



7 December 2022

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

Committee Members: Aldermen – T Campbell, J Smyth
Councillors – A Bennington, H Cushinan, S Flanagan,
R Kinnear, R Lynch, M Magill, R Swann, B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 12 December 2022 at 6.00 pm.**

You are requested to attend.

Yours sincerely

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

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

PLEASE NOTE: Refreshments will be served in the Chief Executive Meeting Room for Planning Committee Members only and available in the Café for all others from 5.20 pm

For any queries please contact Member Services:
Tel: 028 9034 0048/028 9448 1301
memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – DECEMBER

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

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

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

PART ONE - Decisions on Planning Applications

3.1 Planning Application No: LA03/2021/1133/F

Development of vehicle test centre, including test centre, single direction perimeter site road, lay by parking, holding bay parking, HGV pre-test lay-up, exit forecourt area, motorcycle off road driving test track, staff parking facilities and landscaping at lands approx. 100m to South-West of 650 Antrim Road, Newtownabbey, BT36 4RG.

3.2 Planning Application No: LA03/2022/0750/O

Site for Housing Development and associated works at lands at 85 – 93 Belfast Road, Ballyclare.

3.3 Planning Application No: LA03/2022/0675/O

Proposed dwelling on a farm 20m North West of No. 157 Ballymena Road, Doagh, BT39 0TN.

3.4 Planning Application No: LA03/2022/0951/O

Dwelling and Garage (within an infill site) at Lands 25m North East of 5e Ballyquillan Road, Aldergrove, Crumlin, BT29 4DD.

3.5 Planning Application No: LA03/2022/0734/F

Proposed dwelling Approx. 40m SW of 43 Clady Road, Dunadry.

3.6 Planning Application No: LA03/2022/0689/O

Replacement dwelling & new detached garage approx. 80m NE of 24 Moneyrod Road, Randalstown, Co. Antrim.

3.7 Planning Application No: LA03/2021/0872/O

Site for infill dwelling and domestic garage (CTY 8) 20m East of 49 Loughview Road, Ballyginniff, Crumlin, BT29 4RF.

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

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

3.9 Planning Application No: LA03/2022/0934/F

Retention and alteration of boundary fence at 105 Station Road, Newtownabbey, BT37 0BU.

PART TWO – Other Planning Matters

3.10 Delegated Planning Decisions and Appeals

3.11 Proposal of Application Notices for Major Development

3.12 Northern Ireland Housing Council Correspondence

3.13 Department for Infrastructure Correspondence – Avian Influenza Permitted Development Rights

3.14 Review of the Operation of the Planning Committee

PART TWO – Other Planning Matters - In Confidence

3.15 Antrim and Newtownabbey Borough Council, Updated Enforcement Strategy Publication - In Confidence

PART ONE - Decisions on Enforcement Cases - In Confidence

3.16 Enforcement Case LA03/2021/0273/CA – In Confidence

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 12 DECEMBER 2022**

PART ONE

PLANNING APPLICATIONS

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| COMMITTEE ITEM | 3.1 |
| APPLICATION NO | LA03/2021/1133/F |
| DEA | AIRPORT |
| COMMITTEE INTEREST | MAJOR DEVELOPMENT |
| RECOMMENDATION | GRANT PLANNING PERMISSION |
| PROPOSAL | Development of vehicle test centre, including test centre, single direction perimeter site road, lay-by parking, holding bay parking, HGV pre-test lay-up, exit forecourt area, motorcycle off road driving test track, staff parking facilities and landscaping. |
| SITE/LOCATION | Lands approx. 100m to South-West of 650 Antrim Road Newtownabbey, BT36 4RG |
| APPLICANT | Driver & Vehicle Agency NI |
| AGENT | Juno Planning & Environmental Ltd |
| LAST SITE VISIT | 11/10/2021 |
| CASE OFFICER | Kieran O'Connell Tel: 028 9034 0423 Email: Kieran.oconnell@antrimandnewtownabbey.gov.uk |
| <p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p> | |
| SITE DESCRIPTION | |
| <p>The application site is located on lands approximately 100m to southwest of 650 Antrim Road, Newtownabbey, on lands formerly known as No.660 Antrim Road, Mallusk, Newtownabbey, within a section of land at the proposed Craigarogan Business Park.</p> <p>The application site extends to 3.3 hectares in area and is currently vacant fallow, non-maintained farmland. Two former dwellings on this site have been demolished. There is a partially constructed access road from the Antrim Road leading to what will be the northeastern corner of the site. Planning permission for the access to this development was granted under planning applications LA03/2021/0414/F and U/2013/0232/RM.</p> <p>The application site is accessed off the Antrim Road by a partially constructed estate road which is bounded on the east by mature field hedge and to the south by the Ballymartin Water. The boundaries to the north and west are not defined as the land lies cleared for future development. The site has a shallow fall from north to south across a change in overall level of approximately 5.5m over 300m from the Antrim Road down to the Ballymartin Water. The application site is relatively flat showing a 3m fall over 200m. The lower portion of the site forms part of a floodplain.</p> <p>The Antrim Road lies to the north of the subject site, with industrial premises beyond the road. Agricultural lands surround much of the eastern and southern boundaries, as well as the Ballymartin Water River that runs along the southern boundary of the site. To the west of the subject site is additional agricultural land and an industrial site (Brett Martin Plastic Products Manufacturer and supplier) while planning permission</p> | |

has recently been granted for a proposed storage and distribution development to the northwest of the application site.

The surrounding lands are therefore primarily characterised by industrial and agricultural uses.

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2021/0414/F

Location: Proposed storage and distribution warehousing, internal roads, parking, landscaping and associated site works.

Proposal: Lands 25m to the south of 663 Antrim Road, 50m to the west of No.650 Antrim Road and east of Roughfort Road, Mallusk.

Decision: Permission Granted 27.09.2022.

Planning Reference: LA03/2021/0757/PAN

Location: Craigarogan Business Park, 660 Antrim Road, Mallusk, Newtownabbey, BT36 4RG.

Proposal: Development of vehicle test centre, including test centre, single direction perimeter site road, lay-by parking, holding bay parking, HGV pre-test lay-up, exist forecourt area, staff parking facilities and landscaping.

Decision: Proposal of Application Notice is Acceptable.

Planning Reference: U/2013/0232/RM

Location: Lands to the South of 663 Antrim Road, Newtownabbey, BT36 4RG

Proposal: Proposed Industrial/Business Park (Implementation of right hand turning lane access on to Antrim Road and associated service road as approved under planning approval (U/2009/0024/O).

Decision: Permission Granted (02.12.2014).

Planning Reference: U/2009/0024/O

Location: Lands to the south of 663 Antrim Road, Newtownabbey, Co Antrim.

Proposal: Site for proposed industrial/business park.

Decision: Permission Granted (25.03.2013).

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP):

The application site is located within the settlement limit of Metropolitan Newtownabbey (MNY 01) and is within an area zoned as Industry and Employment (MNY 09 Employment Lands extending south of Antrim Road, Mallusk). The Plan identifies a number of key site requirements.

Key Site Requirements:

- Development shall only include the following uses: light industrial uses as currently specified in Class 4 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended (light industrial use for (a) research and development of products or processes, or (b) any industrial process being a use which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit); general industrial uses as currently specified in Class 5 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended (General Industrial Use for the carrying on of any industrial process other than one falling within Class 4 or Classes 6 to 10 [Special Industrial]) and storage and distribution (including logistics) as currently specified in Class 11 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended;
- Development of the site shall only be permitted in accordance with an overall comprehensive masterplan for the site, which shall outline the design concept, objectives and priorities for the site;
- Access shall be from the Antrim Road and internal roads within the site shall also accommodate the Brett Martin factory. The river shall be culverted to accommodate a spine road through the site following full approval from DfI Rivers;
- A Transport Assessment (TA) shall be required to identify any necessary improvements to the road network/public transport/transportation facilities in the area. The TA should be comprehensive to include the adjacent site MNY 08 Lands extending north of Antrim Road, Mallusk;
- A Flood Risk Assessment of the watercourse within and adjacent to the site shall be submitted to inform proposals for the development of the site;
- Buildings shall exhibit variety in their elevational treatment and heights;
- A comprehensive landscaping scheme for the proposed development shall be submitted to include all of the following: The northern, eastern, southern and western boundaries of the site shall be retained and landscaped with a 5-10 metre belt of trees and planting of native species to provide screening for the development and help integrate it into the surrounding countryside; A detailed planting plan and programme of works shall be provided for all new planting in relation to boundary definition and provision of high quality landscaping within the site; and, a planning condition should be attached to any decision notice

requiring the submission of a detailed landscaping plan as part of any Reserved Matters application; and

- Positive long-term landscape management proposals shall be required to protect and maintain the landscaping and features of natural heritage. An Article 40 (now a Section 76) agreement may be required to ensure delivery of this.

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

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

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

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

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

CONSULTATION

Council Environmental Health Section

No objection subject to conditions.

Northern Ireland Water

No objection subject to condition.

Department for Infrastructure (DfI) Roads

No objection subject to conditions.

Department for Infrastructure Rivers

No objection subject to condition.

NIEA Natural Environment Agency (NED)

No objection subject to conditions.

NIEA Water Management Unit (WMU)

No objection.

Shared Environmental Services (SES)

No objection subject to conditions.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Design, Layout and Appearance
- Compatibility with Adjacent Land Uses
- Neighbour Amenity
- Natural and Built Heritage
- Flood Risk
- Road Safety, Traffic parking & Transport Issues
- Crime and Personal Safety
- Other Matters

Preliminary Matters

Environmental Impact Assessment

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

Pre-Application Notice

The application falls within the category of a Major planning application as defined by the Planning (Development Management) Regulations (Northern Ireland) 2015 and as such was subject to a Pre-Application Community Consultation carried out on behalf of the applicant.

To comply with the pre-application notification requirements of Section 27 of the Planning Act (NI) 2011 the applicant submitted a Proposal of Application Notice (PAN) on 6th August 2021 (ref: LA03/2021/0757/PAN). Residents within a 400-metre radius of the site were provided with details of the proposed development and advised of the online consultation arrangements which were to replace the community consultation public event temporarily suspended due to the Covid-19 Emergency. Elected Members for the District Electoral Area, relevant MPs and MLAs, residents and local businesses were included in the consultation. A number of comments were made during the consultation process. The planning application was received following expiration of the 12-week period following submission of the PAN thus satisfying the requirements of Section 27 of the 2011 Act.

Policy Context and Principle of Development

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

The Court of Appeal declared the adopted Belfast Metropolitan Area Plan 2015 (BMAP) unlawful on 18th May 2017. As a result, the Belfast Urban Area Plan 2001 (BUAP) operates as the statutory development plan for the area. Draft BMAP, published in 2004 as opposed to that published in 2014, and draft Newtownabbey Plan 2005 (NAP) remain material considerations in the determination of the application.

Within BUAP the site is located outside the settlement limit and as such falls within the countryside north of Mallusk. As the BUAP contains no provisions material to the proposal, other material considerations relevant to this application are examined below.

The NAP identifies the application site as being within the settlement limit of Metropolitan Newtownabbey. Within draft BMAP the application site is identified as being within the settlement limit of Metropolitan Newtownabbey (MNY 01) and is within an area zoned as Industry and Employment (MNY 09).

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

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

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

Whilst it cannot be known at this stage what any future adopted BMAP or local development plan will contain in relation to industry and employment uses in areas such as this, it does give an indication as to the acceptability of such uses in this area. It is also noted that the site was also zoned for Industry and Employment uses (MNY 07 'Employment Lands extending south of Antrim Road, Mallusk') within the quashed BMAP 2014 following a public inquiry.

In addition to the indicative policy direction of any future area plan, there is a significant planning history to this site, which is a material consideration in this case. U/2013/0232/RM granted planning permission for a proposed Industrial/Business Park (Implementation of right hand turning lane access on to Antrim Road and associated service road as approved under planning approval U/2009/0024/O). While the applicant does not have a lawful fall-back position with regards to a Certificate of Lawful Development, observations from the site inspection indicated that the access point and internal estate road have been put in place in general conformity with the Reserved Matters approval.

In addition, planning permission (LA03/2021/0414/F) has also been granted (27.09.2022) for storage and distribution warehousing, for Brett Martin Ltd & Ballinamallard Developments Ltd to the northwest of the application site within the larger site.

Given the vintage of the BUAP, it is recommended that determining weight should be attributed to the planning history of the site and to draft BMAP in this instance. Planning Policy Statement (PPS), PPS 4 'Planning and Economic Development' sets out the Council's planning policies for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans. It seeks to facilitate and accommodate economic growth in ways compatible with social and environmental objectives and sustainable development. Furthermore, it also states that the policy approach contained within PPS 4 and associated guidance contained within this document may be useful in assessing proposals for other sui generis employment uses. Sui generis is defined as 'of its own kind': in this context, it refers to land uses, which do not fall into any particular use class in the Planning (Use Classes) Order (Northern Ireland) 2004.

Policy PED1 of PPS4 is entitled 'Economic Development in Settlements'. In respect of Class B2 Light Industrial Use and Class B3 General Industrial Use, it states that they will be permitted in an area specifically allocated for such purposes in a development plan or in an existing or proposed industrial/employment area subject to certain provisions. As already stated, the application site is located on land zoned or allocated for employment/industrial use in the draft BMAP. In addition, one of the Key Site Requirements for this zoning allows for a variety of uses at this location including light and general industrial among others. The policy also goes on to say that elsewhere in cities and towns, such proposals will be determined on their individual merits.

In addition, Policy PED 7 'Retention of Zoned Land and Economic Development Uses' states that, "Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses".

Policy PED 7 goes onto say that an exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area, where it can be demonstrated that:

- the proposal is compatible with the predominant industrial use;
- it is of a scale, nature and form appropriate to the location; and
- provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally.

MOT centres are considered to be a sui generis use on the basis that the use involves inspection and testing, these activities are not covered by the planning definition of an industrial process. It is considered that an MOT centre is closely related to a B class use (light and general industry) and will therefore not compromise the overall zoning. When taken in the round, it is considered that the principle of development as supported by the planning history is acceptable subject to the development

complying the general criteria to be applied to economic development proposals as set out in Policy PED9 of PPS4.

Site Selection Process

The Driver and Vehicle Agency (DVA) is an Executive Agency within the Department for Infrastructure (DfI) within the Northern Ireland Civil Service (NICS). It is charged with the provision of driver and vehicle testing, licensing and enforcement in Northern Ireland to ensure compliance with the requirements of all relevant European and national legislation.

The DVA indicate that its current test centre network was built around 40 years ago and while much has been done to maintain and modernise its test centres, in order to meet the growing demand for vehicle tests, present and future legislative requirements coupled with increasing and changing demands for the DVA's services mean that the current test centre network is no longer sustainable. Furthermore, the 'Compliance and Enforcement' Depot at Corporation Street in Belfast is due to be demolished under plans for the development of the York Street Interchange. As such, the DVA advise that a new depot from which to provide its Compliance and Enforcement services and new accommodation is also required to replace the facilities at Boucher Road, which will be lost following proposals for the development of a new test centre on that site.

In order to find a suitable site, Land and Property Services (LPS) were commissioned in May 2015 to assist with the search for a site which could accommodate the following specific requirements:

- large enough to provide sufficient operational space for a vehicle test centre;
- accessibility of the site to the Mallusk area where the DVA are currently experiencing capacity pressures;
- ease of access to the strategic road network for customers and staff;
- suitability of the site to accommodate the DVA's service delivery requirements;
- available for immediate purchase and redevelopment subject to securing planning permission.

The DVA advise that the search undertaken by LPS involved contact with a wide range of public sector bodies including DfI Roads, NI Water, Translink, DAERA and Invest NI. Contact was also made with a number of private sector vendors with sites. As part of this exercise, a number of sites were investigated including: 3 sites on Antrim Road, Mallusk; 1 Site on Mallusk Road; and 1 site on Park Road, Mallusk.

The DVA advise that the site at No.660 Antrim Road (now demolished), Mallusk was deemed suitable for DVA requirements:

- Suitability - The site is located within the Mallusk area where the DVA is currently experiencing capacity pressures. The dimensions of the site are such that it can accommodate the DVA's service delivery requirements i.e. a test centre with an external motorcycle test track and associated car parking;
- Accessibility - The site provides easy access to the strategic road network;
- Designation - site is designated as "Land zoned for employment" and had previous planning permission in place for a proposed industrial/business park (planning reference no. U/2009/0024/O), internal roads, parking, landscaping and associated site works.

- Ability to develop – range of surveys including ecology, topographical and flood risk confirmed site was able to be developed to meet DVA's needs;
- Timeliness for implementation - The site was available for purchase immediately which would enable the project plan to be delivered.

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

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

The proposed Mallusk Test Centre is to provide a newly constructed DVA Test Centre, which includes 7 Light Vehicle Test Lanes, 2 HGV Test Lanes and a Motorcycle Testing Bay all to BREEAM excellent rating. Access is proposed from the existing internal estate road, which connects, to the Antrim Road. In terms of floor space, the building is approximately 4080m².

In terms of height, scale and massing the proposed building is 13.7m at the highest point from ground level and has an underground inspection pit, which is approximately 2.6m below ground level at the lowest point. The building itself is essentially over two stories in height with plant mezzanine level within the roof.

The Test Centre is made up of two elements: Test Hall and the Administration block. A number of factors generate the height, scale and massing of the Test Hall:

- ground level access by vehicles;
- height and widths of vehicles;
- size of equipment required;
- volume of space required; and
- provision of daylight from above.

The applicant indicates that the impact of the height, scale and massing of the Administration block has been minimised by extending across the length and height of the Test Hall i.e. a narrow, linear, two-storey block attached to the Test Hall.

With regard to materials the building is to be finished with a mix of materials including:

- Carbon grey wall cladding;
- Aqua marine translucent façade panels;
- Dark grey aluminium window system;
- Silver metallic translucent wall cladding panels;
- Steel roof panels;
- Brick plinth; and
- Dark grey steel doors.

A landscaping plan (Drawing No. 18) has been provided to soften the visual impact of the proposed development. The entrance has been framed with trees and shrubs and flanked on either side with native hedgerow behind the perimeter fence. The staff parking area has been framed up and enclosed with screening shrubbery and a row of trees. The existing eastern hedgerow has been maintained and the gaps filled. The applicant proposes another native hedgerow with an herbaceous border to the front along the western boundary. The southern facing aspects of the development have been offered a level of screening and amenity by way of newly planted tree

groups and strategically placed hedging. Where the landscape moves into the floodplain wetland species are proposed.

The site overall as proposed will present a low slung main building, placed to avoid floodplains, working with the existing topography and ground conditions and nestled into a fairly extensive soft landscape scheme. The augmentation of the existing hedgerows will further soften the visual impact and increase the overall ecological and amenity value of the site. Overall, the design, layout and appearance including impact on character and appearance of the area is considered acceptable.

Compatibility with Surrounding Land Uses

Criterion (a) of Policy PED 8 of PPS 4 seeks to safeguard existing or approved economic development uses from incompatible development that would prejudice future operations.

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

1. The proposal is in the vicinity of an existing or approved economic development use;
2. The proposal is incompatible with the existing or approved use; and
3. The proposal would prejudice the future operation of the existing or approved use.

The proposed DVA Testing Centre is adjacent to Brett Martin Ltd which also has permission to develop an additional storage and distribution unit within the wider site. As part of that permission there are an additional 17 storage and distribution units approved (LA03/2021/0414/F). Ballycraigy Business Park is also located to the north of the application site on the opposite side of the Antrim Road. There would appear to be no sensitive industrial enterprises in this area that would be significantly impacted upon by this development, nor would the proposed development have a significant impact on the future operation of any existing or proposed uses within this immediate area. Having regard to the nature of the proposal there is unlikely to be any significant emissions from this development that would have a significant impact on existing or approved uses within this area.

Overall, it is considered that the proposed development is compatible with existing and approved uses in this area.

Neighbour Amenity

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

Noise

The applicant has provided a Noise Assessment (NA) Document No. 11/1 for consideration. The NA states the development shall only be operational during daytime hours (07:00-23:00hrs). The NA has undertaken CadnaA noise modelling to predict the cumulative impact of noise activities associated with the proposed development (including cars and HGVs) and the approved storage and distribution development as approved under planning application reference LA03/2021/0414/F.

The Council's Environmental Health Section (EHS) has been consulted on this application and has indicated no significant noise related concerns with this proposal subject to conditions:

- restricting hours of operation to ensure that the development will not be operational anytime between 23:00hrs and 07:00hrs;
- the building being capable of providing a sound reduction index of at least 24 dB Rw when measured from indoors to outdoors; and
- the roller shutter doors to the Test Hall of the proposed development being capable of providing a sound reduction index of at least 18 dB Rw when measured from indoors to outdoors.

The suggested conditions are considered necessary to protect the amenity of nearby dwellings. Based on the information provided it is likely that the residential amenity of nearby residential properties can be adequately protected when the site is operational, while during the construction period there may be some disturbance to amenity, however, this should be short lasting and not to an unreasonable extent.

Artificial Light

The applicant has provided an Artificial Light Assessment (LIA) is stamped by planning "Document No. 10" for consideration. The LIA has classified the area as being within the E2 rural zone as outlined within the ILP Guidance Note & demonstrated that artificial light from the proposed development will not exceed the maximum pre-curfew & post-curfew illuminance in the vertical plane (E_v) for a rural zone as outlined within this note. EHS has advised that the LIA has demonstrated that artificial light intrusion from the development to nearby sensitive properties will not exceed these levels and is considered acceptable subject to condition 5 as listed in the proposed conditions at the end of the report.

Natural and Built Heritage

PED 9 criterion (c) requires proposed developments not to adversely affect features of the natural or built heritage. There are no built heritage features within the vicinity of the application site that will be impacted upon as a result of this proposal.

With regard to natural heritage matters the applicant has provided a Preliminary Ecological Appraisal (Doc 05), a tree survey report and associated table (Doc 06 & 07) and a Bat Roost Potential Report (Doc 12) for consideration. DAERA Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests (bats, otter, newts, birds and badgers). NED advises that on the basis of the information provided it is content that the proposed development is unlikely to have any significant impact on local natural heritage subject to proposed conditions 7 & 8 listed at the end of the report.

This planning application was also considered in light of the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on behalf of Antrim and Newtownabbey Borough Council which is the Competent Authority responsible for authorising the project as the application site is bounded by watercourses which are hydrologically connected to Lough Neagh and Lough Beg SPA/Ramsar site approximately 19km downstream. The Habitats Regulation Assessment is available to view on the planning portal.

Shared Environmental Services (SES) has reviewed this application and following an 'Appropriate Assessment' in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including mitigation measures.

SES conclusion is subject to mitigation measures being conditioned in relation to:

- A 10m buffer of at least 10m being maintained to any watercourse and
- No development taking place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Conditions (Nos. 8 & 15) to this effect are proposed at the end of this report.

Flood Risk

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

Dfl Rivers were consulted on the Flood Risk & Drainage Assessment from McCloy Consulting dated December 2021 and advises that the site is bounded at the south by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973, and is known to Dfl Rivers as: 'Ballymartin River'. The site is partially bound to the east by an undesignated watercourse. A further undesignated watercourse can be found at the northern extent of the site. Dfl Rivers further advise that the site may be affected by undesignated watercourses of which they have no record.

Dfl Rivers has indicated that they have reviewed the Flood Risk Assessment by McCloy Consulting and while not being responsible for the preparation of the Flood Risk Assessment, accepts its logic and has no reason to disagree with its conclusions, i.e. that there are no significant flood risks associated with this proposal. The proposal is therefore considered to be compliant with Policy FLD 1 of PPS15.

Under 6.32 of the Revised Policy FLD 2 of PPS 15, it is essential that an adjacent working strip is retained to facilitate future maintenance by Dfl Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 meters, but up to 10 meters where considered necessary, and be provided with clear access and egress at all times. It is noted that Figure 4-1 of the Flood Risk & Drainage Assessment appears to comply with this requirement.

The Drainage Assessment notes that Schedule 6 Consent to Discharge has been granted in correspondence dated 6th July 2021 at a rate of 40 l/s discharging into Ballymartin River. Dfl Rivers, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions, therefore the proposal complies with Policy FLD3.

Dfl Rivers advise that the Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible, however the Drainage

Assessment states that the drainage design requires further detailed design. DfI Rivers requests that a condition requiring the final drainage design to be submitted and agreed prior to the commencement of development which is included in the proposed conditions at the end of the report (No.6).

Policy FLD4 of PPS15 (Artificial Modification of Watercourses) indicates that the Council will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;
- Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.

It is noted that there are proposals to culvert the undesignated watercourse located on site. Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. In this case the proposed culverting is considered necessary for the comprehensive development of this site. Any culverting approved under this application also requires approval from DfI Rivers under Schedule 6 of the Drainage (NI) Order 1973. DfI Rivers indicates that Schedule 6 approval for the culverting works at the undesignated watercourse is currently being dealt with under LA03/2021/0414/F.

DfI Rivers reservoir inundation maps indicates that part of the sites southern boundary is marginally within a potential area of inundation emanating from HydePark Dam and Boghill Dam. DfI Rivers is in possession of information confirming that both HydePark and Boghill Dams have 'Condition Assurance', consequently DfI Rivers has no reason to object to the proposal, at this time, from a reservoir flood risk perspective from either dam and therefore the proposal complies with Policy FLD 5 of PPS15.

Overall it is considered that there is no significant flood risk from the proposed development.

Road Safety, Traffic, Parking and Transport Issues

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

Policy AMP2 - 'Access to Public Roads' states that "planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic".

Policy AMP7 – 'Car Parking and Servicing Arrangements' indicates that "development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards".

Policy PED 9 (g) of PPS 4 also requires that the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified. While Criterion (h) requires that adequate access arrangements, parking and manoeuvring areas are provided.

The applicant has provided a Transport Assessment (DOC 08) which concludes that the proposal represents a small increase of traffic on the local highway network, i.e. Antrim Road, and is unlikely to have any significant impact in terms of highway capacity or the possible increase of accidents.

The Transport Assessment indicates that the proposed DVA testing centre will have seven (7) car lanes and two (2) HGV lanes and generate in the order for 440 car trips per day, which will be spread over the entire day meaning that each hour will have approximately 30 trips. This equates to one (1) trip every two (2) minutes during the am and pm peak hour periods. The Transport consultant indicates that this is low and is the equivalent to the volume of trips predicted for industrial/business use as approved on the site. The transport consultant further concludes that the low number of trips generated by the development of the test centre will have little impact on the surrounding road network.

DfI Roads has reviewed the application and subsequent supporting information and has offered no objections to this proposal subject to the conditions below. Overall it is considered that there is no significant road safety, traffic, parking or transport issues with this proposal.

Crime and Personal Safety

Criterion (L) of Policy PED 9 of PPS 4 requires that the site is designed to deter crime and promote personal safety. In this case, the application site is to be located within a wider industrial/employment area, which will be secured from the roadside by security fence along the perimeter with internal lighting along with a footpath adjacent to the Antrim Road and the internal estate Road. These measures are part of the wider planning approval (LA03/2021/0414/F) for the site and should ensure that the proposed development has been designed to prevent crime and ensure personal safety. Additionally, the application site is to be secured by a 3m secured by design black perimeter wire mesh paladin fence.

Movement Pattern

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

The Transport Assessment (DOC 08) states that the site is linked to the existing public footway network. The site is also located on the main route from Belfast to Ballymena serviced regularly by Ulsterbus. Cycle stands are also to be provided while the building design takes full account of the NI Building Regulations 2012 Technical Booklet R 'Access to and Use of Buildings' itself largely in accordance with BS 8300: 2009+A1: 2010 Design of buildings and their approaches to meet the needs of disabled people - Code of practice

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

Emissions and Effluent

A further criterion (f) of Policy PED 9 requires that the proposed development is capable of dealing satisfactorily with any emission or effluent. Given the nature of the proposal, it is unlikely that there will be any significant emissions or effluents from the operation of the proposed facility.

With regard to discharges to the NI Water network, NI Water initially indicated concerns with the proposal; however, has since confirmed by email (07/10/2022) that a Solution Engineer Report is complete and that they are happy to accept a negative condition in this instance. This has been included below.

Economic Impact

The construction of the proposed development represents a capital investment of £9.7m within the Borough. It is estimated that the DVA will employ a total of 41 staff consisting of Managers, Admin Staff, and Vehicle Inspectors & Driving Test Examiners.

CONCLUSION

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

- The principle of the development is considered acceptable;
- The design layout and appearance of the development is considered acceptable;
- The proposed development is considered compatible with adjacent land uses;
- There are no significant neighbour amenity concerns with this proposal relating to noise, artificial light, size and scale of the development;
- There are no natural or built heritage concerns with this proposal;
- There is no significant flood risk associated with this development;
- There are no road safety, parking or transport issues with this development; and
- There are no significant emissions or effluent generated from this proposal.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

2. The development hereby approved shall not be operational at any time between 23:00hrs and 07:00hrs.

Reason: To protect amenity at nearby sensitive dwellings

3. The walls and roof of the Test Hall to the proposed development shall be capable of providing a sound reduction index of at least 24 dB Rw when measured from indoors to outdoors.

Reason: In order to protect amenity at nearby residential properties

4. The roller shutter doors to the test hall of the proposed development shall be capable of providing a sound reduction index of at least 18 dB Rw when measured from indoors to outdoors.

Reason: In order to protect amenity at nearby residential properties

5. Light intrusion from the development into windows at nearby sensitive properties shall not exceed 5 Ev (lux) on anytime between 07:00hrs and 23:00hrs and 1 Ev (lux) on anytime between 23:00hrs and 07:00hrs.

Reason: To protect amenity at nearby sensitive dwellings

6. Prior to the commencement of any development on site, a final Drainage Assessment, compliant with Annex D of PPS 15 and Sewers for Adoption Northern Ireland 1st Edition, and containing a detailed drainage network design including a demonstration of how 'out of sewer flooding' will be safely managed must be submitted to the Council for its consideration and approval.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

7. There shall be no direct discharge of untreated surface water run-off during the construction or operational phases of the development into the Ballymartin Water river.

Reason: To protect Northern Ireland priority habitats and species and Lough Neagh and Lough Beg Area of Special Scientific Interest (ASSI), Special Protection Area (SPA) and Ramsar site.

8. A clearly defined buffer of at least 10m must be maintained between the location any refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and any watercourses or surface drains present onsite or adjacent to the site.

Reason: To protect Northern Ireland priority habitats, species, and Lough Neagh and Lough Beg Area of Special Scientific Interest (ASSI), Special Protection Area (SPA) and Ramsar site.

9. The existing hedgerow and vegetation as indicated on Drawing No. 18 date stamped 23/11/2021 shall be retained at a minimum height of 3 metres and trees within the hedgerow shall be retained at a minimum height of 6m and shall be allowed to grow on or as agreed in writing with the Council.

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

10. The proposed landscaping indicated on Drawing No. 18 date stamped 23/11/2021 shall be carried out within the first planting season following the completion of the development hereby approved and shall be retained in thereafter at a minimum height of 3 metres for hedging and 6 metres for trees

unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

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

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

12. 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 Drawing Numbers 22 and 23 bearing the date stamp 28/09/2022 and Drawing Number 24 date stamped 19/10/2022.

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

13. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Numbers 22 and 23 bearing the date stamp 28/09/2022.

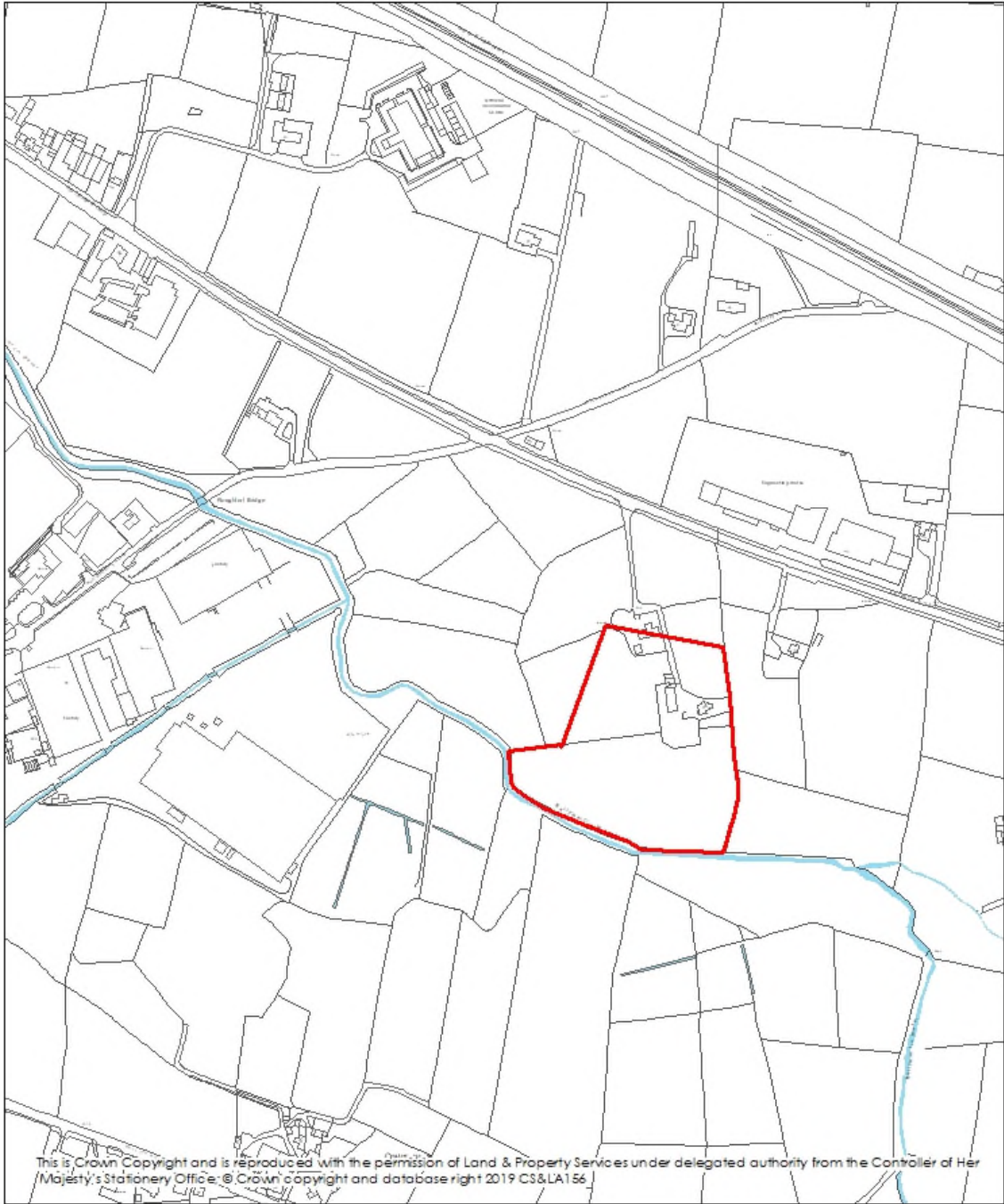
Reason: To ensure there is a safe and convenient road system within the development.

14. 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.

15. No works in the erection of the proposed building shall commence until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from that part of the development.

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



Location Map

Reference: LA03/2021/1133/F

Location: Lands approx. 100m to South-West of
 650 Antrim Road
 Newtownabbey
 BT36 4RG
 Proposal: Development of vehicle test centre.

 Site Boundary



For Information Only



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| COMMITTEE ITEM | 3.2 |
| APPLICATION NO | LA03/2022/0750/O |
| DEA | BALLYCLARE |
| COMMITTEE INTEREST | REFUSAL RECOMMENDED |
| RECOMMENDATION | REFUSE OUTLINE PLANNING PERMISSION |
| PROPOSAL | Site for Housing Development and associated works |
| SITE/LOCATION | Lands at 85 – 93 Belfast Road, Ballyclare |
| APPLICANT | Ms R Lindsay |
| AGENT | NI Planning Permission |
| LAST SITE VISIT | 23rd November 2022 |
| CASE OFFICER | Michael O'Reilly Tel: 028 903 40424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk |
| <p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p> | |
| SITE DESCRIPTION | |
| <p>The application site is located on lands at 85 – 93 Belfast Road, Bruslee, Ballyclare, which include Nos. 89, 91 and 93 Belfast Road. The site is within the development limits of Bruslee as defined by the draft Belfast Metropolitan Area Plan (BMAP), published 2004.</p> <p>The application site is subdivided into two portions with Nos. 89, 91 and 93 and their associated outbuildings occupying the southern portion of the site. A commercial premises known as 'Village Waterbeds' occupies a section of land between the two portions of the site. Lands within the application site to the north of the business premises is currently in agricultural use.</p> <p>The topography of the site rises gently in an east to west direction. The roadside eastern boundary is defined by a mixture of vegetation and open boundaries, with a 1-metre-high hedge to the front of No. 89 and a 2-metre-high hedge to the front of the agricultural lands. The southern and western boundaries are defined by mature hedging 2 metres in height with interspersed trees in excess of 8 metres in height. The northern common boundary with No. 85 Belfast Road is defined by a low fence and hedging.</p> <p>The southern site boundary abuts the access roadway into Bruslee Recycling Centre. The site is bound by agricultural land to the west. There are a number of single dwellings, Bruslee Primary School and agricultural land located opposite and to the east of the application site.</p> | |
| RELEVANT PLANNING HISTORY | |
| <p>Planning Reference: LA03/2021/0304/O Location: Land to the south of 85 Belfast Road, Bruslee, Ballyclare including No. 89-93 Belfast Road but excluding existing hall. Proposal: Proposed demolition of existing dwellings at No.89 – 93 Belfast Road and erection of 8 No. dwellings with associated site works. Planning Committee Decision to Refuse: 16.05.2022</p> | |

Decision: Application Withdrawn: 18.05.2022

PLANNING POLICY AND GUIDANCE

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

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

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

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the countryside area of this plan. Bruslee is not designated as a settlement within this plan.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Bruslee. There is no specific policy within the plan relevant to this application.

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

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

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

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

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas: sets out planning policy and guidance on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements. It also sets out policy on the conversion of existing

buildings to flats or apartments and contains policy to promote greater use of permeable paving within new residential developments.

PPS 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 – A Generic Quantitative Risk Assessment is required.

Northern Ireland Water – No objection.

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

Department for Infrastructure Rivers – No objection subject to conditions.

Department for Agriculture, Environment and Rural Affairs: Natural Environment Division: A Bat Roost Potential Survey is required.

Department for Agriculture, Environment and Rural Affairs: Regulation Unit: A Generic Quantitative Risk Assessment is required.

REPRESENTATION

Ten (10) neighbouring properties were notified, and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Design and Appearance and Impact Upon Character of the Area
- Neighbour Amenity
- Flood Risk
- Access, Movement and Parking
- Natural Heritage
- Contaminated Land

Preliminary Matters

A previous planning application for outline planning permission for a residential development of eight (8) dwellings on the application site, under planning application reference LA03/2021/0304/O, was recommended to be refused planning permission, however, it was withdrawn prior to the formal determination.

The development proposal was presented to the Council's Planning Committee on 16th May 2022 with four (4) draft reasons for refusal. The refusal reasons related to: the over development of the application site; the development proposal would not respect the context of the receiving environment with respect to density; the applicant failed to demonstrate there would not be an adverse impact upon future occupiers of the site in terms of noise generated from Bruslee Recycling Centre; and it had not been established that the proposal would safeguard the future residential amenity of the site from the detrimental impact of existing land contamination.

Consequently, the applicant withdrew the planning application on 18th May 2022 prior to the decision being issued.

The current planning application, is the same site, with the same applicant and agent with respect to planning application reference LA03/2021/0304/O, and therefore the applicant and agent would have been aware of the range of issues required to be addressed in the submission of the current planning application.

Policy Context and Principle of Development

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

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

In these circumstances the provisions of both the dNAP and dBMAP (2004) are considered to be material considerations in assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP (2004) provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. The dBMAP (2004) shows the site within the settlement limits of Bruslee, however, dNAP does not recognise Bruslee as a settlement within the plan. Significant weight will be afforded to the more up-to-date dBMAP (2004). There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

This application seeks outline planning approval for a site for residential development. An indicative block plan, Drawing Number 02/1 date stamped 18th October 2022 identifies six (6) dwellings distributed across the frontage of the application site. To facilitate this development, the dwellings at Nos. 89, No. 91 and No. 93 Belfast Road and their associated outbuildings are to be demolished.

Having considered the location of the site within the settlement limits of Bruslee, it is considered that the principle of residential development for housing is acceptable on this site.

Design and Appearance and Impact upon Character of the Area

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 QD 1 of PPS 7 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 seeks outline planning approval for a site for residential development comprising six (6) detached dwellings with parking provision at the gable and front of each of the dwellings, and private amenity space to the rear.

The indicative Block Plan, Drawing Number 02/1 date stamped 18th October 2022, demonstrates there is sufficient space to accommodate the proposed six (6) dwellings within reasonably sized plot sizes, rear garden depths of 10 metres and an average area of 160sqm of private amenity space, all of which is consistent with the guidance set out in Creating Places. It is also noted that the separation distances between the proposed and the existing neighbouring dwellings is appropriate. The retention of some of the existing planted site boundaries and the provision of new landscaping further increases the quality of the overall development. The proposed dwellings are indicated as being orientated to front onto the public road which will increase the informal surveillance of this frontage and as such it is considered that the development has been designed to increase safety, increase personal safety and deter crime. Although no detailed design of the dwellings has been provided it is anticipated that an appropriately designed dwellings could be agreed at the Reserved Matters stage, should planning permission be granted.

Neighbour Amenity

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

With reference to noise and disturbance, a 'Noise Impact Assessment' (NIA) was submitted. Following consultation, the Council's Environmental Health Section (EHS) advised it has no objection to the findings or recommendations of the NIA subject to the inclusion of noise mitigation conditions.

The indicative Block Plan demonstrates that the siting and separation distances between the existing and proposed dwellings should ensure that the proposed development will not have an adverse impact on residential amenity by way of dominance, overshadowing, loss of light or overlooking.

The layout of the development has been designed and arranged to provide the proposed dwellings with a rear garden depth of 10 metres. The average width of the plots is 14 metres and the average area of private amenity space provision is 160sqm, which complies with the guidance set out in Creating Places.

It is considered that the development proposal is compliant with the relevant policy provisions of the SPPS and PPS 7 and is therefore acceptable.

Flood Risk

Dfl Rivers has reviewed the submitted Drainage Assessment (DA), Document 01 date stamped 9th August 2022, and acknowledges the submission of Schedule 6 Consent, Document 06 date stamped 17th October 2022, for a discharge rate of 4 litres/second. Dfl has also stated that the DA has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained in the online attenuation system, when discharging at the existing green field run off rate and therefore there will be no exceedance flows during this event. Dfl Rivers advises that further assessment of the drainage network will be made by NI Water prior to adoption. Dfl Rivers continues to state that in order to ensure compliance with PPS 15, it requests that the potential flood risk from exceedance of the network, in the 1 in 100-year event, is managed by way of a condition should planning permission be granted. However, as Dfl Rivers has expressed no significant concerns with this proposal, it is considered that there is no significant flood risk associated with this proposal and as such there is no requirement to progress this matter.

Access, Movement and Parking

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

The agent has proposed visibility splays of 2.4 metres x 160 metres for each of the dwellings via a paired access arrangement, as indicated on Drawing Number 02/1, date stamped 18th October 2022. In its consultation response, Dfl Roads, has offered no objection to the development proposal subject to the imposition of a planning condition.

It is considered that the development proposal will provide a safe and convenient vehicular access to the public road that will not prejudice road safety or significantly inconvenience the flow of traffic. For this reason, the development proposal meets with the relevant policy requirements of the SPPS and PPS 3 and is therefore acceptable.

Natural Heritage

A Northern Ireland Bio-Diversity Checklist, Document 07 date stamped 1st November 2022, was submitted which confirmed that a 'Preliminary Bat Roost Assessment' report is required because the development proposal relies upon the demolition of several dwellings and associated outbuildings, and removal of tracts of hawthorn hedgerow present at the road side boundary. Each of these features offer potential areas for natural heritage interests, including bats, which are European Protected Species, to commute, forage, rest and breed.

In its consultation response DAERA Natural Environment Division (NED) has requested that a Bat Roost Potential Survey needs to be submitted. As the application was submitted in August 2022, it would have been expected that the agent would have anticipated the need to assess the potential for fauna on the site, especially bats, and the time periods when this survey work could be completed. Bat activity is seasonal and the necessary survey work can only be undertaken between the months of April to October. The requirement for further bat work shall cause a lengthy

delay to application processing times in order to allow the bat survey to be carried out during the 2023 season.

The agent was asked for an update regarding the production and submission of the necessary bat report but no response has been forthcoming. The agent was advised that a final deadline date of 25th November 2022 would be in place to provide an update on this matter. At the time of writing no response has been received.

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

Contaminated Land

A Contaminated Land Phase 1 Preliminary Risk Assessment has been submitted in respect of the development proposal because the application site is in close proximity to lands previously used as a quarry, a recycling centre is located adjacent to the site, and historical mapping shows vent pipes, which may indicate part of the site having previously been used as a petrol filling station.

Both the EHS and DAERA Regulation Unit (RU) agree with the recommendations of the report, which states a Generic Quantitative Risk Assessment (GQRA) is required because insufficient information has been provided to determine the environmental risks from the proposed development.

A GQRA has not been forthcoming despite a request that the information should be submitted before 20th October 2022. The agent advised a contaminated land consultant had been appointed and it would take 6 – 8 weeks for the survey to be completed. Consequently, it has not been demonstrated that the development proposal will not be at risk from possible sources of land contamination that may impact upon human health receptors.

CONCLUSION

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

- The principle of the development is considered acceptable;
- The proposal is in keeping with the character of the surrounding area;
- Residential amenity issues are considered acceptable subject to noise mitigation;
- It is not considered that there will be any flood risk associated with the development proposal;
- A safe and convenient means of vehicular access is achievable;
- It has not been demonstrated that the development proposal will not have a detrimental impact upon bats, a European Protected Species; and
- Insufficient information has been provided to show there will be no land contamination risk on the site that would adversely impact human health.

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| RECOMMENDATION | REFUSE OUTLINE PLANNING PERMISSION |
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| PROPOSED REASONS FOR REFUSAL | |
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| <ol style="list-style-type: none">1. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies NH 2 and NH 5 of Planning Policy Statement 2 – Natural Heritage in that insufficient information has been provided to demonstrate there will be no adverse impact on, or damage to, habitats, protected species or features of natural heritage importance.2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement as it has not been demonstrated that the development proposal would not cause harm to an interest of acknowledged importance, namely human health, in that, it has not been demonstrated that that the proposal would safeguard the future residential amenity of the site from the detrimental impact of existing land contamination. | |
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Site Location Plan

Application Reference: LA03/2022/0750/O

Site for Residential Development

Lands at 85 - 93 Belfast Road, Bruslee, Ballyclare

0 25 50 Metres

Site boundary

Antrim and Newtownabbey BOROUGH COUNCIL

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| COMMITTEE ITEM | 3.3 |
| APPLICATION NO | LA03/2022/0675/O |
| DEA | DUNSILLY |
| COMMITTEE INTEREST | REFUSAL RECOMMENDED |
| RECOMMENDATION | REFUSE OUTLINE PLANNING PERMISSION |
| PROPOSAL | Proposed dwelling on a farm |
| SITE/LOCATION | 20m North West of No. 157 Ballymena Road, Doagh, BT39 0TN |
| APPLICANT | Stephen Bryson |
| AGENT | Jackie Milliken |
| LAST SITE VISIT | 12 th August 2022 |
| CASE OFFICER | Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk |
| <p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p> | |
| SITE DESCRIPTION | |
| <p>The application site is located approximately 20m northwest of No. 157 Ballymena Road, Doagh which is located within the countryside as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The application site is setback approximately 100m from the Ballymena Road and forms a rectangular shape within a wider agricultural field. The topography of the land rises gradually in a northerly direction. Two trees are located along the northern boundary measuring approximately 4-6 metres in height. The eastern boundary is defined by a 1.5m high hedgerow while the remaining boundaries are undefined. The application site bounds No.157, a two storey farmhouse style dwelling, to the east.</p> <p>The surrounding character is open countryside, with dwellings and outbuildings spread out intermittently.</p> | |
| RELEVANT PLANNING HISTORY | |
| <p>Planning Reference: T/2004/1041/O Location: 240m West of, 134 Ballymena Road, Doagh Proposal: Site of dwelling and garage Decision: Planning Appeal Upheld (12.01.2007)</p> <p>Planning Reference: T/2010/0030/RM Location: 150m north of 134 Ballymena Road, Doagh Proposal: Dwelling and garage Decision: Permission Granted (26.03.2010)</p> <p>Planning Reference: T/2010/0031/F Location: 240m west of 134 Ballymena Road, Doagh Proposal: Dwelling and garage Decision: Permission Granted (25.02.2010)</p> | |
| PLANNING POLICY AND GUIDANCE | |

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – Approved, with standard conditions

Department for Infrastructure Roads- No objection, subject to condition

Department for Agriculture, Environment and Rural Affairs- Standard response.

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

- Design, Layout and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Movement and Access
- Other Matters

Policy Context and Principle of Development

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is Policy CTY 10 which states that planning permission will be granted for a dwelling house on a farm where all of the three listed criteria can be met.

The Department for Agriculture, Environment and Rural Affairs (DAERA) advised in a consultation response dated 12th August 2022 that the associated farm has been in existence for more than 6 years, the Farm Business ID having been allocated in April 2005. Their response also confirms that the farm business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years. Their response also states that the proposed site is located on land associated with another farm business.

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

For the purposes of the SPPS 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013 which states agricultural activity

means production, rearing or growing agricultural products, including harvesting, milking, breeding animals, and keeping animals for agricultural purposes whilst paragraph 5.39 of PPS 21 adds 'or maintaining the land in good agricultural and environmental condition' to that definition.

Pre-2017

An invoice dated July 2014 was submitted for '1 ton 10mm pink' from Kelly Landscape and Stone. The invoice is pen written, listing 'Stephen Bryson, 158 Ballymena Road, Doagh, BT39 0TN'. The company is VAT Registered. An invoice dated September 2016 was submitted for 'One blade' from Clare Farm Supplies. The invoice is pen written, listing 'Stephen Bryson', and states no address. The company is VAT Registered. As both invoices fall outside the six-year consideration period, no significant weight is attached to them in the assessment of the application.

2017

An invoice dated June 2017 was submitted for '3 posts' from Norman McCammond. The invoice is pen written, listing 'Stephen Bryson', and states no address. The company is VAT Registered. As the invoice does not specify an address for where the posts were used, this information does demonstrate any maintenance of the applicant's holding.

2018

An invoice dated March 2018 was submitted for 'Guttering' from WJ Scarlett & Son. The invoice is pen written, listing 'S Bryson', and states no address. The company is VAT Registered. As the invoice does not specify an address, this information is not recorded as being specific to the applicant's holding.

An invoice dated May 2018 was submitted which states 'To wash shed and to supply & paint and patch flat roof' from Pollock Brothers. The invoice is pen written, listing 'Stephen Bryson, Doagh'. The company is VAT Registered. As the invoice does not specify an address, this information is not recorded as being specific to the applicant's holding.

An invoice dated May 2018 was submitted for 'byre spouting part' from WJ Scarlett & Son. The invoice is pen written, listing 'S Bryson', and states no address. The company is VAT Registered. As the invoice does not specify an address, this information is not recorded as being specific to the applicant's holding.

An invoice dated August 2018 was submitted for alarm batteries and alarm servicing. The invoice is pen written and is addressed to 'S. Bryson, 157 Ballymena Road, Doagh'. The submitted invoice is not considered to demonstrate 'farming activity' as per the definition outlined above.

2020

An invoice dated July 2020 was submitted for '40/50 Gc 85/35 Fi35 PSV Nr' (Aggregate) from Northstone Materials. The invoice is addressed to 'S Bryson, 157 Doagh Road'. The company is VAT Registered and the invoice is printed onto a sales docket. The submitted invoice is not considered to demonstrate 'farming activity' as per the definition outlined above.

2021

An invoice dated July 2021 was submitted for 'Spraying Ground' from 'James Grey Agricultural Contractor'. The invoice is pen written, listing 'Stephen Bryson, 157 Ballymena'. The company is VAT Registered. This information is considered acceptable evidence displaying farming activity (by way of maintaining the land in good agricultural and environmental condition').

An invoice dated October 2021 was submitted for post and wire fencing from 'Greenmount Country Stores Ltd', amounting to £3143.50. The invoice is printed, listing 'Stephen Bryson, 157 Ballymena Road, Doagh'. The company is VAT Registered. This information is considered acceptable evidence displaying farming activity (by way of maintaining the land in good agricultural and environmental condition').

2022

One invoice dated March 2022 from Fane Valley Stores for sheep gates, fence brackets, and bolts were submitted. The invoices are printed, listing 'Stephen Bryson, 157 Ballymena Road'. The company is VAT Registered. This information is considered acceptable evidence displaying farming activity (by way of maintaining the land in good agricultural and environmental condition').

Two invoices dated May 2022 from Fane Valley Stores for fence brackets, lime, weed killer, and grass seed were submitted. The invoices are printed, listing 'Stephen Bryson, 157 Ballymena Road'. The company is VAT Registered. This information is considered acceptable evidence displaying farming activity (by way of maintaining the land in good agricultural and environmental condition').

An invoice dated June 2022 from Frank Warwick for 1.8 tonne lime was submitted. The invoice is pen written, listing 'Stephen Bryson', and states no address. The company is VAT Registered. As the invoice does not specify an address, this information is not recorded as being specific to the applicants holding.

James Gray Agricultural Contractor dated 26 October 2022 states in a handwritten letter that; 'for the last twenty years until the present day carried out works on the farm belonging to Stephen Byson at 157 Ballymena Road, Doagh. These works include field drainage, fencing, annual hedge cutting and weed spraying as well as other land management services'. It is noted that only one invoice has been received from James Gray Agricultural Contractor, dated July 2021 despite the 20-year history referred to in the letter.

Following initial assessment, it is considered that there to be insufficient evidence which demonstrated farming activity for the requisite six-year period. The Council therefore contacted the agent requesting additional supporting information, specifically for the initial three years of the six-year assessment period. The agent subsequently submitted the evidence noted under the headings 'Pre-2017 until 2018. The submitted evidence for years 2017 and 2018 do not specify an address, therefore the evidence is unable to be recorded as being specific to the applicants holding. It is also noted that the nature of these invoices are not directly related to farming activities, and given their ambiguity, cannot be considered as sufficient evidence which displays farming activity. No evidence for farming activities during 2019 was submitted. The invoice submitted for 2020 is not considered to demonstrate farming activity. Having evaluated the submitted evidence for 2021-2022, it appears that

farming activity has been demonstrated for these years. In summary, the submitted evidence fails to demonstrate farming activity for years 2017-2020, therefore, the proposal is considering to fail CTY 10 (a).

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

The application site is located adjacent and west of the existing farm holding, which contains a dwelling and a number of outbuildings. It is considered that a dwelling could be sited appropriately whereby it will visually link and cluster with the existing grouping. Access is to be taken off the existing farm laneway and is considered acceptable. The proposal is considered to comply with Policy CTY 10(c).

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

The proposed site must also meet the requirements of Policies CTY 13 and CTY 14 which require all development to visually integrate into the surrounding landscape, and that any building is of an appropriate design and will not erode the rural character of the area.

This application is for outline permission only, the design elements of the dwelling would normally be considered under a subsequent reserved matters application, however, it is considered that a suitably designed dwelling would be acceptable on the site without appearing as a prominent feature within the landscape. Views of the site when travelling north along Ballymena Road are partially obscured given the curvature of the road, roadside boundary treatments, and setback distance of the application site. When travelling in the opposite direction, it is considered that the existing 1.5m high hedgerow and existing farm buildings provide a sufficient backdrop for the proposal.

There is nothing to suggest that ancillary works would not integrate into the surroundings. If approved, a siting and curtilage condition would ensure the proposal integrates appropriately, respecting the surrounding character. Overall, it is considered the site is suitably enclosed from critical views and therefore meets the requirements of CTY 13 and CTY 14.

Neighbour Amenity

As the application seeks outline permission, limited details have been provided regarding the proposal, however, it is considered that a dwelling could be sited appropriately so not to have a detrimental impact on the amenity of any existing properties given the separation distances and existing mature boundary treatments.

Access and Parking

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

Other Matters

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

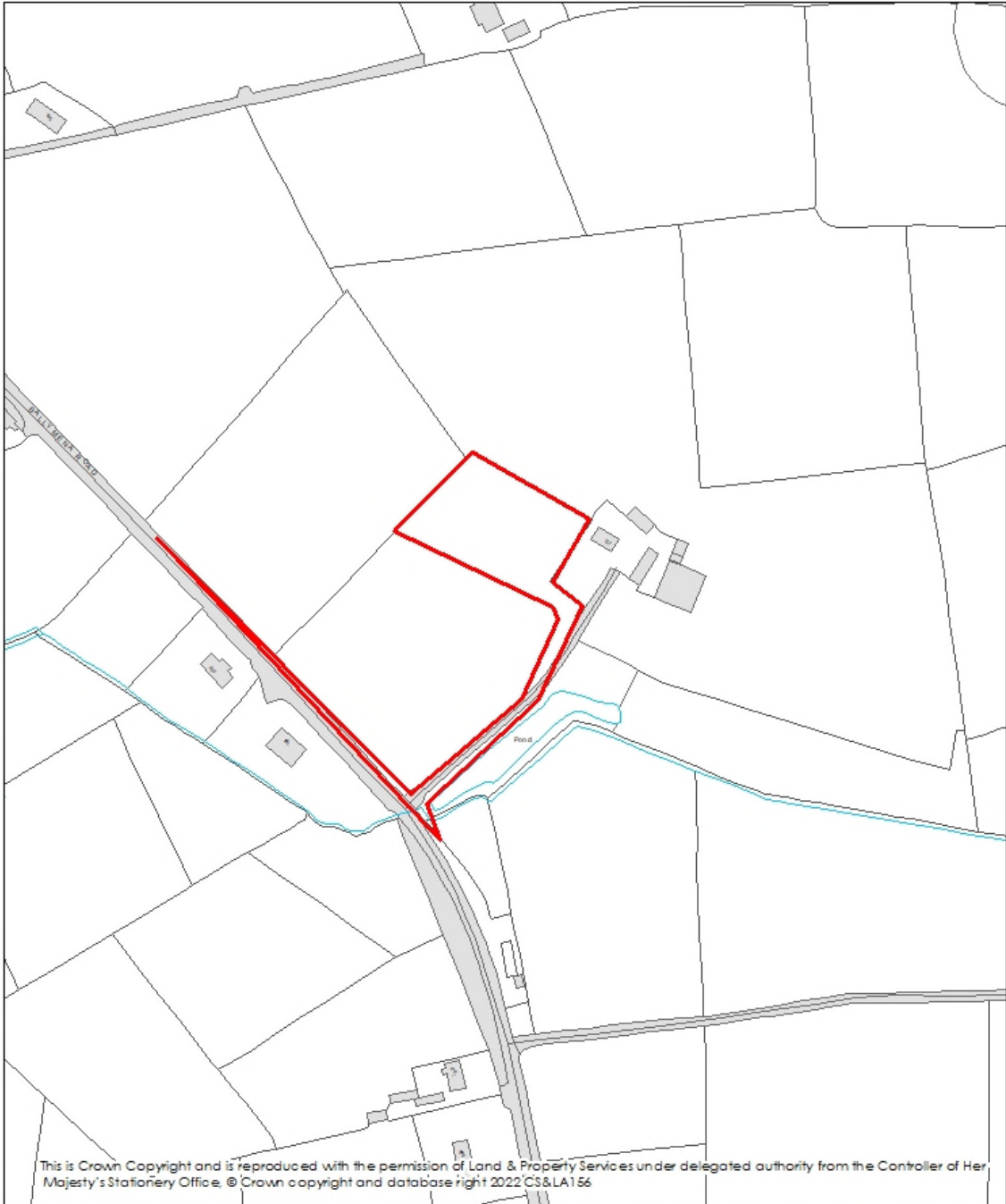
CONCLUSION

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

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of CTY 1 and CTY 10 of PPS 21 as the farm business has not been demonstrated to be active and established;
- It is considered a dwelling could be accommodated within the site and integrate appropriately within the landscape, respecting the rural character of the area;
- An appropriately sited dwelling would not have a detrimental impact on neighbouring amenity;
- There are no road safety concerns with the proposal.

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


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



Reference: LA03/2022/0675/O

Location: 20m North West of No. 157 Ballymena Road, Doagh, BT39 0TN

Proposal: Proposed dwelling on a farm

Scale: 1:2500 

 Site Location



| | |
|---|---|
| COMMITTEE ITEM | 3.4 |
| APPLICATION NO | LA03/2022/0951/O |
| DEA | AIRPORT |
| COMMITTEE INTEREST | REFUSAL RECOMMENDED |
| RECOMMENDATION | REFUSE OUTLINE PLANNING PERMISSION |
| PROPOSAL | Dwelling and Garage (within an infill site) |
| SITE/LOCATION | Lands 25m North East of 5e Ballyquillan Road, Aldergrove, Crumlin, BT29 4DD |
| APPLICANT | Mr Patrick McNamee |
| AGENT | Big Design Architecture |
| LAST SITE VISIT | 9 th November 2022 |
| CASE OFFICER | Michael Tomlinson Tel: 028 90340442 Email: michael.tomlinson@antrimandnewtownabbey.gov.uk |
| <p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p> | |
| SITE DESCRIPTION | |
| <p>The application site is located 25 metres northeast of No. 5e Ballyquillan Road, Aldergrove. This is a countryside location as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site consists of a section of a larger agricultural field. To the northern corner of the application site there is a covered livestock shelter. The dwelling and garage known as No. 5e and the dwelling known as 5f Ballyquillan Road abut the application site along the southwestern boundary with a 1.8 metre close boarded timber fencing and a 1.2 metre post and wire fencing defining this common boundary. A 1.2 metre post and wire fence runs along the northwestern boundary abutting the laneway. The remaining boundaries are undefined as the site is a contrived portion of a larger agricultural field. The topography of the application site is broadly flat.</p> | |
| RELEVANT PLANNING HISTORY | |
| <p>Planning Reference: T/2006/0535/O Location: Site adjacent to No.1 Ballyquillan Road, Crumlin Proposal: Housing development for 8 no. social houses Decision: Permission Refused (25.05.2007)</p> <p>Planning Reference: T/2013/0249/O Location: 90m Approximately North West of 1 Ballyquillan Road, Crumlin Proposal: Site of Dwelling and Garage (Infill) and Relocation of Access Point of Existing Lane Decision: Permission Granted (12.09.2013)</p> <p>Planning Reference: LA03/2016/0752/RM Location: 90m Approximately North West of 1 Ballyquillan Road, Crumlin</p> | |

Proposal: 1 New Dwelling and Garage (infill) and relocation of access point of existing lane.

Decision: Permission Granted (30.11.2016)

Planning Reference: LA03/2017/0377/F

Location: Adjacent to 1 Ballyquillan Road, Crumlin, BT29 4DD

Proposal: Proposed site of dwelling and garage (infill)

Decision: Permission Granted (04.07.2017)

Planning Reference: LA03/2017/0977/F

Location: 90m north west of 1 Ballyquillan Road, Crumlin

Proposal: Proposed new dwelling and garage (In substitution for previously approved dwelling and garage under LA03/2016/0752/RM)

Decision: Permission Granted (21.02.2018)

Planning Reference: LA03/2019/0039/F

Location: Adjacent to and 40m north west of 1 Ballyquillan Road, Aldergrove, Crumlin

Proposal: Detached dwelling and garage in substitution of application

LA03/2017/0377/F

Decision: Permission Granted (03.05.2019)

Planning Reference: LA03/2019/0952/NMC

Location: Adjacent to 1 Ballyquillan Road, Aldergrove, Crumlin

Proposal: Non-Material Change to Planning approval LA03/2019/0039/F (Detached dwelling and garage in substitution of application LA03/2017/0377/F). Change exterior finish from rubbed up sand cement render to grey pearl marble dash.

Decision: Non-material Change Granted (05.12.2019)

Planning Reference: LA03/2020/0054/F

Location: Adjacent to & 20m SE of 5E Ballyquillan Road, Aldergrove, Crumlin

Proposal: Infill dwelling & garage

Decision: Permission Granted (01.04.2020)

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection, informatives recommended.

Northern Ireland Water – No objection.

Department for Infrastructure Roads- No response.

Belfast International Airport – No objection.

Defence Infrastructure Organisation – 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:

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

Policy Context and Principle of Development

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

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

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

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

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

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

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

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

The application site is located 65 metres along a shared laneway that takes access off the Ballyquillan Road. Along this section of the laneway, there are two (2) buildings abutting the application site to the southwest which include the dwelling and garage known as No. 5e Ballyquillan Road, it is accepted that these buildings have a frontage onto the shared laneway. Abutting the application site to the northeast is an agricultural building, however, this building does not benefit from the grant of planning permission and no Certificate of Lawful Development have been submitted to the Council to demonstrate the lawfulness of the building. Given that this building has not been demonstrated as being lawful it is therefore discounted from contributing towards the substantial and continuously built up frontage. As such

the application site is unbounded by any buildings to the northeast and therefore the application site does not present itself as a gap within an otherwise substantial and continuously built up frontage.

Notwithstanding the fact that no gap exists, the plot frontage of the dwelling known as No. 5e Ballyquillan Road along the laneway measures 35 metres, while the garage associated with this dwelling has a notional frontage of 16 metres. The application site has a plot frontage of 38 metres which would be excessive for one (1) dwelling, however, it would be sufficient in plot size for two (2) dwellings whilst still respecting the pattern of development along this section of the laneway. Given that the application seeks only one (1) dwelling, the gap is considered to be too large and therefore a single dwelling within the application site would not respect the existing pattern of development in the area.

The proposed development has also been assessed in respect of a dwelling within an existing cluster. Whilst there are three (3) dwellings abutting the application site on two (2) of its boundaries, one of these is separated by the existing laneway. The proposal would not be absorbed into the cluster through rounding off or consolidating, but instead visually intrude into the open countryside. Additionally, development on the application would not be associated with any focal point. It is considered therefore that the proposal does not meet with all the requirements of Policy CTY 2a of PPS 21.

As the proposed development does not comply with the policy criteria set out in Policies CTY 8 or CTY 2a, it does not represent one of the types of residential development considered acceptable in principle in the countryside. Policy CTY 1 advises that other types of development will only be permitted where there are overriding reasons why it is essential and could not be located in the nearby settlement. No other overriding reasons were presented to demonstrate how the proposal is essential and why it could not be located in a settlement. The proposal therefore fails Policy CTY 1 of PPS 21.

Impact on Character and Appearance of the Area

The application seeks outline planning permission and as such no indicative designs and plans have been submitted in support of the application. Proposed landscaping along the northeastern and southeastern boundaries of the application site will be required at Reserved Matters stage in order to provide boundary definition to the application site should outline planning permission be granted.

It is considered that despite the boundaries of the application site being undefined, the application site is mostly screened from public view when travelling from the southeast to the northwest along the Ballyquillan Road due to the siting of the dwellings known as Nos. 5e, 5f and 5g Ballyquillan Road. Furthermore, the dwelling known as No. 5c Ballyquillan Road provides screening from views when travelling from the northwest to the southeast along the Ballyquillan Road. The application site is set to the northeast of these existing dwellings along the shared laneway of which it has a direct frontage. When the proposed building is added to the existing pattern of development it is considered that it would create a ribbon of development along this laneway.

Ribbon development has always been unacceptable and will continue to be resisted. Where ribbon development is created or where an existing ribbon is added to, it will also have a knock-on detrimental impact on the rural character of the area as such developments are suburban in form and character and are contrary to the policy requirements of CTY 8 & 14.

Neighbour Amenity

Whilst this is an outline planning application with no indicative elevations or floor plans to make a full assessment on the impact a proposed dwelling may have on the abutting neighbouring dwellings, the application site abuts the northeastern boundaries of Nos. 5e, 5f and 5g Ballyquillan Road. The boundary treatments of these existing dwellings provide screening to the private amenity areas of these dwellings. Whilst a suitably designed dwelling may not have a significant impact on the amenity of these dwellings, if planning permission is forthcoming, given the relationship with the neighbouring properties, a siting condition should be imposed.

No. 5c Ballyquillan Road is located across the shared laneway and to the northwest of the application site. This existing dwelling is orientated towards the laneway and has a separation distance of 30 metres from the application site. It is considered that a suitably designed dwelling would not have a significant impact on this neighbouring dwelling.

It is considered that due to the location of the application site and proximity to other buildings, there will be no significant impact on any other neighbouring dwellings.

Other Matters

Environmental Health

The Council's Environmental Health (EH) Section were consulted on the application and in its response noted that the application site lies within the flight path for Belfast International Airport. It has recommended two (2) informatives relating to noise mitigation to be considered by the developer should planning permission be granted on the site.

Road Safety

DfI Roads were consulted as part of this planning application and their response remains outstanding, however the proposed access is taken via a shared laneway accessing from the Ballyquillan Road and as such it is envisaged that there will be no significant issues in relation to the proposed access arrangement.

CONCLUSION

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

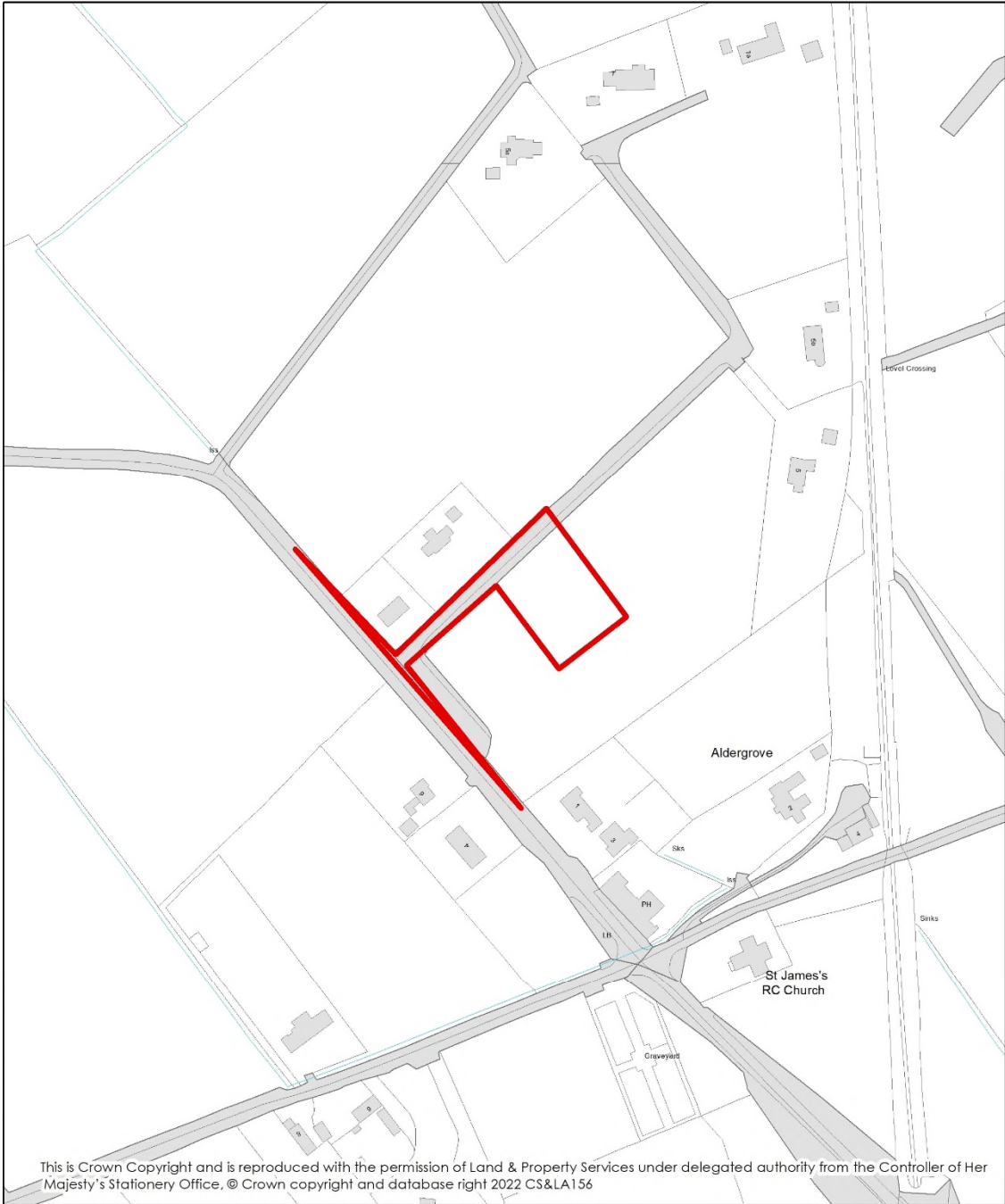
- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of Policy CTY 1, CTY 2a and CTY 8 of PPS 21;
- The proposal would have a negative impact on the character and appearance of the area;
- The application site has surrounding development to encourage the visual integration of a dwelling; and
- There would not be a significant impact on any neighbouring properties from an appropriately designed dwelling.

RECOMMENDATION


REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of PPS 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement, it fails to meet with the provisions for an infill dwelling in accordance with Policy CTY 8 of PPS21 and it fails to meet the provisions for a dwelling within a cluster in accordance with Policy CTY2a of PPS21.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site would, if permitted create a ribbon of development along a shared laneway and will result in a detrimental change to, and erode, the rural character of the countryside.



Reference: LA03/2022/0951/O

Scale: 1:2500 

Location: Lands 25m North East of 5e Ballyquillan Road, Aldergrove, Crumlin, BT29 4DD  Site Location

Proposal: Dwelling and Garage (within an infill site)



| | |
|---|---|
| COMMITTEE ITEM | 3.5 |
| APPLICATION NO | LA03/2022/0734/F |
| DEA | DUNISLly |
| COMMITTEE INTEREST | REFUSAL RECOMMENDED |
| RECOMMENDATION | REFUSE PLANNING PERMISSION |
| PROPOSAL | Proposed dwelling |
| SITE/LOCATION | Approx. 40m SW of 43 Clady Road, Dunadry |
| APPLICANT | Leonard Wilson |
| AGENT | MQD Architecture |
| LAST SITE VISIT | 25 th September 2022 |
| CASE OFFICER | Dani Sterling Tel : 028 903 40438 Email: dani.sterling@antrimandnewtownabbey.gov.uk |
| <p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p> | |
| SITE DESCRIPTION | |
| <p>The application site is located approximately 40 metres southwest of No. 43 Clady Road, Dunadry and lies within the countryside as defined within the Antrim Area Plan (1984-2001).</p> <p>The application site is irregular in shape and encompasses part of the garden area associated with No. 43 Clady Road and a wider hardstanding yard also associated with No. 43. The site abuts the Clady Road at two locations, including an existing domestic access serving No. 43 and a second vehicular access utilising an existing agricultural access adjacent to the existing outbuildings also associated with No. 43. The topography across the site is relatively flat with a slight incline in an easterly direction from the public road.</p> <p>The northern boundary of the southern section of the application site runs adjacent to the existing dwelling (No. 43) and cuts through its associated domestic garden. The southernmost boundary lies adjacent to neighbour dwelling No. 45 and is defined by a 2-metre-high hedge. The eastern (roadside) boundary of the southern section is defined by a set of vehicular gates and a 0.5 metre hedgerow atop a 1-metre-high grassed verge. The northern section of the site is defined to the western boundary by dense vegetation and 8-10-metre-high mature trees. The eastern boundary of the northern section is undefined and lies adjacent to a number of large outbuildings and a concrete yard associated with No. 43. The northernmost roadside boundary is defined by an agricultural gate and ranch style timber fencing which extends across the frontage of No. 43.</p> <p>A number of outbuildings associated with a detached two storey dwelling (No. 43) are located directly north of the application site and Clady Water runs along the furthest western boundary of the application site.</p> | |

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2020/0791/F

Location: 20m north east of 43 Clady Road Dunadry Antrim BT41 4QR,
Proposal: Proposed conversion of part of an existing barn to a dwelling
Decision: Permission Granted (05.07.2021)

Planning Reference: T/2006/0148/F

Location: Outbuildings adjacent to 43 Clady Road, Dunadry
Proposal: Conversion of Vacant Outbuildings to form Self Catering Accommodation
Decision: Permission Granted (31.10.2006)

Planning Reference: T/2007/0757/F

Location: Lands adjacent to 43 Clady Road, Dunadry
Proposal: Retrospective application for change of use from a farmyard to an informal car park (capacity for up to 40 vehicles).
Decision: Appeal Dismissed

Planning Reference: T/2009/0344/F

Location: Outbuildings Adj to 43 Clady Road, Dunadry
Proposal: Conversion of vacant outbuildings to form 4 residential units and erection of detached garage, carport and stores
Decision: Permission Granted (30.11.2009)

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

PPS 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: Historic Monuments – No objection subject to conditions.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

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

defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

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

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

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

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

The first element of Policy CTY 8 requires that a substantial and continuously built up frontage exists. In this case, the application site comprises part of the domestic garden associated with No. 43 Clady Road and is situated between No. 43 to the north and No. 45 to the south. The agent has outlined within Document 01 date stamped 9th November 2022 that the application site provides a valid infill opportunity given that the common road frontage has in excess of 5 dwellings. The agent has not provided any information pertaining to which dwellings and buildings are considered to comprise a substantial and continuously built up frontage.

It is considered that in this case that the buildings providing the substantial and continuously built up frontage include, No's 39, 45, 43 and a number of large

outbuildings associated with No. 43. The proposal is therefore compliant with criterion (a) of policy CTY 8.

The second element of Policy CTY8 requires the gap site to be a small gap site sufficient only to accommodate a maximum of two dwellings. The plot frontages of the dwellings providing the substantial and continuously built up frontage vary. Dwelling No. 45 extends to approximately 46 metres and No. 39 extends to 60 metres. In this case, the application subdivides the existing frontage expressed by No. 43 and its associated outbuildings which extends collectively to approximately 155 metres. The subdivision of No. 43's wider plot results in an application site with a frontage width of approximately 43 metres. The gap between dwelling No. 43 and No. 45 extends to approximately 49 metres. It is considered that a gap of approximately 49 metres and a frontage width of approximately 43 metres would be sufficient in accommodating one dwelling without having a detrimental impact on the character of the wider area.

The third element of Policy CTY 8 states that the proposal should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. As demonstrated on Drawing No. 02 date stamped 18th August 2022 the agent has located the proposed dwelling approximately 87 metres back from the public road. The agent has outlined within Document 01 date stamped 9th November 2022 that the local development pattern follows a pattern of varying set-back distances, which is a common theme locally and therefore encapsulates the local character. The agent has further provided a breakdown of setback distances evident by a number of neighbouring dwellings.

In this regard, the agent has outlined the following setback distances:

- No. 39 setback 13 metres
- No. 43 setback 61 metres
- No. 45 setback 21 metres
- No. 47 setback 88 metres
- No. 55 setback 140 metres
- No. 41 setback 150 metres

The agent has outlined that the average setback distance is therefore 79 metres and therefore the location of the proposed dwelling sits favourably with this average as it is setback 85 metres from the public road. Further information is provided which outlines that the development pattern of the existing built form beyond the application site in a southward direction is of similar character to that surrounding the application site which also displays varying set back distances, with some close to the roadside and others staggered.

In this case, as outlined above the dwellings and buildings considered to comprise the substantial and continuously built up frontage includes No's 39, 45, 43 and a number of large outbuildings associated with No. 43. The agent has identified within Document 01 that the established pattern of development includes additional dwellings No's 47, 55 and 41. Dwelling No's 41, 47 and 55 are not considered to comprise part of the built-up frontage along this section of Clady Road given that the access point for these dwellings is the only element of the plot to front the road. Therefore, it is not considered that dwelling No's 41, 47 and 55 comprise frontages

onto the road and are therefore not taken into consideration as part of the established pattern of development.

It is accepted that there is no defined building line and the setback distances between dwelling No's 39, 45 and 43 and its associated buildings vary across the frontage. However, the variation of distances is limited and most of the dwellings and buildings expressed along the substantial and continuously built up frontage comprise roadside locations. As a result, it is felt that the proposed dwelling setback approximately 87 metres back from the roadside edge would not infill the gap between buildings and would be viewed entirely out of character with the established pattern of development along the road frontage which would have a significant impact on the character and appearance of the rural area. In order to respect the existing pattern of development correspondence with the agent was contacted to seek that the proposed dwelling be pulled significantly forward in order to respect the character of the established pattern of development at this location. However, for the reasons outlined above the agent maintains that the proposed location is in keeping with the local character.

It is therefore considered that the proposal is contrary to the policy requirements of CTY8 as the siting of the proposed dwelling does not respect the existing development pattern along the road frontage.

Design and Impact on Character and Appearance of the Area

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

The application proposes a single storey detached dwelling which has a maximum ridge height of 4.1 metres from finished floor level and an internal floor space area of approximately 108sqm. The proposed dwelling has a low pitch roof and features an area of raised patio decking to the rear. External finishes include painted timber cladding to external walls, corrugated concrete roof tiles, white uPVC window frames and black uPVC rainwater goods.

It is considered that the proposed dwelling has the appearance of a temporary prefabricated modular type building, due to the proposed scale, massing and design of the building. The design of the proposed dwelling, is considered incongruous in this rural location and does not display the essential characteristics of a traditional vernacular dwelling that are evident in the countryside.

Correspondence with the agent was carried out on the 26th October 2022 which raised concern with the design and apparent temporary nature of the proposed dwelling. A supporting statement under Document 01 date stamped 9th November 2022 has outlined that the modern prefabricated dwelling construction is akin to a timber-framed dwelling and therefore represents a permanent structure and should be assessed in the same way as such. Additionally, the agent has further highlighted that the small footprint of the proposed dwelling is indicative of the scale of smaller dwellings locally which ties in with the historic smaller rural cottages.

It is not disputed that a smaller dwelling could be accommodated on the site however, the surrounding characteristics of the area include detached two and single storey dwellings and substantial outbuildings of permanent building materials. It is considered that the proposed modular construction of the proposed dwelling would sit in contrast to this and would therefore be out of character of the receiving context of the wider rural environment.

The siting of the proposed dwelling is set far back from the public road and as a result views would be relatively limited on approach from both directions along Clady Road. Critical views of the proposed dwelling would be achieved across the frontage of the site, however these views would be short term.

The agent has highlighted that the set back location for the proposed dwelling allows views from the public road to be inconspicuous. However, as highlighted above the set back location of the proposed dwelling does not respect the established pattern of development along the roadside frontage and is therefore considered to be an inappropriate siting location for the proposed dwelling. Correspondence with the agent was carried out on the 26th October 2022 to highlight that should the applicant wish to proceed with the prefabricated modular building that the Council would impose a temporary 3-year time restriction for this form of development. The applicant was advised that they would be required to confirm that this is agreeable with the Council, however no response from the agent pertaining to this request was received.

Additionally, the justification and amplification of Policy CTY13 (PPS21) states that where possible, access should be taken from an existing laneway and where required, should run unobtrusively alongside existing hedgerow or wall lines, accompanied by landscaping measures. In this case, the proposed laneway does not run unobtrusively alongside an existing hedgerow and instead runs adjacent to an existing access serving No. 43 and cuts through the middle of exposed area of maintained grass land. As a result, both laneways would be viewed together and would cumulatively appear incongruous in the landscape. Policy CTY13 is not supportive of sweeping driveways in the countryside given their suburban emphasis and are not usually considered appropriate. The access arrangement will not integrate into the rural landscape and will be of detriment to the rural character of the area. The proposal therefore fails to comply with the policy provisions of Policy CTY 13 and CTY 14 in relation to the impact of ancillary works.

As indicated above, the siting of the proposed dwelling and the prefabricated nature of the design is out of keeping with the pattern of development and out of character with the traditional design and appearance of dwellings within the vicinity and additionally the impact of ancillary works would damage the rural character. The proposed dwelling is considered contrary to part (e) of Policy CTY 13 of PPS 21, in that the proposal has a design that is inappropriate for the site and its locality.

Neighbour Amenity

The principle elevation of the proposed dwelling is set approximately 28 metres southwest of No. 43 and would face towards the western gable elevation associated with No. 43. The application proposes to subdivide the domestic curtilage associated with No. 43 and therefore there are no current boundary treatments separating the proposed dwelling from No. 43 (applicant's dwelling). As

demonstrated on Drawing No. 02 date stamped 18th August 2022 estate railing is to define the boundary between the proposed dwelling and this neighbour. An estate rail fencing would have limited impact in mitigating overlooking to this neighbour property, however it is considered that the orientation and separation distance of the proposed dwelling would ensure that significant overlooking would not be achieved between habitable rooms. However, as the private amenity area of No. 43 is located beyond its western gable it is considered that views would be readily achieved from the proposed dwelling. It would therefore be considered appropriate that a 1.8-metre-high timber fence be implemented along a section of the common boundary directly in front of the principle elevation of the proposed dwelling to allow a suitable level of privacy to be retained between both dwellings.

Neighbouring dwelling No. 47 is located approximately 9 metres southward of the application site. The proposed dwelling is single storey and the boundary treatment between both dwellings comprises dense vegetation approximately 5-6 metres in height. Therefore, it is not considered that the proposed dwelling would have an impact with regards to overshadowing, dominance or loss of privacy to this adjacent dwelling.

Neighbouring property No. 43 is located approximately 58 metres southeast of the application site. It is accepted that given the single storey nature of the proposed dwelling and the retention of a sufficient separation distance that the proposed dwelling would not have a significant impact regarding neighbour amenity on this neighbour.

It is relevant to note that planning permission has been granted within the wider domestic curtilage of No. 43 to include the conversion of the large outbuildings to provide self-catering accommodation directly north of the site under planning reference T/2006/0148/F. A further approval within the wider area granted permission to partially convert the large 'L' shaped building directly northeast of No. 43 to a dwelling under planning reference LA03/2020/0791/F. The conversion of the large outbuildings to self-catering accommodation does not appear to have commenced and as result, this permission is considered to have lapsed. In addition, it did not appear that the conversion of the existing barn to a dwelling had been implemented, however this permission is still extant and can still lawfully commence before its expiration date of the 28th June 2026.

Given the separation distance of approximately 47 metres from the proposed barn conversion and the location of No. 43 which sits between the proposal and the approved barn conversion, it is not considered that the proposed dwelling would have a significant impact regarding neighbour amenity on this building if it was occupied in the future as a dwelling.

Overall, it is not considered that the proposed dwelling would have any detrimental neighbour amenity impacts by way of overlooking, loss of privacy or dominance to this adjacent property.

Access, Movement and Parking

DfI Roads were consulted on the application in relation to road safety. They have responded and advised that they are content with the application subject to conditions being attached to any forthcoming approval notice.

Other Matters

Natural Heritage

The application site lies directly adjacent to Clady Water. An informal consultation with Shared Environmental Services (SES) was carried out and it was outlined that SES would require a formal consultation as a Habitat Regulation Assessment (HRA) is required due to a hydrological connection to Lough Neagh + Lough Beg SPA and Ramsar site. SES further noted that consultation with Department of Agriculture, Environment and Rural Affairs, Natural Environment Division (NED) and Water Management Unit (WMU) for comments in relation to any potential impacts on European sites. SES have sought consultation upon receipt of a substantive response from WMU and NED.

To this effect, ecological information pertaining to the location of the application site adjacent to the Clady Water was sought from the agent on the 7th September 2022. Email correspondence received on the 27th October 2022 from the agent highlighted that there is local knowledge of badgers and otters and a Protected Species Survey and report would be submitted by middle of November.

Policy NH2 of PPS 2 affords additional protection to European protected species. It states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species. The presence of species protected by legislation is a material consideration and appropriate information should be submitted to determine if a proposal would likely result in harm to the species or its habitats. The SPPS states in paragraph 6.179, the presence or potential presence of a legally protected species is an important consideration in decision-making. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, the likely impact on the species must be fully considered prior to any determination.

A follow up email was sent by the case officer on the 11th November seeking an update on the progress of the ecological information, however no further response was received from the agent. The application therefore does not contain all of the relevant information to enable the Council to carry out a full determination of the proposal. It cannot be assessed with certainty that the proposed dwelling would not have a significant impact on any protected species or result in an unacceptable adverse impact on, or damage to, habitats, species or features contrary to Policies NH2 and NH5 of PPS 2.

Built Heritage

This application site is located close to the site of a possible enclosure ANT 050:066 which is a site of local importance to which Policy BH 2 of PPS 6 applies. There are no visible above ground remains of this possible monument; however, below ground remains may still exist. The application site is located within a mill complex which is recorded on the Department's Industrial Heritage Register (IHR07290) and may contain belowground remains associated with it. Therefore, archaeological mitigation under Policy BH 4 of PPS 6 is warranted.

Historical Environmental Division: Historic Monuments has been consulted regarding the potential impacts of the proposal on the constraints identified above. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements,

subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

The purpose of the conditions selected by HED are to identify and record any belowground industrial archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

CONCLUSION

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

- The principle of the development is contrary CTY 8 of PPS 21 as the siting of the proposed dwelling does not respect the existing development pattern along the frontage;
- The design of the proposed dwelling is considered unacceptable and contrary to Policy CTY 13 of PPS 21, in that the design of the proposed dwelling is inappropriate for the site and is not in keeping with the character of the surrounding area;
- The proposal will not be resultant in any significant detrimental impact on neighbour amenity;
- There are no road safety concerns with this proposal;
- It has not been sufficiently demonstrated that the proposal would not have any significant ecological impact on Clady Water;
- Subject to the submission of a programme of agrolological works and further consultation with HED there are not considered to be significant archaeological impacts created as a result of the proposal.

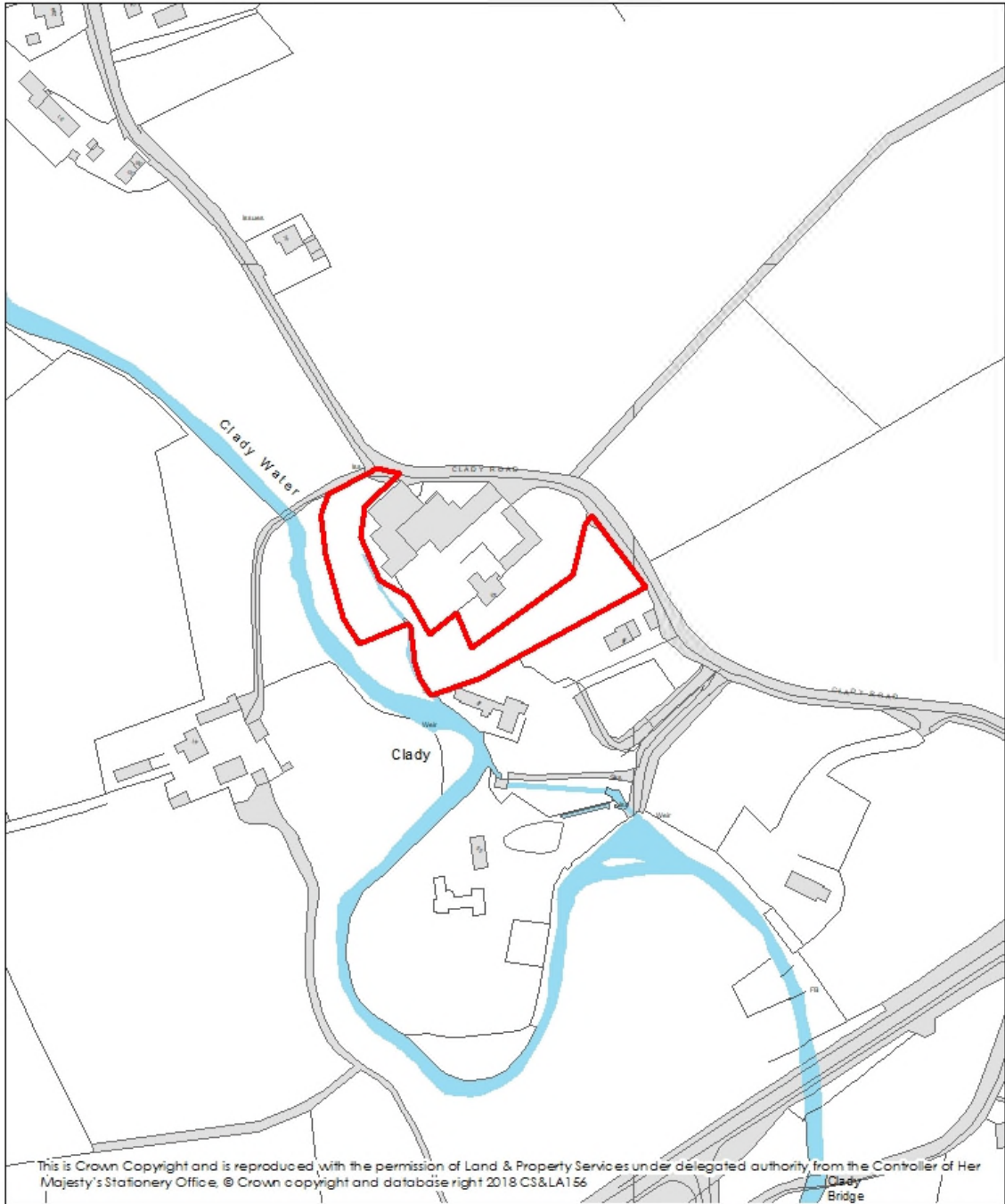
RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and fails to meet with the provisions for an infill dwelling in accordance with Policies CTY 1 and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal does not infill the existing gap, does not respect the existing development pattern along the road frontage.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 13 of the Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design and external building materials of the proposed dwelling are inappropriate for the rural locality.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works (the proposed access and laneway) associated with the proposal would not integrate with the surroundings and would be of detriment to the rural character of the area.
4. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies NH 2 and NH 5 of Planning Policy Statement 2, Natural Heritage, in that insufficient information has been provided in order to

ensure that the proposal will not cause harm to any protected species or result in an unacceptable adverse impact on, or damage to, habitats, species or features.




Site Location Plan

Application Reference: LA03/2022/0734/F

Proposed dwelling

Approx 40m SW of 43 Clady Road
Dunadry



 Site boundary



| | |
|---|--|
| COMMITTEE ITEM | 3.6 |
| APPLICATION NO | LA03/2022/0689/O |
| DEA | DUNSILLY |
| COMMITTEE INTEREST | REFUSAL RECOMMENDED |
| RECOMMENDATION | REFUSE OUTLINE PLANNING PERMISSION |
| PROPOSAL | Replacement dwelling & new detached garage |
| SITE/LOCATION | Approx. 80m NE of 24 Moneyrod Road, Randalstown, Co. Antrim |
| APPLICANT | Ian Murray & Kerri Morrow |
| AGENT | Arc. Design (NI) Ltd |
| LAST SITE VISIT | 22 nd August 2022 |
| CASE OFFICER | Dani Sterling Tel: 028 903 40438 Email: dani.sterling@antrimandnewtownabbey.gov.uk |
| <p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p> | |
| SITE DESCRIPTION | |
| <p>The application site is located approximately 80 metres northeast of No. 24 Moneyrod Road, Randalstown and lies within the countryside as defined within the Antrim Area Plan (1984-2001).</p> <p>The application site is situated at a roadside location at a bend in the road and comprises a linear stone building which is orientated with its gable onto the public road. The existing building features a number of boarded up window and door voids and is finished in stone and corrugated tin roofing. A Royal Mail letter box is built into the eastern gable of the existing building. The topography across the site is relatively flat with a slight decline in a northern direction.</p> <p>The northern boundary of the application site and the northern section of the western boundary are undefined as the site partially cuts through the adjacent agricultural field. The eastern roadside boundary is mostly undefined and exposed to the public road. The southern boundary partially runs adjacent to the vehicular access serving the neighbouring dwelling No. 24 Moneyrod Road and is defined by overgrown vegetation extending to the west boundary.</p> <p>The application site is located within an area characterised by a dispersed pattern of development that includes a number of detached dwellings and a number of stone linear outbuildings located to the east on the opposite side of Moneyrod Road.</p> | |
| RELEVANT PLANNING HISTORY | |
| No relevant planning history | |
| PLANNING POLICY AND GUIDANCE | |
| Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. | |

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

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

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

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

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

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

- Access Movement and Parking
- Other Matters

Policy Context and Principle of Development

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a replacement dwelling in accordance with Policy CTY 3 of PPS 21 'Replacement Dwellings'. Policy CTY 3 requires that the building to be replaced exhibits all the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

The building to be replaced comprises all of its external walls and roof. The roof is completed with corrugated metal sheet roofing. It is evident that the existing building has been left derelict for some time and would not be capable of occupation. There are a number of window and door voids expressed along the northern and southern elevations and two chimney stacks are expressed along the ridge line. Overall, it is accepted that this building exhibits the essential characteristics of a dwelling and therefore the subject building satisfies this element of Policy CTY 3.

Policy CTY 3 goes on to advise that in addition to the above, proposals for replacement dwellings must also fulfil a number of further criteria. Firstly, the proposed replacement dwelling should be sited within the established curtilage of the existing building unless (a) the curtilage is so restricted that it could not reasonably

accommodate a modest sized dwelling or (b) it can be demonstrated that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

In this case, the building is located to the roadside edge of Moneyrod Road. It is noted that a small portion of the building which previously extended close to the road edge was removed at some stage between 2009 and 2018. In addition, the agent has outlined within Document 01 date stamped 1st August 2022 that a section of the existing building towards the western gable was previously demolished. The agent outlines that this previously existing part of the building and a wider section of the surrounding land is not under the ownership of the applicant. The existing building is defined by mature vegetation to the northern, southern and part of the western boundaries. The agent has noted within Document 01 date stamped 1st August 2022 that in order to facilitate the positioning of a new dwelling to be front facing onto the Moneyrod Road, the site has been increased in width, overlapping into the adjacent field. The agent has outlined that the increased width was required as the third party land arrangement of the original site results in a site that is irregular in shape and small in size. As a result, the application site extends to include a section of the agricultural field to the north of the existing building and therefore the application proposes a partial offsite location for the proposed replacement dwelling.

An indicative site layout has been provided on Drawing No. 02 date stamped 1st August which shows a new dwelling sited approximately 15 metres north of the existing building. The location of the existing building is restricted by its siting directly on the roadside edge which is located at a slight bend in the road. It is considered that the proposed overlap into the adjacent field and re-location set back from the public road would be acceptable on this occasion given the restricted nature of the site close to the road which could have safety implications and the ownership of a third party of a section of the wider existing curtilage. The proposed off-site location would allow a safe vehicular access from the public road and an appropriately sized dwelling of modern standards including sufficient space for private amenity. Therefore, the subject dwelling satisfies this element of Policy CTY 3.

In addition, Policy CTY 3 requires that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building.

In this case the application site is set directly on the roadside edge at a bend in the road and therefore views of the existing building are visually prominent on approach to the site when travelling in both directions along Moneyrod Road. Although any proposed dwelling would likely be set back from the road it is considered that any new dwelling within the application site would also be visually prominent and therefore it is considered that the ridge height of the proposed dwelling should be limited to 5.5 metres from finished floor level. It is accepted that any proposed dwelling would be larger in scale, massing and design above that of the existing building to allow a suitably sized modern dwelling to be accommodated on the site.

Taking account of the points outlined above, it is considered that the principle of development in compliance with Policy CTY 3 of PPS 21 on this site has been established and the proposal is acceptable subject to all policy and environmental considerations being met.

Impact on Character and Appearance of the Area

A dwelling and garage within the application site would be open to critical views when traveling in both directions along the Moneyrod Road given the open nature of the site close to the public road. The existing mature landscaping to the northern boundary and part of the western boundary are to be removed to facilitate the partial offsite replacement. Drawing 02 date stamped 1st August 2022 highlights that existing vegetation beyond the southern boundary and part of the western boundary are to be retained. However, this existing landscaping is outwith the application site and the applicant's ownership and can therefore not be conditioned for retention.

As the application is seeking outline planning permission details regarding the siting, design and external appearance of the dwelling, together with the landscaping of the site, are not available at this time. It is recommended that a landscape plan would be required at Reserved Matters stage, providing a detailed planting scheme of native species to all boundaries of the application site to further integrate the proposed built form.

It is considered that given the prominent location of the existing building that a suitably designed dwelling subject to a ridge height restriction and suitable siting arrangement could be integrated into application site and will not be a prominent feature in the landscape in accordance with policies CTY 13 and CTY14 of PPS21.

Neighbour Amenity

The site is located within a rural area and neighbouring property No. 23 Moneyrod Road is located on the opposite side of the public road and No. 24 Moneyrod Road is sited approximately 46 metres southwest of the application site. The proposed replacement of the existing dwelling to a partial off-site location would not cause any significant neighbour amenity impacts given that sufficient separation distances can be retained.

As stated above this application seeks outline planning permission, no details have been provided regarding the proposed design or layout for the dwelling. It is considered that a suitably designed dwelling at the partial off-site location would not unduly impact the adjacent property.

Access, Movement and Parking

DfI Roads were consulted on the application in relation to road safety. They have responded and advised that they are content with the application subject to addition of the standard RS1 Form condition being attached to any forthcoming approval notice.

Other Matters

Natural Heritage

A Preliminary Ecological Assessment (PEA) was submitted with the proposal under Document No. 02 date stamped 14th November 2022. The concluding comments of the submitted PEA highlight that the building to be replaced within the application site was considered to have a moderate quality for foraging and commuting bats and as a result the bat roost emergence/re-entry bat surveys must be conducted. Given that the existing building to be replaced possesses moderate potential for bats and the relevant information has not been provided in order for Department of Agriculture, Environment and Rural Affairs, Natural Environment Division (NED) to

provide a substantive response it is considered that the application does not contain all of the relevant information to enable the Council to carry out a full determination of the proposal. As the application was submitted in August 2022, it would have been expected that the agent would have anticipated the need to assess the potential for fauna on the site, especially bats, and the time periods when this survey work could be completed. The requirement for further bat work mean that the application cannot be progressed to a favourable conclusion without a lengthy delay in order to allow the bat surveys to be carried out during the 2023 season.

The PEA further highlighted that a dry sheugh 13m south of the application site had potential hydrological connections to Lough Beg ASSI/SPA and Lough Neagh SPA via a drainage network which links to the Drumraymond River. In response to this, an informal consultation was carried out with Shared Environmental Services (SES). SES have confirmed that there is at least 150 metres between the proposal and the only potential hydrological pathway to Lough Beg, a small watercourse north of the site. This route would be via normally dry sheughs. It is then a further 8 km hydrologically to Lough Beg. Given the small scale of the proposed development and the limited pathways, no HRA issues were raised. SES have concluded that the potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended) and the proposal would not have any likely significant effect on the features of any European Site and is therefore compliant with Policy NH 1 of PPS 2. A formal consultation with SES was therefore not considered necessary.

In summary there is insufficient information to demonstrate that the proposal will not result in a significant impact to a European protected species and is therefore contrary to both Policies NH2 and NH5 of PPS 2: Natural Heritage.

CONCLUSION

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

- The principle of this replacement dwelling is considered acceptable in accordance with CTY 3;
- It is considered that a proposed dwelling would integrate into the surrounding landscape without resulting in a detrimental impact on the character of the rural area;
- The proposal will not be resultant in any significant detrimental impact on neighbour amenity;
- There are no road safety concerns with this proposal;
- The proposed development is not considered to result in a significant impact on a European Site in compliance with NH 1 of PPS 2;
- It has not been sufficiently demonstrated that the proposal would not have a significant impact on bats contrary to NH 2 and NH 5 of PPS 2.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies NH 2 and NH 5 of Planning Policy Statement 2 – Natural Heritage in that insufficient information has been provided in order to ensure that the proposal will not cause harm to any protected species or result in an unacceptable adverse impact on, or damage to, habitats, species or features.



Site Location Plan

Application Reference: LA03/2022/0689/O

Replacement dwelling & new detached garage

Approx. 80m NE of 24 Moneyrod Road
Randalstown, Co. Antrim

0 30 60 Metres

Site boundary

| | |
|--|--|
| COMMITTEE ITEM | 3.7 |
| APPLICATION NO | LA03/2021/0872/O |
| DEA | AIRPORT |
| COMMITTEE INTEREST | REFUSAL RECOMMENDED |
| RECOMMENDATION | REFUSE OUTLINE PLANNING PERMISSION |
| PROPOSAL | Site for infill dwelling and domestic garage (CTY 8) |
| SITE/LOCATION | 20m East of 49 Loughview Road, Ballyginniff, Crumlin, BT29 4RF |
| APPLICANT | James & Maritta McLornan |
| AGENT | CMI Planners Ltd |
| LAST SITE VISIT | 6 th October 2021 |
| CASE OFFICER | Dani Sterling Tel: 028 903 40438 Email: dani.sterling@antrimandnewtownabbey.gov.uk |
| <p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p> | |
| SITE DESCRIPTION | |
| <p>The application site is located in the rural area and outside of any settlement limits identified within the Antrim Area Plan 1984-2001, approximately 4.6 miles northwest of Crumlin.</p> <p>The application site is square in shape, flat in topography and measures approximately 80 metres along its road frontage with a depth of 70 metres. It comprises part of a larger agricultural field located to the rear of two single storey dwellings (No.49 –applicants and No.49a Loughview Road). The site is bounded by two (2) single storey dwellings (Nos.49 and 49a Loughview Road) to the west and two (2) single storey dwellings and their detached garages (Nos. 50 and 50a) to the east.</p> <p>The northern boundary comprises part of a shared private laneway which provides access to the dwellings at Nos.50 and 50a. A belt of large mature trees, approximately 6 metres in height with mesh fencing set behind line the northern boundary abutting this shared laneway. The northwestern common boundary with No.49 is defined by 1.8 metre fencing with hedging of a similar height set behind. An orchard belonging to No.49 is located within the northwestern corner of the site, with the rear elevation of agricultural shed (with an area of hardstanding set in front), a chicken coup and post and wire fencing defining the remaining section of the western boundary. An existing agricultural gate located in the southwestern corner of the site provides access via a mature hedge-lined landscaped laneway onto the Loughview Road.</p> <p>The southern boundary is defined by tall mature hedging, with a 1.3-metre-high post and wire fencing set in front. A small watercourse flows along the southern boundary between the hedgerow and fencing which feeds into the shores of Lough Neagh Special Protection Area (SPA) and Ramsar which is located approximately 40 metres to west of the site. The site is currently accessed via an existing access which runs south of the gable of the applicant's dwelling (49 Loughview Road). The eastern boundary is defined by mature hedgerow and trees in excess of 6 metres in height.</p> | |

The surrounding area is characterised by agricultural lands with a number of roadside dwellings.

RELEVANT PLANNING HISTORY

Planning Reference: T/2005/0427/O

Location: 49 Loughview Road, Crumlin, BT29 4RF.

Proposal: Site of Dwelling and Garage.

Decision: Refused (31.01.2006) (Dismissed at Appeal – 2006/A0930).

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

CONSULTATION

Department for Infrastructure Roads - No objections subject to conditions.

Council's Environmental Health section – No objection.

Shared Environmental Services – No objections subject to conditions.

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

Northern Ireland Environment Agency – Natural Environment Division – Additional information sought.

Belfast International Airport – No objection.

UK Crown Bodies – Defence Infrastructure Organisation – No objection.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development;
- Integration & Character and Appearance of the Area;
- Neighbour Amenity;
- Natural Heritage; and
- 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. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

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

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

For the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. A building has a frontage to the road if the plot in which it stands abuts or shares a boundary with the road. The first element of Policy CTY 8 requires that a substantial and continuously built up frontage exists. The policy does allow for the infilling to occur along a private shared laneway provided that there is a substantial and continuously built up frontage existing along the laneway.

According to Drawing No.01/1 the buildings that are considered to make up the substantial and continuously built up frontage are the dwelling at No.49a to the west, the agricultural building, the dwelling at No.50 (and its associated garage) and No.50a which all lie immediately to the east of the application site. All of the buildings to the east of the application site are accessed via a shared private laneway. It is considered that these buildings do make up a substantial and continuously built up frontage and therefore the proposal complies with criterion (a) of the policy.

Criteria (b) of Policy CTY 8 requires that the gap site is small and sufficient only to accommodate up to a maximum of two houses. Criteria (c) requires that the proposal respects the existing development pattern along the frontage in terms of size, scale and plot size. In this case, the application is for a single dwelling and domestic garage to be located within the gap which measures approximately 100 metres between the dwelling at Nos.49a and the agricultural shed which lies to the east of No.50. The overall application site measures approximately 80 metres along the road frontage with a depth of 70 metres at its widest point, which is roughly comparable with the plots of the dwellings which make up the substantial and continuously built up frontage along this stretch of Loughview Road. It is therefore considered that the gap is sufficient to accommodate a dwelling and an associated garage, therefore the proposal complies with criterion (b) of the policy.

The application site comprising the plot frontage is substantively larger than others in the surrounding area, however policy CTY 8 allows for a gap accommodating a

maximum of two dwellings. The agent has provided an indicative block on Drawing No. 02/2 date stamped 23rd November 2022 demonstrating that the application site is able to accommodate two dwellings whilst still respecting the established pattern of development expressed in the area. A siting and curtilage condition similar to the layout demonstrated on Drawing 02/2 would ensure that the proposed dwelling would be sited with a plot frontage similar to those found in the direct vicinity of the application site.

If granted, full consideration of size, scale and siting would be given at the Reserved Matters stage of the application. Overall, it is considered that the proposal will respect the existing pattern of development along the road frontage and complies with criterion (c) of the Policy CTY 8.

Integration and Impact on the Character and Appearance of the Area

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

As this application seeks outline planning permission, no details have been provided regarding the proposed design or layout of the dwelling. However, given the context of the site and its immediate area, a storey and a half single detached dwelling and garage of a modest scale and size could be accommodated on the site. Given that the proposal is within a small gap site sufficient only to accommodate a maximum of two dwellings which is bounded by buildings on both its western and eastern boundaries, it is considered that a suitably designed dwelling and garage could be integrated successfully into the landscape subject to appropriate siting and curtilage conditions.

Critical views of the site are achieved when travelling along the Loughview Road in both directions but are limited on approach in both directions given its set-back distance from the road. In addition, the intervening buildings, roadside vegetation and mature trees around the northern curtilage boundary of No.49 and the southern boundary of the application site help to screen the site effectively. Whilst some of the existing roadside vegetation may be lost to accommodate the new access onto the shared laneway, this could be replaced and augmented behind the required visibility splays. It is recommended that a landscaping plan be conditioned on the grant of planning permission to be submitted at Reserved Matters stage seeking the retention of the existing boundary vegetation and the provision of supplementary planting to address any loss of roadside vegetation. It is therefore considered that the principle of a dwelling and garage is acceptable for this rural location and will integrate into the surrounding area, complying with the criteria set out under Policy CTY13 of PPS21.

In order to maintain and protect the rural character of an area, a new building should respect the traditional settlement pattern; that is, the visual appearance of land and buildings in the locality of the proposed development. As the proposal is for the infilling of a small gap site within a substantially and continuously built up frontage, it is considered that while this would create a ribbon of development and

result in a suburban style build-up of development it is however acceptable under the infill exception in Policy CTY8 of PPS21.

Neighbour Amenity

As the application is for outline planning permission, no specific details of house type or design have been submitted. However, it is considered that a dwelling could be appropriately designed for the site, fronting onto the shared laneway to ensure that the privacy and amenity of the closest neighbouring properties (No.52C to the north and No.52B to the south) are not negatively impacted upon. Consultation was carried out with the Council's Environmental Health Section who raised no objections to the proposal.

Natural Heritage

The application site is located circa 40m west of Lough Neagh and Lough Beg Special Protection Area (SPA) and Ramsar site, on the other side of the Loughview Road. A small watercourse lies adjacent to the southern boundary provides a hydrological link with Lough Neagh and Lough Beg SPA/Ramsar.

A Preliminary Ecological Appraisal (PEA) (Document No.01) and a proposed block plan (Drawing No.02/2) was submitted with the application (received 08 March and 23rd November 2022). The Department of Agriculture, Environment and Rural Affairs, Natural Environment Division (NED) response received on the 20th June 2022 acknowledged the submission of the PEA, however concern was raised regarding the qualifications and experience of the individual who had carried out the site survey. NED have advised that standing guidance contained in NIEA's 'Preliminary Ecological Appraisals NIEA Specific Requirements' refers to, *'the applicant must ensure that the commissioned surveyor(s) has the necessary experience and qualifications to carry out this work. The qualifications and experience of all surveyors must be included in the survey report. NIEA recommends that the surveyor(s) is a member of the Chartered Institute of Ecology and Environmental Management (CIEEM).'*

In response to the comments from NED, the agent provided information via email correspondence received on the 5th July 2022 that stated that the PEA was prepared in house by Shan Convery with a postgraduate diploma in Environmental Studies and 15 years' experience. NED have outlined that the response from the agent received on the 5th July 2022 did not include any relevant experience of the surveyor for protected species and based on the qualifications specified that it would be unlikely that the individual would be suitably qualified to carry out a survey of protected species.

The agent outlined via email correspondence received on the 9th September 2022 that the individual has 15 years' experience carrying out ecological studies for wind turbines and on farm buildings for Moy Park. The agent was provided a further opportunity to comment during an email response received from NED on the 14th November highlighting that NED were still unsatisfied with the information provided as examples of experience and qualifications of the surveyor to demonstrate competency to complete surveys had not been provided. No further information or evidence was provided by the agent.

Therefore, given that NED are unable to confirm the authenticity of qualifications and experience pertaining to the individual who carried out the survey it is considered

that insufficient information has been provided to demonstrate that the proposal will not result in a significant impact to protected species and is therefore contrary to Policies NH 2 and NH5 of PPS 2 as the survey provided has not been carried out by a suitably qualified ecologist.

NED also requested that a Construction Method Statement (CEMP) be completed for consideration. However, it is accepted that the submission of a CEMP can be covered by way of a negative condition imposed on any forthcoming approval notice, given that a 10 metre buffer zone as demonstrated on Drawing No. 02/2 date stamped 23rd November 2022 is to be retained and unrestricted from building materials during construction.

A Habitat Regulation Assessment (HRA) was carried out and completed by Shared Environmental Services (SES). SES have outlined that the proposed development will have no adverse effects on the conservation objectives or qualifying features of Lough Neagh and Lough Beg SPA and Ramsar site provided that the proposed mitigation is appended as conditions to any planning permission granted. Antrim and Newtownabbey Borough Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by SES, dated 04/07/2022. This found that the project would not have an adverse effect on the integrity of any European site.

Other Matters

An existing access currently serves the application site. This consists of an existing laneway located in the southwestern corner of the site which runs along the curtilage boundary immediately to the south of the applicant's dwelling (No.49 Loughview Road). The proposal does not seek to utilise this access but instead seeks the construction of a new access taken from the northern boundary onto the shared laneway which is taken off the Loughview Road. DfI Roads were consulted on the application and offered no objections to this principle of the scheme subject to compliance with the RS1 form at Reserved Matters stage should outline planning permission be forthcoming. It is therefore recommended that a planning condition be attached restricting the use of the existing access onto the Loughview Road to avoid the build-up of vehicular accesses in the countryside.

The application is located within close proximity to Belfast International Airport (BIA). BIA were consulted on the application and advised that they could not provide a full response until receipt of detailed drawings of the dwelling which would be submitted at Reserved Matters stage. It is recommended that advice provided by BIA in relation to this matter and the potential from bird risk strike hazards from aircraft is attached by way of planning informative to any grant of outline planning permission should it be forthcoming.

CONCLUSION

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

- The principle of the development is considered acceptable;
- It is considered that an appropriately designed single dwelling and garage on this site will not have a detrimental impact on the rural character of the area;

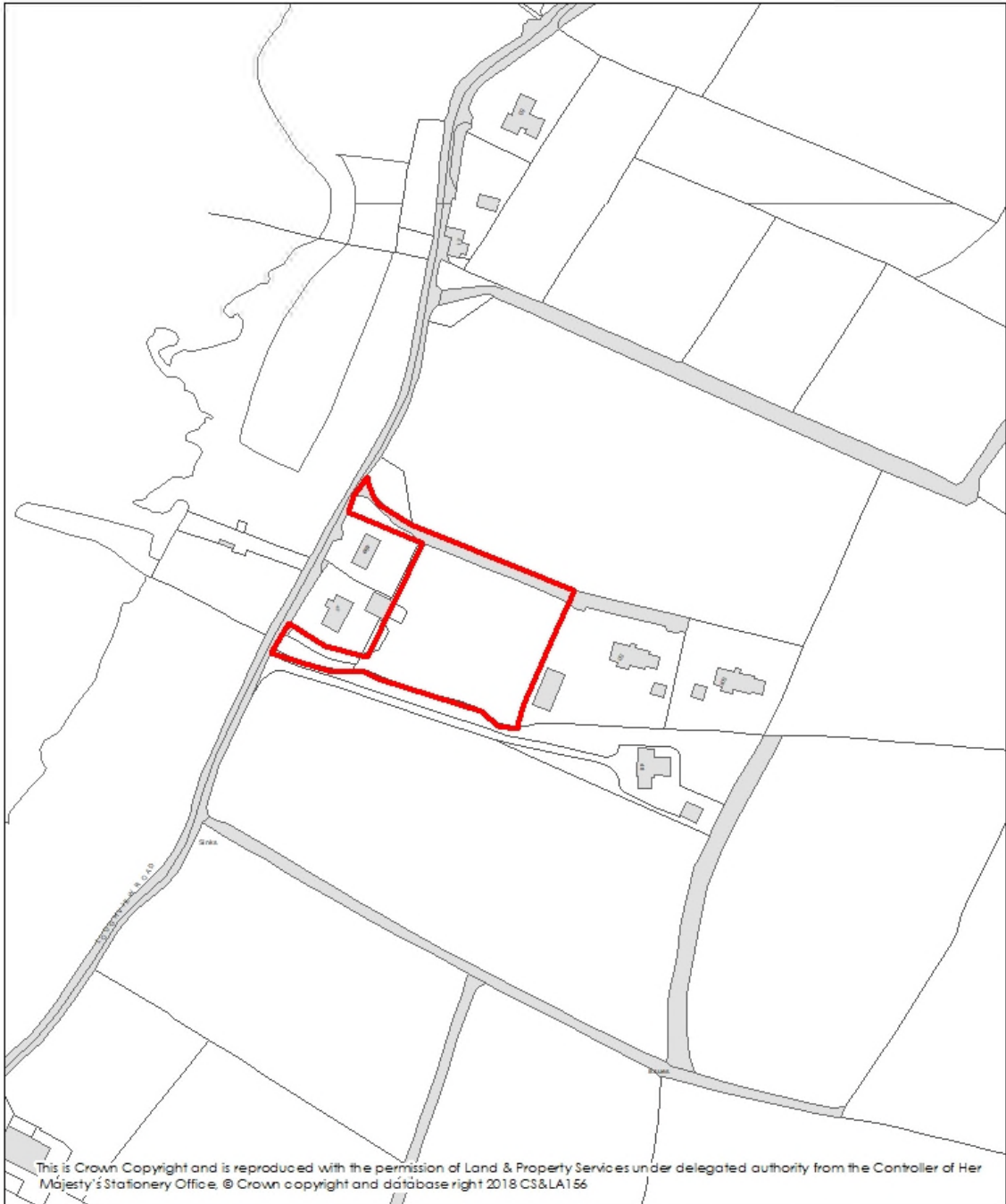
- Neighbouring residential properties will not be significantly impacted by the proposal;
- The proposed development will not have any detrimental impact on road safety; and
- There are concerns that any habitats, species or features of natural heritage importance have not been surveyed by a suitably qualified ecologist and therefore insufficient information has been provided to demonstrate that the proposed development would not have significant impact on natural heritage contrary to NH5 of PPS 2.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies NH 2 and NH 5 of Planning Policy Statement 2 – Natural Heritage in that insufficient information has been provided to confirm that the proposal will not cause significant harm to any protected species or result in a significant impact on, or damage to, habitats, species or features.




Site Location Plan

Application Reference: LA03/2021/0872/O

Site for infill dwelling and domestic garage (CTY 8)

20m East of 49 Loughview Road, Ballyginniff
Crumlin, BT29 4RF



 Site boundary



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|---------------------------|--|
| COMMITTEE ITEM | 3.8 |
| APPLICATION NO | LA03/2022/0418/O |
| DEA | AIRPORT |
| COMMITTEE INTEREST | ADDENDUM REPORT |
| RECOMMENDATION | REFUSE OUTLINE PLANNING PERMISSION |
| PROPOSAL | Site for detached farm dwelling and garage with associated site works |
| SITE/LOCATION | Lands approx. 50m South East of 15 Crosshill Road, Crumlin, BT29 4BQ |
| APPLICANT | Mr McKavanagh |
| AGENT | NI Planning Permission |
| LAST SITE VISIT | 26 th May 2022 |
| CASE OFFICER | Dani Sterling Tel: 028 903 40438 Email: dani.sterling@antrimandnewtownabbey.gov.uk |

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

This application was deferred at the October 2022 Planning Committee meeting to seek legal advice from the Borough Lawyer on issues relating to the; ownership of land, the meaning of Policy CTY 10. A summary of the legal advice is set out below.

Members are advised that Policy CTY1 of PPS21 sets out the types of development that are considered acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY 10. Policy CTY 10 states that all of the following criteria must be met:

- (a) The farm business is currently active and has been established for at least 6 years;
- (b) No dwellings or development opportunities out-with the settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm.

DAERA confirmed that the applicant's farm business has been active and established for more than 6 years, therefore Policy CTY10 (a) is satisfied.

The applicant, Mr McKavanagh, does not own the land which is the subject of this planning application. Mr McKavanagh verbally informed Officers that he holds the land in question in conacre. A conacre agreement does not form a landlord and tenant relationship, it is normally a seasonal agreement between a landowner and a third party for a specific farming activity. Officers have no documentary evidence of a conacre agreement. The land which Mr McKavanagh says he holds in conacre is owned by Ms Hagan, one of the speakers at last month's Planning Committee

meeting. Mr McKavanagh wishes to apply for a dwelling on the land he says he holds in conacre so that Ms Hagan's son can live there and assist Mr McKavanagh in running the farm on the site.

In addition to the land subject to this planning application, Mr McKavanagh, has his own farm land nearby. The subject lands form part of Mr McKavanagh's farm holdings as shown on the submitted farm maps (dated 14th January 2022) and this would suggest that Mr McKavanagh takes these lands in conacre and claims single farm payments on the subject lands. However, no evidence has been provided to support this conclusion.

The applicant stated in planning application forms that no dwellings or development opportunities have been sold off from his farm holding within 10 years of the date of the current application. A planning history search identified that a farm dwelling in respect of the applicant's land was approved on 28 September 2009 on the lands using the applicants farm business identification. Therefore, this is compliant with the element of CTY10 that allows for a farm dwelling once every 10 years.

A land registry check shows that land was sold off from the applicants farm holding to a family member before 31 July 2014. The previous planning approval for a farm dwelling expired on 28 September 2014. Paragraph 5.40 of CTY10 of PPS21 states: *'Planning permission will not be granted for a dwelling under this policy where a rural business is artificially divided solely for the purpose of obtaining planning permission or has recently sold-off a development opportunity from the farm such as a replacement dwelling or other building capable of conversion. For the purposes of this policy, 'sold-off' will mean any development opportunity disposed of from the farm holding to any other person including a member of the family.'*

For the purposes of CTY10 (b) of PPS21 the applicant's farm holdings cannot be taken in a piecemeal fashion and his entire farm holdings which relate to his farm business identification must be treated as one entity. This will apply to his farm land which he owns and the farm land which he says he holds in conacre which is owned by Ms Hagan.

Therefore, as a development opportunity has been sold off from the applicant's farm holding within the last 10 years it does not comply with CTY10 (b) of PPS21. It is irrelevant whether the development opportunity was acted upon or not, the fact is that Mr McKavanagh no longer owns the land in question and therefore it is considered disposed of for the purposes of CTY10 (b) of PPS21.

In addition to the legal matters raised above, the application is still required under Policy CTY 10 (c) to demonstrate that the new building is visually linked or sited to cluster with an established group of buildings on the farm etc. There is a house/buildings located beside the proposed new dwelling but no evidence has been provided to demonstrate that they are part of the farm holding. Paragraph 5.41 of CTY 10 (c) of PPS21 states "It will not be acceptable to position a new dwelling with buildings which are on a neighbouring farm holding.'

In summary, no evidence has been presented regarding the issue of conacre other than word of mouth and no evidence has been presented regarding if the current property/buildings are part of the farm holding as required by policy.

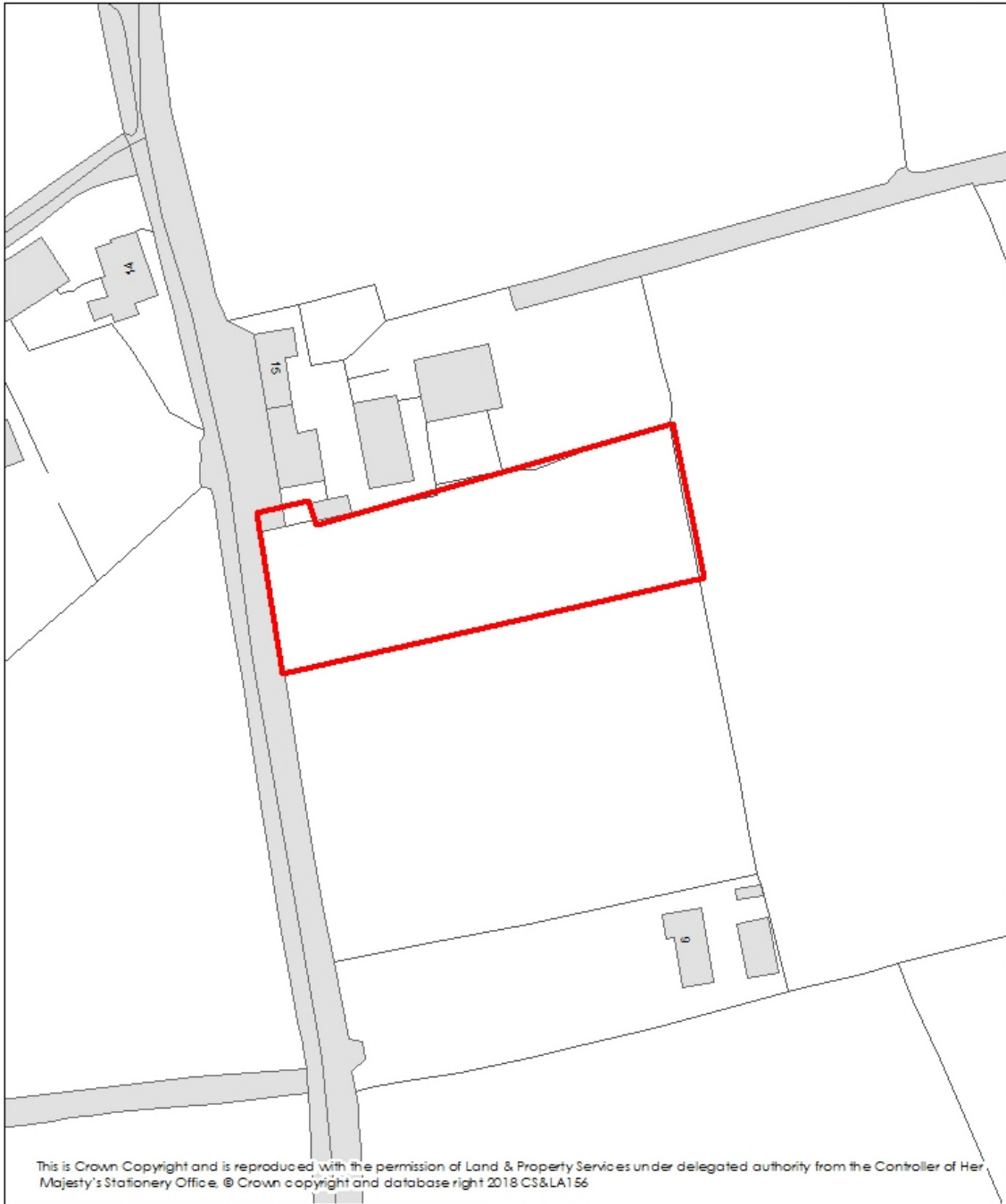
CONCLUSION

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

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

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

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in a development opportunity has been sold off from the farm holding within 10 years of the date of the application.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 10 and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building if permitted, would not be visually linked with an established group of farm buildings on the farm holding.




Site Location Plan

Application Reference: LA03/2022/0418/O

Site for detached farm dwelling and garage with associated site works

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



 Site boundary



| | |
|--|--|
| COMMITTEE ITEM | 3.9 |
| APPLICATION NO | LA03/2022/0934/F |
| DEA | MACEDON |
| COMMITTEE INTEREST | REFUSAL RECOMMENDED |
| RECOMMENDATION | REFUSE PLANNING PERMISSION |
| PROPOSAL | Retention and alteration of boundary fence |
| SITE/LOCATION | 105 Station Road, Newtownabbey, BT37 0BU |
| APPLICANT | Mr & Mrs Jackson |
| AGENT | ARCA Design |
| LAST SITE VISIT | 15 th November 2022 |
| CASE OFFICER | Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk |
| <p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p> | |
| SITE DESCRIPTION | |
| <p>The application site is located at 105 Station Road, Newtownabbey which is located within Metropolitan Newtownabbey and the Fernagh Area of Townscape Character (ATC) as indicated within the draft Belfast Metropolitan Area Plan (BMAP).</p> <p>The application site contains a two storey, semi-detached dwelling and detached, single storey garage. Amenity space is provided to both the front and rear elevation of the dwelling, with parking provision to the front of the dwelling. The northern boundary is defined by a 1.2m high boundary hedgerow, the eastern boundary by a 1.8m high timber boarded fence which drops down to 1.2m in height towards the junction with Princes Avenue/Station Road. The southern boundary is defined by a 1.2m high timber boarded fence, and the western boundary by a 1.2m high hedgerow.</p> <p>The site is located within a residential area of similar house types and designs. Whiteabbey Hospital is located directly south of the application site.</p> | |
| RELEVANT PLANNING HISTORY | |
| No recent/relevant planning history. | |
| PLANNING POLICY AND GUIDANCE | |
| <p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement together with relevant provisions of</p> | |

Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the development limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

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

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

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

CONSULTATION

DfI Roads - No objection.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Impact on Trees and Environmental Quality of this Area.
- Amenity Space, Parking and Manoeuvring

Policy Context

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. The application site lies within the development limit of Metropolitan Newtownabbey in both Plans. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements. Amongst these is the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS 7). Taking into account the transitional arrangements of the SPPS, retained APPS 7 provides the relevant policy context for consideration of the proposal.

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

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

APPS7 also advises that the guidance set out in Annex A of the document will be taken into account when assessing proposals against the above criteria.

The application is for the proposed reduction in height of an existing boundary fence erected without planning permission. The existing fence currently measures 1.8m in height for a 24 metre section along the eastern boundary, whereby it steps down to 1.5m in height for a 1.8m section, followed by another step down to 1.2m in height for a 3.4m section. The southern boundary is defined by a 1.2m high fence for a 4.2m section.

Scale, Massing, Design and Appearance

The application seeks the retention and alteration of an existing close boarded timber boundary fence erected without the benefit of planning permission. The close boarded fence runs along the entirety of eastern boundary (approximately 30m length), and a small section of the southern boundary (approximately 4m). The proposed alteration seeks to step down the existing fence at phased points along the eastern boundary, alongside the retention of the 1.2m high timber fence along the southern boundary.

The application site provides a double frontage; abutting a public footpath and road to the east along Princes Avenue and to south along the Station Road. Considering the prominent location of the application site and its prominent frontage along both a residential street and a main throughfare connecting the Shore Road to the Doagh Road, the subject fence is highly visible from public vantage points. The addendum to PPS 7 is clear that the use of close boarded fencing along such boundaries would be unacceptable.

The addendum to PPS 7 states that materials to walls and fences should complement the character of the property and neighbourhood. It also states that "Expanses of close-board fencing bordering public areas are visually unacceptable". While the proposal is to reduce the height of the fence, it is considered that the amended lower height will still have a significant visual impact upon the streetscape, appearing dominant and overbearing when travelling along the public footpath and when travelling along Station Road/Princes Avenue. The proposed reduction will result in a 1.8m high fence along a 10.5m section, a 1.5m high fence along an 8m section, and a 1.2m high fence along an 11m section. It is considered that the proposal does not respect the existing low-height boundary treatments which are exhibited in the surrounding residential properties and it is considered that the proposal appears out of character for the area.

While it is accepted that the adjacent dwelling at No.103 Station Road has a close-boarded wraparound fence, the height is significantly lesser. The boundary fence of No. 103 Station Road is a 1m high fence, which falls under Permitted Development Rights and thus does not require planning permission. While it is accepted that the fence steps up in height to 1.2m along Princes Avenue, the fence has been in place for more than 5 years and is therefore immune from enforcement action.

Having considered the above, it is deemed that the proposal is contrary to part (a) of addendum to PPS 7 in that the fencing which is the subject of this application is of a scale, design and uses materials which are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

Impact on the Area of Townscape Character

The application site lies within the Fernagh Area of Townscape Character (ATC), as designated within the draft Belfast Metropolitan Area Plan 2004. As the Plan is only in draft form, the ATC designation cannot be given determining weight, however, the fact that it is a draft ATC indicates the strong character that exists in the area. It is considered the proposal appears out of character for the designated area, failing to respect the existing low height boundary treatments exhibited within the surrounding

ATC. The proposal is considered to appear dominant and intrusive along the frontage, especially given the wide public views that the site is visible from.

Neighbour Amenity

It is considered that the proposal will not unduly affect the privacy or amenity of neighbouring residents. The application deals solely with the erection of a fence along the eastern and southern boundaries of the site. With roadways intervening between these boundaries and neighbouring properties, there will be no impact in terms of loss of light or overshadowing. No objections have been received on the application from third parties.

Impact on Trees and Environmental Quality of this Area

The proposal has resulted in the loss of a 1.2m high hedgerow which formed the front and side perimeter of the curtilage for a distance of approximately 33 metres. Whilst this is a considerable section of mature hedging, it has not been afforded any protection and could have been removed and replaced by a smaller fence. It is considered therefore that there has been no significant impact on the environmental quality of the area.

Amenity Space, Parking and Manoeuvring

It is considered that sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

CONCLUSION

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

- The principle of the development is considered acceptable;
- The scale, massing, design and appearance of the fence is considered unacceptable;
- There will be no detrimental impact upon neighbouring properties;
- The proposal has resulted in the acceptable loss of a portion of hedgerow; and
- Sufficient space remains within the curtilage for parking and recreation purposes.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the Policy provisions of the Strategic Planning Policy Statement for Northern Ireland and Policy EXT 1 of Addendum to Planning Policy Statement 7 "Residential Extensions and Alterations in that if the development were approved, it would detract from the appearance and character of the site and surrounding area by way of scale, massing, design and inappropriate use of materials.




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Reference: LA03/2022/0934/F

Location: 105 Station Road, Newtownabbey, BT37 0BU

Proposal: Proposed boundary fence

Scale: 1:2500 

 Site Location



ITEM 3.10

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

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

One (1) appeal was dismissed during November by the Planning Appeals Commission (PAC) in relation to LA03/2021/0088/F (A2021/A0104) 62 Ferrard Meadow, Antrim for an additional timber boarded fence to the existing boundary wall (retrospective) and a copy of this decision is **enclosed**.

RECOMMENDATION: that the report be noted.

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

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.11

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

Prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks' notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). One (1) PAN was registered during November 2022 the details of which are set out below.

| | |
|------------------------|--|
| PAN Reference: | LA03/2022/1005/PAN |
| Proposal: | Storage and distribution depot with ancillary office accommodation, access and parking provision and all other associated site works |
| Location: | Lands at Plasketts Close, Fergusons Way, Kilbegs Industrial Estate, Antrim |
| Applicant: | Tyre Call Limited, 12 Kilbegs Road, Antrim, BT41 4NN |
| Date Received: | 16 November 2022 |
| 12 week expiry: | 8 February 2023 |

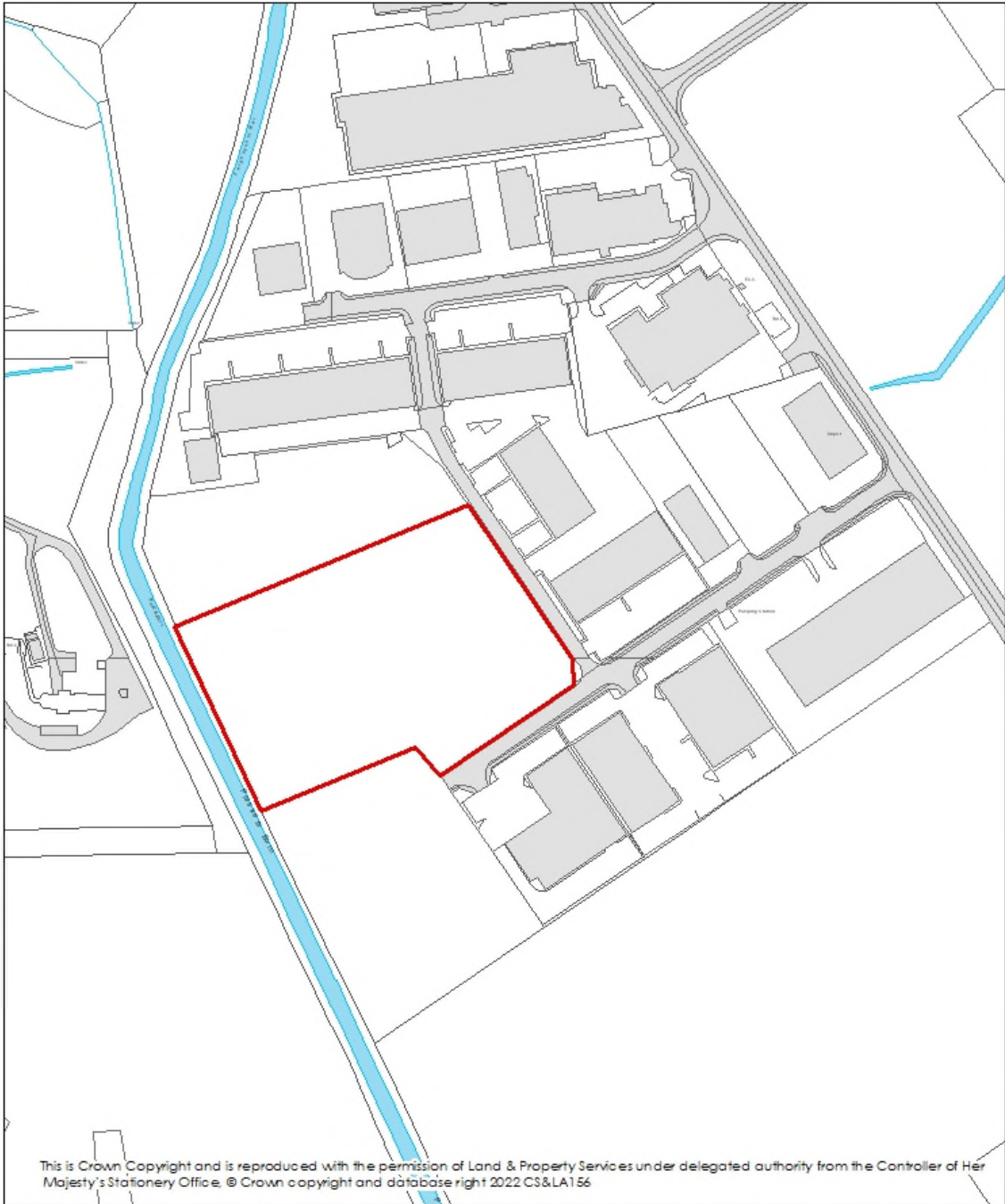
Under Section 27 of the 2011 Planning Act obligations are placed on the prospective developer to consult the community in advance of submitting a Major development planning application. Where, following the 12-week period set down in statute, an application is submitted this must be accompanied by a Pre-Application Community consultation report outlining the consultation that has been undertaken regarding the application and detailing how this has influenced the proposal submitted.

RECOMMENDATION: that the report be noted.

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

Agreed by: Sharon Mossman, Deputy Director of Planning

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



Reference: LA03/2022/1005/PAN

Location: Lands at Plasketts Close, Fergusons Way, Kilbegs Industrial Estate, Antrim

Proposal: Storage and distribution depot with ancillary office accommodation, access and parking provision and all other associated site works

Scale: 1:2500

Site Location



ITEM 3.12

P/FP/LDP/19 NORTHERN IRELAND HOUSING COUNCIL CORRESPONDENCE

The Northern Ireland Housing Council has recently written to Councils in Northern Ireland (**enclosed**) advocating the inclusion of Lifetime Homes standards within the provisions of new Local Development Plans.

The Northern Ireland Housing Council is an advisory and consultative body which considers matters affecting housing referred to it by the Department for Communities (DfC) or the Northern Ireland Housing Executive (NIHE), with its membership made up of one representative from each of the 11 Councils in Northern Ireland.

The organisation has written to the Council promoting the benefits which Lifetime Homes standards bring and requests that they be applied to all new housing schemes. These are a nationally recognised set of criteria to make new dwellings adaptable to meet a households changing needs.

Members will be aware that the Council's draft Plan Strategy does include a policy in relation to Lifetime Homes (DM 17.1d) and encourages a balanced approach, whereby schemes of 20 units or more, a minimum of 20% are subject to this approach.

RECOMMENDATION: that the report be noted.

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

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.13

P/PLAN/1 DEPARTMENT FOR INFRASTRUCTURE CORRESPONDENCE – AVIAN INFLUENZA PERMITTED DEVELOPMENT RIGHTS

Correspondence (**enclosed**) has been received from the Department for Infrastructure advising Council that, following the Departments of Agriculture, Environment and Rural Affairs declaration of an Avian Influenza Prevention Zone for all poultry and captive birds across the whole of Northern Ireland, there are permitted development rights to permit the erection of buildings necessary for the purposes of housing poultry and other captive birds to protect them from avian influenza.

A link is attached to the relevant Order:

<https://www.legislation.gov.uk/nisr/2015/175/made>

RECOMMENDATION: that the report be noted.

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

Agreed by: Sharon Mossman, Deputy Director of Planning

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

ITEM 3.14

P/PLAN/1 REVIEW OF THE OPERATION OF THE PLANNING COMMITTEE

Members previously agreed to hold a number of workshops in relation to the Local Development Plan, the Planning Portal, Operation of the Planning Committee, and planning agent training.

The review of the Operation of the Planning Committee will now be arranged for January 2023 and will include a review of implemented planning decisions and a sample of decisions delegated to Officers under Paragraph 34 of the Protocol for the Operation of the Antrim and Newtownabbey Planning Committee. Refresher training will also be given by Mr Paul Casey BL on the Councils Planning Protocol.

In addition, as agreed, a workshop will be held for planning agents on a range of matters including the new Portal, the Local Development Plan and Development Management requirements.

RECOMMENDATION: that the report be noted.

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

Agreed by: Sharon Mossman, Deputy Director of Planning

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