



15 June 2022

Committee Chair: Alderman F Agnew
Committee Vice-Chair: Councillor J Archibald-Brown
Committee Members: Aldermen – T Campbell and J Smyth
Councillors – A Bennington, H Cushinan, S Flanagan,
R Kinnear, R Lynch, M Magill, R Swann and B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 20 June 2022 at 6.00pm.**

You are requested to attend.

Yours sincerely

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

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

For any queries please contact Member Services:

Tel: 028 9034 0048 / 028 9448 1301 memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – JUNE

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: LA03/2020/0398/F

110/33 kV cluster substation including two 90 MVA transformers, associated switchgear, fire wall, a 33 kV switch room along with associated site works including drainage, a perimeter palisade fence, internal access road and lighting, approx. 20m Southeast of No 12 Maxwells Road, Ballymena, BT42 3NU

3.2 Planning Application No: LA03/2021/1026/F

Change of use from beauty salon (currently vacant) to fast food Chinese take away at Unit 2, Beverley Shopping Centre, Carnmoney, BT36 6QD.

3.3 Planning Application No: LA03/2021/0811/O

Site for residential development at Lands to rear of 68-72 Main Street, Toomebridge.

3.4 Planning Application No: LA03/2021/1066/F

Proposed residential development consisting of 105 dwellings and all other associated site works. (Variation of Condition 12 of planning approval T/2013/0375/RM regarding landscaping) at lands south of Temple Rise, adjacent to Lylehill Road and 7 Kilmakee Road, Templepatrick.

3.5 Planning Application No: LA03/2022/0069/F

Proposed development consisting of 9 no. apartments within a three storey building, landscaping and all associated site and access works at lands at 319-321 Shore Road (West of Loughshore Manor) Newtownabbey BT37 9FD.

3.6 Planning Application No: LA03/2022/0219/O

Site for dwelling and garage on a farm 75m North West of 91 Staffordstown Road, Creggan, Randalstown.

3.7 Planning Application No: LA03/2022/0149/O

Site for dwelling and garage on a farm (under policy CTY10) and associated siteworks 40m SE of 8 Ladyhill Road, Antrim, BT41 2RF.

3.8 Planning Application No: LA03/2022/0170/O

Proposed dwelling and garage on a farm approximately 30m north of 74 Cargin Road, Toome, BT41 3PB.

3.9 Planning Application No: LA03/2022/0235/O

Outline planning application for proposed single dwelling at land adjacent to 111 Parkgate Road, Kells, BT42 3PG.

3.10 Planning Application No: LA03/2022/0220/O

Site for dwelling and garage and associated ancillary works 50m NW of 28A Crosshill Road, Crumlin.

3.11 Planning Application No: LA03/2022/0221/O

Site for dwelling and garage and associated ancillary works 30 metres south east of 28E Crosshill Road, Crumlin.

3.12 Planning Application No: LA03/2022/0122/O

Site for dwelling, garage and associated ancillary works at lands between 148 and 148b Ballymena Road, Doagh, BT39 0TN.

3.13 Planning Application No: LA03/2022/0234/O

Site for dwelling and garage approx. 50m NW of 10 Farranflugh Lane, Randalstown, BT41 2NQ.

3.14 Planning Application No: LA03/2022/0171/F

Proposed new garage access (retrospective application) at 1 Toberdowney Valley, Ballynure, BT39 9TS.

3.15 Planning Application No: LA03/2022/0254/F

Change of use from former public house to social club at 47 Main Street, Randalstown, BT41 3BB.

PART TWO – Other Planning Matters

3.16 Delegated Planning Decisions and Appeals May 2022

3.17 Proposal of Application Notices for Major Development

3.18 Local Development Plan – Independent Examination

3.19 Belfast City Council Local Development Plan Modifications to Draft Plan Strategy

3.20 End of Year Review and Proposed Workshops

3.21 Planning Portal Update

4. Any Other Business

PART TWO – Other Planning Matters – IN CONFIDENCE

3.22 Proposed Changes to Draft Plan Strategy

PART ONE – Decisions on Enforcement Cases – IN CONFIDENCE

3.23 Enforcement Case - LA03/2021/0137/CA

3.24 Enforcement Case - LA03/2022/0127/CA

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 20 JUNE 2022**

PART ONE

PLANNING APPLICATIONS

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2020/0398/F
DEA	DUNSILLY
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	110/33 kV cluster substation including two 90 MVA transformers, associated switchgear, fire wall, a 33 kV switch room along with associated site works including drainage, a perimeter palisade fence, internal access road and lighting.
SITE/LOCATION	Approx. 20m Southeast of No 12 Maxwells Road Ballymena, BT42 3NU
APPLICANT	SONI Ltd
AGENT	N/A
LAST SITE VISIT	27/04/2022
CASE OFFICER	Ashleigh Wilson Tel: 028 9034 0429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located outside any development limits and is situated in the countryside as designated by the Antrim Area Plan 1984 – 2001.</p> <p>The site lies within the confines of Kells Grid 275/110 kV substation off the Maxwells Road, Ballymena. The site is irregular in shape and abuts the roadside. An existing concrete post with chain link fence is located along the northwest, roadside boundary and the site is enclosed on all sides.</p> <p>The area is rural in character with the existing substation and a number of dispersed rural dwellings within close proximity to the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2018/1132/DETEIA Location: NIE Networks, Kells Main Substation, opposite 12 Maxwells Road, Ballymena, BT42. Proposal: Proposed 33/110kV Cluster Substation within Existing Kells Substation Decision: Environmental Statement Not Required.</p> <p>Planning Reference: LA03/2018/0984/F (2018/A0248) Location: Lands at Doagh Road, Kells (approximately 137m North East of Kells Sub-Station and approximately 56m South West of 3 Whappstown Road). Proposal: Proposed battery energy storage facility, new site access, lighting and CCTV columns and ancillary development Decision: Allowed at Planning Appeal 27/11/2020.</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 the 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.

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

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

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

Planning Strategy for Rural Northern Ireland (PSRNI): Balances the need of new utility infrastructure against the objective to conserve the environment and protect amenity.

CONSULTATION

Council Environmental Health Section – No objection, subject to noise conditions

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection

Department for Infrastructure Rivers – No objection

Northern Ireland Environment Agency: Water Management Unit (WMU):
No objection, subject to conditions

Northern Ireland Environment Agency: Regulation Unit (Land and Groundwater Team): No objection, subject to condition

Northern Ireland Environment Agency: Natural Environment Division (NED): No objection, subject to conditions

Health and Safety Executive: Does not advise against granting planning permission

Mid and East Antrim Borough Council: No corporate view provided

Shared Environmental Services: No objection

Northern Ireland Electricity: No objection

REPRESENTATION

Twelve (12) neighbouring properties were notified and thirty-three (33) letters of objection have been received from six (6) addresses. Nine (9) letters of support have been received from nine (9) addresses. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- The proposal should be a regionally significant development;
- Site splitting: the redline should be around the whole substation and should be regionally significant rather than a local application;
- Prematurity and prejudice to the Plan process;
- Lack of need for the facility;
- Request for full analysis of cost benefit for the consumer;
- What are the social and economic benefits of the proposal vs the damage to the environment, residential amenity, visual amenity and rural character of the area;
- Not aware of the Kells area being designated a renewables hub to accommodate more renewables;
- What changes have been made or are to be made to the Kells substation plant or site to facilitate the power from the proposed cluster station?
- Noise impact;

- Environmental impacts;
- Impact on landscape character and visual impact including cumulative impact arising from existing proposals, live unimplemented permission and valid but underdetermined applications;
- Must consider the worst-case scenario of this application;
- Cumulative impacts from 180MW of renewable generators wanting to connect into this 180-MW cluster station;
- Cumulative impacts due to the proximity of Kells BESS in terms of COMAH and HSC thresholds, risk of accidents and impacts on emergency services in the event of a thermal runaway event;
- EIA determination is premature and must be withdrawn;
- Environmental impacts from an oil spill;
- Risks to workers, electricity infrastructure and transmission services;
- Additional pressure on the emergency services;
- Impact on European protected sites;
- Departure from the findings of the TDPNI and TDPNI Shadow HRA;
- The TDPNI shadow HRA should be placed on the planning portal for comment from third parties and consultees;
- A HRA is required;
- Concerns with HRA and impact on watercourses and protected sites due to oil and firewater potentially discharging to the water course;
- Impact on salmon spawning waters;
- Drainage has not been adequately assessed;
- Clarification required re. storm or fire water runoff – where will this be discharged to outside the site;
- What indirect linkages are there to water courses?
- What is the impact on Ross Burn, the Connor Burn and the Kells water?
- The application site falls within the surface water flood map;
- Flooding - the NI flood map flood plain flows close to the Kells substation perimeter than fig 58 suggests therefore the risk of pollution into the water courses hydraulically linked is much greater;
- Requirement for Hazardous Substance Consent;
- Has the threshold for HSC been made for the cluster station?
- Kells Vocal has sent in information concerning the threshold levels for the Kells BESS. Can you reassess the impact the BESS permission has on the cluster station given that you now have the evidence before you that BESS will require HSC and COMAH assessment;
- No explanation given as to why the cluster station within the Kells main substation is any less likely to have an impact if it were outside the main substation;
- Potential risks to water quality;
- Risks to habitat deterioration;
- HSENI is incorrect in its advice that Kells BESS is not subject to HSC and COMAH Regulations;
- It is difficult to view HSC applications as they are not available on the portal
- A website should be set up now to inform the public about these applications;
- Article 8 of the Seveso II Directive requires member states to ensure the competent authority identifies establishments or groups of establishments where the likelihood and the possibility or consequences of a majorly accident

may be increased because of the location and the proximity of such establishments and their inventories of dangerous substances;

- Nytro Taurus oils and greenhouses SF6 greenhouse gases will be present;
- The proposed Kells cluster stations lies within the existing kells sub station and adjacent to the proposed Kells BESS for which an invalid planning permission has been granted;
- ICNIRP declares compliance with Radio Frequency requirements when it should have addressed the power frequency EMF requirements of the ICNIRP public exposure guidelines for this current proposal as well as other cluster stations in NI;
- Has the Council requested an OCEMP, if not why not?
- Unstable energy generation going into network leading to unstable BESS requirements and all infrastructure should be included in the application site;
- Kells Vocal ask for NIEA, HSCNI, SES, EHO to consider objection 12 & 26 on the planning portal;
- Neighbour notification letters received but no info uploaded onto the portal.

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

- The UK is mandated by law to achieve net zero emissions by 2050 to mitigate climate change impacts including bringing greenhouse gas emissions to net zero which cannot be achieved without renewable projects and such associated infrastructure;
- The cluster substation will facilitate the connection of demand generation to the existing transmission network and will facilitate Castlegore Wind Farm project which will generate 23.1MW of renewable electricity and estimated to reduce greenhouse emissions by over 1.3million metric tons during its lifetime and has environmental, economic and social benefits;
- The substation will help ensure security of electricity supply vital for future economic growth which will contribute to deliver a green recovery from impacts of Covid 19;
- The draft Energy Strategy sets a target of 70% electricity from renewable resources by 2030 requiring between 1400-2750MW of additional generation and the proposal is key in ensuring renewable electricity can be connected to the grid and help ensure the target can be met;
- The 33kV connection point is required in order that NIE Networks can meet its statutory obligation under the Electricity (NI) Order 1992 to provide a connection to the distribution system on request;
- Alternative options to the development of a cluster substation would involve either additional transmission overhead lines and the establishment of a new greenfield transmission substation in the locality, or the establishment of multiple long cross-country overhead distribution lines;
- Technical benefits for the transmission and distribution of electrical power;
- The proposal supports wider context and government level initiatives;
- Request for an urgent recommendation to be made;
- Unsubstantiated criticisms regarding integration as the proposal is an extension to extant plant where the context and character is already characterised;
- The PAC addressed visual impacts as not determining on the adjacent BESS application and the identified need overrides the medium-term detriment to visual amenity and rural character;
- The assertion made by objectors that the proposal is major and or regionally significant is inaccurate and predicated on a misdirected notion that the

proposal red line should include the entire Kells Substation. It is correctly categorised as local development;

- The proposal is compliant with local planning policy, Antrim Area Plan and the emerging Antrim and Newtownabbey draft Plan Strategy 2030.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS in paragraph 6.250 requires the development of new power lines to comply with the 1998 International Commission on Non-Ionizing Radiation Protection (ICNIRP). They should also have regard to potential impact on amenity and should avoid areas of landscape sensitivity such as AONBs. In general terms the SPPS at paragraph 6.70 requires that all development in the countryside must integrate into its setting, respect the rural character and be appropriately designed.

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

The application site is located within the countryside as identified within the Antrim Area Plan 1984-2001 and is located entirely within the existing Kells Grid 275/1 10kV

substation. 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. One of these include certain utilities or telecommunications development.

The proposal is for a 110/33 kV cluster substation including two 90 MVA transformers, associated switchgear, fire wall, a 33 kV switch room building (21.4m by 5.7m by 7.2m in height) along with associated site works including drainage, a 2.4m perimeter palisade fence, internal access road and 3 inward facing lighting columns at 8m in height.

It is proposed to connect the substation via underground 110 kV cables to an existing coupler bay within the boundary of the existing Kells Grid 275 / 110 kV substation. The underground cable ducts will be installed in the cable route through the substation site from the 110 kV circuit breaker to the proposed new 110/33 kV transformers. The proposed development includes connection with the existing internal access roads with access to the wider site via the existing access to Maxwells Road.

The proposed development is located within an existing substation site (circa 6ha) with the application site measuring 0.79ha within the larger site. In terms of site size there is no extension to the site area of the existing substation. Proposals for such development will be considered in accordance with existing published planning policies. This cluster station and associated development is considered to be a utility project.

The Planning Strategy for Rural Northern Ireland is the primary policy for new infrastructure (PSU 8). PSU 8 requires that the need for new infrastructure be balanced against the objective to conserve the environment and protect amenity. Policy PSU 8 states that development should normally be sited so as to minimise the environmental effects and alternative sites should be considered. This policy also states that the following 6 criteria are of importance to the consideration: need for the facility, impact on the environment, impact on existing communities, impact on natural or man-made heritage, existence of alternative sites of routes and provision to mitigate adverse effects. These are considered below.

Need for the facility

As indicated above the application site is within the existing Kells substation and is also adjacent to a battery storage facility (Planning Application Reference LA03/2018/0984/F and Appeal Reference 2018/A0248) approved by the Planning Appeals Commission. The applicant has indicated within their supporting information that the proposed development will operate as an independent compound within the Kells substation. The proposed cluster substation will provide a new local distribution node via a transmission link to the grid for what in the main will be renewable energy projects.

It has been raised through letters of objection that there is no need for the facility as Kells substation has over 20MW of surplus capacity and suggests that there are no renewables queueing for connection. In addition, it has been suggested that the cost of achieving net zero through unreliable renewable schemes is unacceptable and despite increases in renewable energy capacity, actual renewable generation is down. It has also been suggested that the additional capacity is needed to power Republic of Ireland Data Centres which increases the carbon footprint. An objector

also raised concern that they were not aware of the Kells area being designated a renewables hub to accommodate more renewables.

The applicants supporting information (Document 17, date stamped 28th January 2022) states that at the time of the submission of the planning application in July 2020, the Northern Ireland Executive's target of 40% renewable energy was a key factor in delivering increased security of supply and a reduction in NI's carbon emissions from the electricity sector. More recently, however, The Path to Net Zero Energy, published by the Department for the Economy, seeks to deliver net zero carbon and affordable energy by 2050 with an ambitious target of at least 70% of electricity consumption from a diverse mix of renewable sources by 2030. In this case the ability to physically connect approved renewable energy to the grid helps NI meet its renewable energy targets and as such this contributes to regional needs.

Document 11, date stamped 14th May 2021 states that the need for the proposed development is based on a legislative requirement as per the obligations placed upon NIE Networks and the applicant (SONI) in the Electricity Order (NI) 1992 and their respective licence obligations. SONI has obligations to connect upon request and to develop the network in an efficient and coordinated manner, as well as to facilitate competition in the generation of electricity. NIE Networks also enforces policies and procedures to ensure network development is not based on overly speculative requests.

With regards to solely utilising the existing infrastructure, it is noted within Document 11, date stamped 14th May 2021 that the Kells Main substation, comprises of 275 and 110 kV infrastructure; the Kells Cluster substation will enable connections at 33 kV which is required. Individual project generators of less than 50MW, typically connect at 33kV for technical reasons. NIE Networks have advised that potential connectees will be connected at 33 kV, thus confirming the need for the project as proposed. The proposed development does not create any additional capacity within the existing 110kV or 275kV network within the existing Kells Main substation.

A request has been made by the objectors for a full analysis of cost benefit for the consumer and consideration of the social and economic benefits of the proposal vs the damage to the environment, residential amenity, visual amenity and rural character of the area. It is not within the remit of the Council to carry out cost analysis of proposals however an assessment of the planning matters has been provided within this report.

For the reasons outlined above it is considered that there is sufficient information to determine that there is a need for this proposed facility and the siting within the confines of the existing substation is considered to be appropriate, subject to the proposal meeting other relevant planning policy. The principle of development is therefore considered acceptable.

Visual Amenity and Landscape Character

Policy PSU 8 of the Planning Strategy for Rural Northern Ireland and Policy RE 1 of PPS 18 require consideration of the visual impact of the proposal. This is also considered by Policies CTY1, CTY13 and CTY14 of PPS21. With regards to visual amenity, CTY 13 of PPS 21 requires any building and ancillary works to be visually integrated into the surrounding landscape and to be of an appropriate design.

Policy RE 1 of PPS 18 states that proposals will be expected to be located at, or as close to, the source of the resource needed for that particular technology to ensure integration into the landscape. This requirement is further supported by 1.2.23 and 1.2.14 of the Best Practice Guidance to PPS 18.

The proposed cluster substation is comprised of infrastructure, set entirely within the footprint of the existing Kells Main substation site. The proposal consists of infrastructure including a 110 kV high voltage switchgear which controls the flow of electricity around the different electrical circuits forming the network; two 110/33 kV transformers; aluminium alloy busbars supported on steel structures; 3no. inward facing lighting columns and indicated as eight (8) metres in height. The proposed switchroom building is 21.4m by 5.7m by 7.2m (L/W/H) and the control room is 16m by 8.7m by 5.2m (L/W/H). Adequate parking and turning for service vehicles will be provided outside the compound adjacent to the building. A proposed 2.4m perimeter high palisade fence is indicated around the substation to the northeastern, southeastern and southwestern boundaries. An existing concrete post with chain link fence is to the northwest boundary.

Objections have been raised with regards to the potential impact on landscape character and visual impact including cumulative impact arising from existing proposals, live unimplemented permissions and valid but undetermined applications. The application site is abutting Maxwells Road and views will be evident from along this road both individually and cumulatively with the existing and approved infrastructure, however, this must be balanced with the need for the facility and in the context that the application site is within the existing substation site. In addition, there is the prospect that over time, with the implementation of the landscaping proposals that any visual impact would be lessened. Landscaping proposals include a proposed evergreen hedgerow to be planted as a double staggered row in front of the fencing within the grass verge along the roadside.

It is considered that the proposed design and scale of the buildings and equipment proposed are in keeping with the existing facility. Existing perimeter fencing and vegetation will provide adequate screening along the Maxwells Road frontage and additional screening is proposed along the boundary with Maxwells Road.

The proposal is located within the existing footprint of the substation site which has a lesser visual impact than had it been a standalone scheme. When considering the visual impact of the scheme, the need for the facility has also got to be considered and on balance it is considered that any medium term visual impacts of the proposal will not cause a detrimental change to, or further erode the rural character of the area to an unacceptable degree.

Impact on residential amenity

Policy PSU 11 requires consideration of the potential impact on amenity and Policy PSU 8 requires consideration of the potential impact on existing communities. Policy RE 1 of PPS 18 also requires consideration of the impact of the proposal on public safety, human health and residential amenity.

Public Health

Concerns were raised through letters of objection about the impact of electromagnetic fields on health and it has been raised that the submitted ICNIRP declares compliance with radio frequency requirements when it should have

addressed the power frequency EMF requirements of the ICNIRP public exposure guidelines for this current proposal as well as other cluster stations in NI.

Para 6.249 of the SPPS deals specifically with telecommunications and other utilities. Proposals for the development of new power lines are required to ensure that exposures to power line Electro Magnetic Fields (EMFs) should comply with the 1998 International Commission on Non-Ionizing Radiation Protection (ICNIRP) Guidelines in line with current Government policy.

A Supporting Statement, Document Number 11, date stamped 14th May 2021 has been submitted. Section 12 refers to the International Commission on Non-Ionizing Radiation Protection Declaration (ICNIRP Declaration). The applicant has also submitted Document Number 13, stamped received 14th May 2021 which declares conformity with ICNIRP Public Exposure Guidelines for the proposed development. The Environmental Health Section of the Council was consulted with these documents and has no objection with the proposed development on environmental health issues.

Noise

The proposed development involves construction of a cluster substation within the site of the existing Kells Main substation on Maxwells Road. The proposal seeks permission for 2 additional transformers, which are typically associated with high levels of noise in and around the 100Hz and 200Hz frequency bands. A number of residential dwellings are located in the area surrounding the development site, on Carncome Road, Maxwells Road and Whappstown Road.

The Environmental Health Section is currently investigating complaints of noise nuisance emanating from the existing Kells Main Substation. The investigation has confirmed the presence of audible tones in the frequency range typically associated with transformers at a number of addresses to the north of the site. Environmental Health will continue to liaise with the site operator, Northern Ireland Electricity Networks (NIE Networks), in pursuance of their powers to deal with statutory nuisance under the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.

A noise report, stamped by the Planning Section as "Document Number 03", prepared by RPS and entitled "SONI Kells Noise Impact Assessment" has been submitted in support of the application. Environmental Health has been consulted with this document. A background sound survey was carried out at numerous locations on Carncome Road, Maxwells Road and Whappstown Road over a two-week period in August/September 2019. The acoustic consultant was aware of the complaints of excessive tonal noise in the area and sought to take steps to remove any influence such tones may have had on the background sound survey. This was important to ensure the typical background sound level assigned for the area was not unduly inflated by the presence of tonal noise from the existing substation. The data obtained from the background sound survey was analysed and the presence of any "tonal" data identified was subsequently removed from the overall dataset. The typical background sound level was then calculated from the remaining, "non-tonal" dataset for each monitoring location, thereby ensuring the presence of any tone present during the survey period did not influence the findings of the assessment.

It is normal practice for the "typical" background sound level to be taken as the most-commonly occurring L_{A90} measurement obtained throughout the survey period. However, in this instance, the acoustic consultancy opted to use the lowest measured, night-time sound level as the target noise level. Assigning a lower noise target level is more protective of amenity and adds confidence and certainty to the overall impact assessment findings.

A noise target level of 28dB L_{A90} was assigned for the purposes of the assessment. Environmental Health has advised that meeting such a stringent target level shall sufficiently protect amenity and prevent any adverse noise impact being experienced at nearby receptors.

The acoustic consultancy obtained manufacturer's sound data relevant to the proposed transformers, a copy of which is provided in both Appendix F and Table 4.9 on page 23 of Document Number 03. The sound data is presented as a sound pressure level, which the consultancy assumed to be measured at 1m from source across all 1/3 octave bands. This source data was entered into Cadna noise modelling software, which then predicted the noise levels likely to be experienced at nearby dwellings as a result of the operation of two proposed transformers. Noise levels were predicted in both broadband and 1/3 octave band sound pressure levels and are presented in Tables 4.10 and 4.11. The greatest broadband sound pressure level predicted was 16.7dB(A) at the most proximate dwelling, 12 Maxwells Road. This is significantly lower than the noise target level of 28dB L_{A90} , indicating that the proposed cluster substation will have no additional impact on the noise environment experienced at local dwellings.

When considering the potential impact of tonal components of sound arising from the proposed cluster substation, it is helpful to consider information presented with Table 4.11. The highest, predicted sound pressure level in the 100Hz 1/3 octave band is 8.4dB, with the majority of the predictions being negative numbers. Again, impacts of this scale will not cause any adverse or harmful effect on the nearest noise sensitive receptors, or those residing further afield.

With regards to cumulative noise impact when a proposed noise source is coming to an existing noise source, it is normal practice to require a cumulative noise impact assessment to be undertaken, i.e. the total noise impact of the proposed noise source plus any existing noise sources. However, the predicted noise impact of the proposed cluster substation has been shown to be so low that it could not add to the existing noise environment in any way, either on its own or when considered cumulatively alongside the existing Kells substation. This is true on the basis that the transformers installed at the cluster substation operate at no greater sound level than the values relied upon within the assessment, i.e. those contained in Appendix F and Table 4.9, assumed by the consultancy to be taken at 1m from source. Should the sound pressure levels presented within Appendix F relate to a distance greater than 1m from source, it would result in a greater noise impact being experienced at receptor locations than that presented within the noise assessment. For that reason, it is necessary to limit the noise output of the transformers installed to the decibel levels declared and relied upon within the assessment, by way of planning condition. The acoustic consultancy has built in a number of safeguards throughout the assessment to reduce uncertainty and improve confidence in the overall conclusion that amenity shall not be adversely impacted as a result of the proposal. Furthermore, the predicted noise impact of the proposed cluster substation is so low

at all receptor locations that it will not cause any increase in noise levels, even when considered cumulatively alongside existing substation operations.

In order to ensure the noise impact is not greater than the levels predicted within Document Number 03, both in terms of A-weighted broadband noise and 1/3 octave band noise levels, conditions have been added as per the recommendation by Environmental Health. Such conditions are necessary to ensure the model of transformers selected to be installed at the proposed development site do not operate at higher noise levels than those relied upon within the assessment, thereby ensuring the protection of amenity from the harmful effects of noise.

Risk of Accidents

It has been raised through letters of objection that all potential risks have not been considered regarding major accidents and disaster that could impact the cluster development i.e. it has not been considered adequately the danger that Kells BESS would present to the cluster station in a loss of control process. Objections received to the proposal state that the Council must consider the worst-case scenario of this application and all the wider environmental and residential impacts that would occur as a direct result if this proposal gains planning permission. It was also noted by objectors that Article 8 of the Seveso II Directive requires member states to ensure the competent authority identifies establishments or groups of establishments where the likelihood and the possibility or consequences of a major accident may be increased because of the location and the proximity of such establishments and their inventories of dangerous substances.

The proposed cluster station is adjacent to and within the grounds of an existing substation and is also within close proximity to Kells Battery Energy Storage Facility. A Facility Fire Safety Statement (Document 12, date stamped 14th May 2021) has been received for the proposal. This document states that in the unlikely scenario a fire does take hold, the oil is contained within a fire proof bunded area that exceeds the volume of mineral oil used. This both prevents the spread of fire, and facilitates safe fire suppression. The potential risk from combustion emissions to air are equally low, where the mineral oil is homogenous, selected for its low flammability and safety, and the limited volume contained within a fire proof bund would present an equally limited emission exposure risk, lessened further by dispersion. With regard to the wider fire risk between neighbouring infrastructure, these are managed through the same design principles to minimise and contain arcing, and prevent/contain fire risk.

Concern regarding a cumulative fire risk from the mineral oil and SF₆ onsite has also been addressed within the Facility Fire Safety Statement. The document states that the cumulative risk from the mineral oil and SF₆ onsite is not founded, where SF₆ is non-flammable, selected for its performance properties, reliability and safety; and the entire facility is spaced to prevent external arcing and risk between the neighbouring infrastructure. On this basis, there is no credible cumulative fire risk between the neighbouring facilities within the site, no cumulative emission risk to health, and integral monitoring and appropriate emergency response procedures form a feature of the operation of the facility. Such design features are in place to not only manage onsite risk, and risk to neighbouring facilities and residents, but is essential to grid transmission resilience and regional energy security.

A wider fire safety concern was also raised regarding the proposed battery facility approximately 150m to the east of the site however, this proposal is also required to

provide fire safety measures. The Health and Safety Executive for Northern Ireland (HSENI) is a statutory consultee for developments within the consultation distance (CD) of high pressure gas transmission pipelines and/or within the consultation distance (CD) of major hazard installations regulated under the Control of Major Accident Hazards Regulations (Northern Ireland) 2015 (COMAH).

HSENI has been consulted with the proposal and has reviewed documents 10 to 13 associated with the proposal. Based on the information provided HSENI does not advise against the granting of this application. In considering this application, HSENI has made the assumption that the requirements of the Health and Safety at Work (NI) Order 1978, and all relevant statutory provisions, will be met should planning permission be granted.

Further concerns were raised through letters of objection regarding the risks to workers, electricity infrastructure and transmission services and the additional pressure on the emergency services. The requirements of the Health and Safety at Work (NI) Order 1978, and all relevant statutory provisions should be adhered to should planning permission be granted and an informative can be added regarding this should planning permission be granted.

Objection required that HSENI, NIEA, SES and Environmental Health considered objection 12 and 26 on the portal. These objections raised concerns regarding the potential for loss of thermal runaway for the BESS site and whether this would be a COMAH site or require HSC. These objections were uploaded prior to the responses being received from the consultees listed above. Therefore, it is considered that the safety risks from the development have been adequately addressed.

Lighting

The proposal involves 3no. inward facing lighting columns, 8m in height, however the supporting information received states that these will only be activated whenever persons are present at the site. A small number of sensory operated access lighting will be provided to allow safe access to the building and manually operated high level lighting will operate during the hours of darkness when maintenance staff are responding to faults or emergency repairs. Access lighting will only be activated whenever persons are present at the site during the hours of darkness.

Contamination

A Preliminary Risk Assessment (PRA) report and a Generic Quantitative Risk Assessment (GQRA) report, have been provided by RPS Group Ltd in support of this planning application. The GQRA is informed by site investigations and environmental monitoring data to assess the potential risks from ground and groundwater contaminants to human health and environmental receptors for the development. No unacceptable risks to environmental receptors have been identified for the development. Regulation Unit Land and Groundwater Team has been consulted and has raised no objections to the development, subject to conditions. Environmental Health Section (email dated 25th April 2022) stated that there were no pollutant linkages found within the contamination report and given that the proposal was not for domestic property or somewhere that anyone would be spending significant periods of time working indoors therefore Environmental Health has no comments to make.

Flood Risk

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record. DfI Rivers Planning Advisory Modelling Unit having considered the proposal in line with the current Revised Planning Policy Statement 15 "Planning and Flood Risk" dated September 2014. Planning Advisory comments below on Flood Risk as a result of this proposal are: The Strategic Flood Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. The site is unaffected by a designated watercourse and information available from OSNI maps did not reveal any obvious undesignated watercourses.

The development is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. Although a Drainage Assessment is not required by the policy, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Objection has been received with regards to flooding of the site and it has been pointed out that the NI Floodplain map flows closer to the Kells substation perimeter than Fig 58 suggests therefore the risk of pollution into the water courses hydraulically linked is much greater. DfI Rivers, NIEA and SES have been consulted on the application and have raised no objection in this regard.

Impact on the Environment

Policy PSU 8 of the PSRNI highlights the importance of assessing the environmental effects of the proposal.

Environmental Impact Assessment

It has been raised through letters of objection that the EIA determination should be withdrawn and that a further EIA should assess the proposal in its totality particularly as the electricity will feed into the main power lines and provide power across the whole of Ireland and also take into consideration cumulative impacts. A further point raised through objection was that due to the potential COMAH status of the BESS the EIA must consider Nitro Taurus Transformer Oil and Sulphur Hexfluoride (SF6).

An EIA screening determination was carried out which concluded that it was considered the proposal did not require an Environmental Statement. The potential for risk of major accidents and environmental impacts was a matter set out in detailed reports for consideration as part of the processing of the application.

Drainage and water quality

Policy RE 1 requires consideration of the impact of the proposal on water quality. NIEA Water Management Unit are content that there will be no significant impact on surface water provided mitigation measures are implemented. NI Water have not raised any issues regarding the impact on drinking water supply in the area and are content with the proposal. The consultees were content that there would be no adverse impact on water quality.

The P1 form states that the proposal will discharge to a septic tank, this will require a 'Consent to discharge' under the terms of the Water (NI) Order 1999. Objection to

the proposal has been raised regarding oil storage compliance. These objections have been forwarded to Water Management Unit and a response has been received indicating that WMU are content that the proposal is acceptable in this regard given the information provided by the applicant that oil storage proposed will comply with the Control of Pollution (Oil Storage) Regulations (NI)2010.

<http://www.legislation.gov.uk/nisr/2010/412/contents/made>. The applicant also proposes to install an oil interceptor as part of the site drainage. This will also require a separate consent to discharge under the terms of the Water (NI) Order 1999.

Objections have been received with regards to the risk that the proposal will have to the water environment including designated sites Lough Neagh and Lough Beg during construction and operation. WMU have requested a condition be attached to any grant of planning permission requiring a final CEMP to ensure mitigation measures are in place during the construction phase of the proposal. This will ensure that any potential risks to the water environment can be adequately mitigated against. WMU have referred the applicant to best practice guidance and DAERA Standing Advice guidance. The outline CEMP references that best practice guidance will be adhered to and the condition will ensure that best practice mitigation is included within a final CEMP. The need to obtain Discharge Consents will ensure any discharges from the site will be consented and regulated by NIEA and reduce the risk to the water environment. The applicant can be advised through an informative that a Consent to Discharge under the terms of the Water (NI) Order 1999 will be required and a condition has been added with regards to this should planning permission be forthcoming. This will ensure any discharges from the site will be consented and regulated by NIEA.

Objectors have stated that drainage has not been adequately assessed and concern has been raised regarding the location of existing drainage discharge outfall. Proposed storm and foul drainage systems have been detailed and storm waste drainage systems are proposed across the site. The first system consists of land drains around the perimeter of the substation site. The second system collects water flows within the fenced substation site transformer bunds, and also roof runoff and will be discharged into the existing storm drainage network via an oil interceptor. The proposed foul drainage system consists of a main drainage pipe which will collect flows from WCs and washrooms and will discharge into a septic tank. The proposed oil filled transformers will be installed within a reinforced concrete bund. Each transformer will contain approximately 30,000 litres of oil which acts as a coolant. The concrete bund will have capacity of 120% of the oil quantity within the transformers, in order to capture oil in the event of a spillage. Oil is contained within sealed tanks and it is therefore extremely unlikely to be subject to leakages. The proposed drainage system is intended to connect into the existing network and discharge point.

In the case of an emergency such as fire, the drainage plans and emergency response will identify potential pollution pathways and risks from the site. This will aid incident management for surface water protection. The OCEMP document also includes pollution incident response planning referencing the best practice guidance documents; GPP21- Pollution incident response planning, PPG18 – Managing firewater and major spillages and PPG28 – Controlled Burn. These documents cover a range of potential issues and their management in terms of environmental protection and best practice. The submission of a final CEMP prior to any construction has been added as a condition of any planning decision and best practice incident response

planning can be followed through from the outline CEMP to the final CEMP. In the case of a fire, the oil is contained within a fire proof bunded area that exceeds the volume of mineral oil used.

NIEA WMU and DfI Rivers have been consulted and have raised no objection, however, this aspect of the development will need to be included in the final CEMP and thereafter carried out during the construction and operational phases of the development.

Air Quality

While no specific assessment has been provided with regard to air quality, the applicant has indicated that this development will result in no significant and/or residual impacts upon air quality. It appears that there are unlikely to be any significant discharges into the atmosphere that would have a significant impact on air quality with any impact likely to be restricted to the construction phase which again is unlikely to be significant. In addition, the Council's Environmental Health Section has not raised any concerns regarding air quality with this application nor has the Environment Agency.

Natural and Built Heritage

Policies PSU 2 and PSU 8 require consideration of the proposal on the environment and on the natural or man-made heritage. Policy RE 1 also requires consideration of the impact of the proposal on biodiversity, nature conservation and built heritage interests.

International Designations

Para 6.175 of the SPPS and Policy NH 1 of PPS 2 require the impact of the proposal on international designations such as European and Ramsar Sites to be considered. Development proposals are restricted where they are likely to impact upon the integrity of European (SPA, SAC and SCI) or Ramsar (listed or proposed) sites as these are afforded the highest form of statutory protection.

A watercourse is present c.40m south of the site perimeter (the RLB is restricted to an area within). The watercourse forms part of a tenuous and distant hydrological linkage to Lough Neagh and Lough Beg SPA/Ramsar c.25kms downstream. Considering the nature/scale of the works confined to the site; the vegetated land buffer intervening the site and the watercourse; and magnitude of hydrological dilution/dispersion; the proposal is unlikely to impact upon any European designated site, subject to the implementation of conditions. NED has been consulted and has considered the OCEMP (date stamped 22nd September 2021). The OCEMP contains a range of mitigation controls to prevent pollution of the nearby watercourse, with best practice guidelines adhered to, methods for sediment control, concrete and oil and chemical storage. NED is content that no impacts to designated sites will occur in consideration of the large distance to the designated site and adherence to these measures.

Hazardous substances to be used are significantly below threshold levels required to trigger a HSC application (59 tonnes < 2,500 tonnes). In the case of a fire, the oil is contained within a fire proof bunded area that exceeds the volume of mineral oil used.

Discharge from septic tank/treatment plant will be authorised by NIEA WMU under the Water (NI) Order 1999. Discharge Consents include conditions outlining the quality and quantity of waste discharges. These conditions have been drawn up to ensure that the waste can be absorbed by the receiving water without damaging the aquatic environment or breaching national or European Commission (EC) standards. The OCEMP submitted by the applicant contains measures designed to protect water quality and therefore European designated sites, hydrologically linked to the proposed development.

Protected Species

8.35 Para 6.180 of the SPPS and Policy NH 2 require the impacts of the proposal on protected species to be considered. Planning permission will only be granted for a development proposal that is not likely to harm a European protected species or any other statutorily protected species.

Kells Cluster Substation – Ecological Summary Statement, date stamped the 12th October 2020 has been submitted and NED has been consulted. NED has assessed the Ecological Summary Statement and is content with the ecologist's summary that "On the basis of the ecological walkover there were no identified ecological constraints which would prove a barrier to the construction of the proposed development".

Other Habitats, Species or Features of Natural Heritage Importance

Other habitats, species or features of natural heritage importance which must be considered under para. 6.192 of the SPPS and NH 5 of PPS 2 include priority habitats, priority species, active peatland, wetlands, trees and woodland. It is noted that the ecologist has highlighted the potential for breeding birds within the onsite trees and vegetation. All species of breeding birds and their nests are protected under the Wildlife (NI) Order and also the Wildlife & Natural Environment Act. Appropriate consideration should be given to the presence of nesting birds, and a condition has been added to require that any clearance works are completed outside of the bird breeding season (1st March – 31st August). New boundary hedging along Maxwells Road is proposed which will aid biodiversity.

An objection was received regarding the impact on salmon spawning waters. NIEA Water Management Unit and NED has raised no objection with regards to any potential impact on the water environment that cannot be mitigated against.

Habitat Regulations Assessment (HRA)

Objectors stated that a HRA is required to fully assess the likely significant effects described by SONI in its Transmission Development Plan for NI (TDPNI) 2018-2007 and TDPNI Shadow HRA. It has been stated by objectors that both these reports highlight the potential for water quality and habitat deterioration effects on Lough Beg and Lough Neagh due to the fact that an impact pathway can be reasonably established between the potential project and European Sites. In addition, objectors stated that a HRA is required to assess the potential of an oil spill and firewater and the potential impact of the proximity to Kells BESS.

The application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Antrim and Newtownabbey Borough Council.

Having considered the nature, scale, timing, duration and location of the project Shared Environmental Services concluded that the proposal would not be likely to have a significant effect on the features of any Special Protection Areas, Special Areas of Conservation and Ramsar sites.

Built Heritage

There are no heritage features (listed buildings, scheduled monuments etc.) within the immediate area, the closest being a monument record 550m away (ANT 044:014). It is considered unlikely that the proposed development within an existing substation will have an impact upon any subsurface archaeology as the grounds have been significantly degraded through the construction of the existing infrastructure. In addition, there are no listed buildings within the immediate vicinity of the application site and as such are unlikely to be impacted.

Access, Movement and Parking

Reinforced concrete roads, to appropriate standards, will be laid within the compound, for personnel, vehicular access and egress for maintenance purposes while the remainder of the substation site will be 25mm stones. DfI Roads has been consulted with the proposal and has raised no objection.

Other Matters

Site splitting

A number of representations suggest that the site boundary (the red line) is incorrect and should be drawn around the boundary of the entire existing Kells Main substation, due to its interaction with the existing infrastructure. It has also been suggested that the submitted application site boundary represents site splitting and if this had not taken place the planning application would be considered regionally significant. The objectors consider that an Environmental Statement should have been sought to assess the entirety of the development as the electricity will feed into the main power lines and provide power across the whole of Ireland this makes the cluster station of regional significance.

The applicant has provided supporting information (Document 11, date stamped 14th May 2021) that the UK jurisprudence has established that when faced with the question of whether two schemes are to be considered as one project for the purposes of the EIA regime factors such as common ownership, simultaneous determinations, functional interdependence and stand-alone projects would be considered. Document 11 states that the Kells Main substation has been in existence on this site since the early 1970's, there is no functional interdependence between the proposed development and the existing Kells Main substation, the proposed development is a stand-alone project justified on its own merits and is not part of a more substantial scheme. It is considered that the proposal does not represent 'project splitting' to avoid meeting the thresholds of EIA development and the EIA screening process considered any cumulative impacts.

The objectors queried what changes, if any, had to be made to the existing Kells substation to facilitate the power from the proposed cluster station. The applicant has confirmed (Document 11, date stamped 14th May 2021) that no works constituting development required to the existing Kells Main substation are necessary, other than those outlined in the planning application.

It is considered that the application is a local development and that the proposed development works being applied for are within the application site boundary. It is

also noted within supporting Document 11, date stamped 14th May 2021 that the Kells Cluster substation does not in itself generate electricity nor does it meet the criteria for Major Developments as defined within The Planning (Development Management) Regulations (NI) 2015.

Hazardous Substances Consent

It is stated within objections that within the P1 form the applicant has answered YES to the question regarding the storage of hazardous substances which necessitates the submission for HSC. Further questions were raised asking has the threshold for HSC been made for the cluster station.

The P1A form submitted states that the proposal will involve the storage of 79.8kgs of SF6 gas and 60,000 litres of Nytro Taurus Insulating Oil Transformer Oil.

An email dated 19th November 2020 from the applicant states that on review of the Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015, of the substances which SONI reference in the P1A form, Sulphur Hexafluoride (SF 6) is not identified as a Hazardous Substance, under Schedule 2 and it has been stated that SF 6 is non-toxic and non-flammable.

Objectors have stated however that SF6 is a greenhouse gas with a global warming potential 23,900 times greater than CO2 and state that although SF6 is not toxic, toxic gases and or solid by products are formed when the gas is subject to very high temperatures.

Nytro Taurus Insulating Oil Transformer Oil has been listed as 60,000 litres being stored on site. This is a hazardous substance listed under Schedule 2, Part 2, 34, this is the equivalent to approximately 59 tonnes. As such, this is well below the controlled quantity threshold to trigger the need for a HSC application. HSENI has been consulted with regards to the substances stored and has raised no objection to the proposal.

A further point raised through letters of objection states that the impact the BESS permission has on the cluster station should be reassessed given that the BESS will require HSC and COMAH assessment. The applicant has advised within supporting information (Document 11, date stamped 14th May 2021) that the Kells BESS will not directly link into the proposed development but into the Kells Main substation; the Kells BESS can operate in the absence of the Kells Cluster substation and vice versa. Health and Safety matters relating to the BESS development cannot be revisited under this planning application. HSENI has been consulted and has raised no objection to the proposal either individually or cumulatively.

It has been raised through letters of objection that It is difficult to view HSC applications as they are not available on the portal and that a website should be set up to allow the public to view these applications. In respect of the statutory notice that is required to be published in newspapers circulating in the locality the Council publishes in both the Antrim Guardian and the Newtownabbey Times depending on the location of the proposal. Any HSC application would be subject to advertisement in the relevant newspaper(s). The Council also publishes details of weekly planning application and this facility will also include any public notices placed in the press for a HSC application.

Cumulative Impacts

It has been raised through letters of objection with regards to the cumulative impact of the proposal from 180MW of renewable generators wanting to connect into this 180-MW cluster station and in addition cumulative impacts with the adjacent BESS. These matters have been considered however, the consultees including HSENI have not raised any issue with regards to any potential cumulative impact of the proposal.

Prematurity and Prejudice to the Plan Process

It has been raised as a concern within letters of objection that the proposal will result in prematurity and prejudice to the Plan Process. The proposal is located within the existing substation site and has been considered on its own merits. It is considered that the proposal will not have a significant impact on prejudice to the plan process.

Transmission Development Plan Northern Ireland (TDPNI) 2018 – 2027

An objection has been received which states that the application would be a departure from the findings of the Transmission Development Plan Northern Ireland (TDPNI) and TDPNI Shadow HRA in that the Kells cluster would have the potential for LSE (of water quality and habitat's deterioration) on the down river designated sites at Lough Neagh and Lough Beg. It was stated by objectors that this represents a lack of investigation on the part of the Council.

The TDPNI is the plan for the development of the NI transmission network and interconnection over ten years from 2018. The plan presents projects that are expected to be needed for the operation of the transmission network and future needs that may drive future potential projects are also discussed.

The supporting information (Document 11, date stamped 14th May 2021 seeks to address the objections with regards to the disparity between requirements as set out within the TDPNI and the supporting materials provided with the planning application. Section 7.3.2 of the Plan states the following with regards to the Southeast Antrim Planning Area (within which the proposed development is located): -
Kells 110/33kV Cluster – The driver of this project is RES integration. It is planned to establish a 110/33kV cluster substation near to the existing Kells 275/110kV substation to connect new renewable generation to the transmission system. This will be connected to the existing Kells 100kV station via an underground cable.

The Strategic Environmental Assessment (SEA) of the TDPNI, sought to consider all potential development option / projects (including Kells Cluster substation) in the short, medium and long term for likely effects, the significance of the effects, and whether they are positive or negative effects. The SEA states the following with regards to the Kells Wind 110/33kV Cluster substation:

Development of the new substation... has the potential for short term, temporary, construction phase, slight to moderate negative impacts on population and human health, geology, soils and land use, water, air climatic factors, material assets, and landscape and visual amenity.

Furthermore, the HRA of the TDPNI identified the potential for habitat loss, water quality and habitat deterioration impacts on two European Sites (i.e. Lough Neagh and Lough Beg SPA) from the Kells Cluster project, stating:

The possibility of likely significant effects cannot be discounted on these sites at the Plan level assessment. Project level Appropriate Assessment including further evaluation and analysis, and the application of measures intended to avoid or reduce the harmful effects of the potential project on European sites, as necessary, will be required.

The supporting information states that the subsequent detailed design of the proposed development (therefore, beyond the Plan Level of the TDPNI) led to the identification of sufficient space and technical capacity to facilitate the proposed 110/33kV cluster substation, entirely within the boundary of the existing Kells 275/110kV substation. This negates the need for Environmental or Appropriate Assessment beyond the material submitted in support of the planning application. This has been accepted and potential impacts have been considered and adequately mitigated against.

It was requested that the TDPNI shadow HRA be placed on the Planning Portal for comment from third parties. This document does not form part of the planning application.

Neighbour Notification

Concerns have been raised through letters of objection that neighbour notification letters were received but no information had been uploaded onto the portal. Further neighbour notification letters were sent following supporting information that was received for the application.

CONCLUSION

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

- The principle of the development is considered acceptable with a case of need being put forward by the applicant in accordance with the SPPS and PSRNI;
- The design of the works is considered acceptable for this type of development in the context of the existing substation;
- It is considered that the neighbour amenity of surrounding properties will not be unduly impacted upon by way of this development;
- It is considered that there will be no detrimental impact upon natural or man-made heritage at the site;
- Although the works will bring a change to the appearance of the site, it is not considered so significant as to change the character of the surrounding area;
- There is no significant increase to flood risk on the site;
- Any potential health and safety risk has been adequately mitigated against; and
- DfI Roads offer no objections to the development.

RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSED CONDITIONS	
	<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. No development should take 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.</p> <p>Reason: This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. The applicant should note this also includes the purchase of any waste water treatment system.</p> <p>3. A final Construction Environmental Management Plan shall be agreed with the appointed contractor, must be submitted to the Council at least eight weeks prior to any works commencing. This must identify all potential risks to the adjacent watercourses and designated sites and appropriate mitigation to eliminate these risks. Appropriate areas for the storage of construction machinery, fuels/oils, refuelling areas, must be identified. The Construction Environmental Management Plan shall include a section on proposed mitigation measures to be implemented during construction and the development shall be carried out in accordance with the mitigation measures, unless otherwise agreed in writing by the Council.</p> <p>Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to ensure the project will not have an adverse effect on the water environment or the integrity of any European site.</p> <p>4. No tree felling or vegetation clearance, shall take place between the 1st of March and 31st of August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests in the trees/hedgerow/vegetation, immediately before works commence and provided written confirmation that no nests are present/birds will be harmed and there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to Antrim and Newtownabbey Borough Council within 6 weeks of works commencing.</p> <p>Reason: To protect breeding birds.</p> <p>5. Within one month of the development becoming operational (and at any other time requested by planning), a noise survey shall be undertaken, submitted to and agreed in writing with the Council. This survey shall measure and report both the unweighted sound pressure level across the 1/3 octave bands and the overall A-weighted broadband sound pressure level, when measured at 1m distance in any direction from each 90MVA transformer.</p> <p>Reason: In order for the protection of amenity from the harmful effects of noise.</p>

6. The sound pressure level of each 90 MVA transformer installed at the development site, when measured at 1m distance in any direction from the transformer, shall not exceed the values contained in the table below (Values obtained from Appendix F and Table 4.9 of Document Number 03", prepared by RPS and entitled "SONI Kells Noise Impact Assessment").

1/3 octave band (Hz)	1/3 octave band sound pressure level when measured at 1m distance from transformer, unweighted (dB)
50	60
63	49
80	42
100	56
125	42
160	42
200	57
250	41
315	51
400	43
500	43
630	40
800	34
1000	37
12500	32
16000	32
20000	28
2500	24
3150	22
4000	20
5000	19
6300	20
8000	20
10000	18

Reason: In order for the protection of amenity from the harmful effects of noise.

7. If the results of the noise survey required by condition 5, exceed the sound pressure levels contained in the Table in condition 6, the transformers shall cease to operate until a programme of works to achieve these levels has been submitted to and approved in writing by the Council and implemented. A further noise survey shall be undertaken by an independent acoustic consultant within 6 months thereafter, and a report of such submitted to and agreed with the Council to demonstrate compliance with condition 6.

Reason: In order for the protection of amenity from the harmful effects of noise.

8. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in

accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

9. After completing the remediation works under Condition 8; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

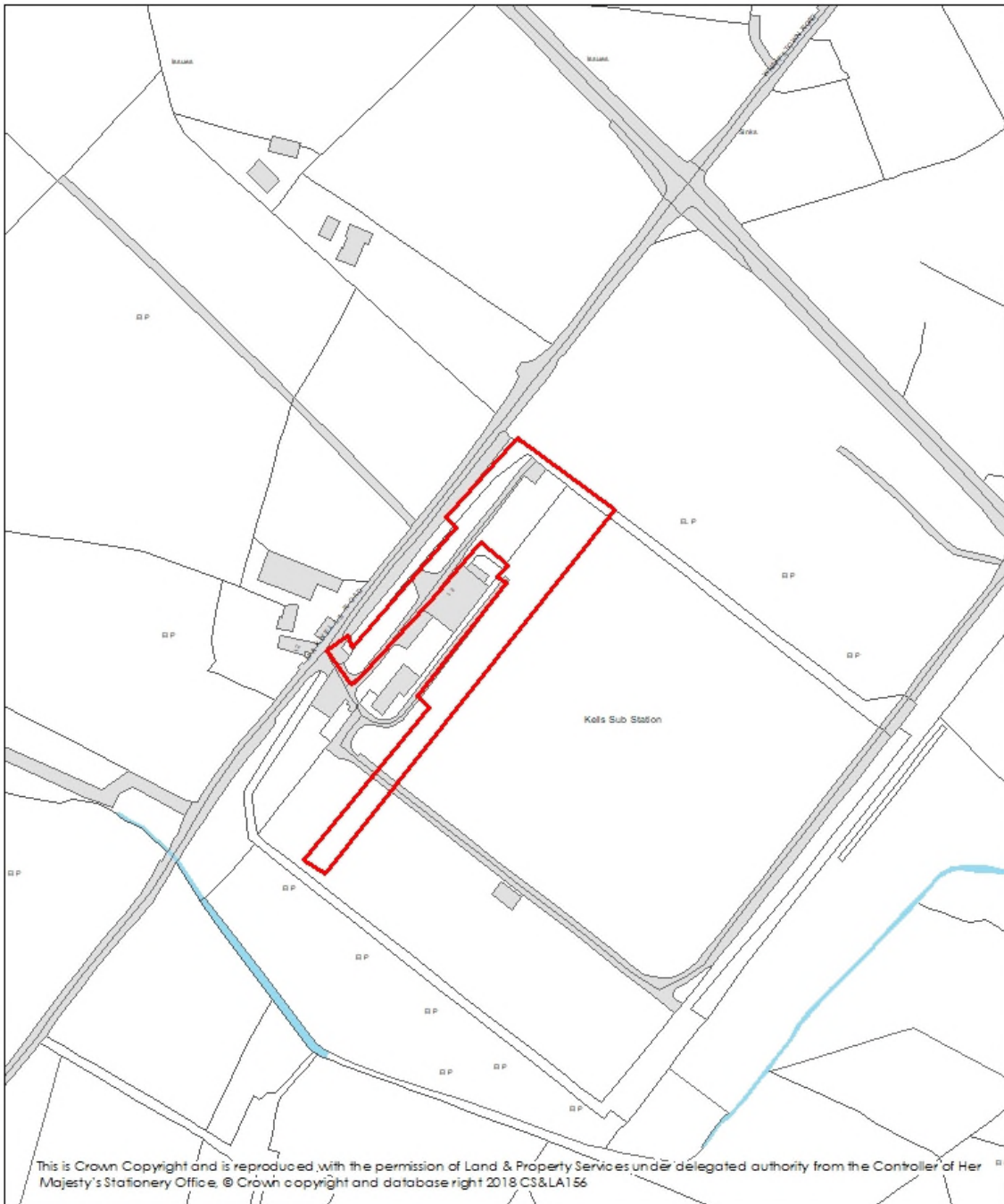
Reason: Protection of environmental receptors to ensure the site is suitable for use.

10. All hard and soft landscape works shall be carried out in accordance with the approved drawing No. 14, and the appropriate British Standard or other recognized Codes of Practice. The works shall be carried out during the first planting season following the occupation of the dwelling hereby approved.

Reason: 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.




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Location Map

Planning Application Reference: LA03/2020/0398/F
 proposal: 110/33 kV cluster substation
 Location: Approx. 20m Southeast of No 12 Maxwells Road
 Ballymena, BT42 3NU



 Site Boundary

For Information Only



COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2021/1026/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Change of use from beauty salon (currently vacant) to fast food Chinese take away
SITE/LOCATION	Unit 2, Beverley Shopping Centre, Carnmoney, BT36 6QD
APPLICANT	Chang Chan Lau
AGENT	Raymond J Mairs Chartered Architects
LAST SITE VISIT	24 th May 2022
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at Unit 2 Beverley Shopping Centre, Carnmoney. The site is within the development limit of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan and within draft Belfast Metropolitan Area Plan (published 2004) (dBMAP).</p> <p>The application site is a vacant commercial unit, previously used as a beauty/hair salon. The unit is in the middle of three units within a single storey building. The frontage of the building is primarily glazing and has a monopitched roof. An area of parking is located directly in front of the building to the south of the application site.</p> <p>The application site is located within an area of existing commercial units adjacent and to the southwest of the application site including a tanning salon, funeral directors, MLA Constituency Office, Co-op shop with post office, charity shop, chemists and an off licence. Residential properties are also located to the north, directly behind the application site and on the opposite side of Fairview Road from the application site.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history on the application site.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging</p>	

provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

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.

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

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

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

Supplementary Planning Guidance: Development Control Advice Note 4: Restaurants, Cafes and Fast Food Outlets: is to give general guidance to intending developers, their professional advisors and agents in relation to proposals for restaurants, cafes and fast food outlets. It should be stressed that this Note is not a specific statement for Departmental policy but rather one of advice and guidance.

CONSULTATION

Council Environmental Health Section – No objection, subject to conditions

Northern Ireland Water – No objection

Department for Infrastructure Roads – No objection

REPRESENTATION

Seventeen (17) neighbouring properties notified and eight (8) letters of objection have been received from six (6) properties. The full representations made regarding

this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Noise and disturbance
- Odour impact
- Loitering / anti-social behaviour
- Impact on amenity from litter and vermin
- Impact on residential amenity from parking of vehicles
- Impact on property value
- Impact from increase in traffic
- No neighbour notification letter received

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Other matters

Policy Context and Principle of Development

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

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

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

The application site is located within the development limits of Metropolitan Newtownabbey in both the Belfast Urban Area Plan and the draft Belfast Metropolitan Area Plan (published 2004). The existing unit, while currently vacant, was previously used as a hair / beauty salon and is within a complex of existing commercial units. Unit 1 abutting the site to the west is currently used as a tanning salon however, planning permission has been granted for a coffee shop which is still 'live' (Planning Reference LA03/2017/0974/F). Unit 3 abutting the site to the east is a funeral directors (Planning Reference LA03/2021/0556/F). An office, as well as a co-op shop and post office amongst other commercial units are located to the west of the application site. Residential properties are also located to the north directly behind the application site and on the opposite side of Fairview Road from the application site.

Having regard to the location of the site and the existing and approved uses within this area it is considered that the principle of development is acceptable subject to

the proposal meeting other planning and environmental considerations discussed below.

Design and Appearance

As there are no significant external changes to the building, the design and appearance will remain largely as is. A flue will be added on the roof of the rear elevation of the building however, it is considered that the proposed change of use will not have an unacceptable impact on the character and appearance of the immediate area.

Neighbour Amenity

Development Control Advice Note 4, 'Restaurants, Cafes and Fast Food Outlets' (DCAN4) provides general guidance relevant to the assessment of the development proposal. Paragraph 5.1 of DCAN 4 states that applications for restaurants, cafes and fast food outlets generally give rise to a number of issues and objections which are specific to these particular categories of land use. As a result, the likely impact of such proposals on the character and amenity of the adjoining or surrounding area will be an important concern when determining applications.

Noise and Odour

DCAN 4 states that in assessing this impact, a number of factors need to be taken into account, including noise disturbance and smells and fumes. Paragraph 5.2 states that the use of planning conditions is often paramount to the control of restaurants, cafes and hot food outlets, particularly in relation to the above considerations. The impact of many proposals which would otherwise be rejected, may be mitigated by the imposition of such conditions.

A takeaway facility can give rise to high levels of odour and noise, the main source of which is commercial kitchen exhaust systems. The premises are located within a row of commercial properties. It is noted that residential properties are also located within close proximity to the site including abutting the site to the north with the closest approximately 7m to the north west within Beechgrove Gardens.

The applicant has submitted a Noise and Odour Impact Assessment, prepared by Layde Consulting, Document Number 01, stamped received 20th October 2021. In consultation response dated 14 December 2021, Environmental Health raised a number of queries with regards to the Noise Assessment, including the duration and timing of the sound level survey, the directivity factor used and the sound power level of the extraction system used.

The applicant submitted an additional noise and odour report, Document Number 02, stamped 11th February 2022 which included further monitoring including a weekend period (Thursday 3rd February to Monday 7th February 2022). There was some disagreement between the applicant's consultant and Environmental Health regarding the noise level calculations however the Environmental Health Section's calculations indicated a noise impact of +6.5dB over background noise which according to standards is likely to be an indication of an adverse impact, depending on the context.

In discussions with the acoustic consultancy, it was agreed that a silencing mechanism would be fitted to the extraction system to reduce noise levels by 10dB. Environmental Health indicated that this would reduce the Rating Level at the

nearest dwelling to below the background noise level resulting in a low impact from the proposed development. A condition (5) has been proposed with regards to this matter. Further conditions propose to restrict opening times and deliveries to between 7am and 11pm. It is therefore considered that the noise impact resulting from the development would not be significant, subject to conditions.

Document 02, date stamped 11th February 2022 confirmed that the termination height of the extraction flue is 1m above eaves height as indicated in Drawing No. 03/1, date stamped 18th May 2022. The odour impact assessment previously submitted within Document Number 01, stamped received 20th October 2021, referenced guidance document EMAQ+ "Control of Odour and Noise from Commercial Kitchen Exhaust Systems", 2018. The overall risk score indicated that a high level of odour control would be required for the proposed development which can be conditioned. Subject to such a condition, it is therefore considered that any impact resulting from odour would not be significant.

Litter and vermin

Letters of objection indicate that there have been previous problems with litter in the area as rubbish has blown into private gardens. There is a narrow gap behind the shop with vertical railings separating the shop from residential properties. Concern has been expressed that this litter problem will be exacerbated should the proposal gain planning approval and that this would attract rodents. As the proposal is for a hot food take away, with no seating being provided either inside or outside the building, it is considered that the majority of those visiting the premises will be consuming their purchases elsewhere. As a result, the proposal is unlikely to generate a substantial amount of litter, which in turn will reduce the likelihood of vermin being attracted to the premises. Furthermore, a bin storage area is located to the northwest of the units and the plans indicate there is to be no change to this current arrangement which, when adequately serviced and maintained, will prevent a nuisance arising from vermin. Access is provided for pre-arranged refuse collection as indicated on Drawing No. 01, date stamped 20th October 2021. Environmental Health has been consulted and notified of the objections received in this regard and has raised no concern. Every business has a legal duty of care to dispose of waste through a licensed waste carrier. If the owner/occupier fails to take adequate measures to stop the property becoming infested with rats or mice, statutory action can be taken against them.

Anti-Social Behaviour

Concerns have been raised through objections that the proposal will lead to a rise in anti-social behaviour. No evidence has been submitted to show that the proposal would lead to increased levels of anti-social behaviour. If at any time it is considered that anti-social behaviour is taking place within the application site this should be reported to the business operator or the PSNI who can investigate.

The Council's Environmental Health Section has been consulted and objections received to the proposal have also been considered. The consultation response states that having reviewed the information submitted, Environmental Health are of the opinion that the proposed development can operate without adverse impact on amenity at nearby sensitive receptors subject to noise and odour control conditions being attached to any planning permission being granted. This includes a condition restricting opening times to between 7am and 11pm. It is therefore considered that the proposal can operate without having a significant impact on amenity.

Access and Parking

Car parking is currently provided within the existing parking facilities to the front of the unit. It is considered that the level of parking is acceptable in this instance. The P1 form states that the average number of persons attending the premises daily as twenty-three (23) and the average number of vehicles at the premises daily as totalling thirteen (13). It is considered any additional traffic and parking will not have a significant impact on residential amenity. DfI Roads has offered no objection. It is considered that the proposal is compliant with Planning Policy Statement 3.

Other MattersNeighbour Notification

A letter has been received from No. 23 Beechgrove Gardens on 1 December 2020 asking why they were not notified of the proposal. The objector's letter advising the Council of its failure to notify their neighbouring property was received prior to the first site inspection having been carried out where a neighbour notification check would have identified the requirement to notify the owner/occupiers of this property. An email was sent to the objector to advise of this. It was also evident from receipt of the objection letter that the complainant was aware of the development proposal and not prejudiced in respect of not being made aware of the development proposal at an earlier stage. Notwithstanding, a neighbour notification letter was issued to this property on 9th December 2020 and was subsequently corresponded with throughout including a further letter on 21st March 2022.

Decrease in property values

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

CONCLUSION

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

- The principle of the development is acceptable;
- There will be minimal changes to the design and appearance of the building;
- The proposal will not result in any unacceptable or detrimental impact upon the amenities and living conditions of nearby residents; and
- The proposal will not prejudice road safety or significantly inconvenience the flow of traffic and adequate car parking is available.

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 permitted development shall not operate on anytime between 23:00 and 07:00 hours.

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

3. There shall be no deliveries to the permitted development between 23:00 and 07:00 hours.

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

4. There shall be no external plant fitted to the northern façade of the unit without the prior approval of the Council.

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

5. Prior to the premises hereby approved becoming operational, an acoustic silencer/duct attenuator, capable of achieving at least 10dB attenuation, shall be fitted to the extraction system and shall be retained thereafter.

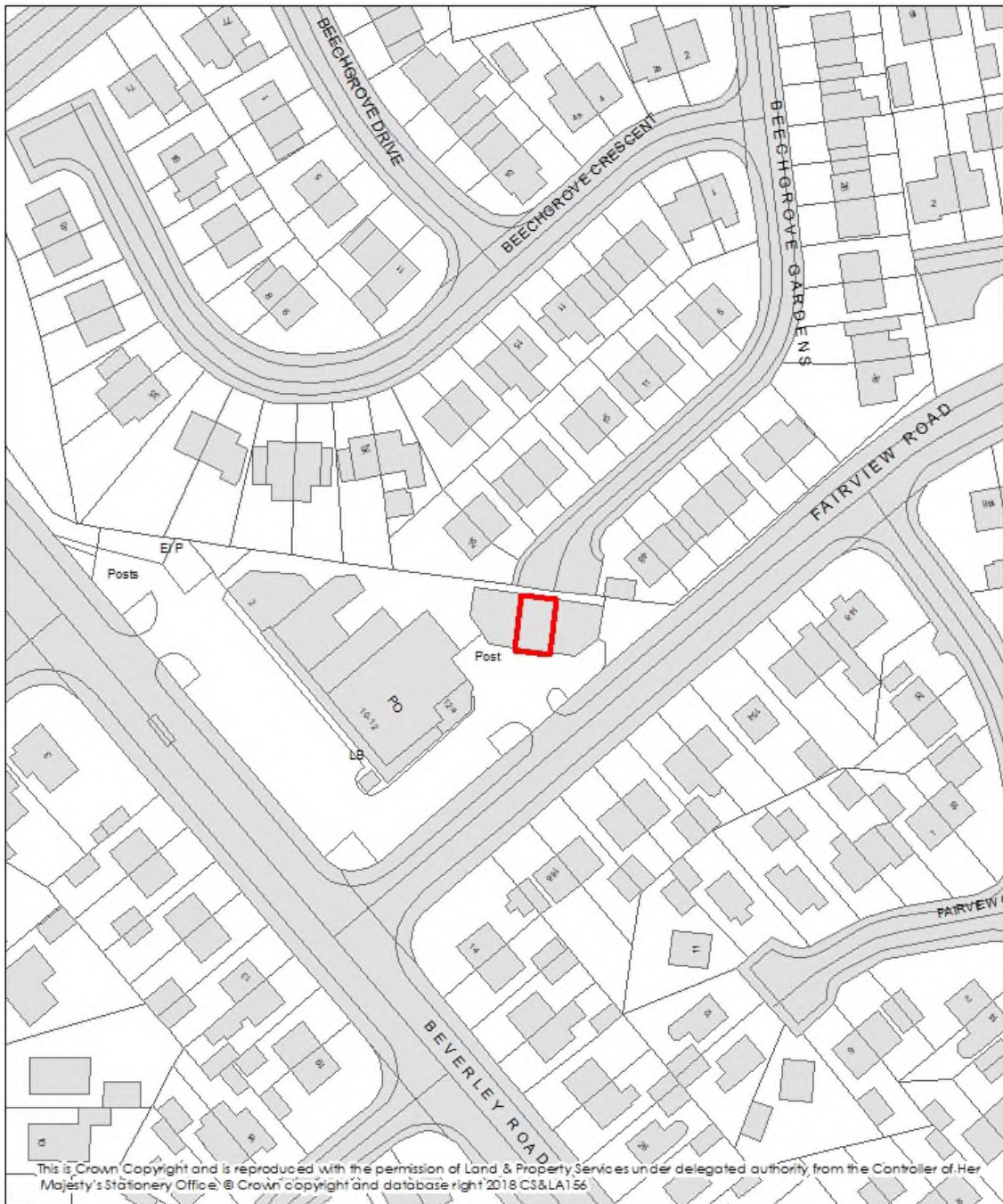
Reason: In order to protect amenity at nearby noise sensitive receptors.

6. A 'high level of odour control', commensurate with the high level of odour control specified in EMAQ+ "Control of Odour and Noise from Commercial Kitchen Exhaust Systems' shall be installed into any commercial kitchen within the development prior to the operation of the facility commencing and shall be retained thereafter. .

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

7. The extracted air from the odour abatement system shall be discharged not less than 1m above the roof eaves of the permitted development and shall be capable of achieving 10m/s discharge.

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




Site Location Plan

Application Reference: LA03/2021/1026/F

Unit 2, Beverley Shopping Centre, Carrmoney, BT36 6QD

Change of use from beauty salon (currently vacant) to fast food chinese take away



 Site boundary



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2021/0811/O
DEA	DUNSILLY
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	Site for residential development
SITE/LOCATION	Lands to rear of 68-72 Main Street Toomebridge
APPLICANT	C & C Properties
AGENT	E C Birt
LAST SITE VISIT	24th September 2021
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@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 to the rear of Nos. 68 - 72 Main Street, Toome, within the development limits of Toome as defined by the Antrim Area Plan 1984-2001 (AAP).</p> <p>The site is an area of maintained grass to the east of No. 72 Main Street, extending to an area of agricultural land to the rear of Nos. 68 - 72 Main Street. A 1-metre-high post and wire fence divides the two grass areas of grasslands.</p> <p>No buildings currently occupy the site. A stand of mature trees define the northeastern, northern and northwestern site boundaries, alongside intervening hedging. A 1-metre-high close boarded timber fence defines the western boundary adjoining the side and rear garden of No. 72 Main Street. There is some sporadic hedging and conifer trees to the rear of Nos. 68 and 70 Main Street.</p> <p>The topography of the land within the site is relatively level. The receiving context is residential use on all sides of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2007/0125/O Location: To rear of 68-72 Main Street, Toomebridge Proposal: Site of residential development Decision: Permission Granted (04.07.2007)</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development</p>	

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

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

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – Recognises a viable option for storm offsetting to remove flow from the system thereby allowing additional capacity for the foul flow from the development to connect

Department for Infrastructure Roads - No objection subject to condition

Department for Infrastructure Rivers – No objection subject to condition

Department for Communities - Historic Environment Division (HED) – No objection subject to condition

Department of Agriculture, Environment and Rural Affairs – Natural Environment Division (NED) – No objection subject to conditions

REPRESENTATION

Forty (40) neighbouring properties were notified, and three (3) letters of objection have been received from three (3) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Loss of trees;
- Impact upon wildlife;
- Noise impact;
- Change in character of the area;
- Overlooking;
- Increase in traffic and road safety concerns;
- Flooding;
- Impact on house value; and
- No demand.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Flood Risk
- Impact upon Natural Habitat
- Natural Heritage
- Other matters

Policy Context and Principle of Development

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

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

The application site is located within the development limits of Toome, on unzoned white lands.

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). There is also a range of regional planning policy which is material to the determination of the proposal. Paragraph 1.10 of the SPPS sets out that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained planning policy documents together with the SPPS.

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

Within this policy context, it is considered the principle of housing development on the site would be acceptable subject to the development complying with the Plan's provisions for residential development and the creation of a quality residential environment as well as meeting other requirements in accordance with regional policy and guidance which are addressed in detail below.

Design and Appearance

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

Policy 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 is for a housing development, with the number of proposed dwellings not presented by the applicant.

Although the proposal is for outline permission only, an indicative concept plan has been submitted with the proposal (Drawing Number 03 date stamped 17th August 2021). This concept shows how a residential development could be successfully integrated into the site, with a single estate road running through the centre of the site, branching west towards the northern section to create a cul-de-sac. It appears possible to provide an acceptable level of private amenity space within the site and the agent has been advised that additional work on the design may be required, specifically around the roadside plots.

The plots shown on the concept drawing appear to be arranged with acceptable separation distances. It is shown on the concept plan that existing trees are to be retained with further areas of planting carried out, which can be conditioned on any forthcoming approval.

Objections have been received which state that the development, if approved, would damage the character of the area. It is true that the development would change the appearance of the site, however, given the urban location, this change of appearance, if designed appropriately, would not damage the character of the area, particularly given the receiving residential environment. Therefore, little weight can be afforded to this point of objection in the decision making process.

Given this is an outline planning application, there are no detailed elevational or floor plans submitted, however, it is considered that enough information has been provided to show that the development can be accommodated within the site, with further detailed drawings provided at the Reserved Matters stage. Therefore it is considered the development accords with the SPPS and Policy QD 1 of PPS 7.

Neighbour Amenity

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

The closest neighbouring properties to the site are all residential units. These include dwellings at the Glovers Lane development to the north and northeast, a residential fold to the west and dwellings at Nos. 68 - 72 Main Street to the south.

Where the proposed dwellings have a back to back relationship with the existing dwellings, the submitted concept plan indicates there is a minimum separation distance of 20 metres. This separation distance is considered acceptable and should offset any potential impact on existing residential properties.

It is also considered that at the Reserved Matters stage, the applicant could design an appropriate dwelling to ensure that there will be no adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

Three letters of objection were received from neighbouring properties adjoining the site within the Glovers Lane development. The main points of concern relate to a negative impact on residential amenity by way of noise and overlooking. In relation to noise, the Council's Environmental Health Section (EHS) has not raised any concerns in relation to noise impact from the proposed development upon neighbouring properties. Some noise is to be expected during the construction phase, however, this would be considered a short term issue until completion of the construction process. Notwithstanding this, if any noise issues arise post construction, EHS has the authority to address any future concerns. In relation to overlooking, the layout and design of the proposed development would be considered in detail at the Reserved Matters stage, but it has been shown that acceptable levels of separation can be achieved between proposed and existing dwellings. Existing vegetation can also be retained along the northeastern boundary to further screen views into and out of the application site. The topography of the site is relatively level with the surrounding existing properties and as such it is considered that the proposed dwellings would not promote an unacceptable level of overlooking, albeit a certain level of overlooking is to be expected in an urban environment.

Objectors also raised concerns in relation to a potential lowering of house value, however no evidence has been provided to support this and it is considered to be a non-material consideration. Having taken the above into account it is considered little weight can be afforded to these points of objection.

It is considered that the proposal accords with part (h) of Policy QD 1 of PPS 7.

Flood Risk

The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200-year coastal flood plain.

A drainage assessment was submitted by the applicant following consultation, DFI Rivers stated it accepts the logic of the assessment and has no reason to disagree with its conclusions. It also stated that an undesignated watercourse bounds the north, eastern and southeastern boundaries of the site. DFI River recommends a 5 – 10-metre-wide working strip should be maintained along this watercourse. Given the details contained within the submitted concept plan, it would appear possible to achieve this, which can be confirmed at Reserved Matters stage when a full detailed design submission is before the Council.

Objections raised also highlight concern over the potential flooding on the site. However, given the submission of a drainage assessment and the response from DFI Rivers, it appears that there will be no significant flood risk at the site and therefore little weight can be afforded to this objection point in the decision making process.

Impact upon Natural Habitat

Objections have been raised in relation to the loss of a number of trees within the site. The concept plan has shown that boundary vegetation is to be retained. There is a group of trees adjacent to the northeastern boundary that would most likely be lost by way of the development; however, these trees are not protected by a Tree Preservation Order (TPO). The submitted concept plan shows additional and/or compensatory areas of landscaping within the application site. Additionally, it is considered that a condition stating that a landscaping scheme shall be submitted with any Reserved Matters applied for, with existing boundary vegetation to be retained.

With regards to the impact upon habitats, a "Bat Activity Survey" was submitted which did not identify any roosting bats within any trees likely to be removed. DAERA Natural Environment Division (NED) was consulted and raised no objection subject to conditions and informatives.

It is considered that there will be no significant detrimental impact upon the natural environment by way of this development and little weight can be afforded to this objection point in the final decision making process.

Natural Heritage

The application site is located in the historic core of Toome, within close proximity to a large number of archaeological sites. These range from some of the earliest occupation sites in Ireland (ANT 042:013), through the medieval period (the scheduled tower –house of Toome Castle: ANT 042:012), to the industrial era (the Bann Navigation and remnants of the Antrim to Cookstown railway. The recorded archaeological sites and monuments nearby are indicators of a high archaeological

potential for further, previously unrecorded archaeological remains which may be encountered within the application site.

DFC Historic Environment Division was consulted on the proposal given the location of nearby monuments and responded with no objection subject to conditions. These conditions are in relation to a programme of archaeological works being carried out prior to the development of the site if an approval is forthcoming.

Other Matters

Objections were raised in relation to the potential traffic impact on the area by way of this proposed development. DFI Roads was consulted on the proposal and has responded with no objections subject to conditions. There is no evidence that the proposal would create an unsatisfactory increase in traffic or hinder road safety.

NI Water was consulted on the proposal and initially responded with a recommendation of refusal due to lack of capacity in the area's infrastructure. However, following consultation with the applicant and their engineers, NI Water recognises a viable option for storm offsetting to remove flow from the system thereby allowing additional capacity for the foul flow from the development to connect. The Council is satisfied that this viable option will allow the development to proceed.

CONCLUSION

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

- The principle of the development is considered acceptable given the receiving urban environment;
- The proposed concept design is considered acceptable in principle, however, the final design will be assessed at Reserved Matters stage;
- It is considered there will be no significant detrimental residential amenity impact upon neighbouring properties;
- There will be no significant impact upon the natural environment;
- There is no perceived impact on flood risk;
- There are no road safety concerns;
- NI Water concerns can be overcome with a viable scheme; and
- There have been no objections to the scheme by any consultee.

RECOMMENDATION

GRANT OUTLINE PLANNING PERMISSION

PROPOSED CONDITIONS

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates: -
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site

(hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

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

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

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

4. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with Policy FLD 3 and Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, shall be submitted to the Council for its consideration and approval.

Reason: To safeguard against flood risk to the development and from the development to elsewhere.

5. The development shall be in accordance with the requirements of the published Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Council shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

6. No construction works, including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil, shall take place within 5 metres (minimum) of the drainage ditch adjacent to the eastern boundary.

Reason: to protect the watercourse and minimise the impact of the proposal on the biodiversity of the site.

7. No tree or hedgerow clearance, shall take place between the 1st of March and 31st of August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests in the hedgerows, trees, or bramble scrub, immediately before works commence and provided written confirmation that no nests are present/birds will be harmed and there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds

8. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Antrim and Newtownabbey Borough Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

9. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 8.

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

10. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 8. These measures shall be implemented and a final archaeological report shall be submitted to Antrim and Newtownabbey Borough Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Antrim and Newtownabbey Borough Council.

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

11. A detailed landscaping scheme shall be submitted at Reserved Matters stage indicating existing vegetation to be retained within the site, proposed hard and soft landscaping including the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as approved by the Council shall be carried out during the first planting season after the commencement of the development.

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

12. A plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels shall be submitted at Reserved Matters stage to the Council. The development shall be carried out in accordance with the approved details.

Reason: To ensure a quality residential development.

13. At Reserved Matters stage a plan indicating details of gates, fences, walls or any other proposed structures in addition to the proposed dwellings shall be submitted to and agreed by the Council. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in keeping with the locality.

14. At Reserved Matters stage a landscape management plan, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens, shall be submitted to and approved by the Council. The landscape management plan shall be carried out as approved.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long-term maintenance.

15. The existing natural screenings of this site as coloured Green on approved Drawing Number 01A date stamped 27th October 2021 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal. Existing hedging shall be retained at a minimum height of 2 metres and existing trees as shown retained at a minimum height of 6 metres. If any retained tree or vegetation is removed, uprooted or destroyed or dies it shall be replaced within the next planting season by another tree, trees or vegetation in the same location of a species and size as specified by the Council.

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



Site Location Plan

Application Reference: LA03/2021/0811/O

Site for residential development

Lands to rear of 68-72 Main Street
Toomebridge

0 30 60 Metres

Antrim and Newtownabbey
BOROUGH COUNCIL

COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2021/1066/F
DEA	AIRPORT
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed residential development consisting of 105 dwellings and all other associated site works. (Variation of Condition 12 of planning approval T/2013/0375/RM regarding landscaping)
SITE/LOCATION	Lands south of Temple Rise, adjacent to Lylehill Road and 7 Kilmakee Road, Templepatrick.
APPLICANT	Narva Developments
AGENT	Urban Formations Ltd
LAST SITE VISIT	19th October 2021
CASE OFFICER	Alicia Leathem Tel: 028 903 40416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the settlement limit of Templepatrick as defined by the Antrim Area Plan 1984-2001 (AAP). The site forms the Temple Hall housing development currently under construction off the Lylehill Road and the Kilmakee Road.</p> <p>The application site comprises a housing development under construction which includes dwellings which are occupied in the development, areas of open space and vacant undeveloped lands where housing is to be constructed.</p> <p>The surrounding area is predominantly residential in character, defined by a mix of house types and styles. Lands to the north and east area are characterised by rural countryside.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2021/0657/F Location: Lands south of temple rise, adjacent to Lylehill Road & 7 Kilmakee Road Templepatrick. Proposal: Retention and completion of 2no detached dwellings and associated garages (currently under construction) Decision: Permission Granted (26.08.2021)</p> <p>Planning Reference: LA03/2016/1004/F Location: Lands south of temple rise, adjacent to Lylehill Road & 7 Kilmakee Road Templepatrick. Proposal: Retrospective planning permission for the erection of 4 no. dwellings (Alterations to sites, 1, 7, 101 & 102 previously approved under T/2013/0375/RM) Decision: Permission Granted (04.04.2017)</p>	

Planning Reference: LA03/2016/0534/F

Location: Lands south of temple rise, adjacent to Lylehill Road & 7 Kilmakee Road Templepatrick.

Proposal: Retrospective planning permission for the erection of 10 no. dwellings (alterations to site 15-24 previously approved under T/2013/0375/RM)

Decision: Permission Granted (04.04.2017)

Planning Reference: LA03/2015/0522/DC

Location: Lands south of temple rise, adjacent to Lylehill Road & 7 Kilmakee Road Templepatrick.

Proposal: Discharge of condition 15 from T/2013/0375/RM

Decision: Condition Discharged (25.11.2016)

Planning Reference: LA03/2015/0462/DC

Location: Lands south of temple rise, adjacent to Lylehill Road & 7 Kilmakee Road Templepatrick.

Proposal: Site of 105 detached and semi-detached dwellings (discharge of archaeological condition relating to approvals T/2011/0055/O and T/2013/0375/RM)

Decision: Condition Discharged (30.09.2015)

Planning Reference: T/2013/0375/RM

Location: Lands south of temple rise, adjacent to Lylehill Road & 7 Kilmakee Road Templepatrick.

Proposal: Proposed residential development consisting of 105 no. detached & semi-detached dwellings

Decision: Permission Granted (22.07.2014)

Planning Reference: T/2011/0055/O

Location: Lands south of temple rise, adjacent to Lylehill Road & 7 Kilmakee Road Templepatrick.

Proposal: Site of a mixed development of detached houses, semi-detached houses and townhouses.

Decision: Permission Granted (19.09.2011)

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 remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy

and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 - 2001: The application site is located within the settlement limit of Templepatrick.

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 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.

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

CONSULTATION

No consultations were carried out with any statutory or non-statutory body.

REPRESENTATION

One Hundred and Thirty-Nine (139) neighbouring properties were notified with three (3) letters of objection received from three (3) properties and one non-committal response. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

The key points of objection raised are summarised below:

- There have been changes to the levels of the open space lands within phase 3 which may have caused damage to the objectors' fence, may result in flooding and drainage issues;
- Overlooking and loss of privacy will arise with the increased levels;
- The proposed landscaping is insufficient;
- The area of open space will be used for anti-social behaviour;
- Templepatrick Primary is at capacity and the area cannot absorb any additional housing;
- The road surface in the area is already in poor repair and cannot accommodate further development;
- Bus services have been cut in the area;
- Impact of 2000 homes being built in Ballyclare has a knock-on effect on the roads infrastructure around Templepatrick;
- The local dentist and GP Surgery are under strain and the dentist is not accepting new patients;
- The open space has not been provided despite being in the marketing material;
- Large attenuation tanks have had to be put in place, this should have been realised earlier in the planning process;
- The open space areas should be provided and constructed in accordance with the approved scheme;
- The proposed development only includes approximately 2.5 % areas of open space;

- The area of open space at the rear of the housing development is not accessible;
- The availability of open space areas is more important than ever given the impact of Covid on people's mental health.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Open Space
- Conditions
- 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 a range of regional planning policy, which is material to determination of the proposal. The application site is located on lands within the development limits of Templepatrick.

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 (PPS's).

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 PPS's which provide the relevant regional policy context for the consideration of the proposal;

- PPS 7: Quality Residential Environments; and
- PPS 8 Open Space, Sport and Outdoor Recreation.

The history of the application site is an important material consideration in this instance; the application seeks permission for the variation of Condition 12 of T/2013/0375/RM that relates to hard and soft landscaping on the application site. It should be noted that the application site is known as Temple Hall with a large number of the residential dwellings complete and occupied. As such, the principle of development has already been established and is not the subject of this application. The purpose of this application is to seek a variation in the timing of when the area of open space to the rear of the housing development is to be provided. The application does not seek to increase the number of houses on the site nor can the principle of development be revisited.

Open Space

Policy OS 2 of Planning Policy Statement 8 'Open Space, Sport and Recreation' (PPS 8) requires that open space for public use is required for new residential development of 25 or more dwellings or on sites of one hectare or more. In this case

the planning history is an important material consideration, planning permission T/2013/0375/RM granted permission for a residential development consisting of 105 no. detached & semi-detached dwellings and all other associated site works, which included the provision of open space in two sections. One section is located within the centre of the site with a much larger section located to the rear section of the site. It should be noted that the section of open space within the centre of the application site has been completed and is currently being utilised by residents.

As indicated above the application seeks permission for a variation to condition 12, which, fundamentally relates to the order in which the open space provision for the remainder of the development is rolled out. The subject of the application relates to the parcel of lands to the rear section of the site (phase 3 and phase 4) which are to be laid out as open space lands for the enjoyment and amenity of the residents of Temple Hall. The acceptability of the level of open space and the location within the development is not a matter to be considered under this application as this has already been established under the previous grant of planning permission T/2013/0375/RM.

Conditions

As indicated above the application seeks permission for the variation of Condition 12 of planning approval T/2013/0375/RM that relates to landscaping. Condition 12 of T/2013/0375/RM reads;

'All soft and hard landscaping incorporated on Drawing No. 02/2, date stamp received 12th May 2014 shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice before the occupation of the first residential unit in the development or such other time as agreed in writing with the Department.'

Reason: To ensure the provision of a high standard of landscape and adequate amenity space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.

It is noted that the restriction within Condition 12 requires the applicant/developer to comply with the landscape works prior to the occupation of the first dwelling or such other time as agreed in writing with the Council. In this case, it is evident that a large number of the residential units within the approved residential development known as 'Temple Hall' are currently constructed and occupied.

It is considered that Condition 12 is somewhat restrictive and prevented the applicant from occupying any property within the development without completing the open space provision in the first instance. Supporting documentation received with the application date stamped 1st November 2021, indicates the applicant/developer was unable to provide the full provision of open space prior to the occupation of the first dwelling. The applicant advises that the delay in providing the open space was due to a number of reasons which included details relating to the need to provide storm water attenuation tanks and the necessity to raise the levels on this section of the site. The raising of levels was done through the use of inert material from the wider application site rather than through the importation of new material onto the site.

The current application seeks to amend the wording of Condition 12 in order to achieve a revised timescale for the delivery of the open space and hard landscaping. The applicant proposes a phasing plan for the completion of the development/open space and landscaping, in phases 1-4. Phase One is currently all complete and occupied and accounts for some 80 dwellings of the previously approved scheme. Phase Two is currently under construction and comprises some 18 dwellings and is due to be completed by April 2022. Phase Three relates to the provision of open space to the rear of the site and Phase Four comprises the remainder of the residential units and the further provision of open space. Following an inspection of the site, it is evident that the construction works on phase 4 of the development have not commenced to date.

The current position is that the open space area to the rear of the site and identified as Phase 3 and Phase 4 of the development as shown on Drawing 01/1 date stamped 20th April 2022 have not been provided. It is indicated, that the request is to provide this area of open space prior to the construction of any dwelling within Phase 4 of the overall development.

The current position is that the communal open space areas have not been provided in accordance with Condition 12 and the request to vary the condition seeks a change in the wording of the condition regarding the timing for the provision of part of the open space areas.

Condition 12 would now read:

'All soft and hard landscaping incorporated on Drawing No. 02/2, date stamped 12th May 2014 shall be completed in full within each phase of the development in accordance with the phasing plan as indicated on Drawing 01/1 date stamped 20th April 2022. The phasing shall be carried out in chronological order and the works shall be carried out to the appropriate British Standard or other recognised Codes of Practice.

Reason: To ensure the provision of a high standard of landscape and adequate amenity space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.

The variation of the wording would effectively regularise the matter, however, it would not negate the need to provide the open space areas. Given that Phase 2 of the development is nearing completion and the developer intends to provide the open space areas to the rear of the site (Phase 3) prior to the commencement of development of Phase 4, it is considered that the variation of the wording would simply regularise the matter and would not delay the provision of the open space any further. The provision of the open space area is a core part of the grant of planning permission and it should be implemented as expediently as possible. In the circumstances it is considered appropriate to facilitate the variation of the condition to help secure the provision of the open space areas through agreement.

Other Matters

A number of matters of objection have raised the capacity of Templepatricks infrastructure, including transport, schools, dentists, doctors and roads to cope with additional housing provision, however, this application does not seek to increase the housing numbers and therefore it will have no additional impact on these factors.

Some matters have been raised by objectors to include; the accessibility of the open space area, its use for anti-social behaviour, the raising of the levels on the open space area, flooding issues and a loss of privacy have been considered, however, these issues lie outside the scope of this application. The purpose of this application relates to the timing of when open space areas are to be provided, it does not allow for an exploration of any issues relating to the location, design, landscaping or other matters which relate to the previously approved scheme.

The issue of 2000 additional houses in Ballyclare goes to the principle of development of residential development on the application site. As previously stated this application cannot consider the principle of development, rather it considers only the timing of when the open space areas are to be provided.

An issue was raised with the accessibility of the open space areas and it appears on the ground that pedestrian linkages of the open space area to the rear of the site have not been provided. This application does not seek to amend the level of open space provided, its accessibility or its layout. The previously approved scheme is still to be provided in all respects, this application only seeks to amend the timing of the works and no other amendments.

CONCLUSION

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

- The principle of residential development is acceptable;
- The amendment to provide the open space areas prior to the construction of Phase 4 is acceptable.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. All soft and hard landscaping incorporated on Drawing No. 02/2, date stamped 12th May 2014 shall be completed in full within each phase of the development in accordance with the phasing plan as indicated on Drawing 01/1 date stamped 20th April 2022. The phasing shall be carried out in chronological order and the works shall be carried out to the appropriate British Standard or other recognised Codes of Practice.

Reason: To ensure the provision of a high standard of landscape and adequate amenity space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.

2. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in verges/service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

3. 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 Department, 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 Department gives its written consent to any variation.

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

4. All fences, walls and other boundary treatment to individual residential units as shown on Drawing No. 02/2 date stamped received 12th May 2014 shall be completed in accordance with these plans before the occupation of each residential unit.

Reason: To ensure an adequate standard of amenity and privacy.

5. The existing hedgerows along the Northern, Eastern and Southern boundaries, shall be retained at a minimum height of 2m and trees within the hedgerow, as agreed in writing with the Department, shall be tagged and allowed to grow on.

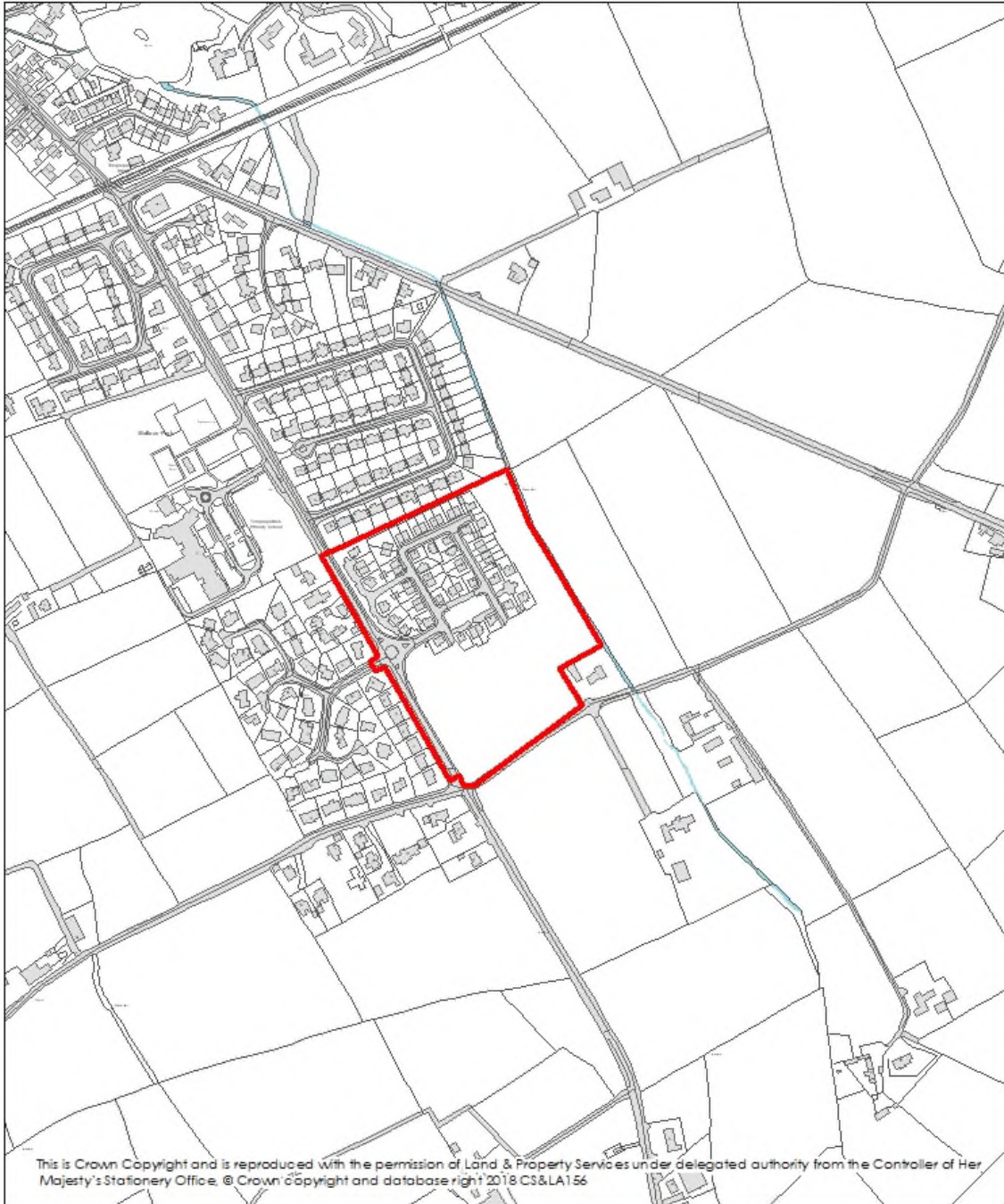
Reason: To ensure the retention of existing hedges and to conserve established wildlife corridors integral to local biodiversity.

6. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the first dwelling another tree or trees shall be planted at the same place and shall be of such size and species and shall be planted at such time as may be specified by the Department.

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

7. There shall be no development, removal of vegetation, infilling, storage of materials or dumping within 25 metres of the river corridor.

Reason: To protect the ecological integrity of the river corridor.



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Location Map

Planning Application Reference: LA03/2021/1066/F
 Location: Lands south of Temple Rise adjacent to Lylehill Road and 7 Kilmakee Road, Templepatrick

Proposal: Proposed residential development consisting of 105 dwellings and all other associated site works.
 (Variation of Condition 12 of planning approval T/2013/0375/RM regarding landscaping)

 Site Boundary

N
 1:5,222

For Information Only



COMMITTEE ITEM	
APPLICATION NO	LA03/2022/0069/F
DEA	MACEDON
COMMITTEE INTEREST	RECOMMEND REFUSAL
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed development consisting of 9 no. apartments within a three storey building, landscaping and all associated site and access works
SITE/LOCATION	Lands at 319-321 Shore Road (West of Loughshore Manor) Newtownabbey BT37 9FD
APPLICANT	Denis Williams Design Services
AGENT	Wilden Construction Services Ltd
LAST SITE VISIT	27th April 2022
CASE OFFICER	Sairead de Brún Tel: 028 903 40406 Email: sairead.debrun@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.planning.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limit of Metropolitan Newtownabbey as defined by the Belfast Urban Area Plan (BUAP) and the draft Belfast Metropolitan Area Plan published in 2004 (dBMAP).</p> <p>The application site is a roadside site located along the Shore Road in Newtownabbey on lands to the immediate south of the entrance to Loughshore Manor and to the east of Beechwood Avenue. The topography of the site is relatively flat, it has been cleared of all vegetation and rough stone has been laid across the site. It is bounded to the west by the Shore Road, and to the east by the railway line. The eastern and western boundaries of the site are demarcated by temporary fencing panels, with some newly planted saplings along the eastern boundary. A close boarded fence defines the northern boundary, with a stone wall defining the southern boundary.</p> <p>The surrounding area is predominately residential, with educational and religious buildings within the vicinity of the site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2014/0167/F Location: Lands at 319 – 321 Shore Road, Newtownabbey (including lands to the east located between the railway line and the M5 motorway) Proposal: Proposed residential development of 58 No. units comprising 10 No. townhouses, 36 No. semi-detached dwellings, 8 detached dwellings and 4 No. apartments with associated landscaping, parking, site, and access works (reduction in density from extant permission U/2005/0049/F) Decision: Permission Granted (27.01.2015)</p>	

Planning Reference: U/2005/0049/F

Location: Lands at 319 – 321 Shore Road, Newtownabbey (including lands to the east located between the railway line and the M5 motorway)

Proposal: Erection of 6 No. apartment blocks comprising 174 units with new access including a new bridge and associated comprehensive landscaping and car parking.

Decision: Permission Granted (19.06.2007)

PLANNING POLICY AND GUIDANCE

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

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

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

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Metropolitan Newtownabbey.

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

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

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

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

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

CONSULTATION

Department for Infrastructure Roads – Amendments to visibility splays required to show 2.4 metres x 70 metres and parking to be designed to parking standards.

Environmental Health – Noise and Vibration Impact Assessment required.

NI Water – Objections raised on sewage capacity issues.

Belfast City Airport – No objection

REPRESENTATION

No neighbours 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, Appearance and Impact on Character and Appearance of the Area
- Private Amenity
- Neighbour Amenity
- Access and Road Safety
- 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 purportedly adopted Belfast Metropolitan Area Plan 2015 (BMAP 2015) was for a period of time deemed to be the statutory development plan for this area, however the purported adoption of the Plan by the then Department of the Environment in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) remains the statutory Local Development Plan (LDP) for the area. The provisions of draft NAP and the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application.

The application site is located within the development limit of Metropolitan Newtownabbey within the Belfast Urban Area Plan (BUAP), and also the draft NAP and dBMAP. The application site is on unzoned land in all relevant development 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 (PPS's).

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

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

This application site forms part of a larger site on which full planning permission for a residential development of 58 residential units was granted in January 2015 under planning application reference U/2014/0167/F. Given the planning history and the location of the site within the settlement limit of Metropolitan Newtownabbey, the principle of residential development is acceptable subject to the proposal creating a quality residential environment in accordance with Policy QD 1 of PPS 7 and the Creating Places design guide as well as meeting other relevant policies.

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

Both Planning Policy Statement 7: Quality Residential Environments and the Regional Development Strategy encourage the reuse of urban land; however, this is caveated by stating that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas, and that schemes should be sensitive in design terms to people living in the area and to local character. PPS7 reiterates the need for sensitivity and in Policy QD 1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

Paragraph 6.137 of the SPPS refers 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.

As noted above, this application site forms part of a larger site, approved for residential development in January 2015. Within the current application site permission was granted for the erection of a two storey apartment building containing a total of four apartments. While the previous permission has been implemented with regards to the remainder of the previously approved residential development, there has been no construction works on the current application site, aside from the clearing of trees and vegetation, and the erection of temporary fencing along the boundaries.

Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposed development will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to all of a number of criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site

in terms of layout, scale, proportions, massing and appearance of buildings, structures, and landscaped and hard surfaced areas. This application is seeking full permission to erect a three storey building, with three apartments on each floor, giving a total of nine apartments. The building has a largely linear, rectangular footprint, and is located in the northern part of the site, occupying a roadside position with a grassed area to the rear. It has a flat roof and a ridge height of 9.6 metres above finished floor level. The external finishes include light tone rendered walls, with select areas of brick, black PVC rainwater goods and aluminium / uPVC doors. An area of communal car parking is shown to the south of the building, with a new access point proposed off the Shore Road.

The surrounding area is predominately residential, with the newly constructed Loughshore Manor located to the east of the site, and Woodland Crescent and Beechwood Avenue to the west. The external finishes of the proposed development namely rendered walls, red brick, brick, black PVC rainwater goods and aluminium / uPVC doors, reflect the finishes of the existing, surrounding residential dwellings, and this element of the design is considered acceptable.

The size, scale, and massing of the proposed development, is not considered acceptable for this roadside site, in terms of its visual impact, and the impact on the character of the surrounding area. As noted above, there are residential developments to the east and west of the application site, both of which are predominately two storeys high with a pitched roof, and a mix of semi-detached, detached, and terrace units. Both residential developments are sited off the main Shore Road, with a good level of intervening vegetation to filter views when passing the site. It is considered that the proposed three storey, flat roofed, apartment building, standing 9.6 metres above finished floor level, and occupying a prominent roadside site, does not respect the character of the surrounding area and will have a significant adverse visual impact on the local streetscape.

In addition, the size, scale, and overall massing of the proposed apartment block is considered too intensive a form of development for its location at the entrance to an existing residential development (Loughshore Manor). This higher density form of development is located right on the roadside, opening out onto the public footpath and positioned approximately 1.8 metres from the Shore Road. The large apartment block will be readily viewed from the public road when approaching from both directions, and there is limited space along the northern boundary of the site to filter views or soften the overall significant visual impact of the development.

It is acknowledged that there are two high rise apartment blocks located to the northwest of the application site at Beechwood House and Woodland House. Nevertheless, distinctions can be drawn between these developments and that proposed; both the existing apartment blocks are positioned more than 50 metres back from the main Shore Road with areas of open space between the blocks and the public road. Their overall visual impact is reduced given this set back location. Furthermore, the boundary between the existing apartment blocks and the Shore Road is defined by tall, well established vegetation which partially screens the two buildings, and again, lessens the visual impact of the existing developments.

As noted previously, the proposed apartment block is located in the northern half of the application site, with a substantial hardcore area in the southern half of the site to accommodate the parking and access road. New planting is proposed along the rear boundary of the application site, with only one new 'extra heavy standard tree'

located in the southern most corner of the site and adjacent to the new access point. It is considered that the amount of hard landscaping is excessive; almost the entire application site is covered with built form, and there is an insufficient level of soft landscaping to mitigate the visual impacts of both the proposed apartment block, the access road, and the car parking area.

Further concerns regarding the car parking area relate to the level of security afforded to the parking spaces. The communal parking area is located to the side of the apartment block, in an area where surveillance is possible only from the private amenity space of three apartments. The parking area extends right to the rear of the application site, and as a result, informal surveillance of this area by passers – by (pedestrians, cyclists and motorists) is very limited.

There are also concerns regarding the level of surveillance afforded to the communal bike storage, which is located immediately adjacent to the rear boundary of the application site and cannot be readily seen from the front windows of the proposed apartments.

A small bin storage area of approximately 9.6 sqm is shown on the site layout in the southeastern most corner of the application site. No other elevational details for this bin storage have been submitted, and there are concerns that the bin storage is not easily accessible as residents of the new development will have to cross through the car parking area in order to access this bin storage area.

On a whole, it is considered that it has not been satisfactorily demonstrated that the proposed size, scale, massing, and layout of the development will create a quality and sustainable residential environment and that there will be no significant impact on the character of the area. Based on this assessment, it is concluded that design, layout, appearance and the impact of the development on the character of the area are not acceptable, and given the number of changes that would be required to the proposed scheme in order to make it acceptable, the applicant was not requested to submit amendments at this stage.

Private Amenity

Criterion (c) of Policy QD 1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided within 'Creating Places: Achieving Quality in Residential Developments'. This states that the appropriate level of provision should be determined by having regard to the particular context of the development; for apartment developments, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof terraces. These areas should range from a minimum of 10 sqm to around 30 sqm per unit.

For this development, the total amount of private open space provided is approximately 320 sqm, equating to 35 sqm per unit and meeting the minimum standard as set out in Creating Places. This private space includes a communal area to the rear of the building for use by all residents, and a terrace area for each unit ranging in size from 7.7 sqm to 21 sqm. Ground floor units 2 and 3 also have private amenity space to the rear.

Neighbour Amenity

Criteria (h) of Policy QD 1 in PPS 7 requires that the design and layout of the development will not create conflict with adjacent land uses and there is no unacceptable adverse impact on existing or proposed properties.

This application seeks permission for the erection of nine residential units, contained within a three storey apartment block. The proposed site is bounded to the east by a public road, to the north by an internal estate road, and to the west by a railway line. No buildings abut the application site, and the proposed development will not have any significant impact on existing neighbour amenity. The apartment block has been designed to ensure future residents of the apartments will not be significantly impacted by overlooking, overshadowing, or loss of light.

The application site is located adjacent to the M5 motorway and in close proximity to the Belfast to Larne and the Belfast to Derry / Londonderry railway line. The proposed residential development may be affected by noise and vibration associated with the use of the railway line and from the motorway.

The Council's Environmental Health Section was consulted with regards to the development proposal and stated a Noise and Vibration Impact Assessment should be submitted to demonstrate that there shall be no adverse impact on future residents of the proposed development by reason of noise and vibration from the railway line, and noise from vehicular traffic on the motorway. The applicant was not requested to submit this assessment and incur additional expense at this stage given the recommendation to refuse by Planning Officers.

Access and parking

Access to the proposed development is via a new entrance point off the Shore Road, with unassigned parking spaces provided within the curtilage for 12 cars. This arrangement has been assessed by DfI Roads which requested amendments to the submitted drawings to show visibility splays of 2.4 metres by 70 metres, and for parking spaces to be designed to standards set out in the Parking Standards document reissued by DfI Roads in October 2019. The applicant was not requested to submit this assessment and incur additional expense at this stage given the recommendation to refuse by Planning Officers.

As per the Parking Standards document, a total of 14 communal, unassigned parking spaces are required for this development of nine apartments. The proposal falls short by two spaces, and the applicant has not satisfactorily demonstrated why a reduced provision is acceptable for this development.

Other Issues

Drainage

NI Water has recommended refusal of the proposed development due to a high-level assessment having been carried out by NI Water that indicates potential network capacity issues in the Whitehouse Waste Water Treatment Works, which the applicant has indicated will serve this proposal. The capacity issues establish a significant risk of detrimental effect to the environment, and detrimental impact on existing properties. For these reasons, NI Water is recommending any new connections to the public sewerage system are curtailed.

Tree Protection Order (TPO)

The railway embankment runs along the eastern boundary of the application site, and this boundary was previously defined by a number of trees that were subject to a TPO. Following investigations by the Council in April 2021, it was found that all but one of these trees were removed by either the developer and / or Translink NI. A compensatory replanting scheme agreed by the Council has since been undertaken. Landscaping proposals as shown on Drawing Number 06, date stamped 20th January 2022, indicate a Tree Root Protection Zone for only one tree, however this drawing should be amended to show tree protection for all trees along the eastern boundary.

CONCLUSION

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

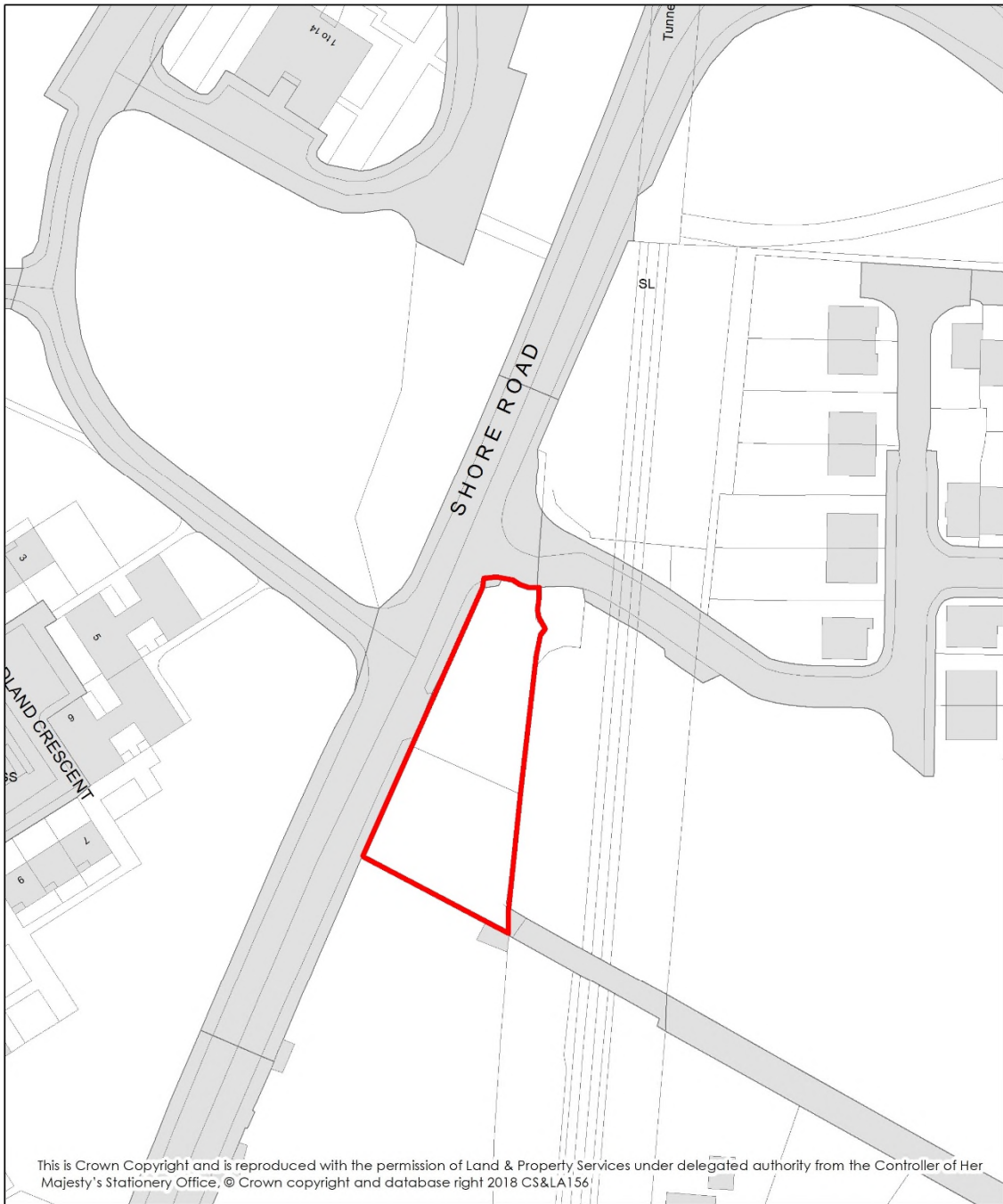
- The principle of the development is acceptable;
- The size, scale and massing of the proposal is not suitable for the site and surrounding area;
- It has not been demonstrated that there will be no unacceptable adverse impact on the amenity of future residents due to noise and vibration from the adjacent railway;
- It has not been demonstrated that the application site can be safely, and conveniently accessed and appropriate provision has been made for car parking; and
- A suitable method of foul sewage disposal has not been provided.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' in that the proposed development represents an overdevelopment of the site as it does not respect the surrounding context and is inappropriate to the character of the area in terms of size, scale, massing, and layout.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would cause harm to an interest of acknowledged importance, namely sewage disposal, as it has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' in that it has not been demonstrated that there will not be any unacceptable adverse effects on the proposed properties in terms of noise and vibration.
4. The proposal is contrary to the SPPS and Policy AMP 2 of Planning Policy Statement 3 Access, Movement and Parking as it has not been demonstrated that the access will not prejudice road safety or significantly inconvenience the flow of traffic on the Shore Road.




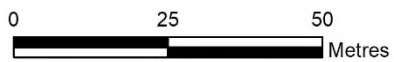
Location Map

Application Reference: LA03/2022/0069/F

Lands at 319-321 Shore Road
 (West of Loughshore Manor)
 Newtownabbey

Proposed development consisting of 9 no. apartments,
 landscaping and all associated site and access works

 Site Boundary



For Information Only



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2022/0219/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for dwelling and garage on a farm
SITE/LOCATION	75m North West of 91 Staffordstown Road, Creggan, Randalstown
APPLICANT	Rodger Dougan
AGENT	CMI Planners Ltd
LAST SITE VISIT	8 th April 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 75m northwest of 91 Staffordstown Road, Randalstown which is within the countryside as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The application site encompasses a portion of a larger agricultural field and is set back off the Staffordstown Road by 64 metres. The northeastern boundary is defined by 2-metre-high mature vegetation and similarly the southwestern boundary is defined by 2-3-metre-high dense vegetation with scattered 6-metre-high mature trees. The remaining southwestern and northwestern boundaries are undefined as the site is a cut out section of a wider agricultural field.</p>	
RELEVANT PLANNING HISTORY	
<p>Appeal Reference: 2017/A0139 Location: Lands Approx. 48m South East Of No 101 Staffordstown Road, Creggan, Randalstown, BT41 3LH, Decision: Appeal Dismissed 12/02/2018</p> <p>Planning Reference: LA03/2017/0524/O Location: Lands approx. 48m South East of no 101 Staffordstown Road, Creggan, Randalstown, BT41 3LH, Proposal: Proposed dwelling and garage Decision: Permission Refused 16/08/2017</p> <p>Planning Reference: LA03/2020/0282/F Location: Lands approximately 50m west of 93 Staffordstown Road, Randalstown, Antrim, BT41 3LQ, Proposal: Proposed dwelling & garage (change of house type from that approved under T/2015/0008/F) Decision: Permission Granted 04/06/2020</p>	

Planning Reference: T/2015/0008/F

Location: Lands approximately 50m West of 93 Staffordstown Road Randalstown,

Proposal: Erection of dwelling and garage in substitution for T/2010/0612/O.

Decision: Permission Granted 03/08/2015

Planning Reference: T/2010/0612/O

Location: Between 93 & 101 Staffordstown Road Randalstown

Proposal: Dwelling & Garage

Decision: Permission Granted (31.01.2012)

Planning Reference: T/2012/0280/O

Location: 96 Staffordstown Road, Randalstown,

Proposal: Replacement of existing semi-detached dwelling with new detached dwelling, including the retention of existing dwelling for conversion to domestic store and garage.

Decision: Permission Granted 16/01/2013

Planning Reference: LA03/2016/0634/F

Proposal: 96 Staffordstown Road, Randalstown, BT41 3LQ,

Proposal: Replacement of existing semi-detached dwelling with new detached, including the retention of existing dwelling for conversion to domestic store and garage.

Decision: Permission Granted 23.03.2017

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

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

CONSULTATION

Department for Infrastructure Roads- No objection subject to conditions

Council Environmental Health Section – No objections

NI Water- Recommended Refusal

DAERA Countryside Management Inspectorate Brach- Advise that no business ID identified on PIC and are unable to process Consultee Response.

REPRESENTATION

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

Five (5) neighbouring properties notified and one (1) letter of support has been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Proposal to be occupied by family
- Dwelling to be set back and integrate into the countryside
- Visibility splays can be provided
- Applicant's family integrated into the community, cultural and sporting life of Creggan area.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must

be made in accordance with the Plan unless material considerations indicate otherwise.

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is Policy CTY10 which states that planning permission will be granted for a dwelling house on a farm where all of the three listed criteria can be met.

The Department for Agriculture Environment and Rural Affairs (DAERA) were consulted on the proposal, however, were unable to provide a consultation response as no business ID was submitted as part of the application. As a result, DAERA are unable to establish if the farm has both been established and active for the last 6 years.

Footnote 26 of the SPPS states that for its purposes 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1037/2013 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.

The agent has submitted documentation in an attempt to demonstrate that the applicant has had an established farm business and maintained the land in a good agricultural and environmental condition, a requirement of an active farmer in the last 6 years.

The documentation provided comprises a number of invoices over the following years; 2016, 2017, 2018, 2019, 2020 and 2021.

2016

There are 4 invoices provided by 'James Nelson' referring to works including fertilizer, first cut (silage), second cut (silage) and hedge cutting. Each invoice is addressed to the applicant and includes the applicant's address. There is no business name, contact details, VAT details or business address provided. An internet search of the

name 'James Nelson' does not provide any identifiable business and no other corroborating evidence with respect to this business has been provided.

2017

There are 4 invoices provided by 'James Nelson' referring to works including fertilizer, first cut (silage), second cut (silage) and hedge cutting. Each invoice is addressed to the applicant and includes the applicant's address. There is no business name, contact details, VAT details or business address provided. An internet search of the name 'James Nelson' does not provide any identifiable source any identifiable source and no other corroborating evidence with respect to this business has been provided.

2018

There are 4 invoices provided by 'James Nelson' referring to works including fertilizer, first cut (silage), second cut (silage) and hedge cutting. Each invoice is addressed to the applicant and includes the applicant's address. There is no business name, contact details, VAT details or business address provided. An internet search of the name 'James Nelson' does not provide any identifiable source any identifiable source and no other corroborating evidence with respect to this business has been provided.

2019

There are 4 invoices provided by 'W Fulton' referring to works including fertilizer, first cut (silage), second cut (silage) and hedge cutting. Each invoice is addressed to the applicant and includes the applicant's address. There is no business name, contact details, VAT details or business address provided. An internet search of the name 'W Fulton' does not provide any identifiable source any identifiable source and no other corroborating evidence with respect to this business has been provided.

2020

There are 4 invoices provided by 'Tony McCann' referring to works including fertilizer, first cut (silage), second cut (silage) and hedge cutting. Each invoice is addressed to the applicant and only one invoice for the year 2020 includes the applicant's address. There is no business name, contact details, VAT details or business address provided. An internet search of the name 'Tony McCann' does not provide any identifiable source any identifiable source and no other corroborating evidence with respect to this business has been provided.

2021

There are 4 invoices provided by 'Tony McCann' referring to works including fertilizer, first cut (silage), second cut (silage) and hedge cutting. Each invoice is addressed to the applicant, however, no address has been provided. Therefore, this information is not recorded as being specific to the applicants holding. Additionally, there is no business name, contact details, VAT details or business address provided. An internet search of the name 'Tony McCann' does not provide any identifiable source any identifiable source and no other corroborating evidence with respect to this business has been provided.

In summary, the entirety of the information provided by the applicant to demonstrate six years active farming has been assessed and it is considered that all of the evidence provided is not persuasive as it has not been possible to verify the documentation provided for the reasons outlined above. It is considered that it has

not been demonstrated that the farm holding has been actively farmed by the applicant for at least 6 years in accordance with the requirements of criterion (a) of Policy CTY10 of PPS21. Additionally, with the absence of any farm business ID it has not been demonstrated that a farm business is in fact established or for how long.

Criterion (b) of Policy CTY10 of PPS21 requires that no dwellings or development opportunities out with settlement limits have been sold off from the farm holding within 10 years from the date of the application. Policy CTY 10 also notes that planning permission granted under this policy will only be forthcoming once every 10 years.

The current planning application was made valid on the 8th March 2022 as such the 10-year timeframe dates back to 8th March 2012. The extent of the farm holding associated with the application identifies two (2) fields (Drawing 02 date stamped 8th March 2022) it is important to note these farm maps issued by DAERA are dated 2012. Following a planning history search of the lands within the farm holding it is apparent that there have been historical planning approvals on the farm holding.

Outline planning permission for a farm dwelling (T/2010/0612/O) was granted on 31st January 2012, followed by two subsequent applications, one in substitution of the original approval (T/20015/00808/F) and one as a change of house type (LA03/2020/0282/F). In this case, the original outline permission T/2010/0612/O was granted on the 31st January 2012 and the date of the application currently under consideration was received by the Council on the 8th March 2022. It is therefore acknowledged that the previous grant of planning permission for a farm dwelling was more than 10 years from the date of this application and therefore the application does not fail in principle in this regard.

Furthermore, it is relevant to note that a planning history search of the applicant's name and address, also indicates a planning approval (T/2012/0280/O) for a replacement dwelling at No. 96 Staffordstown Road which is located approximately 50 metres southwest of the applicant's dwelling on the opposite side of the Staffordstown Road. The applicant had completed and signed the relevant Certificate A to convey that they owned the lands at that time. A subsequent full planning application was approved on the same site under planning reference LA03/2016/0634/F. It is noted that this subsequent application was made by a different applicant, with the relevant Certificate A in the associated P1 Form conveying ownership of the land also completed and signed by a different person.

Additionally, a building control application has also been submitted to the Council under the name of a different person. A land registry check carried out by the Council on the site at No. 96 Staffordstown Road does not provide any ownership details. The ownership declaration (Certificate A) was completed by a different applicant within the associated P1 Form pertaining to LA03/2016/0634/F together with the Building Control submission, it is considered to confirm by way of legal documentation that the ownership of this site was transferred at some stage within the last 10 years. Given that there is no other evidence to suggest that this land has remained in the applicant's ownership, it is considered that a development opportunity has either been secured or disposed of within the past 10 years on lands once under the applicant's ownership. It is considered that the proposal fails criteria (b) of Policy CTY 10 of PPS21.

The third criterion, criterion (c) of Policy CTY10 of PPS21 requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing farm lane.

The applicant's address No. 91 Staffordstown Road is situated 50 metres southeast of the application site. It is noted that there are two outbuildings situated within the domestic curtilage of the applicant's property and there are no farm buildings situated within the lands identified as the agricultural holding on Drawing No. 02 date stamped 8th March 2022.

On approach to the site from a northeasterly direction along the Staffordstown Road, views of the proposed dwelling would be mostly obscured and any views achieved would be fleeting and would appear visually linked with the applicant's existing dwelling and outbuildings. When travelling from the southwest views of the site are obscured by mature vegetation defining the southeastern boundary of the application site. It is considered that the proposed development will visually link with the established farm group.

Overall, it is considered that insufficient evidence has been submitted to demonstrate that the farm business has been active for each of the last 6 years and it has not been sufficiently demonstrated that a development opportunity has not been sold off within 10 years of the date of this application. The proposal fails criteria (a) and (b) of Policy CTY 10.

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

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

As the application seeks outline permission, no details have been provided regarding the proposed design or layout of the dwelling. The application site lacks established boundaries along the northwestern and southwestern boundaries, however, it is noted that the application site is set one field back from the public road and benefits from mature landscaping along the southeastern boundary between the application site and the adjacent field comprising vegetation approximately 3 metres in height and mature trees scattered at intervals approximately 6 metres in height. It is considered that a dwelling within the application site would be integrated appropriately and sited sufficiently from public views.

However, notwithstanding this point, the access point proposed to serve the dwelling is to be taken at a point in the roadside edge which is positioned directly adjacent to the access point approved for a dwelling under LA03/2020/0282/F. Criterion (d) of CTY 13 states that a building would be unacceptable where ancillary works do not integrate with their surroundings and criterion (e) of CTY 14 states that a new building would be unacceptable where the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The Justification and Amplification of Policy CTY13 (PPS21) states that where possible, accesses should be taken from an existing laneway and where a new access is required, it should run unobtrusively alongside existing hedgerow or wall lines, accompanied by landscaping measures. In this case the proposed access point and laneway would cut through the middle of an agricultural field and would follow a section of the laneway approved under LA03/2020/0282/F. As a result, this would create a dual laneway that would stretch in some areas up to 10 metres in width cumulatively across both laneways, resulting in a substantial stretch of hardstanding being created. Policy CTY13 is not supportive of sweeping driveways in the countryside given their suburban emphasis and would not normally be appropriate.

Additionally, the cumulative impact of the existing access point approved serving No. 101 Staffordstown, the access point approved under LA03/2020/0282/F and the proposed access point would result in 3 continuous access points serving individual dwellings situated directly adjacent to one another with no significant visual break in the receiving environment. It is considered that the proposed means of access and the laneway would be open to public views when traveling along the Staffordstown Road and would be seen as an obtrusive feature in the landscape. This access arrangement will not integrate into the rural landscape and will be of detrimental 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 impact of ancillary works.

Neighbour Amenity

As the application seeks outline permission, limited details have been provided regarding the proposed design, however, it is considered that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of the existing properties are not negatively impacted upon.

Movement, Access and Parking

The proposed farm dwelling is to be accessed off the Staffordstown Road. Consultation was carried out with DfI Roads who raised no objections to the proposed means of access. Therefore, it is deemed that the access point to serve the site will not prejudice road safety or cause a significant inconvenience to traffic.

Other Matters

It is relevant to note that NI Water (NIW) has sought additional information pertaining to the need for an Odour Impact Assessment due to the application sites location within a 400m zone boundary of a Wastewater Treatment Works (WWTW). NIW has requested this additional information to determine the compatibility of the proposal within the existing operation of the WWTW as the proposed development may experience nuisance due to its proximity to the operations of the existing WWTW. In this case the relevant planning consideration is Policy WM5 of PPS 11 - Planning and Waste Management.

WM5 states that proposals involving the development of land in the vicinity of existing or approved WWTW, will only be permitted where it will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment. The Justification and Amplification section of Policy WM5 states that in particular, planning applications involving land within the vicinity of WWTW's will not be approved where there would be a loss of amenity from odour nuisance.

In this instance given that the principle of a farm dwelling could not be established, it was not deemed appropriate to seek this additional information as this would invariably result in nugatory work and expense to the applicant. However, as it is not possible to determine if the proposed development would give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment, it is necessary to adopt a precautionary approach and add a refusal reason on this matter.

One representation has been received in support of the application. Comments relate to the location of the site being set back off the road which will allow it to integrate appropriately into the countryside. It is agreed that the application site would be visually integrated into this rural setting given the set back location and existing mature boundary treatments defining the site. Additionally, comments provided have noted that the applicant's daughter will occupy the proposal and the applicant's family have lived in the Creggan area for generations and are integrated into the community, cultural and sporting life of the area, which should be considered as an important material fact. In this case it is noted that the use of the dwelling for a family member and the applicant's connections to the general area are not material planning considerations and therefore cannot be weighted heavily in the determination of this application.

CONCLUSION

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

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of CTY 1 and CTY 10 of PPS 21;
- The ancillary works associated with the proposal will not integrate and will have detrimental impact on rural character contrary to CTY 13 and CTY 14;
- An appropriately designed dwelling on site would not have a detrimental impact on neighbour amenity;
- There are no road safety concerns with the proposal; and
- There are concerns that the proposal may be adversely impacted by a Wastewater Treatment Works contrary to WM5 of PPS 11.

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 that i) the principle of an active and established farm has not been demonstrated, and ii) it has not been demonstrated that no dwellings or development opportunities have been sold off from the farm holding within 10 years.
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 their surroundings and would be of detriment to the rural character of the area.

4. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy WM5 of Planning Policy Statement 11 Planning and Waste Management, in that insufficient information has been provided in order to determine if the proposed development would be adversely impacted by an existing Wastewater Treatment Works



Site Location Plan




Application Reference: LA03/2022/0219/O

Site for dwelling and garage on a farm

75m North West of 91 Staffordstown Road Creggan Randalstown

0 30 60 Metres

Site boundary

COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2022/0149/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for dwelling and garage on a farm (under policy CTY10) and associated siteworks
SITE/LOCATION	40m SE of 8 Ladyhill Road, Antrim, BT41 2RF
APPLICANT	Len Ireland
AGENT	Richard Burnside Architecture
LAST SITE VISIT	6 th May 2022
CASE OFFICER	Michael Tomlinson Tel: 028 903 40442 Email: michael.tomlinson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located 40 metres southeast of No. 8 Ladyhill Road, Antrim. This is a countryside location beyond any development limit as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site consists of a section of land surrounding a single storey agricultural style building. At the time of the site visit, scrap metal and car parts were stored to the northwest of the application site, to the rear of the building, and the sheds along the northern section of the site were overgrown and in a state of disrepair. The southeastern section of the application site was overgrown with tall grass and briars. The southwestern boundary of the application site is defined by a 1.5-metre-tall D-rail fence, the northwestern boundary is partially defined by an industrial style outbuilding with shutter bay doors and is partially undefined. The northeastern boundary is partially defined by the remnants of the outbuildings and dense mixed vegetation between 1.5 and 3 metres in height. The southern boundary abuts the public road and is defined by a 2-metre-tall hawthorn hedgerow. The topography of the application site slopes away gently from the northwest to the southeast towards the roadside.</p> <p>The surrounding location is countryside with agricultural fields dominant. The application site is visible from long distances along the Ladyhill Road.</p>	
RELEVANT PLANNING HISTORY	
No relevant history on the application site or farm holding.	
PLANNING POLICY AND GUIDANCE	
Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.	

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection

Department for Agriculture, Environment and Rural Affairs – Advice

REPRESENTATION

No neighbours were notified of the application as no occupied properties abut the site. 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
- Access, Movement and Parking

Policy Context and Principle of Development

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

The Antrim Area Plan (AAP) identifies the application site as being within the countryside outside any development limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

Policy CTY10 of PPS21 sets out three criteria which proposals for farm dwellings must satisfy. Criterion (a) requires the farm business to be currently active and has been established for 6 years. Firstly, the farm business ID number provided by the agent in the P1C form is not recognised. This issue was queried with the agent who confirmed that this number related to a client ID and should be sufficient to prove the active status of the farm. On the P1C form it is indicated that the applicant does not submit Single Farm Payment or any other farm subsidies to the Department for Agriculture, Environment and Rural Affairs (DAERA). DAERA Countryside Management Branch has confirmed that the business ID that has been provided by the agent on the applicant's behalf cannot be identified and therefore they are unable to provide a conclusive consultation response, therefore the farm business is not considered to be established.

The applicant has provided a number of invoices in support of the application to demonstrate that the farm has been actively carrying out agricultural activity through maintaining the land in good agricultural and environmental condition. The invoices include 12no. invoices and receipts for cash sales of goods that neither identify or relate to the applicants' land, nor directly identify the applicant. There are 6no. invoices that link the applicant to the land directly, however these are only available for years 2015, 2018, 2019, 2020 and 2021. A further 5no. invoices name the applicant and an activity carried out, however they do not specifically mention the land on which the named activity was carried out. Additional information was requested from the agent on Monday 4th April 2022 to be submitted to the Planning Section on or before Monday 11th April 2022. This was later extended to Thursday 14th April 2022. Additional information was belatedly received on 9th May 2022 which included 10no. receipts showing payments received from the farmer who takes the land from the applicant in conacre between the 27th December 2012 and 27th

December 2021. These were supported by a letter from the farmer, detailing his relationship with the applicant and listing some of the tasks the applicant undertakes in the maintenance of the land. It is considered that this additional information does not provide sufficient evidence to demonstrate that the land has been actively maintained in good agricultural and environmental condition over a six-year period. Furthermore, upon site inspection, it was noted that the land on which the application site is located does not demonstrate land that has been maintained in good agricultural and environmental condition. It is considered therefore that the application fails to meet with the requirements of the first provision Policy CTY 10, as it cannot be clearly demonstrated that the farm business is active and established for at least 6 years.

The second criterion requires that no dwellings or development opportunities have been sold from the farm holding within 10 years. The agent has indicated on the PIC form that no such opportunities have been sold off in the last 10 years. Having checked the Planning Portal for the farm business ID provided, the applicant's name and the farm maps, there is no evidence to suggest that development opportunities have been sold off from the farm. The application therefore complies with the second criteria.

Criterion (c) relates to the new building being visually linked or sited to cluster with an established group of buildings. It is considered that the application site abuts other buildings of agricultural appearance and therefore the proposal would be considered to visually cluster with the existing buildings and therefore complies with the third criterion.

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

The planning application seeks outline planning permission for a dwelling and garage. It is noted that the site benefits from screening vegetation along the northern and southeastern boundaries, with the existing buildings that surround the application site providing a good level of enclosure to the site and providing a suitable level of integration within the farm cluster. It is considered that whilst there are critical views of the application site from the Ladyhill Road both north and south of the application site, an appropriately sized dwelling house will not appear prominent within the site nor the wider area. Should planning permission be granted in this case, a condition should be attached requiring the retention of the boundary treatments along the northern and southeastern boundaries of the site to ensure the integration of the dwelling.

Neighbour Amenity

No neighbours were notified as part of this planning application. It is noted however that the applicant's dwelling at No. 8 Ladyhill Road will be 30 metres from the proposed siting location of the dwelling. The location of the outbuildings within the curtilage of No. 8 Ladyhill Road will screen any significant views between the application site and this neighbouring property. Furthermore, No. 8 Ladyhill Road is orientated so that its gable faces towards the application site and it is considered that an appropriately designed dwelling within the site location indicated on Drawing No. 02, date stamped 11th February 2022, will not significantly impact on the amenity of No. 8 Ladyhill Road. Furthermore, it is considered that there will be no significant impact on any other surrounding dwellings, buildings or land uses.

Access, Movement and Parking

The access location for the application site is being taken off Ladyhill Road, making use of the existing access arrangement that services No. 8 Ladyhill Road. DfI Roads have been consulted and have indicated that they have no objection to the proposed means of access and have requested further information at Reserved Matters stage, should outline planning permission be granted. It is considered that the application site is large enough to allow sufficient space for parking and the turning of vehicles.

CONCLUSION

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

- The principle of the development has not been established;
- The proposed siting of the dwelling is acceptable;
- Subject to conditions, the proposal will not create any significant negative impacts on the visual amenity of the area;
- It is considered that no neighbouring property will be detrimentally impacted upon by the development; and
- There have been no objections received by any interested third parties.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY1 and CTY10 of PPS 21: Sustainable Development in the Countryside, and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and established.




Location Map

Reference: LA03/2022/0149/O

Location: 40m SE of 8 Ladyhill Road, Antrim, BT41 2RF

Proposal: Site for dwelling and garage on a farm (under policy CTY10) and associated siteworks



 Site Boundary



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2022/0170/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Proposed dwelling and garage on a farm
SITE/LOCATION	Approximately 30m north of 74 Cargin Road, Toome, BT41 3PB
APPLICANT	D. Johnston & A. McClean
AGENT	2020 Architects
LAST SITE VISIT	6 th May 2022
CASE OFFICER	Michael Tomlinson Tel: 028 903 40442 Email: michael.tomlinson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 30m north of 74 Cargin Road, Toome. This is a countryside location beyond any development limits as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site is a section cut out of a much larger agricultural field with a frontage onto the Cargin Road to the west and abutting No. 74 Cargin Road to the south. The topography of the application site is flat. The southern boundary is defined by a 2-metre-tall Leylandii hedge, with 1 metre post and wire fence. The western boundary is defined by a combination of 1.5-metre-tall d-rail fence and post and wire fencing. The northern and eastern boundaries are undefined. The surrounding location is mostly agricultural fields, with a number of visible buildings and a view towards Lough Neagh.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history on the application site or farm holding.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p> <p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy</p>	

and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection

Department for Agriculture, Environment and Rural Affairs – No objection

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

The Antrim Area Plan (AAP) identifies the application site as being within the countryside outside any development limit. There are no specific operational policies

or other provisions relevant to the determination of the application contained in these Plans.

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

Policy CTY10 of PPS21 sets out three criteria which proposals for farm dwellings must satisfy. Criterion (a) requires the farm business to be currently active and established for 6 years. Agricultural activity for the purposes of planning policy is defined as the production, rearing or growing of agricultural products, including harvesting, milking, breeding animals and keeping animals for agricultural purposes and also includes maintaining the land in good agricultural and environmental condition. Within the submitted PIC form, the agent has provided a valid Farm Business ID and has indicated that Single Farm Payment or other farm subsidies are submitted to the Department for Agriculture, Environment and Rural Affairs. DAERA Countryside Management Branch were consulted as part of this planning application. DAERA has confirmed in its consultation response that the farm business has been active for more than 6 years and the business has claimed payments through the Basic Payments Scheme or Agri Environment scheme in each of the last 6 years, with the application site being located within these lands. No further information has been submitted in support of the application, however it is considered that the requirements of criterion (a) have been met and the farm business has been active and established for more than 6 years.

The second criterion requires that no dwellings or development opportunities have been sold from the farm holding within 10 years. The agent has indicated on the PIC form that no such opportunities have been sold off in the last 10 years. Having checked the Planning Portal for the farm business ID provided, the applicants name and the farm maps, it has been demonstrated that there have been no opportunities sold off from the farm.

Criterion (c) relates to the new building being visually linked or sited to cluster with an established group of buildings. The application site is located within the lands associated with the farm holding and is located to the north of and abuts No. 74 Cargin Road. There is a large farm building located to the south of No. 74 Cargin Road, 50 metres south of the application site. It is considered that the application site in this case is located so as to visually link with the dwellinghouse at No. 74 Cargin Road and the farm building to the south. The principle of development has therefore been established subject to the application meeting with other policy requirements.

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

The application site has a road frontage site, located along the Cargin Road. It shares its southern boundary with No. 74 Cargin Road. This common boundary is defined by a 2-metre-tall Leylandii hedgerow and is the only substantial boundary on

the application site. The topography of the application site is largely flat and there are no landscape features to provide a significant backdrop to encourage the integration of a building at this location.

It is noted that the dwellinghouse at No. 74 Cargin Road is within the ownership of the applicant's family and the siting location does visually link with the existing buildings. However, the application site is located on lands where the topography is largely flat and there are no significant natural or landscape features to provide a significant backdrop to the application site. Furthermore, with the exception of the Leylandii hedgerow to the south of the application site, the site lacks established boundaries to provide a sufficient degree of visual integration, leaving the application site and any proposed buildings exposed to critical views along the Cargin Road.

Additionally, a dwelling sited within the application site would read with the dwelling of No. 74 Cargin Road and the farm buildings further to the south. In combination these roadside buildings would read together as a linear form of development and would create a ribbon of development, contrary to the requirements of CTY 8 and CTY 14. It is therefore considered that a dwelling on the application site would not visually integrate into the surrounding landscape and would result in a suburban style build up along this roadside frontage by creating a ribbon of development.

Neighbour Amenity

The only abutting neighbour to the application site is No. 74 Cargin Road. The 2-metre-tall Leylandii hedge will provide a significant level of screening between the application site and this neighbour's private amenity space. Furthermore, the separation distance of 20 metres will help ensure that an appropriately designed dwelling will not have a significant impact on the amenity of this neighbour.

It is considered that an appropriately designed dwelling within the application site will not have a significant impact upon any other dwelling or land uses within the wider location.

Access, Movement and Parking

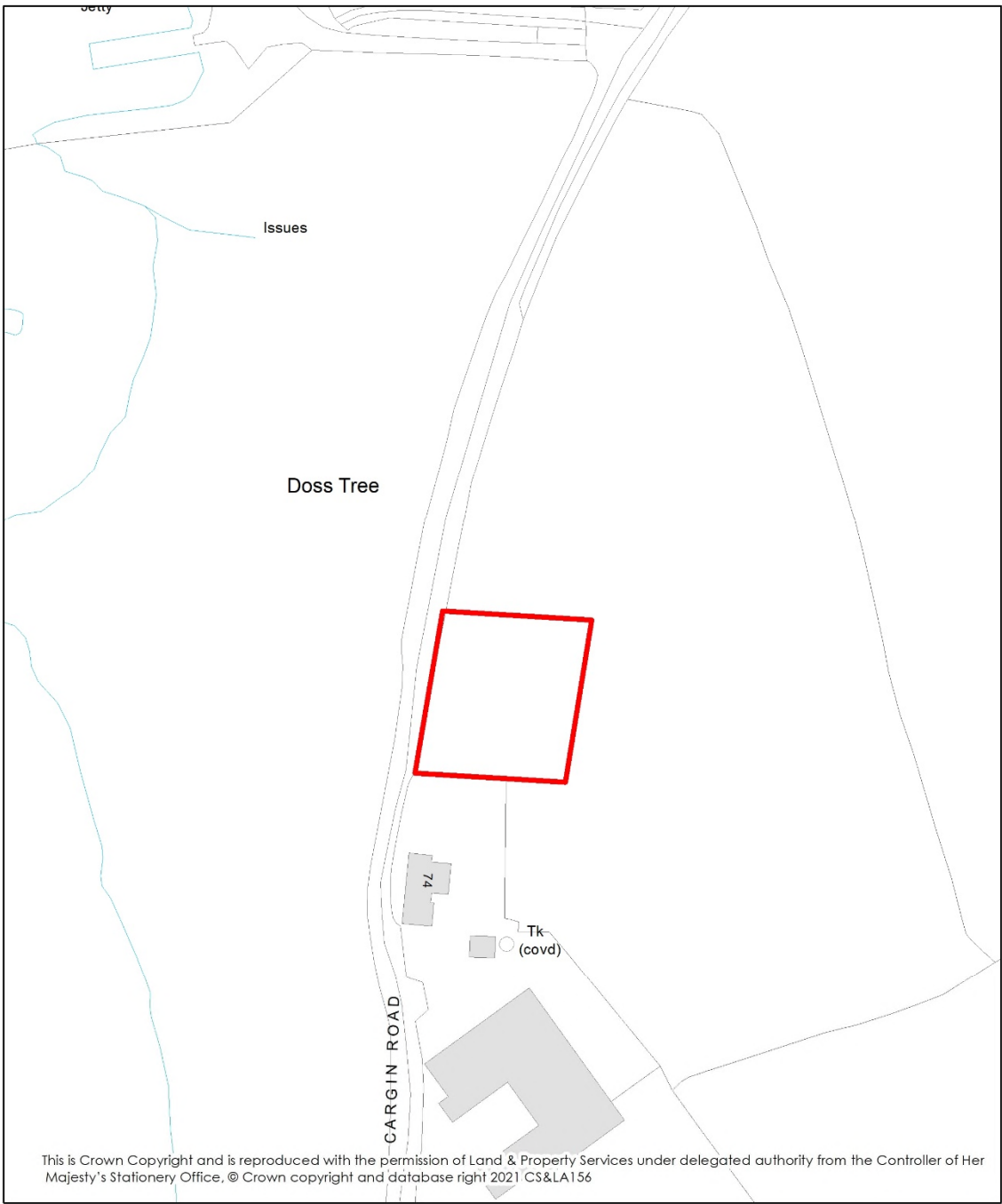
A new access is to be provided to allow the application site direct access onto the Cargin Road. Department for Infrastructure Roads have been consulted and have provided no objection. It has requested further information at Reserved Matters stage, should outline planning permission be granted. It is considered that the application site is large enough to allow sufficient space for parking and turning vehicles.

CONCLUSION

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

- The principle of the development has been established;
- The proposed siting of the dwelling is not acceptable;
- The proposal will have a significant negative impact on the character of the rural area;
- It is considered that no neighbouring properties will be detrimentally impacted upon by the development; and
- There have been no objections received by any interested third parties.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL	
<ol style="list-style-type: none"> <li data-bbox="204 286 1375 427">1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 13 of PPS 21: Sustainable Development in the Countryside, in that a dwelling on the site proposed would fail to integrate into the landscape. <li data-bbox="204 465 1343 645">2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 & 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, create a ribbon of development which would also result in a detrimental change to the rural character of the countryside. 	



Location Map

Reference: LA03/2022/0170/O
 Location: Approximately 30m north of 74 Cargin Road, Toome, BT41 3PB
 Proposal: Proposed dwelling and garage on a farm



 Site Boundary



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2022/0235/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Outline planning application for proposed single dwelling
SITE/LOCATION	Land adjacent to 111 Parkgate Road, Kells, BT42 3PG
APPLICANT	Mr Ike Harbinson
AGENT	D&F Services
LAST SITE VISIT	9 th May 2022
CASE OFFICER	Michael Tomlinson Tel: 028 903 40442 Email: Michael.tomlinson@ antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on lands adjacent to and abutting No. 111 Parkgate Road, Kells. This is a countryside location beyond any development limits as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site is subdivided into two sections, taking the form of an 'L' shape. The northern section of the application site is fenced off from the agricultural field using a 1-metre-high post and wire fence, it includes a gravel track and a static caravan. The remaining lands are agricultural and the topography of the site rises from the northeast to the southwest. The southwestern and southeastern boundaries are defined by a row of trees between 2 and 4 metres in height. The northeastern boundary is defined by 1.2-metre-high post and wire fencing with a section of trees at the eastern corner. The surrounding location is countryside with 2No bungalows located to the northwest of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/1997/0542 Location: Beside 111 Parkgate Road Connor Proposal: Site of dwelling Decision: Application Withdrawn</p> <p>Planning Reference: T/2000/0967/O Location: Beside 111 Parkgate Road, Connor Proposal: Site of dwelling Decision: Permission Refused (14.03.2001)</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p>	

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

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

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

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

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

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 – Refusal recommended.

Department for Infrastructure Roads- Amendments required.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan,

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

The application site is located within the 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 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.

It is noted that the application site is unbounded by any buildings to the southeast of the application site. Furthermore, there are only 2no. buildings with a frontage onto this section of the Parkgate Road. It is considered in this case that the application site does not present itself as a gap within an otherwise substantial and continuously built up frontage. The plot frontage of no. 109 Parkgate Road is 32 metres, while No. 111 Parkgate Road is 24 metres. The application site has a plot frontage of 47 metres

which is excessive for only one dwellinghouse, however, it would be sufficient in plot size for 2no. dwellinghouses whilst still respecting the pattern of development along this section of the Parkgate Road.

The development has also been assessed in respect of a dwelling within an existing cluster. There are only 2no. dwellinghouses in this countryside location with 1no. outbuilding located to the rear of No. 111 Parkgate Road. In this case, it is considered that the buildings do not appear as a visual entity in the local landscape, nor are they associated with any focal point.

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 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

It is noted that this is an outline application, however the agent has submitted a proposed siting location and a concept of the dwellinghouse for the application site. It is considered that the application site benefits from mature treeline boundary treatments along the southeastern and southwestern boundaries. When read with the topography of the application site, it is considered that a suitably designed dwellinghouse would blend with the landform and would integrate into the surrounding area.

The application site is a roadside plot, set to the southeast of two other roadside buildings. When the proposed building is added to the existing pattern of development it is considered that it would extend a linear form of development along the public road, thereby creating a ribbon of development at this location. 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

The only abutting neighbour to the application site is No. 111 Parkgate Road, located to the northwest. The proposed siting location shown in Drawing No. 03, date received 9th March 2022, shows the proposed dwellinghouse to be located with its northeastern (front) elevation aligned with the other two dwellinghouses along this frontage. It is considered that there would be a separation distance of 17 metres between No. 111 Parkgate Road and the proposed dwellinghouse. It is considered that an appropriately designed dwellinghouse would not significantly impact on the amenity of this existing neighbour.

Furthermore, it is considered that an appropriately designed dwellinghouse within the application site would not impact on the amenity of No.109 Parkgate Road nor any other surrounding land use.

Other MattersRoads

DfI Roads were consulted as part of this planning application and in their response they have requested that the redline drawing reflects the proposed visibility splays and the P1 form be amended to indicate 'altered access'. It is considered that due to the recommendation on this planning application, it would place an unnecessary burden on the applicant to submit this amended information that is non-determining in this planning application.

Water

Northern Ireland Water has indicated that there are capacity issues for the public water supply in this area. It has indicated that the applicant is to consult directly with NI Water to ascertain if a solution is possible. Again, it is considered that due to the recommendation to refuse this planning application, it would place an unnecessary burden on the applicant to submit this information in support of this planning application.

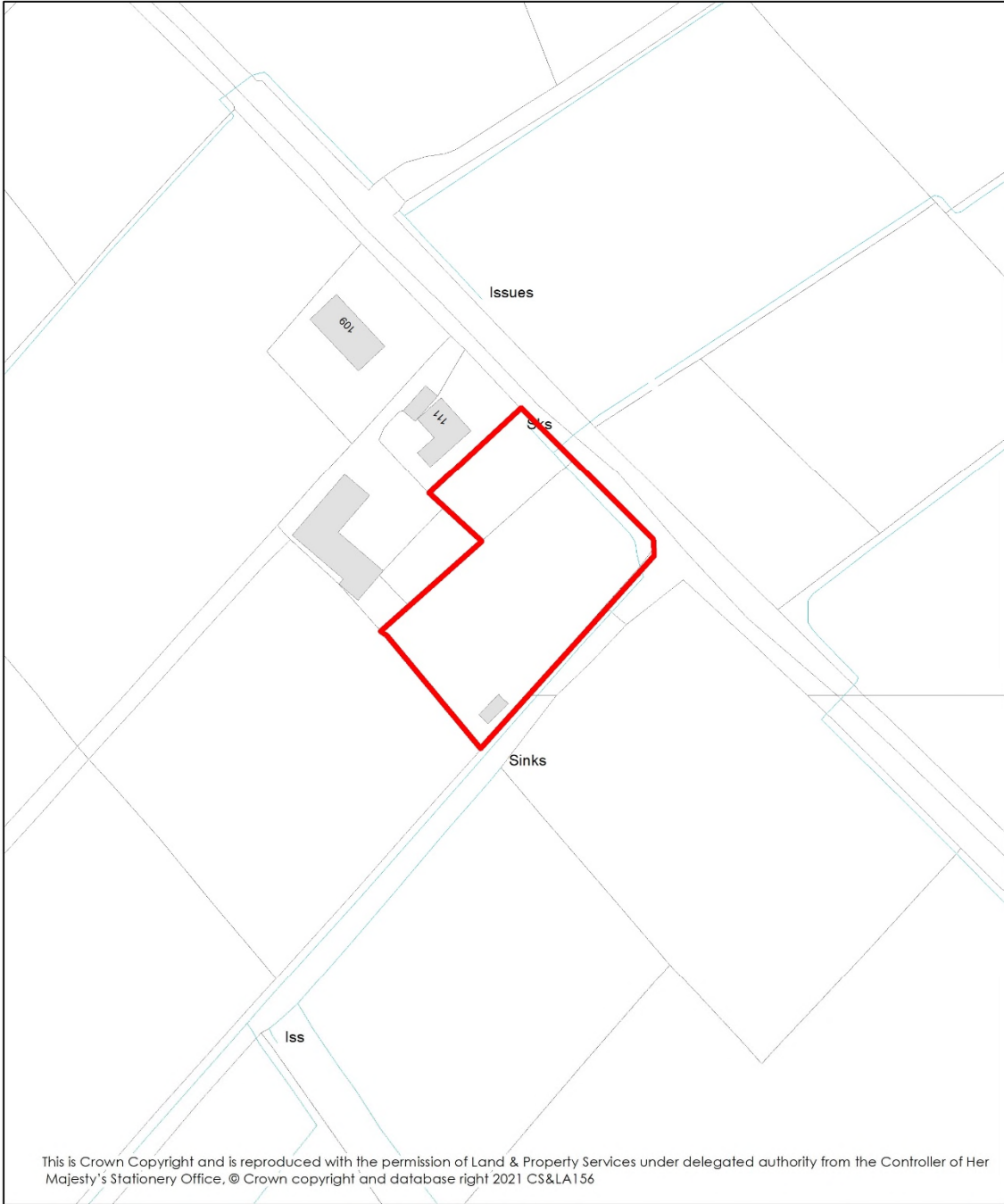
CONCLUSION

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 application site has sufficient landscaping to encourage the visual integration of 2no. dwellinghouses at this location;
- There would not be a significant impact on any neighbouring properties from an appropriately designed dwellinghouse; and
- The proposal would have a negative impact on the character and appearance of the area.

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 CTY8 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 the public road and will result in a detrimental change to, and erode, the rural character of the countryside.

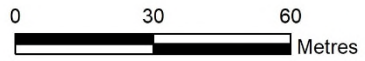



Location Map

Reference: LA03/2022/0235/O

Location: Land adjacent to 111 Parkgate Road, Kells, BT42 3PG

Proposal: Outline planning application for proposed single dwelling



 Site Boundary



COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2022/0220/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for dwelling and garage and associated ancillary works
SITE/LOCATION	50m NW of 28A Crosshill Road, Crumlin
APPLICANT	Richard Harkness
AGENT	Planning Services
LAST SITE VISIT	13 th April 2022
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 50 metres northwest of No. 28A Crosshill Road, Crumlin and is located outside of any development limit defined in the Antrim Area Plan 1984-2001. The application site makes up part of a gap between the existing dwellings at No. 28A and No. 28E Crosshill Road. The site's eastern and southeastern boundaries are defined with post and wire fencing while the other remaining boundaries are presently undefined as the site is a portion cut out of a larger agricultural field. There are open views across this roadside site when travelling along the Crosshill Road with distant views to a large group of mature trees which are located beyond the site. The area in which the application site is located remains rural in character despite there being a number of roadside dwellings in relative proximity to the site.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p> <p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy</p>	

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 – Additional information required

Northern Ireland Water – No Objections

Department for Infrastructure Roads- No Objections

DAERA – Regulation Unit – Additional information required

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

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

regional planning policy which is material to determination of the proposal. The 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 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 on which it stands abuts or shares a boundary with the road.

In this case, the application site makes up part of the gap between the existing dwellings at No. 28A and No. 28E Crosshill Road. It should be noted that there is also a separate planning application referenced LA03/2022/0221/O which is currently under consideration by the Council for a single dwelling and garage immediately to the northwest of the application site.

The existing dwellings at No. 28, No. 28A and No. 28E represent a clear frontage onto the Crosshill Road which would see the proposal complying with criteria (a) of Policy CTY 8.

Criteria (b) states that the gap site shall be small and sufficient only to accommodate up to a maximum of two houses, while criteria (c) goes on to require that the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size. As noted above, the application site makes up part of the gap between No. 28A and No. 28E. For the purposes of this policy the gap is measured from building to building therefore the total gap between the existing dwelling at No. 28A and No. 28E measures approximately 114 metres.

The average plot width in the area surrounding the application site (to include No. 28A, No. 28E, No. 29, No. 25 and No.23) equates to 43.6 metres. Therefore the gap of 114 metres could only accommodate up to two dwellings based on the existing plot sizes expressed in the area in compliance with criteria (b) of the policy and is also considered to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size in compliance with criteria (c).

There is a tension within Policy CTY 8 between a permissive policy which encourages infill opportunities and a restrictive policy which seeks to refuse development which would create or lead to ribbon development. While the development may represent an infill opportunity it is only acceptable if it complies with other site specific criteria which are discussed below.

Design, Layout and Appearance of the Area

All dwellings in the countryside must integrate with their surroundings and not be of detriment to the rural character of the area in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

Policy CTY 13 states that all buildings in the countryside must be visually integrated into the surrounding landscape and be of appropriate design. The policy goes on to advise that a new building will be unacceptable where; it is a prominent feature in the landscape or the site lacks long established natural boundaries or a suitable degree of enclosure.

In this case, the application site is located in an open gap between the dwellings at No. 28A and No. 28E. There is no existing established boundary treatment (other than a post and wire fence) surrounding the application site. The site appears to be open and exposed when viewed from the public road, particularly when travelling along the Crosshill Road in a northwesterly direction. Given the size of the gap (although acceptable for the purposes of Policy CTY 8) it is also not considered that the neighbouring buildings would be sufficient to provide a degree of enclosure for the site. There is also no visual back drop to the site as the site only backs onto an open field. It is therefore considered that a dwelling on the application site would not integrate harmoniously into the rural environment and would rather appear incongruous in the landscape.

Policy CTY 14 states that planning permission will be granted for a new building in the countryside where it does not cause a detrimental change to, or further erode rural character or would result in the creation or extension of a ribbon of development. It is accepted that the proposal can comply with the most part of the policy provided within Policy CTY 8, however, the site fails to provide a sufficient level of landscaping or other means of enclosure to integrate a dwelling. It is therefore considered that given that the proposal fails to comply with Policy CTY 13, it also fails to meet with

criteria (d) of Policy CTY 8 in that the proposal does not meet with other planning and environmental criteria.

Neighbour Amenity

As the application seeks outline planning permission, no details have been provided regarding the proposed design, however, it is considered that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of the existing properties are not negatively impacted upon.

Other Matters

The Council's Environmental Health Section have requested the submission of additional information. Given the sites proximity to Belfast International Airport and to existing business premises, a Noise Impact Assessment is required in order to ensure that any future occupiers are protected against adverse impacts from noise associated with existing activities in the area.

Given the concerns with the proposal in relation to integration, this additional information was not requested from the applicant to ensure the applicant was not put to any undue expense. As this issue has not been addressed, as a precautionary approach, a refusal reason will be added in relation to this issue.

The Council's Environmental Health Section and the DAERA's – Regulation Unit also require additional information in relation to potential risks from contamination associated to historic land uses. Again, given the other concerns with the proposal this additional information was not formally requested from the applicant and therefore as a precautionary measure, a refusal reason will be appended in relation to this matter.

CONCLUSION

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

- The principle of the development is considered to be acceptable;
- A dwelling on the application site would not integrate into the rural environment;
- The proposal would not have a detrimental impact on the character of the area;
- An appropriately designed dwelling would not have a detrimental impact on nearby neighbouring properties;
- Additional information is required in relation to noise and potential contamination.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy and Policies CTY 8 & 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement in that insufficient information has been provided in order to determine that the proposed development will not have a detrimental impact on human health or on the water environment resultant from contamination risks associated with the sites historic land use.

3. The proposal is contrary to the provisions of the Strategic Planning Policy Statement in that it has not been demonstrated that the proposed dwelling will not experience a detrimental impact on amenity, by way of noise generated by nearby businesses and Belfast International Airport.



Location Map

Planning Application Reference: LA03/2022/0220/O
Location: 50m NW of 28A Crosshill Road, Crumlin
Proposal: Site for dwelling and garage

 Site Boundary

N
1:2,500

For Information Only



COMMITTEE ITEM	3.11
APPLICATION NO	LA03/2022/0221/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for dwelling and garage and associated ancillary works
SITE/LOCATION	30 metres south east of 28E Crosshill Road, Crumlin
APPLICANT	Richard Harkness
AGENT	Planning Services
LAST SITE VISIT	13 th April 2022
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 30 metres southeast of No. 28E Crosshill Road, Crumlin and is located outside of any development limit defined in the Antrim Area Plan 1984-2001. The application site makes up part of the gap between the existing dwellings at No. 28A and No. 28E Crosshill Road. The sites northwestern and northeastern boundaries are defined with post and wire fencing while the other remaining boundaries are presently undefined. There are open views across this roadside application site when travelling along the Crosshill Road with distant views to a large group of mature trees which are located beyond the site. The area in which the application site is located remains rural in character despite there being a number of roadside dwellings in relative proximity to the site.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning polices for the consideration of development proposals.</p> <p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.</p>	

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 – Additional information required

Northern Ireland Water – No Objections

Department for Infrastructure Roads- No Objections

DAERA – Regulation Unit – Additional information required

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

In this case, the application site makes up part of the gap between the existing dwellings at No. 28A and No. 28E Crosshill Road. It should be noted that there is also a separate planning application referenced LA03/2022/0220/O which is currently under consideration by the Council for a single dwelling and garage immediately to the southeast of the application site.

The existing dwellings at No. 28, No. 28A and No. 28E represent a clear frontage onto the Crosshill Road and would comprise a substantial and continuously built up frontage for the purposes of Policy CTY 8.

Criteria (b) states that the gap site shall be small and sufficient only to accommodate up to a maximum of two houses, while criteria (c) goes on to require that the

proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size. As noted above, the application site makes up part of the gap between No. 28A and No. 28E. For the purposes of this policy the gap is measured from building to building therefore the total gap between the existing dwelling at No. 28A and No. 28E measures approximately 114 metres.

The average plot width in the area surrounding the application site (to include No. 28A, No. 28E, No. 29, No. 25 and No.23) equates to 43.6 metres. Therefore, the gap of 114 metres could only accommodate up to two dwellings based on the existing plot sizes expressed in the area in compliance with criteria (b) of the policy and is also considered to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size in compliance with criteria (c).

There is a tension within Policy CTY 8 between a permissive policy which encourages infill opportunities and a restrictive policy which seeks to refuse development which would create or lead to ribbon development. While the development may represent an infill opportunity it is only acceptable if it complies with other site specific criteria which are discussed below.

Design, Layout and Appearance of the Area

All dwellings in the countryside must integrate with their surroundings and must not be detrimental to the rural character of the area in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

Policy CTY 13 states that all buildings in the countryside must be visually integrated into the surrounding landscape and be of an appropriate design. The policy goes on to advise that a new building will be unacceptable where; it is a prominent feature in the landscape or the site lacks long established natural boundaries or a suitable degree of enclosure.

In this case, the application site is located within an open gap between the dwellings at No. 28A and No. 28E. There is no existing established boundary treatment (other than a post and wire fence) surrounding the application site. The site appears to be open and exposed when viewed from the public road, particularly when travelling along the Crosshill Road in a northwesterly direction. Given the size of the gap it is considered that the neighbouring buildings would not be sufficient to provide a degree of enclosure for the site. There is also no visual back drop to the site as the site backs onto an open field. It is therefore considered that a dwelling on the application site would not integrate harmoniously into the rural environment and would rather appear incongruous in the landscape.

Policy CTY 14 states that planning permission will be granted for a new building in the countryside where it does not cause a detrimental change to, or further erode rural character or would result in the creation or extension of a ribbon of development. It is accepted that the proposal can comply with the most part of the policy provided within Policy CTY 8, however, the site fails to provide a sufficient level of landscaping or other means of enclosure to integrate a dwelling. It is therefore considered that given that the proposal fails to comply with Policy CTY 13, it also fails to meet with criteria (d) of Policy CTY 8 in that the proposal does not meet with other planning and environmental criteria.

Neighbour Amenity

As the application seeks outline planning permission, no details have been provided regarding the proposed design, however, it is considered that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of the existing properties are not negatively impacted upon.

Other Matters

The Council's Environmental Health Section have requested the submission of additional information. Given the sites proximity to Belfast International Airport and to existing business premises, a Noise Impact Assessment is required in order to ensure that any future occupiers are protected against adverse impacts from noise associated with existing activities in the area.

Given the concerns with the proposal in relation to integration, this additional information was not requested from the applicant to ensure the applicant was not put to any undue expense. As this issue has not been addressed, as a precautionary approach, a refusal reason will be added in relation to this issue.

The Council's Environmental Health Section and the DAERA's – Regulation Unit also require additional information in relation to potential risks from contamination associated to historic land uses. Again, given the other concerns with the proposal this additional information was not formally requested from the applicant and therefore as a precautionary measure, a refusal reason will be appended in relation to this matter.

CONCLUSION

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

- The principle of the development is considered to be acceptable;
- A dwelling on the application site would not integrate into the rural environment;
- The proposal would not have a detrimental impact on the character of the area;
- An appropriately designed dwelling would not have a detrimental impact on nearby neighbouring properties; and
- Additional information is required in relation to noise and potential contamination.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy and Policies CTY 8 & 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement in that insufficient information has been provided in order to determine that the proposed development will not have a detrimental impact on human health or on the water environment resultant from contamination risks associated with the sites historic land use.
3. The proposal is contrary to the provisions of the Strategic Planning Policy Statement in that it has not been demonstrated that the proposed dwelling will

not experience a detrimental impact on amenity, by way of noise generated by nearby businesses and Belfast International Airport.




Location Map

Planning Application Reference: LA03/2022/0221/O

Location: 30m SE of 28E Crosshill Road, Crumlin

Proposal: Site for dwelling and garage

 Site Boundary

N
1:2,500

For Information Only



COMMITTEE ITEM	3.12
APPLICATION NO	LA03/2022/0122/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for dwelling, garage and associated ancillary works
SITE/LOCATION	Lands between 148 and 148b Ballymena Road, Doagh, BT39 0TN
APPLICANT	Duncan and Tracy Bain
AGENT	Planning Services
LAST SITE VISIT	13 th April 2022
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located between the dwelling at No. 148 and No. 148B Ballymena Road and is located outside of any development limit designated within the Antrim Area Plan 1984-2001. The site as indicated on Drawing No. 01/1 makes up half of the total gap site between the above noted neighbouring properties. The site lies at a lower level than the adjoining Ballymena Road and its northern boundary is defined with post and wire fencing. There is mature vegetation along the roadside (eastern) boundary, a post and wire fence defines the western boundary while the southern boundary remains undefined.</p> <p>The development along the roadside is characterised mostly by single storey dwellings on large plots.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/1987/0480 Location: Ballymena Road Proposal: Site of Dwelling Decision: Permission Refused</p> <p>Planning Reference: T/1979/0049 Location: Moss Side, Ballymena Road Proposal: Site of farm dwelling and site of farm workers dwelling Decision: Permission Refused</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development</p>	

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

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

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

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

PPS 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 Objections

Northern Ireland Water – No Objections

Department for Infrastructure Roads- Additional information required

REPRESENTATION

Ten (10) neighbouring properties were notified and two (2) letters of objection have been received from two (2) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal. (www.planningni.gov.uk).

The main concerns raised in these objections are noted below:

- Concerns in relation to access arrangements and road safety;
- Concerns in relation to potential run off into the property at No. 148; and
- Concerns in relation to potential for flooding given the low lying nature of the site.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Appearance

- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Access and Parking
- Other Matters

Policy Context and Principle of Development

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

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

In this case, the application site makes up part of the gap between No. 148 and No.148B. The dwellings at No. 148B and No. 150 lie to the north of the application site and both represent a clear frontage onto the road. No. 148 and No. 142 lie to the south of the site and also represent a clear frontage onto the Ballymena Road. In this case it is considered that these buildings make up a substantial and continuously built up frontage. Criteria (a) of Policy CTY 8 as noted above can therefore be complied with.

Criteria (b) states that the gap site shall be small and sufficient only to accommodate up to a maximum of two houses, while criteria (c) goes on to require that the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size. For the purposes of this policy the gap is measured from building to building with the total gap between the existing dwelling at No. 148 and No. 148B measures approximately 111 metres. As noted above, the application site makes up part of the gap between No. 148 and No. 148B. The average plot width in the area (to include No. 142, No. 148, No. 148B and No. 150) equates to 42.5 metres. Therefore, the gap (of 111 metres) could only accommodate up to two dwellings based on the existing plot sizes expressed in the area in compliance with criteria (b) of the policy and is also considered to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size in compliance with criteria (c).

Other planning and environmental considerations will be discussed below but given that the gap site complies with criteria (a) – (c) of Policy CTY 8 it is considered that the principle of a new dwelling and garage on the application site can be established subject to the proposal meeting all other relevant planning policy considerations.

Design, Layout and Appearance of the Area

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

In this case the application seeks outline planning permission and thus there are no details in relation to the proposed design of the dwelling. Given the location of the site between two existing dwellings and given that the site lies at a lower level than the Ballymena Road it is considered that an appropriately designed dwelling on the application site could integrate into the receiving rural environment and would not have a significant detrimental impact on the character of the area. A condition requiring a supplementary planting scheme to be submitted would also be considered necessary in order to further enhance integration of a new dwelling on the site.

Neighbour Amenity

As the application seeks outline planning permission, no details have been provided regarding the proposed design, however, it is considered that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of the existing properties are not negatively impacted upon.

Where the proposed dwelling can be adequately designed to mitigate any loss of amenity, there are concerns with the proposed means of access to the site in relation to the amenity experienced at No. 148. The proposed access is taken via an existing private laneway and then passes behind the rear garden area of No. 148. It is noted that there is an existing hedgerow at this property's rear boundary and that the agent has attempted to further decrease any potential impact by imposing a 5-metre-wide planting buffer.

However, it is considered that a laneway to the rear of a dwelling is an unusual feature in the countryside, especially when the site fronts onto the public road. The proposed laneway, shall be assessed on its merits and it is considered that given the lack of any significant screening to the rear of No. 148 that the proposed access would lead to a loss of amenity due to the potential for overlooking, noise and general disturbance through the movement of vehicles and pedestrians using the proposed access laneway. The introduction of walls and fencing to mitigate such issues would be considered suburban design solutions and inappropriate features in the countryside. In addition, the property at No. 148 would have a laneway or public road along three of its boundaries which would limit the available private amenity space to the dwelling given the associated traffic movements. Such a scenario in a countryside location would be detrimental to the peaceful enjoyment of the dwelling in the rural area.

Access and Parking

Access is to be taken via an existing private laneway which serves a number of other dwellings. DfI Roads has been consulted in relation to the application and all road safety matters. They have responded to advise that they require Certificate C to be served on the land owner of the field to the southeast of number 142. This will be necessary as in order to achieve the required 2.4 metre x 140 metre visibility splays the hedges on this neighbouring land would need to be removed.

DfI Roads has indicated that if this Certificate was submitted that it would be content with the proposal subject to a condition requiring visibility splays of 2.4m x 140m in both directions.

Other Matters

This section of the report will discuss any matters raised in representations that have not been considered in the main body of the report.

It is noted that there are concerns that the proposal would have an impact in relation to potential for flooding/run off. The NI Flood Maps do not indicate any surface water or historical flood events at the site. An informative could be attached to any grant of planning permission should it be forthcoming to remind the applicant of their responsibility to ensure that the developer obtains advice from a competent and suitably qualified person to assist them in determining the appropriate siting and finished floor levels.

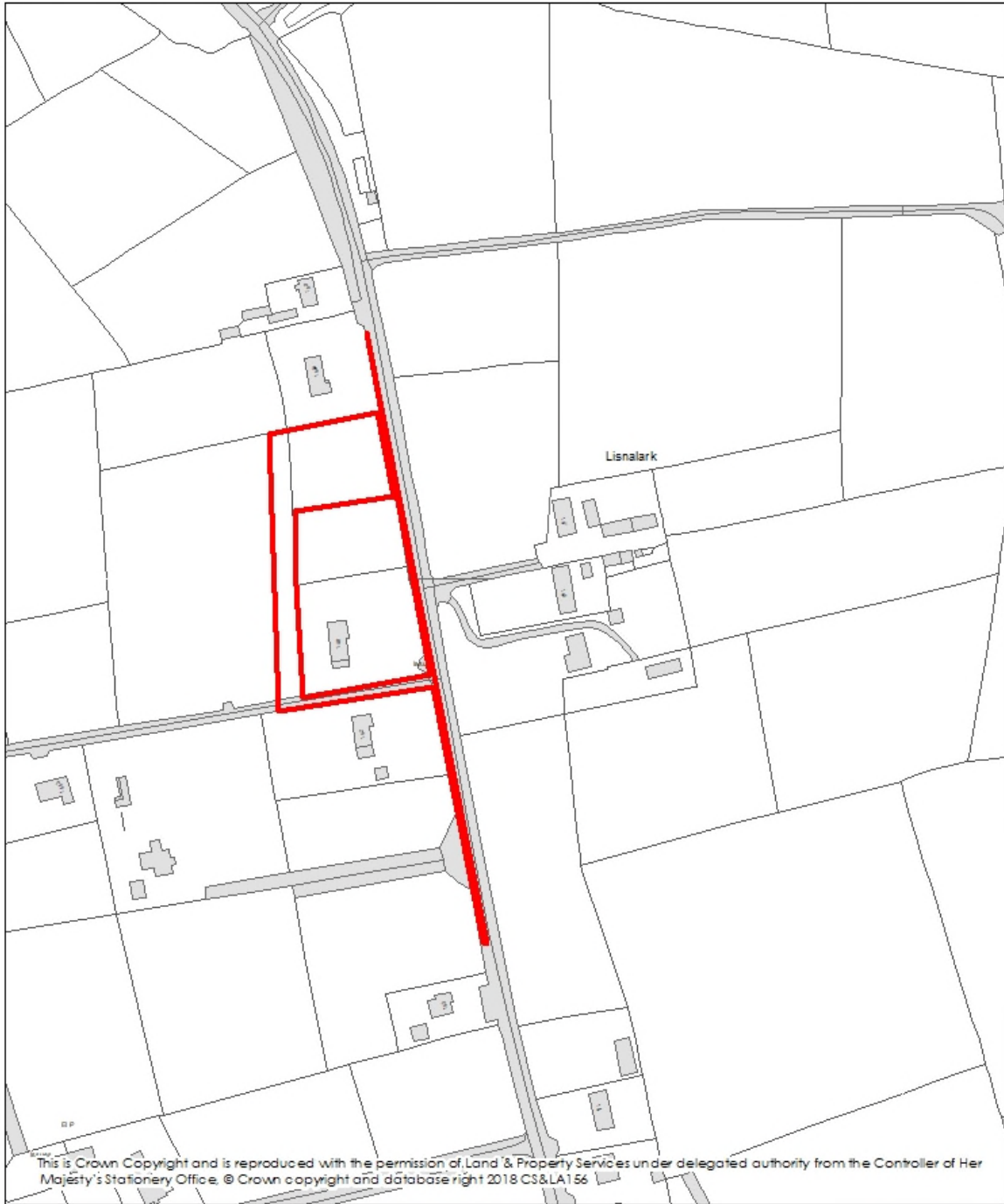
CONCLUSION

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

- The principle of the development is considered to be acceptable;
- An appropriately designed dwelling with sufficient landscaping could integrate into the surrounding rural landscape;
- The proposal would not have a detrimental impact on the character of the area;
- The proposed access laneway would have a detrimental impact on the neighbouring dwelling at No. 148.
- DfI Roads has offered no objection to the access proposals subject to the requisite Certificate being served on the landowner.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement in that, if permitted, the proposed access laneway would have an unacceptable adverse effect on the dwelling at No. 148 Ballymena Road Doagh in terms of overlooking, noise and general disturbance.



Location Map

Planning Application Reference: LA03/2022/0122/O
 Location: Lands between 148 and 148b Ballymena Road, Doagh
 Proposal: Site for dwelling, garage and associated site works



 Site Boundary

For Information Only



COMMITTEE ITEM	3.13
APPLICATION NO	LA03/2022/0234/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for dwelling and garage
SITE/LOCATION	Approx. 50m NW of 10 Farranflugh Lane, Randalstown, BT41 2NQ
APPLICANT	Mr Eugene Kennedy
AGENT	Slemish Design Studio Architects
LAST SITE VISIT	13 th April 2022
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located adjacent to and to the northwest of the dwelling at No. 10 Farranflugh Lane. It is located outside of any development limit designated within the Antrim Area Plan 1984-2001. The site makes up part of a wider agricultural field. The northern, eastern and western boundaries of the application site are defined with mature boundary vegetation with the southwestern boundary remaining undefined. Access to the site is via an existing private laneway and through an existing farm gate. The area in which the site is located is rural in character with a number of other dwellings also located along the private laneway to the southeast of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Application Reference: T/1999/0893/O Location: Farranflugh Lane, Drumsough, Randalstown Proposal: Site of Dwelling Decision: Permission Refused – 20th August 2000</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p> <p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the</p>	

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No Objections

Northern Ireland Water – No Objections

Department for Infrastructure Roads- No Objections

Historic Environment Division – No Objections

REPRESENTATION

Six (6) neighbouring properties were notified and one (1) letter of objection has been received from one (1) property. The full representations made regarding this proposal are available for Members to view online at the Planning Portal. (www.planningni.gov.uk).

The main concerns raised in these objections are noted below:

- Concerns in relation to number of dwellings that have been approved along the private laneway;
- Concerns in relation to the additional traffic along the laneway in terms of road safety, maintenance and traffic congestion;
- Concern that the proposed entrance would damage the shallow root structure of mature trees on the site which could lead to damage at the neighbouring properties; and
- Belief that there should be no further development along Farranflugh Lane.

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 and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Access and Parking
- Other Matters

Policy Context and Principle of Development

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

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

It was not clear upon receipt which policy criteria the applicant wished this proposal to be assessed under. When asked to provide justification for the proposal in accordance with PPS 21 the agent submitted a supporting statement (Document 01 date stamped 15th April 2022) advising that the proposal fell most neatly for consideration under Policy CTY 8.

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 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 on which it stands abuts or shares a boundary with the road.

In this case the application site is located along a private laneway accessed off Farranflugh Lane. The existing dwellings to include No. 16, No. 16A, No. 12 and No. 10 are located to the southeast of the application site which is located beyond No. 10. The application site would not be considered to be a 'gap site' as there is no development beyond the site meaning there is essentially no gap worthy of infilling. Furthermore the proposed access arrangement would also mean that the proposed dwelling would not have frontage onto the private laneway. The proposal would merely have an access onto the private laneway as opposed to the dwelling having its own frontage onto the laneway. The proposal cannot therefore comply with the policy requirements of Policy CTY 8 in that there is no 'gap site' to infill.

The proposal has also been considered against the policy provisions of Policy CTY 2a which permits a new dwelling at an existing cluster provided multiple criteria can be met. The proposal fails to comply with a number of these criteria in that; it is not considered to be associated with a focal point, nor will it be bound on at least two sides by other development in the cluster or consolidate existing development. It is noted that there is a rath located to the northeast of the application site as shown on Drawing No. 01. This rath would however, not be considered as a focal point given that it does not appear as a prominent visual feature in the landscape and is not physically evident when viewing the site. The site also fails to be bounded on two sides by other development in the cluster, rather it is only bound by one other dwelling at No. 10. The application site would not be considered as an opportunity to round off or consolidate the existing build-up of development and rather it would extend and visually intrude into the open countryside.

The proposal has been considered against all other policies for residential development in the countryside and it is does not appear to meet any other policy criteria. The proposal is therefore contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Integration and Impact on Character and Appearance of the Area

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

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

In this case the application is for outline planning permission and thus there are no details in relation to the proposed design of the dwelling. It is accepted that given the site's mature boundary treatment that an appropriately designed dwelling could visually integrate into the surrounding rural landscape in accordance with Policy CTY 13. It is however considered that the proposal for a new dwelling at the application site would lead to an enhanced suburban style build up when read with the existing development, additionally given its bookend location would also result in ribbon development. Both build up and ribboning are considered detrimental to rural character and thus the proposal fails to comply with Policy CTY 14 and CTY 8.

The proposal is considered to be contrary to Policies CTY 8 and 14 in that the proposed dwelling would extend an existing ribbon of development and result in a suburban style build-up of development.

Neighbour Amenity

As the application seeks outline planning permission, no details have been provided regarding the proposed design, however, it is considered that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of the existing properties are not negatively impacted upon.

Access and Parking

Access is to be taken via an existing private laneway which serves a number of other dwellings. DfI Roads have been consulted in relation to the application and all road safety matters. DfI Roads have responded to advise that they have no objections to the proposal.

Other Matters

This section of the report will discuss any matters raised in representations that have not been considered in the main body of the report.

In relation to concerns regarding the number of dwellings that have been approved along the private laneway and belief that there should be no further development along Farranflugh Lane, the Council must assess each application on its own merits and against the relevant prevailing planning policy.

There was a concern raised that the proposed entrance would damage the shallow root structure of mature trees at neighbouring properties. The aforementioned trees are not protected by a Tree Preservation Order, however, if planning permission was forthcoming it is considered that the retention of the trees would be necessary for amenity purposes, as such the proposed access could be located away from the trees to protect the root protection areas. In this case it is recommended that outline planning permission be refused and therefore the issue is not determining.

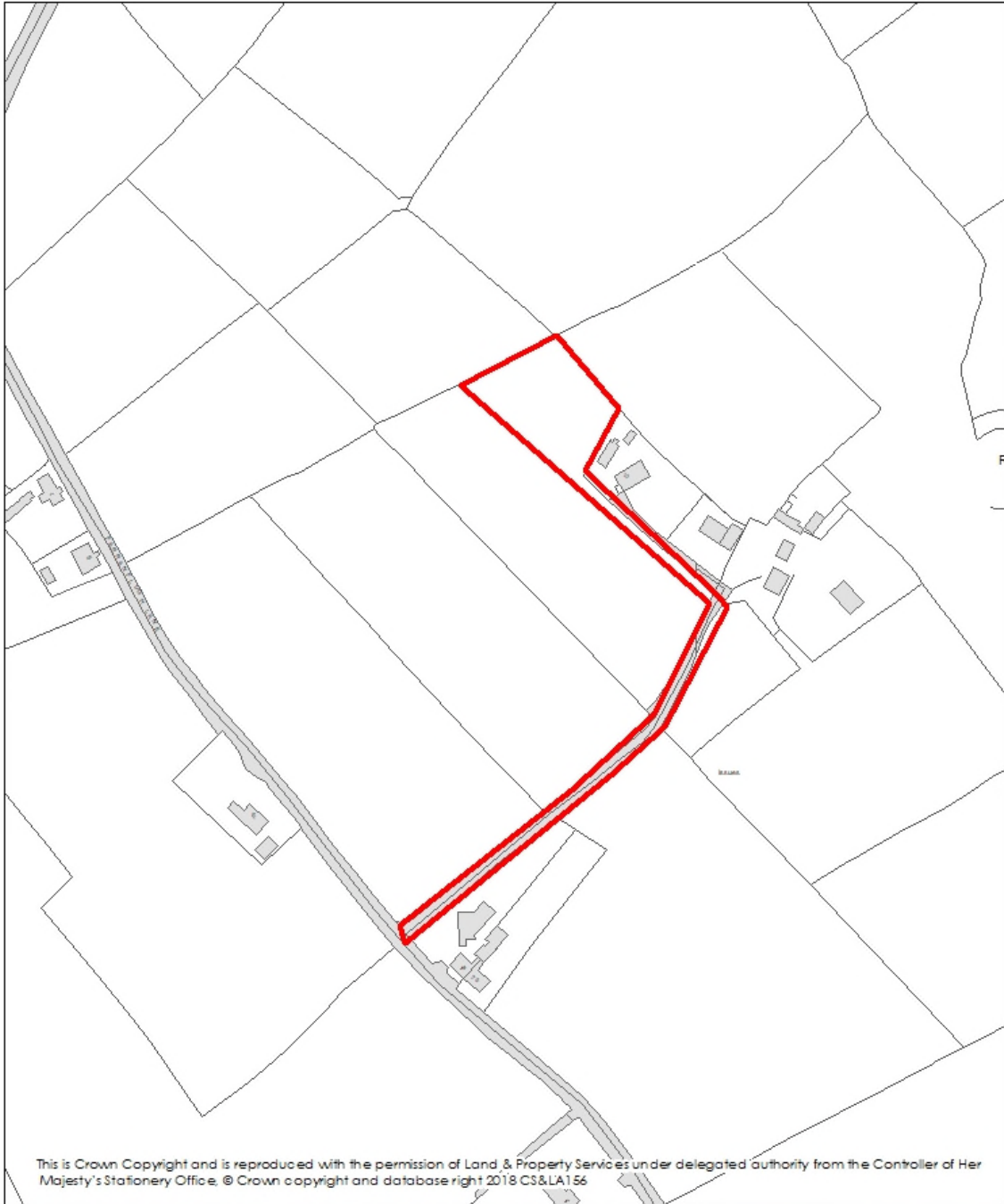
CONCLUSION

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

- The principle of the development is not established;
- An appropriately designed dwelling could integrate into the surrounding rural landscape;
- The proposal would not have a detrimental impact on the character of the area;
- An appropriately designed dwelling would not have any significant detrimental impact in relation to neighbour amenity; and
- DfI Roads have offered no objection to the proposal.

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

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 1, CTY 2a and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement and it fails to meet with the provisions for an infill dwelling in accordance with Policy CTY 8 or a dwelling in an existing cluster in accordance with Policy CTY 2a of PPS21.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, would extend an existing ribbon of development and result in a suburban style build-up of development.



Location Map

Planning Application Reference: LA03/2022/0234/O
Location: Approx. 50m NW of 10 Farranflugh Lane, Randalstown
Proposal: Site for dwelling and garage

 Site Boundary



For Information Only



COMMITTEE ITEM	3.14
APPLICATION NO	LA03/2022/0171/F
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed new garage access (retrospective application)
SITE/LOCATION	1 Toberdowney Valley, Ballynure, BT39 9TS
APPLICANT	Mr & Mrs Robert Beattie
AGENT	Sean Walsh
LAST SITE VISIT	6 TH May 2022
CASE OFFICER	Michael Tomlinson Tel: 028 903 40442 Email: Michael.tomlinson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at No. 1 Toberdowney Valley, Ballynure. This is an urban location within the development limits of Ballynure.</p> <p>The application site consists of a two storey detached dwellinghouse, corrugated iron garage and garden to the north and south of the dwellinghouse. The site is located at the opening of Toberdowney Valley, the topography of the site is flat and it has a frontage onto the Lismenary Road. The western boundary of the application site is a 1.2-metre-tall D-rail fence which continues along part of the northern boundary abutting Toberdowney Valley. Close boarded timber fencing of a consistent height defines the remainder of the northern boundary. A 1.8-metre-tall close boarded timber fence defines the northeastern boundary, while a 1-metre-tall tree lined embankment with post and wire fencing atop runs along the southeastern boundary.</p> <p>The original access location as granted under U/2013/0291/F is expressed along the northern boundary with access onto Toberdowney Valley. The proposed access is located in the northern corner of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2013/0291/F Location: Adjacent to 17 Lismenary Road and 9 Toberdowney Valley, Ballynure, BT39 9UE Proposal: Erection of dwelling Decision: Permission Granted (27.03.2014)</p> <p>Planning Reference: LA03/2018/0344/F Location: 1 Toberdowney Valley, Ballynure, BT39 9TS Proposal: Proposed new detached domestic garage and 1.8m high timber fence (retrospective application) Decision: Permission Refused (19.06.2018)</p>	

Planning Reference: LA03/2019/0555/LDP

Location: 1 Toberdowney Valley, Ballynure, Co Antrim, BT39 9TS

Proposal: Relocation of existing garage within confines of site to ensure frontage is behind building line towards Toberdowney Valley Road; Reduce existing fence height along frontage to Toberdowney Valley to 1 metre above finished ground; Addition of a 1 metre high sliding gate for vehicular and pedestrian access onto Toberdowney Valley Road , Reduce fence line height along the NE boundary to 1 metre gradually rising to a maximum height of 1.8 metres; Hedge planting to rear of fence line to soften boundary structure; Repair hardstanding and ground surfaces upon completion of works.

Decision: Permitted Development (21.08.2019)

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 settlement limit of Ballynure. 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 Ballynure. The Plan offers no specific guidance on this proposal.

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

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

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

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

CONSULTATION

Department for Infrastructure Roads- Objects on the basis that the application will prejudice the safety and convenience of road users.

Department for Communities Historic Environment Division – No objection

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design, Appearance and Impact on Character and Appearance of the Area
- Road Safety
- 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.

Whilst there is currently no statutory development plan in place for the area where the development is proposed, the provisions of both the draft Newtownabbey Area Plan and the draft Belfast Metropolitan Area Plan are considered to be material considerations in the assessment of the current application. Both of these Plans identify the application site as being within the development limit of Ballynure. 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.

Given that the application is for a retrospective new garage access at a residential property known as 1 Toberdowney Valley, the principle of development has been established subject to all other policy and environmental considerations being met.

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

The new access point as created at the northern corner of the application site provides direct access onto Toberdowney Valley from the shutter door on the northwestern elevation of the existing garage, with a fence flanking the access on both sides which was approved under a previous Certificate of Lawful Development (Ref: LA03/2019/0555/LDP). While the fence is not the subject of this planning application, it is noted that it is not constructed in accordance with the previously approved scheme. The access also provides an additional off-street parking space for the dwellinghouse. The dropped kerbing and the orientation running perpendicular to the public street is a common characteristic of the wider location and therefore the appearance of the new access does not significantly impact on the appearance of the application site or the wider area.

Road Safety

The Department for Infrastructure Roads were consulted as the relevant authority for all planning applications that require the creation of or alteration of a vehicular access onto the public road. In its consultation response, DfI Roads has determined that the access would prejudice the safety and convenience of road users for three reasons. Firstly, it considers adequate provision cannot be made clear of the highway for the parking of vehicles attracted to the site. Secondly, the access is unacceptable in accordance with the standards contained in the Department's Development Control Advice Note 15. Lastly, it is considered that the access will lead to a proliferation of accesses onto the Toberdowney Valley estate road.

The reasons for refusal outlined by DfI Roads are a significant material consideration in the determination of this planning application. It is considered that on the basis of this consultation response, that the access would prejudice the safety and convenience of road users along the Toberdowney Road and is unacceptable in this case.

Other MattersHistoric Environment

The application site comes within the zone of influence for a Grade B+ listed church building. Historic Environment Division within the Department for Communities were consulted and have indicated that the development does not significantly impact the listed building or its surrounding environment.

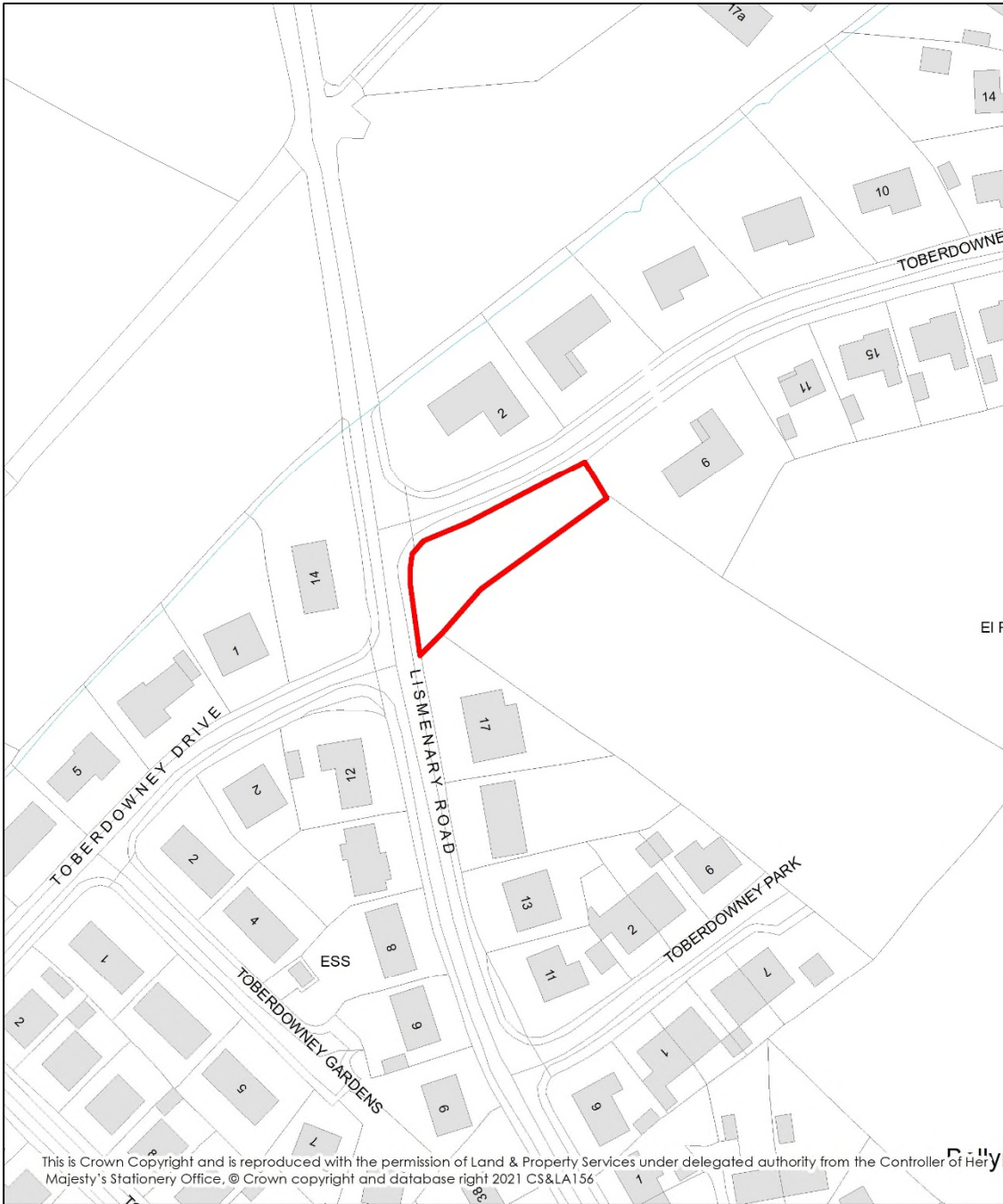
CONCLUSION

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

- The principle of the development is acceptable;
- The design and appearance of the access is acceptable;
- The development has not significantly impacted the character and appearance of the area;
- The access does prejudice the safety and convenience of road users in the area; and
- There have been no representations from any other interested third parties.

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

1. The proposal is contrary to the Policy Provisions of the Strategic Planning Policy Statement and Planning Policy Statement 3, Access, Movement and Parking, Policies AMP 2 and AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since the depth of the access is inadequate and provision cannot be made clear of the highway for the parking of vehicles which would be attracted to the site.
2. The proposal is contrary to the Policy Provisions of the Strategic Planning Policy Statement and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it adds to a proliferation of accesses onto this road.



Location Map

Reference: LA03/2022/0171/F

Location: 1 Toberdowney Valley, Ballynure, BT39 9TS

Proposal: Proposed new garage access (retrospective application)



 Site Boundary



COMMITTEE ITEM	3.15
APPLICATION NO	LA03/2022/0254/F
DEA	DUNSILLY
COMMITTEE INTEREST	APPLICANT DECLARED INTEREST
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Change of use from former public house to social club
SITE/LOCATION	47 Main Street, Randalstown, BT41 3BB
APPLICANT	Dunmore Developments (NI) Ltd
AGENT	Alex Bell
LAST SITE VISIT	25th May 2022
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@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

SITE DESCRIPTION

The application site is located at 47 Main Street, Randalstown, within the town centre of Randalstown, as designated in the adopted Antrim Area Plan 1984 – 2001 (AAP).

The subject building is an existing two storey pitched roof terraced building with two rear returns. There is a traditional front door with accompanying large ground floor window with two smaller windows at first floor level set equi-distance apart. The windows are sliding sash. One rear return is a single storey pitched roof return attached directly to the rear elevation with the other comprising a two storey pitched roof element, 'off-set' from the other rear return. The application site continues northwards and comprises an area of hardstanding, which is accessed from a shared laneway taken from Moore's Lane.

Land uses in close proximity to the application site include residential and business type uses consistent with a town centre.

RELEVANT PLANNING HISTORY

Planning Reference: T/1990/0412
Location: 47 Main Street, Randalstown
Proposal: Extension to Public Bar.
Decision: Permission Granted: 02.10.1990

PLANNING POLICY AND GUIDANCE

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

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located within the settlement limits of Randalstown and also within the defined town centre boundary. Paragraph 17.9 of the Plan states that planning policy will be to encourage shopping, commercial and entertainment/recreational uses here and to discourage such development elsewhere in the town.

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

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

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

CONSULTATION

No consultations were carried out on this application.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

the area where the application site is located and there is also a range of regional planning policy which is material to the determination of the proposal.

The application site is located within the designated town centre of Randalstown as identified in the adopted Antrim Area Plan 1984 – 2001. Paragraph 17.9 of the Plan states that planning policy will be to encourage shopping, commercial and entertainment/recreational uses here and to discourage such development elsewhere in the town.

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).

Paragraph 6.267 of the SPPS states that town centres are important hubs for a range of land uses and activities and can have a positive impact on those who live, work and visit them. They provide a wide variety of retail and related facilities, including employment, leisure and cultural uses. Our towns' high streets also play an important role in bringing people together and can foster a sense of community and place.

Paragraph 6.269 of the SPPS states that it is important that planning supports the role of town centres and contributes to their success. The SPPS seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand.

Paragraph 6.270 states that the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.

The first bullet point of paragraph 6.271 of the SPPS states that a regional strategic objective for town centres and retailing is to secure a town centre first approach for the location of future retailing and other main town centre uses. A footnote associated with the regional strategic objective states that retailing and other main town centre uses includes cultural and community facilities, retail, leisure, entertainment and businesses.

The development proposal seeks full planning permission for a change of use from a public house to a social club. Both of these uses do not fall within any identified 'use class' rather they are deemed to be 'sui-generis' (of their own class) uses for the purposes of the Planning (Use Classes) Order (NI) 2015. Although both the existing and proposed uses relate to the sale of drink for consumption on the premises the proposed movement from a public house to a social club still requires the grant of planning permission. Subject to compliance with the 'town centre' first approach advocated by the SPPS the principle of development with respect to this policy test can be established. The consideration of this matter is set in the section of this report entitled 'Town Centre First'.

With reference to the requirements of paragraph 17.9 of the Plan it is considered that the relevant planning policy is being complied with given that the proposal is a commercial/entertainment/recreational use within a designated town centre. The

principle of development with respect to this policy test has therefore been established.

Town Centre First

Paragraph 6.273 of the SPPS states that planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.280 of the SPPS states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date local development plan. Paragraph 6.281 of the SPPS states that planning authorities will require applications for main town centre uses to be considered in an order of preference and paragraph 6.282 states that in the absence of a current and up-to-date local development plan, Councils should require applicants to prepare an assessment of need which is proportionate to support their application.

In this case the development proposal being assessed seeks the change of use of an existing public house to a social club. As noted above, both of these uses do not fall within any identified use class rather they are deemed to be 'sui-generis' (of their own class) uses for the purposes of the Planning (Use Classes) Order (NI) 2015. Although both the existing and proposed uses relate to the sale of drink for consumption on the premises the proposed movement from a public house to a social club still requires the grant of planning permission.

With reference to the requirements of the SPPS relevant to a sequential test, the order of locational preference and an assessment of need, it is considered that in this instance those requirements can be set aside and are not determining. This is the case as the existing building identified as accommodating the proposed use is within a designated town centre, it is a viable, suitable and available premises to accommodate the proposed use and the building does not require any external changes to accommodate the proposed use. Although the existing and proposed uses are technically different it is considered that by their nature and character, along with the form and appearance of the identified building remaining 'as-is', that the proposed use is closely related to the existing use and which has been accommodated at this location for a lengthy period of time as indicated in the planning history, which dates back to 1990, a period of approximately thirty (30) years. For the reasons set out above it is considered that the proposal is a town centre type use, accommodated within an existing designated town centre and also within a building that has historically accommodated a use not dis-similar to the proposed use. Furthermore, no changes to the external appearance of the building are required to facilitate the proposed development. The principle of development with respect to the SPPS is therefore established.

Design and Appearance

With reference to submitted plans it is noted there is to be no change to the external appearance of the building. As such, the proposed design and appearance of the building is considered to be acceptable.

Neighbour Amenity

The P1 Planning Application Form submitted with the application indicates that the public house requires two (2) members of staff and that there would be approximately fifteen (15) people attending the premises as customers. It is indicated that there will be an expected increase of five (5) patrons, thereby increasing the

overall number of people using the premises on a daily basis to twenty-two (22). The submitted floor plans indicate the premises can accommodate in excess of eighty (80) patrons within the property. While it is noted that there is an anticipated modest increase of patrons using the premises daily, given the premises can already accommodate substantially more people than what is anticipated to be attracted to the premises by reason of this development proposal, it is not anticipated there will be an unacceptable amenity impact to either existing residents or businesses in close proximity to the application site by way of noise disturbance. The proposal is therefore considered acceptable in this regard.

Impact on Character and Appearance of the Area

It is not considered that there will be an unacceptable impact to the character and appearance of the area by reason of this development proposal because there are no changes to the external appearance of the building. Additionally, the use of the building as a social club, where the sale of drink for consumption on the premises shall occur, is directly comparable with a public house where the same process occurs. For these reasons it is not considered that an unacceptable impact to the character and appearance of the building will occur. The proposal is acceptable in this regard.

Other Matters

With respect to access, movement and parking, no changes are proposed to the existing site layout. It is noted that the subject building opens directly on to the street where there is on-street parking. Additional off-street parking is accommodated at the rear of the building on an extensive piece of hardstanding accessed from Moore's Lane. It is considered additional car parking is not required to serve the development as the anticipated increase in patrons does not bring the level of usage up to a point where it is over and above what the premises can actually accommodate, which is in excess of 80 patrons. For this reason, the access, movement and parking arrangements associated with the development proposal are acceptable.

CONCLUSION

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

- The principle of the development is acceptable with respect to the relevant policy provisions of the SPPS and the AAP with respect to town centre development in Randalstown;
- The design and appearance of the proposed development is acceptable;
- It is not anticipated that there will be an adverse impact to the amenity of existing residents or businesses in close proximity to the application site;
- There shall not be an unacceptable impact to the character and appearance of the area;
- The access, movement and parking arrangements are satisfactory; and
- There are no objections from interested members of the public.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITION

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

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

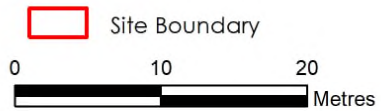


Location Map

Planning Application Reference: LA03/2022/0254/F

Location: 47 Main Street, Randalstown.

Proposal: Change of use from former public house to social club



For Information Only



PART TWO
OTHER PLANNING MATTERS

ITEM 3.16

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

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

Three appeals were dismissed during May by the Planning Appeals Commission (PAC) in relation to LA03/2020/0469/F, a new dwelling 17 metres south of 20 Church Road, Randalstown (PAC ref 2021/A0029), LA03/2020/0512/F in relation to proposed 2 no infill dwellings and domestic/garage stores 50m SE of 192 Portglenone Road, Randalstown (PAC ref 2021/A0106), and, LA03/2020/0637/F in relation to a proposed shed for the shelter and housing of animals along with machinery storage approx. 13m SE of 31 Lenagh Road, Randalstown, BT41 2NF (PAC ref 2021/A0071), copies of these decisions are enclosed.

RECOMMENDATION: that the report be noted.

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

Agreed by: Sharon Mossman, Deputy Director of Planning

Approved by: Majella McAlister, Deputy Chief Executive of Economic Development and Planning

ITEM 3.17

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 was registered during May 2022 the details of which are set out below.

PAN Reference:	LA03/2022/0501/PAN
Proposal:	Proposed extension to Diageo Baileys supply facility to support production demand. Extension will include additional warehouse capacity, staff facilities and associated plant equipment. Increase in staff car parking, trailer bays, upgraded internal site access, associated landscaping, external light columns and all associated site works.
Location:	Diageo Baileys Global Supply, S & B Productions, 2 Enterprise Way, Newtownabbey, BT36 4EW
Applicant:	Diageo Baileys Global Supply, S&B Productions
Date Received:	24/05/2022
12 week expiry:	16/08/2022

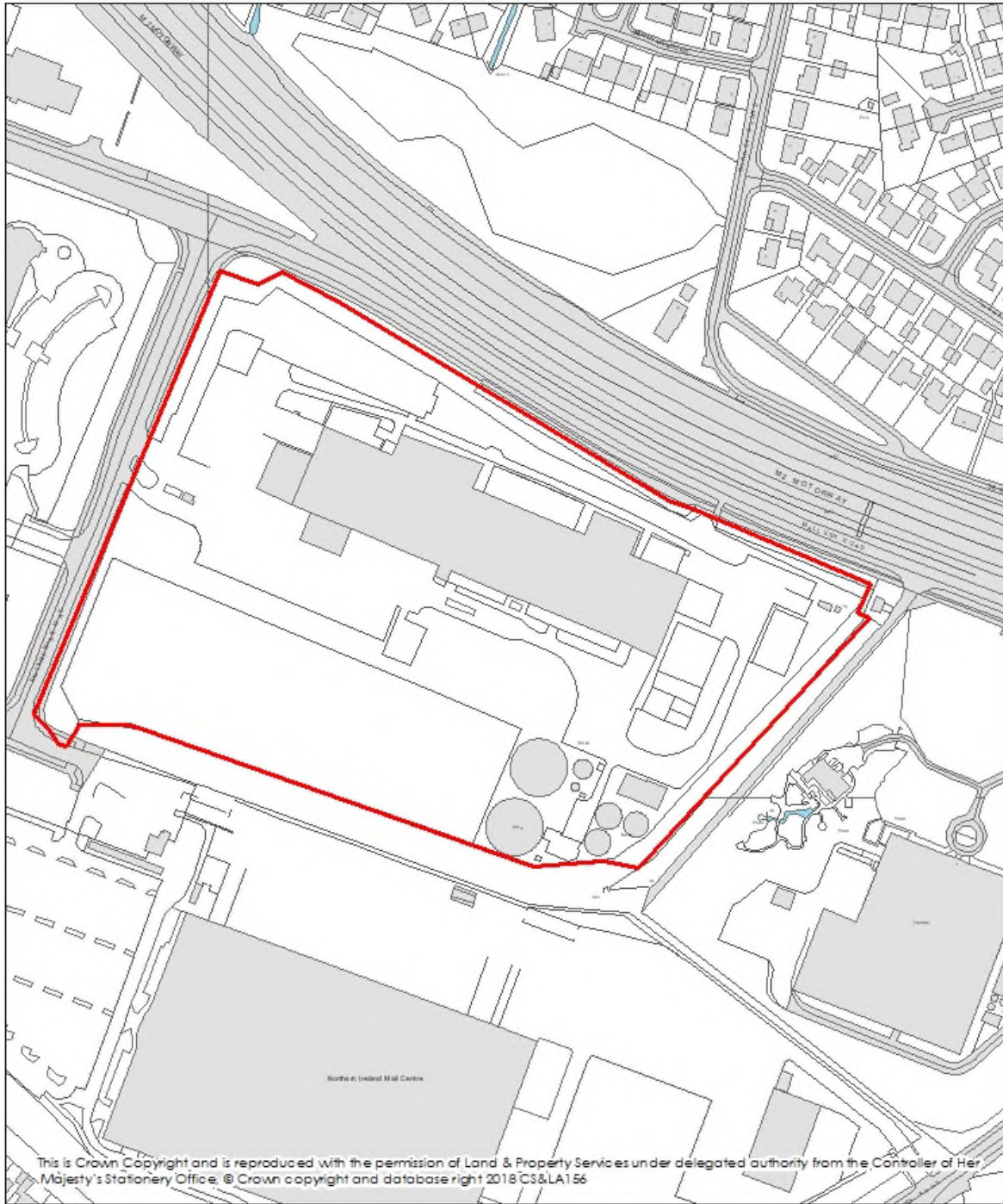
Under Section 27 of the 2011 Planning Act obligations are placed on the prospective developer to consult the community in advance of submitting a Major development planning application. Where, following the 12-week period set down in statute, an application is submitted this must be accompanied by a 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, Economic Development and Planning Business Support Supervisor


Agreed by: Sharon Mossman, Deputy Director of Planning

Approved by: Majella McAlister, Deputy Chief Executive of Economic Development and Planning



Location Map

Planning Application Reference: LA03/2022/0501/PAN
 Proposal: Extension to Diageo Baileys Supply facility
 Location: Diageo Baileys Global Supply, 2 Enterprise Way
 Newtownabbey
 BT36 4EW

 Site Boundary



1:2,500

For Information Only



ITEM 3.18

P/FP/LDP/052 LOCAL DEVELOPMENT PLAN - INDEPENDENT EXAMINATION

Members are reminded that the first two weeks of the Planning Appeals Commission's (PAC) Independent Examination of the Council's Draft Plan Strategy (DPS) has now completed (3 May to 12 May 2022). The first sessions covered a range of topics to include: Legal and Procedural Matters, Economic Development, Place Shaping and Design, Natural Heritage, Natural Resources, and Heritage and Conservation.

Members are advised the PAC has published a week 3 and 4 Hearing Programme for the IE public hearing sessions of the Council's DPS (enclosed), to be conducted from Monday 20 June 2022 to Thursday 30 June 2022 inclusive. Topics to be covered include Community Infrastructure, Growth Strategy, Homes, LDP Delivery, and the Status of Changes.

A list of hearing questions was published by the PAC on 27 May 2022 and the Council's Forward Planning team continue to work alongside the Council's appointed Counsel to prepare response regarding presentation at IE hearings.

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, Deputy Chief Executive of Economic Development and Planning

ITEM 3.19

P/FP/LDP/001/VOL2 BELFAST CITY COUNCIL – LOCAL DEVELOPMENT PLAN, MODIFICATIONS TO DRAFT PLAN STRATEGY

Members are advised that following the Independent Examination into its Local Development Plan, the Department for Infrastructure (DfI), has directed Belfast City Council (BCC) to adopt its draft Plan Strategy, subject to certain modifications enclosed for Members' information.

The modifications generally relate to new policy in relation managing growth alongside infrastructure provision. A period of public consultation will now commence until 7 July 2022, seeking views on the modifications.

BCC has also taken the opportunity to publish and seek views on seventeen (17) Supplementary Planning Guidance (SPG) documents to support and provide clarification included with its Local Development Plan. This public consultation closes on 4 August 2022, which again can be accessed on the BCC website.

<https://www.belfastcity.gov.uk/ldp>

It is proposed that Officers respond to both of the BCC consultations, stating no objection to the Draft Plan Strategy modifications, and welcoming the range of SPG publications. A copy of the correspondence is **enclosed** for Members' information.

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, Deputy Chief Executive of Economic Development and Planning

ITEM 3.20

P/PLAN/1 END OF YEAR REVIEW AND PROPOSED WORKSHOPS

Members previously agreed to hold an end of year review on an annual basis. Unfortunately, due to the pandemic this was not possible for the last two years. It is therefore proposed to hold an end of year review of the Planning Committee with Members for the period 2021-22 and Members for the period 2022-2023 in September. This will be an opportunity for Officers to present Members with information regarding the operation of the Committee and also for Members to provide Officers with feedback and to view some of the key decisions made by the Committee to date. It is proposed a date be set in Autumn to visit a range of the applications granted permission in the 12 months to the end of March 2022.

In addition, there are two key events taking place including the commencement of the new Planning Portal which the Department for Infrastructure has advised will now commence in October 2022 and the ongoing work in relation to the Councils new Local Development Plan. It is considered important to engage with local stakeholders as these progress and this includes customers who submit planning applications under current operational planning policy. Therefore, it is proposed to hold a number of workshops as follows: -

- *Planning Portal engagement for all Elected Members*
- *Adoption of Draft Plan Strategy and new planning policy training for Planning Committee Members*
- *Overview of the next stage of the Local Development Plan – Local Policies Plan for all Elected Members*
- *Engagement with planning customers including update forthcoming Planning Portal.*

RECOMMENDATION: that the annual review and additional workshops as outlined be arranged.

Prepared by: Sharon Mossman, Deputy Director of Planning

Approved by: Majella McAlister, Deputy Chief Executive of Economic Development and Planning

ITEM 3.21

P/PLAN/012/VOL2 PLANNING PORTAL UPDATE

The Department for Infrastructure and its appointed consultant is continuing with the development of the new planning portal which will be used by 10 of the 11 Northern Ireland Planning Councils. A "go live" date is anticipated for October 2022.

The Department for Infrastructure has recently published a public newsletter regarding the matter (enclosed). Council Officers have set up an internal working group to support delivery of the portal and to meet the Councils business needs. This will include Council communications on the operation of the new Planning Portal as well as transitional plans during the installation of the new planning portal.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Deputy Director of Planning

Approved by: Majella McAlister, Deputy Chief Executive of Economic Development and Planning