



8 November 2019

Committee Chair: Alderman P Brett

Committee Vice-Chair: Councillor R Lynch

Committee Members: Aldermen – F Agnew and T Campbell  
Councillors – J Archibald, H Cushinan, S Flanagan,  
R Kinnear, M Magill, S Ross, R Swann and B Webb

Dear Member

#### **MEETING OF THE PLANNING COMMITTEE**

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on 13 November 2019 at 6.00pm.**

You are requested to attend.

Yours sincerely

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

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

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

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## **AGENDA FOR PLANNING COMMITTEE – NOVEMBER 2019**

**Part One** - 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.

**Part Two** - 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.

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

### **PART ONE**

- 3.1 Delegated planning decisions and appeals October 2019
  - 3.2 Update from DfI re: Long term Water Strategy
  - 3.3 LDP – Mid and East Antrim Draft Plan Strategy
  - 3.4 Change in Membership of Planning Committee
- 
4. Any Other Business

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

- 3.5 Planning Application No: LA03/2018/1096/F  
Treatment facility for the depollution of End of Life Vehicles (Variation of condition 2 of Planning Approval Ref: U/2008/0540/F to allow for acceptance of additional waste types at the facility) at 50 Trench Road, Mallusk, Newtownabbey
- 3.6 Planning Application No: LA03/2019/0469/F  
Track for use as exercise/lane for own horses/farm machinery (retrospective) on land approximately 30 metres west of 17 Whitehill Drive, Randalstown
- 3.7 Planning Application No: LA03/2019/0726/RM  
New gateway entrance road and reconfiguration of internal road network and car parking arrangement, along with environmental improvement scheme consisting of hard/soft landscaping, public realm/street furniture and all other associated site works on lands at The Junction Retail and Leisure Park, Ballymena Road, Antrim
- 3.8 Planning Application No: LA03/2018/0599/F

Proposed bedroom accommodation including rearrangement of car park layout at The Ramble Inn, 236 Lisnevenagh Road, Antrim

3.9 Planning Application No: LA03/2019/0511/F

Change of use from car sales, showroom and stores to charity store and distribution centre (Retrospective) at 60 Greystone Road, Antrim

3.10 Planning Application No: LA03/2019/0272/F

Replacement of A29 turbine (41.5m hub height, 56.5m tip height, approved under 2012/A0314) with V80 turbine not to exceed hub height of 60m and tip height of 100m, sub-station and switch room cabinets and associated works at lands approx. 240m south west of no. 72 Boghill Road, Newtownabbey

3.11 Planning Application No: LA03/2018/0785/F

5 no. detached dwellings and associated access road at plots 13-17 Moylinney Mill, Nursery Park, Muckamore, Antrim

3.12 Planning Application No: LA03/2019/0769/F

Proposed dwelling and garage (Renewal of planning permission T/2014/0300/F) at lands 200m SW of 86 Lylehill Road, Templepatrick

3.13 Planning Application No: LA03/2019/0549/O

Proposed new two storey retirement dwelling and garage out-building at lands at 57 Ballyclare Road, Templepatrick

3.14 Planning Application No: LA03/2019/0779/F

Improvement of streetscape at entrance to Castle Mall through the provision of high quality paving, granite kerbing and street furniture across the site area. The scheme design will be consistent with previously completed phases of Environmental Improvement Schemes at Antrim at Castle Mall Entrance, High Street, Antrim

3.15 Planning Application No: LA03/2019/0610/F

Proposed 35 no plot allotment development utilising existing access off Orchard Road at lands off Orchard Road Crumlin (Land 50m South of 12-22 Lakeview)

3.16 Planning Application No: LA03/2019/0611/F

Proposed 36 no plot allotment development utilising existing access off Derrycoole Way at Derrycoole Way Newtownabbey (Land 30m North and East of 34 Derrycoole Way & 152-166 Carmeen Drive

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 13 NOVEMBER 2019**

**PART ONE**

**GENERAL PLANNING MATTERS**

### **ITEM 3.1**

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

A list of planning decisions issued by Officers during October 2019 under delegated powers is **enclosed** for Members attention together with information received this month on planning appeals.

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

Prepared by: Kathryn Bradley, Executive Officer, Planning

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

## **ITEM 3.2**

### **P/PLAN/1 - SUSTAINABLE WATER – A LONG-TERM WATER STRATEGY FOR NORTHERN IRELAND (2015-2040) – THIRD ANNUAL STRATEGY PROGRESS REPORT**

The Department for Infrastructure's Water and Drainage Policy Division has written to the Council (copy **enclosed**) to advise that the third Annual Strategy Progress Report on "Sustainable Water – a Long Term Strategy for Northern Ireland" has been published.

The Report (copy **enclosed**) highlights the programmes and plans that have been put in place to date to tackle and improve the areas of drinking water, flood risk, environmental requirements and water and sewerage services.

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

Prepared by: John Linden, Head of Planning

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

### ITEM 3.3

#### **P/FP/LDP/54 – MID AND EAST ANTRIM BOROUGH COUNCIL LOCAL DEVELOPMENT PLAN 2030 DRAFT PLAN STRATEGY**

Members are advised that on 17 September 2019 the Mayor and Sharon Mossman from the Council's Forward Planning Team attended the public launch of the Mid and East Antrim Borough Council (MEABC) Local Development Plan 2030 draft Plan Strategy at the Braid Centre, Ballymena.

The formal 8-week public consultation period is now open and runs from 16 October 2019 to 5pm on 11 December 2019. The draft Plan Strategy and all associated documents are available at:

<https://www.midandeastantrim.gov.uk/business/planning/local-development-plan>

A summary of the MEABC draft Plan Strategy is **enclosed**.

In terms of the tests of soundness, the main cross boundary tests are as follows:-

- *C4. Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?*
- *CE1. The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant is it in conflict with the plans of neighbouring councils.*

Members are advised that no significant conflict with Antrim and Newtownabbey's draft Plan Strategy has been identified by Officers. On this basis a draft response is **enclosed** for approval.

Members may wish to note that in its response to the Antrim and Newtownabbey draft Plan Strategy 2030 consultation, MEABC also noted no significant conflict.

Officers from the Forward Planning Team will now continue to engage with their counterparts in MEABC in relation to the preparation of our respective Local Development Plans and any cross boundary issues arising.

**RECOMMENDATION: that the draft response to Mid and East Antrim Borough Council be approved.**

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

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

#### ITEM 3.4

##### **G/MSMO/2 CHANGE TO MEMBERSHIP OF THE PLANNING COMMITTEE BY THE DEMOCRATIC UNIONIST PARTY**

Following recent membership changes within the Democratic Unionist Party, the Nominating Officer has advised of the following change to the Planning Committee effective from 5 November 2019:

<b>Name</b>	
Councillor Stephen Ross	Member of the Planning Committee

**RECOMMENDATION: that the change in Membership by the Democratic Unionist Party be noted.**

Prepared by: Denise Lynn, PA to Director of Finance and Governance

Agreed & Approved by: Sandra Cole, Director of Finance and Governance



**PART TWO**

**PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>3.5</b>
<b>APPLICATION NO</b>	<b>LA03/2018/1096/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>	Treatment facility for the depollution of End of Life Vehicles (Variation of condition 2 of Planning Approval Ref: U/2008/0540/F to allow for acceptance of additional waste types at the facility.)
<b>SITE/LOCATION</b>	50 Trench Road, Mallusk, Newtownabbey, BT36 4TY
<b>APPLICANT</b>	McKinstry Metal Recycling Ltd
<b>AGENT</b>	MCL Consulting Ltd
<b>LAST SITE VISIT</b>	20.12.2018
<b>CASE OFFICER</b>	Ashleigh Wilson Tel: 028 903 Ext 40429 Email: <a href="mailto:ashleigh.wilson@antrimandnewtownabbey.gov.uk">ashleigh.wilson@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limit of Metropolitan Newtownabbey and on land zoned as 'Existing Employment' within the draft Belfast Metropolitan Area Plan (published 2014).</p> <p>The site is sandwiched between Trench Road and the Mallusk Road. The existing facility on the site is McKinstry Metal Recycling Ltd which is an end of life vehicle treatment and recycling of scrap metals facility. The site is bounded by a 2.5 metre high palisade security fence along the northern, eastern and western site boundaries. The majority of the southern boundary is also defined by palisade security fencing and an existing steep wooded bank which also extends along much of the boundary.</p> <p>A number of buildings are located on the site including an office, processing and storage shed along the southern boundary, an ELV depollution shed in the southeastern corner and various other small out buildings used for machinery stores in the northeastern corner. An existing weighbridge is located adjacent to the site offices. The application site is largely concrete hardstanding with existing metal storage areas. The existing waste baler is located in the northwest corner of the site.</p> <p>The character of the area comprises a mix of uses with a number of industrial premises situated to the north of the application site. 'Scan Alarms' is located to the west with residential properties to the northwest. To the east of the application site lies Maxol Group NI. To the south of the site is residential housing and the existing Mallusk Primary School and Academy Sports Club.</p>	

## RELEVANT PLANNING HISTORY

Planning Reference: U/2008/0540/F

Location: 50 Trench Road, Mallusk

Proposal: The development of an authorised treatment facility for the depollution of End of Life Vehicles & recycling of scrap metals.

Decision: Permission Granted (25.02.2010)

Planning Reference: LA03/2016/0794/NMC

Location: Ballyvesey Recycling Solutions LTD, 50 Trench Road, Newtownabbey

Proposal: Non-Material Change to Planning approval ref U/2008/0540/F for a previously approved treatment facility for the depollution of end of life vehicles and recycling of scrap metals to allow waste material under EWC Code 20 01 36 (discarded electrical and electronic equipment other than those mentioned in 20 01 21, 20 01 23 and 20 01 35) to be accepted in addition to those EWC codes listed under Appendix A of U/2008/0540/F

Decision: Non Material Change Refused (02.11.2016)

Planning Reference: LA03/2017/0072/F

Location: 50 Trench Road, Mallusk

Proposal: Retrospective application for the retention of a Copex Lidex Scrap Shear Machine (vehicle crusher) with Acoustic Attenuation, in replacement of that approved under U/2008/0540/F - Lefort Scrap Shear Machine.

Decision: Permission Granted (21.12.2017)

Planning Reference: LA03/2019/0007/CA

Location 50 Trench Road, Newtownabbey, BT36 4TY

Proposal: Alleged non compliance with planning permission

Decision: Ongoing

## PLANNING POLICY AND GUIDANCE

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

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

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

Belfast Urban Area Plan (BUAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The site is not zoned for any particular use. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The site is zoned as 'Major area of existing employment/Industry'.

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey. The site is zoned as 'Existing Employment'.

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

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

Northern Ireland Waste Management Strategy: Delivering Resource Efficiency  
Northern Ireland Waste Management Strategy: Delivering Resource Efficiency (WMS) sets the policy framework for the management of waste in Northern Ireland and contains actions and targets to meet EU Directive requirements. The Strategy moves the emphasis of waste management in Northern Ireland from resource management, with landfill diversion as the key driver, to resource efficiency i.e. using resources in the most effective way while minimising the impact of their use on the environment.

## **CONSULTATION**

**DfI Roads** – No objection.

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

**DAERA: Water Management Unit** – No objection, subject to condition.

**DAERA: Waste Management Regulation Unit** – No objection.

**DAERA: Marine and Fisheries Division** – No objection.

**DAERA: Inland Fisheries** – No objection.

**DAERA: Industrial Pollution Radiochemical Inspectorate** – No objection.

**DAERA: Natural Environment Division** – No objection.

**DfI Rivers** – No objection.

**Shared Environmental Services** – No objection.

## **REPRESENTATION**

Twenty Eight (28) neighbouring properties were notified and eighty four (84) letters of objection have been received from seventy two (72) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Oversupply of waste facilities in the area.
- Visual impact and impact on outlook for existing properties.
- Impact on the area in close proximity to Cottonmount Landfill Site and Scrapyard at Trench Road.
- Priority should be given to residents over businesses as Mallusk was traditionally a residential area.
- Insufficient level of screening.
- Health and safety concerns.
- Impact on habitats, flora and fauna.
- Additional chemicals are to be extracted from vehicles leading to pollution.
- Increased noise levels.
- Smells from food waste.
- Risk of leaks onto neighbouring properties affecting drainage and water supply.
- Increased flood risk and no Flood Risk Assessment submitted.
- Impact on local rivers from pollution.
- Increased traffic.
- Lorries dropping litter on the roads.
- Cumulative impact with other development in Mallusk.
- Increased levels of dust and pollution including waste pollution/ air quality implications including cumulative impacts with Reahill Pig Farm, ARC 21 incinerator etc.
- Light pollution.
- No public consultation carried out.
- Devaluation of house prices.
- Impact on structural integrity – vibrations affecting neighbouring foundations
- Increased risk of vermin.

- Proximity to residential dwellings. Applicants supporting information incorrect stating closest residential dwelling is 25m away and fails to mention play park and primary school.
- Breach of conditions previously stipulated (Planning Reference U/2008/0540/F and LA03/2017/0072/F) with regards to:
  1. scrap metal not being stored within the two hatched areas approved;
  2. stock piles of metals being stored above 5 metres in height;
  3. cars being stored above 3 cars high;
  4. acoustic barrier not erected and noise levels exceeded;
  5. Working outside operational hours (can be working between 6am and 11pm).
- Increased litter with potential for debris being blown into other properties or onto the road.
- Contrary to ANBC 'Love Here Living Here A Plan 2030'.
- Undermines Airport DEA Place Shaping Forum.
- HGVs breaking speed limits in the area. Speed ramps should be installed.
- Unacceptable environment for children playing in the park opposite.
- Will affect Playgroup at Mallusk Academy Club in terms of the business and health and safety of the children.

#### **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 the Character and Appearance of the Area and Adjacent Land Uses.
- Impact upon the Environment.
- Impact on Neighbouring Amenity.
- Access, Traffic and Parking.
- Flood Risk.
- Other Matters.

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

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

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, (the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans. There are no specific operational policies or other provisions relevant to

the determination of the application contained in these Plans. The land has been zoned as land for existing employment under zoning MNY 15: Mallusk Industrial Estate, Lands south of Antrim Road within dBMAP.

The existing End of Life Vehicle Treatment Facility and recycling of scrap metals facility operating at the site was granted planning approval under planning application U/2008/0540/F. A subsequent planning approval reference LA03/2017/0072/F authorised a different vehicle crusher than that which was previously approved. McKinstry Metal Recycling Ltd has recently taken ownership of the site and are the current site operators and licence holders. The site operates under a Waste Management Licence issued by DAERA and the site is currently authorised to process up to 60,000 Tonnes of waste per annum.

The proposal seeks to modify the list of existing waste codes which are allowed to be processed on the site.

Condition 2 of planning approval U/2008/0540/F states:

'The waste materials to be accepted at the facility hereby approved shall be restricted to those falling within the European Waste Catalogue Codes listed in Appendix A.

Reason: In the interest of amenity of residents living in the surrounding area.'

The waste codes accepted at this site were therefore restricted to the following:

02 01 10 waste metal  
12 01 01 ferrous metal filings and turnings  
12 01 03 non-ferrous metal filings and turnings  
13 07 02\* petrol  
15 01 04 metallic packaging  
13 07 03\* other fuels (including mixtures)  
16 01 06 end-of-life vehicles, containing neither liquids nor other hazardous components  
16 01 17 ferrous metal  
16 01 18 non-ferrous metal  
16 01 03 end-of-life tyres  
16 01 07\* oil filters  
16 01 13\* brake fluids  
16 06 01\* lead batteries  
16 07 08\* wastes containing oil  
16 08 01 spent catalysts containing gold, silver, rhenium, rhodium, palladium, iridium or platinum  
(except 16 08 07)  
17 04 01 copper, bronze, brass  
17 04 02 aluminium  
17 04 03 lead  
17 04 04 zinc  
17 04 05 iron and steel  
17 04 06 tin  
17 04 07 mixed metals  
17 04 11 cables other than those mentioned in 17 04 10  
19 10 01 iron and steel waste

19 10 02 non-ferrous waste  
20 01 40 metals

The proposed additional EWC Codes requested under this application are all either End of Life (ELV) or scrap metal related, and are in keeping with the types of waste processed at this facility currently. The proposed additional EWC Codes are highlighted in grey in the table below with the existing codes also listed (not highlighted):

EWC Code	Description	Notes
<b>02 01 Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing</b>		
02 01 10	Waste Metal	
<b>10 03 Wastes from aluminium thermal metallurgy</b>		
10 03 05	Waste Alumina	
<b>10 06 Wastes from Copper Thermal Metallurgy</b>		
10 06 02	Dross and skimmings from primary and secondary production	
<b>10 08 Wastes from Other Non-ferrous thermal metallurgy</b>		
10 08 11	Dross and skimmings	
<b>11 05 Wastes from galvanising processes</b>		
11 05 01	Hard Zinc	
<b>12 01 Wastes from shaping and physical and mechanical surface treatment of metals and plastics</b>		
12 01 01	Ferrous metal filings and turnings	
12 01 03	Non-ferrous metal filings and turnings	
<b>13 07 Wastes of liquid fuels</b>		
13 07 02*	Petrol	
13 07 03*	Other fuels (including mixtures)	
<b>15 01 Packaging (including separately collected municipal packaging waste)</b>		
15 01 04	Metallic packaging	
<b>16 01 End-of-Life Vehicles</b>		
16 01 03	End-of-life tyres	
16 01 04*	End-of-life Vehicles	
16 01 06	End-of-Life Vehicles, containing neither liquids nor other hazardous components	
16 01 07*	Oil filters	
16 01 12	Brake Pads	
16 01 13*	Brake fluids	
16 01 15	Anti-freeze Fluids	
16 01 16	Tanks for Liquefied Gas	
16 01 17	Ferrous metal	
16 01 18	Non-ferrous metal	
16 01 22	Components not otherwise specified	Limited to non-RCF Catalytic converters



<b>16 02 Waste from Electrical and Electronic Equipment</b>		
16 02 14	Discarded Equipment	
16 02 16	Components removed from discarded equipment	
<b>16 06 Batteries and accumulators</b>		
16 06 01*	Lead Batteries	
16 06 04	Alkaline Batteries	
16 06 05	Other Batteries and Accumulators	
<b>16 07 Wastes from transport tank, storage tank and barrel cleaning (except 05 and 13)</b>		
16 07 08*	Wastes containing oil	
<b>16 08 Spent catalysts</b>		
16 08 01	Spent catalysts containing gold, silver, rhenium, rhodium, palladium, iridium or platinum (except 16 08 07)	
<b>17 04 Metals (including their alloys)</b>		
17 04 01	Copper, bronze, brass	
17 04 02	Aluminium	
17 04 03	Lead	
17 04 04	Zinc	
17 04 05	Iron and steel	
17 04 06	Tin	
17 04 07	Mixed metals	
17 04 11	Cables other than those mentioned in 17 04 10	
<b>19 01 Wastes from Incineration and Pyrolysis of Wastes</b>		
19 01 02	Ferrous materials removed from bottom ash	
<b>19 10 Wastes from shredding of metal-containing wastes</b>		
19 10 01	Iron and steel waste	
19 10 02	Non-ferrous waste	
<b>19 12 Wastes from Mechanical Treatment of Wastes</b>		
19 12 02	Ferrous Metal	
19 12 03	Non-ferrous Metals	
<b>20 01 Separately Collected Fractions (Municipal)</b>		
20 01 34	Batteries and accumulators	
20 01 36	Discarded electrical and electronic equipment	
20 01 40	Metals	

NOTE: PROPOSED ADDITIONAL WASTES TO BE ACCEPTED AT THE SITE ARE HIGHLIGHTED IN GREY (EXISTING APPROVED WASTES ARE NOT HIGHLIGHTED)

The proposed development does not deviate significantly from the previous permission approved on the site. Some objections raised concerns that there is an oversupply of waste facilities in this area and that priority should be given to residents over businesses as Mallusk was traditionally a residential area. The waste facility has however previously been granted planning permission and the current application seeks to vary the types of waste which can be processed at the site only. The current application cannot revisit the principle of development.

### **Design and Impact on the Character and Appearance of the Area and Adjacent Land Uses**

Objections raised concern that the facility has insufficient levels of screening and that the outlook for existing residents is poor. The site operations are to remain as

previously approved including the acceptance, depollution and physical treatment of ELVs, the acceptance and physical processing of scrap metal, the acceptance for bulking up and transfer of a range of solid and liquid hazardous wastes. The layout of the site and buildings will remain as previously approved. The additional scrap metals will be stored in the same ferrous and non-ferrous stockpiles as the other metal wastes as there is no need for them to be stored separately. They will be treated using the existing on-site infrastructure and existing environmental controls. The proposal does not involve any new plant/machinery or alterations to the physical fabric of the existing facility and therefore it is considered that there will be no increase in its visual impact from what was previously approved and existing. Previous conditions on planning permission U/2008/0540/F which restricted the location and height that metals could be stored can be repeated on the grant of any new planning permission should it be forthcoming.

### **Impact upon the Environment**

The original grant of planning permission did not restrict the amount of waste entering the site but was instead restricted under the applicant's current PPC licence which limited the processing of waste to under 60,000 tonnes of waste per annum and to store no more than 2,215 tonnes of waste at the site at any time. The agent has confirmed that there will be no increase to the quantity of waste being accepted or to the volume of traffic on the site. The proposal also does not involve any new waste-related process, new equipment or any additional emissions or emission control. Site operations are currently regulated by NIEA Waste Management Regulation Unit under the applicant's current waste management licence. The proposal will require a variation to the waste management licence which will seek to regulate all potential resultant environmental impacts (e.g. noise, odour, dust). The Council's Environmental Health Section and NIEA Water Management Unit (WMU) and Waste Management Regulation Unit (WMRU) has offered no objections to the proposal, however, NIEA has advised that the applicant must submit a new Operational Working Plan (OWP) for the site to the WMRU within the NIEA for approval prior to any additional waste streams being accepted. The OWP must provide details on how the additional waste streams will be stored and handled, quantities of each additional waste stream and storage location of each within the site. This can be added as an informative to any future grant of planning permission.

Objections also highlighted that the new waste types would have the potential to create additional dust and impact air quality. NIEA and the Environmental Health Section were notified of these objections and raised no concerns to the application. The applicants Operational Working Plan (Document 02) confirms that all depolluting activities take place within a fully enclosed building so no significant environmental dust emissions to the atmosphere occur from the depollution process. Dust particles may potentially be generated within the open area of the site during very dry weather, as a result of vehicle and scrap metal movements. In the event of dust becoming airborne a water bowser will be deployed across the open areas to limit dust generation. Supervising staff undertake visual monitoring of aerial emissions and on detection of emissions likely to cause nuisance will alert the site manager so that immediate actions can be taken to remedy any aerial emission issue before it becomes problematic. Any instances of dust and particulates becoming a visible problem are recorded in a site diary.

The Industrial Pollution and Radiochemical Inspectorate (IPRI) were consulted and the cumulative impacts have been considered. IPRI advised that the closest IPRI regulated installation is a road stone coating plant at Sealstown Road (380m Southwest). It is considered that potential impacts from loss of amenity due to dust, noise, odour etc. are not considered to be significant due to the distance, infrastructure including public roads and properties between the two facilities.

It is considered that the variation of waste materials will not have a significantly greater impact than that of the existing facility. It is considered that appropriate mitigation measures and controls have been stipulated through previous planning conditions to ensure no unacceptable environmental impacts arise from the operations. There is a current enforcement case open for this site with regards to compliance of conditions which is currently under investigation however, it is considered the additional waste codes will not impact on any ongoing enforcement case.

Concern has also been raised regarding the potential impact on habitats, flora and fauna and the impact the additional chemicals will have on features of natural heritage. Natural Environment Division of DAERA (NED) was consulted and made aware of the objections and they responded advising that they had acknowledged the letters of representation pertaining to matters relating to natural heritage and have taken their contents into consideration when assessing the application. NED conducted a desktop assessment of the site and confirmed that the operational end of the facility had no habitats on site that resembled priority habitat in Northern Ireland. The site is of negligible ecological value and is unlikely to contain or support any species of habitats protected by legislation or regional planning policy. NED is content that the protective provisions of the SPPS and PPS 2 are not engaged and it is considered that there will be no detrimental impact in this regard.

It was also highlighted through letters of objection regarding the potential impact on local rivers from pollution resulting from the development. The Ballymartin River is a tributary of the Six Mile Water and supports populations of salmonids, salmon, brown trout, eels and dollaghan, which hold a considerable nature conservation and biodiversity value and provide a valuable recreational resource in the form of angling opportunities. Fish populations are sensitive to reductions in water quality and salmonid habitat is particularly susceptible to decreases in water quality. It is considered that the proposal will not have a significantly greater impact than that of the extant use on the site. DAERA Marine and Fisheries Division were consulted and made aware of the objections received and had no objection to the proposal. NIEA Inland Fisheries stated that the proposal is unlikely to impact significantly on inland fisheries interests in the vicinity and an informative can be added to advise the applicant that it is an offence under Section 47 of the Fisheries Act (NI) 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks. NIEA Inland Fisheries also stated that they were satisfied subject to current pollution mitigation measures being of a capacity to cope with the additional material. A further telephone conversation with Inland Fisheries confirmed they were entirely content with all information provided and that no further information was required at this stage however, an informative should be added to advise the applicant that separate discharge consent will be required.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar Sites has been assessed in accordance with the

requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site. Shared Environmental Services has been consulted and has raised no objection to the proposal.

### **Impact on Neighbouring Amenity**

The site comprises an existing waste facility located within an established industrial estate. As stated previously the proposal includes the site accepting additional types of waste onto the site in addition to the waste types previously approved.

Given the nature of the additional waste types being accepted on the site there is not likely to be any significant odour generation. Objections also raised concerns with regards to smells from food waste however, there are no food wastes proposed to be accepted to the site.

Some noise may result from the loading/unloading of scrap metal and ELVs during waste processing activities, vehicle movements, reversing alarms and from plant and machinery. However, these processes currently take place on the site and the quantities of waste proposed is no greater than that previously approved. The additional waste types proposed to be accepted on the site are not likely to generate significant additional noise or disturbance.

There will be no change to the facilities operating times. The facility is proposed to operate between Monday to Friday: 08:00 – 18:00 hrs and Saturday 08:00 – 13:00 hrs, which is as per the current arrangements and conditioned under the previous grant of planning permission.

The visual impacts of permitting the additional waste types to be accepted on the site will be limited and the conditions of the previous permission which restricted the storage of materials will be repeated on any future decision notice should planning permission be forthcoming. A previous condition with regards to an acoustic barrier was stipulated and has been implemented on site.

Objectors raised concerns with the proximity of the site to existing residential dwellings and highlighted that the applicants supporting information is incorrect in stating that the closest residential dwelling is 25m away and that they fail to mention the existence of the play park and primary school. The location of the play park and primary school has been considered and the proximity to residential dwellings has also been considered. Existing dwelling Nos. 1 – 4 Tudor Park are located opposite the site at a distance of approximately twenty (20) metres from the application site boundary. The Environmental Health Section has been consulted and made aware of all objections received with regards to the potential impact on residential properties, the school and playground. A playgroup is also located opposite the site at the Mallusk Academy Club. The Environmental Health Section has advised that they have no objection to the proposal and it is considered that the proposal for the additional waste codes to be processed at the existing facility will not have any additional significant detrimental impact on these surrounding land uses, facilities, or residential properties subject to the relevant licences being obtained from DAERA.

### **Access, Traffic and Parking**

The proposal seeks to utilise an existing approved access onto Trench Road. An objector raised concerns that there will be increased traffic attracted to the site in an already heavily congested area. The supporting statement indicates that there will be no increase in the volume of traffic to the site. Concerns were also raised that Heavy Goods Vehicles are breaking the speed limits in the area and that speed ramps should be installed. It is considered that this issue is not a matter which can be controlled through this planning application and relates to a police matter.

DfI Roads has been consulted and notified of the objections received. DfI Roads has no objection to the proposal and it is considered that there will not be any detrimental impact upon the local road network or existing access as a result of the proposed increase in waste types permitted on the site.

### **Flood Risk**

Objectors raised concerns regarding the potential for increased flood risk, however the application site is not located within the 1 in 100 year fluvial or 1 in 200 year coastal floodplain. The site is not affected by any watercourse known to DfI Rivers.

Due to the size of the overall site a Drainage Assessment was required to be carried out. DfI Rivers has reviewed the Drainage Assessment which was prepared by MCL Consulting, dated March 2019, and has advised that DfI Rivers, while not being responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. It is considered that the proposal complies with Policy FLD3 - Development and Surface Water and it is considered that there will be no increased risk of flooding resulting from the proposal.

A piped drainage system delivers surface water runoff from external areas of hardstanding to two separate interceptors, which discharge to the existing public storm drain system along Trench Road. NIEA Water Management Unit were consulted on the application and has no objection to the proposal subject to a condition that only de-polluted vehicles may be stored within the red line boundary of the application site.

### **Other Matters**

#### Health and safety and risk of leaks

Concerns were raised through letters of objection that the facility had the potential to leak onto neighbouring properties affecting drainage and water supply. The applicants Operational Working Plan (Document 02) states that all liquids and fuels are stored in bunded tanks with 110% volume storage, to prevent accidental leaks from these sources. The site is inspected on a daily basis for signs of spillages, especially in areas used for oil storage, the undepolluted ELV storage area, around the depollution building and across open areas of the yard. This includes inspection for the presence of oil and sediment levels in the interceptors. Spillage kits are kept in designated areas on site to correctly control and remediate any spillages if identified and operatives are trained to correctly use it to reduce pollution potential. NIEA Land and Groundwater Team and the Environmental Health Section of the Council has been consulted and made aware of these objection and have no concerns with the proposal in this regard.

In terms of the risk of accidents, having regard in particular to substances or technologies used in carrying out the operations, workers must adhere to the Health and Safety at Work (NI) Order 1978. The Environmental Health Section has been consulted and made aware of objections regarding health and safety and the risk of leaks and has no objection to the proposal.

#### Devaluation of house prices

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

#### Breach of conditions previously stipulated (Planning Reference U/2008/0540/F and LA03/2017/0072/F).

An enforcement case (Planning Reference LA03/2019/0007CA) has been opened and is ongoing with regards to these matters. Although an acoustic barrier was conditioned as part of the original approval (U/2008/0540/F) this condition was implemented and the acoustic barrier is in place.

#### Impact on structural integrity

No new machinery or processes are proposed to take place on the site. It is considered the acceptance of the proposed additional waste types to the facility will not result in a detrimental impact on the structural integrity of any buildings.

#### Risk of Vermin

It is considered that the proposed development would not have a significantly greater risk of attracting vermin to the site than the existing development given the nature of the materials to be accepted onto the site. The waste types do not include food waste. The Environmental Health Section has been consulted and notified of the objections in this regard and has no concerns regarding increased risk of vermin.

#### Light Pollution

It is considered that there will be no significant additional impact in terms of light pollution. Environmental Health has been consulted and notified of the objections in this regard and has no concerns with the proposal.

#### Public Consultation

It was highlighted through representations made to the application that no public consultation has been carried out on this development. The current application is a local application for the acceptance of additional waste types at an existing facility and although the Council would always encourage the applicant to carry out public consultation there is no statutory requirement for the applicant to do so in this instance.

#### Litter and site waste

Concerns were raised through objections that the proposal would increase the generation of litter/site waste and that debris could be blown into nearby properties or onto the public road. The Environmental Health Section and DfI Roads were consulted and notified of the objections received and they have raised no concerns with the proposal in this regard.

ANBC 'Love Here Living Here A Plan' and Airport DEA Place Shaping Forum

Some letters of objection received included criticism that the proposal is contrary to ANBC 'Love Here Living Here' and further undermines Airport DEA Place Shaping Forum. It is not clear from the letters of objection how this proposal goes against either of these documents. The application seeks permission to extend the waste codes accepted at the existing facility which is subject to licencing and separate consents. The proposal is not considered to have any significant impacts on residents or on the environment as discussed above. While these documents can be a material planning consideration, their status is such that they are non-statutory document which do not outweigh the Area Plan or published planning policy.

## CONCLUSION

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

- The principle of the development is already established at the site;
- The proposal will not pose any serious environmental impact;
- The proposal will not result in an unacceptable impact on the amenity of properties in the immediate vicinity of the site;
- The proposal will not result in a greater visual impact than what is already existing; and
- The proposal will not result in a detrimental impact upon the local road network or existing access as a result of this proposed increase in waste codes.

## RECOMMENDATION

## GRANT PLANNING PERMISSION

## PROPOSED CONDITIONS

1. Planning permission is granted from the date of this decision notice.

Reason: To comply with the requirements of Section 61 (1) (b) of the Planning Act (Northern Ireland) 2011 given that the development approved via planning permission reference U/2008/0540/F has been implemented.

2. The waste materials to be accepted at the facility hereby approved shall be restricted to those falling within the European Waste Catalogue Codes listed in Appendix A attached below.

## APPENDIX A

EWC Code	Description	Notes
<b>02 01</b>	<b>Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing</b>	
02 01 10	Waste Metal	
<b>10 03</b>	<b>Wastes from aluminium thermal metallurgy</b>	
10 03 05	Waste Alumina	
<b>10 06</b>	<b>Wastes from Copper Thermal Metallurgy</b>	
10 06 02	Dross and skimmings from primary and secondary production	
<b>10 08</b>	<b>Wastes from Other Non-ferrous thermal metallurgy</b>	
10 08 11	Dross and skimmings	

	<p><b>11 05 Wastes from galvanising processes</b></p> <p>11 05 01 Hard Zinc</p> <p><b>12 01 Wastes from shaping and physical and mechanical surface treatment of metals and plastics</b></p> <p>12 01 01 Ferrous metal filings and turnings</p> <p>12 01 03 Non-ferrous metal filings and turnings</p> <p><b>13 07 Wastes of liquid fuels</b></p> <p>13 07 02* Petrol</p> <p>13 07 03* Other fuels (including mixtures)</p> <p><b>15 01 Packaging (including separately collected municipal packaging waste)</b></p> <p>15 01 04 Metallic packaging</p> <p><b>16 01 End of-Life Vehicles</b></p> <p>16 01 03 End-of-life tyres</p> <p>16 01 04* End-of-life Vehicles</p> <p>16 01 06 End-of-Life Vehicles, containing neither liquids nor other hazardous components</p> <p>16 01 07* Oil filters</p> <p>16 01 12 Brake Pads</p> <p>16 01 13* Brake fluids</p> <p>16 01 15 Anti-freeze Fluids</p> <p>16 01 16 Tanks for Liquefied Gas</p> <p>16 01 17 Ferrous metal</p> <p>16 01 18 Non-ferrous metal</p> <p>16 01 22 Components not otherwise specified</p> <p>16 02 Waste from Electrical and Electronic Equipment</p> <p>16 02 14 Discarded Equipment</p> <p>16 02 16 Components removed from discarded equipment</p> <p><b>16 06 Batteries and accumulators</b></p> <p>16 06 01* Lead Batteries</p> <p>16 06 04 Alkaline Batteries</p> <p>16 06 05 Other Batteries and Accumulators</p> <p><b>16 07 Wastes from transport tank, storage tank and barrel cleaning (except 05 and 13)</b></p> <p>16 07 08* Wastes containing oil</p> <p><b>16 08 Spent catalysts</b></p> <p>16 08 01 Spent catalysts containing gold, silver, rhenium, rhodium, palladium, iridium or platinum (except 16 08 07)</p> <p><b>17 04 Metals (including their alloys)</b></p> <p>17 04 01 Copper, bronze, brass</p> <p>17 04 02 Aluminium</p> <p>17 04 03 Lead</p> <p>17 04 04 Zinc</p> <p>17 04 05 Iron and steel</p> <p>17 04 06 Tin</p> <p>17 04 07 Mixed metals</p>	<p>Limited to non-RCF Catalytic converters</p>
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	<p>17 04 11 Cables other than those mentioned in 17 04 10</p> <p><b>19 01 Wastes from Incineration and Pyrolysis of Wastes</b></p> <p>19 01 02 Ferrous materials removed from bottom ash</p> <p><b>19 10 Wastes from shredding of metal-containing wastes</b></p> <p>19 10 01 Iron and steel waste</p> <p>19 10 02 Non-ferrous waste</p> <p><b>19 12 Wastes from Mechanical Treatment of Wastes</b></p> <p>19 12 02 Ferrous Metal</p> <p>19 12 03 Non-ferrous Metals</p> <p><b>20 01 Separately Collected Fractions (Municipal)</b></p> <p>20 01 34 Batteries and accumulators</p> <p>20 01 36 Discarded electrical and electronic equipment</p> <p>20 01 40 Metals</p>	
	<p>Reason: In the interest of amenity of residents living in the surrounding area.</p> <p>3. Ferrous and non ferrous metals shall only be stored within the two hatched areas labelled for unprocessed materials and processed materials as indicated on stamped approved drawing No 3 which was received on the 9th December 2009.</p> <p>Reason: In the interests of visual amenity</p> <p>4. Stock piles of externally stored ferrous and non-ferrous metals shall not exceed 5 metres in height.</p> <p>Reason: In the interests of visual amenity.</p> <p>5. There shall be no outside storage of any materials apart from on the waste reception area, the proposed quarantine area, the area for storage of end of life vehicles, the area for unprocessed materials and the area for processed materials as shown on approved drawing No. 3 which was received on the 9th December 2009.</p> <p>Reason: In the interests of visual amenity</p> <p>6. The storage of end of life vehicles shall be restricted to the area indicated for them on stamped approved drawing No. 3 which was received on the 9th December 2009 and they must not be stacked higher than 3 cars high.</p> <p>Reason: In the interests of visual amenity</p> <p>7. Only the shearing machine hereby approved shall be brought into operation and sited in the position as shown on the stamped approved Drawing No. 03 which was received on the 9th December 2009.</p> <p>Reason: In the interest of amenity of residents living in the surrounding area.</p>	

8. No operations shall take place outside the hours of 0800 - 1800 Monday to Friday, 0800 - 1300 on Saturdays, and no operation shall take place at any time on Sundays or Public Holidays.

Reason: In the interests of amenity of surrounding properties and in the interests of environmental protection.

9. The existing building as shown in stamped approved drawing No. 05 date received the 4th November 2009 shall only be used for the processing of non ferrous metals, the baler as indicated on the ground floor layout shall only be operated within this building.

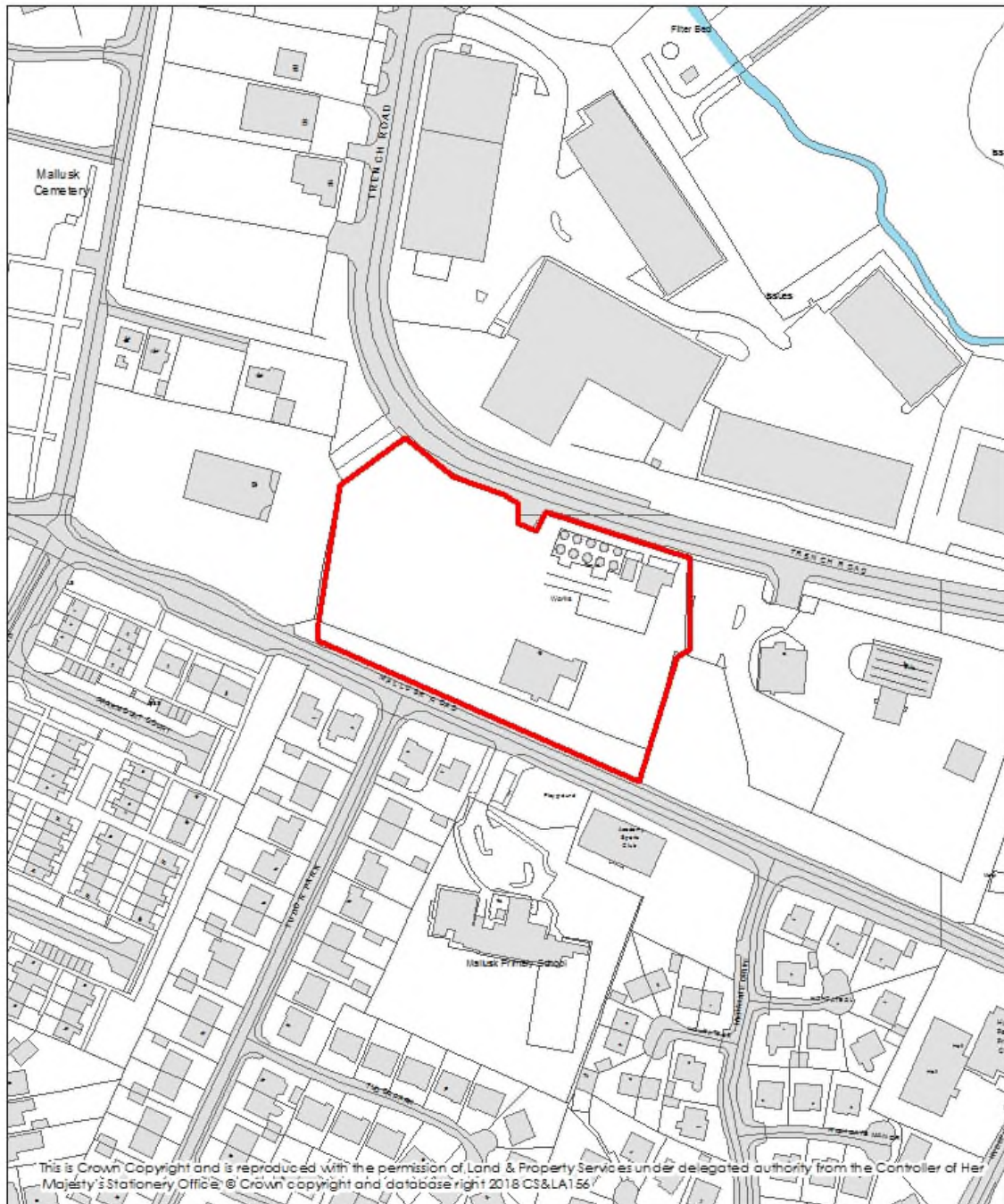
Reason: In the interests of residential amenity.

10. The proposed auto treatment facility as shown on stamped approved Drawing No. 04 which was received on the 29th January 2010 shall only be used for storage and depollution of End of Life Vehicles. Depollution of End of life vehicles shall only take place within this shed.

Reason: In the interests of environmental protection.

11. Only de-polluted vehicles may be stored within the redline boundary of the application.

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



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## Location Map

Application Reference: LA03/2018/1096/F

Treatment facility for the depollution of End of Life vehicles  
(Variation of condition 2 of Planning Approval Ref: U/2008/0540/F  
to allow for acceptance of additional waste types at the facility.)  
50 Trench Road, Mallusk, Newtownabbey

 Site Boundary

0 20 40 80  
Metres



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.6</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0469/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Track for use as exercise/lane for own horses/farm machinery (retrospective)
<b>SITE/LOCATION</b>	Approximately 30 metres west of 17 Whitehill Drive, Randalstown
<b>APPLICANT</b>	Jim McAteer
<b>AGENT</b>	DM Kearney Design
<b>LAST SITE VISIT</b>	26 <sup>th</sup> June 2019
<b>CASE OFFICER</b>	Orla Burns Tel: 028 903 40408 Email: <a href="mailto:orla.burns@antrimandnewtownabbey.gov.uk">orla.burns@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located approximately 30 metres west of No. 17 Whitehill Drive, Randalstown. The application site lies in the countryside outside any designated settlement limits defined by the Antrim Area Plan 1984-2001.</p> <p>The application is seeking retrospective consent for a large gravel 'ring' track some 600 metres in length, 5 metres wide and 3000sqm in area (as indicated on the P1 form). The track is located in an agricultural field which is used for grazing. Boundaries of the application site are physically undefined and are bounded by the wider agricultural field.</p> <p>The application site is accessed via a rear gate belonging to No. 17 Whitehill Drive.</p> <p>The topography of the application site and the wider surrounding area is relatively flat. The area surrounding the application site is largely made up of agricultural fields and isolated dwellings. There is no distinctive development pattern within this area.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/2006/0120/CA Location: Lands adj to 17 Whitehill Drive Randalstown Proposal: Change of Use Decision: Enforcement Case closed</p> <p>Planning Reference: LA03/2018/0467/CA Location: 17 Whitehill Drive, Randalstown, Antrim, BT41 2EH Proposal: Alleged unauthorised excavation of land Decision: Pending</p>	

## PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

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

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

## CONSULTATION

**Council Environmental Health Section** – No Objections

**Department for Infrastructure Roads**- No Objections

**Department for Infrastructure Rivers**– No Objections

## REPRESENTATION

Seven (7) neighbouring properties notified. Four (4) letters of objection and one (1) letter of support have been received from five (5) properties. A letter of objection has also been received from Jim Allister MLA. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Increase in the volume of traffic.
- Concerns the proposal is not for personal use.
- Rise of dust from the track.
- Impact of farm machinery.
- Noise levels.
- Proposal is within a close proximity of objector's amenity space.
- Track too close to adjacent agricultural land which could spook horses and cause health and safety issues.
- Infilling of the land and lack of Drainage Assessment

The letter of support indicates the proposal is not causing any significant harm and should reduce the possibility of accidents involving horses using the public roads.

## 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 the Character and Appearance of the Area
- Neighbour amenity
- Access, Movement and Parking
- Flood Risk
- Other matters

### Policy Context and Principle of Development

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS8 Open Space, Sport and Outdoor Recreation; and PPS 21: Sustainable

Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 and PPS 8 provide the relevant policy context for this proposal.

As stated in Planning Policy Statement 21: Sustainable Development in the Countryside, planning permission will be granted for outdoor sport and recreational uses in the countryside in accordance with PPS 8. As a consequence, the key policy context for determining this application is provided by Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation.

Policy OS 3 of PPS8 sets out the policy criteria for recreational development proposals in the countryside, with Paragraph 5.33 of PPS8 dealing specifically with equestrian uses. It is stated in this policy that the keeping and riding of horses for recreational purposes is increasingly popular in many parts of the countryside. Outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle (subject to scale and integration of ancillary buildings).

While paragraph 5.33 of OS3 refers only to 'outdoor participatory recreational uses, such as riding schools...', it does not preclude small scale developments for personal/domestic use and there is nothing in the Policy or the Justification and Amplification text that states all equestrian uses in the countryside have to be large scale or commercial in nature. This point is further reinforced in the ruling by the Planning Appeals Commission in appeal reference 2010/A0099: *"it does not indicate that small scale developments for personal/family use are unacceptable in the countryside."*

Furthermore, whilst the notes specifically refer to 'riding schools', the approach taken by the Commissioner in appeal 2018/A0008, was that this would not "bar consideration of other equestrian uses under the policy". The heading 'Equestrian Uses' does not distinguish between recreational facilities for personal use. The proposal is for domestic personal use of the applicant and does not directly provide sport or outdoor recreation to the public. The policy makes no distinction between types of equestrian uses (2018/A0008).

It is therefore considered that it is the above policy provision (PPS8) which should be applied to this application. Furthermore, it is considered that such a use would *not* be appropriate, or possible, in a nearby settlement.

The main issue regarding this proposal therefore is whether it meets the following eight criteria listed in Policy OS 3 of PPS 8 and these are addressed in the remainder of this report.

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;
- (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;
- (iv) there is no unacceptable impact on the amenities of people living nearby;



- (v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;
- (vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- (vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and
- (viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

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

The proposal seeks retrospective consent for the existing track to be used for the exercising of horses and for farm machinery. Policy OS3 (iii) of PPS8 indicates there should be no adverse impact on visual amenity or the character of the local landscape, and the proposed development should be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography.

The track is located some 56 metres west of Whitehill Drive, and set to the rear (west) of Nos. 15 and 17 Whitehill Drive. It was observed upon site inspection on 26 June 2019 that the track is not visible when travelling in either direction along the Whitehill Drive.

The track is approximately 600 metres in length, 5 metres in width and has an area of 3000sqm. The topography of the wider surrounding land is relatively flat, however as observed on the site inspection there are sections of the track that are raised above the existing ground level. Existing and proposed site levels were submitted to the Council on 9 September 2019. The applicant has infilled sections of the existing field in order to create a level surface for the track. The post-track levels are indicated on Drawing No. 02/1, whilst the pre-track levels are indicated on Drawing No. 03/1, both date stamped 9 September 2019.

The greatest amount of infilling has taken part in the southern section of the track which has been raised by a maximum of 1.5 metres. Other sections of the track have been raised by a maximum of 1 metre. Taking into consideration the existing vegetation and flat topography of the site and the wider surrounding area it is considered the level of infilling undertaken is not substantial enough to negatively impact the visual amenity or the character of this area. It is therefore considered that the proposal is absorbed into the landscape

It is considered the scale of the proposal is appropriate for its location and it can achieve a satisfactory level of integration into the local landscape. As a consequence it is considered that criterion (iii) of Policy OS 3 has been met.

There are no ancillary buildings or structures proposed within the development therefore criterion (vi) of Policy OS 3 does not apply.



### **Neighbour Amenity**

Under Policy OS 3 (iv) the impact of the proposal on residential amenity is a matter that must be assessed. The SPPS also identifies that the impact of a proposal on amenity is a material consideration in assessing the acceptability of a particular development. There have been five letters of objection received with the most common concern raised relating to the rise of dust caused when the track is in use.

No. 11 Whitehill Drive is located 38 metres north of the track and has objected due to the impact of dust and noise that arises during the operational use of the track. The Council's Environmental Health Section was consulted and has raised no concerns with regards to dust and noise from the proposal.

The objection letters submitted have raised the issue and sought clarification regarding 'personal use' in relation to operation of the track. There is no definition contained within planning legislation of what a 'personal use' may be. However, the Planning Section would understand 'personal use' as something which would not include the carrying out of trade or any business from the site. Document 01, date stamped 5 June 2019 clarifies that the track will be used for personal use. If permission is forthcoming it is recommended that a condition shall be attached to any future approval in the interest of residential amenity stating *"The track hereby approved shall be used for domestic purposes only and no trade or business shall be carried out there from."*

Given that the proposal seeks consent for personal use relating to the exercising of horses, it is considered that the frequency and intensity of the use is unlikely to result in such a significant volume of dust and noise that it would have an adverse impact on nearby residents.

In addition, as there are no buildings proposed there will be no overlooking or loss of privacy associated with the development.

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

Criterion (viii) of Policy OS 3 requires that the road network can safely handle any extra vehicular traffic that the proposal may generate.

Concerns within the objection letters indicated the retrospective track has given rise to an increase in traffic using the Whitehill Drive. Given the proposed domestic nature of the proposal; it should not generate any extra vehicular traffic. DFI Roads has been consulted on the proposal and responded with no objections.

Criterion (v) indicate any proposal must not prejudice public safety. It is considered the proposal will not prejudice public safety. A letter of support received indicates the need for the proposal in terms of the applicant/family members' safety. The letter of support indicates members of the family/family friends being involved in road traffic accidents when exercising the horses along the public road.

Paragraph 6.213 of the SPPS states planning authorities should carefully consider development proposals for all sport and outdoor recreational activities, relevant planning considerations will include public safety (including road safety). It is considered on balance, the proposal will be beneficial to public safety including those who use the public road (Whitehill Drive) and the safety of the

applicant/applicant's family. This is because the applicant/applicant's family have previously been using the public road as a way to exercise their horses (as indicated within Document 05, date stamped 21 August 2019). The existence of the track therefore reduces the need for horses to be on the public road.

One objection letter has raised concerns that farm machinery used in an adjacent agricultural field may spook horses when they are being exercised on the proposed track. It is considered that the standardised agricultural practice carried out in the adjacent field to the north would not have a substantial impact on the horses being exercised. In addition, it is the responsibility of the applicant to ensure the safety and wellness of their horses/family members.

Policy OS3 (vii) does not apply to this application as the proposal is for private domestic use therefore it does not necessarily need to take into account the needs of people with disabilities and be accessible by means of transport other than the private car.

### **Flood Risk**

In accordance with Policy FLD 3 of PPS15, a Drainage Assessment (DA) is required for all development proposals that exceed 1000sqm of hard surfacing. As the track measures some 3000sqm in area, a DA (Document 03) was requested and submitted on 21 August 2019. DFI Rivers was consulted upon receipt of the DA.

A concern was raised within an objection letter stating that the infilling in the northern section of the track has created a drainage issue in the agricultural field located directly to the north of the application site.

DFI Rivers has responded stating they acknowledge the receipt of the DA (Document 03, date stamped 21 August 2019) from McCloy Consulting, as well as the objection letters.

DFI Rivers has identified an open watercourse located along the northern, southern and western boundaries which is undesignated. Policy FLD2 of PPS15 states that it is essential that an adjacent working strip is retained to facilitate future maintenance by DFI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access at all times. It was evident on the Case Officer's site visit (26 June 2019) that a minimum of 5 metres has been retained

Furthermore, DFI Rivers has reviewed the submitted DA (Document 03) and has commented stating they accept its logic and have no reason to disagree with its conclusions. However, they refer to an objection letter in which concerns were raised regarding drainage issues in an adjacent field to the north of the site. DFI Rivers stated their Operations section has arranged remedial works to be carried out by the landowner under Schedule 5 of the Drainage (Northern Ireland) Order 1973. DFI Rivers go on to state once the Schedule 5 process has been completed, it would have no objection to the proposal.

The issue noted above is a DFI Rivers matter and the Case Officer is unable to consider the issue as a planning matter. It is the responsibility of DFI Rivers to ensure the necessary works have been carried out.

As a consequence it is considered that the development does not have any significant impact with regards to drainage and flooding.

#### **Other matters**

There is no adverse impact on features of importance to nature conservation, archaeology or built heritage. The site is not located in, or near any areas of nature conservation, archaeology or built heritage features. The proposal therefore complies with criteria (i) of Policy OS 3 of PPS8.

There is no permanent loss of any agricultural land or will the proposed track have an unacceptable impact on nearby agricultural activities to comply with criteria (ii) of Policy OS 3.

It is considered the proposal has met all requirements indicated in criteria (i)-(viii) of Policy OS 3 within PPS 8, and is therefore considered to be acceptable.

#### **CONCLUSION**

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

- The principle of the development is considered acceptable;
- The proposal will not significantly impact on the privacy or amenity of any neighbouring properties;
- The proposal will not result in a detrimental impact on the character or appearance of the rural area; and
- The proposed development provides adequate access, movement and parking within the site.
- There will not be a significant impact with regards to drainage and flooding.

<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
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#### **PROPOSED CONDITION**

1. This decision is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The track hereby approved shall be used for domestic purposes only.

Reason: In the interest of residential amenity and to prevent development of an unacceptable use at this location.

3. The existing natural screenings of this site as indicated on Drawing No: 04, date stamped 21<sup>st</sup> August 2019 shall be retained in perpetuity at a minimum height of 2 metres for hedging and 4 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: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

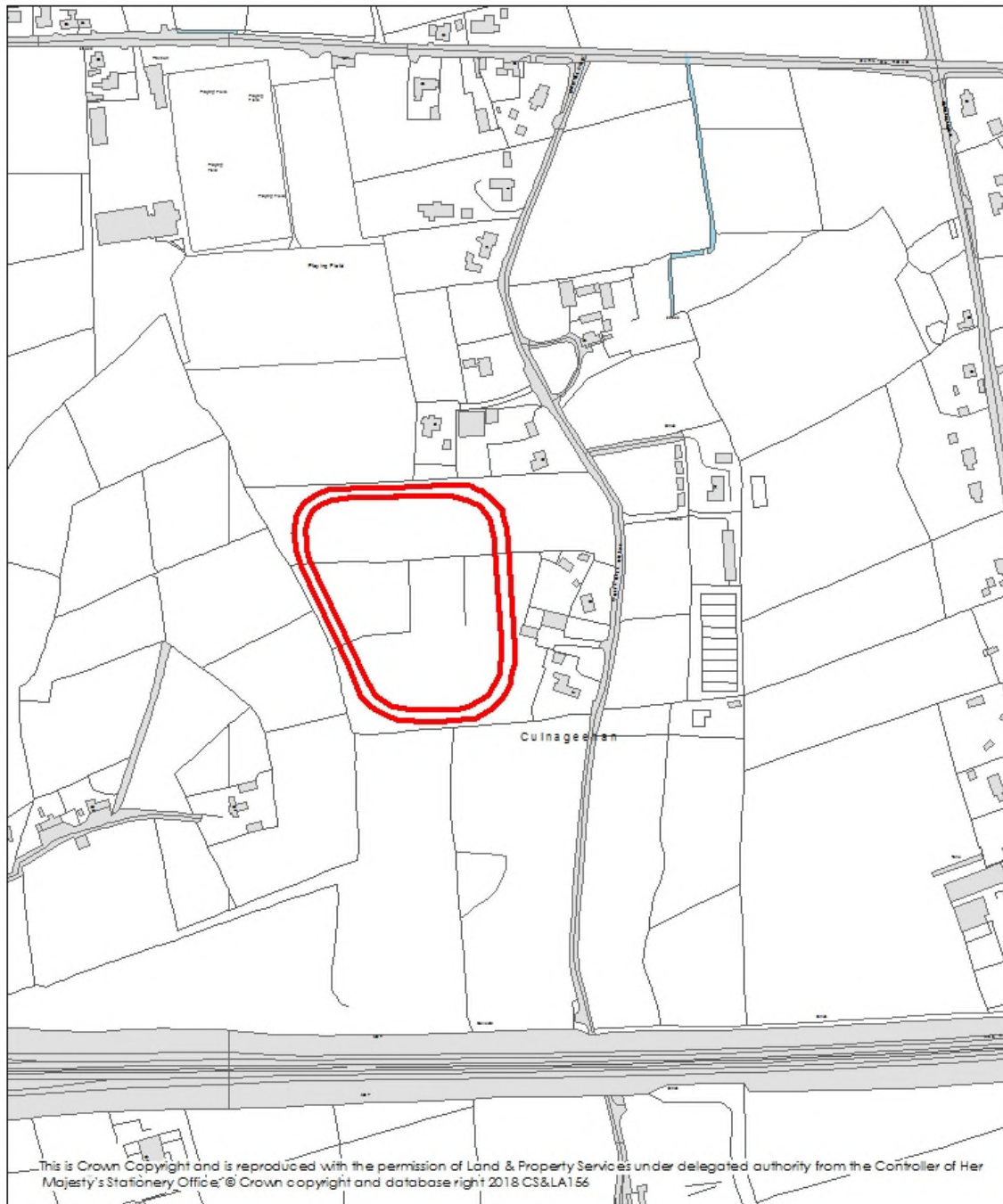
4. The proposed landscaping indicated on Drawing No: 04, date stamped 21<sup>st</sup> August 2019 shall be carried out within the first planting season following the approval and shall be retained thereafter for the lifetime of the development at a

minimum height of 2 metres of hedging and 4 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.

5. If any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective during the lifetime of the development, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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



### Location Map

Application Reference: LA03/2019/0469/F

30m west of 17 Whitehill Drive  
Randalstown

Track for use as exercise/lane for own horses/farm  
machines (Retrospective)

For Information Only

 Site Boundary

0 105 210  
Metres



<b>COMMITTEE ITEM</b>	<b>3.7</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0726/RM</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>APPROVE RESERVED MATTERS</b>
<b>PROPOSAL</b>	New gateway entrance road and reconfiguration of internal road network and car parking arrangement, along with environmental improvement scheme consisting of hard/soft landscaping, public realm/street furniture and all other associated site works.
<b>SITE/LOCATION</b>	Lands at The Junction Retail and Leisure Park, Ballymena Road, Antrim
<b>APPLICANT</b>	Episo 4 Antrim S.a.r.l
<b>AGENT</b>	TSA Planning
<b>LAST SITE VISIT</b>	October 2019
<b>CASE OFFICER</b>	Michael O'Reilly Tel: 028 90340424 Email: <a href="mailto:michael.oreilly@antrimandnewtownabbey.gov.uk">michael.oreilly@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at The Junction (formerly Junction One Retail and Leisure Park), Ballymena Road, Antrim. The site is an urban location within the development limit of Antrim and approximately 1.5 kilometres to the northwest of Antrim Town Centre. There are no applicable development plan designations or zonings relevant to the application site.</p> <p>The application site is an irregularly shaped piece of land comprising approximately 4.5 Ha of land abutting the Stiles Way Roundabout to the southeast, an area of existing car parking and previously developed land to the northwest and terminating at the Factory Outlet Centre at the northwestern edge of the complex.</p> <p>The Junction opened in 2004 as a 'Retail and Leisure Park including a Factory Outlet Centre.' The retail offer includes a mix of national and international brands including categories such as fashion, houseware and outdoor wear.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2017/0234/O</p> <p>Location: Junction One Retail and Leisure Park, Ballymena Road, Antrim,</p> <p>Proposal: Outline masterplan to facilitate the comprehensive regeneration of Junction One, including the Factory Outlet Centre, Retail and Leisure Park, and vacant lands. Proposals include demolition and reconfiguration of existing buildings; erection of new buildings to include provision of restaurants/coffee shops, bulky goods retail warehousing, retail kiosks, indoor leisure and factory outlet units; creation of new children's play area, outdoor multi-purpose recreational facility, new gateway entrance road and re-configuration of internal road network; reconfiguration of car</p>	

parking; provision of environmental improvement scheme featuring hard/soft landscaping and all associated site works (Proposed Master Plan layout to also incorporate the re-configuration of existing car park and 2 No drive thru restaurants/cafes, 1 No ancillary external seating area and 1 No ancillary children's play area granted planning permission by LA03/2017/0014/F)  
Decision: Permission Granted 18.12.2017

Planning Reference: LA03/2018/1005/RM

Location: The Junction Retail and Leisure Park, Ballymena Road, Antrim (Lands to the West of Stiles Way Roundabout),

Proposal: New gateway entrance road with reconfiguration of internal road network and car parking arrangement with environmental improvement scheme consisting of hard and soft landscaping and all associated site works

Decision: Reserved Matters approved: 20.02.2019

## **PLANNING POLICY**

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, which in this case is the Antrim Area Plan 1984 - 2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Antrim Area Plan 1984 – 2001: The Plan 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.

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

PPS 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.

**DfI Roads** – Conditions for approval.

**Northern Ireland Environment Agency** - No objection.

**DfI Rivers** – No objection.

## REPRESENTATION

Thirty seven (37) 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:

- Principle of Development
- Design Quality
- Roads and Car Parking
- Flood Risk
- Other Matters

### Principle of Development

Outline planning permission for the re-development of The Junction Retail and Leisure complex was granted on 18<sup>th</sup> December 2017 and has with it an associated Concept Master Plan.

This proposal seeks to amend the previous grant of planning permission by providing an amended landscaped boulevard leading from the Stiles Way Roundabout into the heart of The Junction complex terminating at the front of the Factory Outlet Centre, where a public square is to be provided. These features of the re-development of The Junction were envisaged in the approved concept master plan and are referred to in condition 3 of the outline planning permission. This condition requires that priority, within the overall phasing of the re-development of The Junction complex, be afforded to the provision of the proposed boulevard.

It is noted that in February 2019 the Council issued a reserved matters approval (LA03/2018/1005/RM) for a development proposal comparable to the application being assessed at this time. The reserved matters approval remains extant and is a valid legal fall-back position for the developer. The reserved matters application represented the first key phase of the re-development of the complex and therefore complies with the requirement of condition 3 of the outline planning permission. This application was made valid within the timeframe for submission of Reserved Matters applications set out at condition 1 of the outline planning permission. For the reasons set out above the principle of development is established.

### Design Quality

The proposed boulevard provides for two lanes of one-way traffic taken from the Stiles Way Roundabout leading directly to the public square at the front of the Factory Outlet Centre (FOC) where a new roundabout will distribute vehicular traffic to a series of separate car parking areas. The general arrangement proposed in this



application is consistent with the broad arrangement indicated in the outline planning permission and also the extant reserved matters approval.

The outer edges of the boulevard are lined with a series of Alder trees and grass, which separate the carriageway from the proposed pedestrian footpath network. The outer edges of the pedestrian footpath network are also the subject of new landscaping with additional trees, hedging and grass proposed. This landscaping assists in clearly delineating the proposed areas of car parking and pedestrian footpaths from the boulevard. The landscaping will create a green edge around and function to contain the several varyingly sized areas of car parking located either side of the landscaped boulevard.

The new roundabout is located in proximity to the front of the FOC and is contained within a significant area of landscaping of a similar type to other landscaped areas. Overall, the nature and extent of the proposed landscaping works provide a significant and homogenous landscape framework enveloping the landscape boulevard and car parking areas. This will create a strong and visually attractive landscape character which makes a positive contribution to the character of the complex. An associated landscape management plan accompanies the application. The requirements of conditions 3 and 9 of the outline planning permission have been met in this regard.

### **Roads and Car Parking**

Conditions 19, 21 and 22 of the outline planning permission relate to improvements to the Stiles Way Roundabout and the number, location and arrangement of car parking spaces and secure bicycle parking facilities to serve this phase of development.

With respect to condition 19, the submitted roundabout design is consistent with the design proposal contained within the Environmental Statement associated with the outline planning permission and the extant reserved matters approval. Modifications to the Stiles Way Roundabout have been forwarded to DfL Roads, which has offered no objections to the proposed amended roundabout design. For these reasons it is considered the requirements of condition 19 have been met.

Condition 21 requires that car parking spaces indicated within the concept master plan endorsed as part of the outline planning permission will be provided in accordance with a programme to be submitted to and agreed with the Council and that the programme will identify the number, location and arrangement of these car parking spaces.

The submitted parking statement and correspondence from the agent identifies that following the grant of outline planning permission, the detailed design stage of the overall re-development of The Junction complex has provided for 2,062 car parking spaces, an increase of 22 car parking spaces over the approved figure of 2,040 car parking spaces. With respect to this phase of the re-development, 768 car parking spaces are identified, an increase of 108 car parking spaces over that envisaged in the outline planning permission concept master plan for this phase of the re-development process and an additional 13 car parking spaces when compared to the extant reserved matters approval.

At this time there are 679 car parking spaces provided within the lands associated with this phase of the re-development process. Within the proposed provision of 768 car parking spaces there are 31 dedicated disabled parking spaces, or approximately 4%. These disabled car parking spaces are dispersed across the site in varying locations. Some are adjacent to existing businesses with the majority being places immediately to the front of the public square adjacent to the FOC (18 spaces).

The submitted layout clearly identifies the number, location and arrangement of these car parking spaces and the arrangement is considered acceptable. DfI Roads has offered no objection with respect to this matter. Overall, it is considered that the requirements of the condition have been met.

Condition 22 of the outline planning permission requires the number, location, arrangement and specification of the necessary secure bicycle parking for each phase of development to be provided in accordance with guidance set out in 'Parking Standards'. It is noted that 12 bicycle parking stands are proposed adjacent to unit 74 of the FOC. This unit sits to the front of the main bulk of the FOC and within the proposed public square area. Details of the specification have also been provided. It is considered the number, location, arrangement and specification of the secure bicycle parking facilities has been provided in accordance with the requirement of the condition.

#### **Other Matters**

Within the outline planning permission and its endorsed concept master plan for the re-development of The Junction Retail and Leisure Complex, Units 73 and 74 of the Factory Outlet Centre were to be demolished to provide for car parking provision associated with this phase of development. The provision of this car parking formed part of the extant reserved matters approval. With respect to the application currently being assessed Units 73 and 74 are to be retained and the quantum of car parking associated with this particular area has been redistributed and relocated to alternative locations within this phase of development. As this application represents an initial phase of the redevelopment of The Junction Retail and Leisure Park the retention of the floorspace associated with Units 73 and 74 can be accounted for in later phases of development directly associated with the provision of retail floorspace. This matter is not determining to the application currently being assessed.

A kiosk unit is to be erected to the southern side of the main body of the FOC. This building was identified as unit K1 in the outline planning permission concept master plan and was to be located within 'ZONE 2A Outlet'. This unit has previously been approved in the outline planning permission and extant reserved matters approval. The proposed siting of the proposed unit is consistent with the concept master plan and the extant reserved matters approval, with the kiosk comprising 12 square metres of floor space, some 48sqm less than the 60sqm of floorspace granted planning permission. The finishing materials of the kiosk are glass, timber flat roof and aluminium casing, which are consistent with the details approved via the reserved matters approval. It is considered the location, quantum of floorspace and design appearance of the kiosk are acceptable. A planning condition is recommended in order to control the use and size of the building.

## CONCLUSION

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

- The principle of the development has been established through the outline planning permission LA03/2017/0234/O and reserved matters approval LA03/2018/1005/RM.
- The development proposal is comparable to the extant reserved matters approval which represents a valid fall-back position for the developer.
- The design quality of the proposal to include landscaping is acceptable and complies with conditions 3 and 9 of the outline planning permission.
- Roads and car parking matters are considered as complying with conditions 19 – 22 of the outline planning permission and are therefore acceptable.
- The retention of units 73 and 74 of the Factory Outlet Centre are acceptable.
- The location, siting and design of the kiosk unit are acceptable and its size and use will be controlled by planning condition.
- There are no objections from consultees or interested members of the public.

## RECOMMENDATION

## APPROVE RESERVED MATTERS

## PROPOSED CONDITIONS

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 8 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

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

2. All hard and soft landscape works shall be provided in accordance with the approved 'Proposed Landscape Plan', Drawing Ref: 04, date stamped received 29<sup>th</sup> August 2019 and shall be carried out during the first available planting season after the commencement of any part of the development.

The '10 year landscape management plan', Document Ref: 01, date stamped received 3rd October 2019, shall be carried out as approved.

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

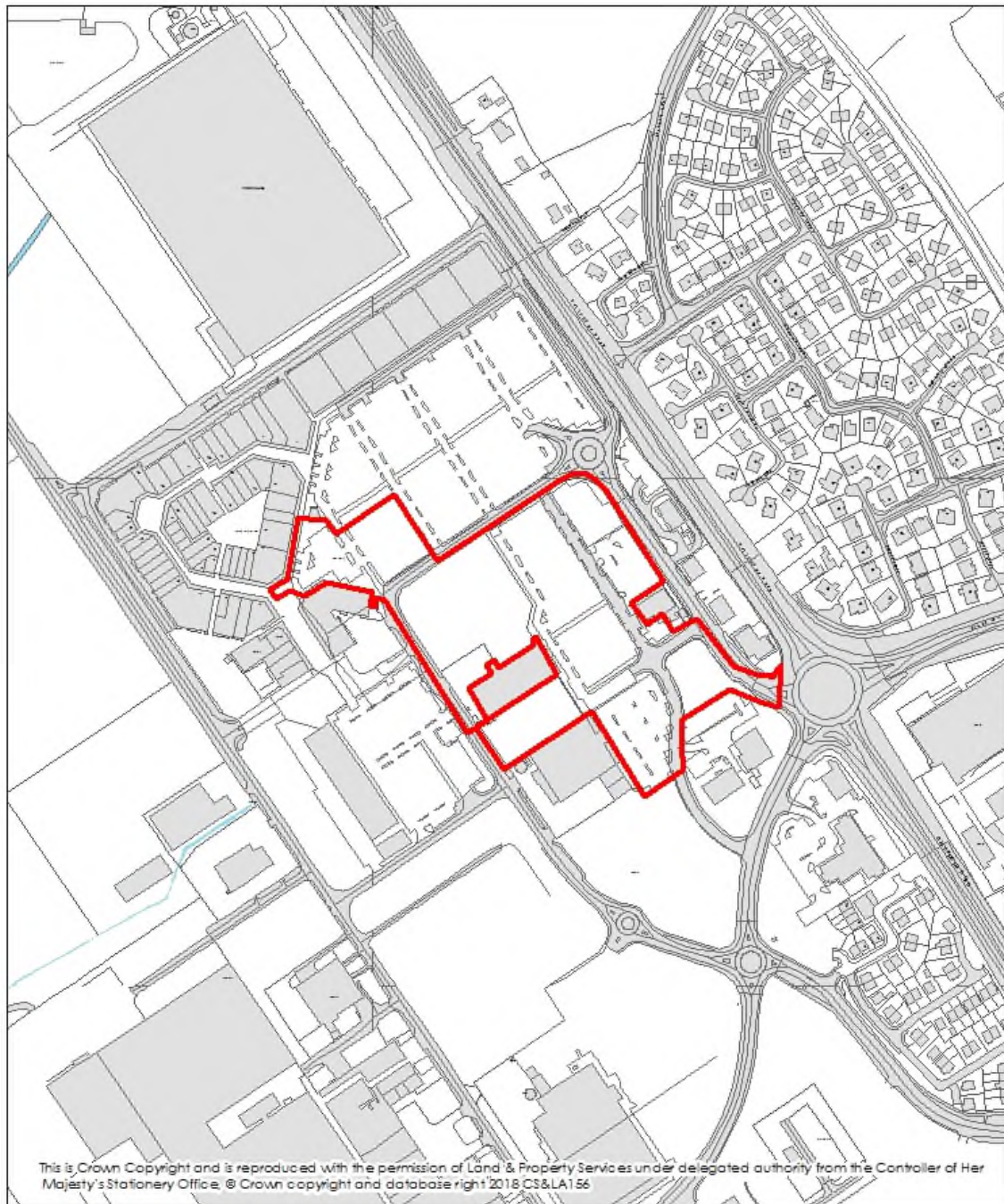
3. The development hereby permitted shall not come into effect until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 08, date stamped received 29<sup>th</sup> August 2019, to provide adequate facilities for parking, servicing and circulating 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.

4. The gross floorspace of the retail kiosk unit hereby permitted, and as denoted in drawing ref: 03, date stamped received 29<sup>th</sup> August 2019, shall not exceed

12 square metres when measured internally.

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



**Location Map** Application Reference: LA03/2019/0726/RM

Lands at The Junction Retail and Leisure Park  
Ballymena Road  
Antrim

For Information Only



0 105 210  
Metres

New gateway entrance road and reconfiguration of internal road network and car parking arrangement, along with environmental improvement scheme consisting of hard/soft landscaping, public realm/street furniture and all other associated site works.



Site Boundary



**Antrim and  
Newtownabbey  
BOROUGH COUNCIL**

<b>COMMITTEE ITEM</b>	<b>3.8</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0599/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed bedroom accommodation including rearrangement of car park layout.
<b>SITE/LOCATION</b>	The Ramble Inn, 236 Lisnevenagh Road, Antrim, BT41 2JT.
<b>APPLICANT</b>	John McLarnon, Ramble Inn
<b>AGENT</b>	S W Marcus Architectural Services
<b>LAST SITE VISIT</b>	25 <sup>TH</sup> July 2018
<b>CASE OFFICER</b>	Alexandra Tipping Tel: 028 903 402016 Email: <a href="mailto:alexandra.tipping@antrimandnewtownabbey.gov.uk">alexandra.tipping@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p><b>Preliminary Matters</b></p> <p>This application was previously presented to Planning Committee in March 2019 with an officer recommendation to refuse planning permission. At that meeting the Committee voted to defer the item to allow the applicant a further opportunity to submit additional information in the form of a detailed business case in support of the proposal.</p> <p>A plethora of additional information has been provided to the Planning Section since this item was previously brought before the Planning Committee. This additional information includes Document 04 entitled 'Tourism and Economic Review of Proposed Guest Development at Ramble Inn, Antrim' this document was received by the Council on the 7th May 2019. Further information was also submitted to the Council on 8<sup>th</sup> July 2019 and most recently on the 3<sup>rd</sup> September 2019.</p> <p>In addition, a Drainage Assessment – Document 03 was provided by the applicant, however, this was based on the original layout and not the most recent amended layout. A further Drainage Assessment has been requested on several occasions which would reflect the changes to the layout, however, this has not yet been submitted. DfI Rivers have however suggested verbally that a suitable drainage system could be achieved on the site.</p> <p>Although amendments have been made to the layout and design of the proposal it is still proposed to create 14 no. bedroom units. This accommodation is now provided in a two storey bedroom block and is now to be sited adjacent to the rear elevation of the existing Ramble Inn building and will be connected by a covered walkway.</p> <p>This addendum report will assess the application on the basis of the additional information and amended plans currently before the Council.</p>	

### **Principle of Development**

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).

The application site is located within the countryside outside any development limit defined in AAP. Generally the AAP 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 facilitating an increase in accommodation available in the Borough provided it is compatible in terms of location, type and scale.

The SPPS advises that planning authorities must carefully manage tourism development in the countryside, with a guiding principle to ensure proposals facilitate appropriate development (such as appropriate farm diversification, the re-use of rural buildings and expansion proposals for tourism purposes) where this supports rural communities and promotes a healthy rural economy and tourism sector. It goes on to state that, where there is no suitable site within the settlement a new build hotel, guest house, or tourist hostel may be appropriate on the periphery of the settlement subject to meeting the normal planning requirements.

PPS 16 contains the regional policy for tourism and provides various policies for tourism development in the countryside under Policy TSM 2- Tourist Amenities in the Countryside, Policy TSM 3- Hotels, Guest Houses and Tourist Hostels in the Countryside, Policy TSM 4- Major Tourism Development in the Countryside- Exceptional Circumstances, Policy TSM 5- Self Catering Accommodation in the Countryside and Policy TSM 6- New and Extended Holiday Parks in the Countryside.

As noted above the revised proposal is for a two storey block of 14 no. units of accommodation and includes the reconfiguration of the existing car park layout. The overnight accommodation units are proposed to the rear of the existing building in the northwestern portion of the existing car park.

It is accepted by both the Council and the applicant that the proposed development does not neatly and directly fall for consideration under any of the policies noted within PPS 16. It is considered, however, that there are a number of policies that would appear to be supportive of the proposed developments acceptability and these are considered in the following sections.

Policy CTY 2 of PPS 21 encourages appropriate economic development enterprises (to include tourism development) in Dispersed Rural Communities as designated in the Area Plan. While it is acknowledged that the application site lies within the rural area as designated in the Antrim Area Plan 1984-2001, it is also acknowledged that the AAP did not designate any Dispersed Rural Communities. This was largely an emerging zoning in the early 2000's and would not have been in use when the AAP was being adopted in the early 1990's. The Council's Preferred Options Paper highlights the area of 'Creavery' as a potential settlement and while this document



does not suggest that the area will be a settlement in the future, it is acknowledged that there is an established cluster of development in this area which demonstrates a number of urban characteristics. Among these characteristics is the Ramble Inn itself, which could be considered as one of the focal points/landmarks in the rural community.

Policy CTY 1 of PPS 21 also states that planning permission will be granted for non-residential development in the countryside in a number of cases, to include ; tourism development in accordance with the TOU Policies in the Planning Strategy for Rural Northern Ireland (PSRNI). PPS 16 supersedes the TOU Policies of the PSRNI and also Policy CTY 1 were it refers to the tourism policies of the PSRNI. The preamble of PPS 16 states that the policies of PPS 21 offer scope for tourism development in the countryside are not duplicated in PPS 16 and will be applied as appropriate to individual proposals.

As noted above and within the previous report brought before the Planning Committee, it is accepted that the proposal does not fall neatly for consideration under any of the TSM Polices laid out in PPS 16. It is however accepted that following consideration of the additional information provided to the Council in support of the application, that aspects of a number of these policies to include TSM 3 and TMS 4 do not appear to preclude development such as that proposed.

Policy TSM 3 provides the policy for Hotels, Guest Houses and Tourist Hostels in the Countryside. The proposal cannot demonstrate full compliance with this policy in that it has not been comprehensively demonstrated that there are no suitable sites within any nearby settlements, however, the applicant has argued that the project is only viable at the proposed location due to the presence of the existing Ramble Inn. It can be noted that parts of the policy and the justification and amplification text that follows the policy assist somewhat in providing support for the proposed development.

Although it is accepted that the proposal cannot be considered an expansion of an existing hotel, guest house or tourist hostel it is considered that in terms of the physical extension to the existing Ramble Inn business that the proposal integrates as part of the overall development and respects the scale, design and materials of the original building in accordance with part of the policy criteria suggested in TSM 3. The amended proposal sees the proposed bedroom block sited adjacent to the existing Ramble Inn building. The short gap between the two buildings will be connected by a covered walkway. It is considered that the proposal remains an ancillary element to the existing commercial business currently operating on the site and is one that will function in tandem with the existing business.

This is also the case for Policy TSM 4 which provides the policy for Major Tourism Development in the Countryside. This policy requires proposals to meet the following exceptional circumstances; (a) demonstration of exceptional benefit to the tourism industry; (b) demonstration that the proposal requires a countryside location by reason of its size or specific functional requirements; (c) demonstration of sustainable benefit to the locality. Although it is accepted by the Council that the proposed development would not be considered as 'Major Development in the Countryside' owing to its size and scale, the applicant has submitted additional information to the Council in the form of a supportive business case that helps to demonstrate how the



proposal can generally fulfil the criteria as noted above in terms of benefit to the tourism industry and locality.

The conclusions of the economic business case put forward by the applicant indicate that in overall terms the tourism contribution of the proposed tourist accommodation at the Ramble Inn is estimated to add up to:

• £ 379,500 direct and indirect spend in the local area (rising to £493,350 by Year 5).
• £801,970 total construction cost
• Support 7 new full time jobs during the operational phase of the development.
• Support 12 full time jobs during the construction phase of the development.

The additional information submitted in support of the application states that the Ramble Inn has always had a very solid customer base which was only enhanced with the addition of two function rooms which helped in strengthening the venues ability to attract business and visitors from outside the area for corporate events, private parties and weddings.

Details of the numbers of visitors and number of events per annum are detailed below;

<b>Type of Event</b>	<b>Frequency per Annum</b>	<b>Number of Customer Attending</b>
Business Events	150	1,000
Entertainment Events	100	10, 000
Family/Social Events	100	12,500
Regular 'walk in' customers	-	100,000
Tourists and Tour Groups	40 - 80	2,000 – 4,000

These visitors now travel to attend events and functions at the Ramble Inn and in turn are spending time and money as tourists in the Antrim and Newtownabbey Borough Council Area. The proposed extension to provide overnight accommodation is therefore seen by the applicant as a welcome progression and enhancement for this existing business.

The Tourism and Economic Review (Document 04) notes that the basic concept of the proposal is to create a tourist accommodation product at the Ramble Inn that is consistent with the 'Inn' accommodation product that is established elsewhere across the UK. It goes on to justify the countryside location of the development and explains that the business proposition is not one that would be transferable to another site as the cost of seeking to establish this business from scratch would be completely prohibitive. The success of the accommodation is entirely contingent on its integration with the existing established business at the Ramble Inn. The applicant also justifies the requirement for the 14 no. bedrooms at this location on the basis of current occupancy rates of 66% within the Antrim and Newtownabbey Borough Council Area, the number of events at the Inn as noted above, existing customer demand together with the sites favourable location on the A26. This location is extremely accessible for persons travelling to Belfast, the North Coast and also is in relative proximity of Belfast International Airport.

This document goes on to list a number of tourism contributions to be gained from the proposed development to include boosting employment and business opportunities (as outlined above), contributing to the 'tourism-ready' impression for visitors travelling to and from the gateway points or to and from the Causeway Coast attractions. It goes on to state that the development will contribute to the tourism infrastructure of Antrim and Newtownabbey by providing additional capacity in the Borough of approximately 11,700 bed spaces annually thus supporting the Borough's strategic objective of boosting visitor numbers and tourists staying in the Borough. The proposed style of accommodation is not typically available in the Borough and therefore the development of this proposal would provide variety for customers through diversification of product and more broadly would contribute to the regional spread of tourism by providing visitor accommodation away from the main 'honey pot' areas of Northern Ireland.

Given the level of additional information provided by the applicant to demonstrate the benefits of the proposal from an economic and tourism perspective for the Antrim and Newtownabbey Borough together with the policy consideration noted above and in light of the amended proposal it is considered that the principle of this development on site is acceptable in this instance.

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

As noted above, the proposal remains to include 14 no. bedroom units. This two storey bedroom block has however been relocated to site adjacent and to the rear elevation of the existing Ramble Inn building and will be connected to this existing building by a covered walkway.

Although the proposed building provides two storey accommodation it has a modest ridge height of approximately 7.5 metres. It is to be finished in a dashed render which will be painted to match the existing buildings. The roof will be finished in black/grey slate and windows in white timber and uPVC with zinc cladding for dormers.

It is noted that the proposal remains as a stand-alone block, however, it can now be viewed as an extension to the Ramble Inn given its intervisibility with the existing building due to its amended siting under the most recent set of plans. Although the ridge height of the proposed building will slightly exceed that of the existing Ramble Inn, it is acknowledged that a number of extensions to the Ramble Inn over the years has resulted in varying roof lines. Overall it is considered that this new building will not be overly dominant too the host buildings especially given the setback of this bedroom block within the application site. It is accepted that there will be views of the proposed development from the Lisnevenagh Road, however, given the high travel speeds along this stretch of dual carriageway the views are considered to be relatively short. The proposed and existing landscaping along the site's northern boundary will also help to screen the development and as noted above the new bedroom block will visually link and integrate with the existing buildings on site which again will further reduce the level of visual impact.

Views of the development will also be apparent when travelling along the more minor Creevery Road. When viewed from this location the proposed bedroom block will almost appear physically attached to the existing Ramble Inn buildings and would not be considered unacceptable.

The amended proposal to include the repositioning of the bedroom block closer to the existing Ramble Inn building addresses the Council's previous concerns in terms of impact on character of the area and integration. The new bedroom block is now to be located directly adjacent and to the rear of the existing Ramble Inn complex and will now read with the existing buildings on site.

### **Flood Risk**

A refusal reason was previously recommended in relation to flood risk as it has not been demonstrated that the development, if permitted, would not result in an unacceptable increase in flood risk through increased surface water runoff. A Drainage Assessment was submitted to the Council on 7<sup>th</sup> May 2019.

The Drainage Assessment notes that the applicant has allowed a sufficient buffer of 5 metres either side of the watercourse to allow them to fulfil their duties as a riparian land owner in accordance with Policy FLD 2 of PPS 15.

The Drainage Assessment suggests that the anticipated surface water can be safely disposed of to the undesignated watercourse adjacent to the site. A Consent to Discharge application will be required from DfI Rivers and it will be the applicant's responsibility to ensure this Schedule 6 Consent is granted prior to development commencing on site. The report goes on to detail that the surface water runoff from the site shall be limited to the greenfield runoff rate which demonstrates compliance with Policy FLD 3.

DfI Rivers have been consulted on the application and have responded to advise that the Drainage Assessment should be amended in accordance with the revised site layout. This has been requested from the agent but has not yet been received.

Given that the application site is presently laid out in hard-core and also due to the conclusions reached in the Drainage Assessment as discussed above, it is considered that a refusal reason in relation to potential flood risk could not be sustained. While a Drainage Assessment has not been submitted, there is a reasonable prospect that a suitable drainage scheme can be achieved. While this submission has not been made during the application process, it can be conditioned as a requirement to be submitted and agreed prior to development commencing on the site.

### **Other Matters**

An additional letter of objection has been received since this application was last brought before the Planning Committee. This is from one of the previous objectors but was received following notification of amended plans. This objection raised concerns in relation to the impact on countryside character, privacy and overshadowing, devaluation of property, noise and disturbance and concerns in relation to traffic problems. These issues have each been previously covered within the original planning report and are considered to be non-determining in the assessment of this case.

It is considered that the amended proposal would not have any greater impact on neighbouring properties given that the proposed development has moved further away from any neighbouring residential units.

## CONCLUSION

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

- The principle of development can now be considered acceptable given that the additional information provided by the applicant can demonstrate the overarching benefits of the proposal from an economic and tourism perspective for the Antrim and Newtownabbey Borough.
- The amended proposal addresses the previous concerns in relation to impact on the character of the rural area given the relocation of the proposed bedroom block closer to the existing Ramble Inn facilities.
- The design and appearance of the proposal is considered acceptable.
- The Drainage Assessment submitted by the applicant indicates that there will be no impact caused in relation to flooding. This Drainage Assessment does not however reflect the changes to site layout.
- It is considered that the changes carried out successfully overcome the issues raised previously and a change of opinion to approval of planning permission is recommended.

## 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 existing vegetation along the site's northern boundary shall be retained at a minimum height of 4m and 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 given to the Council in writing prior to their removal. If any retained tree or vegetation 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, trees or vegetation in the same location of a species and size as specified by the Council.

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

3. Proposed planting shall be carried out in accordance with approved Drawing No. 03/1 bearing the date stamp 10<sup>th</sup> May 2019. Planting shall be carried out in the first available season after occupation of the accommodation hereby approved. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective during the lifetime of the development, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.03/1 bearing the date stamp 10th May 2019, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. The gradient of the access road shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

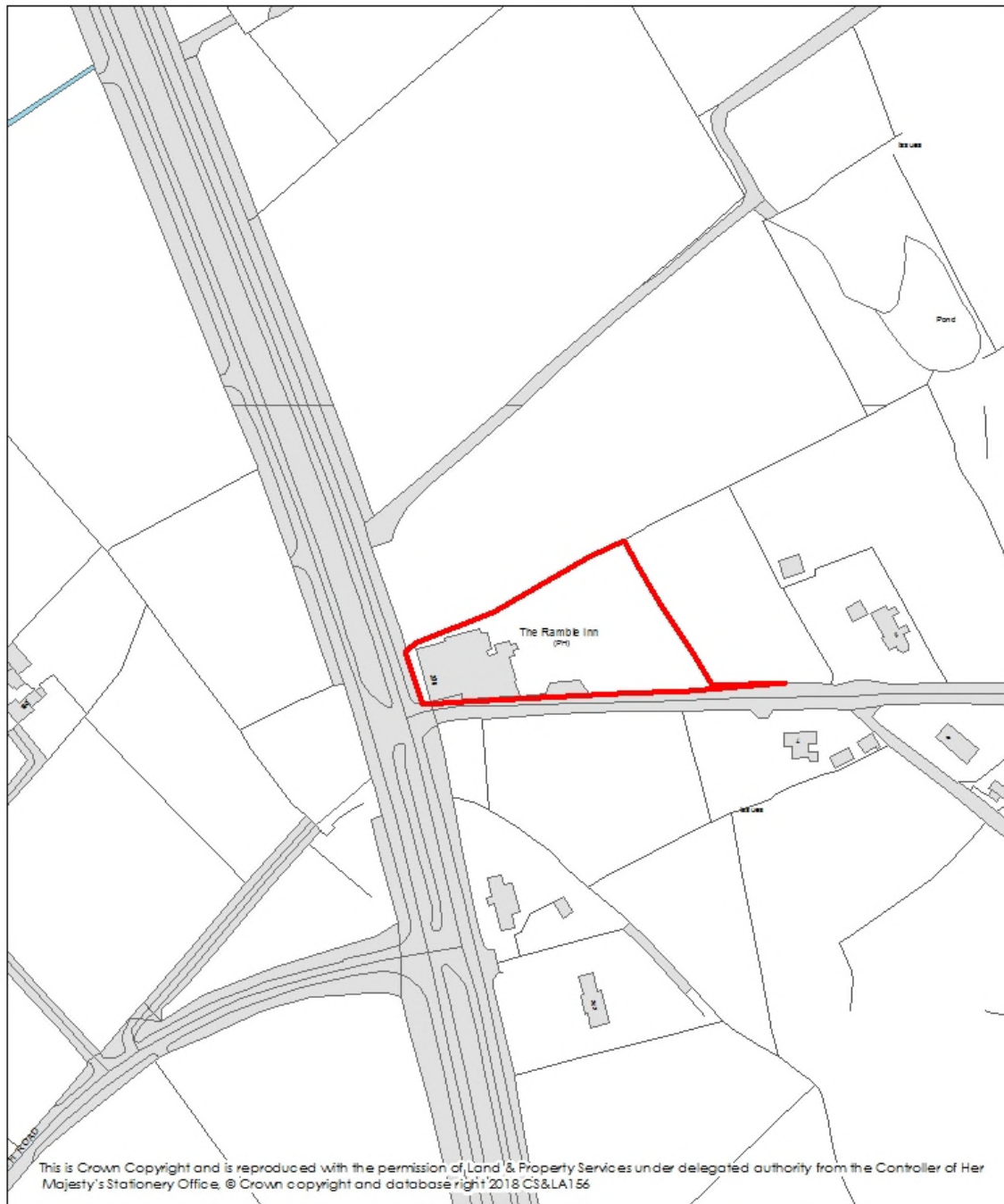
Reason: To ensure there is a satisfactory means of access in interests of road safety and the convenience of road user.

6. No part of the building hereby approved shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No. 03/1 bearing the date stamp 10th May 2019 to provide adequate facilities for parking 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.

7. No development works shall commence until a Drainage Assessment has been submitted and agreed with the Council. The Drainage Assessment must demonstrate that a suitable drainage regime can be implemented which will mitigate any impacts of surface water runoff on either the development hereby approved or on other nearby properties. The drainage proposals shall thereafter be implemented and properly maintained.

Reason: To prevent any impacts from surface water flooding as a result of the proposed development.



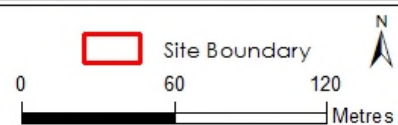
### Location Map

Application Reference: LA03/2018/0599/F

The Ramble Inn  
236 Lisnaveenagh Road

Antrim  
BT41 2JT

Proposed bedroom accommodation  
including rearrangement of car park  
layout



For Information Only

<b>COMMITTEE ITEM</b>	<b>3.9</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0511/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Change of use from car sales, showroom and stores to charity store and distribution centre (Retrospective)
<b>SITE/LOCATION</b>	60 Greystone Road, Antrim
<b>APPLICANT</b>	Blythswood Ireland Ltd
<b>AGENT</b>	Ivan McClean
<b>LAST SITE VISIT</b>	23 <sup>rd</sup> July 2019
<b>CASE OFFICER</b>	Glenn Kelly Tel: 028 903 40415 Email: <a href="mailto:Glenn.Kelly@antrimandnewtownabbey.gov.uk">Glenn.Kelly@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at 60 Greystone Road, which is within the development limits of Antrim Town as defined in the Antrim Area Plan 1984 – 2001. There are no designations or zonings identified for the application site, with a zoned area for industry adjoining the site to the east and northeast.</p> <p>The boundaries of the site are defined on all sides by a wire mesh fence, which extends to approximately 2.5 metres in height. This retrospective application relates to part of the existing building, which was previously used for the sale of motor vehicles. The remaining parts of the building are used as a gym (Gym AnTrim) and an ancillary beauty salon (Allure).</p> <p>Existing uses of buildings in close proximity to the site range from that of business, to light industrial and general industrial uses. The application site is located in an area where there is a mix of uses.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2017/0707/F  Location: 60 Greystone Road, Antrim  Proposal: Change of use from car sales showroom to charity shop and distribution warehouse  Decision: Permission Refused (22.05.2018)</p> <p>Planning Reference: LA03/2017/1060/F  Location: Unit 2 21 Rathenraw Industrial Estate Antrim BT41 2SJ  Proposal: Change of use of industrial unit into a gym (Retrospective application)  Decision: Permission Granted (15.10.2018)</p>	

## PLANNING POLICY AND GUIDANCE

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

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

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

Antrim Area Plan 1984 – 2001: The Plan sets out at Paragraph 16.6 that proposals for development on unzoned land will be considered, provided the uses are acceptable for the locations proposed and that no physical or other problems are involved.

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

PPS 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.

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

## CONSULTATION

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

**Northern Ireland Water** – No objections.

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

## 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
- Design and Appearance
- Impact on Character and Appearance of the Area
- Other Matters

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

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

The 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 site is located within the settlement limits of Antrim Town on a piece of land that is unzoned.

An application for a matching scheme was refused under reference LA03/2017/0707/F on 22<sup>nd</sup> May 2018. The reason for refusal related to a lack of evidence to prove a need for such a retail proposal at an out of town location.

The previous use of the site was for the sale and display of motor vehicles, however, there is no Certificate of Lawful Development to establish the lawfulness of that previous use. According to Section 3(4)(h) of the Planning (Use Classes) Order (Northern Ireland) 2015, motor sales is considered to be sui generis, in that it is not specified within any of the Use Classes within the Schedule to the aforementioned Order. Therefore, whilst the application site is located in an area characterised by economic development uses, it is considered that the land, which is not currently zoned, was not previously used as an existing economic development use as stated in Planning Policy Statement 4: Planning and Economic Development (PPS 4). This application, which proposes the use of part of the existing building for retail purposes (in the form of a Charity Shop), together with an associated warehouse/storage area falls to be considered in accordance with the Strategic Planning Policy Statement (SPPS), with particular regard to Retailing and Town Centres.

The Strategic Planning Policy Statement (SPPS) advises that planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.270 of the SPPS affirms that its aim is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the Regional Development Strategy (RDS).

The SPPS further directs that planning authorities must adopt a town centre first approach for retail and main town centre uses, and Paragraph 6.280 advises that a sequential test should be applied to planning applications for main town centre uses

that are not in an existing centre and are not in accordance with an up-to-date Local Development Plan. Furthermore, the SPPS states that where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

The proposed floorplan submitted in support of the application, outlines that the gross (external) floorspace of the proposal amounts to approximately 720sqm. The gross internal floorspace associated with the warehouse/goods reception element of the proposal extends to 321sqm. In terms of retail floorspace, the proposed development comprises 304sqm gross retail floorspace (inclusive of associated storage), with the net retail floorspace amounting to 251sqm. These figures match those submitted under the previous refusal on the site LA03/2017/0707//F.

With regard to the gross internal floorspace of the proposed development, the aforementioned drawing indicates that the retail (and associated storage) element of the proposal accounts for 48.7% of the overall gross internal floorspace, whilst the warehouse element accounts for 51.3%. Whilst this is finely balanced, no individual component of this proposal can be considered to be ancillary to the other. It is therefore considered that the nature, scale and range of the retail operations proposed at this location are such that it should be directed to a town centre in the first instance in accordance with the approach detailed within the SPPS.

As per the observations under the previous refusal, a site visit made on the 23<sup>rd</sup> July 2019 showed that there was still a significant amount of non-bulky goods for sale within the shop element of the proposal.

#### Retail Statement

To support the proposal, a "Retail Statement" (RS) has been provided. This details the reasons for the unit to operate in its current location rather than within the town centre or other retail area.

Firstly, the report suggests given the dual function of the building as both a storage/distribution unit and a retail unit, the current location is important due to its closeness (400m) from a Council owned civic amenity site to move recyclable goods to the business. Whilst this appears to make sense commercially to the proprietors, it does not create an exceptional reason why the business is not located within a town centre. There appears to be no reason why the storage/distribution component of the business and the retail element cannot be at two different locations, which would allow the retail element to move to a town centre location.

Secondly, the report states that the business will have only a minor impact upon Antrim Town Centre, with a turnover equivalent to 0.2% of the turnover of comparison goods shops in the town. The report also takes into account the future impact of The Junction retail park will have upon the town centre. Whilst illustrating that the proposed impact upon the town centre will be relatively minor, this does not provide evidence of an overriding reason why this development needs to be in its current location as opposed to the town centre.

The report does suggest a quantitative and qualitative need for the proposal. The quantitative need suggests more that the economy within a 15 minute drive of the

development can absorb the business's turnover demands of approximately £100k per year rather than stating a site specific demand for the services offered. The qualitative need repeats that the business is required at this location so the delivery/processing and distribution arms of the business can be "married" with the retail function. It must be re-emphasised that there is no requirement to "marry" these different strands of the business and therefore significant weight cannot be afforded to the case presented.

With regards travel times within the catchment put forward within the report, it is unclear where these times have been created from beyond a sense of local knowledge. Within this 15 minute catchment area lies Randalstown. However this has been dismissed within the report due to a lack of Church based population associated with the business that would be necessary for its efficient operation. This however seems at odds with the fact Randalstown lies within the catchment area of the existing site and therefore must be at least partially as appealing as the current site drawing a significant number of the same shoppers. The Junction retail park is also discussed within the report, however this is only in relation to its effect upon Antrim Town Centre, rather than specifically looking at available sites at that location which would offer the unit type and infrastructure required to provide retailing of bulky goods along with areas of storage.

The report finishes by looking at alternative sites, specifically within Antrim Town. It is stated that the only undeveloped opportunity site remaining within the town centre is the cleared land of the former Ulster Bar. The report states that the costs of rebuilding the site would be prohibitive in the running of their organisation. Despite these views there does not appear to be any policy basis to discount the Ulster Bar Corner site due to the financial business model of the applicant in only renting stores or buying select stores at "fire sale" prices.

With regards existing vacant sites within the town, these are considered, however, found to be unacceptable for a variety of reasons

- Units within Castle Mall unappealing due to high vacancy rates and certain unsuitable sizes.
- High street units e.g. old Peacocks unit cannot deliver the heavy vehicle infrastructure required to perform pick-ups and drop-offs of bulky goods for delivery and distribution.
- The former First Trust bank building is too small.

Greystone Neighbourhood Centre has also been considered, however units here are deemed too small also.

Whilst the applicant's concerns relating to finding a building of a very specific size with specific needs are considered, none of the concerns outlined within the report override the strong policy position that retailing proposals should be located within the town centre. While it is suggested there are exceptional circumstances as to why the business must operate in an out-of-town centre location, specifically that the available units are deemed too small and inaccessible to heavy goods vehicles. There remains questions as to why the retail element of the business cannot operate on a different site from the storage/distribution strand of the business.

Having taken the above into consideration, it is considered that insufficient evidence has been provided that would override the existing policy direction to locate retail development within a town centre location. It is therefore considered that the proposal fails to satisfy the SPPS; Town Centres and Retailing and the principle of retail development at this location is not acceptable.

### **Design and Appearance**

According to the drawings submitted in support of the application, it is apparent that the external appearance of the building will not change from its current form. It is therefore considered that the design and appearance of the proposed development is acceptable.

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

The application site is located within an area characterised by economic development uses, including Antrim Enterprise Park and the Camden Group. Owing to the previous use of the site, and in light of no changes to the external appearance of the building, it is considered that the proposed development would not result in a detrimental impact upon the character and appearance of the area.

### **Other Matters**

No objections have been raised by any of the consultees notified of the proposal. No letters of objections or other representations have been received from members of the public.

## **CONCLUSION**

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

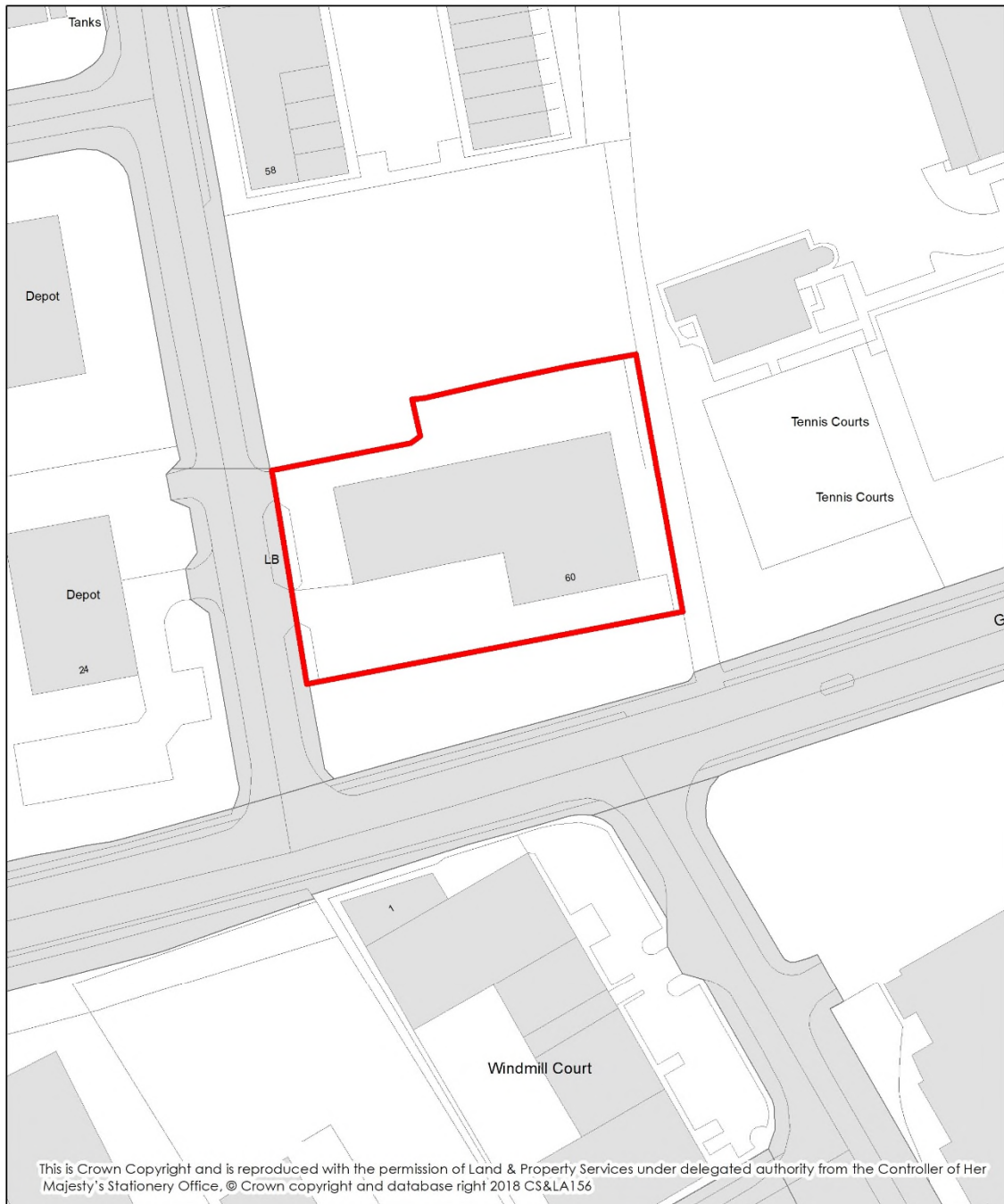
- The principle of the development is considered unacceptable as no satisfactory reasoning has been given for the business to be located at this out of town centre location.
- The design of the building is considered acceptable
- The building will not harm the character or visual appearance of the area
- No objections received from the public or consultees.

## **RECOMMENDATION**

## **REFUSE PLANNING PERMISSION**

## **PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the to the Antrim Area Plan and the Strategic Planning Policy Statement in that the retailing element of the development lies outside the designated Town Centre and any other retailing area within Antrim Town and it has not been demonstrated that a suitable site does not exist within the Town Centre or other retailing centre.



### Location Map

Application Reference: LA03/2019/0511/F  
60 Greystone Road, Antrim

Change of use from car sales, showroom and stores to charity store and distribution centre

 Site Boundary

For Information Only



<b>COMMITTEE ITEM</b>	<b>3.10</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0272/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Replacement of A29 turbine (41.5m hub height, 56.5m tip height, approved under 2012/A0314) with V80 turbine not to exceed hub height of 60m and tip height of 100m. sub-station and switch room cabinets and associated works.
<b>SITE/LOCATION</b>	Approx. 240m south west of no. 72 Boghill Road, Newtownabbey, Co. Antrim
<b>APPLICANT</b>	Hill Power Ltd.
<b>AGENT</b>	Resolve Planning
<b>LAST SITE VISIT</b>	20.05.2019
<b>CASE OFFICER</b>	Ashleigh Wilson Tel: 028 903 Ext 40429 Email: <a href="mailto:ashleigh.wilson@antrimandnewtownabbey.gov.uk">ashleigh.wilson@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the rural area as defined within the Antrim Area Plan 1984-2001. The application site is located within Landscape Character Area 111 'Divis Summits'</p> <p>The application site is located three (3) fields back from an existing steep laneway which serves three existing dwellings, Nos. 70, 72 and 72a Boghill Road. The site is accessed via the same laneway. The site is located within a large agricultural field which is defined on all sides by mature hedging and is located on high ground.</p> <p>The surrounding area is rural in character with a number of single dwellings within close proximity to the application site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/2012/0395/F</p> <p>Location: Approx 238m South West from 72 Boghill Road, Newtownabbey.</p> <p>Proposal: Proposed site for new wind turbine up to 250kw, with a hub height of 41.5m and 56.0m to the blade tip complete with control room.</p> <p>Decision: Appeal Upheld 07<sup>th</sup> July 2014</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</p>	

Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

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

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

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

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

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

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:** Objection regarding noise impact

**DAERA: Land, Soil and Air:** Further information required

**DAERA: Natural Environment Division:** No objection

**Belfast International Airport:** No objection, subject to conditions

**UK Crown Bodies: DIO LMS:** No response

**Everything Everywhere:** No objection

**Hutchison 3G UK Ltd:** No objection

**Ofcom Northern Ireland:** No objection

## **REPRESENTATION**

Three (3) 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
- Public safety, human health and residential amenity
- Visual amenity and landscape character
- Biodiversity, nature conservation and built heritage interests

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

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration in determining this development proposal. The SPPS states that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. It goes on to say that a cautious approach to renewable energy will apply within designated landscapes, which are of significant value. However, it also states that it will not necessarily be the case that the extent of visual impact or visibility will give rise to negative effects. It is recognised that while wind turbines are by their very nature highly visible, this in itself should not preclude them from being acceptable features in the landscape.

Policy CTY 1 of PPS 21 states that 'there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development'. One of these is 'renewable energy projects' in accordance with Planning Policy Statement 18 'Renewable Energy' (PPS 18). It follows that if the development meets the requirements of PPS18, it will comply with Policy CTY1 of PPS21. PPS18 is supported by a 'Best Practice Guide: Renewable Energy' (BPG) and a supplementary planning guidance document 'Wind Energy Development in Northern Ireland Landscapes' (SPG).

The aim of PPS18 as set out in Paragraph 3.1 is to facilitate the siting of renewable



energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy. One of the policy objectives listed at Paragraph 3.2 is to ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed. This objective is reflected in Policy RE1, which indicates that proposals to generate energy from renewable resources will be permitted provided they do not result in an unacceptable adverse impact on a number of identified criteria. The policy establishes that the wider environmental, economic and social benefits of all proposals are material considerations that are to be given significant weight in determining whether planning permission should be granted. Paragraph 4.1 of the amplification of the policy indicates that the planning authority will be supportive of renewable energy proposals unless they have adverse effects that are not outweighed by the wider benefits.

The primary policy context therefore in assessing this proposal is set out in Policy RE1 of PPS 18, which is permissive of development that generates energy from renewable sources. This is provided that the proposal does not result in an adverse impact on a number of criteria including; public safety, human health or residential amenity; visual amenity and landscape character; and biodiversity, nature conservation or built heritage interests.

A previous approval has been granted on this site for a wind turbine however, the previously approved turbine had a hub height of 41.5 metres with height to blade tip of 56m. The proposed turbine has a hub height of 60 metres and a blade tip of 100 metres. Therefore, given the planning history on the site the principle of a wind turbine on this site is acceptable provided the proposal does not result in an adverse impact on a number of criteria including public safety, human health or residential amenity; visual amenity and landscape character; and biodiversity, nature conservation or built heritage interests.

#### **Public safety, human health and residential amenity**

The main issues are whether the proposed development would have an unacceptable detrimental impact on the amenities of adjacent sensitive receptors by virtue of noise, shadow flicker and ice throw and whether it would have an unacceptable adverse impact on the visual amenities of the area and the wider landscape:

##### Noise

Antrim and Newtownabbey Borough Council's Environmental Health Section were consulted in relation to the noise impact assessments carried out by the applicant. It is considered that the predicted noise levels from the proposed turbine will exceed the background target sound levels at a number of noise sensitive properties across a number of wind speeds. This has the knock-on cumulative effect of causing all the turbines in the vicinity to exceed the target background sound levels even further, at a greater number of noise sensitive properties, and across a greater number of wind speeds.

Further to this, Environmental Health have indicated that they would not be satisfied with the noise impact of the wind turbine granted under planning application ref. T/2014/0481/F not being included as part of the cumulative noise assessment. The

applicant's agent has submitted a letter stating that they would 'withdraw' this grant of planning permission and not erect the turbine however; this previous grant of planning permission would need to be revoked to ensure it would not be erected and this has not been carried out. The applicant's agent has been advised of this requirement.

The Environmental Health Section of the Council found a number of shortcomings with the submitted Noise Assessment (Document 02) date stamped 1<sup>st</sup> April 2019 including the use of incorrect background sound level data. A number of other wind turbines within the wider area have also not been included within the cumulative assessment including a windfarm to the south of the proposed site granted planning permission under planning reference T/2014/0478/F.

It is therefore considered that the proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 18, in that it has not been demonstrated that there will be no unacceptable adverse effects on the existing properties in terms of noise disturbance from the proposed wind turbine.

#### Safety

The best practice guidance indicates that properly designed and maintained wind turbines are a safe technology and that there are very few accidents that have occurred involving injury to humans. Where there have been accidents they have tended to result from failure to observe manufacturers' and operators' instructions for the operation of the machines. There has been no example of injury to a member of the public.

The best practice guidance also indicated that the only source of possible danger to human or animal life from a wind turbine would be the loss of a piece of the blade or, in most exceptional circumstances, of the whole blade. Many blades are composite structures with no bolts or other separate components. Blade failure is therefore most unlikely. Even for blades with separate control surfaces on or comprising the tips of the blade, separation is most unlikely.

For wind farm developments the best practice separation distance of 10 times rotor diameter to occupied property should comfortably satisfy safety requirements. For a smaller individual wind turbine, for example on a farm enterprise, the fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. In this case there are no properties within fall over distance plus 10%. Given these circumstances it is unlikely that there will be a significant safety concern from this proposal.

#### Proximity to Road and Railways

Wind turbines erected in accordance with best engineering practice are considered to be stable structures; they should be set-back at least fall over distance plus 10% from the edge of any public road, public right of way or railway line so as to achieve maximum safety. The proposed siting of the turbine is in excess of 330 metres from the nearest public road (Aughnabrack Road). It is not anticipated that there will be a significant road safety concern as a result of this proposal due to its location. In addition, the best practice guidance establishes that turbines do not attract significant vehicle movements.

The best practice guidance also advises that concern is often expressed over the effects of wind turbines on car drivers, who may be distracted by the turbines and the movement of the blades. Drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own and others' safety. Wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous.

#### Proximity to Power Lines

There are no overhead power lines adjacent to the application site.

#### Electromagnetic Production and Interference

The best practice guidance indicates that provided careful attention is paid to siting, wind turbines should not cause any significant adverse effects on communication systems which use electromagnetic waves as the transmission medium (e.g. television, radio, telecommunication links, and police and emergency service links). Generally, turbine siting can mitigate any potential impacts, as the separation distance required to avoid problems is generally a matter of a few hundred metres. In some cases, it may be possible to effectively re-route the signal around the development, at the developer's expense, to overcome the problem. In this case it is not anticipated that there will be interference to fixed links in the area. OFCOM identified links in the area pertaining to EE Limited and Hutchison 3G UK Ltd. No link operators offered any objection to the proposal.

#### Aviation Interests

Wind turbines may have an adverse effect on two aspects of air traffic movement and safety. Belfast International Airport has no safeguarding objection to the proposal but Belfast International Airport has requested a number of conditions be added should planning permission be forthcoming for the development.

#### Shadow Flicker and Reflected Light

Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as 'shadow flicker'. It only occurs inside buildings where the flicker appears through a narrow window opening. A single window in a single building is likely to be affected for a few minutes at certain times of the day during short periods of the year. The likelihood of this occurring and the duration of such an effect depends upon a number of variables. The best practice guidance indicates that shadow flicker generally only occurs in relative proximity to sites and has only been recorded occasionally at one site in the UK.

Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK. Wind turbines do not cast long shadows on their southern side. The best practice guidance paragraph 1.3.76 indicates that at distances greater than 10 times the potential for shadow flicker is very low.

A Shadow Flicker Impact Assessment (Document 03) has been submitted with the application. This indicates that 10-x rotor diameter is 800 metres and notes there are seven (7) properties outside the ownership of the applicant, which are affected by

shadow flicker. The report states that the assessment has been undertaken for the windows which face in the turbine direction for each receptor. It has been shown that under worst case conditions, the maximum occurrence of shadow flicker amounts to 41.1 hours per year for an average maximum duration of 38 minutes per day. It is recommended in the best practice guidance that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes a day.

The reports goes on to state that the figures given represent a worst case scenario, no shadow at all would be cast when heavy cloud cover prevails and that it is considered that weather conditions will reduce actual occurrence of shadow flicker by at least half. In addition, objects such as trees or walls will surround windows and obscure the view of the turbines and hence prevent shadow flicker. During operation, the turbine rotors will automatically orientate themselves to face the prevailing wind direction meaning the rotors will not always be facing the affected window and will sometimes be 'side on' to the window. Very little of the blade movement would be visible during such occurrences and therefore the potential for shadow flicker is reduced and the turbines will not operate for 100% of daylight hours. During periods of very low wind speed or very high wind speed or maintenance shut downs, the rotors do not turn and therefore shadow flicker is not possible. The Shadow Flicker Report concludes that the flicker levels can be halved.

Notwithstanding the above, it is not clear from the best practice guidance whether the weather in Northern Ireland has already been taken into account when calculating the maximum duration recommended for shadow flicker. Therefore, it is considered that it has not been demonstrated that there will be no unacceptable adverse effects on the existing properties in terms of shadow flicker from the proposed wind turbine.

#### Ice Throw

The build-up of ice on turbine blades is unlikely to present problems on the majority of sites in Northern Ireland. Even where icing does occur the turbines' own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines.

#### Recreation and Tourism

In many areas in Northern Ireland, recreation and tourism are a significant element of the local economy and can depend to varying degrees on the quality of the environment. It is not considered that wind energy developments are necessarily incompatible with tourism and leisure interests, but it is acknowledged that care does need to be taken to ensure that insensitively sited wind energy developments do not impact negatively on tourism potential. The results of survey work conducted in 2003 in the Republic of Ireland indicate that tourism and wind energy can co-exist happily. It is not anticipated that the impact on tourism will be so significant as to have a significantly detrimental impact on this industry as a result of approving a turbine at this location.

#### Impact on Groundwater

The foundations for the wind turbine could potentially impact on groundwater flow paths, groundwater receptors (aquifers) or secondary receptors. Hence, the applicant is required to consider the potential risks to potential receptors. A Water

Feature Study (Document 06) has been submitted and it is considered that the Water Feature Study does not follow the recommendations fully within the DAERA Standing Advice, for example the use of Geological Survey Maps and Department of Infrastructure's Rivers Agency Flood Maps are not considered a suitable source of information for particular water features. The Land and Groundwater Team in DAERA was consulted and has highlighted that a spring is mapped approximately 220m north of the proposed development. The source of this information is Ordnance Survey 1:10000 largescale mapping. Clarification is recommended regarding the presence and use of the spring (as a potentially private water supply used for drinking water). Given that the proposal is seen as unacceptable in terms of noise impact and shadow flicker no further information has been requested from the agent in this regard for the proposal as this would constitute nugatory work leading to unnecessary expense.

### **Visual Amenity and Landscape Character**

One of the policy objectives of PPS 18 is to seek to ensure that the environmental, landscape, visual amenity impacts associated with or arising from renewable energy development are adequately addressed. The objective is reflected in Policy RE1 which permits wind turbines, up to the point of an 'unacceptable' impact on visual amenity. The policy therefore permits some degree of adverse impact. Policy RE 1 states that proposals must demonstrate, amongst other things, that development will not have an unacceptable impact on visual amenity or landscape character through the number, scale, size and siting of turbines.

The final paragraph of Policy RE 1 states that the SPG is also to be taken into account and provides broad guidance in assessing all wind turbine proposals. Table 3 of the document identifies the general principles affecting wind energy proposals and states that each landscape has a different capacity for accommodating such development. The SPG provides a description of the sensitivity of the NI landscape to wind energy development in terms of the extent to which the inherent character and visual amenity of each Landscape Character Area (LCA) is vulnerable to change due to such development.

The application site is located in the open countryside outside the development limit of Antrim and outside of Belfast and Metropolitan Newtownabbey as designated in the Belfast Metropolitan Area Plan 2015 (BMAP). The site is not located within an AONB or an Area of High Scenic Value (AOHSV)

The application site is located within LCA 111 Divis Summits where its overall sensitivity to wind development is described as high but this in itself does not prejudice all turbine development in this area. It is described as a relatively open landscape with extensive areas of windswept, often waterlogged, moss and rough farmland on the plateau top. The assessment for wind energy development section of LCA 111 states that it is a highly prominent location and has a high landscape and visual sensitivity. It also states that care should be taken to avoid adverse impacts on the extremely sensitive skylines and views, on its natural, cultural and recreational landscape interests and on the key landscape and visual characteristics of the LCA.

The SPG states that this is large scale landscape of broad rounded summits, rising to 478m Above Ordnance Datum (AOD) at Divis, which forms the highest point of the Belfast Hills and provides a dramatic and widely visible backdrop to Belfast, Lisburn,

Newtownabbey and Belfast Lough and advises that the iconic character of the summits are highly sensitive to wind energy development.

The height of the previously approved wind turbine is indicated with a hub height of 41.5m and 56m to the blade tip. The siting of the previously approved and proposed turbine is where the ground level is recorded as 227m AOD. The previously approved turbine would be equal in height to Boghill at 283 m AOD. The Planning Appeals Commission (PAC) previously advised that if the turbine is sited as shown in the proposed plans, it would not be necessary to attach a condition restricting its overall height.

The proposed turbine is to be located at an overall height of 100 metres. With a base height of 227m AOD, the proposed turbines tip would extend to 327m AOD. With Boghill at a height of 283 AOD and the top of the previously approved turbine equal to this, the proposed turbine will extend beyond the top of Boghill by 44 metres. Therefore, there will be a greater visual impact from the proposal than the previously approved turbine however, the assessment is whether this additional impact is unacceptable through the number, scale, size and siting of turbines.

A number of additional turbines have been granted permission within close proximity to the application site. Turbine 1 granted by the PAC under reference 2013/A0049 at a height of 66.5m with tip extending to 276.5 AOD; Turbine 2 granted by the PAC under reference 2012/A0312 at a height of 47.5m with tip extending to 298m AOD and Turbine 3 granted by the PAC under reference 2014/A0276 at a height of 47 metres with tip extending to 297 AOD .

Two of the above turbines also breach the skyline of Boghill. Turbine 2 will breach the top of Boghill by 15 metres and Turbine 3 will breach the top of Boghill by 14 metres. The PAC stated in their consideration for Turbine 3 that while the LPA placed particular emphasis on the proposed turbine breaching the skyline in their assessment of its potential visual impact, there is no requirement within the Policy for a turbine to be below the skyline and many turbines including two additional turbines within close proximity (Turbine 2 and 3 as outlined above) also breach the skyline. The PAC state that it does not consider the turbine breaching the skyline to be fatal to the proposal. It is therefore considered that although the turbine breaches the skyline and sits above Boghill that this in itself would not be sufficient to warrant refusal of the application. The PAC points out in appeal reference 2014/A0276 that Boghill has not been identified as an extremely sensitive skyline view.

Critical views of the application site will be from the Aughnabrack Road when travelling in both directions. The applicant's visual assessment (Document 05/2 dated 27th August 2019) provides three views from this road (Views 9, 10 and 11). Viewpoint 9 is the closest and most critical with the turbine set within the open landscape. When viewed at this location it is evident that the proposed turbine will breach the crest of Boghill where the previously approved turbine on this site would not. However, given the mature trees along the northern side of Aughnabrack Road and intervening vegetation it is considered that views of the proposed turbine would only be available along short stretches of the road at its highest section. There would be only very limited views of the tip of the turbine from the southwestern section of Aughnabrack Road. At this aspect the structure would be read not against Boghill but against the undulating landform to the north. It is considered that the increased

height of the turbine would not have an unacceptable impact on the visual amenity from the limited short range views available from Aughnabrack Road.

Whilst geographically the three additional approved turbines appear closely interspersed across the lower slopes of Boghill, on the ground intervisibility is restricted due to the undulating topography, intervening vegetation and the level and alignment of the road. Turbine 1 can be read with the proposed turbine as indicated in the applicant's photomontage at Viewpoint 10 along Aughnabrack Road however, from this viewpoint the previously approved turbine would also be visible with this existing turbine. While the proposed is higher, it is not considered that the cumulative impact would be significantly greater than that which was previously approved. When viewed from these close positions on Aughnabrack Road the three approved turbines along with the proposed turbine would not be read all together as a visual clutter given their relative disposition to one another within the wider landform. The PAC consideration backs this up stating that 'I do not consider that all four turbines would be seen together from a particular viewpoint'.

A wind farm of 5 turbines has also been granted permission under application reference T/2014/0478/F at a height of 92.5metres. It is not considered the cumulative impact of the proposed turbine with the approved wind farm would be significant.

At the junction of Ballyutoag Road and Lylehill Road (Viewpoint 2 of the applicants visual assessment) views of the turbine will be evident however, given the distance from the road it is not considered that the visual impact will be significant.

When viewed from the Ballyutoag Road (Viewpoint 1 within the applicants visual assessment) the proposed turbine will not be visible. McIlwhans Hill to the south of the application site covers 2.5km square and is 340m AOD and so will largely screen the turbine from southern views within Belfast. This is evident from the applicants visual assessment at Viewpoints 14, 15, 16 and 17 where there will be no view of the wind turbine.

Viewpoint 4 within the applicant's visual assessment are from the end of Bernice Road where the proposed turbine will be read with a further previously approved turbine granted under T/2011/0045/F, however, from this aspect a number of high pylons dominate the skyline and only the blades of the proposed turbine will be visible from these long range views. At the other end of Bernice Road (Viewpoint 5) and close to Mallusk, the proposed turbine will not be visible.

Views will also be evident from Sealstown Road (Viewpoint 6 and Viewpoint 12). The proposal from these points will be visible and prominent but is not considered to be dominant in such a widespread landscape. In addition, from these viewpoints the previously approved turbine on this site would also be visible and whilst the visual impact of the proposed turbine will be greater than the previously approved, the difference is not considered to be so significant as to result in demonstrable harm.

Critical views will also be evident of the turbine from Boghill Road. Viewpoint 7 of the applicant's visual assessment indicates that the proposed turbine at 100m in height will now be visible whereas the previously approved turbine was largely screened from this viewpoint. It is considered however, that the intervening vegetation at this viewpoint at the end of the access to the application site, will help to reduce the

visual impact of the proposed turbine. When viewed from the other end of Boghill Road (Viewpoint 8) the proposed turbine will be read with the large electricity pylons which again dominate the skyline. While the turbine will be visible from this point, these views are relatively long distance and given the views of the existing large pylons within this area it is considered the proposed turbine will not have a significant visual impact.

It is therefore considered that there are no natural, cultural or recreational landscape interests significantly affected and therefore it is considered that the proposed development would not have a detrimental impact on the visual qualities of Divis Summits LCA. It is also considered that the proposal individually and cumulatively would not have an unacceptable adverse impact on the visual amenity and landscape character of this area.

**Biodiversity, nature conservation and built heritage interests.**

PPS2 sets out the current planning policies on nature conservation that are taken into account when considering any development of land. The good practice guide states that beyond designated sites and peatland habitats the impact of a wind farm on local nature conservation interests should be minimal and a typical wind farm or turbine will usually leave the land between the turbines unaffected. There is little evidence that domesticated or wild animals will be affected by a wind farm; indeed, there are examples of cows and sheep grazing right up to the base of turbines.

The good practice guide also states that 'Experience indicates that bird species and their habitats are rarely affected by wind turbine developments and the impact of an appropriately designed and located wind farm on the local bird life should, in many cases, be minimal. To date, the most common concern has been the risk of 'bird strike' i.e. birds flying through the area swept by the blades and being hit, causing injury or death. Most birds in flight can be expected to take action to avoid obstacles but different species will vary in their reaction and manoeuvrability. Most evidence to date suggests that the risk of collision is minimal.

The site contains grassland, hedgerows scrub and trees. A Bat Activity Survey has been carried out (Document 01) and NIEA Natural Environment Division has considered the impacts of the proposal on Natural Heritage interests and on the basis of the information provided is content with the proposal subject to informatics relating to bats and birds.

Due to the location there are no historical buildings within the immediate area that will be impacted upon as a result of the approval of this application.

**CONCLUSION**

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

- The principle of the development is acceptable given the planning history on the site;
- It has not been demonstrated that there will be no unacceptable adverse effects on the existing properties in terms of noise disturbance from the proposed wind turbine;

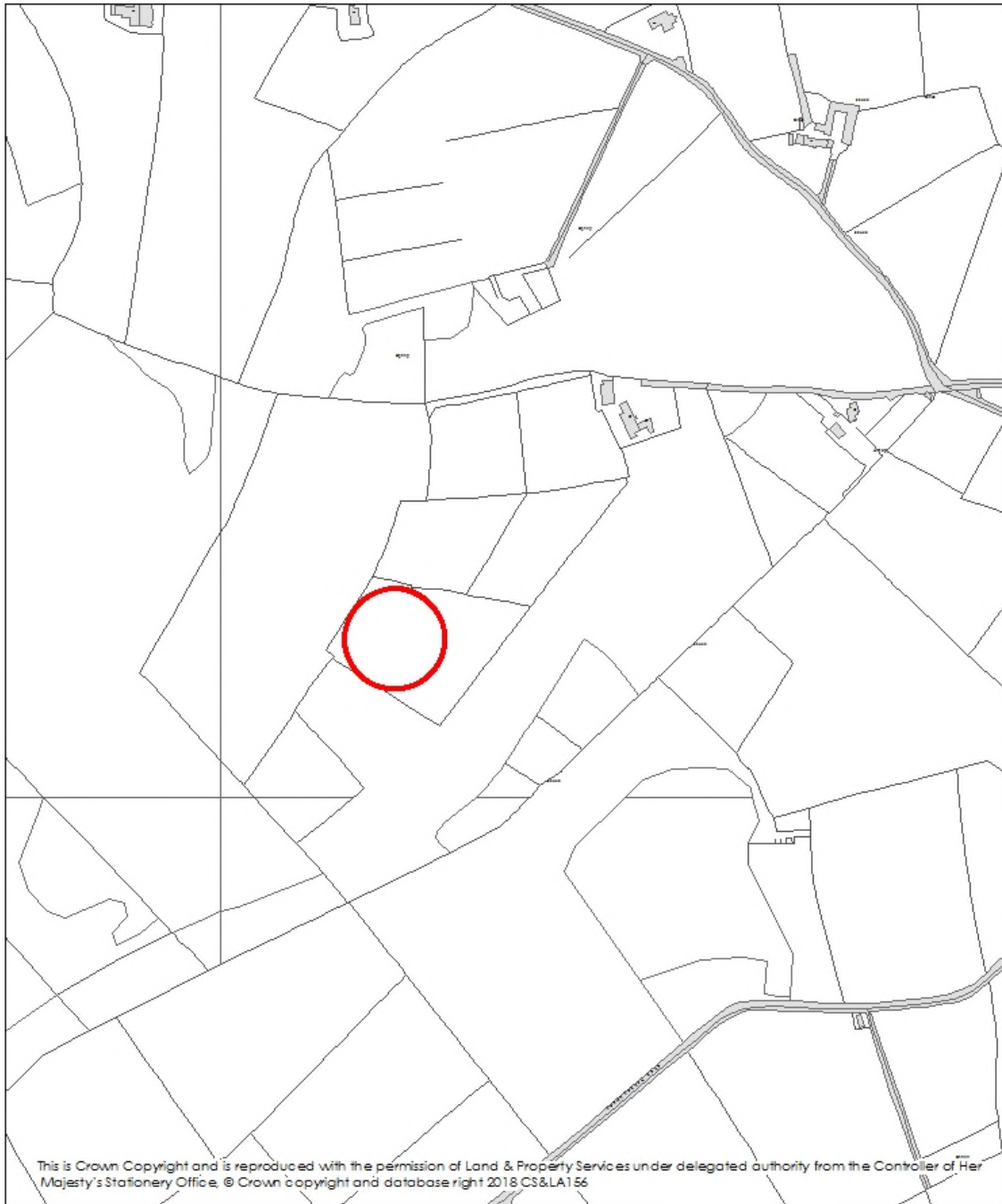


- It has not been demonstrated that the foundations for the wind turbine would not potentially impact on groundwater flow paths, groundwater receptors (aquifers) or secondary receptors;
- There is no public safety or human health concerns with the proposal;
- There is no significant visual amenity or landscape character concerns with the proposal; and
- There is no significant biodiversity, nature conservation and built heritage interests.

<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
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<b>PROPOSED REASONS OF REFUSAL</b>
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1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 18, in that it has not been demonstrated that there will be no unacceptable adverse effects on the existing properties in terms of noise disturbance and shadow flicker from the proposed wind turbine.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 18 in that it has not been demonstrated that the foundations for the wind turbine would not have a significant impact on groundwater flow paths, groundwater receptors (aquifers) or secondary receptors.



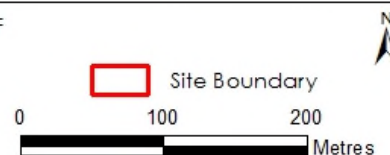
### Location Map

Application Reference: LA03/2019/0272/F

Approx. 240m south west of no. 72 Boghill Road  
Newtownabbey  
Co. Antrim

Replacement of A29 turbine (41.5m hub height, 56.5m tip height, approved under 2012/A0314) with V80 turbine not to exceed hub height of 60m and tip height of 100m, sub-station and switch room cabinets and associated works.

For Information Only



<b>COMMITTEE ITEM</b>	<b>3.11</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0785/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>PREVIOUS COMMITTEE APPLICATION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	5 no. detached dwellings and associated access road
<b>SITE/LOCATION</b>	Plots 13-17 Moylinney Mill, Nursery Park, Muckamore, Antrim
<b>APPLICANT</b>	Orrson Homes Ltd
<b>AGENT</b>	Donaldson Planning Ltd
<b>LAST SITE VISIT</b>	26 <sup>th</sup> July 2019
<b>CASE OFFICER</b>	Glenn Kelly Tel: 028 903 40415 Email: <a href="mailto:Glenn.Kelly@antrimandnewtownabbey.gov.uk">Glenn.Kelly@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located at Moylinney Hill, Nursery Park, Muckamore which is within the settlement limits of Antrim Town, as defined by the Antrim Area Plan 1984 - 2001 (AAP). The site lies immediately to the west of an approved residential development of 8 no. dwellings that is currently under construction, whilst another extant residential development of 4 no. dwellings is located approximately 100m south of the site. An area of dense woodland lies to the immediate west of the site on lower ground; beyond this flows the Six Mile Water River. An area of approved housing lies to the east of Muckamore Cricket Club. There is a current planning application in the system for an apartment complex approximately 30m southeast of the site. All of the residential development mentioned above will share road networks and any proposed open space areas with the development proposed under this current planning application.</p> <p>To the north of the site lies 2 no. older dwellings known as Nos. 6 and 7 Nursery Park. The site is accessed from the Antrim Technology Park to the northeast.</p> <p>The site has been disturbed from its original woodland appearance and is now flattened with a soil top and is currently being used to store materials for a residential development which is currently under construction to the east. Whilst the northern, eastern and southern boundaries are currently undefined, the western boundary is defined by temporary protective fencing, beyond which is a dense woodland. The topography of the site is relatively level at present, rising slightly to the east but falling dramatically to the west towards the river.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/2005/1063/RM  Location: Plot 1, Land South of 9 Nursery Park, Muckamore, Antrim  Proposal: New dwelling and garage  Decision: Permission Granted (02.08.2006)</p>	

Planning Reference: T/2005/1061/RM

Location: Plot 2, Land south of 9 Nursery Park, Muckamore, Antrim

Proposal: New dwelling and garage

Decision: Permission Granted (02.08.2006)

Planning Reference: T/2005/1062/RM

Location: Plot 3, Land south of 9 Nursery Park, Muckamore, Antrim

Proposal: New dwelling and garage

Decision: Permission Granted (02.08.2006)

Planning Reference: T/2005/1064/RM

Location: Plot 4, Land south of 9 Nursery Park, Muckamore, Antrim

Proposal: New dwelling and garage

Decision: Permission Granted (01.08.2006)

Planning Reference: LA03/2016/0270/F

Location: Plot no's 5-12 Moylinney Mill, Nursery Park, Muckamore, Antrim

Proposal: 8 no. proposed new dwellings with associated roadway and parking.

Decision: Permission Granted (23.02.2018)

Planning Reference: LA03/2019/0016/F

Location: Land at Moylinney Mill, Nursery Park, Muckamore, Antrim

Proposal: Construction of 12 no. apartments in two 3 storey buildings with associated parking and access road

Decision: Application Withdrawn

## **PLANNING POLICY AND GUIDANCE**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **CONSULTATION**

**Council Environmental Health Section** – No objections subject to conditions relating to contaminated land

**Northern Ireland Water** – No objections

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

**Department for Infrastructure Rivers** – No objections

**Shared Environmental Services** - No objections

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

**Department of Agriculture, Environment and Rural: Land, Soil and Air** – No objections

**Department of Agriculture, Environment and Rural Affairs: Natural Environment Division** – Concerns raised relating to the loss of woodland at the site.

## REPRESENTATION

Two (2) neighbouring properties were notified and four (4) letters of objection have been received from two (2) properties. A further non-committal letter was received, which was a copy of a letter forwarded to Forestry Service and Natural Heritage sections of DAERA. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Inconvenience and shaking of No.7 Nursery Park due to ongoing works
- Overshadowing from the dwelling previously approved
- Loss of trees.
- Invasive species present on the site.
- Loss of wildlife habitat.
- Impact from the proposed pumping station

## 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
- Open Space Provision
- Neighbour Amenity
- Impact Upon Natural Environment
- Flood Risk
- Other Matters

### Policy Context and Principle of Development

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

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

The application site is located within the development limits of Antrim Town and whilst there is no relevant planning history relating to this specific site, it is acknowledged that there are numerous approvals for residential development to the immediate east and further south of the application site.

In respect of the proposed development, there is no conflict or change in policy direction between the provisions of the SPPS and that contained Planning Policy Statement 7 – Quality Residential Environments and the 2nd Addendum to the Addendum to PPS7 – Safeguarding the Character of Established Residential Areas (APPS7) and PPS 8 ‘Open Space, Sport and Outdoor Recreation. PPS7, APPS7, Planning Policy Statement 3, Access, Movement and Parking (PPS 3) and PPS8 remain the applicable policies to consider the proposed development under.

The principle of housing on this site is considered to be acceptable subject to creating a quality residential environment in accordance with Policy QD1 of Planning Policy Statement 7, and the Creating Places design guide.

### **Design and Appearance**

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

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The application proposes 5no. detached two storey dwellings with access being taken from the northeast of the site from the Technology Park. This access road was previously approved under application reference LA03/2016/0270/F which granted permission for 8 no. dwellings.

The proposed house types illustrate variations in design to create some visual interest, whilst having an overriding design theme including ornate door and window surrounds. The external finishes include facing brick to the external walls and dark grey slates or flat profile tiles to the roof. Each of the dwellings will have parking within the curtilage for a minimum of 2no. cars. The dwellings have proposed ridge heights of 9-10m above ground level, each unit will have a private garden to the rear enclosed by a 1.8m close boarded fencing to the shared boundary between properties and 1.1m high metal railings to the rear. The rear elevations of the proposed dwellings will look towards the woodland located to the west.

The proposed house types and their finishes will largely be in keeping with the dwellings which were previously approved to the east.

### **Open Space Provision**

The SPPS recognises that open space is important to society now and in the future. With regards the provision of open space within a new residential development, it provides a sustainable and quality residential development, offering both recreational and social value.

Policy OS 2 of PPS 8 states that proposals in new residential development of 25 units or more, a minimum provision of 10% of the site area shall be afforded to the provision of useable public open space. When added together with the adjacent approvals, the total dwellings within the area including this application totals 17. There is no requirement in this case, even when considered cumulatively to provide an area of public open space and none has been included within the proposal.

### **Neighbour Amenity**

Part (h) of Policy QD 1 of PPS 7 states that the design and layout of the proposal shall not create conflict with adjacent land uses and there shall be no adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

The closest dwelling to the site is No.7 Nursery Park, which is located approximately 50m to the northeast is site No. 17 which forms part of the current development proposal. The access to the site will pass the front of this property but has already been approved under approval LA03/2016/0270/F.

Two objection letters have been received from the owner of this property which raises a number of concerns. Firstly, the shaking of their property as a result of heavy vehicles moving on the application site during the construction process associated with the previous approval LA03/2016/0270/F. It is considered that building works are a necessary short term inconvenience and disturbance during the construction phase. The application under construction has already been approved and cannot now be revisited. It would be considered unlikely, as stated within the case officer report associated with LA03/2016/0270/F, that construction works would harm the structure of another dwelling, however if this is the case the objector should raise this through civil processes outside of the planning system. It is also considered that if this current application were to be approved, there would be no increase in the structural risk to No.7, given the laneway and access will be shared with the previous approval above.

The objector also raises concerns regarding the potential for overshadowing relating to the closest dwelling under construction which, again, was approved previously. This potential impact cannot be considered under this application.

The objector also raises a number of issues which amount to civil matters and are not considered material considerations in the processing of this application. These relate to their right to gather wood from the site and also access a well within the vicinity. Both these matters should be addressed through other channels outside of the planning system.

Having taken the objector's points into consideration, it is clear that they almost entirely relate to works relating to a previous approval and not the current application being considered. It has been established that if planning permission is forthcoming for the current application there will be no additional detrimental impact upon the objector's property.

It is considered that the proposal meets criteria (h) of Policy OS 1 of PPS 7 in that no neighbouring properties will be significantly impacted by the proposal.

#### **Impact Upon Natural Environment**

Two objection letters were received on behalf of the Six Mile Water Trust, which raises concerns regarding the loss of woodland on the site, loss of natural habitats and the presence of an invasive species on site.

In respect to loss of woodland, Policy NH 5 of PPS 2 states that planning permission will only be granted for development which is not likely to result in an adverse impact upon, amongst other things, ancient and long-established woodland.

A "Preliminary Ecological Appraisal" (PEA) was submitted which acknowledges the presence of ancient woodland but states that this falls outside of the application site to the west along a steep slope. From assessing historic aerial photography and satellite images it is apparent that clearing works have occurred in the past,



something that was considered under the previous approval LA03/2016/0270/F; therefore leaving the site vacant of trees and defined by flat bare ground.

Natural Environment Division (NED) were consulted on the proposal and have acknowledged that the area was previously defined as an area of Long Established Woodland (LEW). Whilst aggrieved that such woodland has been cleared prior to the application being presented they have offered no official objection to the application, instead only a condition has been suggested which relates to the need to have a buffer between the site and the nearby watercourse.

Following a site visit, the site description appears accurate and no trees were found on the site. It cannot therefore be considered that ancient woodland will be impacted by way of this proposal; meaning that the proposal does not offend Policy NH 5 of PPS 2.

With regards loss of habitats, again these are associated with the previous woodland on the site. NED consider it likely that bats would have used the area. However, as the woodland has been cleared there is no evidence of protected species on the site and therefore there appears to be little risk of further harm. This is supported by the applicant's PEA.

The objector raises concerns regarding the removal and movement of an invasive species, namely Japanese Knotweed from and around the site. The PEA acknowledges the presence of this species, but at a significant distance to the northwest of this site (100m) and none has been found on the site itself. NED has responded by stating they believe that the Knotweed remains on site, however, offers no objections. It will be up to the developer to ensure the removal of such a species as it is an offence to introduce this plant into the wild or to cause its spread.

Having taken the above points into consideration, it is considered that as no woodland currently exists on the site it must be considered on the basis of its current condition. It is considered unlikely that the proposed development will have a detrimental impact upon the natural environment.

### **Flood Risk**

The application site is located outside of the Q100 fluvial floodplain (as indicated on the DfI Rivers Strategic Flood Maps), however, the site is bounded by a 1 in 100 year fluvial floodplain located immediately to the west associated with the Six Mile Water River.

A Drainage Assessment (DA) has been received which discusses the flood risk issues. It is estimated that the Q100 level is 25.0m AOD with the proposed dwellings backing onto the floodplain. The finished floor levels of the dwellings have been raised to 26.75 - 28.0m above AOD which is in excess of the recommended 600mm. DfI Rivers were consulted on the application and agree that the proposed dwellings were above the recommended freeboard level.

DfI Rivers are satisfied with the submitted drainage calculations and Schedule 6 A agreement. They offer no objections to the development.

**Other Matters**

DfI Roads were consulted on the proposal and have responded with no objections to the proposal subject to conditions and informatives. An objector also notes an issue with the pumping station to the south of the site. DfI Rivers offers no objection to this is their response, the station is in excess of 15m from any dwelling.

**CONCLUSION**

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

- The principle of residential development is considered acceptable on the site;
- The design of the dwellings in terms of form, finishes and scale are considered acceptable;
- There will be no detrimental impact upon the amenity of neighbouring properties;
- There will be no significant impact upon the natural environment;

**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 Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Nos. PSD 01A bearing the date stamp 10<sup>th</sup> September 2019.

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

3. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling

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

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

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

5. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

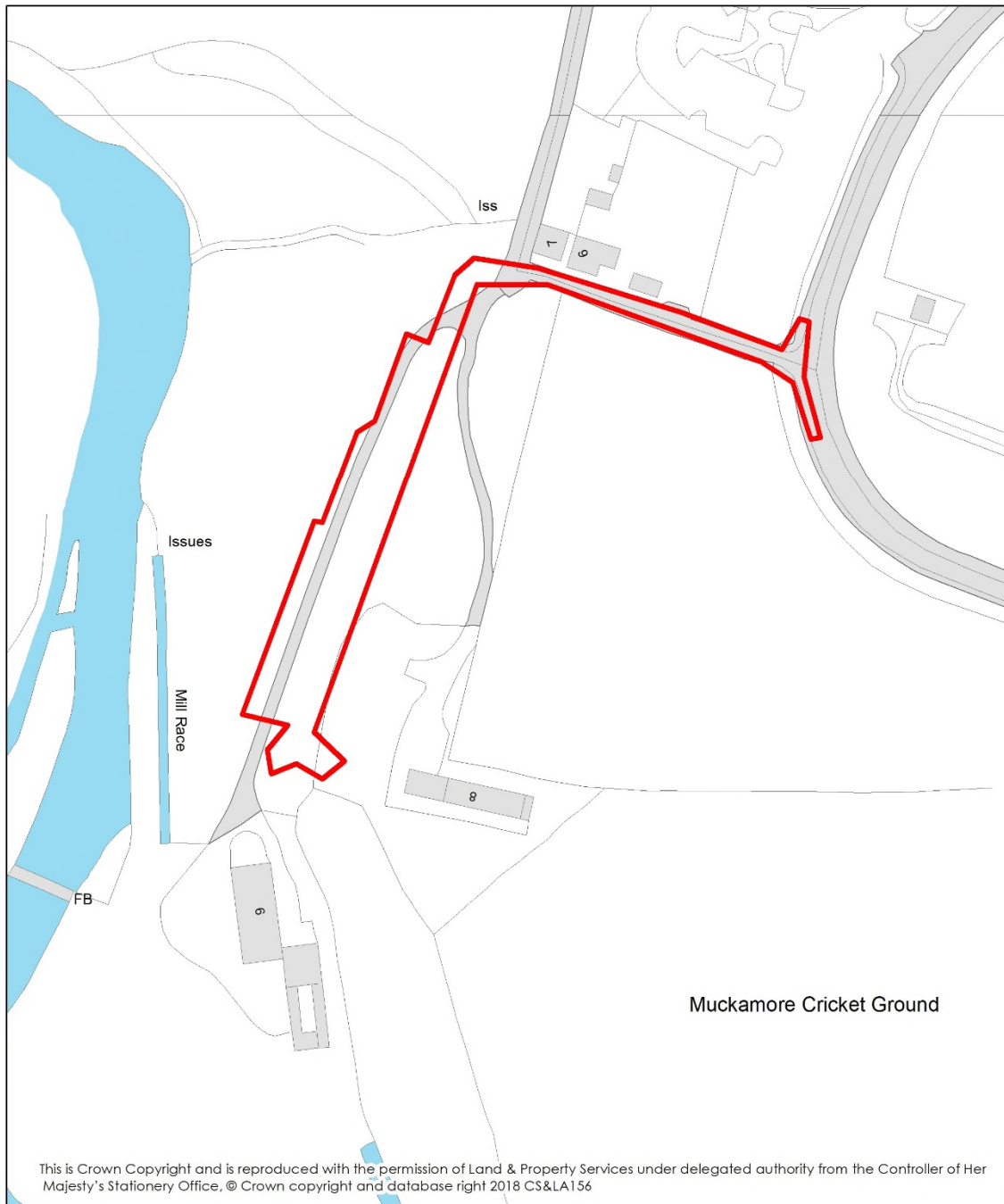
Reason: Protection of environmental receptors to ensure the site is suitable for use.

6. After completing the remediation works under Condition 5 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

7. A suitable buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and the watercourse.

Reason: To protect the integrity of the nearby Six Mile Water River.



## Location Map

Application Reference: LA03/2018/0785/F

Plots 13-17 Moylinney Hill, Nursery Park, Muckamore

Construction of 5no. dwellings and associated access road



 Site Boundary  
For Information Only



<b>COMMITTEE ITEM</b>	<b>3.12</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0769/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed dwelling and garage (Renewal of planning permission T/2014/0300/F)
<b>SITE/LOCATION</b>	200m SW of 86 Lylehill Road, Templepatrick, BT39 0HL
<b>APPLICANT</b>	BDO Northern Ireland
<b>AGENT</b>	Hoy Dorman
<b>LAST SITE VISIT</b>	09.10.2019
<b>CASE OFFICER</b>	Ashleigh Wilson Tel: 028 903 Ext 40429 Email: <a href="mailto:ashleigh.wilson@antrimandnewtownabbey.gov.uk">ashleigh.wilson@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located 200m southwest of 86 Lylehill Road, Templepatrick. The site is located outside any settlement limit and lies in the countryside as defined in the Antrim Area Plan 1984 – 2001.</p> <p>The site is rectangular in shape and is situated approximately sixty five (65) metres southwest of the Lylehill Road. The northwestern boundary is formed by mature vegetation and the northeastern boundary consists of post and wire fencing. The southeastern and southwestern boundaries are currently undefined as the site is a corner portion cut out of a larger agricultural field. Access to the site is through an existing yard area abutting the Lylehill Road and onto a long overgrown laneway with the entrance gate into the field in the northern corner of the application site. Views of the application site are limited from the Lylehill Road due to the topography of the land which falls downwards significantly from the Lylehill Road in a southwesterly direction towards the site.</p> <p>The character of the area is rural in nature with several dwellings and a Church grouped together on the northern side of Lylehill Road opposite the application site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/2007/0802/F Location: 200m South-West of 86 Lylehill Road, Templepatrick Proposal: Dwelling and garage. Decision: Permission Granted (27.07.2009)</p> <p>Planning Reference: T/2014/0300/F Location: 200m SW of 86 Lylehill Road, Templepatrick Proposal: Renewal of planning permission T/2007/0802/F for a dwelling &amp; garage Decision: Permission Granted (17.09.2014)</p>	

## PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

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

## CONSULTATION

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

**Northern Ireland Water:** No objection.

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

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

**Belfast International Airport:** No objection.

**Department of Agriculture, Environment and Rural Affairs: Countryside and Compliance Branch:** No comment.

## **REPRESENTATION**

Three (3) neighbouring properties were notified and no letters of representation have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

## **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
- Integration and Impact on Rural Character
- Neighbour Amenity
- Flood Risk
- Other Matters

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

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

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

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

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

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 and one of these is for a dwelling on a farm in accordance with Policy CTY 10.

The SPPS contains a Regional Strategic Policy entitled 'Dwellings on Farms'. Of relevance to this application, the SPPS replaces the definition of agricultural activity given in paragraph 5.39 of the Justification and Amplification to Policy CTY10. In line with the transitional arrangements set out in the SPPS, any conflict between the retained policy and the SPPS is to be resolved in favour of the SPPS.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) The farm business is currently active and has been established for at least six years;
- (b) No dwellings or development opportunities out with the settlement development limits have been sold off from the farm holding within ten years of the date of application; and
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm where practicable.

Criterion (a) requires the farm business to be currently active and established for at least 6 years. Planning permission on the application site was originally granted in 2009 on the application site for a Mr and Mrs G Logan (application reference T/2007/0802/F). A subsequent full application for a renewal of the earlier 2009 permission was then granted in 2014 (application reference T/2014/0300/F).

Although the application has been granted permission on two previous occasions this permission seeks to renew the previous permission which has since expired (expired on 16<sup>th</sup> September 2019) and the onus is on the applicant to demonstrate the farm business is currently active and has been established for at least 6 years.

The applicant did not submit any farm maps or P1C forms with the application initially. This information was requested by the Planning Section and while a P1C form was submitted, there were no details of the farm business ID nor were any farm maps included. A note was added to the P1C form that there is limited information available to the applicant (Trustee in Bankruptcy). The applicant's agent also advised that the farm maps were being sought and would be forwarded upon receipt however, at the time of writing nothing further has been received.

Department for Agriculture Environment and Rural Affairs – Countryside Management Branch Inspectorate (DAERA) were consulted as part of the assessment of the planning application. DAERA provided no comment on their consultation response dated 25<sup>th</sup> October 2019 given that the P1C indicated that there was no Business ID. Given the application is for renewal, DAERA were contacted and advised of the previous Business ID however, it has been confirmed that there are currently no up to date farm maps for the farm business ID which was previously provided on the earlier applications.

In support of the application the applicant's agent also submitted a letter from DAERA (then Department of Agricultural and Rural Development) dated 10<sup>th</sup> May 2013 and enclosed Herd List Traces in January 2012 and March 2013. This was some six years ago and no evidence has been submitted to indicate that farming activity has taken place since then. It is considered that sufficient information has not been provided to demonstrate farming activity over a six year period. Criterion (a) of CTY 10 is therefore not met.



Criterion (b) requires that no dwellings or development opportunities out-with the settlement limits should have been sold off from the farm holding within 10 years from the date of the application and this provision applies from 25 November 2008. The policy goes on to say that planning permission granted under this policy will only be forthcoming once every 10 years. For the purposes of this policy "sold-off" means any development opportunity disposed of from the farm holding to any other person including a member of the family. The applicant has confirmed in question No.05 on the P1C form accompanying the application that no dwellings or development opportunities have been sold-off from the farm holding since 25 November 2008.

The application did not include any farm maps for the holding. The last farm maps which were submitted were in relation to the 2007 application and the Council no longer retains this information. However, a search of the farm Business ID and a history search on the applicant's name has found no recent planning permissions granted for a dwelling or development opportunities having been sold off from the farm holding since November 2008.

In the absence of any evidence to the contrary it is considered that the application meets the relevant policy requirements identified under criterion (b).

The third criteria states that any farm dwelling should be visually linked or sited to cluster with an established group of buildings on a farm. The siting is as per the previous grants of planning permission where it was noted that there were no buildings on the farm. The proposal will utilise an existing access with some improvements required to the access at its junction with the Lylehill Road. The proposal fulfils the criteria set out under criterion (c).

It is considered that the proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 1 and CTY 10 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 a farm dwelling in accordance with criteria (a) of Policy CTY 10.

### **Design and Appearance**

The proposed dwelling is 1 ½ storey. The plans submitted are as per the previously approved drawings granted under planning application reference T/2014/0300/F. The proposed dwelling is positioned gable to the road with a long frontage of 28.3 metres facing in a westerly direction. The dwelling has a pitched roof with a number of projections. A detached garage is also proposed to the east of the dwelling. Proposed materials include wet dashed render, painted with smooth band to base, uPVC windows and timber doors.

It is considered that the design and materials are acceptable in this rural location where views of the proposed dwelling are minimal due to the existing vegetation and the significant fall in topography of the land.

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

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

Criteria (a) of Policy CTY 13 advises that the building should not be prominent in the landscape. In this instance it is considered that a dwelling on the application site which would be set some eight (8) metres below the level of Lylehill Road would ensure the dwelling is not a prominent feature in the landscape. Criteria (b) and (c) relate to boundary treatment and landscaping. It is considered that the site's location and relationship with existing buildings along the Lylehill Road, also the mature vegetation along two of the boundaries will mean that the proposed dwelling would not rely solely on the use of new planting for integration. Criteria (d) and (e) relate to ancillary works and design and it is considered that given the limited views of the proposed dwelling from the main road that the design is acceptable in this instance. The proposed access will result in an existing hedgerow having to be removed to clear visibility splays however, a post and wire fence with a newly planted native species hedge is proposed in mitigation. The existing mature natural screening along the northern boundary of the access is to be retained at full height (ranging from 5m – 10m). The existing mature trees at the road edge are also to be retained.

It is considered that a dwelling on the application site would successfully blend with the landform and as there does not appear to be any existing buildings on the farm it is considered that the proposal is not at odds with criteria (f) and (g).

Policy CTY 14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. It is considered that a dwelling on this site would not result in a detrimental impact on the rural character of the area.

Views of a dwelling on this site are limited mostly due to the topography of the application site and the intervening vegetation between the site and the public roads. It is considered that the siting and proposed low ridge height of the dwelling at 6.2 metres from finished floor level will ensure that there will be no detriment to the rural character. It is considered that the proposed development would not result in a suburban style build up or result in ribbon development.

### **Neighbour Amenity**

The closest residential properties outside the ownership of the applicant are located on the opposite side of Lylehill Road to the application site and it is considered that the separation distances available will ensure that there is no significant adverse impact on neighbouring properties resulting from the proposed development. The Environmental Health Section of the Council has been consulted and has raised no objection to the proposal.

### **Other Matters**

The application site is located within close proximity to an archaeological monument. Historic Environment Division: Historic Monuments has assessed the application and on the basis of the information provided has no objection to the proposal. It is considered that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

The application site is located within a consultation zone within close proximity to Belfast International Airport (BIA). BIA has been consulted and has advised that the proposed development has been examined from an aerodrome safeguarding

aspect and does not conflict with safeguarding criteria. BIA has no objection to the proposal.

### **CONCLUSION**

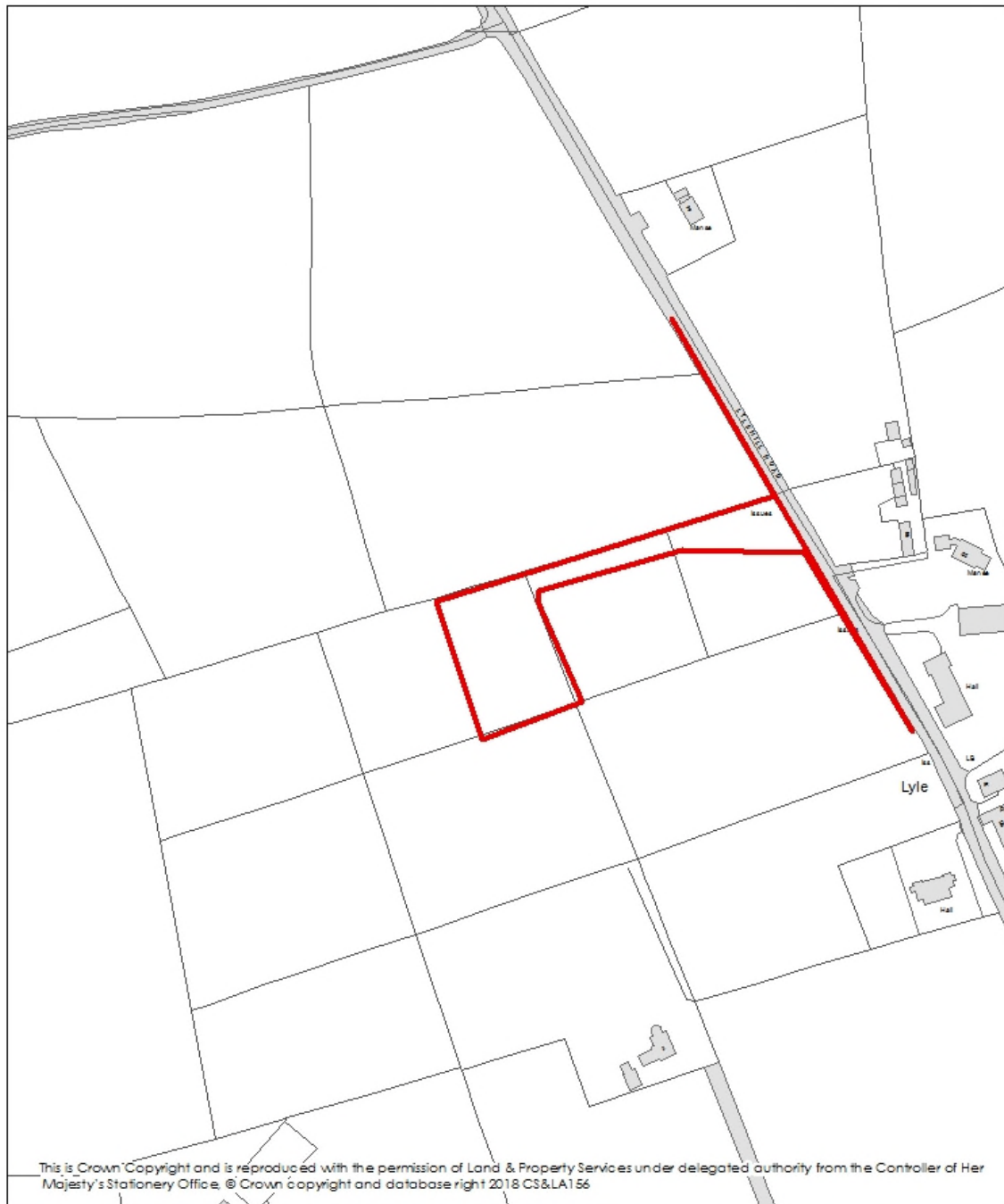
The following is a summary of the main reasons for the recommendation:

- The principle of the development is not acceptable.
- It is considered that the dwelling would integrate into the rural landscape
- It is considered that the proposal would not result in a detrimental impact on the rural character of the area.
- It is considered that the proposal will not result in an adverse impact on neighbour amenity.

<b>RECOMMENDATION :</b>	<b>REFUSE PLANNING PERMISSION</b>
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### **PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 1 and CTY 10 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 a farm dwelling in accordance with criteria (a) of Policy CTY 10.



# Location Map

Application Reference: LA03/2019/0769/F

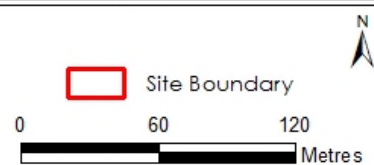
200m SW of 86 Lylehill Road

Templepatrick

BT39 0HL

Proposed dwelling and garage

(Renewal of planning permission T/2014/0300/F)



For Information Only

<b>COMMITTEE ITEM</b>	<b>3.13</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0549/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>	Proposed new two storey retirement dwelling and garage out-building associated
<b>SITE/LOCATION</b>	Lands at 57 Ballyclare Road, Templepatrick
<b>APPLICANT</b>	Mr Michael Frazer
<b>AGENT</b>	John M Palmer Chartered Architect
<b>LAST SITE VISIT</b>	20 <sup>th</sup> August 2019
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 903 40406 Email: <a href="mailto:sairead.debrun@antrimandnewtownabbey.gov.uk">sairead.debrun@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located in the countryside outside of any development limit as designated in the Antrim Area Plan. Access to the site is via an existing private lane that serves No. 57 Ballyclare Road and its associated farmyard and buildings. The host field for the site, which is immediately to the north of the existing dwelling and farm, falls in a northerly direction and is bounded on all sides by a post and wire fence and mature trees. Beyond the northern boundary of the site is a substantial area of mature woodland planting.</p> <p>There is a mix of uses in the surrounding area; Ballymartin Park and Ride is to the southwest of the application site, with Dennison JCB opposite the site entrance and Hagan Business Park to the northeast. Despite these commercial uses, the surrounding area is still predominately rural and characterised by single dwellings and farm complexes.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/2005/0840/F Location: 57 Templepatrick Road, Ballyclare. Proposal: Replacement dwelling along with garage, works to access and associated site works. Decision: Permission granted (22.02.2006)</p> <p>Planning Reference: T/2009/0286/F Location: 140 Steeple Road, Kells Proposal: Proposed demolition of existing dwelling and outbuildings. Erection of new two-storey dwelling and single storey garage out-building Decision: Permission Granted (28.08.2009)</p>	

## PLANNING POLICY AND GUIDANCE

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

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

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

Antrim Area Plan: The application site is located outside any settlement limit and lies in the countryside. The plan does not offer specific policy or guidance pertinent to this proposal.

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

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

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

## CONSULTATION

**Council Environmental Health Section** – No objection

**Northern Ireland Water** - No objection

**Department for Infrastructure Roads**- No objection

**Department of Agriculture, Environment and Rural Affairs** – No objection

**Historic Environment Division** – No objection

## REPRESENTATION

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

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a dwelling on a farm in accordance with Policy CTY 10. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Policy CTY10 of PPS21 sets out three criteria which proposals for farm dwellings must satisfy. Criterion (a) requires the farm business to be currently active and established for at least 6 years. In this case DEARA Countryside Management Branch have confirmed that the applicant has an active farm business which has been established for at least 6 years and that the application site is on land for which payments are currently being claimed by the farm business.

Criterion (b) requires that no dwellings or development opportunities out-with the settlement limits should have been sold off from the farm holding within 10 years from the date of the application and this provision applies from 25 November 2008. The policy goes on to say that planning permission granted under this policy will only be forthcoming once every 10 years. For the purposes of this policy "sold-off" means any development opportunity disposed of from the farm holding to any other person including a member of the family.

The applicant has stated that an 'outlying farm' at Kells was sold off in November/December 2018 in order to consolidate the existing farm in Templepatrick where the application site is located. The dwelling and outbuildings at No. 140 Steeple Road formed part of the outlying farm and were the subject of a full planning application for a two storey dwelling and garage which was approved in August 2009 (planning reference T/2009/0286/F). The farm maps and farm business ID number submitted as part of the replacement dwelling application demonstrate that this dwelling and the farm were owned and farmed by the same applicant under the same farm business.

As confirmed by the agent acting on behalf of the applicant, the area of lands and the dwelling at No 140 Steeple Road Kells is no longer part of the applicant's farm; the sale of which occurred in November/December 2018, only five or six months previous to the date of this application. Therefore, the proposal does not fulfil criterion (b) as a dwelling has been sold off from the farm holding within 10 years from the date of this current application.

The third criteria states that any farm dwelling should be visually linked or sited to cluster with an established group of buildings on a farm. The main farm dwelling is located at No 57 Ballyclare Road, and there are a number of existing farm buildings to the east of this farm house. The proposed site is immediately adjacent to these existing buildings, however, the applicant has indicated a siting for the dwelling in the northern corner of the application site, with a separation distance of approximately 60m from the farm buildings. At this separation distance, the visual linkage between the new dwelling and the group of farm buildings is limited; however, the proposed site is well landscaped, with public views from vantage points virtually non-existent due to the mature woodland. In this instance, the application site and proposed siting is considered acceptable and the proposal meets criterion (c).

The proposal meets criteria (a) and (c) however fails to fulfil criterion (b) therefore the principle of development is not acceptable.

### **Design and Appearance**

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

In this case, the proposed farm dwelling will be sited approximately 160m back from the Templepatrick Road, in an agricultural field that is bounded along the northern and western sides by mature woodland. Given this distance from the main road and the existing mature vegetation, the proposed site will be satisfactorily integrated, and a two storey dwelling sited in the northern corner of the site will not be unduly prominent.

The existing mature vegetation along the private laneway, together with the long established boundaries of the application site, will ensure that views from the laneway are also limited, and that the proposed two storey dwelling will not be unduly prominent from these viewpoints.



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

Policy CTY14 of PPS21 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.

There are no views of the application site on approach from either direction of the Templepatrick Road, nor are there views of the application site from the laneway used to access it. As noted above, the degree of visual linkage between the group of farm buildings and the proposed building is limited, however the application site is well landscaped with mature trees and woodland and it is considered that a building on the site will not cause a detrimental change to the rural character of the area. In this regard, the proposal meets with the criteria of CTY14.

**Neighbour Amenity**

The site is located within a rural area but is close to an established farm business and a number of farm buildings. The Environmental Health Section of the Council has offered no objections to the proposal overall, however, it has drawn the applicant's attention to the potential for nuisances arising from noise, odour and pests associated with this farm.

In terms of overlooking and impact on the amenity of current and future residents, there is a sufficient separation distance between the dwellings to ensure there will be no detrimental impacts.

**Other Matters**

The application site is accessed off the Ballyclare Road, which is designated as a Protected Route. The consequential revision of Policy AMP 3 in PPS 21 states that permission to access on to a protected route will only be granted were the proposal meets the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. While access cannot be achieved from an adjacent minor route, which would suggest that access onto the protected route would be allowed, the proposal does not meet the criteria for development in the countryside, therefore fails to meet the provisions of Policy AMP 3.

**CONCLUSION**

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

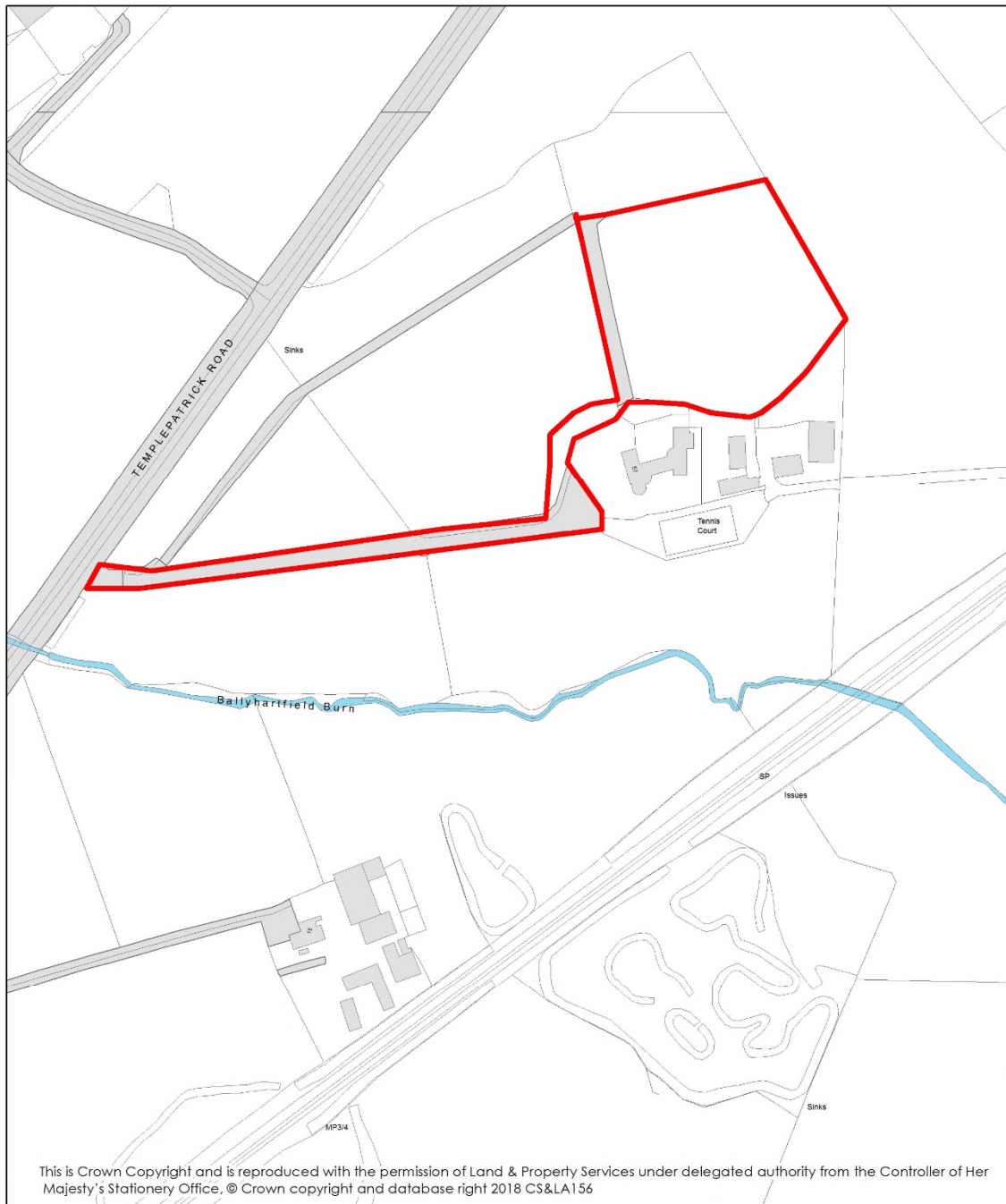
- The principle of the development is not acceptable;
  - A dwelling on this site will not have a detrimental impact on the rural character of the area subject to conditions;
  - The proposal will not result in adverse impacts on the amenity of any neighbouring properties; and
  - The proposed development, if permitted, will result in the intensification of use of an existing access onto a Protected Route.

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

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 & CTY 10 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 is not acceptable as a farm dwelling as a development opportunity has been sold off from the farm holding within 10 years of the date of the application.

2. The proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 3, Development Control: Roads Considerations in that it would, if permitted, result in the intensification of use of an existing access onto a Main Traffic Route (Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety.



## Location Map

**Application Reference: LA03/2019/0549/O**

Proposed new two storey retirement dwelling  
and garage out-building associated

Lands at 57 Ballyclare Road  
Templepatrick

0 60 120  
Metres



For Information Only

 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.14</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0779/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>COUNCIL APPLICATION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Improvement of streetscape at entrance to Castle Mall through the provision of high quality paving, granite kerbing and street furniture across the site area. The scheme design will be consistent with previously completed phases of Environmental Improvement Schemes at Antrim.
<b>SITE/LOCATION</b>	Castle Mall Entrance, High Street, Antrim, BT41 4AN
<b>APPLICANT</b>	Antrim and Newtownabbey Borough Council
<b>AGENT</b>	McAdam Design
<b>LAST SITE VISIT</b>	1 <sup>st</sup> October 2019
<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>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b>	
<b>SITE DESCRIPTION</b>	
<p>The application site stretches some 55 metres from High Street to the rear entrance of Castle Mall Shopping Centre. It comprises a pedestrianised area finished mostly in grey coloured concrete paving stones.</p> <p>The subject area appears to be primarily used to access the Castle Mall. It lies within the development limits of Antrim and within the 'Central Area' as designated by the Antrim Area Plan 1984-2001. It is also noted that the site lies within the Conservation Area of Antrim. The premises' directly bounding the site are the Winemark and Pound Stretcher retail units.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2018/0910/F  Location: Fountain Street/Church Street, Antrim  Proposal: Antrim Environmental Improvement Scheme will improve streetscape on Fountain Street and Church Street through the provision of high quality paving, granite kerbing and street furniture across the site area.  Decision: Permission Granted (12/12/2018)</p> <p>Planning Reference: LA03/2016/1008/F  Location: Bridge Street and Dublin Road, Antrim, Co Antrim, BT41 4DA  Proposal: Bridge Street environmental improvement scheme, brick paving, granite kerb, street furniture and resurfacing of footpath on bridge  Decision: Permission Granted (15/12/2018)</p>	

Planning Reference: T/2012/0096/F

Location: High Street, Church Street, Castle Way and Market Square, Antrim

Proposal: Proposed environmental improvements to High Street, Church Street, Castle Way and Market Square to include new paving, street lighting and street furniture.

Decision: Permission Granted (29/06/2012)

Planning Reference: T/2010/0347/F

Location: Market Square, High Street and Church Street, Antrim Town

Proposal: Resurfacing of Market Square and public footpaths with natural stone (granite) paving, cast iron litter bins and bollards, new bus shelter at Market Square and semi mature tree planting.

Decision: Permission Granted (20/08/2010)

## **PLANNING POLICY**

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

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

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

Antrim Area Plan 1984 – 2001: The application site lies within the Central Area within the settlement developments of Antrim.

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

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

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

## **CONSULTATION**

**DfI Roads – No Objection**

## REPRESENTATION

Nine (9) 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:

- Principle of Development
- Impact on the Conservation Area
- Impact on the setting of Listed Buildings
- Impact of Traffic and Accessibility

### Principle of Development

The application site is located within the Central Area of Antrim Town as designated in the Antrim Area Plan 1984-2001. The site also lies within the Antrim Town Centre Conservation Area and particularly the 'Commercial Core' as referred to in the Conservation Guide. The proposed environmental improvement works include the provision of high quality paving, granite cobbling, new kerbing, drainage channel and new street furniture. The proposal represents a further phase of a series of Environmental Improvement Schemes that have already been employed in Antrim. This considered it is accepted that the principle of development can be established subject to all other planning and environmental considerations being met.

### Impact on the Conservation Area

As noted above the application site is within the Antrim Town Centre Conservation Area.

Section 104 (11) of the Planning (NI) Act 2011 states that within a Conservation Area special regard must be had with respect to any buildings or other land in that area, to the desirability of (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; or (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise. This same approach is reiterated within Paragraph 6.18 of the Strategic Planning Policy Statement for Northern Ireland (SPPS).

The above referenced legislative requirements and policy criteria together with criteria as laid out in Policy BH 12 of Planning Policy Statement 6: Planning Archaeology and the Built Heritage (PPS 6) are relevant to the proposal. In this case, it is considered that the works proposed as part of the Environmental Improvement Scheme will aid in enhancing and preserving the character of the area through providing uniformity throughout the conservation Area and ensuring that the area of the proposed works is upgraded to the same standard as the other sectors of the town centre. The Conservation Guide for Antrim highlights the importance of providing common colour schemes and appearances for apparatus which would include the likes of litter bins and benches proposed as part of the scheme. Details of the proposed street furniture can be seen on Drawing No. 03 bearing the date stamp 14<sup>th</sup> October 2019 and are similar in appearance to that already present in the surrounding area.

It is considered that the overall scale, form, materials and detail of the proposed works including the proposed paving, kerbing and street furniture respect the character of the Conservation Area and the improvements to the quality of the

existing finishes and fixtures can only be seen as an enhancement to the overall appearance of the town centre area. The proposed works can be seen as compliant with the policy provisions of BH 12 of PPS 6 and in accordance with the Conservation Guide.

#### **Impact on Traffic and Accessibility**

DfI Roads have been consulted on the application and have raised no objections to the proposal subject to a number of informatives being attached to any approval. Given the pedestrianised nature and the scale of the development there are no overriding concerns in relation to traffic and accessibility.

#### **CONCLUSION**

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

- The principle of the development is considered established on site;
- It is considered that the scale, form, massing and materials for the proposal would enhance the overall appearance of the Conservation Area;
- There are no road safety concerns associated with the proposal.

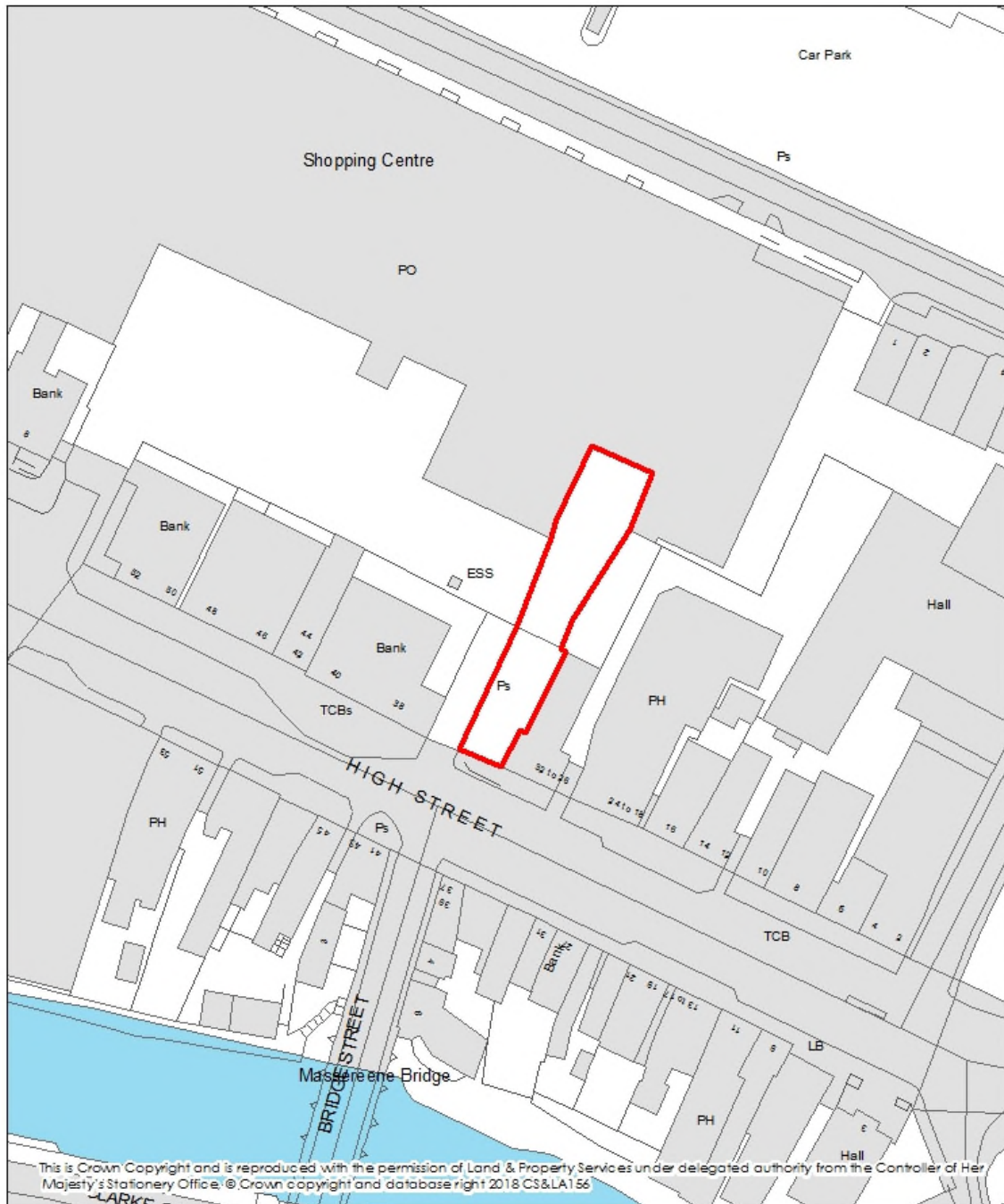
#### **RECOMMENDATION**

#### **GRANT PLANNING PERMISSION**

#### **PROPOSED CONDITIONS**

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

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



### Location Map

Application Reference: LA03/2019/0779/F

Castle Mall Entrance

High Street

Antrim

Improvement of streetscape at  
entrance to Castle Mall.



Site Boundary



0 60 120  
Metres



For Information Only



<b>COMMITTEE ITEM</b>	<b>3.15</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0610/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>COUNCIL APPLICATION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed 35 no plot allotment development utilising existing access off Orchard Road
<b>SITE/LOCATION</b>	Orchard Road Crumlin (Land 50m South of 12-22 Lakeview)
<b>APPLICANT</b>	Antrim and Newtownabbey Borough Council
<b>AGENT</b>	Hanna and Hutchinson Consulting Engineers
<b>LAST SITE VISIT</b>	7 <sup>th</sup> August 2019
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 903 40406 Email: <a href="mailto:sairead.debrun@antrimandnewtownabbey.gov.uk">sairead.debrun@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is within the development limit for Crumlin as defined within the Antrim Area Plan. It is located on lands to the south of Lakeview; to the east of Landgarve Manor and to the west of Crumlin Leisure Centre sports pitches. The application site is an area of open space, relatively flat, currently overgrown with grass and bounded by a 2m high black palisade fence. Access to the application site is from the Orchard Road.</p> <p>The surrounding area is characterised by residential properties, single storey and two-storey terrace dwellings.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/2013/0202/F Location: Crumlin Community Centre, The Barleyfield, Orchard Road, Crumlin Proposal: Alteration and extension of existing clubhouse, replacement of existing grass pitch with new 3G and creation of 2 new 3G pitches, erection of ball stop fencing, floodlighting and other associated works Decision: Permission Granted (20.08.2013)</p> <p>Planning Reference: T/2011/0018/F Location: The Barleyfield, Orchard Road, Crumlin, Proposal: Alteration and Extension of existing clubhouse alongside reconfiguration of open space, the creation of new sports pitches and erection of ball stop fencing, floodlighting and other associated works. Decision: Permission Granted (03.06.2011)</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 settlement limits of Crumlin. The Plan offers no specific guidance on this proposal.

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

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

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

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

## **CONSULTATION**

**Council Environmental Health Section** – No objection

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads**- No objection

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

## **REPRESENTATION**

Twenty four (24) neighbouring properties were notified and no letters of representation have been received.

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

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

- Policy Context and Principle of Development
- Design and Appearance

- Neighbour Amenity
- Impact on Character and Appearance of the Area

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

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

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

The application site is located within the development limit of Crumlin in the AAP and has no specific zoning in this Plan. It is considered to be an area of open space.

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 Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation (PPS 8). Taking into account the transitional arrangements of the SPPS, retained PPS 8 provides the relevant policy context for consideration of the proposal.

Policy OS 1: Protection of Open Space in PPS 8 highlights the importance of protecting, retaining and enhancing areas of open space in an urban environment in order to deliver sustainable development, promote a more active and healthy lifestyle and contribute to the conservation of biodiversity.

It is considered that the proposal will achieve all of the above while also making the open space more accessible and improving the visual aspect of the area. The principle of development is therefore acceptable.

### **Design and Appearance**

The proposal involves providing a total of 35 no. allotments; 21 no. measuring 10m x 5m and 14 no. measuring 5m x 5m, and 14 no. car parking spaces, two of which are for disabled drivers. Each allotment will have a timber garden shed with the entire allotment area fenced off by 2.4m high rigid open mesh fence panelling. The structures including fencing, gates and sheds are designed to a high standard.

The application site is located to the south and east of residential developments and is well screened by both these properties and existing vegetation along the western boundary. It is considered that the development is of a scale appropriate to the local area and is sympathetic to the surrounding environment in terms of its siting, layout and landscape treatment.

### **Neighbour Amenity**

The open space area appears to be currently unused so the proposal will have a positive impact on the amenity of local residents and will provide a recreational use for the local community.

The proposed development takes into account the needs of people with disabilities and will be accessible by means of transport other than the private car. Satisfactory arrangements are provided for access, parking and waste disposal and no objections have been raised from any of the consultees.

A designated waste collection area is also shown and will be surrounded by a 2.4m high fence with a gate. It is considered that through the provision of a designated space for waste there will be a reduced likelihood of vermin being attracted to the development.

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

There will be no adverse impact on visual amenity or the character of the local landscape. The application site is within the area of influence of an archaeological monument, however, Historic Environment Division is satisfied that the proposal will not unduly affect the monument. The site holds no features of importance to nature conservation.

The proposal will not have a detrimental impact on the amenity, character or biodiversity of the area and could improve and enhance the existing area of open space.

### **CONCLUSION**

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

- The principle of the development is acceptable;
- The design and appearance are appropriate for the site and the surrounding area;
- Neighbour amenity will not be unduly affected;
- There will be no adverse impact on the character and appearance of the area.

### **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 other development hereby permitted shall be commenced until the vehicular access has been constructed in accordance with Drawing No 02 bearing the date stamp 09<sup>th</sup> July 2019.

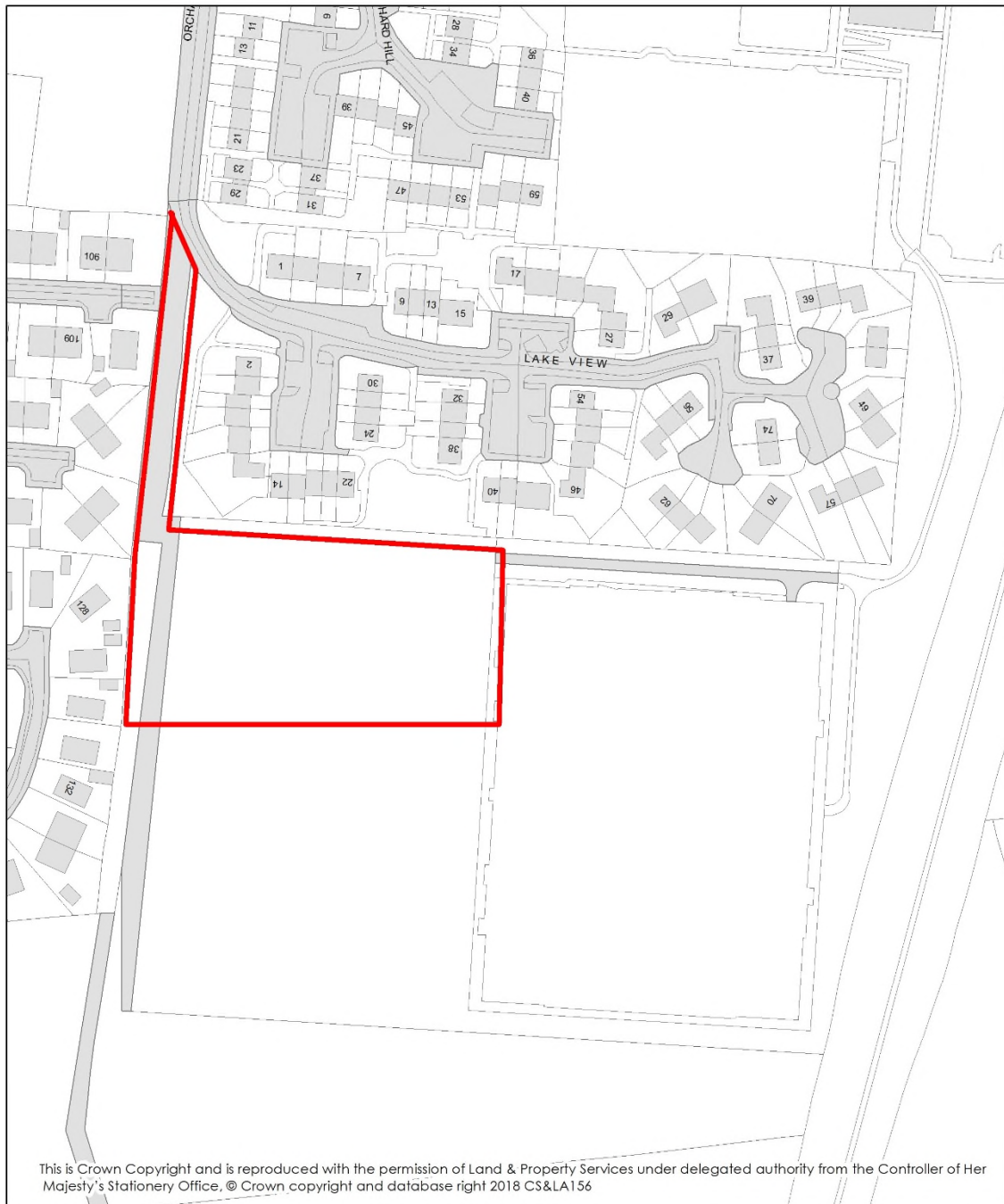
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The gradient(s) of the access road shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. The site shall not become operational until the hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02/1 bearing the date stamp 23<sup>rd</sup> September 2019 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.

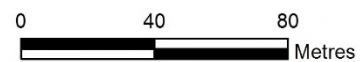


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## Location Map

**Application Reference: LA03/2019/0610/F**

Orchard Road Crumlin (Land 50m South of 12-22 Lakeview)



Proposed 35 no plot allotment development utilising existing access off Orchard Road

 Site Boundary

For Information Only



<b>COMMITTEE ITEM</b>	<b>3.16</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0611/F</b>
<b>DEA</b>	<b>MACEDON</b>
<b>COMMITTEE INTEREST</b>	<b>COUNCIL APPLICATION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed 36 no plot allotment development utilising existing access off Derrycoole Way
<b>SITE/LOCATION</b>	Derrycoole Way Newtownabbey (Land 30m North and East of 34 Derrycoole Way & 152-166 Carmeen Drive
<b>APPLICANT</b>	Antrim and Newtownabbey Borough Council
<b>AGENT</b>	Hanna and Hutchinson Consulting Engineers
<b>LAST SITE VISIT</b>	7 <sup>th</sup> August 2019
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 903 40406 Email: <a href="mailto:sairead.debrun@antrimandnewtownabbey.gov.uk">sairead.debrun@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is within the development limit of Metropolitan Newtownabbey and currently forms part of the playing fields associated with Rathcoole Primary School. Access to the site is taken from Derrycoole Way, between Nos. 34 and the apartment block at No. 36.</p> <p>The application site is relatively flat and sits at a level higher than the adjacent public road. It is bounded to the south by the dwellings at Carmeen Drive with the northern and eastern boundaries currently undefined. A grey, steel palisade fence runs along the western boundary with the road. The surrounding area is characterised by two-storey semi-detached dwellings with Rathcoole Primary and Nursery School located to the north.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history.	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p>	

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

Belfast Urban Area Plan (BUAP): The application site is located within the settlement limit of Newtownabbey.

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

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey.

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

## **CONSULTATION**

**Council Environmental Health Section** – No objection

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads**- No objection

## **REPRESENTATION**

Twenty seven (27) neighbouring properties were notified and no letters of representation have been received.

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

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

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

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

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. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans. It has not been zoned for a specific use in either dBMAP, however, it is identified as an area of existing open space in dBMAP 2014.

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 Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation (PPS 8). Taking into account the transitional arrangements of the SPPS, retained PPS 8 provides the relevant policy context for consideration of the proposal.

Policy OS 1: Protection of Open Space in PPS 8 highlights the importance of protecting, retaining and enhancing areas of open space in an urban environment in order to deliver sustainable development, promote a more active and healthy lifestyle and contribute to the conservation of biodiversity.

It is considered that the proposal will achieve all of the above while also making the open space more accessible and improving the visual aspect of the area. The principle of development is therefore acceptable.

### **Design and Appearance**

The proposal involves providing a total of 36 no. allotments; 20no. measuring 11.5m x 4.35m and 16no. measuring 5.75m x 4.35m, with 10no. car parking spaces, two of which are for disabled drivers. Each allotment will have a timber garden shed with the entire allotment area fenced off by a 2.4m high rigid open mesh fence panelling. The structures including fencing, gates and sheds are designed to a high standard.

The application site is set back from the public road and is located to the south of Rathcoole Primary School and to the north of a row of existing two storey dwellings. The existing built environment screens the development site from public views, while the setback distance from the public road further restricts views. It is considered that the development is of a scale appropriate to the local area and is sympathetic to the surrounding environment in terms of its siting, layout and landscape treatment.

### **Neighbour Amenity**

The application site is currently an area of open space used in association with the adjacent Primary School. There are existing residential properties to the immediate south of the site with more properties to the north. While the creation of allotments on this section of the playing fields will increase the use of the open space to a certain extent, it is considered that residential amenity will not be unduly affected in terms of noise and other disturbance. The parking of cars will take place in an area to the northwest, which is furthest from all residential properties, thereby reducing the potential for noise and light disturbance. A designated waste collection area is also

shown and will be surrounded by a 2.4m high fence with a gate. It is considered that through the provision of a designated space for waste there will be a reduced likelihood of vermin being attracted to the development. Creating allotments on this section of the playing fields will have a positive impact on the amenity of local residents and will provide a recreational use for the local community.

The proposed development takes into account the needs of people with disabilities and will be accessible by means of transport other than the private car. Satisfactory arrangements are provided for access, parking and waste disposal and no objections have been raised by the consultees.

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

There will be no adverse impact on the visual amenity or the character of the local landscape. The site holds no features of importance to nature or heritage conservation.

The proposal will not have a detrimental impact on the amenity, character or biodiversity of the area and should improve and enhance the existing area of open space.

### **CONCLUSION**

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

- The principle of the development is acceptable;
- The design and appearance are appropriate for the site and the surrounding area;
- Neighbour amenity will not be unduly affected;
- There will be no adverse impact on the character and appearance of the area.

### **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

### **PROPOSED CONDITIONS**

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

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

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

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

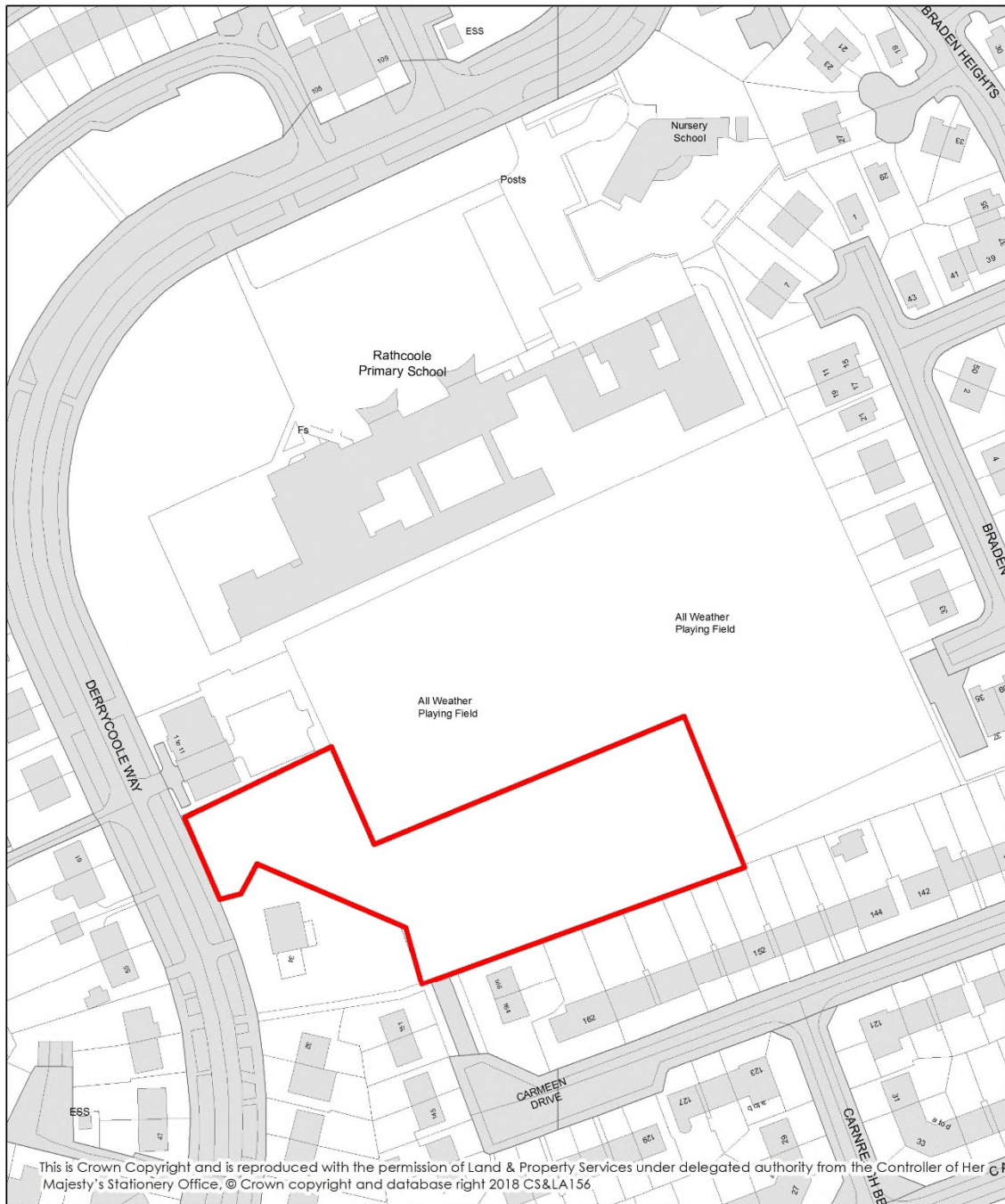
3. The gradient of the access road shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along

the footway.

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

4. The site shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02 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.



## Location Map

**Application Reference: LA03/2019/0611/F**

Derrycoole Way Newtownabbey  
Proposed 36 no plot allotment development utilising  
existing access off Derrycoole Way

 Site Boundary

0 30 60  
Metres



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