11 October 2023 in Mossley Mill to consider the provision of training for statutory consultees involved in the LDP process, focusing on their role in the plan-making process at Plan Strategy and LPP stage, including the need to adequately resource roles.

The workshop event was attended by representatives from the eleven (11) councils and a range of statutory consultees. A summary report of the event with recommended actions is to be jointly drafted by Officers and the Department.

#### DfI, Transport Plan

On 12 October 2023, Officers attended an Active Travel Commission workshop with representatives from DfI Roads and their appointed consultant, AtkinsRealis at Roads Service Training Centre, Antrim. Feedback from this event will be used as part of the Transport and Infrastructure, Active Travel (Walking and Cycling) consideration in relation to the Transport Plan.

#### DAERA, Stakeholder Workshop Event

On 29 November 2023, an Officer from the Forward Planning Section attended a workshop organised by DAERA Marine Licensing Branch (Regulation and Enforcement, Environment, Marine & Fisheries Group), hosted at Peatlands Park, Dungannon. As the licensing authority for the Northern Ireland inshore region, DAERA Marine and Fisheries Division has been working on improvements to the current marine licensing system in Northern Ireland. The event explored stakeholder's views on how the system can be enhanced to effectively deliver strategic projects to assist in addressing the climate change emergency through the Green Growth Strategy and the Climate Change Act.

#### Neighbouring Councils

On 4 October 2023, the Council received notification from Lisburn & Castlereagh City Council (LCCC) that as of 26 September 2023, LCCC has adopted its LDP 2032.

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

Prepared by: Simon Thompson, Local Development Plan and Enforcement Manager

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

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

### **ITEM 3.23**

#### **F/FP/LDP/1 LOCAL DEVELOPMENT PLAN – STEERING GROUP MINUTES**

The purpose of this report is to provide a bi-monthly update to Members on the progress of the Council's Local Development Plan Steering Group.

Members are advised that the most recent meeting of the Local Development Plan Steering Group took place on 9 February 2024; a copy of the minutes is **enclosed**.

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

Prepared by: Simon Thompson, Local Development Plan and Enforcement Manager

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

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



## **ITEM 3.24**

### **P/FP/1 DAERA UPDATE ON PERFORMANCE**

The purpose of this report is to advise that Mr Mark Hammond, Head of Natural Environment Operations, NIEA, has written to all Councils (enclosed) with an update on DAERA actions to improve planning consultation response timeframes and engagement on the need to facilitate prioritisation.

In autumn 2021, DAERA identified a backlog in terms of consultation responses and undertook a number of measures including not providing updates in terms of timeframes for responses. Mr Hammond advises that as a result, the outstanding caseload of 600 cases in November 2021 has been reduced to around 140 cases.

Mr Hammond advises that the number of planning consultations receipted has remained steady and therefore the position of not providing response times will remain. Mr Hammond has also stated that nonetheless, acknowledging the Department's role as a Statutory consultee and the conflicting demands and pressures associated with the variety of development across all Planning Authorities, DAERA is willing to consider reviewing the position if Planning Authorities are able to jointly agree a prioritisation procedure and criterion; and any agreed procedure and criterion are only to be used in exceptional circumstances and recommends that the matter is discussed at the reconvened Planning Statutory Consultee Forum at which representatives from Heads of Planning, including Sharon Mossman, are in attendance.

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

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

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

### ITEM 3.25

#### **P/PLAN/090 DEPARTMENT FOR INFRASTRUCTURE (DFI) PUBLIC CONSULTATION – REVIEW OF THE PLANNING (DEVELOPMENT MANAGEMENT) REGULATIONS (NORTHERN IRELAND) 2015**

The purpose of this report is to provide a draft response for Members' consideration in relation to a public consultation on a review of The Planning (Development Management) Regulations (Northern Ireland) 2015.

As reported to the January Planning Committee, DFI has commenced a public consultation on a review of The Planning (Development Management) Regulations (Northern Ireland) 2015 and Members were afforded the opportunity to provide comment in advance to Officers.

The Regulations are a key piece of legislation in the planning process and the consultation focuses on the following aspects:-

- a review of the classes of development to ensure they reflect current and future development trends and that the associated thresholds take a balanced approach to community consultation in planning applications for major development.
- proposals to make pre-determination hearings discretionary for councils which will help focus resources and reduce delays in issuing planning decisions for some planning applications; and
- proposals to introduce online/digital methods into the Pre-Application Community Consultation (PACC) process, to enhance accessibility and encourage participation in the planning process by a broader range of people.

A copy of a draft response is **enclosed** for Members' consideration in advance of submission to DfI prior to the closing date of 3 March 2024. For ease of reference the Officer responses are highlighted in yellow.

**RECOMMENDATION: that the draft response be approved before submission to the Department for Infrastructure.**

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

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

### **ITEM 3.26**

#### **P/PLAN/1 ROYAL TOWN PLANNING INSTITUTE (RTPI) ANNUAL DINNER**

The purpose of this report is to advise Members of the arrangements for the Annual RTPI Dinner and seek Members' instructions in relation to Council representation at the event.

The RTPI Northern Ireland annual dinner is a prestigious event attended by planning and construction professionals and offers a unique opportunity to build relationships with key players in the planning sector.

The RTPI Northern Ireland Annual Dinner, this year sponsored by Gravis Planning, is being held in Belfast City Hall on Thursday 14 March 2024. It will commence at 7:00pm with a drinks reception sponsored by TSA Planning. The evening will end at 11:00pm.

The event pricing is:

Individual tickets	£55
Table of 10	£500

It is proposed that the Chairperson and Vice Chairperson along with relevant Officers, and other Members of the Planning Committee attend the event (Nominations to be confirmed.)

**Members' instructions are requested.**

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

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

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